



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-04-25 FROM
10:00-15:00**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2024-04-25 FROM 10:00-15:00**

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

2024-04-25

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

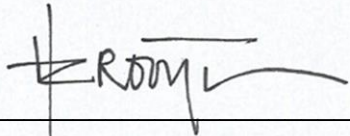
Mr A van der Merwe: Senior Manager - Community Services

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

Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the **Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch** on **FRIDAY, 2024-04-25** from 10h00-15:00 to consider the items on the Agenda.*



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



TABLE OF CONTENT

ITEM	SUBJECT	PAGE NR.
1.	OPENING AND WELCOME	I N D E X P A G E S
2.	LEAVE OF ABSENCE	
3.	DISCLOSURE OF INTERESTS	
4.	MINUTES OF THE PREVIOUS MEETING DATED 28 MARCH 2025	
5.	MATTERS FOR CONSIDERATION	
	CONTENT INDEX - ERF 3 JOHANNESDAL	26
5.1	APPLICATION FOR REZONING FROM CONVENTIONAL RESIDENTIAL ZONE TO SUBDIVISIONAL AREA AND SUBDIVISION OF ERF 3 JOHANNESDAL	27-194
	CONTENT INDEX - FARM NO 1252, STELLENBOSCH	195
5.2	APPLICATION FOR CONSENT USE: FARM NO 1252, STELLENBOSCH	196-755
	CONTENT INDEX - ERF 295, FRANSCHHOEK	756
5.3	DIVISION APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND PERMISSION ITEMS OF THE ZONING SCHEME: ERF 295, FRANSCHHOEK.	757 - 930
6.	OTHER MATTERS	
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)	
6.2	APPEALS RECEIVED AGAINST MPT DECISIONS	

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 28th OF MARCH 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS,
STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM
10H00-15H00**

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

2025-03-28

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

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

Mr T King: Manager: Development - Infrastructure Services

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 N Dafeti: Town Planner

Mr R Fooy: Snr Town Planner

Ms B Zondo: Snr Town Planner

Ms G Makamu: Land Use Inspector

Ms M Fikeni: Land Use Inspector

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

ITEM	SUBJECT
SMPT 01/03/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/03/25	LEAVE OF ABSENCE
	Mr S Boshoff Mr M Williams

SMPT 03/03/25	DISCLOSURE OF INTERESTS
	None received

SMPT 04/03/25	MINUTES OF THE PREVIOUS MEETING DATED 28 FEBRUARY 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/03/25	APPLICATION FOR REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION FROM AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND CONSENT FOR WAREHOUSING AND TRANSPORT USAGE Discussion:

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

- a. Chairperson Crooijmans-Lemmer handed over to Mr Robert Fooy to give a brief introduction of the application that served before the Tribunal. The proposal was amended since the item was before the MPT in October 2024.
- b. Questions for clarity were asked about the phasing of the development, and it was proposed to consider a condition to ensure access to the adjoining property, Farm 749. Clarity was provided that the land for the road must be transferred to the Municipality. The development/construction of the road will be the responsibility of the developer and can be funded through development contributions which will form part of the conditions of approval as indicated in the comments and conditions proposed by the Directorate Infrastructure Services.
- c. The revised proposal secured access to the land locked property through the planning application and the MPT was all in support of the application.
- d. Discussions ensued regarding public access to the private open space land unit and its management as part of the open space system in the area. A condition of approval was included which stipulated that the property must be managed as part of the development and given the flood line, the involvement of the municipality would be triggered in this.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Rezoning and Subdivision with Departures and Consent Use on the subject property, Farm 717/1, Paarl Division, **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 MSDF has identified the western portion of Farm 717/1, Paarl Division, for "Green Areas Retained".

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>2. That it BE DECIDED that the application for Rezoning and Subdivision with Departures and Consent Use on the property on Farm 717/1, Paarl Division 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:</p> <p>2.1 There are unique circumstances or considerations to serve as compelling justification to deviate from the Municipal Spatial Development Framework (MSDF), as the 2023 MSDF, did not consider the existing approvals granted for mixed use in the form of Group Housing and Industrial developments along the river corridor and surrounding area when being revised.</p> <p>2.2 The proposal under consideration for Farm 717/1, Paarl Division, may not be aligned with the MSDF, but is not considered to be out of character with the surrounding land use approvals granted in the surrounding area.</p> <p>2.3 The proposed development of Farm 717/1, Paarl Division, will have no impact on the urban growth management of the area, or the development agenda and strategy of the 2023 MSDF.</p> <p>3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm 717/1, Paarl Division for:</p> <p>3.1 Rezoning in terms of Section 15(2)(a) of the said by-law from <i>Agricultural Zone I</i> to <i>Sub-Divisional Area</i>, in order to accommodate a mixed-use development comprising the following zonings:</p> <p>3.1.1 Residential Zone II (±1.57ha)</p> <p>3.1.2 Transport Zone II (± 1.2ha)</p> <p>3.1.3 Industrial Zone I (± 3.2206ha)</p> <p>3.1.4 Open Space Zone II (± 1.3137ha),</p> <p>3.2 Subdivision in terms of Section 15(2)(d) of the said by-law comprising the following:</p> <p>3.2.1 Portion A measuring ±1.57ha for Group Housing purposes.</p> <p>3.2.2 Portion B measuring ± 1.34ha for Industrial Zone I purposes.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

- 3.2.3 Portion C measuring $\pm 1.88\text{ha}$ for Industrial Zone I purposes.
- 3.2.4 Portion D measuring $\pm 1.31\text{ha}$ for Open Space Zone II purposes.
- 3.2.5 Portion E measuring $\pm 0.18\text{ha}$ for Transport Zone II purposes (Public Road)
- 3.2.6 Portion F measuring $\pm 0.19\text{ha}$ for Transport Zone II purposes (Public Road)
- 3.2.7 Portion G measuring $\pm 0.84\text{ha}$ for Transport Zone II purposes (Public Road)

3.3 *Departure* in terms of Section 15(2)(b) of the said by-law comprising the following:

- 3.3.1 To permit a density of *25 units / hectare* in lieu of the permitted *20 units / hectare* on Portion A.
- 3.3.2 To provide only *30m²* of communal open space per dwelling unit in lieu of the required *80m²* of communal open space per dwelling unit on Portion A,
- 3.3.3 To provide *20%* of private outdoor space of the gross floor space of the unit, in lieu of the required *40%* on Portion A.

3.4 *Consent Use* in terms of Section 15(2)(o) of the said by-law to permit warehousing and transport usage of the Industrial Zone I properties.

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

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

- 4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>4.4 The development must be undertaken in accordance with the zoning and subdivision plan, Ref: PA717-1, Dwg: PROP_REV15, Dated December 2024 and attached as Annexure B.</p> <p>4.5 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan including the road portions E, F and G be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.</p> <p>4.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>4.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement includes and complies with the conditions as imposed by the <i>Directorate Infrastructure Services</i> in their Memo / letter with Reference 2169 CIVIL LU and Dated February 2025 and attached as Annexure D.</p> <p>4.8 All engineering services and infrastructure as required in terms of the services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.</p> <p>4.9 The conditions of approval as imposed by the Western Cape Government, Infrastructure, Chief Directorate: Road Planning be complied with as imposed in their letter Dated 8 August 2023, Ref TPW/CFS/LUD/REZ/SUB-25/335 (Job 27206), attached as Annexure E.</p> <p>4.10 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record keeping purposes, which plan indicate the following information:</p> <p>4.10.1 Newly allocated erf numbers</p> <p>4.10.2 Co-ordinates</p> <p>4.10.3 Survey dimensions</p> <p>4.10.4 Street names and numbering</p> <p>4.11 A Street Numbering and Naming Plan to be submitted to the Municipality for approval prior to the registration of the first land unit within the subdivision.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>4.12 The industrial zoned properties use be limited to activities that are light industrial in nature which includes warehousing and transport purposes with associated activities as approved in terms of the consent use and that all industrial activities do not have any negative impact on the surrounding residential area in terms of noise and air pollution.</p> <p>4.13 An owner's association to be established in terms of section 29(1) of the subject Bylaw to manage the communal property as required.</p> <p>4.14 A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.</p> <p>4.15 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at his cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.</p> <p>4.16 That should the applicant propose to phase the development a phasing plan be submitted to the Municipality for approval prior to the transfer or registration of the first land unit.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The application under consideration is not out of character with its surroundings.</p> <p>5.2 The proposal will provide access to adjoining properties that are currently land locked and thereby facilitate the development of these properties.</p> <p>5.3 Additional work and residential opportunities will be created for the residents of Klapmuts and surroundings.</p> <p>6. Matters to be noted:</p> <p>6.1 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.</p> <p>6.2 All electrical requirements be directed to Eskom.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>6.3 The land use shall not create any undue noise or be a nuisance to the neighbourhood and precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).</p> <p>6.4 An application for the erection of advertising signs be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.</p> <p>6.5 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.</p> <p>6.6 Compliance to the condition of the Environmental Authorization granted.</p>
SMPT 06/03/25	<p>APPLICATION IN TERMS OF SECTION 15 (2)(O) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON FARM 1119/2 PAARL DIVISION FOR CONSENT USE TO EXPAND THE TOURIST ACCOMMODATION ESTABLISHMENT BY CONVERTING THE EXISTING COTTAGES TO ADDITIONAL TOURIST ACCOMMODATION UNITS ALLOWING 9 TOURIST DWELLING UNITS</p> <p>Discussion:</p> <ol style="list-style-type: none"> 1. Chairperson Crooijmans-Lemmer handed over to Ms Bongiwe Zondo to give a brief introduction of the application that served before the Tribunal. 2. Questions for clarity were asked about the current operations. It was confirmed that all buildings on the property do have approved building plans. The cottages were used as tourist units by the previous owner and ceased to operate after the Covid pandemic. The new landowner seek approval for the proposed land uses before leasing it out as tourist units. 3. Concerns were raised by some members about the site-specific motivation which is not convincing. An alternative viewpoint was raised that although it is not a policy position to support alternative uses for existing buildings, the impact of not maintaining empty buildings in the rural landscape and lost economic opportunities should also be considered. 4. After discussions the members were all in support of the proposal.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Consent Use on Farm 1119/2 Paarl Division to allow additional tourist units within the existing cottages **deviates** from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

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

1.2 Considering the footprint of the labourer's cottages as per the NEMA 24G Application, the coverage of two of the cottages exceeds the maximum floor area of 175m² prescribed in the MSDF.

2. That it **BE DECIDED** that the application for Consent Use on Farm 1119/2 Paarl Division to allow additional tourist units within the existing cottages **does warrant site specific circumstances** as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1 There are unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units as well as the associated footprint / floor area as the proposal is to convert existing buildings to ensure that the farming landscape does not change and that the primary agricultural use remains intact.

3. That the application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm 1119/2 Paarl Division for **Consent Use** to expand the tourist accommodation establishment by converting the existing cottages to additional tourist accommodation units allowing 9 tourist dwelling units

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

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
- 4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.3 The tourist accommodation establishment be limited to 12 bedrooms accommodating a maximum of 24 paying guests at any time and be confined to nine tourist accommodation units in the existing buildings, i.e. 6 Garden Cottages and 3 River Cottages.
- 4.4 The development be implemented generally in accordance with the Site Development Plan Drawing No P001 dated 06/08/2024 and cottage floor plans referenced as Drawing No: P002 – P008 drawn by: JLV (JV Planning Consultants), dated: 01/11/2023 attached as **Annexure C**.
- 4.5 No employee housing for farm workers may be developed in the place of the former employee housing units that has been converted to the tourist dwelling units approved in this application, and should the need arise for such employee housing units for farm workers in the future, the existing tourist dwelling units must be converted back to its original use as employee housing units.
- 4.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 4.7 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

4.8 A contravention penalty of R10 000 per dwelling unit (x 4) in accordance with the approved tariffs of Council, is payable within 30 days from date of the subject approval.

4.9 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

4.10 The conditions imposed by the **Director: Infrastructure Services** as contained in their memo dated 18 March 2024, attached as **Annexure H**, be complied with.

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

5.1 The proposal is of appropriate scale and confined to existing structures previously approved.

5.2 The proposal is in line with the current use of the property and will not have a negative impact on the character of the surrounding area or compromise the development goals of the rural landscape.

5.3 The proposed use is subservient to the agricultural activities on the farm and helps to diversify the land use on the farm without affecting potential agricultural production.

6. Matters to **be noted**:

6.1 Building plans be approved by the municipality prior to any building work commencing.

6.2 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.

6.3 Should, after following due process –

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or,</p> <p>b) The operational use of the facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or,</p> <p>c) The property be used for any unauthorised uses not permitted in terms of this approval,</p> <p>the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.</p>
SMPT 07/03/25	<p>APPLICATION IN TERMS OF SECTION 15 (2)(O) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON FARM 1377 PAARL DIVISION FOR CONSENT USE TO EXPAND THE TOURIST ACCOMMODATION ESTABLISHMENT IN THE ESTABLISHED GUESTHOUSE (1735 M²) AND IN THE CONVERTED GARAGE AND OUTBUILDING (169M²) ALLOWING 12 BEDROOMS</p> <p>Discussion:</p> <ol style="list-style-type: none"> 1. Chairperson Crooijmans-Lemmer handed over to Ms Bongiwe Zondo to give a brief introduction of the application that served before the Tribunal. 2. Questions for clarity were asked about the possibility for the owner to build new garages if it is converted to a different use through this application and it was confirmed that such a building plan will be circulated for town planning input who will consider the outcome of the application. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. That it BE DECIDED that the application for Consent Use on Farm 1377 Paarl Division to allow additional dwelling units within the existing triple garage building and outbuilding 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:

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>1.1 The proposal exceeds the number of dwelling units prescribed by the MSDF for agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.</p> <p>2. That it BE DECIDED that the application for Consent Use on Farm 1377 Paarl Division to allow additional dwelling units within the existing triple garage building and outbuilding 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:</p> <p>2.1 There are unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units as the;</p> <ul style="list-style-type: none"> a) The proposal will utilise the existing buildings as approved, and the context of the development is the same and is subservient to agricultural activities on the farm. b) The proposed tourist units are confined within the existing buildings thus the agricultural viability of the farm will not be impacted on. <p>3. That the following application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm 1377 Paarl Division for Consent Use to expand the tourist accommodation establishment in the established guesthouse (1735 m²) and in the converted garage and outbuilding (169m²) allowing 12 bedrooms;</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.</p> <p>4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.3 The tourist accommodation establishment be limited to 12 bedrooms accommodating a maximum of 24 paying guests at any time and be confined to the established guesthouse (second dwelling and outbuilding) in the extent of 1735m² and the five (5) new tourist units to the extent of 169m² in the converted garage and outbuilding.</p> <p>4.4 A contravention penalty of R10 000 per dwelling unit (x 1) in accordance with the approved tariffs of Council, is payable within 30 days from date of the subject approval.</p> <p>4.5 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>4.6 The development be implemented in accordance with the Site Development Plan, referenced as File No: No: V 30-131, drawing No: 4, dated April 2024, drawn by: PJ le Roux, and Floor plans referenced as Project No: 1605, sheet No: 004, 001 & 002, Rev 2, drawn by a3d architects, dated September 2022, attached as Annexure C.</p> <p>4.7 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.</p> <p>4.8 The conditions imposed by the Director: Infrastructure Services as contained in their memo dated 24 July 2024, attached as Annexure F, be complied with.</p> <p>5. The reasons for the above decision are as follows:</p>
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5.1 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.

5.2 The proposed tourist units are confined within the existing buildings thus the agricultural viability of the farm will not be impacted on.

5.3 The proposal conforms to the policy guidelines for the placement of buildings, in that the buildings should be clustered together within or near the farmstead precinct.

5.4 The proposed uses are subservient to the agricultural use of the property and surrounding farms.

5.5 The proposal will assist to diversify the land uses on the farm without impacting on the existing agricultural activities.

6. **Matters to be noted:**

6.1 Building plans be approved by the municipality prior to any building work commencing.

6.2 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.

6.3 Should, after following due process –

a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/or,

b) The operational use of the facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or,

c) The property be used for any unauthorised uses not permitted in terms of this approval, the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

SMPT 08/03/25	<p>APPLICATION IN TERMS OF SECTION 15(2)(O) AND 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2023 FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND DEPARTURE ON FARM NO. 266/11, STELLENBOSCH DIVISION (LU/16630 & TP589/2023)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mrs Louisa Engelbrecht to give a brief introduction of the application that served before the Tribunal. b. Concerns were raised about the current dilemma of the size of the property due to a subdivision approval in the past, limiting the option to use it as a farm. The refusal of a similar application in 2013 is noted as well as the illegal construction and use of the building. c. There was consensus on the recommendation to refuse the application and it is recognised that the enforcement of illegal activities and building works must be pursued by the Municipality as a separate process. <p>UNANIMOUSLY RESOLVED:</p> <ul style="list-style-type: none"> 1. That it BE DECIDED that the application for Consent Use and Departure on Farm No. 266/11, Stellenbosch Division to utilize an existing building (which consist of two dwelling units comprising five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms, 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: <ul style="list-style-type: none"> 1.1 The proposed development exceeds the number of dwelling units prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF. 2. That it BE DECIDED that the application for Consent Use and Departure on Farm No. 266/11, Stellenbosch Division to utilize an existing building (which consist of two

dwelling units comprising five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms **does not warrant site specific circumstances** as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1 The size of the subject property (1,0756ha) does not allow the number of units proposed and there are not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units

2.2 The subject proposed development will become primary use of this property as it will not be subservient to the agricultural use that the property is zoned for.

3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2024 for a:

3.1 **Consent Use** for to utilize an existing building (which consist of two dwelling units comprising five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms Farm No. 266/11, Stellenbosch Division; and

3.2 **Departure** to relax the **5,0m** common building line (adjacent to Farm No. 266/10, Stellenbosch Division) to **0,3m** and **0,9m** to accommodate the existing building on the subject property

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

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

4.1 The scale of the proposed tourist accommodation is considered to be an overdevelopment of the subject property and does not fully consider the purpose of the Agriculture & Rural Zone.

4.2 The proposal is not in line with the existing agricultural character of the area, as the proposal gives rise to urban development within the rural area.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>4.3 The scale of the proposed development in relation to the size of the property is not in line with the objectives of the zoning of the property.</p> <p>4.4 The size of the subject property does not allow the proposed number of dwelling units.</p> <p>4.5 The proposed number of dwellings is not justifiable, and as a result, the relaxation of the building lines cannot be permitted.</p> <p>4.6 The proposed land use is deviating from the MSDF and not in compliance with the objectives of the zoning scheme bylaw.</p>
SMPT 09/03/25	<p>APPLICATION IN TERMS OF SECTION 15(2)(O) AND (G) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND TOURIST FACILITIES AND PERMISSION IN TERMS OF THE ZONING SCHEME FOR AN AGRICULTURAL INDUSTRY ON FARM NO. 1832, PAARL DIVISION (LU/16357 & TP515/2023)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mrs Louisa Engelbrecht to give a brief introduction of the application that served before the Tribunal. b. Questions of clarity were asked about the illegal uses and what is newly proposed and there was consensus with the recommendation. <p>UNANIMOUSLY RESOLVED:</p> <ul style="list-style-type: none"> 1. That it BE DECIDED that the application for Consent Use on Farm No. 1832, Paarl Division to establish ten (10) 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: <ul style="list-style-type: none"> 1.1 The proposal exceeds the number of dwelling units permitted on a property to the extent of 45,8ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.

	<p>2. That it BE DECIDED that the application for Consent Use on Farm No. 1832, Paarl Division to establish ten (10) 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:</p> <p>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.</p> <p>3. That the following applications in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1832, Paarl Division:</p> <p>3.1 Application in terms of Section 15(2)(o) of the said Bylaw for Consent Use to construct and establish ten (10) new tourist accommodation units;</p> <p>3.2 Application in terms of Section 15(2)(o) of the said Bylaw for Consent Use for a tourist facility for purposes of an art gallery;</p> <p>3.3 Application is terms of Section 15(2)(o) of the said Bylaw for Consent Use for a tourist facility to utilize the existing second dwelling unit for a wellness center;</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:</p> <p>4. The reasons for the above decision are as follows:</p> <p>4.1 The nature and scale of the subject proposed land uses is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA and consequently deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDF as contemplated in terms of Section 19 of LUPA and there are no site-specific circumstances as contemplated in terms of section 22(2) of SPLUMA that warrant justifiable grounds to deviate from the MSDF.</p> <p>4.2 The tourist accommodation establishment exceeds the number of dwelling units permitted on a property which is 45,8ha in extent and there are no exceptional or unique considerations that would warrant to deviate from the prescribed provisions on the number of additional dwelling units.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>4.3 The proposed art gallery and wellness center are not land uses that are associated with agricultural zoning and the agricultural activities in general and tourist related uses in the rural context in particular as it is deemed as pure commercial undertakings and urban uses.</p> <p>4.4 The extent and nature to which the subject property will be commercialized if these developments are permitted will result therein that these non-agricultural uses will not be deemed as subservient to the agricultural activity and result in an undesirable development in terms of the impact on the agricultural resource and rural context.</p> <p>5. That the following application in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1832, Paarl Division:</p> <p>5.1 Application in terms of Section 15 (2)(o) of the said Bylaw for Consent Use to allow for a tourist facility for purposes of a restaurant and wine tasting and sales facility;</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>6. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw.</p> <p>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.</p> <p>6.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity.</p> <p>6.3 An amended Site Development Plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2023 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:</p>
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- a) The Site Development Plan must reflect the accurate extent of the development rights in accordance with the approvals granted.
- b) All structures/buildings must comply with the parameters for Zoning Scheme Bylaw (i.e height; coverage, etc).
- c) Elevations and sections of proposed structures (as well as for basement level showing access to the basement)
- d) A stacking space of 25m must be provided for access to the development on the Site Development Plan.

6.4 Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to submission of any building plans, or as may be agreed on in writing with the Directorate Infrastructure Services.

6.5 The conditions imposed by the Manager: Electrical Services in their memo dated 30 January 2024, attached as **ANNEXURE F** be adhered to.

6.6 The conditions imposed by the Department Community & Protection Services (Environmental Planner) in their memo dated 07 February 2024, attached as **ANNEXURE G** be adhered to.

6.7 No main dwelling may be constructed in place of the dwelling house that has been converted into a farm building (office building) as proposed in this application. If a main dwelling is required in the future, the proposed farm office must be reverted to its original use as a dwelling unit.

6.8 That no event, function, conferences, etc. be operated or hosted on the property without the prior written approval of the Municipality.

6.9 The proposed facilities be restricted to:

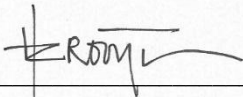
b.	Restaurant	±114m ²
c.	Wine tasting and sales facility	±244m ²

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

- 6.10 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.
- 6.11 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.
7. The **reasons** for the above decision are as follows:
- 7.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.
- 7.2 The primary use of the farm should still remain agricultural with all the other proposed uses remaining subservient to the primary bono fide agricultural activities on the farm.
- 7.3 The extended facilities will further enhance the tourism potential of the region and contribute to the extension of the secondary agricultural activities.
- 7.4 The proposal also complies with the principles of the Stellenbosch Spatial Development Framework which states that agri-tourism should be promoted in farming areas outside of urban settlements.
8. **Matters to be noted:**
- 8.1 That the approval for permission required in terms of the zoning scheme to allow for an agricultural industry (wine cellar), be obtained from the Authorized Official.
- 8.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 8.3 The necessary approval be obtained in terms of the applicable liquor act, liquor by-laws or regulations.
- 8.4 An application for a business licence must be submitted.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 MARCH 2025

	<p>8.5 Should, after following due process –</p> <p>8.5.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or</p> <p>8.5.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or</p> <p>8.5.3 The property be used for any unauthorised uses not permitted in terms of this approval,</p> <p>authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.</p>
SMPT 10/03/25	OTHER MATTERS
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
6.2	APPEALS RECEIVED AGAINST MPT DECISION
	No new appeals against MPT decisions were received.
6.3	GENERAL
	Questions were asked about public access to the municipal GIS layers and the GIS Manager will be asked to present the capabilities of the GIS system at the next MPT meeting.



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



**APPLICATION FOR REZONING FROM CONVENTIONAL RESIDENTIAL ZONE TO
 SUBDIVISIONAL AREA AND SUBDIVISION OF ERF 3 JOHANNESDAL**

CONTENT	
ANNEXURES	PAGE NUMBER
ANNEXURE A: Locality Plan	37-38
ANNEXURE B: Title Deed	39-51
ANNEXURE C: Subdivisional Plan	52-53
ANNEXURE D: Applicant's Motivation	54-67
ANNEXURE E: Previous Approvals	68-73
ANNEXURE F: Objections, & response to objections from applicant	74-97
ANNEXURE G: Comment from the Manager: Spatial Planning	98-100
ANNEXURE H: Comment from Director: Infrastructure Services	101-126
ANNEXURE I: Comment from the Department: Community Services	127-128
ANNEXURE J: Department of Infrastructure: Road Planning	129-132
ANNEXURE K: Department of Environmental Affairs and Development Planning: Development management	133-134
ANNEXURE L: Department of Environmental Affairs and Development Planning: Environmental Impact Management Services	135-141
ANNEXURE M: Department of Agriculture: Western Cape Government	142-143
ANNEXURE N: Department of Agriculture: National	144-145
ANNEXURE O: Western Cape Heritage	146-147
ANNEXURE P: Department: Water & Sanitation	148-150
ANNEXURE Q: Comment from Cape Nature and Botanical Impact Assessment	151-194



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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 MUNICIPAL LAND USE PLANNING BYLAW**

APPLICATION DETAILS

Application Reference	LU/15487	Commencement Date	26/04/2023
Applicant	Tristan Sandwith (Headland Planners)	Last day for comments or additional information	08/04/2025
Erf/Farm nr	Erf 3	Place	Johannesdal
Zoning	Conventional Residential Zone	Other approvals	Rezoning and Subdivision application was refused on the 16 July 2021 and an appeal against refusal was dismissed on the 08 July 2022.

X TYPE OF APPLICATION

X	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
X	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
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:

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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose of the Application:
 - o The applicant intends to rezone and subdivide the property in order to facilitate the following uses:
 - 20 Conventional Residential Zone erven (4 598 m²)
 - 1 Open Space Zone (Public Open Space) (553 m²)
 - 1 Public Roads and Parking Zone (Public Road) (2 087 m²)
2. Background and existing uses:
 - o The subject property is currently vacant.
 - o Access to the property is gained from unnamed 10m wide panhandle which runs parallel Morgenster Street, connecting with Sonnestraal street.
 - o An application for rezoning and subdivision for the development of 35 townhouses which later amended to 29 townhouses was refused on the 16 July 2021 and an appeal against the refusal was dismissed on the 08 July 2022. See **Annexure E**. The new application intends to provide conventional residential opportunities at a lower density and address integration and rural character requirements.
3. Summary of applicant's motivation: **(See Annexure D)**
 - o The proposal is well aligned with the forward planning prescribed in the MSDF, it supports incremental and equitable development in the Municipality and will assist the region with much needed residential stock to supply the housing market.
 - o The subject property is located within the 2019 designated urban edge and on the northern periphery of the Johannesdal settlement centre.
 - o Sufficient capacity of all Municipal services to accommodate the development is available in the grid. The proposal is supported by the internal engineering services department.
 - o A traffic impact study confirmed that the surrounding road network will not be affected by the previously higher density development. This proposal will have a lesser impact on the surrounding road network.
 - o The proposal is substantially in accordance with the previous indicators approved by Heritage Western Cape and does not require environmental authorisation.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate public participation processed followed	X		Circulated to internal & external departments as well as interested and affected parties.
Conditions imposed by departments	X		<ul style="list-style-type: none"> o The Manager: Spatial Planning supported the proposal (See Annexure G for memo dated 14 August 2023). o The Director: Infrastructure Services recommended the application for approval (See Annexure H for Memo dated 19 July 2023). o The Department: Community Services has no objection to the approval of the application subject to conditions (See Annexure I for memo dated 09 April 2025).

		<ul style="list-style-type: none"> o The Department of Infrastructure: Road Planning recommended the application for approval (See Annexure J for letter dated 15 November 2023). o The Department of Environmental Affairs and Development Planning: Development management, has no objection on the application subject to recommendations (See Annexure K for letter dated 20 June 2023). o The Department of Environmental Affairs and Development Planning: Environmental Impact Management Services, indicated that the Activity 12 of Listing Notice 3 will be triggered by the proposed development (See Annexure L for letter dated 08 August 2023). o The Department of Agriculture: Western Cape Government has no objection on the application (See Annexure M for letter dated 06 July 2023). o The Department of Agriculture: National has no objection on the application (See Annexure N for letter dated 15 August 2023). o The Western Cape Heritage has no objection on the application (See Annexure O for letter dated 23 April 2023). o The Department: Water & Sanitation has no objection on the application (See Annexure P for letter dated 12 July 2023).
DCs applicable	X	DCs are payable (See Annexure H)
Objections received	X	<p>The applicant sent notices (e- mails) to interested and affected parties. Four (4) objections received.</p> <p>The following objections/comments were received: (See Annexure F)</p> <ul style="list-style-type: none"> a) Angelo Hendricks + Peter Cyster on behalf of the Johannesdal Community Forum b) Ward Cllr. Ralphon Adams c) Stellenbosch Interest Group <p>The following is summary of comments/ objections received during public participation (interested and affected parties): (See Annexure F)</p> <ul style="list-style-type: none"> a) Character and Density b) General criteria for considering applications c) Traffic d) Sustainability e) Infrastructure and services f) Housing designs g) Rates increase

			The applicant has provided response to all comment received, (See Annexure F).
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65	X		The proposal is compliant with the SDF as approved in 2019 & 2023.
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW			
Socio-economic impact			The proposal would have a positive impact on the existing socio-economic conditions of the Johannesdal community as a number of short- and long-term employment opportunities would become available should the proposal be supported.
Compatibility with surrounding uses			<p>The subject property is surrounded by a mixture of smaller agricultural small holdings, the urban setting of the Johannesdal area and also residential development with a range of housing typologies. The proposal is therefore compatible with the existing land uses found in the surrounding area as similar approvals have been granted on the adjoining properties.</p> <p>The proposed property sizes ranging ± 230 m² in average, even though slightly smaller, are compatible with the surrounding approved developments. The proposed residential houses will be managed in line with the development parameters of the conventional residential zone.</p>
Impact on the external engineering services			An engineering services report prepared for the previous development determined that sufficient capacity was available to accommodate the development, given the reduced number of units, the proposal is therefore anticipated to have sufficient capacity. Furthermore, the application was circulated to the infrastructure services, and they supported the application.
Impact on safety, health and wellbeing of the surrounding community			There are no anticipated negative impacts as the proposal is compatible with the surrounding properties. The land uses are inclusive of a public open space which contributes to the wellbeing of residents. Furthermore, a sidewalk link (1.8m wide) including any associated stormwater items will be constructed along the eastern side of Morgenster road between Sonskyn street and Sonnestraal as well as the northern side of Sonnestraal road between Morgenster road and Helshoogte road. This will impact positively on the safety of the residents.
Impact on heritage			A heritage impact assessment was deemed required by the Heritage Western Cape for the previous application, was duly prepared and was approved. The current proposal was submitted to Heritage Western Cape, and they confirmed that the proposal is substantially in accordance with the previously approved SDP, therefore resolve to endorse the SDP. See Annexure O .

Impact on the biophysical environment	<p>The Department of Environmental Affairs and Development Planning: Environmental Impact Management Services, indicated that the proposal Activity 12 of Listing Notice 3 will be triggered by the proposed development. See Annexure L. The EIA is currently underway.</p> <p>However, a study, botanical impact assessment was done by Capensis dated 14 April 2024, confirmed that from a botanical perspective the project is supported if mitigation measures are adhered to. See Annexure Q.</p> <p>Furthermore, the senior environmental planner indicated that from an environmental planning point of view the department has no objection to the approval of the application. See Annexure I.</p>
Traffic impacts, parking, access and other transport related considerations	<p>A traffic impact study was conducted by Sturgeon Consulting Engineers for the previous application which was supported by the infrastructure services. The previous TIS was considered adequate for the assessment of this proposal. Furthermore, the application was circulated to Western Cape department of Infrastructure: Road Planning and was supported. See Annexure J.</p>
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	<p>The conditions imposed on the proposal will aid in mitigating the negative impacts of the proposed to the surrounding.</p>

ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Policy and guidelines

- 1.1 The proposed development is located within the approved urban edge of Johannesburg in Stellenbosch jurisdiction. It is earmarked by the MSDF for future infill urban development. In terms of the approved Municipal SDF, densification and infill development is encouraged. The proposal is consistent with the principles and objectives contained in the Stellenbosch MSDF, which states that due to the housing demand within the Stellenbosch municipal area the concept of infill development and redevelopment of land within the urban edge is encouraged.
- 1.2 The Provincial Spatial Development Framework (PSDF) sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The proposed development aligns with key themes covered in this framework i.e. promoting infill and compact development within the urban edge, ensuring functional integration between people of different income groups, the proposal does not perpetuate urban sprawl, opening up opportunities for community and residential development and developing integrated and sustainable settlements. The proposal is in line with the policy guidelines.

2. Assessment of comments on application

The interested and affected parties as well as community organisations raised concerns regarding issues relating to:-

- a) The proposal will have negative impact on the Character of Dwarsriver valley and the main road.
- b) The proposal is not accompanied by a motivation and not consistent with the SDF.
- c) The proposal will result in major increase in traffic and access is located right next to abutting erven and will cause conflict for the safe in and out movement of vehicles to and from the abutting erven.
- d) The best outcome for the growing and inevitable towns includes the protection and enhancement of the town's key economic, social and environmental resources.
- e) The bulk services will not be sufficient to sustain this new development.
- f) Ensure that the proposed development represents a harmonious architectural entity.
- g) The proposal will result in rates increases.
- h) An extra central & functional Public Open Space be provided in the development.
- i) Screening in the form of appropriate landscaping be provided.

The subject property has been earmarked for infill development and redevelopment of land as noted in the Municipal SDF. It is within the municipality's mandate and responsibility to optimise land parcels that fall within the urban edge prior to considering other portions of land that sits outside of the urban edge. Land that falls within the urban edge has existing infrastructure and this is economically beneficial given that there is no need to invest large amount of funds to establish new infrastructure to enable the land to be developable to its fullest potential. The proposed development is to formalise the current area which enhances the current land uses and increases housing opportunities; therefore, the envisioned character and sustainability impacts are not more than that are normally associated with urban land uses.

All other comments were addressed in the report as well as additional studies that were undertaken for the previous application proposal (e.g. TIA). 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 subject property is located within the approved urban edge of Johannesburg, and infill development and densification are encouraged in terms of the MSDF.
2. The proposal is not out of character and compatible with the surroundings and current land uses.
3. The proposed development will have an indirect positive impact on the town's local economy as it will create new residential opportunities and employment opportunities during the construction phase.
4. The basic civil engineering services (potable water, sewerage, roads and solid waste removal) can be accommodated for this proposal.

The subject land use and land development application is, having regard to the conclusions above, viewed as consistent with the Municipal SDF and consequently grounds for the support of the subject land use and land development application.

List relevant plan numbers	Subdivision plan JD3_SUB01, drawn by: Headland town planners, dated: 14/10/2024
List annexures to decision	Annexure H: Director: Infrastructure Services Annexure I: The Department: Community Services Annexure J: Department of Infrastructure: Road Planning Annexure P: Western Cape Regional office: Water & Sanitation

RECOMMENDATION

1. That the application(s) in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Erf 3 Johannesdal;

1.1 The **Rezoning** in terms of Section 15(2)(a) of the said Bylaw from Conventional Residential Zone to Subdivisional Area to allow for the following uses: -

- a) 20 Conventional Residential Zone erven (4 598 m²)
- b) 1 Open Space Zone (Public Open Space) (553 m²)
- c) 1 Public Roads and Parking Zone (Public Road) (2 087 m²)

1.2 The **Subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with subdivision plan JD3_SUB01, drawn by: Headland town planners, dated: 14/10/2024 to allow for the development in accordance with the sub-divisional zone above.

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

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

- 2.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 2.3 The development be undertaken in accordance with the subdivision plan JD3_SUB01, drawn by: Headland town planners, dated: 14/10/2024 attached as **Annexure C**.
- 2.4 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement includes and complies with the conditions as imposed by the Directorate Infrastructure Services in their memorandum with reference Civil LU 2517 and dated 19 July 2023 and 06 June 2023, attached as **Annexure H**.
- 2.5 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.6 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.7 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information:

- a) Newly allocated erf numbers
- b) Co-ordinates
- c) Survey dimensions
- d) Street names and numbering

2.8 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality and approved prior to the registration of the first property/ issuing of a Section 28 clearance certificate, which site development plan satisfactorily addresses, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

- 2.8.1 With regards to Annexure H, NMT Infrastructure.
- 2.8.2 The harmonious architectural design in support of the existing built character of the neighborhood.
- 2.8.3 Elevations and sections showing the architectural designs of the proposed houses.
- 2.8.4 A landscaping plan which landscaping plan satisfactorily addresses, but are not necessarily limited to,
 - a) Adhering to mitigation measures recommended by studies done, See **Annexure Q**.
 - b) Screening in the form of appropriate landscaping be provided along the turning circles to soften the road reserve.

2.9 The landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to 50% of the erven be transferred or 50% of building plans be approved, whichever occurs first.

2.10 Street naming and numbers be approved by the Municipality prior to the issuing of a Section 28 Certification.

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

- 3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer residential opportunities in the area.
- 3.2 The proposed development constitutes infill development and is in line with the principles of the SDF.
- 3.3 Additional traffic can be accommodated on the local road network and there is capacity in infrastructure and services to accommodate the development.

4. Matters to **be noted**:

- 4.1 All engineering services and infrastructure required in terms of the conditions and services agreement be complied with to the satisfaction of the municipality and/or the relevant authority prior to the issuing of a Section 28 Certification.
- 4.2 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.3 The conditions imposed by the Western Cape Regional office: Water & Sanitation as contained in their letter dated 12 July 2023, attached as **Annexure P**, be complied with.
- 4.4 The conditions imposed by the Department of Infrastructure: Road Planning as contained in their letter dated 15 November 2023, attached as **Annexure J**, be complied with.

ANNEXURES

ANNEXURE A: Locality Plan
ANNEXURE B: Title Deed
ANNEXURE C: Subdivisional Plan
ANNEXURE D: Applicant's Motivation
ANNEXURE E: Previous Approvals
ANNEXURE F: Objections, & response to objections from applicant
ANNEXURE G: Comment from the Manager: Spatial Planning
ANNEXURE H: Comment from Director: Infrastructure Services
ANNEXURE I: Comment from the Department: Community Services
ANNEXURE J: Department of Infrastructure: Road Planning
ANNEXURE K: Department of Environmental Affairs and Development Planning: Development management
ANNEXURE L: Department of Environmental Affairs and Development Planning: Environmental Impact Management Services
ANNEXURE M: Department of Agriculture: Western Cape Government
ANNEXURE N: Department of Agriculture: National
ANNEXURE O: Western Cape Heritage
ANNEXURE P: Department: Water & Sanitation
ANNEXURE Q: Comment from Cape Nature and Botanical Impact Assessment

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: Bongwiwe Zondo
Capacity: Senior Town Planner
SACPLAN Registration: A/3477
Signature: 
Date: 11/04/25

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 10.8.1 dated 26 February 2025.

Category / Delegation Item Number: A(b)2, D(c)2

Decision Making Authority: MPT

Rational: Application is not inconsistent, and objections has been submitted against the application.

Name:

Capacity:

SACPLAN Registration:

Signature:

Date:


 Steven Carstens
 A/1551

 11/4/2025

SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND SUBDIVISION: ERF 3 JOHANNESDAL****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: 25 April 2025

Name:

Capacity:

Signature:

Date:

ANNEXURE A: LOCALITY PLAN

Erf 3 Johannesburgal (Stellenbosch GIS Map)

SCALE

1:4 513,99

Legend

38



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2025/04/08



Author: Stellenbosch Municipality



Stellenbosch Municipality
Street Address:
71 Plain Street, Stellenbosch, 7600
Tel: 021 808 8858

This map is a representation of the information contained in the
Stellenbosch Municipality's GIS system. It is not a legal document
and should not be used for legal purposes. The information
contained in this map is for informational purposes only. The
Stellenbosch Municipality is not responsible for any errors or
omissions in this map. The information is provided as a service
to the public and is not intended to be used for any other
purpose. The information is provided as a service to the public
and is not intended to be used for any other purpose.



Sources: Esri, HERE, Garmin, Mapbox, Mapbox Corp., GEBCO, USGS, FAO, NPS, NRCAN,
GeoBasis, IGN, Kadaster NL, Ordnance Survey, Esri/Air, METI, Esri China (Hong Kong), (c)
OpenStreetMap contributors, and the GIS user community, Stellenbosch Municipality

ANNEXURE B: TITLE DEED

119

CLARK CUPIDO ATTORNEYS INC
PO Box 902
Green Point
8051

Prepared by me

Kevin Daniel
CONVEYANCER
KEVIN DANIEL

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 4,000,000.00	R 1,588.00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T 000043844 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

KEVIN DANIEL

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

DATA / CAPTURE
21-10-2019
BELINDA GONCALVES

DATA / VERIFY
23-10-2019
VUYELWA LAMANI

SYDNEY JOHN CYSTER
Identity Number 5909185161087
and
WILMA COLETTE CYSTER
Identity Number 5912240007089
Married in community of property to each other

which said Power of Attorney was signed at CAPE TOWN on 14 August 2019

And the appearer declared that his/her said principal had, on 13 June 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

WINTER SQUARE DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2015/013009/07

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

ERF 3 JOHANNESDAL, IN THE STELLENBOSCH MUNICIPALITY, DIVISION PAARL, PROVINCE OF WESTERN CAPE

IN EXTENT 7238 (SEVEN THOUSAND TWO HUNDRED AND THIRTY EIGHT) Square metres

FIRST REGISTERED by Certificate of Registered Title Number T14425/2011 with Diagram SG No. 6854/1955 relating thereto and held by Deed of Transfer Number T33391/2012

- A. **SUBJECT** to the conditions referred to in Deeds Nos. T3951/1906, T3957/1906, T11550/1921, T2062/1897, T2059/1897, T3954/1906, T11551/1921, T8277/1915, T3957/1906 and T3953/1906.
- B. **SUBJECT FURTHER** to the special conditions contained in Notarial Deed dated 7 October 1905, a copy of which was originally attached to Deeds Nos. T3951 / 1906, T3952 / 1906, T3953 / 1906, T3954 / 1906, T3955 / 1906, T3956 / 1906, T3957 / 1906 and T13958 / 1906, referring to certain water rights, grazing rights, roads and fences.

Page 3

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

SYDNEY JOHN CYSTER and WILMA COLETTE CYSTER, Married as aforesaid

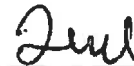
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

WINTER SQUARE DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2015/013009/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 000 000,00 (FOUR MILLION RAND) .

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on **16 OCT 2019**



 q.q.

In my presence



 REGISTRAR OF DEEDS

119

CLARK CUPIDO ATTORNEYS INC
PO Box 902
Green Point
8051

Prepared by me



CONVEYANCER
KEVIN DANIEL

POWER OF ATTORNEY TO PASS TRANSFER

We, the undersigned

SYDNEY JOHN CYSTER
Identity Number 5909185161087
and
WILMA COLETTE CYSTER
Identity Number 5912240007089
Married in community of property to each other

do hereby nominate and appoint MANDY LYNNE CUPIDO or KEVIN DANIEL or PAUL NORMAN CRESSWELL CLARK or LOUIS PAUL VAN SCHALKWYK or LINDA ANNE BIRCH with power of substitution to be our true and lawful Attorney and Agent in our name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at CAPE TOWN or any other competent official in the Republic of South Africa and then and there to act as our Attorney and Agent and to pass transfer to:

WINTER SQUARE DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2015/013009/07

the property described as:

ERF 3 JOHANNESDAL, IN THE STELLENBOSCH MUNICIPALITY,
DIVISION PAARL, PROVINCE OF WESTERN CAPE

IN EXTENT 7238 (SEVEN THOUSAND TWO HUNDRED AND THIRTY
EIGHT) Square metres

HELD BY Deed of Transfer Number T33391/2012

the said property having been sold by us on 13 June 2019, to the said transferee/s for the sum of R4 000 000,00 (Four Million Rand);

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the

S.C. K
W.C.

said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at Cape Town on 14/5/17

in the presence of the undersigned witnesses.

AS WITNESSES :

1. 

2. _____

Sydney
SYDNEY JOHN CYSTER

Wilma Colette Cyster
WILMA COLETTE CYSTER

Commissioner of Oaths
SAMANTHA JOY CARMICHAEL
Practising Attorney R.S.A.
9th Floor, Vanani Chambers
33 Church Street
Cape Town


**Transfer Duty
Declaration**
TDREP
Reference Details

Transfer Duty Reference Number: TDE03359C3

Details
Details of Seller / Transferor / Time Share Company

 Surname / Registered Name CYSTER
 ID Number 5909185161087
 Company / CC / Trust Reg No.
 Marital Notes if applicable South Africa
 Spouse ID Number 5912240007089

 Full Name SYDNEY JOHN
 Date of Birth (CCYYMMDD) 1959-09-18
 Marital Status M.I.C OF PROPERTY
 Spouse Initials WC
 Spouse Passport Number

Details of Seller / Transferor / Time Share Company

 Surname / Registered Name CYSTER
 ID Number 5912240007089
 Company / CC / Trust Reg No.
 Marital Notes if applicable South Africa
 Spouse ID Number 5909185161087

 Full Name WILMA COLETTE
 Date of Birth (CCYYMMDD) 1959-12-24
 Marital Status M.I.C OF PROPERTY
 Spouse Initials SJ
 Spouse Passport Number

Details of Purchaser / Transferee

 Full Name WINTER SQUARE DEVELOPMENTS PROPRIETARY LIMIT
 Company / CC / Trust Reg No. 201501300807

 Surname / Registered Name WINTER SQUARE DEVELOPMENTS PROPRIETARY
 Marital Notes if applicable

Details of the Property

 Date of Transaction/Acquisition (CCYYMMDD) 2019-05-13
 Total Fair Value R 4000000.00

Total Consideration R 4000000.00

Calculation of Duty and Penalty / Interest

Transfer Duty Payable on Natural Person R 4000000.00

Property Description

1 ERF 3 JOHANNESDAL IN THE STELLENBOSCH MUNICIPALITY, DIVISION PAARL, PROVINCE OF WESTERN CAPE IN EXTENT 7238 (SEVEN THOUSAND TWO HUNDRED AND THIRTY EIGHT) Square metres

Receipt
Receipt Details

 Transfer Duty Reference Number TDE03359C3
 Receipt Amount R 273000.00

Receipt No. 1200683001

Declaration by Conveyancer / Attorney

I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer

KEVIN DANIEL

Please ensure you sign over the 2 lines of 'X's above

 R944b66a2c8828506a500
 dc0d772559b308971

Date (CCYYMMDD)

18 SEP 2019

 For enquiries go to
www.sars.gov.za or call
 0800 00 SARS (7277)



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

(31)

CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000 (ACT No. 32 of 2000)
(AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)

ISSUED BY STELLENBOSCH MUNICIPALITY

Authority is hereby granted in terms of Section 118 of the Local Government Municipal Systems Act, 2000 (32 of 2000), for the registration of the transfer of the property/ies mentioned herein.

Property Description:

ERF 3 JOHANNESDAL
IN THE STELLENBOSCH MUNICIPALITY
DIVISION PAARL
PROVINCE OF WESTERN CAPE

IN EXTENT 7238 (SEVEN THOUSAND TWO HUNDRED AND THIRTY EIGHT) Square metres

Municipal Reference Number/ 21 Digit Code: C05500220000000300000

Registration division/Administrative District: STELLENBOSCH MUNICIPALITY

Registered Owner:

SYDNEY JOHN CYSTER
Identity Number 5909185161087

WILMA COLETTE CYSTER
Identity Number 5912240007089
Married in community of property to each other

Name and Identity/ Registration number of all purchaser/s:
WINTER SQUARE DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2015/013009/07

This certificate is valid until: ...18 November 2019...

Given under my hand at ...Stellenbosch..., on ...17 September 2019....

.....
For: Municipal Manager
Stellenbosch Municipality

Date Issued:

Authorised Official: L. Anthony



APPENDIX D

OFFICE MAP

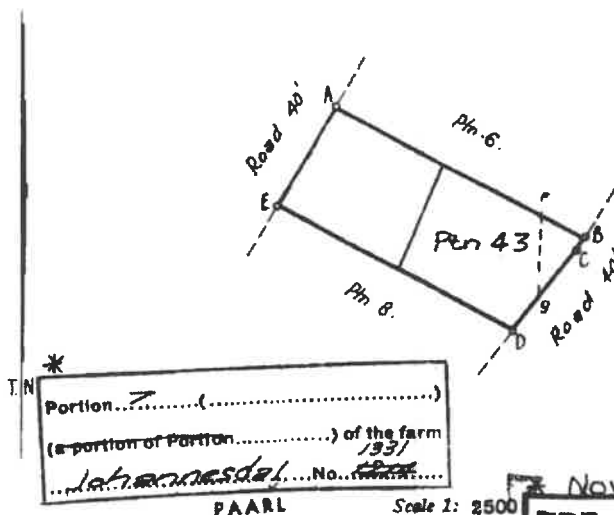
S. G. No. 6854/55

SIDES Cape Feet	ANGLES OF DIRECTION	SYSTEM L-79 CO-ORDINATES	
		y	x
	Constant	+10 000.00	+11917000.00
AB	424.54	298 16 30	A + 3 122.03 + 311.85
BC	20.00	26 01 10	B + 2 748.14 + 512.77
CD	156.80	38 10 40	C + 2 756.91 + 530.74
DE	404.21	118 00 00	D + 2 853.84 + 654.00
EA	176.50	210 10 20	E + 3 210.74 + 464.24

Approved

The Hon.
Surveyor-General.
9.8.1956.

A B D iron standard flush.
C E 1/2" hole drilled in sandstone.



Now
ERF 3 Johannesdal

The figure A B C D E
represents 73 008 Square Feet of land being

Portion 7 of the farm Johannesdal. B.

METRIC AREA

7238 SQUARE METRES

Situate in the Division of Paarl Province of Cape of Good Hope.

Surveyed in Feb., 1953 by me

L. H. Melling
Land Surveyor.

This diagram is annexed to

T144 25/2011

L 35/1

Registrar of Deeds.

The original diagram is
No. 1931/78 annexed to
1951/78

S.G. File No. 11860/2

S.R. No. E. 1638/52

BH.8.DBB

RH 61/124 ✓

FOR ENDORSEMENTS
SEE BACK OF DOCUMENT

1951/78
1951/78

THIS PORTION IS SUBJECT TO
CONDITIONS REFERRED TO IN SEC-
TION 11 (4) OF ACT No. 21 OF 1961.

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM					
DATE	REASON FOR	AMOUNT	AREA NO. & S.L.	TRANSFER NO.	TOTAL
2/10/63	5701/100	Ptn 43	3789		3449

This subdivision has been approved in terms
Hierdie onderverdeling is goedgekeur kragtens
of section 196 of Ordinance No. 15 of 1932
artikel 196 van Ordonnansie No. 15 van 1932
without conditions / without conditions is stated
sonder voorwende / met voorwende soos
geseel.

Provincial Secretary
Provinciale Sekretaris

2/5/02



STELLENBOSCH

STREET • ADAMS • RIVER • TRANSVAAL • K

MAGARITHA ELIZABETH • HAUPTFLEISCH •

CONVEYANCER CERTIFICATE

I/We..... **MAGARITHA ELIZABETH**
HAUPTFLEISCH

Practising at:

MARAIS MULLER HENDRICKS INCORPORATED

58 VAN RIEBEECK ROAD

KUILS RIVER

In respect of:

ERF 3 JOHANNESDAL

IN THE STELLENBOSCH MUNICIPALITY

DIVISION PAARL

PROVINCE OF THE WESTERN CAPE

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. Deed of Transfer T33391/2012
2. Deed of Transfer T3951/1906
3. Deed of Transfer T3957/1906
4. Deed of Transfer T11550/1921
5. Deed of Transfer T2062/1897
6. Deed of Transfer T2059/1897
7. Deed of Transfer T3954/1906
8. Deed of Transfer T11551/1921
9. Deed of Transfer T8277/1915
10. Deed of Transfer T3953/1906

ME


A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	(N)	
2.	Building lines	Y	(N)	
3.	Height	Y	(N)	
4.	Number of Dwellings	Y	(N)	
5.	Bulk floor area	Y	(N)	
6.	Coverage/built upon area	Y	(N)	
7.	Subdivision	Y	(N)	
8.	Servitudes that may be registered over or in favour of the property	Y	(N)	
9.	Other Restrictive Conditions	Y	(N)	



STELLENBOSCH

MUNICIPALITY OF STELLENBOSCH

B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

* see note below

a.	Organ(s) of State that might have an interest in the restrictive condition	/
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	/
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	/

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Kuils River (Place) on this 23 (Day) February (Month) of 2018

MAGARITHA ELIZABETHFull names and Surname: HAUPTFLEISCHSignature: *M Hauptfleisch*

P.O. Box 36
Kuils River
7579

Marais Müller Hendricks Inc.
KUILS RIVER
TEL: 021 900 5300
FAX: 021 903 7405

Tel: 021 900 5300Email: mareza@maraismuller.co.zaCell: 021 900 5300

* rezoning, subdivision and building line departures

ANNEXURE C: SUBDIVISIONAL PLAN

— parent property boundary

1. the figure ARCODE represents erf 3 johannesdal measuring 7238m² in extent.
2. all distances are in metres.
3. all distances and areas are approximate and subject to final survey and field checking.

notes

14/10/2024 JD9_SUB01

figure

proposed rezoning and subdivision of erf 3 johannesdal

proposed subdivision plan

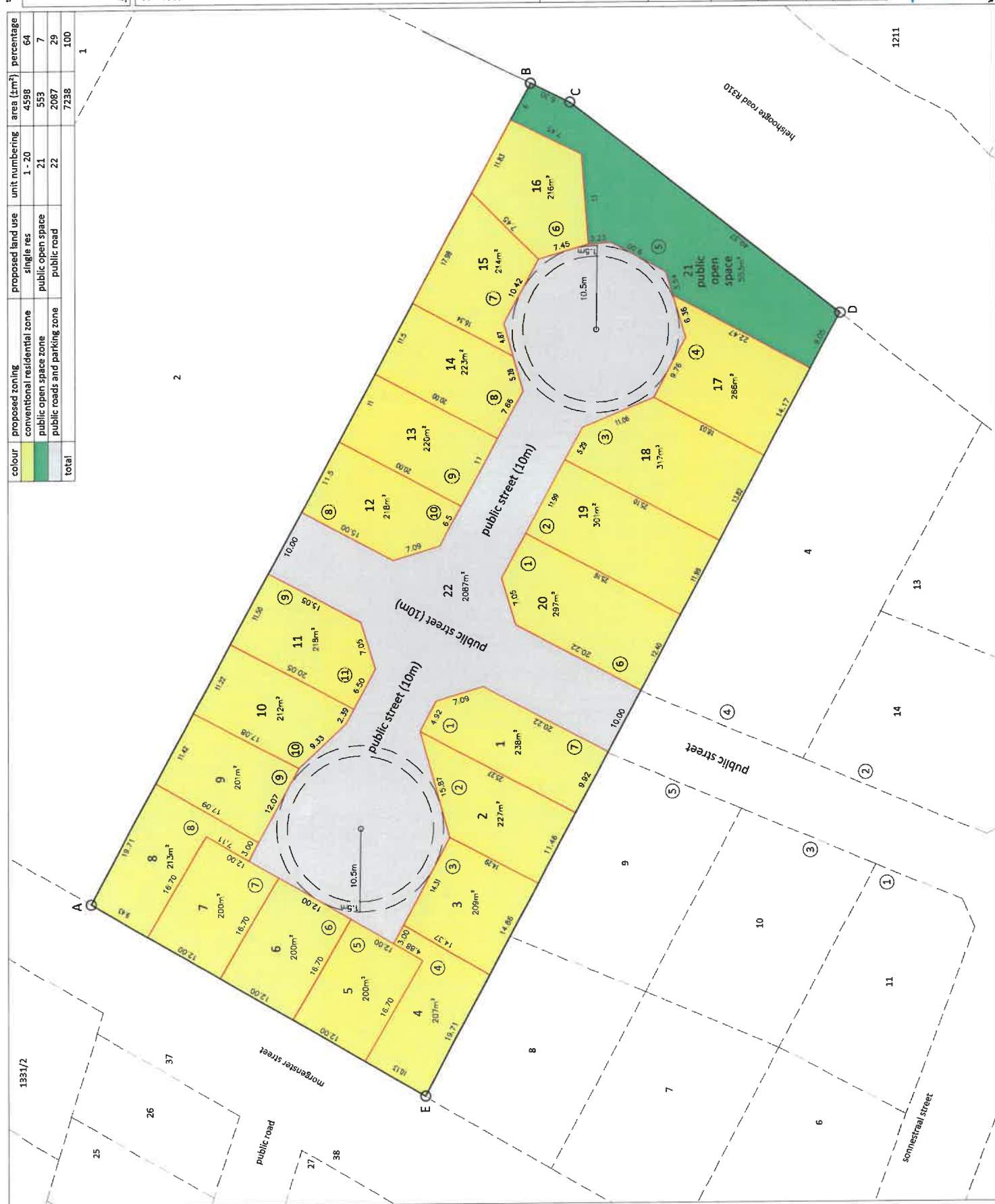
winter square developments (pty) ltd

sheet	bhsu-4473 (m750) & bh-8db (x4)	figure	JD9_SUB02
author	stellenbosch municipality	file	jd3
scale	1:500 (A3)	date	11/04/2025

headland

town planners

www.headland.co.za



ANNEXURE D: APPLICANT'S MOTIVATION

**APPLICATION FOR REZONING, SUBDIVISION, STREET NAMING
AND NUMBERING: ERF 3, JOHANNESDAL**

headland

town planning

TABLE OF CONTENTS

1.	INTRODUCTION AND BACKGROUND	1
2.	APPLICATIONS.....	1
3.	PROPERTY DETAIL	1
3.1.	Property & General Information.....	1
3.2.	Locality & Surrounding Context.....	2
3.3.	Access	3
3.4.	Title Deed Review	3
4.	DEVELOPMENT PROPOSAL	3
4.1.	Rezoning	3
4.2.	Subdivision.....	3
4.3.	Landscaping	5
5.	INFRASTRUCTURE AND SERVICES	5
5.1.	Engineering Services Report from Appointed Civil Engineers	5
5.2.	Traffic Impact Study.....	5
6.	HERITAGE.....	6
7.	MOTIVATION AND DESIRABILITY	7
7.1.	The Stellenbosch Municipal Spatial Development Framework, 2019	7
7.2.	Motivation in terms of section 65(1) of the Stellenbosch Municipality Land Use Planning By-law, 2015	9
7.3.	Motivation for Street Naming.....	10
8.	CONCLUSION	11

LIST OF FIGURES

Figure 1: Zoning Extract	2
Figure 2: Locality Plan	3
Figure 3: Extract from the Subdivision Plan	4
Figure 4: Extract from the Stellenbosch Spatial Development Framework	7

LIST OF TABLES

Table 1: Property Data	1
Table 2: Proposed Subdivision And Zoning Analysis	4

LIST OF SUPPORTING DOCUMENTATION

Application Forms
 Power of Attorney and Resolution
 Property Diagram
 Noting Sheet
 Title Deed
 Conveyancer's Certificate
 Plan of Subdivision

APPLICATION FOR REZONING, SUBDIVISION, STREET NAMING AND NUMBERING: ERF 3, JOHANNESDAL

1. INTRODUCTION AND BACKGROUND

The property, previously known as portion 7 of farm 1331 Johannesburg, is located in the Dwars River Valley on the R310 between the bottom of the Helshoogte Pass and the township of Pniel (section 3.2 refers). The site is a part of a group of undeveloped residential stands in Johannesburg.

During a previous application process, the subdivision and rezoning of the property to develop 29 townhouses was refused by the Municipal Planning Tribunal and an appeal against the refusal was dismissed, for the following reasons:

- "The scale and nature of the proposed development will impact on and compromise the existing character of the Johannesburg rural node."
- "The proposed development may give rise to similar future developments which does not represent the rural context of Johannesburg."
- "The proposal does not promote functional integration of the development with the local urban context as envisaged by the SDF."

After a number of interactions with the Municipality post refusal of the previous application, the development proposal has been revised and submitted for pre-application scrutiny with the land use management department. See section 2.

This new application intends to provide conventional residential infill opportunities within Johannesburg at a lower density in order to meet the Municipality's character and integration requirements.

2. PRE-APPLICATION CONSULTATION

A pre-application meeting was held in the Stellenbosch municipal planning boardroom on the 28th of February 2023 with representatives from land use management (Bongiwe Zondo), heritage (Katherine Robinson) and engineering (Tyrone King).

Feedback from the various departments after having sight of the subdivision proposal were positive. Katherine Robinson suggested that the proposal be submitted informally to Heritage Western Cape due to the scope change and Tyrone King confirmed that no further engineering or traffic impact submissions were necessary due to the comprehensive investigations carried out by the developer during the previous application.

From a land use planning point of view, Bongiwe Zondo confirmed that the subdivision was tabled at an internal meeting and was regarded to be in line with Municipality's planning vision for the site in terms of access, erf sizes and zoning.

3. APPLICATIONS

The following applications are required in order to regularise the proposed development:

- a **rezoning application** in terms of section 15(2)(a) of the Stellenbosch Municipal Planning By-Law, 2015, for rezoning of the property to subdivisional area overlay zone (conventional residential zone, public roads and parking zone and public open space zone), and
- a **subdivision application** in terms of section 15(2)(d) of the Stellenbosch Municipal Planning By-Law, 2015, for subdivision of the property into 22 portions.
- Approval of street names "Sunflower Street, Sydney Cyster Close and St. Rosa Close" and street numbering.

4. PROPERTY DETAIL

4.1. Property & General Information

Table 1: Property data

Applicant	Headland Planners (Pty) Ltd
Erf Number	Erf 3 Johannesburg

Registered Owners	Winter Square Developments (Pty) Ltd
Applicant	Headland Planners (see powers of attorney)
Street Address	Sonnestraal Road, Johannesdal
Property Diagram	S. G. No. 6854/1956
Noting sheets	M4750 and BH8DB-X4
Extent	7237m ²
Title Deed	T43844 of 2019
Restrictive conditions and Servitudes	None. See conveyancer's certificate.
Current Land Use	Vacant
Current Zoning	<p>Conventional Residential Zone, see figure 1.</p>  <p>Figure 1: Zoning extract (source: Stellenbosch Municipality zoning maps, 2018)</p>
Subject to Heritage application	Previously approved with indicators, amendment NID in process with HWC.
Policies/Plans applicable	Stellenbosch Spatial Development Framework (see section 6)

4.2. Locality & Surrounding Context

The site is located in the Dwars River Valley on the southeastern periphery of Pniel which lies approximately 10km northeast of Stellenbosch on the R310 (Helshoogte Road), see figure 2 below.

The site's immediate context is a mix of smaller agricultural small holdings and the urban setting of the Johannesdal/Pniel area. A number of the surrounding properties are also residential and have been developed with a range of housing typologies. Yet erf 3 and its immediately neighbouring sites remain vacant and undeveloped.

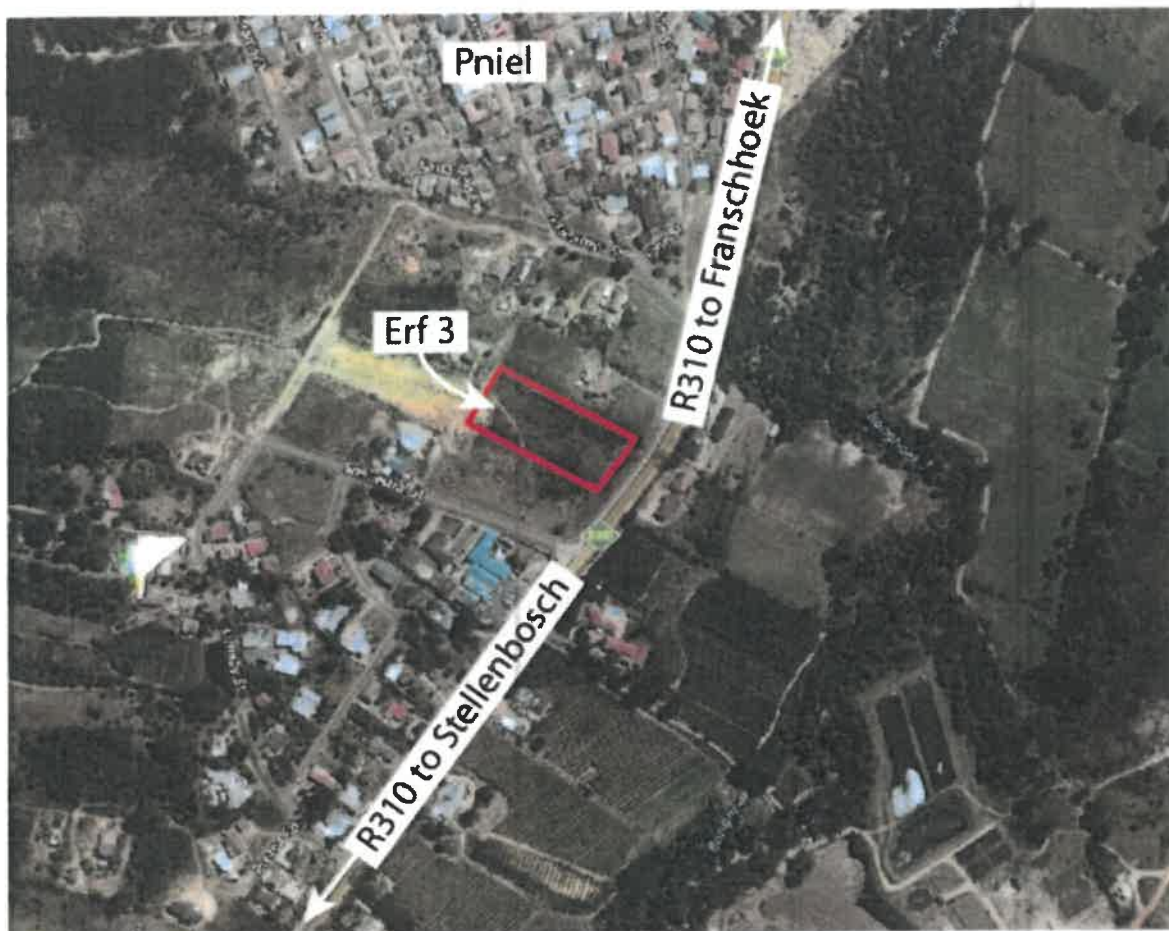


Figure 2: Locality Plan

4.3. Access

Access to the site is from an unnamed 10m wide panhandle which runs parallel to Morgenster Street. See extract from the plan of subdivision, figure 3.

4.4. Title Deed Review

No restrictive title deed conditions constrain the proposed rezoning and subdivision applications.

A conveyancer certificate was prepared to this end for the previous application and no additional conditions have been imposed with the transfer of the property to the current owner and developer.

5. DEVELOPMENT PROPOSAL

5.1. Rezoning

It is proposed to rezone the property to Subdivisional Area Overlay Zone with underlying rights for Conventional Residential Zone, Public Roads and Parking Zone and Public Open Space Zone.

All dwelling units are to comply with the development parameters of the CR zone.

5.2. Subdivision

Subdivision of the site into 22 portions is proposed and is broken down as follows (figure 3 and table 2 refer):

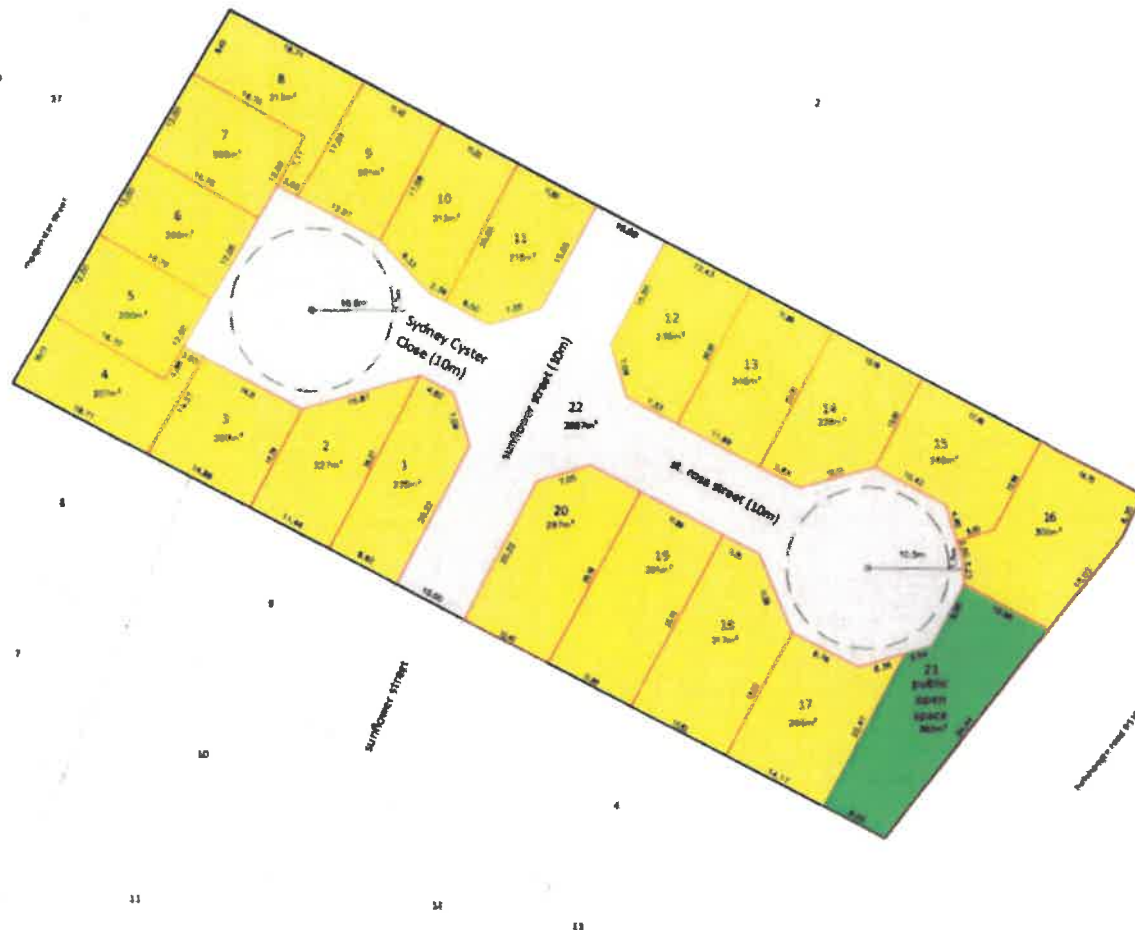


Figure 3: Extract from the Subdivision Plan

Table 2: Proposed subdivision and zoning analysis

Proposed Zoning	Proposed Land Use	Unit No's	Area (±m ²)	%
Conventional Residential	Dwelling Houses	1 – 20	4769	66
Public Open Space	POS & stormwater attenuation facility	21	382	5
Public Roads and Parking	Public Roads	22	2087	29
Total		22	7238	100

The subdivision is based on the following principles, which have been scrutinised by the Municipal Planners and indicated to be acceptable:

- Residential erf sizes range from 200m² to 317m² with an average erf size of ±238m²,
- Internal roads are 10m wide with provision for at least 1,5m sidewalks on both side of the road,
- Turning circles with a 21m diameter will be sufficient for Municipal refuse vehicles to turn,
- Access northeast to erf 2 Johannesdal is provided with an extension of the access road to the northeastern boundary of the development.

5.3. Landscaping

Landscaping in accordance with the indicators approved by Heritage Western Cape in respect of area character are to be followed by the public landscaping of the development. This includes:

- At least one but preferably two large trees required for every property. The pattern of planting should be informal with a variety of tree species as would be found in the established properties in the area.
- Harmonious landscaping of the eastern open space edge with Helshoogte Road.
- Welded mesh fencing to be used, where necessary, to ensure integration with surrounding area.

6. INFRASTRUCTURE AND SERVICES

6.1. Engineering Services Report from Appointed Civil Engineers

An engineering services report prepared for the 35-unit previous development determined that sufficient capacity was available in the Municipal grid to accommodate the development.

Given the reduced number of units, the municipal engineers have confirmed that they do not require a revised services report and that detailed design will follow land use planning approvals.

6.2. Traffic Impact Study

An independent traffic impact study was conducted by Sturgeon Consulting Engineers for the previous development which was supported by the Municipality's engineering services branch.

Given this application is for less units, serviced publicly by 10m roads and Municipal regulation turning circles, the previous TIS was considered adequate for the assessment of the development. This was confirmed by Tyrone King in a pre-application discussion and in various email correspondence.

The findings were in support of the previous development and are expanded upon below in the notes which follow previous findings of the TIS:

- The study intersection (Sonnestraal Street/Helshoogte Road) was analysed during AM and PM peaks, and it was determined that a likely total peak hour trip generation of 30 trips per peak hour would be generated.
- The intersection will continue to operate at good levels of service with the inclusion of the development. No improvements are required with this scenario.

Note: the overall trip generation of the development will drop as a result of the lower number of units and therefore have a lesser impact on surrounding roads infrastructure.

- No access exists for the development and a two-lane road (one lane in and one lane out) will be required from Sonnestraal Street to the proposed access. The new access intersection will be $\pm 80\text{m}$ from the Helshoogte Road/Sonnestraal Street intersection.
- Parking is to be provided per the regulation of the Stellenbosch Municipality at 2 bays per dwelling unit.
- No additional non-motorised or pedestrian facilities are proposed or required because pedestrian demand on Sonnestraal Street is low.
- No further public transport facilities are required because the area is well serviced by public transport.

Refuse will be collected kerbside per dwelling, and road widths are designed to accommodate Municipal refuse vehicles.

7. HERITAGE

A heritage impact assessment was deemed a requirement by Heritage Western Cape (HWC) and duly prepared and submitted by a registered heritage professional.

The heritage authority and impact assessment committee (IACom) supported the previous application proposal, based on a number of indicators. The heritage consultant who prepared the HIA for the previous application (which was approved by HWC) has provided a motivation as to why the revised proposal remains substantially in accordance with the approved indicators:

Indicator one: Built form at the interface with the R 310 to reflect on the general pattern of larger plots with a gradation of public to private space from the road to the development.

- **Conformance: HIGH**

The proposal indicates only one erf of 309m² and large detention pond. This edge will be landscaped, and a welded mesh fencing (or similar) will be used on this edge in line with the previous approvals.

Indicator two: At least one but preferably two large trees required for every property. The pattern of planting should be informal with a variety of tree species as would be found in the established properties in the area.

- **Conformance: HIGH**

The erven are large enough to allow for tree planting. A revised landscaping plan has not been prepared at this stage, but the approval of this plan by either HOMS or the Stellenbosch Municipality can be set as condition of approval.

Indicator 3: Variation in design, colour and finishes to reduce visual impact.

- **Conformance: MEDIUM TO HIGH**

The houses will largely be built according to the design language that formed part of the previously approved SDP with floor areas increased where space allows. Variation in the colour of houses and roofs was previously introduced to address this aspect and will apply to the revised proposal.

Indicator 4: Integration with surrounding area

- **Conformance: MEDIUM to HIGH**

The revised proposal anticipates future development to the west of the site. The access road to the site will also serve potential future development in accordance with the requirements of Stellenbosch Municipality. Given the cadastral patterns, the topography, and the fact that the surrounding properties are in private ownership, this seems to be the only feasible option for future integration with the surrounding area. Visual integration can be achieved with visually permeable welded mesh fencing. The proposed fencing to be indicated on the landscaping plan.

- **Mitigation**

No specific mitigation is required, except an undertaking that visually permeable fencing would be used in the development.

Given the relatively low heritage significance of the site, the overall *significance of the impact* on heritage resources of the proposed development, is rated as **LOW**.

It should also be recognised that future development immediately adjacent to the site, will greatly reduce the visibility and visual impact of the site. Thus, in the short term, the impacts may be relatively significant, but could reduce to insignificant once the surrounding land has been developed.

8. MOTIVATION AND DESIRABILITY

8.1. The Stellenbosch Municipal Spatial Development Framework, 2019

The site is located in an area of established urban development and one which has been earmarked by the Stellenbosch Spatial Development Framework as an opportunity for new development intensification. Therefore, the development does not impact negatively on any environmental resources or contribute to urban sprawl and provides an opportunity to help address the housing backlogs identified by the MSDF.

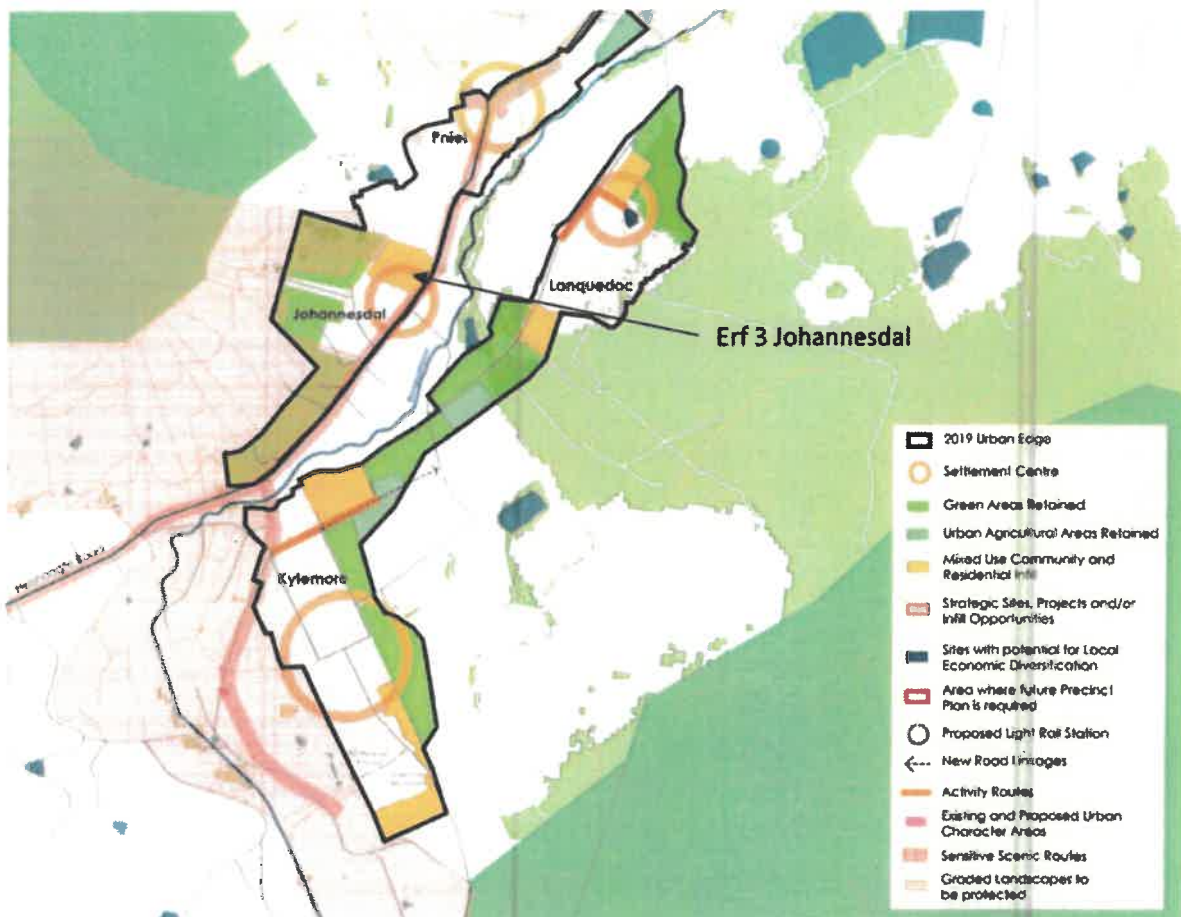


Figure 4: Extract from the Stellenbosch Spatial Development Framework (source: Stellenbosch SDF, 2019)

The site is located within the 2019 designated urban edge and on the northern periphery of the Johannesdal settlement centre.

The development satisfies various spatial proposals of the SDF:

- **Protective actions**, locating the footprint of settlement within existing urban edges and retaining the transition between agriculture and human settlements at the entrances to settlements.
- **Change actions**, ensuring residential developments provides for a range of housing types and income groups, weaving new development into the existing urban fabric and improving universal access through the provision of connections to future growth pockets and including adequate pedestrian and NMT infrastructure into development.
- Assists to address the housing backlog (1109 units) in the Dwars River Valley area.¹ Assisting to address the “housing pipeline” in outlying areas with potential for growth alleviates the pressure on the main settlements within the Municipality to absorb the growth.

¹ Stellenbosch SDF, 2019. Box 2: Housing Backlog Allocation to Settlements P40

Furthermore, the development is compliant with the key principles of the SDF, as follows:

Table 3: SDF Key Principles Compliance

SDF Vision and Concept Key Principles	Statement of Compliance
Key Principle 1: Maintain and grow the assets of the Stellenbosch Municipality's natural environment and farming areas.	The development seeks to take up land identified by the SDF for infill development within the urban edge. Thereby, preserving natural and agricultural assets of the Municipality. As the site is located along a sensitive scenic route, the input from Heritage Western Cape has been sought, who approved the higher density previous development. Should the indicators apply, then the revised development proposal will have a lesser impact on the scenic route and preserve its intrinsic qualities.
Key Principle 2: Respect and grow our cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations.	The development has been vetted by Heritage Western Cape and found to be in keeping with the heritage indicators for the area and scenic assets such as Helshoogte Road.
Key Principle 3: Within developable areas – areas not set aside for limited development owing to its natural or cultural significance – allow future opportunity to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented, or expanded.	The developer has invested heavily in the purchase of land and the process of development, i.e., payment of consultants' fees to best establish the development potential, previous land use application and heritage impact assessment processes. Future investment in infrastructure provision and payment of development contributions will occur once the development application is approved.
Key Principle 4: Clarify and respect the different roles and potentials of existing settlements.	Provision of infill development in targeted areas is balanced by weaving the proposal into the existing urban fabric of Johannesburg. While the former is critical to assist in the reduction of development pressure on larger settlements, the character of the latter must also be protected.
Key Principle 5: Address human needs – for housing, infrastructure, and facilities – clearly in terms of the constraints and opportunity related to natural assets, cultural assets, infrastructure, and the role of settlements.	Developing within the urban edge, in a settlement centre and a property earmarked for urban infill in the epitome of this planning principle.
Key Principle 6: Pursue balanced communities.	The development will contribute to the range of dwelling types and values in the area.
Key Principle 7: Focus energy on a few catalytic areas that offer extensive opportunity and address present risk.	As previously mentioned, developing earmarked infill areas takes pressure off the Municipality's larger settlements to absorb present population growth and also bolsters smaller property markets within the Municipality. The developer will also need to pay development contributions, usable by the Municipality for catalytic projects within areas of "deep" need.

The development is considered to be well aligned with the goals of the Stellenbosch SDF.

8.2. Motivation in terms of section 65(1) of the Stellenbosch Municipality Land Use Planning By-law, 2015

- **65(1)(a) the application submitted in terms of this By-law:** The application is submitted according to the requirements and relevant sections of the Stellenbosch Municipality Land Use Planning By-law ("the By-law")
- **65(1)(b) the procedure followed in processing the application:** The application will be processed according to the prescripts and requirements of the By-law.
- **65(1)(c) desirability of the proposal:** Due to the location of the development site within the urban edge, a settlement centre and a local area earmarked for infill development, this proposal is considered highly desirable at all levels of Municipal planning. The potential for reinforcing the spatial goals of the regional and Municipal IDPs through their spatial frameworks is realised through the development of the property as proposed.
- **65(1)(h) impact on engineering services:** The development is well connected to Municipal infrastructure with adequate provision for the small number of new dwellings proposed. New roads infrastructure will provide access to a number of properties which currently do not have direct public road access, including to neighbouring areas for future development as proposed in the MSDF.
- **65(1)(i) the Stellenbosch IDP and MSDF:** See section 7.1 which establishes compliance with the MSDF which is the spatial representation of the IDP.
- **65(1)(j) IDP and SDF of the District Municipality:** The Cape Winelands District Municipality SDF's goals of utilising existing resources optimally and to strategically facilitate efficient land use management and sustainable development are well met by this application which is compliant with the MSDF.
- **65(1)(k) local SDFs:** The development is well aligned with the local spatial development goals of the Dwars River Valley sub-region. See section 7.1.
- **65(1)(l) any applicable structure plans:** N/A
- **65(1)(m) the applicable policies of the Municipality:** the development satisfies the higher order spatial plans for the Municipality and local area. Since the development is public, there are few applicable policy guidelines save for future NBR applications in terms of SANS10400 and policies related to the provision of engineering services within the development. Both of which will be dealt with at detailed design stages.

Motivation in terms of the Street Naming and Numbering policy is included in section 7.3 hereunder.

- **65(1)(n) the PSDF:** The 5 guiding principles of the PSDF are responded to well by the application. The concept of *sustainability*, *efficiency*, and *accessibility* to a range of housing opportunities are the underpinnings of the PSDF's development principles. The development will contribute to bringing the provincial urban density goals closer to that of 25du/ha.
- **65(1)(p), (q) & (r): Motivation in terms of section 42 of SPLUMA and chapter VI of LUPA:** Section 42 of SPLUMA guides the decision maker in deciding an application. The Act in this section refers to the following items which are considered by the applicant:
 - **Compliance with the MSDF**, which is considered in the application motivation (see section 7.1).
 - **the public interest**, which has been demonstrated as being nett positive by providing additional housing stock in an area designated for infill development.
 - **the rights of affected parties**, are not affected by the public residential development.
 - **the state and impact on engineering services**; which are discussed in the application and considered adequate to accommodate the development.

The remaining considerations of section 42 are for the Municipal Planning Tribunal to consider as they apply to the application.

Chapter VI of the LUPA is, as above, a guiding principle for decision makers in respect of making decisions on land use planning applications. By satisfying the requirements of the Municipal Spatial Development Framework, Planning By-law and applying, where necessary, for departures from the zoning scheme, the application satisfies the requirements of the LUPA.

- **60(1)(s) provisions of the zoning scheme:** future dwellings will be subject to the development rules of the Conventional Residential zone.
- **Section 65(2)** is not applicable because no SDP is submitted for approval.

8.3. Motivation for Street Naming

Three street names are proposed for the development, as indicated on the plan of subdivision, as follows:

- **Sunflower Street** – providing access to the development from Sonnestraal Street and through the development to erf 2 Johannesburg. Sunflower Street is in the theme “sun” of surrounding street naming such as Sonnestraal and Sonskyn.
- **Sydney Cyster Close** – providing access to portions 1 – 11 of the development.

Sydney Cyster was the previous owner of erf 3 Johannesburg and a stalwart of the community, the Cyster name remains one that is strongly represented in Johannesburg. Sydney Cyster was active in the upliftment of the Johannesburg community and the development of opportunities for its members.

In unforeseen circumstances, Sydney Cyster passed away in late March 2023 and the developer wishes to honour and memorialise his passing with the naming of one of the streets.

- **St. Rosa Close** – providing access to portions 12 – 20 of the development and the public open space (portion 21). The name St. Rosa was chosen by the late Mr Sydney Cyster at the request of the developer.

The proposed street naming is compliant with policy guidelines in that it:

- **Must not be offensive or insensitive.**
- **Must promote goodwill and reconciliation:** Mr Cyster was a uniting force in the community and part of the area’s identity.
- **Will assist in building a sense of ownership, identity, and community in a changing society:** by commemorating a well-regarded community member, the sense of place of the area is reinforced.
- **Honour and commemorate noteworthy persons associated with the municipal area and any such submission or petition to name a feature after people must be accompanied by a detailed motivation, profile of the person and indication why the specific person is worthy of the honour:** See above profile and motivation.
- **Promote improved place orientation and recognition:** The area’s apparent theme of “sun” is reinforced by the use of Sunflower as a street name.

Furthermore:

- there is no duplication of names,
- the length of names is less than 20 characters, and
- no commercial advertising may be construed.

9. CONCLUSION

The development is well aligned with the forward planning described in the Municipal Spatial Development Framework for the Johannesburg region, it supports incremental and equitable development in the Municipality and will assist the region with much needed residential stock to supply the housing market.

Sufficient capacity of all Municipal services to accommodate the development is available in the grid. The development is supported by the internal engineering services branches.

A traffic impact study confirmed that the surrounding road network will not be affected by the previously higher density development. This proposal will have a lesser impact on the surrounding road network.

The revised development proposal is substantially in accordance with the previous indicators approved by Heritage Western Cape and does not require environmental authorisation.

The subdivision was considered to align well with the vision of the planning department for development of the property.

JD3
April 2023

HEADLAND
TOWN PLANNERS

ANNEXURE E: PREVIOUS APPROVALS



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7472

Our File Reference Number: Erf 3 Johannesburg

Your Reference Number:

Enquiries: Lenacia Kamineth / Bongzi Zondo

Contact No: 021 – 808 8697

E-mail address: Landuse.Appeals@stellenbosch.gov.za/Bongziwe.zondo@stellenbosch.gov.za

PER E-MAIL: tristan@headland.co.za

Dear Mr Sandwith

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR REZONING AND SUBDIVISION: ERF 3, JOHANNESDAL

1. This Municipality's decision letter dated 11 August 2021, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 8 July 2022 that the appeal submitted against the refusal of the subject application by the Municipal Planning Tribunal on 16 July 2021, BE DISMISSED and that the subject decision BE CONFIRMED in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. The application for:
 - 3.1. The **Rezoning** in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 from Residential Zone 1 to Subdivisional area in order to allow for the following uses:
 - i. 29 Residential Zone III erven (Town house) (4 407 m²)
 - ii. 2 Open Space Zone II erven (Private Open Space) (932 m²)
 - iii. 1 Open Space Zone II erven (Private Road) (1 899 m²)

3.2. The **Subdivision** in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 in accordance with the Subdivisional Plan figure 3/02/04, file jd3 drawn by Headland Town Planners, dated June 2021 (See **Annexure D**).

BE REFUSED

4. Reasons for the decision:

- 4.1. The scale and nature of the proposed development will impact on and compromise the existing character of the Johannesdal rural node.
- 4.2. The proposed development may give rise to similar future developments which does not represent the rural context of Johannesdal.
- 4.3. The proposal does not promote functional integration of the development with the local urban context as envisaged by the SDF.
- 4.4. Whilst opportunities for infill development and densification is recognised and supported, such densification must also be compatible within the receiving environment, which is not the case for this specific development proposal in the context of Johannesdal as a rural node.
- 4.5. The appellant did not provide any new information to substantiate or support the approval of the application or an alternative decision.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 14/01/2022

COPIES TO:

- 1) Hanco and Arné Binneman
Email: hcbinnema@gmail.com / arne@sun.ac.za
- 2) Earl Cyster
Email: earlcys12@gmail.com
- 3) Gabriel Jacobs
Email: jacobs.gabriel.gj@gmail.com
mentoors@rhodesfoodgroup.com
amparks14@gmail.com
geliandavids@gmail.com
benita@lumleysplace.com
- 4) The Johannesburg Community (petition) (represented by Mr Earl Cyster)
Email: earlcys12@gmail.com

ANNEXURE D: PROPOSED SUBDIVISIONAL PLAN

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We warrant to the following conditions and obligations:

① street frontage

— joint property boundary

1. all distances are in metres.

2. all distances and areas are approximate.

3. all dimensions are subject to field checking.

March 2020 2/20/20
May 2020 2/20/20
January 2021 2/20/21

proposed rezoning and subdivision
of
erf 3 (Johannesdal)

proposed subdivision plan

whites square developments (pty) ltd

11/11/2020 1/1/2021

11/11/2020 1/1/2021

11/11/2020 1/1/2021

11/11/2020 1/1/2021

headland



colour	proposed zoning	proposed land use	area (m²)	number of units	percentage
	residential zone B	town houses	2407	25	61
		other urban space	20-31	2	33
		parking road	1	1	39
			7128	53	100



**ANNEXURE F: OBJECTIONS, & RESPONSE TO OBJECTIONS FROM
APPLICANT**

Monday, July 10, 2023 at 15:42:20 South Africa Standard Time

Subject: Re: Objection development erf 3

Date: Monday, 10 July 2023 at 08:39:32 South Africa Standard Time

From: ANGELO HENDRICKS <[REDACTED]>

To: Peter Cyster <[REDACTED]>

CC: Eugene Keet <[REDACTED]>, Faith Stubbs <[REDACTED]>, Ulrich.VonMolendorff@stellenbosch.gov.za <[REDACTED]>, Tristan Sandwith <tristan@headland.co.za>

Goeie more uncle Peter baie dankie

On Sun, 09 Jul 2023 at 20:35, Peter Cyster <[REDACTED]> wrote:
Rezoning, subdivision and departure of erf 3 Johannesburg

Developer: Tristan Sandwith Headland Planners

REFERENCE LU/15487

In terms of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, the entire urban footprint of the Dwars Rivier Valley (Pniel, Kylemore & Lanquedoc) is included within the Overlay Zone (URC04 – Dwars Rivier Valley Rural Conservation Area). The purpose of the Overlay Zone is to control development in order to protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value". The proposed development and land use is one that is not at all common to the Dwarsriver Valley in its context.

Objection 1: The property whereon development is proposed situated directly off the Main Road (R310) of Pniel, which presents a dominant single residential façade with erven in minimum of 600m². Buildings no higher than 2 storeys and expresses the feeling of Quaint, rural and vast tranquility. The rezoning will negatively impact the existing character of the Dwarsriver Valley and its main road by introducing a land use with parameters allowing the developer/owner to construct a development on the main road façade.

2 / 3

Objection 2: This gated development will inevitably damage the character of this former Mission Station indefinitely and irrevocably. The site is located at the entrance to the village from Stellenbosch Town's direction - the entrance to this charming, quaint town will definitely NOT be very attractive and the impression on people leaving the town will not be an aesthetically pleasing one.

b) STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2019

The Stellenbosch Municipal Spatial Development Framework 2019 (MSDF) provides for a Spatial Plan and Proposals for the Dwars Rivier Valley Settlements. In terms of the Spatial Plan and its Proposals, the proposed development situates along a Sensitive Scenic Route. It is recognised that the Land Use Planning Application does consider some of the actions as prescribed therein, however does not respond positively to the actions prescribed therein and of the community's interest. Furthermore the following SDF Elements and Proposals where not considered;

Protective Actions

- Scenic landscapes, scenic routes, special places

In the SDF, the protective actions and spatial proposals for "Scenic landscapes, scenic routes, special places" reads as follows: Retain the strong sense of transition between agriculture and human settlement at the entrances to the settlements.

Objection 3: The application makes no reference to how the sensitive scenic route will be handled. This scenic route is of particular importance to the cultural and heritage significance of Pniel Village, and for the reason being that the proposed development situates at the face of the village it diminishes the direct interface when entering the village. The specific urban location has no immediate transition with the surrounding agricultural

land; however it does share a boundary with the historic open space adjacent to the development. The open space presents a soft rural landscape with historic trees and bollard posts planted around it. No mitigation measures were considered on the shared boundary between the existing bollard posts of the open space and the proposed development.

The Johannesdal and abutting neighbours strongly oppose the approval of this development.

We need to emphasize that we are not against Development per Se, but within the parameters and the guidelines and criteria as stipulated by the local government and also the community as a whole.

We therefore also extend an hospitable invitation to meet with the developer or his representative to find a mutually beneficial solution.

thank you

Peter and Benita Cyster erf 9

References

Johannesdal

Faith Stubbs ~~00000000000000000000~~

~~Estate of AG & IN, IV, 10/1/00~~

Main Road , Johannesdal

999-0000

Angelo Hendricks

Mobile : 9230253009

Watsapp: 011-26272289

Email: ~~XXXXXXXXXXXX@XXXXXX.COM~~

Monday, July 10, 2023 at 15:37:25 South Africa Standard Time

Subject: reference no LU 15487
Date: Sunday, 09 July 2023 at 20:56:04 South Africa Standard Time
From: Peter Cyster <[REDACTED]>
To: Tristan Sandwith <tristan@headland.co.za>, Ulrich.VonMolendorff@stellenbosch.gov.za
<Ulrich.VonMolendorff@stellenbosch.gov.za>, Peter Cyster
<[REDACTED]>, Eugene Keet <[REDACTED]>, Angelo
HENDRICKS <[REDACTED]>
Attachments: OBJECTION TO PROPOSED APPLICATION FOR REZONING erf3 July2023 ref LU 1587.docx

Dear Tristan

below find attached an objection as listed.

kind regards	
Peter Cyster	Angelo Hendricks
Chairperson Johannesburg Forum	Secretary Johannesburg Forum
[REDACTED]	Main Road
Johannesdal	Johannesdal

5 Julie 2023

For attention:

Headland Planners (Tristan Sandwith),

508 Wembley Square,

Gardens,

Cape Town,

8001

Ref: no LU/15487

Re: OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

Johannesdal Community Forum would like to inform you, that we have established the Johannesburg community forum and strongly oppose the above mentioned rights and to actively pursue the interest of the community in the Johannesburg and Dwarsriver valley. To actively promote and preserve the cultural and historical values of our community

1. EXECUTIVE SUMMARY:

Objectors: This objection is lodged on behalf of Johannesburg Community, the owners of land in the immediate vicinity of Erf 3 Johannesburg and the greater Johannesburg;

The Proposal represent continuation of the historic development path (short term financial profits for the developer, with no meaningful positive advantages for the broader community), it shows no clear appreciation for sustainable development imperatives.

Future urban development should significantly change current patterns of resource use so that there is a meaningful reduction in their consumption in order that all future generations also benefit. The authority are enjoined to discourage the phenomenon of urban sprawl and contribute to development of more compact towns and cities.

We will show that the development, if approved, will materially and adversely impact on the rights of the objectors as well as the broader community and that the application therefore lacks desirability and should be refused as proposed.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

2. **BY-LAW REQUIREMENTS:**

With reference to section 50 of Stellenbosch Municipal Land Use Planning By-Law we confirm the following:

Name of Objectors: The Johannesburg Community Forum and abutting neighbours

Contact Details of the Objectors: We confirm that the following postal address, telephone number and email address have been chosen as contact details of The Community of Johannesburg of this objection:

dr Peter W Cyster (chairperson)

~~021 461 1234~~

Johannesdal

Pniel

Email: ~~angelo.hendricks@johannesdal.co.za~~

and Angelo Hendricks (secretary)

Sonnestraat Street

Johannesdal

Pniel

email: ~~angelo.hendricks@johannesdal.co.za~~

We request to be notified in writing of all municipal decisions relating to this matter at our email.

Our interest in the application: The Johannesburg Forum act on behalf of the community of Johannesburg, the effected property owners in the area to which the development proposals relate. Our interest in the application flows from their property and fundamental constitution rights which will be detrimentally effected should the current application be approved.

Our reasons for objection: See our motivation below

3. **GENERAL CRITERIA FOR CONSIDERATION OF APPLICATIONS:**

Section 65 (1) of the By-Law enjoins the Municipality, when considering land use applications, to have regard to inter alia:

The policies, principles and the planning and development norms and criteria set by the national and provincial government;

The Integrated Development Plan, including the Municipal Spatial Development Framework (MSDF);

The Provincial Spatial Development Framework (PSDF);

The matters referred to in Section 42 of SPLUMA;

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act 2014 (LUPA);

The applicable provisions of the zoning scheme (i.e. compliance with zoning parameters).

Section 38(1)(f) of the Bylaw furthermore determines that a land use application must be accompanied by a written motivation report based on the criteria referred to in Section 65(1) of the Bylaw. No exemption of this requirement was made at the pre-application consultation. The applicant did not submit any motivation in respect of the aforementioned criteria. In terms of Section 41(1) of the Bylaw your municipality should therefore have notified the applicant of the shortcomings and refused to process the application until the necessary motivation had been submitted. The incomplete nature of the application affects our communities' interest in the application as it is not possible to fully comment on the compliance of the application with the Bylaw and your municipality's relevant policies.

Consistency with MSDF

In terms of Section 22 of SPLUMA the decision maker(s) for the application may not make a decision which is inconsistent with the MSDF. Although site specific departures of the MSDF may be considered, such departures must comply with the development principles set out in Chapter 2 of SPLUMA.

Unlike for other areas of Stellenbosch (Dwarsriver Valley Specifically), the MSDF makes no provision for the redevelopment or densification of any property or area in Johannesburg. In fact, the MSDF proposes that a heritage overlay zone be introduced for the neighborhood, which suggests that the existing built character of the neighborhood should be maintained and protected.

Also, the MSDF proposes that row housing and medium density town houses are the preferred models for densification and that the proposed should only be located in strategic locations, e.g. at high density nodes and along activity corridors.

The term "site specific" is not defined by SPLUMA. It is our opinion however that a departure from of the spatial development principles contained in the MSDF cannot be approved under this provision, but only detailed, site specific interpretations of the general principles if and when necessary. In this particular case the spatial development principle adopted by the MSDF is clear and there is no justification or need for site specific consistency considerations of the development proposal.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

It is therefore our submission that the application is not consistent with the MSDF and that a site specific of the MSDF would not be appropriate to accommodate the proposed development.

Desirability

Section 65 (1) of the Bylaw determines that the municipality must have regard for the desirability of a land use application. The term desirability is not defined in the Bylaw, but it is understood to include more elements for consideration than only those mentioned by the applicant, such as the impact on the quality of life of other people (including impact on views, sunlight, ventilation, noise and privacy), physical suitability of a property for a particular development, etc.

Major increase in traffic : Access to the property is from a Class 5 residential access street. In terms of normal town planning standards access to the proposed should not be provided from a Class 5 road. The proposed development will result in a 20% increase in traffic volumes in Morgenster Street and Sonnestraal Street (based on the number of properties on this street and area) and will therefore have a noticeable impact on traffic conditions in this streets.

The proposed access points to the property will be located right next to the entrances to abutting erven and will cause conflict for the safe in and out movement of vehicles to and from the abutting erven. Our major concern is the **ONE** in and out access point in Sonnestraal Street.

There is an adverse increase in population density.

The same will apply to the built density, and proposed development will not be compatible with the existing neighbourhood character.

Dwarsriver Valley is not characterized by these kinds of developments in homogeneous low density neighborhoods like Pniel and Kylemore etc. and it would therefore be uncharacteristic of the built fabric of Dwarsriver Valley to permit such a development in Johannesburg.

It is clear therefore that the proposed development will have a substantial negative effect on the neighborhood character and the living conditions of its residents, particularly those living in and around Morgenster, Sonnestraal Street and greater Johannesburg.

4. SUSTAINABILITY CONSIDERATIONS:

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

We accept that change of towns and cities and growth are inevitable, and development pressures are given. Nevertheless, a town with foresight and insight can guide and manage public and private developments to ensure the best possible outcome for its inhabitants. The best possible outcome includes the protection and enhancement of the town's key economic, social and environmental resources and asset, and the extension of these economic, social and environmental opportunities everyone in the town.

5. MAJOR CONCERNS AND OBJECTION:

The multitude of new developments (5) that had been approved are all private gated communities. These does not contribute nor improve the coherent cultural and heritage of the community and actually contribute to the fragmentation of the sense of togetherness and hospitality that we as community are renowned for.

Previous development has shown no integration into the community. The development of fragmented silo's within our community are strongly opposed in our quest to proudly preserve the communities culture and heritage.

All properties along Main Road (R310) are currently a minimum of 600squares. This development will deviate from the norm and intrude on the free open and quaint feeling that's an integral component to our local tourism and slave route (Dwarsriver Valley)

The new development also negatively contribute to the trend of gentrification and to the negative detriment of our community who are being excluded from the value chain. This densified development will cause more hikes in property values that ultimately increases our taxes which can be ill afforded by our low- to medium income property owners forcing them to be alienated from their properties that has been in their families for more than 4 generations.

The new development needs to have some policy in place for preferential opportunities to local community ownership and not excluding or displacing them because of exorbitant property prices.

Affordable housing is of the utmost importance.

Johannesdal are being plagued by inadequate services:

1. Electricity supply due to aging and outdated infrastructure in addition to loadshedding
2. Road infrastructure –one main entrance and exit
3. Insufficient drainage , flooding and sewerage spillage prevention

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

The lasting question thus prevails: will our bulk services be sufficient to sustain this new development

Sense of place: We say the current proposed development is inappropriate, given the nature of the area. If the current application would be approved, it will erode the sense of place which underpins the quality of the area by detracting from the unique identity, history and ambiance of our area and this right next to the main route through our historical town.

The property is situated adjacent to an important tourist route. There are significant visual impact and heritage related constraints that apply, which need to be dealt with in a sensitive manner and which should, to a large degree, dictate the nature, scale, massing and density of any proposed residential and related uses. This has not been considered and done.

6. **CONCLUSION THOUGHTS**

In closing, the application and proposed development:

- Is incomplete and the processing thereof thus far administratively incorrect;
- Is not consistent with the MSDF and a site specific departure of the MSDF would not be appropriate;
- Will have a substantial negative effect on the neighborhood character and the living conditions of its residents, particularly those living in and around Morgenster, Sonestraal Street and Johannesdal;

If a loose approach is taken to delineating from the existing patterns and sizes **(200m² to 318m²)**, particularly if there is an intent to continue to facilitate the current form of low density urban sprawl that remains the dominant urban form for high income projects, then surprise and concern should not be raised at the lack of change to urban structure and its associated inefficiencies in Dwarsriver Valley (Johannesdal / Pniel) settlements in the future;

The inconsistency of the proposed land use with the SPLUMA development principles and the LUPA planning principles serves to confirm the lack of desirability of the proposed land use. As pointed out in the proposed development will also be in direct conflict with the intent and purpose of inter alia the PSDF.

In addition we submit that the current proposed development will be inappropriate given the semi-rural nature of the area and that, if approved, it will erode the sense of place which underpins the quality of the area by detracting from the unique identity of our area;

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

We therefor submit that the current land use application should be refused, if due regard is had to the planning principles that the municipal decision-maker is required to take into consideration as well as the major consequences.

Further densification of a rural quaint village to become another suburb with a negative monstrous consequences of developers' actions of not knowing the different nuances moulding rural communities into a unit that is essential for nation building and a sense of Ubuntu.

Gentrification, uncontrolled, may lead to social instability, degradation and moral decay and the displacement of locals.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

Tuesday, July 11, 2023 at 11:03:23 South Africa Standard Time

Subject: Erf 3, Johannesburg - SIG Comment
Date: Monday, 10 July 2023 at 18:26:04 South Africa Standard Time
From: Stellenbosch Interest Group <interestgroupstellenbosch@gmail.com>
To: Tristan Sandwith <tristan@headland.co.za>
CC: Stiaan Carstens <stiaan.carstens@stellenbosch.gov.za>, Patricia Botha <bothapatricia@gmail.com>, bertahayes <bertahayes@mweb.co.za>
Attachments: erf 3 johannesdal, SIG Comment July 2023.pdf

Dear Tristan

Please find attached comment by the Stellenbosch Interest Group.
Kindly confirm receipt.

Kind regards
Berta Hayes (Secretary,)



Belangegroep Stellenbosch Interest Group

LU/15487
10P July 2023

Tristan Sandwith
Email: tristan@headland.co.za

APPLICATION FOR A REZONING AND SUBDIVISION, ERF 3 JOHANNESDAL

The Stellenbosch Interest Group (SIG) welcomes what may appear to be a development aimed at accommodating a comparable socio-economic status to that of the surrounding areas. Therefore, SIG does not fundamentally oppose the rezoning of the property for residential development.

We note that the HIA was approved by HWC in 2020.

However, SIG cannot approve the plan submitted for the following reasons:

1. We kindly request additional detailed plans regarding the **housing designs** of the proposed development, particularly in relation to its proximity to the overlay scenic route as outlined in the municipality's Landscape Character Study. This information will assist us in formulating a more informed response.
2. Double-storey house designs will be out of scale compared to the surrounding areas and must be avoided at all cost.
3. While the layout plan does not provide clear information on the matter, SIG is not in favor of any type of gated development due to its inconsistency with the immediate surroundings.

Kind regards

Patricia Botha (Chairperson)

Datum:- 5 Julie 2023

Insake: Aansoek:- Erf 3, Johannesdal (LU/15487 / TP346/2023).

Die wykskomitee in samewerking met die Raadslid het die aansoek op die vergadering van 21 Junie 2023 oorweeg en daar is as volg besluit.

- Dat die wykskomitee kennis neem van die aansoek. *acknowledge*
- Dat die wykskomitee die aansoek in diepte bespreek het. *discussed*
- Dat die komitee van mening is dat die aansoek soos voorgestel, verdigting in groot skaal tot gevolg sal hê en sodoende die huidige karakter van Pniel as 'n landelike dorpie sal skaad. *lead to densification of rural landscape to character*
- Dat dit verdere druk op die infrastruktuur van die dorp sal plaas. *pressure on infrastructure*
- Dat dit ook verdere vermeerdering van erfbelasting in die dorp sal meebring. *Rates increase*
- Dat die verkeersdruk op die R310 verder sal toeneem. *traffic increase*
- Die komitee is derhalwe nie ten gunste van die aansoek nie. *not in favour*

Die uwe.

Adams

Your Reference: LU/15487 (TP346/2023)

Our Reference: JD3

The Director: Planning & Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Date: 27 June 2024

For Attention: Ms Bongiwe Zondo / Ms Bulelwa Mdoda

Dear Bongiwe and Bulelwa

APPLICATION FOR REZONING AND SUBDIVISION: ERF 3, SONNESTRAAL STREET, JOHANNESDAL

The following correspondence has reference:

- Municipality's instruction to advertise the application dated 31 May 2023,
- Heritage Western Cape's revised response to the Notification of Intent to Develop, dated 24 April 2023, and
- Your email of 21 February 2024, requesting the portfolio of evidence.

The application underwent a public participation process from the 9th of June 2023 to the 10th of July 2023. The affected public was informed of the proposed development by means of an on-site notice, electronic mail (where possible) and registered letters (served to the surrounding property owners who did not have email addresses available) and a notice in the press.

Furthermore, email notices were sent to state departments for their comment permitting 60-days to respond. The 60-day period closed on the 8th of August 2023.

During the public participation period, three (3) letters of objection were received from surrounding neighbours and a comment from the Stellenbosch Interest Group (Stellenbosch Belangegroep). The objections and responses are summarised in section 1 hereunder.

Responses to municipal and state department comments follow in section 2. Of note is the comment from the Western Cape Department of Environmental Affairs and Development Planning which requests that a basic environmental impact assessment is submitted.

The necessary environmental authorisation process is taking place in parallel to the planning application.

1. Public objections

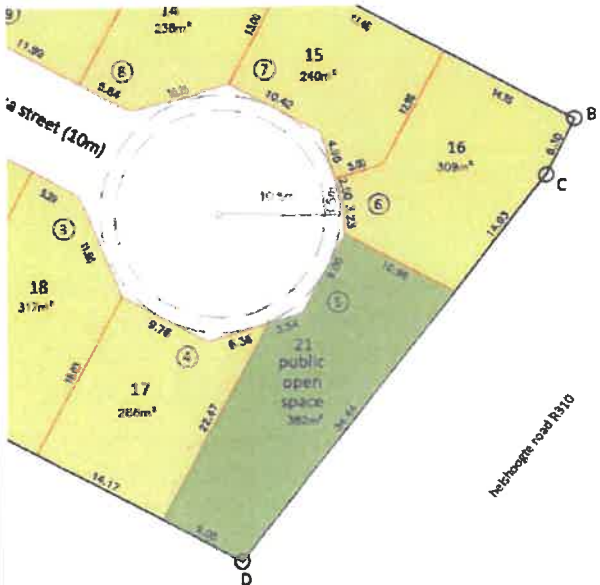
Table 1: List of Objectors

Objector
1. Angelo Hendricks
2. The Johannesburg Community Forum
3. Peter Cyster

During the period post-receipt of the objections, the developer and this office responded to the objectors' invitation to hold a meeting to discuss the proposal and find common ground. However, the objectors failed to respond to the initial and follow up meeting requests. Therefore, no interaction regarding the development could occur, where several misunderstandings that are reflected in the objections might have been addressed.

The validity of the objection by the "Johannesdal Community Forum" is questioned, given the forum provides neither register of their membership nor proof of representation within the Community, i.e., a signed petition or resolution of the residents. Without confirmation the constitution of the body, it is impossible to assess whether the forum indeed represents the residents of the community of Johannesburg as they claim.

Table 2: Objections and responses

Objection	Response
1.1. Character and Density	
<p>1.1.1. The property whereon development is proposed situated directly off the Main Road (R310) of Pniel, which presents a dominant single residential façade with erven in minimum of 600m². Buildings no higher than 2 storeys and expresses the feeling of Quaint, rural and vast tranquillity. The rezoning will negatively impact the existing character of the Dwarsriver Valley and its main road by introducing a land use with parameters allowing the developer/owner to construct a development on the main road façade.</p>	<p>The property is located within an area earmarked for “mixed use, community and residential infill” development by the MSDF. This remains so in the proposed draft amendments to the MSDF (2023).</p> <p>The character of the Johannesdal area has undergone significant change in the last 5-years with numerous higher density developments (with erf sizes in the 200 – 400m² range) being approved to bring the urban area more in line with spatial planning and density imperatives established by the various forward planning documents.</p> <p>The development has been designed with the town’s character in mind, albeit applied to a smaller dwelling typology. The design has been approved by Heritage Western Cape and the Municipal heritage officials and found to be appropriate.</p> <p>Significant landscaping is required by the heritage authorities to integrate the development with the surrounding area, this landscaping includes tree planting per property and landscaping of the Helshoogte Road edge of the development.</p> <p>The proposed development will improve the character of the Johannesdal area once all the visual interventions are in place.</p>
<p>1.1.2. This gated development will inevitably damage the character of this former Mission Station indefinitely and irrevocably. The site is located at the entrance to the village from Stellenbosch Town's direction - the entrance to this charming, quaint town will definitely NOT be very attractive and the impression on people leaving the town will not be an aesthetically pleasing one.</p>	<p>The development is public and not gated, in accordance with the requirements of the Municipality during the assessment of the previous development application.</p> <p>The site is located further south-east of the centre of Pniel, in a predominantly residential area, within which the development will be well integrated.</p> <p>The Helshoogte Road reserve sets the development back ±40m from the road and proposed landscaping treatment of this edge (required and approved by provincial and local heritage departments) will soften the Helshoogte edge of the development.</p> <p>Only one dwelling borders the Helshoogte edge, with the remaining ±35m of property frontage being an open space.</p> 

<p>1.1.3. The application makes no reference to how the sensitive scenic route will be handled. This scenic route is of particular importance to the cultural and heritage significance of Pniel Village, and for the reason being that the proposed development situates at the face of the village it diminishes the direct interface when entering the village. The specific urban location has no immediate transition with the surrounding agricultural. The application makes no reference to how the sensitive scenic route will be handled. This scenic route is of particular importance to the cultural and heritage significance of Pniel Village, and for the reason being that the proposed development situates at the face of the village it diminishes the direct interface when entering the village. The specific urban location has no immediate transition with the surrounding agricultural and; however it does share a boundary with the historic open space adjacent to the development. The open space presents a sov rural landscape with historic trees and bollard posts planted around it. No mitigation measures were considered on the shared boundary between the existing bollard posts of the open space and the proposed development.</p>	<p>See section 7 of the motivation report, dealing with heritage and scenic resources (inter alia the interface with the R310 Helshoogte Road).</p> <p>Indicator one: Built form at the interface with the R 310 to reflect on the general pattern of larger plots with a gradation of public to private space from the road to the development.</p> <p>• Conformance: HIGH</p> <p>The proposal indicates only one erf of 309m² and large detention pond. This edge will be landscaped, and a welded mesh fencing (or similar) will be used on this edge in line with the previous approvals."</p> <p>Furthermore, in assessment of the key principles of the MSDF (table 3 page 8) it is stated that the scenic assets such as Helshoogte Road are protected through the interventions mentioned above.</p> <p>The comment regarding transition between urban and agricultural is incorrect and it gives the reader the improper categorisation of land within which the development is proposed from a forward and spatial planning point of view.</p> <p>It is important to point out that the site is located within an urban, not agricultural, area earmarked for infill development (residential, community, and mixed use) and is within the urban edge.</p>
<p>1.2. General criteria for considering applications</p>	
<p>1.2.1. Section 38(1)(f) of the Bylaw furthermore determines that a land use application must be accompanied by a written motivation report based on the criteria referred to in Section 65(1) of the Bylaw.</p> <p>No exemption of this requirement was made at the pre-application consultation. The applicant did not submit any motivation in respect of the aforementioned criteria.</p> <p>In terms of Section 41(1) of the Bylaw your municipality should therefore have notified the applicant of the shortcomings and refused to process the application until the necessary motivation had been submitted.</p> <p>The incomplete nature of the application affects our communities' interest in the application as it is not possible to fully comment on the compliance of the application with the Bylaw and your municipality's relevant policies.</p>	<p>A motivation report was submitted and made available on the Municipality's website in accordance with the requirements of the By-law during the public participation period.</p> <p>Section 8.2 of the motivation (pages 9 & 10) provide the necessary desirability assessment in terms of section 65(1) of the LUPBL.</p>
<p>1.2.2. Unlike for other areas of Stellenbosch (Dwarsriver Valley Specifically), the MSDF makes no provision for the redevelopment or densification of any property or area in Johannesburg. In fact, the MSDF proposes that a heritage overlay zone be introduced for the neighborhood, which suggests that the existing built character of the neighborhood should be maintained and protected.</p>	<p>Contrary to the objectors' statement, the area within which the property is located is specifically earmarked for a range of intensified land uses, including mixed use, community and residential infill development by the MSDF and in this sense the proposal aligns well with the vision for the area.</p> <p>No heritage overlay zone yet exists for the area, and in lieu of such a guideline, the development has been assessed (and approved) by Heritage Western Cape and the independent Heritage Impact Assessment.</p>

Also, the MSDF proposes that row housing and medium density town houses are the preferred models for densification and that the proposed should only be located in strategic locations, e.g. at high density nodes and along activity corridors.

The term “site specific” is not defined by SPLUMA. It is our opinion however that a departure from of the spatial development principles contained in the MSDF cannot be approved under this provision, but only detailed, site specific interpretations of the general principles if and when necessary. In this particular case the spatial development principle adopted by the MSDF is clear and there is no justification or need for site specific consistency considerations of the development proposal.

It is therefore our submission that the application is not consistent with the MSDF and that a site specifics of the MSDF would not be appropriate to accommodate the proposed development.

The typologies proposed are a well-documented compromise of meeting local market demands and remaining at an acceptable property size determined by the Municipality for Johannesburg.

After a process of pre-application consultation, the current subdivision proposal was considered acceptable by the Municipality and submitted on this basis.

1.3. Traffic

1.3.1. Major increase in traffic: Access to the property is from a Class 5 residential access street. In terms of normal town planning standards access to the proposed should not be provided from a Class 5 road. The proposed development will result in a 20% increase in traffic volumes in Morgenster Street and Sonnestraal Street (based on the number of properties on this street and area) and will therefore have a noticeable impact on traffic conditions in this streets.

The proposed access points to the property will be located right next to the entrances to abutting erven and will cause conflict for the safe in and out movement of vehicles to and from the abutting erven. Our major concern is the ONE in and out access point in Sonnestraal Street.

The traffic impact assessment established that the development trip generation will not result in any adverse impact on the surrounding road network. The development has been supported by the Municipal transport department.

Currently erven 9, 10 & 12 (Johannesdal, in green below) do not enjoy access from a paved road, which will be constructed for the development access. This will “unlock” the development potential of these sites for much needed housing.



The internal road design also provides a public road link to erf 2 which was a requirement of the Municipal transport officials to ensure access was limited from Helshoogte Road and an internal road network was maintained.

1.4. Sustainability	
1.4.1. We accept that change of towns and cities and growth are inevitable, and development pressures are given. Nevertheless, a town with foresight and insight can guide and manage public and private developments to ensure the best possible outcome for its inhabitants. The best possible outcome includes the protection and enhancement of the town's key economic, social and environmental resources and asset, and the extension of these economic, social and environmental opportunities everyone in the town.	<p>Land use intensification in identified growth areas and within the urban edge is the definition of sustainable development. This is the vehicle by which key resources, mentioned by the objector, are protected.</p> <p>The development has been demonstrated as compliant with the MSDF, the benchmark against which sustainability and appropriateness of proposals must be tested.</p>
1.5. Infrastructure and services	
<p>1.5.1. Johannesburg are being plagued by inadequate services:</p> <p>Electricity supply due to aging and outdated infrastructure in addition to loadshedding</p> <p>Road infrastructure –one main entrance and exit</p> <p>Insufficient drainage, flooding and sewerage spillage prevention</p> <p>The lasting question thus prevails: will our bulk services be sufficient to sustain this new development</p>	<p>Development contributions in the amount of R1 746 331.11 are payable to contribute to infrastructure upgrades within the Municipality.</p> <p>The Municipal engineering department has confirmed that the development is well accounted for in the available capacity available in the Municipal infrastructure grid.</p>
1.6. Other concerns	
<p>1.6.1. The new development also negatively contribute to the trend of gentrification and to the negative detriment of our community who are being excluded from the value chain. This densified development will cause more hikes in property values that ultimately increases our taxes which can be ill afforded by our low- to medium income property owners forcing them to be alienated from their properties that has been in their families for more than 4 generations.</p> <p>The new development needs to have some policy in place for preferential opportunities to local community ownership and not excluding or displacing them because of exorbitant property prices.</p> <p>Affordable housing is of the utmost importance.</p>	<p>The development is aimed at a more affordable market.</p> <p>However, due to the high prices of construction and high land values already existing, paired with the lower limit of property sizes prescribed by the Municipality, it would be impossible to provide housing opportunities more affordable than have envisioned within this development.</p>

2. Response to Departmental Comment

2.1. Municipal Engineering Comment

Comment was received from the Municipal engineers and transport engineers, dated 12 June 2018.

The engineering comment is extracted and responded to as follows:

- 2.1.1. "The GLS report confirms that there is sufficient capacity in the water and sewer networks to accommodate the proposed development. However, the Pniel WWTW does not have any spare capacity for new developments. The implementation of the development cannot be supported unless the capacity at the WWTW is created. Consultants have been appointed and the project is currently in design phase. Completion of the project to accommodate sewage from new developments is dependent on whether sufficient budget will be allocated to the construction phase of the project, the contractor's adherence to the programme etc. and is estimated to be in June 2021. This will be included as a development condition, should the development be approved.

Response: The department's comment is noted. The conditional approval of the department is acceptable and is believed to be resolved by completion of the WWTW upgrade.

- 2.1.2. "Consulting Engineer to submit a conceptual layout plan, indicating the basic engineering information such as layout of services, connections to existing systems, road reserve and blacktop widths, servitudes required, etc."

Response: Engineering layout plans have been provided to the Municipal engineers (Mr Tyrone King and Mr Nigell Winter) who have provided in-principal approval. Their comment is attached as appendix A to this letter. The accepted engineering drawing will be formally submitted to the engineers for approval at such time as the land use process is concluded.

- 2.1.3. "Indicate Stacking distance at access gate. Municipal guideline is: 6m < 15 units or 12m (15-40 units)."

Response: Mr Nigell Winter of the Municipal traffic engineering branch has supported the proposed road layout with 12m stacking before the access gate, the final engineering comment refers. A copy of the most recent SDP has been submitted to the Municipality to update their records.

- 2.1.4. "Indicate entrance width at access. Municipal guideline is: 7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way."

Response: A 5,5m wide combined entrance/exit is provided, which is wide enough for Municipal emergency vehicles to access the property through the proposed sliding gate. The Municipal traffic engineering branch has supported the proposed road layout, appendix A refers.

- 2.1.5. "Indicate how vehicles that do not get immediate access to the development will be accommodated so that they do not hold up traffic behind them. Municipal guideline: where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development"

Response: 2 parking bays have been provided outside of the access gate to accommodate vehicles not granted access to the development, the revised SDP refers. This is determined to be to the satisfaction of the Municipal traffic engineering branch, appendix A refers.

- 2.1.6. "A traffic study must be provided."

Response: A traffic study was conducted and provided to the Municipal engineers for comment. The TIS has been provided to the Municipal engineers to their satisfaction and to the Municipal town planners.

- 2.1.7. "Minimum road standards: Amend the SDP accordingly and clearly indicate on SDP as well as engineering layout drawing:

- Access Road linking development to Sonnestraal Road. Minimum standard: 5m roadway width.
- Internal Roads – 10m RR, 5.5m roadway width.
- Cul-de-sacs – 8m RR, 4.5m roadway width.

- A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided – indicate the refuse bay along the Morgenster Road, where the refuse room is located.
- Refuse bay should be accessible from the street – indicate position of the refuse room door to this effect.”

Response: The revised SDP incorporates the requirements of the traffic engineering branch. It was agreed that internal road reserves would be a uniform 8m wide with blacktop widths that vary for the access road (5.5m), internal streets (5.0m) and cul-de-sacs (4.5m). Appendix A refers.

2.1.8. Manager: Roads and SW, Johan Fullard, confirms that the proposed connections to the 600mm line in Helshoogte and the 450mm SW connection Sonnestraal Rd is acceptable.”

Response: Comment is noted.

2.2. Municipal Spatial Planning Comment

The department supports the proposal for a residential development as the proposal is desirable and conforms to the surrounding land uses. However, this department have some concerns with regards to the layout and propose the following:

- Landscaping and the provision of an island within the turning circles to soften the road reserve;
- A central and functional public open space to be provided in the development (and not just the POS located next to Helshoogte Road)

Response: The department’s support is appreciated.

Regarding point 1 above, the dynamics of the site (width) and turning requirements for municipal refuse and emergency vehicles preclude the opportunity for landscaping within the turning circles. And in response to point 2, open space is recommended by provincial guidelines as 0.9ha per 1000 people (250 dwellings). At nearly 0.4ha, the provision of open space is considered adequate for the proposed 20 units (±80 people according to the above calculation). The nature of the cul-de-sac access to each side of the development will provide a dual purpose of hard open space for social interaction and play for future residents.

2.3. State Department Comment

State and Government Departments were afforded 60-days to comment on the application. During this time, comment was received from:

- Western Cape Government: Road Network Management Department,
- Western Cape Government: Department of Environmental Affairs and Development Planning,
- Western Cape Government: Department of Agriculture,
- Heritage Western Cape,
- National Department of Water & Sanitation, and
- National Department of Agriculture.

Comment/Condition	Response (if required)
2.3.1. WCG: Road Network Management Department	
This Branch offers no objection to the above-mentioned applications on Erf 3, Johannesdal, on condition that the 5m Statutory building line in terms of the Road Ordinance must be maintained.	The 5m line is maintained against Helshoogte Road.
As a Controlling Authority in terms of Act 21 of 1940 this Branch approves the subdivision application.	Noted.
2.3.2. WCG: Department of Environmental Affairs and Development Planning (Development Management Region 2)	
Whilst this Directorate has no objection to the proposed development from a provincial land use planning perspective, due to the small erf sizes that are	No legislative context exists to propose such a condition in favour of this department.

proposed, it is recommended that a condition of approval be imposed to ensure that the development represents a harmonious architectural entity.	See comment and conditions of Heritage Western Cape below in 2.3.5.
2.3.3. WCG: Department of Environmental Affairs and Development Planning (Environmental Impact Management Services: Region 1)	
<p>Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Too little information is provided about the status of the mapped indigenous vegetation on the site to definitively determine whether the proposed residential development will trigger any listed activities requiring environmental authorisation prior to commencement. However, if the site contains the mapped endangered indigenous vegetation and the proposed residential development on Erf No. 3, Johannesdal, Stellenbosch will result in the clearance of 300m² or more thereof, the following listed activity will be triggered by the proposed development: Activity 12 of Listing Notice 3</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p><i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p><i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	Noted, see below response regarding the submission of an environmental application to the department.
If applicable, written authorisation will be required from the competent authority prior to the undertaking of the said activity.	<p>An environmental basic assessment process is underway and is in the pre-application phase with reference number B-BA-EIA-K15.</p> <p>Municipality should note that the environmental process may continue in parallel to the planning application due to the different legislation in use for planning vs. environmental decision making.</p> <p>The planning decision is not dependant on the outcome of the environmental process. Should the environmental application fail, or the assessment take longer than the planning decision validity period, the applicant takes the risk of needing to apply again for the rights if necessary.</p>
2.3.4. Western Cape Government: Department of Agriculture	
The Western Cape Department of Agriculture: Land Use Management has no comment.	No comment.

2.3.5. Heritage Western Cape	
The Committee resolved to endorse the revised site development plan as being substantially in accordance with the previously approved site development plan.	<p>The previous site plan was endorsed by HWC on the basis of the HIA submitted for the private development concept of 2018. The HIA assessed conformance with local heritage indicators (discussed in section 7 of the planning motivation) and was found to have a low impact and approved.</p> <p>The revised development concept, as indicated in the department's comment, has been found to be substantially in accordance with these findings and subsequently approved.</p> <p>Landscaping and top structure design will be generally in accordance with the approved SDP and landscaping plan.</p>
2.3.6. National Department of Water & Sanitation	
Please note that if the proposed rezoning and subdivision will affect the allocation of water use as registered by this Department, the Licencee must contact the Department for the amendment of this licence. The Licencee must provide full details of all changes with respect to the water use allocation to the Responsible Authority within 60 days of said change taking place.	Noted, no allocation of water use is affected nor is a WUL required.
A signed & dated confirmation of adequate water supply and sanitation capacity for the proposed rezoning and subdivision of Erf 3 Johannesburg from the Stellenbosch Municipality must be provided in writing to this Department before the commencement of any development.	Noted, to be added as a condition of commencement.
No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.	Noted, to be added as a condition of approval.
The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.	Noted, to be added as a condition of approval.
The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.	Noted, to be added as a condition of approval.
All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.	Noted, to be added as a condition of approval.
Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.	Noted, to be added as a condition of approval.
On condition that all of the above is adhered to, this Department does not have an objection to the proposed rezoning and subdivision.	Noted, to be added as a condition of approval.
2.3.7. National Department of Agriculture	
With reference to the above-mentioned matter, the Department has no objection against the proposed rezoning only on 0,7238 of the property.	Noted.

3. Conclusion

The application was advertised according to the Municipality's notification policy for the allotted time periods for public and state department input. Public comment was received in the form of three objections and a petition signed by several surrounding property owners and residents of the area. The objections pertained to impacts on character of Johannesburg, density concerns and the objector's concerns regarding increased traffic congestion.

It was established in the afore going section 1 that the density of the development is both in line with Municipal forward planning and with the proposed zoning of the property. The development will offer an alternative housing typology in Johannesburg, augmenting the existing housing supply in an area specifically earmarked for incremental densification by the Stellenbosch Spatial Development Framework.

The development offers an opportunity to provide densification in an urban context, thereby combatting urban sprawl and furthering the Municipality's goals of creating well planned and connected urban nodal development. It also provides upwardly mobile residents of the Municipality (and the local area) with the prospect of alternative residential stock in the Pniel/Johannesdal area.

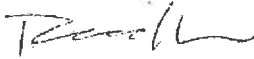
The application is supported from a Provincial and Municipal transport engineering perspective. Municipal engineering has supported the development subject to the finalisation of the Pniel WWTW upgrade project, however this does not preclude the development from land use approval, section 2.1.1 (above) refers.

Heritage Western Cape have approved the development and Heritage Impact Assessment, and the SDP and landscaping plan have been endorsed in their approval.

An environmental application is underway with eth DEADP; however, this too does not preclude the development from land use approval.

We look forward to your decision.

Yours faithfully



Tristan Sandwith
HEADLAND PLANNERS

JD3
June 2024

**ANNEXURE G: COMMENT FROM THE MANAGER: SPATIAL
PLANNING**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
 From : Manager: Spatial Planning
 Reference : Erf 3, Johannesburg
 LU No : LU/15487
 Date : 14 August 2023
 Re : Application for rezoning and subdivision on Erf 3, Sonnestraal Street, Johannesburg

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

Application is made for the following:

- **Rezoning** of Erf 3 Johannesburg from Conventional Residential Zone to Subdivisional area in order to allow for the following uses:
 - 20 Conventional Residential Zone erven (Dwelling houses) (4769 m²)
 - 1 Public Open Space Zone erven (Public Open Space) (382 m²)
 - Public Roads and Parking (Public Road) (12087 m²)
- **Subdivision** of Erf 3, Johannesburg in accordance with the Subdivisional Plan

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

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of the Dwars River Valley node. It is located on the Helshoogte Road (R310) in the residential area of Johannesburg.

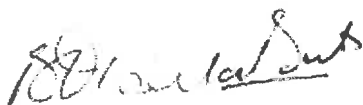
The site is located in an area of established urban development and it has been earmarked by the MSDF as an opportunity for residential infill and mixed-use community uses. Densification and infill development are encouraged in terms of the approved MSDF.

2) Supported / not supported:

The department supports the proposal for a residential development as the proposal is desirable and conforms to the surrounding land uses. However, this department have some concerns with regards to the layout and propose the following:

- Landscaping and the provision of an island within the turning circles to soften the road reserve;
- A central and functional public open space to be provided in the development (and not just the POS located next to Helshoogte Road)

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



BJG de la Bat
MANAGER: SPATIAL PLANNING

**ANNEXURE H: COMMENT FROM DIRECTOR: INFRASTRUCTURE
SERVICES**



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

To ▫ Aan: Director: Planning + Economic Development

Att Aandag: Bulelwa Mdoda

From ▫ Van: Manager: Development (Infrastructure Services)

Author ▫ Skrywer: Tyrone King

Date ▫ Datum: 19 July 2023

Our Ref ▫ Ons Verw: Civil LU 2517

Town Planning Ref: LU/15487 – TP 346/2023

Re ▫ Insake: Erf 3, Johannesburg: 1. An application is made in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Rezoning of Erf 3 Johannesburg from Conventional Residential Zone to Subdivisional area in order to allow for the following uses:• 20 Conventional Residential Zone erven (Dwelling houses) (4769 m²)•1 Public Open Space Zone erven (Public Open Space) (382 m²)•Public Roads and Parking (Public Road) (12087 m²)2. An application is made in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Subdivision of Erf 3 , Johannesburg in accordance with the Subdivisional Plan

This Memo replaces our Memo dated 13 June 2023, and the amendments herein are based on the e-mail motivation dated 4 July 2023 from Paul Winter.

Details, specifications and information reflected in the following documents refer:

- Proposed Subdivision Plan Figure JD3_SUB dated 14-03-2023 by Headland Planners;
- Traffic Impact Statement by Sturgeon Consulting dated 20 February 2020;
- GLS Water and Sewer capacity report dated 18 January 2018;
- Proposed Civil Engineering Services Layout Drawing No 17172-C-Figure 1 Rev C by Lyners (**attached**);

These comments and conditions are based on the following proposed development parameters:

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

- Total Units: 20 residential erven

Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**B. Recommendation:**

3. The development is recommended for approval, subject to the conditions as stated below.

C. Specific conditions of approval

4. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:

- a. **Pniel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Pniel WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
- b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development and:
 - i. The development will connect to the existing municipal water line in Sonnestraal Street. Details and the final position of the connection point will be approved by the Municipality when construction drawings for the services are approved. This link water pipeline will be for the Developers cost.
- c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development and:
 - i. The Development may connect to the existing sewer line along Helshoogte Road. Details and the final position of the connection point will be approved by the Municipality when construction drawings for the services are approved.

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

- ii. The sewer connection and any alterations to the existing municipal network necessitated by the new development will be for the Developers cost.

d. **Roads and NMT Network:** There is sufficient capacity in the external roads network to accommodate the proposed development and:

- i. Any conditions by the provincial roads authority (the Helshoogte Road authority) will be applicable before clearance is issued.

- ii. The Developer will be responsible for the construction of the access road from Sonnestraal Road to the entrance of the development with the following minimum standards: 5.5m blacktop; 1.8m paved/tarred sidewalk on at least one side of road, with associated storm water infrastructure. The final details and the final position of the connection point will be approved by the Municipality when construction drawings for the services are approved. This road shall extend from Sonnestraal Street up to the northern boundary of the development. This road will be for the Developer's own cost.

The construction of the road shall include a 160mm diameter minimum sewer line, to accommodate the drainage of the erven on the western side of the access road, and to prevent digging up the road in future. The consulting engineer must investigate if the site levels will allow a gravity line. The cost of this sewer line can be offset from DCs.

- iii. The densification will trigger the need for formal NMT infrastructure. Therefore, the Developer must complete the sidewalk link (1.8m wide) incl any associated stormwater items as follows (**See Annexure NMT**):

- Along the eastern side of Morgenster Road between Sonskyn Street and Sonnestraal Road.
- Along the northern side of Sonnestraal Road between Morgenster Road and Helshoogte Road.
- These upgrades can be offset from DCs.

e. **Stormwater Network:**

- i. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event.

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;

f. Solid Waste:

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;
- ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

5. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given;

Development Charges

6. that the "Developer" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
7. that the "Developer" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

8. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
9. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
10. that the Development Charges levy to the amount as indicated on the **DC Calculation Sheet**, attached be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
12. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 20 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 0 m², will result in the recalculation of the Development Charges;
13. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Site Development Plan

14. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "*Developer*" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

15. that it be noted that as per Proposed Subdivision Plan, the roads are reflected as **public roads**. Therefor all internal services on the said erf will be regarded as public services and will be maintained by the Municipality;

Internal- and Link Services

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

16. that the "*Developer*", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
17. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

Roads

18. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Statement by Sturgeon Consulting dated 20 February 2020, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "*Developer*", at his/her cost. If any requirement of the TIS is in conflict with one of the conditions of approval, the conditions of approval shall govern;

D. General conditions of approval: The following general development conditions are applicable. If there is a contradiction between the specific and general development conditions, the specific conditions will prevail:

19. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
20. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of land use approval, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
21. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

22. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
23. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
24. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
25. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
26. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

- f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "Developer" obtains the approval of the "Engineer" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

27. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
28. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
29. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
30. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

31. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

service) municipal services that need to be provided. All internal services must be completed before clearance;

32. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
33. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
34. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
35. that construction of services may only commence after municipal approval has been obtained;
36. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";
37. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
38. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
39. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
40. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "*Engineer*" on request by the "*Developer's*" Consulting Engineer;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

41. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
42. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
43. that the "*Developer*" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
44. that the "*Developer*" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
45. that the "*Developer*" be liable for all damages caused to existing civil and electrical services of the "*Municipality*" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "*Developer*" to determine the location of existing civil and electrical services;
46. that all connections to the existing services be made by the "*Developer*" under direct supervision of the "*Engineer*" or as otherwise agreed and all cost will be for the account of the "*Developer*".
47. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
48. that the "*Developer*", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

49. that the "*Developer*" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;

50. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "*Developer*" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
51. that the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

52. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
53. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
54. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

55. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
56. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
57. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
58. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
59. that the approved management plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
60. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
61. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "*Developer*" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

62. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

63. that no access control will be allowed in public roads;
64. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;
65. that each erf has its own access (drive-way), (*the new access(es) (dropped kerb(s)) to the proposed parking bays be*) constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;

Wayleaves

66. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
67. that wayleaves will only be issued after approval of relevant engineering design drawings;
68. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

AS-BUILTs

69. The "*Developer*" shall provide the "*Municipality*" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "*Engineer*", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

- e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;
- 70. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";
- 71. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
- 72. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
- 73. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "*Engineer*" and written clearance given, by the "*Engineer*";

Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law

- 74. It is specifically agreed that the "*Developer*" undertakes to comply with all conditions of approval as laid down by the "*Municipality*" before clearance certificates shall be issued, unless otherwise agreed herein;
- 75. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
- 76. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

77. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
78. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

Avoidance of waste, nuisance and risk

79. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or OWNER'S ASSOCIATION.

Damage to municipal infrastructure and assets

80. that the "Developer" will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services, prior to any clearance (or occupation certificate where clearance is not applicable) being given;

Streetlighting

81. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "Developer";
82. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

83. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "*Developer*", to the municipality's Manager. Electrical Engineering for approval before any construction work commences;
84. Any defect with the street lighting services constructed by the "*Developer*" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "*Developer*". Should the necessary repair work not be done within the said time the "*Municipality*" reserves the right to carry out the repair work at the cost of the "*Developer*";
85. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "*Developer*" and or Home Owner's Association.

**TYRONE KING Pr Tech Eng****MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start and end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

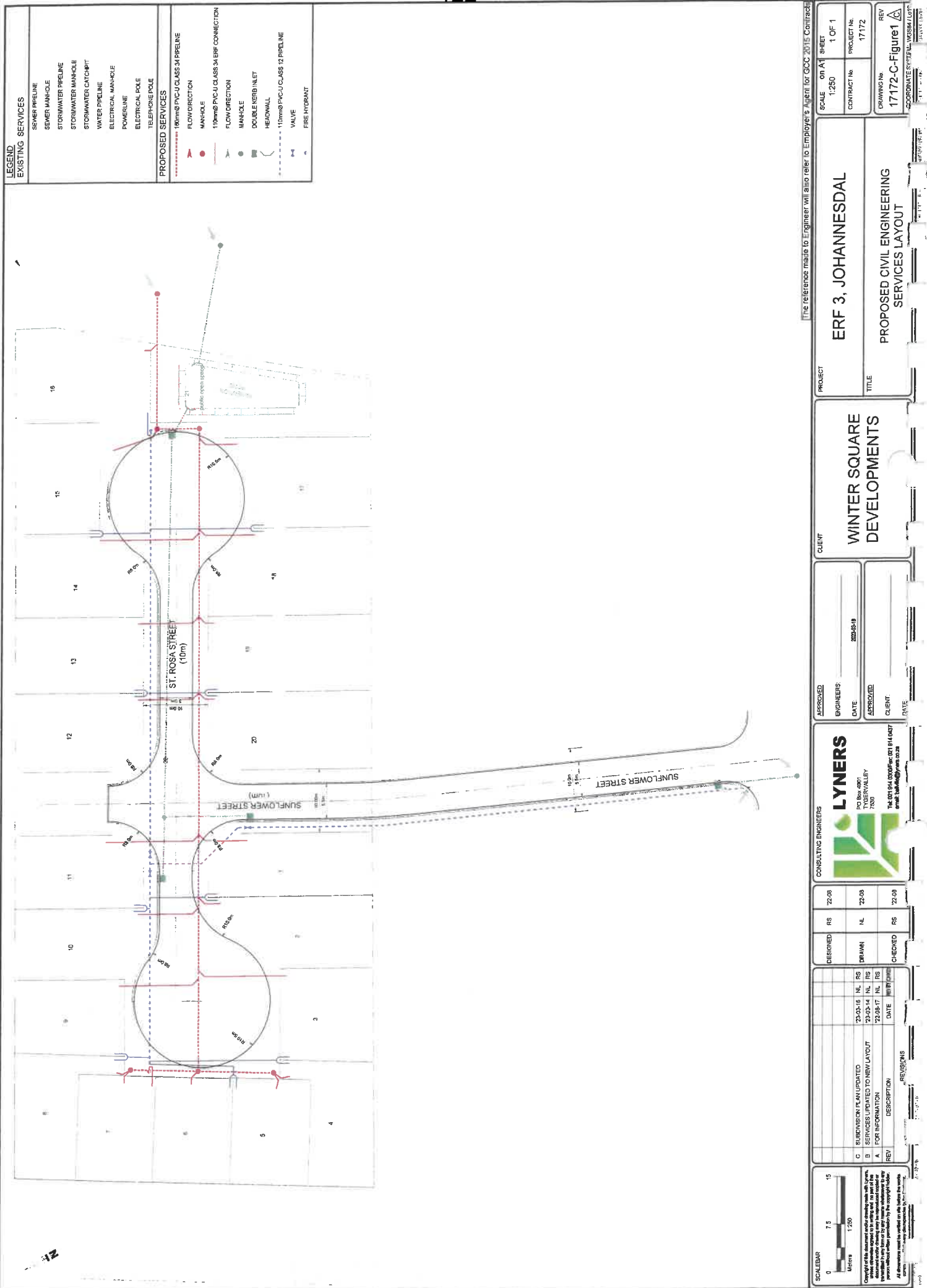
Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter

PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

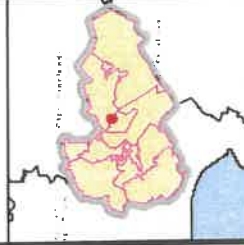
Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter



Legend

- Sport Facilities
- Airfields
- Street
- Railways
- Sectional Schemes



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2020/1 10/4

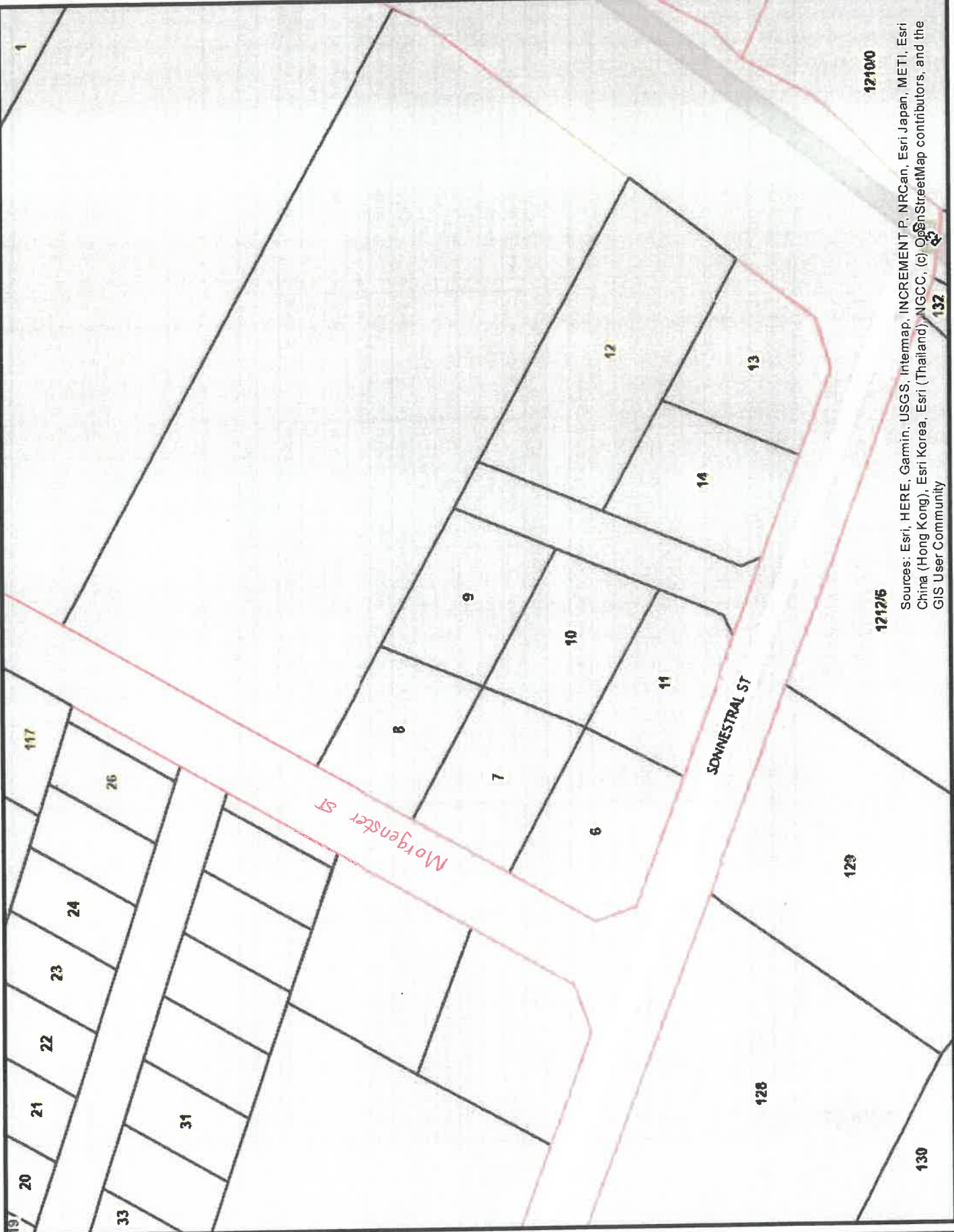


Author: Stellenbosch Municipality



Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8858

This map is a representation of the information available to the Municipality at the time of its production. It is not a guarantee of accuracy. The Municipality is not responsible for any errors or omissions. The information is provided for general information only and should not be used for any specific purpose. The Municipality is not responsible for any damage or loss resulting from the use of this map.



12100

1212/5

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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2517 () Erf 3 Johannesburg (LU-15487 TP346-2023)_1
Development Name:	
Date:	13 June 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Dwarsrivier
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Urban
Erf No:	Erf 3
DC Parameters Reference:	•Proposed Subdivision Plan Figure JD3_SUB dated 14-03-2023 by Headland Planners

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals		
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day	persons			
Total Increased Services Usage:	12.5	10.5	0.385	0.8	80	80			
Total Service Usage Reduction:	0	0	0	0	0.0	0			
Total Service Usage after Reduction:	12.50	10.50	0.38500	0.800	80.0	80			
Charges before adjusting for positive only, before Deductions	R 381 322.61	R 236 773.76	R 33 409.21	R 70 083.20	R 520 560.00	R 276 400.00	R	1 518 548.79	
Charges adjusted for positive only, before Deductions	R 381 322.61	R 236 773.76	R 33 409.21	R 70 083.20	R 520 560.00	R 276 400.00	R	1 518 548.79	
Total Deductions:	R -	R -	R -	R -	R -	R -	R	-	
Total Development Charges Payable (excluding VAT):	R 381 322.61	R 236 773.76	R 33 409.21	R 70 083.20	R 520 560.00	R 276 400.00	R	1 518 548.79	
VAT:	R 57 198.39	R 35 516.06	R 5 011.38	R 10 512.48	R 78 084.00	R 41 460.00	R	227 782.32	
Total Development Charges Payable (including VAT):	R 438 521.01	R 272 289.83	R 38 420.59	R 80 595.68	R 598 644.00	R 317 860.00	R	1 746 331.11	

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	

	R	381,322.61	R	236,773.78	R	33,409.21	R	70,063.20	R	520,560.00	R	278,400.00	R	1,818,648.78
Charges before adjusting for positive only, before Deductions														
Charges adjusted for positive only, before Deductions	R	381,322.61	R	236,773.78	R	33,409.21	R	70,063.20	R	520,560.00	R	278,400.00	R	1,818,648.78
Deductions per services (amount)														
Percentage:	0.00%													
(Amount Deduction (%))														
Additional Deduction per services - from Services Agreement (sum)	R	381,322.61	R	236,773.78	R	33,409.21	R	70,063.20	R	520,560.00	R	278,400.00	R	1,818,648.78
(Net Total after Agreements and Deductions (excluding VAT))	R	57,169.39	R	35,516.06	R	5,011.38	R	10,512.48	R	78,064.00	R	41,480.00	R	227,782.32
VAT - Development Charges	R	438,521.01	R	272,299.93	R	36,420.59	R	80,595.66	R	598,684.00	R	317,860.00	R	1,748,331.11

Bulelwa Mdoda

From: Martin Slabber
Sent: Tuesday, 06 June 2023 08:11
To: Bulelwa Mdoda
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 3 JOHANNESDAL

GENERAL: NONE

CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.

Subject to SANS 10142, 204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units
2. Solar water heating/heat pump installation
3. Energy efficient lightning
4. Roof insulation
5. Cooking with gas fired appliances
6. Control air condition equipment with energy saving devices.
7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

Groete:
 Martin Slabber
 Sin. Supt. Dwarsrivier Elect.
 Engineering Services



Martin.slabber@ Stellenbosch.gov.za
 C: +27 83603 3431
 T: + 27 21 808 8338
www.stellenbosch.gov.za

FILE NR:	E 3 3b
SCAN NR:	
COLLABORATOR NR:	763 467

 www.facebook.com/stellenboschmunicipality

 twitter.com/StellMun
 Hugenoote Road 23 Franschhoek 7690
 PO Box 18, Franschhoek, 7690
 PO Box 17, Stellenbosch, 7599

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

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Monday, 05 June 2023 14:50
To: Development Admin <Development.Admin@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; Viola

**ANNEXURE I: COMMENT FROM THE DEPARTMENT: COMMUNITY
SERVICES**

INTEROFFICE MEMORANDUM



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Bulelwa Mdoda	From:	Senior Environmental Planner: Schalk van der Merwe
CC:		Date:	9 April 2025
Re:	LAND USE APPLICATION: ERF 3, JOHANNESDAL - LU/15487		

The above application (Proposed Subdivision Plan – 14/10/2024), as well as Botanical Impact Assessment (Capensis, April 2024), prepared as part of the relevant Environmental Impact Assessment process (conducted in terms of the National Environmental Impact Assessment EIA Regulations), refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

1. The endangered Boland Granite Fynbos on site, impacted upon by the proposed development, must be restored within the proposed 553m² public open space planned for the lowest part of the property;
2. A suitably qualified environmental specialist must be appointed to oversee the above restoration;
3. Activities on site, during construction and thereafter, comply with the Western Cape Noise Control Regulations;
4. During construction the owner, developer or agent acting on his/her behalf, take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

With reference to Condition 1 above, the Municipal Planning Tribunal must decide on the appropriate mechanism to impose in order to ensure that the prescribed restoration is implemented timeously should the proposed development be approved.

S VD MERWE

SENIOR ENVIRONMENTAL PLANNER: COMMUNITY SERVICES

**ANNEXURE J: DEPARTMENT OF INFRASTRUCTURE: ROAD
PLANNING**



**Western Cape
Government**

Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: 16/9/6/1-25/265 (Job 26181)

Headland Planners (Pty) Ltd
P.O. Box 342
STELLENBOSCH
7599

Attention: Mr T Sandwith

Dear Sir

ERF 3, JOHANNESDAL: PROPOSED SUBDIVISION AND REZONING

1. The following refer:
 - 1.1. Your email to Ms V Stoffels of this Branch dated 24 August 2023; and
 - 1.2. Planning Motivation Report, dated June 2023; and
 - 1.3. Proposed Subdivision Plan dated 14-03-2023, unsigned, with file nr jd3.
2. This application affects Main Road 172 (Helshoogte Road) for which this Branch is the Road Authority.
3. The property is accessed by way of an unnamed 10m panhandle parallel to Morgenster Road and connecting with Sonnestraal Street. Access northeast to erf 2 Johannesburg is provided with an extension of the access road to the north-eastern boundary. Sonnestraal Street meets Main Road 172 at a T-intersection ±75m to the east of the proposed panhandle access road. The intersection is slightly raised and is brick paved. The speed limit is 60km/h and the visual/tactile features tend to keep speeds within the designated speed limit.
4. of the development.
5. Erf 3 is located approximately in Johannesburg, approximately 8.5km North East of Stellenbosch, and falls within the Stellenbosch Municipality's boundary.
6. This application is for:

- 6.1. The Rezoning of Erf 3 Johannesburg from Conventional Residential Zone to Subdivisional area in order to allow for the following uses:
- 20 Conventional Residential Zone erven (Dwelling houses) (4769m²)
 - 1 Public Open Space Zone erf (Public Open Space) (382m²)
 - Public Roads and Parking (Public Road) (2087m²)
- 6.2. The Subdivision of Erf 3, Johannesburg in accordance with the Subdivision Plan.
7. This Branch offers no objection to the above-mentioned applications on Erf 3, Johannesburg, on condition that the 5m Statutory building line in terms of the Road Ordinance must be maintained.
8. As a Controlling Authority in terms of Act 21 of 1940 this Branch approves the subdivision application.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 15 NOVEMBER 2023

ENDORSEMENTS

1. Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. Consultant: Headland Planners (Pty) Ltd
Attention: Mr Tristan Sandwith (e-mail: tristan@headland.co.za)
3. District Roads Engineer
Paarl
4. Mr E Smith (e-mail)
5. Ms S du Preez (e-mail)
6. Mr D Fortuin (e-mail)
7. Mr S Carstens (e-mail)

**ANNEXURE K: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING: DEVELOPMENT MANAGEMENT**



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Dalene Carstens

Directorate: Development Management (Region 2)

dalene.carstens@westerncape.gov.za | Tel: 061 404 8133

Reference: 15/3/2/12/BS2

Headland Planners (Pty) Ltd

FOR ATTENTION: Tristan Sandwith

tristan@headland.co.za

**REQUEST FOR PROVINCIAL PLANNING COMMENT: REZONING AND SUBDIVISION: ERF 3
JOHANNESDAL**

1. Your request for comment, dated 08 June 2023, has reference.
2. The application property measures approximately 7 238m² in extent and is zoned as "Conventional Residential". The subject property is situated within the urban edge of Johannesburg and is earmarked for "Mixed Use Community and Residential Infill" in terms of the Stellenbosch MSDF.
3. The development as proposed is for the rezoning of the application property from Conventional Residential Zone to Subdivisional Area, in order to enable subdivision into 20 Conventional Residential Zoned erven, 1 Public Open Space and one Public Road.
5. Whilst this Directorate has no objection to the proposed development from a provincial land use planning perspective, due to the small erf sizes that are proposed, it is recommended that a condition of approval be imposed to ensure that the development represents a harmonious architectural entity.

Kobus Munro

Digitally signed by Kobus Munro
Date: 2023.06.20 12:57:01 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



**ANNEXURE L: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING: ENVIRONMENTAL IMPACT
MANAGEMENT SERVICES**



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Samornay Smidt

Directorate: Development Management, Region 1

Samornay.Smidt@westerncape.gov.za | Tel: 021 483 5828

REFERENCE: 16/3/3/6/B4/45/1212/23

DATE: 8 August 2023

The Board of Directors
Headland Town Planners (Pty) Ltd
9 Highland Close
EDGEMEAD
7441

Attention: Mr Tristan Sandwith

Email: tristan@headland.co.za

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REZONING AND SUBDIVISION OF ERF NO. 3, JOHANNESDAL, STELLENBOSCH

1. The electronic copy of the above-mentioned document dated June 2023, as received by this Department on 9 June 2023, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Following review of the information submitted to this Department, the following is noted:
 - 3.1. The proposal entails the rezoning and subdivision of Erf No. 3, Johannesburg, Stellenbosch for a residential development comprising 20 Conventional Residential Zone erven (4769m²), 1 Public Open Space Zone erf (382m²), Public Roads and Parking (2087m²). The development footprint is 7238m².
 - 3.2. The site is mapped to contain Boland Granite Fynbos, which is classified as an endangered vegetation type. Based on google earth imagery the site appears to be transformed.
 - 3.3. No watercourses are present on or within 32m of the site.
 - 3.4. The site is zoned Conventional Residential Zone and if the zoning was in place on or before 5 May 2012, the site will be deemed as located inside the urban area.
4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Too little information is provided about the status of the mapped indigenous vegetation on the site to definitively determine whether the proposed residential development will trigger any listed activities requiring environmental authorisation prior to commencement. However, if the site contains the mapped endangered indigenous vegetation and the proposed residential development on Erf No. 3, Johannesburg,

Stellenbosch will result in the clearance of 300m² or more thereof, the following listed activity will be triggered by the proposed development:

Activity 12 of Listing Notice 3

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;**
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

5. If applicable, written authorisation will be required from the competent authority prior to the undertaking of the said activity. The Application Form, as well as other relevant forms and guidelines, are available from this Department's website: <http://eadp-westerncape.kznshf.gov.za/>.
6. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”
7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

Andrea

Thomas

pp **HEAD OF COMPONENT**

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Digitally signed by Andrea
Thomas
Date: 2023.08.08 08:27:52
+02'00'



**Western Cape
Government**

Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
 Directorate: Development Management, Region 1
 Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/7/1/B4/45/1289/24

DATE: 26 June 2024

The Board of Directors
 Winter Square Developments (Pty) Ltd
 21 Troon Crescent
SUNNINGDALE
 7441

Attention: Mr Paul Winter

Cell: (082) 419 2676
 Email: paul@sundev.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CONSTRUCTION OF A GROUP HOUSING DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE ON ERF NO. 3 JOHANNESDAL, STELLENBOSCH.

1. The electronic copy of the NOI, as received by the Directorate: Development Management ("this Directorate") on 20 June 2024, refers.
2. This serves as an acknowledgement of receipt of the aforementioned documents by this Directorate.
3. According to the information submitted to this Directorate, it is noted that the proposal entails the following:
 - 3.1 The clearance of vegetation for the construction of a group housing development with associated infrastructure on Erf No. 3 Johannesburg, Stellenbosch comprising 20 residential erven, a Public Open Space Zone erf, public roads and a parking.
 - 3.2 The Public Open Space area will include a stormwater detention pond and landscaping.
 - 3.3 The total development footprint of the proposed development is approximately 6856m².
 - 3.4 According to available mapping resources, the site is mapped to contain Boland Granite Fynbos vegetation, which is classified as an endangered vegetation type.
 - 3.5 The site is currently vacant, zoned Conventional Residential Zone and it is specified that it is located inside the urban area of Stellenbosch.
4. Process
 - 4.1 A Basic Assessment process must be followed in order to apply for Environmental Authorisation.
 - 4.2 Please note that the site will be deemed as inside the urban area as defined in terms of the EIA Regulations if the residential zoning was in place on or before 5 March 2012. If not, additional listed activities may be applicable to the proposed development.

- 4.3 You are hereby advised that only those activities applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.
- 4.4 Heritage Western Cape ("HWC") must confirm that their comment dated 24 April 2023 is still relevant and in force.
- 4.5 Please ensure the Basic Assessment Report and Environmental Management Programme ("EMPr") contain all information requirements outlined in Appendices 1 and 4 respectively of EIA Regulations, 2014 (as amended). Omission of any required information may result in the application for Environmental Authorisation being refused.
- 4.6 You are advised that when undertaking the Basic Assessment process, you must take into account the applicable guidelines including the guidelines developed by the Directorate. The Directorate's guidelines can be downloaded from the Directorate's website www.westerncape.gov.za/eadp. In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
- Guideline for the Review of Specialist Input in the EIA process (June 2005).
 - Guideline for Environmental Management Plans (June 2005).
 - Guideline on Alternatives (March 2013).
 - Guideline on Need and Desirability (March 2013).

5. Screening Tool and Protocols

- 5.1 This Directorate notes that the Screening Tool Report (dated 12 June 2024) appended to the NOI has identified a number of specialist assessments to be conducted. The "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") were published in GN No. 320 as published in Government Gazette No. 43110 on 20 March 2020 and it is noted that some of the Protocols are applicable to your development proposal.
- 5.2 Confirmation of the relevant specialist studies and a motivation as to why only a Botanical Impact Assessment will be conducted have been included in a Site Sensitivity Verification Report ("SSVR"). This Directorate notes and acknowledges the motivations provided for the specialist studies that will and will not be conducted. The SSVR must be appended to the draft reports that will be circulated during the public participation process.
- 5.3 Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that an additional specialist study be conducted, and where the request is supported by this Directorate, this must take precedence. Where a specialist assessment is required and a specific environmental theme protocol has been prescribed, the requirement of Appendix 6 of the EIA Regulations, 2014 are replaced by the Protocols. The relevant specialist assessments must therefore comply with the requirements of the Protocols.

6. Public Participation Process ("PPP")

- 6.1 A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process.

You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR.

- 6.2 Should a public participation process, which includes the circulation of the pre-application BAR for comment, be undertaken prior to submission of an Application Form to the Directorate, in terms of Regulation 40, the pre-application BAR may also be submitted to the Directorate for commenting purposes. Please ensure that an electronic copy of the pre-application BAR is submitted to the Directorate for commenting purposes.
- 6.3 In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Directorate that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. **Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Directorates in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate.
7. This Directorate awaits the submission of the Application Form and/or pre-application BAR prescribed by the EIA Regulations, 2014. Please note that an electronic copy of the Application Form must be submitted.
8. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Directorate. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Directorate has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Directorate for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
9. No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:
- that additional information or documents will not be requested;
 - of the outcome of the application.
10. Kindly quote the abovementioned reference number in any future correspondence regarding this NOI.
11. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any new or revised information received.
12. Your interest in the future of the environment is greatly appreciated.

Yours faithfully

Andrea

Thomas

„HEAD OF COMPONENT

DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Monique Sham (MS-EC Environmental)

(2) Mr. Schalk van der Merwe (Stellenbosch Municipality)

Email: monique@ms-ec.co.za

Email: Schalk.VanderMerwe@stellenbosch.gov.za

Digitally signed by Andrea Thomas
Date: 2024.06.26 09:51:45 +02'00'



**Western Cape
Government**

Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
 Directorate: Development Management, Region 1
 Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/1/B4/45/1070/24

DATE: 24 January 2025

The Board of Directors
 Winter Square Developments (Pty) Ltd
 21 Troon Crescent
SUNNINGDALE
 7441

Attention: Mr Paul Winter

Cell: 082 419 2676
 Email: paul@sundev.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED CONSTRUCTION OF A GROUP HOUSING DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE ON ERF NO. 3 JOHANNESDAL, STELLENBOSCH.

1. The electronic copy of the Final BAR, as received by the Directorate: Development Management (Region 1) ("this Directorate") on 10 January 2025, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Directorate.
3. This Directorate will notify you of its decision in respect of the application within the stipulated timeframe.
4. Please note that the proposed development may not commence prior to an Environmental Authorisation being granted by the Competent Authority.
5. This Directorate reserves the right to revise and withdraw its comments and request further information from you based on any new or revised information received.

Yours faithfully

**Andrea
Thomas**

Digitally signed by Andrea
 Thomas
 Date: 2025.01.24 10:57:54
 +02'00'

HEAD OF COMPONENT

**DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)
 DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. Monique Sham (MS-EC Environmental)
 (2) Mr. Schalk van der Merwe (Stellenbosch Municipality)

Email: monique@ms-ec.co.za
 Email: Schalk.VanderMerwe@stellenbosch.gov.za

ANNEXURE M: DEPARTMENT OF AGRICULTURE: WESTERN CAPE
GOVERNMENT



**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 : 20/9/2/5/6/961
YOUR REFERENCE : LU/15487
ENQUIRIES : Cor van der Walt

Headland Town Planners
Email: tristan@headland.co.za

Att: Tristan Sandwith

PROPOSED REZONING AND SUBDIVISION: DIVISION STELLENBOSCH
ERF NO 3 (PREVIOUSLY KNOWN AS PORTION 7 OF THE FARM NO 1331)

Your email of 08 June 2023 has reference.

The Western Cape Department of Agriculture: Land Use Management has no comment.

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

Cor van der Walt

Digitally signed by Cor van der
Walt
Date: 2023.07.13 09:51:44 +02'00'

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2023-07-06

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

ANNEXURE N: DEPARTMENT OF AGRICULTURE: NATIONAL



agriculture, land reform & rural development

Department
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA



Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land and Soil Management
Tel: 012-319-7451 Fax: 012-329-5938 Email: KhuthalaD@Dalrrd.gov.za/ MulaloMo@Dalrrd.gov.za;
Website: www.dalrrd.gov.za
Enquiries: Helpdesk Ref: 2023_06_0077

Headland
P.O Box 197
EDGEMEAD
7407

Email: Tristan@headland.co.za

Attention: Tristhan Sandwith

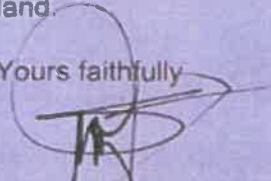
NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT ON ERF 3 JOHANNESDAL, WESTERN CAPE PROVINCE

Your email dated 12 June 2023 refers.

With reference to the above-mentioned matter, the Department has no objection against the proposed rezoning only on 0,7238 of the property.

This comment does not exempt any person from any provision of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.

Yours faithfully


MR D SERAGE
DEPUTY DIRECTOR GENERAL:
AGRICULTURAL PRODUCTION, BIOSECURITY AND NATURAL
RESOURCES MANAGEMENT
DATE: 20230815



ANNEXURE O: WESTERN CAPE HERITAGE

Our Ref: HM/ CAPE WINELANDS/ STELLENBOSCH / JOHANNESDAL / ERF 3
Case No: HWC23040603SB0411
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959

Lize Malan
lize@lizemalan.co.za



RESPONSE TO HERITAGE IMPACT ASSESSMENT: FINAL COMMENT
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

SUPPLEMENTARY REPORT: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 3, JOHANNESDAL, STELLENBOSCH, SUBMITTED
IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

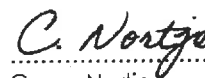
This matter was discussed at the Heritage Officer Committee (HOMs) held on 18 April 2023.

DECISION

The Committee resolved to endorse the revised site development plan as being substantially in accordance with the previously approved site development plan.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.



 Corne Nortje
Acting Assistant Director: Professional Services



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: ceheritage@westerncape.gov.za

Straatadres: Protea Assuransiegebou, Groentemarkplein, Kaapstad, 8000 • Posadres: Posbus 1665, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: ceheritage@westerncape.gov.za

Idilesi yendawo: kumgangatho 3, kwisakhiwo lprotea Assurance, Greenmarket Square, eKapa, 8000 • Idilesi yeposi: Inombolo yebhokisi
 yeposi 1665, eKapa, 8000 • Inombolo zomnxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: ceheritage@westerncape.gov.za

ANNEXURE P: DEPARTMENT: WATER & SANITATION



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION

Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquiries	: M.Mathaulula
Tel #	: (021) 941 6122
Email	: mathaululam@dws.gov.za
Reference	: 16/27/G10C/A/8

Attention: Tristan Sandwith

Headland Planners (Pty) Ltd
3 Sonnestraal Street
Johannesdal
PNIEL
7681

Dear Tristan

PROPOSED APPLICATION FOR REZONING AND SUBDIVISION OF ERF 3 JOHANNESDAL STELLENBOSCH MUNICIPALITY

Reference is made to the above-mentioned document dated June 2023 with project reference number: LU/15487.

This Department has perused the submitted application and has the following comments:

1. Please note that if the proposed rezoning and subdivision will affect the allocation of water use as registered by this Department, the Licencee must contact the Department for the amendment of this licence. The Licencee must provide full details of all changes with respect to the water use allocation to the Responsible Authority within 60 days of said change taking place.
2. A signed & dated confirmation of adequate water supply and sanitation capacity for the proposed rezoning and subdivision of Erf 3 Johannesburg from the Stellenbosch Municipality must be provided in writing to this Department before the commencement of any development.
3. No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.
4. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.
5. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
6. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.



NATIONAL DEVELOPMENT PLAN
Our Future - make it work



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

7. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.

On condition that all of the above is adhered to, this Department does not have an objection to the proposed rezoning and subdivision.

Please do not hesitate to contact the above office should there be any queries.

Sincerely,

PROVINCIAL HEAD:

Signed by:

Designation:

Date:

WESTERN CAPE

Nelisa Ndobeni

Control Environmental Officer

12 July 2023



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

**ANNEXURE Q: COMMENT FROM CAPE NATURE AND
BOTANICAL IMPACT ASSESSMENT**



CONSERVATION INTELLIGENCE: LANDSCAPE CENTRAL

physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Alana Duffell-Canham
telephone +27 21 866 8000 **fax** +27 21 866 1523
email aduffell-canham@capenature.co.za
reference SSD14/2/6/1/9/4/3_Erf_Housing_Johannesdal
date 26 November 2024

Monique Sham
MS-EC Environmental Consultants

By email: moniquesham@gmail.com

Dear Ms Sham

RE: Proposed residential development on Erf 3, Johannesburg, Stellenbosch Municipality – In process Draft Basic Assessment Report.
DEA&DP Ref: 16/3/3/1/B4/45/1070/24

CapeNature would like to thank you for the opportunity to comment on the “in process” Draft Basic Assessment Report for this application and wish to make the following comments:

1. We note that the layout has been amended and we do not object to the preferred alternative as per Appendix B1a, although it would have been preferred to obtain more of the higher sensitivity vegetation on the eastern side of the site. Please confirm whether the storm water retention pond will still be located in the southern corner of the property and the size thereof. The remainder of the open space should be clearly demarcated as a no-go area during construction.
2. Any plants that require search and rescue should preferably be translocated in late Autumn. Ideally all search and rescue should be done at once after which the open space should be allowed to naturally rehabilitate, and success of the rehabilitation should be monitored across several seasons. If it is not possible to replant in Autumn, then plants should be kept in a nursery environment until such time as they can be replanted. Replanting should not take place in late Spring or Summer due to the heat. Note that a permit may be required for search and rescue of certain plant species depending on the species and whether it will be transported off the site (<https://www.capenature.co.za/permits>).

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

Alana Duffell-Canham

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack



CONSERVATION INTELLIGENCE: LANDSCAPE CENTRAL

physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Alana Duffell-Canham
telephone +27 21 866 8000 **fax** +27 21 866 1523
email aduffell-canham@capenature.co.za
reference SSD14/2/6/1/9/4/3_Erf_Housing_Johannesdal
date 30 August 2024

Monique Sham
 MS-EC Environmental Consultants

By email: moniquesham@gmail.com

Dear Ms Sham

**RE: Proposed residential development on Erf 3, Johannesburg, Stellenbosch Municipality -
 Draft Basic Assessment Report.**
 DEA&DP Ref: TBC

CapeNature would like to thank you for the opportunity to comment on the Draft Basic Assessment Report for this application and wish to make the following comments:

1. The proposed development site has not been mapped as Critical Biodiversity Area or Ecological support Area. However, site supports Boland Granite Fynbos which is listed as Endangered. Although approximately 30% of this vegetation type is under some type of formal protection, additional loss should be avoided where possible. The botanical specialist report findings are supported and ideally, due to the Endangered status of the vegetation on site, the semi-intact and even degraded vegetation on site should be avoided and rehabilitated. Nevertheless, we acknowledge that due the small size of the remnant, long term viability will be difficult to maintain unless the area is valued by the residents. We would therefore like to suggest a compromise of the open space area rather being maintained in the south-eastern corner of the site instead of the southern corner (see conceptual image below) and this area is rehabilitated and used as a repository for any Species of Conservation Concern that may be found on the site as well as topsoil from the remaining area of high and medium sensitivity. The site could be used as a "passive" recreational space e.g. a bench with interpretive signage and will also break the hard visual line along the R310. This area will correspond more effectively to the areas of sensitivity that the botanical specialist identified.
2. It should also be noted that other development sites applied for in the Johannesburg area have had to contend with seepage areas or seasonal flows. We trust therefore that it has been confirmed that there are no seepage areas or seasonal flow accumulation on site.
3. Landscaping around the buildings and roads must make use of locally indigenous species and kikuyu lawns should be discouraged.
4. The stormwater management plan should include the use of flow diffusers and sediment traps.

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr
 Colin Johnson, Mr Paul Slack

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Alana Duffell-Canham



Image 1: Conceptual proposal (using Cape Farm Mapper) of where the open space area should rather be located from a biodiversity perspective.

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack

**BOTANICAL IMPACT ASSESSMENT
FOR THE PROPOSED DEVELOPMENT
OF ERF 3, JOHANNESDAL,
STELLENBOSCH MUNICIPALITY,
WESTERN CAPE**



CAPENSIS

in association with

STUART HALL

APRIL 2024

**REPORT PREPARED FOR
HEADLAND PLANNERS**

NATIONAL LEGISLATION AND REGULATIONS GOVERNING THIS REPORT

This is a 'specialist report' and is compiled in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations, 2014, as amended.

APPOINTMENT OF SPECIALIST

Capensis Ecological Consulting (Pty) Ltd (Capensis) was appointed by Headland Planners to provide specialist botanical consulting services for proposed development of Erf 3 Johannesburg, Stellenbosch Municipality, Western Cape Province.

CONDITIONS RELATING TO THIS REPORT

The content of this report is based on the authors best scientific and professional knowledge as well as available information. Capensis Ecological Consulting (Pty) Ltd reserves the right to modify the report in any way deemed fit should new, relevant or previously unavailable or undisclosed information become known to the author from on-going research or further work in this field, or pertaining to this investigation.

This report must not be altered or added to without the prior written consent of the authors. This also refers to electronic copies of the report which are supplied for the purposes of inclusion as part of other reports, including main reports. Similarly, any recommendations, statements or conclusions drawn from or based on this report must make reference to this report. If these form part of a main report relating to this investigation or report, this report must be included in its entirety as an appendix or separate section to the main report.

DETAILS OF THE SPECIALIST

Stuart Hall PhD (Conservation Ecology)

Capensis Ecological Consulting

156 Main Road

Muizenberg

7945

Professional registration: South African Council for Natural Scientific Professions No. 139074

Mobile: 063 831 9428

e-mail: ecostu@gmail.com

Expertise

- Qualifications: BSc. Hons. (Botany), PhD (Conservation Ecology)
- Botanist with 7 years' experience in the field of Botanical Surveys
- Has experience in Botanical exploration in South Africa and Malawi

THE SPECIALIST

I, Alexander Stuart Warren Hall, as the appointed specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
- in terms of the remainder of the general requirements for a specialist, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
- have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
- have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

Note: The terms of reference of the review specialist must be attached.

Signature of the specialist:



Date: 26th April 2024

Amended 24th October 2024

CONTENTS

1. INTRODUCTION	5
2. TERMS OF REFERENCE	5
2.1. General	5
2.2. Specific.....	5
3. PROTOCOL FOR DETERMINING LEVEL OF REPORTING.....	6
4. STUDY AREA.....	8
4.1. LOCALITY.....	8
4.2. LANDSCAPE AND GEOLOGY	9
5. METHODOLOGY, LIMITATIONS AND ASSUMPTIONS	9
6. VEGETATION DESCRIPTION.....	11
6.1. National vegetation type and ecosystem threat status	11
6.2. Conservation plans and protected areas	Error! Bookmark not defined.
6.3. Vegetation of the study area	16
7. SENSITIVITY	22
8. IMPACT ASSESSMENT	24
8.1 'No Go' Scenario.....	24
8.2 No-development (Baseline) Scenario	24
8.3 Proposed Development Layout - Direct Impacts	25
8.4 Proposed Development Layout - Indirect Impacts.....	25
8.5 Proposed Development Layout - Cumulative Impacts	25
8.6 Proposed Development Layout - Mitigation Measures.....	28
9. CONCLUSIONS AND RECOMMENDATIONS	29
10. REFERENCES	30
APPENDIX 1: ASSESSMENT METHODOLOGY.....	32
APPENDIX 2: MINIMUM CONTENT REQUIREMENTS FOR TERRESTRIAL BIODIVERSITY SPECIALIST REPORTS AS PER PROTOCOL FOR THE SPECIALIST ASSESSMENT OF ENVIRONMENTAL IMPACTS ON TERRESTRIAL BIODIVERSITY (GN 320 OF 20 MARCH 2020)	36
APPENDIX 3: TERRESTRIAL PLANTS SPECIES COMPLIANCE STATEMENT.....	37
APPENDIX 4: CURRICULUM VITAE: STUART HALL.....	39

1. INTRODUCTION

A botanical assessment was commissioned for the proposed development of Erf 3 Johannesburg, in Stellenbosch Municipality in the Western Cape. The proposed project, if approved, would result in potential loss of all vegetation within the development footprint. The project requires a botanical impact assessment in order to determine the levels of impacts imposed by the project and to identify and recommend suitable mitigation measures in this regard. Capensis Ecological Consulting (Pty) Ltd (Capensis) was commissioned by Headland Planners to carry out the botanical impact assessment.

2. TERMS OF REFERENCE

2.1. GENERAL

Botanical impact assessments must follow guidelines set out in the following documents:

- Department of Environmental Affairs and Development Planning (DEA&DP) Guidelines for Involving Biodiversity Specialists in the EIA Process (Brownlie, 2005).
- Ecosystem Guidelines for Environmental Assessment in the Western Cape (Cadman et al., 2016).
- The requirements of CapeNature for providing comments on agricultural, environmental, mine planning and water-use related applications (Turner, 2013).
- Procedures for the assessment and minimum criteria for reporting on Identified Environmental Themes in terms of Sections 24(5)(a) and 44 of the National Environmental Management Act (Government Gazette, 2020).
- Amendment to the protocols for the specialist assessment and minimum report content requirements for Environmental Impacts on Terrestrial Plant and Animal species in terms of sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998. (Government Gazette No. 49208, 28 July 2023).

2.2. SPECIFIC

The specific terms of reference followed for this assessment are as follows:

- Identify and describe biodiversity patterns at community and ecosystem level (main vegetation type, plant communities in the vicinity and threatened/vulnerable

ecosystems), at species level (threatened Red List species, presence of alien species) and in terms of significant landscape features;

- Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents and Environmental Management Frameworks.
- Describe the sensitivity of the site and its environs and map these resources.
- Describe the direct, indirect and cumulative botanical impacts (both before and after mitigation) and an assessment of the significance of the impacts.
- Describe the measures to mitigate any impacts, and an indication of whether or not the measures (if implemented) would change the significance of the impact.
- Specify, which NEMA botanically related listed activities, if any, would be applicable to the proposed development.
- On the basis of the impact assessment findings provide an authorisation opinion regarding whether or not the proposed activity should proceed.

3. PROTOCOL FOR DETERMINING LEVEL OF REPORTING

The sensitivity of the site was predetermined using the Department of Environmental Affairs (DEA) Screening Tool (<https://screening.environment.gov.za/screeningtool/>). The study area is rated as Very High for terrestrial biodiversity sensitivity (Figure 1) and Low for plant species sensitivity (Figure 2). However, the botanical screening report found there to be more than 300m² of representative Endangered vegetation present, which requires a Terrestrial Biodiversity Impact Assessment to be submitted as part of the application for Environmental Authorisation (EA). This botanical impact assessment forms part of this input as required in the Protocol for the assessment and reporting of environmental impacts on terrestrial biodiversity (Government Gazette 2020).

The Plant Species theme protocol report appears in Appendix 3 of this report.

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY



Figure 1. Map of relative terrestrial biodiversity theme sensitivity generated from the DEA Screening Tool (<https://screening.environment.gov.za>).



Figure 2. Map of relative terrestrial plant species theme sensitivity generated from the DEA Screening Tool (<https://screening.environment.gov.za>).

4. STUDY AREA

4.1. LOCALITY

The area included in the survey is located within ERF 3 on the boundary of the settlements of Johannesburg and Pniel, Stellenbosch Municipality (Figure 1). The site is located between Helshoogte Road and Morgenster Road. This area is surrounded by low density residential development on most sides, apart from semi-rural development on the opposite side of Helshoogte Road (Figure 2).

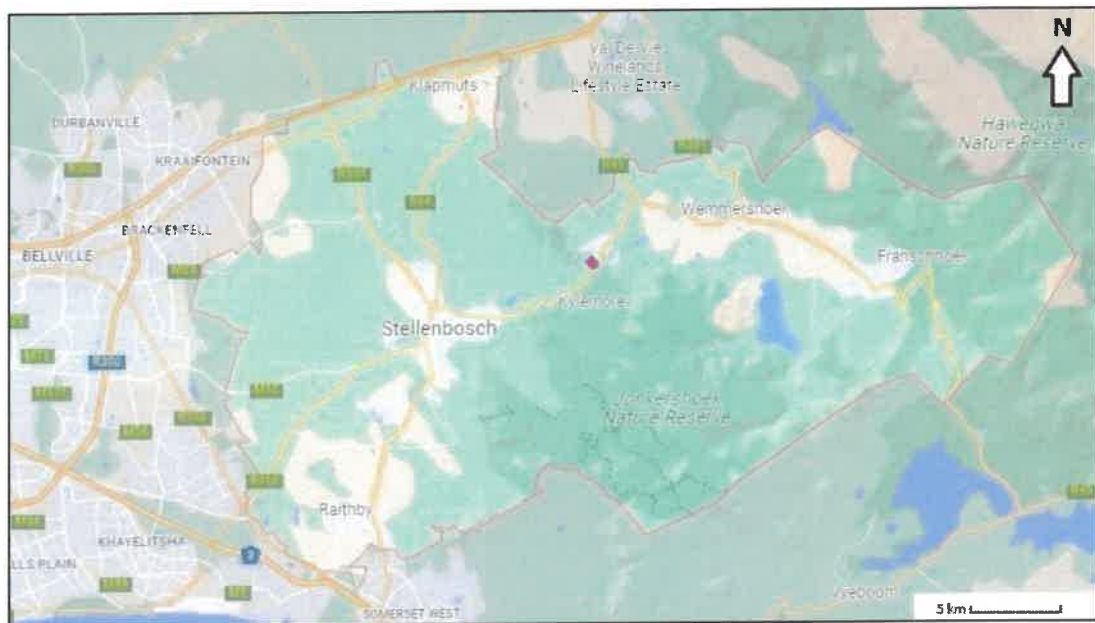


Figure 3. The location of the study site (marked in purple) within the context of the Stellenbosch Municipality, overlaid on a Google Maps™ image.



Figure 4. The location of the study site in relation to surrounding landscape features, overlaid on a Google Maps TM image.

4.2. LANDSCAPE AND GEOLOGY

The study site comprises undeveloped land, consisting of a gentle west-facing lower mountain slope with rocky to clay soils derived from Cape Granites. Soils are usually of Glenrosa, Mispah forms, or red-yellow apedal (Rebelo et al. 2006 in Mucina & Rutherford 2006).

5. METHODOLOGY, LIMITATIONS AND ASSUMPTIONS

The study area was visited on the 24th of August 2023 and surveyed on foot. Sample waypoint positions and tracks were obtained using a Garmin GPS map 60C. Photographs were taken and georeferenced by recording a corresponding GPS point using the Garmin GPS.

The following sources have been used to inform this study:

- **Site boundaries:** The property boundaries have been downloaded from the Cape Farm Mapper Website (<https://gis.elsenburg.com/apps/cfm/>).
- **Vegetation Types:** Based on The Vegetation of South Africa, Lesotho and Swaziland (VEGMAP)(Mucina & Rutherford, 2006). The South African National Biodiversity Institute (SANBI) has updated the mapping for the VEGMAP (2018) and these latest shapefiles have been used.
- **Ecosystem threat status:** Informed by The Revised National List of Ecosystems that are Threatened and in Need of Protection (Government Gazette, 2022).
- **Biodiversity planning:** The Western Cape Biodiversity Spatial Plan (WCBSP) for Stellenbosch Municipality (CapeNature, 2017) is essential to determine the conservation importance of the affected habitats. Ground-truthing is an essential component in terms of determining the habitat condition.
- **Important species:** The presence or absence of threatened (i.e. species of conservation concern) and ecologically important species informs the ecological condition and sensitivity of the site. The latest conservation status of species is checked on the Red List of South African Plants (Raimondo et al. 2009) via the website (www.redlist.sanbi.org).
- **Previous studies:** Previous botanical studies in the region of the study area provide additional information that can support the findings of the once-off nature of a typical impact assessment report.

The site visit was conducted at the beginning of the peak spring flowering period (August to October). At this time the overall habitat condition and sensitivity could be determined based on the vegetation structure and plants in flower and identifiable to species level, and so the season of survey presents minimal limitation to this botanical survey.

6. VEGETATION DESCRIPTION

6.1. NATIONAL VEGETATION TYPE AND ECOSYSTEM THREAT STATUS

National Vegetation type: According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area is Boland Granite Fynbos. The landscape and vegetation of this ecosystem is described by Rebelo et al. (in Mucina and Rutherford, 2006):

*“Moderately undulating plains and hills, varying from extensive deep soils, to localized deep soils between large granite domes and sheets. A fairly dense, 1-2 m tall closed shrubland with occasional low, gnarled trees dotted through the landscape. A diverse type, dominated by scrub, asteraceous and proteoid fynbos (with *Protea repens*, *P. burchelli*, *P. laurifolia* with *Leucadendron rubrum* and *L. daphnoides* as dominants on drier slopes, *Leucospermum grandiflorum* or *L. guenzii* dominant in seepage areas, and *P. neriifolia* and *Leucadendron sessile* on moist slopes), but with patches of restioid and ericaceous fynbos in wetter areas. Waboomveld is very typical and very extensive within this unit.”*

This is an Endangered vegetation type with only 54% remaining (SANBI 2023)¹. This vegetation type is narrowly distributed with high rates of habitat loss in the past 28 years (1990-2018) and evidence of ongoing biotic disruption from invasive species (Government Gazette 2022). It should however be noted that this vegetation type was previously listed as Vulnerable (Government Gazette 2011) but this status was upgraded since 2018 due to the above-mentioned pressures.

Ecosystem threat status is derived from The Revised National List of Threatened Terrestrial Ecosystems (Government Gazette, 2022)

Table 1. Ecosystem threat status derived from available information sources

Ecosystem threat status	The Revised National List of Threatened Terrestrial Ecosystems (* denotes data from Government Gazette 2011)
Boland Granite Fynbos	ENDANGERED
Reason	*B1thrsp_inv – limited extent ecosystems at risk of collapse due to invasive species
Remaining % of ecosystem	56.84%

¹ Government Gazette No 47526, 18 November 2022. Department of Environmental Affairs. Vol 689. Part 1 of 4. The Revised National List of Ecosystems that are Threatened and in Need of Protection

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Conservation target	30%
Species of special concern	*56 Threatened species and 23 endemic species

Ecological drivers

The key ecological drivers in **lowland** and **midland** fynbos ecosystems according to Cadman *et al.* (2016) include (1) the natural fire regimes and the interplay of fire and grazing, (2) edaphic conditions and underlying lithology, and (3) drainage and soil gradients (Cadman *et al.* 2016).

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Figure 5. VEGETATION MAP: The vegetation types within the study area, superimposed on a portion of The Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) overlaid on a Google Earth™ aerial image.

6.2. CONSERVATION PLANS AND PROTECTED AREAS

The 2017 WCBSP Handbook (Pool-Stanvliet et al., 2017) distinguishes between the various conservation planning categories. Critical Biodiversity Areas are habitats with high biodiversity and ecological value. Such areas include those that are likely to be in a natural condition (CBA 1) and those that are potentially degraded or represent secondary vegetation (CBA 2). Ecological Support Areas are essential for meeting biodiversity targets. They play an important role in supporting the functioning of Protected Areas or CBAs and are often vital for delivering ecosystem services. A distinction is made between ESAs that are still likely to be functional (i.e. in a natural, near-natural or moderately degraded condition (ESA 1); and Ecological Support Areas that are severely degraded, or have no natural cover remaining, and therefore require restoration (ESA 2). Other Natural Area (ONA) sites are not currently identified as a priority, but retain most of their natural character and perform a range of biodiversity and ecological infrastructure functions. Although not prioritised, they are still an important part of the natural ecosystem. Ground-truthing of the assigned CBA sites are described in the vegetation and sensitivity sections below (Sections 6.3 and 7). The distribution of these sites is shown in Figure 6.

The 2017 WCBSP conservation planning category occupies none of the study area ie. none of the site is mapped as either CBA or ESA, although a small area immediately east of the site was mapped as ESA terrestrial.

However, groundtruthing of the site determined that at least from a botanical perspective, the area representative of endangered Boland Granite Fybos should have been mapped as ESA or CBA due to the remaining integrity of the vegetation, even though lacking certain structural component species and Species of Conservation Concern (SCC).

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Figure 6. CONSERVATION PLANNING MAP: The study area in relation to the 2017 Western Cape Biodiversity Spatial Plan (CapeNature, 2017) overlaid on a Google Earth™ aerial image.

6.3. THE VEGETATION OF THE STUDY AREA

The vegetation description is presented according to the main, distinctive habitats that occur within the study area. Habitat condition is described according to the categories in Table 2.

Table 2. Habitat category descriptions and criteria

Habitat category	Description
Intact vegetation	A true representation of the original vegetation type in terms of structure and species makeup. Minimal soil disturbance. Unlikely to have ever been ploughed. Disturbance may be evident.
Semi-intact	Resembles the original vegetation type in terms of structure and species makeup but has lower species diversity than intact vegetation. Dominated by disturbance-resilient species. Soils may have been heavily disturbed in the past. Restoration potential is high.
Degraded	Only a few species representative of the original vegetation type are present. The vegetation has undergone heavy disturbance. Restoration potential is either low or moderate.
Highly degraded	The original vegetation is usually absent and has been removed in the past. Only a few remnant or pioneer species are present. Soils usually ploughed in the past. Restoration potential is very low.
Transformed	No remnant species exist anymore. The landscape is altered irreversibly with no restoration potential. Examples include cultivated farmland and the built environment.

Ground-truthing of the site revealed that the condition of the vegetation varies from transformed to semi-intact Boland Granite Fynbos. In some places within the otherwise transformed habitat were some scattered opportunistic and hardy small to medium herbaceous and shrub species, which was considered to be highly degraded. No SCC were identified on site.

The habitats identified on the site are indicated in Figure 7 and include the following:

1. Semi-intact Boland Granite Fynbos
2. Degraded Boland Granite Fynbos
3. Highly degraded habitat
4. Transformed habitat

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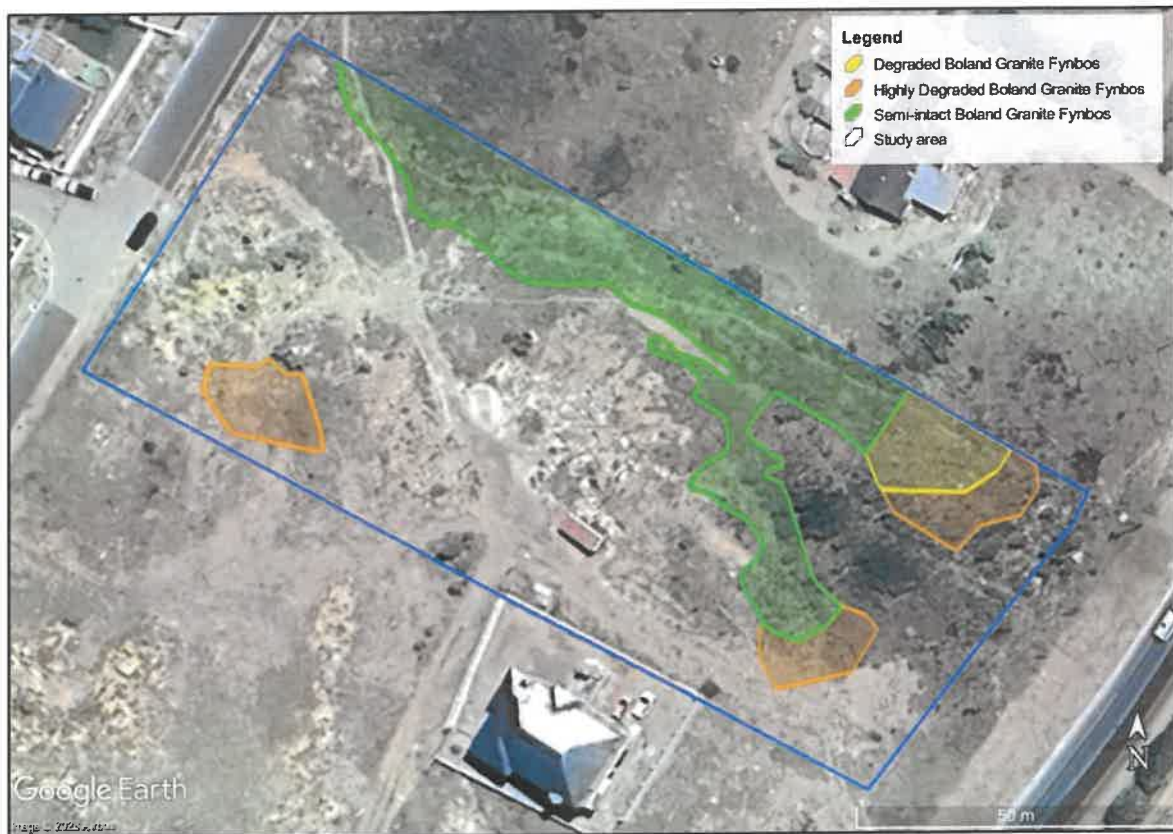


Figure 7. HABITAT MAP: Google Earth™ aerial image showing the habitats mapped within the site. Area not shaded is transformed habitat.

1. Transformed and Highly Degraded habitat

The majority of the site was found to be dominated by alien and some very weedy opportunistic indigenous grasses and invasive alien forbs. It was noted that there were areas where apparently recent scraping and dumping had taken place, as well as heavy but unknown historical disturbances, where established alien vegetation mostly consisting of invasive weedy grasses and forbs is present. In places are invasive alien trees, with Black Wattle *Acacia mearnsii* being most dominant.

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In some places, a few opportunistic and hardy small to medium herbaceous and shrub species were present, although the diversity was too low and lacking structure to be representative of Boland Granite Fynbos. These areas were considered to be High Degraded vegetation.

Species:

EXOTIC SPECIES (* = extralimital; D = dominant): Black Wattle *Acacia mearnsii* (D), Kikuyu *Pennisetum clandestinum* (D), Ribwort Plantain *Plantago lanceolata*, Patterson's Curse *Echium plantagineum*, Wild Radish *Raphanus raphanistrum*, Long Leaf Wattle *Acacia longifolia*, Dandelion *Taraxacum officinale*, Needlebush *Hakea sericea*, Small Flowered Catchfly *Silene gallica*, Quaking Grass *Briza maxima*, Vetch *Vicia* sp. and Orange Lionears *Leonotis nepetifolia**.

INDIGENOUS SPECIES (* = extralimital): African Love Grass *Eragrostis curvula*, Cape Weed *Arctotheca calendula*, Shoddy Ragwort *Senecio pterophorus**, Tall Flowerseed *Anthospermum aethiopicum*, Ridgestem Ragwort *Senecio pubigerus*, Yellow Sorrel *Oxalis pes-caprae*, Threetooth Kanniedood *Athanasia trifurcata* and Climbers Friend *Cliffortia ruscifolia*.



Figure 8. Transformed habitat within the west-central part of the site, looking south-east.



Figure 9. Highly Degraded to Transformed habitat on the lower south-eastern part of the site.

2. Degraded to Semi-intact Boland Granite Fynbos

The semi-intact and degraded vegetation is representative of Boland Granite Fynbos, even though lacking some of the typical structural component species usually associated with this vegetation type, but with relatively high diversity persisting. A missing key structural component is the proteoid overstorey which is likely as a result of altered fire regime, or due to historical disturbance such as brush-cutting of the vegetation. These elements could however be restored without major interventions. Of particular interest is the geophyte diversity evident within this area, which is completely absent from transformed parts of the site. Some alien vegetation is present but mostly on the edges of this vegetation and in high abundance within the degraded section towards the lower end of the site.

Species:

EXOTIC SPECIES: Black Wattle *Acacia mearnsii*, Ribwort Plantain *Plantago lanceolata*, Dandelion *Taraxacum officinale*, Needlebush *Hakea sericea* and Quaking Grass *Briza maxima*.

INDIGENOUS SPECIES (D = dominant): African Love Grass *Eragrostis curvula*, Kalkoentjie *Gladiolus alatus*, Blombos *Metalsia densa*, Common Gonna *Passerina corymbosa*, Juniper Caperose *Cliffortia juniperina*, Buttons *Cotula turbinata*, Cape Weed *Arctotheca calendula*, Slangbos *Seriphium plumosum*, Cape Pegreed *Restio capensis* (D), Tall Flowerseed *Anthospermum aethiopicum*, Ridgestem Ragwort *Senecio pubigerus*, Common Hare Grass *Tribolium uniola*, One-Eye Monster *Osteospermum monstrosum*, Fat Dollsrose *Hermannia hyssopifolia*, Myrrleaf Storksbill *Pelargonium myrrhifolium*, Pink Woolly Sorrel *Oxalis lanata* var. *rosea*, Purple Woodsorrel *Oxalis purpurea*, Yellow Sorrel *Oxalis pes-caprae*, Threetooth Kanniedood *Athanasia trifurcata*, Lax Capesaffron *Gnidia laxa*, African Capeblue *Aristea africana*, Red Stem Asparagus *Asparagus rubicundus*, Paraseed *Ursinia anthemoides*, Fineleaf Puffbush *Pseudoselago spuria*, Prickly Purplegorse *Muraltia heisteria*, Climbers Friend *Cliffortia ruscifolia*, Fringe Capegorse *Aspalathus ciliaris*, Heart Capegorse *Aspalathus cordata*, Bristle Capegorse *Aspalathus hispida*, Cape Starapple *Diospyros glabra*, Wild Viooltjie *Lachenalia orchioidea*, Blue Ladieshand *Cyanella hyacinthoides*, Hollow-leaf Combflower *Micranthus tubulosus*, Mountain True-Eye *Euryops abrotanifolius*, Capestar *Pauridia capensis*, Karoo Slangbos *Seriphium cinereum*, Indian Sedge *Ficinia indica*, *Ficinia oligantha*, Butterfly Uintjie *Moraea papilionacea*, Common Satin *Geissorhiza aspera*, Mountain Sunspurge *Heliophila scoparia*, Clusterleaf Brightfig *Lampranthus emarginatus*, Slimelily *Albuca* sp., Tulp *Moraea* sp., Common Butterflylily *Wachendorfia paniculata*, Golden Sorrel *Oxalis luteola*, Brown Butterflylily *Wachendorfia multiflora*, Giant Bell *Roella ciliata*, Cape Twinspur *Diascia capensis*, Spoonfig *Erepsia* sp., Bokkie Baroe *Cyphia volubilis*, Burnished Tetra *Tetaria ustulata* and Long Storksbill *Pelargonium elongatum*.

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Figure 10. Highly invaded degraded Boland Granite Fynbos still containing some representative structure and diversity between Acacias.

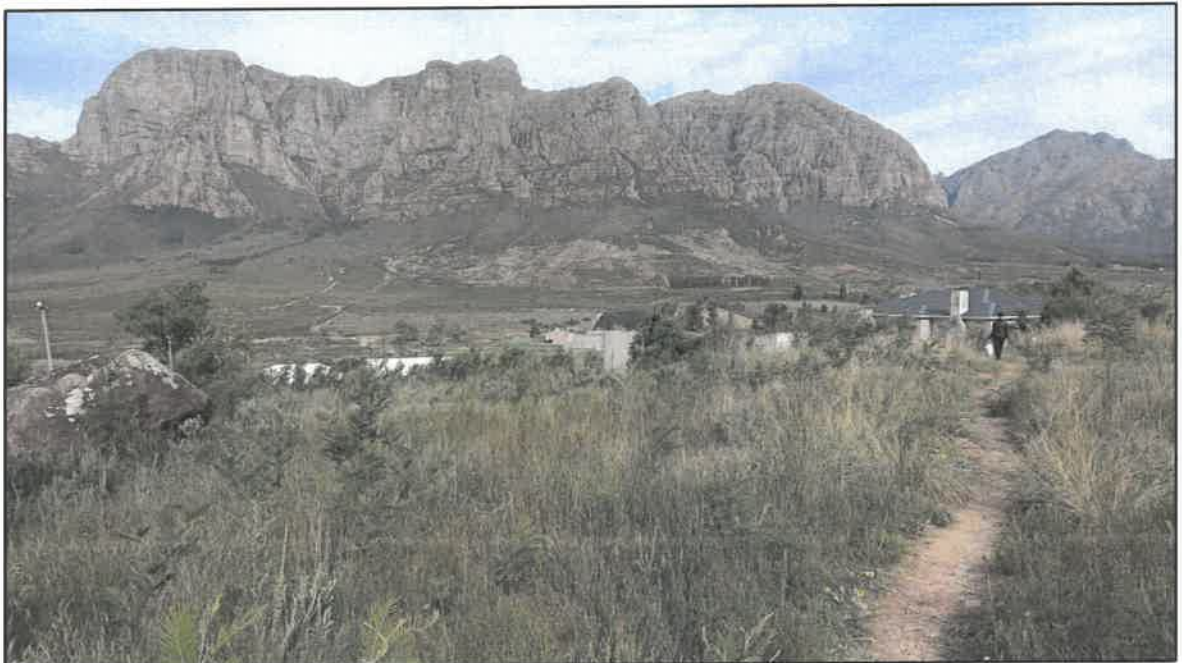


Figure 11. Semi-intact vegetation near the north corner of the site, looking south-east.

7. SENSITIVITY

Sensitivity is defined here as the '**conservation value**' together with the '**degree of resilience to disturbance**'. The conservation value relates to the conservation status (including the ecosystem threat status) and other factors including ecological connectivity, habitat condition, persistence of ecological process and the site's role in supporting biodiversity. The degree of resilience takes into consideration factors such as sensitivity to disturbance and restoration potential.

In the case of the proposed development a **Very Low sensitivity** rating is applied to the majority of the site, where not otherwise specified, for the following reasons:

1. These areas are transformed by human disturbance to the point that there is no value in conserving this habitat.
2. These areas contain no habitat representative of the historical vegetation type and do not contain any indigenous species other than some weedy opportunistic grass species.
3. It is highly unlikely that any SCC may have been overlooked at the time of survey.

A **Low sensitivity** rating is applied to the areas mapped as such for the following reasons:

1. These areas support a few remnant opportunistic indigenous species, although highly disturbed and not forming a habitat representative of an indigenous vegetation community.
2. It is highly unlikely that any SCC may have been overlooked at the time of survey.

A **Medium sensitivity** rating is applied to the area mapped as such for the following reasons:

1. This area supports a low to moderate diversity of indigenous species forming a community representative of Endangered Boland Granite Fynbos, albeit highly invaded by alien vegetation.
2. This habitat has moderate restoration potential if the invasive alien vegetation were to be removed.
3. It is unlikely but possible that SCC may have been overlooked at the time of survey.

A **High sensitivity** rating is applied to the area mapped as such for the following reasons:

1. This area supports a moderate to high diversity of indigenous species representative of Endangered Boland Granite Fynbos, albeit lacking some typical diversity and structural components of this vegetation.

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

2. This habitat has high restoration potential if the invasive alien vegetation were to be removed and the site effectively managed for conservation.
3. It is unlikely but possible that SCC may have been overlooked at the time of survey.



Figure 12. SENSITIVITY MAP: The sensitivity mapped across the different parts of the site, overlaid on a Google Maps™ image. Area not shaded is of Very Low Sensitivity.

8. IMPACT ASSESSMENT

The impact assessment is a measure of the impacts likely to occur on the affected environment, specifically the vegetation, ecological processes, important species and habitats. They are considered for (a) the 'No Go' scenario with existing development rights (development in line with the existing SR1 rights, which allows development of no more than 50% of the site and likely landscaping on the remainder), (b) the No-development scenario i.e. baseline alternative, and (c) the direct, indirect and cumulative impacts of the proposed development layout alternative. Impacts of the development alternative are assessed for both construction and operational phases. In the case of the 'No Go' scenario as well as the proposed development alternative, potentially all natural vegetation within the site will be lost. 1548m² of semi-intact to degraded vegetation representative of Endangered Boland Granite Fynbos is present within the site (1335m² of High Sensitivity and 213m² of Medium Sensitivity), while 5644m² of non-indigenous vegetation - highly degraded and transformed vegetation - is present (424m² of Low Sensitivity and 5220m² of Very Low Sensitivity).

8.1. 'No Go' Scenario

The 'No Go' scenario takes into consideration the possible impacts associated with development that is currently permitted in line with the existing SR1 rights, which allows development of no more than 50% of the site and likely landscaping on the remainder. The entire area of representative Boland Granite Fynbos could therefore be cleared and developed under the existing SR1 rights without requiring an EIA, and even if not this could still be lost if the remainder of the property were to be cleared and landscaped. The impacts associated with the No Go option are therefore **Medium Negative**.

8.2. No-development (Baseline) Scenario

The no-development scenario takes into consideration the impacts associated with the site remaining in its present state without any further construction or vegetation clearance taking place. It is a prediction of the future state of the affected area in the event of no construction activities taking place and is based on the current and/or anticipated future land use. If no construction were to take place, the majority of the site is already transformed, while the area of

representative Boland Granite Fynbos would be retained although this may be lost over time due to competition from alien species, soil disturbance or lack of fire. The impacts associated with the No-development option are **Low Negative**.

8.3. Proposed Development Layout - Direct impacts

Direct impacts are those that would occur as a direct result of the development of the proposed project. The development scenario is assessed for the construction and operational phases of the project according to the following interrelated components:

- Loss of vegetation– Degraded to Semi-intact vegetation of medium to high sensitivity, representative of Endangered Boland Granite Fynbos.

The proposed development footprint covers the entire site including the area in which the threatened vegetation is found. Although large enough in area to trigger a listed activity, the area is very small in extent and isolated from other natural vegetation. Therefore the direct impacts of the **construction and operational phase** on vegetation would have a **Medium negative** impact at a local scale in the long term, due to the loss of threatened natural vegetation. If mitigation measures are implemented the impact will be reduced to **Low negative**.

8.4. Proposed Development Layout - Indirect impacts

Indirect impacts are those that do not occur as a direct result of the activity on the site but that occur further away. Since the impacts are localised within the development footprint, and the site is isolated from other natural vegetation, indirect impacts are rated as **Low Negative**.

8.5. Proposed Development Layout - Cumulative impacts

Cumulative impacts are those impacts linked to increased loss of vegetation type or the ecosystems listed in the Revised National List of Threatened Terrestrial Ecosystems (Government Gazette, 2022). Cumulative impacts are assessed as the overall impact of loss of habitat in relation to loss of the same or similar habitat at a local scale due to past, present and future habitat loss. In terms of area, 0.16 ha of semi-intact to degraded habitat representative of Boland Granite Fynbos represents 0.0005% of what remains of this vegetation type (29 783 ha). The cumulative impact is therefore rated as **Low Negative**.

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

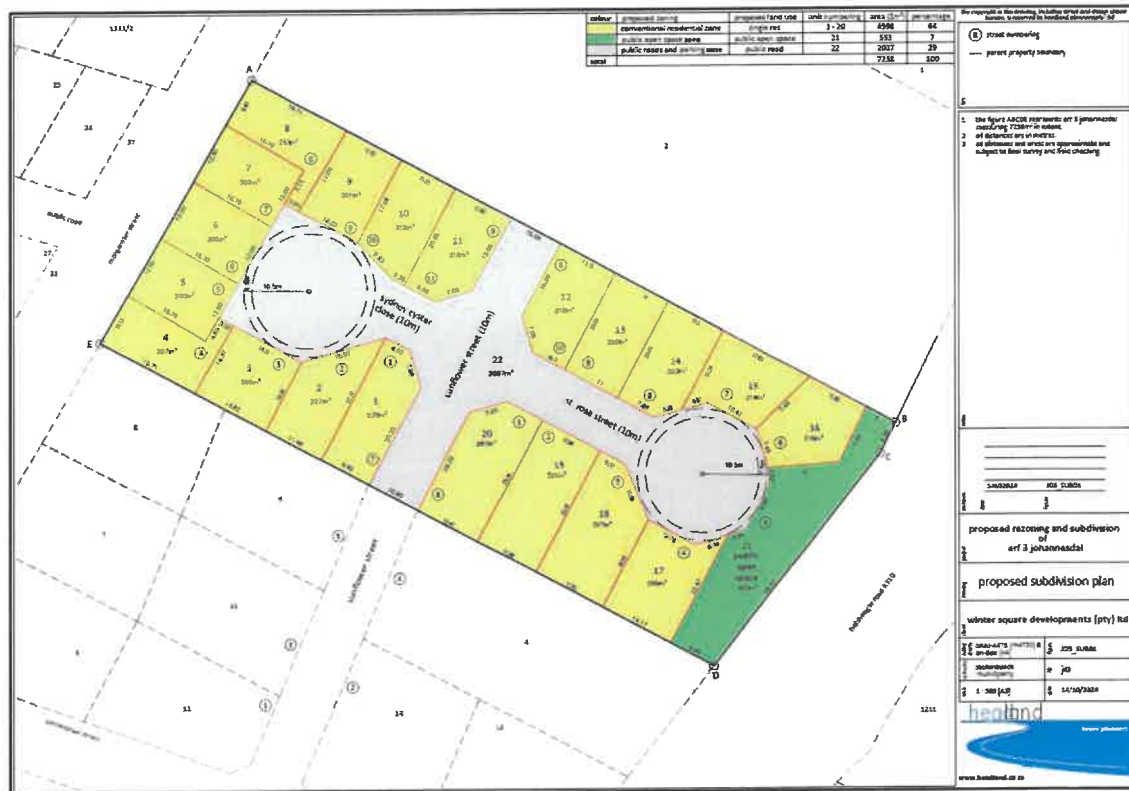


Figure 13. PROPOSED DEVELOPMENT LAYOUT: The proposed site development plan.

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

Table 3. Impact-significance table for the construction and operational phase and the No-Go scenario of proposed development of ERF 3 Johannesburg.

PROJECT ALTERNATIVE	POTENTIAL ENVIRONMENTAL IMPACT / NATURE OF IMPACT	ENVIRONMENTAL SIGNIFICANCE																		MITIGATION
		BEFORE MITIGATION									AFTER MITIGATION									
		Magnitude	Duration	Extent	Irreplaceability	Reversibility	Probability	TOTAL (SP)	Significance	CUMULATIVE	Magnitude	Duration	Extent	Irreplaceability	Reversibility	Probability	TOTAL (SP)	Significance	CUMULATIVE	
Potential impacts on biological aspects of the environment.																				
Project activity:	Planning, design and construction phase.																			
Proposed Development Layout - Construction Phase	Loss of habitat representative of Endangered vegetation.	4	4	1	3	4	4	64	Medium (-)	Low (-)	4	3	1	2	3	3	39	Low (-)	Low (-)	Translocate topsoil and plant material from development footprint into the public open space before construction commences
Proposed Development Layout - Operational Phase	Modified site would prevent reestablishment of natural vegetation and associated ecological processes.	4	4	1	3	4	4	64	Medium (-)	Low (-)	4	3	1	2	3	3	39	Low (-)	Low (-)	Prevent disturbance of natural vegetation in restoration area and manage alien vegetation.
"No - Go" alternative	Possible development that is currently permitted in line with the existing SRI rights ie. development of 50% of the property and possible landscaping of the remainder	4	4	1	2	3	3	42	Medium (-)	Low (-)	4	4	1	2	3	3	42	Medium (-)	N/A	N/A
No – development (baseline) alternative	Status quo remains and the remnant natural vegetation gradually degrades	3	3	1	2	3	3	36	Low (-)	N/A	3	3	1	2	3	3	36	Low (-)	N/A	N/A

8.6. Proposed Development Layout - Mitigation Measures

Mitigation options are generally considered in terms of the following hierarchy: (1) avoidance, (2) minimization, (3) restoration and (4) offsets. A distinction is also made between essential mitigation (mitigation measures that lower the impact significance) and non-essential mitigation (best practise measures that do not lower the impact significance).

Due to the medium negative impacts predicted for the proposed development, mitigation is required to lower the impact significance. However, the currently permitted development rights would constitute a medium negative impact rating, which should also be taken into account in the case of the proposed development layout. The following actions can be applied as mitigation measures as part of the proposed development:

1. Development should ideally be avoided within the section of the property mapped as semi-intact Endangered vegetation. However, this may not be viable due to the size of the property and scale of the planned development.
2. Alternatively, the required stormwater retention pond within public open space of 553m² in area could provide an opportunity for restoration of vegetation through translocation of topsoil and plant material from the semi-intact Boland Granite Fynbos vegetation. Although this would not prevent the loss of much of the area of threatened vegetation, the impact rating could still be decreased to **Low Negative**.
3. Once shaping of the stormwater retention pond has been completed, a selection of species present in the semi-intact vegetation should be propagated from cuttings or seed for planting, and seed collected for direct sowing, while geophytes and other species which can be translocated should be dug up. Once all relevant plant material has been removed from the semi-intact vegetation, this area should be brushcut, and then scraped of topsoil to a depth of approximately 20cm. Topsoil should then be spread evenly over the surface of the public open space, after which translocated and propagated plants can be planted into the site, and seed sown. Earthworks should take place over summer, and translocation and planting done in autumn.
4. The public open space should be managed appropriately for restoration of Fynbos vegetation i.e. no disturbance of the site other than removal of alien vegetation after planting has been completed.

9. CONCLUSIONS AND RECOMMENDATIONS

The proposed development would impact on areas of transformed and highly degraded habitat of negligible botanical sensitivity, but some patches of semi-intact to degraded habitat would also be impacted, resulting in a **Medium Negative** impact on vegetation if this area was lost. This could be most effectively mitigated through avoidance of the semi-intact vegetation and retaining this within the development. However, as this may not be a viable option due to the constraints of the proposed development layout, another possible option could be to restore this vegetation within the public open space planned for the lowest part of the property, through translocation of topsoil and plant material (especially geophytes) from the semi-intact vegetation into this area after creation of the stormwater retention pond. This could be successful so long as the area is managed appropriately during establishment of the vegetation as well as for conservation of this vegetation after the development takes place. This would effectively decrease the impact rating of the development to **Low Negative**. This would be lower than the potential Medium Negative impact under the No-Go scenario, since the vegetation could be cleared for development or landscaping under the current SR1 rights without requiring an EIA. Under the No-development scenario, the remnant natural vegetation may still be negatively impacted through competition by invasive alien plants, altered fire regime and isolation, and the impact of this is rated as **Low negative**.

Considering the season when the site survey was conducted, it is unlikely that SCC would have been overlooked, although it is possible that one or more inconspicuous species may possibly have been missed due to the season of survey.

In terms of the Protocol for the Assessment and Reporting of Environmental Impacts on Terrestrial Biodiversity requires: *“A reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the development and if the development should receive approval or not, and any conditions to which the statement is subjected.”* The overall botanical integrity of the site is variable, ranging from Transformed to Semi-intact habitat representative of an Endangered vegetation type. The **Medium Negative** impact of the proposed development without mitigation is higher than that of the No-Go scenario, although this may also likely have a **Medium Negative** impact. Both scenarios are significantly higher than that of the No-

development scenario, but this may still lead to loss of the integrity of the vegetation over time. It is however possible to achieve a **Low Negative** impact by implementing the suggested mitigation measures as part of the proposed development layout. Therefore the project is supported from a botanical perspective, if the above mitigation measures are adhered to.

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APPENDIX 1: ASSESSMENT METHODOLOGY

- An assessment of the impacts associated with the proposed development, with the “no-go” option and with the relevant alternative layouts. The impact assessment should consider the following:
 - An indication, prediction, assessment and evaluation of potential (positive or negative) significant **direct** impacts associated with the **construction, operational and de-commissioning phases** of the project (as applicable – it is not envisaged that the proposed project will be decommissioned), as well as **indirect** and **cumulative** impacts. The impacts associated with the specific listed activities that will be triggered by the proposed project in terms of the EIA Listing Notices of 2014, should also be assessed. See **Table 1** above.
 - An assessment of the **nature** of potential impacts, and a description of the manner in which they could be affected (both positive and negative). This description should include *what* is to be affected and *how* it is to be affected.
 - A determination of the **significance** of the potential impacts of the proposed development on all project activities, components and alternatives.
 - The significance of each potential impact, with and without the implementation of the proposed mitigation measures, should be assessed based on the following variables (evaluation components):
 - **Extent** (spatial scale);
 - **Magnitude**;
 - **Duration** (time scale);
 - **Probability** of occurrence;
 - **Irreplaceable** loss of resources; and
 - **Reversibility** of the impact.

The evaluation components, ranking scales and descriptions to be used to assess these are provided in **Table 2** below.

- Once the evaluation components have been ranked for each impact, the significance of the potential impact should be calculated using the following formula:

SP (Significance Points) =

(Magnitude + Duration + Extent + Irreplaceable + Reversibility) X Probability

The maximum value is 150 SP (Significance Points). **Table 3** below provides the definitions of the calculated significance ratings. The significance rating of the unmitigated

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

and mitigated scenarios for each impact should be calculated and rated as indicated on **Table 4** below.

- The Specialist should propose **mitigation/management** actions to reduce potential negative impacts, and enhance potential positive impacts, and **monitoring** measures that may need to be taken up in the Environmental Management Programme (EMP).

Table 2: Evaluation components, ranking scales and descriptions (criteria).

Evaluation Component	Ranking Scale and Description (Criteria)
MAGNITUDE of NEGATIVE IMPACT (at the indicated spatial scale)	<p>10 - Very high (negative): Biophysical and/or social functions and/or processes might be <i>severely</i> altered.</p> <p>8 - High (negative): Biophysical and/or social functions and/or processes might be <i>considerably</i> altered.</p> <p>6 - Medium (negative): Biophysical and/or social functions and/or processes might be <i>notably</i> altered.</p> <p>4 - Low (negative): Biophysical and/or social functions and/or processes might be <i>slightly</i> altered.</p> <p>2 - Very Low (negative): Biophysical and/or social functions and/or processes might be <i>negligibly</i> altered.</p> <p>0 - Zero: Biophysical and/or social functions and/or processes will remain <i>unaltered</i>.</p>
MAGNITUDE of POSITIVE IMPACT (at the indicated spatial scale)	<p>10 - Very high (positive): Biophysical and/or social functions and/or processes might be <i>substantially</i> enhanced.</p> <p>8 - High (positive): Biophysical and/or social functions and/or processes might be <i>considerably</i> enhanced.</p> <p>6 - Medium (positive): Biophysical and/or social functions and/or processes might be <i>notably</i> enhanced.</p> <p>4 - Low (positive): Biophysical and/or social functions and/or processes might be <i>slightly</i> enhanced.</p> <p>2 - Very Low (positive): Biophysical and/or social functions and/or processes might be <i>negligibly</i> enhanced.</p> <p>0 - Zero: Biophysical and/or social functions and/or processes will remain <i>unaltered</i>.</p>

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

Evaluation Component	Ranking Scale and Description (Criteria)
DURATION	5 - Permanent 4 - Long term: Impact ceases after Operational Phase/life of the activity (~ 20 years). 3 - Medium term: Impact might occur during the Operational Phase/life of the activity (0 to 20 years). 2 - Short term: Impact might occur during the Construction Phase (~ 1 year). 1 - Immediate
EXTENT (or spatial scale/influence of impact)	5 - International: Beyond National boundaries. 4 - National: Beyond Provincial boundaries and within National boundaries. 3 - Regional: Beyond 5 km of the proposed development and within Provincial boundaries. 2 - Local: Within 5 km of the proposed development. 1 - Site-specific: On site or within 100 m of the site boundary. 0 - None
IRREPLACEABLE (loss of resources)	5 - Definite loss of irreplaceable resources. 4 - High potential for loss of irreplaceable resources. 3 - Moderate potential for loss of irreplaceable resources. 2 - Low potential for loss of irreplaceable resources. 1 - Very low potential for loss of irreplaceable resources. 0 - None
REVERSIBILITY (of impact)	5 - Impact cannot be reversed. 4 - Low potential that impact might be reversed. 3 - Moderate potential that impact might be reversed. 2 - High potential that impact might be reversed. 1 - Impact will be reversible. 0 - No impact.
PROBABILITY (of occurrence)	5 - Definite: >95% chance of the potential impact occurring. 4 - High probability: 75% - 95% chance of the potential impact occurring. 3 - Medium probability: 25% - 75% chance of the potential impact occurring. 2 - Low probability: 5% - 25% chance of the potential impact occurring. 1 - Improbable: <5% chance of the potential impact occurring.

Evaluation component	Ranking Scale and Description (Criteria)
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BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

CUMULATIVE impacts	<p>High: The activity is one of several similar past, present or future activities in the same geographical area, and might contribute to a very significant combined impact on the natural, cultural, and/or socio-economic resources of local, regional or national concern.</p> <p>Medium: The activity is one of a few similar past, present or future activities in the same geographical area, and might have a combined impact of moderate significance on the natural, cultural, and/or socio-economic resources of local, regional or national concern.</p> <p>Low: The activity is localised and might have a negligible cumulative impact.</p> <p>None: No cumulative impact on the environment.</p>
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Table 3: Definition of significance ratings (positive and negative).

Significance Points	Environmental Significance	Description
125 – 150	Very high (VH)	An impact of very high significance will mean that the project cannot proceed, and that impacts are irreversible, regardless of available mitigation options.
100 – 124	High (H)	An impact of high significance which could influence a decision about whether or not to proceed with the proposed project, regardless of available mitigation options.
75 – 99	Medium-high (MH)	If left unmanaged, an impact of medium-high significance could influence a decision about whether or not to proceed with a proposed project. Mitigation options should be re-evaluated at.
41 – 74	Medium (M)	If left unmanaged, an impact of moderate significance could influence a decision about whether or not to proceed with a proposed project.
0 – 40	Low (L)	An impact of low is likely to contribute to positive decisions about whether or not to proceed with the project. It will have little real effect and is unlikely to have an influence on project design or alternative motivation.
+	Positive impact (+)	A positive impact is likely to result in a positive consequence/effect, and is likely to contribute to positive decisions about whether or not to proceed with the project.

APPENDIX 2: MINIMUM CONTENT REQUIREMENTS FOR TERRESTRIAL BIODIVERSITY SPECIALIST REPORTS AS PER PROTOCOL FOR THE SPECIALIST ASSESSMENT OF ENVIRONMENTAL IMPACTS ON TERRESTRIAL BIODIVERSITY (GN 43855 OF 30 OCTOBER 2020)

Protocol ref	Terrestrial Biodiversity Specialist Assessment Report Content	Section / Page
3.1.1.	contact details of the specialist, their SACNASP registration number, their field of expertise and a curriculum vitae;	Page ii and Appendix 4
3.1.2.	a signed statement of independence by the specialist;	Page iii
3.1.3.	a statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;	Section 5
3.1.4.	a description of the methodology used to undertake the site verification and impact assessment and site inspection, including equipment and modelling used, where relevant;	Section 5
3.1.5.	a description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations;	Section 5
3.1.6.	a description of the mean density of observations/number of samples sites per unit area of site inspection observations;	Section 5
3.1.7.	details of all SCC found or suspected to occur on site, ensuring sensitive species are appropriately reported;	N/A
3.1.8.	the online database name, hyperlink and record accession numbers for disseminated evidence of SCC found within the study area;	N/A
3.1.9.	the location of areas not suitable for development and to be avoided during construction where relevant;	Section 8
3.1.10.	a discussion on the cumulative impacts;	Section 8
3.1.11.	impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr);	Section 8
3.1.12.	a reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not, of the development related to the specific theme considered, and if the development should receive approval or not, related to the specific theme being considered, and any conditions to which the opinion is subjected if relevant; and;	Section 9
3.1.13.	a motivation must be provided if there were any development footprints identified as per paragraph 2.3.12 above that were	Section 7

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

	identified as having "low" or "medium" terrestrial plant species sensitivity and were not considered appropriate;	
3.2.	A signed copy of the assessment must be appended to the Basic Assessment Report or Environmental Impact Assessment Report.	

APPENDIX 3: TERRESTRIAL PLANTS SPECIES COMPLIANCE STATEMENT

1. Introduction

The requirement for assessment and reporting of impacts on terrestrial plant species is in accordance with new procedures for reporting on identified environmental themes published in October 2020 (Government Gazette No. 43844, 2020). The Screening Tool used to derive the plant sensitivity (<https://screening.environment.gov.za>) assigned a Low sensitivity theme for the entire study site (Figure 1). Note that based on the site verification no Species of Conservation Concern (SCC) or Sensitive Species were found. Low sensitivity is therefore an appropriate rating and a compliance statement is thus required.

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY



Figure 1. Map of relative plant species theme sensitivity within the study area.

Findings and Conclusions

No Species of Conservation Concern (SCC) were found within the proposed development footprint and there would therefore be no significant impact on any SCC should any development be given the go-ahead. However, there may be a soil seedbank present of some SCC within the site. Furthermore, representative endangered vegetation within the site represents a valuable opportunity to conserve an area of this habitat, which would be an asset to the development (See Section 9 Conclusions and Recommendations).

Additional information required for this report is provided below:

- The methodology used to compile this compliance statement is provided in the main body of this report.

Table 1. List of requirements for minimum reporting of Terrestrial Plant Species Compliance Statement

38

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

Protocol ref	Terrestrial Plant Species Compliance Statement	Section / Page
5.1.	The compliance statement must be prepared by a SACNASP registered specialist under one of the two fields of practice (Zoological Science or Ecological Science).	Page ii and iii in main body of report
5.2.	The compliance statement must:	
5.2.1.	be applicable to the study area;	Appendix 3
5.2.2.	confirm that the study area is of "low" sensitivity for terrestrial plant species; and	Appendix 3
5.3	The compliance statement must contain, as a minimum, the following information:	
5.3.1.	contact details and relevant experience as well as the SACNASP registration number of the specialist preparing the compliance statement including a curriculum vitae;	Page ii and iii in main body of report
5.3.2.	a signed statement of independence by the specialist;	Page iii in main body of report
5.3.3.	a statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;	Section 5
5.3.4.	a description of the methodology used to undertake the site survey and prepare the compliance statement, including equipment and modelling used where relevant;	Section 5
5.3.5.	where required, proposed impact management actions and outcomes or any monitoring requirements for inclusion in the EMP;	Section 5
5.3.6.	a description of the assumptions made and any uncertainties or gaps in knowledge or data;	Section 4
5.3.7.	the mean density of observations/ number of sample sites per unit area; and	NA
5.3.8.	any conditions to which the compliance statement is subjected	Section 8

APPENDIX 4: ABBREVIATED CURRICULUM VITAE: STUART HALL

Experience

- Expertise in field work in the CFR – vegetation surveys, plant identification, plant collection, ecological monitoring
- Restoration of natural habitat following degradation
- PhD thesis entitled "Restoration potential of alien-invaded Lowland Fynbos". Graduation date: March 2018

Career History

- November 2018 – present: Independent botanical specialist

BOTANICAL IMPACT ASSESSMENT: ERF 3 JOHANNESDAL, STELLENBOSCH MUNICIPALITY

- January 2017 – present: Environmental consultant for Intaka Island Nature Reserve
- March - October 2018: Horticulturist at Stellenbosch University Botanical Garden
- April 2012 – March 2013: Pollination Biology Intern in Department of Botany and Zoology at Stellenbosch University

Education and qualifications

- Pr. Nat. Sci. (139074)
- PhD (Conservation Ecology) – Stellenbosch University (2018).
- BSc: Hons (Botany) – University of Cape Town (2010)
- BSc: Ecology - University of Cape Town (2007 – 2009)

Personal Details

- Stuart Hall
- 26 Santa Rosa Street, Die Boord, 7086
- Phone: 0638319428
- ecostu@gmail.com
- Date of birth – 19/10/1988
- Marital status – Single
- Dependents – 0



APPLICATION FOR CONSENT USE: FARM NO 1252, STELLENBOSCH

CONTENT	
ANNEXURES	PAGE NUMBER
APPENDIX 1: Locality Plan	210-211
APPENDIX 2: Plans	212-215
APPENDIX 3: Applicant's Motivation	216-450
APPENDIX 4: Proof of Evidence	451-608
APPENDIX 5: Heritage Western Cape	609-714
APPENDIX 6: Department of Environmental Affairs and Development Planning	715-735
APPENDIX 7: Director: Infrastructure Services	736-740
APPENDIX 8: Western Cape Chief Director: Road Planning	741-745
APPENDIX 9: Extract from Stellenbosch Municipal Heritage Inventory and Conservation Management Plan	746-750
APPENDIX 10: Photo's	751-755



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW

APPLICATION DETAILS:

APPLICATION FOR CONSENT USE: FARM NO 1252, STELLENBOSCH DIVISION.

Application Reference	LU/14498	Commencement Date	07/09/2022
Applicant	Arch Town Planners (Pty) Ltd	Last day for comments or additional information	14/02/2025
Erf/Farm nr	Farm 1252, Stellenbosch Division	Place	Stellenbosch Farms
Zoning	Agriculture and Rural Zone	Other approvals	none

X TYPE OF APPLICATION

15(2)(a) rezoning of land*

15(2)(b) a permanent departure from the development parameters of the zoning scheme

15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land

15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*

15(2)(e) a consolidation of land that is not exempted in terms of section 24*

15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*

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

Application is made for a consent use for tourist accommodation establishment and consent use for tourist facilities.

- 1) **A tourist accommodation establishment** to allow five (5) guest accommodation units, of one (1) and two (2) bedroom units, single storey on $\pm 120\text{m}^2$ coverage with a building footprint of $\pm 45\text{m}^2$ and
- 2) **A tourist facility** in order to establish a restaurant (coffee shop/deli) and a wine tasting facility on $\pm 350\text{m}^2$ and a second restaurant (Bistro/Breakfast area of 100m^2).

The construction of the proposed buildings and roads will require the clearance of indigenous vegetation in places, considering that the subject farm on the Helderberg foothills has not been cultivated and is located on a prominent scenic landscape.

See **APPENDIX 2** for Site Development Plans and Building Plans, and the applicant's motivation in **APPENDIX 3**.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	Yes		<p>The application was extensively advertised to all interested and affected parties and internal and external departments.</p> <p>The public participation process commenced on 17 May 2023 and concluded 17 July 2023, with 30 days granted for interested and affected parties and 60 days for departments.</p> <p>Five (5) objections were received, which the applicant responded to in the Portfolio of Evidence (See APPENDIX 4).</p>
Conditions imposed by departments	Yes		<p>1) Heritage Western Cape (APPENDIX 5).</p> <p>2) Department of Environmental Affairs and Development Planning (APPENDIX 6).</p> <p>3) Director: Infrastructure Services (APPENDIX 7).</p> <p>4) Western Cape Chief Director: Road Planning (APPENDIX 8).</p>
DCs applicable	Yes		Calculations as provided in the engineering comments, based on the municipal DC policy. (APPENDIX 7).
Objections received	Yes		<p>1) Stellenbosch Interest Group</p> <p>2) C W Obermeyer (Farm No. 1355, 707/6 Stellenbosch)</p> <p>3) Leon Booysen (Farm No. 713, Stellenbosch)</p> <p>4) RJ McNaught Davis (Klein Helderberg)</p> <p>5) Schalk Joubert (Farm Taaibosch, No. 707/2, Stellenbosch).</p> <p>See ANNEXURE D of the POE, attached as APPENDIX 4.</p>
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		No	The siting of the proposed buildings does not conform to certain guidelines of the Stellenbosch Municipal Heritage Inventory

			and Conservation Management Plan, which is a heritage informant to the Municipal SDF.
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DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	The influx of tourists may drive up local demand for services and products, creating some jobs which may reduce poverty and increase revenue. The proposed tourism facilities could subsequently contribute to increase and enhances the economy activity of the region.
Compatibility with surrounding uses	The Stellenbosch region boasts spectacular settings for fantastic foods, wine and accommodation and this area, the subject property is located in, is no different. Restaurants, wine tasting and sales and tourist accommodation facilities are synonymous to the Stellenbosch agricultural area, although not many similar activities are found in the immediate surroundings of the subject property.
Impact on the external engineering services	No municipal bulk services will be affected. The property will be self-sufficient with borehole water and water treatment plans to be developed. Solid waste will be disposed of at the Stellenbosch landfill site.
Impact on safety, health and wellbeing of the surrounding community	Safety concerns has been raised by certain objectors, with the influx of contractors into the area.
Impact on heritage	The consideration of the Stellenbosch Municipal Heritage Inventory and Conservation Management Plan will be discussed hereunder.
Impact on the biophysical environment	The impact would be minimal, for construction of werf buildings which will take place on a plateau, on a small portion of the property, which is almost entirely free from any protected fynbos and natural landscapes. The location of the tourist pods, will however impact on a natural environmentally sensitive area.
Traffic impacts, parking, access and other transport related considerations	<p>Vehicular approached and parking is proposed on the rear of the proposed buildings, to avoid vehicular activity along the ridge line, to minimise visual impact viewed from the R44 and other viewpoints.</p> <p>Notwithstanding the intend of the Provincial Roads Authority in terms of the R44 Road Safety Project, to close certain median crossing and specifically at the intersection of Minor Road 4237 and the R44, the application was conditionally recommended for approval.</p>
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	Conditions could be imposed that could partially mitigate the impact on the surrounding environment.

OBJECTIONS RECEIVED AND CORRESPONDING REPLY BY APPLICANT

In the covering letter of the Portfolio of Evidence from the applicant, attached as **APPENDIX 4**, the applicant provides a summary of the objections and the individual response on the objections. The department comment is provided in the planning evaluation section of this report.

All the objections listed above is attached in Annexure D of the Portfolio of Evidence.

KEY FINDINGS OF PLANNING EVALUATION

1. Proposal and location of proposed structures (primary and secondary buildings);

Proposed buildings include;

Primary buildings not applied for as per SDP;

- A - a Main dwelling,
- D - farm store and offices
- E - office reception
- F - second dwelling

Secondary buildings applied for as per SDP;

- B - Restaurant 1 (Coffee shop in $\pm 350\text{m}^2$ tourist facility area)
- C - Wine-tasting/Deli (in $\pm 350\text{m}^2$ tourist facility area)
- E - Restaurant 2 (Bistro/Breakfast area of $\pm 93.5\text{m}^2$)
- G to L - five (5) tourist accommodation units/pods.

Location of tourist accommodation units/pods;

- Unit/pod 1 = $\pm 360\text{m}$ contour
- Unit/pod 2 = $\pm 360\text{m}$ contour
- Unit/pod 3 = $\pm 440\text{m}$ contour
- Unit/pod 4 = $\pm 440\text{m}$ contour
- Unit/pod 5 = $\pm 500\text{m}$ contour

2. Physical characteristics of property and location of structures;

Except for the plateau on the south-western corner of the property, the property is predominantly situated on a high mountain slope, has retained a noticeable degree of natural plantation, even in the most cultivated agricultural surroundings, which makes it unique.

This property is located in close proximity of the Helderberg Nature Reserved which is rich in natural environment and is home to a wide variety of plant and animal life.

The slopes of the Helderberg Mountain, which the property is located in seems to be popular for running and cycling considering the visible tracks in the landscape. Situated close to both the towns of Stellenbosch and Somerset West the property does provides opportunities for recreational use and outdoor eco-activities. Bad land use practices may therefore threaten the biodiversity of the site, as cultural landscapes, environmental and conservation priorities are continuously challenged by new pressures for tourism facilities, mountain sport, etc. in the Stellenbosch rural area.

The portions best suited for primary buildings and proposed agriculture is at the south-western corner of the property which forms a plateau above the ridge line, although above the 300m no-go contour height as prescribed by the applicable heritage inventory. This land portion is the flattest portion of the property and will have the least impact on the natural landscape and the fynbos found on the property, should the decision-maker consider proving any development.

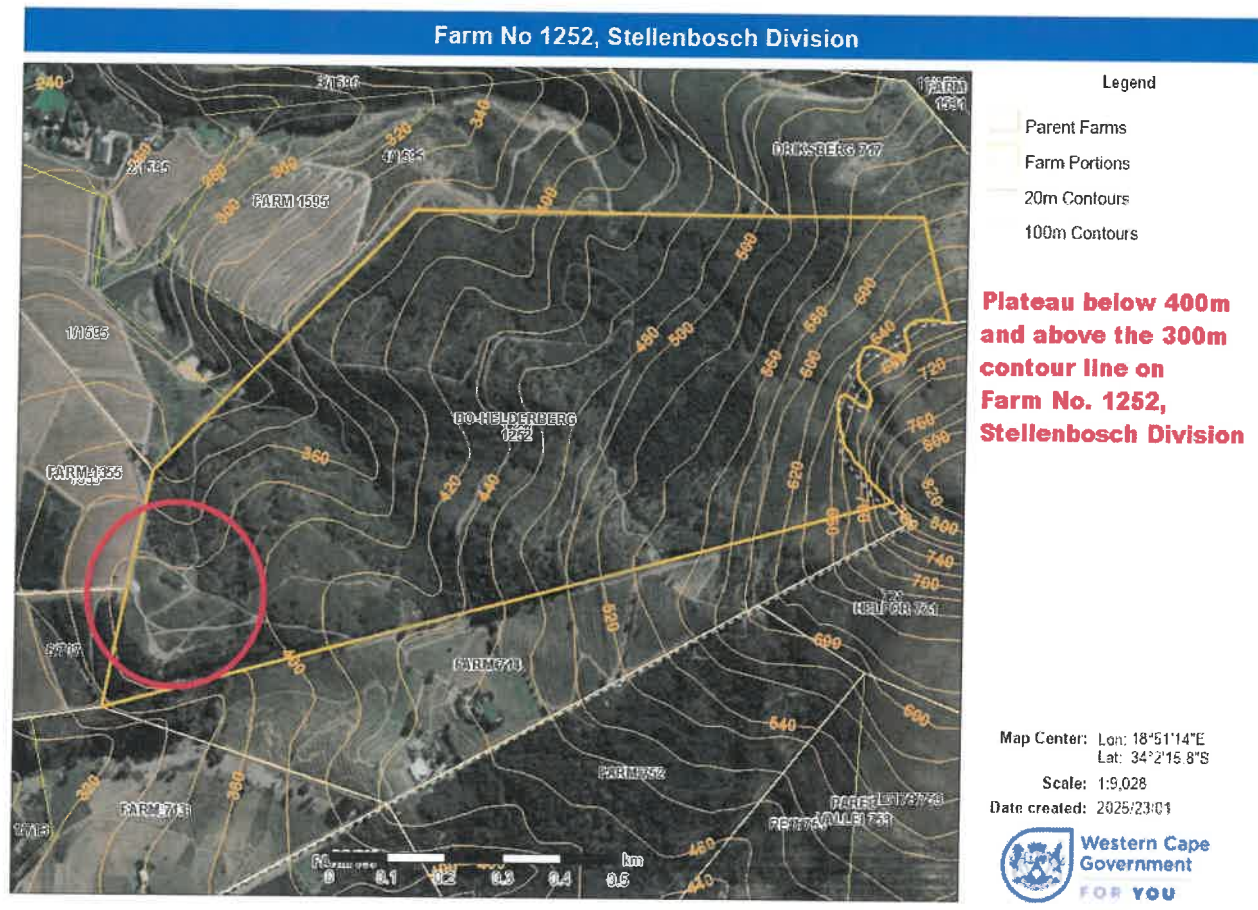
This land portion still experiences magnificent views over the winelands and close by coastline. Acknowledgement is given to the visual sensitivity of the area in the application and farm implements and other parking provisions will be located at the rear of the proposed buildings facing away from the scenic routes to avoid visual pollution. Oak tree landscaping around the proposed buildings on the plateau will be implemented to minimise the visual impact of the proposed farm werf buildings from the R44 and other scenic viewpoints. A vegetable garden at the rear of the farm and tourist facility buildings are also intended to soften the visual impact of the development of the tourist facilities all together.

The five tourist accommodation units will be located high up the mountain slopes isolated from each other in the natural fynbos area, with upgraded roads leading to them.

Careful consideration must however be giving to the siting of buildings, the various land use needs, the position and nature of new infrastructure, access points, roads and facilities on this property which is

located higher than 300m contour height. From a sensitivity analysis perspective, it is of upmost importance, to ensure that an informed decision is taken on the desirability of the proposed location of the pods and tourism buildings and that the "what if" principle is considered, if this infrastructure is approved in the proposed locations.

Will a precedent be created, which will compromise future decision-making processes, should be the question to ask. The consideration of all available information in a format that enables defensible and transparent decision-making is of upmost importance in this regard.



Height of the tourist accommodation establishment 'pod';

In order to minimise visual scarring and erosion and protect scenic resources the Stellenbosch Heritage inventory which is an informant of the Municipal SDF, propose "no-go" development areas above the 380m contour line for cultivated fields and 300m for any built structures.

The initial amount of 8 pods has been reduce to 5 pods indicated on the site development plan. It is noticeable that all pods are above the 300m contour line for any built structures as well as the 380m contour line for cultivated land. The owner however does have a right to construct buildings as a primary right on the property, withstanding its height location. The tourist pods are however not primary rights and is use rights that may be undertaken in a specified zone, only with consent use of the municipality, hence the application in terms of the Land Use Planning Bylaw. The consequence of visual scarring from built structures and cultivated land, high up the mountain slope on specifically the adjacent property (Farm No. 714, Stellenbosch) is evident of what should be avoided and not what should be repeated, with buildings as high as the 460m contour and cultivated land as high as the 600m contour line visible from kilometres in all view point directions.

3. Access to the property:

Access to the property is obtained from the R44 (Main Road 27) over Minor Road 4237 (Klein Helderberg Road) via servitude roads over Raithby Erf 221, Farms No. 1355 and 707, Stellenbosch Division. No alterations or realignment of the existing access arrangements is proposed. The servitude road is a gravel road of Erf 221, Raithby until it reaches the access gate to Farm No 1355 from where it has been paved up until Farm No 1252, Stellenbosch is access. The internal farm roads up to existing constructions yard has also been paved. Notwithstanding concerns raised by the Provincial Roads Authority concern over safety at the Minor Roads intersection with the R44 with a problematic staggered median, the application was recommended for approval subject to certain conditions (See **APPENDIX 8**).

Concerns was raised by an objector over which property the majority of the servitude road is registered (Farm No 1355, Stellenbosch) that the applicant will not honour the agreed terms of the servitude that is registered against the title deed. To the affect that assurances was given that the servitude will not be used for commercial purposes, as now applied for. No proof of these private agreements was submitted and the applicant however submitted a Conveyancers Certificate (See attachment to the applicant's motivational report in **APPENDIX 4**) indicating that there are no restrictive title deed conditions relating to servitudes that may be registered over or in favour of the subject farm.

4. Heritage perspective:

The Stellenbosch Municipal Heritage Inventory and Conservation Management Plan, has been prepared so as to assist the municipality to become compliant with the requirements of the National Heritage Resources Act (NHRA). Heritage informants are an obligatory component of current and future proposals for and amendments to rural and urban settlement and development planning instruments, the Spatial Development Frameworks, transportation plans and the like. This inventory was approved by Heritage Western Cape, and serve as an informant to the Municipal Spatial Development Framework.

The Stellenbosch Heritage Inventory subsequently informs the Stellenbosch Municipal Spatial Development Framework (SDF) by identifying and classifying heritage resources, which are then managed through the SDF and its Conservation Management Plan (CMP) to, as said, ensure compliance with the National Heritage Resources Act.

Spatial planning principles and plans can seldomly be fully implemented without supportive actions in other functional areas or sectors. The above inventory authorized by Heritage Western Cape provides such and informant to protective actions in terms of Stellenbosch Municipal Spatial Development

Framework (SMSDF). Protective actions will broadly relate to protecting elements of nature, agriculture, scenic landscapes, historically and culturally significant places, etc.

The area the subject property is located in, is called the Helderberg Foothills, a Character Area 25 and classified as a Grade IIIa in terms of the subject inventory. The Development criteria for the area, address a specific applicable principle, which needs to be taken into consideration when the merits of this application are under assessment. It stipulates *"Limited cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimize visual scarring and erosion. Propose 'no-go' development areas above the 380m contour line for cultivated fields, and 300m for any built structures"*.

A desktop study and a site inspection revealed that the entire property is located above the 300m no-go contour line, but that a plateau does exist under the 400m contour at the access to the cadastral boundary of the property, in its south western corner. The property is subsequently predominantly and significantly visible from the following listed scenic routes; Strand Road (R44), Baden Powell Road (R310), Polkadraai Road (M12), from most surrounding properties, as well as the N2 (Somerset West to Cape Town).

Heritage Western Cape recommended the HIA conducted, with some restrictive conditions. Including that "pod" walls must be painted in a dark, receding color palette, with deep roof overhangs to glazed areas, to reduce reflection. Further that buildings must be single storey or with a roof-loft arrangement for an upper level and that double volume spaces can be accommodated in working agricultural buildings. See **APPENDIX 5**.

As mentioned, the initial amount of 8 pods has been reduce to 5 pods indicated on the site development plan. It's once again confirmed that all pods are above the 300m contour line for any built structures as well as the 380m contour line for cultivated land. The owner however does have a right to construct buildings as a primary right on the property. Siting of these buildings is going to be of upmost importance, considering existing built form on surrounding properties on similar height and bad example of landscape scarring in the area, which had a detrimental effect on the scenic views onto the property.

5. Possible light pollution:

Considering that the structures will be located high up on a mountain slope, light pollution from these structures will negatively impacts the cultural landscape by diminishing the aesthetic value of the natural environment, and potentially harming wildlife.

The current proposal with structures above the 380m contour height, scattered on the landscape, will subsequently create several light polluting spots at night, high up against the Helderberg Mountain slopes. The beauty and awe-inspiring nature of the dark mountain slopes are integral to the cultural and aesthetic value of many mountain landscapes in the Stellenbosch rural area. Light pollution can diminish its natural beauty and the sense of wonder associated with these mountain slopes at night.

In the long term, light pollution activities can negatively impact and reducing the appeal of these mountain areas in general and specifically the rural landscape for tourism and recreational interest. Although proposals are made to mitigate the possible impact, these buildings would not be able to be totally screened from most viewpoints as far as 10 to 20km away in certain directions.

6. Land Use Planning assessment:

The amended Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions impact on what settlements become.

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

The new Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), is a new planning regime 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 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 and Good Administration.

The owners of Bo-Helderberg Farm intend to establish vineyards and build their house on the farm. There are currently no agricultural activities, but building work for a dwelling is currently in process on the plateau below the 400m contour height.

The existing vegetation (being classified as CBA) and the slope of the farm, situated high in the Helderberg Mountains, limits the areas which can be used for agricultural purposes. The owners however wish to develop tourist accommodation units, and tourist facilities on the farm to create an additional income to sustain the farm and the management of the CBA areas.

The subject property is ± 76 ha and zoned Agriculture and Rural Zone. The application site has a mix of alien and vegetation in Cape Winelands Shale Fynbos, which is considered a vulnerable ecosystem.

Though there are no buildings of historical value on-site, the application site has been classified as having a **high cultural landscape significance**.

The proposed tourist accommodation will be situated in five, one and two-bedroom single-story pods, where each pod will be strategically positioned away from the farming activities and other buildings/accommodation units on the farm. To limit the site area to be disturbed, the intention is to build a building of $\pm 45\text{m}^2$ each, on a platform base of $\pm 120\text{m}^2$ coverage for each unit.

The proposed tourist facility areas will be situated on the southwestern portion of the site, in the previously disturbed areas. The majority of the subject property is visually prominent and is visible from the N2 at distances of as far as 10 to 20km. According to the viewshed, the visibility of the subject site is limited significantly by topography.

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

1. The protection and preservation of agricultural land, rural landscapes and biodiversity;
2. Use of land for purposes of bona fide agricultural production or conservation;
3. Buildings and structures which may be erected for reasonable and normal agricultural purposes;

4. 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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. None is proposed, hence the question whether a wine tasting facility will be an appropriate use on the property with an sufficient amount of vineyards for processing, although not on the property.
6. 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.
7. 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).
8. 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.
9. 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. The proposed development challenges these principles.
10. 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.

The application however cannot be supported as a whole as this department are concerned about the visual impact from scenic routes within the rural landscape. Site inspections revealed and the applicant's motivation acknowledge that the subject site is visually prominent as it is also visible from the N2 at distances of up to 20km. The proposed development above the respective 300m contour line for building platforms and 380m contour line for cultivated land is also of concern.

The department are also concerned about the negative impact on the turn-off at the R44 and the competent roads authority in their response alluded to the required closers at the intersection, which

is already a very dangerous and problematic turn-off to get access to the roads leading to the subject property, as well as getting access onto the R44.

The revised plan to reduce the amounts of pods from 8 to 5, is supportive of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 which makes provision for a maximum of five (5) additional dwellings for tourist related uses per cadastral unit, and is supported, but not higher than 380m contour height and should be clustered around or in close proximity to the farm yard, situated on the plateau previously described in this report.

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 proposal at hand and specifically the siting of buildings high up against mountain slopes do not support this principle. The applicant was additionally requested to reconsider the placing of new structures above the 300m and 380m contour heights, but maintain to align the application to a revised option of 5 tourist accommodation units in the same positions as the previous 8 pods (See amended SDP in **APPENDIX 2**). Meaning that all the proposed buildings will still be higher than the guided "no-go" contour heights.

Tourist facilities;

In the absence of any agricultural land use on the farm, the consent use for the tourist facility in order to allow the construction of a restaurant and wine tasting and sales facility of $\pm 350\text{m}^2$ is not supported from a land use planning perspective. Approving a restaurant and wine tasting facility that high up against the mountain slope, may set a precedent for motivating more accommodation for visitors to the site and area, based on the majestic views provided. The cumulative impact of allowing similar developments on surrounding properties is also of great concern.

The small extent of the proposed cultivated land is a clear indication that agricultural use will be subservient to the intended consent uses of the property for tourist related activities. This proposal also clearly intends to partially convert the approved agricultural buildings and building new buildings to accommodate the proposed tourist facilities, hence an indication that non-agricultural activities will dominate the farming/natural environment activities or building form on the site. Wine tasting and/or sales on a property that at this stage are unable to provide produce for wine making, is premature and will only become a "wine shop", selling surrounding property owners wines, which is against the intend of the zoning scheme bylaw. The tourist facilities must be commensurate with farming activities on the land unit concerned.

The adverse impact of increase traffic volumes for new tourist facilities over a private servitude should also be taken into considered. Allowing a restaurant and wine tasting facility on this mountain hill, with accessed over a servitude can negatively impact the agricultural and natural environment, leading to increased traffic as mentioned, noise pollution, and visual disturbances, which will clash with the intended purpose of the servitude and the preservation of the natural landscape. A restaurant and wine tasting facilities as applied for often operate at night as well, introducing artificial light and noise, which will disrupt wildlife and negatively impact the natural environment on the property and surrounding the property.

Access:

Although a conveyancer's certificate has been submitted that do not list any restrictive title deed conditions that prohibit an access servitude to be used for tourist related activities specifically, the impact of the influx of paying guest to a restaurant/deli/wine tasting, mainly with access via an identified problematic intersection onto the R44 by the competent road's authority, and the impact on the property owner, over which the servitude access is aligned must also be considered.

The use of the servitude for secondary uses is contested by the owner (objector), while no separate agreements were provided to enable this department to consider its content. Unclear servitude terms can however lead to private disputes. If the servitude allows for certain activities, but not commercial ones, there could be legal challenges to the development of the proposed restaurant or wine tasting

and other facilities. The contesting of private agreements therefore remains a matter that must be privately resolved. It is however eminent that access arrangement will be compromised by the presence of a restaurant or wine tasting facility specifically, which will generate daily traffic. The activities of these facilities will subsequently lead to increased traffic, with possible congestion, particularly during peak hours, which can further degrade the environment and disrupt the experience of other users of the servitude.

Notwithstanding the landscaping proposed, the tourist facility structures on the propose heights will be partially visually intrusive, and may detract from the natural beauty of the mountain environment.

Alternatives;

It is acknowledged that should the natural environment be retained in its current form, no buildings are constructed above the 380m contour height, or relocated on the identified plateau on the property and in close proximity or clustered around the farm werf and the fact that the property is already higher than the 300m contour height, new tourist accommodation buildings to a maximum of 5 could be considered to provide a supplementary income to the owner. The current proposal does not conform to these assessment criteria and is recommended for refusal in its current form, considering that the applicant maintain to proceed with the alternatives approved in an EIA, which contradicts these principles. This is the current application under consideration.

Zoning scheme provision;

Tourist facilities in this zone may only be undertaken from a land unit where the primary use of the land unit is bona-fide agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm.

The proposal currently does not conform to the intend of the parameters of the zoning scheme bylaw for the Agricultural and Rural zoning, as the tourist related activities will dominate the primary use of the property. The alternatives to apply for a spot rezoning of the property, to established these activities accommodated in other zoning categories is also not desirable. Rezoning of agricultural properties outside the urban edge to none-agricultural uses is against the principles and provisions of the Municipal SDF.

The zoning scheme bylaw also stipulates that new buildings may only be approved, if the municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used (all buildings are new, although some new agricultural buildings are proposed to be partially converted) or where the proposed new buildings are significantly more desirable given the purpose of the Agricultural and Rural Zone.

Its further stipulated in the zoning scheme bylaw that the municipality may only grant such consent use if it is satisfied that the objectives of the Agriculture and Rural Zone will not be undermined by such approval. It's the view of the department that the proposal will set an undesirable precedent in its current form and should be refused.

7. Setting a precedent:

Setting a precedent in municipal decision-making processes, means taking a resolution that serves as an example or rule to be followed in similar future instances. Subsequently using a specific case as an example to justify similar occurrences/applicants at a later time and dictate the municipal decision makers mandate, notwithstanding that every application must be evaluated on its own merits.

Considering that time was already spent on evaluating similar issues for a decision, applicants and decision makers will rely on it to make future applications and decisions respectively. Once a precedent is established it may therefore have unintended consequences.

Taking into considering the heritage guideline of a 380m contour high restrictions for cultivated land and 300m for building form, the SDF preferred clustering of buildings around a farm yard in less prominent visual sites, allowing these secondary structures (tourist pods) above the 380m contour height, disperse over the extend of a mountain foothill/ visual slope, will set the norm for future decision-making within the Stellenbosch Municipal jurisdiction area.

Should the application be approved in its current form, notwithstanding any policy guidelines, these approved contour heights and siting of buildings, will become "policy/the guideline" without a property consultation process. There are no site-specific circumstances that would justify the development as per the proposed site development plan submitted.

8. Concluding comments:

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

1. Considering the setting of a precedent and cumulative impacts of similar applications, the proposal in its current form as per the revised site development plan is undesirable.

The subject land use and land development application is, having regard to the conclusions above, viewed as **in-consistent** with the relevant legislative / principles / policy / guidelines / plans, have no unique circumstances to deviate from the MSDF to support the proposed development and consequently grounds for **not supporting** the subject land use and land development application.

List relevant plan numbers	Site Development Plan; Project 1697, Drawing 101, Revision H, dated May 2024 drawn by Malherbe Rust Architects. Landscape Concept Plan; Project No. 22.096.JHB dated 2023/01/16 and drawn by DDS Projects Landscaping.
List annexures to decision	None

RECOMMENDATION

1. That the following application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw for a consent use on Farm No. 1252, Stellenbosch Division, namely:
 - 1.1. A tourist accommodation establishment to allow five (5) guest accommodation units, of one (1) and two (2) bedroom units, single storey on $\pm 120\text{m}^2$ coverage with a building footprint of $\pm 45\text{m}^2$ and
 - 1.2. Tourist facilities in order to establish a restaurant (coffee shop/deli) and a wine tasting facility on $\pm 350\text{m}^2$ and an additional restaurant (Bistro/Breakfast area on $\pm 100\text{m}^2$).

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

2. The reasons for the above decision are as follows:
 - 2.1 The proposal does not conform to the intend of the purpose and development parameters of the applicable zoning of the zoning scheme bylaw for the Agricultural and Rural zoning, as the proposed tourist related activities as secondary uses will become the primary use of the property and dominate the landscape.
 - 2.2 The subject property has a high cultural landscape significance based on its location and the protection and preservation of the agricultural, cultural and rural landscapes will be severely compromised by the proposed siting of the proposed buildings and land uses.
 - 2.3 The siting of the five (5) tourist accommodation units above the permitted contour line is not appropriate for the exposed locational context, as it is not clustered, not proposed

in existing buildings or proposed on existing disturbed footprints and its location will have a negative visual impact on the rural landscape, mountain slopes and therefore do not take the natural and heritage significance of the site and its immediate surroundings into consideration.

- 2.4 Having regard to the desirability of the proposed development, it does not uphold the provisions in the Municipal Spatial Development Framework and the purpose of the applicable zoning in terms of the Zoning Scheme Bylaw.
- 2.5 The proposed development will have a detrimental impact on the receiving environment and may create a precedent with a cumulative detrimental impact for the overall productive, cultural and rural landscape.
- 2.6 The proposed development therefore contradicts the overall vision, strategic objectives, or principles outlined in the Stellenbosch Municipality's approved Spatial Development Framework as it relates to agricultural land in general and the development of tourist facilities on agricultural properties in particular.

3. **Matters to be noted:**

- 3.1. None

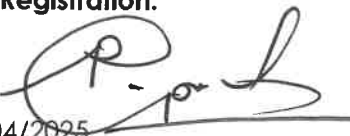
ASSESSMENT RECOMMENDATION BY TOWN PLANNER

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

Name: P April

Capacity: Senior Town Planner

SACPLAN Registration:

Signature: 

Date: 09/04/2025

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: O(b)

Decision Making Authority: MPT

Rational: Consent use of a specific nature and/or to the scale or extent in the specific locational context that are deemed to cause the transformation or change in character of a property or an area and/or is not consistent with the purpose and intent of the prevailing zoning scheme provisions.

Name: 

Capacity: 

SACPLAN Registration: A/551

Signature: 

Date: 11/4/2024

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

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

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

Date: 25 April 2025

Name: Chizette Kriel

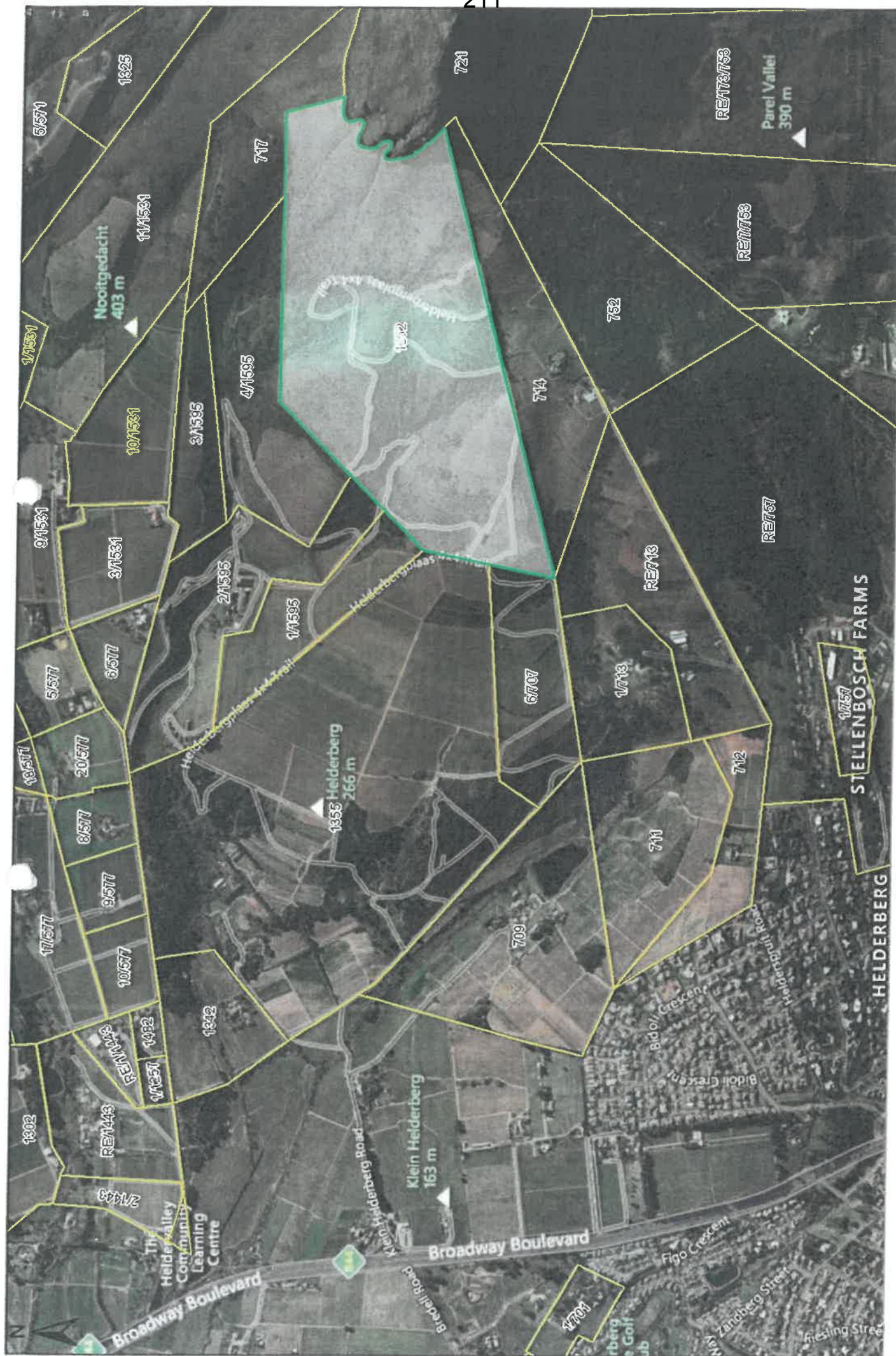
Capacity: MLCM

Signature: 

Date: 11.04.2025

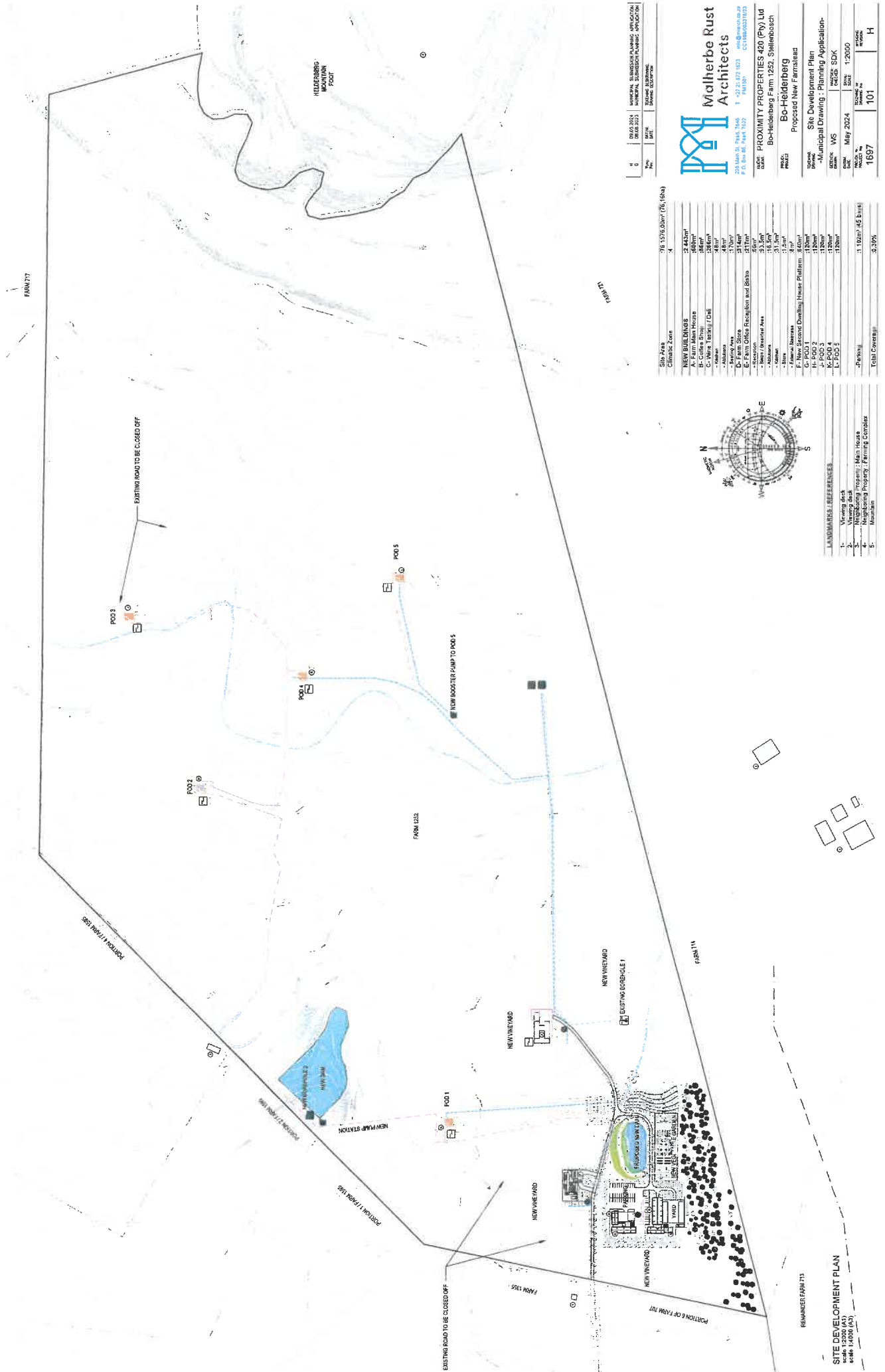
APPENDIX 1

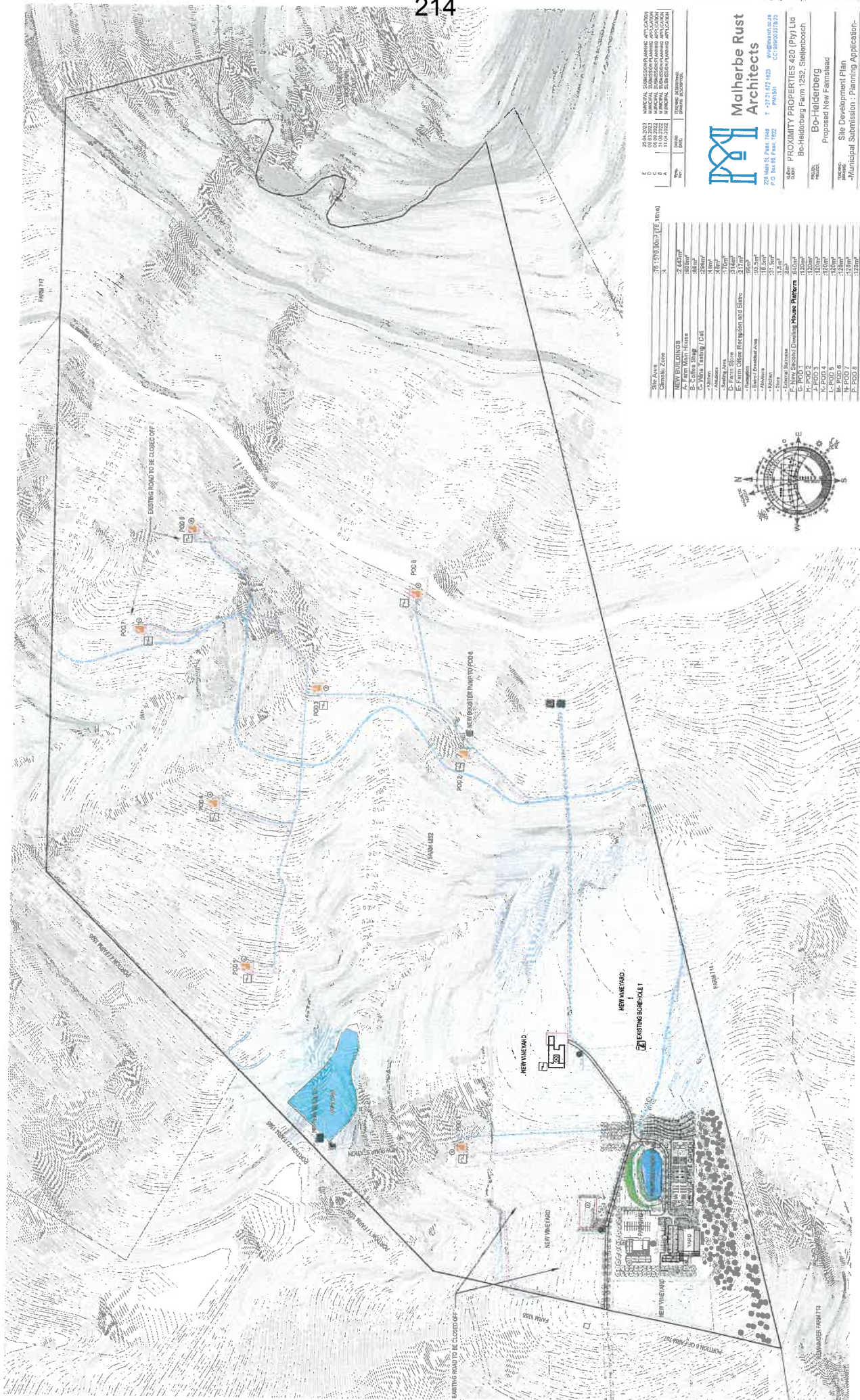
Locality Plan



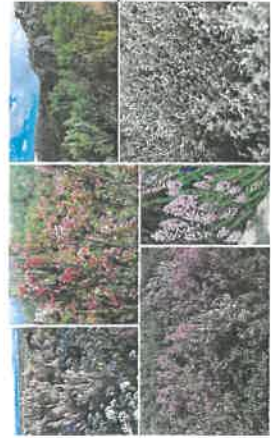
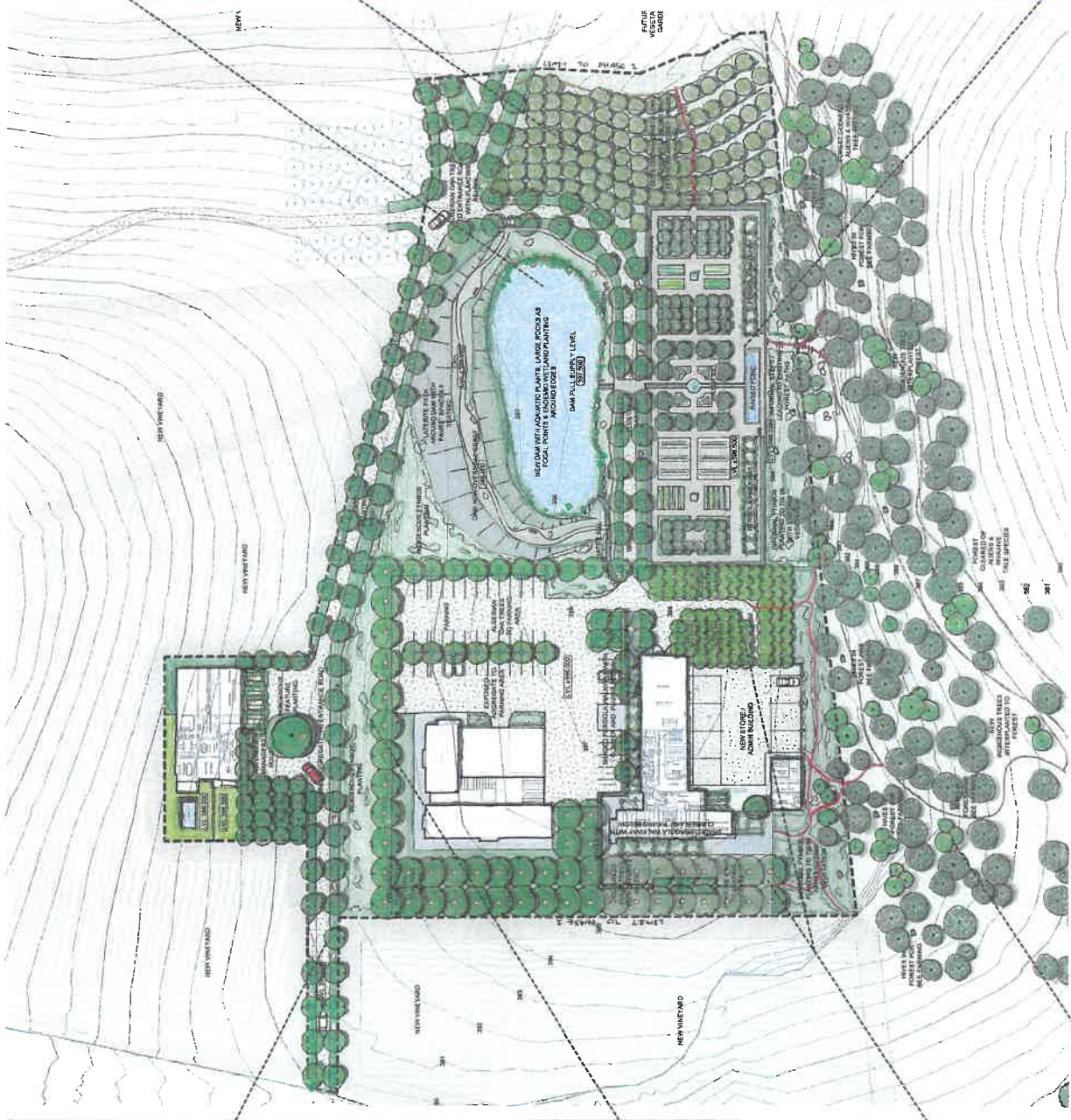
APPENDIX 2

Plans



[illegible][illegible]

SITE DEVELOPMENT PLAN
scale 1:2000 (A1)
scale 1:4000 (A3)

[illegible]



DDS PROJECTS

landscaping • irrigation • maintenance



N

DATE: 2/22/2017
PROJECT NO: 22,099 JAHB

REVISION: 0

DATE: 2/23/2017

1
2
3
4
5

NOTES:

30 HELDERBERG - PHASE 1,
SOMERSET-WEST

SCALE: 1"=50' @ A1

A1

LANDSCAPE CONCEPT PLAN

APPENDIX 3

Applicant's Motivation

www.archtownplanners.co.za

Contents

1. INTRODUCTION	3
1.1 Background Information	3
1.2 Planning Brief	3
1.3 Applications to Stellenbosch Municipality	3
2. PROPERTY DESCRIPTION.....	3
2.1 Ownership Details and Title Deed	3
2.2 Locality and Context.....	4
2.3 Current Zoning and Land Use.....	6
2.4 Botanical Constraints	7
2.5 Heritage Classification	7
2.6 Visual Considerations (Site Sensitivity Assessment)	8
3 DEVELOPMENT PROPOSAL	8
3.1 Overview	8
3.2 Proposed Tourist Accommodation	8
3.3 Proposed Wine Tasting and Restaurant	10
3.3 Compliance with Development Parameters	14
3.4 Bulk and Internal Services	15
3.5 Visual Assessment	17
4. OTHER APPLICATIONS.....	19
4.1 Environmental Impact Assessment	19
4.2 Heritage and Visual Impact Assessments	19
5. MOTIVATION.....	19
6. CONCLUSION	23

Annexures

Annexure A:	Power of Attorney
Annexure B:	Land Use Planning Application Form
Annexure C:	Copy of Title Deed and Conveyancer Certificate
Annexure D:	Preliminary Botanical Report
Annexure E:	Visual Site Sensitivity Report
Annexure F:	Site Development Plan
Annexure G:	Proposed Floor Plans and Elevations
Annexure H:	Services Report
Annexure I:	Transport Impact Statement
Annexure J:	Pre-application Scrutiny Feedback

1. INTRODUCTION

1.1 Background Information

The current owner of Bo-Helderberg Farm recently bought the farm intending to establish vineyards and build their house on the farm. There are currently no agricultural activities or any buildings on the farm, though building plans for a farm store and office has recently been approved.

As the existing type of vegetation (being classified as CBA) and the slope of the farm, is situated high above Helderberg Mountains, limiting the areas which can be used for agricultural purposes, the owners wish to develop tourist accommodation units and a restaurant/wine tasting facility on the farm to create an additional income to sustain the farm and the management of the CBA areas.

1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the farm (hereafter referred to as the application site) to prepare and submit an application for Consent Uses, to allow for the proposed tourist accommodation, restaurants, and wine tasting, to the Stellenbosch Municipality for their consideration.

Please refer to the attached Power of Attorney (**Annexure A**).

1.3 Applications to Stellenbosch Municipality

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

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units.
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

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

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf size	Title Deed	Restrictive Title Deed Conditions
Bo-Helderberg Farm, Farm 1252, Stellenbosch	Proximity Properties 420 Pty (Ltd)	± 76 ha	T28631/2021	None

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As seen in the Title Deed and confirmed by the attached Conveyancer Certificate, there are no restrictions to prohibit the proposed land uses.

2.2 Locality and Context

The application site lies between Stellenbosch and Somerset West, at the upper section of the Helderberg Mountain, east of the R44. It lies directly east of the Klein Helderberg farm, which is a popular tourist destination with its restaurant and outdoor activities. The application site is one of the hights situated farms in the area, with beautiful views of Table Mountain and False Bay. It is surrounded by wine farms with related wine cellars, restaurants, and tourist accommodation. Access to the property is via the Klein Helderberg Road, intersecting the R44 Main Road. The entrance to the property is accessed through a gravel servitude road roughly 270 meters north and 380 meters east from the end of Klein Helderberg Road.

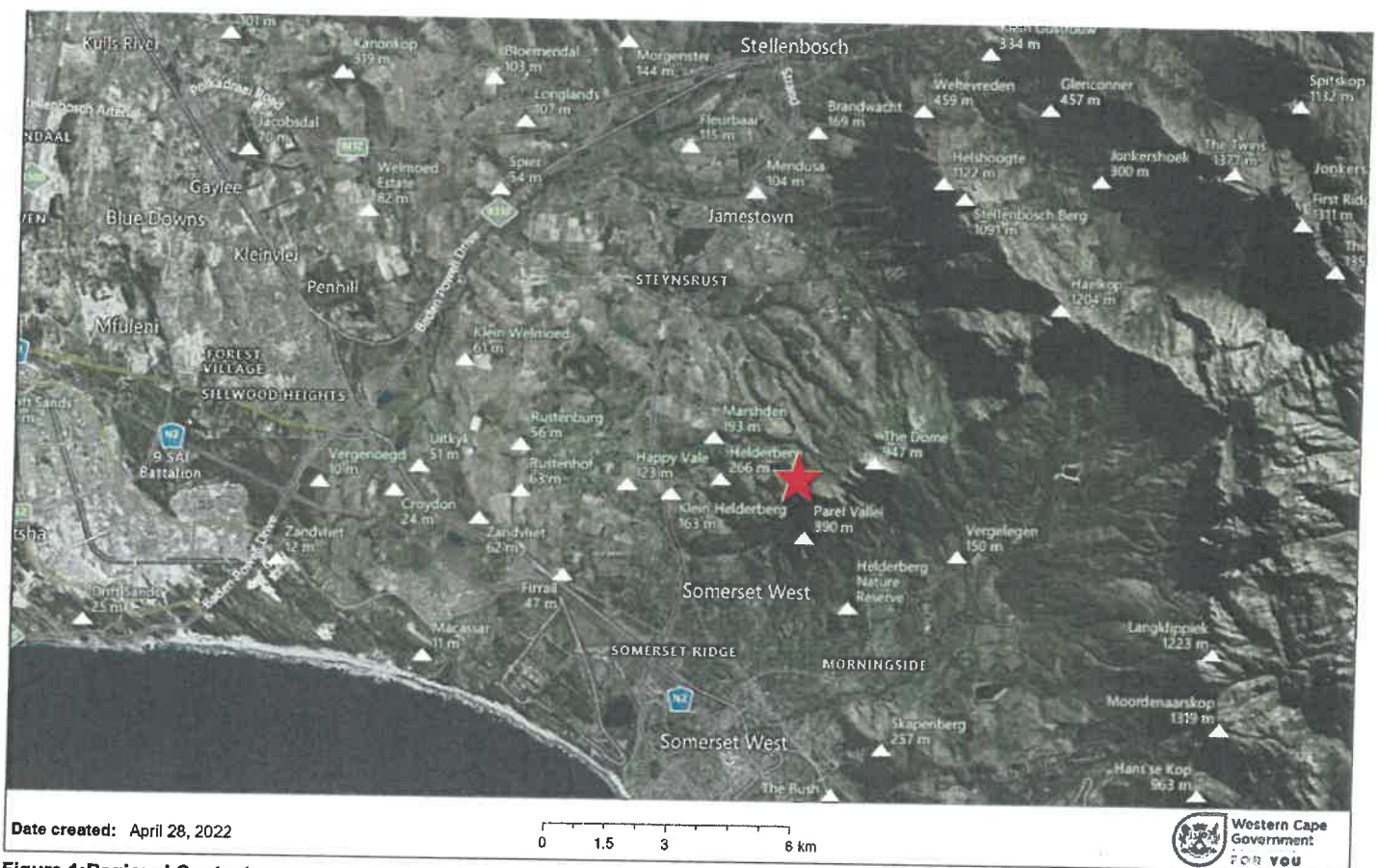
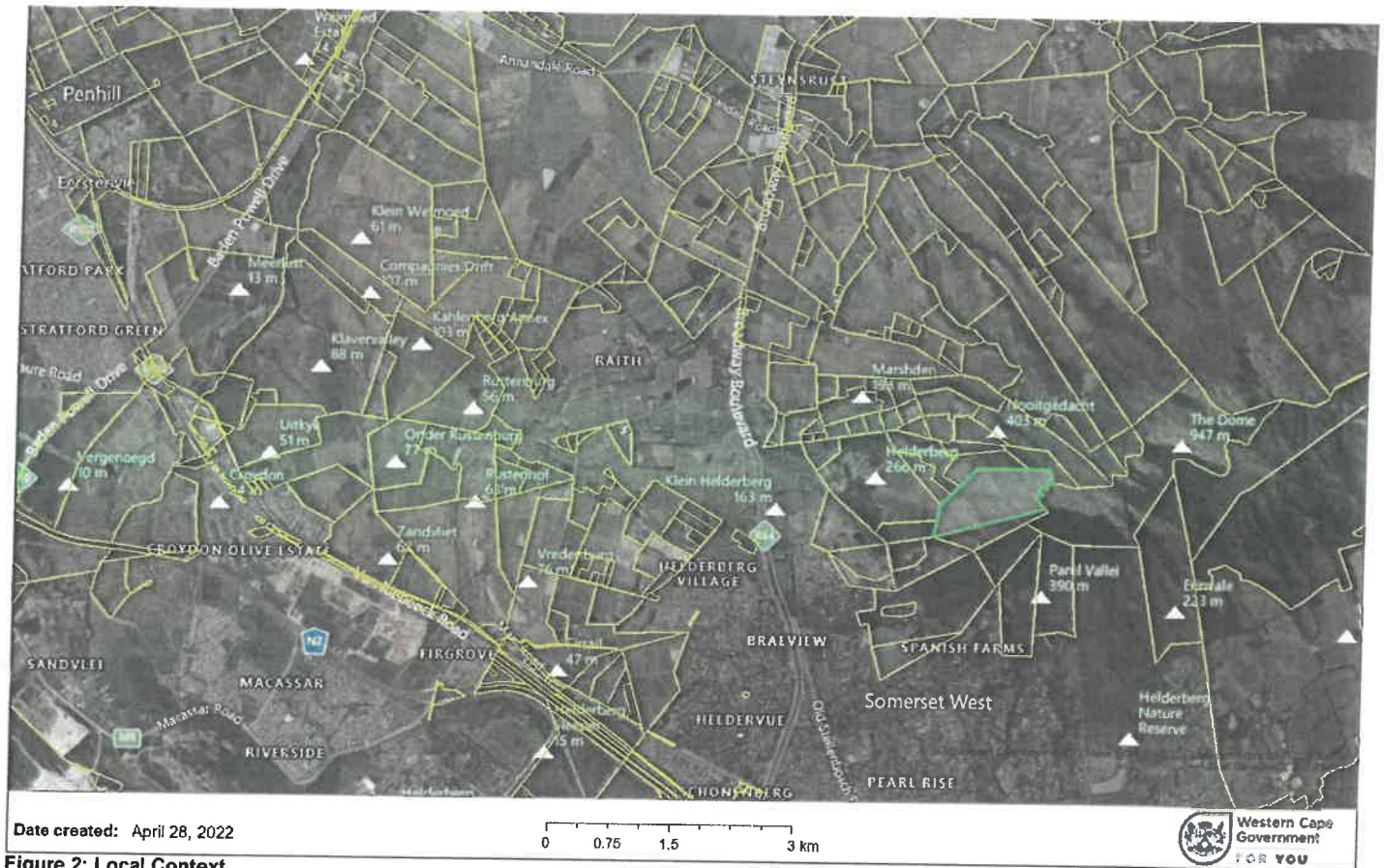
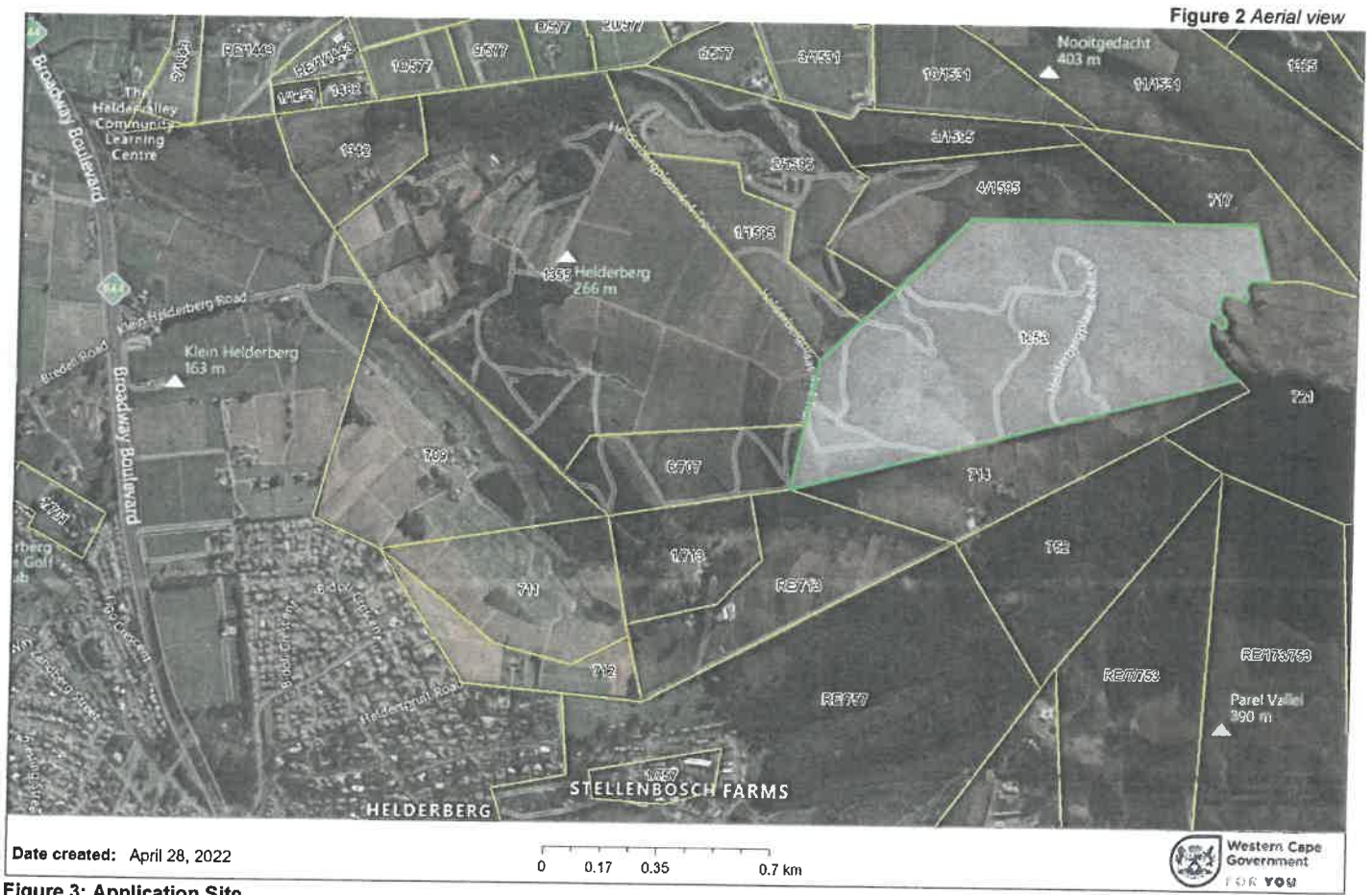


Figure 1: Regional Context



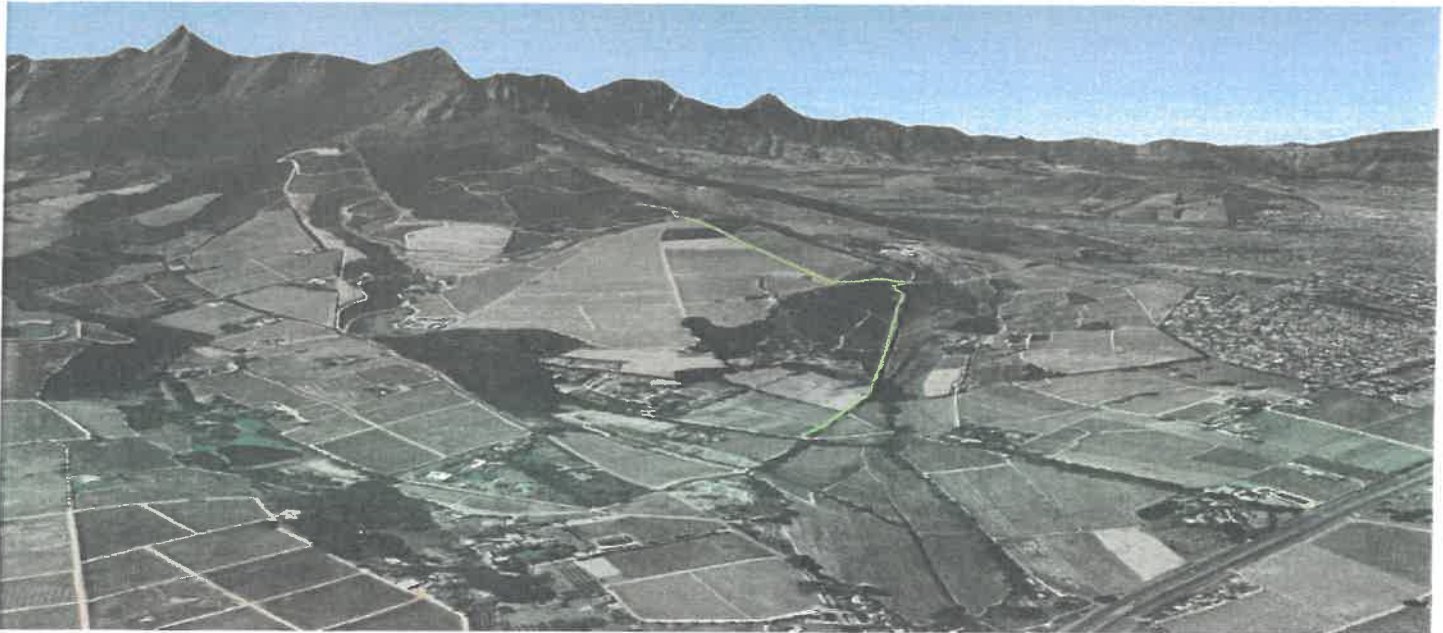


Figure 4: Proposed Access Road (Malherbe & Rust Architects, 2022)

2.3 Current Zoning and Land Use

The zoning of the property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Agriculture and Rural** which allows for the following land uses on the site:

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

Table 2 Summary of land uses

As mentioned above, there are currently no agricultural activities or any buildings, structures, or infrastructure on the application site. The application site has been used for recreational purposes only, such as hiking trails, 4x4, mountain biking, and hiking.

The application site has a mix of alien and vegetation in Cape Winelands Shale Fynbos, which is considered a vulnerable ecosystem. Section 2.4 below provides an overview of the existing biodiversity features on the site and a summary of the findings and recommendations from the Preliminary Botanical Report (attached as Annexure D).

2.4 Botanical Constraints

Jolene Krige conducted a preliminary botanical assessment of the application site to identify the most significant biodiversity features and to highlight the main findings of the field survey to help inform the placement and scale of the proposed development. Please refer to Annexure D for a copy of her report.

According to the SA Vegetation Map, the target areas comprised Cape Winelands Shale Fynbos before any disturbances. This ecosystem is considered Vulnerable. Kogelberg Sandstone Fynbos (a critically endangered ecosystem) is evident along the easternmost fringes of the property, on the Helderberg Mountain but not near any of the proposed development components. The western portion of the property is recognised as an Ecological Support Area (ESA) while the central portion is recognised as a Critical Biodiversity Area (CBA). The easternmost section of the property forms part of a Protected Area (Hottentots-Holland Mountain Catchment Area) and is bordered towards the east by the Helderberg Nature Reserve. The study also identified the following aquatic features:

- There is a non-perennial watercourse crossing through the proposed dam site. This drainage line is considered an aquatic ESA with areas upstream of the mapped watercourse (eastwards within the CBA) considered aquatic CBAs under the criteria seep wetland.
- The northern portion of the farm also contains aquatic CBAs (seep wetlands) associated with drainage lines in the north.

The study identified sensitive no-go areas, such as the CBAs and areas with sensitive vegetation, where no development should occur, which helped determined the placement of all structures. This was taken into consideration and informed the site development plan of the proposed development as discussed under section 3 below.

2.5 Heritage Classification

Though there are no buildings of historical value on-site, the application site has been classified as having a high cultural landscape significance. The receiving environment is an agricultural area centered around the production of wine, which is also renowned for its tourism destinations and historic setting, on the edge of a major urban area (Somerset West). The subject site is located outside of the urban edge, within the Eerste River Valley (C) Eerste River Helderberg Foothills (C25- C30) Landscape Unit: the C25 Helderberg Foothills (which is assigned a proposed Grade IIIa classification) according to the Stellenbosch Heritage Inventory and Conservation Management Plan (SHCMP) (Stellenbosch Municipality, 2019). The site falls within (and therefore triggers) the Foothills Conservation System and the Green Transitions Conservation System. While the site does not fall within any of the Scenic Route Conservation System overlay areas, Scenic Routes do occur in the study area, and the potential visual impact of proposed developments on the visual amenity of scenic routes must be carefully

considered in this context. Section 2.6 below provides a summary of the findings and recommendations from the Visual Site Sensitivity Assessment.

2.6 Visual Considerations (Site Sensitivity Assessment)

The purpose of this assessment was to provide the project team with initial visual & aesthetic informants and indicators relating to visual aspects that may inform the planning application and design development in the pre-application phase. It helped to identify scenic resources and visually sensitive areas or receptors which informed site selection and layout of the project and helped determined potential fatal flaws, significant negative impacts (if any), and possible mitigation measures. Please refer to Annexure E for a full copy of the report and the section below for the findings on the Visual Impact of the proposed development.

3 DEVELOPMENT PROPOSAL

3.1 Overview

The application site is a vacant, undeveloped farm situated at the foot of Helderberg Mountain. As indicated in Section 1 above, the owner of the farm wishes to turn the farm into an economically viable farming unit by establishing new vineyards and capitalizing on the pristine natural environment and scenic views. The proposal (applicable to this application) entails the development of 8 x tourism accommodation units (hereafter referred also referred to as pods), two restaurant areas, and a wine tasting area. Other proposed new buildings include a storage/admin building, the Main dwelling house, a Second dwelling and a flat (employee housing) above the storeroom/admin building, new vineyards, and a vegetable garden, all of which are primary rights, and which does not form part of the application under consideration. However, it is included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings and land uses are included in the EIA and Heritage applications being submitted in parallel to this application.

The sections below will provide more detail on the different aspects of the development proposal. Please refer to Annexure F for the proposed Site Development Plan and Annexure G for the proposed elevations and floor plans.

3.2 Proposed Tourist Accommodation

The proposed tourist accommodation will be situated in 4 x one-bedroom and 4 x two-bedroom single-story pods, where each pod will be strategically positioned away from the farming activities and other buildings/accommodation units on the farm. To limit the site area to be disturbed, the intention is to build a platform (of approximately 45m² each) with a platform base of approximately 120m² coverage for each unit. Where required, infrastructure services can then be positioned below the base, the help shields it from view.

The units have been designed to be luxurious and spacious with beautiful views from each room toward the surrounding mountains and False Bay. The one-bedroom units will each have one on-suite bedroom with an open plan kitchen -living room area and an outside covered stoep area with a braai and hot pool.

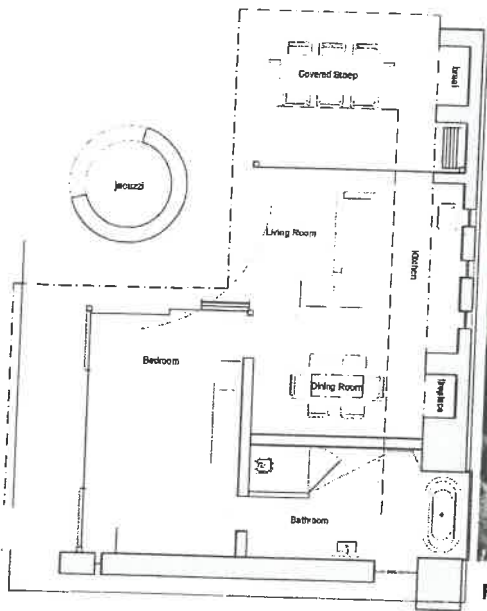


Figure 5: Proposed one-bedroom pod

FLOOR PLAN : 1 BEDROOM POD
10.0m x 10.0m (10.0m x 10.0m)
10.0m x 10.0m (10.0m x 10.0m)

The two-bedroom units will each have 2x bedrooms with one separate bathroom, living room, open plan kitchen, and a covered stoep with a braai area and hot pool.

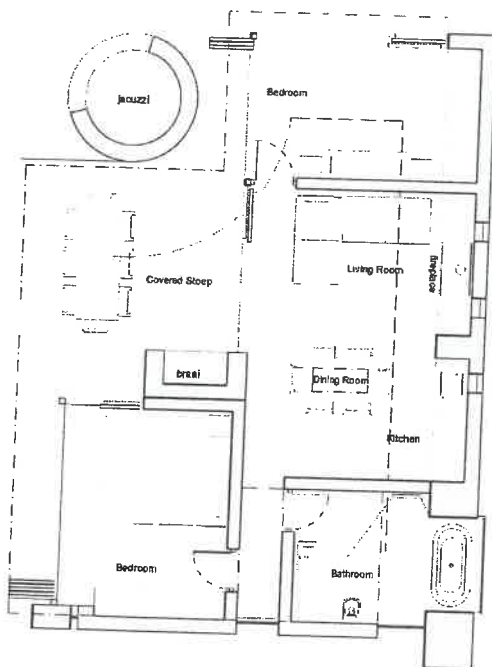


Figure 6: Proposed two-bedroom pod

In consultation with the project team, it was decided to have the units placed in separate areas, situated away from the farming activities and other tourist units. It was considered that having the units situated in a communal "werf" area may have a potential increase in visual impact as it could be viewed and perceived as one large building/construction footprint. The location of each unit was especially determined, taking cognizance of the slope of the site (to stay clear of steep slopes), staying clear of visually sensitive areas, areas with high botanical value, and watercourses. Having the units strategically placed in isolation,

away from all other units and farming activities will also enhance the privacy of the units and the sense of place, the feeling of being situated in and surrounded by nature, which will add to the unique character of the development. Figure 8 below indicates the proposed placement of the pods in relation to the mapped Aquatic CBA areas identified in the Botanical Report where no development should be allowed. All proposed units are placed outside of the Aquatic CBA areas.

Access to these units will be along the existing 4x4 roads with small pathways which will link the pods to these main gravel roads. These roads will also link to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

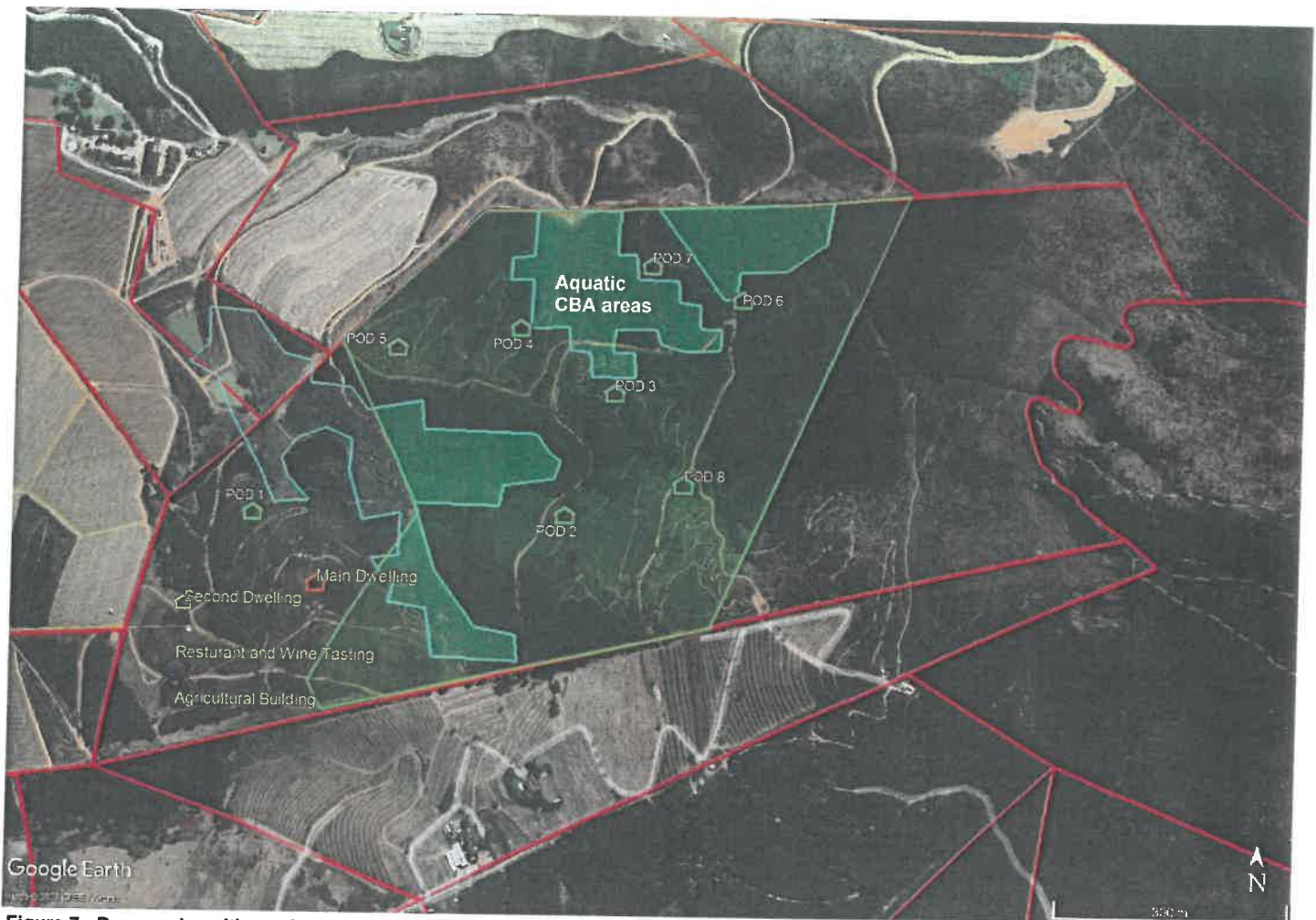


Figure 7: Proposed positions of pods outside of no-go and aquatic CBA areas

3.3 Proposed Wine Tasting and Restaurants

The proposed restaurants and wine tasting areas will be situated on the southwestern portion of the site, in the previously disturbed areas. The one restaurant (coffee shop/ deli) and wine tasting and sales will be situated in buildings B and C (please refer to attached SDP, Project number 1697, drawing 101 rev E, dated April 2023) which will have a coverage of $\pm 350\text{m}^2$, with a seating area (GLA) of approximately 220m^2 . This building will be a single-storey building. Parking will be provided east of the proposed wine tasting/restaurant building to shield the parking from view.



Figure 8: Northern elevation of Proposed Wine Tasting and Restaurant



Figure 9: Western elevation of Proposed Wine Tasting and Restaurant

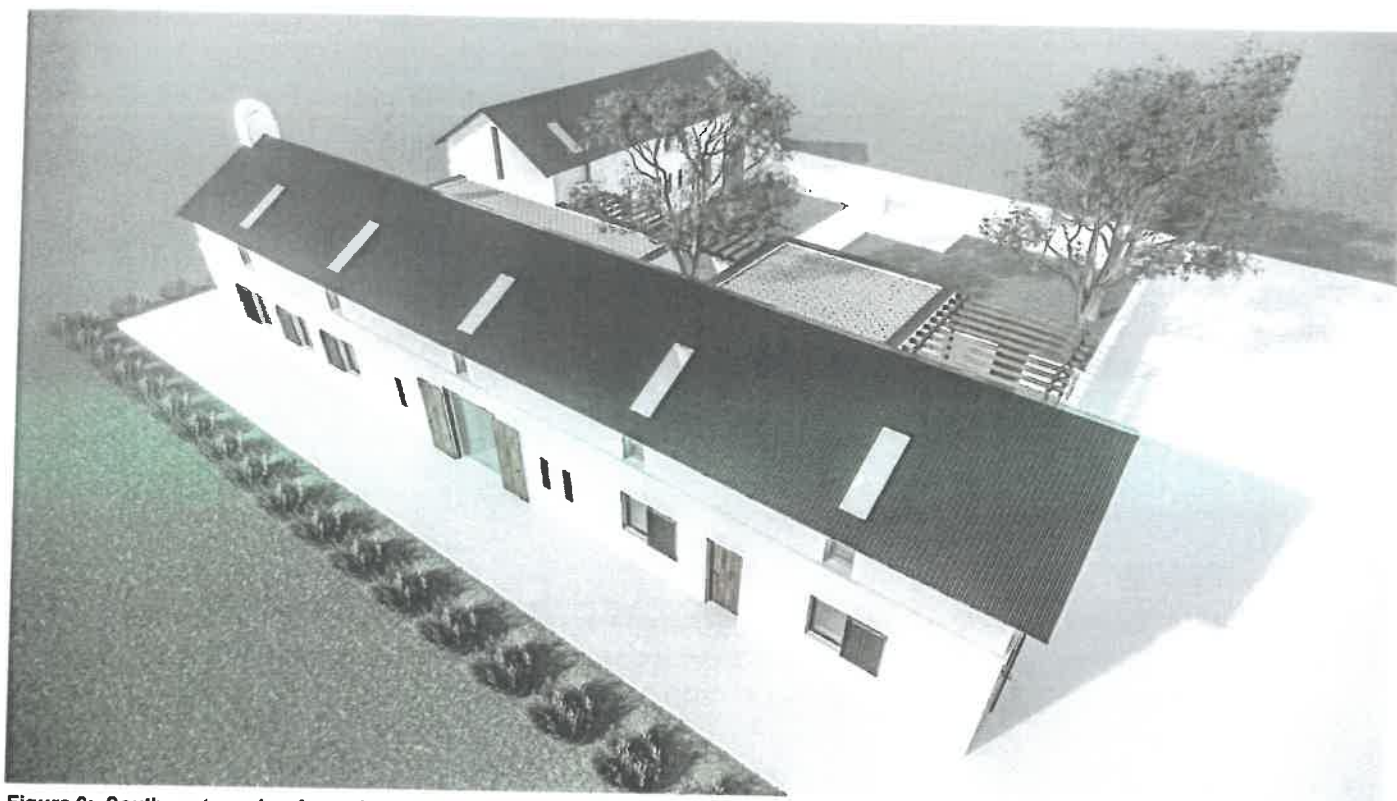


Figure 9: Southwestern view from above (Wine Tasting and Restaurant)

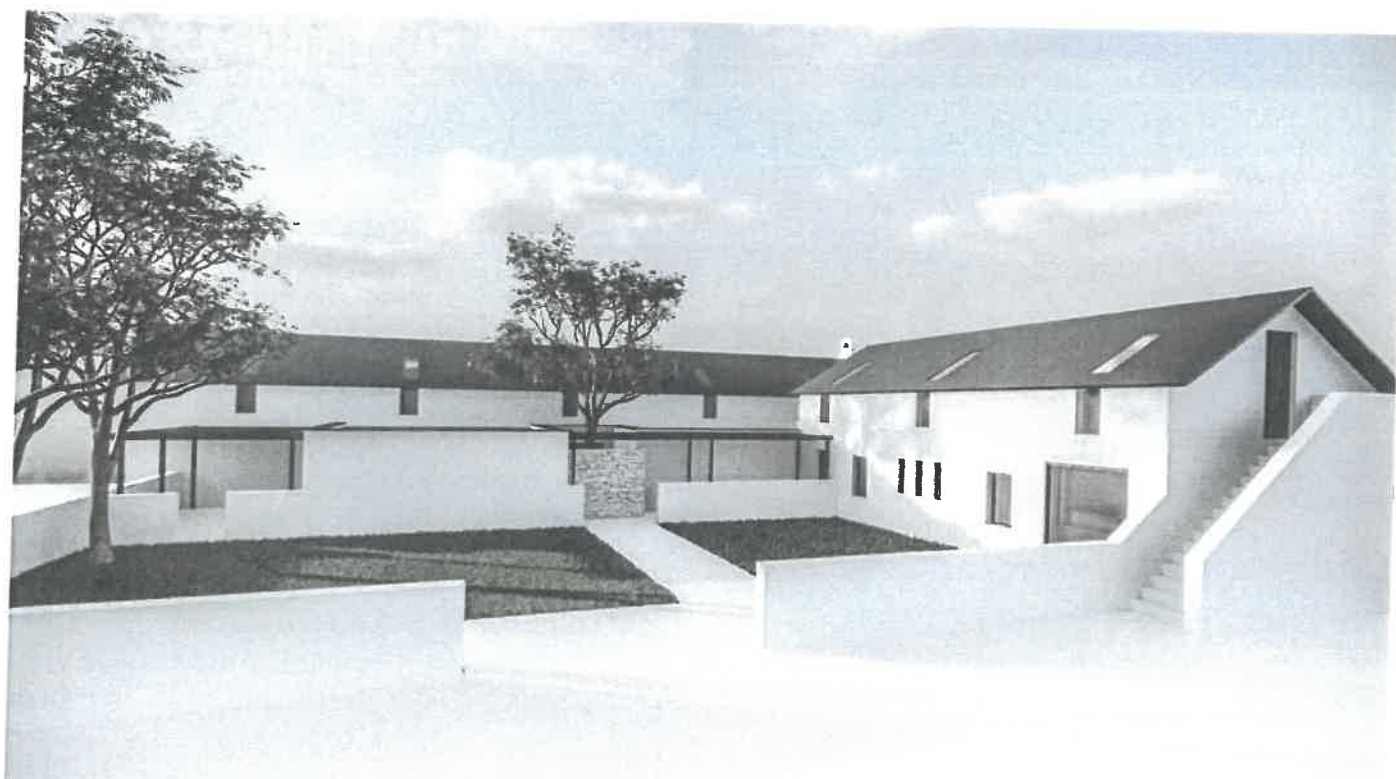


Figure 10: Eastern elevation of proposed Wine Tasting and Restaurant

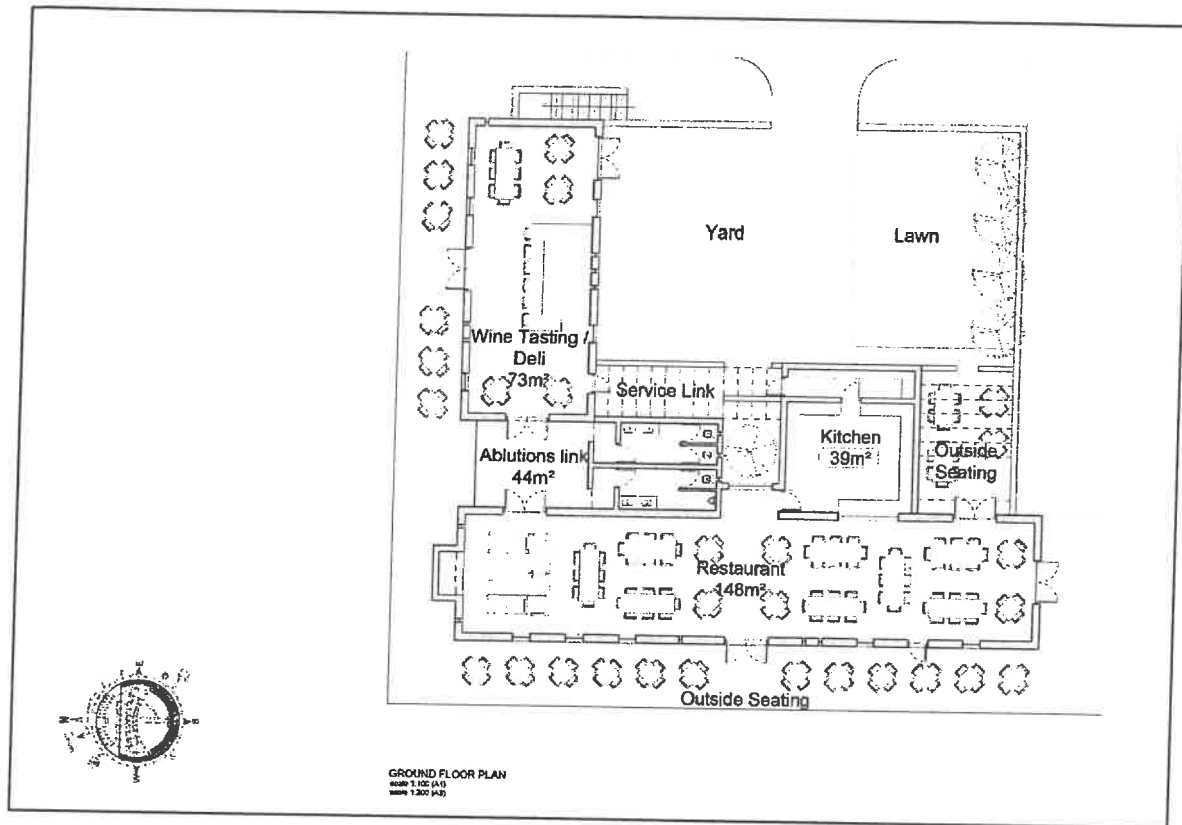
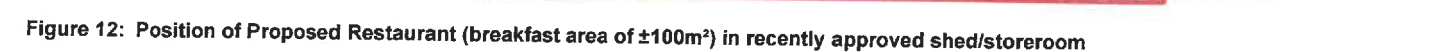


Figure 11: Proposed floor plan of wine tasting and restaurant

The proposal also includes a restaurant (breakfast area) for the guests of the pods, in the recently approved shed (indicated as Building E on the SDP). Please refer to Annexure G.3 for a copy of the approved building plans for the shed/store room. This breakfast area will be approximately 100m², to be situated in the area indicated on Figure 12 below:



The proposed buildings and placement are assessed in terms of the Agricultural and Rural zone. Please refer to the table below which provides a summary of confirmation that all proposed buildings comply with the applicable development parameters. All buildings, apart from the Tourist accommodation units and facilities (wine tasting and restaurants) are primary rights and do therefore not need any land use approval.

Proposed Land Use	Building Lines	Coverage		Height	Development Right	Application required
		Allowed	Proposed			
Main House	5m	600m ²	600m ²	2 storeys	Primary Right	None
Second Dwelling	5m	600m ²	600m ²	2 storeys	Primary Right	None
Employee Unit	5m	120m ²	<120m ²	1 storey	Primary Right	None
Agricultural Building (Approved Store/admin buildings) Buildings D and E on SDP	5m	<2 000m ²	630m ²	3 storeys	Primary Right	None
Tourist Facility (Wine tasting and Restaurant) Buildings B and C on SDP	5m		350m ²	1 storey	Consent Use	Consent Use
Tourist Facility (Restaurant) Building E on SDP	5m		100m ²	1 storey	Consent Use	Consent Use
Tourism Accommodation (8 x units)	5m		960m ²		Consent Use	Consent Use

Table 2: Zoning compliance of proposed land uses

3.4 Bulk and Internal Services

The following section is an extract from the Civil Engineering Services Report, attached as Annexure H and the Traffic Statement attached as Annexure I. Please refer to the full reports for more detailed information.

3.4.1 Access and Internal Roads

Access to the subject property is taken directly from the R44 Main Road onto Klein Helderberg Road which is a minor gravel road (Road No. 4237). A 5m access servitude road has been registered from the entrance of Farm Helderberg No. 1355 up to the entrance of the application site. The access road/servitude road to the new development site will be paved to facilitate the movement of heavy (and other) vehicles during the rainy season. Concrete and grass blocks stormwater side drains will be constructed next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection. The construction of the servitude road is earmarked to start in May 2022.

The proposed internal roads & parking areas will be designed in accordance with the relevant applicable guidelines in *Stellenbosch Municipality's Design Guidelines* and *The Neighbourhood Planning and Design Guide (Red Book)*. The pavement layers will be designed in accordance with the above-mentioned guidelines. The necessary curbs, side drains, stormwater inlets/catch pits, manholes, etc. will be provided as required by the detailed design. Minor paved roads will provide access to the main farmhouse, farm manager's house, wine tasting facility, and farm store and admin building. Internal roads providing access to the proposed pods will consist of gravel roads and concrete roads in steep areas.

The internal roads will be constructed to avoid concentration and disturbance of the existing natural stormwater runoff patterns, as far as possible. The road cross-sections will be designed to handle collected stormwater runoff as surface flow, with the necessary surface channel side drains (to reduce costs) and subsurface piped stormwater sections, where surface channels are not possible.

Sufficient on-site parking will be allocated to the new farm store and building and wine tasting facility for staff and visitors respectively. Parking bays for the proposed pods will be provided at each pod or centrally between the wine tasting and farm storage facilities. Access to the pod units will be along small pathways which will link the units to the wine tasting's parking

area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

3.4.2 Water

No water infrastructure is currently available and in operation on the application site and the site is not connected to any bulk services or near any bulk services. All water services required for the property will be dealt with locally with the use of boreholes, a proposed new dam, and sewerage package plants. The property will receive its potable bulk water supply from an existing borehole located near the southern border of Farm 1252. Water treatment, if required, will be located at the new storage tanks.

The irrigation water will be supplied from the proposed new farm dam to be constructed with a capacity of between 10m³ and 25m³. A new borehole in the vicinity of the new dam will also be used for irrigation purposes. Once the dam has been constructed, the water from the dam will be used for irrigation purposes. The borehole will then only be used during dry seasons when the dam is empty.

The potable water mains and irrigation mains will be separate pipelines.

3.4.3 Waste Water Infrastructure

There is no municipal wastewater infrastructure currently servicing the subject property. The wastewater which will be generated as a result of the proposed development will be treated by a new approved small-scale sewerage treatment (package) plant (Clarus Fusion Treatment System or similar approved) which will be installed at each building. The sewerage package plant at the pods can be installed underneath the deck to reduce the footprint of the new infrastructure.

3.4.4 Refuse/Solid Waste

The management of solid waste is the responsibility of the owner of the development. A designated area will be provided on the premises where refuse is stored until transported on a weekly basis by an enclosed trailer to prevent pollution, to the Stellenbosch Municipality landfill site. The owner will also consider recycling the solid waste, where possible.

3.4.5 Traffic Impact Statement

ITS Global was appointed to comment on the expected transport impact of the proposed development and to motivate the proposed access in support of the application. Please refer to Annexure I for the full report. The study concluded that:

The existing traffic volumes along the R44 in the site vicinity is high.

- The proposed development can generate approximately 34 new vehicular trips during the typical weekday p.m. peak hour, which is low.
- There are sufficient gaps in the traffic streams along the R44 to accommodate the expected low traffic volumes generated by the proposed development.
- The Western Cape Government Department of Transport and Public Works is currently busy planning a safety project along the R44. The timeframe for the safety upgrade project is not known and to improve safety at the intersection in the meantime, it is recommended that visitors to the proposed development should be advised to plan their trips leaving the site not having to turn right onto the R44.

- The OP4237 intersection spacing along the R44 is acceptable. As part of the Province's safety upgrade project, median breaks at all accesses and minor intersections will be closed and accesses will be rationalised.
- The available shoulder sight distance from OP4237 in both directions along the R44, is sufficient.
- No public transport or NMT facilities are recommended for the development.
- The proposed new Farmstead Development on Farm 1252 Bo-Helderberg, Stellenbosch will have a low negative significance in terms of the transport impact.
- It is recommended that the development be approved from a transport impact perspective.

3.5 Visual Assessment

The placement and scale of buildings were assessed in the Visual SSA. The section below provides the findings of this report on the proposal:

The subject site is visually prominent. It is visible from the N2 at distances of as far as 20km. According to the viewshed, the visibility of the subject site is limited significantly by topography. The Helderberg mountain (and specifically the ridgeline) prevent any views from the south, southeast, and east (except those that would be taken from the upper slopes and peak of Helderberg mountain itself).

Views from the north and northeast (from within the valley basin described by the C26 Helderberg Historic Enclave landscape unit) are also generally screened by the upper foot slopes of the Helderberg that lie in a north-west/south-east direction. The only possible views from the north are those taken from the convex tops of the Footslopes at intervals of approximately 1km.

The SHCMP prescribes a limitation to cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. In addition, it recommends that the construction of new buildings on visually sensitive, steep, elevated, or exposed slopes, ridgelines, and hillcrests should be prevented to retain the integrity of the distinctive and predominantly agricultural landscape character. The proposed development is located within the proposed 'no-go' development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). As can be seen in figure 13 below, the majority of the farm lies above the proposed 300m contour line, this limits the development potential and importantly the ability to unlock value on well-located land with limited cultivation potential. In order to enable the owner to unlock any sort of value while recognizing the SHCMP recommendation, the proposed development, low-impact tourist facility (guest units i.e., pods), and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the southwestern portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.

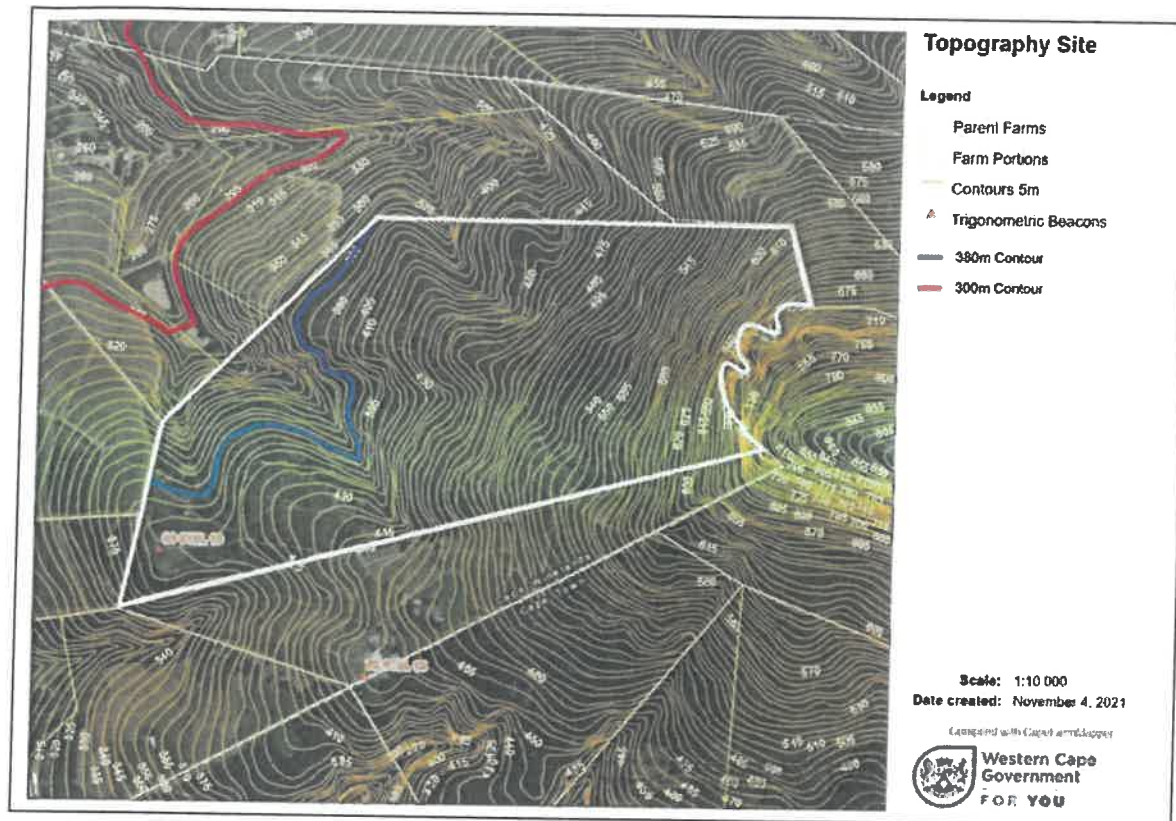


Figure 13: Topography of site, indicating the 300m and 380m Contour lines

The following are the key visual and aesthetic informants (in terms of visual absorption capacity, visual intrusion, and visibility) from the SSA:

- **Visual Absorption Capacity:**

The receiving environment absorbs all or most of the proposed development successfully, due to the following:

- Limited views with low visual intrusion;
- High compatibility with existing landscape character & built form etc.
- Existing vegetation cover and/or structures such as buildings screen or conceals the majority of the proposed development.
- Topography and terrain variability plays a role in absorbing visible elements.
- The proposed development is a common sight within the LCA.

- **Visual Intrusion**

The proposed development:

- Has a neutral and minimal effect on the visual quality of the landscape; (Low Visual Intrusion);
- Contrasts minimally with the patterns or elements that define the structure of the landscape (Low Visual Intrusion);
- Is mostly compatible with land use, settlement, and enclosure patterns (Low Visual Intrusion);
- Is partially 'absorbed' into the landscape (Moderate Visual Intrusion);.

This results in **Low Visual Intrusion** overall, with limited aspects of Moderate Visual Intrusion: i.e.; *Generally imperceptible change in landscape characteristics over the localized area is expected, resulting in minor changes to key views.*

- **Visibility**

- a) Overall visibility of the proposed development is Low, despite the subject site itself being visually prominent.

4. OTHER APPLICATIONS

4.1 Environmental Impact Assessment

The proposed 8 tourist accommodation units as well as the proposed restaurant/wine cellar were specifically designed and located on the application site to stay clear of any areas with environmental constraints. This land uses in isolation does not trigger a requirement for an EIA, however, the development in totality (including the proposed new vineyards, dam, main dwelling, second dwellings, and related infrastructure) does necessitate an Environmental Impact Assessment to be submitted to DEA&DP for their approval.

As part of the design phase, all environmental specialists were included in the process to identify and highlight areas where no development should be allowed. The proposed SDP was specifically designed to comply with the recommendations made by the specialists. As discussed under Section 3 above, the pods will each be placed on a platform area, specially designed to have a minimum footprint to limit any potential disturbance of the site.

As confirmed in the preliminary botanical report (attached as Annexure D), the proposed layout is supported, and it was found that the layout avoids aquatic CBSs and intends to preserve intact natural areas of the Vulnerable Cape Winelands Shale Fynbos ecosystem.

4.2 Heritage and Visual Impact Assessments

As the proposed development falls in an area of high heritage significance, a Heritage Impact Assessment is required. In response to the NID submitted to HWC by Heritage Specialist, Jenna Lavin, HWC requested that the HIA also include an Archaeological Impact Assessment and a Visual Impact Assessment (VIA) on the cultural landscape.

The attached Visual SSA will form the basis of the VIA and has already assessed and informed the proposed development. It is important to note that this preliminary assessment concluded that the overall visibility of the proposed development is relatively low. The requested VIA will be a more detailed document that will, for instance, also consider other aspects such as the use of lighting along pathways and in gardens. It is motivated that the proposed land use and placement of the units are considered acceptable, in terms of visual impact, and the next phase would be more detailed to consider the types and color of buildings/building materials and landscaping.

The relevant specialists have been appointed and these studies will be submitted in due course.

5. MOTIVATION

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

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality using pre-application consultation. See Annexure J for feedback received during the pre-application scrutiny process. All relevant and required documentation is attached to this application and motivation.
c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, it is strongly motivated that it will greatly enhance the quality of the area and provide for local economic growth, based on the following motivation:</p> <ul style="list-style-type: none"> - The application site is currently a vacant, underdeveloped piece of farmland not being used for any agricultural purpose with limited recreational activities. As identified in the pre-screening Botanical report, there are pockets of critically endangered ecosystems on the site, as well as pockets of fynbos and areas with alien vegetation. If these areas are not managed, maintained, and protected these ecosystems could be lost. One of the main drawing cards for tourists to the proposed development would specifically be the botanical species found on site, which is situated within the 'veld', surrounded by the unique indigenous vegetation. This is a very real incentive to the landowner to ensure that these species are protected, and the area is well managed and maintained to clear alien vegetation. - There are currently no agricultural activities on site. The landowner wishes to establish vineyards on the previously disturbed areas of the farm. As the site has environmentally sensitive areas, with steep slopes, there is very limited agricultural land available for agricultural activities. The proposed development will help to provide an additional income to partly fund the planned agricultural activities. This would result in the optimal use of the site, as a combination of farming and conservation of the sensitive environment. The proposed development would therefore ensure the most effective use of the application site, without compromising the unique character of the area. - The proposed development would increase fire safety in a high fire risk area as the landowner would need to have a fire safety plan in place to ensure that future tourists (and the proposed structures) are protected from veld fires. - The proposed development would provide access to Helderberg Mountain in a safe and secure setting. It would also provide for recreational activities, such as hiking and mountain biking. - The proposed development will attract tourists to the area, to the benefit of all surrounding tourism-related industries, such as wine farms, restaurants, and

recreational activities. Tourism is one of the largest employment sectors within the Stellenbosch Municipal area and more tourists must be attracted to Stellenbosch to help sustain the industry.

- The placement of the pods, being each individually located, was carefully considered to ensure a unique experience for future tourists, to create a sense of being surrounded and situated within nature.
- The proposed development, with specific reference to the pods, will provide a different and unique accommodation option. The standard options are usually hotels, guest houses, and self-catering units within the town or if situated on farms it usually forms part of a group of units. This development will create a sense of being alone and surrounded only by nature, while still being within a safe and secure environment. One of the new trends in the tourism industry is providing an experience and not only accommodation, such as the proposed development. This proposal ties and supports new tourist trends where there is an increasing need to be situated within or close to nature, without compromising the environment.
- The placement of the pods will not have a negative visual or environmental impact as it was specifically placed and designed to have to least possible impact.
- As confirmed in the Visual SSA the proposed development will have a neutral and minimal effect on the visual quality of the landscape and will be partially absorbed in the landscape. The receiving environment will successfully absorb most of the proposed development and despite the site itself being visually prominent, it will have low overall visibility.
- Though the proposed development is located within the 'no-go' development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). the VSSA found that, the proposed buildings and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the southwestern portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.
- The proposed development will tie in with the character of the surrounding area and will not result in any loss of privacy or overlooking any of the surrounding properties.
- The proposed development will employ during the construction phase as well as

	during the operational phase.
d. Comment in response to public participation.	The application is to be advertised by the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	A Heritage Impact Assessment, including a formal Visual Impact Assessment, will be submitted to Heritage Western Cape for their consideration. These reports will be forwarded to the Municipality in due course.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	As confirmed under Section 3.4 above, there will be no impact on any Municipal services.
i. The IDP and SDF	<p>Stellenbosch Municipality recently approved a new MSDF, which is used to guide land-use decisions in both the short and long term.</p> <ul style="list-style-type: none"> • The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area. • The proposed development will attract tourists to the area to the benefit of the wider community, in line with the SDF and IDP.
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under l and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	According to the Stellenbosch Heritage Inventory and Conservation Management Plan, the application site has a proposed Grade IIIa classification. This was taken into account and the placement of the proposed development was specifically considered against the recommendations and proposals made during the Visual SSA.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes responsible tourism on agricultural land that does not threaten the agricultural land.
o. Regional spatial development framework.	N/A
p. National policies, norms, , and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considered toward the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.

r. Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed development will not result in urban sprawl or the loss of agricultural land. It will result in the conservation of the area and re-introduce agriculture to previously disturbed areas. It is considered that the proposed development is the best use of the land without having a negative impact on either the environment or heritage resources.</p> <p><u>Efficiency:</u> Aligned. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme.

Table 3 Assessment of Application in terms of Section 65 of the By-law

6. CONCLUSION

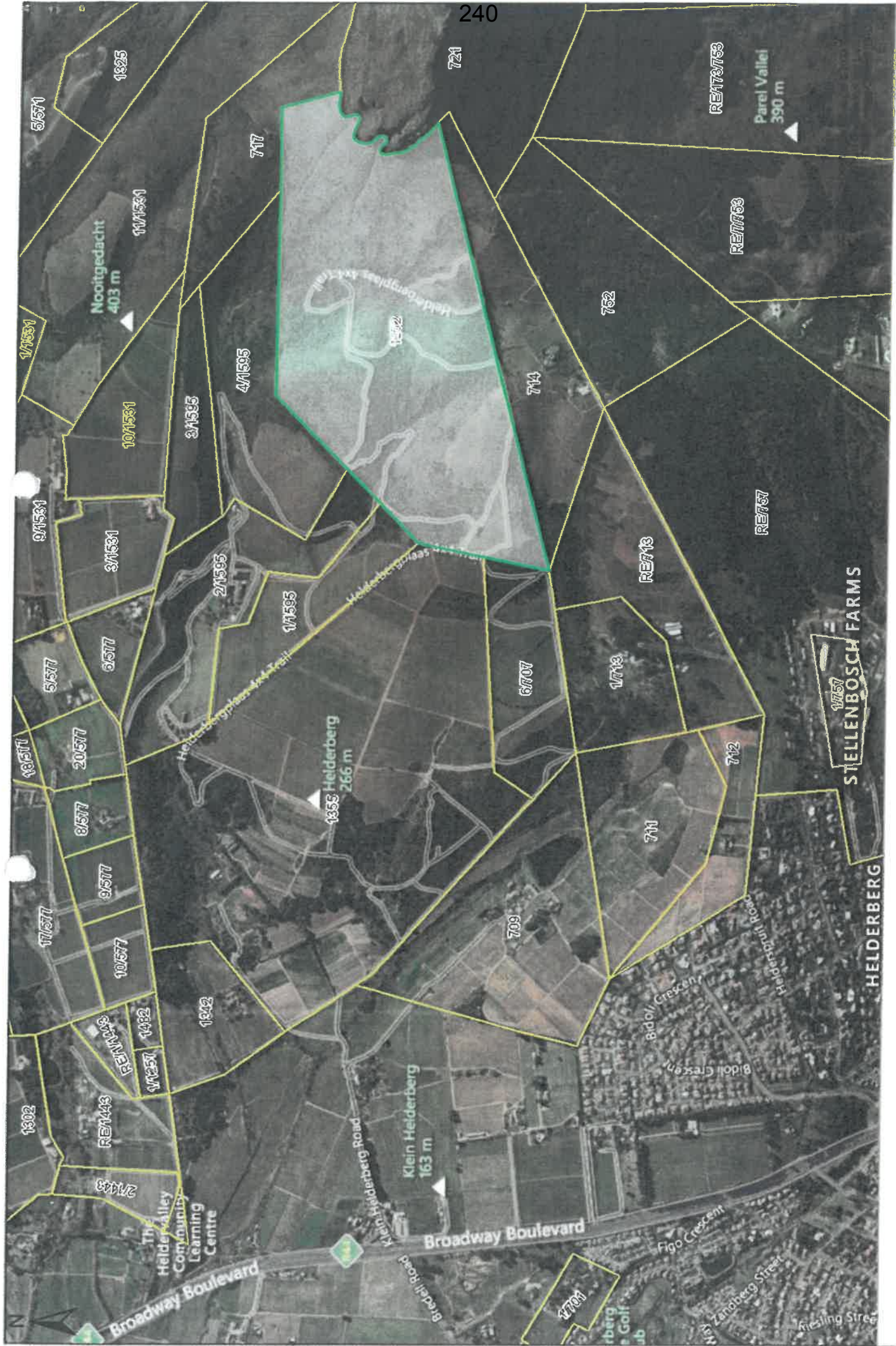
The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies, and frameworks of the Stellenbosch Municipality, and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units (pods).
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

Report compiled by:



Marike Bolz
for Arch Town Planners (Pty) Ltd
May 2022



NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Dear Sir / Madam,

The following land use application in terms of section 15 of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Bo-Helderberg Farm, Farm 1252, Stellenbosch

Application Property Number: Farm 1252 Stellenbosch

Applicant: Arch Town Planners (Pty) Ltd (Marike Bolz)

Owner: Proximity Properties 420 Pty (Ltd)

Application Reference: LU/ 14496

Application Type: Land use application in terms of section 15(2)(e) of the Stellenbosch Municipality Land Use Planning Bylaw (2015):

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units.
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

Description of land use or development proposal:

- A Tourist accommodation establishment to allow for the construction of 8 x tourist accommodation guest units on the farm (4x one bedroom and 4x two bedroom), single storey on $\pm 120\text{m}^2$ coverage with a building footprint of $\pm 45\text{m}^2$ per unit.
- Tourist Facilities in order to allow for the construction of a restaurant, wine tasting and sale facility of $\pm 350\text{m}^2$ and a restaurant of $\pm 100\text{m}^2$

Notice is hereby given in terms of the provisions of Section 15 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - o Indicate the facts and circumstances that explain the comments;
 - o Where relevant demonstrate the undesirable effect that the application will have if approved;
 - o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Marike Bolz e-mail: marike@archtownplanners.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **17 June 2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at [072 480 5838] during normal office hours. (08:00 to 17:00).

Yours faithfully



Marike Bolz (Director)

For Arch Town Planners (Pty) Ltd

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Geogde Meneer / Mevrou

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Bo-Helderberg Plaas, Plaas 1252, Stellenbosch

Aansoek eiendom beskrywing: Plaas 1252 Stellenbosch

Aansoeker: Arch Town Planners (Pty) Ltd (Marike Bolz)

Eienaar: Proximity Properties 420 Pty (Ltd)

Aansoek Verwysing: LU/ 14498

Tipe Aansoek: Grondgebruiksaansoek in terme van artikel 15(2)(a) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015, ten einde voorsiening te maak vir:

- i. 'n Vergunningsgebruik om toe te laat vir 'n Toeriste-akkomodasie-onderneming (8 x eenhede).
- ii. 'n Vergunningsgebruik om toe te laat vir Toerisme fasiliteite (1x restaurant en wynproe met 'n dekking van $\pm 350m^2$ en 'n restaurant met 'n dekking van $\pm 100m^2$).

Beskrywing van die Aansoek:

- 'n Toeriste-akkomodasie-onderneming om toe te laat vir die konstruksie van 8 x toeriste-akkomodasie eenhede op die plaas (4 x eenslaapkamer en 4 x twee slaapkamer-eenhede), enkel verdieping met 'n dekking van $\pm 120m^2$ gebou-oppervlak van $\pm 45m^2$ per unit.
- Toerisme fasiliteite om toe te laat vir (1x restaurant en wynproe met 'n dekking van $\pm 350m^2$ en 'n restaurant met 'n dekking van $\pm 100m^2$).

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 15 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres:

Page 3 of 4

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel. Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Marike Bolz. e-pos: marike@archtownplanners.co.za. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 17 Junie 2023

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermeldde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by (072 480 5838) gedurende normale kantoor ure (08:00 to 17:00).

Die uwe



Marike Bolz (Direkteur)

Vir Arch Town Planners (Pty)Ltd

Page 4 of 4

Services: William Lourens de Kock
 (Pty) Limited Owner
 428 PTY (L)
 428 PTY (L)
 428 PTY (L)

[illegible]

0	24.04.2013	RECOVERIES (Dues Certified)
4	12.11.2012	Self-Prp. Self-Admin
		THIRUVAI MOORTHY SARASWATHI

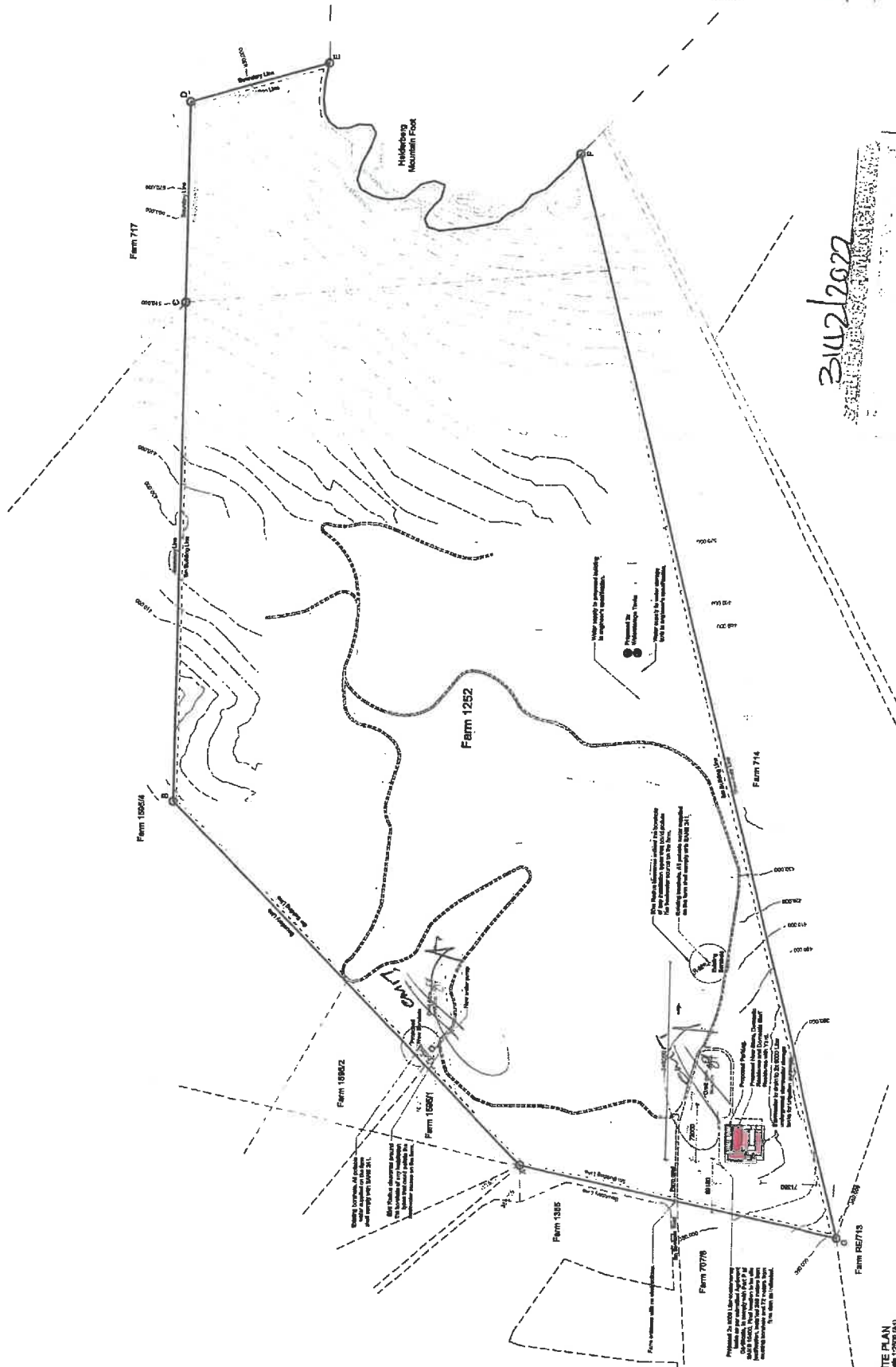


**Matherbe Rust
Architects**

Tel: +27 21 877 1433
www.1901

PROPERTIES 429 PTY (LTD)
100, Kallit Haidary Road, Sharnbrook, Bedfordshire, UK

Heldberg:
 m Store & Domestic Residence

[illegible]

BITE PLAN
 Grade 1:2500 (A1)
 Grade x2 = A3)

3/4/2/2022

THE NATIONAL
BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

12.05.2023
DATE

1687

12.03.2003

DIRECTORATE PLANNING & ENVIRONMENT

DATE

NOTE: Dams omitted - Confined NOT Constructed

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DATE: 12/05/2022
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: Proposed New Farm Store & Domestic Residence
 SITE: 12/05/2022

31/01/2022

APPROVED

REVISIONS AND BUILDING STANDARDS

245

DATE



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/05/2022



Malherbe Rust Architects

12/05/2022

12/05/2022

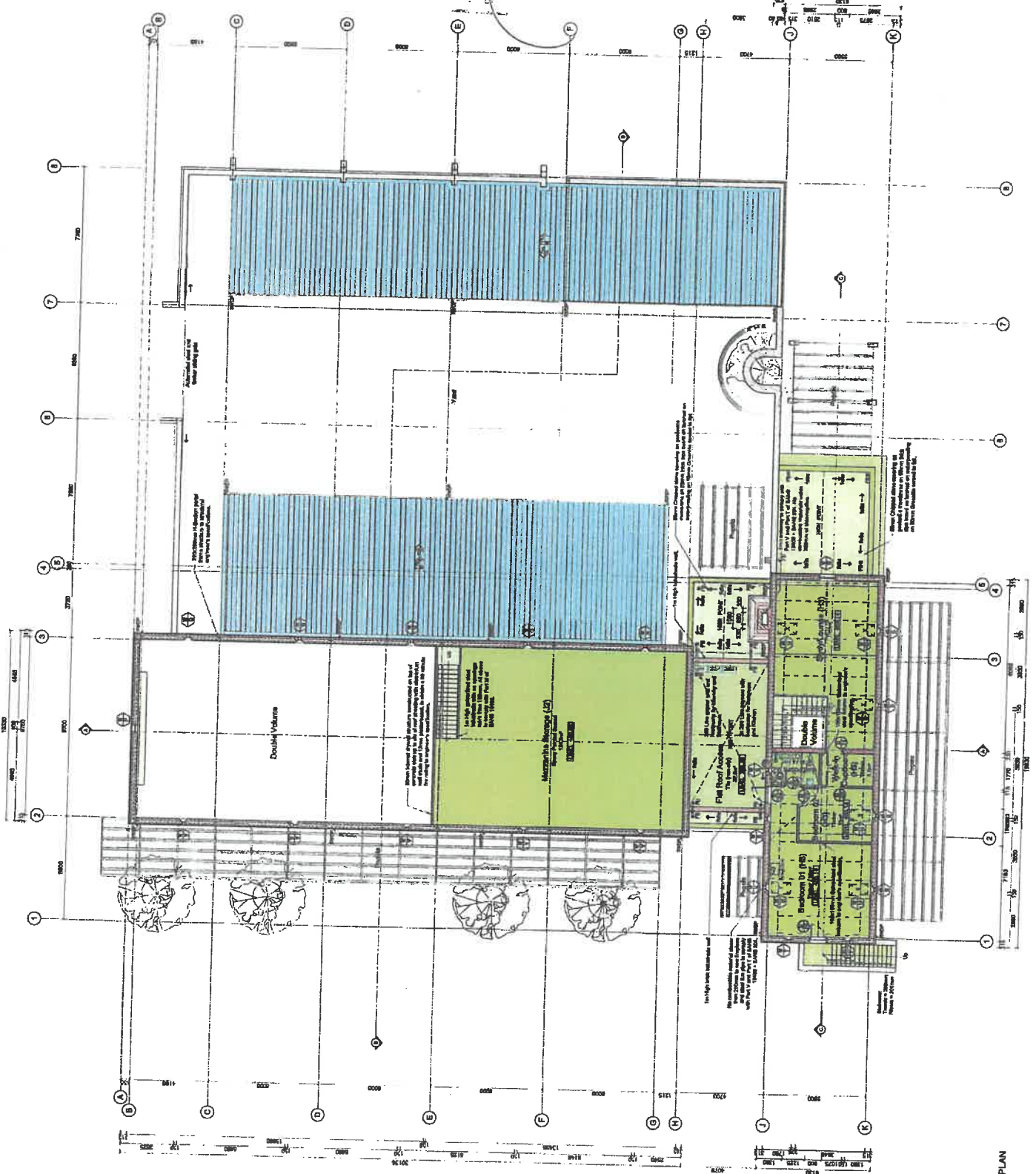
12/05/2022

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12/05/2022

12/05/2022



FIRST FLOOR PLAN
 (Scale 1:500)

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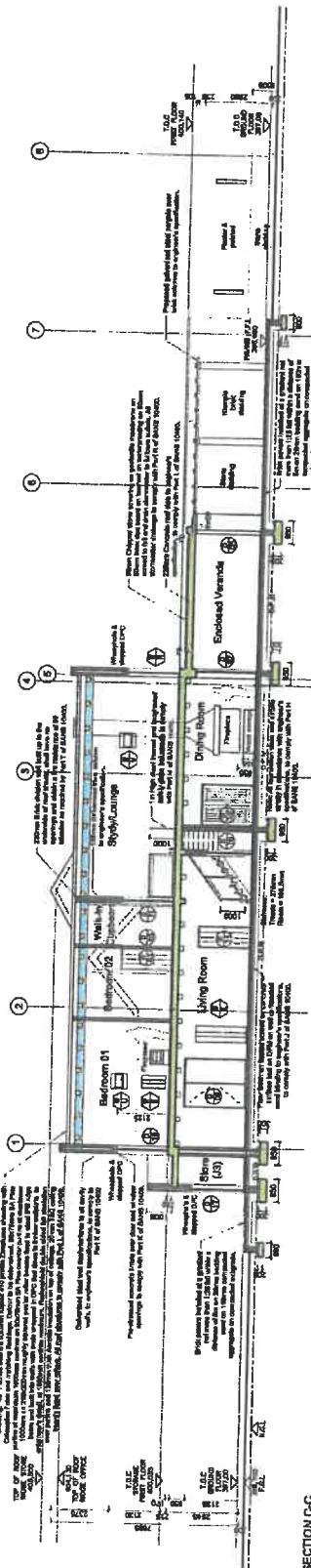
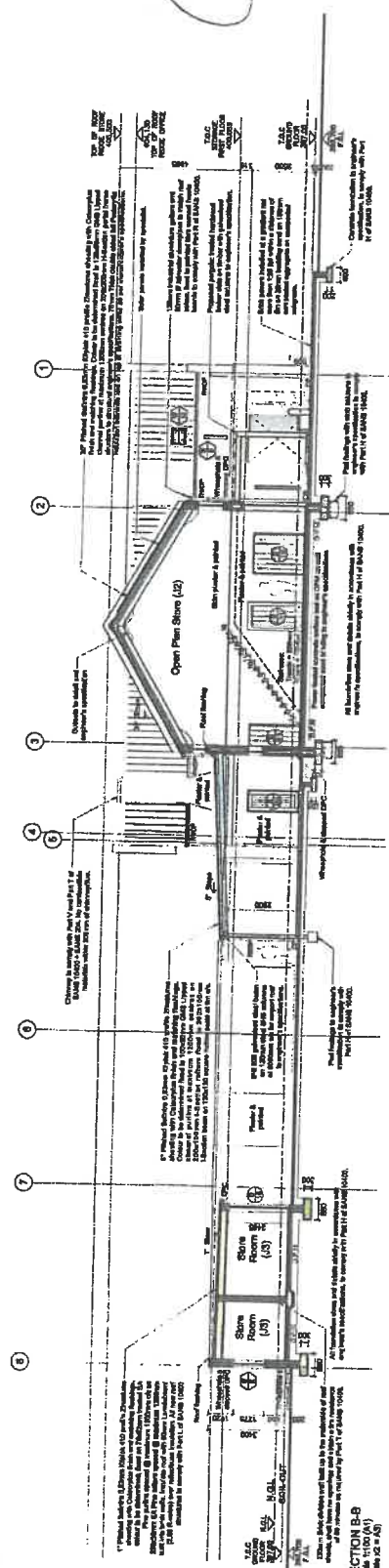
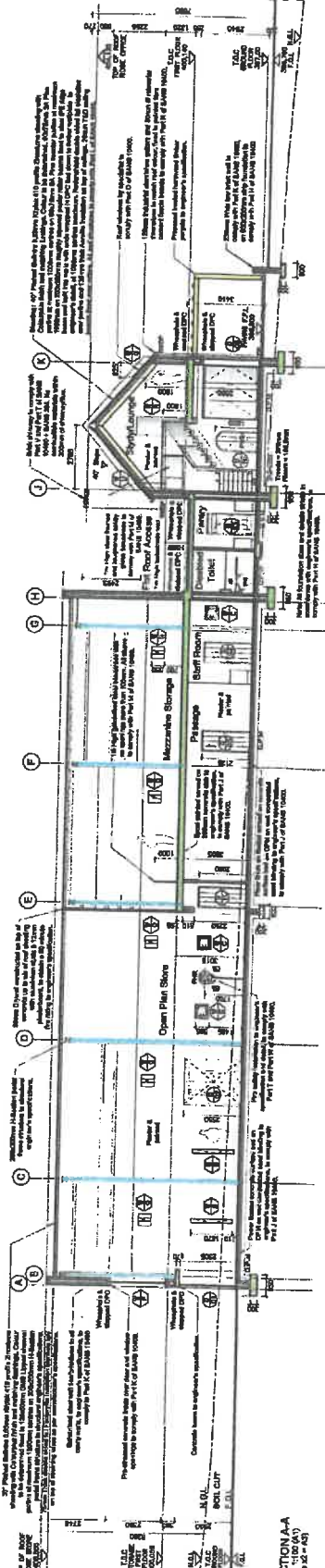
DATE: 12/05/2022
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: New Farm Store & Domestic Residence
 ADDRESS: [Address]
 CLIENT: [Client Name]

31/2/2022

AND BUILDINGS

NO 105 OF 101

12.05.2023



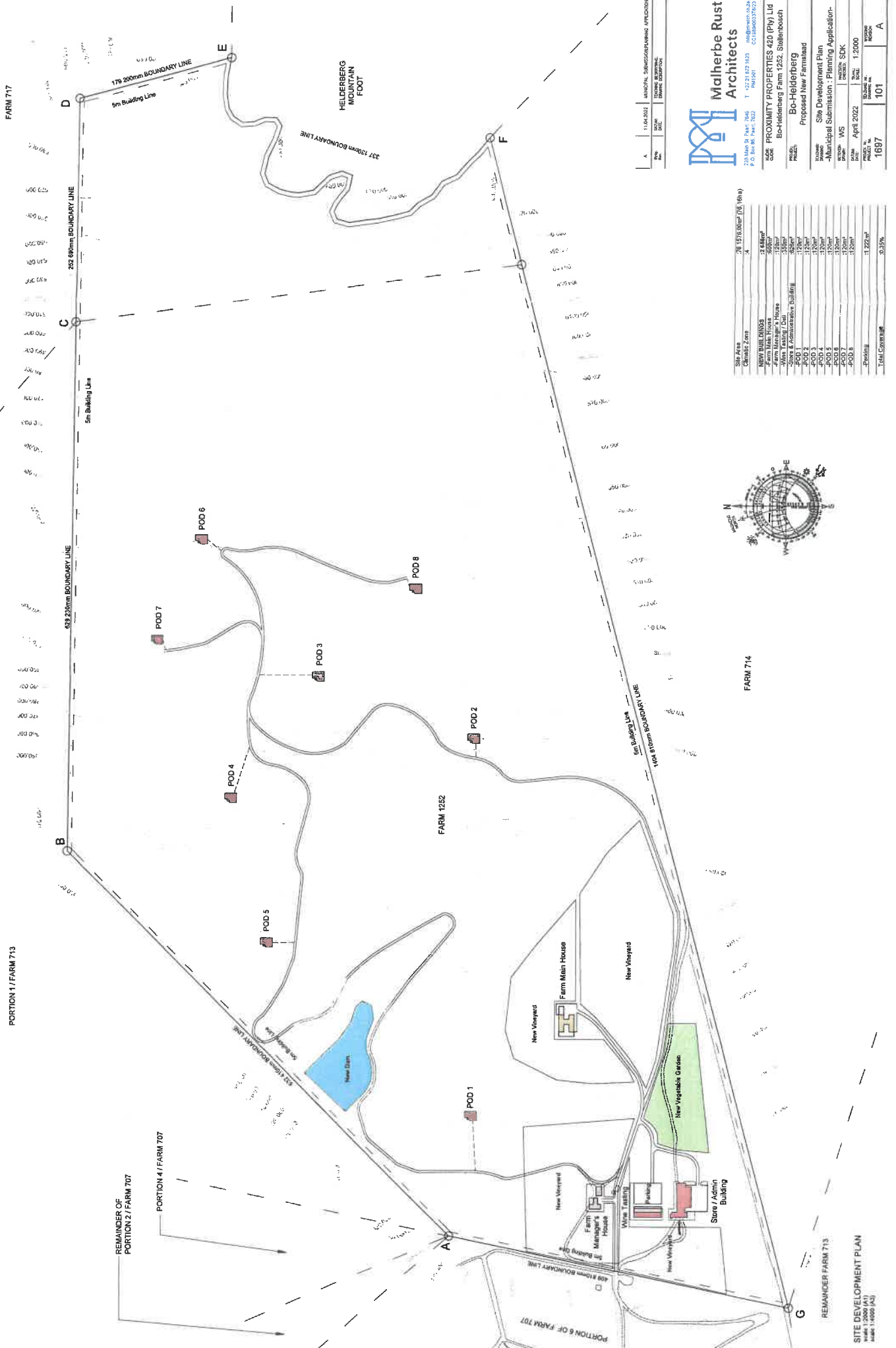
Malherbe Rust Architects

322 PROXIMITY PROPERTIES 430 PTY (LTD)
 123 Main St, West 7925
 P.O. Box 10, West 7925
 T: 08 9371 1234
 F: 08 9371 1235
 E: info@malherberust.com.au

Bo Halderberg
 Proposed New Farm Store & Domestic Residence

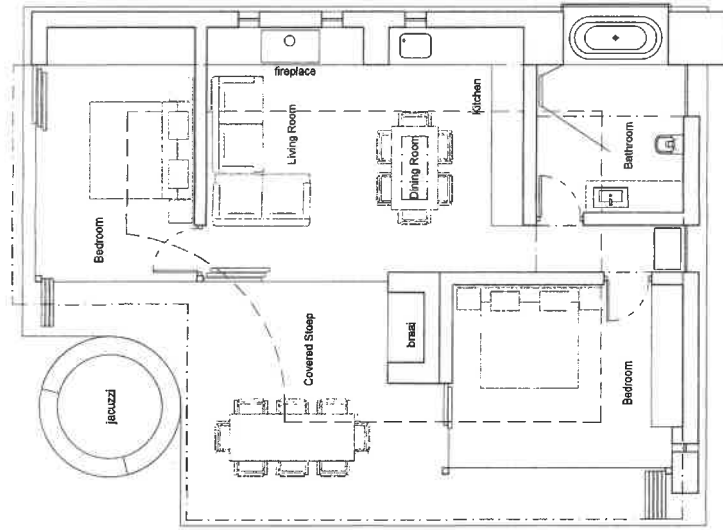
Sections
 - Municipal Submission -

DATE	WBS/08	SCALE	SDX
DATE	12-12-2022	SCALE	1:100
DATE	18/07	SCALE	2302
DATE		SCALE	A



SITE DEVELOPMENT PLAN
scale 1:2000 (A1)
scale 1:4000 (A3)

NOTE:
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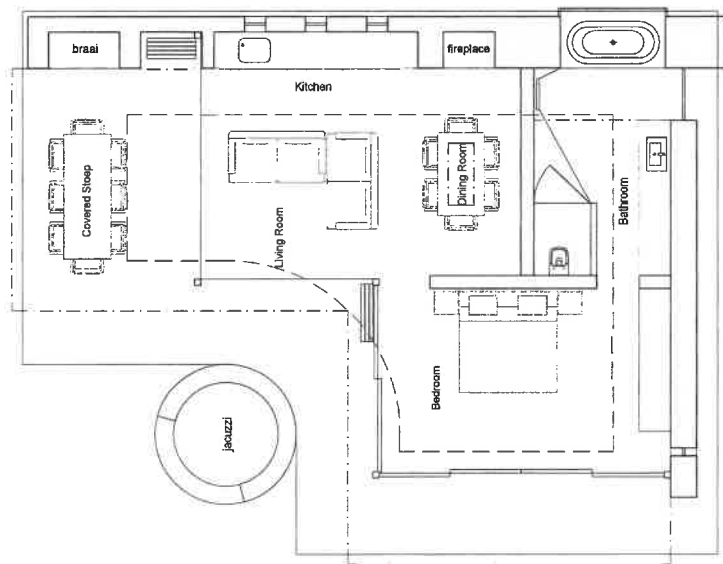


FLOOR PLAN : 2 BEDROOM POD
Scale: 1:100 (A3)

Disturbed Vegetation Area : 45m²
Suspended Base Area : 120m²



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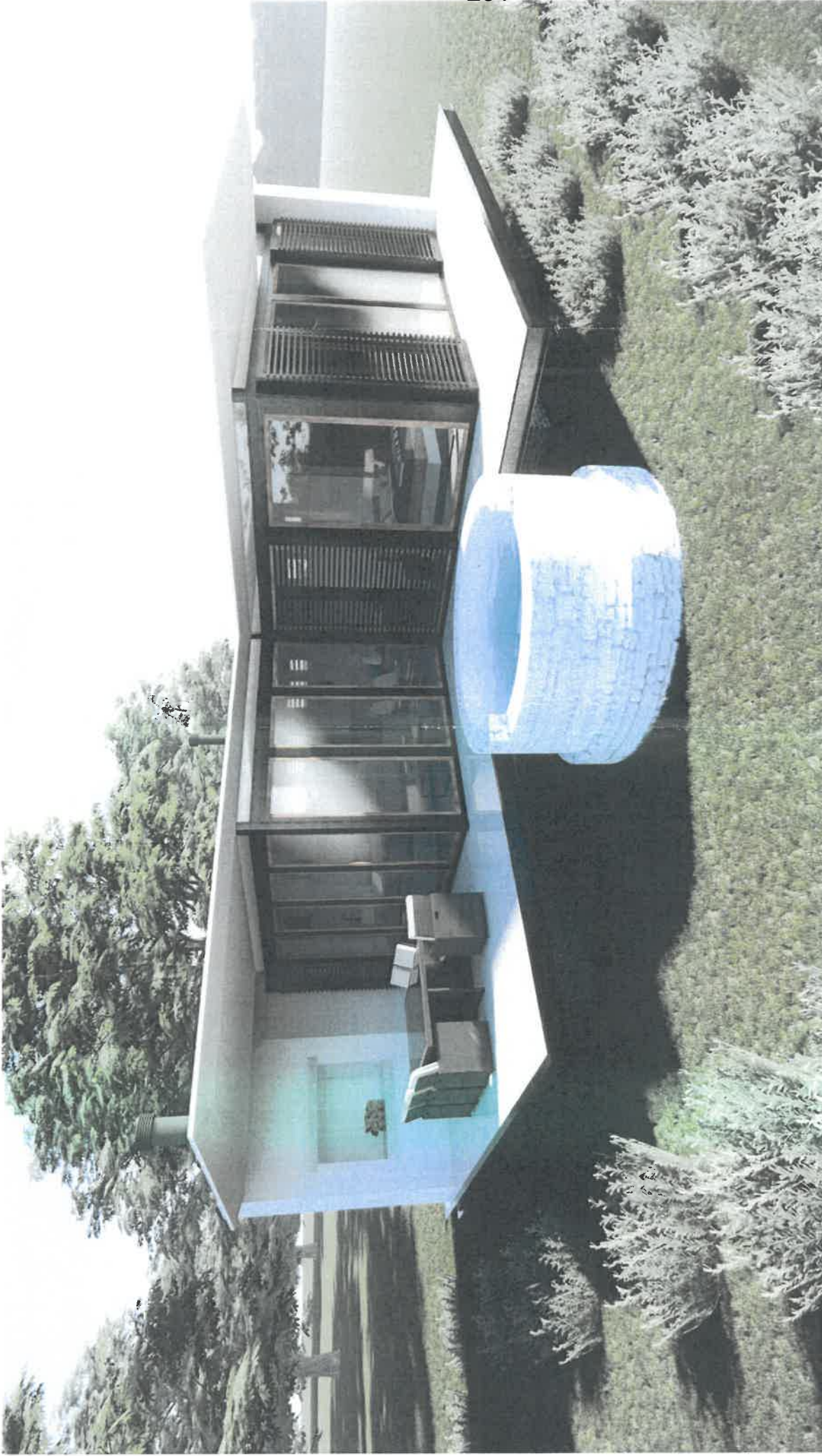


FLOOR PLAN : 1 BEDROOM POD
Scale: 1:100 (A3)

Disturbed Vegetation Area : 45m²
Suspended Base Area : 120m²

Bo-Helderberg PODs_Sketch 03 - 08-03-2022



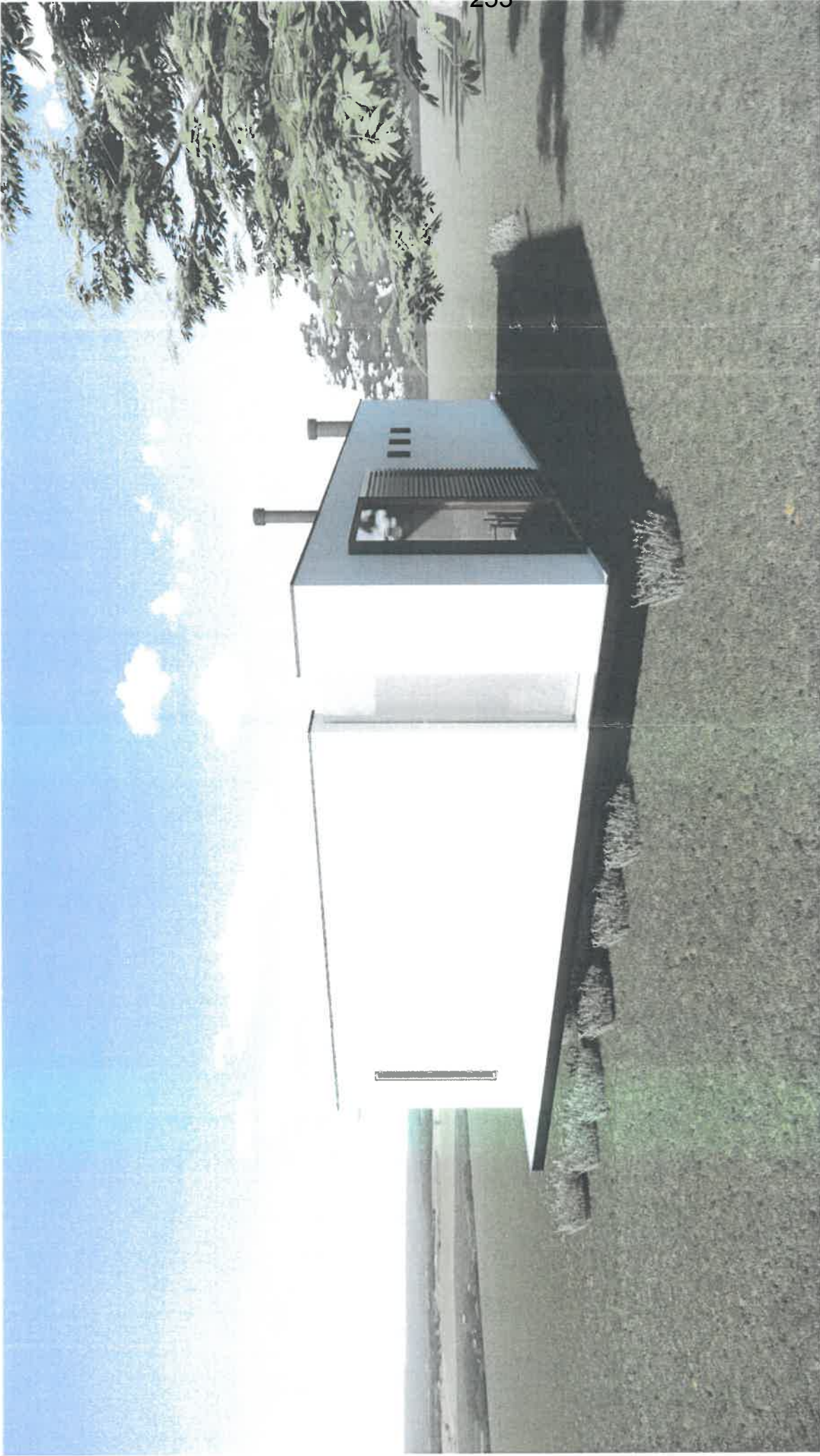




BO-HELDERBERG, FARM 1252, STELLENBOSCH - 1 BEDROOM POD CONCEPT_08-03-2022



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BO-HELDERBERG, FARM 1252, STELLENBOSCH - 1 BEDROOM POD CONCEPT_08-03-2022

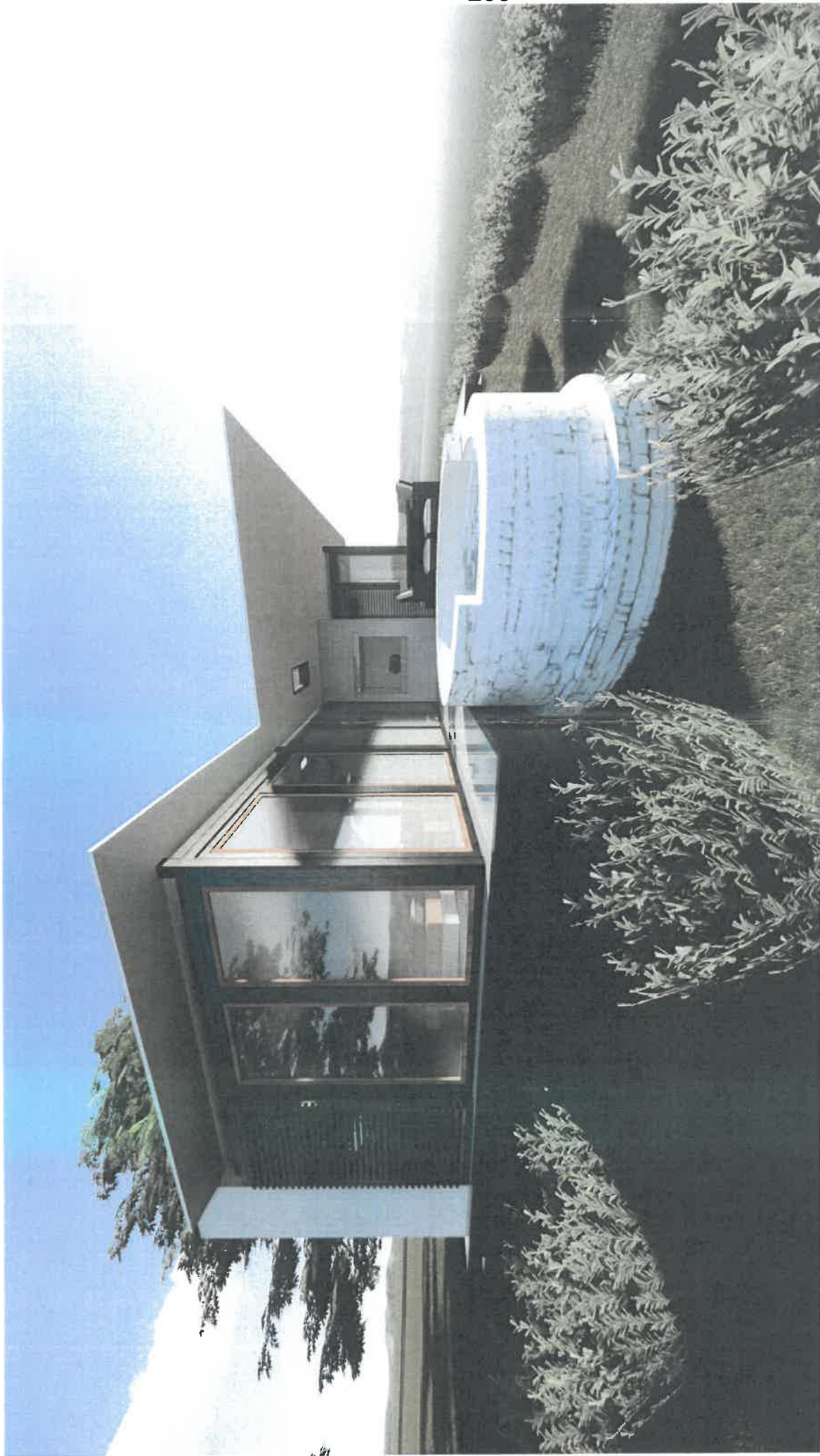


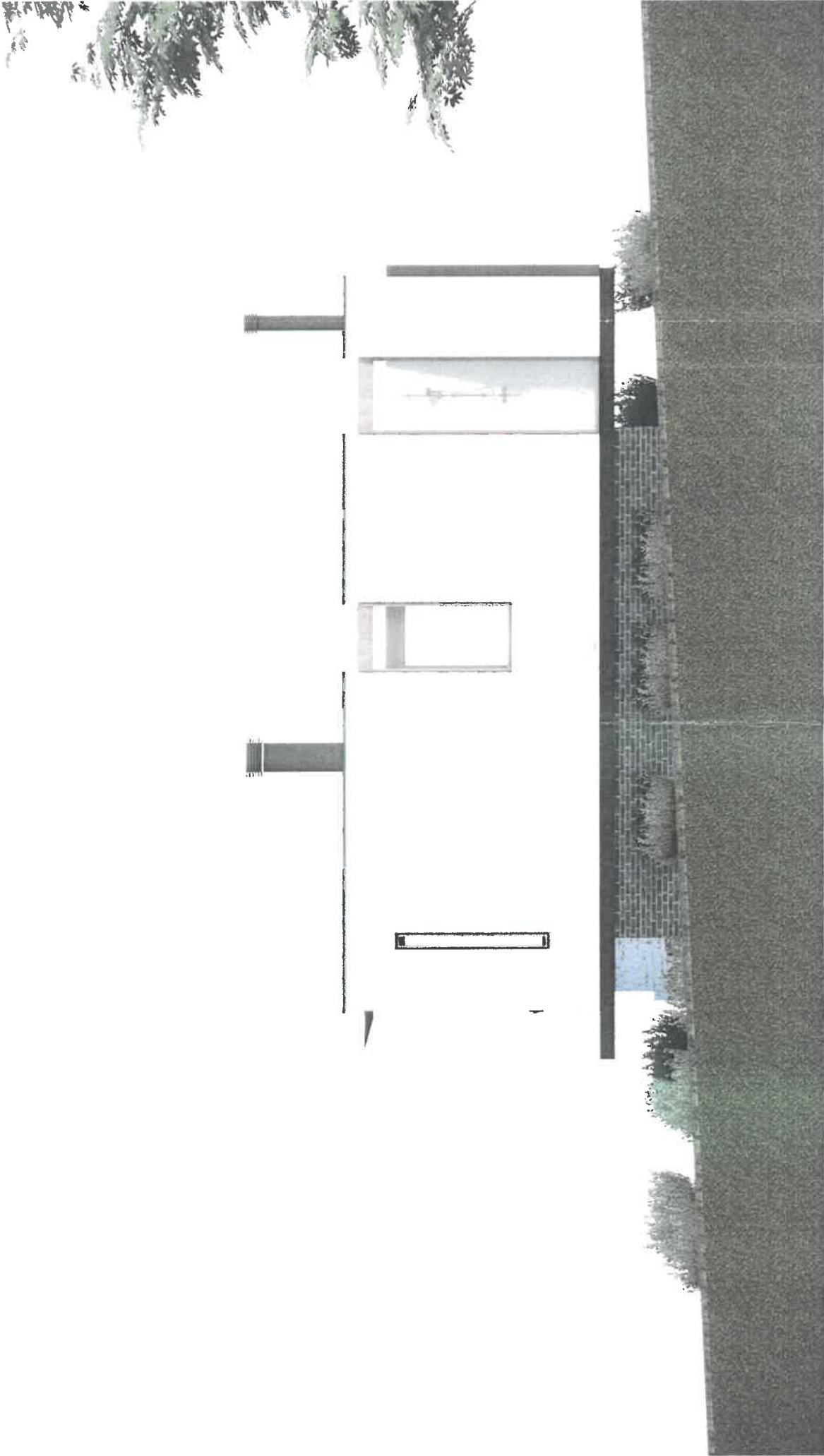
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BO-HELDERBERG, FARM 1252, STELLENBOSCH - 2 BEDROOM POD CONCEPT_08-03-2022

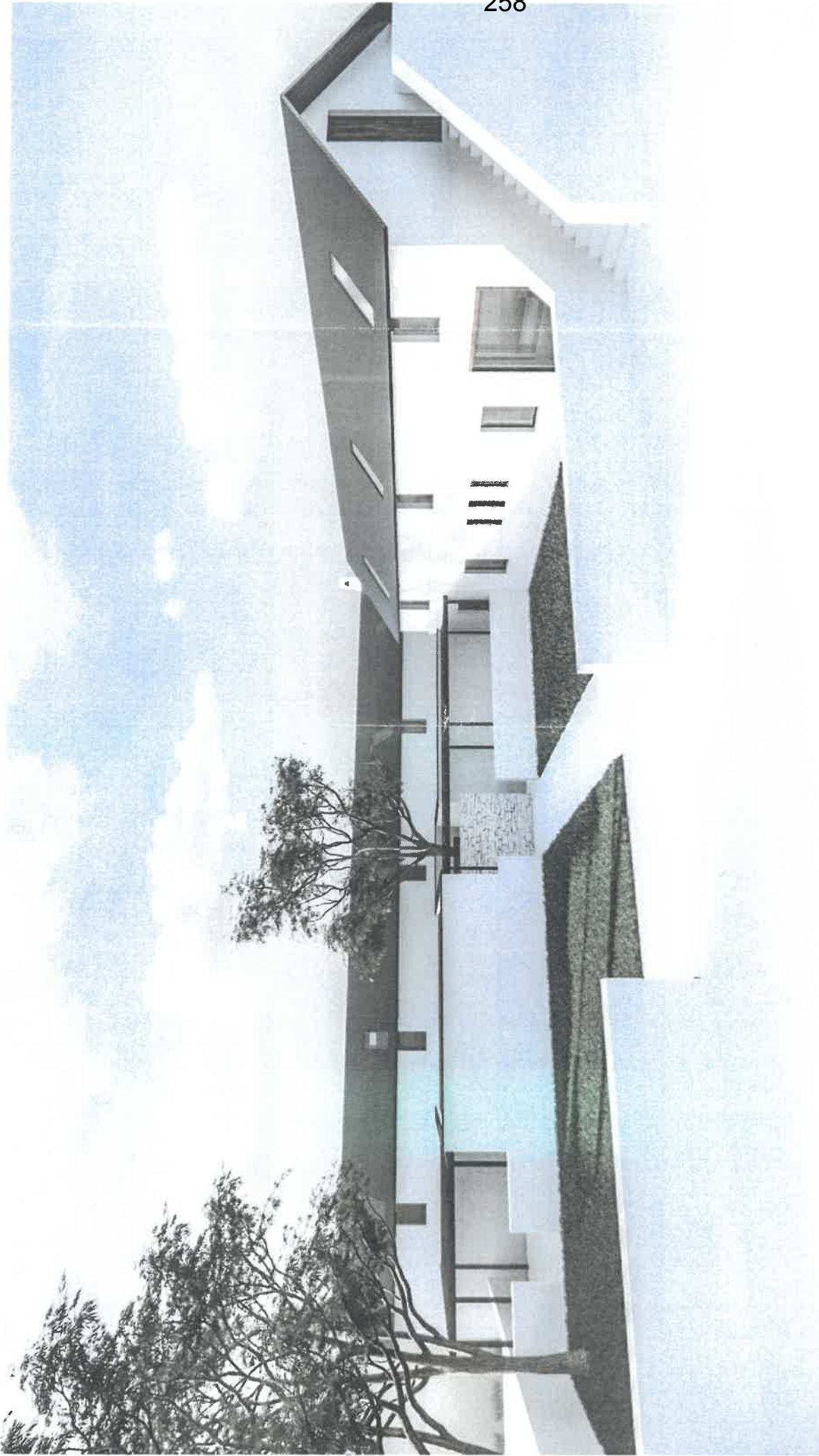




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BO-HELDERBERG, FARM 1252, STELLENBOSCH - 2 BEDROOM POD CONCEPT_08-03-2022





BO-HELDERBERG, FARM 1252, STELLENBOSCH - PROPOSED RESTAURANT AND WINE TASTING_26-05-2022



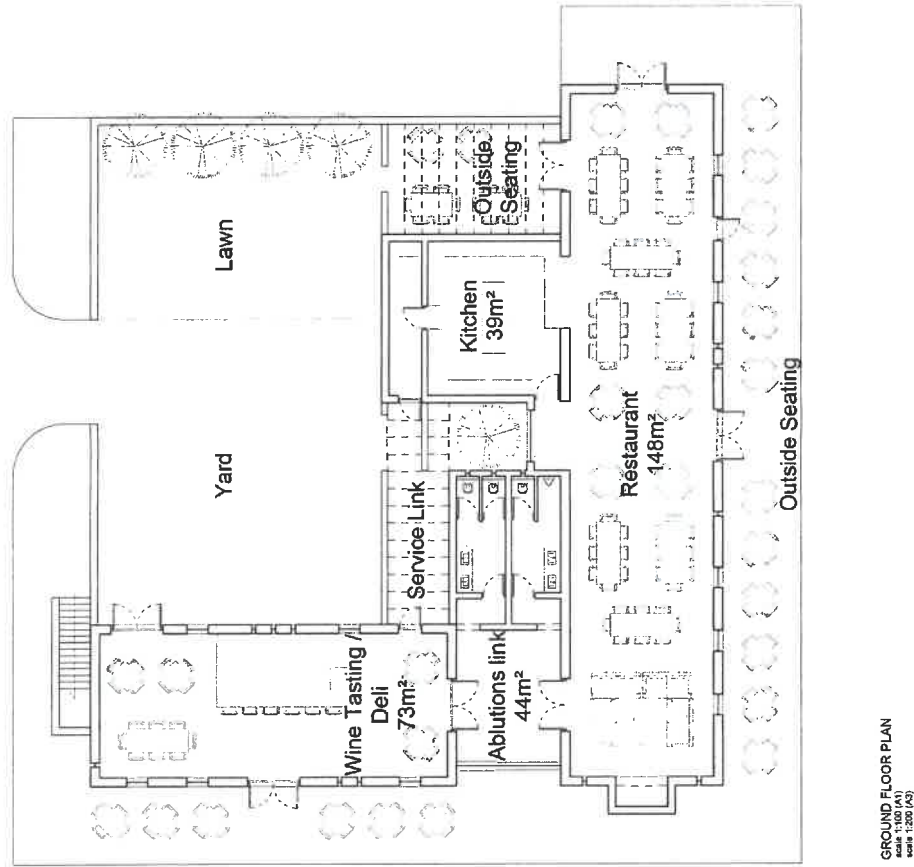
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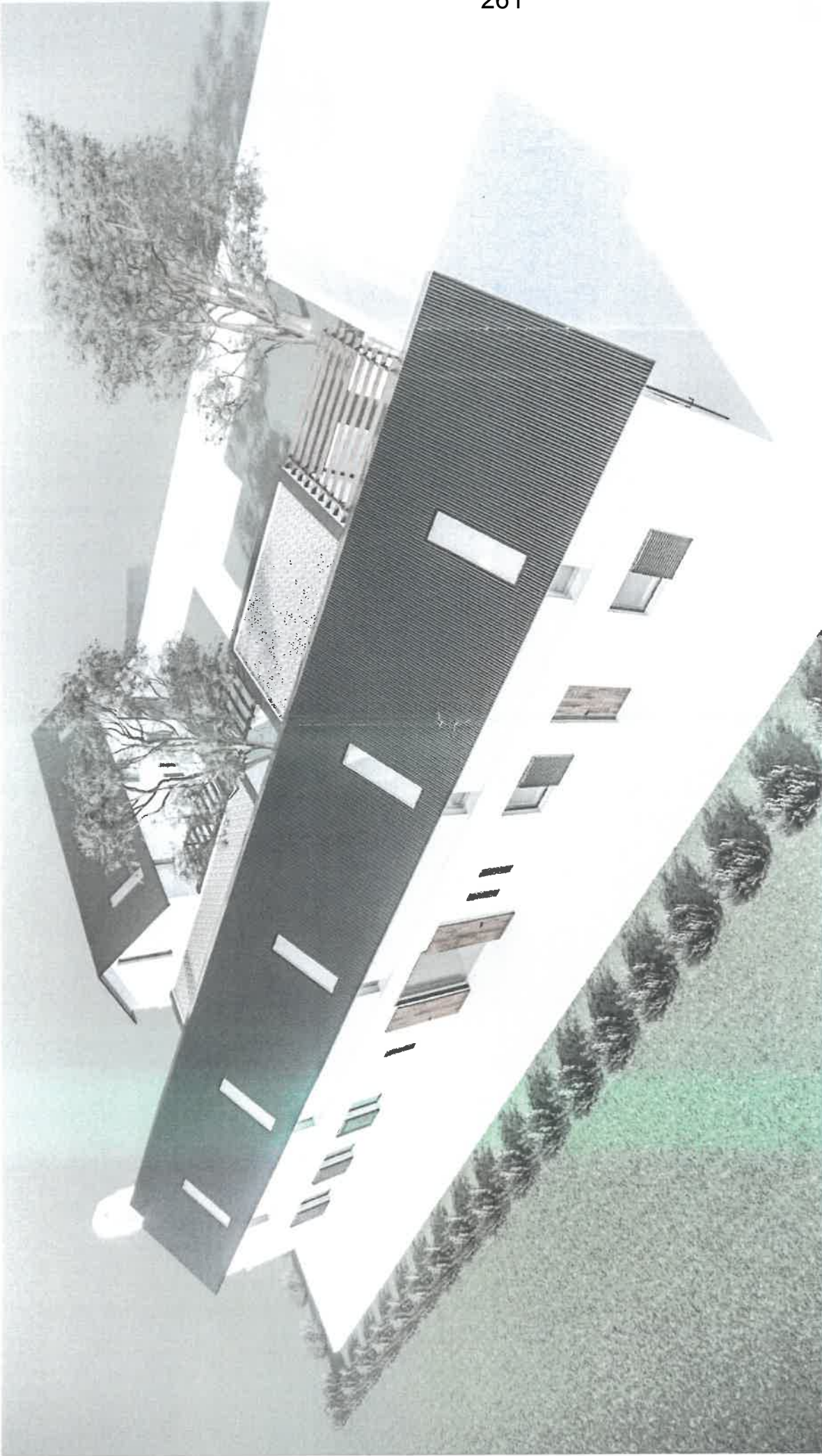


BO-HELDERBERG, FARM 1252, STELLENBOSCH - PROPOSED RESTAURANT AND WINE TASTING_26-05-2022



Malherbe Rust
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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Marike				
Surname	Bolz				
Company name (if applicable)	Arch Town Planners (Pty) Ltd				
Postal Address	Bakkershuis, 152 Dorpsstraat,				
	Stellenbosch	Postal Code	7600		
Email	Marike@archtownplanners.co.za				
Tel		Fax		Cell	072 480 5838

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	Proximity Properties 420 Pty (Ltd)				
Physical address	Proximity Properties				
	Woodhill PRETORIA	Postal code	0076		
E-mail	jaco@squaremeter.co.za				
Tel		Fax		Cell	083 232 4507

PART C: PROPERTY DETAILS (in accordance with title deed)

/ Farm No.	Farm 1252	Portion(s) if Farm		Allotment area	Stellenbosch Division	
Physical Address	Bo-Helderberg Farm Klein Helderberg Road (off R44) Stellenbosch					
Current Zoning	Agricultural and Rural	Extent	±76 ha	Are there existing buildings?		N
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law (2019)					
Current Land Use	Natural Vegetation					

Title Deed number and date	T28631/2021			
Attached Conveyance's Certificate		N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate: No restrictive conditions	
Are the restrictive conditions in favour of a third party(ies)?			If Yes, list the party(ies):	
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):	
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management	
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y N
			Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y
			If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable. Section 38	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use ² ?	Y N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	N	If yes, please attach the written feedback received.

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE**APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)**

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>
	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 <u>primary rights</u> 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

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	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) an occasional use of land
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) 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
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
TOTAL A:	R

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
		TOTAL B:	R
		TOTAL APPLICATION FEES* (TOTAL A + B)	R

* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	Proximity Properties 420 (Pty) Ltd Attention: Jaco Nel PO Box 66372 Woodhill PRETORIA 0076 SOUTH AFRICA VAT Number: 4490206515

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From		To	
	Street		From		To	
	Street		From		To	
	Side		From		To	
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit Tourist Accommodation and Tourist Facilities in terms of Section 15 of the Stellenbosch Zoning Scheme Regulations						
Other (please specify)						

Brief description of proposed development / intent of application:

To allow for 8 x tourist accommodations units (1x bedroom and 2x bedroom units), wine tasting and restaurant

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y		Power of attorney / Owner's consent if applicant is not owner		N	Bondholder's consent (if applicable)
		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		N	Proof of any other relevant right held in the land concerned
Y		Written motivation pertaining to the need and desirability of the proposal		N	S.G. diagram / General plan extract (A4 or A3 only)
Y		Locality plan (A4 or A3 only) to scale	Y		Site development plan or conceptual layout plan (A4 or A3 only) to scale
		Proposed subdivision plan (A4 or A3 only) to scale			Proof of agreement or permission for required servitude
		Proof of payment of application fees	Y		Proof of registered ownership (Full copy of the title deed)
	Y	Conveyancer's certificate	Y		Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
		Consolidation plan (A4 or A3 only) to scale		N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
		Street name and numbering plan (A4 or A3 only) to scale			
	N/A	Landscaping / Tree plan (A4 or A3 only) to scale		N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
	N/A	Abutting owner's consent		N/A	Home Owners' Association consent
Y		Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)		N/A	Services Report or indication of all municipal services / registered servitudes
	N/A	Copy of original approval and conditions of approval		N/A	Proof of failure of Home owner's association
	N/A	Proof of lawful use right		N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
	N/A	Required number of documentation copies		N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
		In process, documents to be submitted asap.	Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
		Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
		Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A	National Water Act, 1998 (Act 36 of 1998)
		Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.

12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:



Date:

28 April 2022

Full name:

 Marike Bolz for Arch Town Planners (Pty)
 Ltd

Professional capacity:

Registered Town Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



57

Nico Wehmeyer Attorneys
21 Orchard Street
Grabouw

Prepared by me

7160		Fee endorsement
Purchase price/Value	Stamp duty	Office fee
1 950 000,00	4 292,00	
Stamp duty		
Reason for exemption		


CONVEYANCER
WEHMEYER NICOLAAS JOHANNES
LPCM 79444

DEED OF TRANSFER

DATA / CAPTURE
14-06-2021
LITHA VUYO MADAMA

BE IT HEREBY MADE KNOWN THAT

DANIEL JOHANNES MEIRING

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Grabouw on 03 May 2021 granted to him by

T 000028631 / 2021

WES PIEK EIENDOMME PROPRIETARY LIMITED
Registration Number 1997/016412/07

DATA / VERIFY
15-06-2021
DIPONTSHENG LEEUW

And the appearer declared that his said principal had, on 25 April 2021 truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

PROXIMITY PROPERTIES 420 PROPRIETARY LIMITED
Registration Number 2003/010490/07

It's Successors in Title or Assigns, in full and free property

FARM BO-HELDERBERG No.1252
In the Stellenbosch Municipality
Division of Stellenbosch
Western Cape Province

IN EXTENT: 76,1576 (SEVENTY SIX COMMA ONE FIVE SEVEN SIX) Hectares

FIRST REGISTERED by Certificate of Consolidated Title No. T55275/1991 with Diagram S.G. Number 1527/1985 relating thereto and HELD by Deed of Transfer No. T72230/1994

- I. **SUBJECT** with regard to the figure ABCHJG on said Diagram S.G. Number 1527/1985: -
 - A. **SUBJECT** to the conditions mentioned in Deed of Transfer No. T4182 dated 18 September 1891;
 - B. **ENTITLED** to the conditions of Registration of Servitude dated 29 December 1949 and endorsed on Deed of Transfer No. T754/1914, which endorsement reads as follows:

"By Deed of Transfer No. 20916 dated the 29th December 1949, Lot S.O. and Lot S.O. Annex conveyed thereby have been made subject to certain conditions relating to fencing which are in favour of the land held by paragraphs 2 and 3 hereof and Paragraph 3 of Deed of Transfer No. 8866/34.

As will more fully appear on reference to the said Deed.

- II. **SUBJECT** with regard to the figure CDEe foot of cliffs fFJH on Diagram S.G. No. 1527/85:
 - A.
 - B. **ENTITLED** to the conditions of Registration of Servitude dated 29 December 1949, and endorsed on Deed of Transfer No. T8866/1934, which endorsement reads as follows: -

"Kragtens Akte van Transport No. 20916 gedateer 29 Desember 1949, is die Lotte S.O. en S.O. Annex daardeur getranspoteer, onderhewig aan sekere voorwaardes wat omheining betref wat ten gunste van die grond hieronder gehou en van Paragrafe 2 en 3 van T754/1914 opgelê is.
- Soos meer breedvoerig sal blyk uit gesegde Akte."

Page 3

WHEREFORE the said Appearer, renouncing all right and title which the said **WES PIEK EIENDOMME PROPRIETARY LIMITED** heretofore had to the premises, did in consequence also acknowledge the Company to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said **PROXIMITY PROPERTIES 420 PROPRIETARY LIMITED**, It's Successors in Title or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R19 500 000.00 (NINETEEN MILLION FIVE HUNDRED THOUSAND RAND)**.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have

subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on *10 June* 2021

In my presence



REGISTRAR OF DEEDS

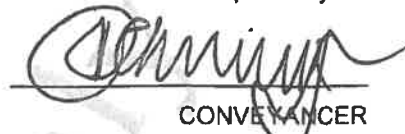
[Handwritten signature]
o.q.

123-4⁶

57

Nico Wehmeyer Attorneys
21 Orchard Street
GRABOUW
7160

Prepared by me



CONVEYANCER

NICOLAAS JOHANNES
WEHMEYER

LPCM 79444

POWER OF ATTORNEY TO TRANSFER

I, the undersigned, PHILIP LODEWYK OBERMEYER, duly authorised thereto by a resolution by

WES PIEK EIENDOMME PROPRIETARY LIMITED
Registration number 1997/016412/07

Do hereby nominate

ANINA MARI BEZUIDENHOUT (88958) and/or DANIEL JOHANNES MEIRING (79113) and/or FUAD DE VRIES (87288) and/or GREGORY JOHN CLAUGHTON (80612) and/or JACO MINNIE (78977) and/or JOHN VAN BRED A LOUW (79658) and/or LESTER ELEAZAR KLUE (86488) and/or MICHÈLE MARAIS (79002) and/or NICOLAAS JOHANNES WEHMEYER (79444) and/or GABRIEL GIDEON CILLIE (85701) and/or PETRUS JOHANNES CILLIE (81207)

with power of substitution to be the true and lawful Attorney/s and Agent/s of the Transferor in the name, place and stead of the Transferor to appear before the Registrar of Deeds in CAPE TOWN and then and there as my act and deed to pass transfer to:

PROXIMITY PROPERTIES 420 PROPRIETARY LIMITED
Registration Number 2003/010490/07

The property described as:

The farm BO-HELDERBERG No.1252
In the ~~Cape Winelands District~~ Municipality Stellenbosch
Division of Stellenbosch
Western Cape Province



IN EXTENT: 76,1576 (SEVENTY SIX COMMA ONE FIVE SEVEN SIX) Hectares

HELD by Deed of Transfer No. T72230/1994



Nico Wehmeyer Attorneys

The said property having been sold by the Transferor to the said Transferee on 25 April 2021 for the sum of R19 500 000.00 (NINETEEN MILLION FIVE HUNDRED THOUSAND RAND) ;

and further cede and transfer the said property in full and free property to the said Transferee, to renounce all right, title and interest which the Transferor herefore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein, hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

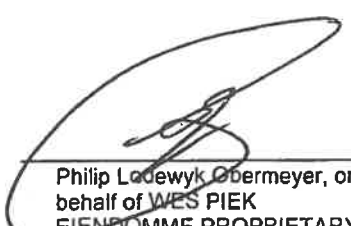
Signed at Grabouw
undersigned witnesses.

on 3 May 2021 in the presence of the

As WITNESSES:

1. Shate

2. Awany



Philip Lodewyk Obermeyer, on
behalf of WES PIEK
EIENDOMME PROPRIETARY
LIMITED
Registration Number
1997/016412/07,



STELLENBOSCH
STELLENBOSCH • PLET • GENSCHIEDER
MUNICIPALITY • LUNENBURG • MUNISIPALITEIT

CONVEYANCER CERTIFICATE

I/We.....YOLANDI OLIVIER

Practising at:

OLIVIER & ASSOCIATES ATTORNEYS, 5 ACORN ROAD, NEWLANDS, CAPE TOWN

7700

In respect of:

FARM BO-HELDERBERG NO.1252, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

PROVINCE OF THE WESTERN CAPE, IN EXTENT 76.1576 (SEVENTY SIX COMMA ONE FIVE SEVEN SIXX) HECTARES

HELD BY DEED OF TRANSFER NO.T 28631/2021

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. HELD BY DEED OF TRANSFER NO.T28631/2021

2.

3.

4.

5.

6.

7.

8.



STELLENBOSCH
 NEDERLANDSE • NEDERLANDSE • NEDERLANDSE
 MUNISIPALITEIT • MUNICIPALITY • MUNICIPALITY

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N ✓	
2.	Building lines	Y	N ✓	
3.	Height	Y	N ✓	
4.	Number of Dwellings	Y	N ✓	
5.	Bulk floor area	Y	N ✓	
6.	Coverage/built upon area	Y	N ✓	
7.	Subdivision	Y	N ✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N ✓	
9.	Other Restrictive Conditions	Y	N ✓	

24



STELLENBOSCH

STELLENBOSCH • CAPE TOWN • TRANSVALE

MUNICIPALITY OF STELLENBOSCH

B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

a.	Organ(s) of State that might have an interest in the restrictive condition	N/A
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	N/A
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	N/A

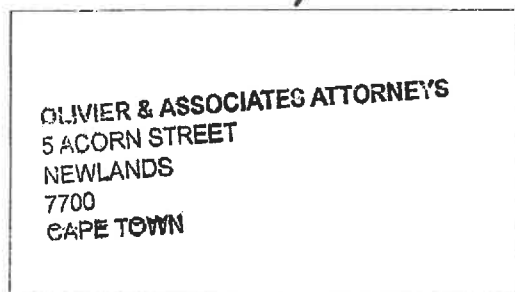
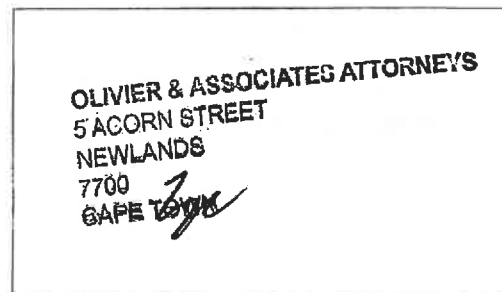
C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) ✓	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at..... CAPE TOWN (Place) on this..... 3RD (Day) May (Month) of 20..... 22

Full names and Surname:..... YOLANDI OLIVIER

Signature:..... 



Tel: 0216718296

Email: OLIVIERASSOC@POLKA.CO.ZA

Cell: 0824992801

Preliminary Botanical Report

**For the proposed agricultural development and tourism facilities
on Farm 1252, Heldererg, Stellenbosch.**

Compiled by: Johlene Krige
B.Sc. Biodiversity & Ecology, M.Sc. Botany
Pr. Sci. Nat

Date: 5 July 2021

DECLARATION OF INDEPENDENCE

In terms of Chapter 5 of the National Environmental Management Act of 1998, specialists involved in Impact Assessment processes must declare their independence.

I, J. Krige, do hereby declare that I am financially and otherwise independent of the client and their consultants. All opinions expressed in this document are substantially my own.



J. Krige

Intellectual property: This report remains the intellectual property of the author and may not be summarised without the written permission of the author. Any quotations from this report should be in full, rather than summations derived from any alleged meaning of the report.

Abbreviated CV:

Surname : Krige

First Name : Johlene née Zietsman

Date of birth : 10 September 1982

Contact Details : Tel . 072 1990 500, Email. johlene@breede.co.za, PO Box 573, Ceres, 6835

Qualifications : Stellenbosch University, South Africa: B.Sc. Biodiversity & Ecology, B.Sc.Hons Botany, M.Sc. Botany 2007

Certifications : Pr. Sci. Nat.

Since 2010 I have been working as an Environmental Assessment Practitioner and Botanical & Ecological Specialist at Boland Environmental Consultants in Worcester. I have been involved in various EIA Projects and Environmental Management Programs. In additions I have conducted numerous Botanical & Ecological Impact Assessments in the local area (Breede River Valley). Since 2013 I have been based in Robertson and working at a free-lance basis, trading under my own name, focussing on Specialised Botanical & Ecological Surveys, predominantly within the Breede River Valley. Most of my work relates to new farming development (cultivation areas, construction of dams and agri related infrastructure) or small scale mining applications in the area. I am currently (since 2017) based in Ceres continuing with Botanical Impact Assessment throughout the Western Cape.

1. INTRODUCTION

This report is a preliminary botanical assessment which identifies the most significant biodiversity features and highlights the main findings of the field survey for the proposed agricultural development and tourism facilities of Farm 1252, Heldererg, Stellenbosch.

The proposed development includes the following components (Figure 1-2):

- New cultivation areas
 - Block 1 – 3.8 Ha vineyards
 - Block 2 – 2.4 Ha vineyards
 - Block 3 - 2.4 Ha olives
- New dam
- Main house and yard
- Function venue with parking
- 6 tourism accommodation units (pods)
- Managers house
- Internal roads, electricity and water (pipelines, tanks and boreholes) infrastructure



Figure 1. Map showing the main development components (new cultivation areas, dam, houses, venue and accommodation units).

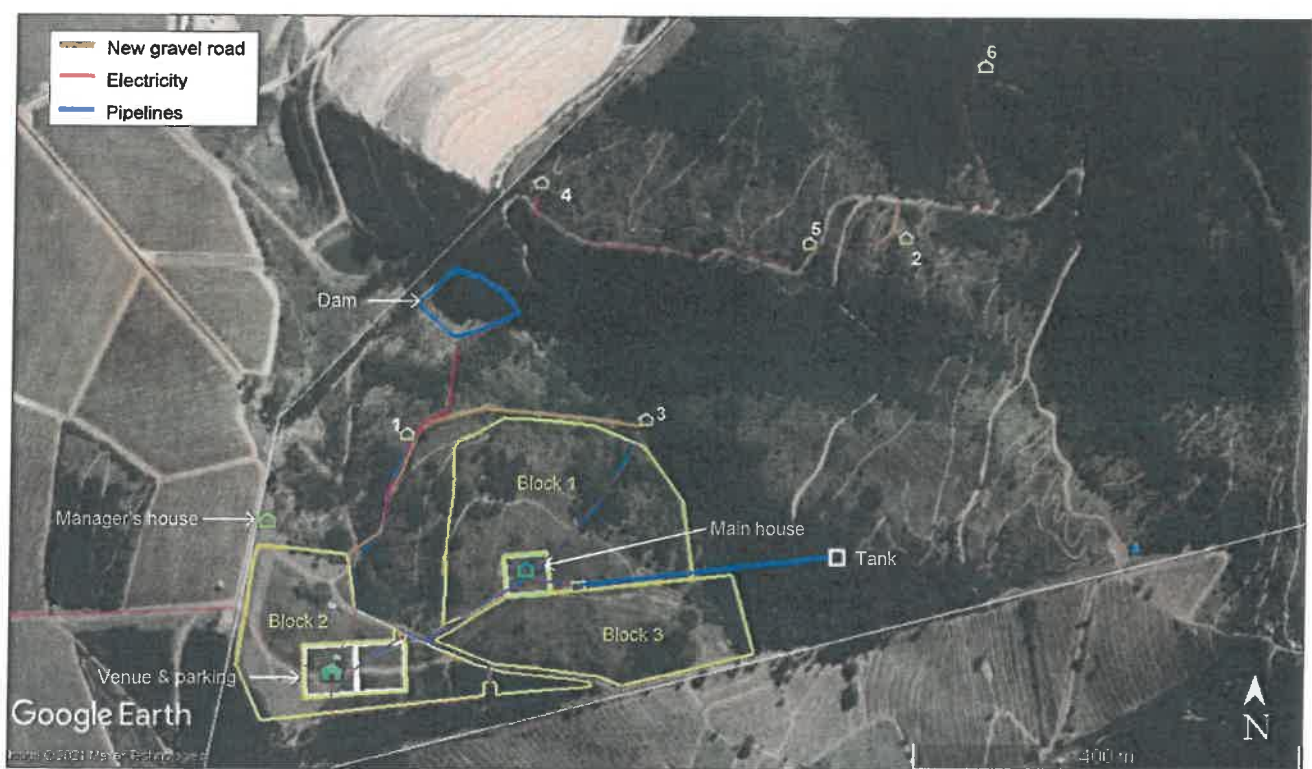


Figure 2. Map showing the main development components including infrastructure (gravel road, pipes, electricity).

2. TERMS OF REFERENCE

- Identify the original vegetation type and sensitivity of the site through Biodiversity Maps.
- Highlights main findings of the botanical site visit which includes on site determination (ground truth) of vegetation type, land cover and habitat condition.
- Confirm whether any plant Species of Conservation Concern are evident on site.
- Provide a specialised opinion on the biodiversity significance of the target sites in terms of terrestrial ecosystems and habitat.
- Guidance in terms of placement of development components

3. METHODOLOGY

An overview of the existing land use, vegetation, ecosystem status and occurrence of sensitive areas on the identified land were obtained through SANBI GIS, The National Vegetation Map (Mucina and Rutherford 2006 & 2018 update), the National Ecosystem Status Maps (2011), National Biodiversity Assessment (NBA 2018) Ecosystem Threat Status Map, Google Earth Imagery and Cape Farm Mapper. In addition, the Western Cape Biodiversity Spatial Plan (Cape Nature 2017) for the Stellenbosch Municipal Area was consulted. Maps used in this report were configured in Cape Farm Mapper, Google Earth and Quantum GIS.

The target development areas were visited on the 26th of November 2021 to confirm land cover and vegetation type and the proposed development site was surveyed for habitat quality and the presence of rare species. The site was walked and various reference points marked using a handheld GPS while aspects such as the condition of the vegetation and levels of disturbance were noted and photographed.

4. MAIN FINDINGS

4.1 Overview of mapped ecosystem and vegetation type

According to the SA Vegetation Map (Mucina and Rutherford 2006 & 2018 update) the target areas comprised Cape Winelands Shale Fynbos prior to any disturbances. This ecosystem is considered Vulnerable (DEA 2011, NBA 2018). Kogelberg Sandstone Fynbos (a critically endangered ecosystem) is evident along the easternmost fringes of the property, on

Helderberg Mountain, but not in close proximity with any of the development components (Figure 3).

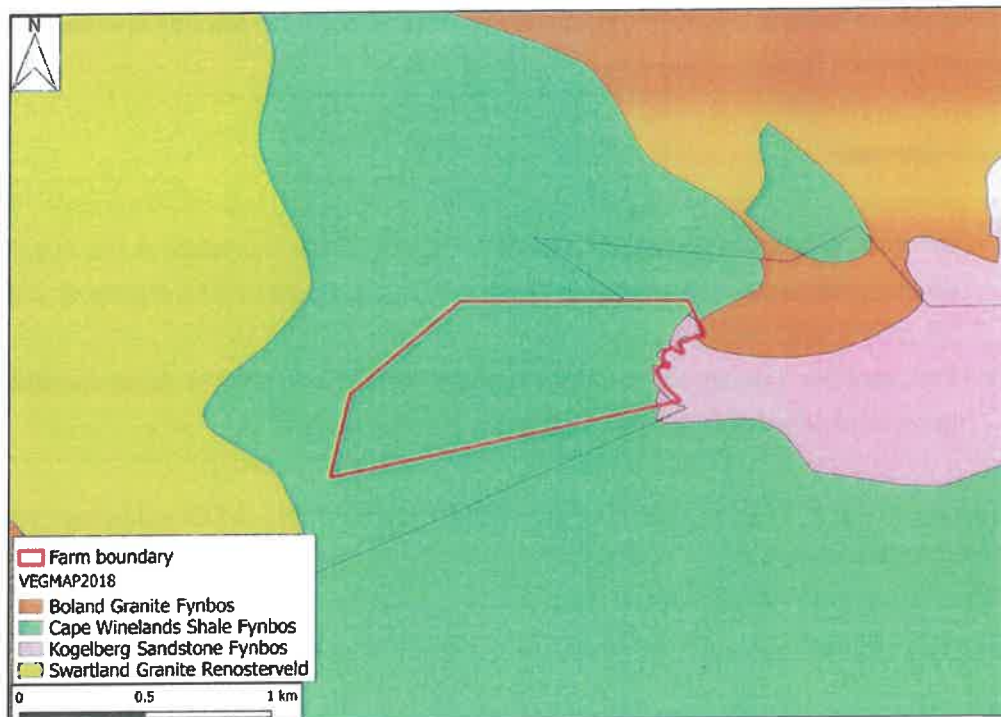


Figure 3. Extract from the SA Vegetation Map (Mucina & Rutherford 2006 & 2018) indicating the property boundaries and the extent of original ecosystems in the area.

4.2 Critical Biodiversity Areas, Protected Areas and Wetlands

Figure 4 represents Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs) and Protected Areas (PAs) identified through the systematic biodiversity planning assessment conducted by the Western Cape Biodiversity Spatial Plan (WCBSP). These areas require safeguarding to ensure the continued existence and functioning of species, ecosystems and ecological processes, including the delivery of ecosystem services, across terrestrial and freshwater realms (Pool-Stanvliet *et al.* 2017).

- CBAs are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.
- ESAs play an important role in supporting the functioning of Protected Areas or CBAs, and are often vital for delivering ecosystem services. Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.

CBA, ESAs and PAs on site:

The western portion of the property is recognised as an EAS while the central portion is recognised as a CBA. The easternmost section of the property forms part of a Protected Area (Hottentots-Holland Mountain Catchment Area) and is bordered towards the east by the Helderberg Nature Reserve (Figure 4).

Aquatic features:

- There is a non-perennial watercourse crossing through the dam site (Figure 5). This drainage line is considered an aquatic ESA with areas upstream of the mapped watercourse (eastwards within the CBA) considered aquatic CBAs (Figure 4) under the criteria seep wetland.
- The northern portion of the farm also contains aquatic CBAs (seep wetlands) associated with drainage lines in the north (Figures 4-5).

There are no natural National Freshwater Ecosystem Priority Areas (NFEPAs) evident on or adjacent to the property.

Factors to which the relevant CBAs and ESAs contribute in terms of biodiversity (i.e. reasons for being recognised as CBAs/ESAs) include the following:

- Cape Winelands Shale Fynbos (VU)
- Southwest Shale Fynbos Seep Wetland
- Upland-lowland interface
- Water source protection- Eerste
- Watercourse protection- South Western Coastal Belt

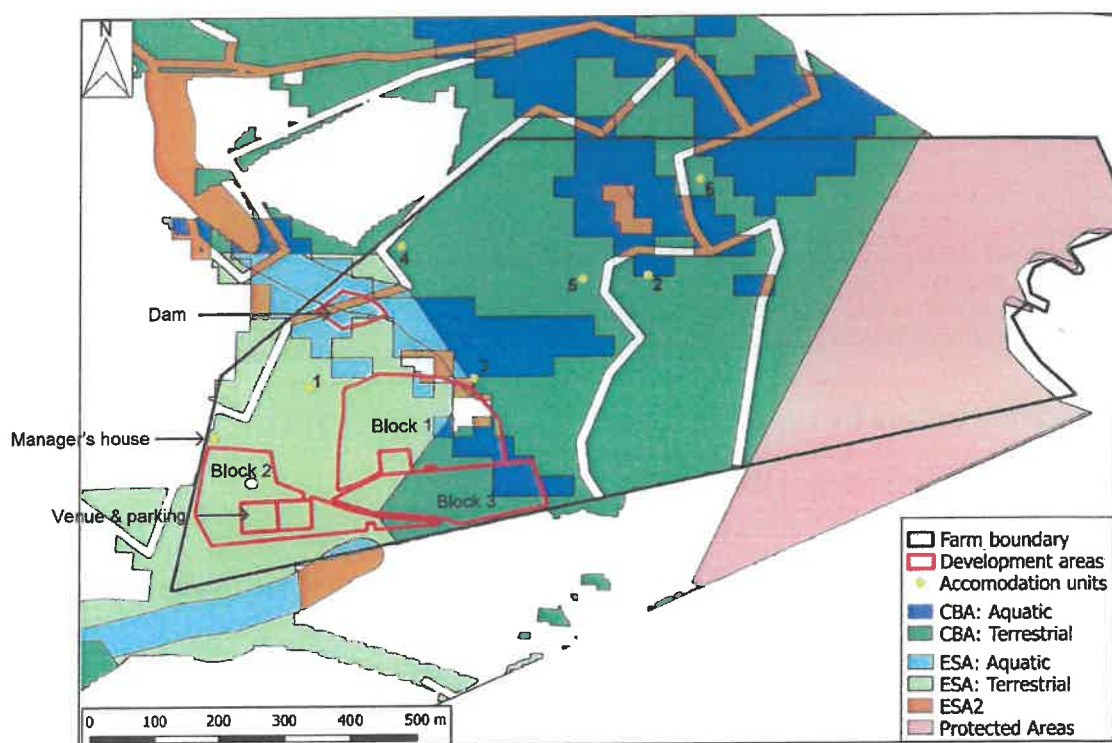


Figure 4. Extract from the WC Biodiversity Spatial Plan (2017) Map for the Stellenbosch Municipality showing the extent of CBAs and ESAs in the area.



Figure 5. Extract form the Cape Farm Mapper NGI rivers layer showing watercourses in the area.

4.3 Recommendations and No-Go Areas based on Vegetation and Habitat Condition on Site

Based on the available biodiversity maps I would suggest the following no-go areas:

- Pristine natural habitat within CBAs (containing Cape Winelands Shale Fynbos)
- All watercourses or wetland areas (the Freshwater Assessment will be fundamental in this regard)
- Prevent impact on water sources

The eastern portion of Block 1, Block 3, accommodation units 2, 3 and 6 are therefore within or very close to sensitive areas, based on biodiversity maps only.

The vegetation on site was confirmed as Cape Winelands Shale Fynbos which is a Vulnerable ecosystem. Two Red Data List plant species were recorded during the site visit

including *Leucospermum gueinzii* which is Endangered and *Leucospermum conocarpodendron* subsp. *viridum* which is Near Threatened.

Two individuals of *L. conocarpodendron* subsp. *viridum* were recorded within a natural area about 120m south-east of Block 2 (Figure 6). This area is not included in any of the development areas and should therefore not be impacted by the development.

9 individuals of *L. gueinzii* were recorded within the southern portion of Block 2 at 3 separate spots containing 4, 3 and 2 individuals respectively within open, previously cleared areas. Another patch containing more than 50 individuals of this species was recorded within the central portion of the property, about 50 m south of Pod 2 (Figure 6). Although it is most ideal to completely avoid the entire range of this endangered species on the property, the isolated individuals within the southern portion of Block 1 does not constitute a viable sub-population of this species. These plants are subjected to disturbances from the bypassing 4x4 road and are surrounded by open areas. One plant is already dying off. It is therefore recommended that development within Block 2 and the proposed venue and parking area be conducted in accordance to the original plan but the larger patch containing > 50 individuals should be considered a No-Go area.

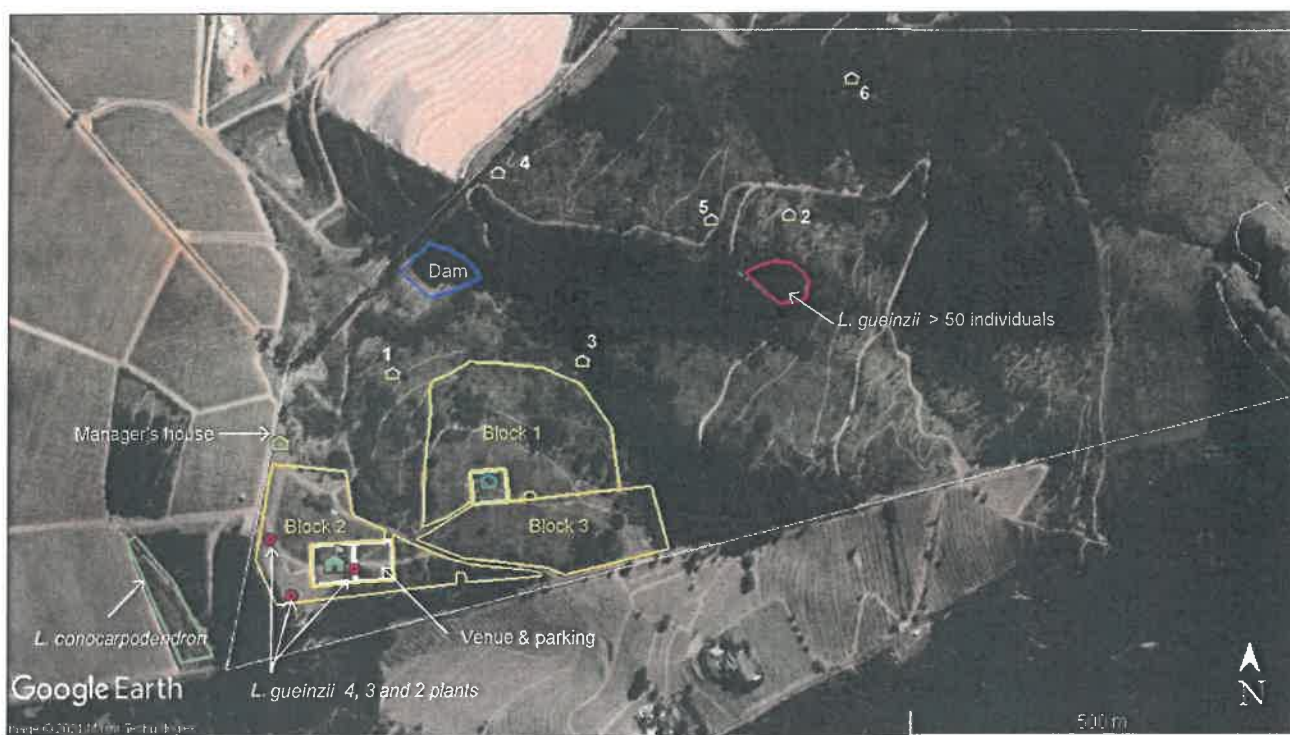


Figure 6. Map showing the location of Red Data List *Leucospermum* species recorded on site (*L. conocarpodendron* – green polygon, *L. gueinzii* – red points & polygon).

Cultivation areas:

A significant portion of the target cultivation areas (Block 1-3) consist of previously cleared areas. Earlier Google Earth Imagery indicates that these areas were cleared during 2014 (Figure 7). Only the northern and eastern portions of Block 1 and north-eastern corner of Block 3 were excluded from previous vegetation clearance.

Natural vegetation recovered significantly within the previously cleared areas but plant diversity is relatively low compared to pristine natural areas. The vegetation is dominated by 2-3 species with scatters of other natural elements. These areas are particularly dominated by *Cliffortia ruscifolia* (steekbos), *Anthospermum aethiopicum*, *Anthospermum pathulatum* and to a lesser extent also *Helichrysum pandurifolium* (kooibos) and *Stoebe plumosa* (slangbos).

Block 1:

The western portion of Block 1 is located within an ESA. The south-eastern portion falls within a CBA. A portion of this CBA is considered an aquatic CBA, characterized as seep wetlands associated with the drainage line which runs north-east of the site towards the proposed dam site. The northern and eastern sections of Block 1 are steep with much denser vegetation. Although these areas comprise high densities of alien vegetation these areas appear in a more natural condition with higher plant diversity than within previously cleared areas. The south-eastern portion falls within a CBA, but much of this section consists of open areas with low diversity whereas the northern portion which falls within an ESA comprises more intact natural habitat.

Recommendations – Block 1:

- It is recommended that cultivation within Block 1 should be restricted to the southern portions which was previously cleared but a buffer of at least 32 m should also be maintained along the watercourse/seep located north-east of the site. This will primarily avoid the aquatic CBA (east), prevent impact to aquatic features and will ensure preservation of intact natural habitat within a Vulnerable ecosystem (Figure 8-9).
- The steeper and more natural northern portions should be preserved and alien vegetation within these natural areas should be eradicated in order to improve the condition of these areas.
- Sensitive wetlands or aquatic features should be confirmed by a freshwater specialist.

Block 2:

Block 2 is primarily located within an ESA (except for the eastern corner). Block 2 consists of open, previously cleared areas with low natural plant diversity but natural vegetation cover re-established on site. The easternmost corner (CBA) consists of high density alien vegetation with very limited natural elements. It is unlikely that preservation of this small area will significantly contribute to biodiversity. It will be more viable to preserve natural portions within Block 1, not recognized as a CBA than preserving this small portion of CBA within Block 2.

Recommendations – Block 2:

- It is recommended that this entire Block be developed but steeper, natural areas within the northern portion of Block 1 should be preserved.
- Alien vegetation within these natural areas should be eradicated in order to improve the condition of these areas.

Block 3:

Block 3 primarily consists of a terrestrial CBA with an aquatic CBA in the easternmost corner, associated with the watercourse running north-east of Block 1. The westernmost corner is considered a terrestrial ESA. This entire site comprises previously cleared areas and is dominated by *Anthospermum* and *Cliffortia*.

Recommendations – Block 3:

It is most desirable that CBAs be avoided. Based on the condition of other areas on the property which are not considered CBA compared to previously cleared areas mapped as CBA, alternative layouts can be considered. This layout could target a portion of terrestrial CBA comprising previously cleared areas and to compensate for this loss, other areas on the property which were not subjected to previous vegetation clearance and currently not mapped as CBA should be preserved (Figure 8-9).

- It is recommended that the western and central portions of Block 3 should be considered for development but the easternmost section comprises aquatic CBA should be avoided and other more natural areas on the property, including the northern portion of Block 1 should be preserved.
- Alien vegetation within these natural areas should be eradicated in order to improve the condition of these areas.

A layout plan is recommended which will result in the loss of approximately 2 Ha of terrestrial CBAs compared to 3.4 Ha in the original plan. This layout avoids aquatic CBAs and ensures

the preservation of other areas which re in a more natural condition and currently not considered CBAs (Figure 8-9).

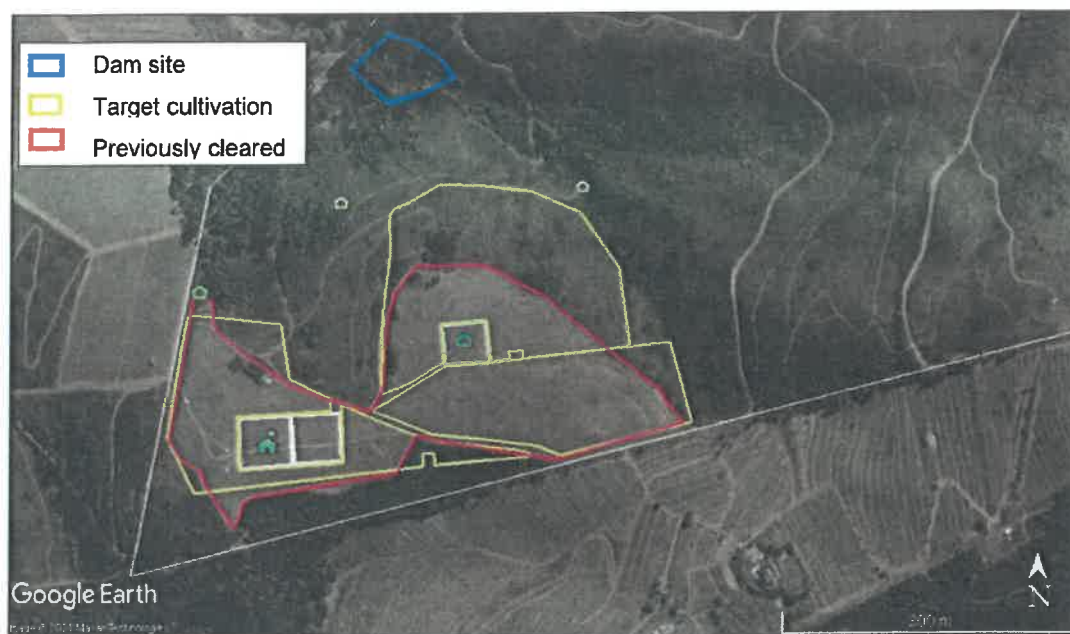


Figure 7. Google Earth Image of 2014 showing the extent of previously cleared areas (red polygon) on site.

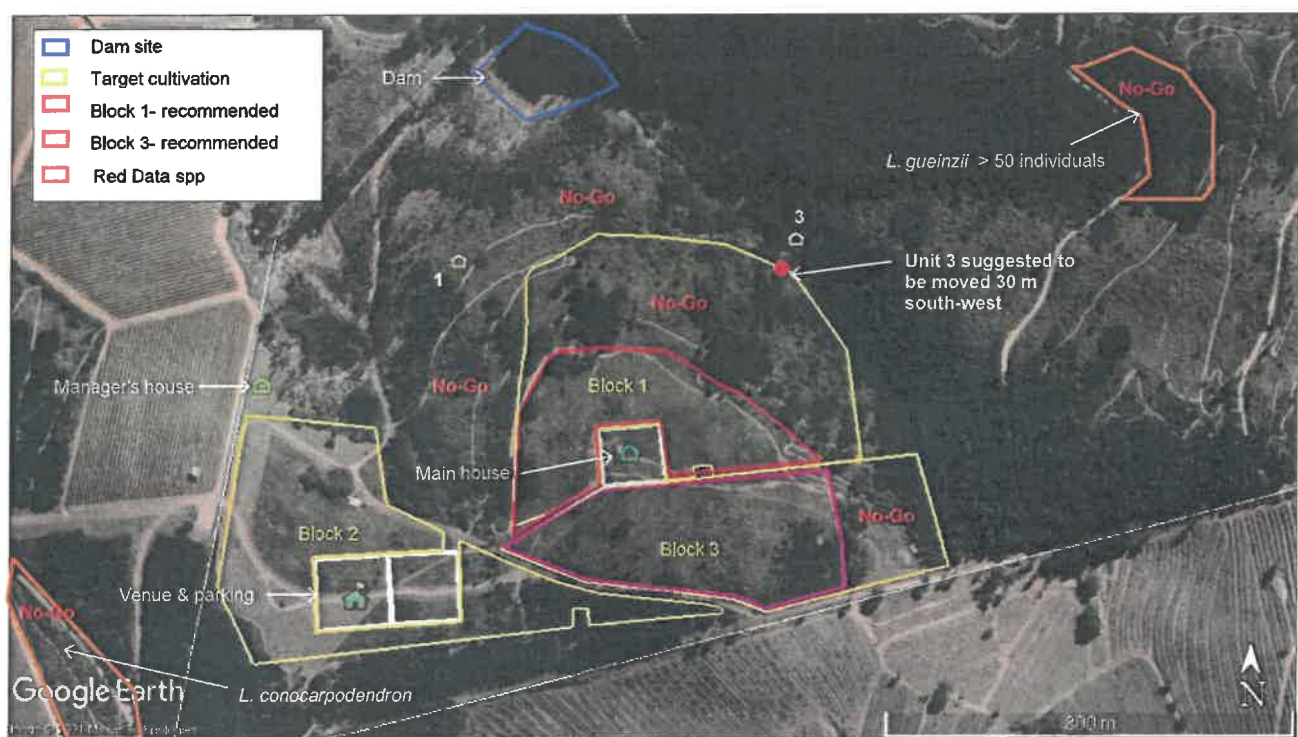


Figure 8. Map showing the original areas targeted for cultivation (yellow) and areas recommended for Block 1 (red) and Block 3 (pink).



Figure 9. Map showing the original areas targeted for cultivation (yellow) and areas recommended for Block 1 (red) and Block 3 (pink). The extent of CBAs are also shown.

Pod 1:

Pod 1 is located within a terrestrial ESA. A new dirt road is planned to access the site. The road will follow an existing mountain bike trail. The site consists of natural fynbos with scatters of black wattle and small patches port jackson in the surroundings.

Recommendations:

- The site is acceptable from a botanical perspective as long as the disturbed footprint is restricted and kept close to the road.

Pod 2:

Pod 2 is located about 40 m south of the 4x4 track. A short dirt road is planned to access the site. The site is located within a terrestrial CBA on edge of an aquatic CBA. The site consists of mature fynbos with scattered alien vegetation. I have not noticed any wetland conditions or seepage area at this site but it is very steep. There is likely a seepage area further down the slope (north of the 4x4 track). The intended new dirt road from the 4x4 track towards this unit will be very steep.

Recommendations:

- Keep footprint small.
- Carefully design access track to reduce erosion risk.

Pod 3:

Pod 3 is located very close to a watercourse, within an aquatic CBA. The site comprises high density alien vegetation with natural fynbos elements.

Recommendations:

- It is recommended that this unit be moved about 30m towards the south-west into the areas south of the mountain bike trail accessing the site to avoid impacts to the aquatic CBA and the watercourse (see Figure 8).

Pod 4:

Pod 4 is located on the edge of a terrestrial CBA. The site comprises natural fynbos with scattered alien vegetation. This site is acceptable from a botanical perspective as long as the disturbed footprint is restricted and the pod is located close to the existing access track.

Recommendations:

- Avoid disturbance into CBA towards east.

Pod 5:

Pod 5 is located directly adjacent to the existing road /4x4 track. The pod location is within a patch of high density alien vegetation (Port jackson and black wattle) but the more open surroundings comprises mature fynbos. The site is located within a terrestrial CBA.

Recommendations:

- Keep footprint small and close to the existing road.
- It will be ideal if the site can be located within a high density alien vegetation patch to minimise impact to intact natural fynbos areas.

Pod 6:

Pod 6 is accessed via an existing dirt road / 4x4 track which runs through a dense ravine. This ravine is recognized as an aquatic CBA. It comprises high density alien vegetation (Hakea, black wattle, port jackson) with scattered natural fynbos elements. The pod location is outside of the ravine and any potential seepage areas but it is located within a terrestrial CBA. This site consists of high density alien vegetation but with a surprisingly high number of natural fynbos elements. The access road through the ravine is in a poor condition.

Recommendations:

- The site is acceptable from a botanical perspective but the footprint should be restricted as it is within a CBA.
- Measures should be implemented to manage erosion within the access track that crosses the ravine. No new tracks or development should occur within the aquatic CBA associated with the ravine. The existing road should be improved and alien clearing should be a priority.

Managers house, venue and parking and main house:

The venue, parking and main house are embedded within cultivation blocks 1 and 2 and is acceptable from a botanical perspective. The manager's house is located within an open, previously cleared area and therefore acceptable.

Dam site:

The dam site is completely infested with alien vegetation and acceptable from a terrestrial biodiversity perspective.

5. CONCLUSION

A layout plan is recommended – Figure 8 and 9 based on the findings of the Botanical Field Assessment. This layout avoids aquatic CBAs and intends to preserve intact natural areas of the Vulnerable Cape Winelands Shale Fynbos ecosystem. This recommended layout should inform the development of layout alternatives. The extent of sensitive wetlands and aquatic features should be confirmed by a Freshwater Specialist. Note that this is only a preliminary assessment. A detailed Terrestrial Biodiversity and Plant Species Assessment will be conducted once final layouts have been developed.



Attention: Marike Bolz
Arch Town Planners
152 Dorp Street
Stellenbosch
7600

25-05-2022

Dear Marike

**SITE SENSITIVITY REPORT (INITIAL VISUAL AND AESTHETIC INFORMANTS AND FINDINGS OF SITE VISIT)
FOR THE PROPOSED DEVELOPMENT: FARM NO. 1252, STELLENBOSCH ROAD (BO-HELDERBERG FARM)**

The purpose of this letter is to provide the project team with initial visual & aesthetic informants and indicators relating to visual aspects that may inform the planning application and design development in the pre-application phase. It aims to satisfy the immediate need to submit focused visual specialist input along with the Land Use planning application and the Environmental approvals process in order for the relevant competent authorities to understand and provide initial comment on the potential visual and aesthetic consequences of the proposed development.

According to the DEA+DP Guideline and briefing visual specialist input during the Pre-application planning stage should identify scenic resources and visually sensitive areas or receptors which may determine site selection and layout of the project; and to determine potential fatal flaws, significant negative impacts and possible mitigation measures. The findings are based on a brief Desktop study and site visit.

1. Site and Receiving environment

Farm 1252 (the subject site) is a large, currently undeveloped property on the north and north west facing foot slopes of the Helderberg Mountain in Stellenbosch. The receiving environment is an agricultural area centered around the production of wine, which is also renowned for its tourism destinations and historic setting, on the edge of a major urban area (Somerset West). The subject site is located outside of the urban edge, within the Eerste River Valley (C) Eerste River Helderberg Foothills (C25- C30) Landscape Unit: the C25 Helderberg Foothills (which is assigned a proposed Grade IIIa classification) according to the Stellenbosch Heritage Inventory and Conservation Management Plan (SHCMP) (Stellenbosch Municipality, 2019). The site falls within (and therefore triggers) the Foothills Conservation System and the Green Transitions Conservation System. While the site does not fall within any of the Scenic Route Conservation System overlay areas, Scenic Routes do occur in the study area, and the potential visual impact of proposed developments on the visual amenity of scenic routes must be carefully considered in this context.

The receiving environment should be considered a sensitive cultural landscape with intrinsic aesthetic and historic landscape significance. The Landscape Unit's description of significance notes that the maintenance of the area's green and open agricultural character is important (it therefore follows that specialist input would need to take the whole of the receiving environment into consideration). Views from within the study area contain dramatic peaks, elongated foot slopes with vegetated drainage line edges and vineyards.

"This land unit is diverse with a variation of vineyard sizes, vegetable farming and smaller 'lifestyle' plots. These are mainly arranged along the three main drainage lines, which are densely vegetated and lead down from the Helderberg. Several historic farmsteads with associated landscape elements are located within this land unit. Land units such as this one, situated in close proximity to urban nodes, are valuable resources for recreational use." (Stellenbosch Municipality, 2019, p. 140)

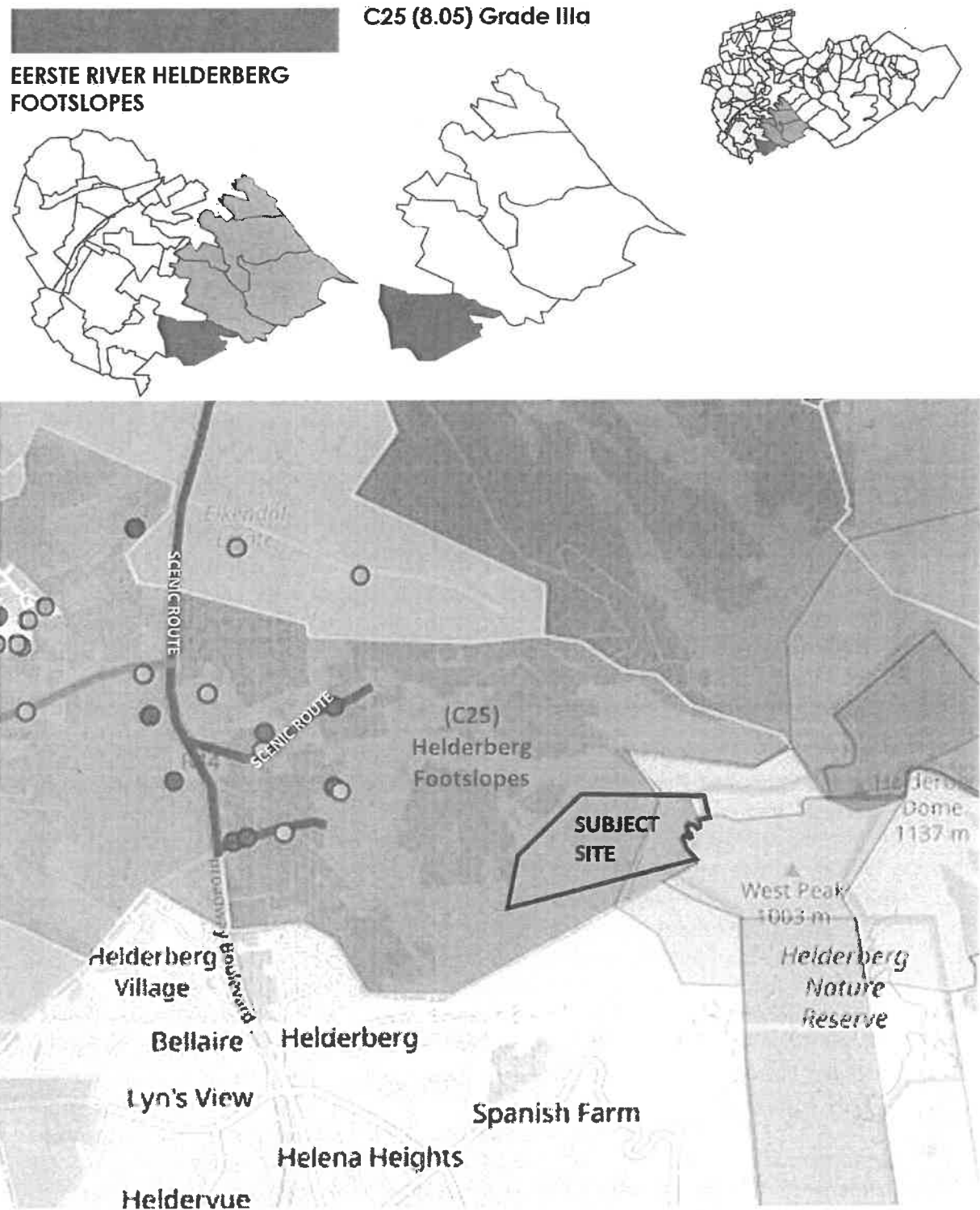


Figure 1: Extract from the Stellenbosch Heritage Inventory and Conservation Management Plan (SHCMP) showing C25 Helderberg Footslopes (Smit, 2021)

The higher slopes of the Helderberg contain remnants of plantations interspersed with indigenous vegetation. Mid slopes are typically cultivated in large and rectilinear blocks, meeting the mountainous vegetation in a variety of edge conditions. The subject site is located on one of these upper to mid mountain slopes, at the edge of the transition zone between wilderness (dramatic, rugged mountain slopes and peaks), the rural agricultural landscape of the Winelands, and the 'peri-rural' edge of Somerset West. The receiving environment (especially to the north and west) consists of a fine pattern of crop fields and vineyards organized along the contours of the Foothslopes, interspersed with fairly deep and well-vegetated drainage lines. According to the SHCMP, historic structures (including homesteads, farm werfs and associated agricultural features) are generally located closer to the drainage lines, with newer residences and winery or tourist establishments positioned on the convex slopes between the vegetated streams.

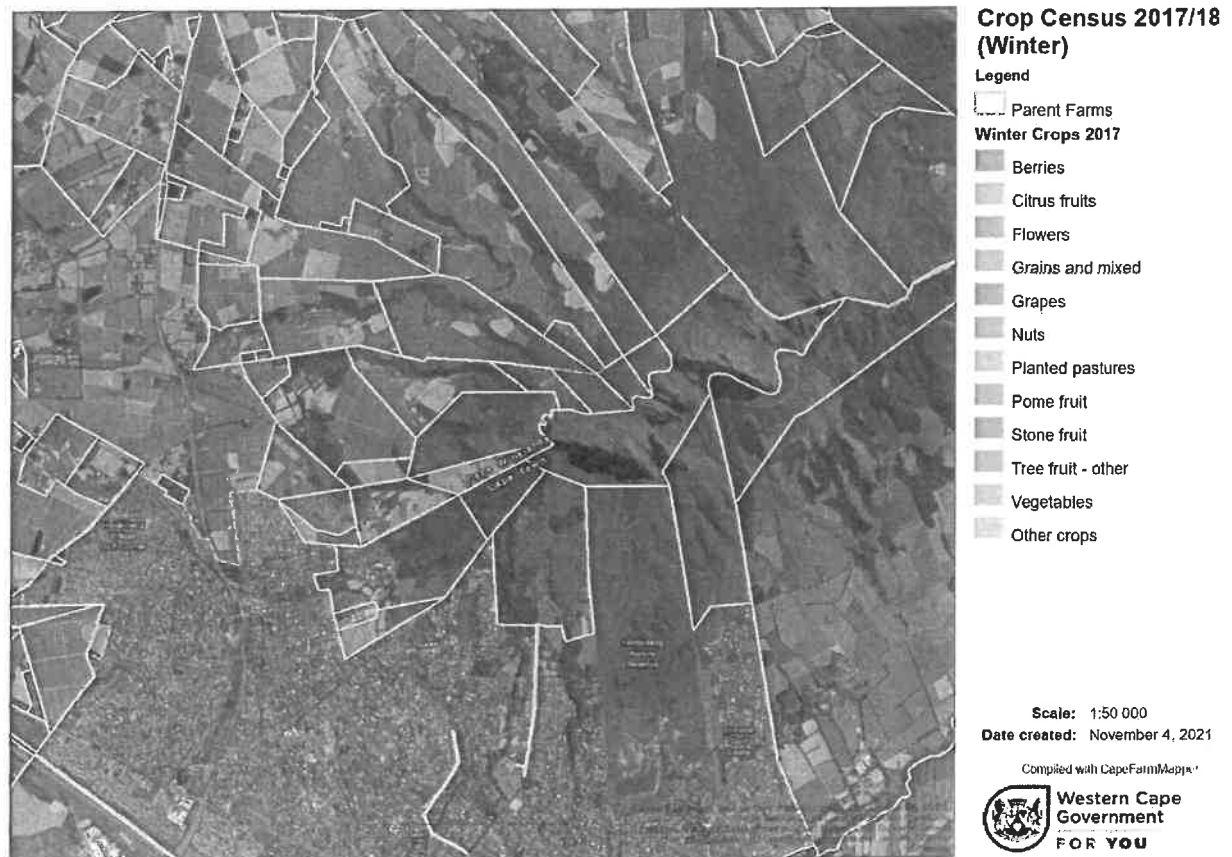


Figure 2: Aerial showing cadastral information illustrating land use patterns and the boundaries between the agricultural and urban landscapes in the receiving environment (Elsenberg Cape Farm Mapper, 2021)

The upper slopes of the Helderberg are highly valued recreational resources and extensively used for running and cycling (also other outdoor sports such as 4x4 trails, horse riding etc). The subject site is part of an area that has a slightly degraded quality at a site-scale, given that the natural vegetation has been overgrown by remnants of old pine plantations. The SHCMP notes the landmark quality of elements in the receiving environment such as the Avontuur paddocks, the avenue of Eucalyptus trees along the Klein Helderberg Road, and the patchwork of crop fields and vineyards interspersed with dense natural and introduced stands of mature trees (see Figures 3 and 4 below).

From higher elevation, there are long views over False Bay towards Table Mountain, with the rolling hills of the Eerste River valley in the Foreground and Middle ground. However, most views within the receiving environment are dominated by the impressive encircling Helderberg mountains.

The ridge of West peak creates a clear line along which there is a distinct change in aspect of the footslopes of the Helderberg mountain (see Figure 5). Being located on the northern side of this ridge, on the steep west/northwest/north facing slopes, and at elevation; the proposed buildings and other infrastructure may be visually prominent when viewed from the surrounding landscape to the north and the west, an observation which will be examined and verified during visibility testing.



Figure 3: Photograph illustrating the landscape and settlement patterns on the foothills of the Helderberg that influence the character of the receiving environment (Smit, 2021)



Figure 4: Photograph illustrating landscape and settlement patterns (Smit, 2021)

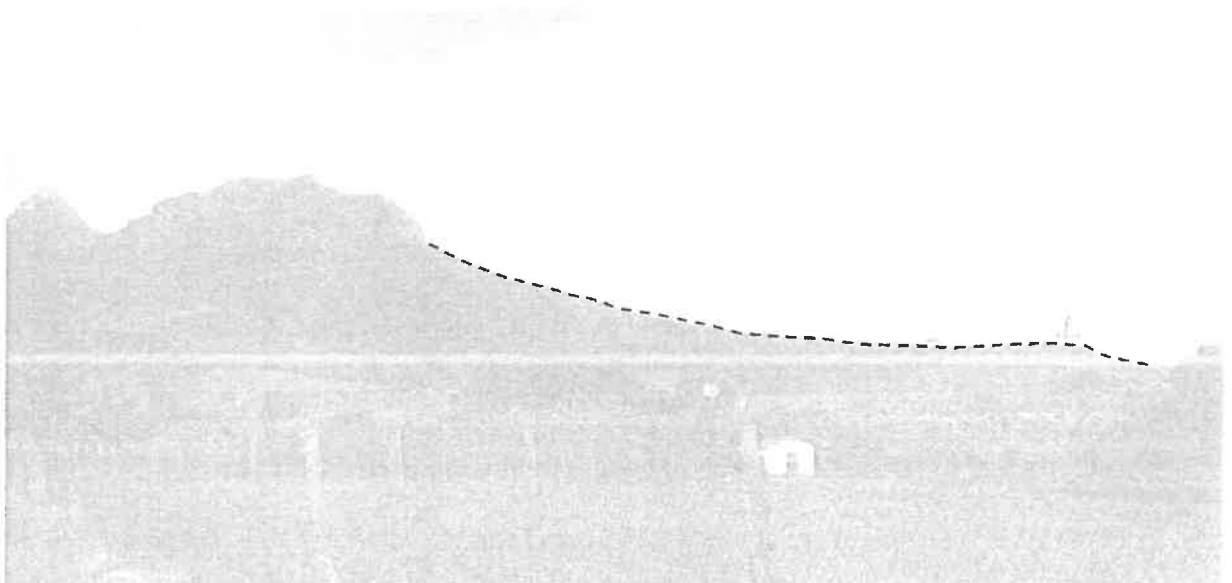


Figure 5: Modified photograph illustrating the ridge line that delineates the site's southern boundary (Smit, 2022)

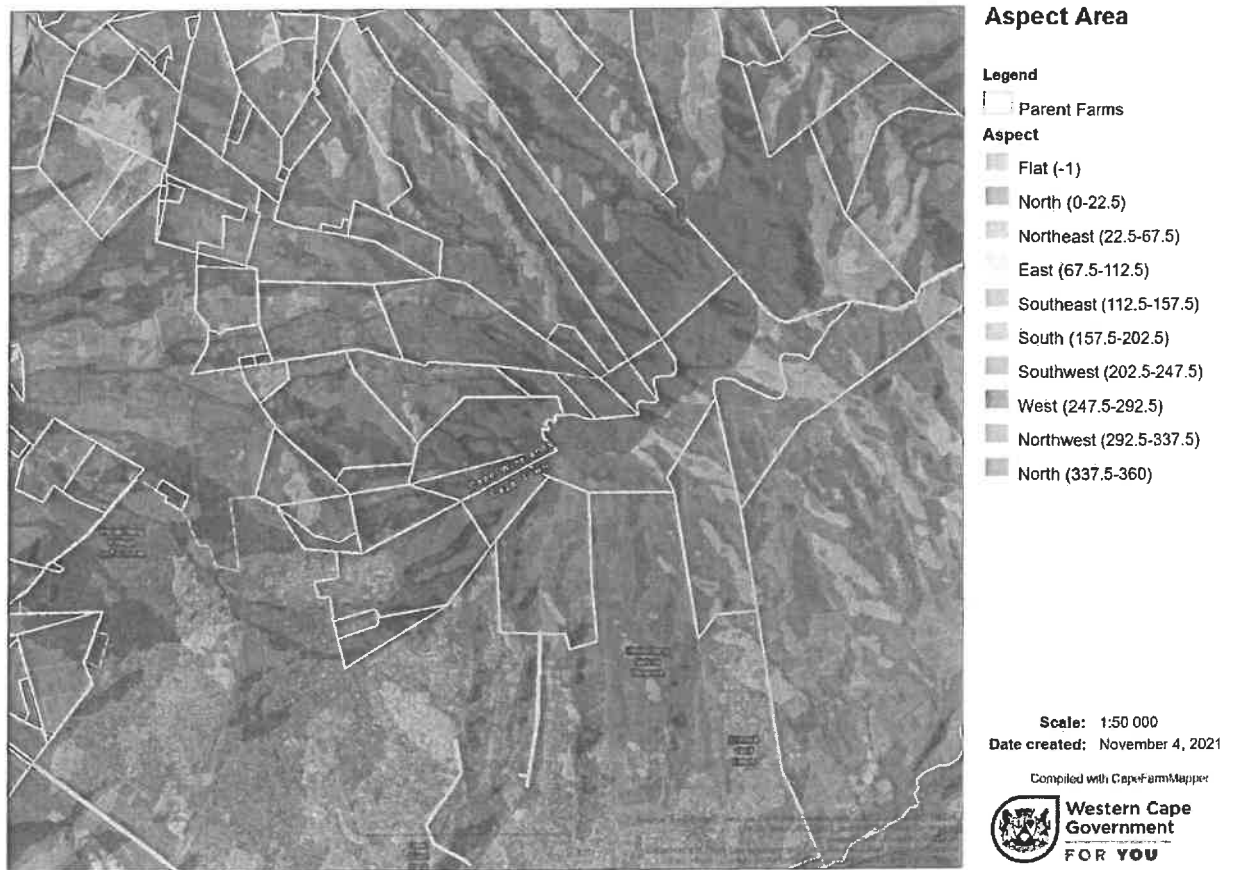


Figure 6: Topography - Aspect (Elsenberg Cape Farm Mapper, 2021)

2. Proposed development

The proposed development is for a number of buildings to be erected on the subject site including a new main and second dwelling (for which there are existing rights), a deli and wine cellar, a new dam and 10 accommodation units (referred to as "pods"). The proposed development will also include the establishment of an access road and landscaping surrounding the proposed buildings, some of which will be agricultural in nature.

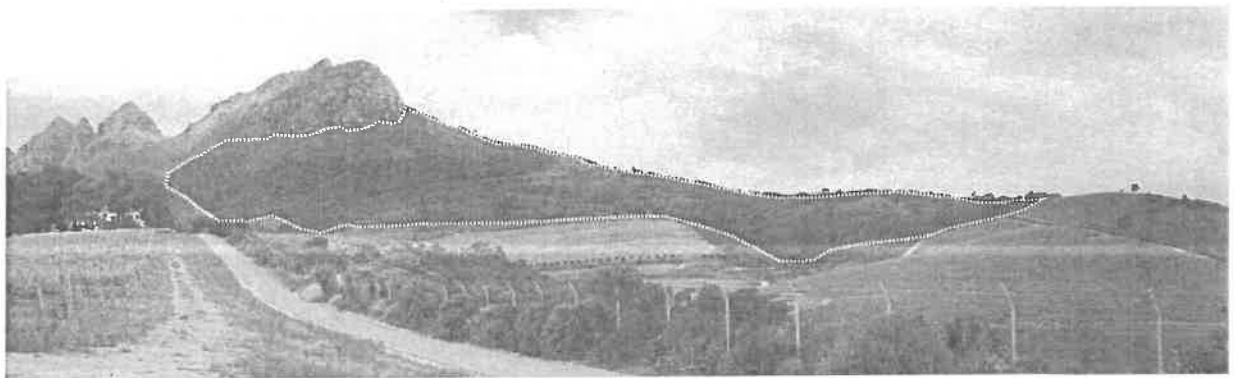


Figure 7: Photograph illustrating the site boundaries as they are viewed with topographical variation, from a view along the Cordoba road within +/-1km of the property boundary (Smit, 2021)

The elements of the proposed development are summarised below:

- New cultivation areas

- *Block 1 – 1.48 Ha vineyards*
- *Block 2 – 2.4 Ha vineyards*
- *Block 3 - 1.72 Ha olives*
- *New dam*
- *Main house and yard (primary dwelling)*
- *Wine tasting and restaurant with parking*
- *8 tourism accommodation units (pods)*
- *Manager's house (second dwelling)*
- *Internal roads, electricity and water (pipelines, tanks and boreholes) infrastructure*

The following series of images illustrate the above elements in Google Earth, looking south east over the site from a bird's eye view, to assist the reader to orientate themselves in terms of the topographical variation on site, and the location of the various elements.



Figure 8: Proposed roads including access road (Malherbe & Rust Architects, 2022)



Figure 9: Proposed roads (Malherbe & Rust Architects, 2022)

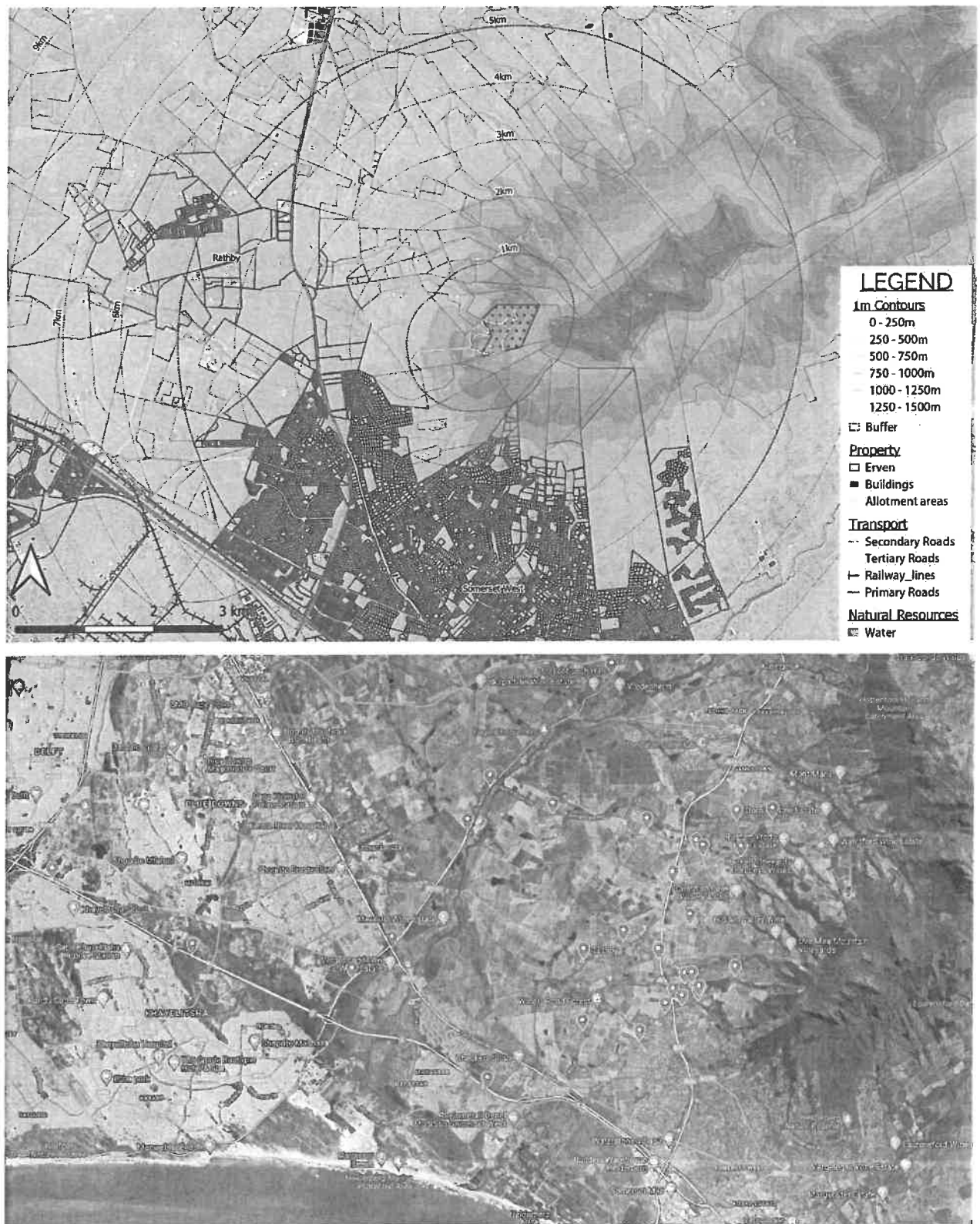


Figure 12: Initial draft Site Visit Graphics (Smit & de Villiers, 2022)

The purpose of visibility testing during the site visit is to determine locations in the receiving environment from which the proposed development would possibly be visible. The basic assumption for this mode of visibility testing is that the observer eye height is 1.8m above ground level, and preferences publicly or reasonably accessible places. The fieldwork was undertaken using a Canon EOS 550D (Canon EFS 18-55mm Lens) and recorded using georeferenced locations.

"Views from the upper reaches of the unit stretch all the way to Cape Town, but within the lower drainage lines, views are confined to the intimately spaced immediate surroundings, creating several view pockets in the unit." (Stellenbosch Municipality, 2019, p. 140)

Please also refer to the Viewshed (Figures 13 and 14). While viewshed analysis gives a general idea of the visibility of the proposed development, it should be noted that the viewshed is only as accurate as the quality and fineness of the data available.

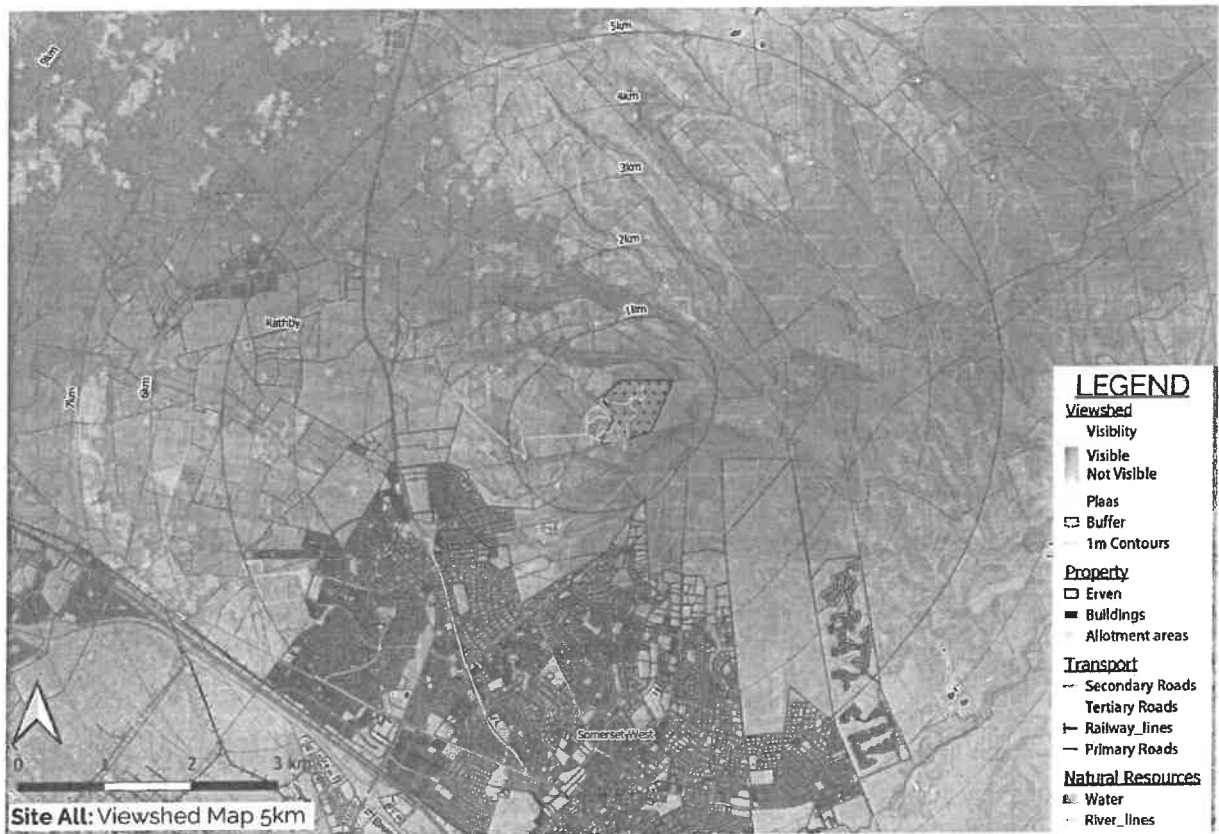


Figure 13: Viewshed indicating the visibility of the proposed project within 5-7km (Smit & van der Merwe, 2022)

Line of sight testing during fieldwork is therefore critical to ground truth (confirm or adjust) the actual visibility of the subject site (and the proposed development) and Potential Zone of Visual Influence. Due to the fact that local topographical features, built features and vegetation data are not fed into the viewshed analysis, the ZoVI typically has a smaller footprint than indicated graphically.

In the case of this proposed development, the features of the receiving environment (topography, vegetation and built environment) significantly reduce the potential visibility of the proposed development.

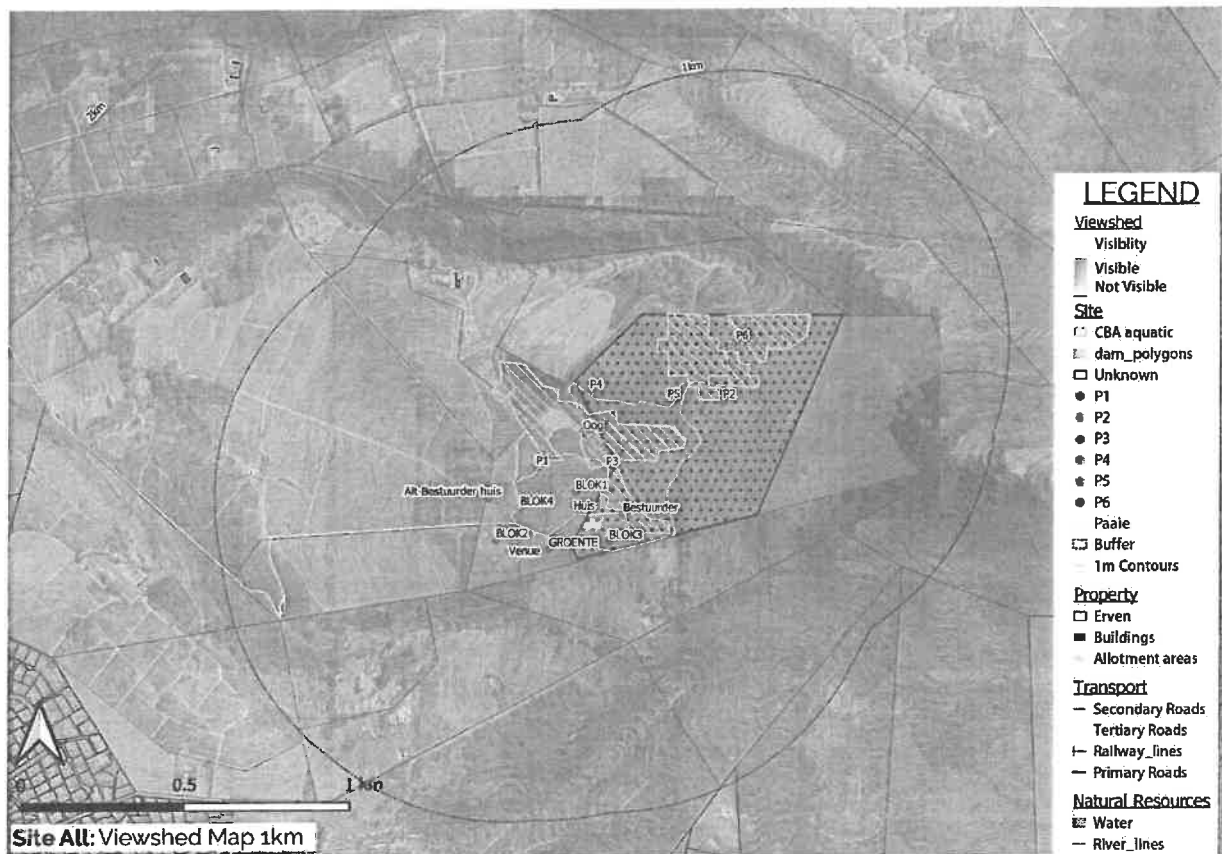


Figure 14: Viewshed indicating the potential visibility of the proposed project in the 1-2km range. (Smit & van der Merwe, 2022)

3.1 Visibility testing and fieldwork

The following series of site photographs illustrate the location of the site in photographic views captured from a variety of distances during the site visit. The intention of this section is to assist the reader to understand the visual context by illustrating the observations listed during fieldwork. These observations record the actual probable visibility of the proposed development, noting features and objects in the receptor's frame of view that have an influence on visibility. These observations determine of the Zone of Visual Influence and enable the visual specialist to correct any oversights or exclusions to the Viewshed.

The location of site photographs is indicated in Figure 00. Each site photograph is captioned to provide the location of the view, the direction of the view, the distance of the viewer from the subject site and any other relevant notes (including notable features in the photograph and notes on the enlargement or modification of the photograph, if any). Please note that the following photographs generally attempt to place the subject site centrally in the field of view, and a selection of views are included to demonstrate whether the proposed development will be visible or not.



Figure 15: Visibility testing – view from the N2, looking eastward towards the Helderberg mountains at approximately 15km away (Smit, 2021)

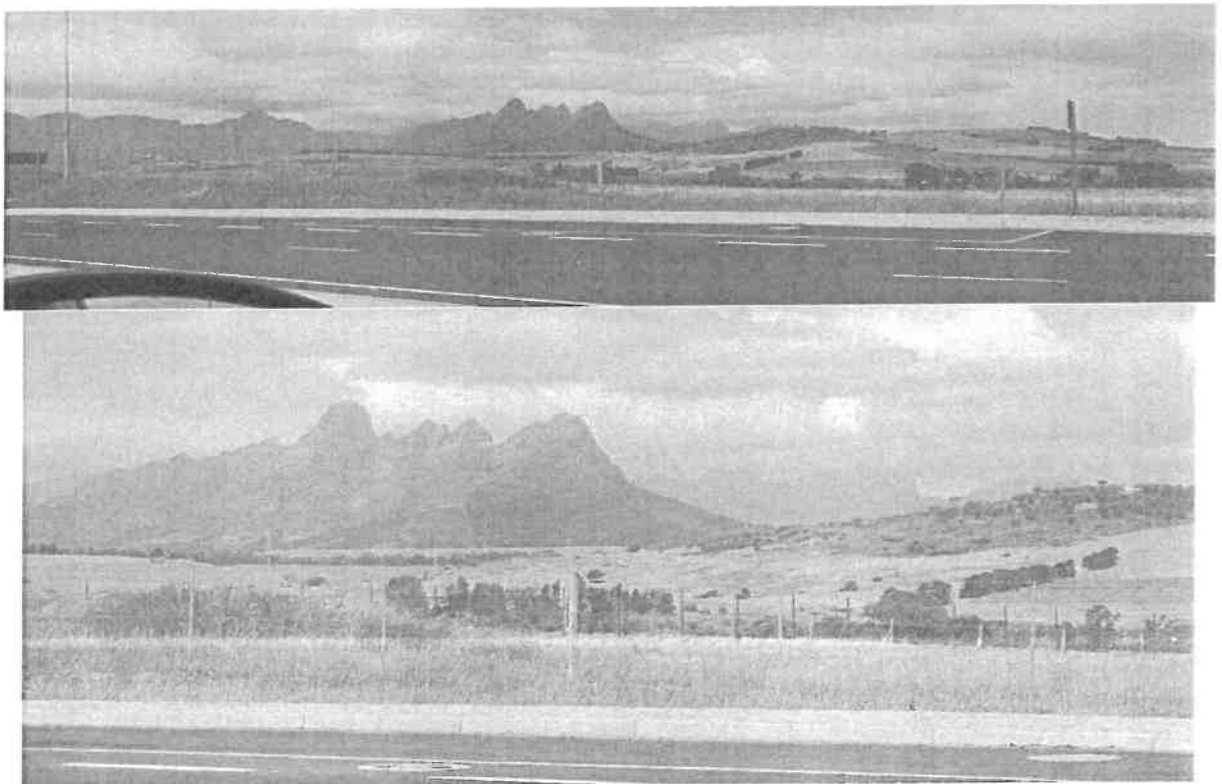


Figure 16: Visibility testing – view from the R310 Baden Powell road, looking east south eastward at approximately 9,5km away. Note the height and mass of the low hills in the foreground that partly or entirely screen these views of the subject site, which are generally visible from the east due to the aspect of the topography and the elevation of the subject site (Smit, 2021)



Figure 17: Visibility testing – view from the R310 Baden Powell road, looking south south east at approximately 10km away. Note the that the broadside of the subject site is no longer as visible from the Polkadraai (M12/R310) area. From this view, the ridgeline (located on the neighbouring farm) is visible (Smit, 2021)



Figure 18: Visibility testing – view from the Annandale road Scenic route, looking south east at approximately 8km away. Note the that the entire site is visible, and that the antennae, cleared areas and trees located on the neighbouring farm are visible against the open sky behind the ridgeline (Smit, 2021)

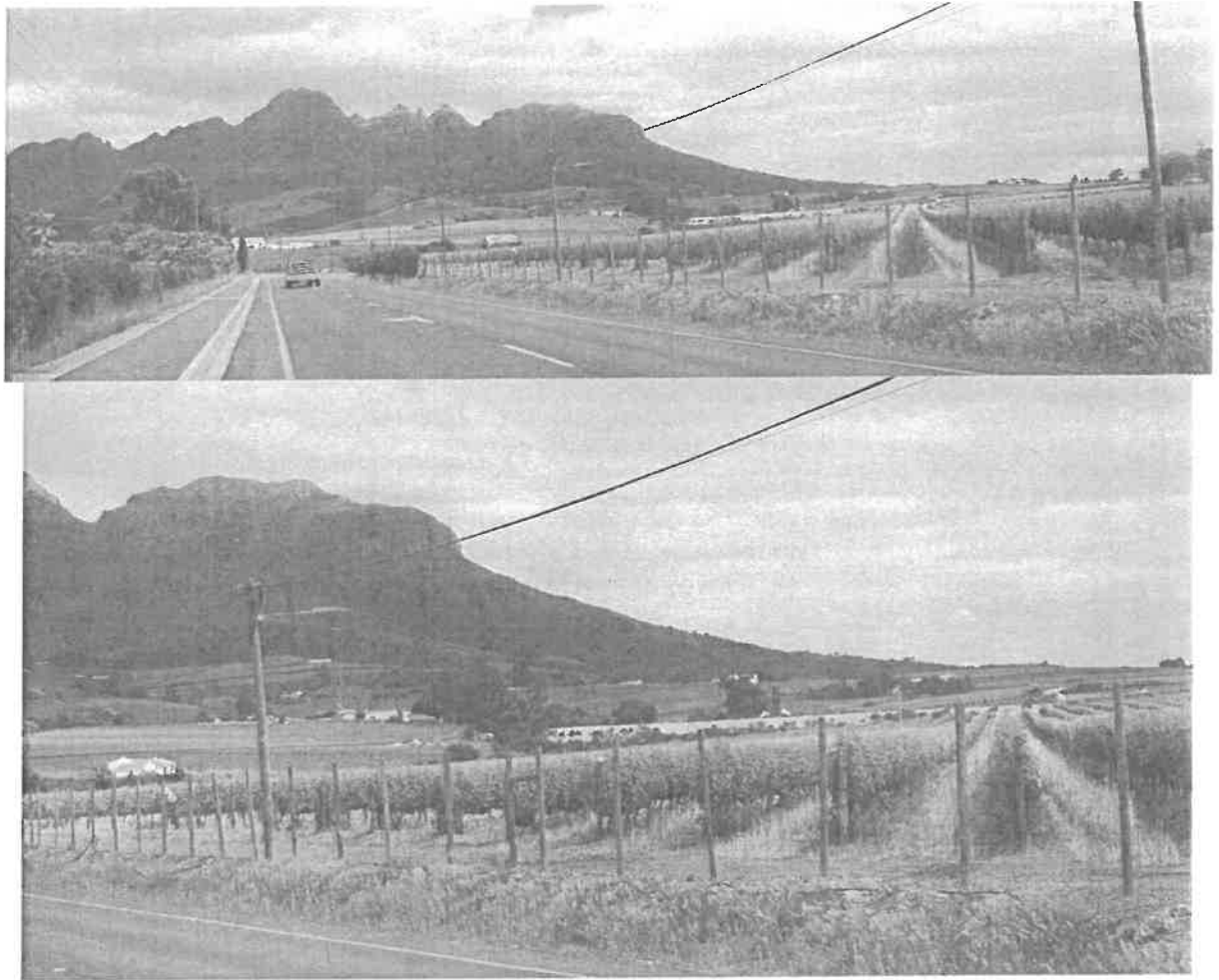


Figure 19: Visibility testing – view from the Annandale road, looking south south east at approximately 4,5km away. Note that local topography absorbs a portion of the site on the right, the remainder of the site is visible as a swathe of vegetation on the footslope that acts as a backdrop to the agricultural landscape in the foreground (Smit, 2021)

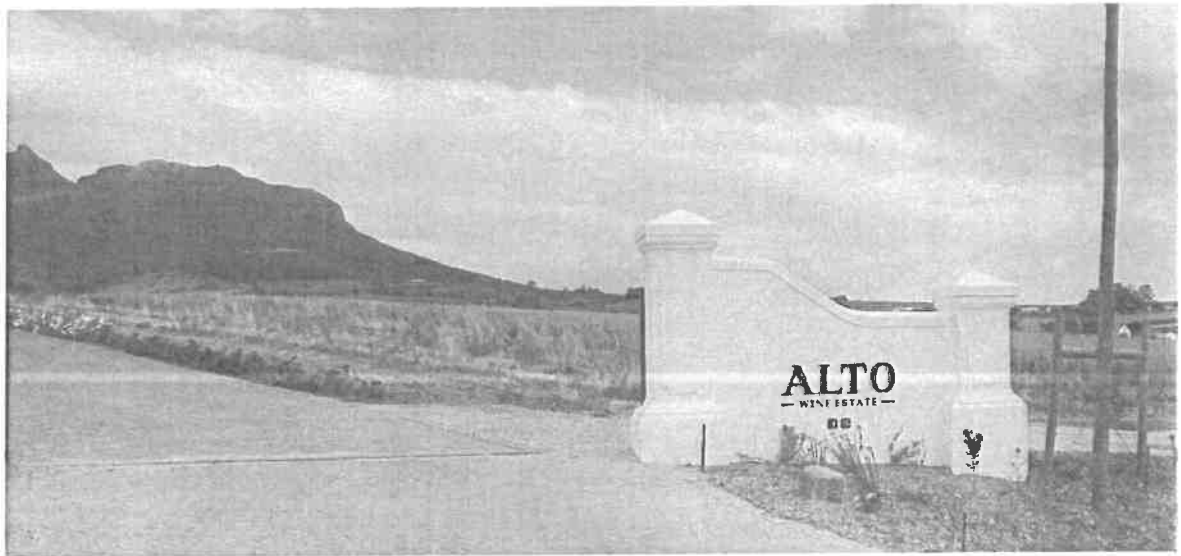


Figure 20: Visibility testing – view from the Annandale road, at the entrance of the Alto Wine Estate, looking south at approximately 4,2km away. Only the upper portion of the subject site is visible (Smit, 2021)

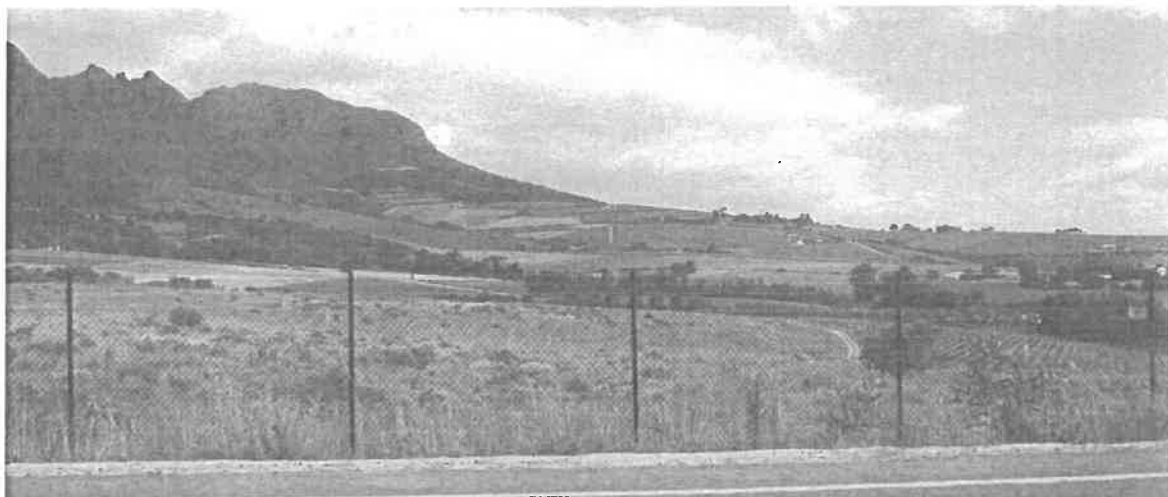


Figure 21: Visibility testing – view from the Stellenrust road, looking south over the agricultural landscape at approximately 5,2km away. Only the upper reaches of the subject site are visible, the remainder being screened entirely by local topography (Smit, 2021)



Figure 22: Visibility testing – view from the R44, looking south east at approximately 4,2km away. The R44 offers some of the clearest views towards the site, given that the vantage point is not screened by dams, trees or local topography. The views from the R44 are generally open, and the north west facing slopes of the subject site present the broadside of the site to the viewer (especially for commuters travelling south, as views are located diagonally left of centre in the visual field for long stretches) (Smit, 2021)



Figure 23: Visibility testing – view from the Eikendal road, looking south east up the mountain slopes at approximately 3,2km away. Westward views over the valley towards Table mountain are generally more scenic from these smaller routes, as there are typically a number of discordant elements in the viewer's field of vision in the foreground (Smit, 2021)



Figure 24: Visibility testing – view from the Cordoba road, at the entrance of the San Gabriel homestead, looking east south east at approximately 2,3km away. The subject site is visible, but views are often interrupted by local vegetation, fences and other screening elements (Smit, 2021)



Figure 25: Visibility testing – view from the Cordoba road, looking east south east at approximately 2,2km away (100m higher up the road than the view in Figure 24). Note the level of detail visible from this vantage point, and the role of the local topography in screening and foreshortening the visibility of the south eastern portion of the site (Smit, 2021)



Figure 26: Visibility testing – view from the R44, looking east at approximately 2,5km away. This view would be perpendicular to the direction of travel of commuters on the roadway. Note that the south eastern portion of the site is again not visible from this vantage point, screened by local topography (vineyards in the foreground). The site clearly forms part of the band of “natural” vegetation that frames the agricultural landscape at the foot of the mountain cliffs (Smit, 2021)



Figure 27: Visibility testing – view from the Klein Helderbergpad road, looking east at approximately 1,8km away. At this lower elevation and shorter distance, the subject site is visible but not visually prominent given the scaling features in the foreground, and screening by local topography. Only the upper portions of the subject site are visible (Smit, 2021)



Figure 28: Visibility testing – view of the proposed access road’s route where it will join up with the Klein Helderbergpad road (Smit, 2021)



Figure 29: Visibility testing – view from the Klein Helderbergpad road, looking east at approximately 2,2km away, through the line of Eucalyptus trees. According to the SHCMP, this avenue creates a clear, visual threshold between the agricultural landscape of the Winelands, and the ‘peri-rural’ edge of Somerset West. See Figure 30 below. (Smit, 2021)



Figure 30: Visibility testing – view towards the subject site from just beyond the tree avenue, looking slightly west of the property boundary to where the proposed road will be established on the steep vegetated slope visible above. (Smit, 2021)

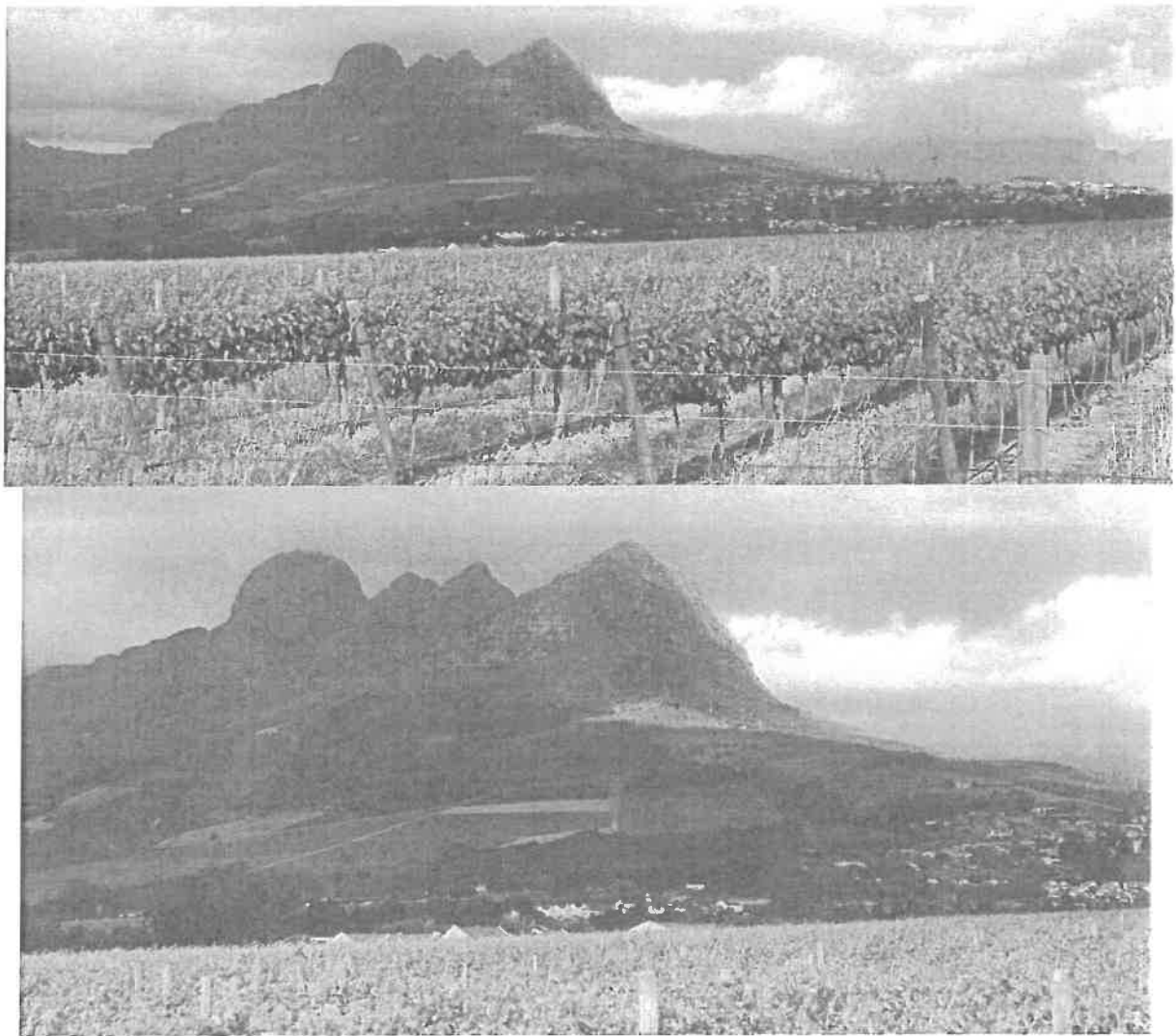


Figure 31: Visibility testing – view from Winery road, looking east at approximately 5km away, with a uninterrupted views of the subject site, perpendicular to the direction of travel. The urban edge and residential areas of Somerset West are clearly visible on the right, giving way to agricultural landscape to the left. Note also the antennae and cleared areas on the neighbouring property for orientation (Smit, 2021)

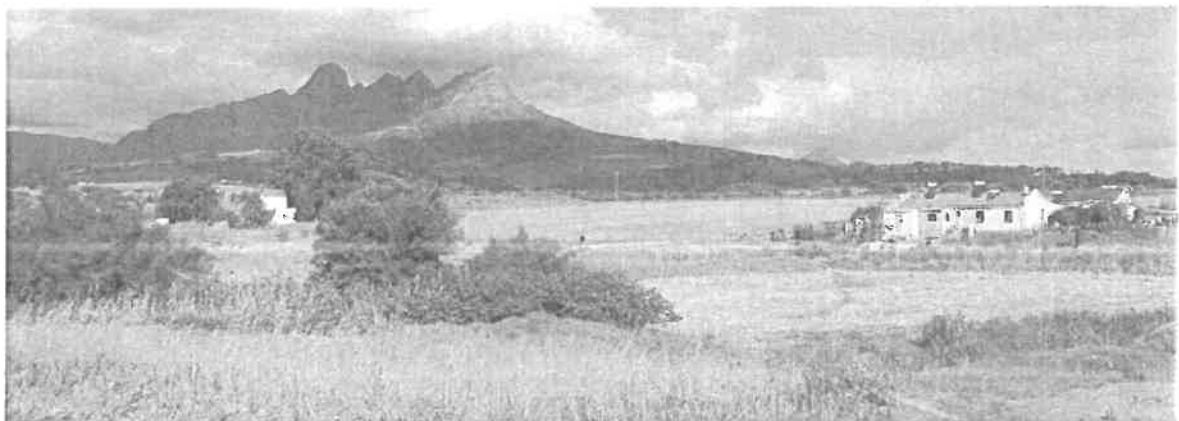


Figure 32: Visibility testing – view from the town of Raithby, looking east south east at approximately 5km away. The subject site is clearly visible where views are not interrupted by local vegetation and elements of the built environment. However, the south western portion of the property is somewhat screened as from the R44 (Smit, 2021)

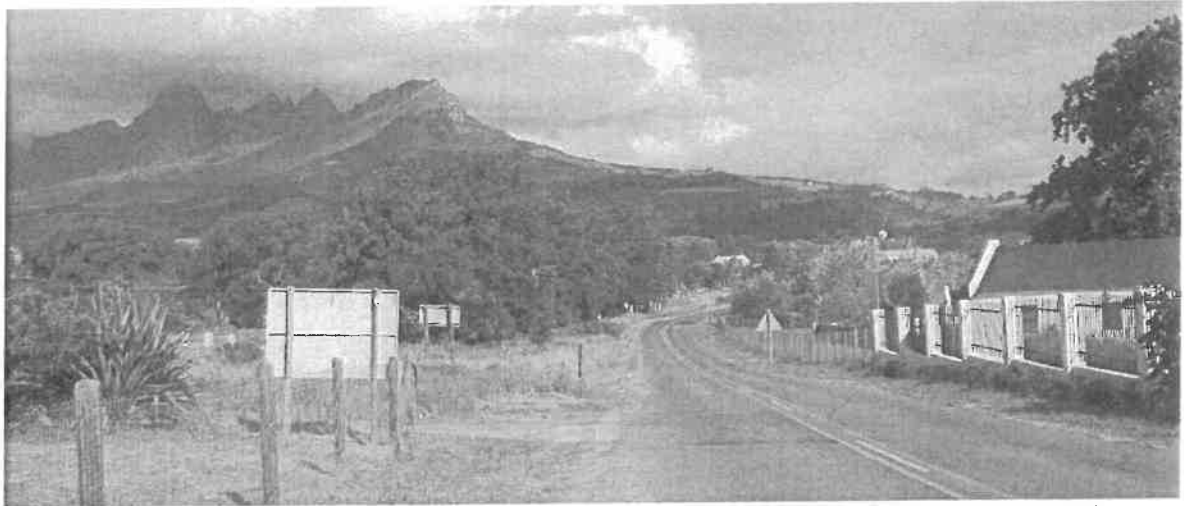


Figure 33: Visibility testing – view from Raithby road at the entrance to the town, looking south south east at approximately 4,2km away. The site is less visible from lower-lying areas, even at closer distances (Smit, 2021)

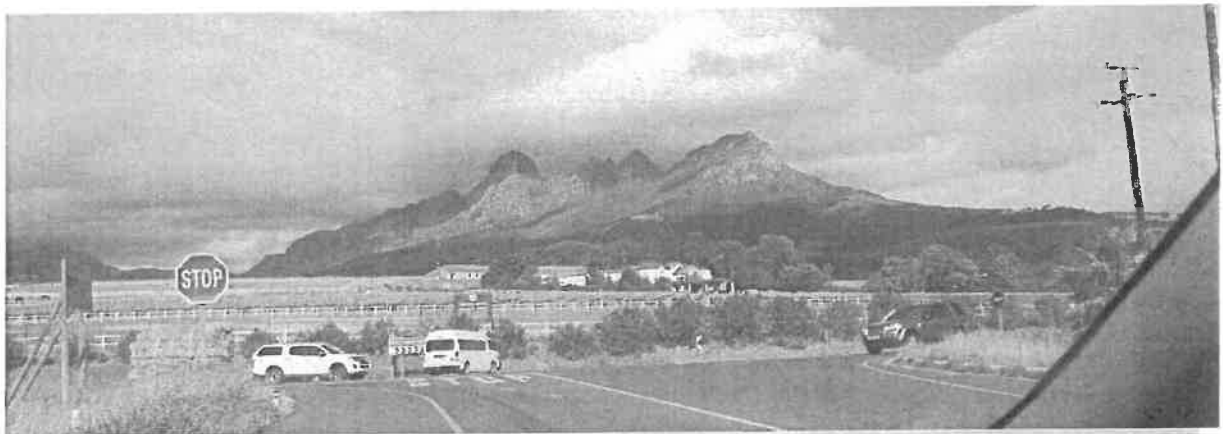
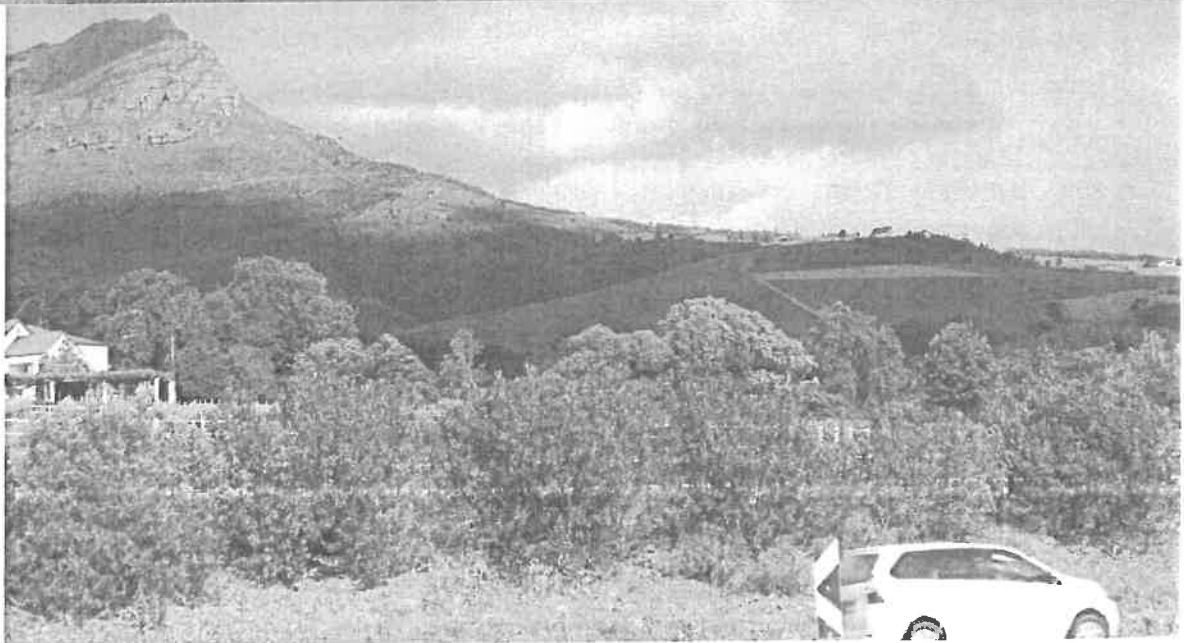


Figure 34: Visibility testing – view from the intersection of Winery road and the R44 at approximately 3,2km away, looking south east. The Avontuur Estate is in the foreground, and the subject site is visible on the upper slopes of the Helderberg, forming part of the backdrop to the agricultural landscape features in the foreground. (Smit, 2021)



Figure 35: Visibility testing – view from the Bredell road, looking east at approximately 2,8km away. This road marks the current edge of the Helderberg/Somerset West urban edge, and the immediate surroundings contain a number of discordant elements. Views onto the subject site are intermittent and far less sensitive than those taken from further north where strong agricultural and cultural landscape elements characterize views (Smit, 2021)

The following site visit observations are noted:

- i The subject site is a visually prominent site. It is visible from the N2 at distances of as far as 20km.
- ii According to the viewshed, the visibility of the subject site is limited significantly by topography:
 - The Helderberg mountain (and specifically the ridge line identified in Figure 5) prevent any views from the south, south east and east (excepting those that would be taken from the upper slopes and peak of Helderberg mountain itself).
 - Views from the north and north east (from within the valley basin described by the C26 Helderberg Historic Enclave landscape unit) are also generally screened by the upper footslopes of the Helderberg that lie in a north-west/south-east direction.
 - The only possible views from the north are those taken from the convex tops of the Footslopes at intervals of approximately 1km (refer to the viewshed Figure 13).
- iii Based on the above, the topographical undulations of the receiving environment will play a major role in visually absorbing the proposed development.
- iv Views from the west, northwest and north are most open and the site is visible predominantly due to its altitude and the slope aspect, which faces predominantly northwest and west.
- v Views from the west and north west are the most exposed in terms of the potential visibility of proposed development. The visibility testing illustrates this, as almost all recorded views are looking either east or south east.

- From these views, the subject site currently acts as a vegetated green backdrop to the agricultural landscape in the foreground.
- vi Because of the undulation in the topography of the receiving environment, closer views are not necessarily more visually exposed. The view pockets described in the SHCMP are quite visible in the viewshed graphic, illustrating large (mostly low-lying) areas within 2km of the subject site from which even the most visible elements of the proposed development will be completely screened by local topography (refer to Figure 14 for the enlarged viewshed graphic).
- vii The proposed development will be visible from surrounding heritage landmarks, scenic routes and heritage resources:
 - Views from the surrounding scenic routes are documented above.
 - Affected scenic routes include:
 - **3a Baden Powell road (Grade IIIa)**
Views were recorded from Baden Powell at distances of between 9,5km and 12km.
 - *These views are at significant distance, located perpendicular to the direction of travel and often screened by foreground vegetation, buildings or the low foothills in the Eerste Rivier valley.*
 - *From the M12/R310 intersection area, the proposed winery buildings may be visible on the ridgeline, but this change to the landscape is not likely to be noticeable at this distance due to the scale of the proposed buildings and the existing vegetation cover that articulates the silhouette of the ridgeline.*
 - **R44 (Eerste Rivier Central, C18) (Grade IIIa)**
 - *Views from the R44 (and Eikendal Road) were recorded at distances of about 5km and less.*
 - *From these roads, the views of the proposed roads, vineyards and accommodation units will be most noticeable.*
 - *The proposed road will be most visible along the R44 and Winery road west of the site (Figures 30 and 25, respectively), but only until +/- 2,5km away, where views are again screened.*
 - **3a Winery road (Grade IIIb)**
 - *The proposed will be visible at a variety of distances over open farmland, where not screened (this route includes stretches at higher elevation than the surrounding topography).*
 - *Views are generally perpendicular to viewer, and the amount of foreground interruptions reduces sensitivity overall. Most of the proposed buildings are screened by the site topography (located on a small plateau behind a bluff – see Figure 30).*
 - **3a Cordoba road (Grade IIIa)**
 - *The nearest views will be from the Cordoba road, but most are from the extension of this road, which is not protected as a scenic route.*
 - *Viewers from this road are not particularly sensitive to this type and scale of development, and views onto the subject site are most often screened.*
 - **(3a Klein Helderbergpad road (Grade IIIa)**
 - *The proposed development is not visible from Klein Helderberg pad scenic route portion, except perhaps the highest pods and the proposed road.*
 - **Annandale road - east of the R44 (Grade II) and 3a Annandale road - west of the R44 (Grade IIIa)**

Limited views were available from the Annandale road's SR section, at a distance of about 8km (west of the R44), and about 5km on the section east of the R44.

- *The proposed will likely not be noticeable, and the additional cultivation pattern of vineyards will simply extend over an area already cleared somewhat, appearing in front of the disturbed portions on the neighbouring property to viewers.*
- *This pattern of agriculture between mountain slope and cultivated lands is a somewhat dynamic line, and the proposal does not interrupt or disrupt, it merely adds to it, but modestly.*
- *At distances of 6,5 km or less (on Annandale Road), the proposed winery buildings will not be visible (screened behind topography). This includes the extension of Annandale west of the R44.*
- All views from Scenic routes are at a distance of more than 2km (outside of the 500m Scenic route buffer/envelope), and visual exposure will be limited due to topography and screening elements at viewer's height when driving.
- The proposed development is not likely to influence the value or significance of any heritage resources directly, especially given that any views will be taken at a distance of more than 1,5km, and heritage resources in the area are typically nestled within a werf that screens views upslope.
- Views from the Distance zone (6km+) are more exposed than nearer views, but not particularly sensitive.
- Of the proposed accommodation pods, Pods 2 and 8 are likely to be the most visible. Pod 1 is moderately visible from the Cordoba road.
- The proposed larger buildings will be located on a small plateau, not on the facing slopes, and apart from being screened by topography at nearer distances, the proposed buildings appear to be modest enough in scale to not be particularly noticeable.

4. Key Visual & Aesthetic informants

4.1 Landscape character and Sense of place

The receiving environment is characterised by dramatic views of the encircling mountain peaks and long views over the Eerste river valley and False bay to the west; combined with picturesque agricultural landscapes (vineyards and traditional planting patterns) in the foreground typical of the Cape Winelands, framed by a backdrop of the wilder vegetated slopes of the Helderberg (including indigenous vegetation and remnant plantations).

The landscape character is strongly influenced by the interplay between important features in the landscape such as:

- i. Wilderness areas (higher mountainous areas i.e.; dramatic peaks, mountain backdrops);
- ii. Pockets of biodiversity (around and in the valleys and usually associated with water i.e.; vegetated drainage line edges);
- iii. And the rural agricultural landscape (predominantly viticulture) with its historic patterns of settlement and cultivation.

4.2 Sensitive views, view corridors and receptors

The Guideline for involving visual & aesthetic specialists in EIA processes defines receptors as individuals, groups or communities who are subject to the visual influence of a particular project (Oberholzer, 2005, p. 28). The locations of these receptors are variable but can be assumed to be those occupying local public roads, places of residence and work, and local places of recreation.

Other receptors may include:

- People traveling through or past the affected landscape in cars or other transport modes;
- People engaged in outdoor sport or recreation other than appreciation of the landscape;
- People at their place of work, learning and habitation;
- People moving through public open spaces, or utilizing community facilities and institutions;
- People taking views from scenic routes, culturally sensitive areas or from local heritage resources.

The following views, view corridors and viewers are listed as potential sensitive receptors:

- i. Local residents (i.e., views from neighbouring places of habitation/residence)
 - a. These viewers are generally sensitive to change because they are accustomed to views over the particular landscape and its associated character and sense of place.
- ii. Views from local destination places (i.e.; Wine farms, hotels, guest accommodation and associated restaurants etc.)
- iii. People who use and value the surrounding landscape (on private properties and other open spaces) for recreation, exercise etc. (for instance, the complex of outdoor activities offered at Helderberg Farm).
- iv. Long open views and view corridors towards the mountains from the receiving environment generally (the landscape as a container in terms of scenic amenity).
- v. Views of and from historic werfs where the continuity of the mountains/ natural landscapes function as a backdrop against which the werf is sited.
- vi. People travelling on local roads who will perceive a change in the landscape.

4.3 Zone of Potential Visual Influence

The Zone of Potential Visual Influence (ZoVI) is the radius around an object beyond which the visual impact of its most visible features will be insignificant primarily due to distance. For this scale of development within the visual and topographical context of the RE, the ZoVI of the proposed development is approximately **3km**.

- Views of the proposed development's most visible features from further than 1,5km away would most likely begin to lose significance in the visual field, and at 3km away or further, they would become insignificant in the landscape.
- No views from which the proposed development would demonstrate dominance in the visual field were recorded because of the nature of the proposed development.

4.4 Visual Absorption Capacity

Visual Absorption Capacity (VAC) refers to the ability of the RE to accommodate physical and visual changes without a concurrent transformation in its visual character and quality, or the loss of visual amenity¹. This is a function of existing settlement / development patterns; the similarity or difference between existing features and proposed features; the amount of visual clutter, contrast, and variability of visible features present in the landscape and finally how dramatic the local topography is. The sensitivity of landscape character and visual receptors is also considered.

Generally, the topography is quite forgiving, and the VAC can be described as **High**:

¹ • A high VAC rating implies a high ability to absorb visual impact
 • A low VAC implies a low ability to absorb or conceal visual impacts
 • High VAC is a positive and low VAC is a negative.

- The receiving environment absorbs all or most of the proposed development successfully.
 - Limited views with low visual intrusion;
 - High compatibility with existing landscape character & built form etc.
 - Existing vegetation cover and/or structures such as buildings screens or conceals the majority of the proposed development.
 - Topography and terrain variability plays a role in absorbing visible elements.
 - The proposed development is a common sight within the LCA.

4.5 Visual intrusion

Visual intrusion describes the level of compatibility or congruence of the project with the particular qualities of the area, landscape, and surrounding land uses, or its 'sense of place', measured against the degree to which it is in discord, or contrasts with these. The measure of this factor is related to maintaining the integrity of the landscape or townscape in context.

Visual intrusion diminishes within landscapes of higher complexity and as distance increases (i.e., the object becomes less of a focal point and more of a visual distraction). The following criteria are used to assess the extent to which the proposed development or project component fits or contrasts with the landscape setting:

- a) Does the proposed physical development have a negative, positive, or neutral effect on the quality of the landscape?
- b) Does the proposed development enhance or contrast with the patterns or elements that define the structure of the landscape?
- c) Does the design of the proposed project enhance and promote cultural and scenic continuity, or does it disrupt it?

In terms of Visual Intrusion, the proposed development:

- Has a neutral and minimal effect on the visual quality of the landscape; (Low Visual Intrusion);
- Contrasts minimally with the patterns or elements that define the structure of the landscape (Low Visual Intrusion);
- Is mostly compatible with land use, settlement, and enclosure patterns (Low Visual Intrusion);
- Is partially 'absorbed' into the landscape (Moderate Visual Intrusion);.

This results in **Low** Visual Intrusion overall, with limited aspects of Moderate Visual Intrusion: i.e.; *Generally imperceptible change in landscape characteristics over localized area is expected, resulting in minor changes to key views.*

4.6 Visibility

Visibility is the area from which proposed project components would potentially be visible. Visibility depends on the topography, tree cover or the presence of other visual obstructions in the natural or built environment; as well as elevation and distance. Weather and season conditions also affect visibility, but do not have a significant influence in this context and are not central to the analysis.

For this project, overall visibility is most likely to be **Low**, because the development is visible from less than a quarter of the ZoVI, views are mostly obstructed, and few viewers are affected.

In conclusion, and based on the project information at hand, the following is a summary of the key visual & aesthetic informants:

- i The receiving environment has a strong Sense of place and a unique, identifiable Landscape character, described by the SHCMP as having social, ecological, aesthetic and historic significance.
- ii Sensitive receptors, views and view corridors have been identified broadly, and all future proposals and specialist studies must take cognizance of these.
- iii The Zone of Potential Visual Influence is approximately **3km** (after which the proposed development's most visible features would become insignificant in the landscape), and no views from which the proposed development would demonstrate dominance in the visual field were recorded.
- iv The Visual Absorption Capacity of the receiving environment is **High** (see item 4.4 for further detail).
- v The proposed development demonstrates **Low Visual Intrusion** overall and is likely to be partially 'absorbed' into the landscape, resulting in a neutral and minimal effect on the visual quality of the landscape. It is generally compatible (contrasts minimally) with the patterns or elements that define the structure of the landscape and will most likely result in a generally imperceptible change in landscape characteristics over localized area, resulting in minor changes to key views.
- vi Overall Visibility of the proposed development is **Low**, despite the subject site itself being visually prominent.

5. Recommendations

The SHCMP provides guidance on the development criteria for proposals within the Helderberg Foothills Landscape Unit, which are augmented here by site-specific recommendations and requirements. Where possible, preliminary findings and recommendations are noted underneath the relevant development criteria.

The main aim of the Landscape Unit is to enhance (manage) and intervene (change) by strengthening or reinforcing agricultural use and its characteristic elements and features (Stellenbosch Municipality, 2018). Its main value is aesthetic and historic, placing the onus on appropriate use of heritage features (which includes the landscape as a setting on the higher slopes), at the risk of threatening the heritage value of this landscape unit.

- Finding: The proposed development will not result in the loss of the sense of "openness" of the landscape, nor the loss of its historic use as agriculture, and established planting patterns.

Because the proposed development triggers the Foothills Conservation System and the Green Transitions Conservation System, maintenance of its green and open agricultural character is important, and all proposed development must respond to the specific requirements of these municipal frameworks. The SHCMP also prescribes that the visual impact of proposed developments must be carefully considered in light of the number of scenic routes that may be affected. The SHCMP also identifies the high mountains in the study area as landforms vital to its overall landscape character which enclose the valleys and settlements of historic significance.

- Finding: Visual Impact Assessment will likely be recommended by the Heritage Western Cape (HWC) after submission of the NID by Jenna Lavin, the project Heritage practitioner, given the sensitivity of the receiving environment, proposed development on a ridge and on steep slopes and in areas with potentially high biodiversity.
- The VIA will determine the extent to which the proposed development preserves the continuity of the mountains as a backdrop in the context of proposed development on visually

sensitive mountain slopes and ridgelines, and maintains the balance between the urban, rural and wilderness areas in the receiving environment.

Land uses that will likely erode landscape Character include overscaled private dwellings (on ridgelines), gated residential estates, large-scale industrial structures, business parks as well as isolated shopping centres and their associated parking lots, and finally suburban “creep”, particularly from the south and the urban edge of Somerset West.

- **Finding:** the proposed development does not constitute any of the deviated land uses listed in the CMP, but will introduce buildings, roads and parking lots that have not yet been modelled and assessed for visual impact. Some aspects may require specific mitigation at later stages of the design and planning process (to accompany SDP submission, for instance), which the VIA will need to address.

The SHCMP prescribes a limitation to cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. In addition, it recommends that construction of new buildings on visually sensitive, steep, elevated or exposed slopes, ridgelines and hillcrests should be prevented to retain the integrity of the distinctive and predominantly agricultural landscape character.

- **Finding:** The proposed development is located within the ‘no-go’ development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). However, the proposed buildings and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the south western portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.

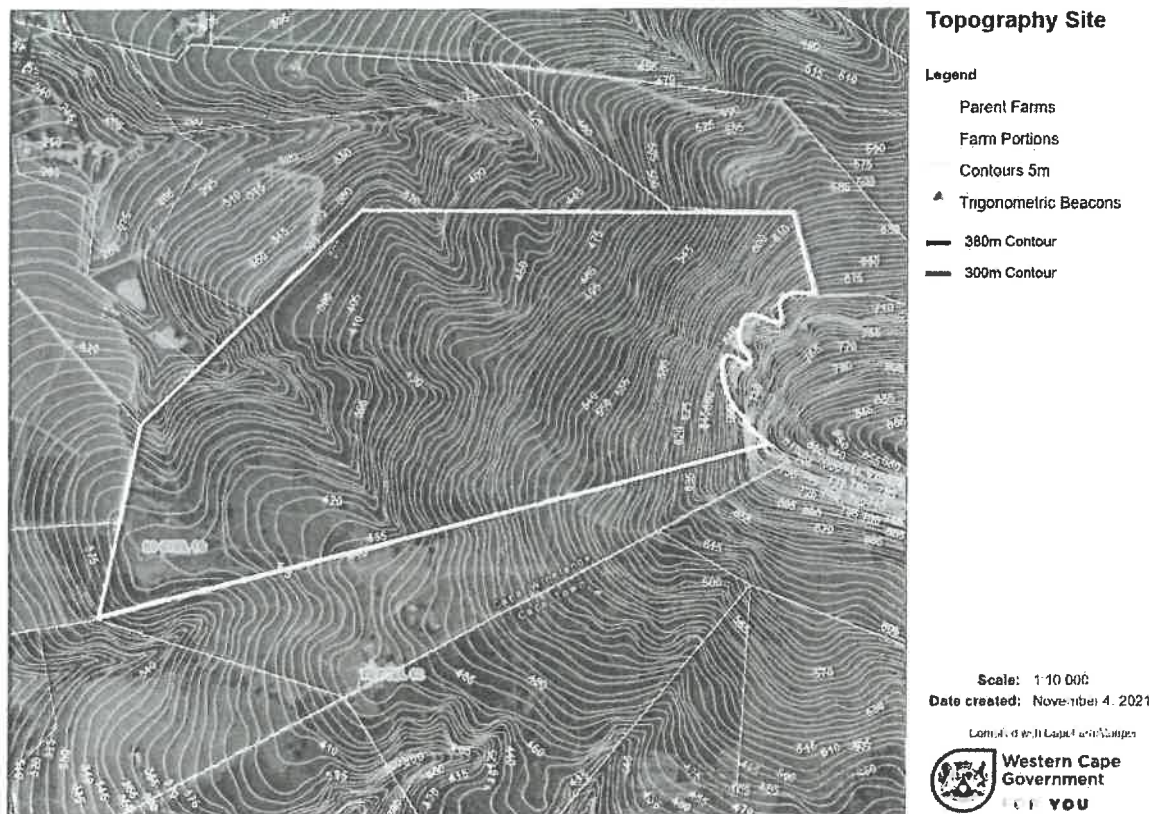


Figure 36: Topography of site, indicating the 300m and 380m Contour lines (Smit, 2022; Elsenberg Cape Farm Mapper, 2021)

- The proposed buildings may also have a visual impact on the skyline/ridgeline, where some viewers (especially those within 1,5km of the subject site, located directly north and north west) may view buildings breaking the line of the ridge. This should be confirmed in the VIA to follow.

In terms of new development, the SHCMP requires prospective developers/applicants to ensure that new developments within rural contexts are in sympathy with the topography and unique genus loci of the place/landscape unit.

- Finding: The current proposal appears to have emulated the principles of werf design, but decisions regarding the placement of new development are difficult to emulate given the location of the subject site. Nevertheless, the proposed buildings have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the south western portion of the site).
- The proposed development does not constitute suburban development creep/an inappropriate suburban extension.

The SHCMP encourages new development to encourage managed access to wilderness areas on the higher slopes wherever possible and practical, to enable people opportunities to experience the wilderness domain, which is a key component within the cultural landscape as a whole, and to experience the sense of interconnectedness of the wilderness, agricultural and urban domains through views from the upper slopes. (See Green Transitions and Foothills Conservation Systems)

- Finding: The current proposal allows more access than previously but may consider further permeability in their development proposal.

The placement of any land-use and infrastructure that is not one of the core agricultural systems (vineyards and orchards), could have a negative visual effect in the landscape (greenhouses, black plastic ground cover, shade netting, chicken batteries). The placement of these agricultural elements should be carefully considered in terms of the sensitive receptor identified in this letter, and from the receiving environment generally. The SHCMP also states that the proliferation of non-agricultural uses, particularly in visually prominent locations, should be avoided. This is in order to protect the predominantly agricultural character of the landscape.

- Finding: The proposed development contains aspects that are agricultural in nature as well as non-agricultural uses. However, the latter consist mostly of accommodation pods that are relatively modest in size and have been designed with visual sensitivity in mind. The visual impact of these (as well as other potentially visually intrusive infrastructure) should be tested using simulations in the VIA.

5.1 Specific guidelines and recommendations

- i Include tree-lines and windbreaks between properties, vineyards and farmstead/werf areas. Protect and enhance traditional planting patterns, tree alignments and copses.
- ii Ensure that the important contribution of wilderness areas to the character of a variety of heritage sites is maintained.
- iii Maintain visual permeability towards mountains, valleys and across open, and cultivated fields.
- iv Solid walls should not be used around vineyards and agricultural areas in public view.
- v Views should be framed and enhanced by development wherever possible.
- vi Vegetation should be used to embed structures within the landscape.
- vii The scale of all proposed roads should be the minimum possible. Insensitive, over-engineered, hard elements can compromise the rural character of a landscape as a whole.

- viii New buildings should be in sympathy with the scale, massing, layout and idiom of similar typologies (especially historic/vernacular precedent) in the receiving environment.
- ix Physical permeability through the new development proposal to communal resources (i.e.; rivers and mountains) should be maintained and enhanced, for the enjoyment of all members of the public. This may be in the form of promoting public footpaths across the cultivated landscape, removing fences and walls where necessary, and generally preventing the privatisation of natural places that form part of the historical public open space resource network.
- x As much wilderness and undisturbed landscape area as possible must be left intact, and so the proposed development must use existing roads and pathways, such as old forestry service roads, before any new routes are established.
- xi The principle of tread lightly must be applied to any activity or proposed structure. This includes making specific provision for the rehabilitation and maintenance of any disturbed slopes.
- xii Further information required in order for visual impacts to be properly assessed:
 - a. Lighting proposals for all outdoor lighting (including proposed new access road);
 - b. Landscape plan (including details regarding tree planting, clearing of vegetation, rehabilitation and vegetation re-establishment after disturbance, irrigation source and supply etc.)
 - c. Fencing and boundary treatment proposals.
 - d. Enforceable materiality details/specifications/guidelines for buildings, roads etc.
 - e. Further details regarding the Construction phase in terms of site establishment, clearing of vegetation, road establishment and erosion control, environmental impact controls, fire prevention/management, methods of construction, duration and phasing of construction phase etc.

6. Conclusion

The findings of this report were based on a brief Desktop study and fieldwork undertaken during the site visit. The initial visual & aesthetic informants and indicators listed above have aimed to inform the project team's planning application and design development in the pre-application phase.

There is not yet enough information at hand to accurately estimate the significance of visual impacts or to provide detailed mitigation measures, and so the potential visual and aesthetic consequences of the proposed development cannot be fully understood at this time².

However, the findings of this initial study indicate that if the project team continues to handle their approach to development sensitively (subject to the recommendations listed above), the project will most likely have a low (minimal) visual impact overall, described below as per the DEA&DP Guideline (2005) which provides a categorization of expected issues:

Minimal visual impact expected (as per Box 3, page 7 of the DEA+DP Guidelines, 2015):

- *Potentially low level of intrusion on landscapes or scenic resources;*
- *Limited change in the visual character of the area;*
- *Low-key development, similar in nature to existing development.*

Nevertheless, based on the nature and sensitivity of the receiving environment, the location of the subject site (and the nature and location of the proposed developments therein), a Level 3 VIA is recommended in order to confirm and substantiate this initial finding.

² Shortly after the initial submission of this report, HWC confirmed the need for Visual Impact Assessment to accompany the HIA.

We trust that this input will prove useful to the project team in the planning and design of the Bo Helderberg project.

Please do not hesitate to contact me should you have any queries or questions.

With Kind Regards,



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Table of Figures

FIGURE 1: EXTRACT FROM THE STELLENBOSCH HERITAGE INVENTORY AND CONSERVATION MANAGEMENT PLAN (SHCMP) SHOWING C25 HELDERBERG FOOTSLOPES (SMIT, 2021)	2
FIGURE 2: AERIAL SHOWING CADASTRAL INFORMATION ILLUSTRATING LAND USE PATTERNS AND THE BOUNDARIES BETWEEN THE AGRICULTURAL AND URBAN LANDSCAPES IN THE RECEIVING ENVIRONMENT (ELSENBERG CAPE FARM MAPPER, 2021)	3
FIGURE 3: PHOTOGRAPH ILLUSTRATING THE LANDSCAPE AND SETTLEMENT PATTERNS ON THE FOOTHILLS OF THE HELDERBERG THAT INFLUENCE THE CHARACTER OF THE RECEIVING ENVIRONMENT (SMIT, 2021).....	4
FIGURE 4: PHOTOGRAPH ILLUSTRATING LANDSCAPE AND SETTLEMENT PATTERNS (SMIT, 2021)	4
FIGURE 5: MODIFIED PHOTOGRAPH ILLUSTRATING THE RIDGE LINE THAT DELINEATES THE SITE'S SOUTHERN BOUNDARY (SMIT, 2022)	4
FIGURE 6: TOPOGRAPHY - ASPECT (ELSENBERG CAPE FARM MAPPER, 2021).....	5
FIGURE 7: PHOTOGRAPH ILLUSTRATING THE SITE BOUNDARIES AS THEY ARE VIEWED WITH TOPOGRAPHICAL VARIATION, FROM A VIEW ALONG THE CORDOBA ROAD WITHIN +/-1KM OF THE PROPERTY BOUNDARY (SMIT, 2021)	5
FIGURE 8: PROPOSED ROADS INCLUDING ACCESS ROAD (MALHERBE & RUST ARCHITECTS, 2022)	6
FIGURE 9: PROPOSED ROADS (MALHERBE & RUST ARCHITECTS, 2022).....	6
FIGURE 10: PROPOSED BUILDINGS, DAM, VINEYARDS AND ACCOMMODATION UNITS (MALHERBE & RUST ARCHITECTS, 2022).....	7
FIGURE 11: PLANNING APPLICATION SDP (MALHERBE & RUST ARCHITECTS, 2022).....	7
FIGURE 12: INITIAL DRAFT SITE VISIT GRAPHIC (SMIT & DE VILLIERS, 2022)	8
FIGURE 13: VIEWSHED INDICATING THE VISIBILITY OF THE PROPOSED PROJECT WITHIN 5-7KM (SMIT & VAN DER MERWE, 2022)	9
FIGURE 14: VIEWSHED INDICATING THE POTENTIAL VISIBILITY OF THE PROPOSED PROJECT IN THE 1-2KM RANGE. (SMIT & VAN DER MERWE, 2022)	10
FIGURE 15: VISIBILITY TESTING – VIEW FROM THE N2, LOOKING EASTWARD TOWARDS THE HELDERBERG MOUNTAINS AT APPROXIMATELY 15KM AWAY (SMIT, 2021).....	11
FIGURE 16: VISIBILITY TESTING – VIEW FROM THE R310 BADEN POWELL ROAD, LOOKING EAST SOUTH EASTWARD AT APPROXIMATELY 9,5KM AWAY. NOTE THE HEIGHT AND MASS OF THE LOW HILLS IN THE FOREGROUND THAT PARTLY OR ENTIRELY SCREEN THESE VIEWS OF THE SUBJECT SITE, WHICH ARE GENERALLY VISIBLE FROM THE EAST DUE TO THE ASPECT OF THE TOPOGRAPHY AND THE ELEVATION OF THE SUBJECT SITE (SMIT, 2021)	11
FIGURE 17: VISIBILITY TESTING – VIEW FROM THE R310 BADEN POWELL ROAD, LOOKING SOUTH SOUTH EAST AT APPROXIMATELY 10KM AWAY. NOTE THE THAT THE BROADSIDE OF THE SUBJECT SITE IS NO LONGER AS VISIBLE FROM THE POLKADRAAI (M12/R310) AREA. FROM THIS VIEW, THE RIDGELINE (LOCATED ON THE NEIGHBOURING FARM) IS VISIBLE (SMIT, 2021)	12

- FIGURE 18:** VISIBILITY TESTING – VIEW FROM THE ANNANDALE ROAD SCENIC ROUTE, LOOKING SOUTH EAST AT APPROXIMATELY 8KM AWAY. NOTE THAT THE ENTIRE SITE IS VISIBLE, AND THAT THE ANTENNAE, CLEARED AREAS AND TREES LOCATED ON THE NEIGHBOURING FARM ARE VISIBLE AGAINST THE OPEN SKY BEHIND THE RIDGELINE (SMIT, 2021)12
- FIGURE 19:** VISIBILITY TESTING – VIEW FROM THE ANNANDALE ROAD, LOOKING SOUTH SOUTH EAST AT APPROXIMATELY 4,5KM AWAY. NOTE THAT LOCAL TOPOGRAPHY ABSORBS A PORTION OF THE SITE ON THE RIGHT, THE REMAINDER OF THE SITE IS VISIBLE AS A SWATHE OF VEGETATION ON THE FOOTSLOPE THAT ACTS AS A BACKDROP TO THE AGRICULTURAL LANDSCAPE IN THE FOREGROUND (SMIT, 2021)13
- FIGURE 20:** VISIBILITY TESTING – VIEW FROM THE ANNANDALE ROAD, AT THE ENTRANCE OF THE ALTO WINE ESTATE, LOOKING SOUTH AT APPROXIMATELY 4,2KM AWAY. ONLY THE UPPER PORTION OF THE SUBJECT SITE IS VISIBLE (SMIT, 2021).....13
- FIGURE 21:** VISIBILITY TESTING – VIEW FROM THE STELLENRUST ROAD, LOOKING SOUTH OVER THE AGRICULTURAL LANDSCAPE AT APPROXIMATELY 5,2KM AWAY. ONLY THE UPPER REACHES OF THE SUBJECT SITE ARE VISIBLE, THE REMAINDER BEING SCREENED ENTIRELY BY LOCAL TOPOGRAPHY (SMIT, 2021).....14
- FIGURE 22:** VISIBILITY TESTING – VIEW FROM THE R44, LOOKING SOUTH EAST AT APPROXIMATELY 4,2KM AWAY. THE R44 OFFERS SOME OF THE CLEAREST VIEWS TOWARDS THE SITE, GIVEN THAT THE VANTAGE POINT IS NOT SCREENED BY DAMS, TREES OR LOCAL TOPOGRAPHY. THE VIEWS FROM THE R44 ARE GENERALLY OPEN, AND THE NORTH WEST FACING SLOPES OF THE SUBJECT SITE PRESENT THE BROADSIDE OF THE SITE TO THE VIEWER (ESPECIALLY FOR COMMUTERS TRAVELLING SOUTH, AS VIEWS ARE LOCATED DIAGONALLY LEFT OF CENTRE IN THE VISUAL FIELD FOR LONG STRETCHES) (SMIT, 2021)14
- FIGURE 23:** VISIBILITY TESTING – VIEW FROM THE EIKENDAL ROAD, LOOKING SOUTH EAST UP THE MOUNTAIN SLOPES AT APPROXIMATELY 3,2KM AWAY. WESTWARD VIEWS OVER THE VALLEY TOWARDS TABLE MOUNTAIN ARE GENERALLY MORE SCENIC FROM THESE SMALLER ROUTES, AS THERE ARE TYPICALLY A NUMBER OF DISCORDANT ELEMENTS IN THE VIEWER’S FIELD OF VISION IN THE FOREGROUND (SMIT, 2021)15
- FIGURE 24:** VISIBILITY TESTING – VIEW FROM THE CORDOBA ROAD, AT THE ENTRANCE OF THE SAN GABRIEL HOMESTEAD, LOOKING EAST SOUTH EAST AT APPROXIMATELY 2,3KM AWAY. THE SUBJECT SITE IS VISIBLE, BUT VIEWS ARE OFTEN INTERRUPTED BY LOCAL VEGETATION, FENCES AND OTHER SCREENING ELEMENTS (SMIT, 2021)15
- FIGURE 25:** VISIBILITY TESTING – VIEW FROM THE CORDOBA ROAD, LOOKING EAST SOUTH EAST AT APPROXIMATELY 2,2KM AWAY (100M HIGHER UP THE ROAD THAN THE VIEW IN FIGURE 24). NOTE THE LEVEL OF DETAIL VISIBLE FROM THIS VANTAGE POINT, AND THE ROLE OF THE LOCAL TOPOGRAPHY IN SCREENING AND FORESHORTENING THE VISIBILITY OF THE SOUTH EASTERN PORTION OF THE SITE (SMIT, 2021)15
- FIGURE 26:** VISIBILITY TESTING – VIEW FROM THE R44, LOOKING EAST AT APPROXIMATELY 2,5KM AWAY. THIS VIEW WOULD BE PERPENDICULAR TO THE DIRECTION OF TRAVEL OF COMMUTERS ON THE ROADWAY. NOTE THAT THE SOUTH EASTERN PORTION OF THE SITE IS AGAIN NOT VISIBLE FROM THIS VANTAGE POINT, SCREENED BY LOCAL TOPOGRAPHY (VINEYARDS IN THE FOREGROUND). THE SITE CLEARLY FORMS PART OF THE BAND OF “NATURAL” VEGETATION THAT FRAMES THE AGRICULTURAL LANDSCAPE AT THE FOOT OF THE MOUNTAIN CLIFFS (SMIT, 2021).....16
- FIGURE 27:** VISIBILITY TESTING – VIEW FROM THE KLEIN HELDERBERGPAD ROAD, LOOKING EAST AT APPROXIMATELY 1,8KM AWAY. AT THIS LOWER ELEVATION AND SHORTER DISTANCE, THE SUBJECT SITE IS VISIBLE BUT NOT VISUALLY PROMINENT GIVEN THE SCALING FEATURES IN THE FOREGROUND, AND SCREENING BY LOCAL TOPOGRAPHY. ONLY THE UPPER PORTIONS OF THE SUBJECT SITE ARE VISIBLE (SMIT, 2021)16
- FIGURE 28:** VISIBILITY TESTING – VIEW OF THE PROPOSED ACCESS ROAD’S ROUTE WHERE IT WILL JOIN UP WITH THE KLEIN HELDERBERGPAD ROAD (SMIT, 2021)17
- FIGURE 29:** VISIBILITY TESTING – VIEW FROM THE KLEIN HELDERBERGPAD ROAD, LOOKING EAST AT APPROXIMATELY 2,2KM AWAY, THROUGH THE LINE OF EUCALYPTUS TREES. ACCORDING TO THE SHCMP, THIS AVENUE CREATES A CLEAR, VISUAL THRESHOLD BETWEEN THE AGRICULTURAL LANDSCAPE OF THE WINELANDS, AND THE ‘PERI-RURAL’ EDGE OF SOMERSET WEST. SEE FIGURE 30 BELOW. (SMIT, 2021)17
- FIGURE 30:** VISIBILITY TESTING – VIEW TOWARDS THE SUBJECT SITE FROM JUST BEYOND THE TREE AVENUE, LOOKING SLIGHTLY WEST OF THE PROPERTY BOUNDARY TO WHERE THE PROPOSED ROAD WILL BE ESTABLISHED ON THE STEEP VEGETATED SLOPE VISIBLE ABOVE. (SMIT, 2021)17
- FIGURE 31:** VISIBILITY TESTING – VIEW FROM WINERY ROAD, LOOKING EAST AT APPROXIMATELY 5KM AWAY, WITH A UNINTERRUPTED VIEWS OF THE SUBJECT SITE, PERPENDICULAR TO THE DIRECTION OF TRAVEL. THE URBAN EDGE AND RESIDENTIAL AREAS OF SOMERSET WEST ARE CLEARLY VISIBLE ON THE RIGHT, GIVING WAY TO AGRICULTURAL LANDSCAPE TO THE LEFT. NOTE ALSO THE ANTENNAE AND CLEARED AREAS ON THE NEIGHBOURING PROPERTY FOR ORIENTATION (SMIT, 2021)18
- FIGURE 32:** VISIBILITY TESTING – VIEW FROM THE TOWN OF RAITHBY, LOOKING EAST SOUTH EAST AT APPROXIMATELY 5KM AWAY. THE SUBJECT SITE IS CLEARLY VISIBLE WHERE VIEWS ARE NOT INTERRUPTED BY LOCAL VEGETATION AND ELEMENTS OF THE BUILT ENVIRONMENT. HOWEVER, THE SOUTH WESTERN PORTION OF THE PROPERTY IS SOMEWHAT SCREENED AS FROM THE R44 (SMIT, 2021)18
- FIGURE 33:** VISIBILITY TESTING – VIEW FROM RAITHBY ROAD AT THE ENTRANCE TO THE TOWN, LOOKING SOUTH SOUTH EAST AT APPROXIMATELY 4,2KM AWAY. THE SITE IS LESS VISIBLE FROM LOWER-LYING AREAS, EVEN AT CLOSER DISTANCES (SMIT, 2021)....19

FIGURE 34: VISIBILITY TESTING – VIEW FROM THE INTERSECTION OF WINERY ROAD AND THE R44 AT APPROXIMATELY 3,2KM AWAY, LOOKING SOUTH EAST. THE AVONTUUR ESTATE IS IN THE FOREGROUND, AND THE SUBJECT SITE IS VISIBLE ON THE UPPER SLOPES OF THE HELDERBERG, FORMING PART OF THE BACKDROP TO THE AGRICULTURAL LANDSCAPE FEATURES IN THE FOREGROUND. (SMIT, 2021)19

FIGURE 35: VISIBILITY TESTING – VIEW FROM THE BREDELL ROAD, LOOKING EAST AT APPROXIMATELY 2,8KM AWAY. THIS ROAD MARKS THE CURRENT EDGE OF THE HELDERBERG/SOMERSET WEST URBAN EDGE, AND THE IMMEDIATE SURROUNDINGS CONTAIN A NUMBER OF DISCORDANT ELEMENTS. VIEWS ONTO THE SUBJECT SITE ARE INTERMITTENT AND FAR LESS SENSITIVE THAN THOSE TAKEN FROM FURTHER NORTH WHERE STRONG AGRICULTURAL AND CULTURAL LANDSCAPE ELEMENTS CHARACTERIZE VIEWS (SMIT, 2021)20



CIVIL ENGINEERING SERVICES REPORT:

INTERNAL SERVICES ON FARM BO-HELDERBERG NO 1252, STELLENBOSCH (STELLENBOSCH MUNICIPALITY)

**April 2022
(Revision 0)**

Prepared for:



PROXIMITY PROPERTIES

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TABLE OF CONTENTS

1	INTRODUCTION	1
2	DESCRIPTION OF THE PROPOSED DEVELOPMENT AREA.....	2
2.1	Locality & Area Description	2
2.2	Geotechnical investigation	3
2.3	1:100 Year Floodline	3
3	BULK & INTERNAL SERVICES.....	4
3.1	General	4
3.2	Water Infrastructure	4
3.3	Waste Water Infrastructure	10
3.4	Access Road.....	12
3.5	Internal Roads, Storm Water & Parking	12
3.6	Refuse / Solid Waste.....	12
3.7	Electricity	13
3.8	Telecommunication	13
4	CONCLUSION.....	13
	APPENDICES	14
4.1	APPENDIX 1: LOCALITY PLAN	15
4.2	APPENDIX 2: PROPOSED ALL SERVICES LAYOUT PLAN	16
4.3	APPENDIX 3: BOREHOLE TEST RESULTS	18

LIST OF TABLES

Table 1: Potable Water Requirement Estimates.....	5
Table 2: Peak Hour Demands for the Development	6
Table 3: Peak Day Domestic Demands for the Development	7
Table 4: Peak Week Domestic Demands for the Development.	8
Table 5: Reservoir Storage Requirement Estimates (Potable water only)	8
Table 6 : Water Requirement Details for the New Development.....	9
Table 7 : Domestic Sewage Flow Volume Estimates	10
Table 8: Instantaneous Peak Sewage Flow Volume Estimates for the New Development	11
Table 9: Sewage Flow Details.....	11

LIST OF FIGURES

Figure 1: Location of property (Farm No. 1252)	2
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1 INTRODUCTION

MPro Consulting Engineers (Pty) Ltd received instruction from Proximity Properties (Pty) Ltd to investigate and report on the civil engineering services required for the proposed development, consisting of eight (8) new luxury tourist accommodation pods, one (1) new farm Manor house, one (1) new farm manager house, one (1) new wine tasting facility, one (1) new farm store and admin building, three (3) vineyard areas and one (1) vegetable garden area, on Farm 1252, Stellenbosch (75 ha in extent).

The subject property is located approximately 5.3km north-east of Somerset West CBD and 2km east from the R45 road at the south-western tip of Helderberg mountain. The subject property falls in jurisdiction of Stellenbosch Municipality, Western Cape Province. The subject property is bounded by Farms No.'s 4/1595, 1/1595, 2/1595 and 717 in the north. Farm No. 714 in the south, Farm 1355 and Farm 6/707 in the west and Farm 721 in the east. The main farm access is currently by a gravel servitude road over Farm Helderberg No. 1355, linked to Klein Helderberg Road, however the gravel road will be upgraded to a paved road in the future. Arch Town Planners (Pty) Ltd has been appointed by the owner of the development site to prepare and submit an application for Consent Uses to allow for the proposed tourist accommodation, restaurant and wine tasting facility. The proposed new farm store and admin building, manor House and farm managers house did not form part of their application, as all are primary rights of the property. These buildings are however included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings are also included in the EIA and Heritage applications being submitted in parallel to this application. The SDP has been used to estimate the water demands and sewer flows for the entire development.

The existing buildings on the property consist of informal Wendy houses that are not connected to any formal services. The existing Wendy houses will be demolished to make space for the new infrastructure on the farm.

The purpose of the investigation is to provide background information in terms of existing civil engineering services in the area, as well as the new services required to implement the proposed developments. The availability of existing services is evaluated to determine possible restrictions and options in terms of providing engineering services to the new development.

The infrastructure planning for the proposed development is based on the requirements presented in the *"The Neighbourhood Planning and Design Guide" (Red Book)*, published by the CSIR, the *"SANS 10252:2012 National Standard – Water Supply & Drainage for Buildings"*, published by the SABS and the *"Drainage Manual"* published by the South African National Roads Agency. The relevant policies and guidelines of Stellenbosch Municipality have also been consulted in the planning and conceptual designs.

The Engineering Services Report has been compiled based on the following available information:

- Aerial survey of existing facilities on the site which were provided by the client;
- Google Earth aerial imagery;
- Discussions & meetings with project team regarding project planning & needs; and
- Site Development Plan of all the proposed buildings and roads by Malherbe Rust Architects.

2 DESCRIPTION OF THE PROPOSED DEVELOPMENT AREA

2.1 Locality & Area Description

The subject property is located approximately 5.3km north-east of Somerset West CBD and 2km east from the R45 road. The subject property is located along Klein Helderberg Road and falls in jurisdiction of Stellenbosch Municipality, Western Cape Province. The subject property is bounded by Farm No. 4/1595, 1/1595, 2/1595 and 717 in the north. Farm No. 714 in the south, Farm 1355 and Farm 6/707 in the west, Farm 721 and Helderberg Mountain in the east. Refer to Appendix No.1 – Drawing No.'s 880-C-100 (Rev.A) for the property location.

Access to the property is via the Klein Helderberg Road, intersecting the R44 Main Road. The entrance to the property is accessed through a gravel servitude road roughly 270 meters north and 380 meters east from the end of Klein Helderberg Road. Refer to Figure 1 below and Drawing No. 880-C-101 (Rev.A), Appendix 2.



Figure 1: Location of property (Farm No. 1252)

The farm comprises 75ha of land of which all consists of natural vegetation. A borehole is also located centrally on the southern border, which will be utilized for potable water. A new dam is proposed on the north-western boundary which will be utilized for irrigation of new vineyards and vegetable garden.

The proposed vineyards and vegetable garden will be in the south-western corner of the property with an estimated footprint of 6.2ha and 0.8 ha respectively. The vineyards will surround the manor house and farm managers house, along with the tasting facility and the farm store and admin building. The eight (8) new luxury accommodation pods will be scattered around the subject property.

The farm has a minimum and maximum elevation of 310m and 770m above mean sea level which includes the natural vegetation up to the Helderberg on the eastern boundary of the

farm. The footprint of the development site where the new infrastructure will be built has a mean elevation of 402m above MSL (Mean Sea Level), where the site elevations range between a maximum elevation of 435m above MSL and a minimum elevation of 365m above MSL. The site has natural falls in a west and north-western direction of 11% to 20%. However, the farm store and admin building are located on a fall of 2.5% in a western direction.

Roughly half of the stormwater runoff will be naturally channeled to the position of the new dam through a valley running centrally from the southern boundary to the north-western boundary of the subject property. Roughly a quarter of the stormwater run-off will be channeled down the existing valley north of the new farm managers house where the stormwater will bypassing the new dam and make its way into existing neighboring farm's dams. The remaining stormwater runoff will be channeled in a north-western direction from Pod 7 through the existing valley. The minority of the stormwater runoff will be channeled down the existing valley from the new farm store and admin building in a south-eastern direction.

2.2 Geotechnical Investigation

No geotechnical information was available to MPro Consulting Engineers for use as part of the engineering services investigation. This information is however not essential for the services evaluation and preliminary engineering services designs and could be obtained at a later stage before the detail design of roads, services and earthworks commences.

The information will be required later to evaluate material geotechnical properties and characteristics to determine trenching requirements, excavation stability, rock quantity estimations, bulk earthworks requirements, materials re-use potential (pipe bedding & backfill, bulk fill, road layer works, etc.), groundwater occurrence & precautionary measures, road layer works designs and general foundation design recommendations. The above information could be obtained from a field survey of the site, test pit excavations & profiling, DCP testing and laboratory testing of soil samples by a geotechnical specialist.

Extensive bulk earthworks are not considered necessary on the site to provide building platforms for the individual accommodation pods. Localised earthworks should suffice to prepare the necessary building platforms for each building. Some bulk earthworks platforms will be required for the new manor house and the new farm store and admin building. Bulk earthworks will also be required to build the new surface dam.

All infrastructure elements, earthworks and building foundations should appropriately be designed for the prevailing soil conditions and in accordance with the recommendations of a Geotechnical Engineering investigation report.

2.3 1:100 Year Floodline

The subject property is located approximately 5.3km north-east of Somerset West CBD and 2km east from the R45 road. There are no natural rivers or defined watercourses within the vicinity of the subject property. The valleys will only form intermittent streams during the rainy season, but no buildings are located close to the potential streams in order that any streamflow will affect the buildings.

The farm has a minimum and maximum elevation of 310m and 770m above mean sea level which includes the natural vegetation up to the Helderberg on the eastern boundary of the farm. The subject property is therefore positioned up against the Helderberg mountain and no 1:100-year flood lines will affect the proposed development / buildings in any way.

3 BULK & INTERNAL SERVICES

3.1 General

The proposed development site (Farm 1252) falls under the jurisdiction of the Stellenbosch Municipality as Water Services Authority (WSA).

All services required to support the intended development activities on the property shall be installed by the owner of the property.

Although the municipality will not be responsible for the provision or maintenance of any services (water, sewerage, roads, stormwater, electricity) inside the development, it is still a requisite that the services be provided according to acceptable engineering standards and to the requirements & approval of the municipality, since all building plans are to be submitted to the Local Authority for approval, according to legislation.

A Service Level Agreement (SLA) to this effect will have to be entered into between the developer/owner and the Municipality to set out the conditions for the development, the level of services to be provided and the responsibilities of the different parties to the agreement, should it be required by the Local Authority. The payment of any Development Contribution levies (DC's) (if required by the Local Authority) should also be addressed in the SLA.

The proposed developments and preliminary civil infrastructure services layout plan are shown in Appendix 2 on Drawing No. 880-C-101 (Rev.A).

3.2 Water Infrastructure

Existing infrastructure

The property is not connected to any bulk services or near any bulk services. All water services required for the property will be dealt with locally with the use of boreholes and sewerage package plants.

No water infrastructure is currently available and in operation on the property.

The property will receive its potable bulk water supply from an existing borehole (no.1) located near the southern border of Farm 1252. The borehole certificate specifies a tested maximum yield of 1000 litres per hour, with a recommended sustainable yield of 300-400 litres per hour. The results are shown in Appendix 3.

The domestic borehole (no.1) water quality will be tested to ensure that the water meets the water quality standards for acceptable drinking water, as outlined in SANS 241. Water treatment, if required, will be located at the new storage tanks.

The irrigation water will be supplied from a new farm dam to be constructed with a capacity of between 10m³ and 25m³. A new borehole (no.2) in the vicinity of the new dam will also be used for irrigation purposes. Once the dam has been constructed, then the water from the dam will be used for irrigation purposes. The borehole will then only be used during dry seasons when the dam is empty.

The potable water mains and irrigation mains will be separate pipelines.

Potable Water Requirements & Proposed Infrastructure

The total design Average Annual Daily Demand (AADD) for potable water at the subject property, once developed, is estimated at approximately 13 875 l/day (13.875 kl/day) for domestic use, based on accepted design guidelines (excluding fire flow requirements). The water requirement calculations are indicated in Table 1 below.

Table 1: Potable Water Requirement Estimates

DESCRIPTION	EXISTING WATER USE* (l/day)	ESTIMATED NEW WATER USE* (l/day)
Domestic / Potable		
Existing Informal Wendy Houses	0	-
New 1x Double Room Guest Pod (4 units x 120 m ²) ¹	-	2 400
New 2x Double Rooms Guest Pod (4 units x 120 m ²) ²	-	4 800
New Wine Tasting / Deli Facility (350 m ²) ³	-	2 275
New Manor House (600 m ²) ⁴	-	1 300
New Farm Manager House (120 m ²) ⁴	-	1 300
New Farm Store and Admin Building (600 m ²) ⁵	-	1 800
Sub-Total 1: Domestic/Potable	0	13 875
Irrigation		
New Vineyards and Vegetable Garden (6.909 ha) ⁶	-	82 914
Sub-Total 2: Irrigation	0	82 914
TOTAL:	0	96 789

Notes:

* Obtained from "The Neighbourhood Planning and Design Guide" (Red Book – New version), published in 2019 by the Department of Human Settlements.

¹ New double room guest pod is categorized as a 1x double room guest house with a water demand of 0.6kl/room per day. Refer to Table J.4 in the Red Book.

² New 2x double room guest pod is categorized as a 2x double rooms guest house with a water demand of 0.6kl/room per day. Refer to Table J.4 in the Red Book.

³ A water consumption allowance of 0.65 kl per 100m² has been made for business / commercial uses. Refer to Table J.2 in the Red Book.

⁴ A water consumption allowance of 1.3 kl/unit/day has been made for residential stands (Low Density - Large Sized). Refer to Table J.2 in the Red Book.

⁵ A water consumption allowance of 0.3 kl per 100m² has been made for warehousing uses. Refer to Table J.2 in the Red Book.

⁶ A water consumption allowance of 12kl/ha has been made for agricultural holdings with irrigation. Refer to Table J.2 in the Red Book.

The estimated instantaneous peak domestic demand (excluding fire flow) of the (8) new accommodation units, (1) farm manager house, (1) manor farmhouse, (1) wine tasting room, (1) storage and admin building is calculated at 0.797 l/s according to the Red Book. The sum of the total Average Annual Daily Demand (AADD) plus 15% allowance for losses is multiplied by the Peak factor_(hour) to obtain the peak hour demand conditions.

The estimated instantaneous peak irrigation demand of the (3) new vineyards and (1) vegetable garden is calculated at 82.914 kℓ/day (or 97.546 kℓ/day if a 15% loss allowance is included), according to the Red Book. The peak irrigation demand is 4.516 l/s if irrigation is done over 6 hours.

The calculated peak hour demands are given in Table 2 below.

The estimated instantaneous peak hour domestic demand (excluding fire flow) is used during hydraulic modelling and design to ensure that the water supply system can provide the peak flows required at the minimum pressures as specified in the regulations.

Table 2: Peak Hour Demands for the Development

DESCRIPTION	DEMAND (AADD) (kℓ/day)	ALLOWANCE FOR LOSSES (15%) TAADD (kℓ/day)	PEAK FACTOR (hour) ¹	PEAK HOUR DEMAND (kℓ/day)	PEAK HOUR DEMAND (ℓ/s)
Domestic/Potable				Excl. Fire	Excl. Fire
Existing informal Wendy house	0	0	0	0	0
New 1x Double Room Guest Pod (4 units)	2.400	2.824	4.6	12.988	0.150
New 2x Double Rooms Guest Pod (4 units)	4.800	5.647	4.6	25.976	0.301
New Wine Tasting / Deli Facility	2.275	2.676	3.3	8.832	0.102
New Manor house	1.300	1.529	4.6	7.035	0.081
New Farm Manager House	1.300	1.529	4.6	7.035	0.081
New Farm Store and Admin Building	1.800	2.118	3.3	6.988	0.081
Sub-Total Potable:	13.875	16.324		68.856	0.797
Irrigation					
New Vineyards and Vegetable Garden ²	82.914	97.546	n/a	-	4.516
TOTAL (excl. Fire):	96.789	113.869			5.313

Notes:

¹ The Peak Factor_(hour) was obtained from Table J.9 in the Red Book.

² The peak irrigation demand has been calculated over a 6-hour period.

The estimated peak day domestic demand (excluding fire flow) of the development is calculated at 0.388 l/s according to the Red Book. The calculated peak day demands are given in Table 3 below.

The peak day demands, together with the various hydrant flow combinations are used during hydraulic modelling & design to ensure that the water supply system can supply the fire flow at the minimum pressures as specified in the regulations.

Table 3: Peak Day Domestic Demands for the Development

DESCRIPTION	DEMAND (AADD) (kℓ/day)	ALLOWANCE FOR LOSSES (15%) TAADD (kℓ/day)	PEAK FACTOR (day) ¹	PEAK DAY DEMAND (kℓ/day)	PEAK DAY DEMAND (ℓ/s)
Domestic/Potable				Excl. Fire	Excl. Fire
Existing informal Wendy house	0	0	0	0	0
New 1x Double Room Guest Pod (4 units)	2.400	2.824	2.2	6.212	0.072
New 2x Double Rooms Guest Pod (4 units)	4.800	5.647	2.2	12.424	0.144
New Wine Tasting / Deli Facility	2.275	2.676	1.7	4.550	0.053
New Manor House	1.300	1.529	2.2	3.365	0.039
New Farm Manager House	1.300	1.529	2.2	3.365	0.039
New Farm Store and Admin Building	1.800	2.118	1.7	3.600	0.042
TOTAL:	13.875	16.324		33.515	0.388

Notes:

¹ The Peak Factor (day) was obtained from Table J.9 in the Red Book.

The estimated peak week domestic demand (excluding fire flow) of the development is calculated at 0.321 l/s according to the Red Book. The calculated peak week demands are given in Table 4 below.

The peak week demands are used to evaluate the available bulk water supply rate to the storage reservoirs to ensure that the bulk water supply from the source(s) is adequate to provide in the water requirements of the development.

Bulk water to the development will be supplied from the existing borehole no.1. The borehole certificate specifies a tested maximum yield of 1000 litres per hour, with a recommended sustainable yield of 300-400 litres per hour. This equates to a sustainable borehole yield of 0.111 l/s. The existing borehole can therefore only supply in about a third of the required bulk water supply rate of 0.321 l/s, according to design guidelines. Additional boreholes will have to be added in future as the development is progressing and more buildings are completed and become operational.

Table 4: Peak Week Domestic Demands for the Development.

DESCRIPTION	DEMAND (AADD) (kℓ/day)	ALLOWANCE FOR LOSSES (15%) TAADD (kℓ/day)	PEAK FACTOR (week) ¹	PEAK WEEK DEMAND (kℓ/day)	PEAK WEEK DEMAND (ℓ/s)
Domestic/Potable				Excl. Fire	Excl. Fire
Existing informal Wendy house	0	0	0	0	0
New 1x Double Room Guest Pod (4 units)	2.400	2.824	1.80	5.082	0.059
New 2x Double Rooms Guest Pod (4 units)	4.800	5.647	1.80	10.165	0.118
New Wine Tasting / Deli Facility	2.275	2.676	1.45	3.881	0.045
New Manor House	1.300	1.529	1.80	2.753	0.032
New Farm Manager House	1.300	1.529	1.80	2.753	0.032
New Farm Store and Admin Building	1.800	2.118	1.45	3.071	0.036
TOTAL:	13.875	16.324		27.704	0.321

Notes:¹ The Peak Factor (day) was obtained from Table J.9 in the Red Book.

The total bulk reservoir capacity required for the above estimated water requirements amounts to 32.65 kℓ, based on a 48-hour storage period according to the design guidelines (excluding fire water storage). The storage requirement calculations are indicated in Table 5 below.

Table 5: Reservoir Storage Requirement Estimates (Potable water only)

DESCRIPTION OF STORAGE	TAADD WATER REQUIREMENT (kℓ/day)	STORAGE FACTOR ¹	STORAGE REQUIREMENT (kℓ)
All Domestic uses	16.324	2 days	32.647
Total Reservoir Storage Requirement:			32.647

Notes:¹ The Storage Factor was obtained from Table J.15 in the Red Book.

Adequate storage tank capacity will be supplied to meet the storage requirement.

The necessary pipes, isolating valves, air release valves, metering, etc. will be installed in the water network, as required and be compliant with Stellenbosch Municipality's Municipal Standards for Engineering Services.

All water infrastructure should be installed according to the applicable parts of the South African National Standard 1200 (SANS 1200) construction standards, with a minimum cover of 800mm above pipes not constructed in roadways and 1000mm for pipes constructed in roadways.

Fire Water Requirements

The proposed development is situated on a remote farm which is not easily accessible to the fire department authorities. Due to the type and nature of residential development of the subject property, the new accommodation pods, new farm managers house, new manor house and the new farm store and admin building falls within a Low-Risk category, according to Table J.17 in the Red Book. The wine tasting facility can be classified as a Moderate Risk 2, according to Table J.17 in the Red Book. The total fire flow required is 25 l/s and a minimum flow of 25 l/s is required per fire hydrant for a Moderate Risk 2 category.

With regards to the above standards, it would be acceptable to meet the fire requirements by positioning the fire hydrants opposite boundary pegs at 200m apart within the development site. It should be sufficient for one (1) fire hydrant to operate at a rate of 25 l/s at a time.

In terms of SANS 10400-T:2011, Edition 3, Clause 4.35.1b, one fire hydrant should be provided per 1000m². The total area of the new farm managers house, new manor house and the new farm store and admin building and the wine tasting facility is 1681m². A total of two (2) fire hydrants will be required for the development site where one can be positioned at the new Manor house, the second fire hydrant at fire hydrant at the new farm store and admin building. Fire extinguishers can be installed at all the buildings, including the accommodation pods. A third fire hydrant could be considered at the farm managers house as indicated on Appendix 2 due to the positioning of the new buildings on the development site and to ensure easy access to a fire hydrant.

A two (2) hour duration of design fire flow should be designed for according to Table J.18 in the Red Book. The fire flow should be drawn from a dedicated fire water reticulation main from the fire water storage tank. A total of **180 kℓ of storage should be allowed for on site for firefighting**. (In accordance with SANS 10252-1:2012, Edition 3, Clause 7.3.2.4a, a 9 000ℓ storage tank for fire-fighting purposes is required at a building. The new building infrastructure is located on a farm outside of the Stellenbosch and Somerset-West which is not quickly accessible to the fire department. Therefore, the above clause shall not apply and a 180 kℓ of storage should be allowed for on site for firefighting according to the Red Book guidelines.)

Summary

The water details are summarised in Table 6 below:

Table 6 : Water Requirement Details for the New Development

DESCRIPTION	QUANTITY
Total Annual Average Daily Demand (AADD domestic)	13.875 kℓ/day (potable water)
Total Annual Average Daily Demand (AADD irrigation)	82.914 kℓ/day (vineyards & vegetable garden)
Total Annual Average Daily Demand + 15% Losses (TAADD domestic)	16.324 kℓ/day (potable water)
Total Annual Average Daily Demand + 15% Losses (TAADD irrigation)	97.546 kℓ/day (vineyards & vegetable garden)
Peak Domestic flow (excl. fire flow)	0.797 l/s (excl. irrigation & fire, based on PF _{hour}) 0.388 l/s (excl. irrigation & fire, based on PF _{day}) 0.321 l/s (excl. irrigation & fire, based on PF _{week})
Total reservoir storage capacity required	Potable/Domestic – 32.65 kℓ (48-hour storage) Fire – 180 kℓ (4 hours for 1x fire hydrant flow)

Notes:

Calculated using "The Neighbourhood Planning and Design Guide" (Red Book – New version), published in 2019 by the Department of Human Settlements.

Refer to Appendix 2 on Drawing No. 880-C-101 (Rev.A) for a conceptual layout of the proposed internal water reticulation system.

3.3 Waste Water Infrastructure**Existing infrastructure**

There is no municipal wastewater infrastructure currently servicing the subject property and the existing informal dwellings do not have ablution facilities.

Sewage Flow Volumes & Proposed Infrastructure

The wastewater will be treated by a new approved small-scale sewerage treatment (package) plant (Clarus Fusion Treatment System or similar approved) which will be installed at each building. The sewerage package plant at the accommodation pods can be installed underneath the deck to reduce the footprint of the new infrastructure.

The total sewage design Peak Daily Dry Weather Flow (PDDWF) at the new residential development is estimated at approximately 10.45 kℓ/day, based on accepted design guidelines (excluding stormwater ingress, ground water infiltration and instantaneous peak factors). The sewage flow volume calculations of the new developments are indicated in Table 7 below.

Table 7 : Domestic Sewage Flow Volume Estimates

DESCRIPTION	EXISTING WASTE WATER FLOW (PDDWF)* (kℓ/day)	ESTIMATED NEW WASTE WATER FLOW (PDDWF)* (kℓ/day)
Domestic / Potable		
Existing Informal Wendy Houses	0	-
New 1x Double Room Guest Pod (4 units x 120 m ²) ¹	-	1.920
New 2x Double Rooms Guest Pod (4 units x 120 m ²) ²	-	3.840
New Wine Tasting / Deli Facility (350 m ²) ³	-	1.820
New Manor House (600 m ²) ⁴	-	0.715
New Farm Manager House (120 m ²) ⁴	-	0.715
New Farm Store and Admin Building (600 m ²) ⁵	-	1.440
TOTAL:	0	10.450

Notes:

¹ A total of 80% of the domestic AADD (Average Annual Daily Demand) potable water use or 0.48kℓ/unit/day was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

² A total of 80% of the domestic AADD (Average Annual Daily Demand) potable water use or 0.96kℓ/unit/day was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

³ A total of 80% of the domestic AADD (Average Annual Daily Demand) was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

⁴ A total of 55% of the domestic AADD (Average Annual Daily Demand) potable water use or 0.72kℓ/unit/day was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

⁵ A total of 80% of the domestic AADD (Average Annual Daily Demand) was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

The total Instantaneous Peak Wet Weather Flow (IPWWF) at the new development is estimated at approximately 0.510 l/s, based on accepted design guidelines (including stormwater ingress, ground water infiltration and instantaneous peak factors). The sewage flow volume calculations of the new residential development are indicated in Table 8 below.

Table 8: Instantaneous Peak Sewage Flow Volume Estimates for the New Development

DESCRIPTION	(PDDWF) (kl/day)	PF*	IPDWF* (Excl. Infiltration) (l/s)	(IPWWF)* Design Flow (l/s)
New 1x Double Room Guest Pod (4 units)	1.920	2.5	0.056	0.107
New 2x Double Rooms Guest Pod (4 units)	3.840	2.5	0.111	0.214
New Wine Tasting / Deli Facility	1.820	1.5	0.032	0.061
New Manor House	0.715	2.5	0.021	0.040
New Farm Manager House	0.715	2.5	0.021	0.040
New Farm Store and Admin Building	1.440	1.5	0.025	0.048
TOTAL:	10.450		0.265	0.510

Notes:

* Obtained from "The Neighbourhood Planning and Design Guide" (Red Book – New version), published in 2019 by the Department of Human Settlements. The following abbreviations are used:

PDDWF = Peak Daily Dry Weather Flow (total wastewater flow representing the peak day in a week)

IPDWF = Instantaneous Peak Dry Weather Flow (The peak factor was obtained from Table K.8 and Figure K.21 in the Red Book)

IPWWF = Instantaneous Peak Wet Weather Flow (Design Flow) (Allowance has been made for 35% groundwater infiltration and 30% stormwater ingress. Refer Section K.4.2.2 & K.4.2.3 in Red Book)

Summary

The sewage flow details are summarised in Table 8 below:

Table 9: Sewage Flow Details

Description	Flow Rate
Average Daily Dry Weather Flow (ADDWF = PDDWF/Peak day factor of 1.1)	9.500 kl/day
Peak Daily Dry Weather Flow (PDDWF)	10.450 kl/day
Instantaneous Peak Dry Weather Flow (IPDWF)	0.265 l/s
Instantaneous Peak Wet Weather Flow (IPWWF)	0.510 l/s

Refer to Appendix 2 on Drawing No. 880-C-101 (Rev.A) for a conceptual layout of the wastewater infrastructure systems.

The necessary pipes, should they be required to connect units to create a cost-effective solution, etc. will be installed in the network, as required and be compliant with Stellenbosch Municipality's Municipal Standards for Engineering Services. All sewer infrastructure should be installed according to the applicable parts of the SANS 1200 construction standards.

3.4 Access Road

Access to the subject property is taken directly from the R44 Main Road onto Klein Helderberg Road which is a minor gravel road (Road No. 4237). A 5m access servitude road has been registered from the entrance of Farm Helderberg No. 1355 up to the entrance of the subject property. (Refer to Drawing No. 880-C-101 (Rev.A), Appendix 2.

The access road/servitude road to the new development site will be paved to facilitate the movement of heavy (and other) vehicles during the rainy season. Concrete and grass blocks stormwater side drains will be constructed next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection. The construction of the servitude road is earmarked to start in May 2022.

A Traffic Impact Assessment, if required, will be prepared by a specialist and reported on separately. The recommendations from the above report should be incorporated into the final design of the roads infrastructure on site.

All infrastructure should be installed according to the applicable parts of the SANS 1200 construction standards.

3.5 Internal Roads, Storm Water & Parking

The proposed internal roads & parking areas will be designed in accordance with the relevant applicable guidelines in *Stellenbosch Municipality's Design Guidelines* and *The Neighbourhood Planning and Design Guide (Red Book)*.

The pavement layers will be designed in accordance with the abovementioned guidelines. The necessary kerbs, side drains, stormwater inlets/catchpits, manholes, etc. will be provided as required by the detailed design. Minor paved roads will provide access to the main farmhouse, farm managers house, wine tasting facility and farm store and admin building. Internal roads providing access to the pod accommodation units will consist of gravel roads and concrete roads in steep areas.

The internal roads will be constructed to avoid concentration and disturbance of the existing natural storm water runoff patterns, as far as possible. The road cross sections will be designed to handle collected storm water runoff as surface flow, with the necessary surface channel side drains (to reduce costs) and subsurface piped storm water sections, where surface channels are not possible.

Sufficient on-site parking will be allocated to the new farm store and building and wine tasting facility for staff and visitors respectively. Parking bays for the pod accommodation will be provided at each pod or centrally between the wine tasting and farm store facilities. Access to the pod units will be along small pathways which will link the units to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

All infrastructure should be installed according to the applicable parts of the SANS 1200 construction standards.

Refer Appendix 2, drawing 880-C-101 for a conceptual layout of the proposed layout plan.

3.6 Refuse / Solid Waste

The management of solid waste is the responsibility of the owner of the development.

A designated area will be provided on the premises where refuse is stored until transported on a weekly basis by an enclosed trailer (18m³ capacity), to prevent pollution, to the Stellenbosch Municipality landfill site.

The owner will also consider recycling the solid waste, where possible.

3.7 Electricity

The electrical engineering services and requirements are addressed in a separate report by the appointed electrical engineer.

3.8 Telecommunication

Telecommunication infrastructure can easily be incorporated during the detail design of civil infrastructure, by providing a network of pipe sleeves and connection boxes, according to detailed specifications from telecommunication providers (Telkom/Openserve, etc.)

This was not allowed for in the preliminary civil infrastructure layouts. The details and responsibility for costs should be clarified with the necessary providers if telecommunication is required as part of the proposed development.

4 CONCLUSION

The investigation into the civil engineering services required for the proposed development on Farm 1252, Stellenbosch revealed that the necessary engineering services can be provided to support the proposed development.

The subject property will not have any municipal connections and all water will be sourced from natural sources such as boreholes to meet the potable water demands. A new borehole will be in the vicinity of the new farm dam will be used for irrigation until the farm dam has been constructed. The borehole will remain in use during dry seasons to meet the irrigation demands.

All comments and recommendations from the Stellenbosch Municipality, regarding civil engineering infrastructure, will be incorporated into the detailed civil engineering designs for the proposed development, after the town planning application process. The completed detailed design drawings will then be submitted to the relevant Departments for approval before commencement of construction activities.

It is therefore recommended that, from a civil engineering services perspective, the proposed development of Farm No. 1252, Stellenbosch, be approved.

We trust that the above report will meet with your approval.

Please do not hesitate to contact us should you require any additional information or clarification.

Yours faithfully

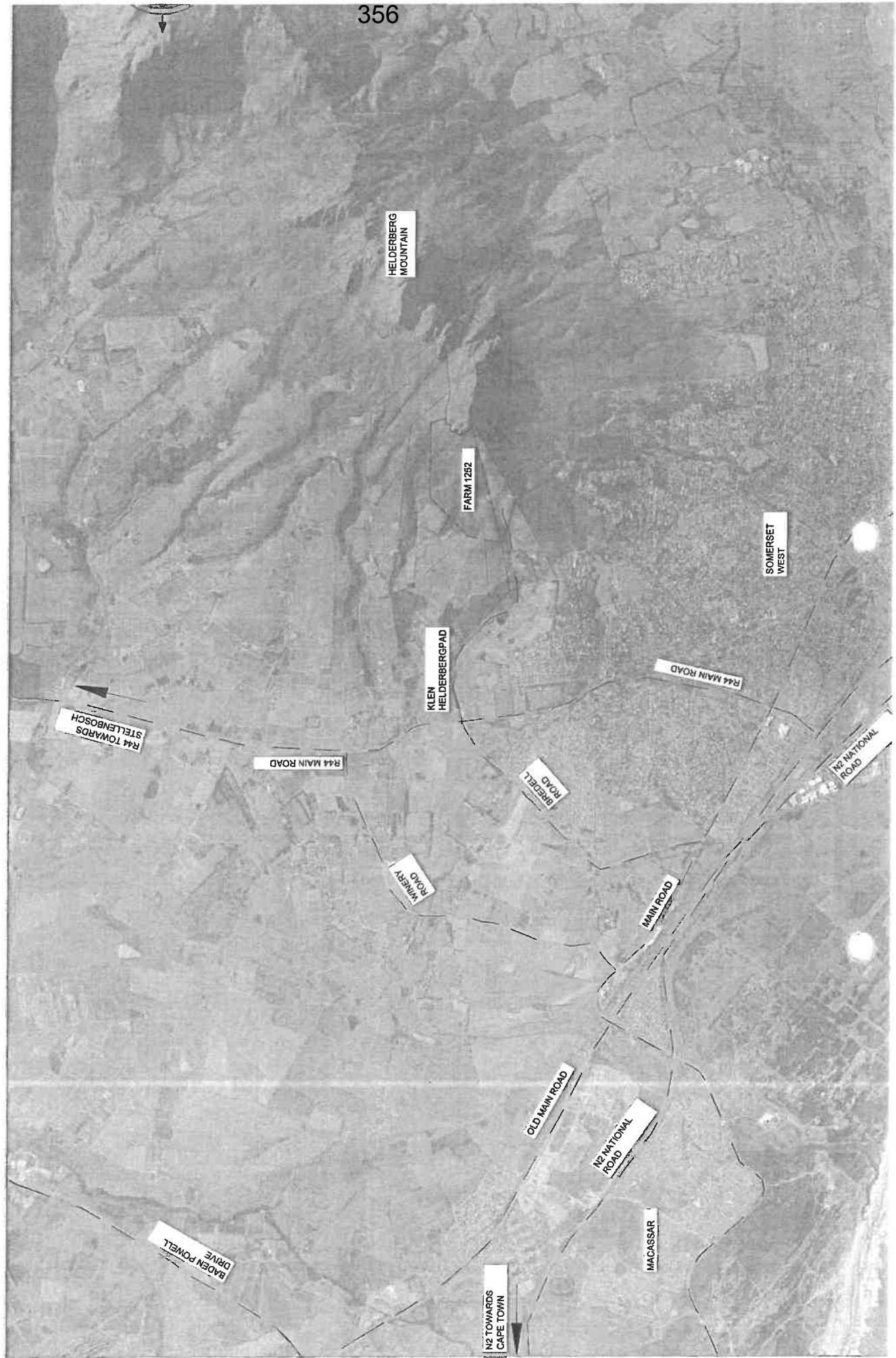


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For MPRO CONSULTING ENGINEERS

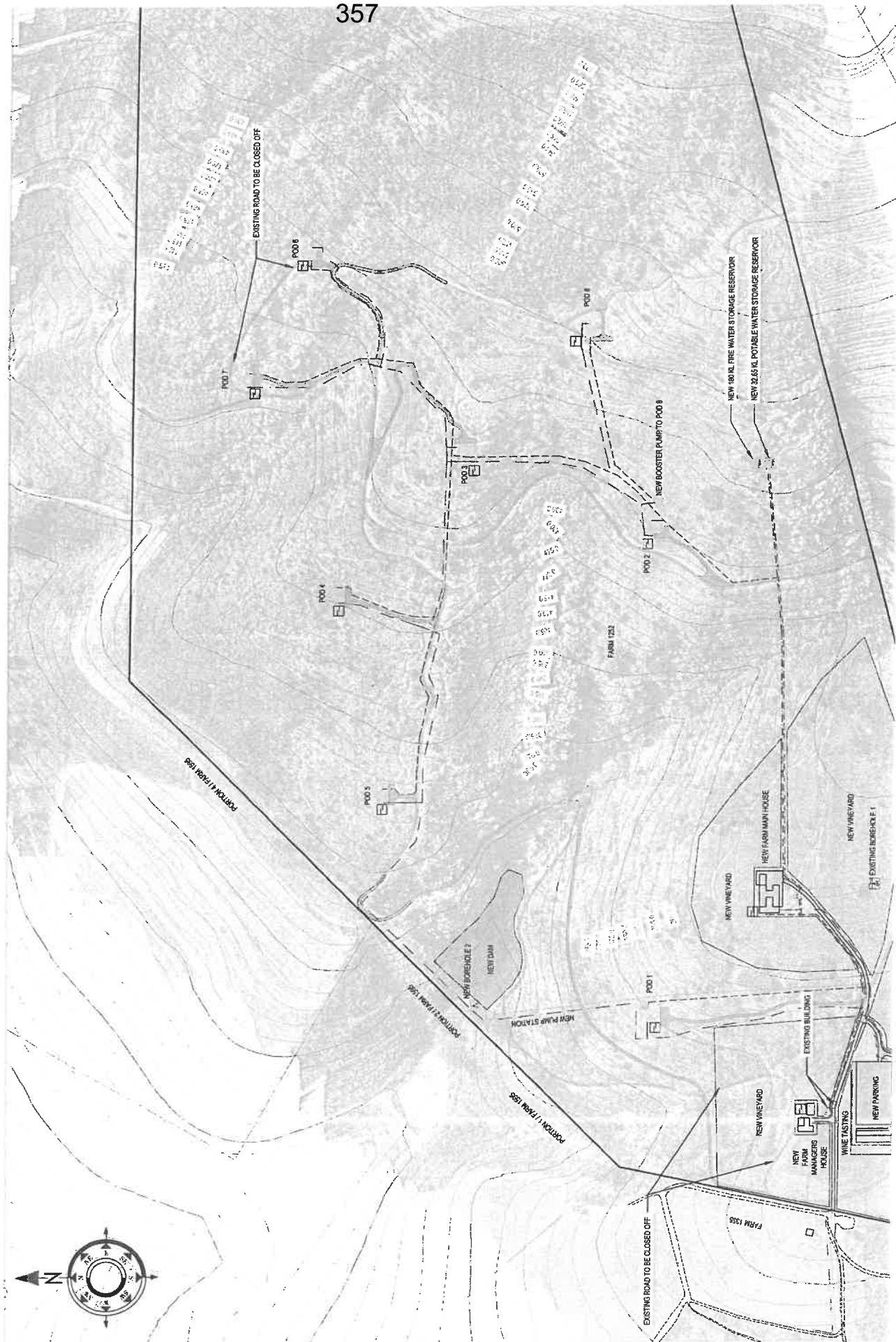
APPENDICES

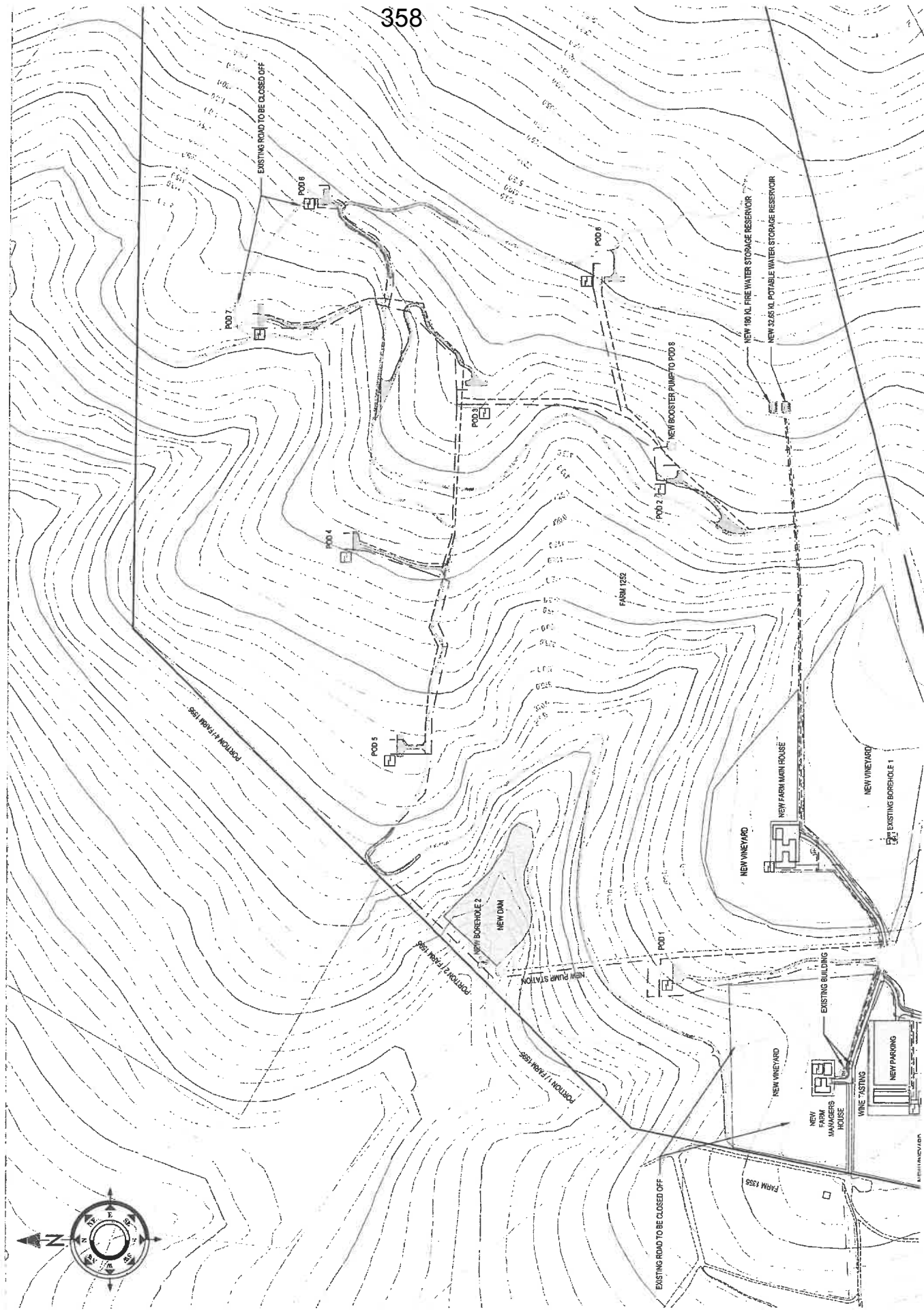
- 4.1 APPENDIX 1: New Civil Infrastructure: Locality Plan
- 4.2 APPENDIX 2: New Civil Infrastructure: All Services Layout Plan
- 4.3 APPENDIX 3: Borehole Test Results

4.1 APPENDIX 1: LOCALITY PLAN



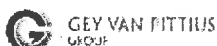
4.2 APPENDIX 2: PROPOSED ALL SERVICES LAYOUT PLAN





4.3 APPENDIX 3: BOREHOLE TEST RESULTS

Member of



Main Road Sir Lowry's Pass
PO Box 547
Somerset West
7129
Tel: 021-8581204/5



J. Gey van Pittius
(Pty) Ltd
Pump and Irrigation Engineers
Est. 1950

Email: info@jgeyvanpittius.co.za
Vat Reg No.: 4770206508
Reg. No.: 2002/015685/07
Fax: 021-8581206

BOREHOLE CERTIFICATE No:388

CLIENT:

Philip Obermeyer
Klein Helderberg Plaas
Stellenbosch

TEST DATE: 19/11/2020

BOREHOLE POSITION:

GPS +/- 34° 02' 22.87" S
18° 51' 01.16" E

DURATION OF TEST: 5.5 HOURS

BOREHOLE DEPTH: 100 METRES

PUMP INSTALLED AT: 95 METRES

INITIAL WATER LEVEL: 30.9 METRES

FINAL WATER LEVEL: 79.3 METRES

FINAL YIELD

1 000 LITRES PER HOUR

RECOMMENDED MAXIMUM SUSTAINABLE YIELD

300-400 LITRES PER HOUR

Tested by: Francis Komboni

Certificate compiled by: R.W. Beale (Managing Director)

Directors: M. J GEY VAN PITTIUS (OWNER) R. W. Beale (Managing) G. Prins H Prins G.C. Thiar



BOREHOLE WATER
ASSOCIATION OF
SOUTHERN AFRICA



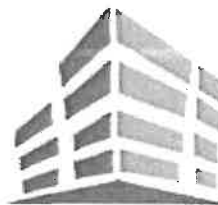


CIVIL ENGINEERING SERVICES REPORT:

INTERNAL SERVICES ON FARM BO-HELDERBERG NO 1252, STELLENBOSCH (STELLENBOSCH MUNICIPALITY)

**April 2022
(Revision 0)**

Prepared for:



PROXIMITY PROPERTIES

Report Title:	Civil Engineering Services Report: Internal Services on Farm Bo-Helderberg No1252, Stellenbosch (April. 2022, Revision 0)
Client:	Proximity Properties
Project Name:	Internal Services on Farm Bo-Helderberg No1252, Stellenbosch
MPro Project No.	880

Report Revision History:

No.	Date	Report Status	Author	Reviewer
0	22 April 2022	Final draft – For client comment	I Viljoen	A du Preez

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TABLE OF CONTENTS

1	INTRODUCTION	1
2	DESCRIPTION OF THE PROPOSED DEVELOPMENT AREA.....	2
2.1	Locality & Area Description	2
2.2	Geotechnical investigation	3
2.3	1:100 Year Floodline	3
3	BULK & INTERNAL SERVICES.....	4
3.1	General.....	4
3.2	Water Infrastructure	4
3.3	Waste Water Infrastructure	10
3.4	Access Road.....	12
3.5	Internal Roads, Storm Water & Parking	12
3.6	Refuse / Solid Waste.....	12
3.7	Electricity	13
3.8	Telecommunication	13
4	CONCLUSION.....	13
	APPENDICES	14
4.1	APPENDIX 1: LOCALITY PLAN	15
4.2	APPENDIX 2: PROPOSED ALL SERVICES LAYOUT PLAN	16
4.3	APPENDIX 3: BOREHOLE TEST RESULTS	18

LIST OF TABLES

Table 1: Potable Water Requirement Estimates.....	5
Table 2: Peak Hour Demands for the Development	6
Table 3: Peak Day Domestic Demands for the Development.....	7
Table 4: Peak Week Domestic Demands for the Development.	8
Table 5: Reservoir Storage Requirement Estimates (Potable water only)	8
Table 6 : Water Requirement Details for the New Development.....	9
Table 7 : Domestic Sewage Flow Volume Estimates	10
Table 8: Instantaneous Peak Sewage Flow Volume Estimates for the New Development	11
Table 9: Sewage Flow Details.....	11

LIST OF FIGURES

Figure 1: Location of property (Farm No. 1252)	2
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1 INTRODUCTION

MPro Consulting Engineers (Pty) Ltd received instruction from Proximity Properties (Pty) Ltd to investigate and report on the civil engineering services required for the proposed development, consisting of eight (8) new luxury tourist accommodation pods, one (1) new farm Manor house, one (1) new farm manager house, one (1) new wine tasting facility, one (1) new farm store and admin building, three (3) vineyard areas and one (1) vegetable garden area, on Farm 1252, Stellenbosch (75 ha in extent).

The subject property is located approximately 5.3km north-east of Somerset West CBD and 2km east from the R45 road at the south-western tip of Helderberg mountain. The subject property falls in jurisdiction of Stellenbosch Municipality, Western Cape Province. The subject property is bounded by Farms No.'s 4/1595, 1/1595, 2/1595 and 717 in the north. Farm No. 714 in the south, Farm 1355 and Farm 6/707 in the west and Farm 721 in the east. The main farm access is currently by a gravel servitude road over Farm Helderberg No. 1355, linked to Klein Helderberg Road, however the gravel road will be upgraded to a paved road in the future. Arch Town Planners (Pty) Ltd has been appointed by the owner of the development site to prepare and submit an application for Consent Uses to allow for the proposed tourist accommodation, restaurant and wine tasting facility. The proposed new farm store and admin building, manor House and farm managers house did not form part of their application, as all are primary rights of the property. These buildings are however included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings are also included in the EIA and Heritage applications being submitted in parallel to this application. The SDP has been used to estimate the water demands and sewer flows for the entire development.

The existing buildings on the property consist of informal Wendy houses that are not connected to any formal services. The existing Wendy houses will be demolished to make space for the new infrastructure on the farm.

The purpose of the investigation is to provide background information in terms of existing civil engineering services in the area, as well as the new services required to implement the proposed developments. The availability of existing services is evaluated to determine possible restrictions and options in terms of providing engineering services to the new development.

The infrastructure planning for the proposed development is based on the requirements presented in the *"The Neighbourhood Planning and Design Guide" (Red Book)*, published by the CSIR, the *"SANS 10252:2012 National Standard – Water Supply & Drainage for Buildings"*, published by the SABS and the *"Drainage Manual"* published by the South African National Roads Agency. The relevant policies and guidelines of Stellenbosch Municipality have also been consulted in the planning and conceptual designs.

The Engineering Services Report has been compiled based on the following available information:

- Aerial survey of existing facilities on the site which were provided by the client;
- Google Earth aerial imagery;
- Discussions & meetings with project team regarding project planning & needs; and
- Site Development Plan of all the proposed buildings and roads by Malherbe Rust Architects.

2 DESCRIPTION OF THE PROPOSED DEVELOPMENT AREA

2.1 Locality & Area Description

The subject property is located approximately 5.3km north-east of Somerset West CBD and 2km east from the R45 road. The subject property is located along Klein Helderberg Road and falls in jurisdiction of Stellenbosch Municipality, Western Cape Province. The subject property is bounded by Farm No. 4/1595, 1/1595, 2/1595 and 717 in the north. Farm No. 714 in the south, Farm 1355 and Farm 6/707 in the west, Farm 721 and Helderberg Mountain in the east. Refer to Appendix No.1 – Drawing No.'s 880-C-100 (Rev.A) for the property location.

Access to the property is via the Klein Helderberg Road, intersecting the R44 Main Road. The entrance to the property is accessed through a gravel servitude road roughly 270 meters north and 380 meters east from the end of Klein Helderberg Road. Refer to Figure 1 below and Drawing No. 880-C-101 (Rev.A), Appendix 2.

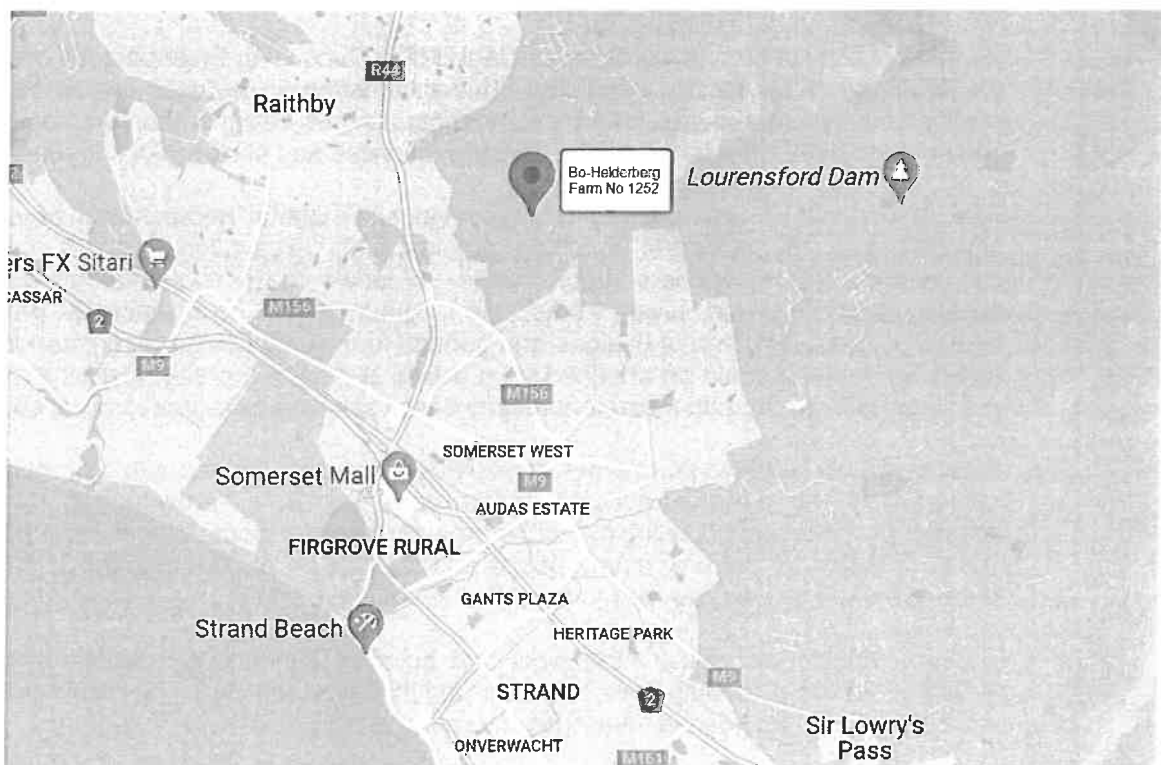


Figure 1: Location of property (Farm No. 1252)

The farm comprises 75ha of land of which all consists of natural vegetation. A borehole is also located centrally on the southern border, which will be utilized for potable water. A new dam is proposed on the north-western boundary which will be utilized for irrigation of new vineyards and vegetable garden.

The proposed vineyards and vegetable garden will be in the south-western corner of the property with an estimated footprint of 6.2ha and 0.8 ha respectively. The vineyards will surround the manor house and farm managers house, along with the tasting facility and the farm store and admin building. The eight (8) new luxury accommodation pods will be scattered around the subject property.

The farm has a minimum and maximum elevation of 310m and 770m above mean sea level which includes the natural vegetation up to the Helderberg on the eastern boundary of the

farm. The footprint of the development site where the new infrastructure will be built has a mean elevation of 402m above MSL (Mean Sea Level), where the site elevations range between a maximum elevation of 435m above MSL and a minimum elevation of 365m above MSL. The site has natural falls in a west and north-western direction of 11% to 20%. However, the farm store and admin building are located on a fall of 2.5% in a western direction.

Roughly half of the stormwater runoff will be naturally channeled to the position of the new dam through a valley running centrally from the southern boundary to the north-western boundary of the subject property. Roughly a quarter of the stormwater run-off will be channeled down the existing valley north of the new farm managers house where the stormwater will bypassing the new dam and make its way into existing neighboring farm's dams. The remaining stormwater runoff will be channeled in a north-western direction from Pod 7 through the existing valley. The minority of the stormwater runoff will be channeled down the existing valley from the new farm store and admin building in a south-eastern direction.

2.2 Geotechnical investigation

No geotechnical information was available to MPro Consulting Engineers for use as part of the engineering services investigation. This information is however not essential for the services evaluation and preliminary engineering services designs and could be obtained at a later stage before the detail design of roads, services and earthworks commences.

The information will be required later to evaluate material geotechnical properties and characteristics to determine trenching requirements, excavation stability, rock quantity estimations, bulk earthworks requirements, materials re-use potential (pipe bedding & backfill, bulk fill, road layer works, etc.), groundwater occurrence & precautionary measures, road layer works designs and general foundation design recommendations. The above information could be obtained from a field survey of the site, test pit excavations & profiling, DCP testing and laboratory testing of soil samples by a geotechnical specialist.

Extensive bulk earthworks are not considered necessary on the site to provide building platforms for the individual accommodation pods. Localised earthworks should suffice to prepare the necessary building platforms for each building. Some bulk earthworks platforms will be required for the new manor house and the new farm store and admin building. Bulk earthworks will also be required to build the new surface dam.

All infrastructure elements, earthworks and building foundations should appropriately be designed for the prevailing soil conditions and in accordance with the recommendations of a Geotechnical Engineering investigation report.

2.3 1:100 Year Floodline

The subject property is located approximately 5.3km north-east of Somerset West CBD and 2km east from the R45 road. There are no natural rivers or defined watercourses within the vicinity of the subject property. The valleys will only form intermittent streams during the rainy season, but no buildings are located close to the potential streams in order that any streamflow will affect the buildings.

The farm has a minimum and maximum elevation of 310m and 770m above mean sea level which includes the natural vegetation up to the Helderberg on the eastern boundary of the farm. The subject property is therefore positioned up against the Helderberg mountain and no 1:100-year flood lines will affect the proposed development / buildings in any way.

3 BULK & INTERNAL SERVICES

3.1 General

The proposed development site (Farm 1252) falls under the jurisdiction of the Stellenbosch Municipality as Water Services Authority (WSA).

All services required to support the intended development activities on the property shall be installed by the owner of the property.

Although the municipality will not be responsible for the provision or maintenance of any services (water, sewerage, roads, stormwater, electricity) inside the development, it is still a requisite that the services be provided according to acceptable engineering standards and to the requirements & approval of the municipality, since all building plans are to be submitted to the Local Authority for approval, according to legislation.

A Service Level Agreement (SLA) to this effect will have to be entered into between the developer/owner and the Municipality to set out the conditions for the development, the level of services to be provided and the responsibilities of the different parties to the agreement, should it be required by the Local Authority. The payment of any Development Contribution levies (DC's) (if required by the Local Authority) should also be addressed in the SLA.

The proposed developments and preliminary civil infrastructure services layout plan are shown in Appendix 2 on Drawing No. 880-C-101 (Rev.A).

3.2 Water Infrastructure

Existing infrastructure

The property is not connected to any bulk services or near any bulk services. All water services required for the property will be dealt with locally with the use of boreholes and sewerage package plants.

No water infrastructure is currently available and in operation on the property.

The property will receive its potable bulk water supply from an existing borehole (no.1) located near the southern border of Farm 1252. The borehole certificate specifies a tested maximum yield of 1000 litres per hour, with a recommended sustainable yield of 300-400 litres per hour. The results are shown in Appendix 3.

The domestic borehole (no.1) water quality will be tested to ensure that the water meets the water quality standards for acceptable drinking water, as outlined in SANS 241. Water treatment, if required, will be located at the new storage tanks.

The irrigation water will be supplied from a new farm dam to be constructed with a capacity of between 10m³ and 25m³. A new borehole (no.2) in the vicinity of the new dam will also be used for irrigation purposes. Once the dam has been constructed, then the water from the dam will be used for irrigation purposes. The borehole will then only be used during dry seasons when the dam is empty.

The potable water mains and irrigation mains will be separate pipelines.

Potable Water Requirements & Proposed Infrastructure

The total design Average Annual Daily Demand (AADD) for potable water at the subject property, once developed, is estimated at approximately 13 875 l/day (13.875 kL/day) for domestic use, based on accepted design guidelines (excluding fire flow requirements). The water requirement calculations are indicated in Table 1 below.

Table 1: Potable Water Requirement Estimates

DESCRIPTION	EXISTING WATER USE* (l/day)	ESTIMATED NEW WATER USE* (l/day)
Domestic / Potable		
Existing Informal Wendy Houses	0	-
New 1x Double Room Guest Pod (4 units x 120 m ²) ¹	-	2 400
New 2x Double Rooms Guest Pod (4 units x 120 m ²) ²	-	4 800
New Wine Tasting / Deli Facility (350 m ²) ³	-	2 275
New Manor House (600 m ²) ⁴	-	1 300
New Farm Manager House (120 m ²) ⁴	-	1 300
New Farm Store and Admin Building (600 m ²) ⁵	-	1 800
Sub-Total 1: Domestic/Potable	0	13 875
Irrigation		
New Vineyards and Vegetable Garden (6.909 ha) ⁶	-	82 914
Sub-Total 2: Irrigation	0	82 914
TOTAL:	0	96 789

Notes:

* Obtained from "The Neighbourhood Planning and Design Guide" (Red Book – New version), published in 2019 by the Department of Human Settlements.

¹ New double room guest pod is categorized as a 1x double room guest house with a water demand of 0.6kl/room per day. Refer to Table J.4 in the Red Book.

² New 2x double room guest pod is categorized as a 2x double rooms guest house with a water demand of 0.6kl/room per day. Refer to Table J.4 in the Red Book.

³ A water consumption allowance of 0.65 kl per 100m² has been made for business / commercial uses. Refer to Table J.2 in the Red Book.

⁴ A water consumption allowance of 1.3 kl/unit/day has been made for residential stands (Low Density - Large Sized). Refer to Table J.2 in the Red Book.

⁵ A water consumption allowance of 0.3 kl per 100m² has been made for warehousing uses. Refer to Table J.2 in the Red Book.

⁶ A water consumption allowance of 12kl/ha has been made for agricultural holdings with irrigation. Refer to Table J.2 in the Red Book.

The estimated instantaneous peak domestic demand (excluding fire flow) of the (8) new accommodation units, (1) farm manager house, (1) manor farmhouse, (1) wine tasting room, (1) storage and admin building is calculated at 0.797 l/s according to the Red Book. The sum of the total Average Annual Daily Demand (AADD) plus 15% allowance for losses is multiplied by the Peak factor_(hour) to obtain the peak hour demand conditions.

The estimated instantaneous peak irrigation demand of the (3) new vineyards and (1) vegetable garden is calculated at 82.914 kl/day (or 97.546 kl/day if a 15% loss allowance is included), according to the Red Book. The peak irrigation demand is 4.516 l/s if irrigation is done over 6 hours.

The calculated peak hour demands are given in Table 2 below.

The estimated instantaneous peak hour domestic demand (excluding fire flow) is used during hydraulic modelling and design to ensure that the water supply system can provide the peak flows required at the minimum pressures as specified in the regulations.

Table 2: Peak Hour Demands for the Development

DESCRIPTION	DEMAND (AADD) (kl/day)	ALLOWANCE FOR LOSSES (15%) TAADD (kl/day)	PEAK FACTOR (hour) ¹	PEAK HOUR DEMAND (kl/day)	PEAK HOUR DEMAND (l/s)
Domestic/Potable				Excl. Fire	Excl. Fire
Existing informal Wendy house	0	0	0	0	0
New 1x Double Room Guest Pod (4 units)	2.400	2.824	4.6	12.988	0.150
New 2x Double Rooms Guest Pod (4 units)	4.800	5.647	4.6	25.976	0.301
New Wine Tasting / Deli Facility	2.275	2.676	3.3	8.832	0.102
New Manor house	1.300	1.529	4.6	7.035	0.081
New Farm Manager House	1.300	1.529	4.6	7.035	0.081
New Farm Store and Admin Building	1.800	2.118	3.3	6.988	0.081
Sub-Total Potable:	13.875	16.324		68.856	0.797
Irrigation					
New Vineyards and Vegetable Garden ²	82.914	97.546	n/a	-	4.516
TOTAL (excl. Fire):	96.789	113.869			5.313

Notes:

¹ The Peak Factor_(hour) was obtained from Table J.9 in the Red Book.

² The peak irrigation demand has been calculated over a 6-hour period.

The estimated peak day domestic demand (excluding fire flow) of the development is calculated at 0.388 l/s according to the Red Book. The calculated peak day demands are given in Table 3 below.

The peak day demands, together with the various hydrant flow combinations are used during hydraulic modelling & design to ensure that the water supply system can supply the fire flow at the minimum pressures as specified in the regulations.

Table 3: Peak Day Domestic Demands for the Development

DESCRIPTION	DEMAND (AADD) (kℓ/day)	ALLOWANCE FOR LOSSES (15%) TAADD (kℓ/day)	PEAK FACTOR (day) ¹	PEAK DAY DEMAND (kℓ/day)	PEAK DAY DEMAND (ℓ/s)
Domestic/Potable				Excl. Fire	Excl. Fire
Existing informal Wendy house	0	0	0	0	0
New 1x Double Room Guest Pod (4 units)	2.400	2.824	2.2	6.212	0.072
New 2x Double Rooms Guest Pod (4 units)	4.800	5.647	2.2	12.424	0.144
New Wine Tasting / Deli Facility	2.275	2.676	1.7	4.550	0.053
New Manor House	1.300	1.529	2.2	3.365	0.039
New Farm Manager House	1.300	1.529	2.2	3.365	0.039
New Farm Store and Admin Building	1.800	2.118	1.7	3.600	0.042
TOTAL:	13.875	16.324		33.515	0.388

Notes:

¹ The Peak Factor (day) was obtained from Table J.9 in the Red Book.

The estimated peak week domestic demand (excluding fire flow) of the development is calculated at 0.321 l/s according to the Red Book. The calculated peak week demands are given in Table 4 below.

The peak week demands are used to evaluate the available bulk water supply rate to the storage reservoirs to ensure that the bulk water supply from the source(s) is adequate to provide in the water requirements of the development.

Bulk water to the development will be supplied from the existing borehole no.1. The borehole certificate specifies a tested maximum yield of 1000 litres per hour, with a recommended sustainable yield of 300-400 litres per hour. This equates to a sustainable borehole yield of 0.111 l/s. The existing borehole can therefore only supply in about a third of the required bulk water supply rate of 0.321 l/s, according to design guidelines. Additional boreholes will have to be added in future as the development is progressing and more buildings are completed and become operational.

Table 4: Peak Week Domestic Demands for the Development.

DESCRIPTION	DEMAND (AADD) (kℓ/day)	ALLOWANCE FOR LOSSES (15%) TAADD (kℓ/day)	PEAK FACTOR (week) ¹	PEAK WEEK DEMAND (kℓ/day)	PEAK WEEK DEMAND (ℓ/s)
Domestic/Potable				Excl. Fire	Excl. Fire
Existing informal Wendy house	0	0	0	0	0
New 1x Double Room Guest Pod (4 units)	2.400	2.824	1.80	5.082	0.059
New 2x Double Rooms Guest Pod (4 units)	4.800	5.647	1.80	10.165	0.118
New Wine Tasting / Deli Facility	2.275	2.676	1.45	3.881	0.045
New Manor House	1.300	1.529	1.80	2.753	0.032
New Farm Manager House	1.300	1.529	1.80	2.753	0.032
New Farm Store and Admin Building	1.800	2.118	1.45	3.071	0.036
TOTAL:	13.875	16.324		27.704	0.321

Notes:¹ The Peak Factor (day) was obtained from Table J.9 in the Red Book.

The total bulk reservoir capacity required for the above estimated water requirements amounts to 32.65 kℓ, based on a 48-hour storage period according to the design guidelines (excluding fire water storage). The storage requirement calculations are indicated in Table 5 below.

Table 5: Reservoir Storage Requirement Estimates (Potable water only)

DESCRIPTION OF STORAGE	TAADD WATER REQUIREMENT (kℓ/day)	STORAGE FACTOR ¹	STORAGE REQUIREMENT (kℓ)
All Domestic uses	16.324	2 days	32.647
Total Reservoir Storage Requirement:			32.647

Notes:¹ The Storage Factor was obtained from Table J.15 in the Red Book.

Adequate storage tank capacity will be supplied to meet the storage requirement.

The necessary pipes, isolating valves, air release valves, metering, etc. will be installed in the water network, as required and be compliant with *Stellenbosch Municipality's Municipal Standards for Engineering Services*.

All water infrastructure should be installed according to the applicable parts of the South African National Standard 1200 (SANS 1200) construction standards, with a minimum cover of 800mm above pipes not constructed in roadways and 1000mm for pipes constructed in roadways.

Fire Water Requirements

The proposed development is situated on a remote farm which is not easily accessible to the fire department authorities. Due to the type and nature of residential development of the subject property, the new accommodation pods, new farm managers house, new manor house and the new farm store and admin building falls within a Low-Risk category, according to Table J.17 in the Red Book. The wine tasting facility can be classified as a Moderate Risk 2, according to Table J.17 in the Red Book. The total fire flow required is 25 l/s and a minimum flow of 25 l/s is required per fire hydrant for a Moderate Risk 2 category.

With regards to the above standards, it would be acceptable to meet the fire requirements by positioning the fire hydrants opposite boundary pegs at 200m apart within the development site. It should be sufficient for one (1) fire hydrant to operate at a rate of 25 l/s at a time.

In terms of *SANS 10400-T:2011, Edition 3, Clause 4.35.1b*, one fire hydrant should be provided per 1000m². The total area of the new farm managers house, new manor house and the new farm store and admin building and the wine tasting facility is 1681m². A total of two (2) fire hydrants will be required for the development site where one can be positioned at the new Manor house, the second fire hydrant at fire hydrant at the new farm store and admin building. Fire extinguishers can be installed at all the buildings, including the accommodation pods. A third fire hydrant could be considered at the farm managers house as indicated on Appendix 2 due to the positioning of the new buildings on the development site and to ensure easy access to a fire hydrant.

A two (2) hour duration of design fire flow should be designed for according to Table J.18 in the Red Book. The fire flow should be drawn from a dedicated fire water reticulation main from the fire water storage tank. A total of **180 kℓ of storage should be allowed for on site for firefighting**. (In accordance with *SANS 10252-1:2012, Edition 3, Clause 7.3.2.4a*, a 9 000ℓ storage tank for fire-fighting purposes is required at a building. The new building infrastructure is located on a farm outside of the Stellenbosch and Somerset-West which is not quickly accessible to the fire department. Therefore, the above clause shall not apply and a 180 kℓ of storage should be allowed for on site for firefighting according to the Red Book guidelines.)

Summary

The water details are summarised in Table 6 below:

Table 6 : Water Requirement Details for the New Development

DESCRIPTION	QUANTITY
Total Annual Average Daily Demand (AADD domestic)	13.875 kℓ/day (potable water)
Total Annual Average Daily Demand (AADD irrigation)	82.914 kℓ/day (vineyards & vegetable garden)
Total Annual Average Daily Demand + 15% Losses (TAADD domestic)	16.324 kℓ/day (potable water)
Total Annual Average Daily Demand + 15% Losses (TAADD irrigation)	97.546 kℓ/day (vineyards & vegetable garden)
Peak Domestic flow (excl. fire flow)	0.797 l/s (excl. irrigation & fire, based on PF _{hour}) 0.388 l/s (excl. irrigation & fire, based on PF _{day}) 0.321 l/s (excl. irrigation & fire, based on PF _{week})
Total reservoir storage capacity required	Potable/Domestic – 32.65 kℓ (48-hour storage) Fire – 180 kℓ (4 hours for 1x fire hydrant flow)

Notes:

Calculated using "The Neighbourhood Planning and Design Guide" (Red Book – New version), published in 2019 by the Department of Human Settlements.

Refer to Appendix 2 on Drawing No. 880-C-101 (Rev.A) for a conceptual layout of the proposed internal water reticulation system.

3.3 Waste Water Infrastructure**Existing infrastructure**

There is no municipal wastewater infrastructure currently servicing the subject property and the existing informal dwellings do not have ablution facilities.

Sewage Flow Volumes & Proposed Infrastructure

The wastewater will be treated by a new approved small-scale sewerage treatment (package) plant (Clarus Fusion Treatment System or similar approved) which will be installed at each building. The sewerage package plant at the accommodation pods can be installed underneath the deck to reduce the footprint of the new infrastructure.

The total sewage design Peak Daily Dry Weather Flow (PDDWF) at the new residential development is estimated at approximately 10.45 kl/day, based on accepted design guidelines (excluding stormwater ingress, ground water infiltration and instantaneous peak factors). The sewage flow volume calculations of the new developments are indicated in Table 7 below.

Table 7 : Domestic Sewage Flow Volume Estimates

DESCRIPTION	EXISTING WASTE WATER FLOW (PDDWF)* (kl/day)	ESTIMATED NEW WASTE WATER FLOW (PDDWF)* (kl/day)
Domestic / Potable		
Existing Informal Wendy Houses	0	-
New 1x Double Room Guest Pod (4 units x 120 m ²) ¹	-	1.920
New 2x Double Rooms Guest Pod (4 units x 120 m ²) ²	-	3.840
New Wine Tasting / Deli Facility (350 m ²) ³	-	1.820
New Manor House (600 m ²) ⁴	-	0.715
New Farm Manager House (120 m ²) ⁴	-	0.715
New Farm Store and Admin Building (600 m ²) ⁵	-	1.440
TOTAL:	0	10.450

Notes:

¹ A total of 80% of the domestic AADD (Average Annual Daily Demand) potable water use or 0.48kl/unit/day was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

² A total of 80% of the domestic AADD (Average Annual Daily Demand) potable water use or 0.96kl/unit/day was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

³ A total of 80% of the domestic AADD (Average Annual Daily Demand) was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

⁴ A total of 55% of the domestic AADD (Average Annual Daily Demand) potable water use or 0.72kl/unit/day was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

⁵ A total of 80% of the domestic AADD (Average Annual Daily Demand) was used to estimate the Unit PDDWF as per Table K.4 in the Red Book.

The total Instantaneous Peak Wet Weather Flow (IPWWF) at the new development is estimated at approximately 0.510 l/s, based on accepted design guidelines (including stormwater ingress, ground water infiltration and instantaneous peak factors). The sewage flow volume calculations of the new residential development are indicated in Table 8 below.

Table 8: Instantaneous Peak Sewage Flow Volume Estimates for the New Development

DESCRIPTION	(PDDWF) (kℓ/day)	PF*	IPDWF* (Excl. Infiltration) (ℓ/s)	(IPWWF)* Design Flow (ℓ/s)
New 1x Double Room Guest Pod (4 units)	1.920	2.5	0.056	0.107
New 2x Double Rooms Guest Pod (4 units)	3.840	2.5	0.111	0.214
New Wine Tasting / Deli Facility	1.820	1.5	0.032	0.061
New Manor House	0.715	2.5	0.021	0.040
New Farm Manager House	0.715	2.5	0.021	0.040
New Farm Store and Admin Building	1.440	1.5	0.025	0.048
TOTAL:	10.450		0.265	0.510

Notes:

* Obtained from "The Neighbourhood Planning and Design Guide" (Red Book – New version), published in 2019 by the Department of Human Settlements. The following abbreviations are used:

PDDWF = Peak Daily Dry Weather Flow (total wastewater flow representing the peak day in a week)

IPDWF = Instantaneous Peak Dry Weather Flow (The peak factor was obtained from Table K.8 and Figure K.21 in the Red Book)

IPWWF = Instantaneous Peak Wet Weather Flow (Design Flow) (Allowance has been made for 35% groundwater infiltration and 30% stormwater ingress. Refer Section K.4.2.2 & K.4.2.3 in Red Book)

Summary

The sewage flow details are summarised in Table 8 below:

Table 9: Sewage Flow Details

Description	Flow Rate
Average Daily Dry Weather Flow (ADDWF = PDDWF/Peak day factor of 1.1)	9.500 kℓ/day
Peak Daily Dry Weather Flow (PDDWF)	10.450 kℓ/day
Instantaneous Peak Dry Weather Flow (IPDWF)	0.265 ℓ/s
Instantaneous Peak Wet Weather Flow (IPWWF)	0.510 ℓ/s

Refer to Appendix 2 on Drawing No. 880-C-101 (Rev.A) for a conceptual layout of the wastewater infrastructure systems.

The necessary pipes, should they be required to connect units to create a cost-effective solution, etc. will be installed in the network, as required and be compliant with Stellenbosch Municipality's Municipal Standards for Engineering Services. All sewer infrastructure should be installed according to the applicable parts of the SANS 1200 construction standards.

3.4 Access Road

Access to the subject property is taken directly from the R44 Main Road onto Klein Helderberg Road which is a minor gravel road (Road No. 4237). A 5m access servitude road has been registered from the entrance of Farm Helderberg No. 1355 up to the entrance of the subject property. (Refer to Drawing No. 880-C-101 (Rev.A), Appendix 2.

The access road/servitude road to the new development site will be paved to facilitate the movement of heavy (and other) vehicles during the rainy season. Concrete and grass blocks stormwater side drains will be constructed next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection. The construction of the servitude road is earmarked to start in May 2022.

A Traffic Impact Assessment, if required, will be prepared by a specialist and reported on separately. The recommendations from the above report should be incorporated into the final design of the roads infrastructure on site.

All infrastructure should be installed according to the applicable parts of the SANS 1200 construction standards.

3.5 Internal Roads, Storm Water & Parking

The proposed internal roads & parking areas will be designed in accordance with the relevant applicable guidelines in *Stellenbosch Municipality's Design Guidelines* and *The Neighbourhood Planning and Design Guide (Red Book)*.

The pavement layers will be designed in accordance with the abovementioned guidelines. The necessary kerbs, side drains, stormwater inlets/catchpits, manholes, etc. will be provided as required by the detailed design. Minor paved roads will provide access to the main farmhouse, farm managers house, wine tasting facility and farm store and admin building. Internal roads providing access to the pod accommodation units will consist of gravel roads and concrete roads in steep areas.

The internal roads will be constructed to avoid concentration and disturbance of the existing natural storm water runoff patterns, as far as possible. The road cross sections will be designed to handle collected storm water runoff as surface flow, with the necessary surface channel side drains (to reduce costs) and subsurface piped storm water sections, where surface channels are not possible.

Sufficient on-site parking will be allocated to the new farm store and building and wine tasting facility for staff and visitors respectively. Parking bays for the pod accommodation will be provided at each pod or centrally between the wine tasting and farm store facilities. Access to the pod units will be along small pathways which will link the units to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

All infrastructure should be installed according to the applicable parts of the SANS 1200 construction standards.

Refer Appendix 2, drawing 880-C-101 for a conceptual layout of the proposed layout plan.

3.6 Refuse / Solid Waste

The management of solid waste is the responsibility of the owner of the development.

A designated area will be provided on the premises where refuse is stored until transported on a weekly basis by an enclosed trailer (18m³ capacity), to prevent pollution, to the Stellenbosch Municipality landfill site.

The owner will also consider recycling the solid waste, where possible.

3.7 Electricity

The electrical engineering services and requirements are addressed in a separate report by the appointed electrical engineer.

3.8 Telecommunication

Telecommunication infrastructure can easily be incorporated during the detail design of civil infrastructure, by providing a network of pipe sleeves and connection boxes, according to detailed specifications from telecommunication providers (Telkom/ Openserve, etc.)

This was not allowed for in the preliminary civil infrastructure layouts. The details and responsibility for costs should be clarified with the necessary providers if telecommunication is required as part of the proposed development.

4 CONCLUSION

The investigation into the civil engineering services required for the proposed development on Farm 1252, Stellenbosch revealed that the necessary engineering services can be provided to support the proposed development.

The subject property will not have any municipal connections and all water will be sourced from natural sources such as boreholes to meet the potable water demands. A new borehole will be in the vicinity of the new farm dam will be used for irrigation until the farm dam has been constructed. The borehole will remain in use during dry seasons to meet the irrigation demands.

All comments and recommendations from the Stellenbosch Municipality, regarding civil engineering infrastructure, will be incorporated into the detailed civil engineering designs for the proposed development, after the town planning application process. The completed detailed design drawings will then be submitted to the relevant Departments for approval before commencement of construction activities.

It is therefore recommended that, from a civil engineering services perspective, the proposed development of Farm No. 1252, Stellenbosch, be approved.

We trust that the above report will meet with your approval.

Please do not hesitate to contact us should you require any additional information or clarification.

Yours faithfully

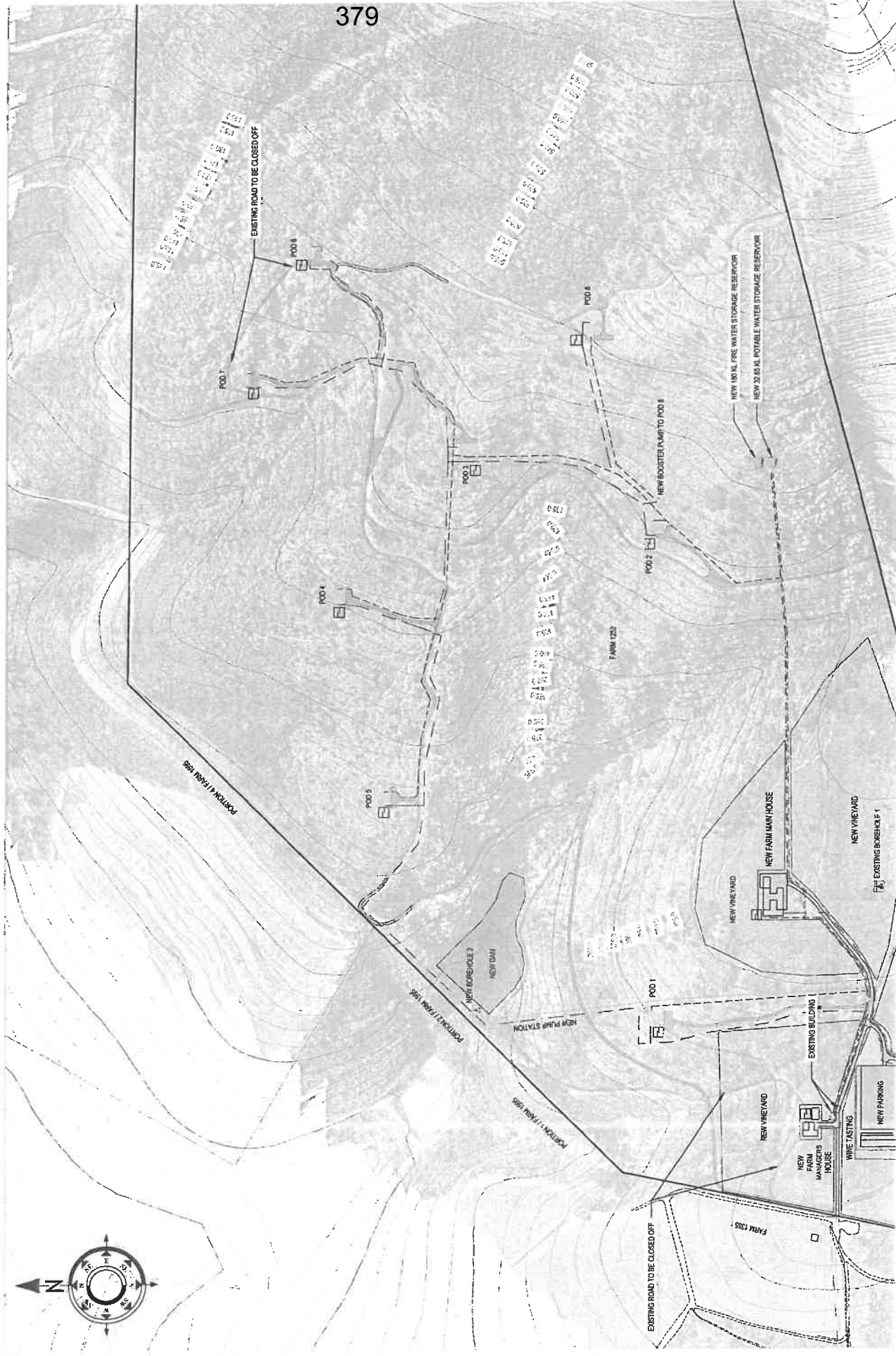


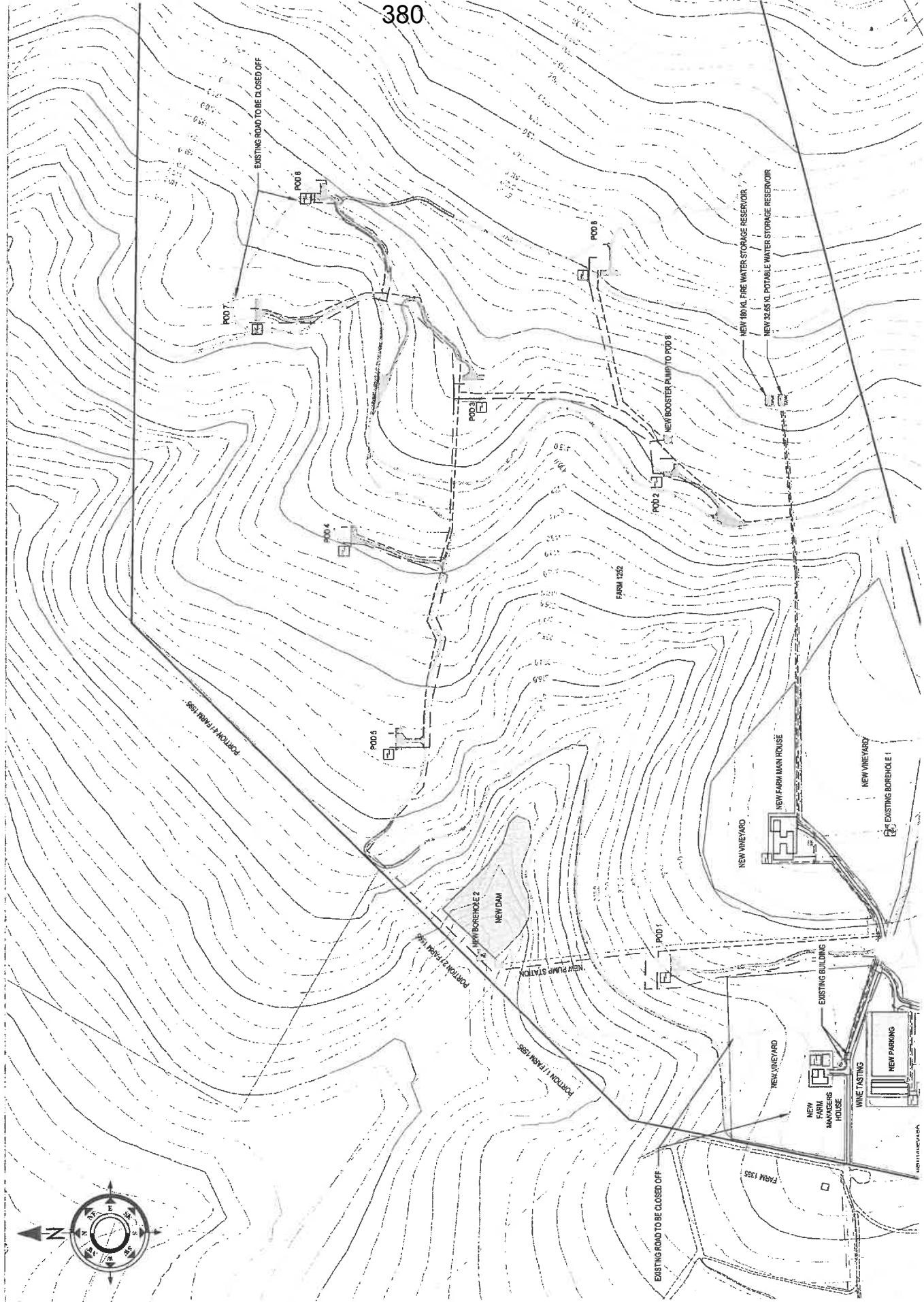
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For MPRO CONSULTING ENGINEERS

APPENDICES

- 4.1 APPENDIX 1: New Civil Infrastructure: Locality Plan
- 4.2 APPENDIX 2: New Civil Infrastructure: All Services Layout Plan
- 4.3 APPENDIX 3: Borehole Test Results

4.2 APPENDIX 2: PROPOSED ALL SERVICES LAYOUT PLAN





PROXIMITY PROPERTIES 420 (PTY) LTD

P.O. Box 66372

Woodhill

Pretoria

0076

Email: jaco@squaremeter.co.za

25 May 2022

Our Reference: 4474

Attention: Jaco Nel

TRANSPORT IMPACT STATEMENT – PROPOSED NEW FARMSTEAD ON BO-HELDERBERG FARM 1252, STELLENBOSCH

We refer to your request for assistance with evaluating and motivating the proposed new Farmstead Development on Farm 1252 Bo-Helderberg, Stellenbosch. This purpose of this letter is to comment on the expected transport impact and motivate the proposed access in support of the application.

The site is located 2 km to the north of Somerset West, approximately 2.4km to the east of the R44 on Farm 1252, Stellenbosch. Access is possible via an existing servitude access road off Provincial Minor Road OP4237. OP4237 is intersecting the R44 at the Bedell Road intersection at KM21.96. Refer to **Figure 1** (Annexure A) for a Locality Plan.

Proposed Development

It is proposed to develop a new Farmstead with a Farm Main House, Farm Manager's House, 8 tourist residential pods, Deli/Wine Tasting Facility of 350m² gross leasable area (GLA) and an Admin/Store building of 626m² GLA. **Figure 2** in Annexure A shows the proposed site development plan.

Existing Traffic Conditions

Existing Roadways in Site Vicinity

R44 (MR27) is a Provincial Main Road, two lanes per direction with a wide median, a posted speed limit of 100 km/h with paved shoulders in the site vicinity. Klein Helderberg Road is a Provincial Minor Road OP4237, 4.5 metres wide. The first section, approximately 450 metres, is paved and the remainder of the road has a gravel surface.

Photo 1 in Annexure B shows the typical cross sections of the R44 and **Photo 2** shows OP4237.

Traffic Volumes

The current total two-way link volumes along the R44 at the access road access is in the order of 3 300 vehicles during both the a.m. peak hour and approximately 3 000 vehicles during the p.m. peak hour with 75% in the peak direction northbound during the a.m. peak hour and 70% southbound during the p.m. peak hour.

THINKING GLOBAL, ACTING LOCAL

Directors: JL Coetzee Pr Eng (Managing), Dr P Pretorius Pr Eng,

Dr JC Krogscheepers Pr Eng, Mrs LC Pretorius Pr Eng,

Registration No: 2001/027 205/07

Transport Impact Analysis

Trip Generation

The expected trip generation rates and expected development trips for this development were obtained from the South African Traffic Impact and Site Traffic Assessment Manual prepared by the Committee of Transport Officials (COTO), 2013. The following trip generation rates are recommended for the proposed development.

Land Use (Code)	a.m. peak	p.m. peak
Single Dwelling (COTO210)	1.0 / Unit	1.0 / Unit
Hotel Residential (COTO310)	0.5 / Room	0.5 / Room
Restaurant Family (COTO932)	1.0 / 100m ²	8.0 / 100m ² GLA

The restaurant trip rate used for the Deli/Wine tasting Facility is a conservative high estimate. The Wine tasting facility/ Deli trips will be much lower in the context of the proposed development. People staying in the Pods will also use the Wine tasting facility/Deli. Based on the trip rate above, the proposed land use for can generate the following trips during the typical weekday peak hours.

Peak Hour	In	Out	Total
Weekday a.m.	5	5	10
Weekday p.m.	21	13	34

The Admin/Store building is a related land use to the Farmstead and will not generate any additional new peak hour trips.

Transport Impact

Although the existing traffic volume along the R44 is high, many gaps were observed in the traffic streams along the R44. The R44 has a wide median, which allows right-turn traffic from the side road to enter the R44 in two stages. Right-turn traffic from the side road only have to yield to southbound traffic and that wait in the median for an acceptable gap in the northbound traffic stream.

The existing traffic volume along OP4237 is less than 50 vehicles during any peak hour, which is low and the traffic that will be generated by the proposed development is also low. Based on observations during site visits, the nature and extent of the proposed development the road network can accommodate the additional trips generated by the proposed new Farmstead on Farm 1252 in Stellenbosch. The transport impact associated with the proposed development from a capacity point of view will be of low negative significance.

The Western Cape Government Department of Transport and Public Works are currently busy planning a safety project along the R44 between Somerset West and Stellenbosch. As part of this safety upgrade it is proposed that all median breaks at accesses and minor intersections along the R44 will be closed. These accesses and intersections will then be restricted to left-turns only. Roundabouts and turning facilities will be provided along the R44 where right-turn traffic will have the opportunity to make U-turns along the R44. The timeframe for the safety upgrade project is not known. To improve safety at the intersection in the meantime, it is recommended that visitors to the proposed Tourism Accommodation Establishment should be advised to plan their trips leaving the site not having to turn right onto the R44.

Accesses

Access is proposed via the existing servitude access road off OP4237. OP4237 is intersecting the R44 at approximately KM21.96. This is an existing intersection and OP4237 also provides access to several other properties to the east of the R44. The two adjacent farm accesses with median openings to the south and north of OP4237 are spaced approximately 400m from OP4237, which is not ideal in terms of Province's guidelines on minimum access spacing requirements. However, these are existing low volume driveways that will be rationalised with the proposed R44 safety upgrade project.

Shoulder Sight Distance

The required shoulder sight distances (SSD) along four lane roads with a 100km/h posted speed limit is 250 metres for passenger car vehicles. However, due to the wide median along the R44 right-turn traffic only have to yield to the southbound traffic, i.e. two lanes, and then wait in the median for a gap in the northbound traffic stream. The required shoulder sight distances (SSD) for a passenger car vehicle only having to cross two lanes in a 100km/h posted speed environment is 200 metres. The available SSD along the R44 in both directions from OP4237 is more than 300 metres, which is sufficient.

Photos 3 & 4 in Annexure B shows the available SSD along the R44 from OP4237.

Public Transport and Non-Motorised Transport

Staff will be transported to/from the site and no dedicated public transport facility is recommended for the development. The expected demand for NMT facilities for the proposed development is low and the nature and size of the development does not justify the provision of any additional NMT facilities in the site vicinity.

Conclusions and Recommendations

Based on the evaluation in this report, the conclusions and recommendations are as follows:

- The existing traffic volumes along the R44 in the site vicinity is high.
- The proposed development can generate approximately 34 new vehicular trips during the typical weekday p.m. peak hour, which is low.
- There are sufficient gaps in the traffic streams along the R44 to accommodate the expected low traffic volumes generated by the proposed development.
- The Western Cape Government Department of Transport and Public Works are currently busy planning a safety project along the R44 between. The timeframe for the safety upgrade project is not known and to improve safety at the intersection in the meantime, it is recommended that visitors to the proposed development should be advised to plan their trips leaving the site not having to turn right onto the R44.
- The OP4237 intersection spacing along the R44 is acceptable. As part of Province's safety upgrade project, median breaks at all accesses and minor intersections will be closed and accesses will be rationalised.
- The available shoulder sight distance from OP4237 in both directions along the R44, is sufficient.
- No public transport or NMT facilities are recommended for the development.

- The proposed new Farmstead Development on Farm 1252 Bo-Helderberg, Stellenbosch will have a low negative significance in terms of the transport impact.
- It is recommended that the development be approved from a transport impact perspective.

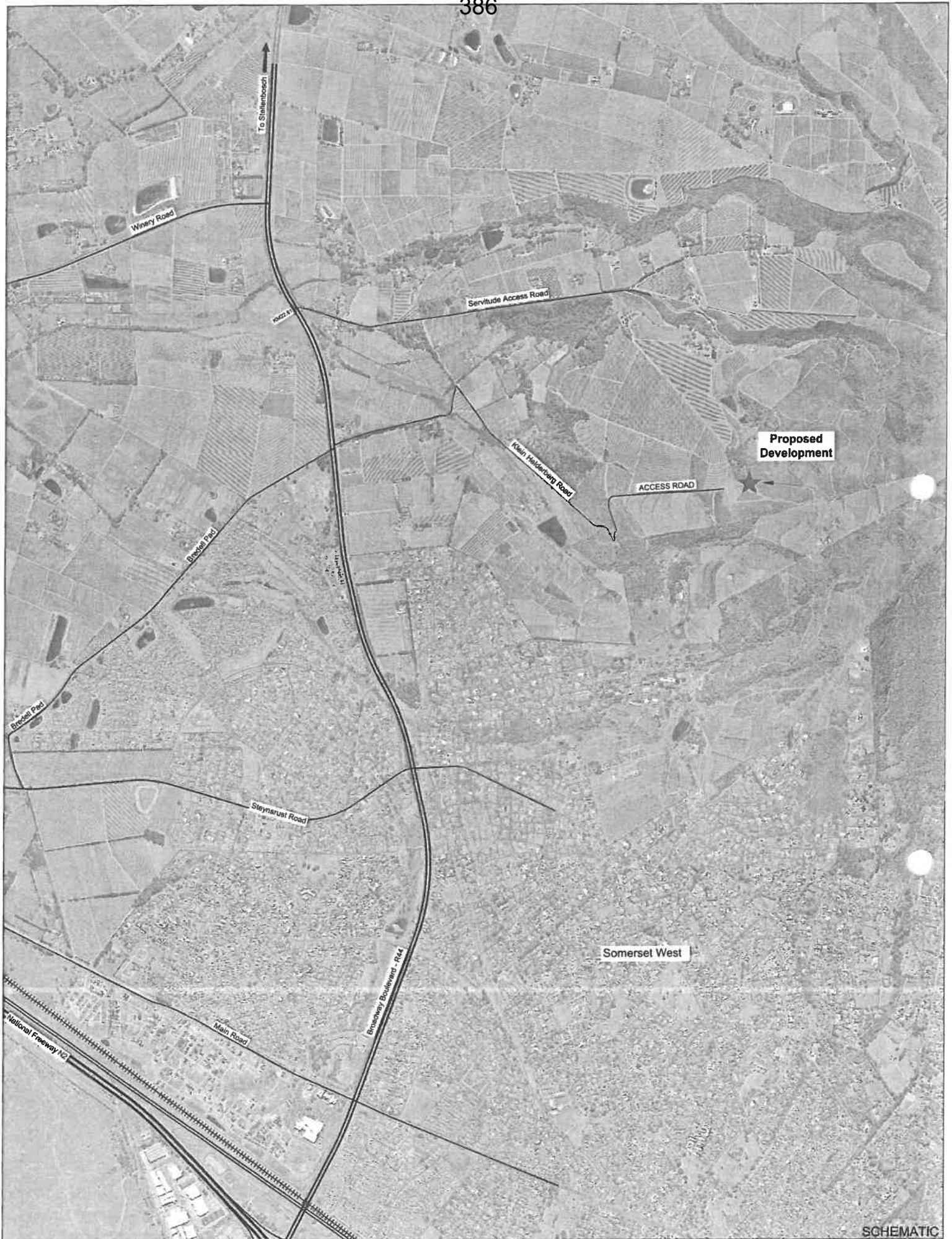
We hope this adequately addresses the expected transport impact associated with the proposed development. Please do not hesitate to contact us should you have any queries in this regard.

Yours sincerely,



Johan Brink
For ITS Engineers

Annexure A: Figures



PROJECT:

NEW FARMSTEAD, BO-HEIDERBERG
FARM 1252, STELLENBOSCH

FIGURE:

LOCALITY PLAN

NUMBER:

1

Annexure B: *Photographs*

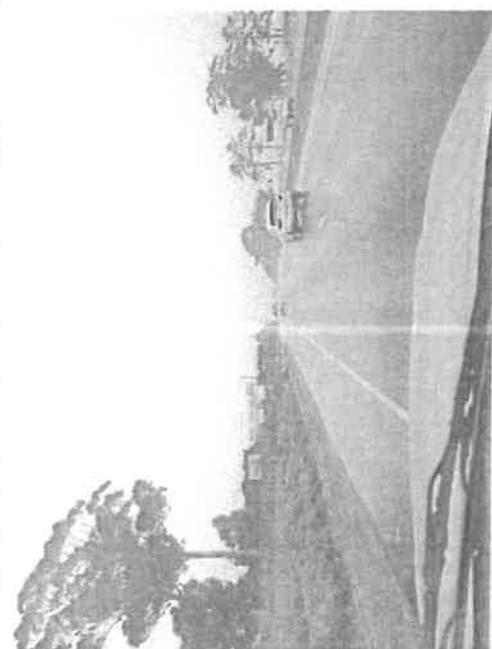


Photo 1: Southbound view along the R44 towards Klein Helderberg Road

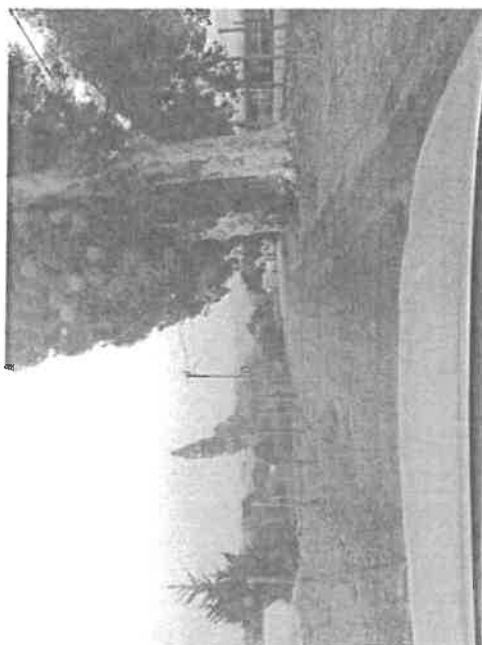


Photo 2 Eastbound View Klein Helderberg Road off the R44



Photo 3: Shoulder Sight Distance along the R44 to the South (>300m)

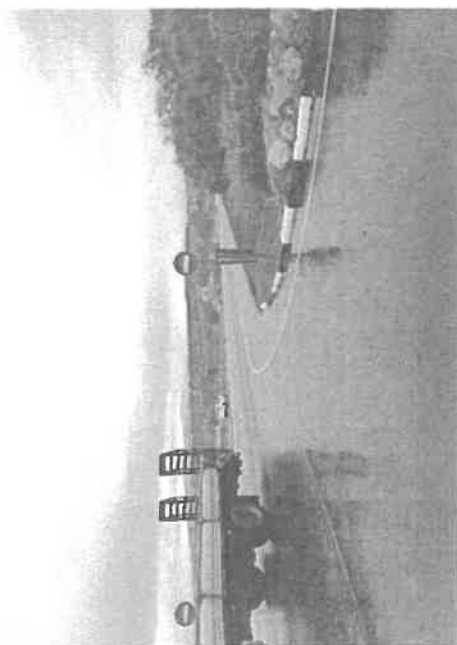


Photo 4: Shoulder Sight Distance along the R44 to the North (>300m)

Preliminary Botanical Report

**For the proposed agricultural development and tourism facilities
on Farm 1252, Heldererg, Stellenbosch.**

Compiled by: Johlene Krige
B.Sc. Biodiversity & Ecology, M.Sc. Botany
Pr. Sci. Nat

Date: 5 July 2021

DECLARATION OF INDEPENDENCE

In terms of Chapter 5 of the National Environmental Management Act of 1998, specialists involved in Impact Assessment processes must declare their independence.

I, J. Krige, do hereby declare that I am financially and otherwise independent of the client and their consultants. All opinions expressed in this document are substantially my own.



J. Krige

Intellectual property: This report remains the intellectual property of the author and may not be summarised without the written permission of the author. Any quotations from this report should be in full, rather than summations derived from any alleged meaning of the report.

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 Qualifications : Stellenbosch University, South Africa: B.Sc. Biodiversity & Ecology, B.Sc.Hons Botany, M.Sc. Botany 2007
 Certifications : Pr. Sci. Nat.

Since 2010 I have been working as an Environmental Assessment Practitioner and Botanical & Ecological Specialist at Boland Environmental Consultants in Worcester. I have been involved in various EIA Projects and Environmental Management Programs. In additions I have conducted numerous Botanical & Ecological Impact Assessments in the local area (Breede River Valley). Since 2013 I have been based in Robertson and working at a free-lance basis, trading under my own name, focussing on Specialised Botanical & Ecological Surveys, predominantly within the Breede River Valley. Most of my work relates to new farming development (cultivation areas, construction of dams and agri related infrastructure) or small scale mining applications in the area. I am currently (since 2017) based in Ceres continuing with Botanical Impact Assessment throughout the Western Cape.

1. INTRODUCTION

This report is a preliminary botanical assessment which identifies the most significant biodiversity features and highlights the main findings of the field survey for the proposed agricultural development and tourism facilities of Farm 1252, Heldererg, Stellenbosch.

The proposed development includes the following components (Figure 1-2):

- New cultivation areas
 - Block 1 – 3.8 Ha vineyards
 - Block 2 – 2.4 Ha vineyards
 - Block 3 - 2.4 Ha olives
- New dam
- Main house and yard
- Function venue with parking
- 6 tourism accommodation units (pods)
- Managers house
- Internal roads, electricity and water (pipelines, tanks and boreholes) infrastructure



Figure 1. Map showing the main development components (new cultivation areas, dam, houses, venue and accommodation units).



Figure 2. Map showing the main development components including infrastructure (gravel road, pipes, electricity).

2. TERMS OF REFERENCE

- Identify the original vegetation type and sensitivity of the site through Biodiversity Maps.
- Highlights main findings of the botanical site visit which includes on site determination (ground truth) of vegetation type, land cover and habitat condition.
- Confirm whether any plant Species of Conservation Concern are evident on site.
- Provide a specialised opinion on the biodiversity significance of the target sites in terms of terrestrial ecosystems and habitat.
- Guidance in terms of placement of development components

3. METHODOLOGY

An overview of the existing land use, vegetation, ecosystem status and occurrence of sensitive areas on the identified land were obtained through SANBI GIS, The National Vegetation Map (Mucina and Rutherford 2006 & 2018 update), the National Ecosystem Status Maps (2011), National Biodiversity Assessment (NBA 2018) Ecosystem Threat Status Map, Google Earth Imagery and Cape Farm Mapper. In addition, the Western Cape Biodiversity Spatial Plan (Cape Nature 2017) for the Stellenbosch Municipal Area was consulted. Maps used in this report were configured in Cape Farm Mapper, Google Earth and Quantum GIS.

The target development areas were visited on the 26th of November 2021 to confirm land cover and vegetation type and the proposed development site was surveyed for habitat quality and the presence of rare species. The site was walked and various reference points marked using a handheld GPS while aspects such as the condition of the vegetation and levels of disturbance were noted and photographed.

4. MAIN FINDINGS

4.1 Overview of mapped ecosystem and vegetation type

According to the SA Vegetation Map (Mucina and Rutherford 2006 & 2018 update) the target areas comprised Cape Winelands Shale Fynbos prior to any disturbances. This ecosystem is considered Vulnerable (DEA 2011, NBA 2018). Kogelberg Sandstone Fynbos (a critically endangered ecosystem) is evident along the easternmost fringes of the property, on

Helderberg Mountain, but not in close proximity with any of the development components (Figure 3).

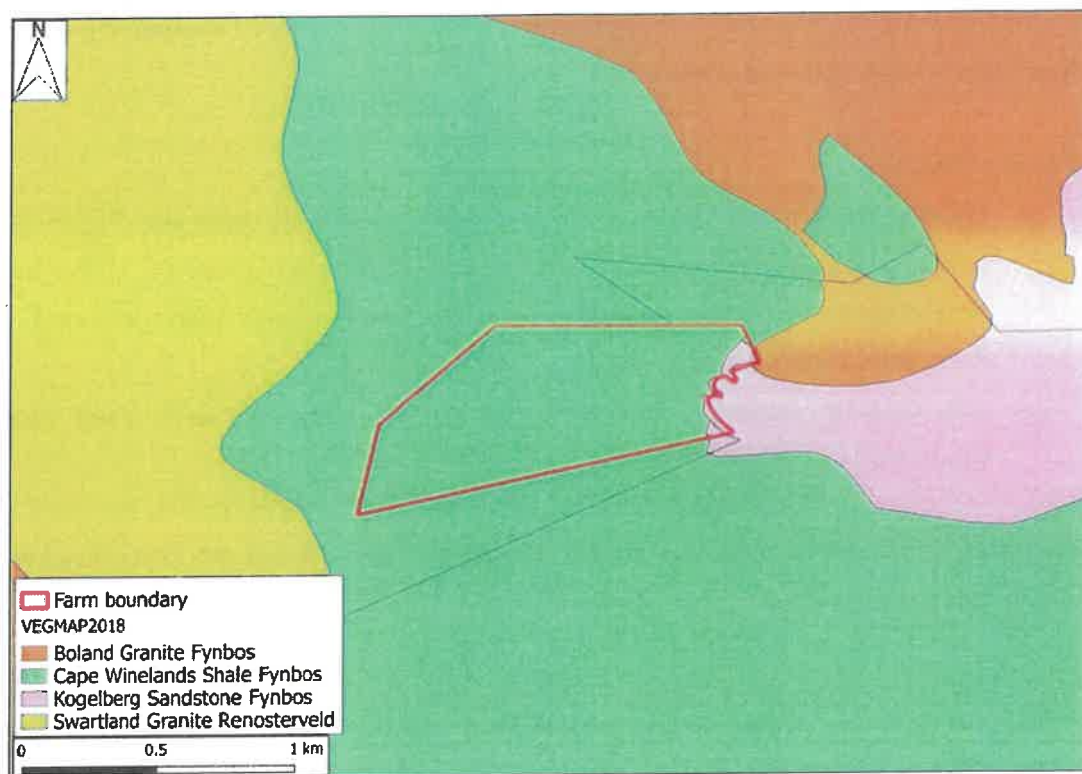


Figure 3. Extract from the SA Vegetation Map (Mucina & Rutherford 2006 & 2018) indicating the property boundaries and the extent of original ecosystems in the area.

4.2 Critical Biodiversity Areas, Protected Areas and Wetlands

Figure 4 represents Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs) and Protected Areas (PAs) identified through the systematic biodiversity planning assessment conducted by the Western Cape Biodiversity Spatial Plan (WCBSP). These areas require safeguarding to ensure the continued existence and functioning of species, ecosystems and ecological processes, including the delivery of ecosystem services, across terrestrial and freshwater realms (Pool-Stanvliet *et al.* 2017).

- CBAs are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.
- ESAs play an important role in supporting the functioning of Protected Areas or CBAs, and are often vital for delivering ecosystem services. Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.

CBA, ESAs and PAs on site:

The western portion of the property is recognised as an EAS while the central portion is recognised as a CBA. The easternmost section of the property forms part of a Protected Area (Hottentots-Holland Mountain Catchment Area) and is bordered towards the east by the Helderberg Nature Reserve (Figure 4).

Aquatic features:

- There is a non-perennial watercourse crossing through the dam site (Figure 5). This drainage line is considered an aquatic ESA with areas upstream of the mapped watercourse (eastwards within the CBA) considered aquatic CBAs (Figure 4) under the criteria seep wetland.
- The northern portion of the farm also contains aquatic CBAs (seep wetlands) associated with drainage lines in the north (Figures 4-5).

There are no natural National Freshwater Ecosystem Priority Areas (NFEPA's) evident on or adjacent to the property.

Factors to which the relevant CBAs and ESAs contribute in terms of biodiversity (i.e. reasons for being recognised as CBAs/ESAs) include the following:

- Cape Winelands Shale Fynbos (VU)
- Southwest Shale Fynbos Seep Wetland
- Upland-lowland interface
- Water source protection- Eerste
- Watercourse protection- South Western Coastal Belt

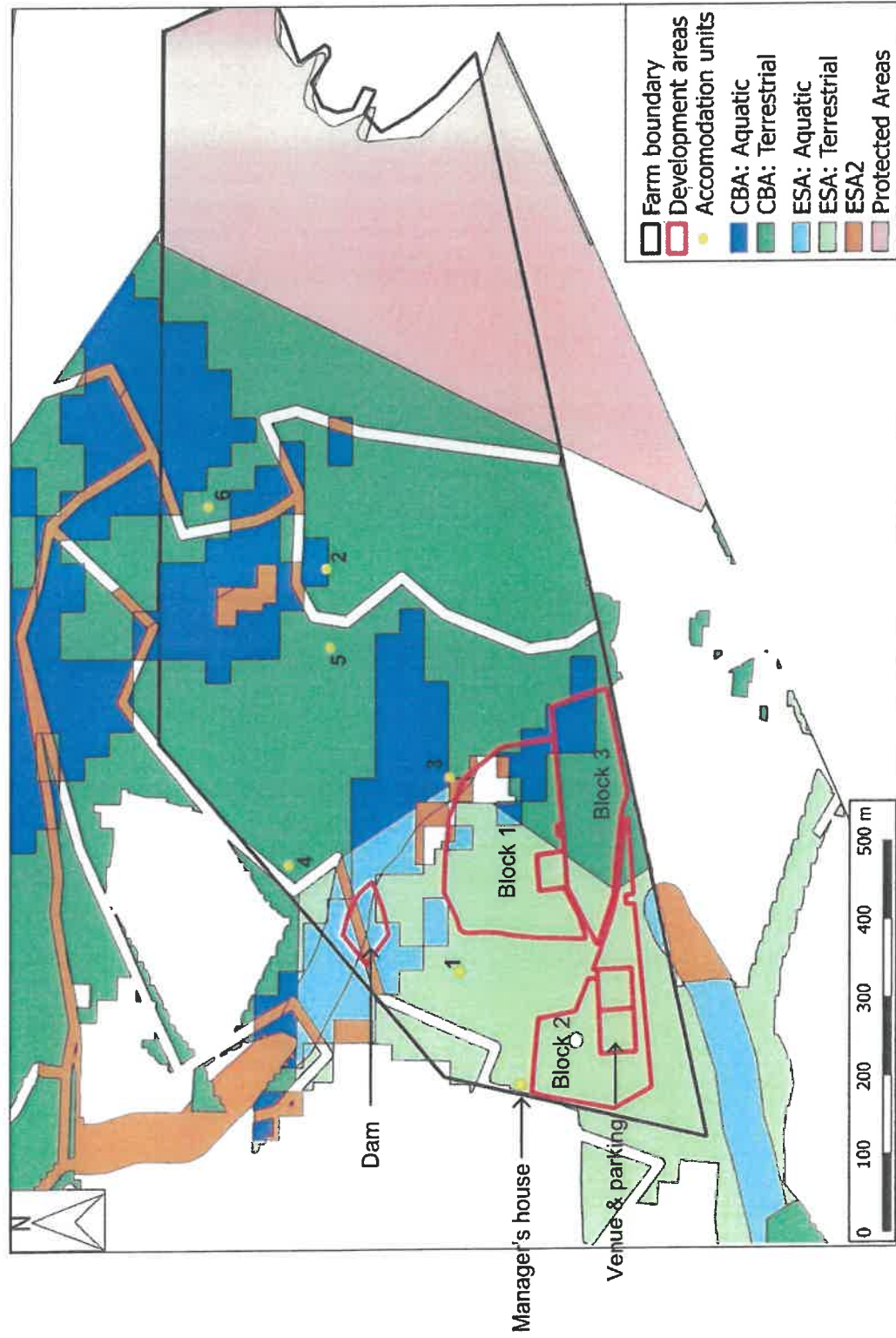


Figure 4. Extract from the WC Biodiversity Spatial Plan (2017) Map for the Stellenbosch Municipality showing the extent of CBAs and ESAs in the area.

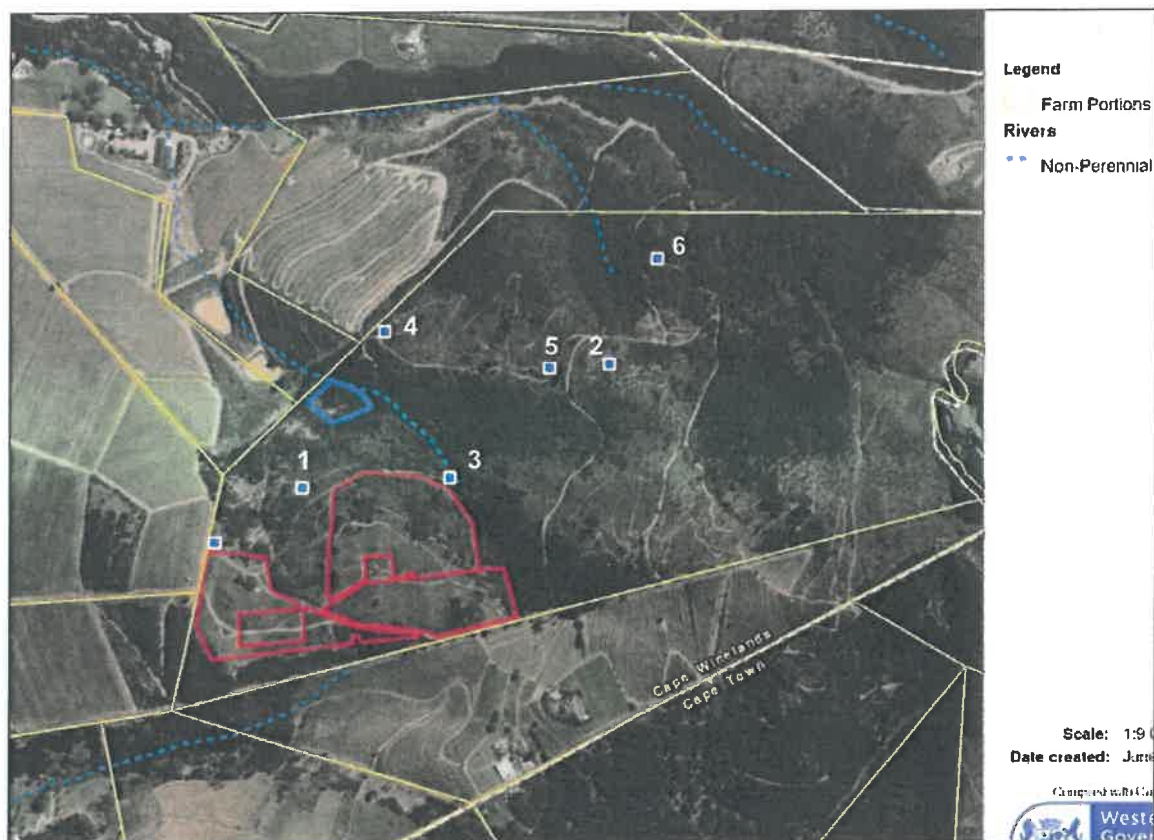


Figure 5. Extract from the Cape Farm Mapper NGI rivers layer showing watercourses in the area.

4.3 Recommendations and No-Go Areas based on Vegetation and Habitat Condition on Site

Based on the available biodiversity maps I would suggest the following no-go areas:

- Pristine natural habitat within CBAs (containing Cape Winelands Shale Fynbos)
- All watercourses or wetland areas (the Freshwater Assessment will be fundamental in this regard)
- Prevent impact on water sources

The eastern portion of Block 1, Block 3, accommodation units 2, 3 and 6 are therefore within or very close to sensitive areas, based on biodiversity maps only.

The vegetation on site was confirmed as Cape Winelands Shale Fynbos which is a Vulnerable ecosystem. Two Red Data List plant species were recorded during the site visit

including *Leucospermum gueinzii* which is Endangered and *Leucospermum conocarpodendron* subsp. *viridum* which is Near Threatened.

Two individuals of *L. conocarpodendron* subsp. *viridum* were recorded within a natural area about 120m south-east of Block 2 (Figure 6). This area is not included in any of the development areas and should therefore not be impacted by the development.

9 individuals of *L. gueinzii* were recorded within the southern portion of Block 2 at 3 separate spots containing 4, 3 and 2 individuals respectively within open, previously cleared areas. Another patch containing more than 50 individuals of this species was recorded within the central portion of the property, about 50 m south of Pod 2 (Figure 6). Although it is most ideal to completely avoid the entire range of this endangered species on the property, the isolated individuals within the southern portion of Block 1 does not constitute a viable sub-population of this species. These plants are subjected to disturbances from the bypassing 4x4 road and are surrounded by open areas. One plant is already dying off. It is therefore recommended that development within Block 2 and the proposed venue and parking area be conducted in accordance to the original plan but the larger patch containing > 50 individuals should be considered a No-Go area.

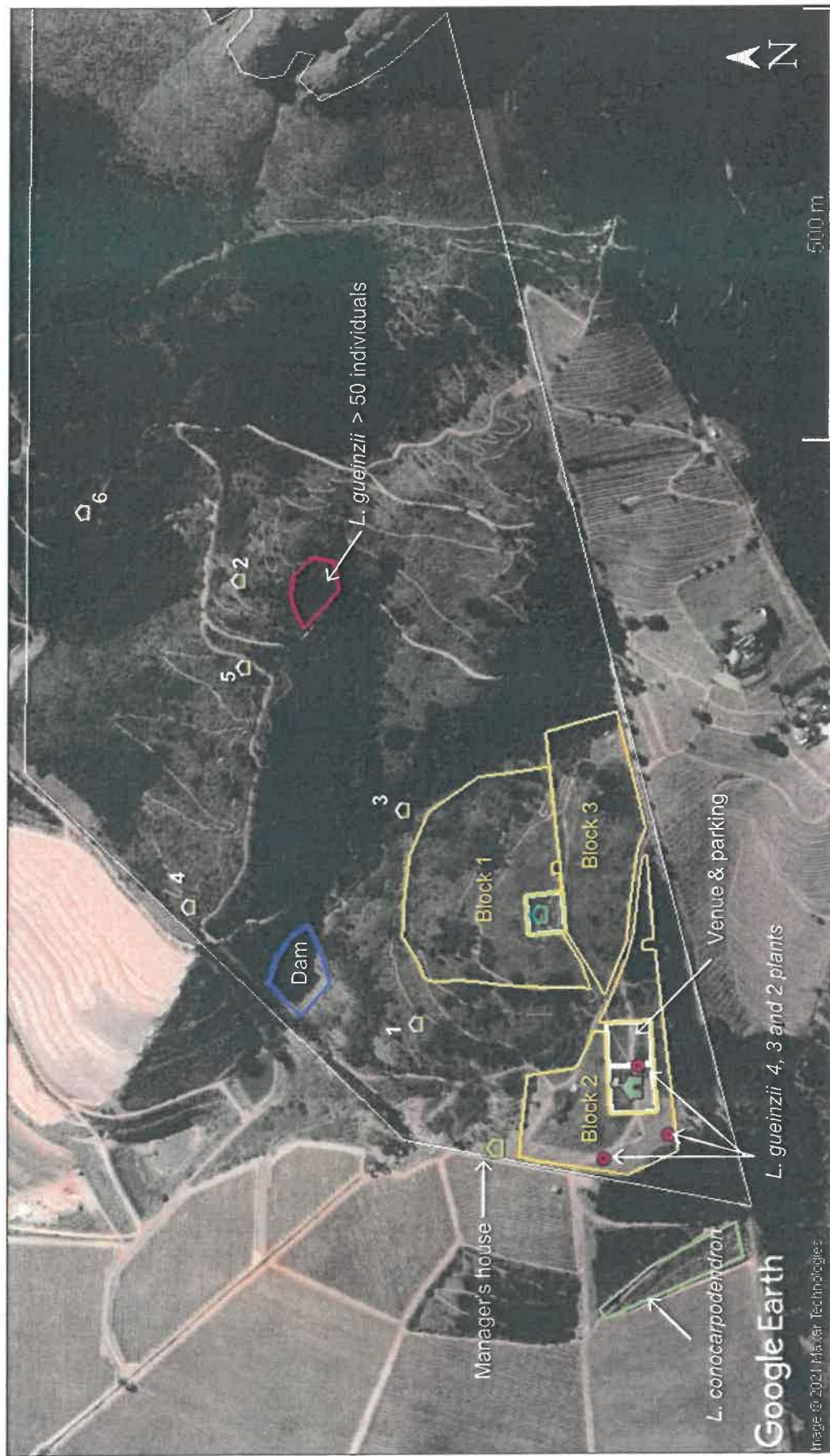


Figure 6. Map showing the location of Red Data List *Leucospermum* species recorded on site (*L. conocarpodendron* – green polygon, *L. gueinzii* – red points & polygon).

Cultivation areas:

A significant portion of the target cultivation areas (Block 1-3) consist of previously cleared areas. Earlier Google Earth Imagery indicates that these areas were cleared during 2014 (Figure 7). Only the northern and eastern portions of Block 1 and north-eastern corner of Block 3 were excluded from previous vegetation clearance.

Natural vegetation recovered significantly within the previously cleared areas but plant diversity is relatively low compared to pristine natural areas. The vegetation is dominated by 2-3 species with scatters of other natural elements. These areas are particularly dominated by *Cliffortia ruscifolia* (steekbos), *Anthospermum aethiopicum*, *Anthospermum pathulatum* and to a lesser extent also *Helichrysum pandurifolium* (kooibos) and *Stoebe plumosa* (slangbos).

Block 1:

The western portion of Block 1 is located within an ESA. The south-eastern portion falls within a CBA. A portion of this CBA is considered an aquatic CBA, characterized as seep wetlands associated with the drainage line which runs north-east of the site towards the proposed dam site. The northern and eastern sections of Block 1 are steep with much denser vegetation. Although these areas comprise high densities of alien vegetation these areas appear in a more natural condition with higher plant diversity than within previously cleared areas. The south-eastern portion falls within a CBA, but much of this section consists of open areas with low diversity whereas the northern portion which falls within an ESA comprises more intact natural habitat.

Recommendations – Block 1:

- It is recommended that cultivation within Block 1 should be restricted to the southern portions which was previously cleared but a buffer of at least 32 m should also be maintained along the watercourse/seep located north-east of the site. This will primarily avoid the aquatic CBA (east), prevent impact to aquatic features and will ensure preservation of intact natural habitat within a Vulnerable ecosystem (Figure 8-9).
- The steeper and more natural northern portions should be preserved and alien vegetation within these natural areas should be eradicated in order to improve the condition of these areas.
- Sensitive wetlands or aquatic features should be confirmed by a freshwater specialist.

Block 2:

Block 2 is primarily located within an ESA (except for the eastern corner). Block 2 consists of open, previously cleared areas with low natural plant diversity but natural vegetation cover re-established on site. The easternmost corner (CBA) consist of high density alien vegetation with very limited natural elements. It is unlikely that preservation of this small area will significantly contribute to biodiversity. It will be more viable to preserve natural portions within Block 1, not recognized as a CBA than preserving this small portion of CBA within Block 2.

Recommendations – Block 2:

- It is recommended that this entire Block be developed but steeper, natural areas within the northern portion of Block 1 should be preserved.
- Alien vegetation within these natural areas should be eradicated in order to improve the condition of these areas.

Block 3:

Block 3 primarily consists of a terrestrial CBA with an aquatic CBA in the easternmost corner, associated with the watercourse running north-east of Block 1. The westernmost corner is considered a terrestrial ESA. This entire site comprises previously cleared areas and is dominated by *Anthospermum* and *Cliffortia*.

Recommendations – Block 3:

It is most desirable that CBAs be avoided. Based on the condition of other areas on the property which are not considered CBA compared to previously cleared areas mapped as CBA, alternative layouts can be considered. This layout could target a portion of terrestrial CBA comprising previously cleared areas and to compensate for this loss, other areas on the property which were not subjected to previous vegetation clearance and currently not mapped as CBA should be preserved (Figure 8-9).

- It is recommended that the western and central portions of Block 3 should be considered for development but the easternmost section comprises aquatic CBA should be avoided and other more natural areas on the property, including the northern portion of Block 1 should be preserved.
- Alien vegetation within these natural areas should be eradicated in order to improve the condition of these areas.

A layout plan is recommended which will result in the loss of approximately 2 Ha of terrestrial CBAs compared to 3.4 Ha in the original plan. This layout avoids aquatic CBAs and ensures

the preservation of other areas which re in a more natural condition and currently not considered CBAs (Figure 8-9).

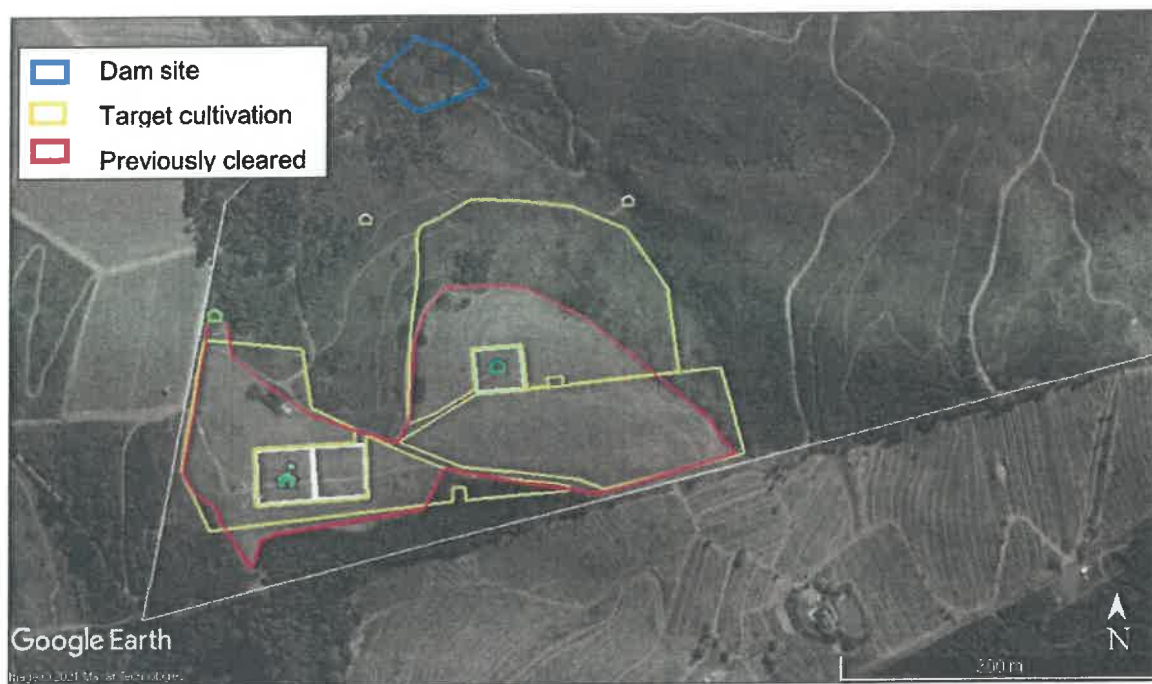


Figure 7. Google Earth Image of 2014 showing the extent of previously cleared areas (red polygon) on site.

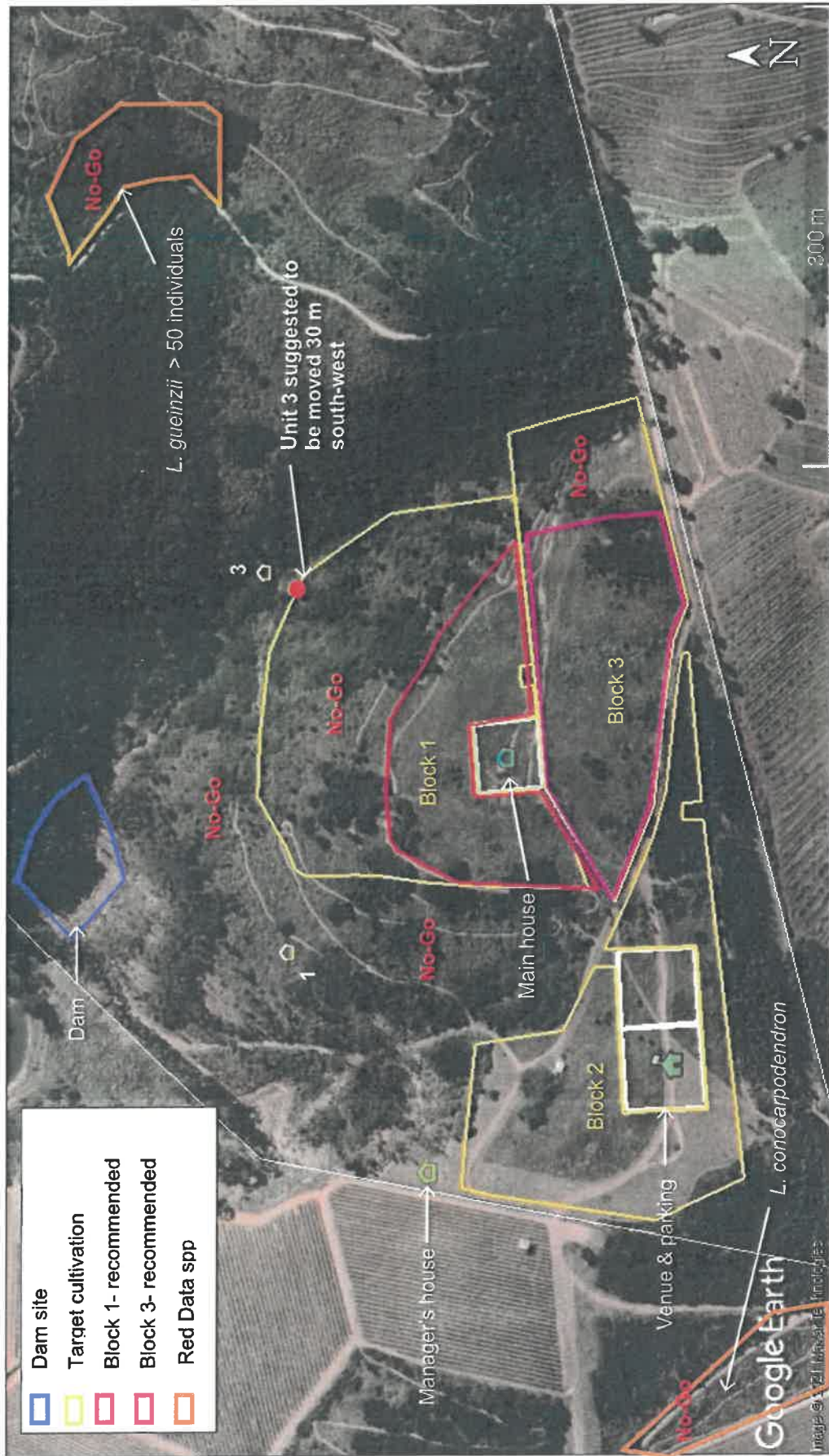


Figure 8. Map showing the original areas targeted for cultivation (yellow) and areas recommended for Block 1 (red) and Block 3 (pink).

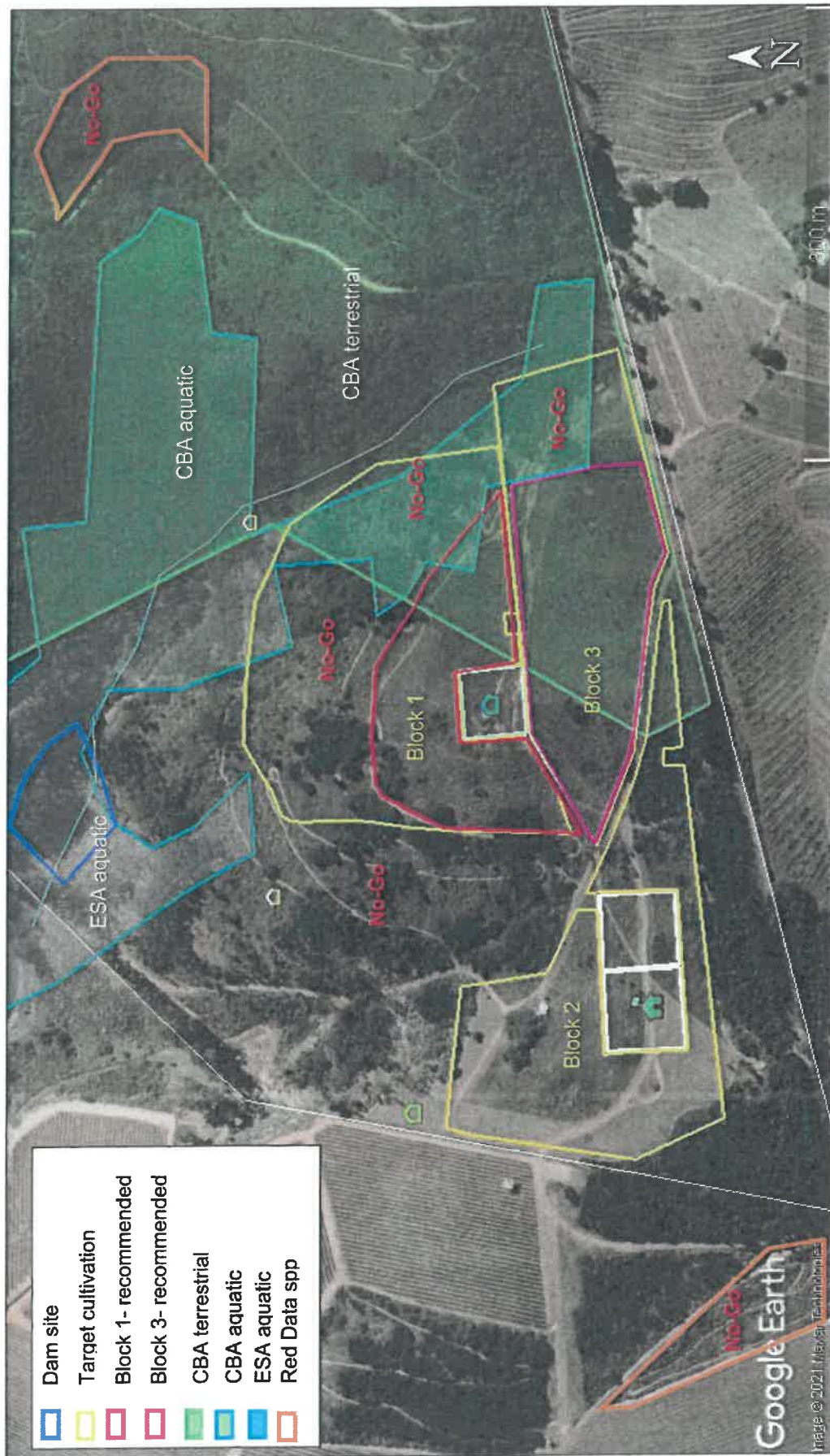


Figure 9. Map showing the original areas targeted for cultivation (yellow) and areas recommended for Block 1 (red) and Block 3 (pink). The extent of CBAs are also shown.

Pod 1:

Pod 1 is located within a terrestrial ESA. A new dirt road is planned to access the site. The road will follow an existing mountain bike trail. The site consists of natural fynbos with scatters of black wattle and small patches port jackson in the surroundings.

Recommendations:

- The site is acceptable from a botanical perspective as long as the disturbed footprint is restricted and kept close to the road.

Pod 2:

Pod 2 is located about 40 m south of the 4x4 track. A short dirt road is planned to access the site. The site is located within a terrestrial CBA on edge of an aquatic CBA. The site consists of mature fynbos with scattered alien vegetation. I have not noticed any wetland conditions or seepage area at this site but it is very steep. There is likely a seepage area further down the slope (north of the 4x4 track). The intended new dirt road from the 4x4 track towards this unit will be very steep.

Recommendations:

- Keep footprint small.
- Carefully design access track to reduce erosion risk.

Pod 3:

Pod 3 is located very close to a watercourse, within an aquatic CBA. The site comprises high density alien vegetation with natural fynbos elements.

Recommendations:

- It is recommended that this unit be moved about 30m towards the south-west into the areas south of the mountain bike trail accessing the site to avoid impacts to the aquatic CBA and the watercourse (see Figure 8).

Pod 4:

Pod 4 is located on the edge of a terrestrial CBA. The site comprises natural fynbos with scattered alien vegetation. This site is acceptable from a botanical perspective as long as the disturbed footprint is restricted and the pod is located close to the existing access track.

Recommendations:

- Avoid disturbance into CBA towards east.

Pod 5:

Pod 5 is located directly adjacent to the existing road /4x4 track. The pod location is within a patch of high density alien vegetation (Port jackson and black wattle) but the more open surroundings comprises mature fynbos. The site is located within a terrestrial CBA.

Recommendations:

- Keep footprint small and close to the existing road.
- It will be ideal if the site can be located within a high density alien vegetation patch to minimise impact to intact natural fynbos areas.

Pod 6:

Pod 6 is accessed via an existing dirt road / 4x4 track which runs through a dense ravine. This ravine is recognized as an aquatic CBA. It comprises high density alien vegetation (Hakea, black wattle, port jackson) with scattered natural fynbos elements. The pod location is outside of the ravine and any potential seepage areas but it is located within a terrestrial CBA. This site consists of high density alien vegetation but with a surprisingly high number of natural fynbos elements. The access road through the ravine is in a poor condition.

Recommendations:

- The site is acceptable from a botanical perspective but the footprint should be restricted as it is within a CBA.
- Measures should be implemented to manage erosion within the access track that crosses the ravine. No new tracks or development should occur within the aquatic CBA associated with the ravine. The existing road should be improved and alien clearing should be a priority.

Managers house, venue and parking and main house:

The venue, parking and main house are embedded within cultivation blocks 1 and 2 and is acceptable from a botanical perspective. The manager's house is located within an open, previously cleared area and therefore acceptable.

Dam site:

The dam site is completely infested with alien vegetation and acceptable from a terrestrial biodiversity perspective.

5. CONCLUSION

A layout plan is recommended – Figure 8 and 9 based on the findings of the Botanical Field Assessment. This layout avoids aquatic CBAs and intends to preserve intact natural areas of the Vulnerable Cape Winelands Shale Fynbos ecosystem. This recommended layout should inform the development of layout alternatives. The extent of sensitive wetlands and aquatic features should be confirmed by a Freshwater Specialist. Note that this is only a preliminary assessment. A detailed Terrestrial Biodiversity and Plant Species Assessment will be conducted once final layouts have been developed.

POWER OF ATTORNEY (REGISTERED OWNER'S CONSENT FORM)

I / we, Proximity Properties 420 (Pty) Ltd
(name(s) of registered owner(s))

registered owner(s) of the following property(ies) :

Bo-Helderberg Farm, Farm 1252 Stellenbosch
.....
.....
.....
(property description(s))

wish to certify that authority is hereby granted to

Arch Town Planners (Pty) Ltd
(applicant's name)

In terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for *

- removal / suspension / amendment of restrictions
- rezoning
- consent / conditional use
- departure (temporary / permanent)
- subdivision / subdivision exemption
- site development plan approval / amendment
- amendment of conditions
- township establishment
- other (please specify)

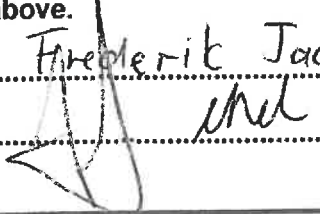
in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s) :

Tourist Accommodation and Tourist Facilities
.....
.....
.....
(proposed purpose(s) / development)

(* please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name Frederik Jacobus Nel, Cornelle Nel

Owner's signature  Date 28 April 2022

From: [Pedro April](#)
To: ["marike@archtownplanners.co.za"](mailto:marike@archtownplanners.co.za)
Cc: [Bulelwa Mdoda](#); [Chrizelle Kriel](#)
Subject: Pre-scrutiny Feedback: Farm No. 1252, Stellenbosch Division.
Date: 31 August 2021 22:23:36
Attachments: [image001.png](#)
[0.png](#)
[2.png](#)
[3.png](#)

Dear Marike Bolz

Feedback: Pre-Application Scrutiny

1. Your pre-application scrutiny submission on the above property and our previous telephonic discussions, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:
 - a. Your attention is once again drawn to section 43 of the Zoning Scheme By-law dealing with siting of buildings on "Steep slopes and ridgeline" considering the location of this site on the foothill of a mountain.
 - b. An visual impact assessment will subsequently be required. Your attention is drawn to Section 18 of the said by-law for the minimum requirements for such an VIA.
 - c. The construction of a Main house and a 120m² Employee housing unit is a primary right for which only bona-fide buildings can be submitted.
 - d. Tourist facilities in this zone may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm. It is therefore imperative that a farm site development plan be submitted with the submission of the agricultural buildings (Main dwelling and employee housing) to confirm existing and intended agricultural activities on the property.
 - e. Floor layout plans of all buildings must be submitted, with any application to ensure informed assessment of the proposal.
 - f. It is imperative that when application is made for an tourist facility the specific land use to be accommodated must be clearly indicated.
 - g. An application for a tourist accommodation facility for the multiple guest accommodation units, will be required, but the siting of the buildings scattered across the property instead of having it clustered, must before submission of any applications be discussed with the Municipal Spatial Planning and Heritage Sections.
 - h. Please note that a site development plan will be required for all consent uses, to set all additional development parameters.

- i. **Considering that very little detail relating to the intended buildings has been provided, it would be advisable to carefully consider the parameters and definitions allowed for each proposed land use in terms of the Zoning Scheme By-law.**
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https:// Stellenbosch.gov.za/planning-portal/>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorized decision maker.
6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.

For any enquiries on this correspondence please respond by e-mail to the writer hereof or to the email; landuse.enquiries@Stellenbosch.gov.za.



Yours faithfully

Pedro April

Senior Town Planner

Department:

Land Use Management

Directorate:

Planning & Economic Development

Stellenbosch Municipality

Departmental Email Addresses:

Landuse.enquiries@ Stellenbosch.gov.za

Landuse.applications@ Stellenbosch.gov.za

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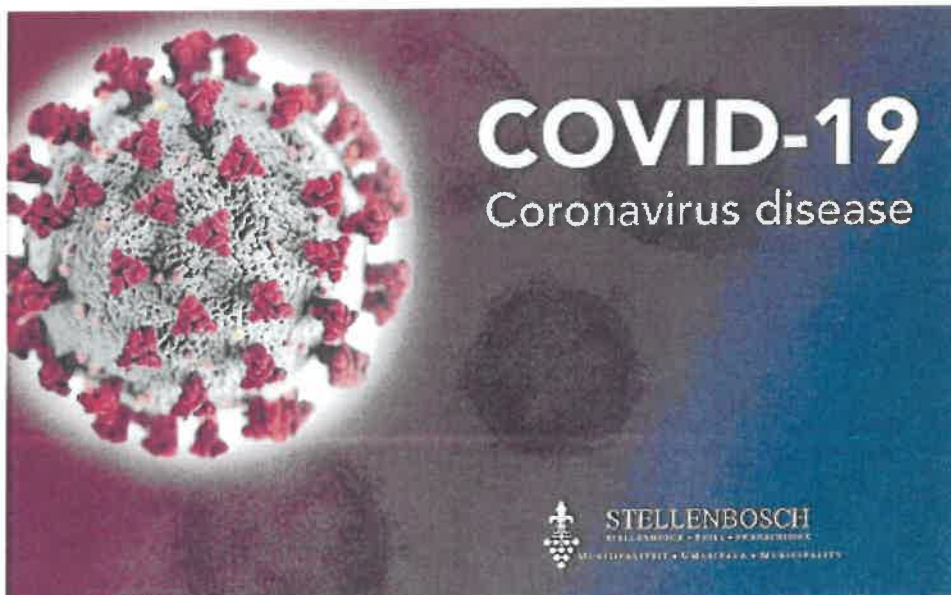
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Stellenbosch, 7600

www.stellenbosch.gov.za



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



For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



STELLENBOSCH
STELLENBOSCH-EN-DE-ROOS-ROEË
MUNICIPALITY • A MAJESTIC MUNICIPALITY



About Stellenbosch Municipality

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

Our head office is at Town House Complex, 12th Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call 021 773 568 5111 or visit www.stellenbosch.gov.za

Disclaimer

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BO-HELDERBERG CULTURAL LANDSCAPE AND VISUAL STUDY

FARM 1252, STELLENBOSCH

February 2023



Photograph by Peer Odde Pedersen, Google Earth Pro.



by

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 architecture | urban design | heritage
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BO-HELDERBERG CULTURAL LANDSCAPE AND VISUAL STUDY

FARM 1252, STELLENBOSCH

February 2023

INTRODUCTION, PURPOSE OF THIS STUDY AND METHODOLOGICAL APPROACH

This study analyses and assesses the visual setting and cultural landscape character of Farm 1252, Bo-Helderberg. Through this, it also establishes the predominant landscape character and associated visual absorption potential of the site.

Heritage Western Cape's Response to the Notification of Intent to Develop (dated 25th January 2022) called for a "Visual Impact Assessment on the Cultural Landscape". As a technical VIA is required as part of the Environmental Impact Assessment process, it was agreed that the heritage component of this study should focus more on the experiential qualities of the site, and the predominant patterns and textures of the site as a "cultural landscape".

The author of this study was part of the team of heritage consultants who undertook the 2018 Stellenbosch Municipality Heritage Survey, led by Prof. Fabio Todeschini and Liana Jansen. Jansen in particular carefully characterised the cultural landscape qualities of the various "landscape units" making up the municipality, and guidelines for development within each unit were established as a result. This survey was approved by HWC in 2018, and forms the basis of this study.

The study sets out to:

- Establish the Methodology.
- Understand the Development of the Site and its Cultural Landscape.
- Analyse the underling landscape character of the site at three scales:
 - o The wider Eerste River Valley;
 - o The sub-valley or "landscape unit" scale, and
 - o The scale of the site itself.

This allows for the establishment of a character statement for the site, which in turn influences the

- Assessment of visual-cultural landscape impact assessment of the proposed development.

A NOTE ON METHODOLOGY

This visual-cultural landscape assessment of the proposed development is not a technical, visual study of the site. Instead, it looks to identify those key, underlying aspects of the site that contribute to its character, and how the visual experience of the development (for instance along a route, against a peak, along a ridgeline) might impact the cultural landscape of the site and its wider setting.

In this way, this cultural-landscape based visual analysis has substantial overlap with a townscape analysis, and in this HIA it is deemed to be essential that the visual analysis incorporate, and indeed be built upon, a methodology that would more commonly be found as part of a townscape analysis.

In urban literature, the idea of "townscape" emerged at the same time as the resurgence of historic preservation of towns following the Second World War, and the eventual creation of "conservation areas" in the late 1960s (Kostof: 1991: 90). At the time, townscape literature had been centred in England, and Gordon Cullen's 1961 book, "The Concise Townscape" looked at the city as a series of relationships between urban fabric, axes, viewcones, focal points, edges, repetition and so on, and his "Casebook Precedents" are largely analyses of older cities and towns. In this way, the idea and method of "townscape" analysis - a visual analysis based on a visual journey through and around an environment or site - is based on an understanding the various components that make up the particular characters and elements comprising that environment.

This study utilises such an approach for assessing character and the character-giving elements present on the site. In so doing, it also establishes the parameters for infill development that would be visually consistent with the existing environment.

THE RECEIVING ENVIRONMENT

DEVELOPMENT OF THE SITE AND ITS CULTURAL LANDSCAPE.

Cultural landscapes and landscape study have strongly influenced the understanding and assessment of heritage significance of larger landscapes in the past decades. "Essentially, the argument is that heritage significance does not only reside within historically valuable structures, assemblages thereof, or individual sites, but is also within the larger landscapes that are the settings for all these elements" (Todeschini and Jansen, 2018: 3).

The idea of a cultural landscape is fundamental. The term may be given varied meanings, yet, at its core it unites the products of so-called "natural" ecological processes and phenomena on the one hand, and the products emerging from the processes of transformation of the "natural" site by people in constructing their "built" world, on the other. Any area consists of many sites, most of which have been inhabited by people for thousands of years. These places have been moulded, shaped and changed both by natural processes and by people engaged in adapting the environment to their pursuits. Cultural landscapes are what any generation inherits from another: in them are embedded values held dear by those gone by. It is the duty and task of any one generation to evaluate that which is inherited and to take appropriate decisions for the future: not only from the perspective of the short-term and how it may be useful to them in a selfish way, but also from a more inclusive, communal and longer-term view (Todeschini and Jansen, 2018: 4).

The site is a distinctive one, set just below the ridgeline of the Helderberg Mountains that divide the Eerste River Valley and the Somerset West area (Figure A). In terms of the wider landscape character of the Cape Winelands, it very much occupies the "mountain slopes" component of the interplay between vegetated mountain slopes, farmed rolling foothills and the intensively farmed and sometimes urbanised valley bottoms (Figure B).

The site formed part of a pattern of pre-colonial land uses for many centuries before it began to be used as agriculture (see Malan, 2018). Following occupation of the Cape by the Dutch in 1652, and the expansion of their colony to Stellenbosch when a Drosty was established there in 1682, freehold grants were established for the area surrounding the small town.

While the upper slopes that make up the site remained wilderness, the primary farm grant in the valley (then named "Helderenberg") was to Claas Claasz Vechtman in 1692. However, he never "possessed" his farm. Van der Bijl notes that the first grant was therefore to Gerrit Romond, made on the 21st January 1720 (Figure C). After Gerrit Romond's death, the farm came into the ownership of his son, Michiel Romond (1741). Altogether, the Romond family owned the farm for 46 years, and therefore established the farmhouse with werf that is located below the subject site, and now named "Klein Helderberg".

Van der Bijl notes the transfer of ownership of the farm following Michiel Romond's death, without an heir, in 1766. The land was transferred to Jan Bernhard Hoffman, and the year after to Arnold Heerink. In 1770 it came into the ownership of Petrus de Villiers. Following his death, the farm became the property of David Malan, following his marriage to de Villier's widow, Maria Nel.

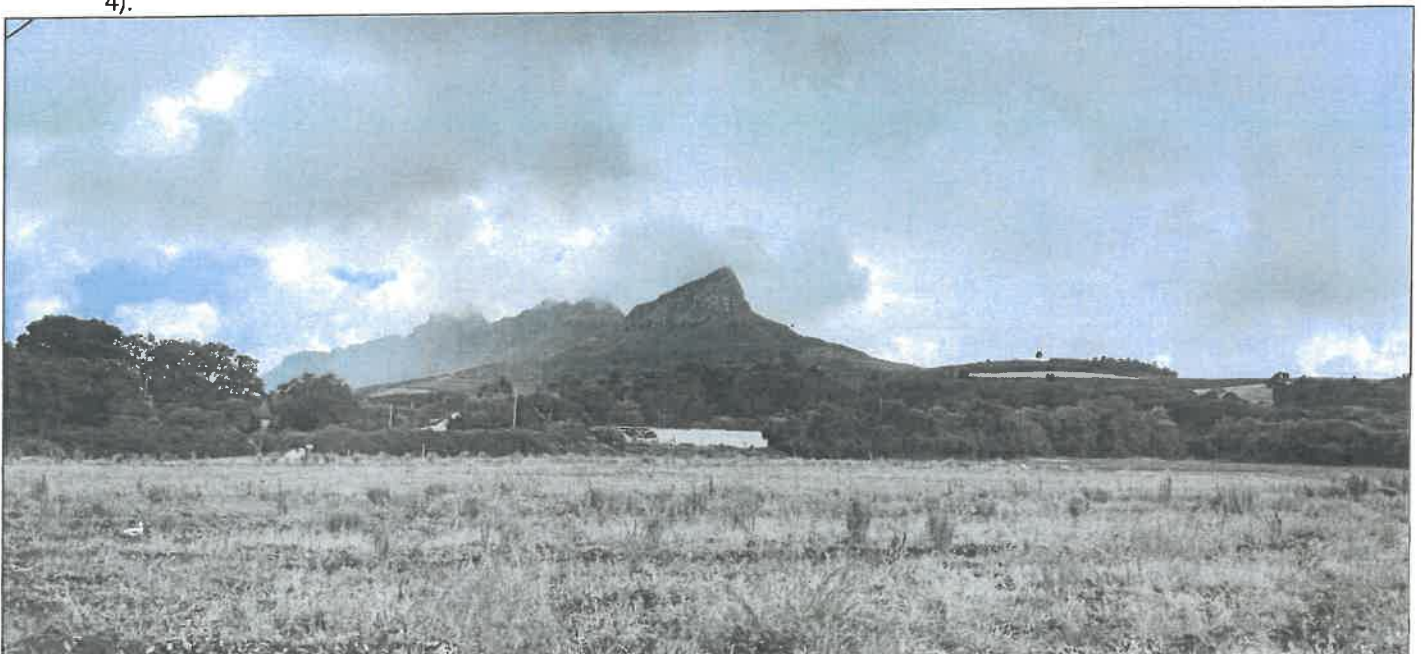


Figure B: View of the site from the farm werf.

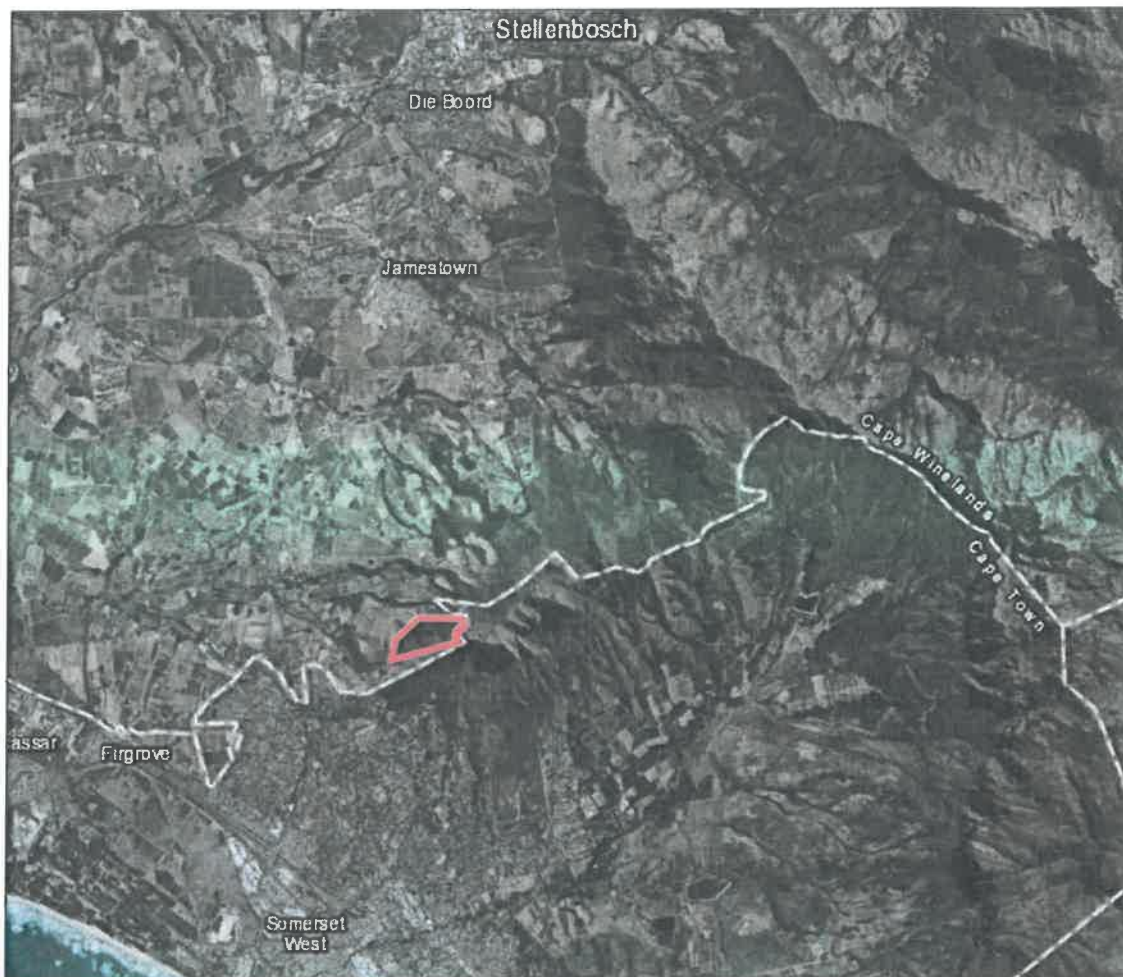


Figure A.1: The site, outlined in red, is set just below the ridgeline of the Helderberg Mountains that divide the Eerste River Valley and the Somerset West area.



Figure A.2: The site, outlined in purple, forms part of the "wilderness domain" of the Eerste River Valley.

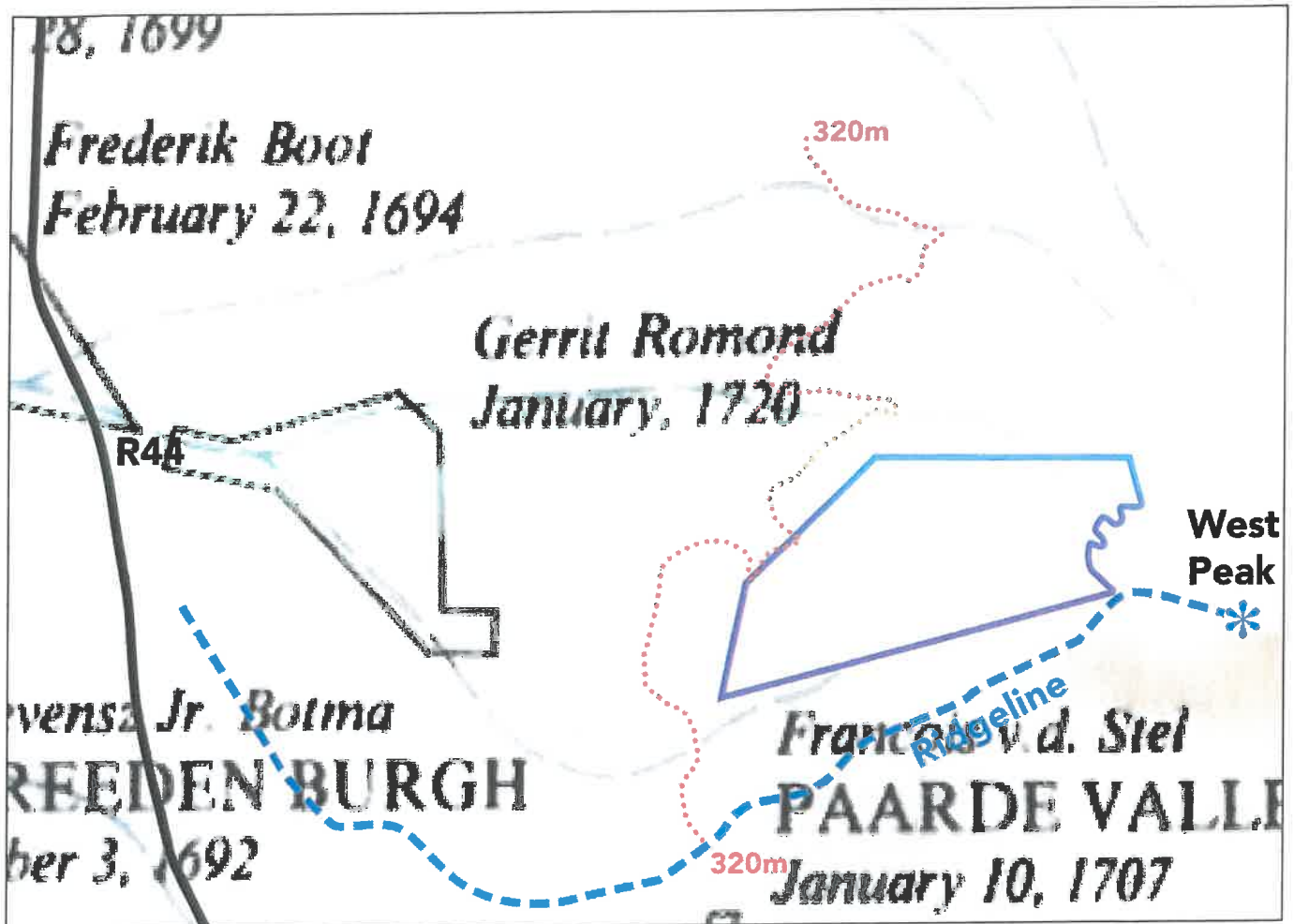


Figure C: The site, outlined in purple, on the 1657 - 1750 map of grants made between these dates (Guelke, 1987).

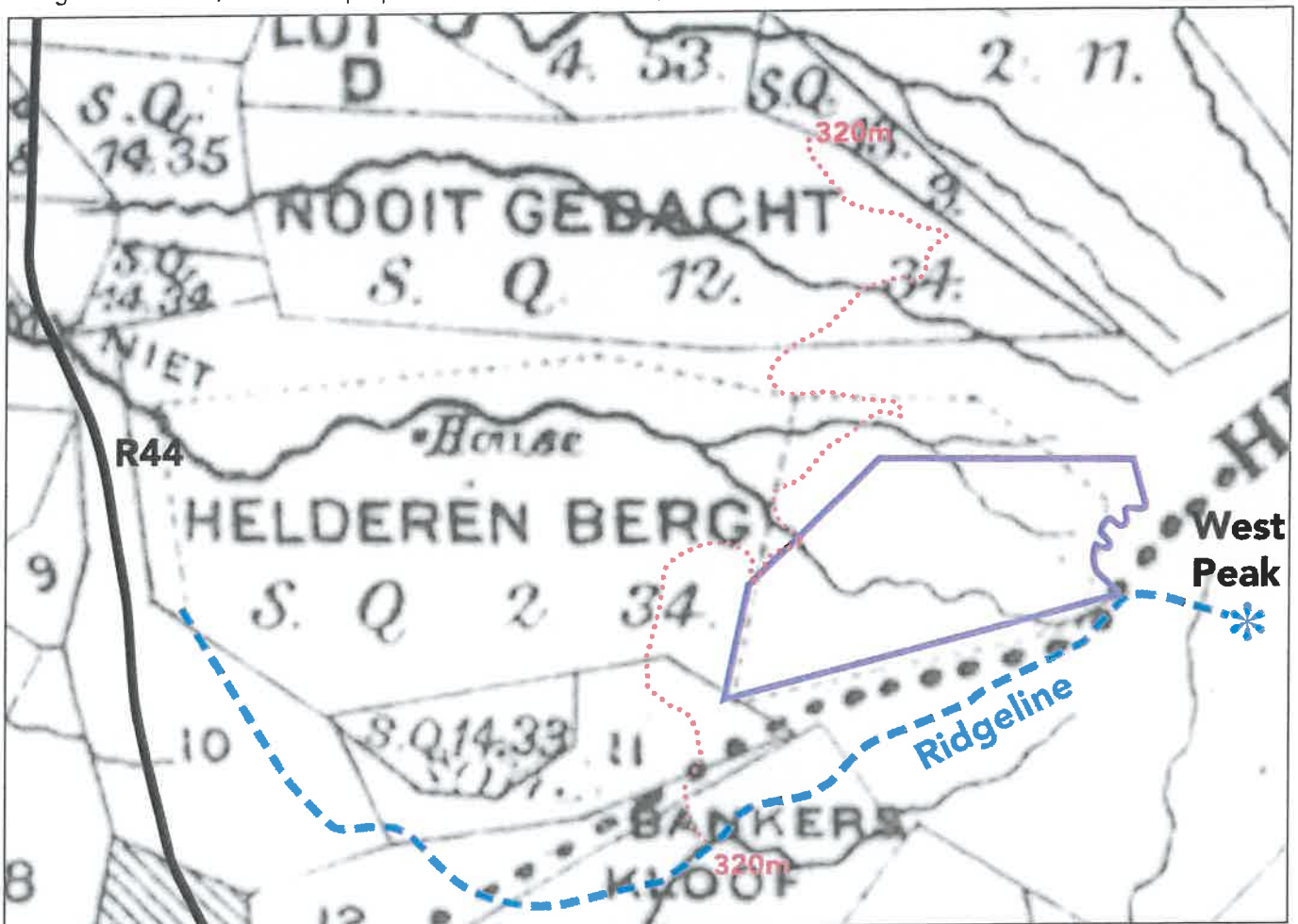


Figure E: The site, outlined in purple, on the 1890 Divisional Map of Stellenbosch (CA, BMS 6821.b (1413)).

In the 19th century, it seems Helderberg was subdivided in order to provide a portion for each de Villiers son: in 1807 Jacob Daniel de Villiers and David Jacobus de Villiers were each given portions of land, while in 1838 Abraham Pieter de Villiers and Daniel W. Malan were granted Portion A. Portion B was transferred to Pieter Johannes de Villiers in 1838. He became insolvent in 1843 and the portion was sold to Francois Jacobus Roos.

Portion A was purchased by Hercules Morkel Hendriksz in 1843, and he went in to purchase Portion B in 1850. The land he owned comprises the subject site, and the architectural features of the farmhouse seem to date from his era of ownership – Fransen notes that Klein Helderberg is “a good example of a late homestead, c1860” (2004: 244).

The 1890 Stellenbosch Divisional Map provides the next “layer” to the evolution of the site: the farm is shown in dotted outline, a house is noted alongside the river, and the name remains “Helderberg” (Figure E).

The 1902 District Map for this part of Stellenbosch shows that the subject site, now called “Bo-Helderberg” was granted to Hercules Morkel Hendrik in 1873 (Figure F). Hendricksz was baptised in Stellenbosch in 1818 and died in the Helderberg (likely on this farm) in 1891. He married Sophia Susanna Liebetrau in 1840, which perhaps accounts for his purchase of the farm in the years shortly thereafter (<https://www.wikitree.com/wiki/Hendricksz-50>). He had seven children, two of whom were sons and likely inherited the farm.

The 1927 General Plan for the Subdivision of Crown Land indicates the ownership of the Hendricksz Family of the upper reaches of Helderberg Farm (Figure G).

1938 aerial photography indicates that Bo-Helderberg remained unfarmed into the early 20th Century (Figure H). This remains the case in all the Topographical Maps from 1959 to 2016 (Figure I - L), and is the case today.

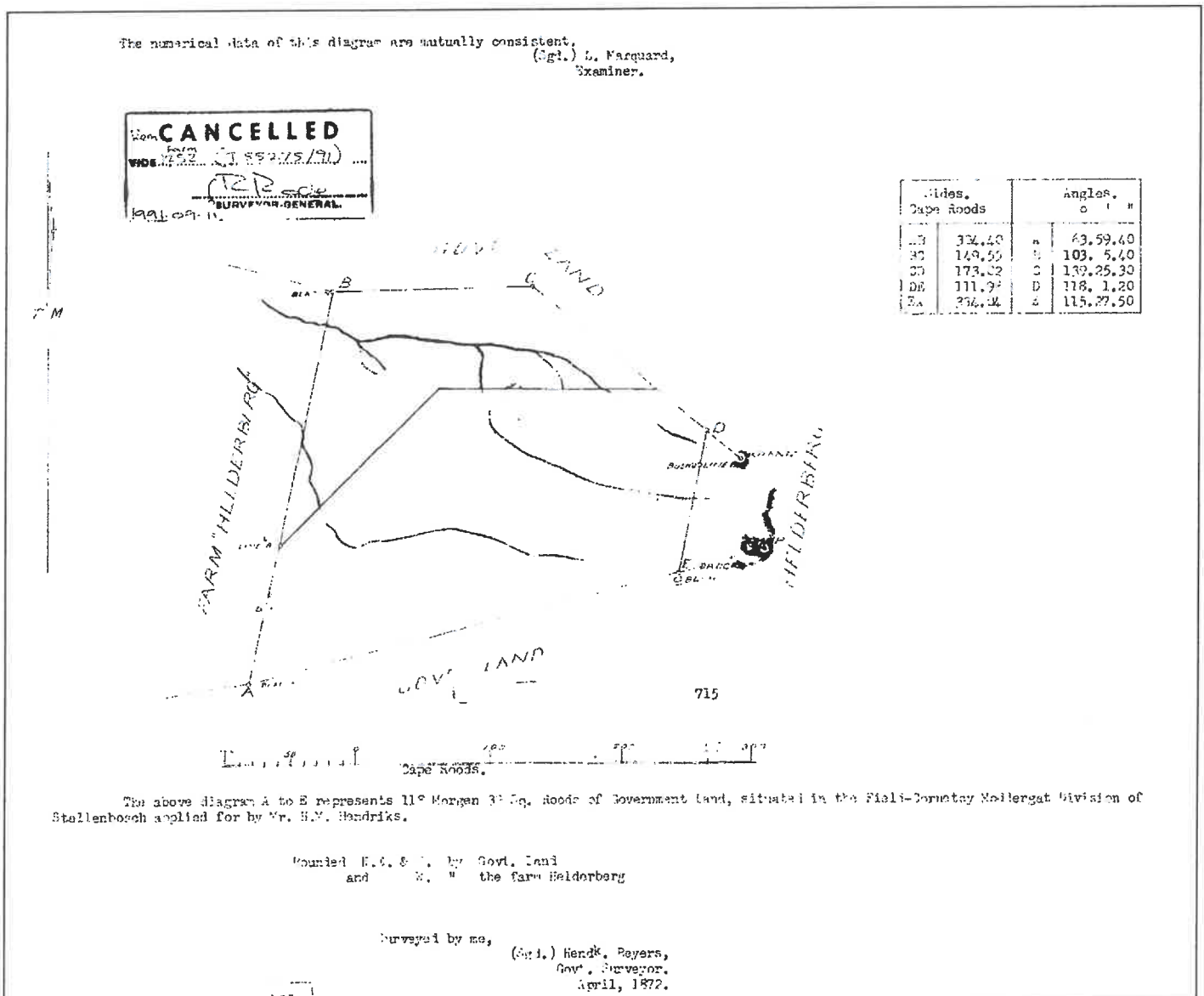


Figure D: The SG Diagram 468/1872, showing the land transferred to Hercules M. Hendricks in 1872. He owned the portion below.

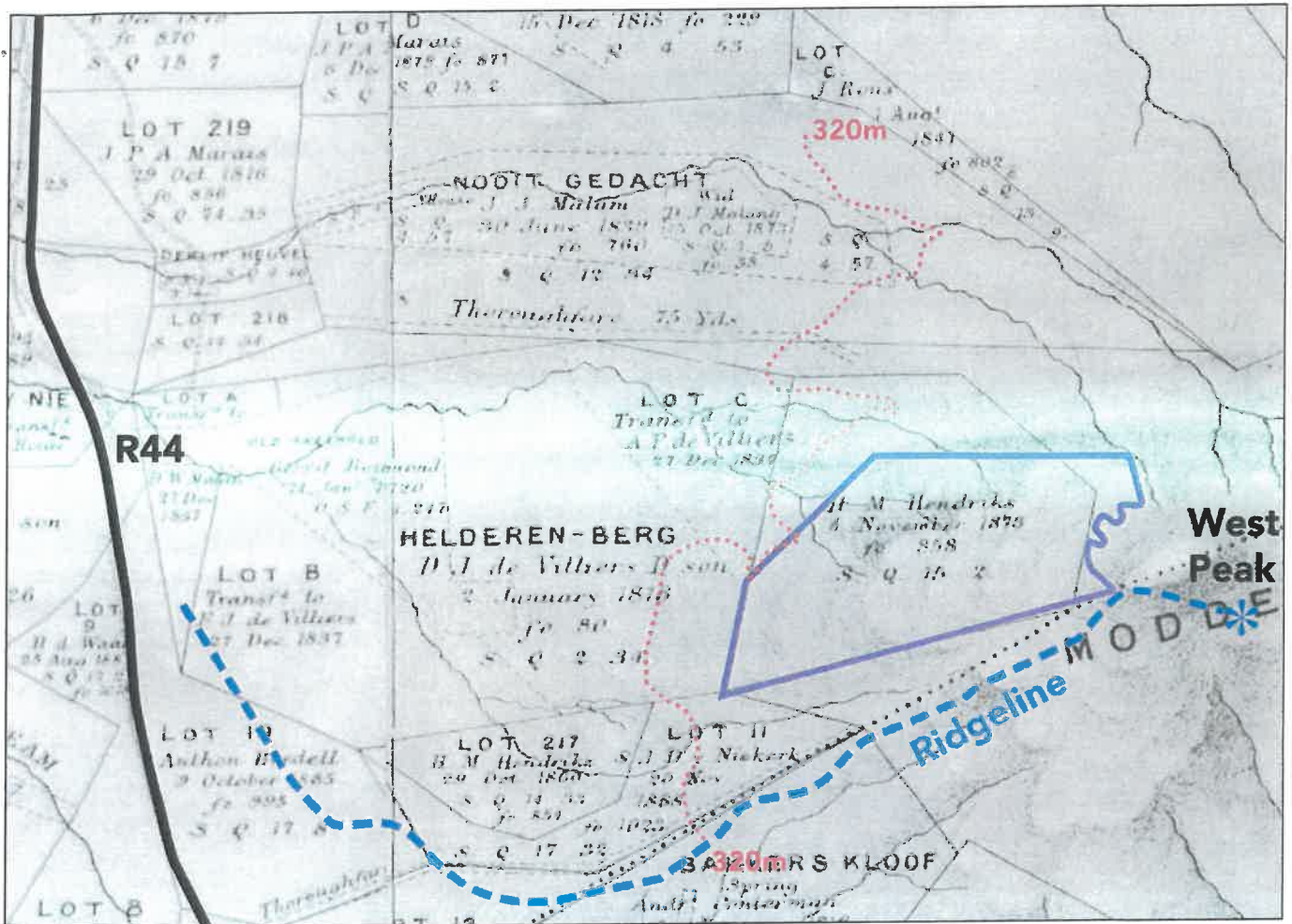


Figure F: The site, outlined in purple, on 1902 survey of Stellenbosch (CA, M2-408).

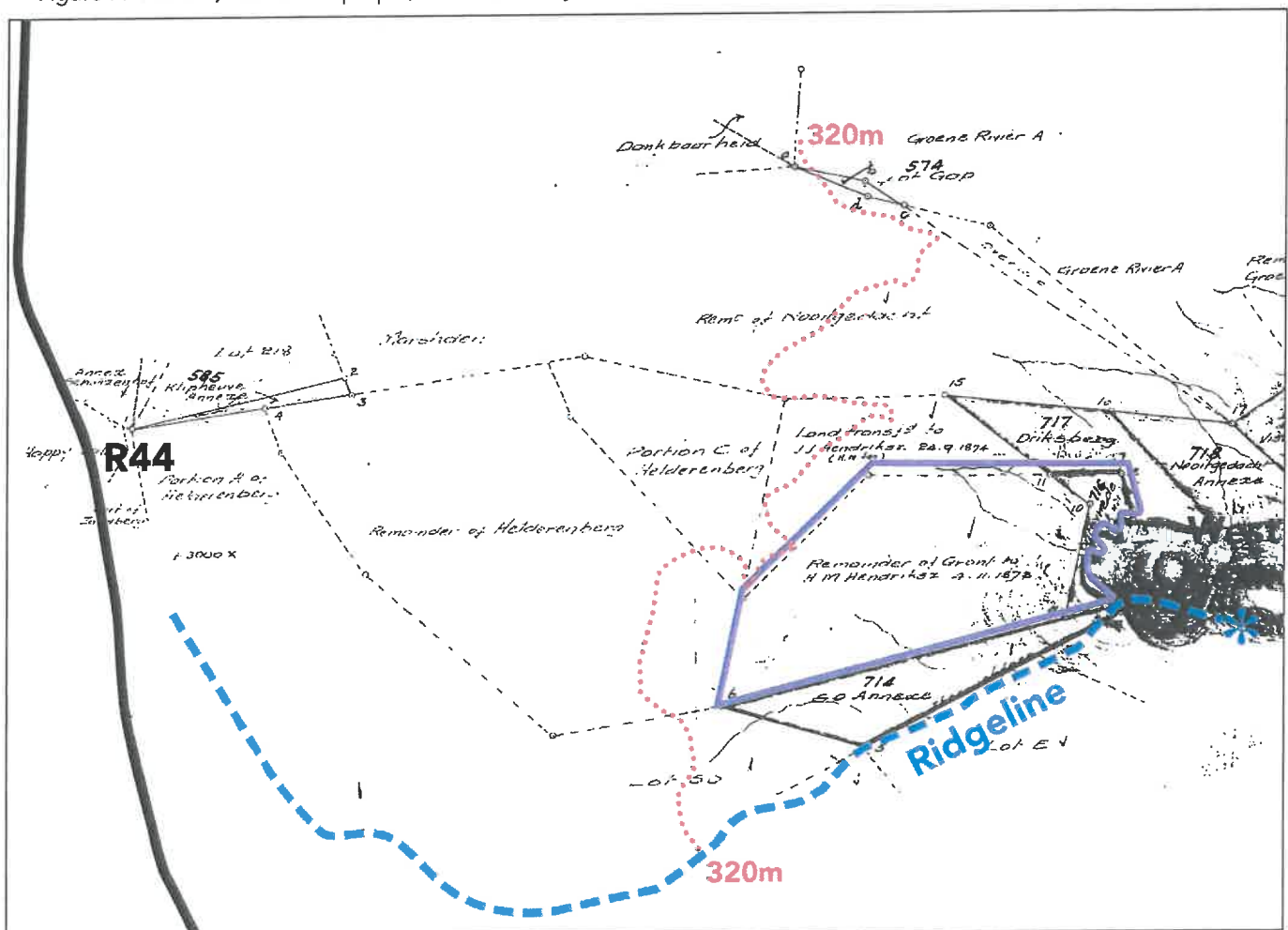


Figure G: The site, outlined in purple, on the 1927 Surveyor General diagram for the site.

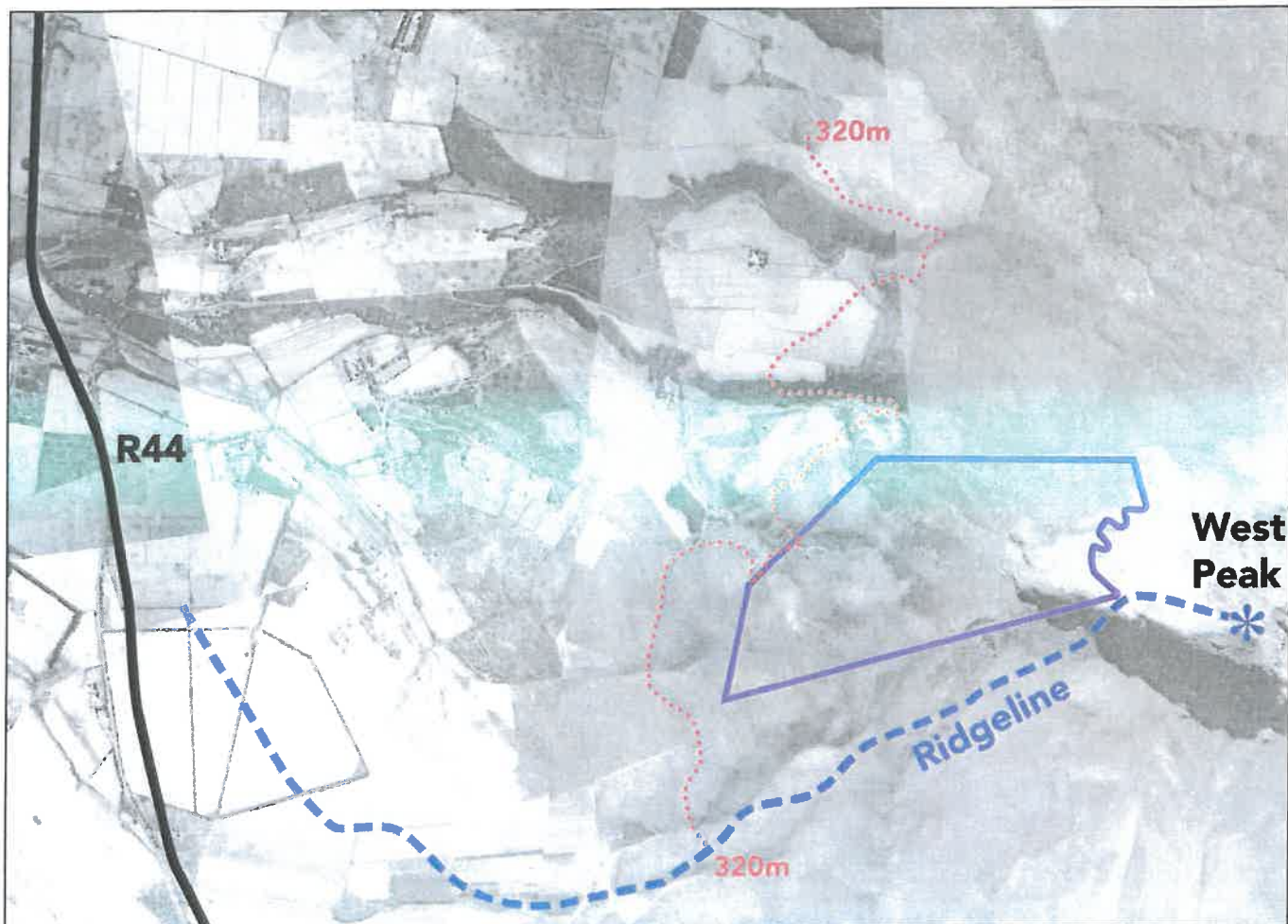


Figure G: The site, outlined in purple, on 1938 aerial photography for the area (NGI Mowbray).

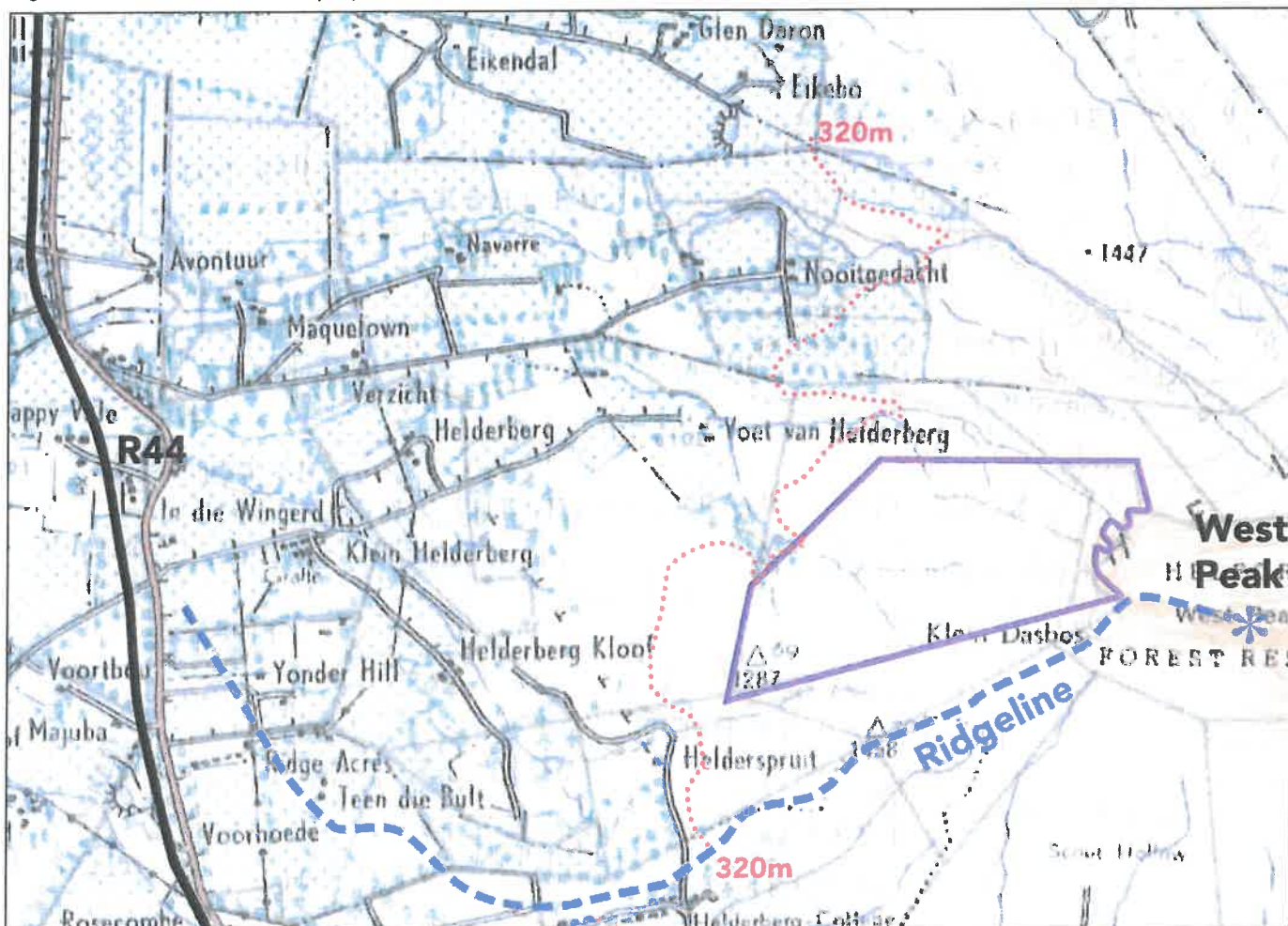


Figure I: The site, outlined in purple, on the 1959 Topographical Survey (NGI Mowbray).

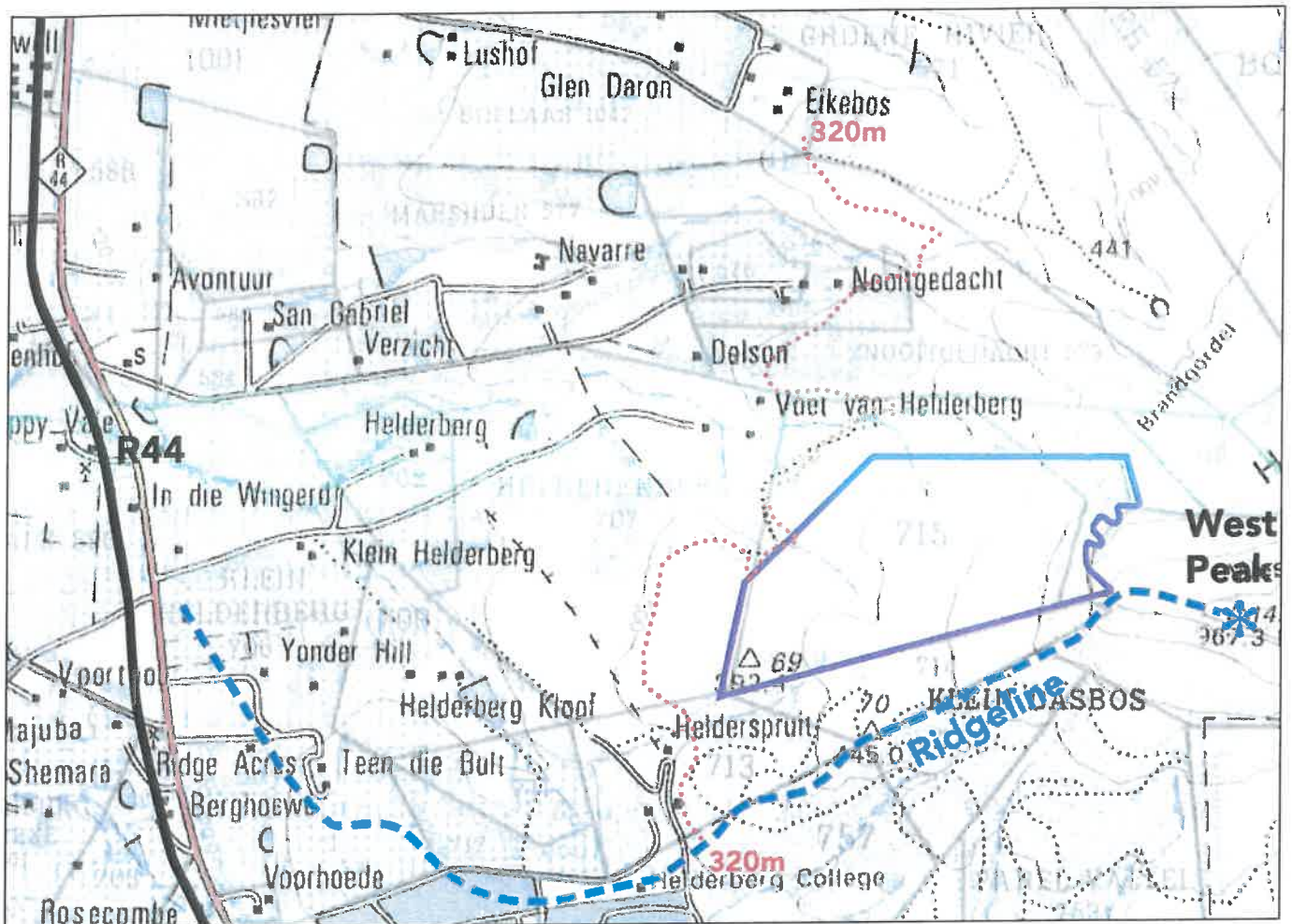


Figure J: The site, outlined in purple, on the 1980 Topographical Survey (NGI Mowbray).

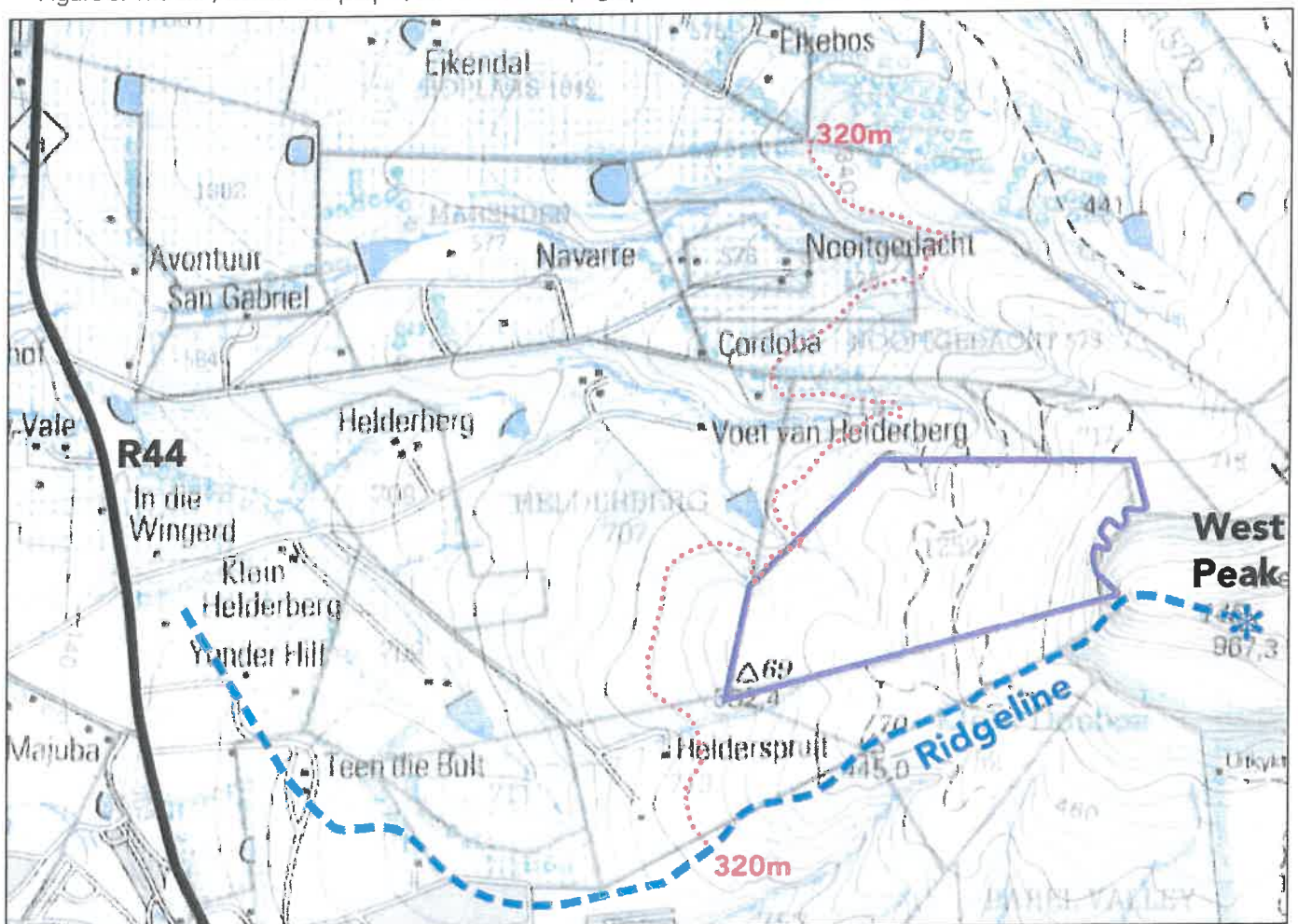


Figure K: The site, outlined in purple, on the 1995 Topographical Survey (NGI Mowbray).

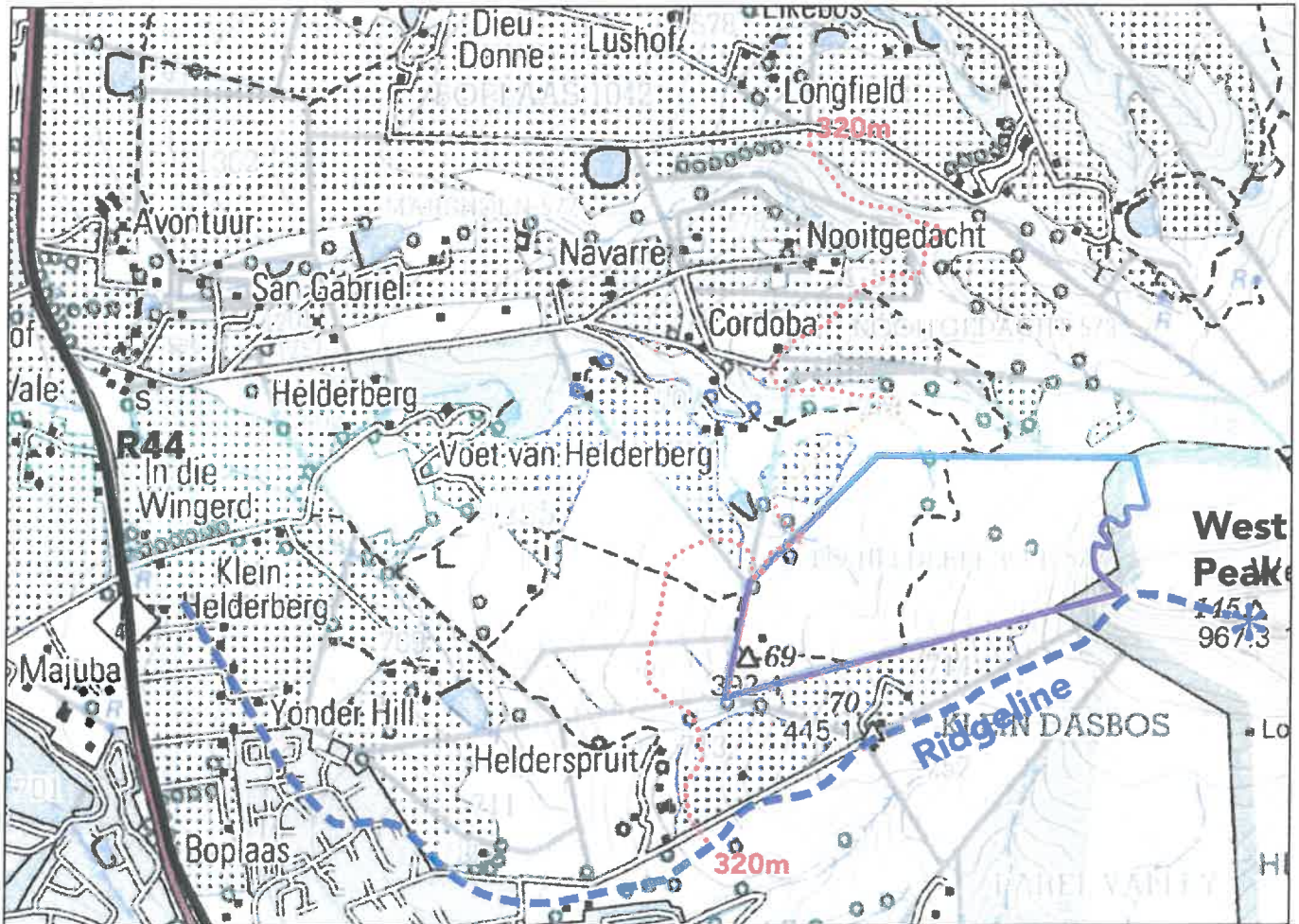


Figure L: The site, outlined in purple, on the 2016 Topographical Survey (NGI Mowbray).

Farm 1252 Bo-Helderberg is still not farmed today, and its primary use is as running and cycling trails for the public. The site is access via the Klein Helderberg farm, which remains under agriculture (strawberries and vines).

It is the juxtaposition and combination of the natural features in relation to each other and to the agricultural landscape and their werfs which accounts for their scenic and natural heritage significance.

In this way, the broader site comprises a "sub-valley" of the Eerste River Valley that displays "distinctive landscape character, as they are 'worlds' that are spatially defined by mountain slopes and often feature different vegetation types, settlement patterns and human activities. In turn, within these valleys, a number of smaller, highly distinctive areas [exist]. These comprise different Landscape Units (each possessing distinctive character) within the study area (Todeschini and Jansen, 2017: 39).

The Helderberg Valley is a "gateway" valley along the Helderberg Range and at the R44 as it enters the Eerste River Valley. Its rural farmland, with a few werf sites of some age, contributes to the character and ambience of this part of Stellenbosch and is part of the broader history of settlement in the region. Significantly these pockets of farmland on productive soils almost exactly mirror the areas of weathered granites and shales in the foothill zones. These upper slopes, which above the site comprise part of a protected, natural area, increase the significance of the natural and scenic resources of those areas.

THE UNDERLYING LANDSCAPE CHARACTER OF THE SITE

The landscape character of a place is made up of the “distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, land form, soils, vegetation, land use and human settlement” (UK Institute of Environmental Management and Assessment). Taken together, these elements make up the essential place character of a site.

The Wider Eerste River Valley

The 2018 Stellenbosch Municipality Heritage Survey outlined the character of the Eerste River Valley as follows:

Character is defined through consideration of a combination of the natural, cultural and perceptual elements that make up the grain of the landscape that exists today. The Eerste River valley is divided into four distinct character areas. These character areas are the rolling Bottelary Hills to the west, the floodplain around the Eerste River, the central rolling hills, and the rugged Helderberg mountains with their foothills to the east. Apart from the Eerste River, the following major routes also act as dividers within the landscape: Baden Powell Drive, R44 towards Somerset West and Polkadraai Road. Smaller landscape units, each with their own localised character are the building blocks of these areas.

See Figure M.

The subject site falls within the “rugged Helderberg Mountains and foothills” component to the east. However, from within the wider Eerste River valley, at some distance from the site, the most iconic aspect of this area is its steep mountain peaks, with the West Peak being the most prominent landform from the south of this mountain range.

It is clear from the various vantage points illustrated in Figure N, that the Helderberg and West Peak is largely discernible as a silhouette from further afield than the R44, in the vicinity of the valley. While the vegetation of the upper slopes is apparent from some vantage points (the late 20th century postcard with *Watsonias* in the foreground demonstrates the forestry that characterised the 1:4 slopes at the time - Figure O), it is the outline of the peaks that dominates the visual perception of the mountain range, and thus the orientating role these mountains play.

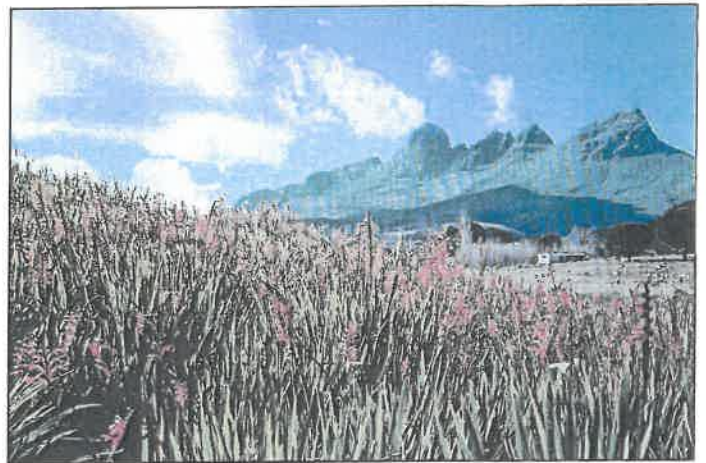


Figure O: Postcard showing the flanks of the Helderberg covered in dense forestry. Although undated, the postcard likely dates from c1970. The subject site is located within the remnants of this “band” (Cape of Diab Facebook page).

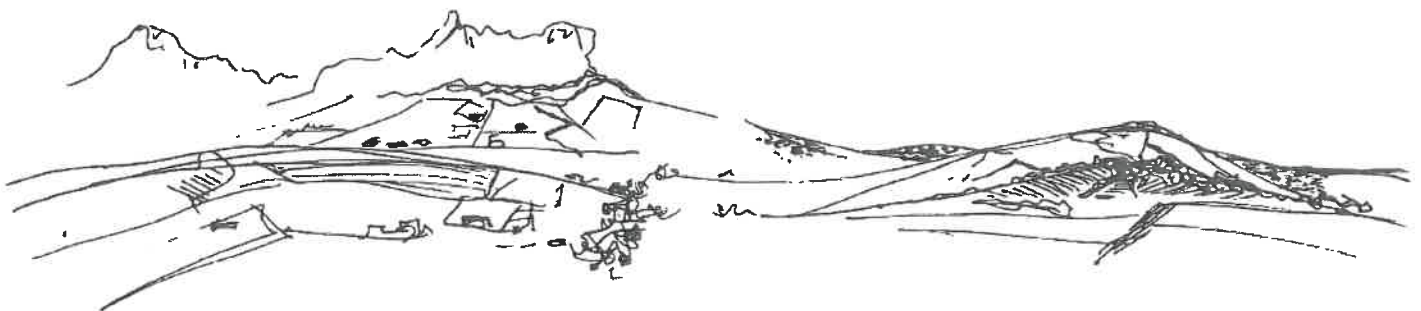


Figure M.1: Sketch from the SMHS illustrating the characteristic interplay between rural and wilderness domains, that characterises the cultural landscape.

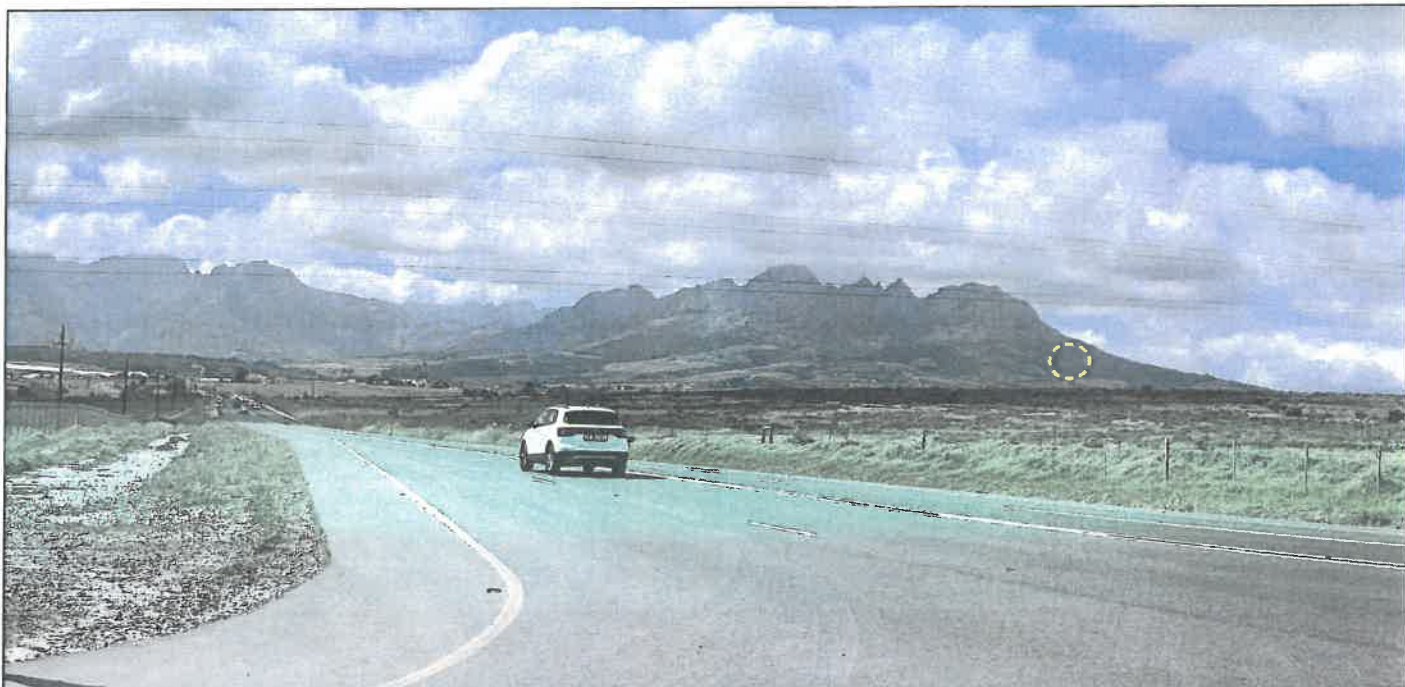


Figure N.1: View of the site (outlined in yellow) from the Annandale Road. The site is largely experienced in silhouette, with the ridgeline of the Helderberg being dominant (Author).

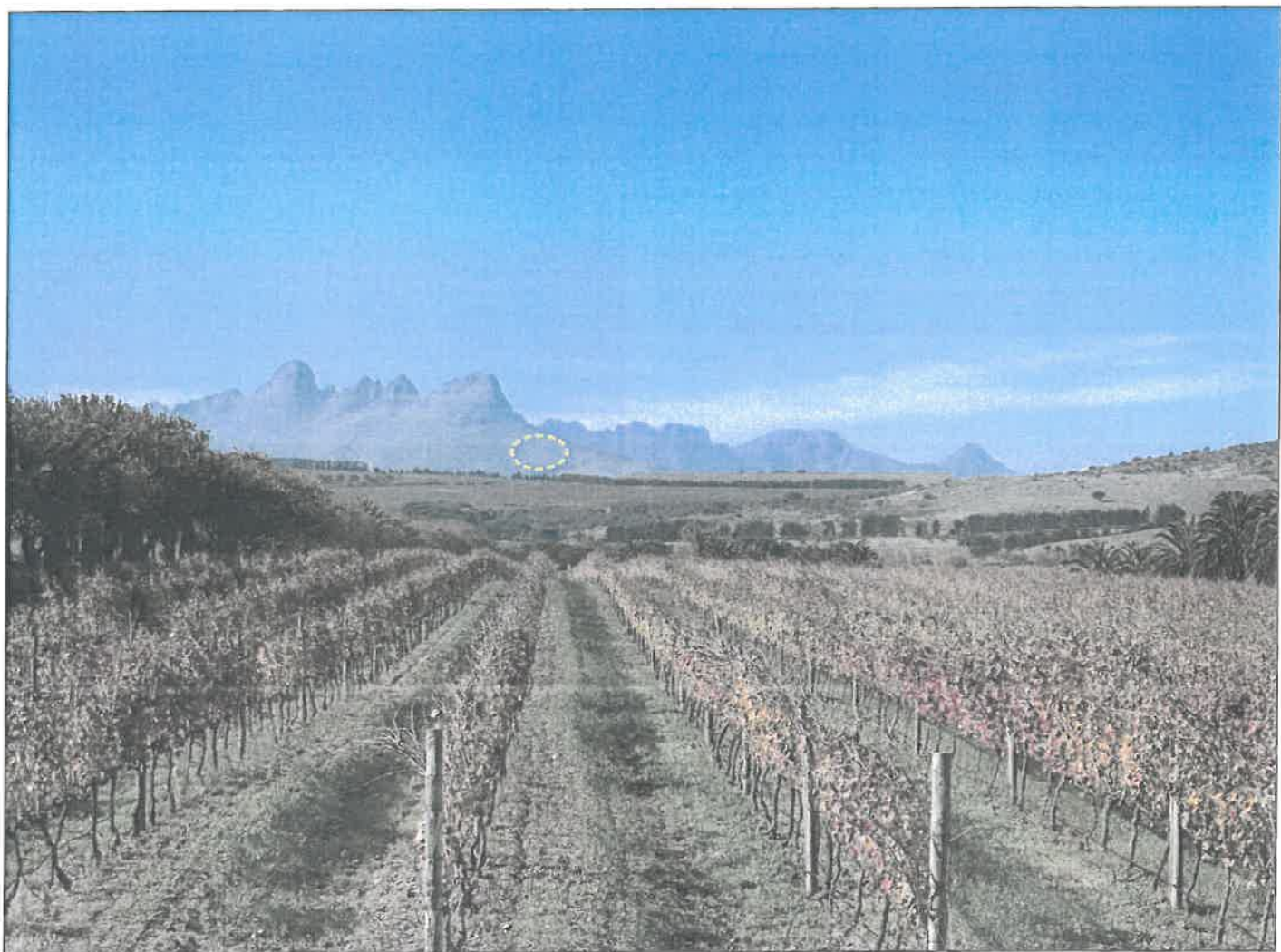


Figure N.2: View of the site (outlined in yellow) from Meerlust's vineyards along the R310. The site is largely experienced in silhouette, with the ridgeline of the Helderberg being dominant (Stephen van Vuuren, Google Earth Pro).

The “Sub-Valley” and Landscape Unit Scale.

The site is located on the upper slopes of the Helderberg Range, below the West Peak. This is a fertile area, made up of the two of the three components that characterise landscapes within the Stellenbosch Cultural Landscape more broadly:

- 1) Mountain Ranges possessing a “wilderness” character, with fynbos predominating on the exposed slopes and montane forest within the kloofs;
- 2) Foothills and Undulating Plains, with rolling topography and gentle hills incised by small rivers. These are the location of vineyards and orchards. Homesteads are generally clustered along stream courses.
- 3) The Alluvial Valleys, centred on the main river courses at the gentlest slopes, and with highly intensive agriculture. Larger werfs exist near the river courses, and the main urban settlements occur in these “zones”.

As such, the Helderberg sub valley is dominated by agriculture and wilderness rather than extensive settlement.

Todeschini and Jansen note that:

The Helderberg footslopes are characterised by the mountain’s dramatic peaks and expansive views over False Bay, the central rolling hills, and the Bottellary Hills. On the footslopes the interplay between wilderness and rural landscape with patterns of settlement, form some of the most important features within this landscape. Most of these units have a high soil suitability for agriculture (viticulture) and important critical biodiversity areas around the valleys and higher mountainous areas. The historic settlement pattern... around the foot of the Helderberg (C25) [is a] special feature within this landscape.

It is clear that, even when seen from the R44 (Figure P), no detail within the sub-valley is discernable, and the main character of the landscape comes from the interplay of dramatic mountain peaks, steep slopes forming part of the wilderness areas, and agricultural areas lower down the slope.

This is because the valley is remarkably visually contained by the closely-located neighbouring hills, and that the Field of Vision is therefore also significantly contained for all but the uppermost slopes (Figure P). Because of the primary ridgeline to the south of the valley (between



Figure P.1 (above): The views of the Helderberg “sub-valley” from the R44 do not allow detail to be discerned. Instead, the broad swathes of agricultural foreground, background (foothills) and wilderness are broadly discerned (Source: Igmar, Google Earth Pro).



Figure P.2 (left): View of the site from the entrance to Avontuur Farm, just off the R44. No detail can be discerned from this viewpoint, despite being at the edge of the Helderberg “sub-valley” (Source: Avontuur Website).

Stellenbosch and Somerset West), the only “long views” are to the north and east, which is also the natural visual orientation of the subject site.

This is confirmed by the views obtained from nearby Eikendal Road (which follows a ridgeline, as opposed to the Cordoba Road which, although closer, is in a valley and is not publicly accessible) and from the Helderberg farm werf itself (Figure Q, R and S).

The valley and site is highly visually contained by the Helderberg to the east, with its apex being West Peak, and by three fairly deep and well-vegetated drainage lines which lead down the mountain to the cultivated foothills. This results in a wilderness area which, although elevated, is quite “concave” and faces “into itself” (Figure T).

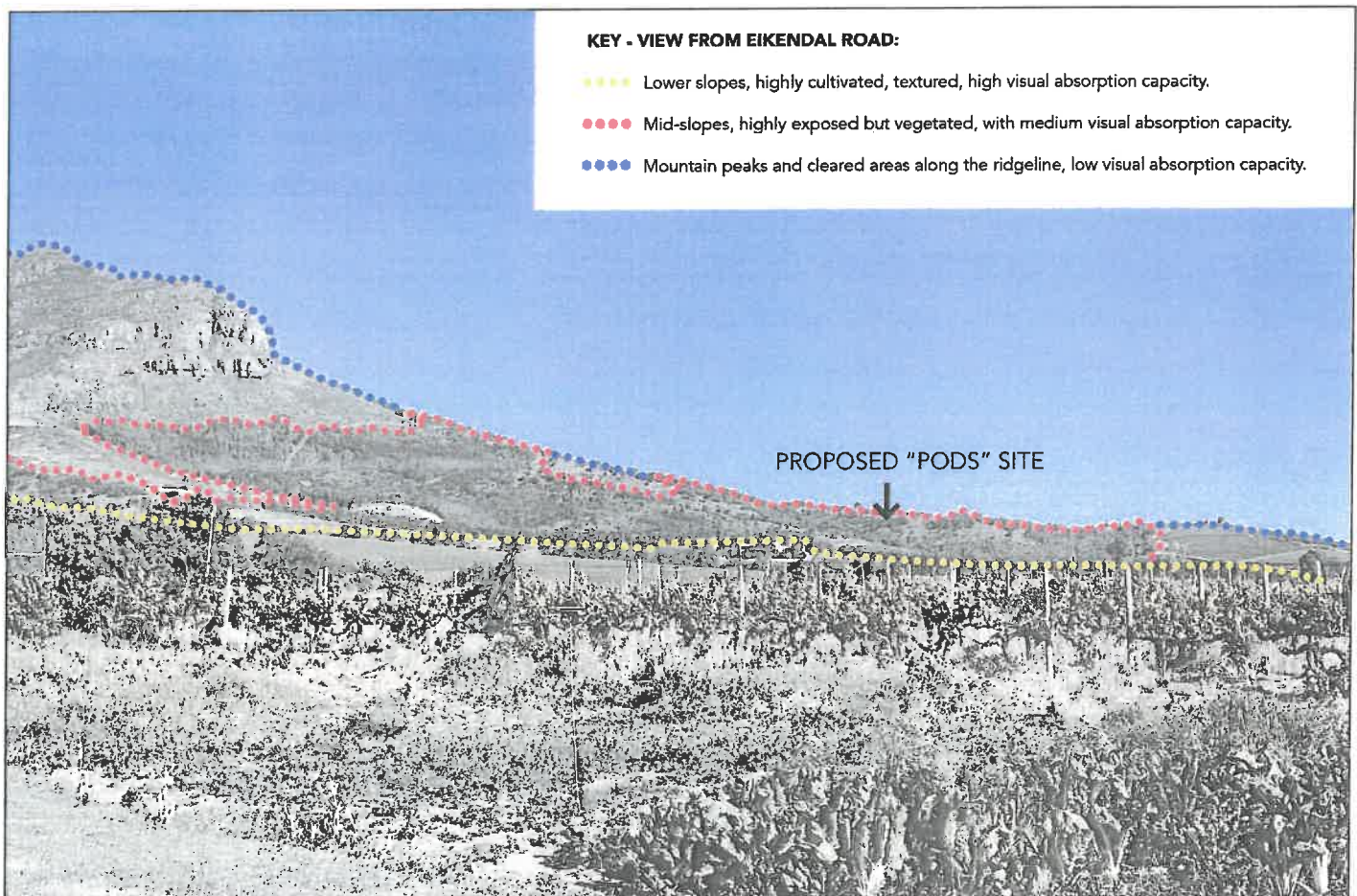


Figure Q: Analysis of the view and the visual absorption capacity of the various components of the landscape from Eikendal Road.

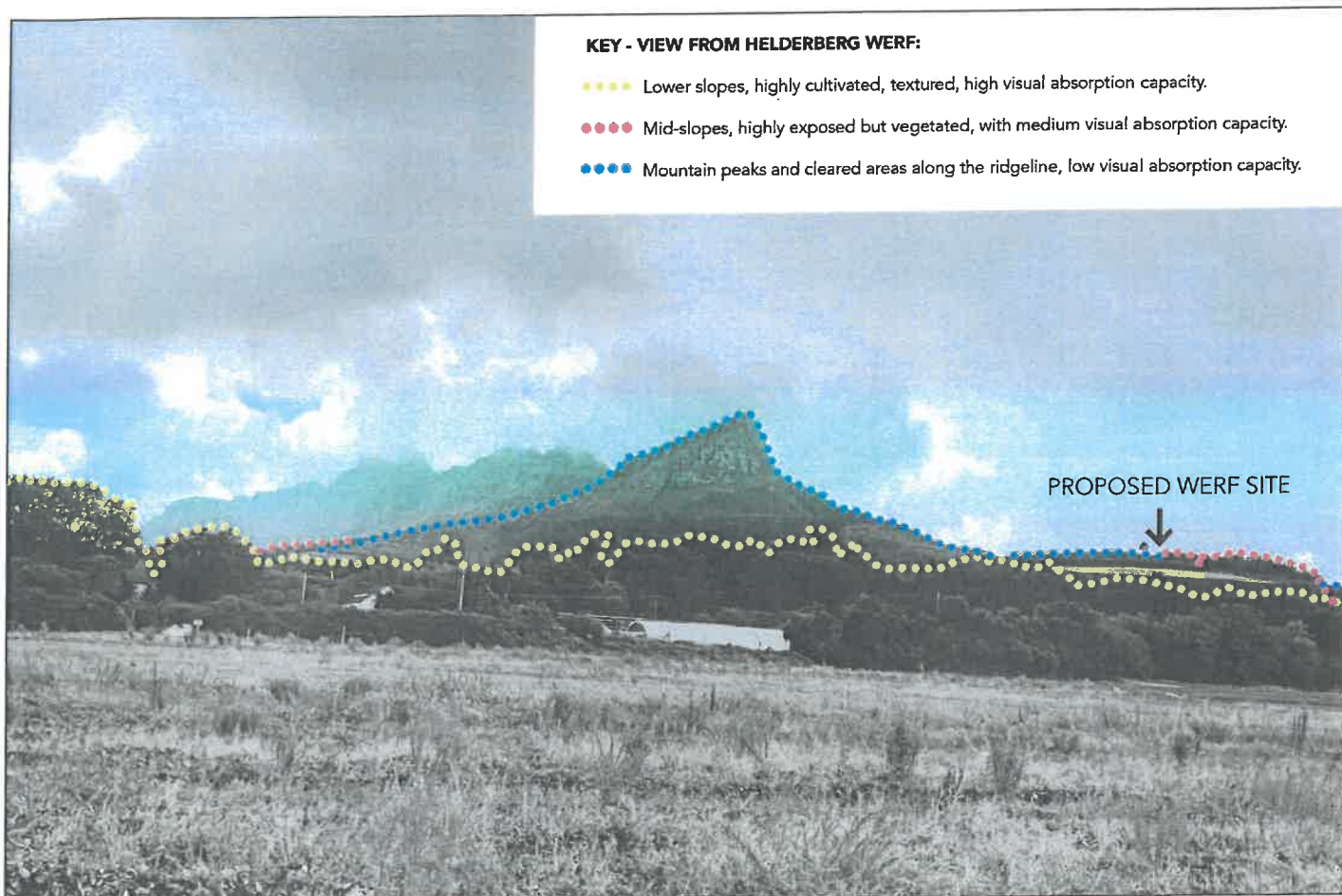


Figure R: Analysis of the view and the visual absorption capacity of the various components of the landscape from Helderberg Werf.



Figure S.1: Analysis of the view and the visual absorption capacity of the various components of the landscape. Site in purple outline.

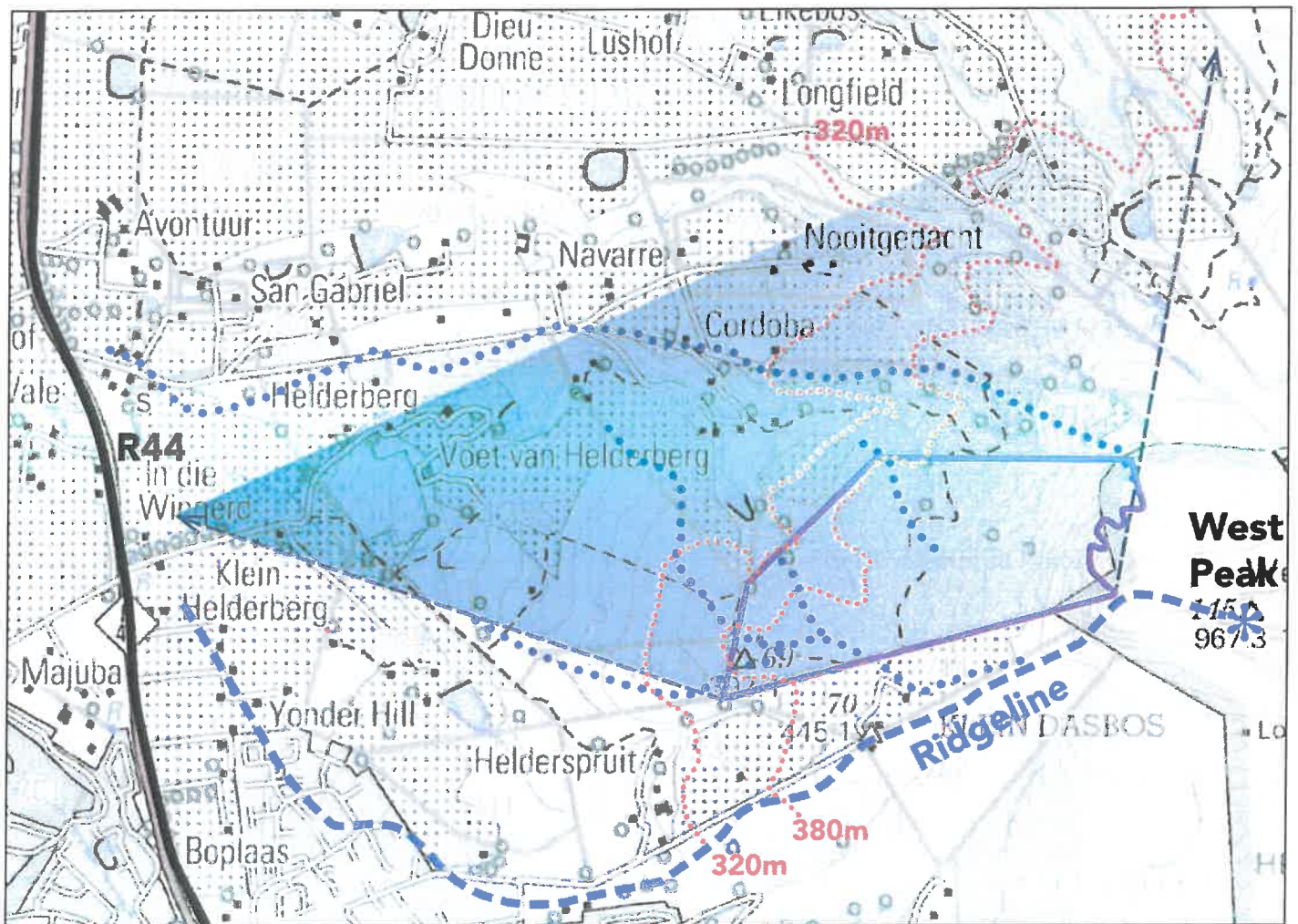


Figure S.2: The primary orientation of the site is north-eastwards. Site indicated in purple outline.

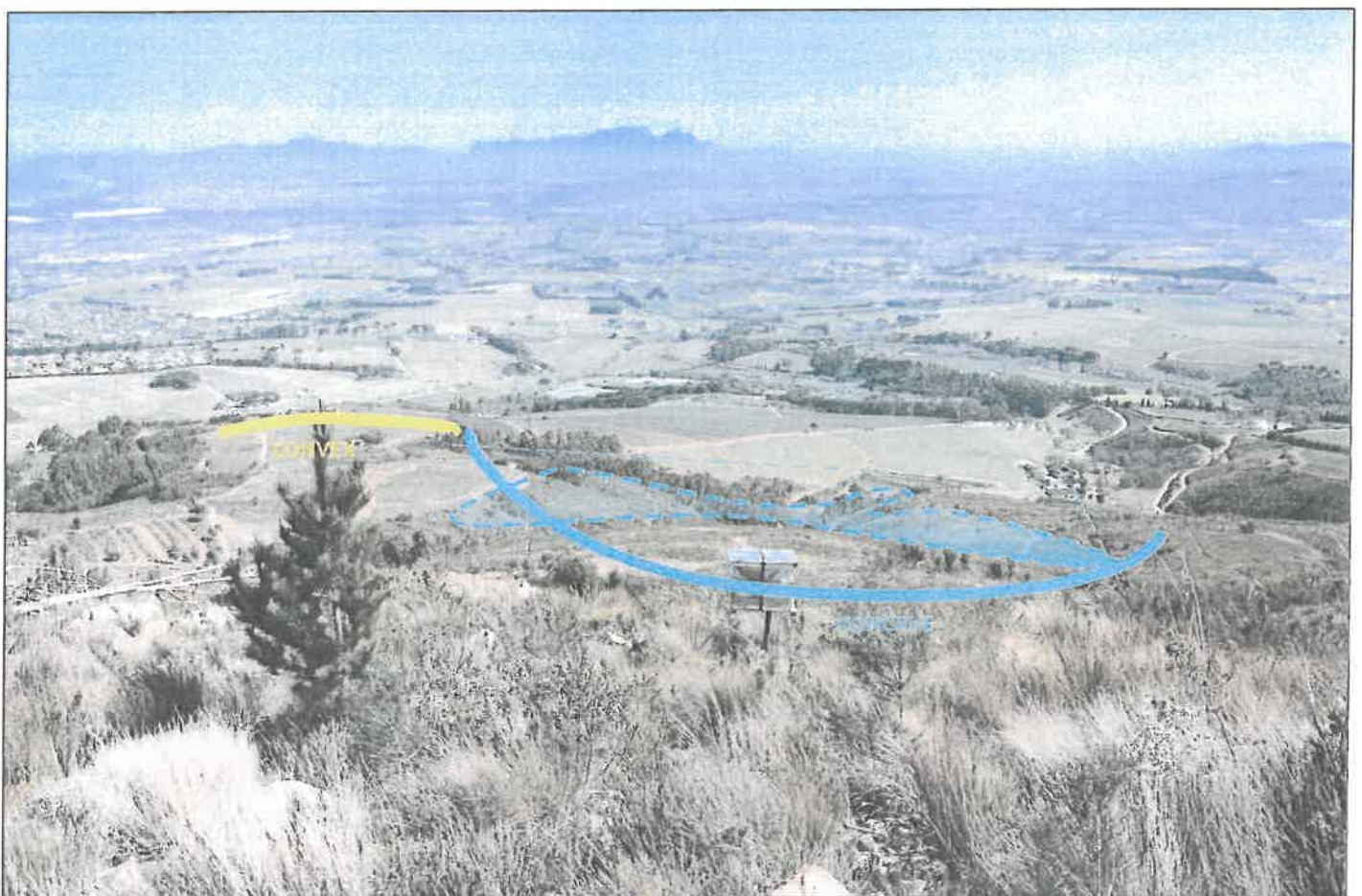


Figure T: The site, although elevated, is quite "concave" and faces "into itself". Only a small area is "outward looking".

The Stellenbosch Municipality Heritage Survey draws attention to the “dense pattern of natural fingers interspaced with a finer pattern of crop fields and vineyards organised along the contours” within the valley.

Historical structures are located closer to the drainage lines, with newer residences positioned on the convex slopes between these vegetated streams. Most of the unit features high to moderate suitable soils for agriculture (viticulture). The upper slopes of the Helderberg are extensively used for running and cycling (see the Strava heatmap for intensity). Natural vegetation knits together edges of fields and vineyards, giving it a rugged character, and some of the roads and homes are overgrown. The upper slopes of West Peak of the Helderberg has a degraded quality as it is currently an old plantation in the process of being rehabilitated.

Views from the upper reaches of the unit stretch all the way to Cape Town, but within the lower drainage lines, views are confined to the intimately spaced immediate surroundings, creating several view pockets in the unit.

One of the first freehold farms is located next to the R44, between the historic Helderberg and Klein Helderberg farms. The avenue of Eucalyptus trees along the Klein Helderberg Road creates a clear, visual threshold between the agricultural landscape of the Winelands, and the ‘peri-rural’ edge of Somerset West.

This land unit is diverse with a variation of vineyard sizes, vegetable farming and smaller ‘lifestyle’ plots. These are mainly arranged along the three main drainage lines, which are densely vegetated and lead down from the Helderberg. Several historic farmsteads with associated landscape elements are located within this land unit. Land units such as this one, situated in close proximity to urban nodes, are valuable resources for recreational use.

(Stellenbosch Municipality Heritage Survey, landscape unit C25, 2018).

pockets in such a way that it does not significantly interrupt or dislocate the continuity of the rural and wilderness realms within the cultural landscape setting.

- Maintaining the prevalent patterns within the valley section, with the uppermost slopes being wilderness, the mid-slopes being used for forestry and other lower impact uses, the gentler low slopes accommodating agriculture, and the valley bottoms being used for intensive farming and settlement.
- Respect and consolidate working agricultural aspects of the landscape. This implies that a nostalgic or idealized historic farm werf should not be favoured over a working farm werf, and new development should be located to the edges of the primary farm werf and be subsidiary to it.

It is clear that the site forms part of the steep, wilderness domain of the cultural landscape. Thus, the primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development cannot “tip the balance” or disrupt the interplay of the various domains making up the Helderberg Farm Valley’s cultural landscape.

Key cultural landscape indicators that emerge at the sub-valley scale of analysis include:

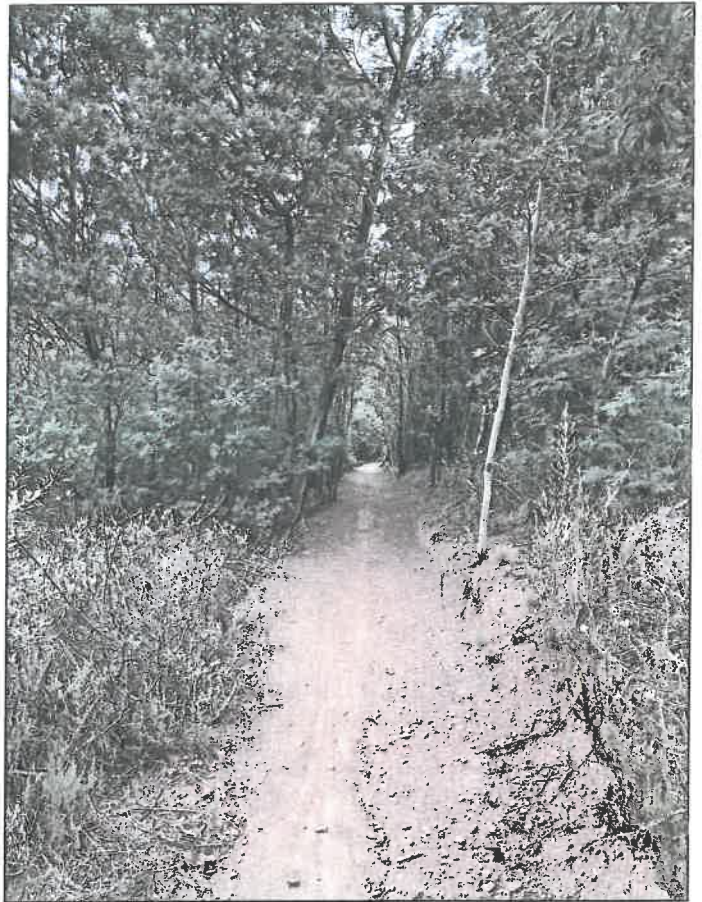
- Maintaining the balance between the urban, rural and wilderness elements within the landscape, with the agricultural and wilderness elements remaining dominant, and settlement occurring in

The Site

The site itself has two quite distinct characters:

1. The majority of the site forms a part of a wider drainage area, with densely vegetated, small valleys converging at the highest dam. This gives the landform a kind of concave, triangular form that is inward looking and therefore has a low visual exposure. This area has never been farmed, although it was forested in the mid 20th century. It is used for cycling and hiking trails, so narrow unpaved areas thread between the forested pockets. The well-treed environment has a high degree of natural texture and screening, and therefore the visual absorption capacity of the environment is high. It forms part of a band of well-vegetated wilderness area below the very steepest slopes of the Helderberg, and so forms part of a visually continuous band across the entire range, which is characteristic of the "wilderness domain" of the valley section.
2. The point of access to the Bo-Helderberg Farm is at a local high point, highly visually exposed to the Helderberg Valley (on the Stellenbosch side of the primary ridgeline) and with vineyards to all sides of the localised hill. A band of vegetation on the Somerset West side screens the site, but the visual exposure to the north is high. The entrance area is located at the transition from the agricultural to the wilderness domain. It is at the 380m contour, where Todeschini and Jansen recommended agriculture be stopped (they also recommend that buildings should not be positioned above the 320m contour).

Therefore, it is clear that there are two "visual characters" to the site, which have differing levels of sensitivity and therefore require different responses – see Figure U.



VIEW G: The farmhouse above the proposed werf, on the neighbouring farm. These structures are located higher up the slope than the proposed new werf area.



Figure U.1: The majority of the site is very well treed, with mountain bike tracks and hiking trails weaving through thickets of vegetation.

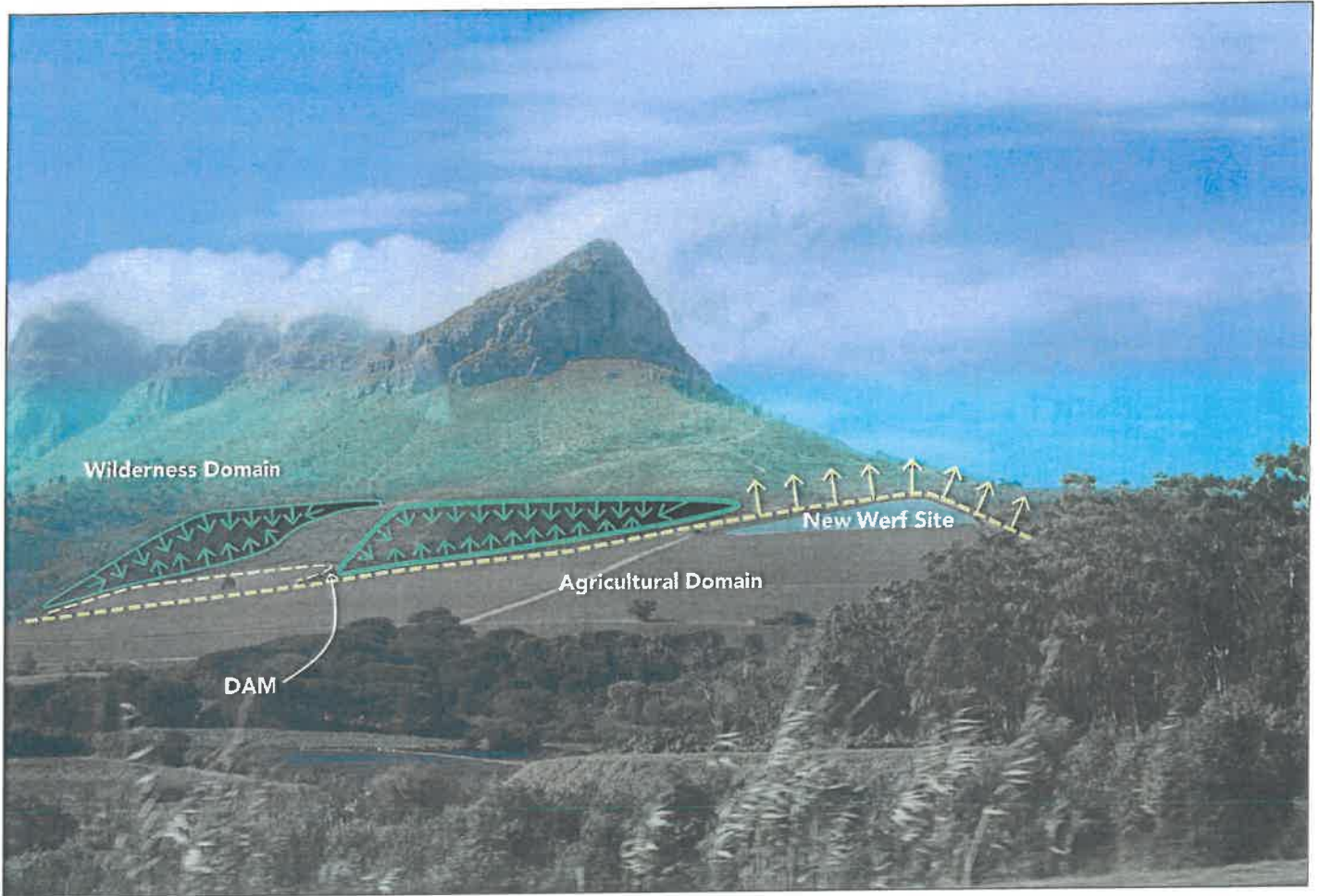


Figure U.2: The site has two very distinct visual characters: the well-vegetated and visually secluded wilderness domain, and a small pocket which is the uppermost section of the agricultural domain, on a small hillock and visually exposed.



Figure U.3: Map showing the location of the various panoramic views on the pages that follow.



VIEW A: Panorama from the proposed werf site, looking eastwards. The raised platform is at the current vehicular entrance to the farm. The dense vegetation to the left (south-east) is on the neighbouring farm.



VIEW B: Panorama from above the proposed werf site, looking westwards towards West Park. The fence represents the farm boundary, with the neighbouring Protea farm clearly visible. The very treed and vegetated nature of the farm is evident to the left



VIEW C: Panorama looking northwards towards Stellenbosch. This is at the transition between the agricultural and wilderness realms, and below the location of the proposed new werf area. The "pods" are proposed in the vegetation to the right (east).



VIEW D: Panorama looking westwards across the dam area. The visually secluded nature of the "wilderness area", largely due to its "concave" topography, is highly evident here.



VIEW E: Panorama looking westwards and down the Helderberg Valley. Again, the visually secluded nature of the "wilderness area", largely due to its "concave" topography and dense planting, is highly evident here.



VIEW F: Panorama looking south-westwards towards Somerset West, and across the neighbouring farm. The dense bush along the lower sections of the boundary is evident here, and should be expanded and reinforced around the proposed weir area.

ASSESSMENT OF VISUAL-CULTURAL LANDSCAPE IMPACT ASSESSMENT OF THE PROPOSED DEVELOPMENT.

THE DEVELOPMENT PROPOSAL

Drawings from Malherbe Rust Architects indicate that the development proposal is to create a new werf at the current vehicular access point, with four new structures: a new restaurant, a new store and admin building, a new farm managers house and a new farmhouse set a short distance from the other three structures. The new buildings will be surrounded by new vineyards and vegetable garden¹, and a new parking area is proposed. The renders provided indicate that the new buildings will be simple, “langhuis” type structures with end gables and single storey (although the roof area is clearly to be used, as evidenced by the skylights).

For the balance of the site, 8 “pods” are proposed for accommodation. The detailed layouts indicate a small unit, L-shaped with self-catering and bathroom areas, as well as a bathroom and outdoor area. The “pods” will be lifted above the ground, and will be single storey.

Access to the pod units will be along small pathways (mostly along existing gravel roads), which will link the units to the wine tasting’s parking area. The roads will consist of gravel roads and concrete roads in steep areas. Guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

Minor paved roads will provide access to the main farmhouse, wine tasting facility and farm store and administration building.

CONSTRAINTS TO DEVELOPMENT FROM THE STELLENBOSCH MUNICIPAL HERITAGE SURVEY.

HWC adopted guidelines for development in this landscape unit as part of the SMHS, 2018. The overall intent for this area is as follows:

- MAIN AIM: ENHANCE (MANAGE) AND INTERVENE (CHANGE): Improve land parcels by strengthening or reinforcing agricultural use and its characteristic elements and features, most importantly the tree-lines and windbreaks between properties, as well as vineyards and farmstead/werf areas.
- MAIN VALUE: AESTHETIC AND HISTORIC - Appropriate use of heritage features is critical for their preservation. Development that will result

in the loss of the sense of “openness” of the space, as well as its historic use as agriculture, and established planting patterns (including mature trees and tree lines) will threaten the heritage value of this landscape unit.

- CONSERVATION SYSTEM: Three scenic routes exist within this landscape unit. The visual impact of proposed developments must be carefully considered. This landscape unit also forms part of the green transitions conservation system, so maintenance of its green and open agricultural character is important.
- DEVIATED LAND USE/USES THAT WILL LIKELY ERODE LANDSCAPE CHARACTER: Overscaled private dwellings (on ridgelines), gated residential estates, large-scale industrial structures, business parks as well as isolated shopping centres and their associated parking lots will likely pose a threat to the character of the landscape unit. Suburban “creep”, particularly from the Cape Town Municipal Boundary (Somerset West), must not be permitted.

The detailed guidelines are attached as an Annexure to this report, and the pertinent aspects are raised for each assessment below.

ANTICIPATED VISUAL-CULTURAL IMPACTS OF THE PROPOSED PODS.

The pods are proposed within the “wilderness domain” of the site. As has been described, the character of these areas, while predominantly well-vegetated, is visually screened due to the concave landform and the textured receiving environment (these drainage lines have dense natural planting). This part of the site therefore has low visual exposure and high visual absorption capacity.

In addition, the eight “pods” that are proposed here have a very small footprint, are single storey, are well spread out and are generally nested into established vegetation. The existing tracks are to be used for access to them, and they will reinforce the hiking and cycling/mountain biking role of the site, which is tied to its “wilderness” qualities.

Therefore, this proposal will have low visual and cultural landscape impact. The proposal reinforces the following guidelines from the SMHS:

- That physical permeability to communal resources such as rivers and mountains is maintained and enhanced, for the enjoyment of all members of the public. This is particularly true when considering any new development proposals. (a) Promote

¹ The Environmental Assessment Practitioner notes that these areas have previously been cultivated

public footpaths across the cultivated landscape. (b) Restore areas of recreation, especially where the public has traditionally enjoyed rights of access. Action might include the removal of fences and walls, where it is appropriate. (c) Prevent privatisation of natural places that form part of the historical public open space resource network. (d) Allow for sustainable, traditional use of natural places for recreational, spiritual and resource-collection purposes.

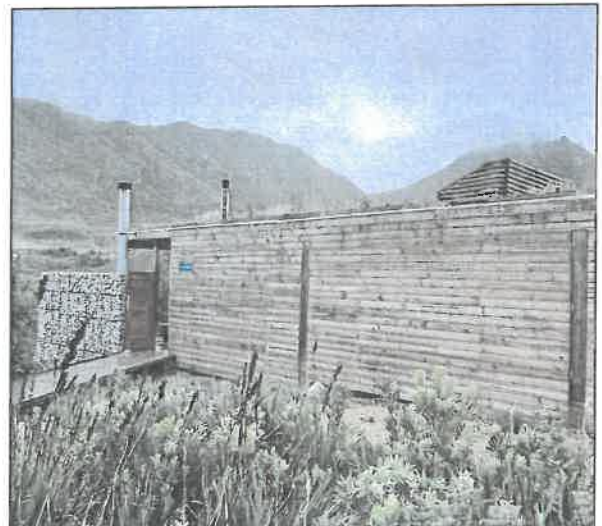
- Encourage managed access to wilderness areas on the higher slopes. This will allow residents and visitors to the winelands opportunities to experience the wilderness domain, which is a key component within the cultural landscape as a whole, and to experience the sense of interconnectedness of the wilderness, agricultural and urban domains through views from the upper slopes.
- Use existing roads and pathways, such as old forestry service roads, before any new routes are established. As much wilderness area as possible must be left intact.

However, it is important to note that the white-walled architecture proposed for these “pods” will create visual contrast to the wilderness domain and visually textured surrounds. The suggested mitigation is as follows:

- Clad walls in timber.
- Ensure deep roof overhangs to glazed areas, to reduce reflection.

See Figure V.

Figure V: The Caracal near Montagu (left) and the Koegelberg cabins near Betty’s Bay (right) illustrate the materiality that would be appropriate for the proposed “pods” within the wilderness setting of the site.



ANTICIPATED VISUAL-CULTURAL IMPACTS OF THE PROPOSED NEW WERF.

The proposed new werf is located at a highly visually exposed point within the Helderberg Sub-Valley. However, it is tucked below the primary ridgeline and so is very much north-east facing. It is at the transition between the agricultural and wilderness domains, and so there is low visual absorption available, with vines below the site and a small, grassed hillock above. The only visual absorption occurs to the south, where a densely treed pocket occurs on the neighbouring farm.

On the face of it, the proposal to locate a farm werf here goes against several of the SMHS guidelines, including:

- Observe the siting of traditional farmsteads and settlements along the stream course. Similar principles should be followed in the placement of new development, as this will inherently strengthen the character of the landscape units as a whole.
- Limit cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. Propose 'no-go' development areas above the 380m contour line for cultivated fields, and 300m for any built structures.
- Prevent construction of new buildings on visually sensitive, steep, elevated or exposed slopes, ridgelines and hillcrests. Retain the integrity of the distinctive and predominantly agricultural landscape character.

The entire site is above the 380m contour line. In addition, because the site is on a steep slope and access is already established at this point, there is no stream course along which to site new buildings, and to do so would involve the construction of new roadway.

However, the analysis of this section of the site illustrates that the proposed werf is located on the very edge of the agricultural domain, that there are two local ridgelines within and below which some screening occurs, and that the vegetated "pockets" to either side provide some higher-order screening (Figure W). Surprisingly, the proposed site for the werf is below the existing farm werf for the neighbouring farm (Figure X).

In terms of the Impact Assessment Criteria identified by Obholzer in his 2005 "DEA&DP Guideline for Involving Visual and Aesthetic Specialists in EIA Processes", visual criteria and considerations that inform a visual impact assessment at a more detailed scale for the site are as follows:

Visual Exposure and Viewshed Area

The visual exposure of the area is the geographic area from which the project will be visible (the "view catchment area"). It analyses the degree to which the site is visually apparent from the identified key viewpoints surrounding the site. Visual exposure and resultant impact tends to diminish with distance: the further away you are away from the development, the lower its visual impact. If all new structures were to be located within and below the converging local ridgelines, the visual exposure of this site would be moderate, and the new werf would be recognizable to the viewer within the intermediate area of the Helderberg Sub-Valley only. Because there is existing development higher up the slope on the neighbouring farm, this level of visual exposure is seen to be acceptable.

Therefore, the proposed location of the farmhouse has been shifted to the south, so that it is positioned below the ridgeline rather than on it.

Visual Absorption Capacity (VAC)

The VAC indicates the potential of the landscape to conceal the proposed development, and indicates how much of the project would be visually "absorbed" or "disappear" into the receiving environment. The only VAC is provided by the densely vegetated area to the south of the proposed new werf, and on the neighbouring farm. Therefore, it is recommended that new, indigenous vegetation of similar density be established on the subject farm itself, around the edges where the vegetable garden is currently proposed. This will provide some VAC for the proposed new buildings, particularly the larger store and administration building.

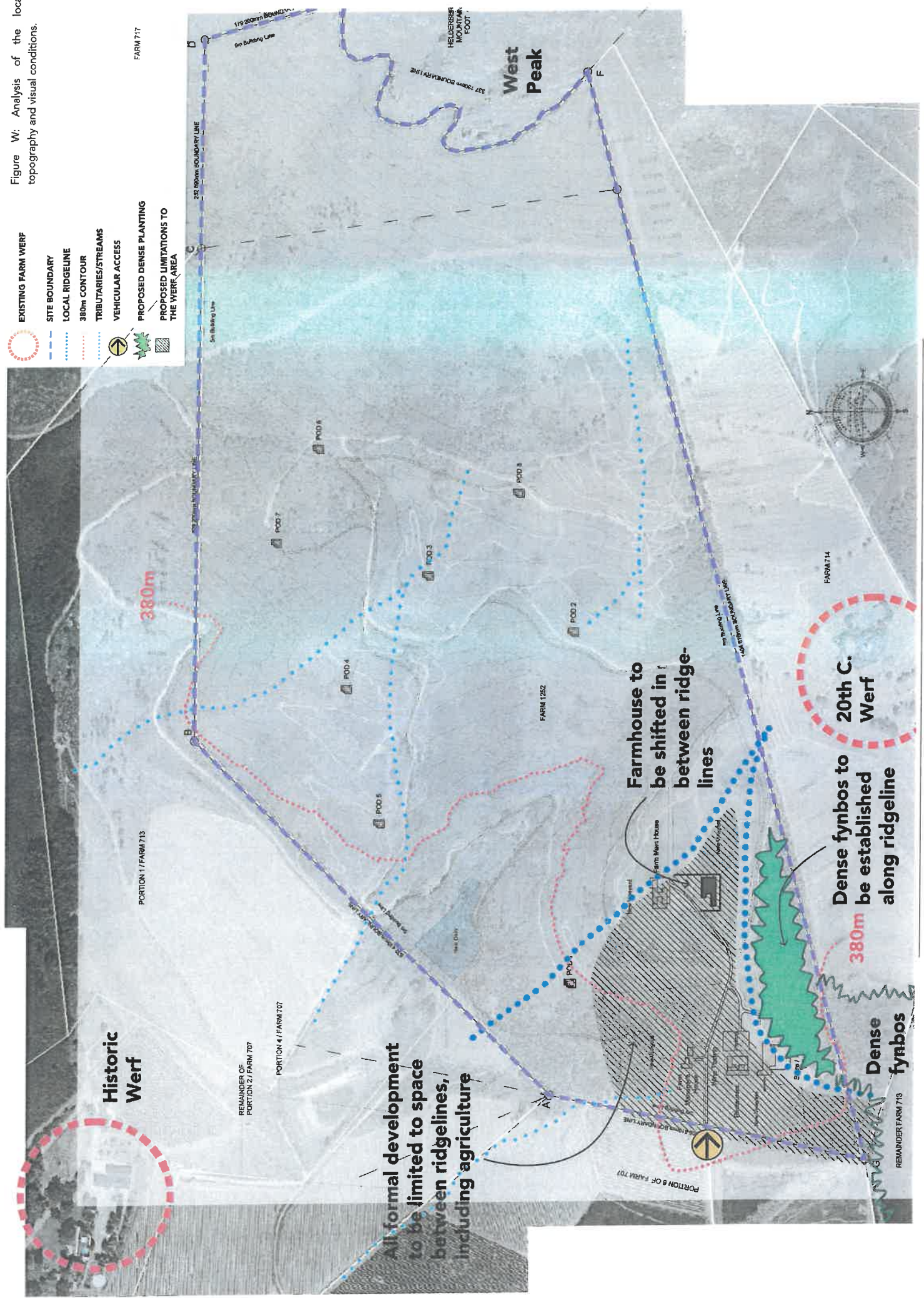
In addition, all buildings should be single storey only, although a roof-loft arrangement could be accommodated.

All formal roads should not extend beyond the structures (i.e. to the parking area and to the two houses). The roads should be surfaced with interlocking pavers in a tan or terracotta shade, rather than grey cement finish.

A landscape plan for planting around the werf is required, in order to better screen the new structures.

The natural visual exposure of the site means that the new development here will be visually apparent. It is important that it "read" as part of the agricultural domain of the valley, and that it be as small as possible to ensure that this does not present as an intrusion within the landscape, but instead in support of the farming activities on the site.

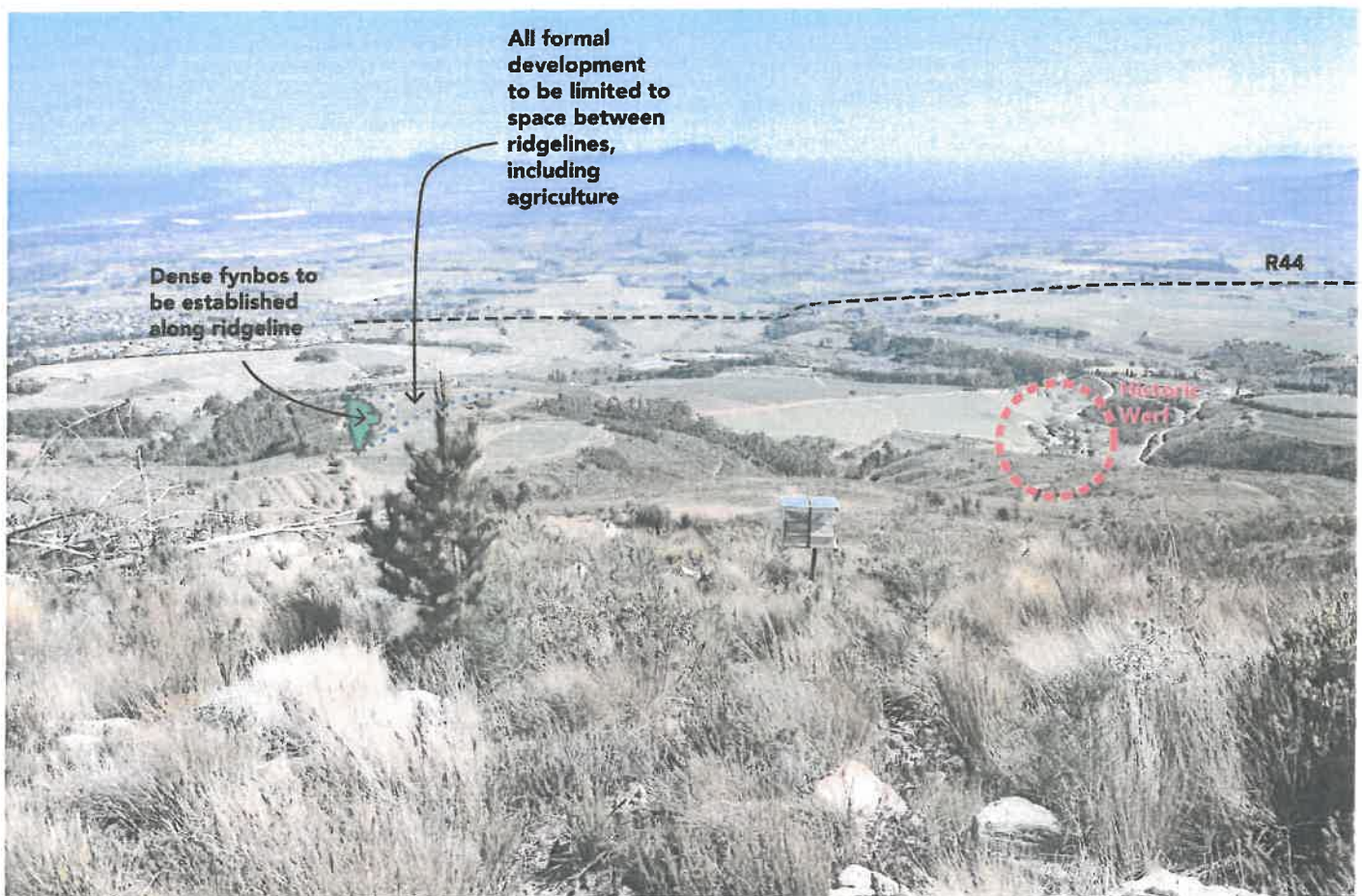
Figure W: Analysis of the local topography and visual conditions.





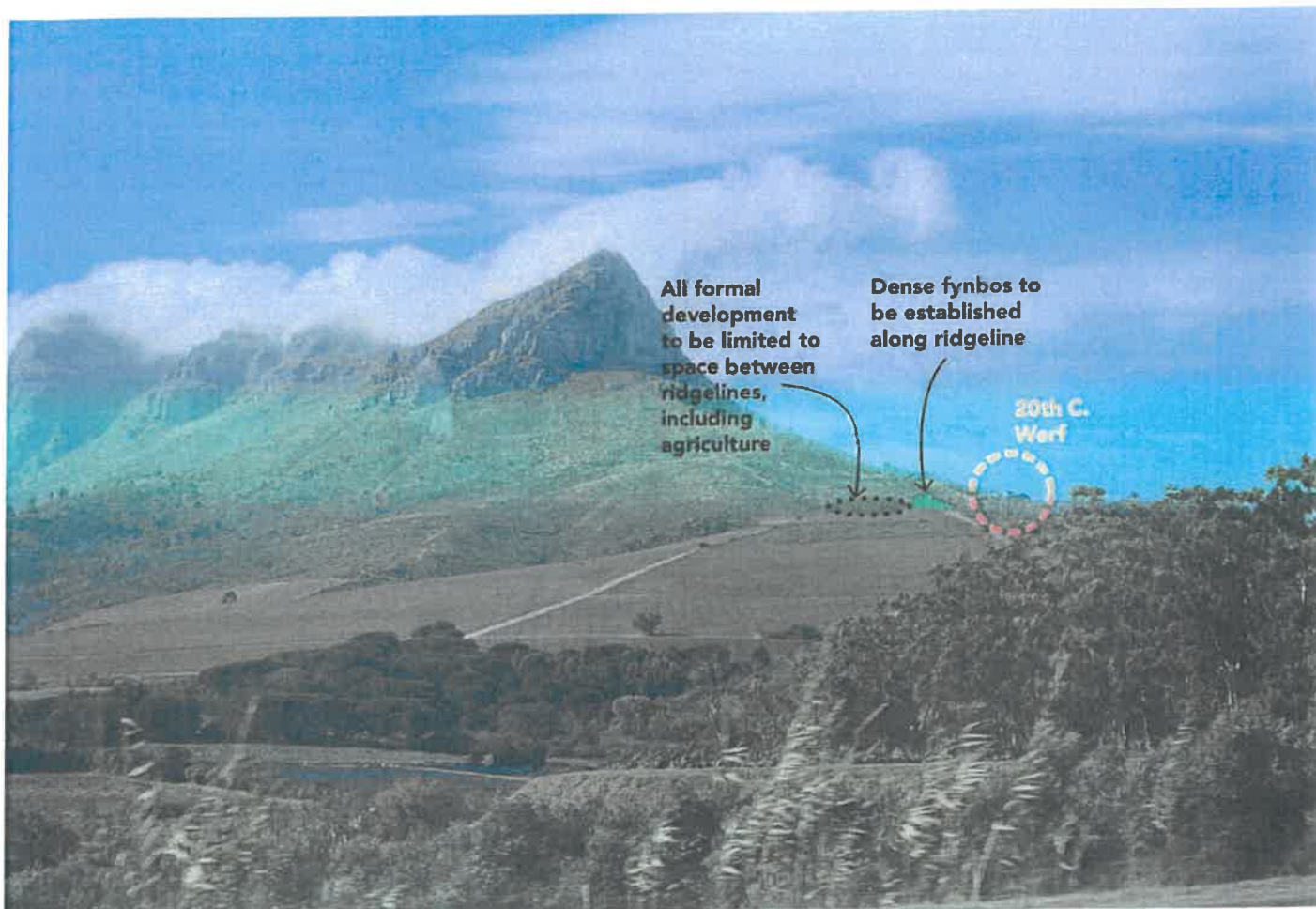
Photograph by Glany Saldanha, Google Earth Pro.

Figure X.1: The adjacent protea farmhouse and werf is located higher up the slope than the proposed new werf location.



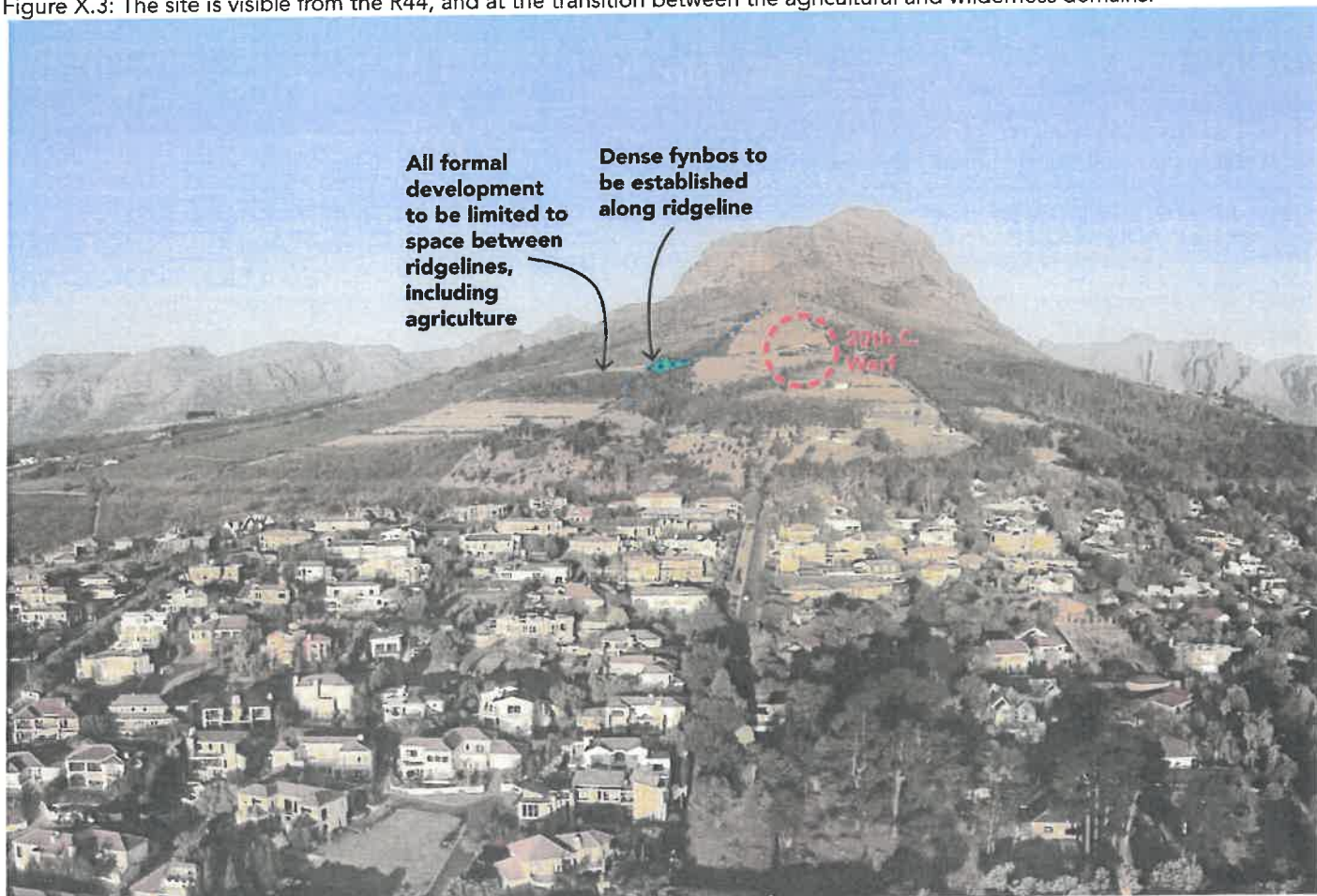
Photograph by Jaques Niemand, Google Earth Pro.

Figure X.2: It is clear that the proposed site for the new werf has a flattened top, and is screened by planting around the site.



Photograph by Peer Odde Pedersen, Google Earth Pro.

Figure X.3: The site is visible from the R44, and at the transition between the agricultural and wilderness domains.



Photograph by Peer Odde Pedersen, Google Earth Pro.

Figure X.4: The site from Somerset West. The screening provided by the planting to the south of the site is more evident from here.

MITIGATION IN TERMS OF THE LANDSCAPE PLAN

A landscaping plan for the proposed new werf was received, authored by DDS Projects.

Please refer to Figure Y.

The plan includes extensive tree-planting around the buildings and parking making up the new werf. These comprise mostly Algerian Oak Trees and Plane Trees.

An olive orchard proposed above the site and along the ridge will have the effect of “buffering” the transition between the formal, vibrantly-green agriculture and the darker tones of the natural areas above.

A new dam is proposed, with indigenous planting proposed in and around the water body.

The extent of tree planting proposed will certainly screen the new werf, and visually mitigate its impact on the cultural landscape.

It will also mitigate the transition from the new vineyards to the wilderness areas behind.

ARGUMENT FOR NOT SHIFTING THE BUILDINGS OFF THE RIDGELINE

It is important to state that the requirement/heritage indicator to avoid placing buildings on ridgelines comes out of the HWC-approved guidelines for the Stellenbosch Municipality Heritage Survey (2018, Todeschini, Jansen et al).

However, the architects have argued that the buildings are in fact positioned on a localised plateau, and therefore the “ridgelines” are not as visually impactful here.

It was requested that the architects and visual specialists map the proposed development from 5 key viewpoints in order to illustrate their argument (see Figure Z.1 - Z.6).

While the visual impacts of the original positioning of the proposed farm buildings - some on localised ridgelines - is acceptable in these 5 views, it is important to state that the model retains the existing vegetation, some of which will give way to vineyards, especially around the proposed new werf. Therefore, Visual Absorption Capacity is likely to be reduced from what has been modelled, particularly in the short term.

This makes the new landscaping even more important, to replicate the screening and absorption provided by the current, alien growth.

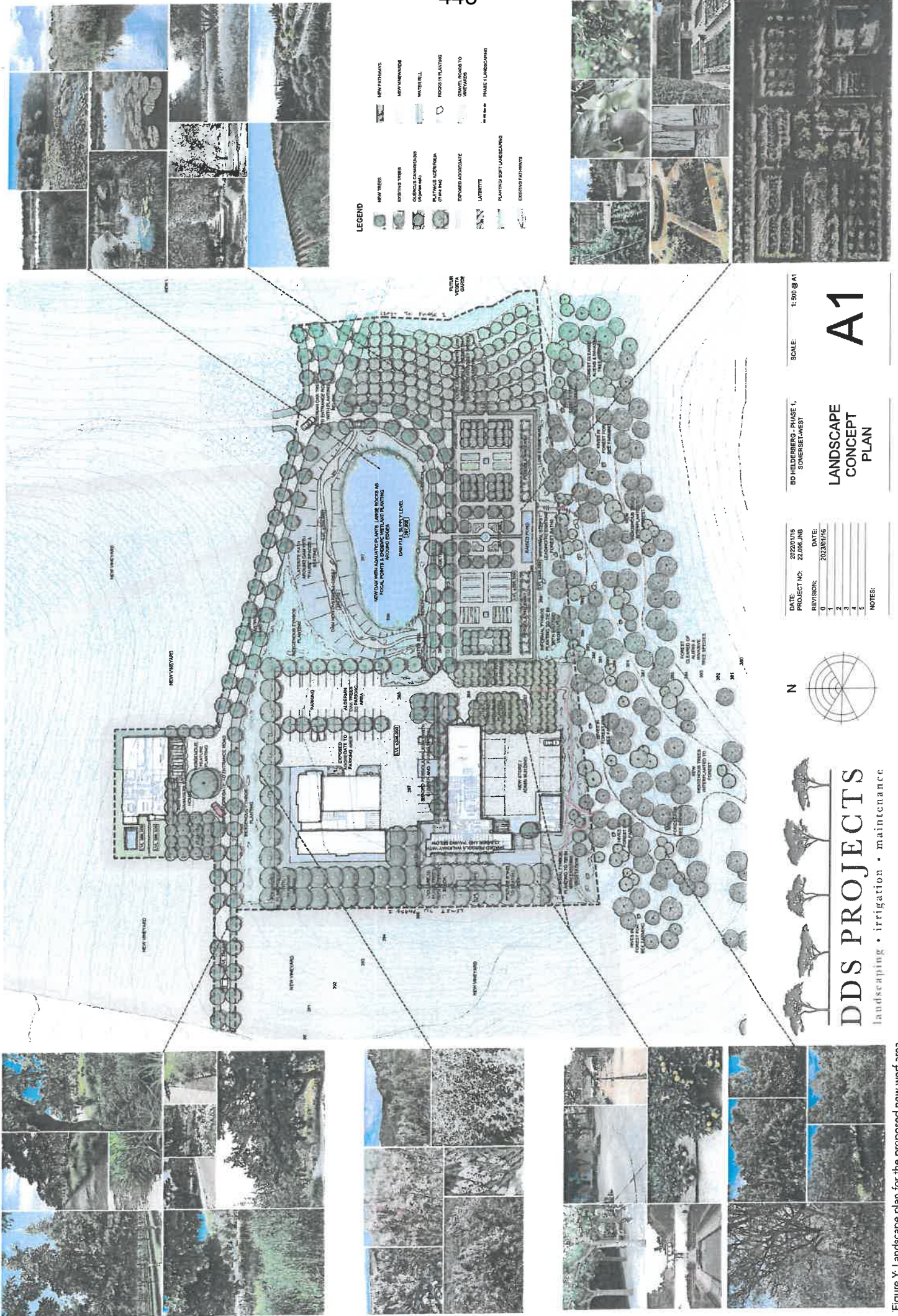
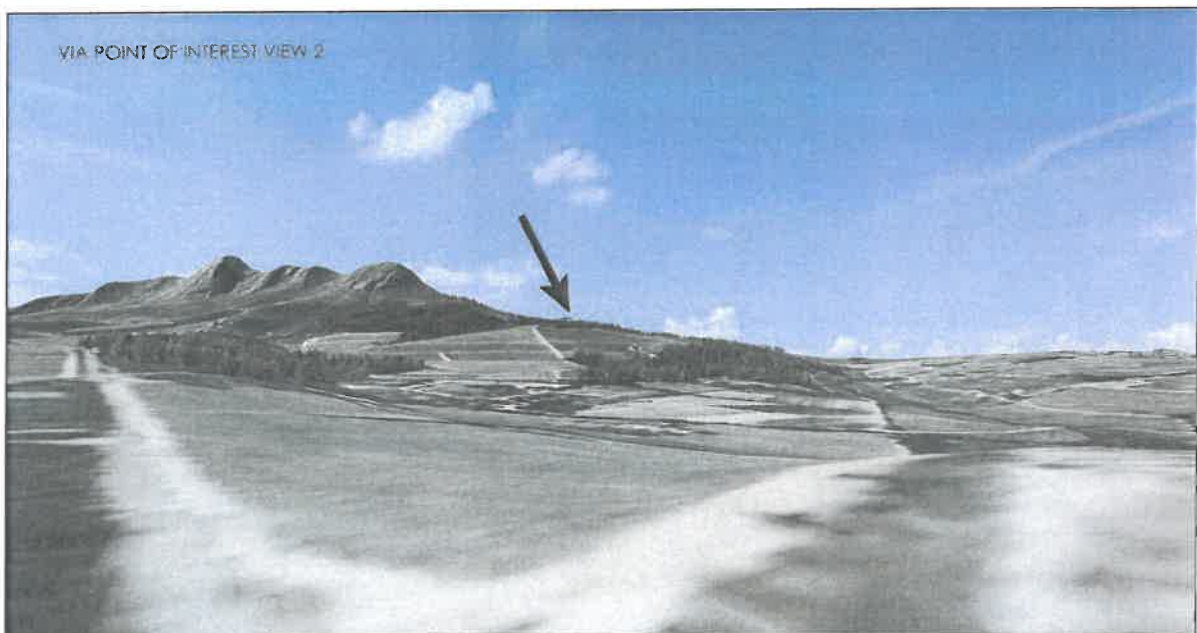
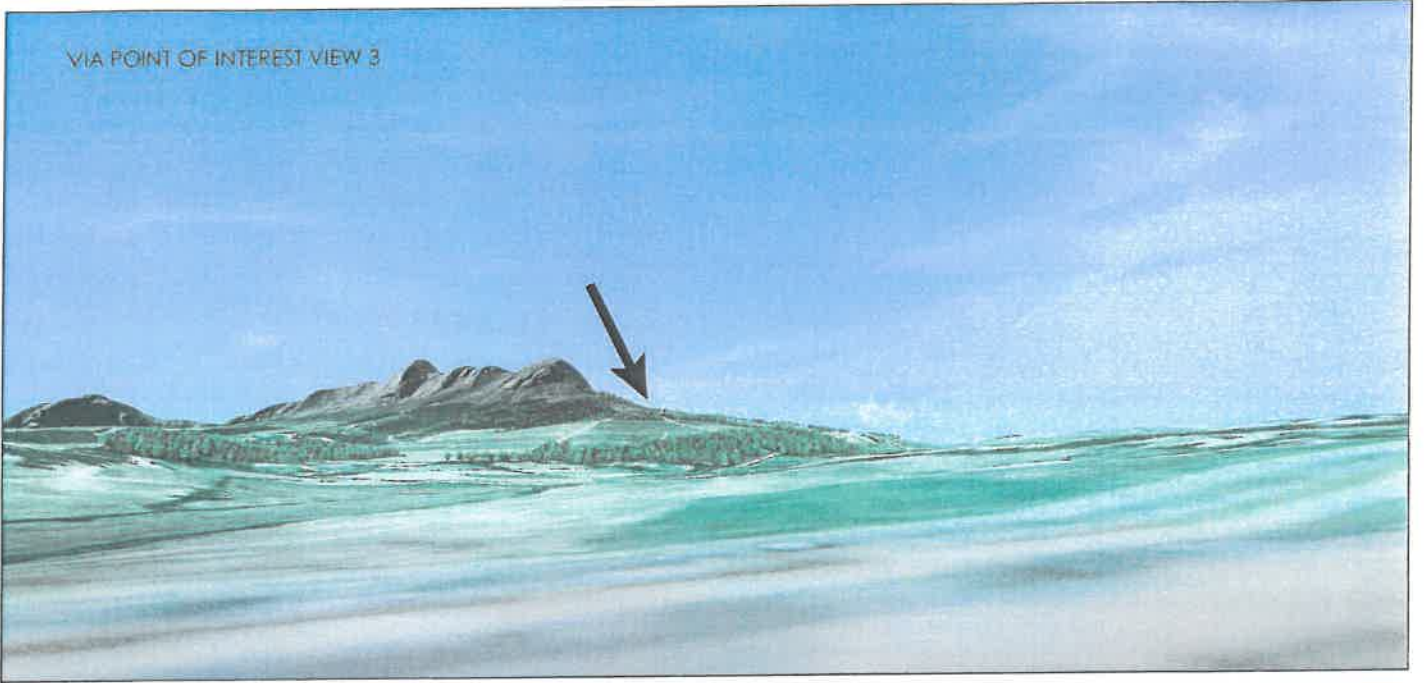


Figure Z: Key Viewpoints and Views provided from each, with proposal development reflected.



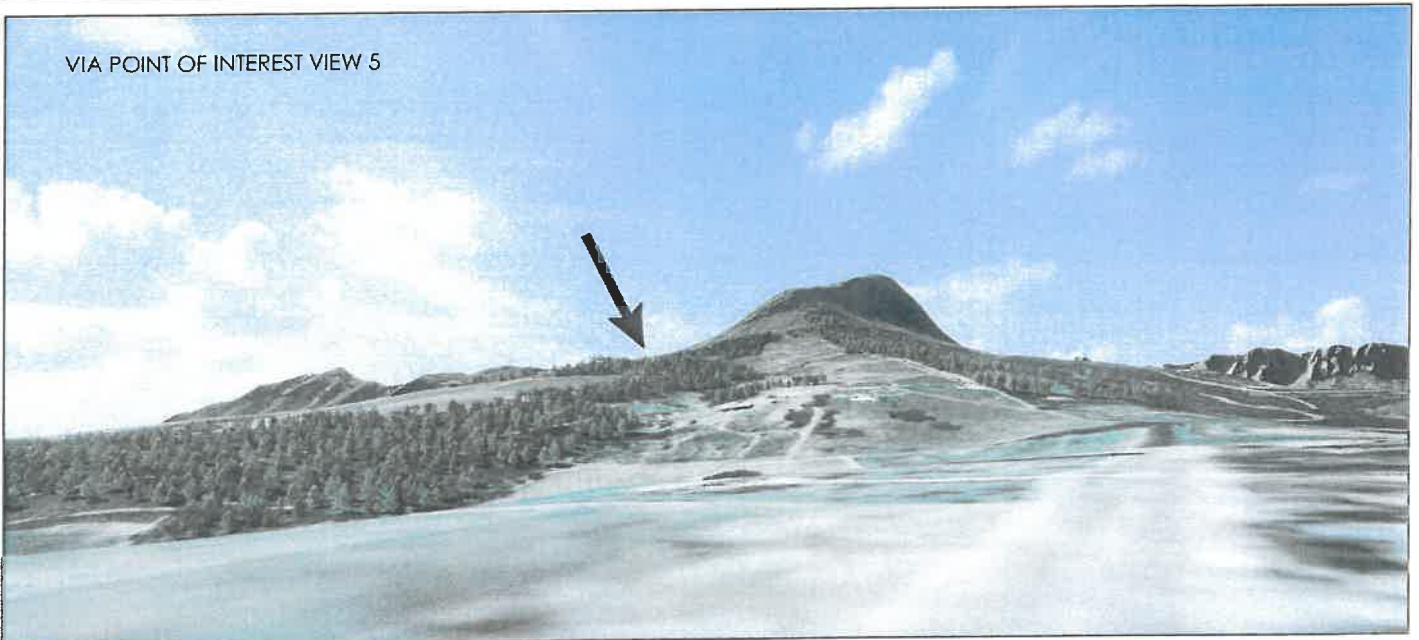
VIA POINT OF INTEREST VIEW 3



VIA POINT OF INTEREST VIEW 4



VIA POINT OF INTEREST VIEW 5



Therefore, it is recommended that the following previous mitigation measures should be incorporated into the design development phases as conditions:

- New, indigenous vegetation of similar density to the vegetation south of the proposed werf site must be established on the subject farm itself, around the edges and around where the vegetable garden is currently proposed, so that the new werf is visually screened and "softened" by planting within the landscape from all sides.
- All residential and public buildings must be single storey, or with a roof-loft arrangement for an upper level. Double volume spaces can be accommodated in working agricultural buildings, where machinery requires. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.

CONCLUSION.

It is clear that the site forms part of the steep, wilderness domain of the cultural landscape. The primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development should not "tip the balance" or disrupt the interplay of the various domains making up the Helderberg Farm Valley's cultural landscape.

Overall, Farm 1252 is unique in the area as it promotes access to the wilderness domain of the Eerste River Valley, through the hiking and mountain-biking trails that currently existing in the area. The proposed new development should strengthen this recreational offering, which depends on the wilderness character of the site.

Farm 1252 has two distinct area types, with differing cultural landscape and visual characters. The analysis indicates that the proposed interventions and developments on the site can be satisfactorily mitigated, and that impacts would be acceptable once mitigation measures are incorporated.

Claire Abrahamse

February 2023.

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CTS HERITAGE

Appendix 7 Results of PPP

APPENDIX 4

Proof of Evidence



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12 February 2024

Ref number: LU/14498

Salome Newman
Land Use Department
Stellenbosch Municipality
BY HAND

Dear Salome

STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES	
FILE NR:	13 FEB 2024
	RECEIVED
SCAN NR:	
COLLABORATOR NR:	
	763138

PORTFOLIO OF EVIDENCE (PoE) AND RESPONSE TO COMMENTS: FARM 1252, STELLENBOSCH (BO HELDERBERG FARM)

Please note that the Public Participation Process for the above-mentioned application has been concluded. The PPP commenced on 17 May 2023 and concluded 17 July 2023. The Western Cape Roads department and HWC requested additional information on the application which was submitted and subsequently supported by both these departments. This PoE contains the latest information and letters of support (received December 2023) for the application.

Herewith, please find our Portfolio of Evidence with the following information attached as Annexures:

- Annexure A: PoE Checklist
- Annexure B: Notice to Surrounding Owners (Example and Proof of Distribution)
- Annexure C: On-site Notice
- Annexure D: Comments Received (Public)
- Annexure E: Comments Received (Internal Municipal Departments)
- Annexure F: Landscaping Plan
- Annexure G: Comments Received (External Departments)
- Annexure H: HIA and supporting documents

1. Response to Comments Received (from the Public)

On conclusion of the public participation process, objections from the following neighbours and Public Groups were received (please refer to Annexure D for a copy of all the letters):

- 1) Stellenbosch Interest Group
- 2) Mr. CW Obermeyer (Portion 6 of Farm 707 and Farm 1355)
- 3) Leon Booysen (Farm 713)
- 4) RJ McNaught Davids (owner of Klein Helderberg Farm)
- 5) Schalk Joubert (Taaibosch Farm, Farm 715)

The following section provides a summary of their objections and concerns as well as our response thereto. Please note that some of these letters are addressed to Cornerstone Environmental Consultants as these commenting letters were in response to both the EIA and Land Use process. We therefore address it as comments on our land use application as well.

2.1 Stellenbosch Interest Group

The main concern from the SIG relates to visual impact which includes visual impact from a scenic route.

In consultation with the project team, it was decided to have the eight accommodation units placed in separate areas, situated away from the farming activities and other buildings. It was considered that having the units situated in a communal “werf” area may have a potential increase in visual impact as it could be viewed and perceived as one large building/construction footprint. The location of each unit was especially determined, taking cognizance of the slope of the site (to stay clear of steep slopes), staying clear of visually sensitive areas, areas with high botanical value, and watercourses. Having the units strategically placed in isolation, away from all other units and farming activities will also enhance the privacy of the units and the sense of place, the feeling of being situated in and surrounded by nature, which will add to the unique character of the development.

CTS Heritage prepared an Integrated Heritage Impact Assessment (please refer to Annexure H) which includes an Archaeological Impact Assessment as well as a Visual Impact Assessment on the cultural landscape. The Integrated Heritage Impact Assessment confirmed that the visual impact on the cultural landscape is the primary heritage concern associated with this development.

The specialist has confirmed that the site forms part of the steep, wilderness domain of the cultural landscape. The primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development should not “tip the balance” or disrupt the interplay of the various domains making up the Helderberg Farm Valley’s cultural landscape.

On submission of the HIA, HWC requested a revised proposal which considers an alternative architectural and landscape response to site and wilderness zone, which is more appropriate than the Cape Werf typology. In response to this, the appointed architects provided a detailed Architectural Response which included a material study (please refer to the letter from Malherbe Rust Architects, dated 10 November 2023 attached to the HIA in Annexure H). In order to gain a

comprehensive understanding of the anticipated visibility of the proposed structure, the consulting team undertook a Shade-Net Study to indicate to impact of the buildings on the werf area, if viewed from different view points. Please refer to the additional supporting document (dated 14/11/2023) as prepared by CTS Heritage and submitted to HWC.

After the review of the additional information to HWC, HWC indicated (in their attached letter dated 13 December 2023) that they endorse the HIA as meeting the necessary requirements and supports the recommendations of the HIA, which includes the following:

1. The proposed "pods" must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection."
2. The proposed new werf must adhere to the following recommendations:
 - a. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and "softened" by planting within the landscape from all sides.
 - b. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes..."

It is therefore strongly motivated that after a very detailed submission in terms of potential visual impact, HWC supports the proposal and would not have done so if they were not convinced that the proposed development would not have a negative impact on the character of the area of cultural landscape.

In conclusion, is it strongly motivated that the layout, placement, topology and design of all the buildings forming part of this application was based on detailed and in depth studies by the various specialists on the team to ensure no/very limited visual impact.

1.2 Mr CW Obermeyer

The main concerns in Mr Obermeyer's letter relates to the EIA and not specifically to the Land Use Application. For purpose of providing a response to his letter, we will address the two issues which we consider in direct relation to the land use application:

- Visual impact and noise
- Negative impact on turn-off the R44

Please refer to Section 1.1 above for a detailed response to the perceived visual impact. Is it is further argued that the limited scale of the development will not have an impact on noise to the extend to warrant refusal. The potential noise which may result from the restaurant can be managed by enforcing operating hours and restrictions in terms of use of outside areas. The proposed type of development is a generally supported development in the winelands area and should not be refused based on perceived impact of noise.

Please refer to the e-mail correspondence (included in Annexure G) between Pieter Arangie from ITS Global and Barend du Preez from the WC Department of Infrastructure (Roads), dated 15 September 2023, which sets out the information on the detailed gap-survey that ITS had undertaken. In response to this, the WC Department of Infrastructure (Roads), issued a letter on 13 December 2023 in support of the proposed development. Please refer to Section 4.3 below for a list of their conditions of approval.

It is therefore argued that after careful consideration, the relevant specialist and authorities agree that the proposed development will not have a detrimental effect in terms of access or safety to the extend to warrant refusal.

1.3 Leon Booysen

The main concerns, in relation to the land use application, raised by Mr Booysen is similar to that of Mr Obermeyer, relating to access to the R44 and visual impact. Please refer to our response in Section 1 above.

1.4 RF McNaught Davids

The concerns raised by Mr Davids with specific reference to the land use application can be summarized as concerns regarding the visual impact, traffic and security. Please refer to the Sections above for which addresses the concerns regarding visual impact on traffic.

Mr. Davids is also concerned that the increase in human movement and accessibility will attract nefarious forces intent on criminal activities in an area where security is already compromised.

In response to this, the client has already installed an electronic gate and access control, flood lights with CCTV monitor at the gate leading to the application site, which will strictly control public access.

1.5 Schalk Joubert

The specific comments/concerns raised by Mr Joubert relate to the following topics:

- the proposed new dam
- R44 traffic congestion - concerned that additional traffic resulting from the proposed development could exacerbate the existing issues and negatively impact the quality of life for the local community
- The proposed poly-tunnel could result in a negative visual impact
- proposed development above the regulatory 380m contour line

Response:

- The dam is not a land use issue and will be assessed in terms of environmental legislation, it therefore has no relevance to this application.
- Please refer to Section 4 below which deals with the Western Cape Department of Road's comment in response of the proposed development. As per the letter from the Road's Department, they support the proposed development if certain conditions are met. Please refer to Section 4 below for these conditions.

- The application does not include a poly-tunnel, this comment should therefore be disregarded.
- Please refer to Section 2.1 which addresses the potential visual impact of development above the 380m contour line.

2. Response to Comments Received (Internal Municipal Departments)

As part of the application process the application was also circulated to all internal departments. On conclusion of the commenting period, the Engineering Department commented that they cannot recommended the application for approval based on the following:

- Request for approval by the Department of Water and Sanitation for the proposed sewer treatment plant.

The application process to obtain approval from the Department of Water and Sanitation is a notoriously long process and in the past, this was always been dealt with as a condition of approval. We have contacted the Engineers with a request to kindly include this as a condition of approval and will forward their response asap.

- Request to try and find alternative ways to minimize the amount of package plants to be used and to provide a revised sewer layout plan in accordance with the SDP.

The proposal as submitted is considered to be the most optimal proposal (also with reference to environmental constraints) in terms of the provision and use of services. The treatment plans will go through a detailed assessment as part of the environmental process to ensure that it does not have a negative impact on the receiving and surrounding environment.

3. Response to Comments Received (External Departments) (Annexure G)

Please refer to Annexure G for copies of letters from the commenting departments.

4.1 Western Cape Department of Agriculture

In their letter dated 17-07-2023, this department commented that they **only support five of the proposed additional dwelling units for tourist accommodation.**

It is firstly argued that the Department of Agriculture is the commenting authority on agricultural land. It is clear from all the specialist studies that the application site has very limited agricultural potential, both from the limited agricultural potential of the land but also due to the visual impact and steep slopes. The placement of the pods were specifically chosen to ensure that it will not be positioned on sensitive land, in relation to fauna and flora, visual impact and the agricultural potential of the sites. It is motivated that the tourist accommodation units will in no way have any effect on the agricultural potential of the site. It is however argued that the tourist units will create an income to support the limited agricultural activities that can be accommodated on site, the protection of sensitive vegetation and the management of critical fire prevention on the property

For the landowner to be able to protect the indigenous vegetation and provide for limited agriculture there has to be an additional income, other than purely agriculture. It is considered that having only five units on site will not be financially viable

to support and justify the agriculture component and the protection of the natural vegetation of the site, to the benefit of all the surrounding properties.

4.2. Heritage Western Cape

Please refer to Section 1 above for details on all the information which was submitted as part of the HIA.

Please refer to the letter from HWC dated 13 December 2023 in **support** of the proposed development.

4.3 Western Cape: Transport Infrastructure Branch (Road Planning)

This Branch offers **no objection** to the Consent Use applications for Farm 1252, Stellenbosch as reflected on the Site Development Plan (Drawing Number 101, Revision E) dated April 2023 prepared by Malherbe Rust Architects subject to the following conditions:

- The applicant is fully aware and acknowledge that - as part of the R44 Road Safety Project, the median crossings at the MR27/OP4237/OP4236 intersections will be closed and become left-in/left-out accesses on MR27; and
- The applicant is fully aware and acknowledges that the Branch is not obliged to maintain OP4237 and that he/she may for the interim be responsible for any additional maintenance/upgrading needs on OP4237 according to appropriate standards as agreed with and under supervision of the District Road Engineer in Paarl.
- It is recommended that – until the R44 Road Safety Upgrade Project is implemented, the applicant be requested to advise visitors to the proposed development to plan their trips when leaving the site to avoid having to turn right at the R44 (MR27/OP4237) intersection.

To conclude, it is motivated that as per the comments received, the biggest concerns are regarding the visual impact and the impact on the R44. After careful consideration of all the information submitted, both HWC and the Provincial Roads Department support the proposal (with conditions). It is therefore considered that the concerns raised by neighbouring properties has successfully been addressed with mitigation measures as proposed by the relevant authorities.

Yours sincerely



Marike Bolz (Director)

Arch Town Planners (Pty) Ltd

• **Annexure A: PoE Checklist**



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

LAND USE PLANNING APPLICATION: PUBLIC PARTICIPATION PROCESS							
PORTFOLIO OF EVIDENCE (POE) CHECKLIST AND DECLARATION							
Sections 45, 46 and 55 of the Stellenbosch Municipal Land Use Planning By-Law (2015)							
Erf		Portion(s) if farm	1252	Allotment Area	Stellenbosch		
Owner/ Applicant	Mariuske Bolz			LU/#	14498		
Notice Period	From:	17 May 2023		To:	17 June 2023		
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT			ADMIN VERIFY
				YES	NO	N/A	
1. The declaration is duly signed				x			
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached				x			
3. Municipality informed of the start date and closure date				x			
4. The advertisement period complies with the required 30 days (60 days for municipal departments and organs of state)				x			
5. If applicable, confirms that the site notice was placed and kept on site for the full duration of the public participation process				x			
6. All communications (other than notices) in respect of the public participation process attached				x			
Proof of notices published							
7. If applicable, photo evidence to confirm site notice (one close up and one from across the street)				x			
8. Wording of the advertisement accurate and copy attached				x			
9. Proof of notices published (publication date visible)				x			
Proof of notices served							
10. Wording of notice accurate and example attached				x			
11. Proof of all notices served to neighbouring properties attached				x			
12. Proof of all notices served to interest and community groups attached				x			
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached						x	Municipality's responsibility

Comments received				
14. All objections and comments received attached, including amended comments if relevant	x			
15. All comments from municipal departments and organs of state received (must also be attached to POE)	x			
16. Consent from abutting property owners obtained and attached		x		
17. Applicant's written reply / responding comments on all the objections attached	x			

Page 1 of 2

July 2021v2

KINDLY NOTE:

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

COMPLETE AND SIGN THE FOLLOWING DECLARATION

DECLARATION

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

7912090069088 as the Applicant for the above application, hereby confirms:

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

Duly signed on 15 January 2023 at Stellenbosch



Signature

For office use only	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	18.7.2024.
DATE VERIFIED	

NOTES TO BE RECORDED:

**Annexure B: Notice to Surrounding Owners
(Example and Proof of Distribution)**

CONSENT USE APPLICATION (TOURIST ACCOMMODATION AND FACILITIES)

FARM 1252 HELDERBERG STELLENBOSCH



MAY 2023

Rev 1

SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



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Contents

1. INTRODUCTION	3
1.1 Background Information	3
1.2 Planning Brief	3
1.3 Applications to Stellenbosch Municipality	3
2. PROPERTY DESCRIPTION	3
2.1 Ownership Details and Title Deed	3
2.2 Locality and Context	4
2.3 Current Zoning and Land Use	6
2.4 Botanical Constraints	7
2.5 Heritage Classification	7
2.6 Visual Considerations (Site Sensitivity Assessment)	
3. DEVELOPMENT PROPOSAL	8
3.1 Overview	8
3.2 Proposed Tourist Accommodation	8
3.3 Proposed Wine Tasting and Restaurant	10
3.3 Compliance with Development Parameters	14
3.4 Bulk and Internal Services	15
3.5 Visual Assessment	17
4. OTHER APPLICATIONS	19
4.1 Environmental Impact Assessment	19
4.2 Heritage and Visual Impact Assessments	19
5. MOTIVATION	19
6. CONCLUSION	23

Annexures

Annexure A:	Power of Attorney
Annexure B:	Land Use Planning Application Form
Annexure C:	Copy of Title Deed and Conveyancer Certificate
Annexure D:	Preliminary Botanical Report
Annexure E:	Visual Site Sensitivity Report
Annexure F:	Site Development Plan
Annexure G:	Proposed Floor Plans and Elevations
Annexure H:	Services Report
Annexure I:	Transport Impact Statement
Annexure J:	Pre-application Scrutiny Feedback

1. INTRODUCTION

1.1 Background Information

The current owner of Bo-Helderberg Farm recently bought the farm intending to establish vineyards and build their house on the farm. There are currently no agricultural activities or any buildings on the farm, though building plans for a farm store and office has recently been approved.

As the existing type of vegetation (being classified as CBA) and the slope of the farm, is situated high above Helderberg Mountains, limiting the areas which can be used for agricultural purposes, the owners wish to develop tourist accommodation units and a restaurant/wine tasting facility on the farm to create an additional income to sustain the farm and the management of the CBA areas.

1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the farm (hereafter referred to as the application site) to prepare and submit an application for Consent Uses, to allow for the proposed tourist accommodation, restaurants, and wine tasting, to the Stellenbosch Municipality for their consideration.

Please refer to the attached Power of Attorney (**Annexure A**).

1.3 Applications to Stellenbosch Municipality

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

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units.
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

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

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf size	Title Deed	Restrictive Title Deed Conditions
Bo-Helderberg Farm, Farm 1252, Stellenbosch	Proximity Properties 420 Pty (Ltd)	± 76 ha	T28631/2021	None

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As seen in the Title Deed and confirmed by the attached Conveyancer Certificate, there are no restrictions to prohibit the proposed land uses.

2.2 Locality and Context

The application site lies between Stellenbosch and Somerset West, at the upper section of the Helderberg Mountain, east of the R44. It lies directly east of the Klein Helderberg farm, which is a popular tourist destination with its restaurant and outdoor activities. The application site is one of the hights situated farms in the area, with beautiful views of Table Mountain and False Bay. It is surrounded by wine farms with related wine cellars, restaurants, and tourist accommodation. Access to the property is via the Klein Helderberg Road, intersecting the R44 Main Road. The entrance to the property is accessed through a gravel servitude road roughly 270 meters north and 380 meters east from the end of Klein Helderberg Road.





Figure 2: Local Context

Figure 2 Aerial view



Figure 3: Application Site



Figure 4: Proposed Access Road (Malherbe & Rust Architects, 2022)

2.3 Current Zoning and Land Use

The zoning of the property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Agriculture and Rural** which allows for the following land uses on the site:

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

Table 2 Summary of land uses

As mentioned above, there are currently no agricultural activities or any buildings, structures, or infrastructure on the application site. The application site has been used for recreational purposes only, such as hiking trails, 4x4, mountain biking, and hiking.

The application site has a mix of alien and vegetation in Cape Winelands Shale Fynbos, which is considered a vulnerable ecosystem. Section 2.4 below provides an overview of the existing biodiversity features on the site and a summary of the findings and recommendations from the Preliminary Botanical Report (attached as Annexure D).

2.4 Botanical Constraints

Jolene Krige conducted a preliminary botanical assessment of the application site to identify the most significant biodiversity features and to highlight the main findings of the field survey to help inform the placement and scale of the proposed development. Please refer to Annexure D for a copy of her report.

According to the SA Vegetation Map, the target areas comprised Cape Winelands Shale Fynbos before any disturbances. This ecosystem is considered Vulnerable. Kogelberg Sandstone Fynbos (a critically endangered ecosystem) is evident along the easternmost fringes of the property, on the Helderberg Mountain but not near any of the proposed development components. The western portion of the property is recognised as an Ecological Support Area (ESA) while the central portion is recognised as a Critical Biodiversity Area (CBA). The easternmost section of the property forms part of a Protected Area (Hottentots-Holland Mountain Catchment Area) and is bordered towards the east by the Helderberg Nature Reserve. The study also identified the following aquatic features:

- There is a non-perennial watercourse crossing through the proposed dam site. This drainage line is considered an aquatic ESA with areas upstream of the mapped watercourse (eastwards within the CBA) considered aquatic CBAs under the criteria seep wetland.
- The northern portion of the farm also contains aquatic CBAs (seep wetlands) associated with drainage lines in the north.

The study identified sensitive no-go areas, such as the CBAs and areas with sensitive vegetation, where no development could occur, which helped determine the placement of all structures. This was taken into consideration and informed the site development plan of the proposed development as discussed under section 3 below.

2.5 Heritage Classification

Though there are no buildings of historical value on-site, the application site has been classified as having a high cultural landscape significance. The receiving environment is an agricultural area centered around the production of wine, which is also renowned for its tourism destinations and historic setting, on the edge of a major urban area (Somerset West). The subject site is located outside of the urban edge, within the Eerste River Valley (C) Eerste River Helderberg Footslopes (C25- C30) Landscape Unit: the C25 Helderberg Foothills (which is assigned a proposed Grade IIIa classification) according to the Stellenbosch Heritage Inventory and Conservation Management Plan (SHCMP) (Stellenbosch Municipality, 2019). The site falls within (and therefore triggers) the Foothills Conservation System and the Green Transitions Conservation System. While the site does not fall within any of the Scenic Route Conservation System overlay areas, Scenic Routes do occur in the study area, and the potential visual impact of proposed developments on the visual amenity of scenic routes must be carefully

considered in this context. Section 2.6 below provides a summary of the findings and recommendations from the Visual Site Sensitivity Assessment.

2.6 Visual Considerations (Site Sensitivity Assessment)

The purpose of this assessment was to provide the project team with initial visual & aesthetic informants and indicators relating to visual aspects that may inform the planning application and design development in the pre-application phase. It helped to identify scenic resources and visually sensitive areas or receptors which informed site selection and layout of the project and helped determined potential fatal flaws, significant negative impacts (if any), and possible mitigation measures. Please refer to Annexure E for a full copy of the report and the section below for the findings on the Visual Impact of the proposed development.

3 DEVELOPMENT PROPOSAL

3.1 Overview

The application site is a vacant, undeveloped farm situated at the foot of Helderberg Mountain. As indicated in Section 1 above, the owner of the farm wishes to turn the farm into an economically viable farming unit by establishing new vineyards and capitalizing on the pristine natural environment and scenic views. The proposal (applicable to this application) entails the development of 8 x tourism accommodation units (hereafter referred also referred to as pods), two restaurant areas, and a wine tasting area. Other proposed new buildings include a storage/admin building, the Main dwelling house, a Second dwelling and a flat (employee housing) above the storeroom/admin building, new vineyards, and a vegetable garden, all of which are primary rights, and which does not form part of the application under consideration. However, it is included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings and land uses are included in the EIA and Heritage applications being submitted in parallel to this application.

The sections below will provide more detail on the different aspects of the development proposal. Please refer to Annexure F for the proposed Site Development Plan and Annexure G for the proposed elevations and floor plans.

3.2 Proposed Tourist Accommodation

The proposed tourist accommodation will be situated in 4 x one-bedroom and 4 x two-bedroom single-story pods, where each pod will be strategically positioned away from the farming activities and other buildings/accommodation units on the farm. To limit the site area to be disturbed, the intention is to build a platform (of approximately 45m² each) with a platform base of approximately 120m² coverage for each unit. Where required, infrastructure services can then be positioned below the base, the help shields it from view.

The units have been designed to be luxurious and spacious with beautiful views from each room toward the surrounding mountains and False Bay. The one-bedroom units will each have one on-suite bedroom with an open plan kitchen -living room area and an outside covered stoep area with a braai and hot pool.

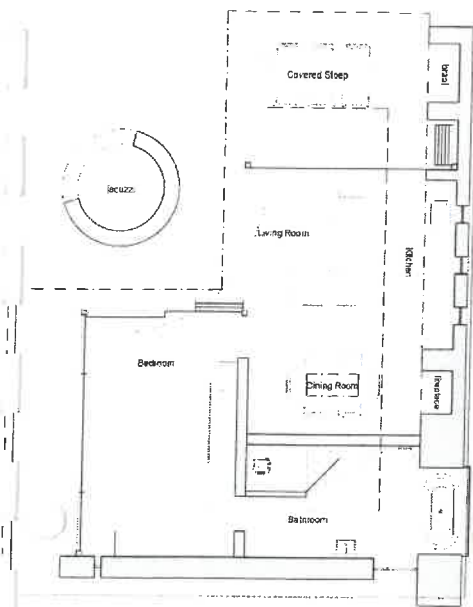


Figure 5: Proposed one-bedroom pod

FLOOR PLAN: 1 BEDROOM POD
AREA: 100.00m²
VOLUME: 100.00m³

The two-bedroom units will each have 2x bedrooms with one separate bathroom, living room, open plan kitchen, and a covered stoep with a braai area and hot pool.

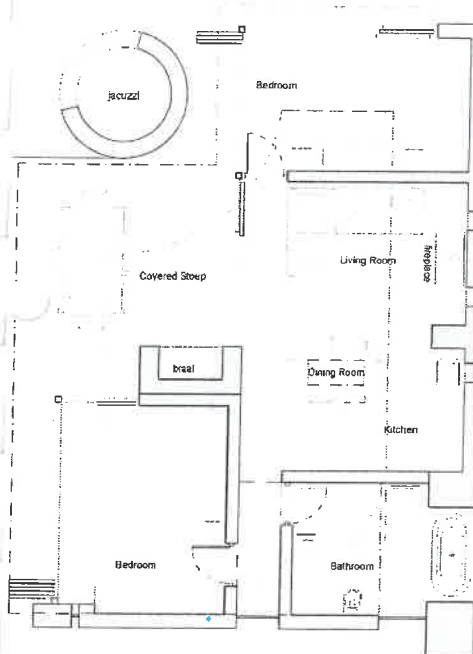
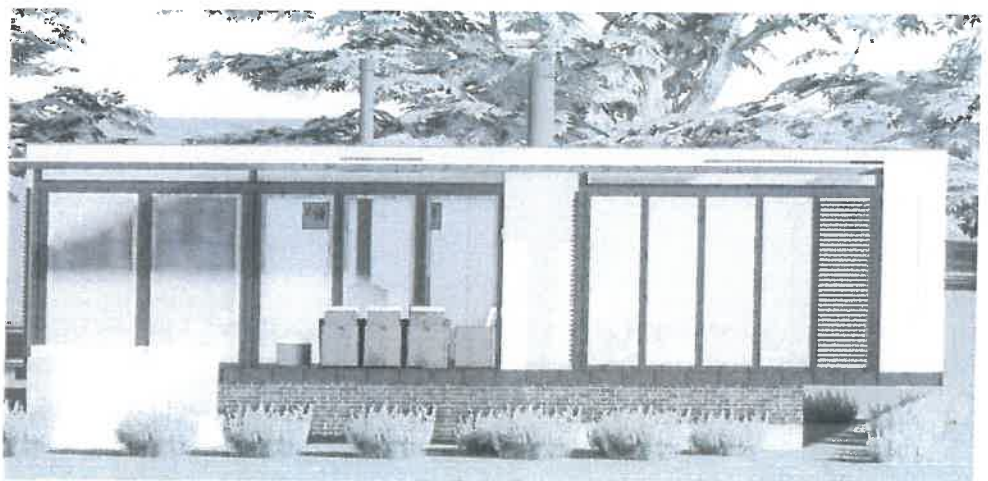


Figure 6: Proposed two-bedroom pod

In consultation with the project team, it was decided to have the units placed in separate areas, situated away from the farming activities and other tourist units. It was considered that having the units situated in a communal "werf" area may have a potential increase in visual impact as it could be viewed and perceived as one large building/construction footprint. The location of each unit was especially determined, taking cognizance of the slope of the site (to stay clear of steep slopes), staying clear of visually sensitive areas, areas with high botanical value, and watercourses. Having the units strategically placed in isolation,

away from all other units and farming activities will also enhance the privacy of the units and the sense of place, the feeling of being situated in and surrounded by nature, which will add to the unique character of the development. Figure 8 below indicates the proposed placement of the pods in relation to the mapped Aquatic CBA areas identified in the Botanical Report where no development should be allowed. All proposed units are placed outside of the Aquatic CBA areas.

Access to these units will be along the existing 4x4 roads with small pathways which will link the pods to these main gravel roads. These roads will also link to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.



Figure 7: Proposed positions of pods outside of no-go and aquatic CBA areas

3.3 Proposed Wine Tasting and Restaurants

The proposed restaurants and wine tasting areas will be situated on the southwestern portion of the site, in the previously disturbed areas. The one restaurant (coffee shop/ deli) and wine tasting and sales will be situated in buildings B and C (please refer to attached SDP, Project number 1697, drawing 101 rev E, dated April 2023) which will have a coverage of $\pm 350\text{m}^2$, with a seating area (GLA) of approximately 220m^2 . This building will be a single-storey building. Parking will be provided east of the proposed wine tasting/restaurant building to shield the parking from view.



Figure 8: Northern elevation of Proposed Wine Tasting and Restaurant



Figure 9: Western elevation of Proposed Wine Tasting and Restaurant

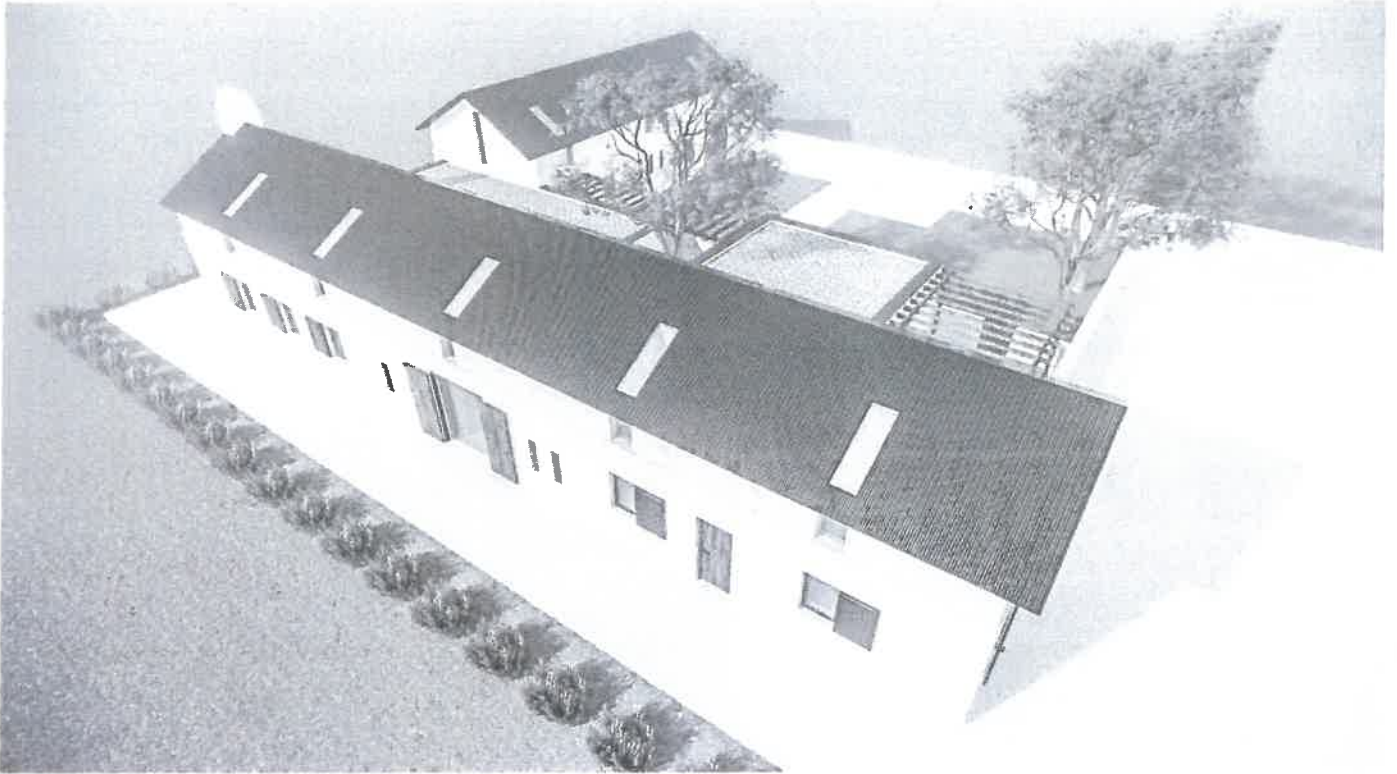


Figure 9: Southwestern view from above (Wine Tasting and Restaurant)

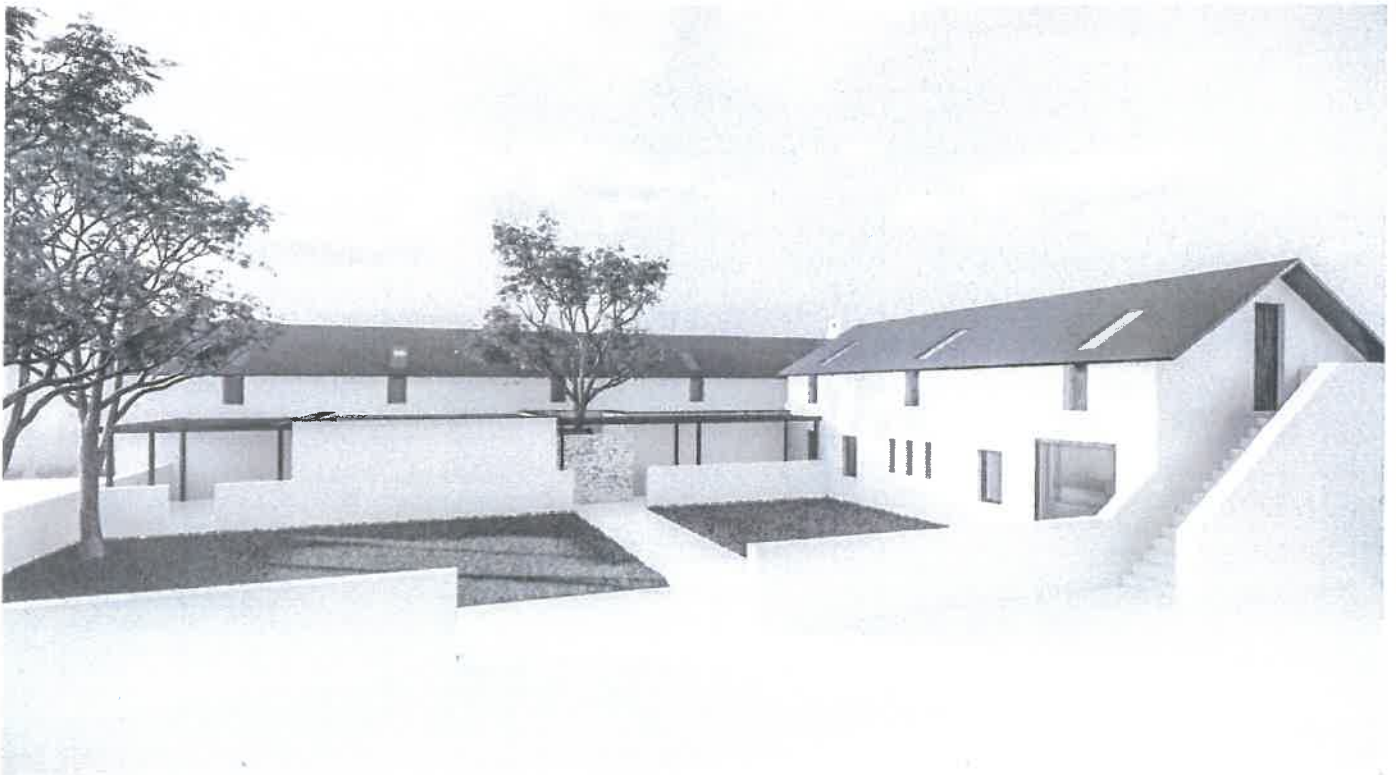


Figure 10: Eastern elevation of proposed Wine Tasting and Restaurant

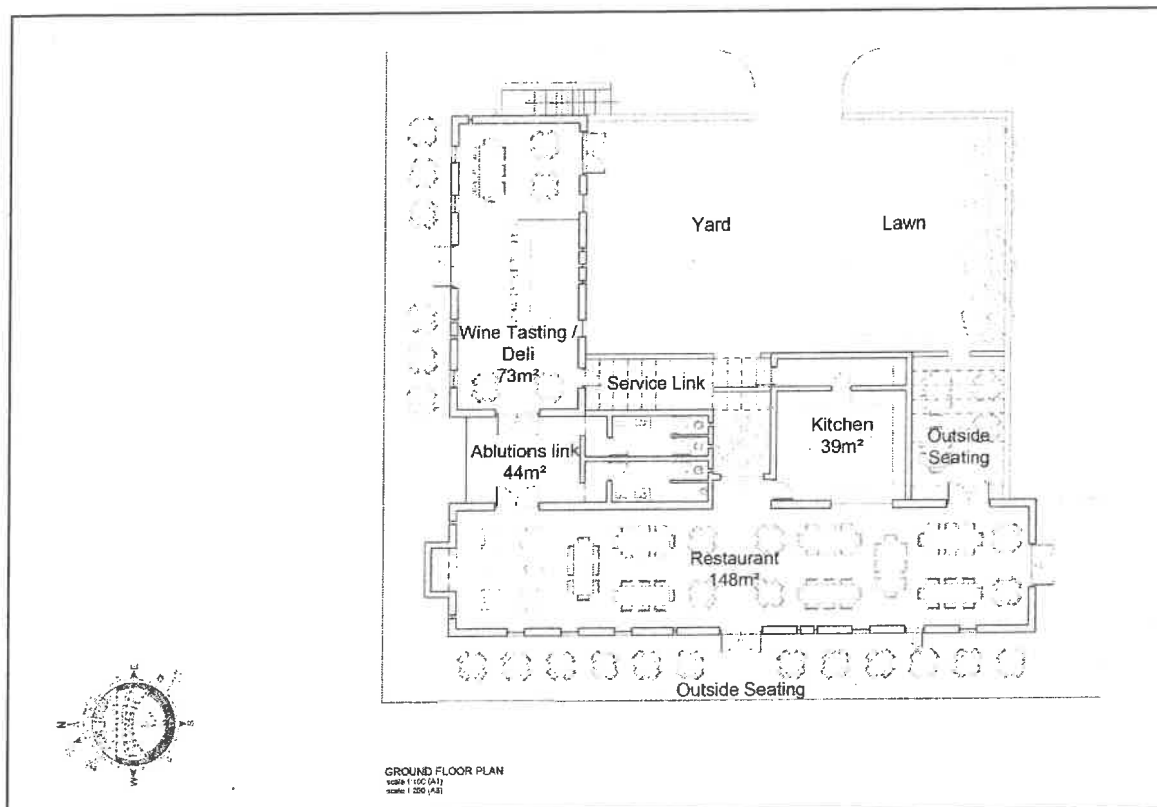


Figure 11: Proposed floor plan of wine tasting and restaurant

The proposal also includes a restaurant (breakfast area) for the guests of the pods, in the recently approved shed (indicated as Building E on the SDP). Please refer to Annexure G.3 for a copy of the approved building plans for the shed/store room. This breakfast area will be approximately 100m², to be situated in the area indicated on Figure 12 below:

Proposed Land Use	Building Lines	Coverage		Height	Development Right	Application required
		Allowed	Proposed			
Main House	5m	600m ²	600m ²	2 storeys	Primary Right	None
Second Dwelling	5m	600m ²	600m ²	2 storeys	Primary Right	None
Employee Unit	5m	120m ²	<120m ²	1 storey	Primary Right	None
Agricultural Building (Approved Store/admin buildings) Buildings D and E on SDP	5m	<2 000m ²	630m ²	3 storeys	Primary Right	None
Tourist Facility (Wine tasting and Restaurant) Buildings B and C on SDP	5m		350m ²	1 storey	Consent Use	Consent Use
Tourist Facility (Restaurant) Building E on SDP	5m		100m ²	1 storey	Consent Use	Consent Use
Tourism Accommodation (8 x units)	5m		960m ²		Consent Use	Consent Use

Table 2: Zoning compliance of proposed land uses

3.4 Bulk and Internal Services

The following section is an extract from the Civil Engineering Services Report, attached as Annexure H and the Traffic Statement attached as Annexure I. Please refer to the full reports for more detailed information.

3.4.1 Access and Internal Roads

Access to the subject property is taken directly from the R44 Main Road onto Klein Helderberg Road which is a minor gravel road (Road No. 4237). A 5m access servitude road has been registered from the entrance of Farm Helderberg No. 1355 up to the entrance of the application site. The access road/servitude road to the new development site will be paved to facilitate the movement of heavy (and other) vehicles during the rainy season. Concrete and grass blocks stormwater side drains will be constructed next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection. The construction of the servitude road is earmarked to start in May 2022.

The proposed internal roads & parking areas will be designed in accordance with the relevant applicable guidelines in Stellenbosch Municipality's Design Guidelines and The Neighbourhood Planning and Design Guide (Red Book). The pavement layers will be designed in accordance with the above-mentioned guidelines. The necessary curbs, side drains, stormwater inlets/catch pits, manholes, etc. will be provided as required by the detailed design. Minor paved roads will provide access to the main farmhouse, farm manager's house, wine tasting facility, and farm store and admin building. Internal roads providing access to the proposed pods will consist of gravel roads and concrete roads in steep areas.

The internal roads will be constructed to avoid concentration and disturbance of the existing natural stormwater runoff patterns, as far as possible. The road cross-sections will be designed to handle collected stormwater runoff as surface flow, with the necessary surface channel side drains (to reduce costs) and subsurface piped stormwater sections, where surface channels are not possible.

Sufficient on-site parking will be allocated to the new farm store and building and wine tasting facility for staff and visitors respectively. Parking bays for the proposed pods will be provided at each pod or centrally between the wine tasting and farm storage facilities. Access to the pod units will be along small pathways which will link the units to the wine tasting's parking

area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

3.4.2 Water

No water infrastructure is currently available and in operation on the application site and the site is not connected to any bulk services or near any bulk services. All water services required for the property will be dealt with locally with the use of boreholes, a proposed new dam, and sewerage package plants. The property will receive its potable bulk water supply from an existing borehole located near the southern border of Farm 1252. Water treatment, if required, will be located at the new storage tanks.

The irrigation water will be supplied from the proposed new farm dam to be constructed with a capacity of between 10m³ and 25m³. A new borehole in the vicinity of the new dam will also be used for irrigation purposes. Once the dam has been constructed, the water from the dam will be used for irrigation purposes. The borehole will then only be used during dry seasons when the dam is empty.

The potable water mains and irrigation mains will be separate pipelines.

3.4.3 Waste Water Infrastructure

There is no municipal wastewater infrastructure currently servicing the subject property. The wastewater which will be generated as a result of the proposed development will be treated by a new approved small-scale sewerage treatment (package) plant (Clarus Fusion Treatment System or similar approved) which will be installed at each building. The sewerage package plant at the pods can be installed underneath the deck to reduce the footprint of the new infrastructure.

3.4.4 Refuse/Solid Waste

The management of solid waste is the responsibility of the owner of the development. A designated area will be provided on the premises where refuse is stored until transported on a weekly basis by an enclosed trailer to prevent pollution, to the Stellenbosch Municipality landfill site. The owner will also consider recycling the solid waste, where possible.

3.4.5 Traffic Impact Statement

ITS Global was appointed to comment on the expected transport impact of the proposed development and to motivate the proposed access in support of the application. Please refer to Annexure I for the full report. The study concluded that:

The existing traffic volumes along the R44 in the site vicinity is high.

- The proposed development can generate approximately 34 new vehicular trips during the typical weekday p.m. peak hour, which is low.
- There are sufficient gaps in the traffic streams along the R44 to accommodate the expected low traffic volumes generated by the proposed development.
- The Western Cape Government Department of Transport and Public Works is currently busy planning a safety project along the R44. The timeframe for the safety upgrade project is not known and to improve safety at the intersection in the meantime, it is recommended that visitors to the proposed development should be advised to plan their trips leaving the site not having to turn right onto the R44.

- The OP4237 intersection spacing along the R44 is acceptable. As part of the Province's safety upgrade project, median breaks at all accesses and minor intersections will be closed and accesses will be rationalised.
- The available shoulder sight distance from OP4237 in both directions along the R44, is sufficient.
- No public transport or NMT facilities are recommended for the development.
- The proposed new Farmstead Development on Farm 1252 Bo-Helderberg, Stellenbosch will have a low negative significance in terms of the transport impact.
- It is recommended that the development be approved from a transport impact perspective.

3.5 Visual Assessment

The placement and scale of buildings were assessed in the Visual SSA. The section below provides the findings of this report on the proposal:

The subject site is visually prominent. It is visible from the N2 at distances of as far as 20km. According to the viewshed, the visibility of the subject site is limited significantly by topography. The Helderberg mountain (and specifically the ridgeline) prevent any views from the south, southeast, and east (except those that would be taken from the upper slopes and peak of Helderberg mountain itself).

Views from the north and northeast (from within the valley basin described by the C26 Helderberg Historic Enclave landscape unit) are also generally screened by the upper foot slopes of the Helderberg that lie in a north-west/south-east direction. The only possible views from the north are those taken from the convex tops of the Foothills at intervals of approximately 1km.

The SHCMP prescribes a limitation to cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. In addition, it recommends that the construction of new buildings on visually sensitive, steep, elevated, or exposed slopes, ridgelines, and hillcrests should be prevented to retain the integrity of the distinctive and predominantly agricultural landscape character. The proposed development is located within the proposed 'no-go' development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). As can be seen in figure 13 below, the majority of the farm lies above the proposed 300m contour line, this limits the development potential and importantly the ability to unlock value well-located land with limited cultivation potential. In order to enable the owner to unlock any sort of value while recognizing the SHCMP recommendation, the proposed development, low-impact tourist facility (guest units i.e., pods), and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the southwestern portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.

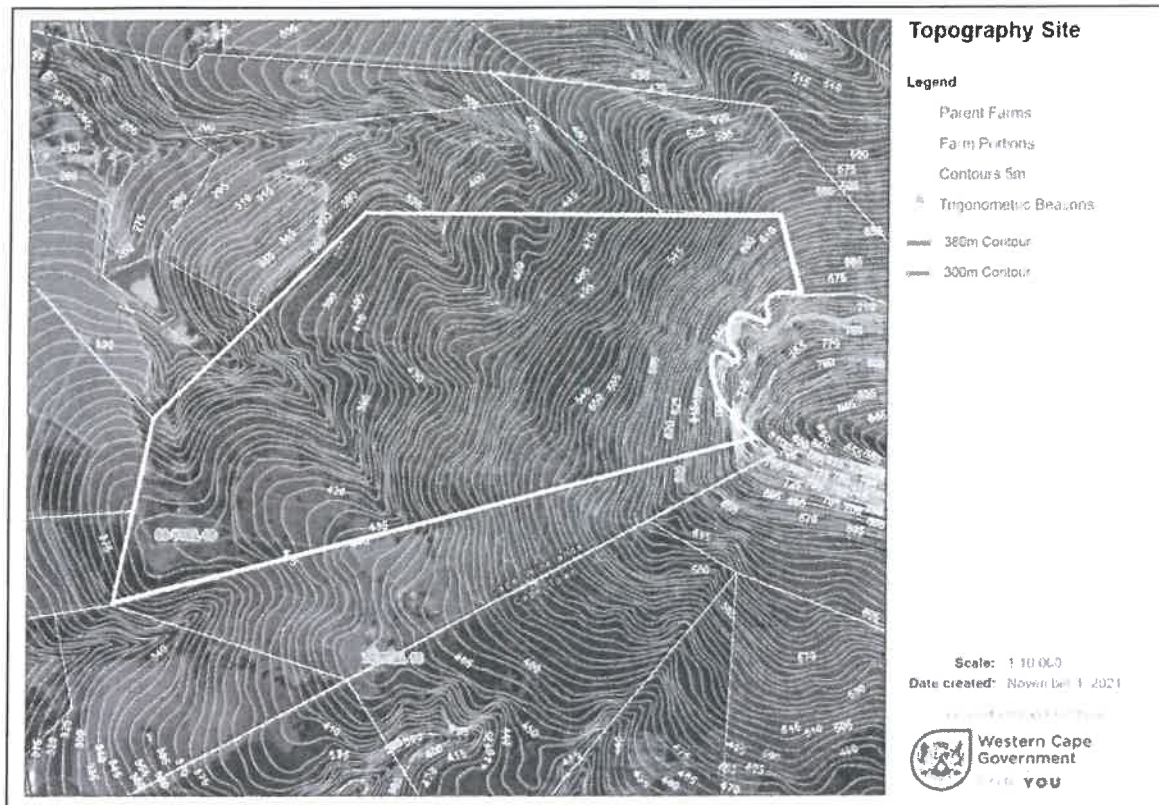


Figure 13: Topography of site, indicating the 300m and 380m Contour lines

The following are the key visual and aesthetic informants (in terms of visual absorption capacity, visual intrusion, and visibility) from the SSA:

- **Visual Absorption Capacity:**

The receiving environment absorbs all or most of the proposed development successfully, due to the following:

- Limited views with low visual intrusion;
- High compatibility with existing landscape character & built form etc.
- Existing vegetation cover and/or structures such as buildings screen or conceals the majority of the proposed development.
- Topography and terrain variability plays a role in absorbing visible elements.
- The proposed development is a common sight within the LCA.

- **Visual Intrusion**

The proposed development:

- Has a neutral and minimal effect on the visual quality of the landscape; (Low Visual Intrusion);
- Contrasts minimally with the patterns or elements that define the structure of the landscape (Low Visual Intrusion);
- Is mostly compatible with land use, settlement, and enclosure patterns (Low Visual Intrusion);
- Is partially 'absorbed' into the landscape (Moderate Visual Intrusion);.

This results in **Low** Visual Intrusion overall, with limited aspects of Moderate Visual Intrusion: i.e.; *Generally imperceptible change in landscape characteristics over the localized area is expected, resulting in minor changes to key views.*

- **Visibility**

- a) Overall visibility of the proposed development is Low, despite the subject site itself being visually prominent.

4. OTHER APPLICATIONS

4.1 Environmental Impact Assessment

The proposed 8 tourist accommodation units as well as the proposed restaurant/wine cellar were specifically designed and located on the application site to stay clear of any areas with environmental constraints. This land uses in isolation does not trigger a requirement for an EIA, however, the development in totality (including the proposed new vineyards, dam, main dwelling, second dwellings, and related infrastructure) does necessitate an Environmental Impact Assessment to be submitted to DEA&DP for their approval.

As part of the design phase, all environmental specialists were included in the process to identify and highlight areas where no development should be allowed. The proposed SDP was specifically designed to comply with the recommendations made by the specialists. As discussed under Section 3 above, the pods will each be placed on a platform area, specially designed to have a minimum footprint to limit any potential disturbance of the site.

As confirmed in the preliminary botanical report (attached as Annexure D), the proposed layout is supported, and it was found that the layout avoids aquatic CBSs and intends to preserve intact natural areas of the Vulnerable Cape Winelands Shale Fynbos ecosystem.

4.2 Heritage and Visual Impact Assessments

As the proposed development falls in an area of high heritage significance, a Heritage Impact Assessment is required. In response to the NID submitted to HWC by Heritage Specialist, Jenna Lavin, HWC requested that the HIA also include an Archaeological Impact Assessment and a Visual Impact Assessment (VIA) on the cultural landscape.

The attached Visual SSA will form the basis of the VIA and has already assessed and informed the proposed development. It is important to note that this preliminary assessment concluded that the overall visibility of the proposed development is relatively low. The requested VIA will be a more detailed document that will, for instance, also consider other aspects such as the use of lighting along pathways and in gardens. It is motivated that the proposed land use and placement of the units are considered acceptable, in terms of visual impact, and the next phase would be more detailed to consider the types and color of buildings/building materials and landscaping.

The relevant specialists have been appointed and these studies will be submitted in due course.

5. MOTIVATION

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

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality using pre-application consultation. See Annexure J for feedback received during the pre-application scrutiny process. All relevant and required documentation is attached to this application and motivation.
c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, it is strongly motivated that it will greatly enhance the quality of the area and provide for local economic growth, based on the following motivation:</p> <ul style="list-style-type: none"> - The application site is currently a vacant, underdeveloped piece of farmland not being used for any agricultural purpose with limited recreational activities. As identified in the pre-screening Botanical report, there are pockets of critically endangered ecosystems on the site, as well as pockets of fynbos and areas with alien vegetation. If these areas are not managed, maintained, and protected these ecosystems could be lost. One of the main drawing cards for tourists to the proposed development would specifically be the botanical species found on site, which is situated within the 'veld', surrounded by the unique indigenous vegetation. This is a very real incentive to the landowner to ensure that these species are protected, and the area is well managed and maintained to clear alien vegetation. - There are currently no agricultural activities on site. The landowner wishes to establish vineyards on the previously disturbed areas of the farm. As the site has environmentally sensitive areas, with steep slopes, there is very limited agricultural land available for agricultural activities. The proposed development will help to provide an additional income to partly fund the planned agricultural activities. This would result in the optimal use of the site, as a combination of farming and conservation of the sensitive environment. The proposed development would therefore ensure the most effective use of the application site, without compromising the unique character of the area. - The proposed development would increase fire safety in a high fire risk area as the landowner would need to have a fire safety plan in place to ensure that future tourists (and the proposed structures) are protected from veld fires. - The proposed development would provide access to Helderberg Mountain in a safe and secure setting. It would also provide for recreational activities, such as hiking and mountain biking. - The proposed development will attract tourists to the area, to the benefit of all surrounding tourism-related industries, such as wine farms, restaurants, and

recreational activities. Tourism is one of the largest employment sectors within the Stellenbosch Municipal area and more tourists must be attracted to Stellenbosch to help sustain the industry.

- The placement of the pods, being each individually located, was carefully considered to ensure a unique experience for future tourists, to create a sense of being surrounded and situated within nature.
- The proposed development, with specific reference to the pods, will provide a different and unique accommodation option. The standard options are usually hotels, guest houses, and self-catering units within the town or if situated on farms it usually forms part of a group of units. This development will create a sense of being alone and surrounded only by nature, while still being within a safe and secure environment. One of the new trends in the tourism industry is providing an experience and not only accommodation, such as the proposed development. This proposal ties and supports new tourist trends where there is an increasing need to be situated within or close to nature, without compromising the environment.
- The placement of the pods will not have a negative visual or environmental impact as it was specifically placed and designed to have to least possible impact.
- As confirmed in the Visual SSA the proposed development will have a neutral and minimal effect on the visual quality of the landscape and will be partially absorbed in the landscape. The receiving environment will successfully absorb most of the proposed development and despite the site itself being visually prominent, it will have low overall visibility.
- Though the proposed development is located within the 'no-go' development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). the VSSA found that, the proposed buildings and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the southwestern portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.
- The proposed development will tie in with the character of the surrounding area and will not result in any loss of privacy or overlooking any of the surrounding properties.
- The proposed development will employ during the construction phase as well as

	during the operational phase.
d. Comment in response to public participation.	The application is to be advertised by the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	A Heritage Impact Assessment, including a formal Visual Impact Assessment, will be submitted to Heritage Western Cape for their consideration. These reports will be forwarded to the Municipality in due course.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	As confirmed under Section 3.4 above, there will be no impact on any Municipal services.
i. The IDP and SDF	<p>Stellenbosch Municipality recently approved a new MSDF, which is used to guide land-use decisions in both the short and long term.</p> <ul style="list-style-type: none"> • The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area. • The proposed development will attract tourists to the area to the benefit of the wider community, in line with the SDF and IDP.
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 I and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	According to the Stellenbosch Heritage Inventory and Conservation Management Plan, the application site has a proposed Grade IIIa classification. This was taken into account and the placement of the proposed development was specifically considered against the recommendations and proposals made during the Visual SSA.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes responsible tourism on agricultural land that does not threaten the agricultural land.
o. Regional spatial development framework.	N/A
p. National policies, norms, , and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considered toward the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.

r. Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed development will not result in urban sprawl or the loss of agricultural land. It will result in the conservation of the area and re-introduce agriculture to previously disturbed areas. It is considered that the proposed development is the best use of the land without having a negative impact on either the environment or heritage resources.</p> <p><u>Efficiency:</u> Aligned. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme.

Table 3 Assessment of Application in terms of Section 65 of the By-law

6. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies, and frameworks of the Stellenbosch Municipality, and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units (pods).
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

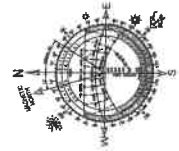
Report compiled by:



Marike Bolz
for Arch Town Planners (Pty) Ltd
May 2022



Site Area	76.5' (90.0m) x 76.5' (90m)
Classical Zone	4
NEW BUILDINGS	25,437m ²
A - Farm Main House	1,865m ²
B - Coffee Shop	1,887m ²
C - Coffee Roasting / Oil	1,584m ²
- Address	48m ²
- Address	48m ²
- Security Area	1,107m ²
D - Farm Office	1,107m ²
E - Farm Farm Equipment and Bldgs	23,774m ²
- Reception	65m ²
- Reception	1,107m ²
- Address	1,107m ²
- Address	31,577m ²
- Kitchen	1,577m ²
- Storage	1,577m ²
- Storage	1,577m ²
- New Storage Building - House Platform	1,407m ²
G - POD 1	1,507m ²
H - POD 2	1,507m ²
I - POD 3	1,507m ²
J - POD 4	1,507m ²
K - POD 5	1,507m ²
L - POD 6	1,507m ²
M - POD 7	1,507m ²
N - POD 8	1,507m ²
P - POD 9	1,507m ²
Parking	1,107m ² (45 bays)
TOTAL Coverage	0.72%



REMAINDER PAGE 713

SITE DEVELOPMENT PLAN

scale 1:2000 (A1)
scale 1:4000 (A3)



. Annexure C: On-site Notice



Annexure D: Comments Received (Public)



Belangegroep Stellenbosch Interest Group

HM/CB/0815/32

interestgroupstellenbosch@gmail.com

2023-07-12

Marike Bolz

marike@archtownplanners.co.za

cc. stiaan.carstens@stellenbosch.org.za

LU/ 14498

Farm 1252, Land use application in terms of section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw (2015):

i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units.

ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

The application is not supported.

1. The site lies within Character Area C25 (Helderberg Foothills), a Grade IIIA landscape which is the highest grading at the municipal level. The elevation of the property extends from 360m in the west to 690m in the east. It is highly visible over a wide area, including from the R44 Strand Road, and other scenic routes such as the Annandale grade II scenic route and Cordoba Grade IIIA route.

The location of Farm 1252 is described as follows in the Heritage Impact Assessment (Jenna Lavin in conjunction with Claire Abrahamse, April 2023): "The area proposed for development is located on the steep slopes of Helderberg West Peak. The property was only accessible after navigating a steep approach into the development area that is only suitable for 4x4 vehicles. The steep access allows for breathtaking views across Stellenbosch and Somerset West from the high elevation."

2. The Stellenbosch Heritage Register and Conservation Management Plan (CMP) proposes **'no-go' development areas above the 380m contour line for cultivated fields, and 300m for any built structures**. From Figure 13 (google image of the farm with 5m contours provided) sourced from the application document, it appears that the entire farm 1252 is situated above the 300m contour line, which means that the construction of any built structures are undesirable in terms of the CMP. Such developments have an adverse visual impact and invariably involve the removal of indigenous vegetation.

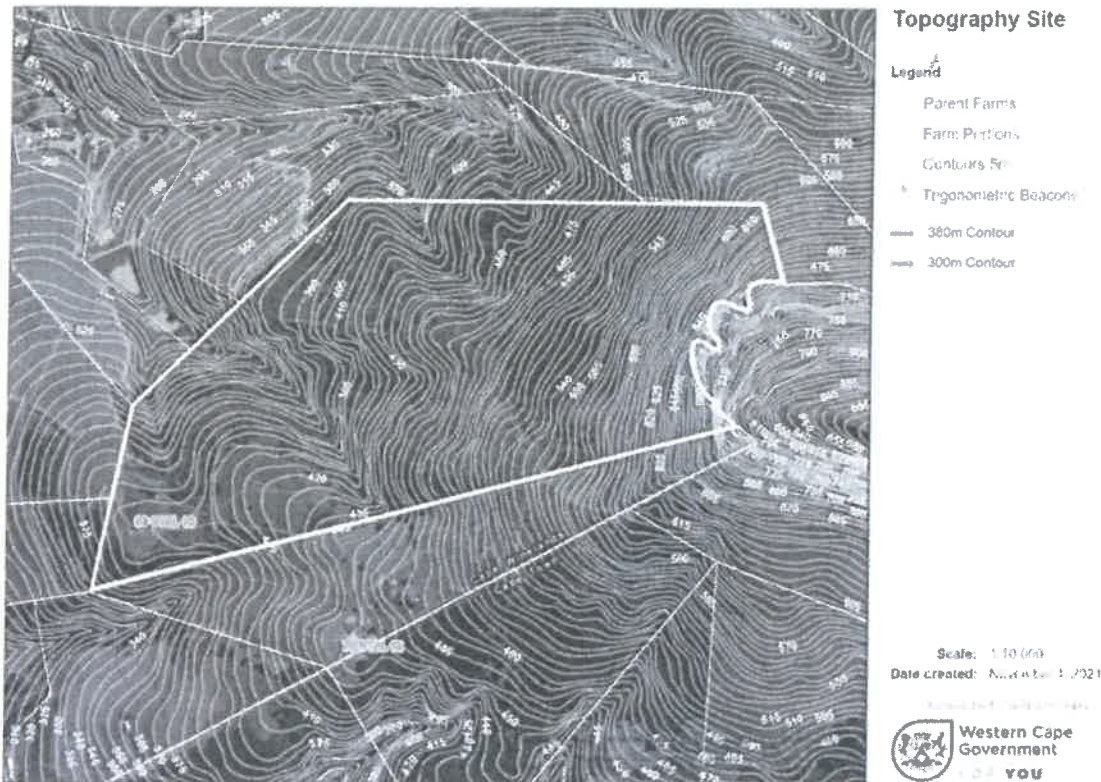


Figure 13: Topography of site, indicating the 300m and 380m Contour lines

3. The proposed 'pods' will be scattered over the higher sections of the farm. Pods 6 and 8 are planned at an elevation well above the 500m contour where the gradient and landform is such that they will be highly visible against the slope of the Helderberg. The higher the elevation, the shallower the valleys, and the less potential there is for buildings to be screened. The proposed location of pods 7, 3 and 2 at about 450m is not much better. None of the proposed pods should be permitted. **Building development on Farm 1252 should be kept to a bare minimum.**
4. The restaurants and wine tasting facilities are not a basic right in terms of the zoning schemer regulations. They should also not be permitted because of the visually sensitive location of the property.
5. Exterior lighting, including for paths, will be visible over a wide area, No lighting along the road leading to the farm and its buidlings should be permitted. If at all necessary, down lighting should be used.
6. Die statement that Farm 1252 "is surrounded by wine farms with related wine cellars, restaurants, and tourist accommodation" is not correct. The surrounding farms are: to the east of the subject farm, Farms 721 and 717 (both within the Cape Town Municipal area) none of which offers tourist facilities; To the north and north west of the subject farm are Portion 4 of Farm 1595 (with no tourist facilities), Portion 2 of 1595 (no tourist facilities), and Portion 1 of 1595; Farm 1355 (Helderberg) to the west of Farm 1252 offers tourist facilities. All buildings on Helderberg farm are well below the 200m coutour line. To the south of farm 1252 is Farm 714 (Steilte), for which a guest house was applied about 15 years ago. Such right is not indicated on the valuation roll. .
7. The current proposal explicitly states that the development seeks to "capitalize on the pristine natural environment and scenic views" to promote eco-tourism. There is a

paradox in this statement which is also to be found in similar proposals. To exploit the "pristine natural environment," part of this environment is destroyed, and to afford a few tourists a "splendid view," the view from below is compromised for many others. This approach does not support the sustainable use of tourism resources and will, in the long run, amount to killing the goose that lays the golden eggs. In addition, the SIG wishes to draw attention to the deceptive nature of two arguments that are often used to support proposals of this kind: in promoting tourism, the development will have a positive economic impact, and, furthermore, the development will create badly needed jobs. These benefits, though real, *are not uniquely tied to development at a particular site*. For instance, providing tourist accommodation in an urbanized area will bring the same benefits without entailing the disadvantages that come with developments at high elevations.

8. Two further concerns are noted in the BAR: the possibility of erosion on the steep slopes, particularly during the construction phase, and the interference with water courses. Construction within 32m of watercourses should not be allowed (as per legislation). If a departure from normal practice is granted, it should be for cogent reasons that do not include the desirability of a building site from the point of view of the owner or tourists.
9. All buildings should be single storey *with a fixed maximum elevation above ground level*. "Roof lofts" can too easily become *de facto* second storeys. If taller buildings are required for agricultural purposes (as suggested in the BAR), a separate request, with full motivation, should be submitted.
10. To conclude, the SIG trusts that due consideration will be given to the above-mentioned comments.

Kind regards

PE Botha

Patricia Botha
(Chairperson)

2 June 2023

INTERESTED & AFFECTED PARTY: NEIGHBOURING LAND OWNER – MR. C W OBERMEYER

CONTACT DETAILS: [REDACTED]

Response to Invitation for Public Comment – Pre-Application Draft Basic Assessment Report by Cornerstone Environmental Consultants (Pty) Ltd in the name of Proximity Properties (Pty) Ltd

Project: Bo-Helderberg Farm No. 1252, Stellenbosch Road, Western Cape Province

DEA&DP Reference Number: 16/3/3/6/7/1/B4/45/1093/23

1. Kindly register me as an interested and affected party in respect of the aforesaid project.
2. My interests in the application are set out below.
3. Comment 1: Basic Assessment Activity 12 as set out in Listing Notice 3
 - 3.1 The applicant, on page 'v' of its Pre-Application Report, provides for the above activity as set out in Listing Notice 3 of the NEMA Act, further stating that the listed activity will be triggered since the indigenous vegetation on site, of which more than 300m² will be removed, is listed as "Critically Endangered" Cape Winelands Shale Fynbos in terms of the Revised List of Ecosystems Threatened and in Need of Protection (DFFE 2022).
 - 3.2 However, the applicant later, on page '56' of the same report, provides that the nature of impact of its preferred activity on "Natural Vegetation and Terrestrial Biodiversity Impact" will amount to "Restricted development (< 1 ha) within natural areas comprising a mix of fynbos and alien vegetation" for the purpose of construction a dam, the tourist pods and associated parking, pathways and new roads.
 - 3.3 There is a sizable range disparity between the initial "more than 300m²" and the latter "Restricted development under 1 hectare" regarding the removal of Critically Endangered Fynbos, which cannot be ignored. If the applicant intends to remove close to 1 hectare of critically endangered indigenous vegetation, it must make reference of same in unambiguous terms, and further provide expert reports indicating the potential impact and risk associated with the vast proposed removal, from a conservational point of view. The applicant further confirms on page 56 that the proposed removal will have a "definite" probability of occurrence in terms of associated impact and risks, a "medium" degree of impact causing irreplaceable loss of resources and "irreversible" degree to which said impact can be reversed, clearly indicating

the seriousness of this particular aspect of the proposed activity, which should therefore require increased transparency and consideration.

- 3.4 The Applicant intends for the aforesaid removal of Critically Endangered Fynbos to take place solely to accommodate/benefit the project's commercial agenda, as the natural areas will be reduced for the purpose of building tourist pods, parking, pathways and roads.

- 3.5 ***The Applicant's intentions fall foul of Chapter 4 of the NEMA Act, with section 51 providing that the purpose of said Chapter is as follows:***

a) to provide for the protection of ecosystems that are threatened or in need of protection to ensure the maintenance of their ecological integrity

...

d) to ensure that the utilization of biodiversity is managed in an ecologically sustainable way.

4. Comment 2: Removal of Alien Vegetation and Funding thereof

- 4.1 The applicant, on page 'vii' of its Pre-Application Report as well as frequently thereafter, refers to the proposed project generating funding which will enable the eradication and control of alien vegetation in the area in question. However, the applicant also confirms that the natural areas **"comprise a mix of fynbos and alien vegetation"**, indicating a **potential practical difficulty** with regards to **how the applicant will both eradicate alien vegetation and protect critically endangered Fynbos at the same time.**

- 4.2 The applicant indicated that it intends to use funding generated by the project to eradicate/control alien vegetation in the region, however at this point these averments are merely intentions, as no formal plan has been provided in this regard. The project itself, as with any new business, will require extensive funding to be pumped back into its processes, potentially for a period of a few years, before it begins to become profitable, if ever. Profitability aside, the eradication of alien vegetation is a noble cause, but certainly not one related to the ultimate commercial goals of the applicant's proposed project, and yet the applicant throughout in the Pre-Application Report has included the aforesaid eradication as a key benefit/positive impact of the project. Material decisions with material consequences have to be made purely on the basis of future intentions. If the applicant intends to rely strongly in its Pre-Application Report on the removal of alien vegetation being one of the

project's primary benefits, the applicant must provide a more definitive plan in regard to the actual implementation of the said removal.

- 4.3 **Section 75 of the NEMA act**, regarding the control and eradication of listed invasive species provides as follows

*“(1) Control and eradication of a listed invasive species must be carried out by means of methods that are **appropriate** for the species concerned **and the environment in which it occurs.***

*(2) Any action taken to control and eradicate a listed invasive species **must be executed with caution and in a manner that may cause the least possible harm to biodiversity and damage to the environment.***

*(4) **The Minister must ensure the coordination and implementation of programmes for the prevention, control or eradication of invasive species.***

- 4.4 The above provisions indicate that the applicant's undertaking to eradicate invasive species in the region **must be** well planned and executed, and further that any such plan must be implemented under the supervision/authorisation of the Minister of Environmental Affairs. The Applicant's current Pre-Application Report offers no such concrete plan, beyond the intention to take action.

5. Comment 3: Solid Waste Management

- 5.1 The applicant, on page 14 of its Pre-Application Report, provides that “the owner will also **consider recycling solid waste**, where possible”. Waste management and the potential pollution caused as a result of mismanagement requires a greater degree of planning than merely to “consider” the option of recycling, especially when the proposed project currently **only has one definitive plan in place with regards to waste management**, namely to remove it via an enclosed trailer on a weekly basis to the municipal landfill site. Surely a project which proposes to create 30 new job opportunities during construction phase, and 15 during operational phase, as well as accommodate a further unidentified number of guests going forward, will generate solid waste to an extent that may require a solid alternative waste management plan. As such, I believe the Applicant **must** provide a definitive plan involving the recycling of solid waste, or any other plausible waste management alternative, as per

section 16(1)(b) of the National Environmental Management Waste Act 59 of 2008, which reads as follows:

“16. (1) A holder of waste must, within the holder's power, take all reasonable measures to—

(b) reduce, re-use, recycle and recover waste “.

6. Comment 4: Practical Enforcement of “No-Go” areas

6.1 The applicant, on page 53 of its Pre-Application Report, indicates that **Pods 3, 4, 5 and 6 will be located in close proximity to endangered and threatened plant species**, and that such areas be considered “no-go” during construction and operational phases of the project. Whilst it may be possible to enforce “no-go” access during construction phases, it may be less practical once the operational phase begins and the 4 pods have regular guests, particularly due to the close proximity of the pods to the areas in question. It may prove difficult to regulate and monitor the human impact on the endangered and threatened plant species in the region, as the proposed project stretches out over an extensive period of land, whilst only intending to create “15 permanent job opportunities during the operational phase” as per page 27 of the Pre -Application Report.

6.2 ***The applicant’s intentions fall foul of Chapter 4 of the NEMA Act, with section 51 providing that the purpose of said Chapter is as follows:***

a) to provide for the protection of ecosystems that are threatened or in need of protection to ensure the maintenance of their ecological integrity

...

d) to ensure that the utilization of biodiversity is managed in an ecologically sustainable way.

7. Comment 5: Privacy

7.1 In terms of page 27 of the Pre-Application Report, the proposed project will create 30 new job opportunities during construction phase, 15 new job opportunities during operational phase, further unquantified job opportunities with regards to the restaurant/wine tasting element as well as a constant unquantified influx of stay-in and day visitors. As such, it goes without

saying that the **previously serene and uninterrupted experience enjoyed by our own guests/recreational visitors, will indeed be severely disrupted.** This potentially also devolves further into a security issue, as the existence of a "resort" which is operational on a 24 hour basis, creates a difficulty with regards to regulating access to the resort via the only access road available, of which our property is the current Servient Tenement. The security issue is one that extends not only to me and my family personally, but also on a commercial basis to all patrons of the applicant's property as well, the seriousness of which should not be overlooked. We will not be in a position to turn away any potential guest of the applicant, nor will we or the applicant itself be in a position to ensure that every single person making use of the access road, does so without ulterior motives.

8. Comment 6: Servitude

- 8.1 The Proposed Project as a whole, is in direct conflict with the following terms of the duly registered Servitude K388/20225 ("the Servitude").
- 8.2 **Paragraph 1.2 of the Servitude grants the applicant right of access in respect of itself and its guests as well as contractors and employees of the contractor "for the purpose of constructing, improving and maintaining the servitude road." No mention is made of unfettered right of access for an undefined number of paying visitors, personal employees and contractors/construction workers in terms of the proposed project for which the applicant now applies.**
- 8.3 **Paragraph 2.5 of the Servitude reads similarly, but contains the clause "Dominant Tenement shall at all reasonable times have access to the Servient Tenement for himself, his contractors and employees.." Reasonable times indicate the existence of a limitation, whereas the proposed project requires unfettered access on a 24/7 basis.**
- 8.4 **Paragraph 2.11 of the Servitude provides that "The owner of the Servient Tenement, its clients, guests, employees and contractors shall at all times retain free and unfettered use of the servitude road, which shall not be for the exclusive use of the owner of the Dominant Tenement". The proposed project intends to (by default) grant the applicant free, unfettered use of the servitude road, at all times.**
- 8.5 **Paragraph 2.12 of the Servitude reads that "the Owner of the Dominant Tenement shall ensure that no vehicles are parked in front of the gate or along the servitude road, which shall at all times be kept clear so as to permit unrestricted vehicular and pedestrian traffic."**

If the Applicant intends for the proposed project to include 24/7 guest housing, the servitude road will naturally incur an exponential increase in vehicular and pedestrian traffic, some of which may well become unrestricted due to the proposed nature of the operational hours.

- 8.6 Greater consideration is required as to how the applicant intends to honor the agreed terms of the Servitude that is registered against the title deed. I pause to mention that the Applicant, prior to the recent registration of the Servitude, pertinently informed me and my family that the servitude road would not be used for commercial purposes. After having had sight of the applicant's proposed development, I would definitely have provided for even more definitive terms if the Applicant's true intentions were presented from the onset.

9. Comment 7: Sensitive Areas

- 9.1 On page 37 of the Pre-Application Report, reference is made to the **Terrestrial Biodiversity and Plant Species Assessment prepared by botanist Johlene Krige, which identified the following sensitive areas** within the proposed project's plans:

- Natural habitat within CBAs (terrestrial and aquatic landscape features critical for conserving biodiversity)
- Very steep slopes (vulnerable to erosion, flooding and numerous other natural occurrences)
- Aquatic CBAs and watercourses; and
- Areas with high numbers of sensitive plant species

- 9.2 Despite the above expert's findings, the applicant intends to continue with the Proposed Project, merely updating the initial layout so as to result in the loss of *only* 2 hectares of terrestrial CBAs compared to the 3.4 hectares in the original plan. Losing 2 hectares of landscape deemed 'critical for conserving biodiversity', for commercial purposes, certainly does not seem to fall within the ambit of the ***National Environmental Management Act's definition of "sustainable development" in terms of Section 1(1)(xxix)*** namely that 'sustainable development' means *"the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations..."*

10. Comment 8: Water Rights

- 10.1 The applicant, on page 42 of its Pre-Application Report confirms that the **project will require a water use authorisation** as it will trigger the water use activities listed in **section 21 (a), (b), (c), (i), (g) and (i) of the National Water Act 36 of 1998**. Activities '(c)', '(g)' and '(i)' are of particular concern to me as well as all neighbouring properties, as the **applicant intends to construct an in-stream dam**, namely "Dam option 1a" in the Pre-Application Report. The nature of an instream dam indicates that the construction of same, as well as all related activities thereafter, have great potential to affect the watercourse corridors used by my property as well as neighbouring properties.
- 10.2 *Water use activity '(c)' refers to the impeding or diverting the flow of water in a watercourse, activity '(g)' refers to disposing of waste in a manner which may detrimentally impact on a water resource and activity '(i)' refers to altering the bed, banks, course or characteristics of a watercourse.*
- 10.3 **The likelihood of the aforementioned activities occurring is all but confirmed in the Impact Assessment Outcome on page 35 of the Pre-Application Report which reads "expected impacts would be some alteration of the runoff characteristics on the site, the potential for some water quality impacts and the possible disturbance of aquatic habitat".**
- 10.4 Based on the above information, and the fact that my property shares in the aforementioned watercourse corridors, it is clear that I have a noteworthy concern with regards to the granting of the water use authorisation to the applicant.

11. Comment 9: Noise and Eyesore

- 11.1 The mountain view from the R44 is one of the various reasons that attract customers to our farm, who enjoys the outside for recreational purposes. Various buildings against the mountain slopes will most definitely be an eyesore, which will now have visibility even at night time.
- 11.2 In addition there will be constant traffic noise - again also during night time, which is a first for us and neighbouring properties, as all of the business that make use of the entrance road from the R44, operates only during business hours.

12. Comment 10: R44 Turn-off

12.1 The turnoff from the R44 to Helderbergplaas is widely known to be a high accident zone due to it being a hidden entrance. As the Applicant's proposed project now attracts even more traffic to the very same entrance road (there is only this one entrance to the Applicant's property) at any given time of night or day, it will contribute to this dangerous and high accident zone.

13. Kindly confirm that I have been registered as an interested and affected party in respect of the proposed development filed under DEA&DP Reference Number: 16/3/3/6/7/1/B4/45/1093/23.

C W Obermeyer

8 June 2023

To whom it may concern,

Thank you for opportunity for erf 713 , Helderspruit farm to comment on the development on farm Bo Plaas , Stellenbosch ref LU/14498

I have no objection to the development but I have some serious issues which must be addressed before I would totally agree to it. I have been farming on the Helderspruit Farm

for 53 years and don't agree that bo plaas farm can not be farmed economically as stated

I believe that all these farms must remain agricultural zoned

The points I feel must be addressed are:

1. Access to the R44 via klein helderberg pad

This is and always has been an issue. Unless something drastic is done the intersection of Klein helderberg road and r44 will claim many more lives.

I also have access to klein helderberg road and it is very narrow to handle the traffic

2. All the buildings have to blend into the environment, imagine seeing all these buildings scattered all over the mountain. It would ruin the vista and the nature that the Helderberg is known for.

The 8 chalets should be in close proximity of the core buildings and the wine tasting area. With roads, lights and buildings scattered all over the mountain it will ruin the beautiful Helderberg as we know it.

All buildings should blend into the environment and the color choice and lighting should be done with nature and light pollution in mind

3. Regarding security, all transport for staff or farm workers must be done by the land owner, no taxis should enter Klein Helderberg road for security reasons

Security is a very big problem!

4. All boreholes should be sunk not closer than 200m for the boundary to safeguard essential underground water sources and springs

The department of water affairs must approve the location of the dam. The water rights of the affected neighbours must be preserved

Kind regards

Leon Booysen

Helderspruit Farm 713

Somerset west 7129





RHJ FARM INVESTMENTS CC

Klein Helderberg Farm P.O. Box 32 Somerset West 7129
Republic of South Africa

Tel/Fax: [REDACTED] cell: [REDACTED]
email: [REDACTED]

5 June 2023

Mari de Villiers
Cornerstone Environmental Consultants
Stellenbosch.

With reference to the proposed developments on the property Bo Helderberg, No.1252, Stellenbosch Registration Division, I would like to raise the following objections.

Traffic: The entire length of Klein Helderberg runs through my farm Klein Helderberg. The proposed restaurant would lead to a large increase of traffic, particularly before and after functions, causing a serious congestion where Klein Helderberg Rd joins the R44. The present island turn-off to the North as the traffic flow is now is extremely dangerous and numerous deaths have occurred here. This would be exacerbated by the increased traffic from the proposed development. The increased traffic through the middle of my farm right on my farmyard would multiply the danger to my farm animals and to all involved on the farm.

Interference with water flow: Two dams are proposed. The source of the stream flowing down our valley, the Moddergat, occurs on the Bo Helderberg property. Only three farms have registered water rights on this river- they are Klein Helderberg Farm, Helderberg Farm and Happyvale Farm. To quote the servitude, "die water moet vry en ongehinderd vlooi..."

Visual environmental damage: The numerous proposed constructions will lead to unsightly spoiling of the slopes the Helderberg - not only the buildings themselves, but also the proliferation of electric lights at night.

Closing of access to wildlife: This area is rich in wildlife, notably leopard, ratel, caracal, otter, duiker, klipspringer, grysbok and surprisingly, bushpig. All of which I have recorded on my trail camera. The erection of impenetrable fences would be

disastrous to the natural corridors presently in place and to the detriment of the local fauna.

Security: The increase in human movement and accessibility will attract nefarious forces intent on criminal activities in an area where security is already compromised.

Trusting these concerns will be thoughtfully considered by you,

Yours faithfully,

RJ McNaught Davis,
Klein Helderberg,
Somerset West.

Taaibosch

5 June 2023

Dear Mr Jaco Nel,

I am writing to formally express my objection to the proposed application for property development on Bo-Helderberg Farm. This farm is situated between Stellenbosch and Somerset West, at the upper section of the Helderberg Mountain, east of the R44 Somerset West. While I understand the importance of development and progress, I firmly believe that this particular project raises significant concerns that must be addressed before proceeding.

Firstly, the proposed construction of a new dam by the applicants is a matter of great concern, specifically due to its potential negative effect on the natural rainwater supply to Wines of Cordoba. As you may be aware, the catchment area for this proposed dam overlaps with that of Wines of Cordoba, which could potentially disrupt the natural water supply essential for our operations. I urge you to consider the potential consequences this may have on the vineyard's livelihood and the overall environmental balance in the area.

Secondly, the approval from the Western Cape Government Department of Transport and Public Works regarding the added traffic on the already heavily congested R44 is deeply troubling. The current state of congestion on this road is a daily concern for the residents and businesses in the area. Without a comprehensive traffic management plan and infrastructure upgrade, any additional traffic resulting from the proposed development could further exacerbate the existing issues and negatively impact the quality of life for the local community.

Thirdly, the proposed poly-tunnel could be a potential eye-sore, if not developed in an appropriate fashion. Preserving the natural beauty of the Helderberg Mountain is crucial, to ensure continued tourism and increased visitation. This adds to the concern for the ecological balance and the well-being of the flora and fauna in the area. Therefore, I strongly suggest that an environmental impact study be performed in order to determine the impact of said development on the natural environment of the Helderberg Mountain.

Lastly, it is important to note that the proposed development is located above the regulatory 380m contour line for cultivated fields and the 300m contour line for any built structures. These regulations aim to protect the integrity of the landscape and prevent further ecological

Taaibosch

disruption. It is imperative that these regulations are respected and adhered to, as they serve the best interests of both the local community and the environment.

In conclusion, I want to emphasize that my objection is not against development itself, but rather a call for responsible and sustainable development that respects the environment, protects valuable resources such as water, and adheres to existing regulations. I kindly request that you take these concerns seriously and carefully evaluate the proposed application, considering the potential impacts on Wines of Cordoba, the R44 traffic congestion, the visual harmony of the mountain, and the overall environmental implications.

Thank you for your attention to this matter. I trust that you will give due consideration to the issues raised and ensure that any decisions made are in the best interest of the community and the environment. I look forward to hearing about the actions taken in response to these concerns.

Yours sincerely,



Schalk Joubert

[Redacted contact information]

[Redacted contact information]

**Annexure E: Comments Received (Internal
Municipal Departments)**



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att AandagS:	Nolusindiso Momoti
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Ilze Fillies
Date ▫ Datum:	29 June 2023
Our Ref ▫ Ons Verw:	Civil LU 2496
Your Ref:	LU/14498
Re ▫ Insake:	<p>Farm 1252, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a consent use on Farm No. 1252, Stellenbosch Division for; (i) A tourist facility in order to allow the construction of a restaurant and wine tasting and sales facility of $\pm 350\text{m}^2$. (ii) A tourist accommodation establishment to allow for the construction of 8 guest units (4 x one bedroom and 4 x two bedroom), single storey on $\pm 120\text{m}$ coverage with a building footprint of $\pm 45\text{m}^2$ per unit.</p>

The application **cannot be** recommended for approval, subject to the following:

1. Sewer

- 1.1 Please provide approval form Department of Water and Sanitation (DWS) for the proposed sewer treatment. Please try and find alternative ways to minimize the amount of package plants to be used. Please provide a revised sewer layout plan in accordance with the SDP.
- 1.2 Please note: Wastewater and sewage may not pollute any ground water, stormwater and surface water.

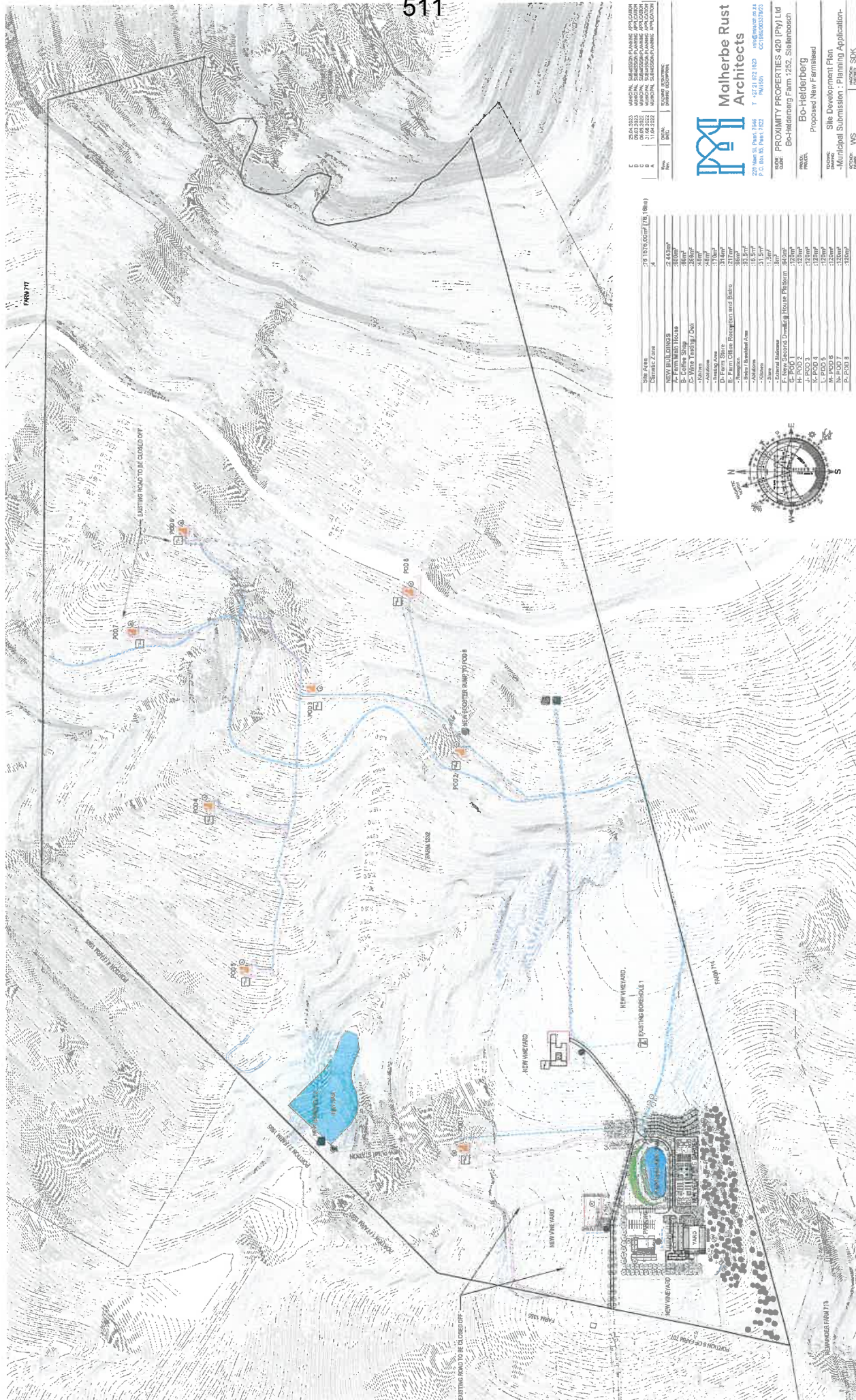


Ilze Fillies

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

N:\2.0 DEVELOPMENT\01 Land Use applications\2496 (IF) Farm 1252 Stellenbosch (LU-14498)\2496 () Farm 1252 Stellenbosch (LU-14498).doc

. Annexure F: Amended Layout plans



Site Area	Estimate Area	7/18/19 (6000' x 10' 400)
NEW BUILDINGS	34,530'	
A - Farm House	3000'	
B - Coffee Shop	4000'	
C - Wine Tasting / Oak	2000'	
A - 1000'	2400'	
A - 1000'	1700'	
D - Existing Area	2100'	
E - Existing Area	2100'	
F - Barn Office Reception and Bistro	4000'	
G - 1000'	15,500'	
H - 1000'	15,500'	
I - 1000'	15,500'	
J - 1000'	15,500'	
K - 1000'	15,500'	
L - 1000'	15,500'	
M - 1000'	15,500'	
N - 1000'	15,500'	
O - 1000'	15,500'	
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AZ - 1000'	15,500'	
BA - 1000'	15,500'	
BB - 1000'	15,500'	
BC - 1000'	15,500'	
BD - 1000'	15,500'	
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BI - 1000'	15,500'	
BJ - 1000'	15,500'	
BK - 1000'	15,500'	
BL - 1000'	15,500'	
BM - 1000'	15,500'	
BN - 1000'	15,500'	
BO - 1000'	15,500'	
BP - 1000'	15,500'	
BQ - 1000'	15,500'	
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App.	DATE	TECHNICAL REVIEWING OFFICER	MUNICIPAL SUBMISSION PLANNING APPLICATION
E	25.04.2023		MUNICIPAL SUBMISSION PLANNING APPLICATION
D	09.03.2023		MUNICIPAL SUBMISSION PLANNING APPLICATION
C	05.09.2022		MUNICIPAL SUBMISSION PLANNING APPLICATION
B	31.08.2022		MUNICIPAL SUBMISSION PLANNING APPLICATION
A	11.04.2022		MUNICIPAL SUBMISSION PLANNING APPLICATION



Malherbe Rust
Architects

Main St. Pkwy, 7546
Box 35, Pkwy 7822
Y +27 21 872 1823
info@invitation.co.za
CC1986-00337823
PM1501

PROXIMITY PROPERTIES 420 (Pty) Ltd

Bo-Heldberg Farm 1252, Stellenbosch

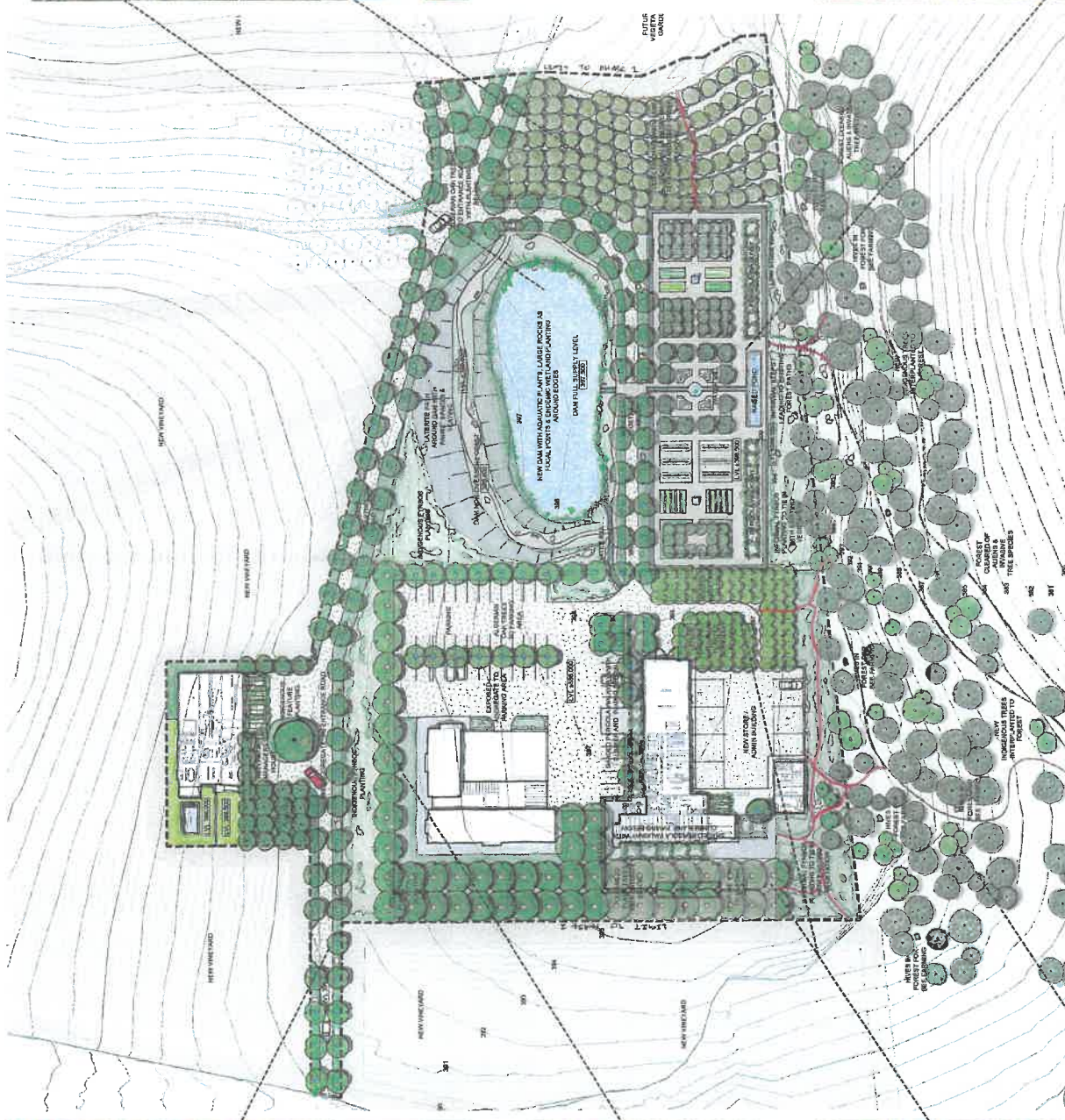
Proposed New Farmstead
BU-Henrieville

DD Form 138-100
MAY 1962 EDITION
GSA GEN. REG. NO. 27
NATIONAL ARCHIVES
REF ID: A63501

NAME	WS	MASSONE	SDK
DATE		01/01/2023	

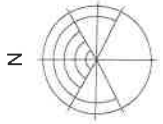
DATE DATE	April 2023	SCALE SCALE	1:2000
FOUR W.	FOUR W.	FOUR W.	FOUR W.

SITE DEVELOPMENT PLAN
scale 1:2000 (A1)
scale 1:4000 (A3)

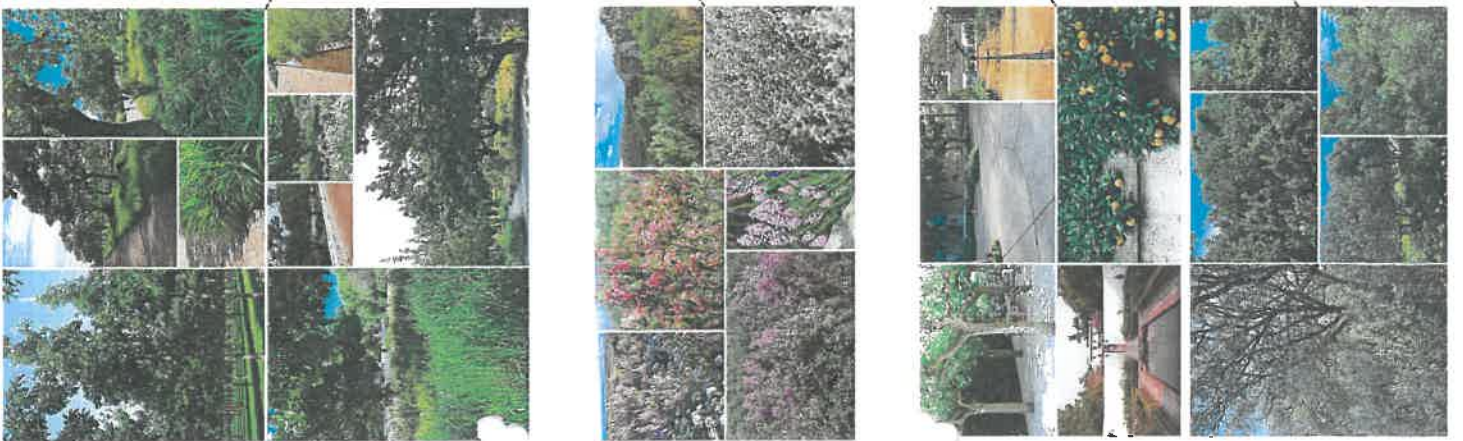


A

DATE:	2022/01/18
PROJECT NO:	22.096.JNB
REVISION:	DATE:
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NOTES:	



DDS PROJECTS
landscaping • irrigation • maintenance



Annexure**G:****Comments Received
(External Departments)**



**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 : 20/9/2/5/6/957
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Arch Town Planners
152 Dorp Street
STELLENBOSCH
7600

Att: Renaldo Muller

PROPOSED CONSENT USE: DIVISION STELLENBOSCH
FARM NO 1252

Your application of May 2023 has reference.

The Western Cape Department of Agriculture: Land Use Management supports five (5) additional dwelling units for tourist accommodation purposes as per the Western Cape Land use Planning Guidelines for Rural Areas, 2019.

Please note:

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

Yours sincerely

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT
2023-07-17

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



**Western Cape
Government**

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/459 (Job 30329)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

**BO-HELDERBERG FARM, FARM 1252, STELLENBOSCH: MINOR ROAD 4237 AND MAIN ROAD 27:
CONSENT USE (GUEST ACCOMMODATION, RESTAURANT AND WINE TASTING)**

1. The following refer:
 - 1.1 The email from Innovative Transport Solutions dated 15 September 2023 containing the gap survey results conducted at the MR27/OP4237 intersection;
 - 1.2 Our email letter of objection TPW/CFS/RP/LUD/REZ/SUB-25/459 (Job 30329) to Cornerstone Environmental Consultants dated 14 June 2023 refers;
 - 1.3 The letter 4474 from Innovative Transport Solutions dated 25 May 2022 containing the Traffic Impact Statement (TIS);
 - 1.4 The undated notice for the land development application LU/14498 received from Arch Town Planners via email dated 18 May 2023;
 - 1.5 The Consent Use Application Rev 1 received from Arch Town Planners dated May 2023; and
 - 1.6 A site visit conducted on 30 May 2023.
2. Main Road 27 (MR27) (R44) and Minor Road 4237 (OP4237) (Klein Helderberg Road) are affected by this application.
3. This application entails the following:
 - 3.1. A Consent Use for Tourist Accommodation to allow for 8 x guest units; and
 - 3.2. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.
4. The main conclusions from the TIS are:

- 4.1. The existing traffic volumes along MR27 past OP4237 is high (>3 000 vehicles per peak hour).
- 4.2. The proposed development can generate approximately 34 new vehicular trips during the typical weekday PM peak hour, which is low (<50 vehicles per peak hour).
5. In the email from Innovative Transport Solutions dated 15 September 2023 it is stated that from the results of the gap survey it is evident that there are sufficient gaps in the northbound and southbound traffic streams along MR27 for the side road (OP4237) traffic to safely enter the road in two stages during the critical PM peak hour.
6. Access from the farm is via a gravel servitude road that connects with OP4237.
7. OP04237 has the following features:
 - 7.1. Km0.0 to km0.6: a narrow-surfaced road with gravel shoulders
 - 7.2. Km0.6 to km0.82: narrow-unsurfaced road consisting of in-situ sandy soil with poor drainage resulting in poor riding conditions during the rainy seasons.
8. The access from OP4237 onto MR27 is challenging due to the staggered median crossing with OP4236 (Bredell Road) on the opposite side of the R44.
9. The servitude road also provides access to other properties.
10. The access road to the new development site has been paved with concrete and vegetation blocks stormwater side drains next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection, to facilitate the movement of heavy (and other) vehicles during rainy conditions.
11. Considering all the above this Branch is concerned about the following:
 - 11.1. Continuous approval of ad-hoc developments in this area which - due to the substandard geometric and surface conditions present on the servitude road and the OP4237 with a problematic staggered median intersection on MR27 and opposite OP4237;
 - 11.2. The applicant has upgraded the private access road to accommodate this development, but similar poor in-situ material and drainage conditions will remain present on the servitude road and the gravel road section of OP4237;
 - 11.3. Increased traffic on OP4237 will create additional maintenance needs and as the Branch is not obliged to maintain Minor Roads, increased development can lead to insistence that the Local Authority accept the road as a municipal street. The upgrading of OP4237 does not form part of this Branch's five-year budget.
12. It is important to note that the R44 Road Safety Project when implemented will close the median breaks on MR27 at OP4236 and OP4237 and both these side roads will only have left-in/left-out access onto MR27 with u-turn opportunities at Steynsrust Rd and Winery Rd. This section of the project is currently in the Design phase.

13. This Branch offers no objection to the Consent Use applications for Farm 1252, Stellenbosch as reflected on the Site Development Plan (Drawing Number 101, Revision E) dated April 2023 prepared by Malherbe Rust Architects subject to the following conditions:
- 13.1. The applicant is fully aware and acknowledge that - as part of the R44 Road Safety Project, the median crossings at the MR27/OP4237/OP4236 intersections will be closed and become left-in/left-out accesses on MR27; and
- 13.2. The applicant is fully aware and acknowledges that the Branch is not obliged to maintain OP4237 and that he/she may for the interim be responsible for any additional maintenance/upgrading needs on OP4237 according to appropriate standards as agreed with and under supervision of the District Road Engineer in Paarl.
14. It is recommended that – until the R44 Road Safety Upgrade Project is implemented, the applicant be requested to advise visitors to the proposed development to plan their trips when leaving the site to avoid having to turn right at the R44 (MR27/OP4237) intersection.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 13 December 2023

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. Arch Town Planners
Attention: Mrs Marike Bolz (e-mail: marike@archtownplanners.co.za)
3. Innovative Transport Solutions
Attention: Mr P Arangie (e-mail: pieter@pietera@itsglobal.co.za)
4. District Roads Engineer
Paarl
5. Mr SW Carstens (e-mail)
6. Me S du Preez (e-mail)
7. Mr B du Preez (e-mail)

marike@archtownplanners.co.za

From: Pieter Arangie <pietera@itsglobal.co.za>
Sent: 15 September 2023 11:55
To: barend@pescasa.co.za
Cc: renaldo@archtownplanners.co.za; marike@archtownplanners.co.za; Johan Brink; Schalk Carstens; Vanessa Stoffels; Nicole.Katts@stellenbosch.gov.za; jaco@squaremeter.co.za; 'Mari De Villiers'
Subject: FW: Job 30329 - RE: Notification of Land Use Application Farm 1252 Stellenbosch (Due): LU/ 14498

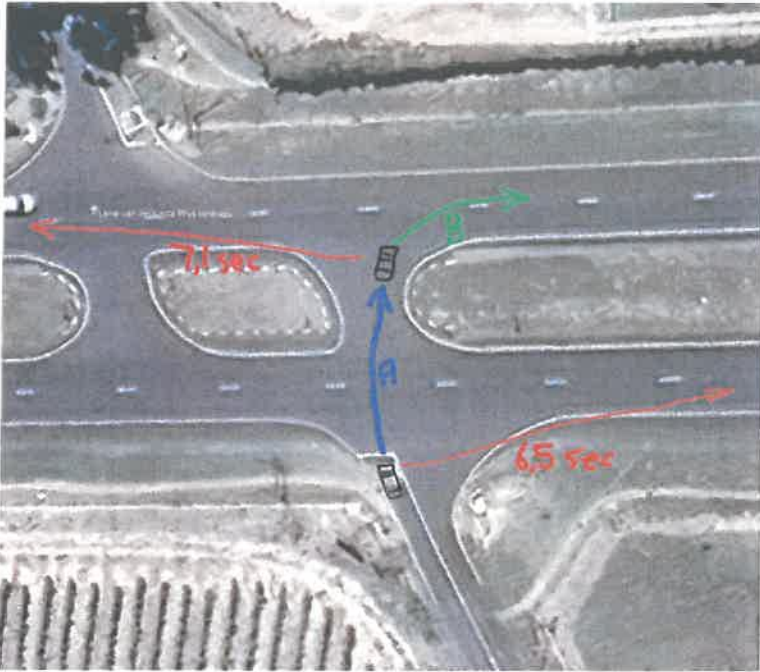
Dear Barend,

I refer to the above mentioned application and Province's letter dated 14 June 2023 (Job30329). I also refer to our the Transport Impact Statement dated 25 May 2022 and our subsequent discussions with regards to your concerns in terms of the right-turn capacity at the MR27/Minor Road4237 intersection during Friday p.m. peak periods. We conducted a gap survey on MR27 at the Minor Road 4237 (Klein Helderberg Road) intersection on Friday 8 August 2023 between 15:00 and 18:00. The critical gaps are important parameters in determining the level-of-service at priority controlled intersections. Table 1 below shows the Highway Capacity Manual critical gap acceptance parameters at priority controlled intersections.

Table 1 Critical Gap Acceptance Parameters Stop-control (HCM)

Turning movement	2-Lane Major Road	4-Lane Major Road
Left	6.2	6.9
Through	6.5	6.5
Right	7.1	7.5

For the purposes of this motivation it is assumed that right-turn traffic from Klein Helderberg Road will enter MR27 in two stages as illustrated in the image below (two-stage gap acceptance). Vehicles will first wait for an acceptable gap to cross the southbound traffic stream along MR27 (Stage A) and then they will wait for an acceptable gap in the northbound traffic stream along MR27 to enter the road (Stage B). For Stage A motorists require a 6.5 second gap or longer to cross the southbound traffic stream and then they need 7.1 seconds or more to enter the northbound traffic stream along MR27. It is highly unlikely and impractical for right-turn traffic from Klein Helderberg Road to enter the MR27 in one movement.



See a summary of the MR27 gap survey results below.

Gap Survey Results

- Two stage gap acceptance as discussed above (Right-turn traffic from Minor Road 4237 first cross the southbound traffic stream and then wait in the median for an acceptable gap in the northbound traffic stream).
 - Southbound traffic stream (6.5 seconds or more)
 - Total gaps in 3 hour period - 536 gaps
 - One hour period 15:00-16:00 - 210 gaps
 - One hour period 16:00-17:00 - 239 gaps
 - One hour period 17:00-18:00 - 87 gaps
 - Northbound traffic stream (7.1 seconds or more)
 - Total gaps in 3 hour period - 357 gaps
 - One hour period 15:00-16:00 - 104 gaps
 - One hour period 16:00-17:00 - 116 gaps
 - One hour period 17:00-18:00 - 137 gaps
- Combined gaps of 7.5 seconds or more in northbound and southbound traffic streams (right-turn traffic from Minor Road 4237 want to enter the northbound traffic stream in one movement).
 - Total gaps in 3 hour period - 26 gaps
 - One hour period 15:00-16:00 - 8 gaps
 - One hour period 16:00-17:00 - 7 gaps
 - One hour period 17:00-18:00 - 11 gaps

As discussed above, it is unlikely and impractical for right-turn traffic from Klein Helderberg Road to enter MR27 in one movement.

The gap acceptance parameters used in the results above are based on international standards and are considered conservative. Based on surveys done on South African roads the critical gap for the through movement (Stage A) in the scenario described above is 6.3 seconds and for the right-turn movement (Stage B) it is 5.3 seconds. This means that the actual gaps available for right-turn traffic along Klein Helderberg Road are more that what is show in the summary above.

In the May 2022 TIS it was reported that the proposed development can generate approximately 34 new driveway trips during the p.m. peak hour. Of these 21 trips will be inbound and 13 outbound. The a.m. peak hour trips will be less, due to the proposed restaurant that will generate more trips during the p.m. peak hour. Based on recent traffic

counts conducted during the gap survey, the existing westbound right-turn demand was 9 vehicles during the p.m. peak hour. Therefore, with the development completed the total westbound right-turn demand along Klein Helderberg Road at the MR27 intersection can be approximately 30 vehicles during the p.m. peak hour, **if all the development traffic turn right** towards Stellenbosch during the p.m. peak hour.

From the results of the gap survey as summarised above it is evident that there is sufficient gaps in the northbound and southbound traffic streams along MR27 for the side road traffic to safely enter the road in two stages during the p.m. peak hour.

A possible geometric improvement at the intersection is to provide dedicated right-turn slots along MR27 as illustrated in the image below. However, as discussed in the May 2022 TIS, the WCG MR27 safety project proposes that the median will be closed at this intersection and any interim upgrades to the intersection will be abortive work.

We hope this adequately addresses your concerns. Please let us know if you need more information.



Pieter Arangie

Transport Planner
Western Cape Office

 pietera@itsglobal.co.za

 +27 82 318 5061

The
addr
recip
proi



From: barend@pescasa.co.za <barend@pescasa.co.za>

Sent: Tuesday, August 1, 2023 11:17 AM

To: renaldo@archtownplanners.co.za; marike@archtownplanners.co.za

Cc: 'Grace Swanepoel' <Grace.Swanepoel@westerncape.gov.za>; Johan Brink <johanb@itsglobal.co.za>; Schalk Carstens <Schalk.Carstens@westerncape.gov.za>; Vanessa.Stoffels@westerncape.gov.za; 'Nicole Katts' <Nicole.Katts@stellenbosch.gov.za>

Subject: Job 30329 - RE: Notification of Land Use Application Farm 1252 Stellenbosch (Due): LU/ 14498

Hi Relando,

I trust that you are doing well.

As you know we did object to the development during the NEMA process (see attached letter for easy reference). We subsequently had a meeting with Johan Brink who said he would relook the access motivation.

To date we have not yet received an updated TIA or motivation for access.

@Nicole Katts – Do you require a formal email/letter stating our objection to this application?

Kind regards | Vriendelike groete

Barend du Preez Pr Eng

On behalf of:

Chief Engineer: Road Use Management

Chief Directorate Road Planning

Transport Infrastructure Branch

Department of Infrastructure

Western Cape Government

The Box - 24th floor, 9 Lower Burg St, Cape Town

PO Box 2603, Cape Town 8000

Tel: +27 21 483 6996

Mobile: +27 83 701 2299

Email: barend@pescasa.co.za

Website: www.westerncape.gov.za



**Western Cape
Government**
FOR YOU

From: Grace Swanepoel <Grace.Swanepoel@westerncape.gov.za>
Sent: Tuesday, August 1, 2023 9:08 AM
To: barend@pescasa.co.za
Subject: FW: Notification of Land Use Application Farm 1252 Stellenbosch (Due)

From: renaldo@archtownplanners.co.za <renaldo@archtownplanners.co.za>
Sent: Tuesday, July 18, 2023 11:43 AM
To: renaldo@archtownplanners.co.za
Subject: FW: Notification of Land Use Application Farm 1252 Stellenbosch (Due)

Hello,

Please be informed that the closing date to provide your comments on the land use application has passed. Kindly comment on the application in a timely manner and if there are no comments from your department kindly inform me via email. If you need any additional information to complete your response, kindly notify me promptly.

Kind Regards / Vriendelike groete
 Renaldo Muller



Address | 2nd Floor, Bakkershuis,
 152 Dorp Street, Stellenbosch, 7600
 M | +27 (0) 72 587 1901
 E | renaldo@archtownplanners.co.za
 W | www.archtownplanners.co.za

From: renaldo@archtownplanners.co.za <renaldo@archtownplanners.co.za>
Sent: Wednesday, May 17, 2023 4:19 PM
To: 'Salome Newman' <Salome.Newman@stellenbosch.gov.za>
Cc: marike@archtownplanners.co.za
Subject: Notification of Land Use Application Farm 1252 Stellenbosch

Dear Sir/Madam

APPLICATION FOR CONSENT USE (TOURIST FACILITIES AND TOURIST ACCOMODATION ESTABLISHMENT) ON FARM 1252, BO-HELDERBERG, STELLENBOSCH

It is required by the Stellenbosch By-Law, that notice of this land use applications be served to interested and/or effected parties . As an interested and/or effected party, please find attached the following relevant documents pertaining to the application for Farm 1252, Bo-Helderberg:

1. Notice Too Interested and Affected Parties (English and Afrikaans)
2. The Motivation Report. Please note that no Annexures are included as it is too large to send via e-mail. Kindly contact us directly if you would like to view any of the Annexures.
3. Proposed Site Development Plan (Annexure F, April 2023, Final)
4. Locality Plan

Kindly let us know if you require any additional information.

If you would like to comment on the application, please do so on or before **17 July 2023**

Kind regards

Kind Regards / Vriendelike groete

Renaldo Muller



Address I 2nd Floor, Bakkershuis.

152 Dorp Street, Stellenbosch, 7600

M I: +27 (0) 72 587 1901

E I: renaldo@archtownplanners.co.za

W I: www.archtownplanners.co.za

From: marike@archtownplanners.co.za marike@archtownplanners.co.za

Sent: Wednesday, May 17, 2023 1:55 PM

To: renaldo@archtownplanners.co.za

Subject: External Departments Notification of Land Use Application Farm 1252 Stellenbosch



Virus-free www.avq.com

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise. If you are not the intended recipient you may not copy or deliver this message to anyone."



**Western Cape
Government**

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/459 (Job 30329)

Cornerstone Environmental Consultants

PO Box 12606

Die Boord

STELLENBOSCH

7613

Attention: Me M de Villiers

**BO-HELDERBERG FARM, FARM 1252, STELLENBOSCH: MINOR ROAD 4237 AND MAIN ROAD 27:
PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (DEA&DP REFERENCE NUMBER:
16/3/3/6/7/1/B4/45/1093/23)**

1. The following refer:
 - 1.1. Your email invite for comment on Pre-application Draft Basic Assessment Report (DEA&DP Reference Number: 16/3/3/6/7/1/B4/45/1093/23) for Proposed Development of Dams, and Agricultural and Tourism Activities, on The Farm Bo-Helderberg 1252 Stellenbosch;
 - 1.2. The Site Development Plan Drawong No 101 prepared by Malherbe Rust Architects dated April 2023;
 - 1.3. The letter 4474 from Innovative Transport Solutions dated 25 May 2022 containing the Traffic Impact Statement; and
 - 1.4. A site visit conducted on 30 May 2023.
2. This application entails the following:
3. The Applicant proposes to develop the following activities on the property:
 - 3.1. Proposed buildings:
 - 3.1.1. A restaurant/bistro/wine tasting area, and associated parking,
 - 3.1.2. A main house; and
 - 3.1.3. Eight (8) tourism accommodation units (also referred to as "pods");
 - 3.2. Cultivation areas (vineyards and a vegetable/fruit garden);
 - 3.3. Internal roads and new sections of road;

- 3.4. Water infrastructure:
 - 3.4.1. A new borehole;
 - 3.4.2. Two (2) new dams (one in-stream and one off-stream); and
 - 3.4.3. Water pipelines;
- 3.5. Sewage infrastructure; and
- 3.6. Electricity infrastructure.
4. Main Road 27 (MR27) (R44) and Minor Road 4237 (OP4237) (Klein Helderberg Road) are affected by this application.
5. It is well known that the staggered intersection between Minor Road 4236 (OP4236) (Bredell Road) and OP4237 (Klein Helderberg Road) is a high accident zone on MR27 (R44).
6. Although the Traffic Impact Statement (TIS) concluded that there are currently sufficient gaps in the traffic streams along MR27 to accommodate the existing plus expected traffic volumes generated by the proposed development no proof of this were provided and this Branch are of the opinion that this is not true for a Friday PM peak hour when the highest turning movements from both OP4236 and OP4237 will occur at the staggered intersection on MR27.
7. As a result of the road safety risks at this and several other intersections and median breaks along the R27 between Somerset West and Stellenbosch, the Western Cape Government Department of Infrastructure initiated a road safety project along this section of MR27. Although Environmental Authorisation were obtained on appeal on 27 August 2019 for the project, the timeframe for the safety upgrades project is still unknown and hampered by budget constraints (This Environmental Authorisation is valid for ten years from the date of the Appeal decision).
8. It is proposed that the OP4236 and OP4237 become left-in/left-out only accesses on MR27 with safe U-Turn facilities on either side at the above ground grade-separated turning facility at the Main Road 166 (MR166) (Winery Road) intersection and the proposed grade-separated U-turn facility at Steynsrust Road bridge over MR27.
9. Based on the above this Branch objects to the application from a road safety point of view until such time as the above mentioned road safety upgrades have been implemented.
10. However, this Branch will reconsider its objection should the applicant be able to negotiate alternative access that does not impact the existing OP4237/MR27 intersection (Example: A right of way servitude over affected farms to connect with Helderpruit Road in Somerset West).

Yours Sincerely

pp 

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 14 June 2023

ENDORSEMENTS

1. Cornerstone Environmental Consultants
Attention: Me M de Villiers (e-mail: mari@cornerstoneenviro.co.za)
2. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
3. Arch Town Planners
Attention: Mrs M Bolz (e-mail: marike@archtownplanners.co.za))
4. District Roads Engineer
Paarl
5. Mrs S du Preez (e-mail)
6. Mr B du Preez (e-mail)
7. Mr D Fortuin (e-mail)
8. Mr SW Carstens (e-mail)

Our Ref: HM / CAPE WINELANDS / BOLAND / STELLENBOSCH / FARM 1252
Case No: 211 20706SB1207E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959



Heritage Consultant (Applicant): Jenna Lavin (CTS Heritage)
 Jenna.lavin@ctsheritage.com

RESPONSE TO HERITAGE IMPACT ASSESSMENT: FINAL COMMENT
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSE DEVELOPMENT OF NEW FARMSTEAD ON BO-HELDERBERG FARM 1252, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACOM) held on 6 December 2023.

FINAL COMMENT:

The updated submission meets with requirements previously issued. The Committee therefore endorses the HIA as meeting the requirements of s38(3) the NHRA. The Committee supports the recommendation of the HIA as follows:

1. The proposed "pods" must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection.
2. The proposed new werf must adhere to the following recommendations:
 - a. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and "softened" by planting within the landscape from all sides.
 - b. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.
3. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities
4. If any archaeological heritage resources or unmarked graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs. Colette Scheermeyer 021 483 9685).

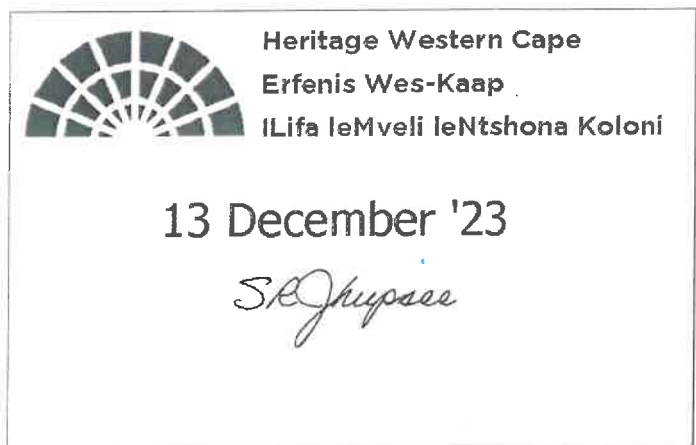
HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

**Sneha R
Jhupsee**

Digitally signed by Sneha R Jhupsee
 Date: 2023.12.12 21:38:41 +02'00'

Sneha Jhupsee
Acting Assistant Director: Professional Services



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000
 • **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000
 • **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

Idilesi yendawo: Kulingangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5950 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za

Annexure F:HIA AND SUPPORTING DOCUMENTS



CTS HERITAGE

14/11/2023

HERITAGE IMPACT ASSESSMENT: PROPOSE DEVELOPMENT OF NEW FARMSTEAD ON BO-HELDERBERG FARM 1252, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

Additional Supporting Documentation to be read in conjunction with the HIA submitted to HWC

Response to IACom Comments dated 02/10/2023

The Committee requires a revised proposal which considers an alternative architectural and landscape response to site and wilderness zone context which is more appropriate than the Cape werf typology

In order to respond to the concerns raised by the HWC Impact Assessment Committee, the consulting team has completed additional analyses which have informed the architectural and landscape response communicated herein. A number of supporting appendices are attached to this correspondence including motivation for the architectural responses adopted (Appendix 1) as well as a material study (Appendix 2) for the store and wine-tasting venue (Malherbe and Rust Architects).

1. Location Selection

In the HIA compiled for Cornerstone Environmental Consultants, a portion of the property was identified best suited for intervention in terms of farming that would have the least amount of impact on the adjacent fynbos and natural landscape. This specific portion also coincidentally happens to be the flattest and smoothest portion of the property, which forms a plateau just above the ridge line.

It was obvious that the farming complex would need to be positioned on this very plateau. From an architectural point of view, it is proposed that the buildings be situated here to utilise the magnificent view over the Stellenbosch Winelands and surrounds, while glancing over the entire False Bay.

As described above, the plateau is a small portion of land which is almost entirely free from any protected fynbos and natural landscape. The farming buildings are proposed to be developed on this portion of land, along the contours of the foot of the Helderberg mountain, to limit the amount of soil excavation needed for cut and fill purposes.

It is also proposed that farming vehicles, staff and visitors approach the farming complex from the rear to avoid vehicular activity along the ridge line, to minimise visual impact from the R44.

2. Visibility

Both the IACom and the Stellenbosch Interest Group have raised concerns regarding the visibility of the proposed farm werf from various significant view spots. In order to gain a comprehensive understanding of the anticipated visibility of the proposed structures, the consulting team undertook a Shade-Net Study.

This study involved erecting a temporary shade net in appropriate colours in the location, and at the appropriate height, of the proposed structures. Figure 1 indicates the placement of the shade net.

Photographs were then taken of the location of the shade net from various significant viewing localities. These photographs were taken in wide-angle format to mimic the actual visibility of the site. These images are included below.



Figure 1: Shade net. The black netting indicates the roof area and roof ridgeline, with the striped yellow and orange netting indicating the top portion of the walls.

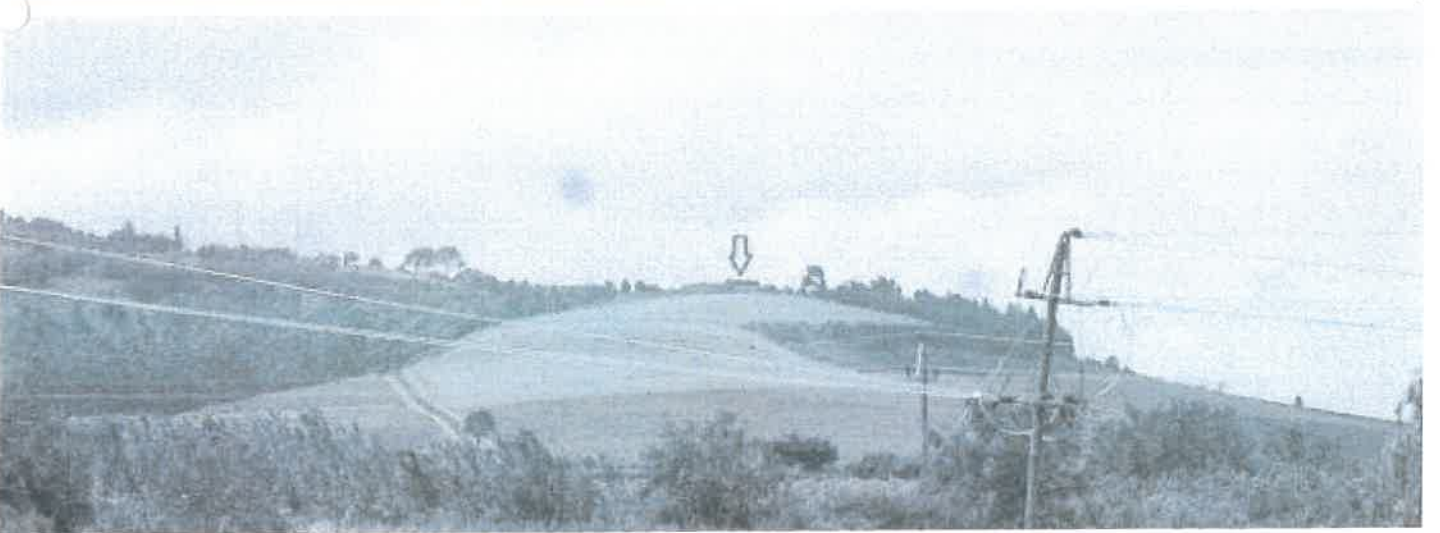


Figure 2: From Eikendal Road - actual and zoomed in showing the shade netting.





Figure 3: From just outside the farm gate on the gravel road - actual and zoomed in. Due to the topography, the shade net is not visible at all



Figure 4: From the R44, just before the Kleinhelderberg turn-off - actual and zoomed in. Due to the topography, the shade net is not visible at all

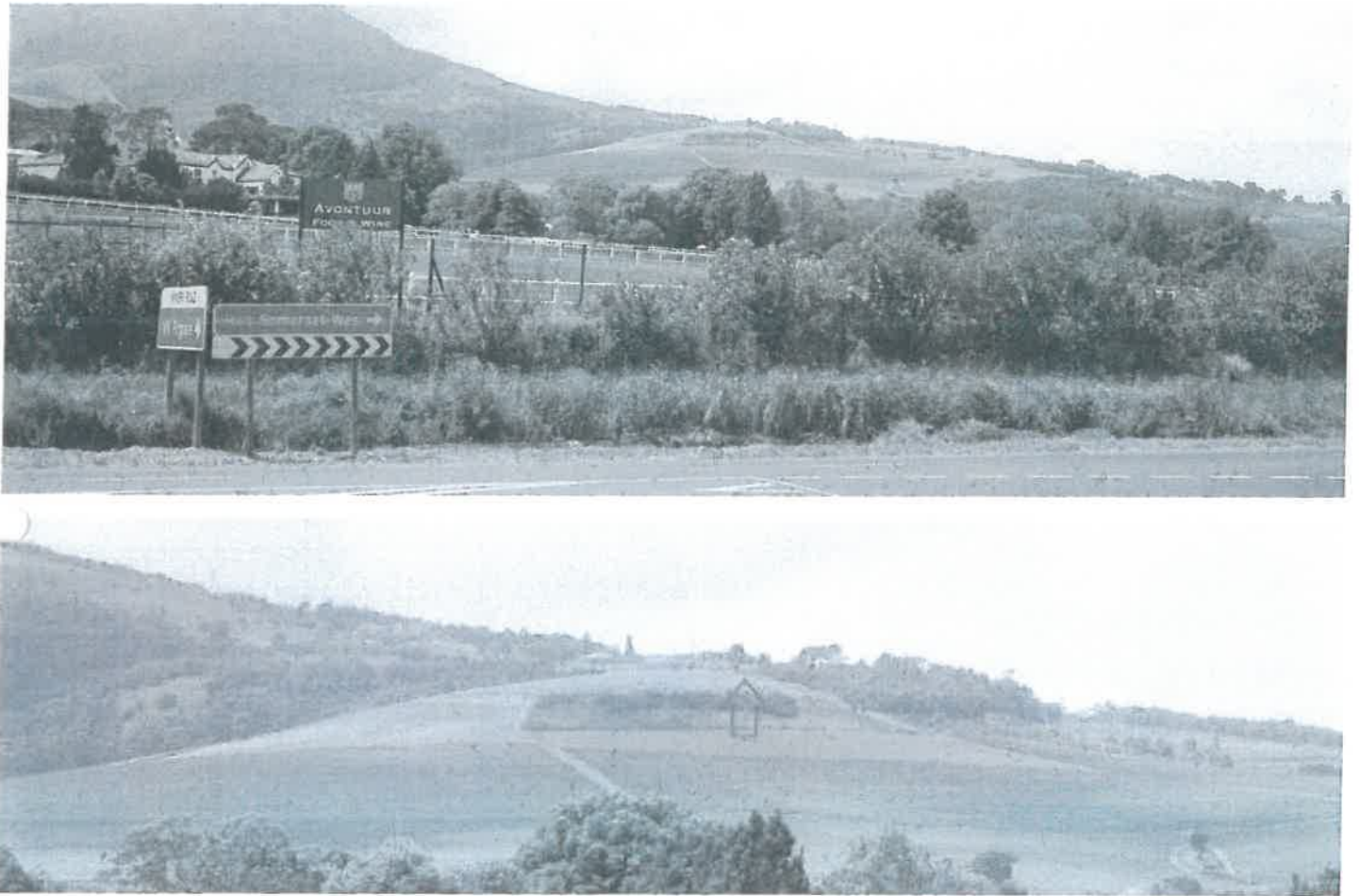


Figure 5: From the R44 and Winery intersection - actual and zoomed in showing the shade netting.

3. Architectural Response

As noted in the response from Malherbe and Rust Architects (Appendix 1), when looking at agricultural farm buildings and the farming activities associated with them, the typology of any sort of werf is almost inevitable. It is agreed, however, that a typical cape farmstead might not be the appropriate response. Therefore, it is mitigated by changing the colours and textures of building finishes, rather than proposing portal frame steel structures clad with metal sheets, which is synonymous with agricultural buildings of the surrounds.

Long and simple barn type double pitched gable end roofs are proposed for agricultural farm buildings for two main reasons:

1. It is the most economical use of materials and space, that is also cohesive with the vernacular architectural typology that can be recognized within the cultural landscape
2. Roof or attic spaces can be so developed to house specific functions which would limit the overall height of the buildings compared to conventional double storey buildings. This would have a huge impact on the total visibility of the entire development, making it visually inconspicuous.

The buildings are arranged along the contours of the mountain with patio spaces and landscaped seating terraces looking out towards the view over False Bay. The dirty, dusty and noisy activities associated with farming will occur at the back. A werf wall is proposed to encapsulate most of these activities to keep noise and visual pollution to the minimum.

Hard external walking surfaces are proposed, to consist of red Klompie brick paving, that terminates against sandstone plinths. Textured, earthy coloured painted walls are proposed that reflects the same characteristics as that from the gravel farm roads. Dark timber elements to emphasise the fact that the buildings are within a natural setting. Glazing elements that would restrict reflections as far as possible are proposed. Roofing and steel columns and/or trims to be coated in ultra matt dark grey finish, that would blend with the dark shadiness of tree branches. Roof colours also complement solar panels to minimise its visual impact.

Please see Appendix 2 - Material Study

Renderings of the proposed structures with their updated materials were developed with landscaping and without landscaping in order to ascertain the specific nature of the likely impact. These renderings were based on the locations of Point 8874 and 8758 in the map at Figure 6 and are included below.

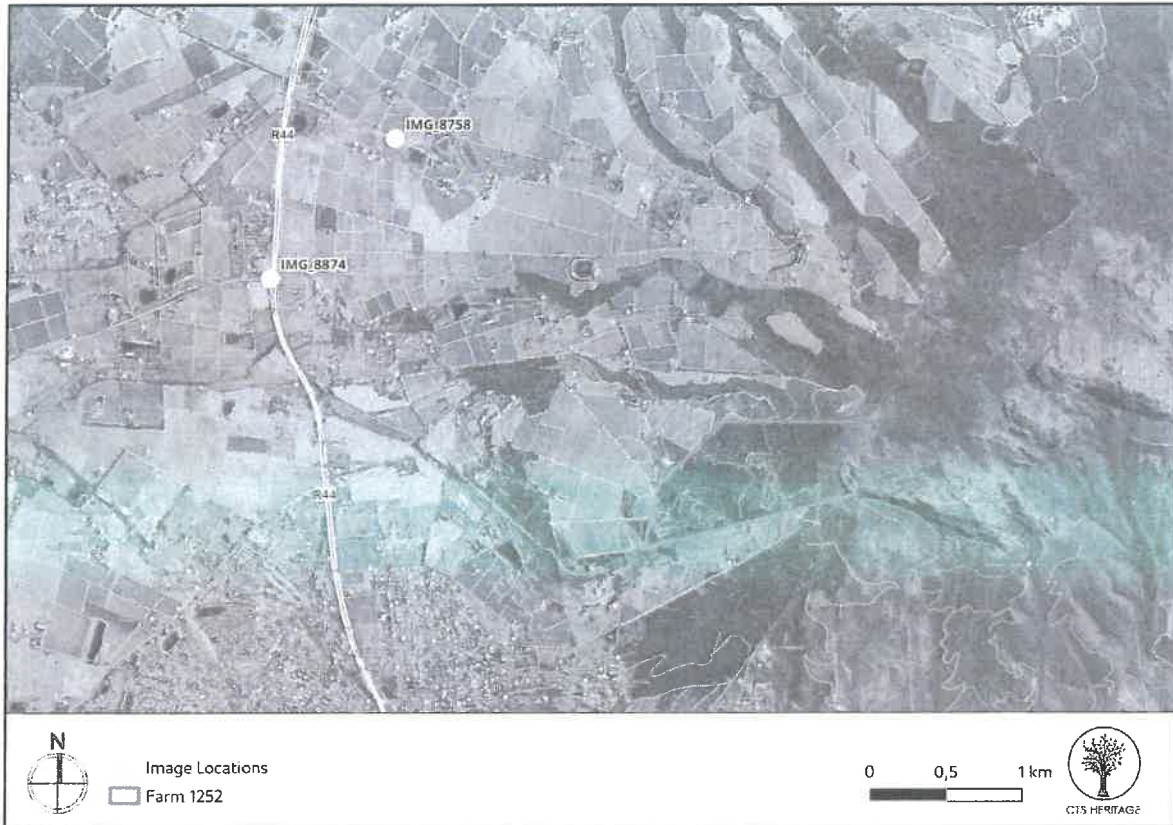


Figure 6: Location of renderings, with the farm outlined in pink.



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Figure 7: View from the R44 (Site 8874) - renderings without landscaping (proposed structures only). Actual and zoomed in.



Figure 8: View from the R44 (Site 8874) - renderings with landscaping. Actual and zoomed in.



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Figure 9: View from Eikendal Road (Site 8758) - renderings without landscaping (proposed structures only). Actual and zoomed in.



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Figure 10: View from Eikendal Road (Site 8758) - renderings with landscaping. Actual and zoomed in.



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Conclusion

Based on the results of the analyses undertaken, it is concluded that the location of the farm werf (store and wine-tasting) is determined through the topography. The localised plateau is the most appropriate location for this structure. Furthermore, the visibility analysis has determined that the structure proposed here will not be visible from the R44 scenic route and will only be marginally visible from Eikendal Road.

In terms of the selected architectural typology proposed, this has been informed by the simplest agricultural typologies common in this area. In order to mitigate the negative impact of these structures within the wilderness zone context of the upper slopes of the Bo-Helderberg, appropriate wall colours and finishes have been implemented.

In addition, proposed planting strategies will assist in mitigating the anticipated impact of these structures on the significant cultural landscape of the Bo-helderberg. Lastly, a 6ha vineyard is proposed to be located around the buildings to assist in seating them in this landscape.

Based on the outcome of the above analyses and the amended finishes proposed for the structures, there is no objection to the proposed development from a heritage perspective.

Jenna Lavin

Claire Abrahamse

November 2023



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APPENDIX 1 - ARCHITECTURAL RESPONSE

Malherbe Rust Architects



Ref: HM/CAPE WINELANDS/STELLENBOSCH/FARM 1252
Case No.: 21120706SB1207E
To: THE DIRECTOR OF PROFESSIONAL SERVICES, HERITAGE WESTERN CAPE
Date: 10 NOVEMBER 2023

Dear Sir/Madam,

Heritage Impact Assessment: Proposed development of a New Farmstead on Bo-Helderberg Farm, Farm 1252, Stellenbosch - submitted in terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999).

The above subject line refers.

With regards to the HWC Record of Decision (ROD) dated, 02 October 2023, issued to the appointed Heritage Consultant, Ms. Jenna Lavin, additional information is required:

"The Committee requires a revised proposal which considers an alternative architectural and landscape response to site and wilderness zone which is more appropriate than the Cape werf typology."

The Proposed Development

The total proposed development includes:

- One primary dwelling
- One second dwelling
- A Farm store building including, offices and Bistro/breakfast area.
- Coffee shop and/or Wine tasting facility
- A total of eight self-catering cottages

The development will be implemented in two phases.

- Phase 1 will consist of the second dwelling unit, the farm store and bistro, and at least two of the self-catering cottages.
- Phase 2 will consist of the primary dwelling unit, coffee shop and wine tasting, and the last remaining six of the self-catering.

In terms of the Stellenbosch Municipality Zoning Scheme of 2019, the property is zoned for agricultural use, which indicates that all buildings that are classified as bona-fide agricultural buildings, may be erected as a primary right. Therefore, a consent use application would be required only for the two self-catering cottages in phase 1. A separate planning application has been submitted by Mrs. Bolz from Arch Town Planners.

Positioning of the development

In the HIA compiled by Ms Lavin, for Cornerstone Environmental Consultants, a portion of the property was identified best suited for intervention in terms of farming

activities that would have the least amount of impact on the adjacent fynbos and natural landscape. This specific portion also coincidentally happens to be the flattest and smoothest portion of the property, which forms a plateau just above the ridge line.

It was obvious that the farming complex would need to be positioned on this very plateau. From an architectural point of view, it is proposed that the buildings be situated here to utilise the magnificent view over the Stellenbosch Winelands and surrounds, while glancing over the entire False Bay.

Physical characteristics of the site

As described above, the plateau is a small portion of land which is almost entirely free from any protected fynbos and natural landscape. The farming buildings are proposed to be developed on this portion of land, along the contours of the foot of the Helderberg mountain, to limit the amount of soil excavation needed for cut and fill purposes.

It is also proposed that farming vehicles, staff and visitors approach the farming complex from the rear to avoid vehicular activity along the ridge line, to minimise visual impact from the R44.

Architectural response

Long and simple barn type double pitched gable end roofs are proposed for agricultural farm buildings for two main reasons:

- 1) It is the most economical use of materials and space, that is also cohesive with the vernacular architectural typology that can be recognized within the cultural landscape
- 2) Roof or attic spaces can be so developed to house specific functions which would limit the overall height of the buildings compared to conventional double storey buildings. This would have a huge impact on the total visibility of the entire development, making it visually inconspicuous.

The buildings are arranged along the contours of the mountain with patio spaces and landscaped seating terraces looking out towards the view over False Bay. The dirty, dusty and noisy activities associated with farming will occur at the back. A werf wall is proposed to encapsulate most of these activities to keep noise and visual pollution to the minimum.

Hard external walking surfaces are proposed, to consist out of red Klompie brick paving, that terminates against sandstone plinths. Textured, earthy coloured painted walls are proposed that reflects the same characteristics as that from the gravel farm roads. Dark timber elements to emphasise the fact that the buildings are within a natural setting. Glazing elements that would restrict reflections as far as possible are proposed. Roofing and steel columns and/or trims to be coated in ultra matt dark grey finish, that would blend

in with the dark's shadiness of tree branches. Roof colours to also complement solar panels to minimise its visual impact.

Landscaping Response

A series of deciduous Algerian Oak and Plane trees are proposed to screen the development. Oak trees planted along the entrance road leads up to the turn off entering the farming complex. This road is set back at the rear end of the development passing a man-made dam leading one towards the farm buildings. Large Plane trees screen the buildings in the front and are intended to minimise the visual impact from the R44. As these trees grow taller, it will completely cover the front façade of the development, eventually screening the entire farmstead.

The veggie garden at the rear, surrounded by formal landscaping to the North and forest to the South, are intended to soften the development altogether. Vineyards are proposed to cover the remaining agricultural land, adding to the visual appeal from the R44, which blend in well with the surrounding farming communities.

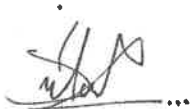
Conclusion

The above chapters highlight the mitigating factors in response to the committee's comments. When looking at agricultural farm buildings and the farming activities associated with them, the typology of any sort of werf is almost inevitable. We do agree with the committee that a typical cape farmstead might not be the appropriate response. Therefore, it is mitigated by changing the colours and textures of building finishes, rather than proposing portal frame steel structures clad with metal sheets, which is synonymous with agricultural buildings of the surrounds.

Some future recreational activities are also intended to be developed within the farming complex, which underpins the reasoning for an architectural typology more suited to add to the unique experience Bo Helderberg farm has to offer.

We believe that the committee understands that a property should be developed in a manner suitable for its intended activities, while it subtly intertwines with the existing cultural landscape and simultaneously being beneficial to the owner to make a return on their investment.

Yours sincerely



SWL de Kock



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APPENDIX 2 - MATERIAL STUDY

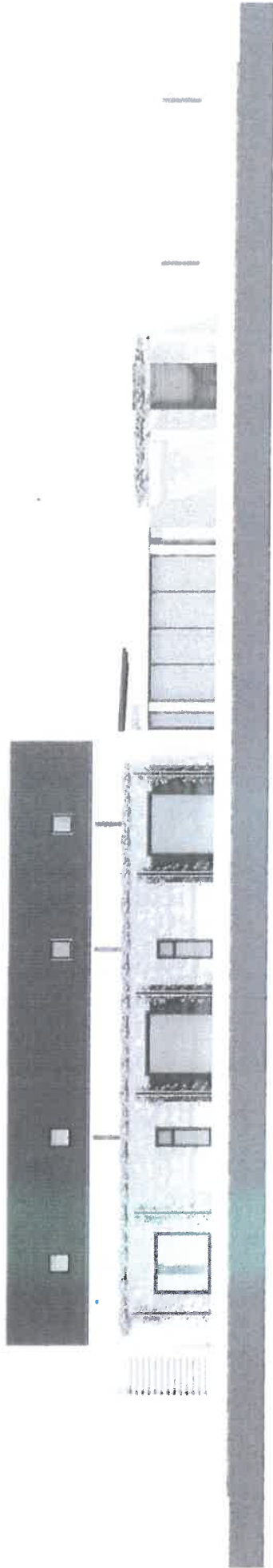
Bo Helderberg Store & Wine Tasting

Date : 9 November 2023

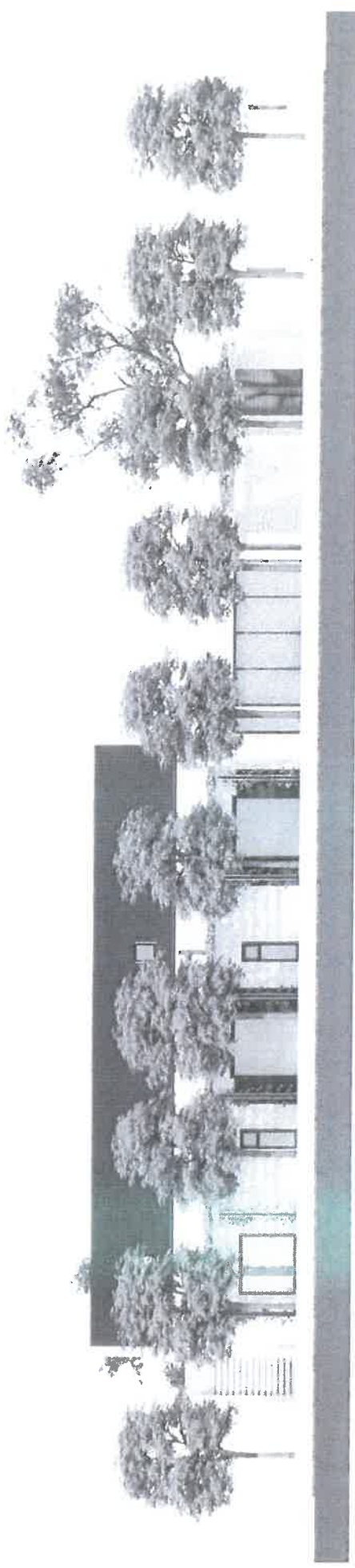


Malherbe Rust
Architects





549

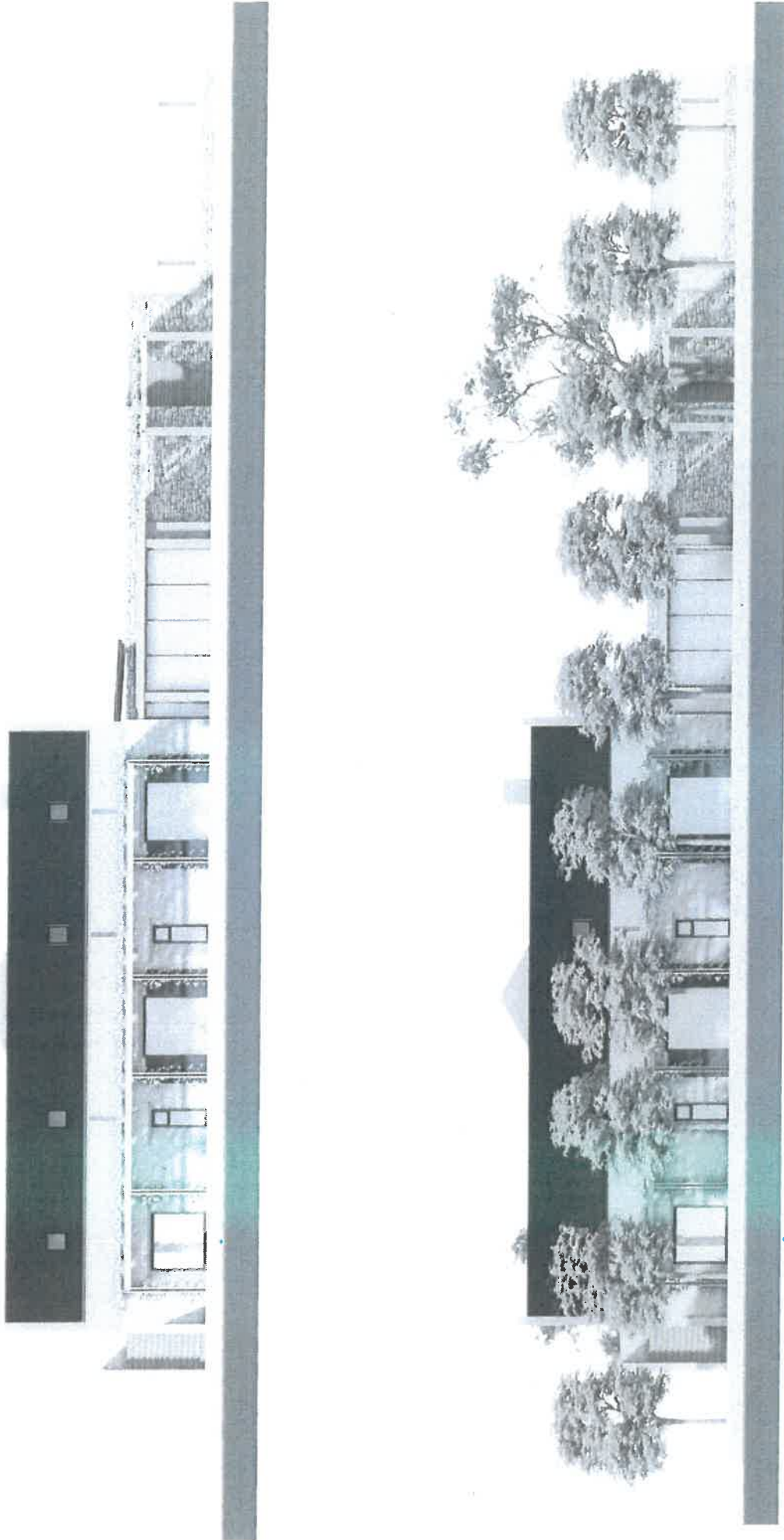


Original proposed Western elevation



Malherbe Rust
Architects

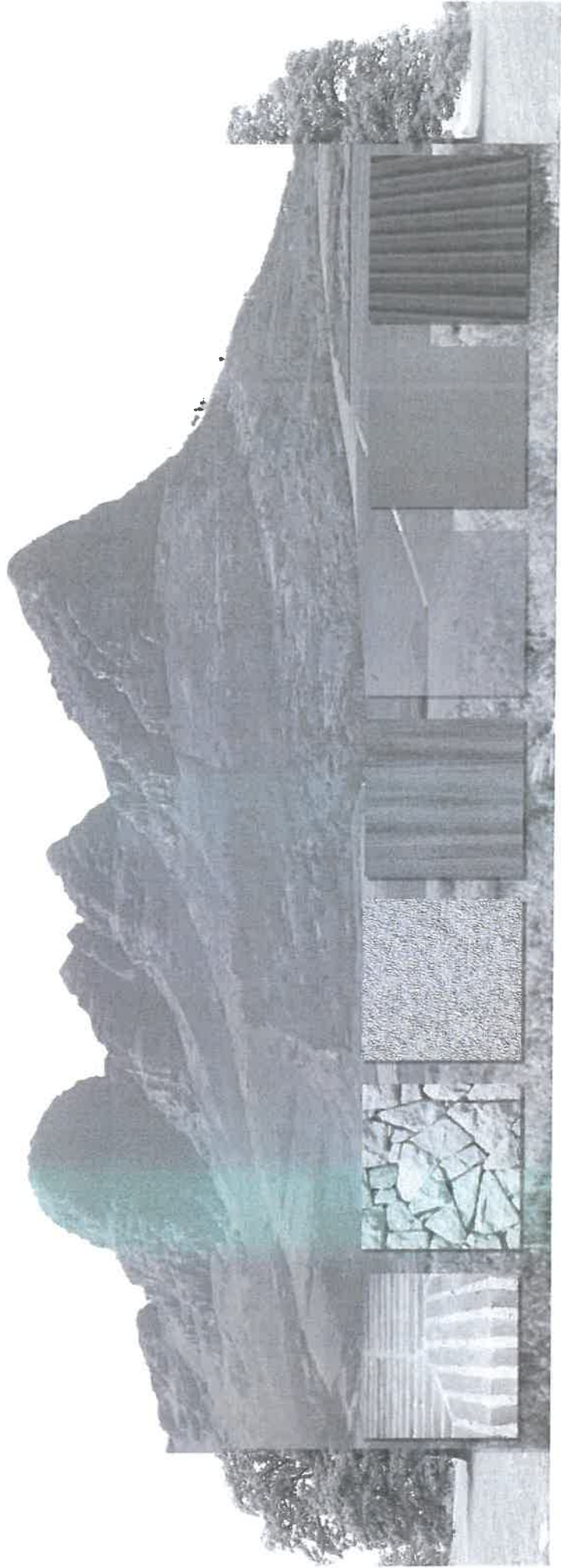
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Alternative proposed Western elevation



Matherbe Rust
Architects



Oak trees	Klompie surfaces	Sandstone cladding	Textured wall paint	Afromosia timber	Solarvue Neutral glass	Matt umber grey steel	Matt graphite roofs	Oak trees
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PAGE 1 OF 2

Our Ref: HM/ CAPE WINELANDS/STELLENBOSCH/ FARM NO. 1252
Case No.: 21120706SB1207E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

Jenna Lavin
 jenna.lavin@ctsheritage.com



RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REDEVELOPMENT OF THE SITE, FARM 1252, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21120706SB1207E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on 17 January 2022.

You are hereby notified that, since there is reason to believe that the proposed redevelopment of the site, Farm 1252, Stellenbosch will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

(3) *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): **Provided that the following must be included:***

- (a) *The identification and mapping of all heritage resources in the area affected;*
- (b) *an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
- (c) *an assessment of the impact of the development on such heritage resources;*
- (d) *an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
- (e) *the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
- (f) *if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and*
- (g) *plans for mitigation of any adverse effects during and after the completion of the proposed development.*

(Our emphasis)

This HIA must in addition have specific reference to the following:

- Archaeological Impact Assessment
- Visual Impact Assessment on the cultural landscape.

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PAGE 2 OF 2

Our Ref: HM/ CAPE WINELANDS/STELLENBOSCH/ FARM NO. 1252
Case No.: 21120706SB1207E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959



The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....
 Colette M Scheermeyer
 Deputy Director



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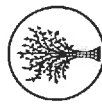
HERITAGE IMPACT ASSESSMENT

In terms of Section 38(8) of the NHRA for the

Proposed development on Farm No. 1252, Stellenbosch

HWC Ref: 21120706SB1207E

Prepared by CTS Heritage



CTS HERITAGE

Jenna Lavin

In conjunction with Claire Abrahamse

For

For Cornerstone Environmental

April 2023



CTS HERITAGE

EXECUTIVE SUMMARY

1. Site Name:

Bo-Helderberg Proposed New Farmstead

2. Location:

Farm No. 1252, Stellenbosch

3. Locality Plan:

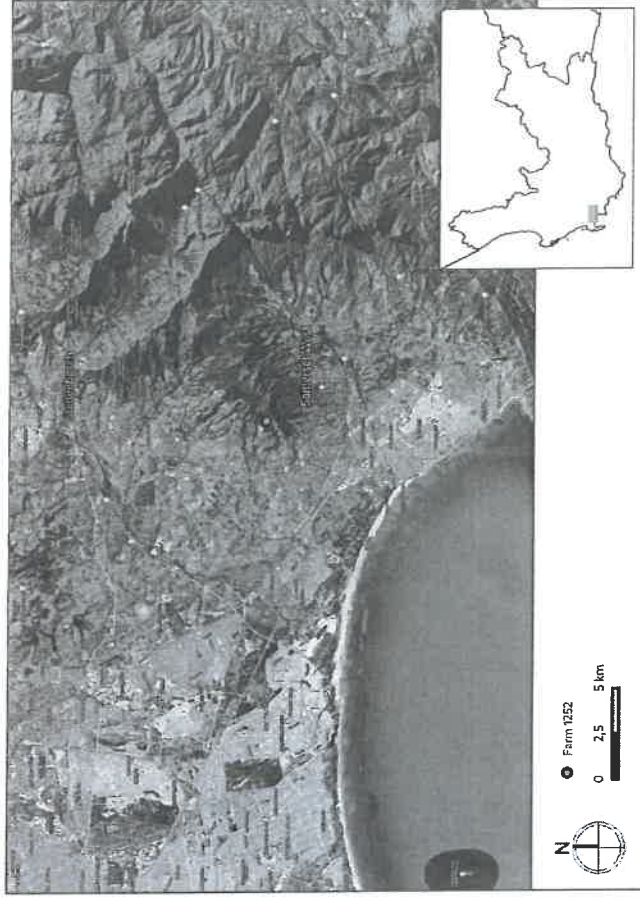


Figure 1: Location of the proposed development site near Somerset West

4. Description of Proposed Development:

It is proposed that the following infrastructure is to be developed on Farm 1252 in Stellenbosch

- A main house and about eight tourism accommodation units (also referred to as "pods");
- New agricultural activities - proposed vineyard orchards and olive groves;
- Two new dams: One new in-stream dam, and one new off stream dam



- A restaurant/bistro/wine tasting area, and associated parking, and
- Internal roads, electricity and water infrastructure.

5. Heritage Resources Identified:

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3 and is summarised below.

6. Anticipated Impacts on Heritage Resources:

During the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3. It is clear that the site forms part of the steep, wilderness domain of the cultural landscape. The primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development should not "tip the balance" or disrupt the interplay of the various domains making up the Helderberg Farm Valley's cultural landscape.

Overall, Farm 1252 is unique in the area as it promotes access to the wilderness domain of the Eerste River Valley, through the hiking and mountain-biking trails that currently exist in the area. The proposed new development should strengthen this recreational offering, which depends on the wilderness character of the site. Farm 1252 has two distinct area types, with differing cultural landscape and visual characters. The analysis indicates that the proposed interventions and developments on the site can be satisfactorily mitigated, and that impacts would be acceptable once mitigation measures are incorporated.



7. Recommendations:

There is no objection to the proposed development in terms of impacts to heritage resources on condition that the following recommendations are implemented:

1. The proposed "pods" must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection.
2. The proposed new werf must adhere to the following recommendations:
 - a. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and "softened" by planting within the landscape from all sides.
 - b. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.
3. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities
4. If any archaeological heritage resources or unmarked graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs Colette Scheermeyer 021 483 9685).

8. Author/s and Date:

Jenna Lavín and Claire Abrahamse
April 2023



CONTENTS

1. INTRODUCTION	5
1.1 Background Information on Project	5
1.2 Description of Property and Affected Environment	6
2. METHODOLOGY	17
2.1 Terms of Reference	17
2.2 Summary of steps followed	17
2.3 Assumptions and uncertainties	17
2.4 Constraints & Limitations	17
3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT	19
3.1 Cultural Landscape	19
3.2 Archaeology	20
3.3 Paleontology	21
4.1 Summary of findings of Specialist Reports	25
4. IDENTIFICATION OF HERITAGE RESOURCES	27
4.2 Development Proposal	27
5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT	30
5.1 Assessment of Impact to Heritage Resources	30
5.3 Alternatives and Location Choices	37
5.4 Sustainable Social and Economic Benefit	37
6. RESULTS OF PUBLIC CONSULTATION	38
7. CONCLUSION	38
8. RECOMMENDATIONS	39
APPENDICES	
1 Detailed Designs and 3D Constructions	
2 Archaeological Impact Assessment 2022	
3 Cultural Landscape Assessment 2023	
4 NID Form and Heritage Screener	
5 HWC Response to NID and reasons for decision	
6 Chance Fossil Finds Procedure	
7 Results of PPP	



1. INTRODUCTION

1.1 Background Information on Project

The application site is a vacant, undeveloped farm situated at the foot of Helderberg Mountain. The owner of the farm wishes to turn the farm into an economically viable farming unit by establishing new vineyards and capitalising on the pristine natural environment and scenic views. The proposal (applicable to this application) entails the development of 8 x tourism accommodation units (hereafter also referred to as pods), a restaurant, and a wine tasting area. Other proposed new buildings include a storage/admin building, the Main dwelling house, a Second dwelling and a flat (employee housing) above the storeroom/admin building, new vineyards, and a vegetable garden. However, it is included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings and land uses are included in the Basic Assessment process and Heritage applications being submitted in parallel to this application.

The sections below will provide more detail on the different aspects of the development proposal. Please refer to Annexure F for the proposed Site Development Plan and Annexure G for the proposed elevations and floor plans.

Proposed Tourist Accommodation

The proposed tourist accommodation will be situated in 4 x one-bedroom and 4 x two-bedroom single-story pods, where each pod will be strategically positioned away from the farming activities and other buildings/accommodation units on the farm. To limit the site area to be disturbed, the intention is to build a platform (of approximately 45m² each) with a platform base of approximately 120m² coverage for each unit. Where required, infrastructure services can then be positioned below the base, the help shields it from view.

The units have been designed to be luxurious and spacious with beautiful views from each room toward the surrounding mountains and False Bay. The one-bedroom units will each have one on-suite bedroom with an open plan kitchen -living room area and an outside covered stoep area with a braai and hot pool. The two-bedroom units will each have 2x bedrooms with one separate bathroom, living room, open plan kitchen, and a covered stoep with a braai area and hot pool.

In consultation with the project team, it was decided to have the units placed in separate areas, situated away from the farming activities and other tourist units. It was considered that having the units situated in a communal "werf" area may have a potential increase in visual impact as it could be viewed and perceived as one large building/construction footprint. The location of each unit was especially determined, taking cognizance of the slope of the site (to stay clear of steep slopes), staying clear of visually sensitive areas, areas with high botanical value, and watercourses. Having the units strategically placed in isolation, away from all other units and farming activities will also enhance the privacy of the units and the sense of place, the feeling of being situated in and surrounded by nature, which will add to the unique character of the development. All proposed units are placed



outside of the Aquatic CBA areas.

Access to these units will be along the existing 4x4 roads with small pathways which will link the pods to these main gravel roads. These roads will also link to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

Proposed Wine Tasting and Restaurant

The proposed restaurant and wine tasting area will be situated on the southwestern portion of the site, in the previously disturbed areas. The restaurant and wine tasting building will have coverage of ±350m², with a seating area (GLA) of approximately 220m². This building will also be a single-storey building. Parking will be provided east of the proposed wine tasting/restaurant building to shield the parking from view.

In addition to the above, it is proposed that the following infrastructure is to be developed on Farm 1252 in Stellenbosch

- A main house and about eight tourism accommodation units (also referred to as "pods");
- New agricultural activities – proposed vineyard orchards and olive groves;
- Two new dams: One new in-stream dam, and one new off stream dam
- A restaurant/bistro/wine tasting area, and associated parking; and
- Internal roads, electricity and water infrastructure.

1.2 Description of Property and Affected Environment

The area proposed for development is located on the steep slopes of Helderberg West Peak. The property was only accessible after navigating a steep approach into the development area that is only suitable for 4x4 vehicles. The steep access allows for breathtaking views across Stellenbosch and Somerset West from the high elevation.

Most of the property is steeply sloped and traversed by mountain-bike trails. The vegetation in the areas proposed for the pods is very dense and inaccessible however the areas proposed for the buildings, parking areas and cultivation are located in areas with less gradient which could be surveyed thoroughly.

A substantial amount of heritage identification, survey and inventory work has been conducted in the rural and urban areas of the Stellenbosch Municipality including the Stellenbosch Rural Area Plan (Postlethwaite 2016) and the Stellenbosch Municipal Heritage Survey – Phases 1 to 4 (SMHS, Jansen et al 2019).

The area proposed for development falls within a Landscape Character Unit for the Eerste River and Helderberg Footslopes. According to the extract from the SMHS, "This unit is flanked by the Helderberg to the east, with its apex being West Peak. The western boundary of the unit is the R44. Three fairly deep and well-vegetated



drainage lines lead down the footslopes of the mountain. Several critical biodiversity and ecological support areas are located along these drainage lines and on the upper to mid mountain slopes. The unit displays a fairly dense pattern of natural fingers interspaced with a finer pattern of crop fields and vineyards organised along the contours. Historical structures are located closer to the drainage lines, with newer residences positioned on the convex slopes between these vegetated streams. Most of the unit features high to moderate suitable soils for agriculture (viticulture). The upper slopes of the Helderberg are extensively used for running and cycling (see the Strava heatmap for intensity). Natural vegetation knits together edges of fields and vineyards, giving it a rugged character, and some of the roads and homes are overgrown. The upper slopes of West Peak of the Helderberg have a degraded quality as it is currently an old plantation in the process of being rehabilitated. Avontuur appears separate from the rest of the unit as the distinct white fence poles used for the uniform horse paddocks distinguishes it from the overall typology, creating a unique pattern that has a landmark quality. Views from the upper reaches of the unit stretch all the way to Cape Town, but within the lower drainage lines, views are confined to the intimately spaced immediate surroundings, creating several view pockets in the unit... This land unit is diverse with a variation of vineyard sizes, vegetable farming and smaller 'lifestyle' plots. These are mainly arranged along the three main drainage lines, which are densely vegetated and lead down from the Helderberg. Several historic farmsteads with associated landscape elements are located within this land unit. Land units such as this one, situated in close proximity to urban nodes, are valuable resources for recreational use."

The SMHS further assessed each Landscape Character Unit in relation to its scenic value. This Landscape Character Unit was determined to be moderately visible due to its proximity to significant scenic routes including the R44 to the west. It is noted in the SMHS that, due to this scenic significance, the visual impacts of any proposed development in this area must be carefully considered.



Figure 1.1 Heritage Resources Map. Extract from the Stellenbosch Municipal Heritage Survey indicating that the area proposed for development is located within a Landscape Unit that has been graded IIIA for its cultural landscape value
<http://www.stellenboschheritage.co.za/smh/s/map/#1/-33.9357/18.9540>

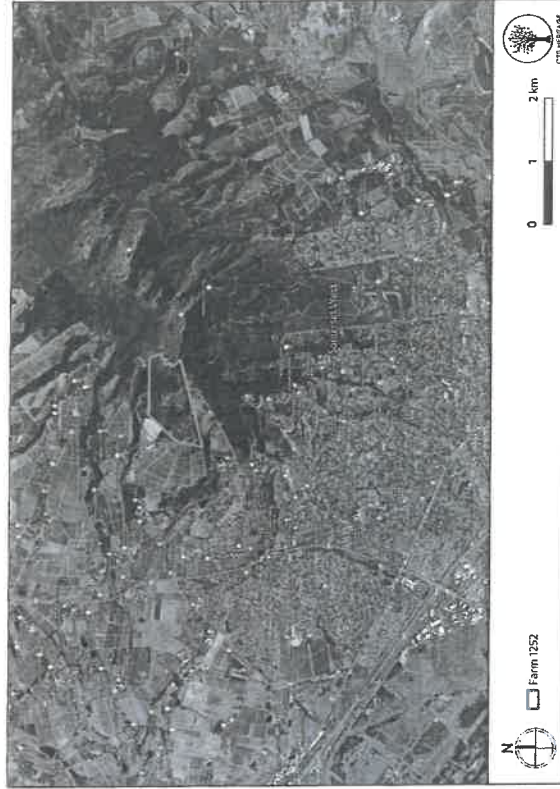


Figure 1.2: Satellite Image Indicating proposed location of development

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Figure 1.3: Close up satellite image indicating proposed location of development

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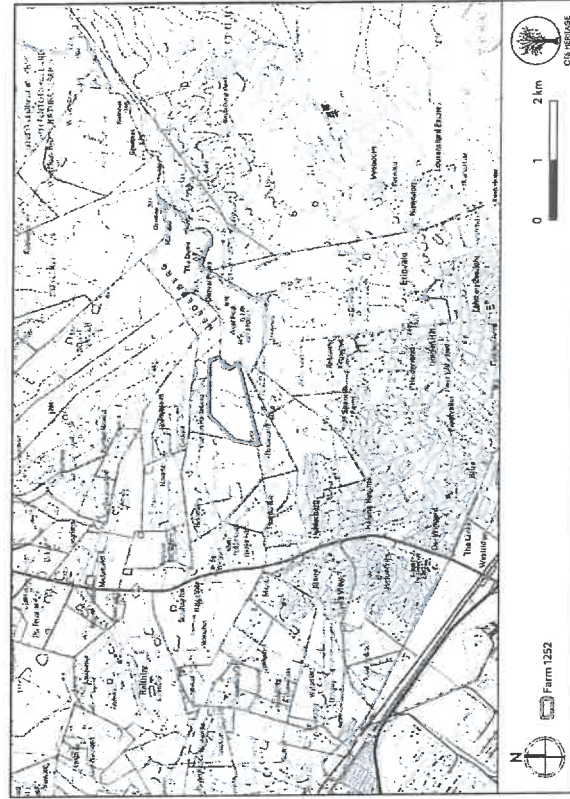


Figure 1.4: Extract from the 1:50 000 Topo Map for the area

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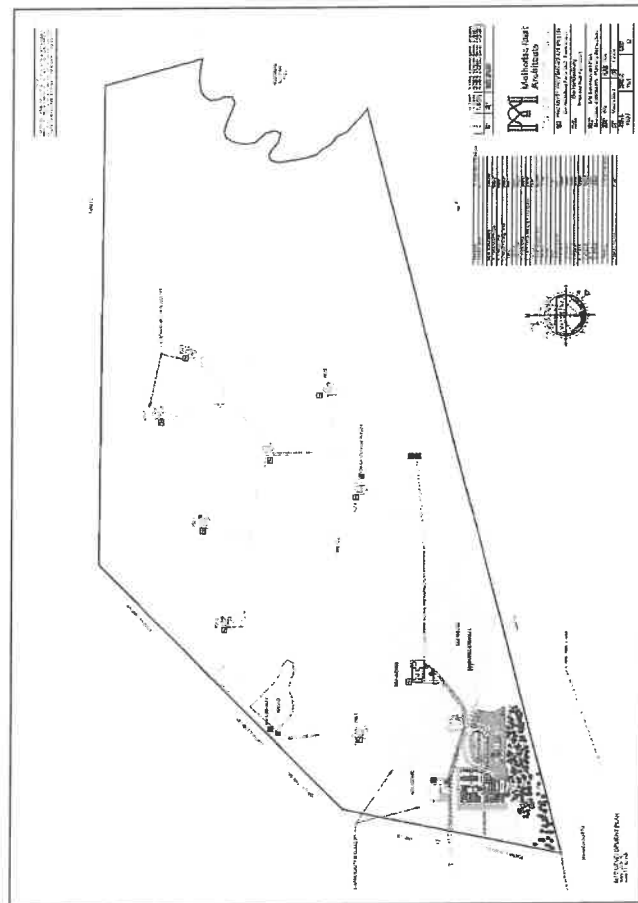


Figure 1.5: Detailed SDP

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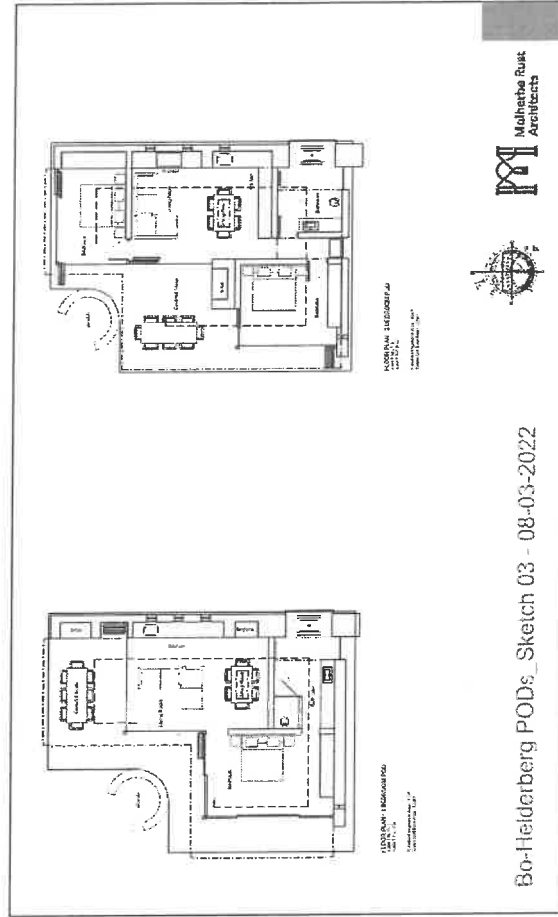


Figure 7.6: Detailed Plans for the proposed pods

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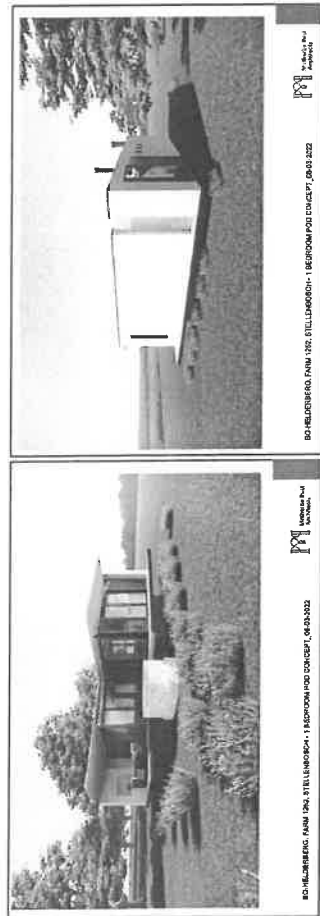


Figure 1.7: Detailed renderings for the proposed pods

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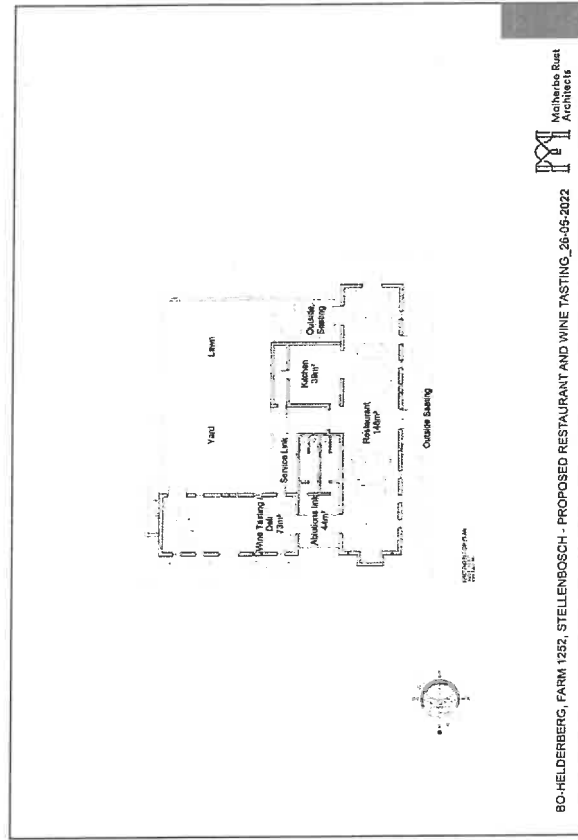


Figure 1.8: Detailed plans for the proposed tasting room and restaurant

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15



2. METHODOLOGY

2.1 Terms of Reference

A Notification of Intent to Develop (NID) form for this proposed development was submitted to HWC in January 2022. HWC responded in a letter dated 25 January 2022 (Appendix 3) requiring that a Heritage Impact Assessment (HIA) be conducted that must have specific reference to impacts to archaeological heritage (Appendix 1) and a Visual Impact Assessment on the Cultural Landscape (Appendix 3).

The purpose of this HIA is to satisfy the requirements of HWC in terms of section 38(8), and therefore section 38(3) of the National Heritage Resources Act (Act 25 of 1999).

2.2 Summary of steps followed

- A Desktop Study was conducted of relevant reports previously written
- An archaeologist (Ms J. Lavin) and cultural landscape specialist (Ms C. Abrahamse) conducted an assessment of heritage resources likely to be impacted by the proposed development. The site visit took place on 3 March 2022 (Appendix 1).
- The identified resources were assessed to evaluate their heritage significance
- Alternatives and mitigation options were discussed with the Environmental Assessment Practitioner

2.3 Assumptions and uncertainties

- The *significance* of the sites and artefacts is determined by means of their historical, social, aesthetic, technological and scientific value in relation to their uniqueness, condition of preservation and research potential. It must be kept in mind that the various aspects are not mutually exclusive, and that the evaluation of any site is done with reference to any number of these.
- It should be noted that archaeological and palaeontological deposits often occur below ground level. Should artefacts or skeletal material be revealed at the site during construction, such activities should be halted, and it would be required that the heritage consultants are notified for an investigation and evaluation of the find(s) to take place.

However, despite this, sufficient time and expertise was allocated to provide an accurate assessment of the heritage sensitivity of the area.

2.4 Constraints & Limitations

No significant limitations to the survey were experienced other than the dense vegetation covering most of the development area where the pods are proposed to be located. Thorough field assessment was possible for the

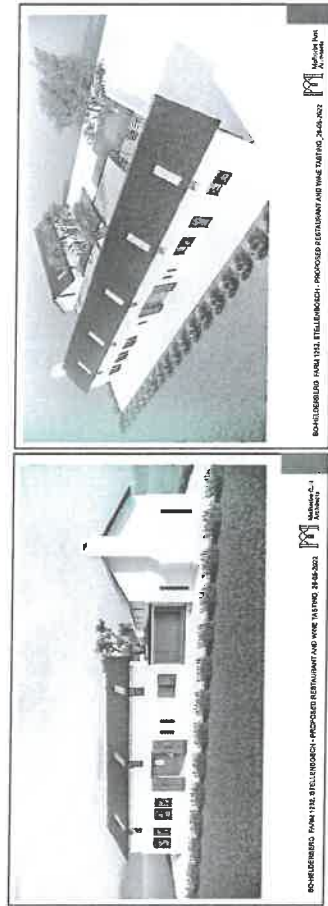


Figure 1.9: Detailed renderings for the proposed tasting room and restaurant

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proposed parking, buildings and cultivation areas. The specialist is confident that sufficient coverage was achieved in order to determine the archaeological sensitivity of the development areas.



3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT

3.1 Cultural Landscape

Cultural landscapes and landscape study have strongly influenced the understanding and assessment of heritage significance of larger landscapes in the past decades. "Essentially, the argument is that heritage significance does not only reside within historically valuable structures, assemblages thereof, or individual sites, but is also within the larger landscapes that are the settings for all these elements" (Todeschini and Jansen, 2018: 3).

The idea of a cultural landscape is fundamental. The term may be given varied meanings, yet, at its core it unites the products of so-called "natural" ecological processes and phenomena on the one hand, and the products emerging from the processes of transformation of the "natural" site by people in constructing their "built" world, on the other. Any area consists of many sites, most of which have been inhabited by people for thousands of years. These places have been moulded, shaped and changed both by natural processes and by people engaged in adapting the environment to their pursuits. Cultural landscapes are what any generation inherits from another: in them are embedded values held dear by those gone by. It is the duty and task of any one generation to evaluate that which is inherited and to take appropriate decisions for the future: not only from the perspective of the short-term and how it may be useful to them in a selfish way, but also from a more inclusive, communal and longer-term view (Todeschini and Jansen, 2018: 4).

The site is a distinctive one, set just below the ridge of the Heiderberg Mountains that divide the Eerste River Valley and the Somerset West area. In terms of the wider landscape character of the Cape Winelands, it very much occupies the "mountain slopes" component of the interplay between vegetated mountain slopes, farmed rolling foothills and the intensively farmed and sometimes urbanised valley bottoms.

The site formed part of a pattern of pre-colonial land uses for many centuries before it began to be used as agriculture (see Malan, 2018). Following occupation of the Cape by the Dutch in 1652, and the expansion of their colony to Stellenbosch when a Drosty was established there in 1682, freehold grants were established for the area surrounding the small town.

1938 aerial photography indicates that Bo-Helderberg remained unfarmed into the early 20th Century. This remains the case in all the Topographical Maps from 1959 to 2010, and is the case today. Farm 1252 Bo-Helderberg is still not farmed today, and its primary use is as running and cycling trails for the public. The site is accessed via the Klein Helderberg farm, which remains under agriculture (strawberries and vines).

In this way, the broader site comprises a "sub-valley" of the Eerste River Valley that displays "distinctive landscape character, as they are 'worlds' that are spatially defined by mountain slopes and often feature different



vegetation types, settlement patterns and human activities. In turn, within these valleys, a number of smaller, highly distinctive areas [exist]. These comprise different Landscape Units (each possessing distinctive character) within the study area (Todeschini and Jansen, 2017: 39).

The Helderberg Valley is a "gateway" valley along the Helderberg Range and at the R44 as it enters the Eerste River Valley. Its rural farmland, with a few werv sites of some age, contributes to the character and ambience of this part of Stellenbosch and is part of the broader history of settlement in the region. Significantly these pockets of farmland on productive soils almost exactly mirror the areas of weathered granites and shales in the foothill zones. These upper slopes, which above the site comprise part of a protected, natural area, increase the significance of the natural and scenic resources of those areas.

It is the juxtaposition and combination of the natural features in relation to each other and to the agricultural landscape and their wervs which accounts for their scenic and natural heritage significance.

3.2 Archaeology

Early Stone Age (ESA) implements were first discovered by the French entomologist Dr Louis Peringuey in 1899 at Bosman's Crossing at the foot of the Papagaalberg alongside the Eerste River in Stellenbosch (Peringuey 1902, 1911; Seddon 1966). The artefacts, exposed in the railway cutting, are associated with the younger gravels of the course alluvial fan on which much of Stellenbosch is situated, and are dated to the earlier part of the Middle Pleistocene, between 700 000 and 300 000 years ago (Deacon & Goosen 1997). Among these tools was an artefact type of great antiquity recognized as an early handaxe. For many years after this, the ESA of South Africa was referred to as the 'Stellenbosch Culture' until the term was re-defined in the 1960s (Goodwin & Van Riet Lowe 1929). A large sandstone boulder marks the location of the Bosman's Crossing Provincial Heritage Site (PHS) which was declared a National Monument in 1962.

ESA Acheulean sites, which are characterised by the presence of specific types of tools such as handaxes, choppers and cleavers, have been recorded throughout the country, and are especially associated with river terraces and streams, mountain slopes, and in degraded and transformed areas such as slope washes, cuttings, excavations, and in vineyards and old fields, where they are often brought to the surface by ploughing. ESA artefacts have been recorded on a number of farms in the Stellenbosch area, at Spier, Meerust, Lynedoch, Hartlands, Vloottenberg and De Wijnlanden (Kaplan 2002), and on several farms to the east of the R310, at Croyden (Kaplan 2005, 2004) and Faure (Kaplan 2006). Large numbers of tools including handaxes, cleavers, cores, and flakes were also documented in old agricultural lands and vineyards during an investigation of the De Zalze Golf Estate (Kaplan 2009), about 1km north east of the proposed development site, while a rich Acheulean site occurs on the Farm Blaauklippen, on the upper slopes of the Helderberg to the east of the R44 (Deacon and Goosen 1997). ESA flakes and angular chunks have also found on the lower slopes of the Papagaalberg near the Stellenbosch



Cemetery (Kaplan 2010), while ESA tools were recorded alongside Adam Tas Road, and in Devon Road, Stellenbosch during a Heritage Impact Assessment (HIA) for the proposed Plankenbrug sewer pipeline (Kaplan 2015a), and at Vloottenburg Hamlet inside the urban edge (Kaplan 2015b). More recently, relatively large numbers of ESA tools, including a number of handaxes were recorded on the Farm, overlooking the Annandale Road, close to the banks/floodplain of the Bonterivier, where quartzite river cobbles would have been readily available to early ESA hominins as a source material for making tools (Kaplan 2018).

In 2001, Kaplan completed an archaeological assessment of the farm located adjacent to Farm 1252 (SAHRIS NID 4703). He found no archaeological resources on the property assessed. This is likely due to the historical cultivation that had taken place. During the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

3.3 Palaeontology

According to the SAHRIS Palaeosensitivity map (Figure 4), the development area is underlain by sediments of low paleontological sensitivity. The area proposed for development is underlain by sediments of the Tygerberg Formation of the Malmesbury Group. No fossils have yet been recorded in the formations in this group but there is a potential for organic-walled microfossils, trace fossils, stromatolites, and even vendobiontans, as well as shelly fossils like *Cloudina* to be preserved in these sediments. It is therefore recommended that the attached Chance Fossil Finds Procedure is implemented for the duration of excavation activities on the property.

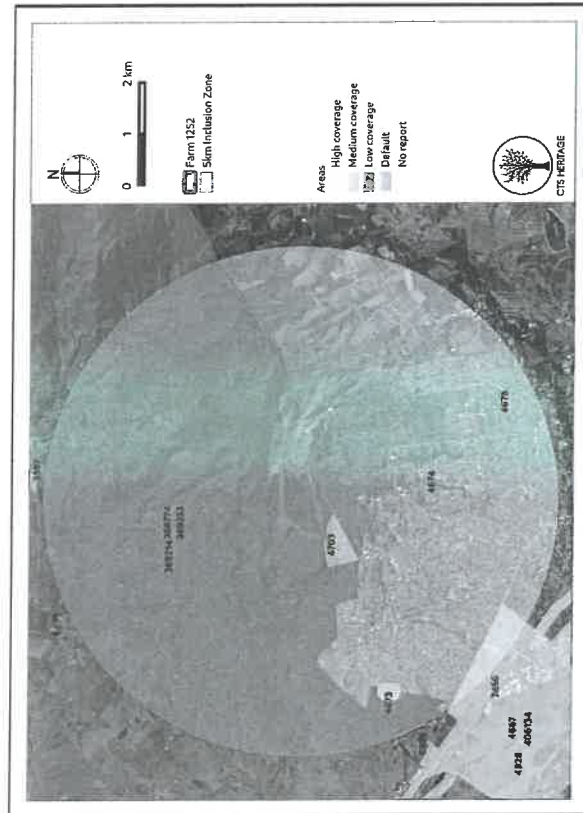


Figure 2: Heritage Impact Assessments previously conducted in proximity to the development area (SAHRIS). See References.

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22

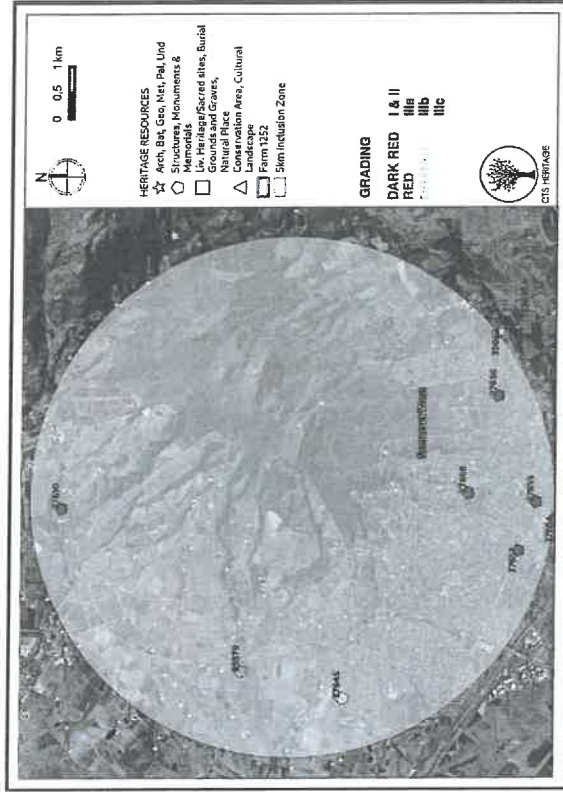


Figure 3: Spatialization of known heritage resources located in proximity to the proposed development (see Appendices for lists)

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23



4. IDENTIFICATION OF HERITAGE RESOURCES

4.1 Summary of findings of Specialist Reports

As noted above, during the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3 and is summarised below.

The landscape character of a place is made up of the "distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, landform, soils, vegetation, land use and human settlement" (UK Institute of Environmental Management and Assessment). Taken together, these elements make up the essential place character of a site.

The Wider Eerste River Valley

The subject site falls within the "rugged Helderberg Mountains and foothills" component to the east. However, from within the wider Eerste River valley, at some distance from the site, the most iconic aspect of this area is its steep mountain peaks, with the West Peak being the most prominent landform from the south of this mountain range.

It is clear from various vantage points, that the Helderberg and West Peak is largely discernible as a silhouette from further afield than the R44, in the vicinity of the valley. While the vegetation of the upper slopes is apparent from some vantage points (the late 20th century postcard with watsnias in the foreground demonstrates the forestry that characterised the 1:4 slopes at the time - see the Cultural Landscape Assessment Figure O), it is the outline of the peaks that dominates the visual perception of the mountain range, and thus the orientating role these mountains play.

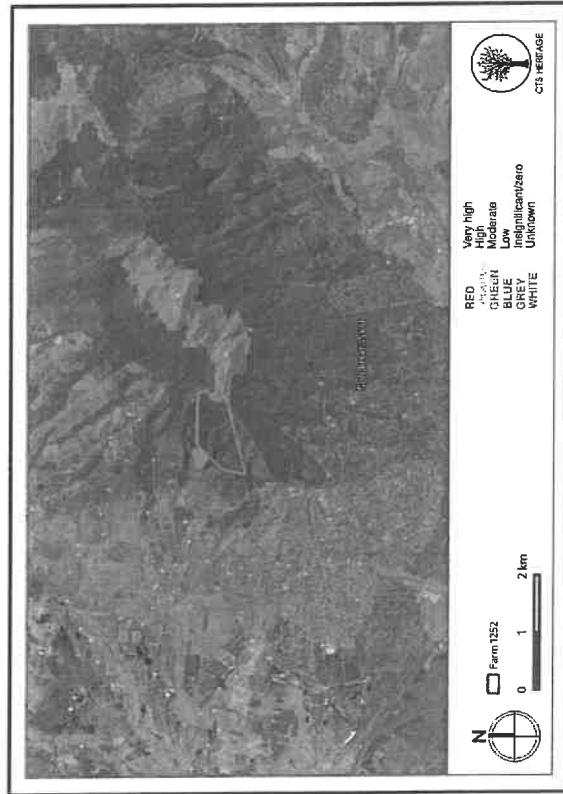


Figure 4: Palaeontological sensitivity of the proposed development area

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The "Sub-Valley" and Landscape Unit Scale.

The site is located on the upper slopes of the Helderberg Range, below the West Peak. This is a fertile area, made up of the two of the three components that characterise landscapes within the Stellenbosch Cultural Landscape more broadly:

- 1) Mountain Ranges possessing a "wilderness" character, with fynbos predominating on the exposed slopes and montane forest within the kloofs;
- 2) Foothills and Undulating Plains, with rolling topography and gentle hills incised by small rivers. These are the location of vineyards and orchards. Homesteads are generally clustered along stream courses.
- 3) The Alluvial Valleys, centred on the main river courses at the gentlest slopes, and with highly intensive agriculture. Larger werfs exist near the river courses, and the main urban settlements occur in these "zones".

It is clear that, even when seen from the R44, no detail within the sub-valley is discernable, and the main character of the landscape comes from the interplay of dramatic mountain peaks, steep slopes forming part of the wilderness areas, and agricultural areas lower down the slope.

Key cultural landscape indicators that emerge at the sub-valley scale of analysis include:

- Maintaining the balance between the urban, rural and wilderness elements within the landscape, with the agricultural and wilderness elements remaining dominant, and settlement occurring in pockets in such a way that it does not significantly interrupt or dislocate the continuity of the rural and wilderness realms within the cultural landscape setting.
- Maintaining the prevalent patterns within the valley section, with the uppermost slopes being wilderness, the mid-slopes being used for forestry and other lower impact uses, the gentler low slopes accommodating agriculture, and the valley bottoms being used for intensive farming and settlement.
- Respect and consolidate working agricultural aspects of the landscape. This implies that a nostalgic or idealized historic farm werf should not be favoured over a working farm werf, and new development should be located to the edges of the primary farm werf and be subsidiary to it.

It is clear that the site forms out of the steep, wilderness domain of the cultural landscape. Thus, the primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development cannot "tip the balance" or disrupt the interplay of the various domains making up the Helderberg Farm Valley's cultural landscape.



The Site

The site itself has two quite distinct characters:

1. The majority of the site forms a part of a wider drainage area, with densely vegetated, small valleys converging at the highest dam. This gives the landform a kind of concave, triangular form that is inward looking and therefore has a low visual exposure. This area has never been farmed, although it was forested in the mid 20th century. It is used for cycling and hiking trails, so narrow unpaved areas thread between the forested pockets. The well-treed environment has a high degree of natural texture and screening, and therefore the visual absorption capacity of the environment is high. It forms part of a band of well-vegetated wilderness area below the very steepest slopes of the Helderberg, and so forms part of a visually continuous band across the entire range, which is characteristic of the "wilderness domain" of the valley section.
2. The point of access to the Bo-Helderberg Farm is at a local high point, highly visually exposed to the Helderberg Valley (on the Stellenbosch side of the primary ridgeline) and with vineyards to all sides of the localised hill. A band of vegetation on the Somerset West side screens the site, but the visual exposure to the north is high. The entrance area is located at the transition from the agricultural to the wilderness domain. It is at the 380m contour, where Todeschini and Jansen recommended agriculture be stopped (they also recommend that buildings should not be positioned above the 320m contour).

Therefore, it is clear that there are two "visual characters" to the site, which have differing levels of sensitivity and therefore require different responses.

4.2 Development Proposal

Drawings from Malherbe Rust Architects indicate that the development proposal is to create a new werf at the current vehicular access point, with new structures: a new restaurant, a new store and admin building, a new farmhouse set a short distance from the other three structures. The new buildings will be surrounded by new vineyards and a vegetable garden, and a new parking area is proposed. The renders provided indicate that the new buildings will be simple, "langhuis" type structures with end gables and single storey (although the roof area is clearly to be used, as evidenced by the skylights).

For the balance of the site, 8 "pods" are proposed for accommodation. The detailed layouts indicate a small unit, L-shaped with self-catering and bathroom areas, as well as a bathroom and outdoor area. The "pods" will be lifted above the ground, and will be single storey.

CONSTRAINTS TO DEVELOPMENT FROM THE STELLENBOSCH MUNICIPAL HERITAGE SURVEY.

HWC adapted guidelines for development in this landscape unit as part of the SMHS, 2018. The overall intent for this area is as follows:



- MAIN AIM: ENHANCE (MANAGE) AND INTERVENE (CHANGE): Improve land parcels by strengthening or reinforcing agricultural use and its characteristic elements and features, most importantly the tree-lines and windbreaks between properties, as well as vineyards and farmstead/werf areas.
- MAIN VALUE: AESTHETIC AND HISTORIC - Appropriate use of heritage features is critical for their preservation. Development that will result in the loss of the sense of "openness" of the space, as well as its historic use as agriculture, and established planting patterns (including mature trees and tree lines) will threaten the heritage value of this landscape unit.
- CONSERVATION SYSTEM: Three scenic routes exist within this landscape unit. The visual impact of proposed developments must be carefully considered. This landscape unit also forms part of the green transitions conservation system, so maintenance of its green and open agricultural character is important.
- DEVIATED LAND USE/USES THAT WILL LIKELY ERODE LANDSCAPE CHARACTER: Overscaled private dwellings (on ridgelines), gated residential estates, large-scale industrial structures, business parks as well as isolated shopping centres and their associated parking lots will likely pose a threat to the character of the landscape unit. Suburban "creep", particularly from the Cape Town Municipal Boundary (Somerset West), must not be permitted.

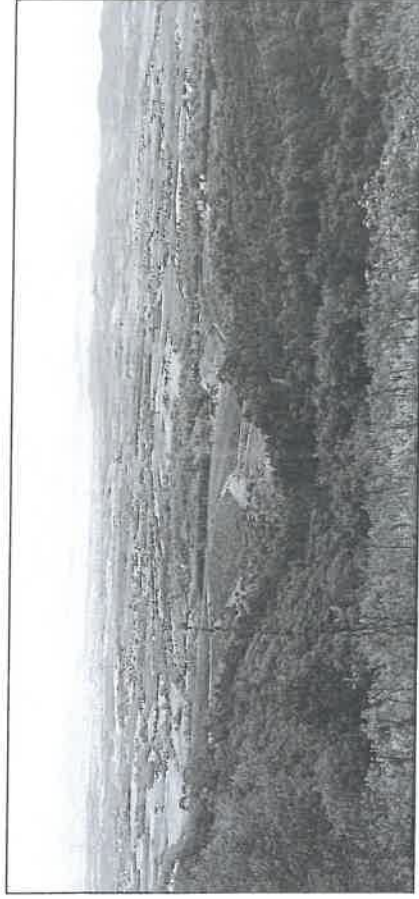


Figure 5.1: Contextual Images - Views from the development area



Figure 5.2: Contextual Images - Views from the development area



5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT

5.1 Assessment of Impact to Heritage Resources

Cultural Landscape

ANTICIPATED VISUAL-CULTURAL IMPACTS OF THE PROPOSED PODS.

The pods are proposed within the "wilderness domain" of the site. As has been described, the character of these areas, while predominantly well-vegetated, is visually screened due to the concave landform and the textured receiving environment (these drainage lines have dense natural planting). This part of the site therefore has low visual exposure and high visual absorption capacity.

In addition, the eight "pods" that are proposed here have a very small footprint, are single storey, are well spread out and are generally nested into established vegetation. The existing tracks are to be used for access to them, and they will reinforce the hiking and cycling/mountain biking role of the site, which is tied to its "wilderness" qualities.

Therefore, this proposal will have low visual and cultural landscape impact. However, it is important to note that the white-walled architecture proposed for these "pods" will create visual contrast to the wilderness domain and visually textured surrounds. The suggested mitigation is as follows:

- Clad walls in timber, however this has been identified as inappropriate in a fire-prone area such as this. It is therefore recommended that the walls be painted in a dark, receding colour palette to achieve the same end.
- Ensure deep roof overhangs to glazed areas, to reduce reflection.

ANTICIPATED VISUAL-CULTURAL IMPACTS OF THE PROPOSED NEW WERF.

The proposed new werrf is located at a highly visually exposed point within the Helderberg Sub-Valley. However, it is tucked below the primary ridgeline and so is very much north-east facing. It is at the transition between the agricultural and wilderness domains, and so there is low visual absorption available, with vines below the site and a small, grassed hillock above. The only visual absorption occurs to the south, where a densely treed pocket occurs on the neighbouring farm.

On the face of it, the proposal to locate a farm werrf here goes against several of the SMHS guidelines, including:

- Observe the siting of traditional farmsteads and settlements along the stream course. Similar principles should be followed in the placement of new development, as this will inherently strengthen the character of the landscape units as a whole.
- Limit cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. Propose 'no-go' development areas above the 380m contour line for cultivated fields, and 300m for any built structures.



- Prevent construction of new buildings on visually sensitive, steep, elevated or exposed slopes, ridgelines and hillcrests. Retain the integrity of the distinctive and predominantly agricultural landscape character.

The entire site is above the 380m contour line. In addition, because the site is on a steep slope and access is already established at this point, there is no stream course along which to site new buildings, and to do so would involve the construction of a new roadway. However, the analysis of this section of the site illustrates that the proposed werrf is located on the very edge of the agricultural domain, that there are two local ridgelines within and below which some screening occurs, and that the vegetated "pockets" to either side provide some higher-order screening. Surprisingly, the proposed site for the werrf is below the existing farm werrf for the neighbouring farm.

The architects have noted that the buildings are placed on a localised plateau and therefore the ridgelines are not visually impactful. The viewsheds provided by the architects indicate that the positioning of the structures is acceptable however, as noted by Abrahamse (2023), the model retains existing vegetation, some of which will give way to vineyards around the new werrf. This will likely reduce the Visual Absorption Capacity, especially in the short term due to the removal of the screening qualities of the existing alien vegetation.

The landscape plan developed for this project includes extensive tree-planting around the buildings and parking area making up the new werrf. An olive orchard proposed above the site and along the ridge will have the effect of "buffering" the transition between the formal agriculture and the natural areas above. A new dam is proposed with indigenous planting around the waterbody. The extent of the proposed tree planting will screen the new werrf and will visually mitigate its impact on the cultural landscape.

The mitigation measures proposed here are therefore:

- New, indigenous vegetation of similar density to the vegetation south of the proposed werrf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werrf is visually screened and "softened" by planting within the landscape from all sides.
- All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.



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Figure 6.1: Visibility of the development from Helderstraat Road facing north



Figure 6.2: Visibility of the development from Cordoba Road facing south east



Figure 6.3: Visibility of the development from the R44 facing east



Figure 6.4: Visibility of the development from the R44 facing east



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VIA POINT OF INTEREST VIEW 5



Figure 6.5: Visibility of the development from Heiderspruit Road facing north east

Archaeology

The results of the study indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources.

Palaeontology

According to the SAHRIS Palaeosensitivity map (Figure 4), the development area is underlain by sediments of low paleontological sensitivity. The area proposed for development is underlain by sediments of the Tygerberg Formation of the Malmesbury Group. No fossils have yet been recorded in the formations in this group but there is a potential for organic-walled microfossils, trace fossils, stromatolites, and even vendobiontans, as well as shelly fossils like *Cloudina* to be preserved in these sediments. It is therefore recommended that the attached Chance Fossil Finds Procedure is implemented for the duration of excavation activities on the property.



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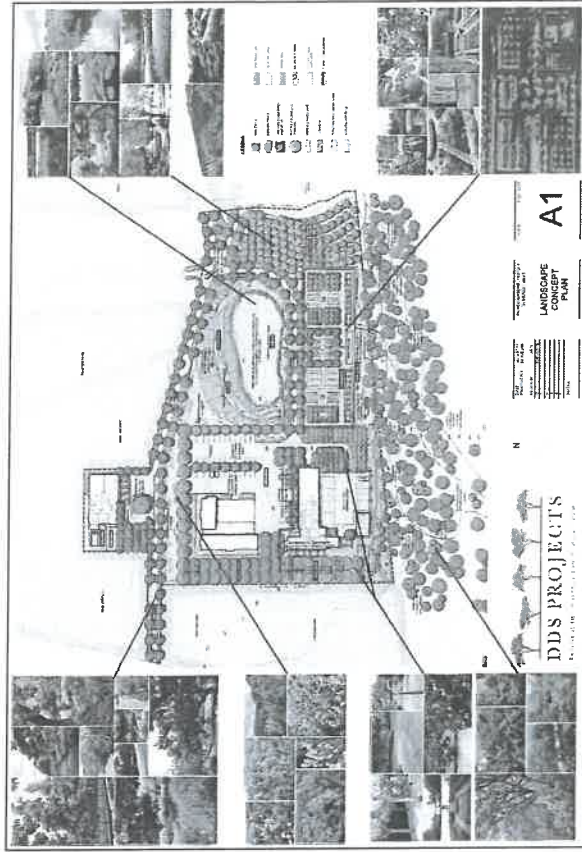


Figure 7.1: Proposed Landscape Plan



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5.3 Alternatives and Location Choices

Location of Farm Building:

The typical Cape Vernacular Style for the werf was chosen as it was felt that it would be the most befitting and sensitive style for the area. The lowest profile possible has been kept in height of the buildings to keep the visibility as low as possible. There is one T shaped building which is going to be the main Agricultural store (farming implements and general store for the farm) and is double in volume and it will accommodate the offices and storage in the roof space of the building. The rest of the buildings that form part of the werf will all be single level buildings. If at all visible only the dark grey roofs will be visible from a very far distance.

On the specific spot that this building is situated the landscape forms a plateau which will be the most practical position for the building which does not require extensive cut and fill. The building has been moved away from the edge of the plateau to make it the least visible. At this point the building will be the least visible than any other spot on the farm.

To the South Side of this building there is currently a dense alien forest which will be ring barked and interplanted with indigenous trees to create a very dense forest on the south slope behind the building which will shield the building completely from the South (from Somerset West) and getting the best in terms of northern sun which will assist in keeping it as eco-friendly as possible in terms of heating and cooling. At the east side of the building there will be a steep terraced Olive grove softening the view from the west.

Main Farm Dwelling:

This house we proposed to be only a one-story building situated on the second Plateau. As per the 0,5m contour plan, the site is flattening out in that area. The landscape provides the only other place that is relatively flat. At this point the least amount of dirt would need to be removed. Cut and fill into the mountain has therefore been avoided. The house is also set back away from the edge of the plateau to avoid being visible from the West. This is the best placement for this building in terms of shielding us from the South Easter winds.

5.4 Sustainable Social and Economic Benefit

The applicant plans to employ up to 30 people during the construction, and then when all aspects of the application is in place around 15 permanent staff will be employed excluding the wine tasting future building.

On condition that the recommendations outlined below are implemented, the anticipated socio-economic benefits to be derived from the project outweigh the anticipated impacts to heritage resources.



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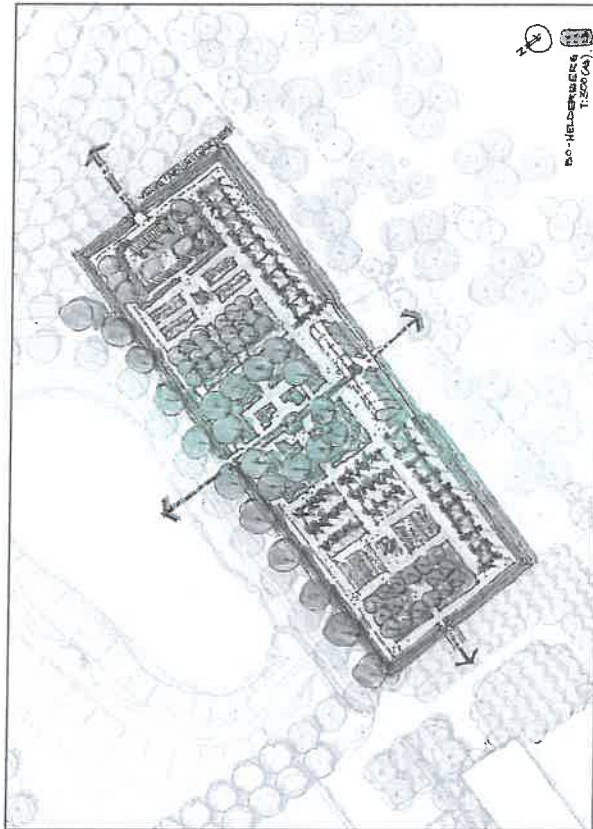


Figure 72: Proposed Landscape Plan - vegetable garden

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6. RESULTS OF PUBLIC CONSULTATION

According to the HWC website (accessed on 23 May 2022), there are two registered Conservation Bodies that must be consulted with in terms of the HWC Guidelines for Public Consultation for HIAs. To this end, the Stellenbosch Interest Group & Stellenbosch Heritage Foundation have been provided with 30 days in which to comment on this HIA from Tuesday 3 March to Friday 3 April 2023. Please find the evidence of this consultation included in Appendix 6.

7. CONCLUSION

As noted above, during the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3. It is clear that the site forms part of the steep, wilderness domain of the cultural landscape. The primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development should not "tip the balance" or disrupt the interplay of the various domains making up the Helderberg Farm Valley's cultural landscape.

Overall, Farm 1252 is unique in the area as it promotes access to the wilderness domain of the Eerste River Valley, through the hiking and mountain-biking trails that currently exist in the area. The proposed new development should strengthen this recreational offering, which depends on the wilderness character of the site. Farm 1252 has two distinct area types, with differing cultural landscape and visual characters. The analysis indicates that the proposed interventions and developments on the site can be satisfactorily mitigated, and that impacts would be acceptable once mitigation measures are incorporated.



8. RECOMMENDATIONS

There is no objection to the proposed development in terms of impacts to heritage resources on condition that the following recommendations are implemented:

5. The proposed "pods" must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection.
6. The proposed new werf must adhere to the following recommendations:
 - c. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and "softened" by planting within the landscape from all sides.
 - d. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.
7. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities
8. If any archaeological heritage resources or unmarked graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs Colette Scheermeyer 021 483 9685).



9. REFERENCES

Impact Assessment References				
Nid	Report Type	Author/s	Date	Title
3597		Hennie Vos	01/01/1993	Nietgegend farm, Stellenbosch: A short report on the manor house
368774	Heritage Study	Harriet Clift	01/01/2010	Heritage Chapter Status Quo Report Cape Winelands District Municipality. Unpublished report prepared for SRK Consulting SA (Pty) Ltd.
369214	Heritage Study	Cindy Postlethwaite	25/01/2016	Heritage Draft Status Quo Stellenbosch Rural Area Plan
369253	Heritage Study	Fabio Todeschini, Liana Jansen	01/04/2016	HERITAGE INVENTORY OF AND MANAGEMENT PLAN FOR THE TANGIBLE RESOURCES IN THE STELLENBOSCH MUNICIPALITY (EXCEPT FOR A PART OF THE TOWN OF STELLENBOSCH ITSELF)
4667	AIA Phase 1	Timothy Hart, Dave Halkett	01/09/1996	An Assessment of Heritage Resources on the Aed Site: Somerset West
4673	AIA Phase 1	Jonathan Kaplan	03/02/2005	Phase 1 Archaeological Impact Assessment Erf 13340 Somerset West, Western Cape Province
4674	AIA Phase 1	Jonathan Kaplan	15/03/2005	Phase 1 Archaeological Impact Assessment Proposed Rezoning and Subdivision Erf 7072 Somerset West Cape Province
4678	AIA Phase 1	Timothy Hart	01/04/2004	Phase 1 Archaeological Assessment of Land-En-Zeezicht (Remainder of Erf 4070) Somerset West, Western Cape
4703	AIA Phase 1	Jonathan Kaplan	01/07/2001	Heritage Impact Assessment, Proposed Development, Helderpruit Resort, Stellenbosch
6995	AIA Phase 1	Hilary Deacon	22/07/2008	Archaeological Impact Assessment: Joalid Wine Centre (Rem No.357, Stellenbosch, Western Cape)

Deacon, H. & J. Deacon. 1999. Human Beginnings in South Africa: Uncovering the Secrets of the Stone Age. David Philip Publishers, Cape Town and Johannesburg, pp1-214.



APPENDICES

Appendix 1 Detailed Designs and 3D Constructions



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Appendix 2 Archaeological Impact Assessment 2022



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Appendix 3 Cultural Landscape Assessment 2023



Appendix 4 NID Form and Heritage Screener





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Appendix 5 HWC Response to NID and reasons for decision



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Appendix 6 Chance Fossil Finds Procedure



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Appendix 7 Results of PPP

File 8

Pedro April

From: Pedro April
Sent: Monday, 17 February 2025 07:36
To: marike@archtownplanners.co.za
Cc: carlien@archtownplanners.co.za
Subject: RE: [EX] Amended Farm Bo-Helderberg 1252, Stellenbosch

Hi Marike

The content of a your email is noted and we will proceed with the further assessment of the application.



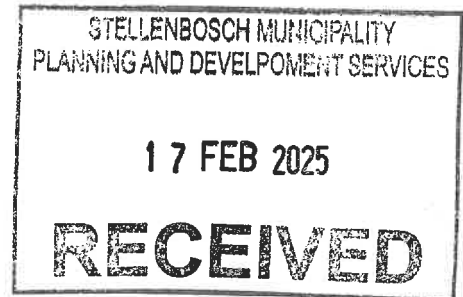
Yours faithfully

Pedro April
 Senior Town Planner
Department:
 Land Use Management
Directorate:
 Planning & Economic Development
Stellenbosch Municipality
Departmental Email Adresses:
Landuse.enquiries@stellenbosch.gov.za
Landuse.applications@stellenbosch.gov.za
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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



FILE NR:	F12525
SCAN NR:	
COLLABORATOR NR:	780780

From: marike@archtownplanners.co.za <marike@archtownplanners.co.za>
Sent: Friday, 14 February 2025 10:49
To: Pedro April <Pedro.April@stellenbosch.gov.za>
Cc: carlien@archtownplanners.co.za
Subject: [EX] Amended Farm Bo-Helderberg 1252, Stellenbosch
Importance: High

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallo Pedro

Sien asb. my terugvoer hieronder;

1. For consideration are the application for consent use for a tourist accommodation establishment for 8 guest units of $\pm 120\text{m}^2$ and consent use for tourist facility to allow a restaurant and wine tasting facility of $\pm 350\text{m}^2$ and a separate restaurant of $\pm 100\text{m}^2$.

Please note that in response to the EA, the SDP have been amended to only apply for 5 guest units, please see attached amended SDP, dated May 2024

2. **Notwithstanding the no-go 380m contour height restriction for agricultural cultivation and 300m for building construction, in terms of the Stellenbosch Heritage Inventory for the siting of the "pods" and the ROD from the EIA process and Department of Agriculture restricting the amount of tourist "pods" to 5 units (as additional dwelling), there is no consideration for submitting an alternative proposal before a decision is formulated in this regard.**

No, as mentioned above the SDP has been amended to only include 5 pods as approved by HWC and in the EA.

3. I'm unable to find a copy of the VISUAL IMPACT ASSESMENT in the POE or on file, as indicated in your application documentation to be submitted together with the HIA to Heritage Western Cape and a copy to this municipality. Could you please provide us with a copy of the documentation.

Please following the link below to the following documents:

- Final HIA which was submitted, with amendments as requested by HWC and HWC's approval
- Cultural Landscape and Visual Study , Feb 2023

2 Items

4. One of the objector Mr C W Obermeyer I his objection refers to the fact that the servitude arrangements over his property do not make provision for the proposed alternative visitors and contractors envisage to the proposed uses, other than for agriculture purposes. I seems to miss your response on this critical matter. See paragraph 8 of his objection. I also take note that the conveyancers certificate indicates that there is no title deeds restriction for servitudes that may be registered over or in favour of the property. The objector is however of a different view, but I'm unable to find response on this matter.

We had a meeting with Mr Obermeyer on 24 July 2023 in which their concerns regarding the access road were discussed. Please see attached minutes of the meeting. As can be seen from the minutes, the main concerns were regarding safety and security during construction and safety issues during the operational phase with regards to employees walking along the Helderberg farm to and from work as well as traffic calming during the operational phase. Please see suggestion below on specific safety measures to be included in the Environmental Management Programme. The same conditions can be included in the land use conditions (if the application is approved):

Die Omgewingsbestuursprogram (OBPr) (

Assesseringsverslag sluit maatreëls in wat tydens die konstruksie en operasionele fases van die projek geïmplementeer moet word. Ons stel voor dat die volgende spesifieke maatreëls ingesluit word wat toegangsbeheer en veiligheid aanspreek:

Construction phase:

- All construction workers shall be transported to the construction site by vehicle.
- Construction workers will wear branded high-visibility vests when working on site, or if they must walk over the neighbouring property (Helderbergplaas) to access or exit the construction site. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Heldebergplaas.

• Permanent construction managers/foremen shall wear ID cards with photos.
Operational phase:

- All permanent operational phase personnel shall wear ID cards with photos.
- Permanent operational phase personnel shall be transported to and from the property as and where possible.
- Pedestrian access to or from the property by operational phase personnel will only be allowed under extraordinary circumstances. They shall wear ID cards with photos if they have to walk along the servitude road over the neighbouring property (Farm Helderbergplaas) to access or exit the property. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Helderbergplaas.
- If more activities are undertaken on Bo-Helderberg than only the accommodation pods, e.g. wine-tasting or the coffee shop, a security guard will be on duty at the main access gate. He can inform the office above when people

With regards to the comment relating to the Conveyancer Certificate, the reason why a conveyancer certificate is requested, is to that a professional conveyancer review and confirm if there are any restrictions which may impact on the proposed development. The land owner is not a professional conveyancer and I would argue that the conveyancer certificate in this case weigh more that the land owners opinion. Also, I believe that the concerns to the use of the servitude has been discussed and clarified as included in the attached minutes of the meeting and the suggested conditions to be added.

Please let me know if you need any additional information or if you have any questions.

Kind regards

Marika Bolz



Address | 2nd Floor, Bakkershuis,
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From: carlien@archtownplanners.co.za carlien@archtownplanners.co.za

Sent: 13 February 2025 07:40

To: marika@archtownplanners.co.za

Subject: FW: Farm Bo-Helderberg 1252, Stellenbosch

Hello Marika,

Ek wil net opvolg en hoor of jy dalk op Pedro se onderstaande epos al iets terug gestuur het?

Ek is nie seker as hy wag vir dit om aan te gaan met sy verslag nie. Ek is nie seker wat om vir hom te se nie.

Vriendelike groete

Carlien Coetzee



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From: Pedro April <Pedro.April@ Stellenbosch.gov.za>

Sent: Monday, 27 January 2025 16:27

To: marike@archtownplanners.co.za; carlien@archtownplanners.co.za

Cc: Salome Newman <Salome.Newman@ Stellenbosch.gov.za>; Chrizelle Kriel <Chrizelle.Kriel@ Stellenbosch.gov.za>

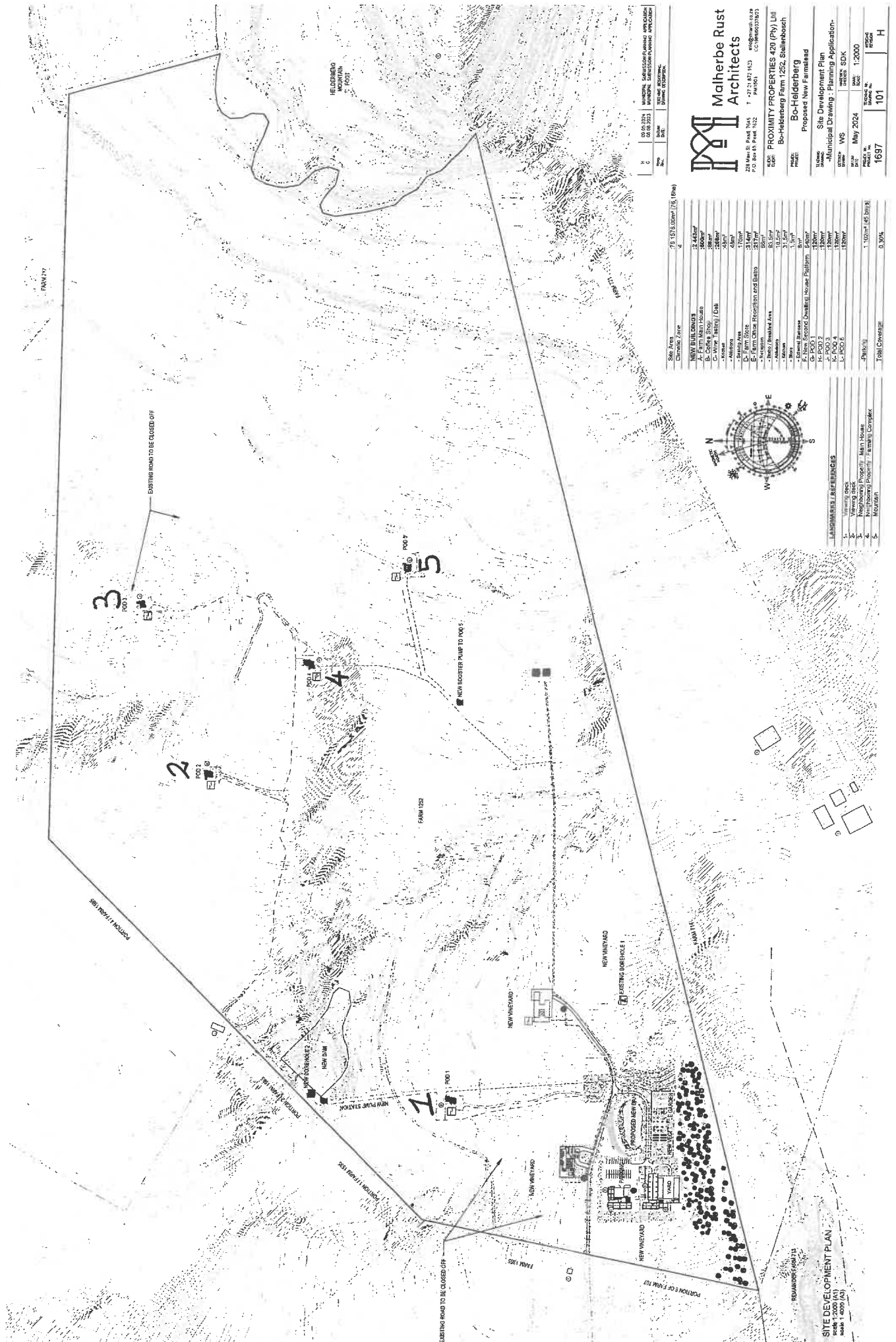
Subject: Farm Bo-Helderberg 1252, Stellenbosch

Hi Carlien and Marike

I'm in my final process of finalizing the assessment report for recommendation for the subject application.

Just as a follow-up on my previous email relating to the possible submission of a revised SDP and other matters to finalise the recommendation;

1. For consideration are the application for consent use for a tourist accommodation establishment for 8 guest units of $\pm 120\text{m}^2$ and consent use for tourist facility to allow a restaurant and wine tasting facility of $\pm 350\text{m}^2$ and a separate restaurant of $\pm 100\text{m}^2$.
2. **Notwithstanding the no-go 380m contour height restriction for agricultural cultivation and 300m for building construction, in terms of the Stellenbosch Heritage Inventory for the siting of the "pods" and the ROD from the EIA process and Department of Agriculture restricting the amount of tourist "pods" to 5 units (as additional dwelling), there is no consideration for submitting an alternative proposal before a decision is formulated in this regard.**
3. I'm unable to find a copy of the VISUAL IMPACT ASSESMENT in the POE or on file, as indicated in your application documentation to be submitted together with the HIA to Heritage Western Cape and a copy to this municipality. Could you please provide us with a copy of the documentation.
4. One of the objector Mr C W Obermeyer I his objection refers to the fact that the servitude arrangements over his property do not make provision for the proposed alternative visitors and contractors envisage to the proposed uses, other than for agriculture purposes. I seems to miss your response on this critical matter. See paragraph 8 of his objection. I also take note that the conveyancers certificate indicates that there is no title deeds restriction for servitudes that may be registered over or in favour of the property. The objector is however of a different view, but I'm unable to find response on this matter.





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NOTULE VAN VERGADERING (Weergawe 2)

Basiese Assesseringsproses: Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch Registrasie-afdeling (RA)

Vergadering met naburige grondeienaar (Helderbergplaas)

Datum en tyd: Maandag, 24 Julie 2023, 11:00 tot 12:00

Lokaal: Helderbergplaas, Somerset-Wes

Vergaderingsfasiliteerder: Mari de Villiers, Cornerstone Omgewingskonsultante (Edms) Bpk.

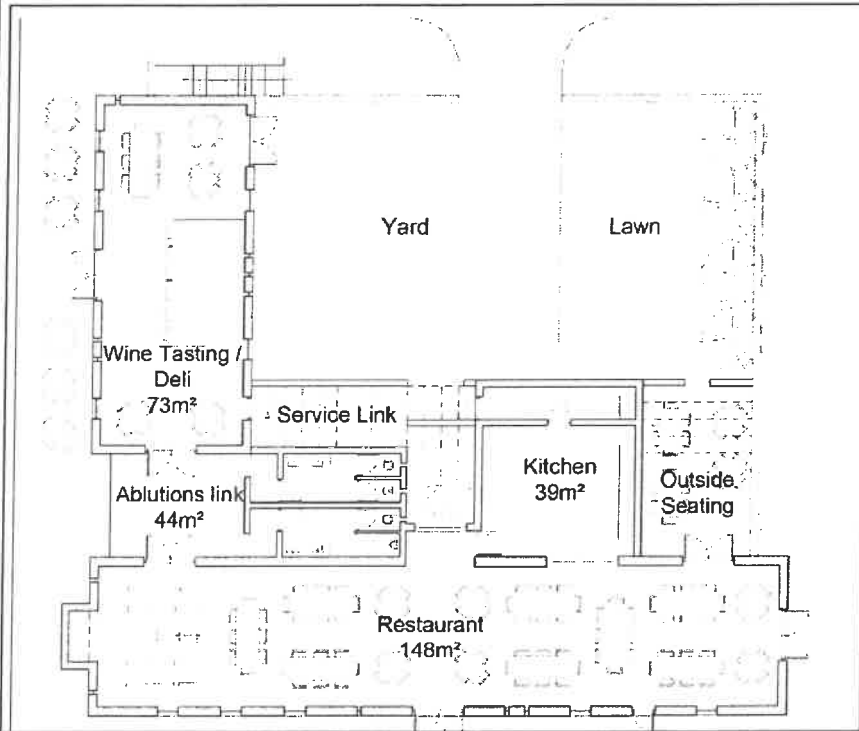
Teenwoordig:	<p>Wimpie Obermeyer (WO), Grondeienaar: Plaas No. 1355, Stellenbosch RA, en Gedeelte 6 van die Plaas Helderrenberg No. 707. Stellenbosch RA</p> <p>Callie Obermeyer (CO), Grondeienaar: Plaas No. 1355, Stellenbosch RA, en Gedeelte 6 van die Plaas Helderrenberg No. 707. Stellenbosch RA</p> <p>Bianca Obermeyer (BO), Grondeienaar: Plaas No. 1355, Stellenbosch RA, en Gedeelte 6 van die Plaas Helderrenberg No. 707. Stellenbosch RA</p> <p>Jaco Nel (JN), Grondeienaar: Plaas Bo-Helderberg No. 1252, Stellenbosch RA</p> <p>Cornel Nel (CN), Grondeienaar: Plaas Bo-Helderberg No. 1252, Stellenbosch RA</p> <p>Marike Bolz (MB), Stadsbeplanner: Arch Town Planners</p> <p>Mari de Villiers (MdV), Omgewingskonsultant: Cornerstone Omgewingskonsultante (Edms) Bpk.</p>
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Neem asseblief kennis:

- Hierdie notule is nie woordeliks/*verbatim* nie en slegs aksies en belangrike besluite/besprekings is aangeteken;
- Die teks wat opgedateer of verander is in hierdie Finale Notule is ligblou gekleur.

AKSIE OF BESLUIT:		AKSIE DEUR:
1.	VERWELKOMING EN INLEIDING	
1.1	Mari de Villiers (MdV): Almal is verwelkom, en het hulself voorgestel.	-
1.2	<p>MdV: Die hoofdoel van die vergadering was om die Obermeyers se kommentaar en bekommernisse rakende die voorgestelde ontwikkeling op die plaas Bo-Helderberg te bespreek.</p> <p><u>Nota:</u> Skriftelike kommentaar, gedateer 2 Junie 2023, is ontvang vanaf Callie Obermeyer as deel van die Voor-aansoek Basiese Assesseringsproses (BA proses) publieke deelname vir die voorgestelde ontwikkeling. Sien Bylaag A. Die doel van die vergadering was nie om al die kommentare punt-vir-punt te bespreek nie, maar om die grootste knelpunte te identifiseer en te bespreek.</p>	-
1.3	<p>MdV en MB: Die volgende twee parallelle aansoekprosesse word tans onderneem:</p> <ul style="list-style-type: none"> BA proses in terme van die "<i>National Environmental Management Act, Act. No. 107 of 1999, as amended</i>"; Omgewingskonsultant: Mari de Villiers; Besluitnemende Owerheid: Weskaapse Departement van Omgewingsake en Ontwikkelingsbeplanning; en Grondgebruiksaansoek: Toestemmingsgebruikaansoek in terme van die "<i>Stellenbosch Municipality Land Use By-Law, 2015</i>"; Stadsbeplanningskonsultant: 	-

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
 Vergadering met naburige grondeienaars (Helderbergplaas)

AKSIE OF BESLUIT:		AKSIE DEUR:
	Marike Bolz; Besluitnemende Owerheid: Stellenbosch Munisipaliteit.	
1.4	<p>Die volgende knelpunte is tydens die vergadering uitgelig, soos hieronder uiteengesit:</p> <ul style="list-style-type: none"> • Voorgestelde restaurant en akkommodasie-fasiliteite: Kapasiteit, grootte en ekonomiese impak op Helderbergplaas; • Privaatheid en veiligheid; • Visuele impak; • Toegang tot die R44; en • Toekomstige grondeienaars 	-
2.	VOORGESTELDE RESTAURANT EN AKKOMMODASIE-FASILITEITE	
2.1	Voorgestelde restaurant en akkommodasie-fasiliteite: Kapasiteit, grootte en bedryfsure	
2.1.1	Callie Obermeyer (CO): Wat is die voorgestelde grootte van die restaurant?	-
2.1.2	<p><u>Bykomend tot wat tydens die vergadering bespreek is:</u> Die restaurant en wynproegebou sal 'n dekking van $\pm 350\text{m}^2$ hê, met 'n sitarea van ongeveer 220m^2 (Bolz, 2022¹).</p> 	-
	Figuur 1: Voorgestelde vloerplan van wynproe en restaurant (Bron: Bolz, 2022)	
2.1.3	<p>Jaco Nel (JN): Ons intensie is nie om 'n volskaalse restaurant op te rig nie, maar eerder 'n koffiewinkel en wynproe-area.</p> <p>Marike Bolz (MB): Dit is noodsaaklik dat die Grondgebruiksaansoek aan die Munisipaliteit die nodige regte vir die koffiewinkel insluit, aangesien daar ook ontbyt bedien sal word aan die gaste wat op die terrein geakkommodeer sal word.</p> <p>MB: Die gebruik van die areas kan beheer word d.m.v die aantal parkerings en die openingsure van die fasiliteit. Die regte waarvoor aangesoek word is soortgelyk aan die regte van die bestaande resurant/koffiewinkel/pekniek-area op Helderberg Plaas. Dit is 'n algemene gebruik wat toegelaat word op plase (met Munisipale goedkeuring), soort gelyk aan wat op Heldeberg self is.</p>	-

¹ Bolz, M. 2022. *Consent Use Application (Tourist Accommodation And Facilities): Farm 1252 Helderberg Stellenbosch*. Arch Town Planners

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
 Vergadering met naburige grondeienaars (Helderbergplaas)

AKSIE OF BESLUIT:		AKSIE DEUR:
	<p>Insette/kommentaar deur Bianca Obermeyer (BO) en CO op die Konsep ("Draft") Notule (per e-posse gedateer 13 en 14 Februarie 2024):</p> <ul style="list-style-type: none"> BO en CO kommentaar: Ons hoof bekommernis is die bedryfsure van albei die akkommodasie en die koffie winkel / wynproe area. Daar word nerens enige tye genoem nie. Bevestig asseblief wat die tye sal wees vir onderskeidelik akkommodasie en ook koffie winkel (ook vernoem na restaurant / bistro) en wynproe area. Ons verstaan akkommodasie sal heel waarskynlik na 5 toegang benodig, maar wat is die ure vir die koffie winkel / wynproe area, siende dat dit die meeste verkeer en beweging op die pad sal plaas. Antwoord deur JN: Akkommodasie kan ongelukkig nie beperk word met tye nie soos genoem word, ander aktiwiteite sal definitief nie laat oopbly nie maar wil graag sonsondergang tyd oophou as moontlikheid. Ons is bereid om bome langs die pad te plant regoor die huis om die pad af te skerm sodat voertuie nie gesien en minder gehoor kan word as hulle verby ry. BO en CO kommentaar: Die bedryfsure asook die aantal voertuie wat geakkommodeer kan word op die perseel word nerens gespesifiseer nie. Antwoord deur JN: Ons beplan om tussen 8:00 en sonsondergang te bedryf, met hoogs uitsonderlike geval later as dit. BO en CO kommentaar: Ons kan verstaan en aanvaar dat akkommodasie op die 8 pods (tot 16 gaste) gebruik van die pad gaan benodig buiten werksure (dus buiten 08:00 tot 17:00), maar ons sal nie publiek buiten akkommodasie gaste op die pad na ure (buiten 08:00 tot 17:00) wil he nie, siende dat die oorspronklike ooreenkoms vir die pad se gebruik sou wees vir persoonlike gebruik en nie publieke gebruik nie. Antwoord deur JN: Ons sien ook nie die pad as publiek nie maar privaat net vir ons, ons werkers en gaste. 	
2.1.4	JN: Die akkommodasie-eenhede ("pods") word ontwerp en beplan om die minimum impak op die omgewing te hê, en om in te smelt met die omgewing. Dit sal ongeveer 16 gaste kan akkommodeer.	-
2.1.5	MB: Die karakter van die voorgestelde ontwikkeling sal nie kommersieel wees nie.	-
2.1.6	Bianca Obermeyer (BO): Wat van die geraas, bepligting en veiligheidsaspekte van funksies?	-
2.1.7	JN: Funksies vorm nie deel van die beplande grondgebruik nie.	-
2.2	Voorgestelde restaurant en akkommodasie-fasiliteite: Ekonomiese impak op Helderbergplaas	
2.2.1	CO: Ons het regte vir toerisme-akkommodasie eenhede by Helderbergplaas, en het ook 'n koffie-winkel. Ons is bekommerd oor die ekonomiese impak van die voorgestelde ontwikkeling op ons besigheid (aldus dat dit kompetisie vir ons besigheid sal wees).	-
2.2.2	JN: Die pods se tariewe sal ongeveer R4,000.00 per nag per eenheid beloop. CO: Ons akkommodasie sal nie so duur wees nie. Ek is dus tevrede dat ons nie vir dieselfde akkommodasie-mark sal kompeteer nie.	-
2.2.3	JN: Die koffie-winkel sal ook 'n ander aanbod hê as by Helderbergplaas, en sal waarskynlik ook nie kompeteer met Helderbergplaas se huidige besigheid nie.	-
3.	PRIVAATHEID EN VEILIGHEID	
3.1	CO: Privaatheid en veiligheid is ons grootste bekommernis. BO: Die nuwe toegangspad na Bo-Helderberg is oop na ons grond toe. Daar is geen versekering dat mense wat op hierdie pad is en sê hul kom wyn proe of koffie drink, nie na ons grond sal oorloop/oorry nie. CO: Die voorgestelde pods se impak is vir ons leefbaar, aangesien dit 'n beperkte aantal verkeer teweeg gaan bring, en dit makliker sal wees om hierdie besoekers te beheer.	-

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
Vergadering met naburige grondeienaar (Helderbergplaas)

AKSIE OF BESLUIT:	AKSIE DEUR:
<p>CO: Konstruksievoertuie wat op en af gaan beweeg, asook voetgangers, kan vir ons problematies wees.</p> <p>BO: Ons het 'n hele paar probleme gehad met diefstal en met die konstruksiewerke toe die toegangspad na Bo-Helderberg in aanbou was.</p> <p><u>Bykomend tot wat tydens die vergadering bespreek is:</u></p> <p><i>JN het bevestig dat die diefstal nie gepleeg was deur mense wat op Bo-Helderberg pad gebou het nie, maar deur mense wat op die Plaas Helderberg Kloof woon, en bekend is vir die mense in die area, en dat hul per toeval ingebreek het terwyl Bo-Helderberg se pad in aanbou was.</i></p> <p>Insette/kommentaar deur BO en CO op die Konsep ("Draft") Notule (per e-posse gedateer 13 en 14 Februarie 2024):</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Onder andere was daar 'n geval waar van die werkers op gestap het na ons huis, in Bianca Obermeyer se teenwoordigheid. Ook die geval waar daar 'n werker agter gebly het na ure en deur Wimpie en Bianca Obermeyer gevind was, besig om rond te loop op Helderbergplaas. Ook tydens werksure het een werker op gestap en kruie gaan pluk langs ons landerye. Jaco se voorman is van al die gevalle bewus gemaak en sal ook meer inligting kan bied rakende dit. <p>Ons bekommernis is egter dat daar duidelik geen beheer toegepas was tydens konstruksie nie en ons is bevrees dat dieselfde gaan gebeur tydens toekomstige konstruksie.</p> <p>Dus is dit belangrik vir ons dat daar verseker kan word dat die ooreenkoms soos hieronder (item 3.3), toegepas sal word teen alle tye en ook dat geen voetgangers na ure op Helderbergplaas beweeg nie.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Veiligheid m.b.t. voetgangers en voertuie. Hoe kan daar verseker word dat alle voetgangers (under extraordinary circumstances) en voertuie nie sal afdwaal op Helderbergplaas nie? Ons woonhuis is langsaan die pad en dus wil ons graag 'n voorstel hê oor hoe daar verseker gaan word dat geen voetgangers of voertuie afdwaal na ons privaat woning en ons privaatheid en veiligheid steur nie, aangesien Bo-Helderberg ongehinderde toegang gee tot die publiek oor ons privaat eiendom. Ons voorstel is dat 'n heining sal langs die pad gespan moet word om te verseker dat voertuie en voetgangers slegs toegang tot die pad het. <p>Antwoord deur JN: Tans gebruik Helderberg Plaas ook ons hek en net in Januarie 2024 is 127 kodes deur ons stelsel gegenereer vir Helderberg Plaas, dit is vir hul kliënte wat inry by ons hek en die 4x4 baan of die uitkyk platform gebruik. Dit is 127 voertuie vol mense. Daar is geen beheer op dié Helderberg Plaas kliënte om af te dwaal van die pad nie, ek vertrou ons kliënte sal met dieselfde oordeel die pad reg gebruik. Dit is ook tans moontlik vir enige iemand van die publiek om 20 meter verder, net om die hek te loop of te ry in Helderberg Plaas in met geen beheer nie.</p> <p>'n Heining is onprakties aangesien dit sal maak dat Helderberg Plaas se kliënte nie by die 4x4 baan kan uitkom nie, en die heining kan nie in die middel van die wingerd lande deur loop nie dus sal die heining net tot by 'n punt gebou kan word, mense kan dus net om die heining ry as hulle regtig wil.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Ons wil ook 'n gedetailleerde plan ontvang rakende toegangsbeheer by die hoof hek. <p>Antwoord deur JN: Sien asb. die laaste "bullet" punt onder item 3.3, "operational phase" hieronder.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Ons het ook 'n bekommernis rakende verkeer op die pad siende dat dit 'n enkel baan is. Wat is die beperking op aantal voertuie op Bo-Helderberg? 	

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
 Vergadering met naburige grondeienaar (Helderbergplaas)

	AKSIE OF BESLUIT:	AKSIE DEUR:
	<p>Antwoord deur JN: Die pad is so ontwerp dat as een voertuig met sy wiel in die stormwater kanaal ry, 'n ander by hom verby kan kom.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Rakende die toegang by hoof hek en beheer van kliente op die pad - Indien heining of hekke nie 'n goeie voorstel is nie, sou Bo Helderberg se kliente/personeel/kontrakteurs, afdwaal wat sal dan verder in plek gestel word om dit te voorkom? <p>Antwoord deur JN: Ons werkers en kontrakteurs sal streng beheer word en die sekuriteitswag by hek sal beheer uitgeoefen op gaste wat inry aangesien hy die grootste gedeelte van die onderste pad die voertuie sal kan sien.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Vrywaring/Aanspreeklikheid - al ons 4x4/viewpoint kleinte vul 'n vrywaring/vorm in, voor hul toegang het tot die pad/res van die plaas. Wat is Bo Helderberg se beplanning rakende vrywaring op hul kliente wat die pad gebruik oor ons privaat eiendom. <p>Antwoord deur JN: Aangesien dit ons kliente is, en ons toegang beheer uitoefen is die risiko op ons, ons is bereid om dit op skrif te stel om Helderbergplaas gerus te stel.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Rakende die verkeer op die pad - die probleem lê nie by hoe voertuie mekaar verbysteek nie maar aantal voertuie wat die pad gaan gebruik. Dit sal baie hinder indien daar 100+ voertuie daaglik die pad gebruik sonder enige tydsbeperking. <p>Antwoord deur JN: Sien bo t.o.v ure.</p>	
3.2	<p>MB: Die wynproe gebruik moet ingesluit word in die Grondbeplanningsaansoek, ten einde aanroek te kan doen vir 'n dranklisensie.</p>	-
3.3	<p>MdV: Die Omgewingsbestuursprogram (OBPr) (Bylae H tot die Basiese Assesseringsverslag) sluit maatreëls in wat tydens die konstruksie en operasionele fases van die projek geïmplementeer moet word. Ons stel voor dat die volgende spesifieke maatreëls ingesluit word wat toegangsbeheer en veiligheid aanspreek:</p> <p><i>Construction phase:</i></p> <ul style="list-style-type: none"> • <i>All construction workers shall be transported to the construction site by vehicle.</i> • <i>Construction workers will wear branded high-visibility vests when working on site, or if they must walk over the neighbouring property (Helderbergplaas) to access or exit the construction site. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Helderbergplaas.</i> • <i>Permanent construction managers/foremen shall wear ID cards with photos.</i> <p><i>Operational phase:</i></p> <ul style="list-style-type: none"> • <i>All permanent operational phase personnel shall wear ID cards with photos.</i> • <i>Permanent operational phase personnel shall be transported to and from the property as and where possible.</i> • <i>Pedestrian access to or from the property by operational phase personnel will only be allowed under extraordinary circumstances. They shall wear ID cards with photos if they have to walk along the servitude road over the neighbouring property (Farm Helderbergplaas) to access or exit the property. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Helderbergplaas.</i> • <i>If more activities are undertaken on Bo-Helderberg than only the accommodation pods, e.g. wine-tasting or the coffee shop, a security guard will be on duty at the main access gate. He can inform the office above when people</i> 	-

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
Vergadering met naburige grondeienaar (Helderbergplaas)

AKSIE OF BESLUIT:		AKSIE DEUR:
	<i>are moving up to the parking area.</i>	
3.4	<p>BO: Die hoë spoed waarteen voertuie op die toeganspad ry is ook vir ons 'n groot bekommernis m.b.t veiligheid asook geraas, veral by die ingange na ons huise.</p> <p>JN: Ons het 35km/h spoedbordjies aangebring. Ons sal ook 'n spoedhobbel aanbring by die toeganspad na Helderbergplaas se huis.</p> <p>MdV: Hierdie maatreëls sal in die OBPr ingesluit word.</p> <p>Insette/kommentaar deur BO en CO op die Konsep ("Draft") Notule (per e-posse gedateer 13 en 14 February 2024):</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Spoed beheer deur spoedhobbels: Ons sal verkies dat daar by ons privaat woning, ons 4x4 indraai en fiets kruising 'n hobbel geplaas word om ongelukke te voorkom. <p>Antwoord deur JN: Ons is bereid om hobbels by die privaat woning aan te bring. Die 4x4 indraai is net dit, 'n indraai nie uit nie, en die fiets kruising is op 'n draai wat natuurlike spoedbeheer toepas en dit is duidelik gemerk met padtekens van albei kante af.</p> <ul style="list-style-type: none"> • BO en CO kommentaar: Spoedhobbels - ons 4x4 roete maak gebruik van 1 pad wat vanaf die servituut indraai asook uitdraai, dit kan ongelukke veroorsaak soos voertuie indraai op die servituut pad. <p>Antwoord deur JN: Ons kan 'n hobbel by die 4x4 roete se toegang pad ook aanbring.</p>	-
4.	VISUELE IMPAK	
4.1	CO: Hoe vergelyk die voordeel wat 16 gaste sal kry uit die uitsig en rustigheid vanaf die berg met dié van groot hoeveelhede mense wat deur die versteurde aansig van die berg (snags en bedags) beïnvloed gaan word?	-
4.2	<p>JN: Aansig-studies het getoon dat daar byna geen visuele impak sal wees op die aansigte vanaf die R44 nie. Die <i>pods</i> en ander geboue word spesifiek geplaas en geplan om te verseker dat die visuele impak so klein as moontlik sal wees. Beligting op die terrein word verder ook só beplan dat dit afwaarts gerig sal word, onder andere, om die impak van beligting snags so laag as moontlik te hou.</p> <p>JN: Ons hoof oogmerk is om goeie rentmeesters te wees van hierdie grond. Deur die verwydering van uitheemse plantegroei op 'n area van ongeveer 30ha, sal die aangesig oor tyd beter wees as tans.</p>	-
5.	TOEGANG TOT DIE R44	
5.1	CO: Toegang van die Klein Helderberg pad na en vanaf die R44 is uiters gevaarlik.	-
5.2	<p>MdV: As gevolg van die padveiligheidsrisiko's by hierdie en verskeie ander kruisings langs die R44 tussen Somerset-Wes en Stellenbosch, het die Wes-Kaapse Departement: Infrastruktuur 'n padveiligheidsprojek langs hierdie gedeelte van die R44 onderneem. Alhoewel Omgewingsmagtiging op appél op 27 Augustus 2019 vir die projek verkry is, is die tydraamwerk vir die veiligheidsopgraderings steeds onbekend en belemmer deur begrotingsbeperkings. Die Omgewingsmagtiging is geldig vir tien jaar vanaf die datum van die Appélbesluit.</p> <p>Die Wes-Kaapse Departement: Infrastruktuur beoog dat die Klein Helderberg Pad/R44 aansluiting opgegradeer word met slegs links-in/links-uit-toegange op die R44 met veilige U-draaigeriewe aan weerskante by die bognondse graad-geskeide draaifasiliteit by die Hoofweg 166 (MR166) (Winery Road) kruising en die voorgestelde graadgeskeide U-draaifasiliteit by Steynsrustwegbrug oor die R44.</p> <p>Die Wes-Kaapse Departement: Infrastruktuur het aangedui dat hul, op grond van die bogenoemde, beswaar maak teen die aansoek vanuit 'n padveiligheidsoogpunt tot tyd en wyl die bogenoemde padveiligheidsopgraderings geïmplementeer is.</p>	-

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
Vergadering met naburige grondeienaars (Helderbergplaas)

AKSIE OF BESLUIT:		AKSIE DEUR:
5.3	<p>JN: Ons is tans in kontak met 'n Vervoeringenieur, asook die Wes-Kaapse Departement: Infrastruktuur, ten einde 'n geskikte oplossing te vind vir hierdie aangeleentheid.</p> <p><i>Bykomend tot wat tydens die vergadering bespreek is: Na verdere assessering van die verkeersituasie en kommunikasie tussen die Vervoeringenieur en die Wes-Kaapse Departement: Infrastruktuur, het die Departement tot die volgende gevolgtrekking gekom in hul skrywe gedateer 13 Desember 2023:</i></p> <p><i>"13. This Branch offers no objection to the Consent Use applications for Farm 1252, Stellenbosch as reflected on the Site Development Plan (Drawing Number 101, Revision E) dated April 2023 prepared by Malherbe Rust Architects subject to the following conditions:</i></p> <p><i>13.1. The applicant is fully aware and acknowledge that - as part of the R44 Road Safety Project, the median crossings at the MR27/OP4237/OP4236 intersections will be closed and become left-in/left-out accesses on MR27; and</i></p> <p><i>13.2. The applicant is fully aware and acknowledges that the Branch is not obliged to maintain OP4237 and that he/she may for the interim be responsible for any additional maintenance/upgrading needs on OP4237 according to appropriate standards as agreed with and under supervision of the District Road Engineer in Paarl.</i></p> <p><i>14. It is recommended that – until the R44 Road Safety Upgrade Project is implemented, the applicant be requested to advise visitors to the proposed development to plan their trips when leaving the site to avoid having to turn right at the R44 (MR27/OP4237) intersection."</i></p> <p><i>MdV: Die maatreël wat in item 14 genoem is, is in die OBPr ingesluit.</i></p>	-
6.	TOEKOMSTIGE GRONDEIENAARS	
6.1	CO: Hoe kan verseker word dat toekomstige grondeienaars hou by die ooreenkomste wat nou gesluit word? Een van ons grootste bekommernisse is dat ander eienaars wat moontlik in die toekoms die Plaas Bo-Helderberg oorneem, moontlik ander intensies sal hê as wat tans beplan word. Ons is die sesde geslag op Helderbergplaas, en wil graag seker maak dat ons plaas veilig en winsgewend bly vir die toekomstige geslagte.	-
6.2	<p>MB: Die Omgewingsgoedkeuring en Operasionele Fase OBPr sal wetlik afdwingbaar wees, en toekomstige grondeienaars sal ook daaraan moet voldoen.</p> <p>MB: Indien daar aspekte ooreengekom word wat spesifiek en anders is, kan daar gevra word dat dit in die Munisipale Grondgebruiksgoedkeuring ingeskryf word.</p>	-
6.3	BO: 'n Limiet moet gestel word m.b.t. die grootte, oppervlakarea, parkering en werksure van die restaurant/koffiewinkel en wynproe area.	-
7.	VERGADERING AFSLUITING	
7.1	Die vergadering is om 12:00 verdaag.	-

Vergaderingsnotule saamgestel deur Mari de Villiers, Cornerstone Omgewingskonsultante (Edms.) Bpk.

BYLAE:

Bylaag A: Geskrewe kommentaar op die Voor-aansoek Konsep BA Verslag, deur Mnr CW Obermeyer (Helderbergplaas), gedateer 2 Junie 2023

Bylaag B: Geskrewe kommentaar deur op die Konsep ("Draft") Notule, deur Callie en Bianca Obermeyer, gedateer 13 February 2024

Bylaag C: Verdere geskrewe kommentaar deur op die Konsep ("Draft") Notule, deur Callie en Bianca Obermeyer, gedateer 14 February 2024

Vir verdere inligting kontak asseblief: Mari de Villiers, Cornerstone Omgewingskonsultante (Edms.) Bpk., E-pos: mari@cornerstoneenviro.co.za, Sel: 083 235 8733

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
Vergadering met naburige grondeienaar (Helderbergplaas)

**BYLAAG A: Geskrewe kommentaar op die Voor-aansoek Konsep BA Verslag,
deur Mnr CW Obermeyer (Helderbergplaas), gedateer 2 Junie 2023**

2 June 2023

INTERESTED & AFFECTED PARTY: NEIGHBOURING LAND OWNER – MR. C W OBERMEYER

CONTACT DETAILS: HELDERBERGPLAAS@MWEB.CO.ZA ; 078 4363 213

Response to Invitation for Public Comment – Pre-Application Draft Basic Assessment Report by Cornerstone Environmental Consultants (Pty) Ltd in the name of Proximity Properties (Pty) Ltd

Project: Bo-Helderberg Farm No. 1252, Stellenbosch Road, Western Cape Province

DEA&DP Reference Number: 16/3/3/6/7/1/B4/45/1093/23

1. Kindly register me as an interested and affected party in respect of the aforesaid project.
2. My interests in the application are set out below.
3. Comment 1: Basic Assessment Activity 12 as set out in Listing Notice 3
 - 3.1 The applicant, on page 'v' of its Pre-Application Report, provides for the above activity as set out in Listing Notice 3 of the NEMA Act, further **stating that the listed activity will be triggered since the indigenous vegetation on site, of which more than 300m² will be removed, is listed as "Critically Endangered" Cape Winelands Shale Fynbos** in terms of the Revised List of Ecosystems Threatened and in Need of Protection (DFFE 2022).
 - 3.2 However, the applicant later, on page '56' of the same report, provides that the **nature of impact of its preferred activity on "Natural Vegetation and Terrestrial Biodiversity Impact" will amount to "Restricted development (< 1 ha) within natural areas comprising a mix of fynbos and alien vegetation"** for the purpose of construction a dam, the tourist pods and associated parking, pathways and new roads.
 - 3.3 There is a **sizable range disparity between the initial "more than 300m²" and the latter "Restricted development under 1 hectare"** regarding the removal of Critically Endangered Fynbos, which cannot be ignored. If the applicant intends to remove close to 1 hectare of critically endangered indigenous vegetation, it must make reference of same in unambiguous terms, and further provide expert reports indicating the potential impact and risk associated with the vast proposed removal, from a conservational point of view. The applicant further confirms on page 56 that the proposed removal will have a "definite" probability of occurrence in terms of associated impact and risks, a "medium" degree of impact causing irreplaceable loss of resources and "irreversible" degree to which said impact can be reversed, clearly indicating

the seriousness of this particular aspect of the proposed activity, which should therefore require increased transparency and consideration.

- 3.4 The Applicant intends for the aforesaid removal of Critically Endangered Fynbos to take place solely to accommodate/benefit the project's commercial agenda, as the natural areas will be reduced for the purpose of building tourist pods, parking, pathways and roads.
- 3.5 ***The Applicant's intentions fall foul of Chapter 4 of the NEMA Act, with section 51 providing that the purpose of said Chapter is as follows:***

a) to provide for the protection of ecosystems that are threatened or in need of protection to ensure the maintenance of their ecological integrity

...

d) to ensure that the utilization of biodiversity is managed in an ecologically sustainable way.

4. Comment 2: Removal of Alien Vegetation and Funding thereof

- 4.1 The applicant, on page 'vii' of its Pre-Application Report as well as frequently thereafter, refers to the proposed project generating funding which will enable the eradication and control of alien vegetation in the area in question. However, the applicant also confirms that the natural areas **"comprise a mix of fynbos and alien vegetation"**, indicating a **potential practical difficulty** with regards to **how the applicant will both eradicate alien vegetation and protect critically endangered Fynbos at the same time.**
- 4.2 The applicant indicated that it intends to use funding generated by the project to eradicate/control alien vegetation in the region, however at this point these averments are merely intentions, as no formal plan has been provided in this regard. The project itself, as with any new business, will require extensive funding to be pumped back into its processes, potentially for a period of a few years, before it begins to become profitable, if ever. Profitability aside, the eradication of alien vegetation is a noble cause, but certainly not one related to the ultimate commercial goals of the applicant's proposed project, and yet the applicant throughout in the Pre-Application Report has included the aforesaid eradication as a key benefit/positive impact of the project. Material decisions with material consequences have to be made purely on the basis of future intentions. If the applicant intends to rely strongly in its Pre-Application Report on the removal of alien vegetation being one of the

project's primary benefits, the applicant must provide a more definitive plan in regard to the actual implementation of the said removal.

- 4.3 **Section 75 of the NEMA act**, regarding the control and eradication of listed invasive species provides as follows

*“(1) Control and eradication of a listed invasive species must be carried out by means of methods that are **appropriate** for the species concerned **and the environment in which it occurs.***

*(2) Any action taken to control and eradicate a listed invasive species **must be executed with caution and in a manner that may cause the least possible harm to biodiversity and damage to the environment.***

*(4) **The Minister must ensure the coordination and implementation of programmes for the prevention, control or eradication of invasive species.***”

- 4.4 The above provisions indicate that the applicant's undertaking to eradicate invasive species in the region **must be** well planned and executed, and further that any such plan must be implemented under the supervision/authorisation of the Minister of Environmental Affairs. The Applicant's current Pre-Application Report offers no such concrete plan, beyond the intention to take action.

5. Comment 3: Solid Waste Management

- 5.1 The applicant, on page 14 of its Pre-Application Report, provides that “the owner will also **consider recycling solid waste**, where possible”. Waste management and the potential pollution caused as a result of mismanagement requires a greater degree of planning than merely to “consider” the option of recycling, especially when the proposed project currently **only has one definitive plan in place with regards to waste management**, namely to remove it via an enclosed trailer on a weekly basis to the municipal landfill site. Surely a project which proposes to create 30 new job opportunities during construction phase, and 15 during operational phase, as well as accommodate a further unidentified number of guests going forward, will generate solid waste to an extent that may require a solid alternative waste management plan. As such, I believe the Applicant **must** provide a definitive plan involving the recycling of solid waste, or any other plausible waste management alternative, as per

section 16(1)(b) of the National Environmental Management Waste Act 59 of 2008, which reads as follows:

"16. (1) A holder of waste must, within the holder's power, take all reasonable measures to—

(b) reduce, re-use, recycle and recover waste ".

6. Comment 4: Practical Enforcement of "No-Go" areas

6.1 The applicant, on page 53 of its Pre-Application Report, indicates that **Pods 3, 4, 5 and 6 will be located in close proximity to endangered and threatened plant species**, and that such areas be considered "no-go" during construction and operational phases of the project. Whilst it may be possible to enforce "no-go" access during construction phases, it may be less practical once the operational phase begins and the 4 pods have regular guests, particularly due to the close proximity of the pods to the areas in question. It may prove difficult to regulate and monitor the human impact on the endangered and threatened plant species in the region, as the proposed project stretches out over an extensive period of land, whilst only intending to create "15 permanent job opportunities during the operational phase" as per page 27 of the Pre -Application Report.

6.2 ***The applicant's intentions fall foul of Chapter 4 of the NEMA Act, with section 51 providing that the purpose of said Chapter is as follows:***

a) to provide for the protection of ecosystems that are threatened or in need of protection to ensure the maintenance of their ecological integrity

...

d) to ensure that the utilization of biodiversity is managed in an ecologically sustainable way.

7. Comment 5: Privacy

7.1 In terms of page 27 of the Pre-Application Report, the proposed project will create 30 new job opportunities during construction phase, 15 new job opportunities during operational phase, further unquantified job opportunities with regards to the restaurant/wine tasting element as well as a constant unquantified influx of stay-in and day visitors. As such, it goes without

saying that the **previously serene and uninterrupted experience enjoyed by our own guests/recreational visitors, will indeed be severely disrupted.** This potentially also **devolves further into a security issue**, as the existence of a “resort” which is operational on a 24 hour basis, creates a difficulty with regards to regulating access to the resort via the only access road available, of which our property is the current Servient Tenement. The security issue is one that extends not only to me and my family personally, but also on a commercial basis to all patrons of the applicant’s property as well, the seriousness of which should not be overlooked. We will not be in a position to turn away any potential guest of the applicant, nor will we or the applicant itself be in a position to ensure that every single person making use of the access road, does so without ulterior motives.

8. Comment 6: Servitude

- 8.1 The Proposed Project as a whole, is in direct conflict with the following terms of the duly registered Servitude K388/20225 (“the Servitude”).
- 8.2 **Paragraph 1.2 of the Servitude grants the applicant right of access in respect of itself and its guests as well as contractors and employees of the contractor “for the purpose of constructing, improving and maintaining the servitude road.” No mention is made of unfettered right of access for an undefined number of paying visitors, personal employees and contractors/construction workers in terms of the proposed project for which the applicant now applies.**
- 8.3 **Paragraph 2.5 of the Servitude reads similarly, but contains the clause “Dominant Tenement shall at all reasonable times have access to the Servient Tenement for himself, his contractors and employees..” Reasonable times indicate the existence of a limitation, whereas the proposed project requires unfettered access on a 24/7 basis.**
- 8.4 **Paragraph 2.11 of the Servitude provides that “The owner of the Servient Tenement, its clients, guests, employees and contractors shall at all times retain free and unfettered use of the servitude road, which shall not be for the exclusive use of the owner of the Dominant Tenement”. The proposed project intends to (by default) grant the applicant free, unfettered use of the servitude road, at all times.**
- 8.5 **Paragraph 2.12 of the Servitude reads that “the Owner of the Dominant Tenement shall ensure that no vehicles are parked in front of the gate or along the servitude road, which shall at all times be kept clear so as to permit unrestricted vehicular and pedestrian traffic.”**

If the Applicant intends for the proposed project to include 24/7 guest housing, the servitude road will naturally incur an exponential increase in vehicular and pedestrian traffic, some of which may well become unrestricted due to the proposed nature of the operational hours.

- 8.6 Greater consideration is required as to how the applicant intends to honor the agreed terms of the Servitude that is registered against the title deed. I pause to mention that the Applicant, prior to the recent registration of the Servitude, pertinently informed me and my family that the servitude road would not be used for commercial purposes. After having had sight of the applicant's proposed development, I would definitely have provided for even more definitive terms if the Applicant's true intentions were presented from the onset.

9. Comment 7: Sensitive Areas

- 9.1 On page 37 of the Pre-Application Report, reference is made to the **Terrestrial Biodiversity and Plant Species Assessment prepared by botanist Johlene Krige, which identified the following sensitive areas** within the proposed project's plans:

- Natural habitat within CBAs (terrestrial and aquatic landscape features critical for conserving biodiversity)
- Very steep slopes (vulnerable to erosion, flooding and numerous other natural occurrences)
- Aquatic CBAs and watercourses; and
- Areas with high numbers of sensitive plant species

- 9.2 Despite the above expert's findings, the applicant intends to continue with the Proposed Project, merely updating the initial layout so as to result in the loss of *only* 2 hectares of terrestrial CBAs compared to the 3.4 hectares in the original plan. Losing 2 hectares of landscape deemed 'critical for conserving biodiversity', for commercial purposes, certainly does not seem to fall within the ambit of the **National Environmental Management Act's definition of "sustainable development" in terms of Section 1(1)(xxix)** namely that 'sustainable development' means *"the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations..."*

10. Comment 8: Water Rights

- 10.1 The applicant, on page 42 of its Pre-Application Report confirms that the **project will require a water use authorisation** as it will trigger the water use activities listed in **section 21 (a), (b), (c), (i), (g) and (i) of the National Water Act 36 of 1998**. Activities '(c)', '(g)' and '(i)' are of particular concern to me as well as all neighbouring properties, as the **applicant intends to construct an in-stream dam**, namely "Dam option 1a" in the Pre-Application Report. The nature of an instream dam indicates that the construction of same, as well as all related activities thereafter, have great potential to affect the watercourse corridors used by my property as well as neighbouring properties.
- 10.2 *Water use activity '(c)' refers to the impeding or diverting the flow of water in a watercourse, activity '(g)' refers to disposing of waste in a manner which may detrimentally impact on a water resource and activity '(i)' refers to altering the bed, banks, course or characteristics of a watercourse.*
- 10.3 **The likelihood of the aforementioned activities occurring is all but confirmed in the Impact Assessment Outcome on page 35 of the Pre-Application Report which reads "expected impacts would be some alteration of the runoff characteristics on the site, the potential for some water quality impacts and the possible disturbance of aquatic habitat".**
- 10.4 Based on the above information, and the fact that my property shares in the aforementioned watercourse corridors, it is clear that I have a noteworthy concern with regards to the granting of the water use authorisation to the applicant.

11. Comment 9: Noise and Eyesore

- 11.1 The mountain view from the R44 is one of the various reasons that attract customers to our farm, who enjoys the outside for recreational purposes. Various buildings against the mountain slopes will most definitely be an eyesore, which will now have visibility even at night time.
- 11.2 In addition there will be constant traffic noise - again also during night time, which is a first for us and neighbouring properties, as all of the business that make use of the entrance road from the R44, operates only during business hours.

12. Comment 10: R44 Turn-off

12.1 The turnoff from the R44 to Helderbergplaas is widely known to be a high accident zone due it being a hidden entrance. As the Applicant's proposed project now attracts even more traffic to the very same entrance road (there is only this one entrance to the Applicant's property) at any given time of night or day, it will contribute to this dangerous and high accident zone.

13. Kindly confirm that I have been registered as an interested and affected party in respect of the proposed development filed under DEA&DP Reference Number: 16/3/3/6/7/1/B4/45/1093/23.

C W Obermeyer

Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
Vergadering met naburige grondeienaar (Helderbergplaas)

**BYLAE B: Geskrewe kommentaar deur op die Konsep ("Draft") Notule, deur
Callie en Bianca Obermeyer, gedateer 13 February 2024**

Mari De Villiers

From: Bianca Obermeyer <helderbergplaas@mweb.co.za>
Sent: Tuesday, 13 February 2024 13:29
To: Mari De Villiers
Subject: Re: FW: Bo-Helderberg Plaas Basiese Assesseringsproses: Konsep Notule

Goeie dag Mari,

Vreeslik baie dankie vir die notule. Sien asseblief onderaan ons notas, terugvoering en vrae.

Van die stellings is nie korrek soos dit gestel was nie, bv:

3.1 - BO: Ons het 'n hele paar probleme gehad met diefstal en mense wat op die buurplaas oorgeslaap het toe die toegangspad na Bo-Helderberg gebou is.

Nota: Daar was nie gese dat mense op die buurplaas oorslaap nie, maar dat ons probleme gehad het met pad werkers gedurende die konstruksie tydperk. Onder andere was daar 'n geval waar van die werkers op gestap het na ons huis, in Bianca Obermeyer se teenwoordigheid. Ook die geval waar daar 'n werker agter gebly het na ure en deur Wimpie en Bianca Obermeyer gevind was, besig om rond te loop op Helderbergplaas. Ook tydens werksure het een werker op gestap en kruie gaan pluk langs ons landerye. Jaco se voorman is van al die gevalle bewus gemaak en sal ook meer inligting kan bied rakende dit.

Ons bekommernis is egter dat daar duidelik geen beheer toegepas was tydens konstruksie nie en ons is bevrees dat dieselfde gaan gebeur tydens toekomstige konstruksie.

Dus is dit belangrik vir ons dat daar virseker kan word dat die ooreenkoms soos hieronder, toegepas sal word teen alle tye en ook dat geen voetgangers na ure op Helderbergplaas beweeg nie:

Construction phase:

- All construction workers shall be transported to the construction site by vehicle.
- Construction workers will wear branded high-visibility vests when working on site, or if they must walk over the neighbouring property (Helderbergplaas) to access or exit the construction site. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Heldebergplaas.
- Permanent construction managers/foremen shall wear ID cards with photos.

Operational phase:

- All permanent operational phase personnel shall wear ID cards with photos.
- Permanent operational phase personnel shall be transported to and from the property as and where possible.
- Pedestrian access to or from the property by operational phase personnel will only be allowed under extraordinary circumstances. They shall wear ID cards with photos if they have to walk along the servitude road over the neighbouring property (Farm Helderbergplaas) to access or exit the property. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Heldebergplaas.
- If more activities are undertaken on Bo-Helderberg than only the accommodation pods, e.g. wine-tasting or the coffee shop, a security guard will be on duty at the main access gate. He can inform the office above when people are moving up to the parking area.

Veiligheid mbt voetgangers en voertuie. Hoe kan daar virseker word dat alle voetgangers (under extraordinary circumstances) en voertuie nie sal afdwaal op Helderbergplaas nie? Ons woonhuis is langsaan die pad en dus wil ons graag 'n voorstel he oor hoe daar virseker gaan word dat geen voetgangers of voertuie afdwaal na ons privaat woning en ons privaatheid en veiligheid steur nie, aangesien Bo-Helderberg ongehinderde toegang gee tot die publiek oor ons privaat eiendom. Ons voorstel is dat 'n heining sal langs die pad gespan moet word om te virseker dat voertuie en voetgangers slegs toegang tot die pad het.

Ons wil ook 'n gedetailleerde plan ontvang rakende toegangsbeheer by die hoof hek.

Ons het ook 'n bekommernis rakende verkeer op die pad siende dat dit 'n enkel baan is. Wat is die beperking op aantal voertuie op Bo-Heloderberg?

Spoed beheer deur spoedhobbels: Ons sal verkies dat daar by ons privaat woening, ons 4x4 indraai en fiets kruising 'n hobbel geplaas word om ongelukke te voorkom.

Dan ons laaste en hoof bekommernis is die bedryfsure van albei die akkommodasie en die koffie winkel / wynproe area. Daar word nerens enige tye genoem nie. Bevestig asseblief wat die tye sal wees vir onderskeidelik akkommodasie en ook koffie winkel (ook vernoem na restaurant / bistro) en wynproe area. Ons verstaan akkommodasie sal heel waarskynlik na 5 toegang benodig, maar wat is die ure vir die koffie winkel / wynproe area, siende dat dit die meeste verkeer en beweging op die pad sal plaas.

Vreeslik baie dankie.

Vriendelike Groete,
Bianca & Callie

On 2024/02/09 09:54, Mari De Villiers wrote:

Kind regards / Vriendelike Groete,

Mari de Villiers

Environmental Assessment Practitioner (EAPASA)



Cell: 082 350 1000
E-mail: mari@archtownplanners.co.za
www: www.archtownplanners.co.za
PO Box: 1111, Helderberg, 2147

Registered Environmental Assessment Practitioner (EAPASA) (Registration Number: 2019/1160)
Master's Degree, Environmental Management
Business Tel: 021 887 9099 Fax: 086 435 2174

 Please consider the environment before printing this e-mail, by asking yourself whether it is really

From: Mari De Villiers
Sent: Wednesday, February 7, 2024 11:14 AM
To: C W Obermeyer <helderbergplaas@mweb.co.za>
Cc: jaco@squaremeter.co.za; marike@archtownplanners.co.za
Subject: Bo-Helderberg Plaas Basiese Assesseringsproses: Konsep Notule

Goeie dag Wimpie, Callie en Bianca

Ek hoop dit gaan goed.

Ons vergadering op 24 Julie 2023 verwys. Vind asb. aangeheg die "Draft" Notule van die vergadering. Jul is baie welkom om enige insette of kommentaar op die Notule voor of op Woensdag, 14 Februarie 2024 aan my te stuur. Die Notule sal daarna gefinaliseer en her-uitgereik word.

Die rede waarom die Notule nou eers gesirkuleer word, is omdat ons gewag het vir terugvoer oor die verdere kommunikasie tussen die Verkeersingenieur en die Weskaapse Departement: Infrastruktuur. Ons het die Departement se brief in hierdie verband op 13 Desember 2023 ontvang. Die aangehegde Notule verwys na hierdie terugvoer.

Laat weet gerus indien daar enige vrae is.

Kind regards / Vriendelike Groete,

Mari de Villiers

Environmental Management Specialist



CORNERSTONE

Environmental Management

Cell: 082 353 3333

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Voorgestelde Ontwikkeling op die Plaas Bo-Helderberg No. 1252, Stellenbosch RA
Vergadering met naburige grondeienaar (Helderbergplaas)

BYLAAG C: Verdere geskrewe kommentaar deur op die Konsep ("Draft")
Notule, deur Callie en Bianca Obermeyer, gedateer 14 February 2024

Mari De Villiers

From: Bianca Obermeyer <helderbergplaas@mweb.co.za>
Sent: Wednesday, 14 February 2024 20:33
To: Mari De Villiers
Cc: jaco@squaremeter.co.za; marike@archtownplanners.co.za
Subject: Re: FW: Bo-Helderberg Plaas Basiese Assesseringsproses: Finale Notule

Hi Mari,

Baie dankie vir die terugvoer. Ons voel dat ons bitter min tyd gegee is om deur die dokument te werk en volledige terugvoer te gee in 1 week, siende dat die oorspronklike vergadering al in Julie 2023 was, so verskoon die laat terugvoer en byvoeging, ons doel is dat albei partye gelukkig is met die ooreenkoms.

Die bedryfsure asook die aantal voertuie wat geakkommodeer kan word op die perseel word nerens gespesifiseer nie.

Ons kan verstaan en aanvaar dat akkommodasie op die 8 pods (tot 16 gaste) gebruik van die pad gaan benodig buiten werksure (dus buiten 08:00 tot 17:00), maar ons sal nie publiek buiten akkommodasie gaste op die pad na ure (buiten 08:00 tot 17:00) wil he nie, siende dat die oorspronklike ooreenkoms vir die pad se gebruik sou wees vir persoonlike gebruik en nie publieke gebruik nie.

Rakende die toegang by hoof hek en beheer van kliente op die pad - Indien heining of hekke nie 'n goeie voorstel is nie, sou Bo Helderberg se kliente/personeel/kontrakteurs, afdwaal wat sal dan verder in plek gestel word om dit te voorkom?

Vrywaring/Aanspreeklikheid - al ons 4x4/viewpoint kleinte vul 'n vrywaringsvorm in, voor hul toegang het tot die pad/res van die plaas. Wat is Bo Helderberg se beplanning rakende vrywaring op hul kliente wat die pad gebruik oor ons privaat eiendom.

Rakende die verkeer op die pad - die probleem lê nie by hoe voertuie mekaar verbysteek nie maar aantal voertuie wat die pad gaan gebruik. Dit sal baie hinder indien daar 100+ voertuie daaglik die pad gebruik sonder enige tydsbeperking.

Spoedhobbels - ons 4x4 roete maak gebruik van 1 pad wat vanaf die servituut indraai asook uitdraai, dit kan ongelukke veroorsaak soos voertuie indraai op die servituut pad.

Baie dankie vir jul tyd

Vriendelike Groete

Callie & Bianca

On 2024/02/14 13:10, Mari De Villiers wrote:

Goeie dag Wimpie, Callie en Bianca

Die onderstaande korrespondensie verwys.

Baie dankie vir die kommentaar wat aangestuur is op die "Draft" Notule. Vind asb. aangeheg, vir jul rekords, die **Finale Notule** van die vergadering.

Die volgende stap is dat die "In-aansoek" Basiese Assesseringsverslag, wat 'n opgedateerde weergawe sal wees van die vorige verslag, binnekort beskikbaar gestel sal word vir publieke kommentaar en insette. Jul sal 'n e-pos ontvang wanneer die kommentaartydperk begin.

Jul is welkom om my te kontak indien daar enige verdere vrae is.

Alles van die beste.

Kind regards / Vriendelike Groete,

Mari de Villiers

Environmental Assessment Practitioner (EAPASA)



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Please consider the environment before printing this e-mail, by asking yourself whether it is really

From: Bianca Obermeyer <helderbergplaas@mweb.co.za>

Sent: Tuesday, February 13, 2024 1:29 PM

To: Mari De Villiers <mari@cornerstoneenviro.co.za>

Subject: Re: FW: Bo-Helderberg Plaas Basiese Assesseringsproses: Konsep Notule

Goeie dag Mari,

Vreeslik baie dankie vir die notule. Sien asseblief onderaan ons notas, terugvoering en vrae.

Van die stellings is nie korrek soos dit gestel was nie, bv:

3.1 - BO: Ons het 'n hele paar probleme gehad met diefstal en mense wat op die buurplaas oorgeslaap het toe die toegangspad na Bo-Helderberg gebou is.

Nota: Daar was nie gese dat mense op die buurplaas oorslaap nie, maar dat ons probleme gehad het met pad werkers gedurende die konstruksie tydperk. Onder andere was daar 'n geval waar van die werkers op gestap het na ons huis, in Bianca Obermeyer se teenwoordigheid. Ook die geval waar daar 'n werker agter gebly het na ure en deur Wimpie en Bianca Obermeyer gevind was, besig om rond te loop op Helderbergplaas. Ook tydens werksure het een werker op gestap en kruie gaan pluk langs ons landerye. Jaco se voorman is van al die gevalle bewus gemaak en sal ook meer inligting kan bied rakende dit.

Ons bekommernis is egter dat daar duidelik geen beheer toegepas was tydens konstruksie nie en ons is bevrees dat dieselfde gaan gebeur tydens toekomstige konstruksie.

Dus is dit belangrik vir ons dat daar virseker kan word dat die ooreenkoms soos hieronder, toegepas sal word teen alle tye en ook dat geen voetgangers na ure op Helderbergplaas beweeg nie:

Construction phase:

- All construction workers shall be transported to the construction site by vehicle.
- Construction workers will wear branded high-visibility vests when working on site, or if they must walk over the neighbouring property (Helderbergplaas) to access or exit the construction site. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Helderbergplaas.

- Permanent construction managers/foremen shall wear ID cards with photos.
- Operational phase:
- All permanent operational phase personnel shall wear ID cards with photos.
 - Permanent operational phase personnel shall be transported to and from the property as and where possible.
 - Pedestrian access to or from the property by operational phase personnel will only be allowed under extraordinary circumstances. They shall wear ID cards with photos if they have to walk along the servitude road over the neighbouring property (Farm Helderbergplaas) to access or exit the property. They shall remain on the servitude road at all times, and may under no circumstances venture into the neighbouring Heldebergplaas.
 - If more activities are undertaken on Bo-Helderberg than only the accommodation pods, e.g. wine-tasting or the coffee shop, a security guard will be on duty at the main access gate. He can inform the office above when people are moving up to the parking area.

Veiligheid mbt voetgangers en voertuie. Hoe kan daar virseker word dat alle voetgangers (under extraordinary circumstances) en voertuie nie sal afdwaal op Helderbergplaas nie? Ons woonhuis is langsaan die pad en dus wil ons graag 'n voorstel he oor hoe daar virseker gaan word dat geen voetgangers of voertuie afdwaal na ons privaat woning en ons privaatheid en veiligheid steur nie, aangesien Bo-Helderberg ongehinderde toegang gee tot die publiek oor ons privaat eiendom. Ons voorstel is dat 'n heining sal langs die pad gespan moet word om te virseker dat voertuie en voetgangers slegs toegang tot die pad het.

Ons wil ook 'n gedetailleerde plan ontvang rakende toegangsbeheer by die hoof hek.

Ons het ook 'n bekommernis rakende verkeer op die pad siende dat dit 'n enkel baan is. Wat is die beperking op aantal voertuie op Bo-Heloderberg?

Spoed beheer deur spoedhobbels: Ons sal verkies dat daar by ons privaat wooning, ons 4x4 indraai en fiets kruising 'n hobbel geplaas word om ongelukke te voorkom.

Dan ons laaste en hoof bekommernis is die bedryfsure van albei die akkommodasie en die koffie winkel / wynproe area. Daar word nerens enige tye genoem nie. Bevestig asseblief wat die tye sal wees vir onderskeidelik akkommodasie en ook koffie winkel (ook vernoem na restaurant / bistro) en wynproe area. Ons verstaan akkommodasie sal heel waarskynlik na 5 toegang benodig, maar wat is die ure vir die koffie winkel / wynproe area, siende dat dit die meeste verkeer en beweging op die pad sal plaas.

Vreeslik baie dankie.

Vriendelike Groete,
Bianca & Callie

On 2024/02/09 09:54, Mari De Villiers wrote:

Kind regards / Vriendelike Groete,

Mari de Villiers

Registered Environmental Assessment Practitioner (EAPASA)



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 *Please consider the environment before printing this e-mail, by asking yourself whether it is really*

From: Mari De Villiers

Sent: Wednesday, February 7, 2024 11:14 AM

To: C W Obermeyer <helderbergplaas@mweb.co.za>

Cc: jaco@squaremeter.co.za; marike@archtownplanners.co.za

Subject: Bo-Helderberg Plaas Basiese Assesseringsproses: Konsep Notule

Goeie dag Wimpie, Callie en Bianca

Ek hoop dit gaan goed.

Ons vergadering op 24 Julie 2023 verwys. Vind asb. aangeheg die "Draft" Notule van die vergadering. Jul is baie welkom om enige insette of kommentaar op die Notule voor of op Woensdag, 14 Februarie 2024 aan my te stuur. Die Notule sal daarna gefinaliseer en her-uitgereik word.

Die rede waarom die Notule nou eers gesirkuleer word, is omdat ons gewag het vir terugvoer oor die verdere kommunikasie tussen die Verkeersingenieur en die Weskaapse Departement: Infrastruktuur. Ons het die Departement se brief in hierdie verband op 13 Desember 2023 ontvang. Die aangehegde Notule verwys na hierdie terugvoer.

Laat weet gerus indien daar enige vrae is.

Kind regards / Vriendelike Groete,

Mari de Villiers

Registered Environmental Assessment Practitioner



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Environmental Assessment Practitioners

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Master's Degree, Environmental Management

Business Tel: 021 887 9099 Fax: 086 435 2174

 *Please consider the environment before printing this e-mail, by asking yourself whether it is really*

APPENDIX 5

Heritage Western Cape.

Our Ref: HM / CAPE WINELANDS / BOLAND / STELLENBOSCH / FARM 1252
Case No: 21120706SB1207E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959



Heritage Consultant (Applicant): Jenna Lavin (CTS Heritage)
Jenna.lavin@ctsheritage.com

RESPONSE TO HERITAGE IMPACT ASSESSMENT: FINAL COMMENT
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSE DEVELOPMENT OF NEW FARMSTEAD ON BO-HELDERBERG FARM 1252, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACOM) held on 6 December 2023.

FINAL COMMENT:

The updated submission meets with requirements previously issued. The Committee therefore endorses the HIA as meeting the requirements of s38(3) the NHRA. The Committee supports the recommendation of the HIA as follows:

1. The proposed "pods" must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection.
2. The proposed new werf must adhere to the following recommendations:
 - a. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and "softened" by planting within the landscape from all sides.
 - b. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.
3. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities
4. If any archaeological heritage resources or unmarked graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs. Colette Scheermeyer 021 483 9685).

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....
 Sneha Jhupsee
Acting Assistant Director: Professional Services



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

13 December '23

SJhupsee

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 9665, Cape Town, 8000
 • **Tel:** 021 (0)21 483 5959 • **E-mail:** central@westerncape.gov.za

Straatadres: Protea Assuransiegebou, Groenemarkplein, Kaapstad, 8000 • **Posadres:** Postbus 9665, Kaapstad, 8000
 • **Tel:** 021 (0)21 483 5959 • **E-pos:** central@westerncape.gov.za

Idilesi yendawo: Indlela esiqingatha S. kwisiKlayi ngaphakathi Assurance, Greenmarket Square, iKaap, 8000 • **Idilesi yeposi:** Indlela yeposi yedolophu yeposi lekhaya, iKaap, 8000 • **Iinombolo zomnxeba:** 021 (0)21 483 5959 • **Idilesi ye-imeyile:** central@westerncape.gov.za



14/11/2023

HERITAGE IMPACT ASSESSMENT: PROPOSE DEVELOPMENT OF NEW FARMSTEAD ON BO-HELDERBERG FARM 1252, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

Additional Supporting Documentation to be read in conjunction with the HIA submitted to HWC

Response to IACom Comments dated 02/10/2023

The Committee requires a revised proposal which considers an alternative architectural and landscape response to site and wilderness zone context which is more appropriate than the Cape werf typology

In order to respond to the concerns raised by the HWC Impact Assessment Committee, the consulting team has completed additional analyses which have informed the architectural and landscape response communicated herein. A number of supporting appendices are attached to this correspondence including motivation for the architectural responses adopted (Appendix 1) as well as a material study (Appendix 2) for the store and wine-tasting venue (Malherbe and Rust Architects).

1. Location Selection

In the HIA compiled for Cornerstone Environmental Consultants, a portion of the property was identified best suited for intervention in terms of farming that would have the least amount of impact on the adjacent fynbos and natural landscape. This specific portion also coincidentally happens to be the flattest and smoothest portion of the property, which forms a plateau just above the ridge line.

It was obvious that the farming complex would need to be positioned on this very plateau. From an architectural point of view, it is proposed that the buildings be situated here to utilise the magnificent view over the Stellenbosch Winelands and surrounds, while glancing over the entire False Bay.

As described above, the plateau is a small portion of land which is almost entirely free from any protected fynbos and natural landscape. The farming buildings are proposed to be developed on this portion of land, along the contours of the foot of the Helderberg mountain, to limit the amount of soil excavation needed for cut and fill purposes.

It is also proposed that farming vehicles, staff and visitors approach the farming complex from the rear to avoid vehicular activity along the ridge line, to minimise visual impact from the R44.

2. Visibility

Both the IACom and the Stellenbosch Interest Group have raised concerns regarding the visibility of the proposed farm werf from various significant view spots. In order to gain a comprehensive understanding of the anticipated visibility of the proposed structures, the consulting team undertook a Shade-Net Study.

This study involved erecting a temporary shade net in appropriate colours in the location, and at the appropriate height, of the proposed structures. Figure 1 indicates the placement of the shade net.

Photographs were then taken of the location of the shade net from various significant viewing localities. These photographs were taken in wide-angle format to mimic the actual visibility of the site. These images are included below.



Figure 1: Shade net. The black netting indicates the roof area and roof ridgeline, with the striped yellow and orange netting indicating the top portion of the walls.

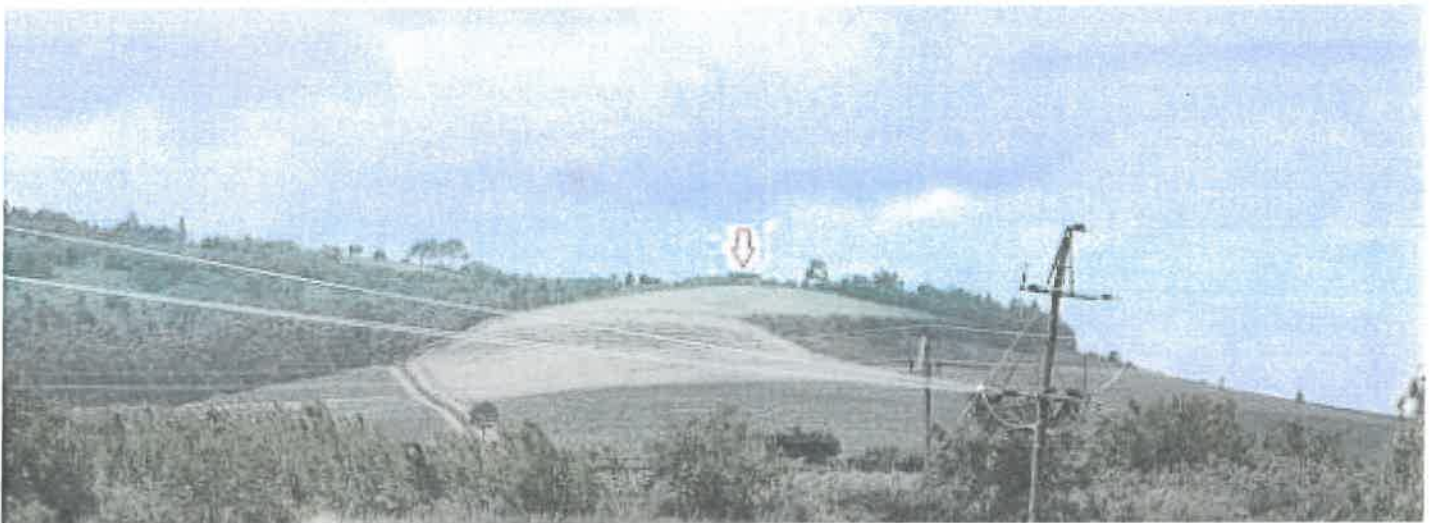


Figure 2: From Eikendal Road - actual and zoomed in showing the shade netting.



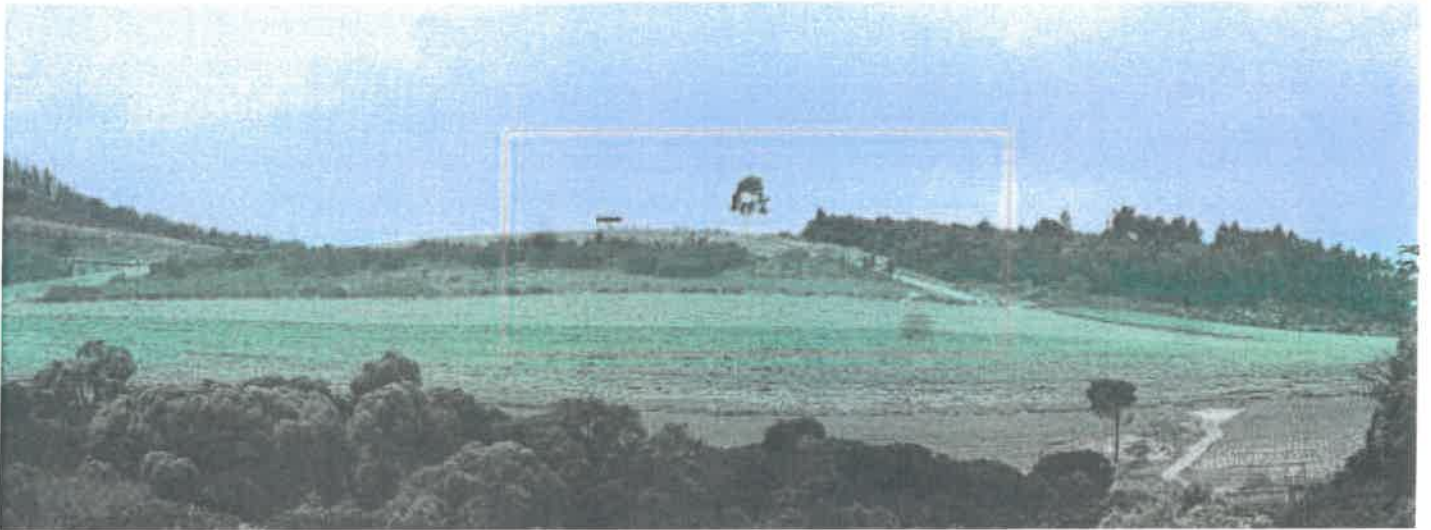


Figure 3: From just outside the farm gate on the gravel road - actual and zoomed in. Due to the topography, the shade net is not visible at all



Figure 4: From the R44, just before the Kleinhelderberg turn-off - actual and zoomed in. Due to the topography, the shade net is not visible at all

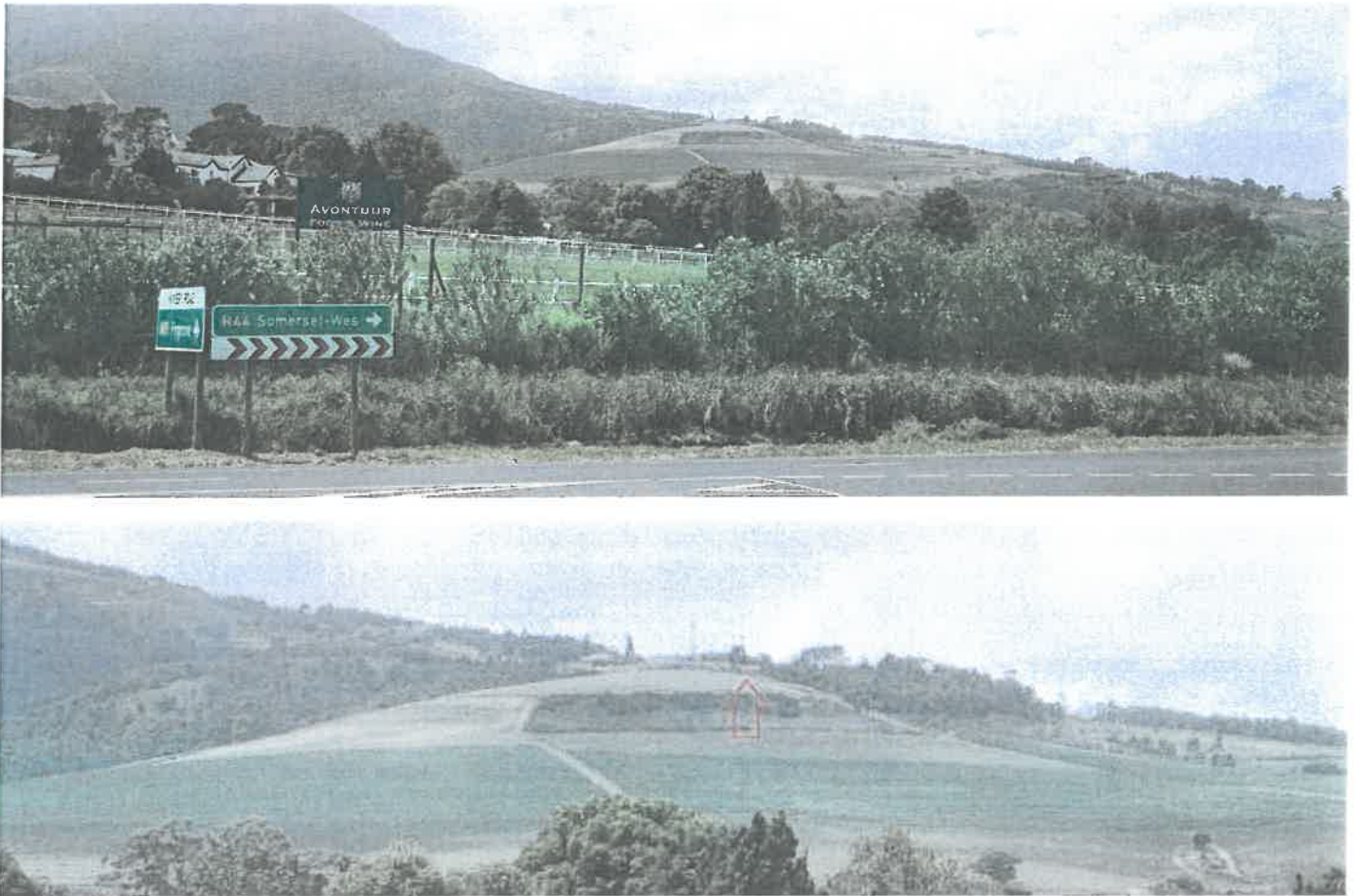


Figure 5: From the R44 and Winery intersection - actual and zoomed in showing the shade netting.

3. Architectural Response

As noted in the response from Malherbe and Rust Architects (Appendix 1), when looking at agricultural farm buildings and the farming activities associated with them, the typology of any sort of werf is almost inevitable. It is agreed, however, that a typical cape farmstead might not be the appropriate response. Therefore, it is mitigated by changing the colours and

textures of building finishes, rather than proposing portal frame steel structures clad with metal sheets, which is synonymous with agricultural buildings of the surrounds.

Long and simple barn type double pitched gable end roofs are proposed for agricultural farm buildings for two main reasons:

1. It is the most economical use of materials and space, that is also cohesive with the vernacular architectural typology that can be recognized within the cultural landscape
2. Roof or attic spaces can be so developed to house specific functions which would limit the overall height of the buildings compared to conventional double storey buildings. This would have a huge impact on the total visibility of the entire development, making it visually inconspicuous.

The buildings are arranged along the contours of the mountain with patio spaces and landscaped seating terraces looking out towards the view over False Bay. The dirty, dusty and noisy activities associated with farming will occur at the back. A werf wall is proposed to encapsulate most of these activities to keep noise and visual pollution to the minimum.

Hard external walking surfaces are proposed, to consist of red Klompie brick paving, that terminates against sandstone plinths. Textured, earthy coloured painted walls are proposed that reflects the same characteristics as that from the gravel farm roads. Dark timber elements to emphasise the fact that the buildings are within a natural setting. Glazing elements that would restrict reflections as far as possible are proposed. Roofing and steel columns and/or trims to be coated in ultra matt dark grey finish, that would blend with the dark shadiness of tree branches. Roof colours also complement solar panels to minimise its visual impact.

Please see Appendix 2 - Material Study

Renderings of the proposed structures with their updated materials were developed with landscaping and without landscaping in order to ascertain the specific nature of the likely impact. These renderings were based on the locations of Point 8874 and 8758 in the map at Figure 6 and are included below.

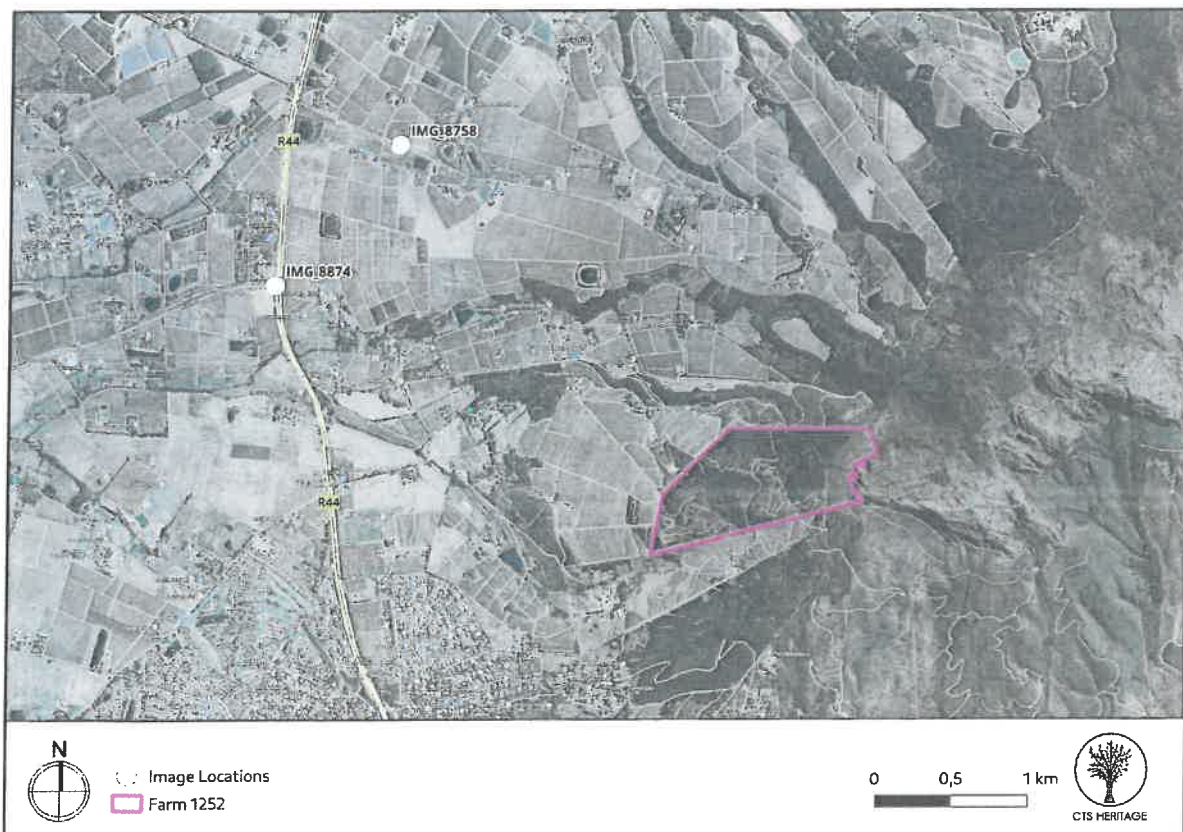


Figure 6: Location of renderings, with the farm outlined in pink.



Figure 7: View from the R44 (Site 8874) - renderings without landscaping (proposed structures only). Actual and zoomed in.



Figure 8: View from the R44 (Site 8874) - renderings with landscaping. Actual and zoomed in.



Figure 9: View from Eikendal Road (Site 8758) - renderings without landscaping (proposed structures only). Actual and zoomed in.

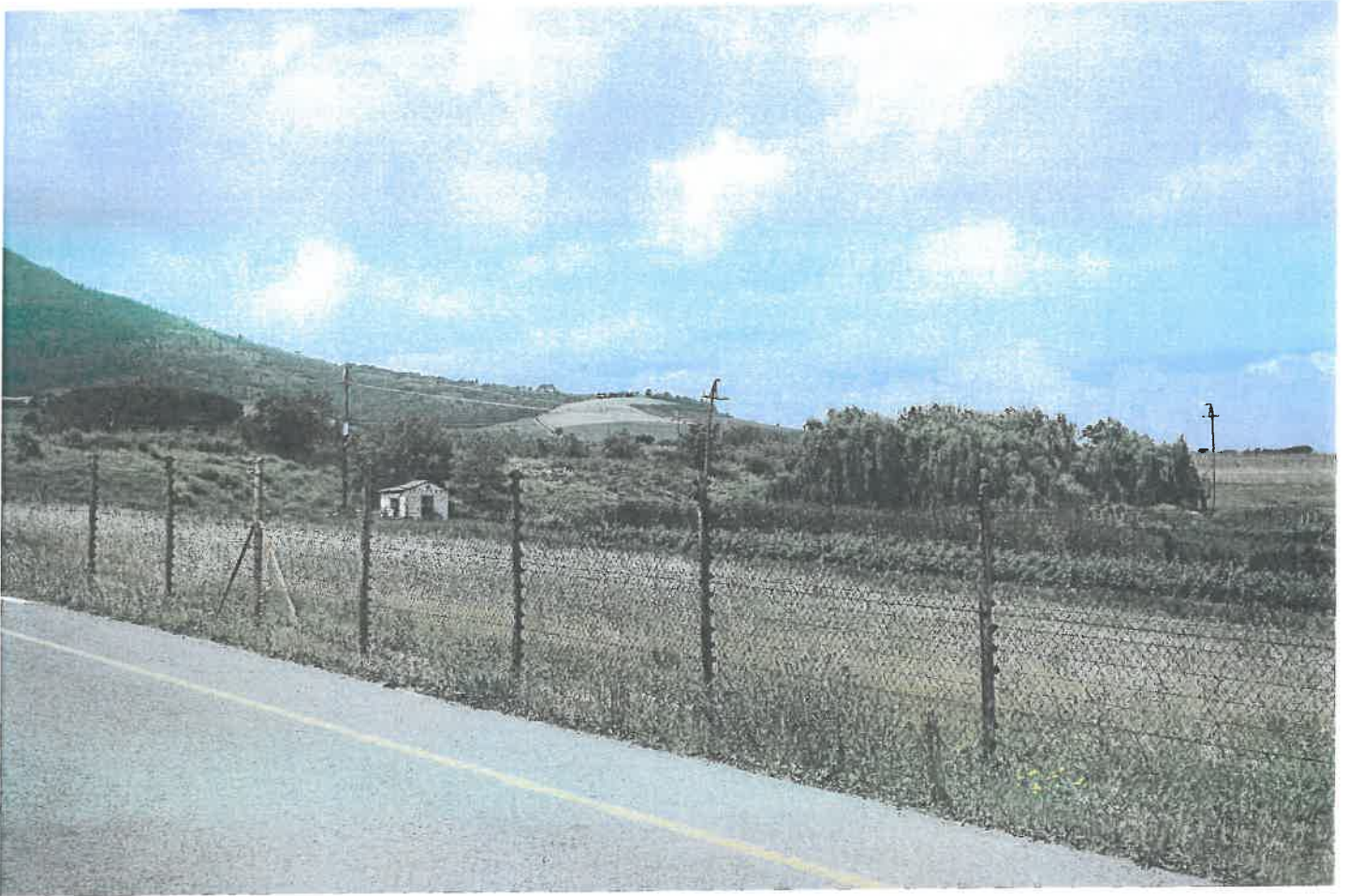


Figure 10: View from Eikendal Road (Site 8758) - renderings with landscaping. Actual and zoomed in.

Conclusion

Based on the results of the analyses undertaken, it is concluded that the location of the farm werf (store and wine-tasting) is determined through the topography. The localised plateau is the most appropriate location for this structure. Furthermore, the visibility analysis has determined that the structure proposed here will not be visible from the R44 scenic route and will only be marginally visible from Eikendal Road.

In terms of the selected architectural typology proposed, this has been informed by the simplest agricultural typologies common in this area. In order to mitigate the negative impact of these structures within the wilderness zone context of the upper slopes of the Bo-Helderberg, appropriate wall colours and finishes have been implemented.

In addition, proposed planting strategies will assist in mitigating the anticipated impact of these structures on the significant cultural landscape of the Bo-helderberg. Lastly, a 6ha vineyard is proposed to be located around the buildings to assist in seating them in this landscape.

Based on the outcome of the above analyses and the amended finishes proposed for the structures, there is no objection to the proposed development from a heritage perspective.

Jenna Lavin

Claire Abrahamse

November 2023



APPENDIX 1 - ARCHITECTURAL RESPONSE



Malherbe Rust Architects

Ref: HM/CAPE WINELANDS/STELLENBOSCH/FARM 1252
Case No.: 21120706SB1207E
To: THE DIRECTOR OF PROFESSIONAL SERVICES, HERITAGE WESTERN CAPE
Date: 10 NOVEMBER 2023

Dear Sir/Madam,

Heritage Impact Assessment: Proposed development of a New Farmstead on Bo-Helderberg Farm, Farm 1252, Stellenbosch - submitted in terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999).

The above subject line refers.

With regards to the HWC Record of Decision (ROD) dated, 02 October 2023, issued to the appointed Heritage Consultant, Ms. Jenna Lavin, additional information is required:

"The Committee requires a revised proposal which considers an alternative architectural and landscape response to site and wilderness zone which is more appropriate than the Cape werf typology."

The Proposed Development

The total proposed development includes:

- One primary dwelling
- One second dwelling
- A Farm store building including, offices and Bistro/breakfast area.
- Coffee shop and/or Wine tasting facility
- A total of eight self-catering cottages

The development will be implemented in two phases.

- Phase 1 will consist of the second dwelling unit, the farm store and bistro, and at least two of the self-catering cottages.
- Phase 2 will consist of the primary dwelling unit, coffee shop and wine tasting, and the last remaining six of the self-catering.

In terms of the Stellenbosch Municipality Zoning Scheme of 2019, the property is zoned for agricultural use, which indicates that all buildings that are classified as bona-fide agricultural buildings, may be erected as a primary right. Therefore, a consent use application would be required only for the two self-catering cottages in phase 1. A separate planning application has been submitted by Mrs. Bolz from Arch Town Planners.

Positioning of the development

In the HIA compiled by Ms Lavin, for Cornerstone Environmental Consultants, a portion of the property was identified best suited for intervention in terms of farming

activities that would have the least amount of impact on the adjacent fynbos and natural landscape. This specific portion also coincidentally happens to be the flattest and smoothest portion of the property, which forms a plateau just above the ridge line.

It was obvious that the farming complex would need to be positioned on this very plateau. From an architectural point of view, it is proposed that the buildings be situated here to utilise the magnificent view over the Stellenbosch Winelands and surrounds, while glancing over the entire False Bay.

Physical characteristics of the site

As described above, the plateau is a small portion of land which is almost entirely free from any protected fynbos and natural landscape. The farming buildings are proposed to be developed on this portion of land, along the contours of the foot of the Helderberg mountain, to limit the amount of soil excavation needed for cut and fill purposes.

It is also proposed that farming vehicles, staff and visitors approach the farming complex from the rear to avoid vehicular activity along the ridge line, to minimise visual impact from the R44.

Architectural response

Long and simple barn type double pitched gable end roofs are proposed for agricultural farm buildings for two main reasons:

- 1) It is the most economical use of materials and space, that is also cohesive with the vernacular architectural typology that can be recognized within the cultural landscape
- 2) Roof or attic spaces can be so developed to house specific functions which would limit the overall height of the buildings compared to conventional double storey buildings. This would have a huge impact on the total visibility of the entire development, making it visually inconspicuous.

The buildings are arranged along the contours of the mountain with patio spaces and landscaped seating terraces looking out towards the view over False Bay. The dirty, dusty and noisy activities associated with farming will occur at the back. A werf wall is proposed to encapsulate most of these activities to keep noise and visual pollution to the minimum.

Hard external walking surfaces are proposed, to consist out of red Klompie brick paving, that terminates against sandstone plinths.

Textured, earthy coloured painted walls are proposed that reflects the same characteristics as that from the gravel farm roads. Dark timber elements to emphasise the fact that the buildings are within a natural setting. Glazing elements that would restrict reflections as far as possible are proposed. Roofing and steel columns and/or trims to be coated in ultra matt dark grey finish, that would blend

in with the dark's shadiness of tree branches. Roof colours to also complement solar panels to minimise its visual impact.

Landscaping Response

A series of deciduous Algerian Oak and Plane trees are proposed to screen the development. Oak trees planted along the entrance road leads up to the turn off entering the farming complex. This road is set back at the rear end of the development passing a man-made dam leading one towards the farm buildings. Large Plane trees screen the buildings in the front and are intended to minimise the visual impact from the R44. As these trees grow taller, it will completely cover the front façade of the development, eventually screening the entire farmstead.

The veggie garden at the rear, surrounded by formal landscaping to the North and forest to the South, are intended to soften the development altogether. Vineyards are proposed to cover the remaining agricultural land, adding to the visual appeal from the R44, which blend in well with the surrounding farming communities.

Conclusion

The above chapters highlight the mitigating factors in response to the committee's comments. When looking at agricultural farm buildings and the farming activities associated with them, the typology of any sort of werf is almost inevitable. We do agree with the committee that a typical cape farmstead might not be the appropriate response. Therefore, it is mitigated by changing the colours and textures of building finishes, rather than proposing portal frame steel structures clad with metal sheets, which is synonymous with agricultural buildings of the surrounds.

Some future recreational activities are also intended to be developed within the farming complex, which underpins the reasoning for an architectural typology more suited to add to the unique experience Bo Helderberg farm has to offer.

We believe that the committee understands that a property should be developed in a manner suitable for its intended activities, while it subtly intertwines with the existing cultural landscape and simultaneously being beneficial to the owner to make a return on their investment.

Yours sincerely



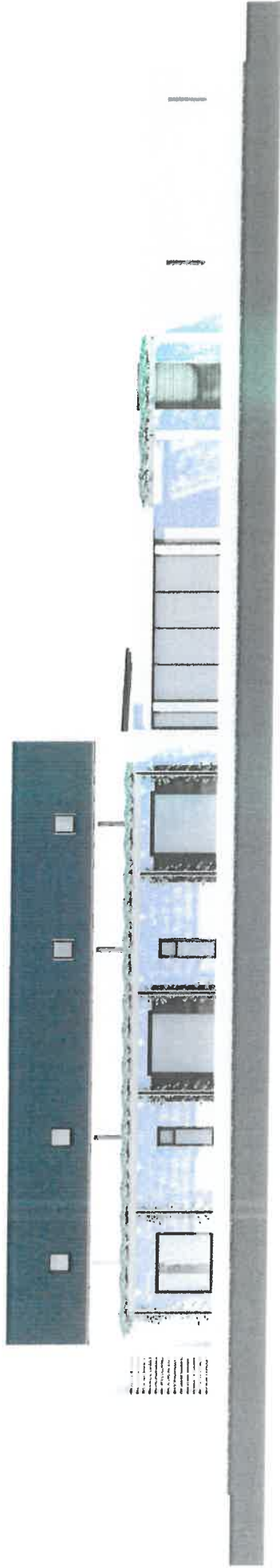
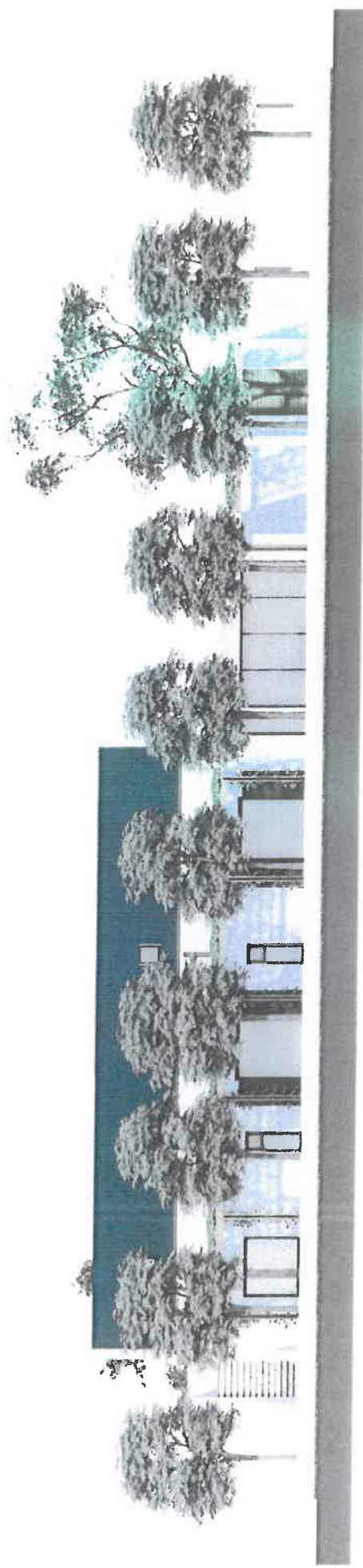
SWL de Kock

**APPENDIX 2 - MATERIAL STUDY**

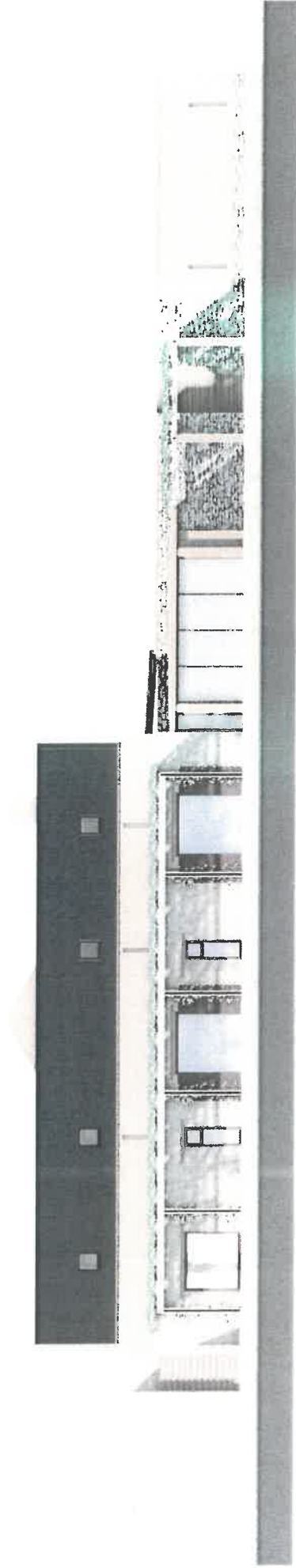
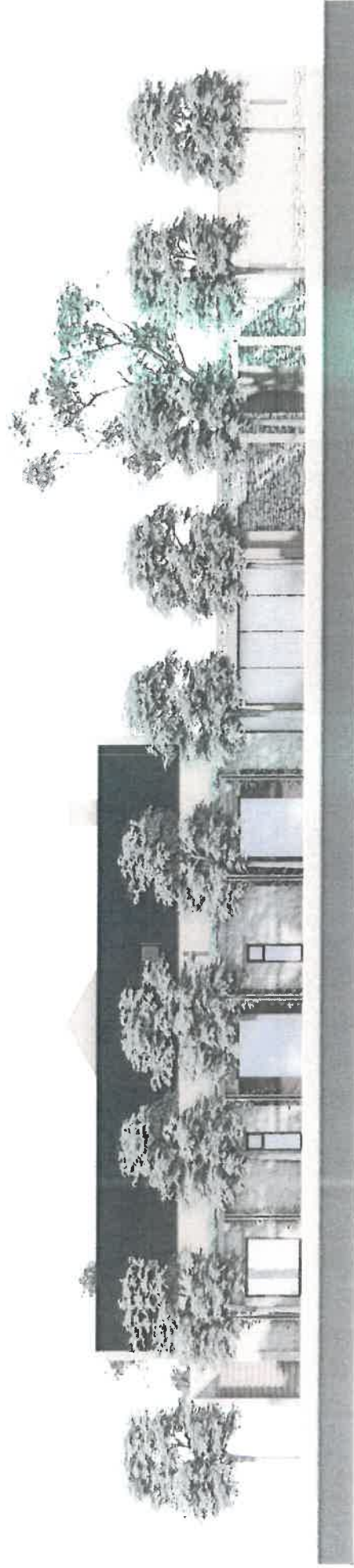
Bo Helderberg

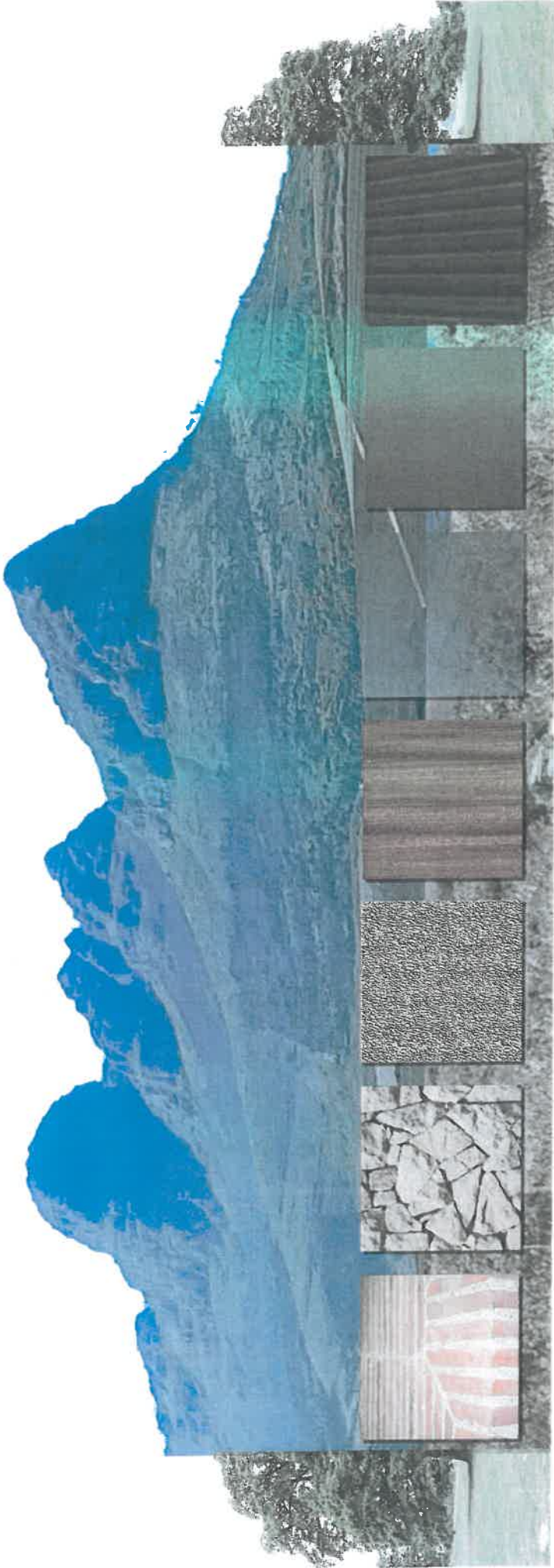
Store & Wine Tasting





Original proposed Western elevation





Oak trees Klompie surfaces Sandstone cladding Textured wall paint Afromosia timber Solarvue Neutral glass Matt umber grey steel Matt graphite roofs Oak trees

Our Ref: HM/CAPE WINELANDS/ STELLENBOSCH/ FARM 1252
Case No: 21120706SB1207E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959



Heritage Consultant (Applicant): Jenna Lavin (CTS Heritage)
Jenna.lavin@ctsheritage.com

RESPONSE TO HERITAGE IMPACT ASSESSMENT: FURTHER REQUIREMENTS:
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSE DEVELOPMENT OF NEW FARMSTEAD ON BO-HELDERBERG FARM 1252, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

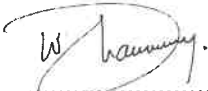
This matter was discussed at the Impact Assessment Committee (IACOM) held on 18 September 2023.

FURTHER REQUIREMENTS:

The Committee requires a revised proposal which considers an alternative architectural and landscape response to site and wilderness zone context which is more appropriate than the Cape waf typology.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.



 Waseefa Dhansay
Assistant Director: Professional Services



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HERITAGE IMPACT ASSESSMENT

In terms of Section 38(8) of the NHRA for the

Proposed development on Farm No. 1252, Stellenbosch

HWC Ref: 21120706SB1207E

Prepared by CTS Heritage



CTS HERITAGE

Jenna Lavin

In conjunction with Claire Abrahamse

For

For Cornerstone Environmental

April 2023



EXECUTIVE SUMMARY

1. Site Name:

Bo-Helderberg Proposed New Farmstead

2. Location:

Farm No. 1252, Stellenbosch

3. Locality Plan:

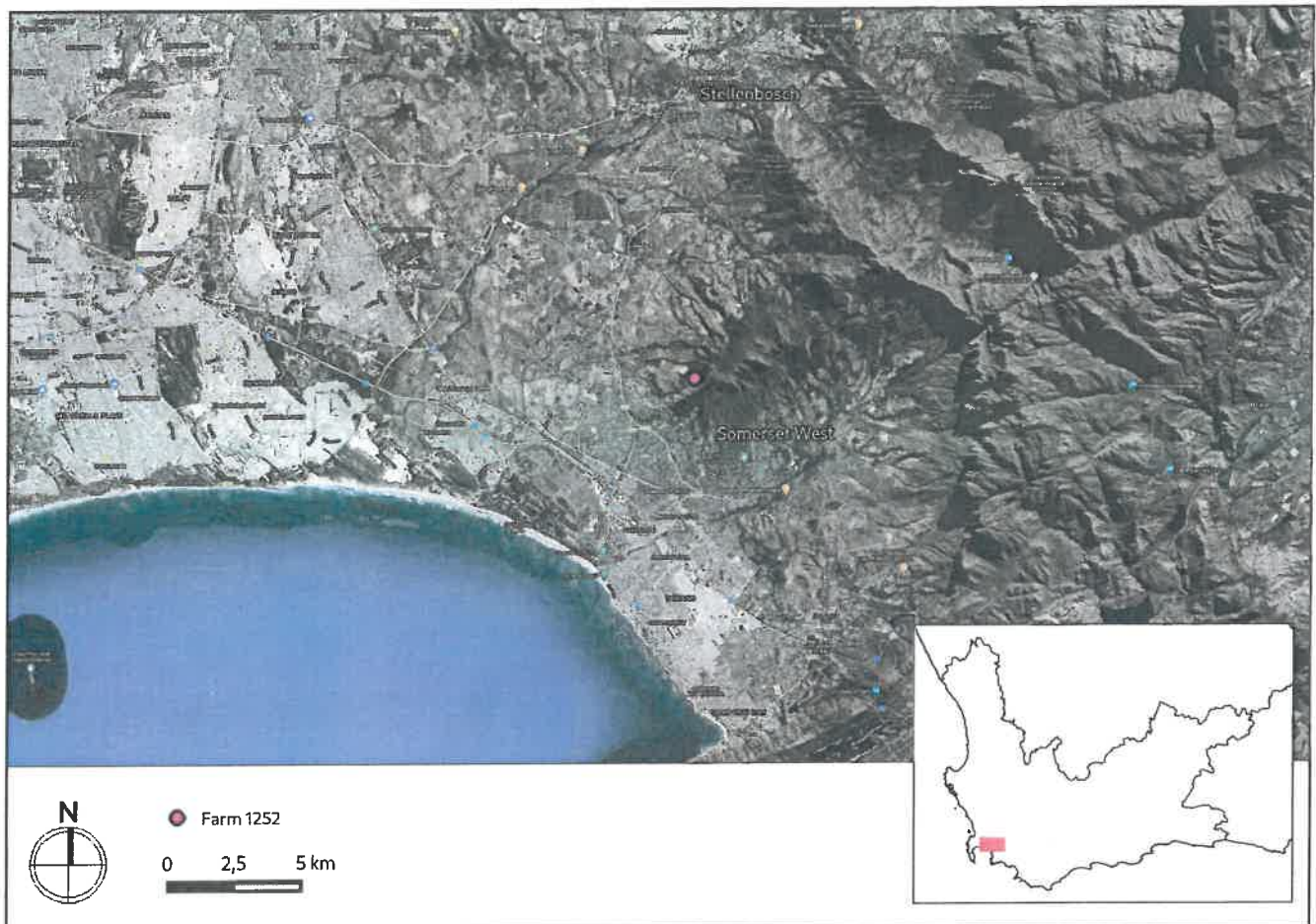


Figure 1: Location of the proposed development site near Somerset West

4. Description of Proposed Development:

It is proposed that the following infrastructure is to be developed on Farm 1252 in Stellenbosch

- A main house and about eight tourism accommodation units (also referred to as “pods”);
- New agricultural activities – proposed vineyard orchards and olive groves;
- Two new dams: One new in-stream dam, and one new off stream dam



- A restaurant/bistro/wine tasting area, and associated parking; and
- Internal roads, electricity and water infrastructure.

5. Heritage Resources Identified:

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3 and is summarised below.

6. Anticipated Impacts on Heritage Resources:

During the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3. It is clear that the site forms part of the steep, wilderness domain of the cultural landscape. The primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development should not “tip the balance” or disrupt the interplay of the various domains making up the Helderberg Farm Valley’s cultural landscape.

Overall, Farm 1252 is unique in the area as it promotes access to the wilderness domain of the Eerste River Valley, through the hiking and mountain-biking trails that currently exist in the area. The proposed new development should strengthen this recreational offering, which depends on the wilderness character of the site. Farm 1252 has two distinct area types, with differing cultural landscape and visual characters. The analysis indicates that the proposed interventions and developments on the site can be satisfactorily mitigated, and that impacts would be acceptable once mitigation measures are incorporated.



7. Recommendations:

There is no objection to the proposed development in terms of impacts to heritage resources on condition that the following recommendations are implemented:

1. The proposed “pods” must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection.
2. The proposed new werf must adhere to the following recommendations:
 - a. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and “softened” by planting within the landscape from all sides.
 - b. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.
3. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities
4. If any archaeological heritage resources or unmarked graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs Colette Scheermeyer 021 483 9685).

8. Author/s and Date:

Jenna Lavin and Claire Abrahamse

April 2023



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CONTENTS

1. INTRODUCTION	5
1.1 Background Information on Project	5
1.2 Description of Property and Affected Environment	6
2. METHODOLOGY	17
2.1 Terms of Reference	17
2.2 Summary of steps followed	17
2.3 Assumptions and uncertainties	17
2.4 Constraints & Limitations	17
3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT	19
3.1 Cultural Landscape	19
3.2 Archaeology	20
3.3 Palaeontology	21
4. IDENTIFICATION OF HERITAGE RESOURCES	25
4.1 Summary of findings of Specialist Reports	25
4.2 Development Proposal	27
5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT	30
5.1 Assessment of impact to Heritage Resources	30
5.3 Alternatives and Location Choices	37
5.4 Sustainable Social and Economic Benefit	37
6. RESULTS OF PUBLIC CONSULTATION	38
7. CONCLUSION	38
8. RECOMMENDATIONS	39
 APPENDICES	
1 Detailed Designs and 3D Constructions	
2 Archaeological Impact Assessment 2022	
3 Cultural Landscape Assessment 2023	
4 NID Form and Heritage Screener	
5 HWC Response to NID and reasons for decision	
6 Chance Fossil Finds Procedure	
7 Results of PPP	



1. INTRODUCTION

1.1 Background Information on Project

The application site is a vacant, undeveloped farm situated at the foot of Helderberg Mountain. The owner of the farm wishes to turn the farm into an economically viable farming unit by establishing new vineyards and capitalising on the pristine natural environment and scenic views. The proposal (applicable to this application) entails the development of 8 x tourism accommodation units (hereafter also referred to as pods), a restaurant, and a wine tasting area. Other proposed new buildings include a storage/admin building, the Main dwelling house, a Second dwelling and a flat (employee housing) above the storeroom/admin building, new vineyards, and a vegetable garden. However, it is included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings and land uses are included in the Basic Assessment process and Heritage applications being submitted in parallel to this application.

The sections below will provide more detail on the different aspects of the development proposal. Please refer to Annexure F for the proposed Site Development Plan and Annexure G for the proposed elevations and floor plans.

Proposed Tourist Accommodation

The proposed tourist accommodation will be situated in 4 x one-bedroom and 4 x two-bedroom single-story pods, where each pod will be strategically positioned away from the farming activities and other buildings/accommodation units on the farm. To limit the site area to be disturbed, the intention is to build a platform (of approximately 45m² each) with a platform base of approximately 120m² coverage for each unit. Where required, infrastructure services can then be positioned below the base, the help shields it from view.

The units have been designed to be luxurious and spacious with beautiful views from each room toward the surrounding mountains and False Bay. The one-bedroom units will each have one on-suite bedroom with an open plan kitchen -living room area and an outside covered stoep area with a braai and hot pool.

The two-bedroom units will each have 2x bedrooms with one separate bathroom, living room, open plan kitchen, and a covered stoep with a braai area and hot pool.

In consultation with the project team, it was decided to have the units placed in separate areas, situated away from the farming activities and other tourist units. It was considered that having the units situated in a communal "werf" area may have a potential increase in visual impact as it could be viewed and perceived as one large building/construction footprint. The location of each unit was especially determined, taking cognizance of the slope of the site (to stay clear of steep slopes), staying clear of visually sensitive areas, areas with high botanical value, and watercourses. Having the units strategically placed in isolation, away from all other units and farming activities will also enhance the privacy of the units and the sense of place, the feeling of being situated in and surrounded by nature, which will add to the unique character of the development. All proposed units are placed



outside of the Aquatic CBA areas.

Access to these units will be along the existing 4x4 roads with small pathways which will link the pods to these main gravel roads. These roads will also link to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

Proposed Wine Tasting and Restaurant

The proposed restaurant and wine tasting area will be situated on the southwestern portion of the site, in the previously disturbed areas. The restaurant and wine tasting building will have coverage of $\pm 350\text{m}^2$, with a seating area (GLA) of approximately 220m^2 . This building will also be a single-storey building. Parking will be provided east of the proposed wine tasting/restaurant building to shield the parking from view.

In addition to the above, it is proposed that the following infrastructure is to be developed on Farm 1252 in Stellenbosch

- A main house and about eight tourism accommodation units (also referred to as "pods");
- New agricultural activities – proposed vineyard orchards and olive groves;
- Two new dams: One new in-stream dam, and one new off stream dam
- A restaurant/bistro/wine tasting area, and associated parking; and
- Internal roads, electricity and water infrastructure.

1.2 Description of Property and Affected Environment

The area proposed for development is located on the steep slopes of Helderberg West Peak. The property was only accessible after navigating a steep approach into the development area that is only suitable for 4x4 vehicles. The steep access allows for breathtaking views across Stellenbosch and Somerset West from the high elevation.

Most of the property is steeply sloped and traversed by mountain-bike trails. The vegetation in the areas proposed for the pods is very dense and inaccessible however the areas proposed for the buildings, parking areas and cultivation are located in areas with less gradient which could be surveyed thoroughly.

A substantial amount of heritage identification, survey and inventory work has been conducted in the rural and urban areas of the Stellenbosch Municipality including the Stellenbosch Rural Area Plan (Postlethwayt 2016) and the Stellenbosch Municipal Heritage Survey - Phases 1 to 4 (SMHS, Jansen et al 2019).

The area proposed for development falls within a Landscape Character Unit for the Eerste River and Helderberg Foothills. According to the extract from the SMHS, "This unit is flanked by the Helderberg to the east, with its apex being West Peak. The western boundary of the unit is the R44. Three fairly deep and well-vegetated



drainage lines lead down the footslopes of the mountain. Several critical biodiversity and ecological support areas are located along these drainage lines and on the upper to mid mountain slopes. The unit displays a fairly dense pattern of natural fingers interspaced with a finer pattern of crop fields and vineyards organised along the contours. Historical structures are located closer to the drainage lines, with newer residences positioned on the convex slopes between these vegetated streams. Most of the unit features high to moderate suitable soils for agriculture (viticulture). The upper slopes of the Helderberg are extensively used for running and cycling (see the Strava heatmap for intensity). Natural vegetation knits together edges of fields and vineyards, giving it a rugged character, and some of the roads and homes are overgrown. The upper slopes of West Peak of the Helderberg have a degraded quality as it is currently an old plantation in the process of being rehabilitated. Avontuur appears separate from the rest of the unit as the distinct white fence poles used for the uniform horse paddocks distinguishes it from the overall typology, creating a unique pattern that has a landmark quality. Views from the upper reaches of the unit stretch all the way to Cape Town, but within the lower drainage lines, views are confined to the intimately spaced immediate surroundings, creating several view pockets in the unit... This land unit is diverse with a variation of vineyard sizes, vegetable farming and smaller 'lifestyle' plots. These are mainly arranged along the three main drainage lines, which are densely vegetated and lead down from the Helderberg. Several historic farmsteads with associated landscape elements are located within this land unit. Land units such as this one, situated in close proximity to urban nodes, are valuable resources for recreational use."

The SMHS further assessed each Landscape Character Unit in relation to its scenic value. This Landscape Character Unit was determined to be moderately visible due to its proximity to significant scenic routes including the R44 to the west. It is noted in the SMHS that, due to this scenic significance, the visual impacts of any proposed development in this area must be carefully considered.

[illegible]

<http://www.stellenboschheritage.co.za/smhs/map/#11/-33.9357/18.9548>

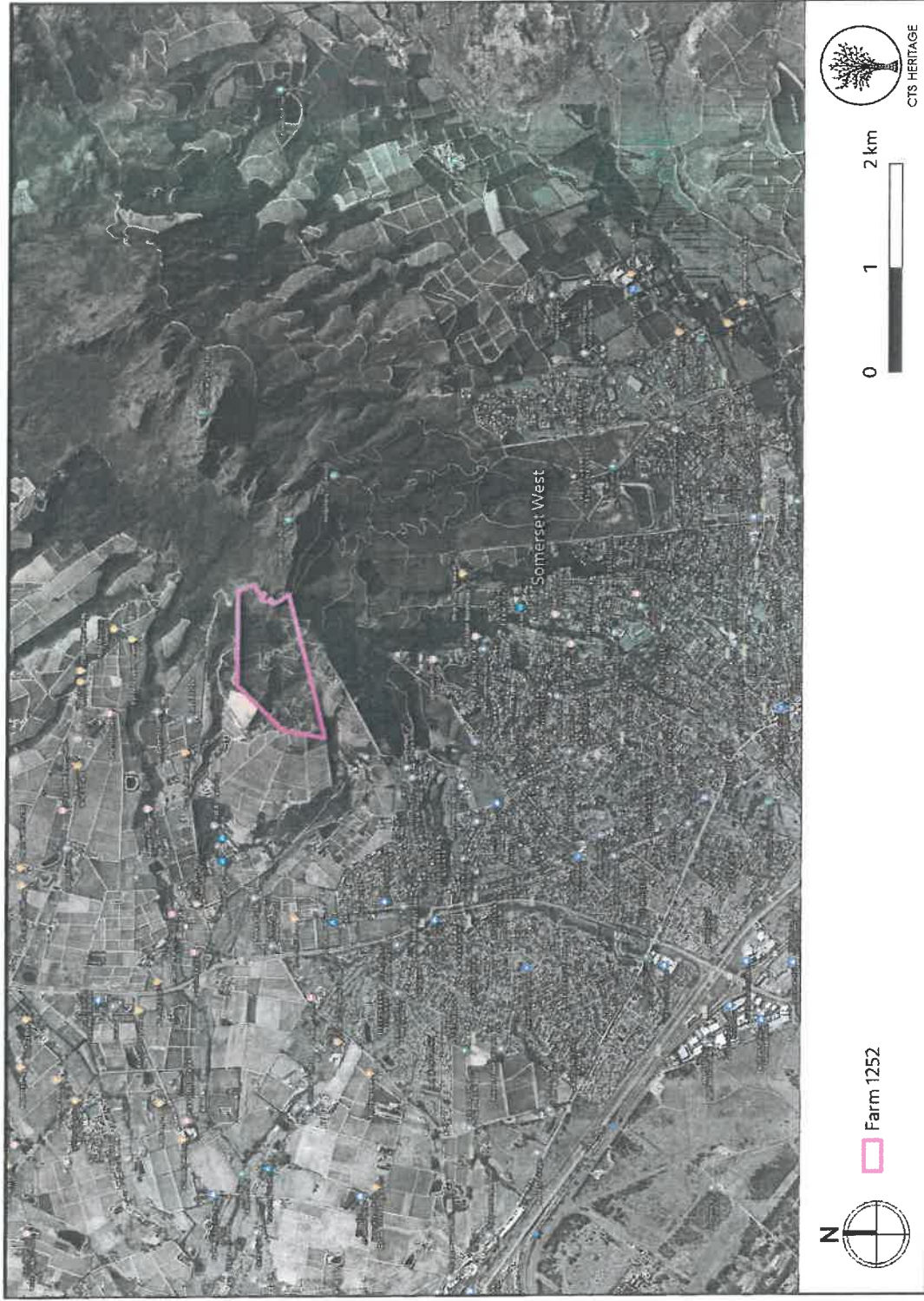


Figure 1.2: Satellite image indicating proposed location of development

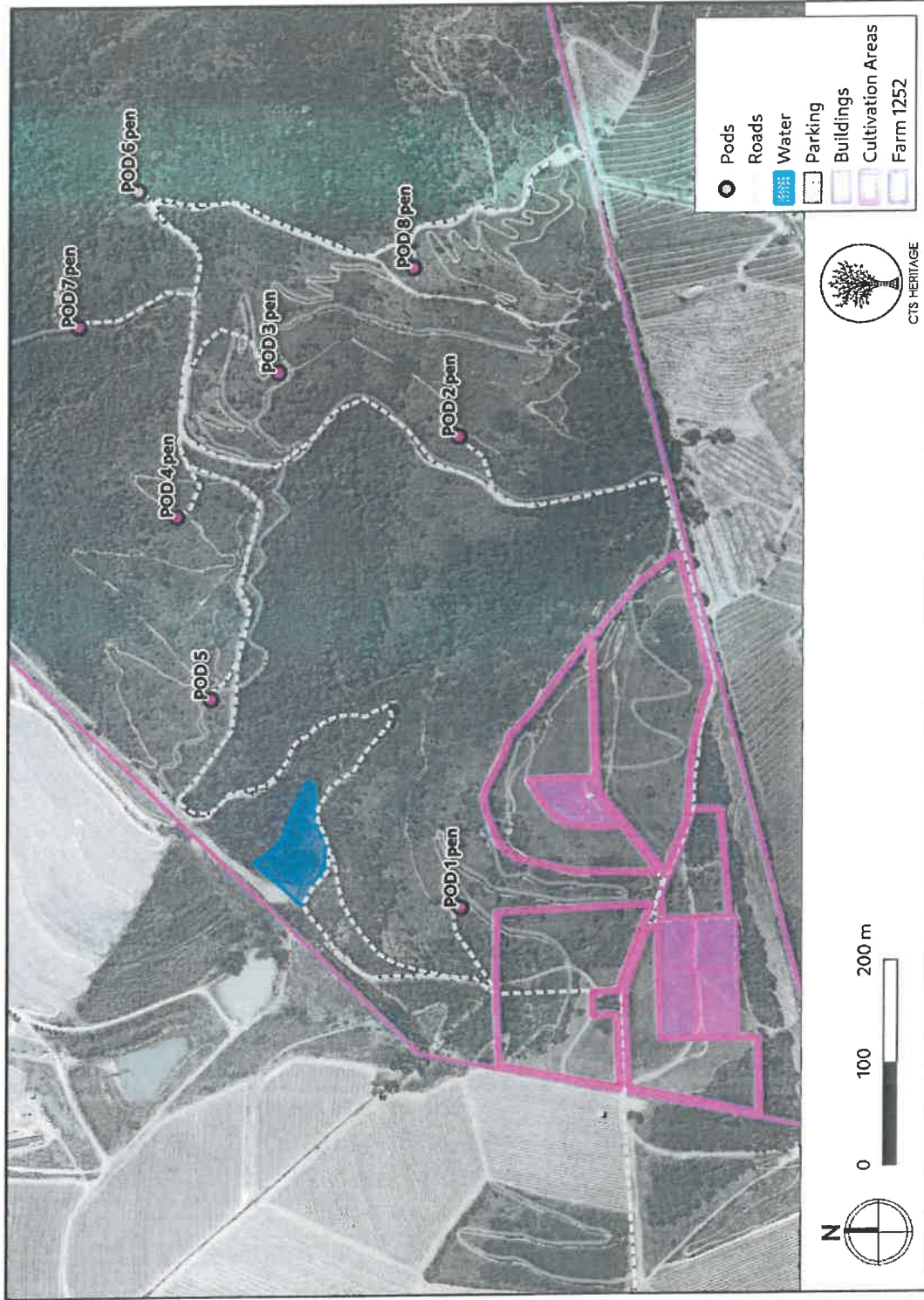


Figure 1.3: Close up satellite image indicating proposed location of development

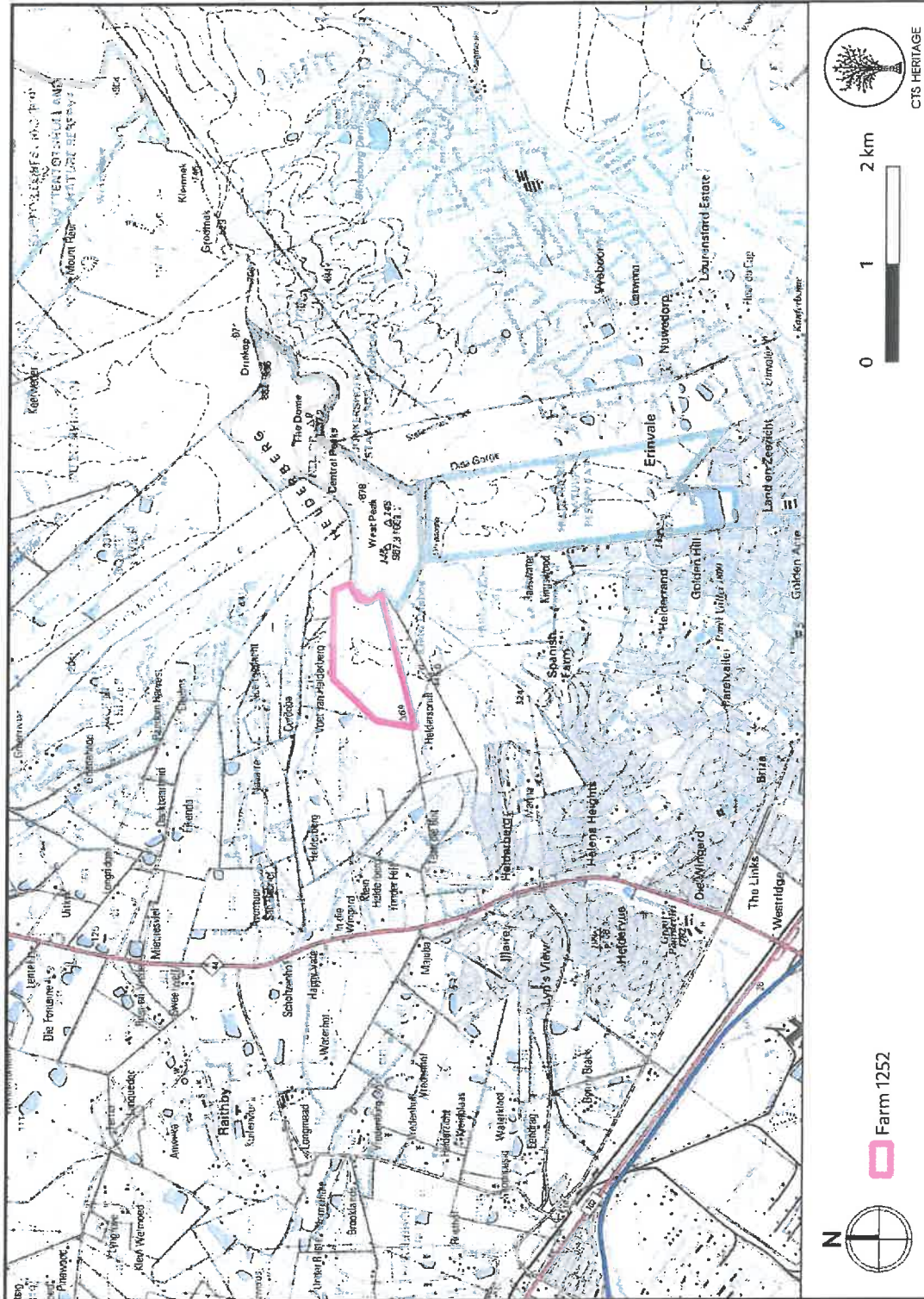


Figure 1.4: Extract from the 1:50 000 Topo Map for the area

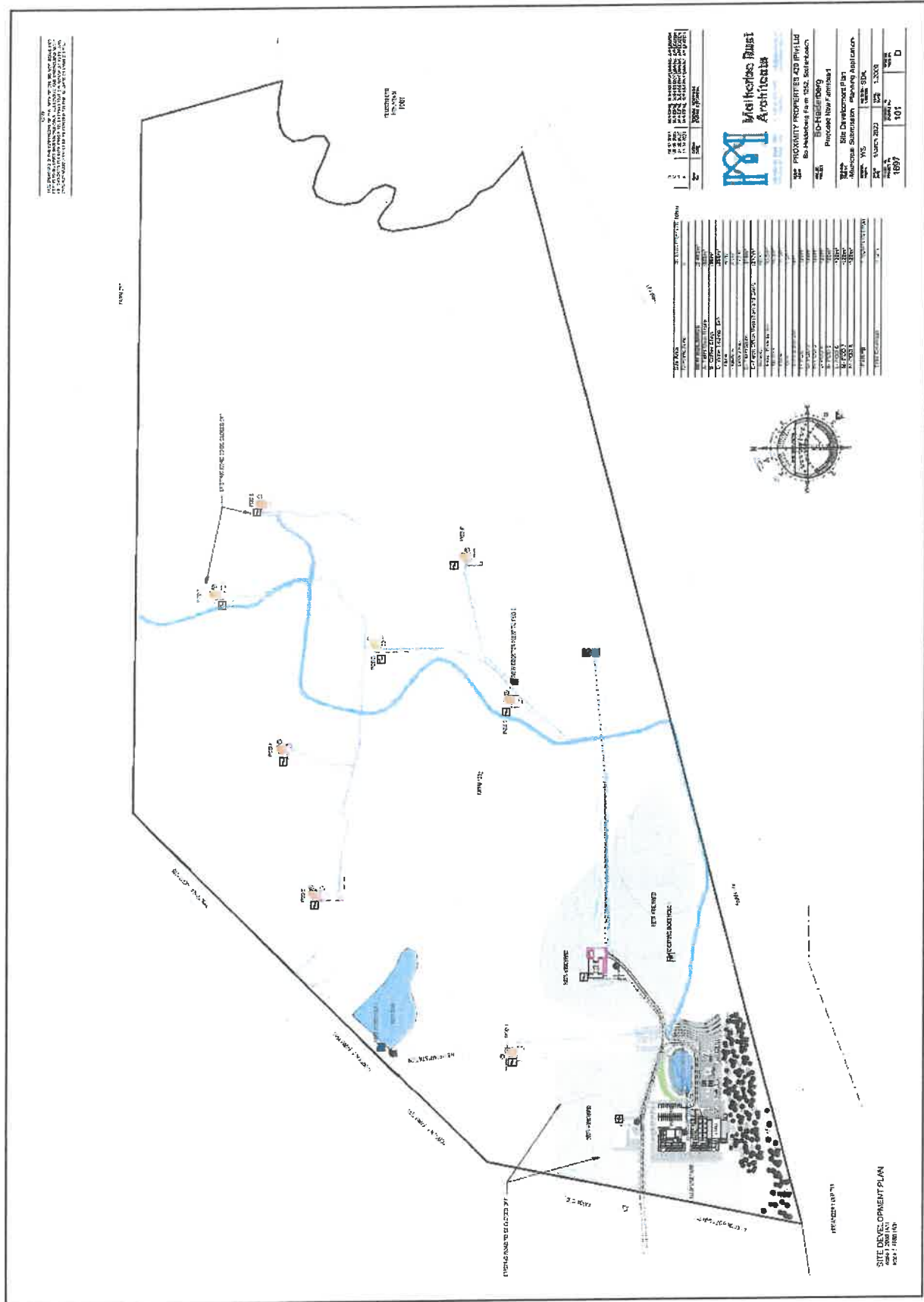


Figure 1.5: Detailed SDP

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238 Queens Road, Simons Town
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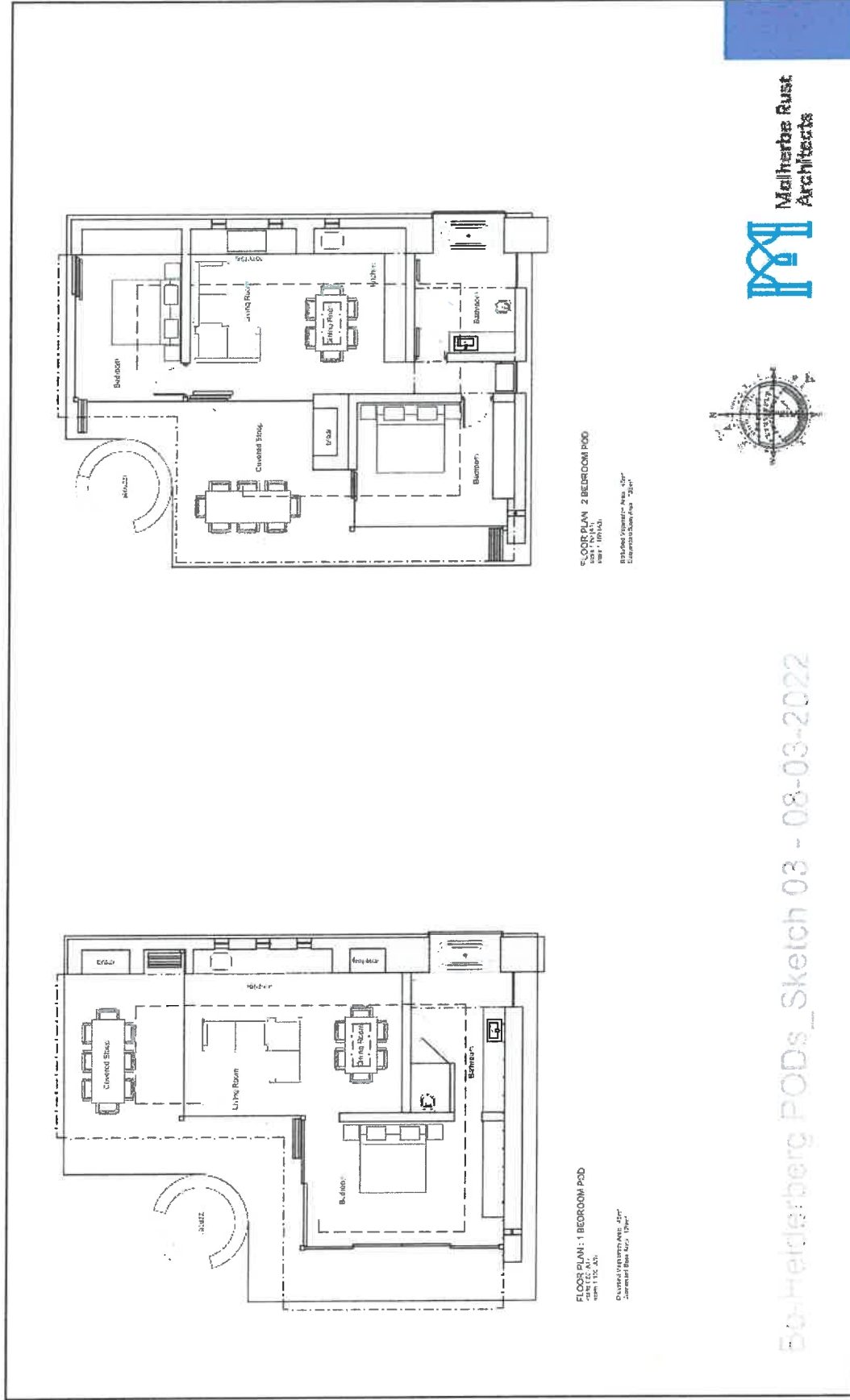


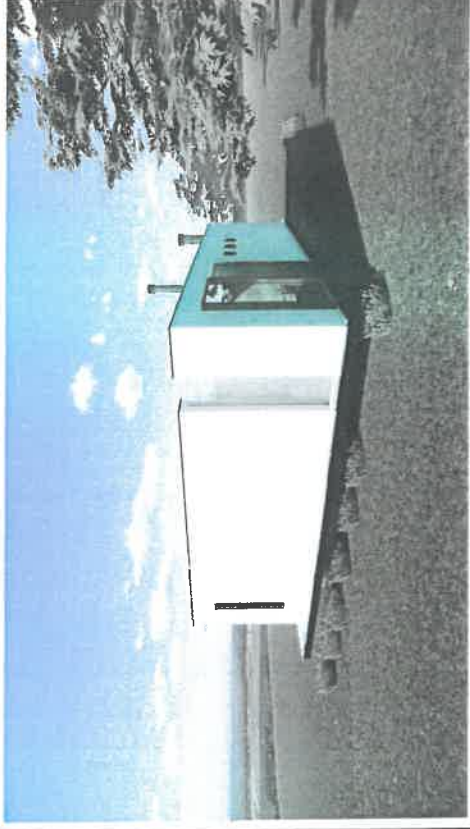
Figure 1.6: Detailed Plans for the proposed pods



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BO-HELDERBERG, FARM 1252, STELLENBOSCH - 1 BEDROOM POD CONCEPT_08-03-2022



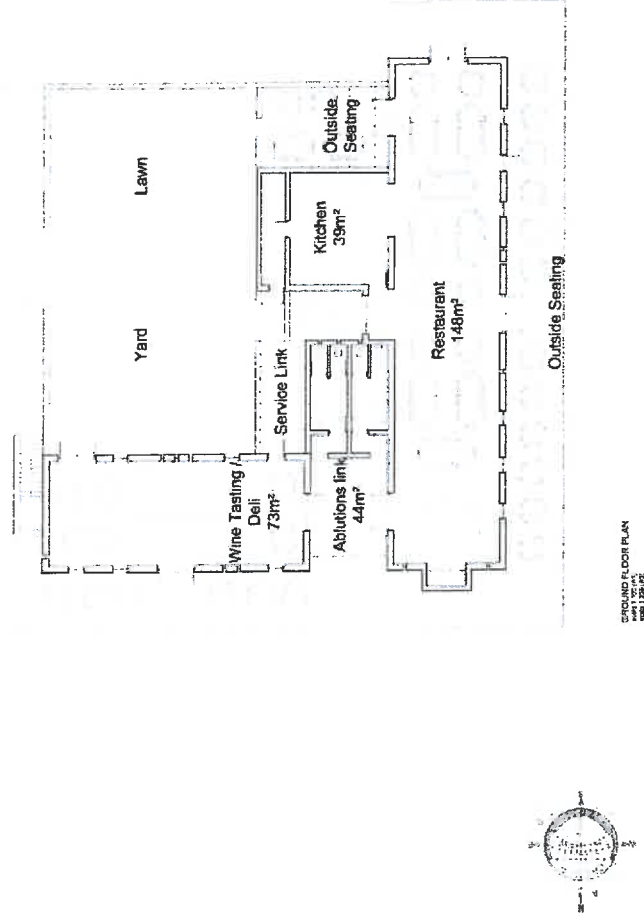
BO-HELDERBERG, FARM 1252, STELLENBOSCH - 1 BEDROOM POD CONCEPT_08-03-2022



Figure 1.7: Detailed renderings for the proposed pods



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Malherbe Rust
Architects

BO-HELDERBERG, FARM 1252, STELLENBOSCH - PROPOSED RESTAURANT AND WINE TASTING_26-05-2022

Figure 1.8: Detailed plans for the proposed tasting room and restaurant

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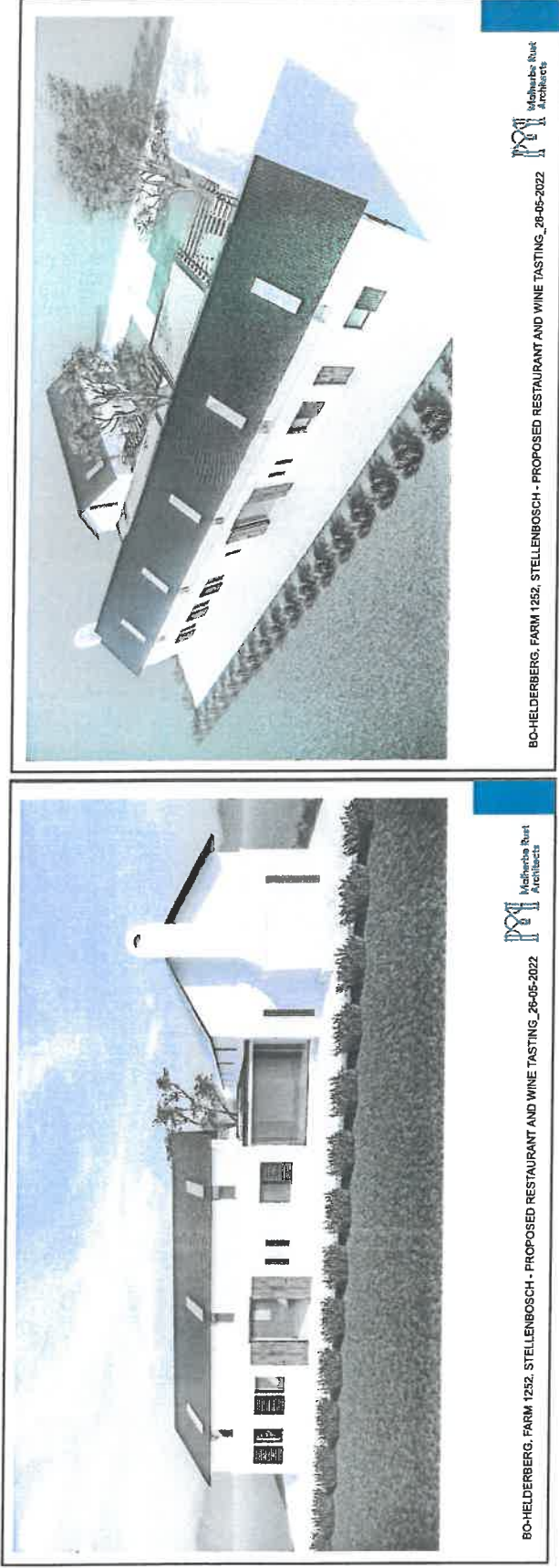


Figure 1.9: Detailed renderings for the proposed tasting room and restaurant



2. METHODOLOGY

2.1 Terms of Reference

A Notification of Intent to Develop (NID) form for this proposed development was submitted to HWC in January 2022. HWC responded in a letter dated 25 January 2022 (Appendix 3) requiring that a Heritage Impact Assessment (HIA) be conducted that must have specific reference to impacts to archaeological heritage (Appendix 1) and a Visual Impact Assessment on the Cultural Landscape (Appendix 3).

The purpose of this HIA is to satisfy the requirements of HWC in terms of section 38(8), and therefore section 38(3) of the National Heritage Resources Act (Act 25 of 1999).

2.2 Summary of steps followed

- A Desktop Study was conducted of relevant reports previously written
- An archaeologist (Ms J. Lavin) and cultural landscape specialist (Ms C. Abrahamse) conducted an assessment of heritage resources likely to be impacted by the proposed development. The site visit took place on 3 March 2022 (Appendix 1).
- The identified resources were assessed to evaluate their heritage significance
- Alternatives and mitigation options were discussed with the Environmental Assessment Practitioner

2.3 Assumptions and uncertainties

- The *significance* of the sites and artefacts is determined by means of their historical, social, aesthetic, technological and scientific value in relation to their uniqueness, condition of preservation and research potential. It must be kept in mind that the various aspects are not mutually exclusive, and that the evaluation of any site is done with reference to any number of these.
- It should be noted that archaeological and palaeontological deposits often occur below ground level. Should artefacts or skeletal material be revealed at the site during construction, such activities should be halted, and it would be required that the heritage consultants are notified for an investigation and evaluation of the find(s) to take place.

However, despite this, sufficient time and expertise was allocated to provide an accurate assessment of the heritage sensitivity of the area.

2.4 Constraints & Limitations

No significant limitations to the survey were experienced other than the dense vegetation covering most of the development area where the pods are proposed to be located. Thorough field assessment was possible for the



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proposed parking, buildings and cultivation areas. The specialist is confident that sufficient coverage was achieved in order to determine the archaeological sensitivity of the development areas.



3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT

3.1 Cultural Landscape

Cultural landscapes and landscape study have strongly influenced the understanding and assessment of heritage significance of larger landscapes in the past decades. “Essentially, the argument is that heritage significance does not only reside within historically valuable structures, assemblages thereof, or individual sites, but is also within the larger landscapes that are the settings for all these elements” (Todeschini and Jansen, 2018: 3).

The idea of a cultural landscape is fundamental. The term may be given varied meanings, yet, at its core it unites the products of so-called “natural” ecological processes and phenomena on the one hand, and the products emerging from the processes of transformation of the “natural” site by people in constructing their “built” world, on the other. Any area consists of many sites, most of which have been inhabited by people for thousands of years. These places have been moulded, shaped and changed both by natural processes and by people engaged in adapting the environment to their pursuits. Cultural landscapes are what any generation inherits from another: in them are embedded values held dear by those gone by. It is the duty and task of any one generation to evaluate that which is inherited and to take appropriate decisions for the future: not only from the perspective of the short-term and how it may be useful to them in a selfish way, but also from a more inclusive, communal and longer-term view (Todeschini and Jansen, 2018: 4).

The site is a distinctive one, set just below the ridgeline of the Helderberg Mountains that divide the Eerste River Valley and the Somerset West area. In terms of the wider landscape character of the Cape Winelands, it very much occupies the “mountain slopes” component of the interplay between vegetated mountain slopes, farmed rolling foothills and the intensively farmed and sometimes urbanised valley bottoms.

The site formed part of a pattern of pre-colonial land uses for many centuries before it began to be used as agriculture (see Malan, 2018). Following occupation of the Cape by the Dutch in 1652, and the expansion of their colony to Stellenbosch when a Drostdy was established there in 1682, freehold grants were established for the area surrounding the small town.

1938 aerial photography indicates that Bo-Helderberg remained unfarmed into the early 20th Century. This remains the case in all the Topographical Maps from 1959 to 2010, and is the case today. Farm 1252 Bo-Helderberg is still not farmed today, and its primary use is as running and cycling trails for the public. The site is accessed via the Klein Helderberg farm, which remains under agriculture (strawberries and vines).

In this way, the broader site comprises a “sub-valley” of the Eerste River Valley that displays “distinctive landscape character, as they are ‘worlds’ that are spatially defined by mountain slopes and often feature different



vegetation types, settlement patterns and human activities. In turn, within these valleys, a number of smaller, highly distinctive areas [exist]. These comprise different Landscape Units (each possessing distinctive character) within the study area (Todeschini and Jansen, 2017: 39).

The Helderberg Valley is a “gateway” valley along the Helderberg Range and at the R44 as it enters the Eerste River Valley. Its rural farmland, with a few werf sites of some age, contributes to the character and ambience of this part of Stellenbosch and is part of the broader history of settlement in the region. Significantly these pockets of farmland on productive soils almost exactly mirror the areas of weathered granites and shales in the foothill zones. These upper slopes, which above the site comprise part of a protected, natural area, increase the significance of the natural and scenic resources of those areas.

It is the juxtaposition and combination of the natural features in relation to each other and to the agricultural landscape and their werfs which accounts for their scenic and natural heritage significance.

3.2 Archaeology

Early Stone Age (ESA) implements were first discovered by the French entomologist Dr Louis Peringuey in 1899 at Bosman’s Crossing at the foot of the Papagaaiberg alongside the Eerste River in Stellenbosch (Peringuey 1902, 1911; Seddon 1966). The artefacts, exposed in the railway cutting, are associated with the younger gravels of the course alluvial fan on which much of Stellenbosch is situated, and are dated to the earlier part of the Middle Pleistocene, between 700 000 and 300 000 years ago (Deacon & Goosen 1997). Among these tools was an artefact type of great antiquity recognized as an early handaxe. For many years after this, the ESA of South Africa was referred to as the ‘Stellenbosch Culture’ until the term was re-defined in the 1960s (Goodwin & Van Riet Lowe 1929). A large sandstone boulder marks the location of the Bosman’s Crossing Provincial Heritage Site (PHS) which was declared a National Monument in 1962.

ESA Acheleun sites, which are characterised by the presence of specific types of tools such as handaxes, choppers and cleavers, have been recorded throughout the country, and are especially associated with river terraces and streams, mountain slopes, and in degraded and transformed areas such as slope washes, cuttings, excavations, and in vineyards and old fields, where they are often brought to the surface by ploughing. ESA artefacts have been recorded on a number of farms in the Stellenbosch area, at Spier, Meerust, Lynedoch, Hartlands, Vlottenberg and De Wijnlanden (Kaplan 2002), and on several farms to the east of the R310, at Croyden (Kaplan 2005, 2004) and Faure (Kaplan 2006). Large numbers of tools including handaxes, cleavers, cores, and flakes were also documented in old agricultural lands and vineyards during an investigation of the De Zalze Golf Estate (Kaplan 2009), about 1km north east of the proposed development site, while a rich Acheleun site occurs on the Farm Blaauklippen, on the upper slopes of the Helderberg to the east of the R44 (Deacon and Goosen 1997). ESA flakes and angular chunks have also found on the lower slopes of the Papagaaiberg near the Stellenbosch



Cemetery (Kaplan 2010), while ESA tools were recorded alongside Adam Tas Road, and in Devon Road, Stellenbosch during a Heritage Impact Assessment (HIA) for the proposed Plankenbrug sewer pipeline (Kaplan 2015a), and at Vlottenburg Hamlet inside the urban edge (Kaplan 2015b). More recently, relatively large numbers of ESA tools, including a number of handaxes were recorded on the Farm, overlooking the Annandale Road, close to the banks/floodplain of the Bonterivier, where quartzite river cobbles would have been readily available to early ESA hominins as a source material for making tools (Kaplan 2018).

In 2001, Kaplan completed an archaeological assessment of the farm located adjacent to Farm 1252 (SAHRIS NID 4703). He found no archaeological resources on the property assessed. This is likely due to the historical cultivation that had taken place. During the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

3.3 Palaeontology

According to the SAHRIS Palaeosensitivity map (Figure 4), the development area is underlain by sediments of low paleontological sensitivity. The area proposed for development is underlain by sediments of the Tygerberg Formation of the Malmesbury Group. No fossils have yet been recorded in the formations in this group but there is a potential for organic-walled microfossils, trace fossils, stromatolites, and even vendobiontans, as well as shelly fossils like *Cloudina* to be preserved in these sediments. It is therefore recommended that the attached Chance Fossil Finds Procedure is implemented for the duration of excavation activities on the property.

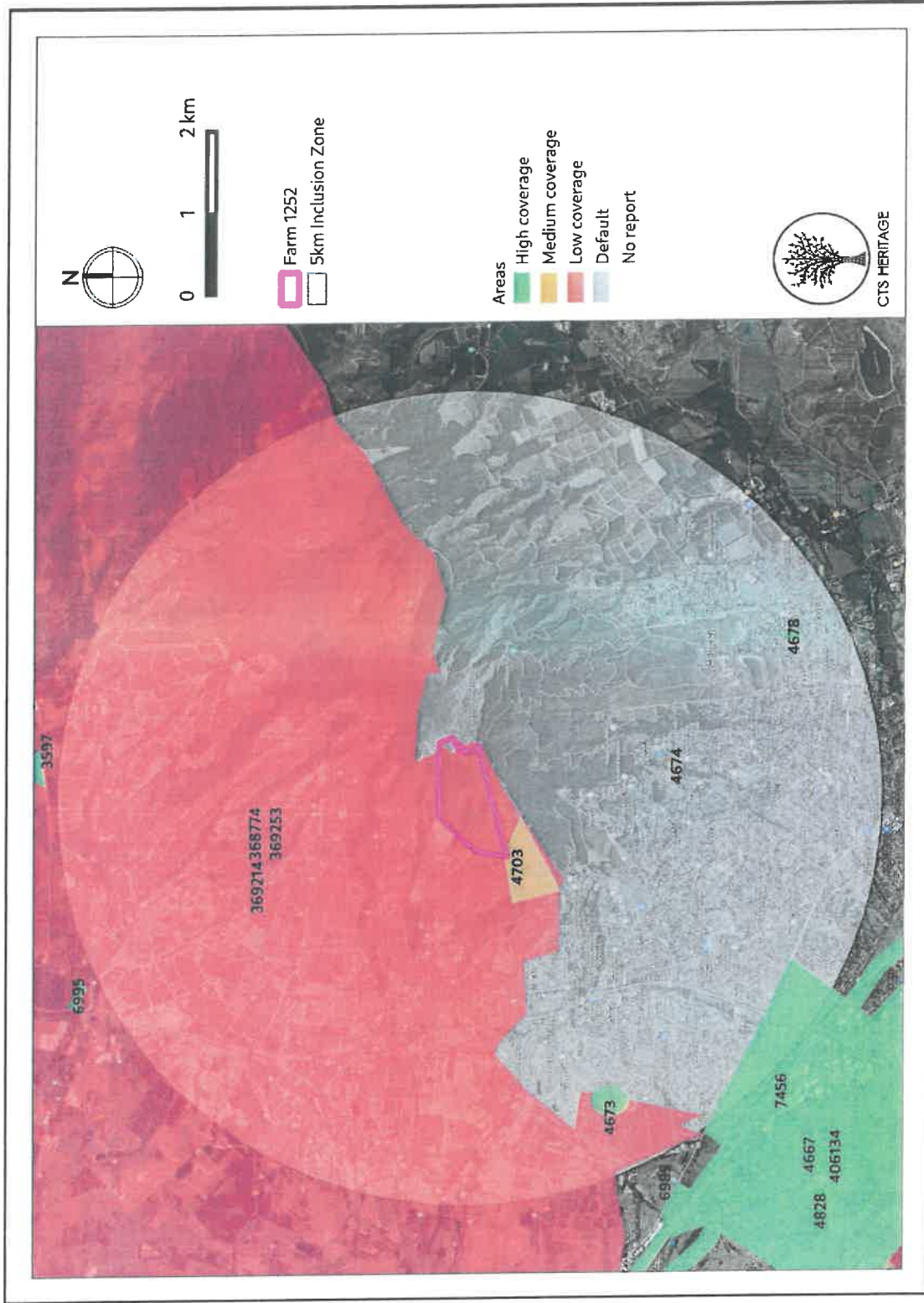


Figure 2: Heritage Impact Assessments previously conducted in proximity to the development area (SAHRIS). See References

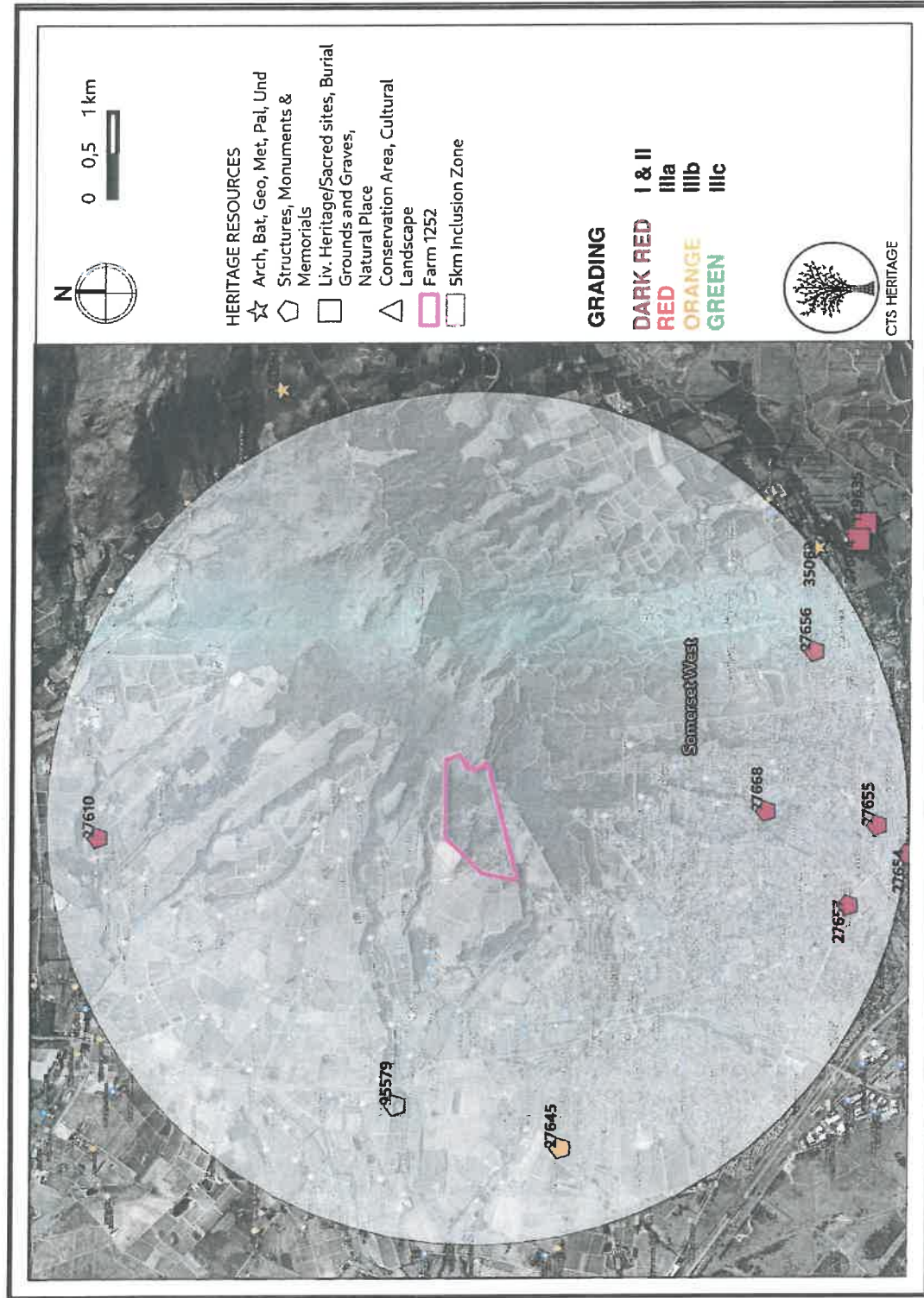


Figure 3: Spatialisation of known heritage resources located in proximity to the proposed development (see Appendices for insets)

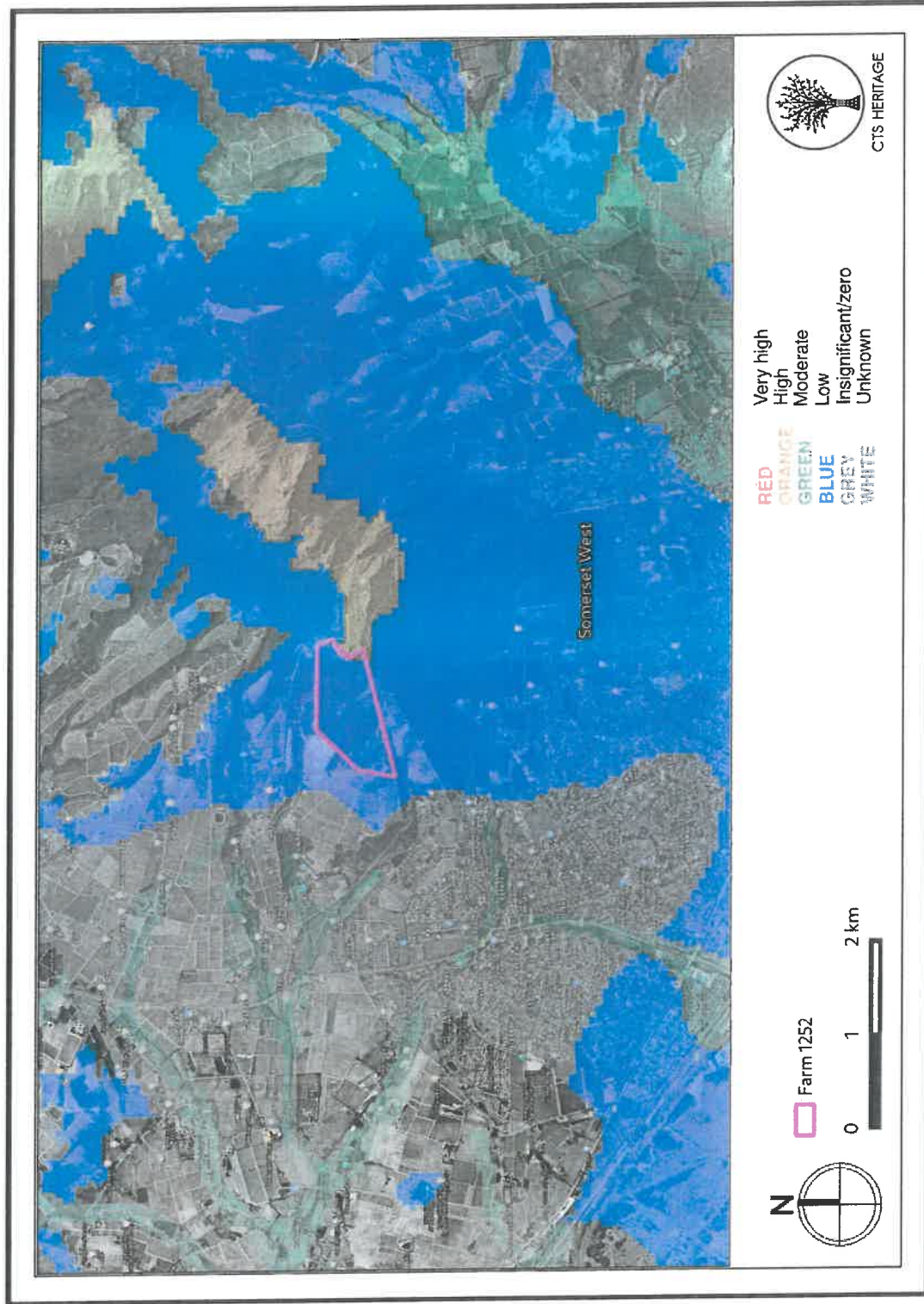


Figure 4: Palaeontological sensitivity of the proposed development area



4. IDENTIFICATION OF HERITAGE RESOURCES

4.1 Summary of findings of Specialist Reports

As noted above, during the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3 and is summarised below.

The landscape character of a place is made up of the “distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, landform, soils, vegetation, land use and human settlement” (UK Institute of Environmental Management and Assessment). Taken together, these elements make up the essential place character of a site.

The Wider Eerste River Valley

The subject site falls within the “rugged Helderberg Mountains and foothills” component to the east. However, from within the wider Eerste River valley, at some distance from the site, the most iconic aspect of this area is its steep mountain peaks, with the West Peak being the most prominent landform from the south of this mountain range.

It is clear from various vantage points, that the Helderberg and West Peak is largely discernible as a silhouette from further afield than the R44, in the vicinity of the valley. While the vegetation of the upper slopes is apparent from some vantage points (the late 20th century postcard with *watsonias* in the foreground demonstrates the forestry that characterised the 1:4 slopes at the time - see the Cultural Landscape Assessment Figure O), it is the outline of the peaks that dominates the visual perception of the mountain range, and thus the orientating role these mountains play.



The “Sub-Valley” and Landscape Unit Scale.

The site is located on the upper slopes of the Helderberg Range, below the West Peak. This is a fertile area, made up of the two of the three components that characterise landscapes within the Stellenbosch Cultural Landscape more broadly:

- 1) Mountain Ranges possessing a “wilderness” character, with fynbos predominating on the exposed slopes and montane forest within the kloofs;
- 2) Foothills and Undulating Plains, with rolling topography and gentle hills incised by small rivers. These are the location of vineyards and orchards. Homesteads are generally clustered along stream courses.
- 3) The Alluvial Valleys, centred on the main river courses at the gentlest slopes, and with highly intensive agriculture. Larger werfs exist near the river courses, and the main urban settlements occur in these “zones”.

It is clear that, even when seen from the R44, no detail within the sub-valley is disenable, and the main character of the landscape comes from the interplay of dramatic mountain peaks, steep slopes forming part of the wilderness areas, and agricultural areas lower down the slope.

Key cultural landscape indicators that emerge at the sub-valley scale of analysis include:

- Maintaining the balance between the urban, rural and wilderness elements within the landscape, with the agricultural and wilderness elements remaining dominant, and settlement occurring in pockets in such a way that it does not significantly interrupt or dislocate the continuity of the rural and wilderness realms within the cultural landscape setting.
- Maintaining the prevalent patterns within the valley section, with the uppermost slopes being wilderness, the mid-slopes being used for forestry and other lower impact uses, the gentler low slopes accommodating agriculture, and the valley bottoms being used for intensive farming and settlement.
- Respect and consolidate working agricultural aspects of the landscape. This implies that a nostalgic or idealized historic farm werf should not be favoured over a working farm werf, and new development should be located to the edges of the primary farm werf and be subsidiary to it.

It is clear that the site forms out of the steep, wilderness domain of the cultural landscape. Thus, the primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development cannot “tip the balance” or disrupt the interplay of the various domains making up the Helderberg Farm Valley’s cultural landscape.



The Site

The site itself has two quite distinct characters:

1. The majority of the site forms a part of a wider drainage area, with densely vegetated, small valleys converging at the highest dam. This gives the landform a kind of concave, triangular form that is inward looking and therefore has a low visual exposure. This area has never been farmed, although it was forested in the mid 20th century. It is used for cycling and hiking trails, so narrow unpaved areas thread between the forested pockets. The well-treed environment has a high degree of natural texture and screening, and therefore the visual absorption capacity of the environment is high. It forms part of a band of well-vegetated wilderness area below the very steepest slopes of the Helderberg, and so forms part of a visually continuous band across the entire range, which is characteristic of the “wilderness domain” of the valley section.
2. The point of access to the Bo-Helderberg Farm is at a local high point, highly visually exposed to the Helderberg Valley (on the Stellenbosch side of the primary ridgeline) and with vineyards to all sides of the localised hill. A band of vegetation on the Somerset West side screens the site, but the visual exposure to the north is high. The entrance area is located at the transition from the agricultural to the wilderness domain. It is at the 380m contour, where Todeschini and Jansen recommended agriculture be stopped (they also recommend that buildings should not be positioned above the 320m contour).

Therefore, it is clear that there are two “visual characters” to the site, which have differing levels of sensitivity and therefore require different responses.

4.2 Development Proposal

Drawings from Malherbe Rust Architects indicate that the development proposal is to create a new werf at the current vehicular access point, with new structures: a new restaurant, a new store and admin building, a new farmhouse set a short distance from the other three structures. The new buildings will be surrounded by new vineyards and a vegetable garden, and a new parking area is proposed. The renders provided indicate that the new buildings will be simple, “langhuis” type structures with end gables and single storey (although the roof area is clearly to be used, as evidenced by the skylights).

For the balance of the site, 8 “pods” are proposed for accommodation. The detailed layouts indicate a small unit, L-shaped with self-catering and bathroom areas, as well as a bathroom and outdoor area. The “pods” will be lifted above the ground, and will be single storey.

CONSTRAINTS TO DEVELOPMENT FROM THE STELLENBOSCH MUNICIPAL HERITAGE SURVEY.

HWC adopted guidelines for development in this landscape unit as part of the SMHS, 2018. The overall intent for this area is as follows:



- MAIN AIM: ENHANCE (MANAGE) AND INTERVENE (CHANGE): Improve land parcels by strengthening or reinforcing agricultural use and its characteristic elements and features, most importantly the tree-lines and windbreaks between properties, as well as vineyards and farmstead/werf areas.
- MAIN VALUE: AESTHETIC AND HISTORIC - Appropriate use of heritage features is critical for their preservation. Development that will result in the loss of the sense of “openness” of the space, as well as its historic use as agriculture, and established planting patterns (including mature trees and tree lines) will threaten the heritage value of this landscape unit.
- CONSERVATION SYSTEM: Three scenic routes exist within this landscape unit. The visual impact of proposed developments must be carefully considered. This landscape unit also forms part of the green transitions conservation system, so maintenance of its green and open agricultural character is important.
- DEVIATED LAND USE/USES THAT WILL LIKELY ERODE LANDSCAPE CHARACTER: Overscaled private dwellings (on ridgelines), gated residential estates, large-scale industrial structures, business parks as well as isolated shopping centres and their associated parking lots will likely pose a threat to the character of the landscape unit. Suburban “creep”, particularly from the Cape Town Municipal Boundary (Somerset West), must not be permitted.

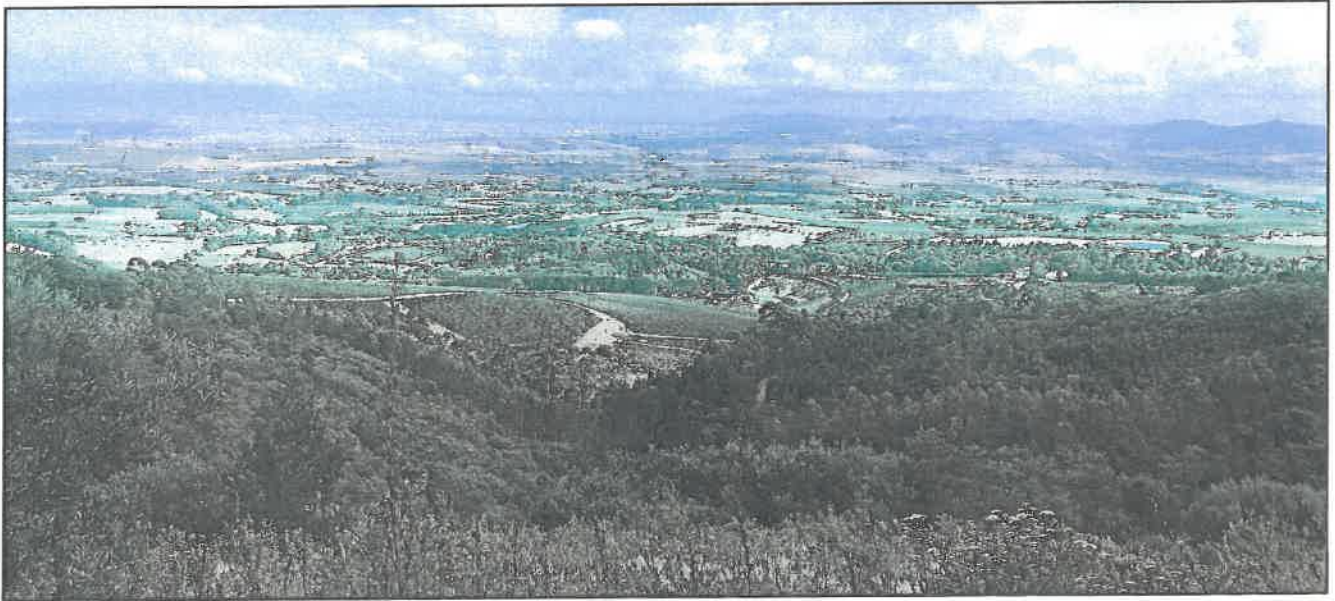


Figure 5.1: Contextual Images - Views from the development area



Figure 5.2: Contextual Images - Views from the development area



5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT

5.1 Assessment of impact to Heritage Resources

Cultural Landscape

ANTICIPATED VISUAL-CULTURAL IMPACTS OF THE PROPOSED PODS.

The pods are proposed within the “wilderness domain” of the site. As has been described, the character of these areas, while predominantly well-vegetated, is visually screened due to the concave landform and the textured receiving environment (these drainage lines have dense natural planting). This part of the site therefore has low visual exposure and high visual absorption capacity.

In addition, the eight “pods” that are proposed here have a very small footprint, are single storey, are well spread out and are generally nested into established vegetation. The existing tracks are to be used for access to them, and they will reinforce the hiking and cycling/mountain biking role of the site, which is tied to its “wilderness” qualities.

Therefore, this proposal will have low visual and cultural landscape impact. However, it is important to note that the white-walled architecture proposed for these “pods” will create visual contrast to the wilderness domain and visually textured surrounds. The suggested mitigation is as follows:

- Clad walls in timber, however this has been identified as inappropriate in a fire-prone area such as this. It is therefore recommended that the walls be painted in a dark, receding colour palette to achieve the same end.
- Ensure deep roof overhangs to glazed areas, to reduce reflection.

ANTICIPATED VISUAL-CULTURAL IMPACTS OF THE PROPOSED NEW WERF.

The proposed new werf is located at a highly visually exposed point within the Helderberg Sub-Valley. However, it is tucked below the primary ridgeline and so is very much north-east facing. It is at the transition between the agricultural and wilderness domains, and so there is low visual absorption available, with vines below the site and a small, grassed hillock above. The only visual absorption occurs to the south, where a densely treed pocket occurs on the neighbouring farm.

On the face of it, the proposal to locate a farm werf here goes against several of the SMHS guidelines, including:

- Observe the siting of traditional farmsteads and settlements along the stream course. Similar principles should be followed in the placement of new development, as this will inherently strengthen the character of the landscape units as a whole.
- Limit cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. Propose ‘no-go’ development areas above the 380m contour line for cultivated fields, and 300m for any built structures.



- Prevent construction of new buildings on visually sensitive, steep, elevated or exposed slopes, ridgelines and hillcrests. Retain the integrity of the distinctive and predominantly agricultural landscape character.

The entire site is above the 380m contour line. In addition, because the site is on a steep slope and access is already established at this point, there is no stream course along which to site new buildings, and to do so would involve the construction of a new roadway. However, the analysis of this section of the site illustrates that the proposed werf is located on the very edge of the agricultural domain, that there are two local ridgelines within and below which some screening occurs, and that the vegetated “pockets” to either side provide some higher-order screening. Surprisingly, the proposed site for the werf is below the existing farm werf for the neighbouring farm.

The architects have noted that the buildings are placed on a localised plateau and therefore the ridgelines are not visually impactful. The viewsheds provided by the architects indicate that the positioning of the structures is acceptable however, as noted by Abrahamse (2023), the model retains existing vegetation, some of which will give way to vineyards around the new werf. This will likely reduce the Visual Absorption Capacity, especially in the short term due to the removal of the screening qualities of the existing alien vegetation.

The landscape plan developed for this project includes extensive tree-planting around the buildings and parking area making up the new werf. An olive orchard proposed above the site and along the ridge will have the effect of “buffering” the transition between the formal agriculture and the natural areas above. A new dam is proposed with indigenous planting around the waterbody. The extent of the proposed tree planting will screen the new werf and will visually mitigate its impact on the cultural landscape.

The mitigation measures proposed here are therefore:

- New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and “softened” by planting within the landscape from all sides.
- All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.



VIA POINT OF INTEREST VIEW 1



Figure 6.1: Visibility of the development from Helderspruit Road facing north

VIA POINT OF INTEREST VIEW 2



Figure 6.2: Visibility of the development from Cordoba Road facing south east



Figure 6.3: Visibility of the development from the R44 facing east



Figure 6.4: Visibility of the development from the R44 facing east



Figure 6.5: Visibility of the development from Helderspruit Road facing north east

Archaeology

The results of the study indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources.

Palaeontology

According to the SAHRIS Palaeosensitivity map (Figure 4), the development area is underlain by sediments of low paleontological sensitivity. The area proposed for development is underlain by sediments of the Tygerberg Formation of the Malmesbury Group. No fossils have yet been recorded in the formations in this group but there is a potential for organic-walled microfossils, trace fossils, stromatolites, and even vendobiontans, as well as shelly fossils like *Cloudina* to be preserved in these sediments. It is therefore recommended that the attached Chance Fossil Finds Procedure is implemented for the duration of excavation activities on the property.

Cedar Tower Services (Pty) Ltd t/a CTS Heritage
230 Queens Road, Claremont, Cape Town

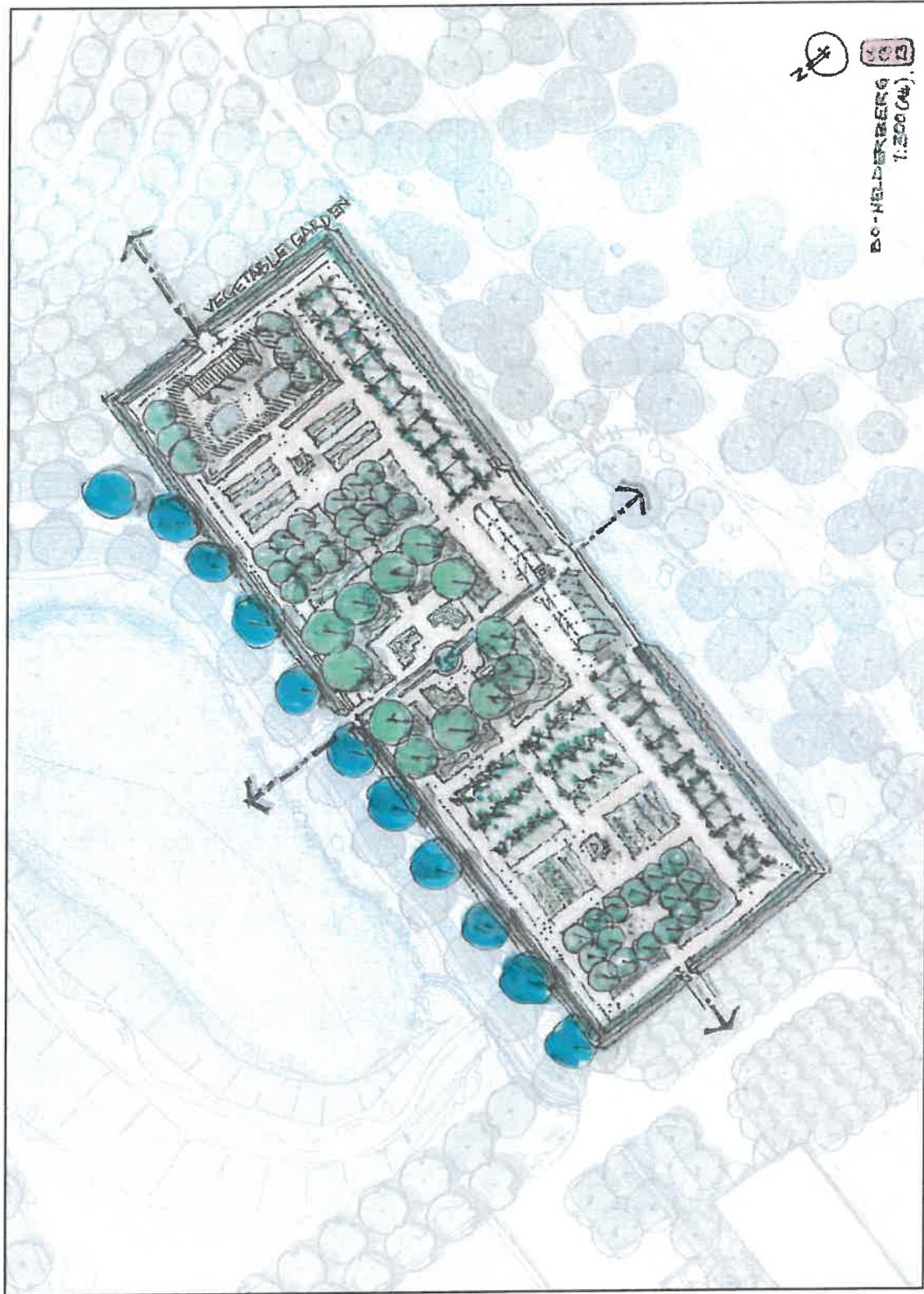


Figure 7.2: Proposed Landscape Plan - vegetable garden



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Cedar Tower Services (Pty) Ltd t/a CTS Heritage

238 Queens Road, Simons Town

Email info@ctsheritage.com Web <http://www.ctsheritage.com>



5.3 Alternatives and Location Choices

Location of Farm Building:

The typical Cape Vernacular Style for the werf was chosen as it was felt that it would be the most befitting and sensitive style for the area. The lowest profile possible has been kept in height of the buildings to keep the visibility as low as possible. There is one T shaped building which is going to be the main Agricultural store (farming implements and general store for the farm) and is double in volume and it will accommodate the offices and storage in the roof space of the building. The rest of the buildings that form part of the werf will all be single level buildings. If at all visible only the dark grey roofs will be visible from a very far distance.

On the specific spot that this building is situated the landscape forms a plateau which will be the most practical position for the building which does not require extensive cut and fill. The building has been moved away from the edge of the plateau to make it the least visible. At this point the building will be the least visible than any other spot on the farm.

To the South Side of this building there is currently a dense alien forest which will be ring barked and interplanted with indigenous trees to create a very dense forest on the south slope behind the building which will shield the building completely from the South (from Somerset West) and getting the best in terms of northern sun which will assist in keeping it as eco-friendly as possible in terms of heating and cooling. At the east side of the building there will be a steep terraced Olive grove softening the view from the west.

Main Farm Dwelling:

This house we proposed to be only a one-story building situated on the second Plateau. As per the 0,5m contour plan, the site is flattening out in that area. The landscape provides the only other place that is relatively flat. At this point the least amount of dirt would need to be removed. Cut and fill into the mountain has therefore been avoided. The house is also set back away from the edge of the plateau to avoid being visible from the West. This is the best placement for this building in terms of shielding us from the South Easter winds.

5.4 Sustainable Social and Economic Benefit

The applicant plans to employ up to 30 people during the construction, and then when all aspects of the application is in place around 15 permanent staff will be employed excluding the wine tasting future building.

On condition that the recommendations outlined below are implemented, the anticipated socio-economic benefits to be derived from the project outweigh the anticipated impacts to heritage resources.



6. RESULTS OF PUBLIC CONSULTATION

According to the HWC website (accessed on 23 May 2022), there are two registered Conservation Bodies that must be consulted with in terms of the HWC Guidelines for Public Consultation for HIAs. To this end, the Stellenbosch Interest Group & Stellenbosch Heritage Foundation have been provided with 30 days in which to comment on this HIA from **Tuesday 3 March to Friday 3 April 2023**. Please find the evidence of this consultation included in Appendix 6.

7. CONCLUSION

As noted above, during the site visit of the property that took place in March 2022, only one artefact was identified (Appendix 2). The results of the field assessment indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources. No further recommendations are made in this regard.

As such, the visual impact on the Cultural Landscape is the primary heritage concern associated with this development. This has been assessed in detail in Appendix 3. It is clear that the site forms part of the steep, wilderness domain of the cultural landscape. The primary concern for the development within this site is that the wilderness character of these upper reaches of the farm must remain dominant, and new development should not “tip the balance” or disrupt the interplay of the various domains making up the Helderberg Farm Valley's cultural landscape.

Overall, Farm 1252 is unique in the area as it promotes access to the wilderness domain of the Eerste River Valley, through the hiking and mountain-biking trails that currently exist in the area. The proposed new development should strengthen this recreational offering, which depends on the wilderness character of the site. Farm 1252 has two distinct area types, with differing cultural landscape and visual characters. The analysis indicates that the proposed interventions and developments on the site can be satisfactorily mitigated, and that impacts would be acceptable once mitigation measures are incorporated.



8. RECOMMENDATIONS

There is no objection to the proposed development in terms of impacts to heritage resources on condition that the following recommendations are implemented:

5. The proposed “pods” must have their walls painted in a dark, receding colour palette and the developer must ensure deep roof overhangs to glazed areas, to reduce reflection.
6. The proposed new werf must adhere to the following recommendations:
 - c. New, indigenous vegetation of similar density to the vegetation south of the proposed werf site should be established on the subject farm itself, around the edges where the vegetable garden is currently proposed so that the new werf is visually screened and “softened” by planting within the landscape from all sides.
 - d. All residential and public buildings must be single storey or with a roof-loft arrangement for an upper level. Double-volume spaces can be accommodated in working agricultural buildings where machinery requires it. However, these must be as low as possible to accommodate the required machines and related agri-industrial processes.
7. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities
8. If any archaeological heritage resources or unmarked graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs Colette Scheermeyer 021 483 9685).



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9. REFERENCES

Impact Assessment References				
Nid	Report Type	Author/s	Date	Title
3597		Hennie Vos	01/01/1983	Nietgegend farm, Stellenbosch: A short report on the manor house
368774	Heritage Study	Harriet Clift	01/01/2010	Heritage Chapter Status Quo Report Cape Winelands District Municipality. Unpublished report prepared for SRK Consulting SA (Pty) Ltd.
369214	Heritage Study	Cindy Postlethwayt	25/01/2016	Heritage Draft Status Quo_Stellenbosch Rural Area Plan
369253	Heritage Study	Fabio Todeschini, Liana Jansen	01/04/2016	HERITAGE INVENTORY OF, AND MANAGEMENT PLAN FOR, THE TANGIBLE RESOURCES IN THE STELLENBOSCH MUNICIPALITY (EXCEPT FOR A PART OF THE TOWN OF STELLENBOSCH ITSELF)
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4678	AIA Phase 1	Timothy Hart	01/04/2004	Phase 1 Archaeological Assessment of Land-En-Zeezicht (Remainder of Erf 4070) Somerset West, Western Cape
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Deacon. H. & J. Deacon. 1999. Human Beginnings in South Africa: Uncovering the Secrets of the Stone Age. David Philip Publishers, Cape Town and Johannesburg, pp1-214.



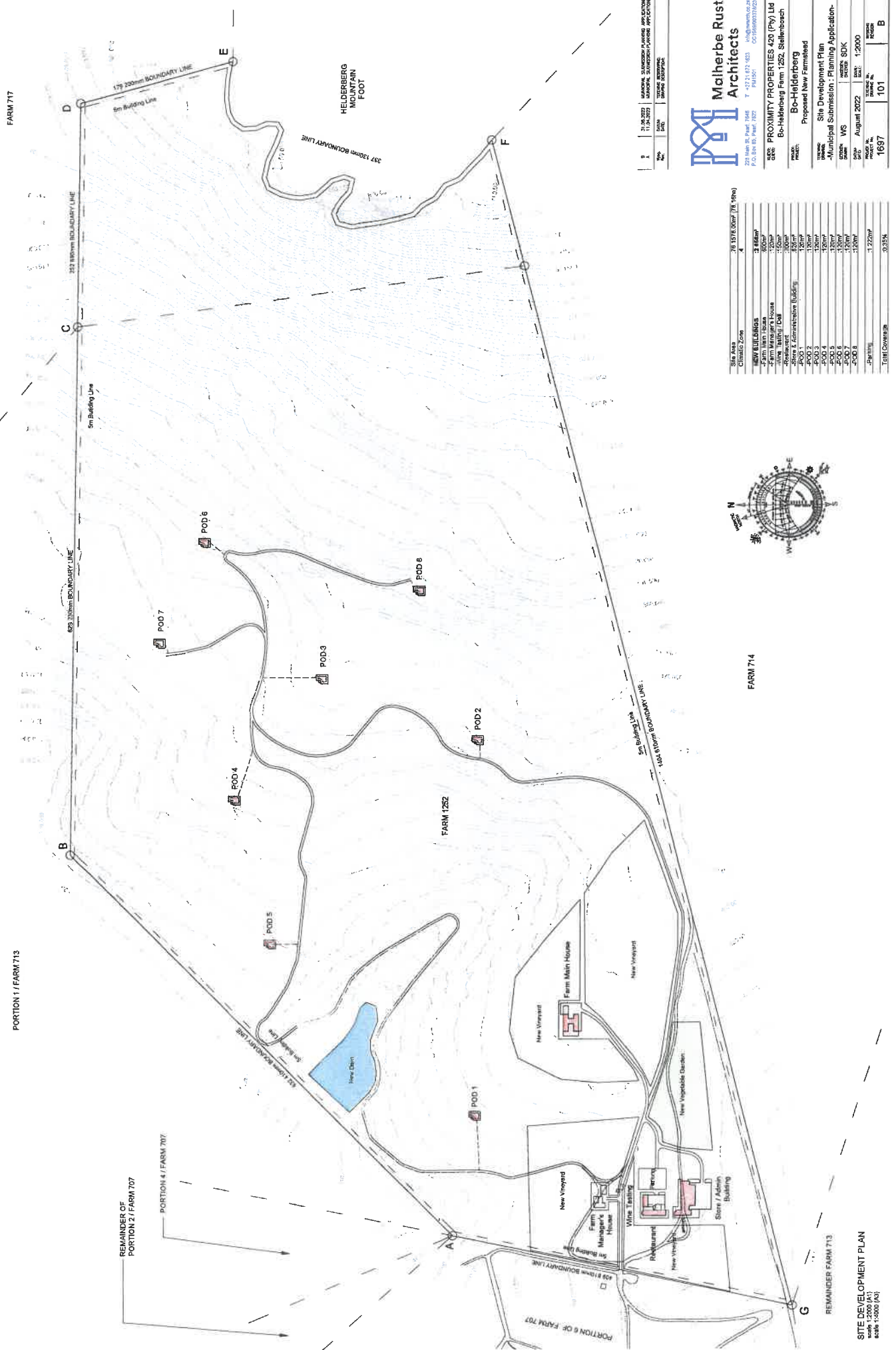
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APPENDICES



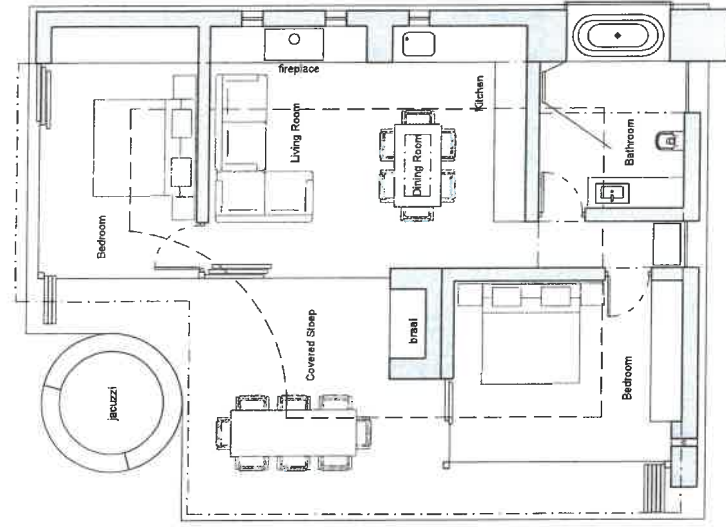
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Appendix 1 Detailed Designs and 3D Constructions



SITE DEVELOPMENT PLAN
scale 1:2000 (A1)
scale 1:4000 (A3)

NOTE:
THIS DRAWING IS THE PROPERTY OF THE ARCHITECTS. DO NOT SCALE AND
REFER TO DIMENSIONS SHOWN ON THE DRAWING. ANY DIMENSIONS
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DIMENSIONS MUST BE TO THE CENTER OF THE DIMENSION LINE.

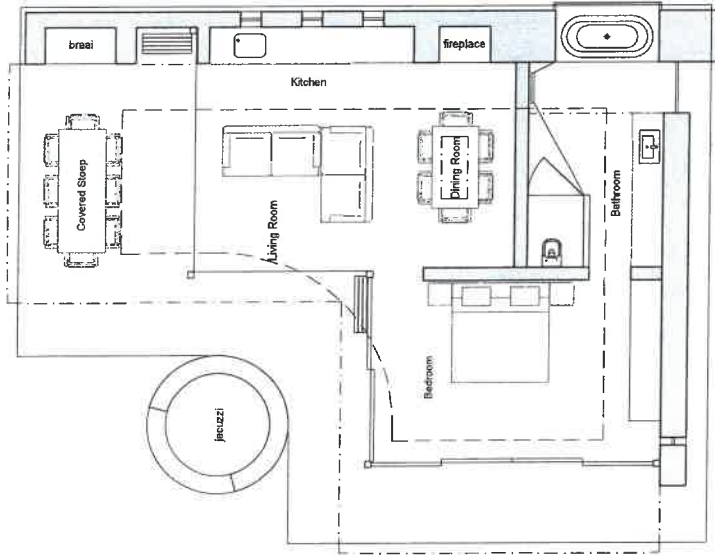


FLOOR PLAN : 2 BEDROOM POD
scale 1:50 (A1)
scale 1:100 (A3)

Disturbed Vegetation Area : 45m²
Suspended Deck Area : 120m²



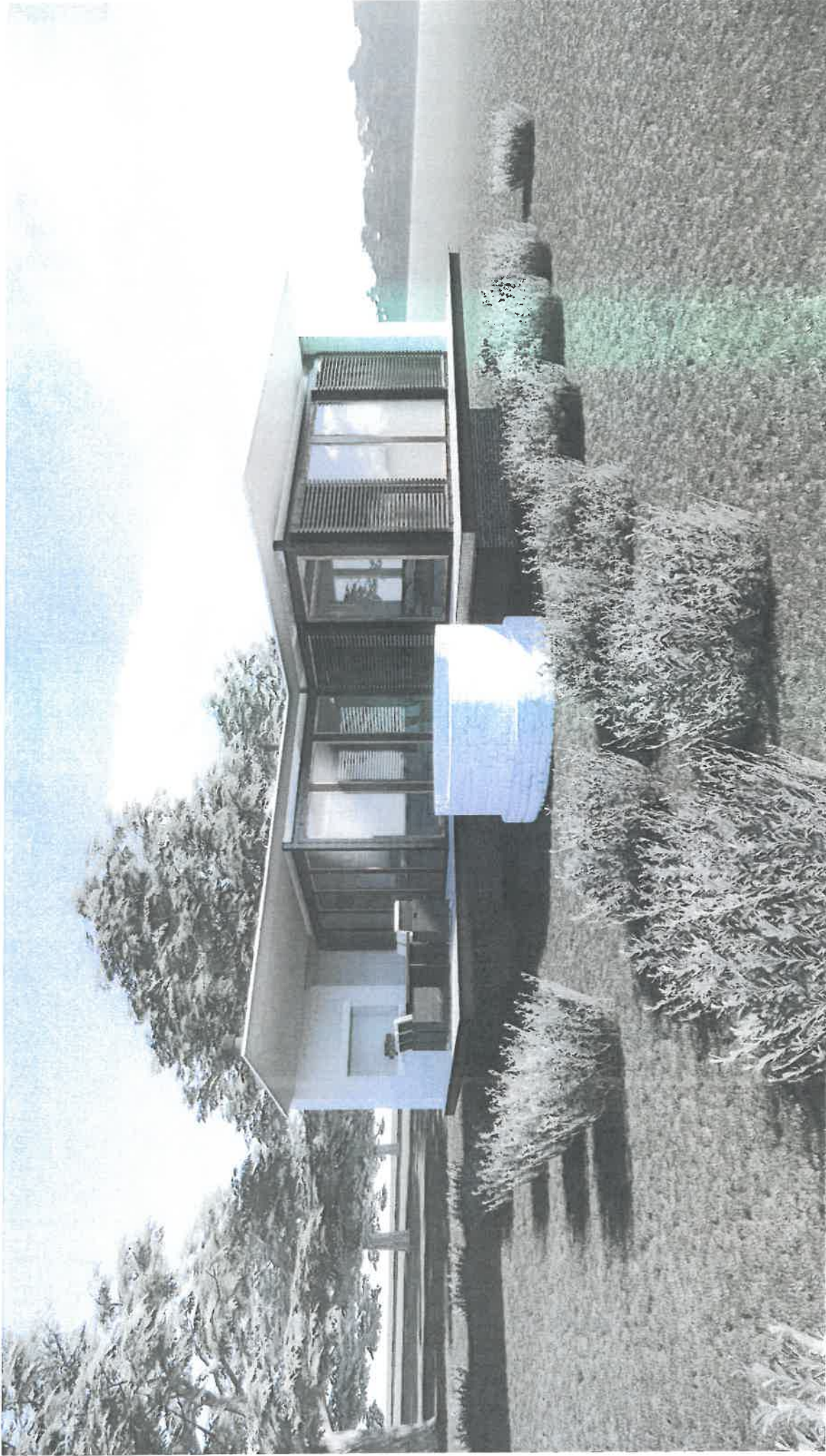
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FLOOR PLAN : 1 BEDROOM POD
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scale 1:100 (A3)

Disturbed Vegetation Area : 45m²
Suspended Deck Area : 120m²

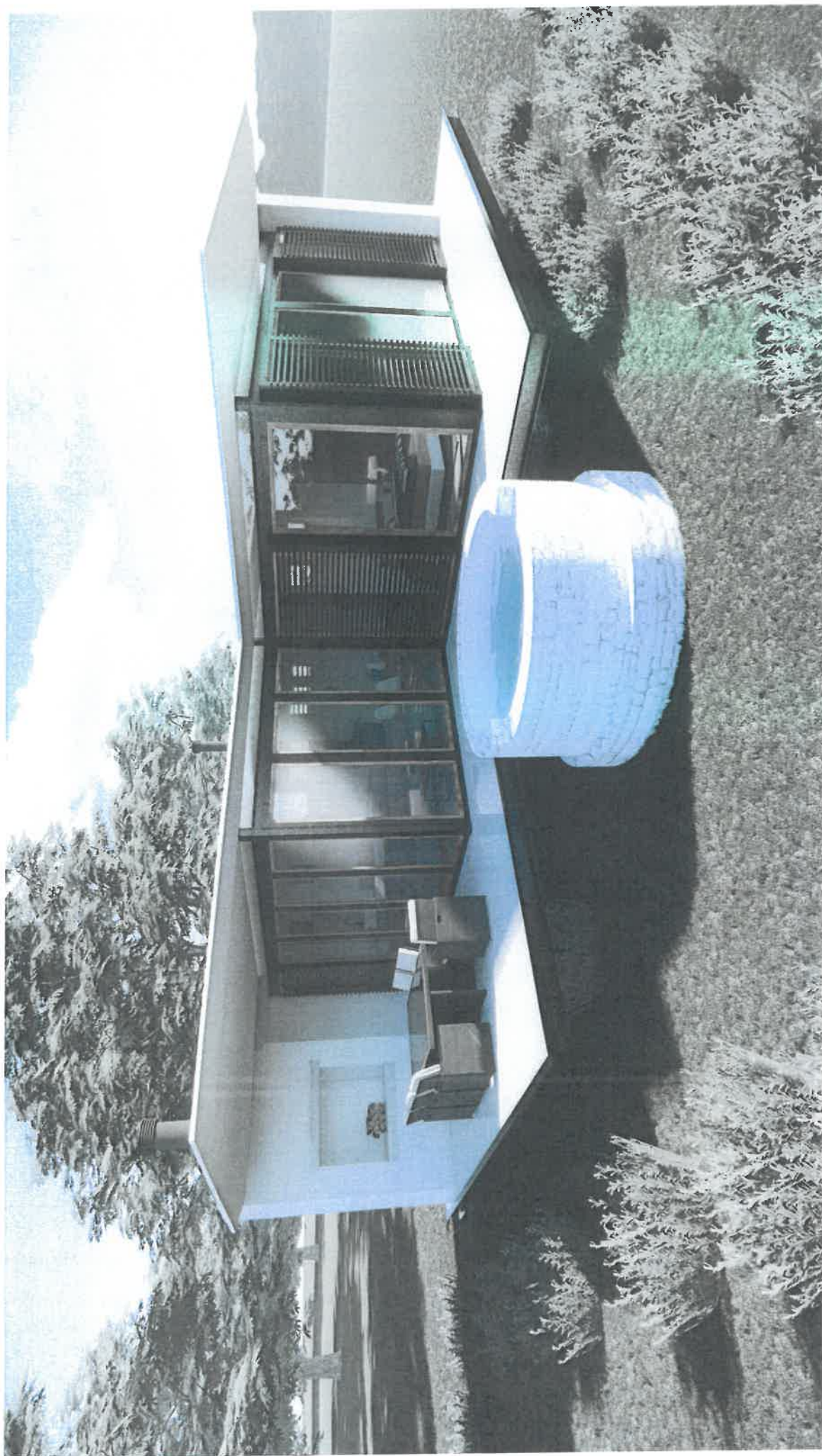
Bo-Helderberg PODs_Sketch 03 - 08-03-2022



BO-HELDERBERG, FARM 1252, STELLENBOSCH - 1 BEDROOM POD CONCEPT_08-03-2022



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BO-HELDERBERG, FARM 1252, STELLENBOSCH - 2 BEDROOM POD CONCEPT_08-03-2022



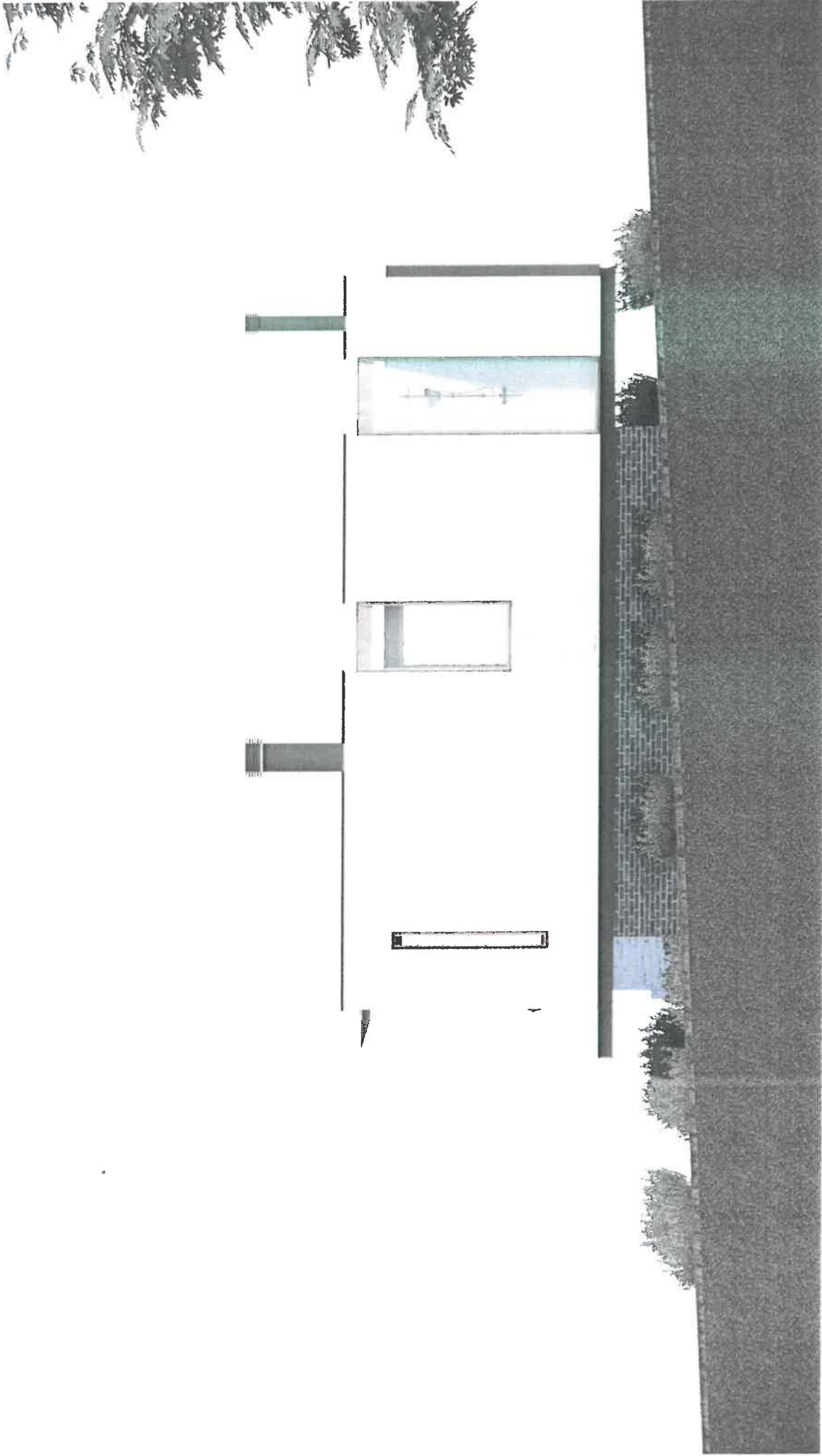
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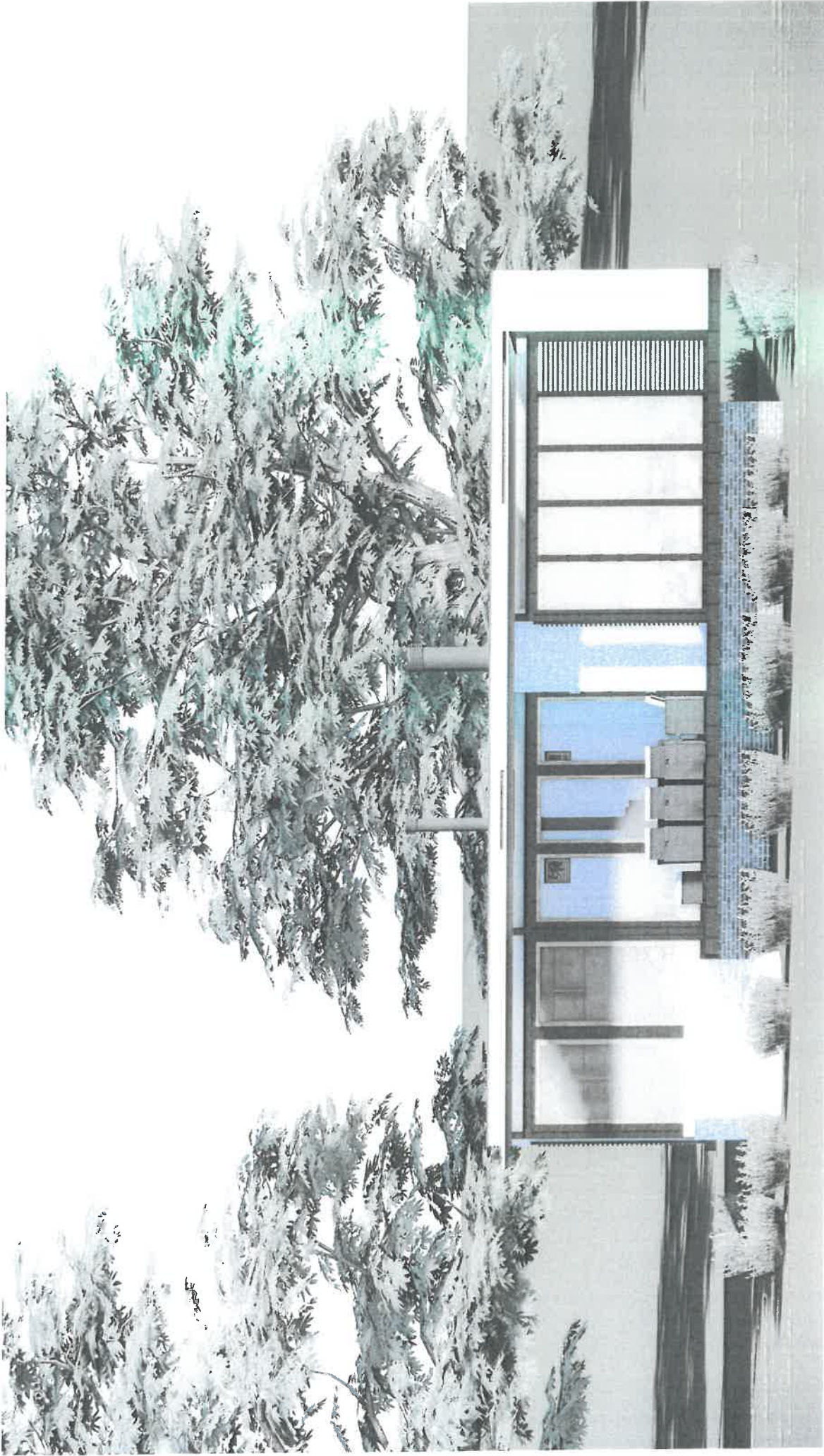


BO-HELDERBERG, FARM 1252, STELLENBOSCH - 2 BEDROOM POD CONCEPT_08-03-2022



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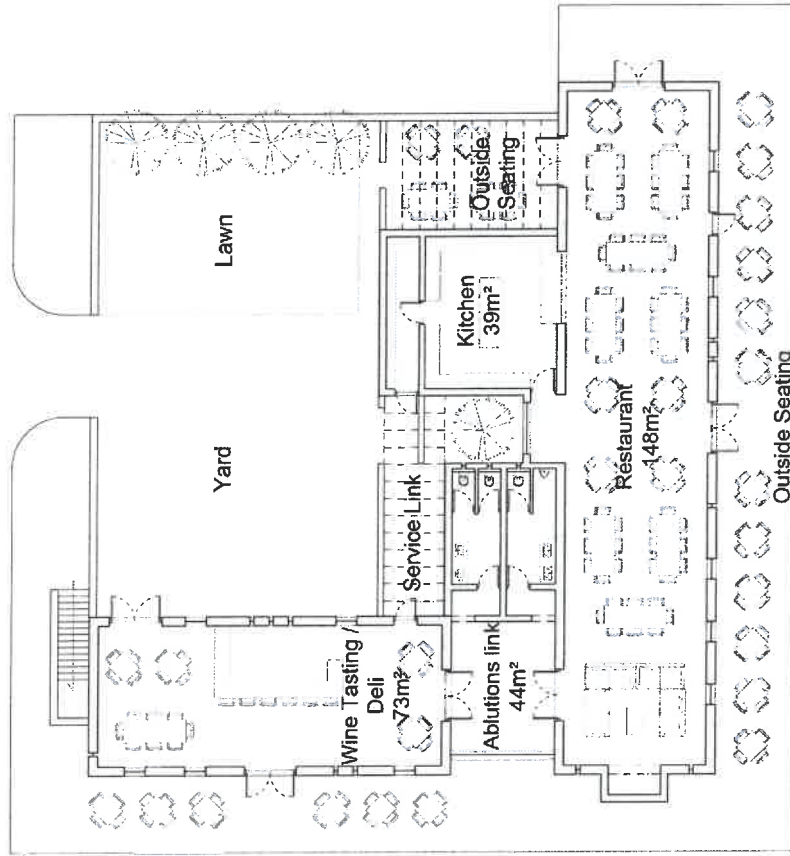




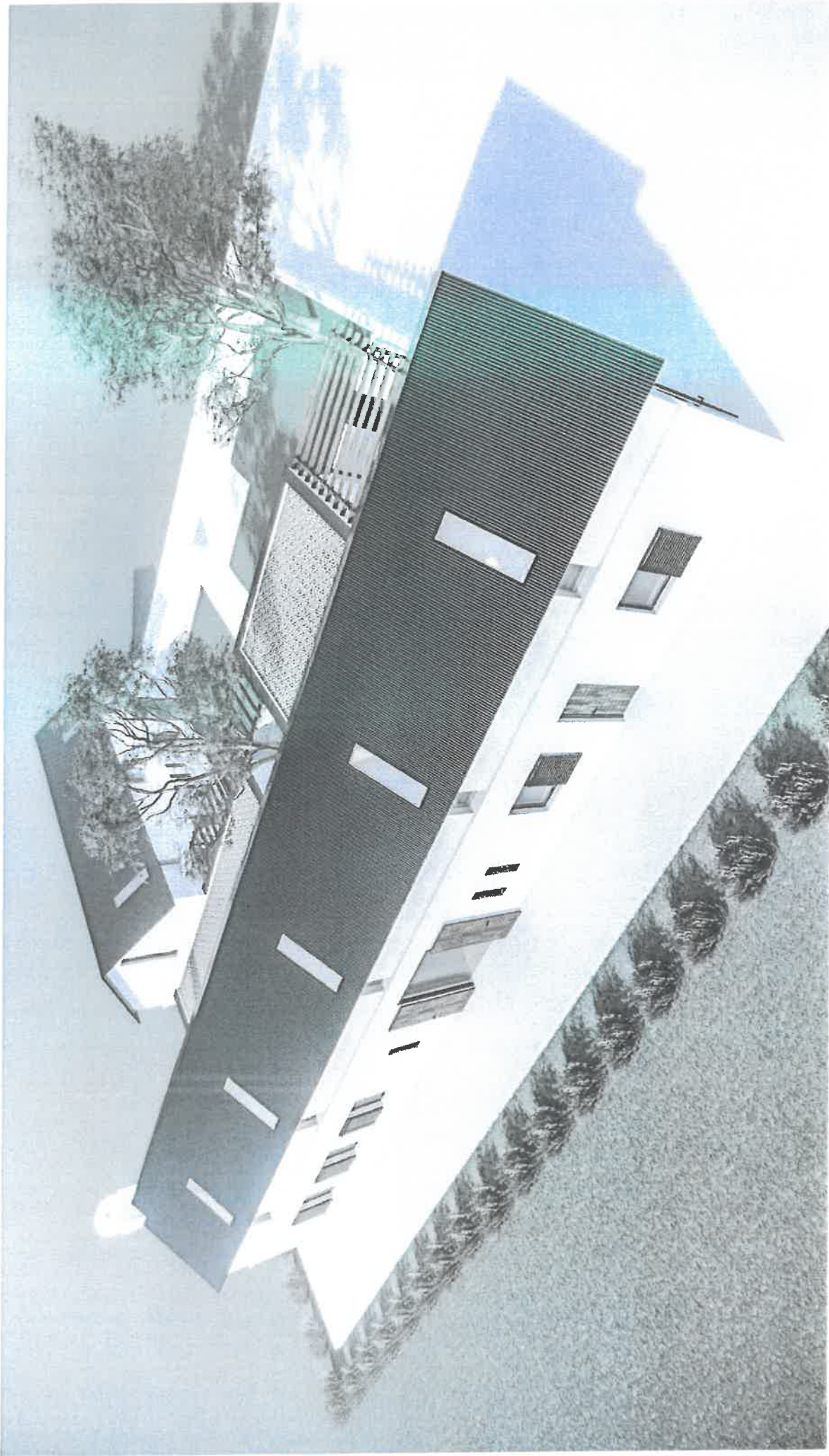
BO-HELDERBERG, FARM 1252, STELLENBOSCH - 2 BEDROOM POD CONCEPT_08-03-2022



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GROUND FLOOR PLAN
scale 1:100 (A3)
scale 1:200 (A2)



BO-HELDERBERG, FARM 1252, STELLENBOSCH - PROPOSED RESTAURANT AND WINE TASTING_26-05-2022



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BO-HELDERBERG, FARM 1252, STELLENBOSCH - PROPOSED RESTAURANT AND WINE TASTING_26-05-2022



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Appendix 2 Archaeological Impact Assessment 2022

ARCHAEOLOGICAL SPECIALIST STUDY

In terms of Section 38(8) of the NHRA for a
Proposed development on Farm No. 1252, Stellenbosch

HWC Ref: 21120706SB1207E

Prepared by



CTS HERITAGE

For Cornerstone Environmental Services

May 2022



EXECUTIVE SUMMARY

It is proposed that the following infrastructure is to be developed on Farm 1252 in Stellenbosch

- A main house, manager's house and about seven tourism accommodation units (also referred to as "pods");
- New agricultural activities – proposed vineyard orchards and olive groves;
- A new dam;
- A new servitude access road and associated new low-level watercourse crossing;
- A restaurant/bistro/wine tasting area, and associated parking; and
- Internal roads, electricity and water infrastructure.

The results of the study indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources.

There is no objection to the proposed development with regard to impacts to archaeological resources on condition that the recommendations below are implemented.

Recommendations

If any archaeological resources, unmarked Khoisan, or battlefield graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs Colette Scheermeyer 021 483 9685).



CONTENTS

1. INTRODUCTION	3
1.1 Background Information on Project	3
1.2 Description of Property and Affected Environment	4
2. METHODOLOGY	8
2.1 Purpose of Archaeological Study	8
2.2 Summary of steps followed	8
2.3 Constraints & Limitations	8
3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT	10
4. IDENTIFICATION OF HERITAGE RESOURCES	12
4.1 Results of Field Assessment	12
4.2 Archaeological Resources identified	21
5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT	22
5.1 Assessment of impact to Archaeological Resources	22
6. CONCLUSION AND RECOMMENDATIONS	22
7. REFERENCES	23

1. INTRODUCTION

1.1 Background Information on Project

It is proposed that the following infrastructure is to be developed on Farm 1252 in Stellenbosch

- A main house, manager's house and about seven tourism accommodation units (also referred to as "pods");
- New agricultural activities – proposed vineyard orchards and olive groves;
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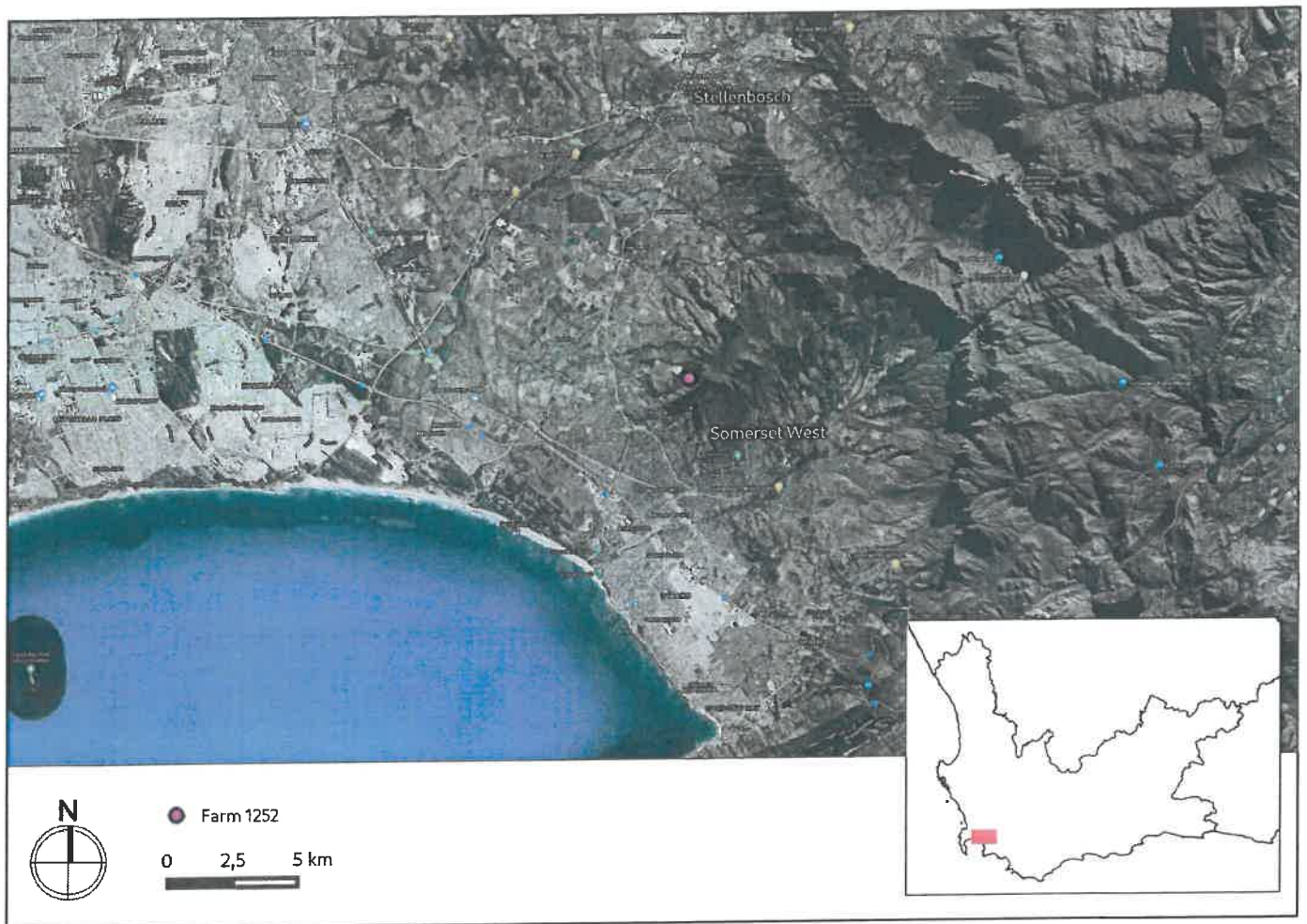


Figure 1.1: Satellite image indicating proposed location of development

1.2 Description of Property and Affected Environment

The area proposed for development is located on the steep slopes of Helderberg West Peak. The property was only accessible after navigating a steep approach into the development area that is only suitable for 4x4 vehicles. The steep access allows for breathtaking views across Stellenbosch and Somerset West from the high elevation.

Most of the property is steeply sloped and traversed by mountain-bike trails. The vegetation in the areas proposed for the pods is very dense and inaccessible however the areas proposed for the buildings, parking areas and cultivation are located in areas with less gradient which could be surveyed thoroughly.

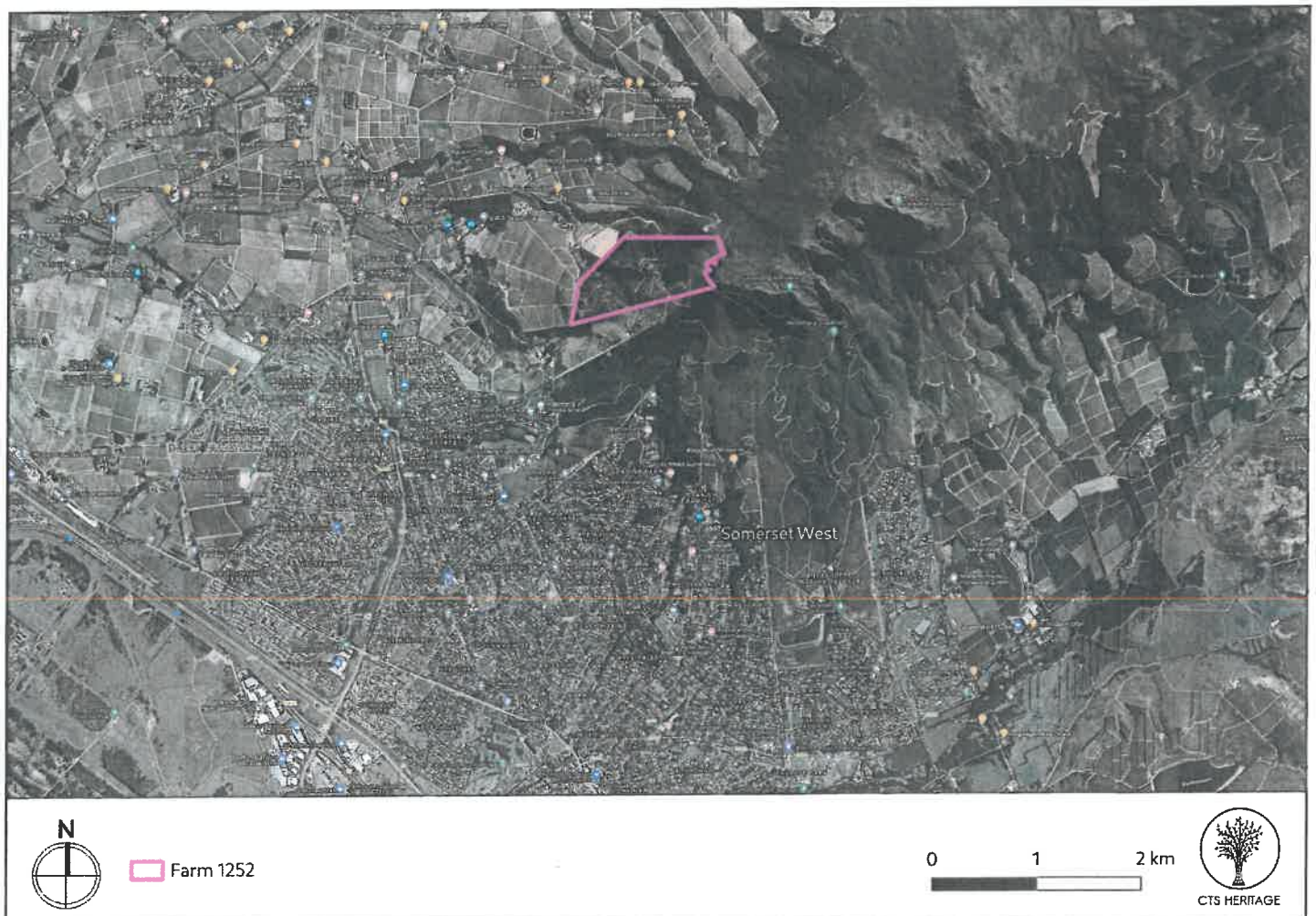
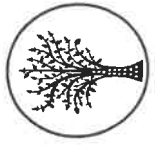


Figure 1.2: Close up satellite image indicating proposed location of development



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Figure 1.3: Close up satellite image indicating proposed location of development

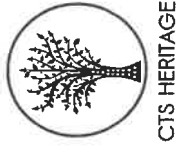
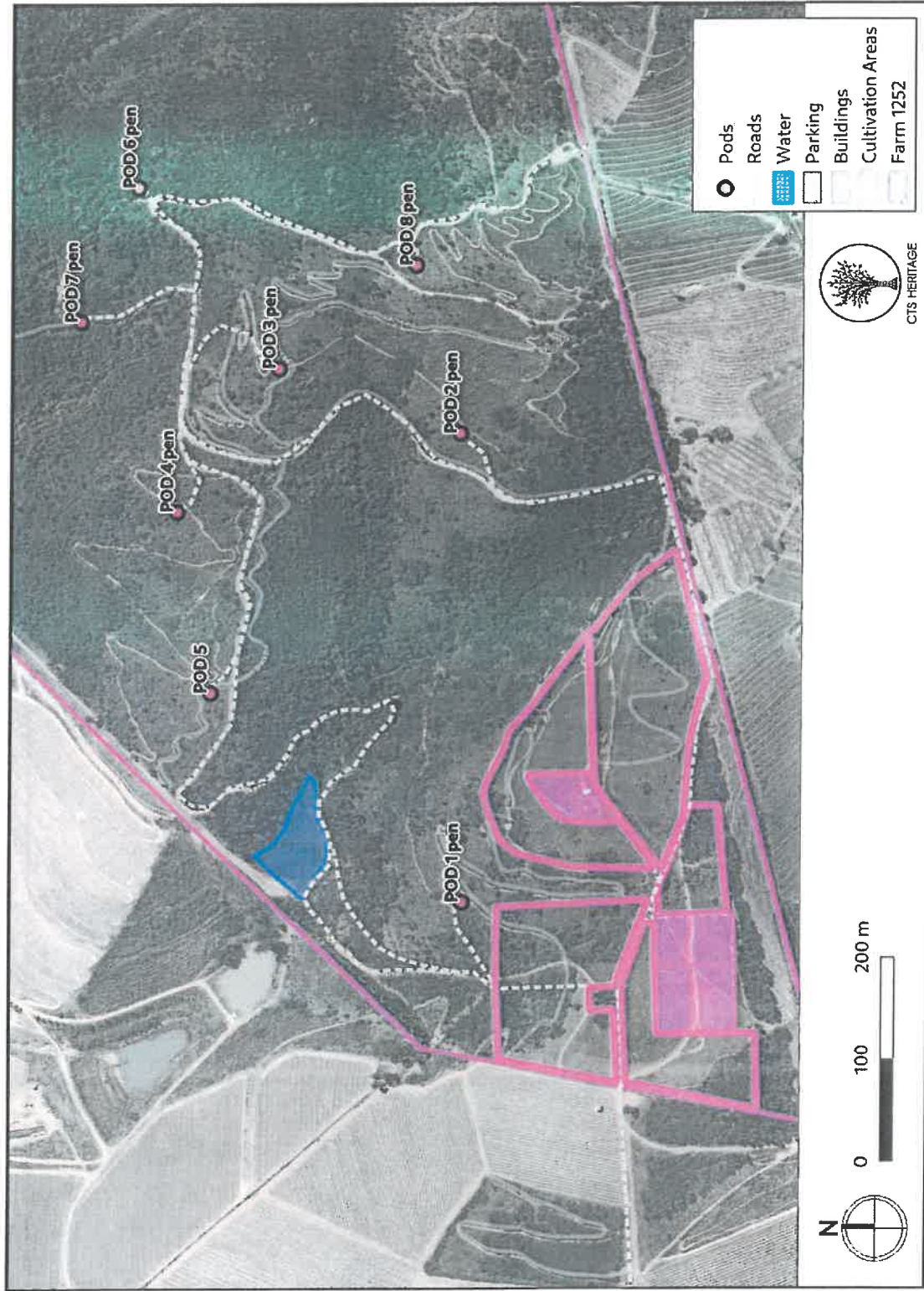
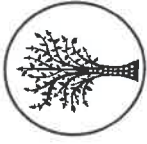


Figure 1.4: Close up satellite image indicating proposed location of development



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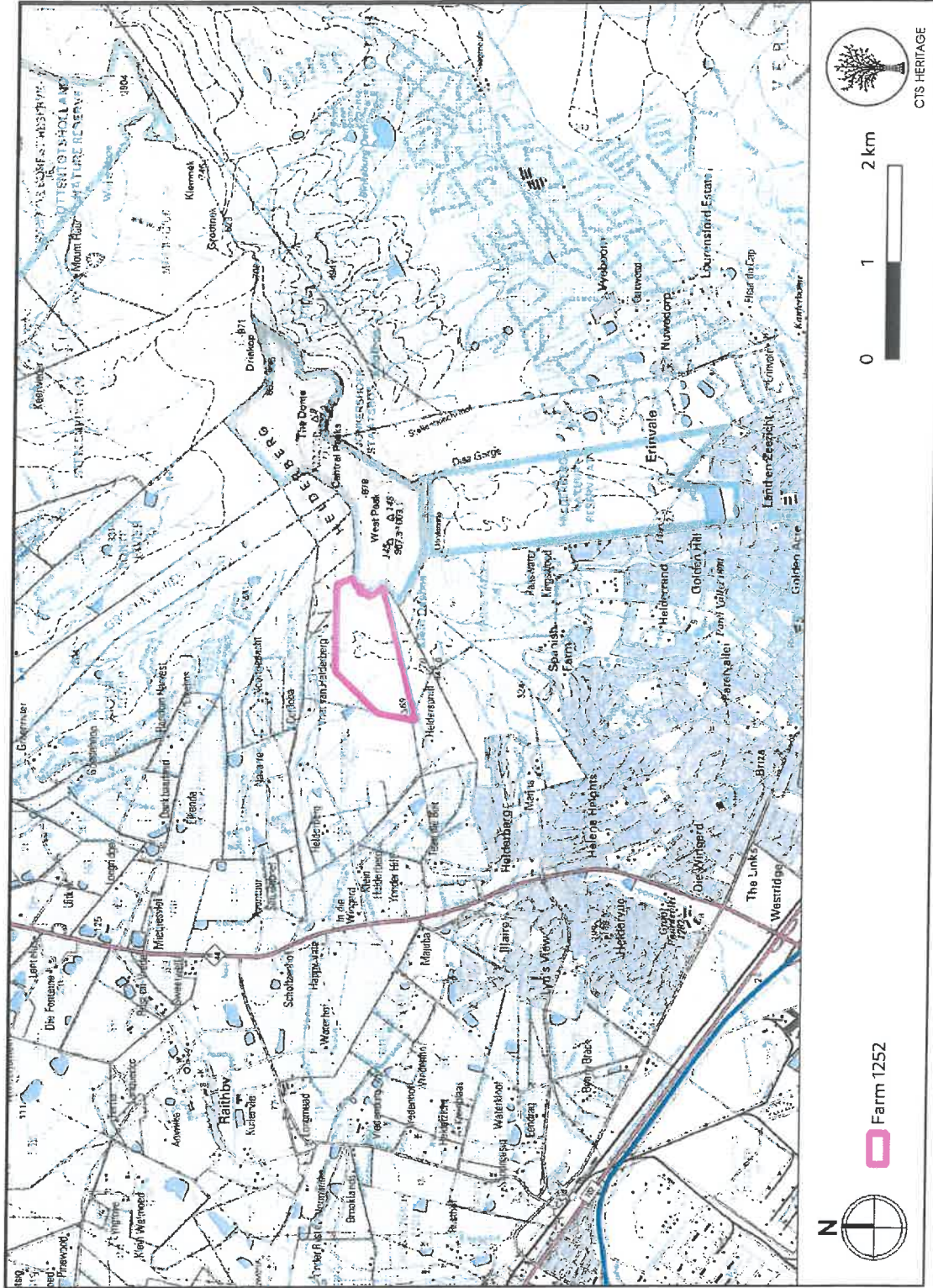


Figure 1.5. Overview Map. 1:50 000 Topo Map extract

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2. METHODOLOGY

2.1 Purpose of Archaeological Study

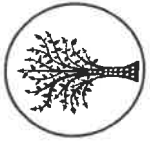
The purpose of this archaeological study is to satisfy the requirements of section 38(8), and therefore section 38(3) of the National Heritage Resources Act (Act 25 of 1999) in terms of impacts to archaeological resources, as per the Response to NID letter from HWC dated 16 September 2021.

2.2 Summary of steps followed

- An archaeologist (Ms J. Lavin) conducted a survey of the site and its environs on 3 March 2022 to determine what archaeological resources are likely to be impacted by the proposed development.
- The identified resources were assessed to evaluate their heritage significance in terms of the grading system outlined in section 3 of the NHRA (Act 25 of 1999).
- Alternatives and mitigation options were discussed with the Environmental Assessment Practitioner.

2.3 Constraints & Limitations

No significant limitations to the survey were experienced other than the dense vegetation covering most of the development area where the pods are proposed to be located. Thorough field assessment was possible for the proposed parking, buildings and cultivation areas. The specialist is confident that sufficient coverage was achieved in order to determine the archaeological sensitivity of the development areas.



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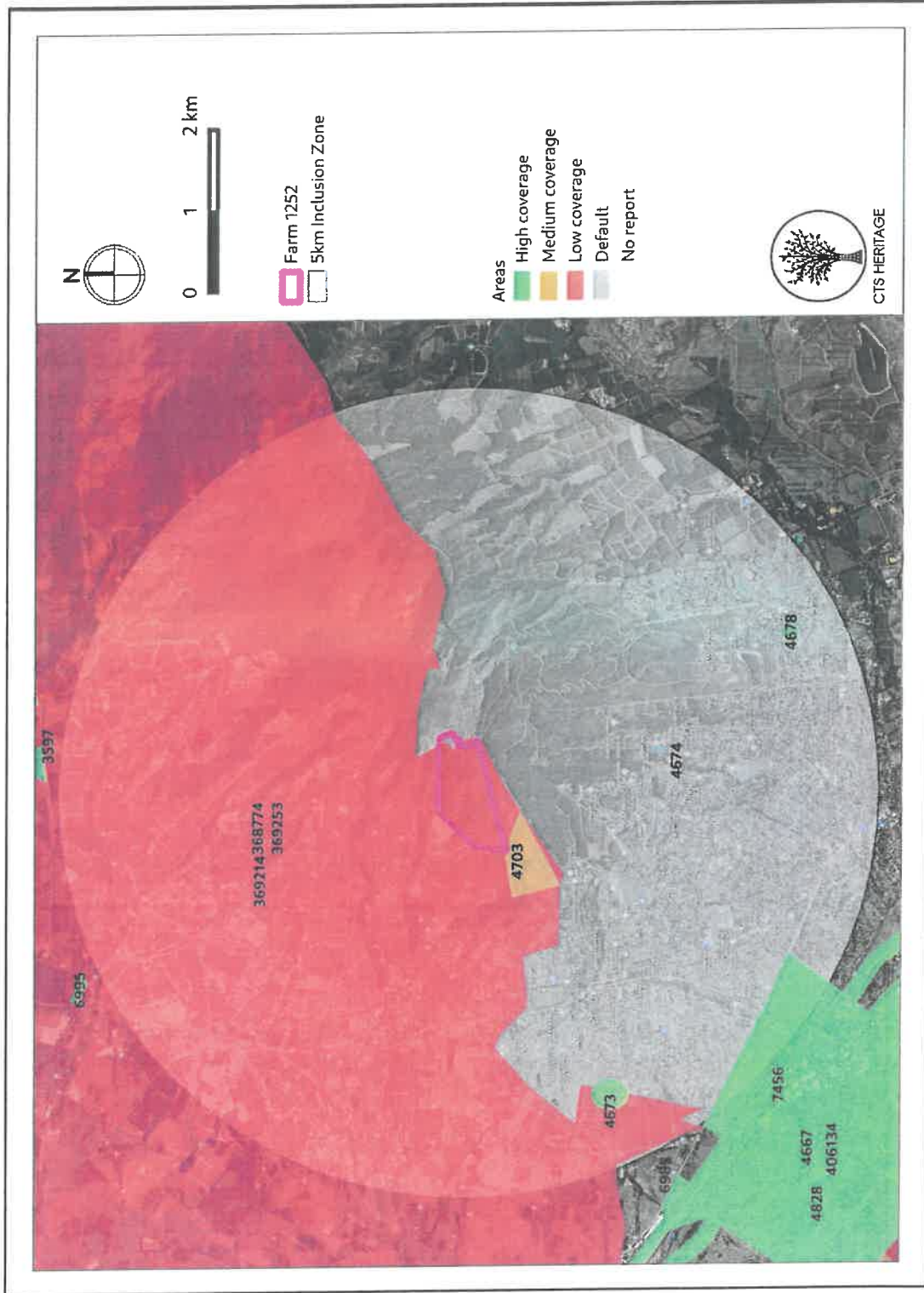


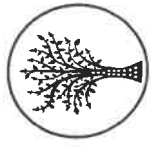
Figure 2: Close up satellite image indicating proposed location of development in relation to heritage studies previously conducted

3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT

Early Stone Age (ESA) implements were first discovered by the French entomologist Dr Louis Peringuey in 1899 at Bosman's Crossing at the foot of the Papagaaiberg alongside the Eerste River in Stellenbosch (Peringuey 1902, 1911; Seddon 1966). The artefacts, exposed in the railway cutting, are associated with the younger gravels of the course alluvial fan on which much of Stellenbosch is situated, and are dated to the earlier part of the Middle Pleistocene, between 700 000 and 300 000 years ago (Deacon & Goosen 1997). Among these tools was an artefact type of great antiquity recognized as an early handaxe. For many years after this, the ESA of South Africa was referred to as the 'Stellenbosch Culture' until the term was re-defined in the 1960s (Goodwin & Van Riet Lowe 1929). A large sandstone boulder marks the location of the Bosman's Crossing Provincial Heritage Site (PHS) which was declared a National Monument in 1962.

ESA Acheulean sites, which are characterised by the presence of specific types of tools such as handaxes, choppers and cleavers, have been recorded throughout the country, and are especially associated with river terraces and streams, mountain slopes, and in degraded and transformed areas such as slope washes, cuttings, excavations, and in vineyards and old fields, where they are often brought to the surface by ploughing. ESA artefacts have been recorded on a number of farms in the Stellenbosch area, at Spier, Meerust, Lynedoch, Hartlands, Vlottenberg and De Wijnlanden (Kaplan 2002), and on several farms to the east of the R310, at Croyden (Kaplan 2005, 2004) and Faure (Kaplan 2006). Large numbers of tools including handaxes, cleavers, cores, and flakes were also documented in old agricultural lands and vineyards during an investigation of the De Zalze Golf Estate (Kaplan 2009), about 1km north east of the proposed development site, while a rich Acheulean site occurs on the Farm Blaauklippen, on the upper slopes of the Helderberg to the east of the R44 (Deacon and Goosen 1997). ESA flakes and angular chunks have also found on the lower slopes of the Papagaaiberg near the Stellenbosch Cemetery (Kaplan 2010), while ESA tools were recorded alongside Adam Tas Road, and in Devon Road, Stellenbosch during a Heritage Impact Assessment (HIA) for the proposed Plankenbrug sewer pipeline (Kaplan 2015a), and at Vlottenburg Hamlet inside the urban edge (Kaplan 2015b). More recently, relatively large numbers of ESA tools, including a number of handaxes were recorded on the Farm, overlooking the Annandale Road, close to the banks/floodplain of the Bonterivier, where quartzite river cobbles would have been readily available to early ESA hominins as a source material for making tools (Kaplan 2018).

In 2001, Kaplan completed an archaeological assessment of the farm located adjacent to Farm 1252 (SAHRIS NID 4703). He found no archaeological resources on the property assessed. This is likely due to the historical cultivation that had taken place. However, despite Kaplans 2001 finding, it is possible that the development of the dam, cultivation areas and dwelling structures may impact on archaeological heritage.



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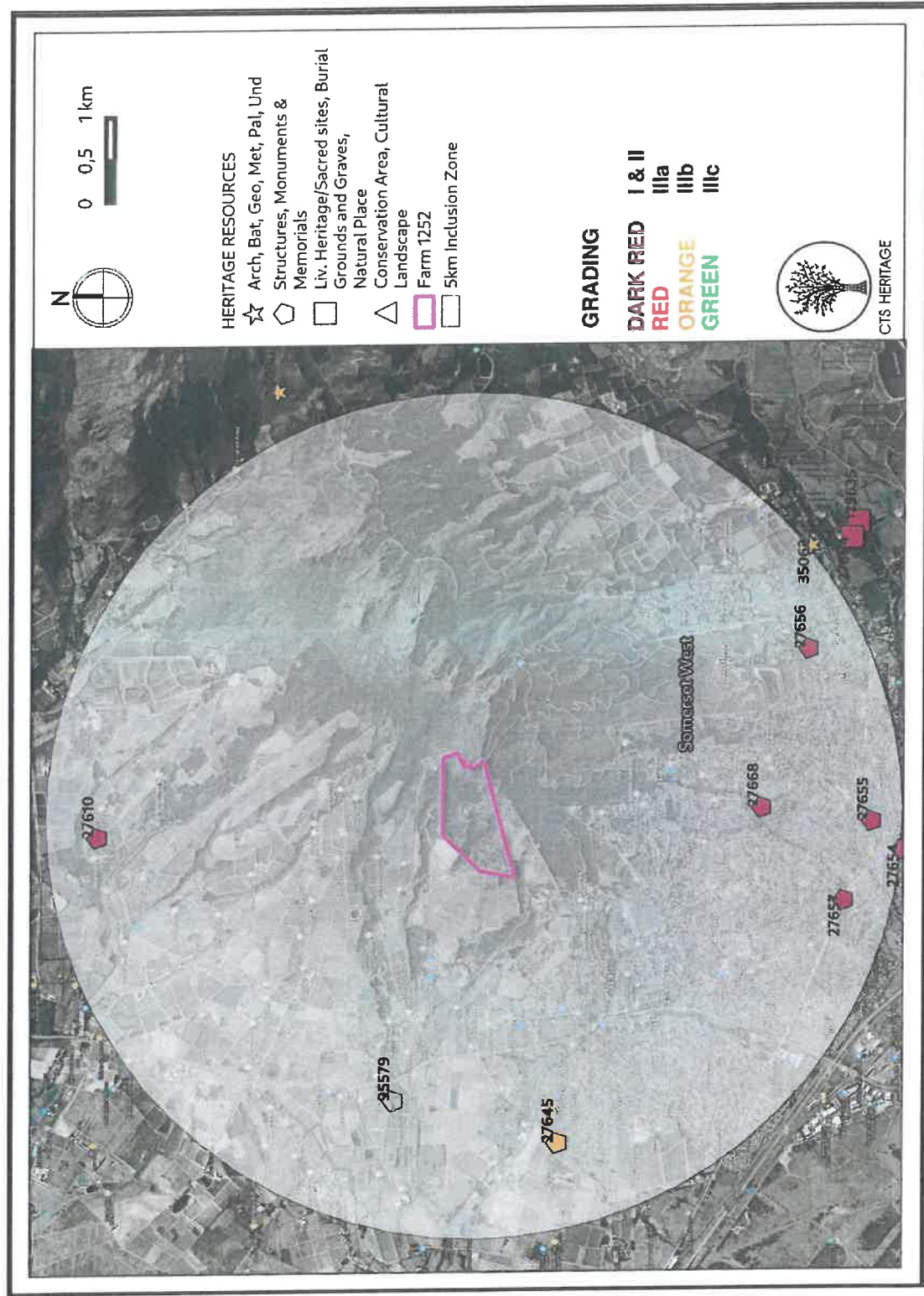


Figure 4. Heritage Resources Map. Heritage Resources previously identified in and near the study area, with SAHRIS Site IDs indicated (insets included in the Desktop Heritage Screening Assessment)

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4. IDENTIFICATION OF HERITAGE RESOURCES

4.1 Results of Field Assessment

The archaeological field inspection was conducted over 4 hours on 3 March 2022. The survey started on easier western slopes and worked eastwards towards the Helderberg Peak. Due to the position of the development area on the very steep slopes of the Helderberg at high elevation, much of the development area is underlain by rocky substrate with a limited soil profile.

Due to the dense vegetation in the higher slopes, it was not possible to inspect the footprints of each proposed pod. However, due to the elevation and gradient, it is unlikely that *in situ* archaeological heritage will be preserved here. If there ever was human occupation in these higher slopes, any evidence of this is likely to have eroded down the mountain via tributaries.



Figure 5.1: Contextual Images -Overlooking the development area



Figure 5.2: Contextual Images -Overlooking the development area



Figure 5.3: Contextual Images -Overlooking the development area - Alternative 1



Figure 5.4: Contextual Images -Overlooking the development area - Alternative 1



Figure 5.5: Contextual Images -Overlooking the development area



Figure 5.6: Contextual Images -Overlooking the development area



Figure 5.7: Contextual Image - indicating sandy substrate evident in open patches between the dense vegetation



Figure 5.8: Contextual Image - Dense vegetation



Figure 5.9: Contextual Image - dense vegetation



Figure 5.10: Contextual Image

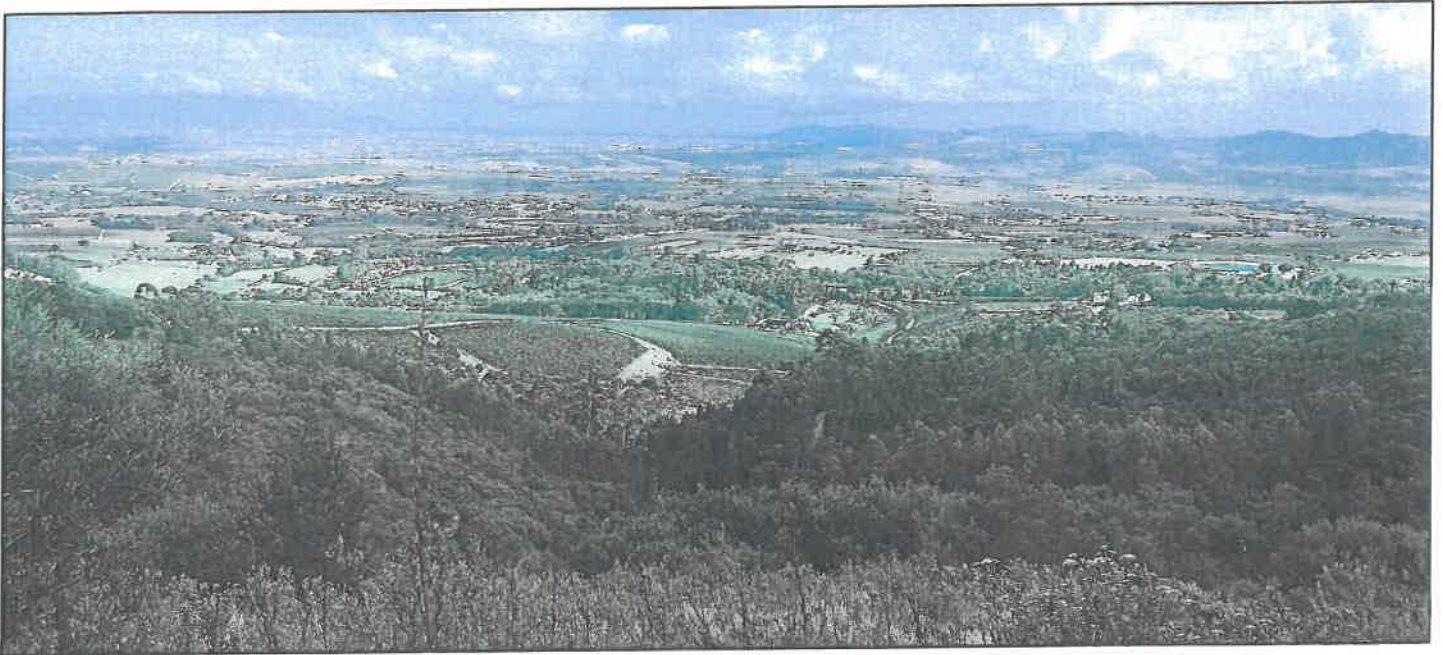


Figure 5.11: Contextual Image



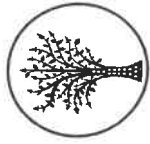
Figure 5.12: Contextual Image



Figure 5.13: Contextual Image - looking towards Helderberg West Peak



Figure 5.14: Contextual Image



CTS HERITAGE

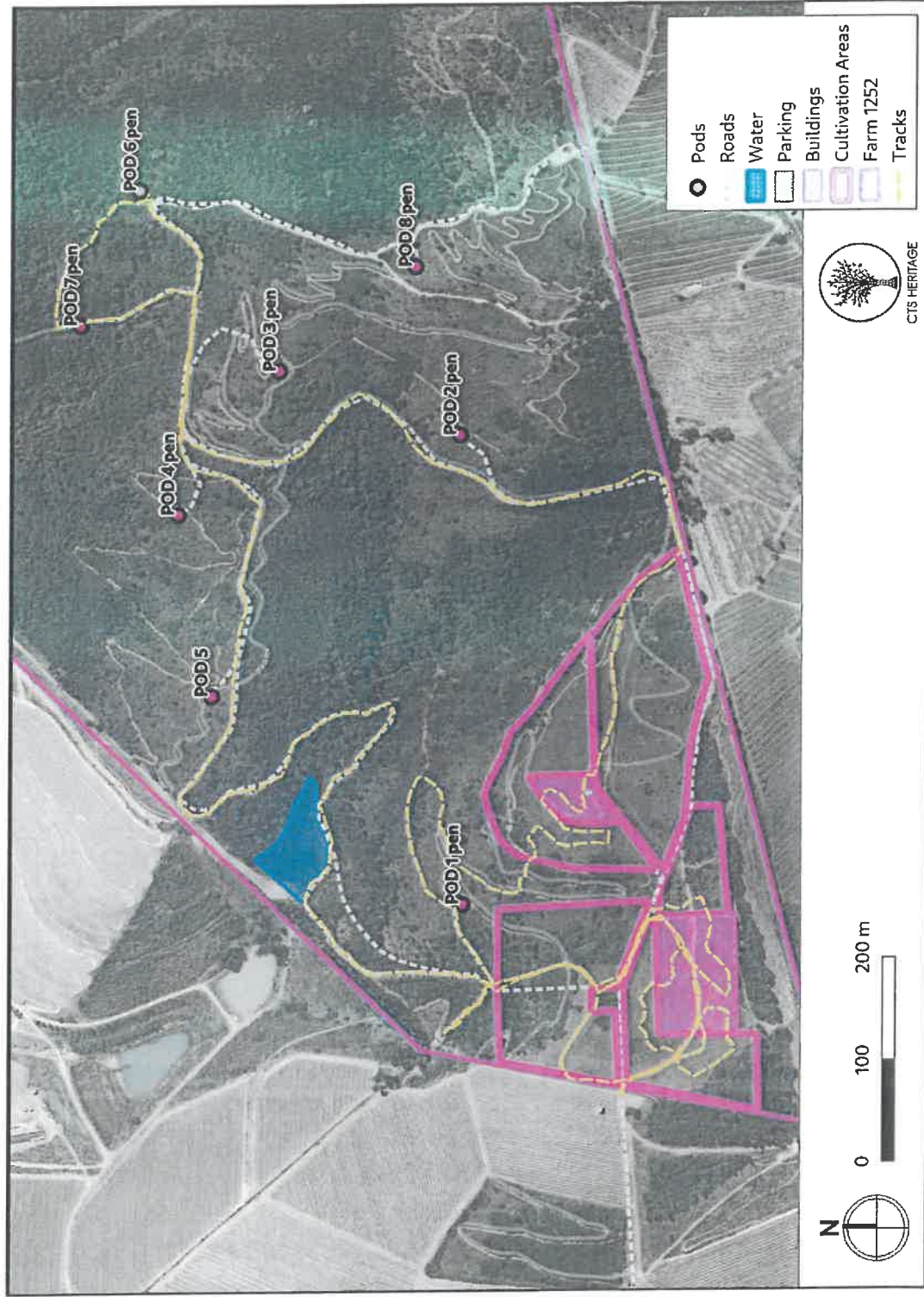
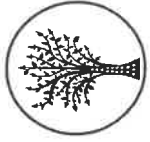


Figure 6.1: Track paths of route assessed on foot



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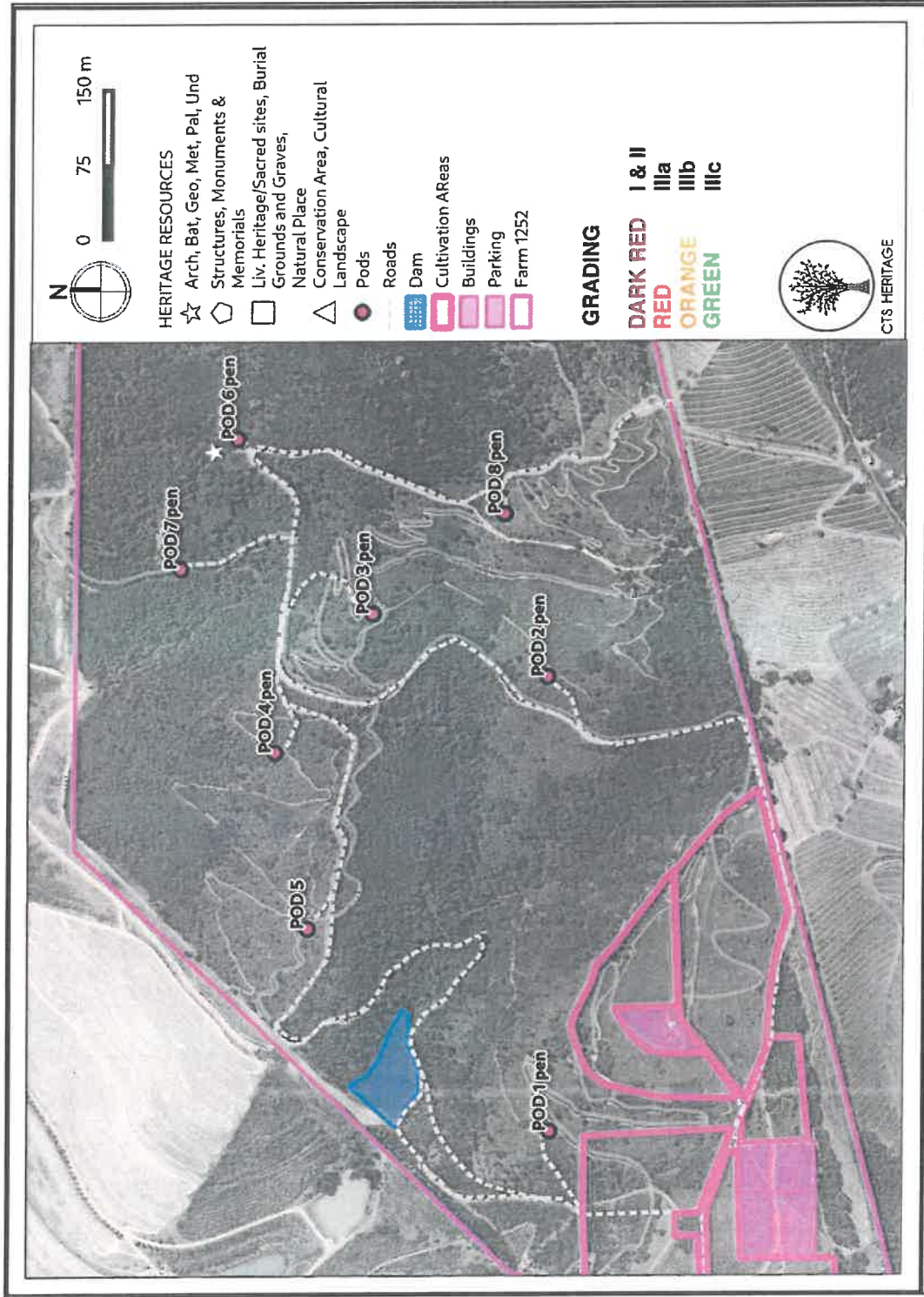


Figure 6.2: Observations

4.2 Archaeological Resources identified

No archaeological resources of significance were identified during the field assessment. One artefact, possibly Middle Stone Age, was identified in the mountain bike track on the way to Pod 6. This lone artefact was out of place and has very limited scientific significance beyond its location recording and photograph (as per this report). As such, this artefact has been determined to be Not Conservation-Worthy.

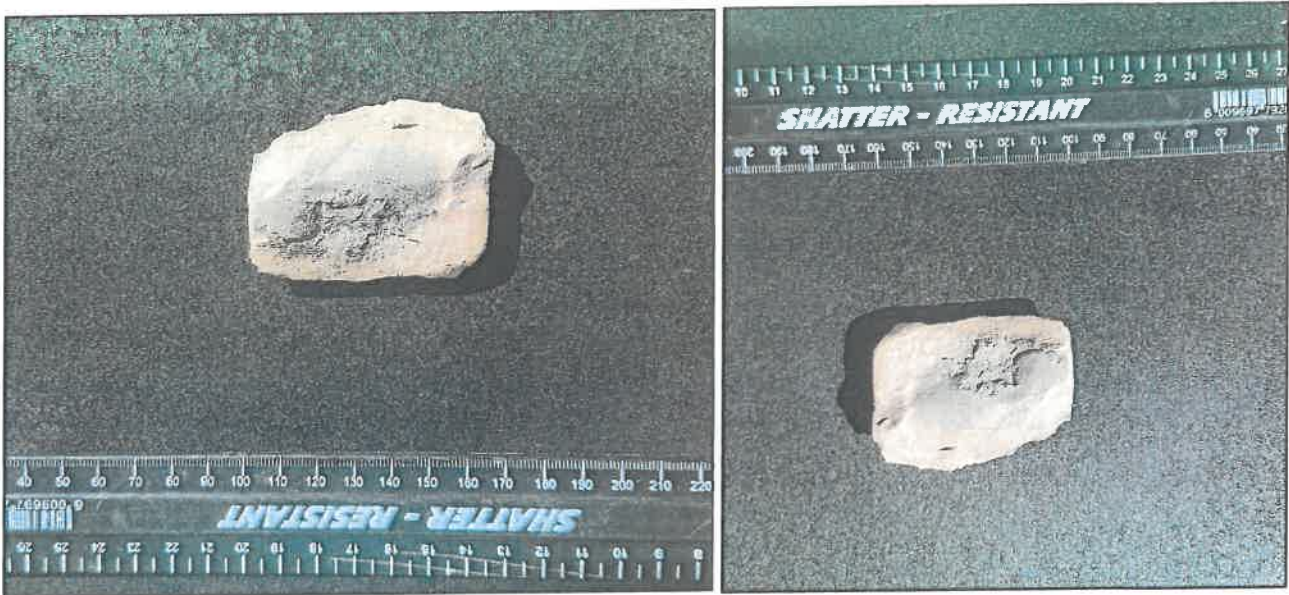


Figure 7.1: Observations - single MSA flake in existing mountain bike track



Figure 7.2: Observations - single MSA flake in existing mountain bike track

5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT

5.1 Assessment of impact to Archaeological Resources

The results of the study indicate that the proposed development site is not a sensitive archaeological landscape. It is important to note that the results of this field assessment may well be due to the dense vegetation cover presently covering most of the development area, however due to the elevation and gradient, it is unlikely that significant *in situ* archaeological heritage will be preserved here.

It is very unlikely that the proposed development will negatively impact on significant archaeological heritage resources.

6. CONCLUSION AND RECOMMENDATIONS

There is no objection to the proposed development with regard to impacts to archaeological resources on condition that the recommendations below are implemented.

Recommendations

- If any archaeological resources, unmarked Khoisan, or battlefield graves are uncovered or exposed during bulk earthworks, these must immediately be reported to the contracted archaeologist, or Heritage Western Cape (Att: Mrs Colette Scheermeyer 021 483 9685)



7. REFERENCES

Impact Assessment References				
Nid	Report Type	Author/s	Date	Title
3597		Hennie Vos	01/01/1983	Nietgegend farm, Stellenbosch: A short report on the manor house
368774	Heritage Study	Harriet Clift	01/01/2010	Heritage Chapter Status Quo Report Cape Winelands District Municipality. Unpublished report prepared for SRK Consulting SA (Pty) Ltd.
369214	Heritage Study	Cindy Postlethwayt	25/01/2016	Heritage Draft Status Quo_Stellenbosch Rural Area Plan
369253	Heritage Study	Fabio Todeschini, Liana Jansen	01/04/2016	HERITAGE INVENTORY OF, AND MANAGEMENT PLAN FOR, THE TANGIBLE RESOURCES IN THE STELLENBOSCH MUNICIPALITY (EXCEPT FOR A PART OF THE TOWN OF STELLENBOSCH ITSELF)
4667	AIA Phase 1	Timothy Hart, Dave Halkett	01/09/1996	An Assessment of Heritage Resources on the Aeci Site: Somerset West
4673	AIA Phase 1	Jonathan Kaplan	03/02/2005	Phase 1 Archaeological Impact Assessment Erf 13340 Somerset West, Western Cape Province
4674	AIA Phase 1	Jonathan Kaplan	15/03/2005	Phase 1 Archaeological Impact Assessment Proposed Rezoning and Subdivision Erf 7072 Somerset West Cape Province
4678	AIA Phase 1	Timothy Hart	01/04/2004	Phase 1 Archaeological Assessment of Land-En-Zeezicht (Remainder of Erf 4070) Somerset West, Western Cape
4703	AIA Phase 1	Jonathan Kaplan	01/07/2001	Heritage Impact Assessment, Proposed Development, Helderspruit Resort, Stellenbosch
6995	AIA Phase 1	Hilary Deacon	22/07/2008	Archaeological Impact Assessment: Joalid Wine Centre (Rem No.357, Stellenbosch, Western Cape)

Deacon. H. & J. Deacon. 1999. Human Beginnings in South Africa: Uncovering the Secrets of the Stone Age. David Philip Publishers, Cape Town and Johannesburg, pp1-214.

APPENDIX 6

Department of Environmental Affairs
and Development Planning.



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

D'mitri Matthews

Directorate: Development Management, Region 1

Dmitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/1/B4/45/1015/24
NEAS REFERENCE: WCP/EIA/0001409/2024
DATE OF ISSUE: 30 SEPTEMBER 2024

The Director
Proximity Properties 420 (Pty) Ltd
1198 Ruimsig Crescent
Woodhill
PRETORIA
0076

Attention: Mr. J. Nel

Cell: 083 7000 333
Email: jaco@squaremeter.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT OF DAMS, AGRICULTURAL ACTIVITIES AND ASSOCIATED INFRASTRUCTURE, AS WELL AS TOURIST ACCOMMODATION UNITS ON THE FARM BO-HELDERBERG NO. 1252, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2024.09.30 12:53:49
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) M. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd.)
(2) S. van der Merwe (Stellenbosch Municipality)
(3) M. Mathaulula (Department of Water and Sanitation)
(4) I. Adams (CapeNature)
(5) C. van der Walt (WCG: Department of Agriculture)

Email: mari@cornerstoneenviro.co.za
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Email: MathaululaM@dws.gov.za
Email: iadams@capenature.co.za
Email: Cor.VanderWalt@westerncape.gov.za



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

D'mitri Matthews

Directorate: Development Management, Region 1

Dmitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/1/B4/45/1015/24
NEAS REFERENCE: WCP/EIA/0001409/2024
DATE OF ISSUE: **30 SEPTEMBER 2024**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT OF DAMS, AGRICULTURAL ACTIVITIES AND ASSOCIATED INFRASTRUCTURE, AS WELL AS TOURIST ACCOMMODATION UNITS ON THE FARM BO-HELDERBERG NO. 1252, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Site Layout Alternative 2, described in the Basic Assessment Report ("BAR"), dated June 2024.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan ("MMP")** for the watercourses within the property, included in the BAR dated June 2024.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Proximity Properties 420 (Pty) Ltd
 % Mr. J. Nel
 1198 Ruimsig Crescent
 Woodhill
PRETORIA
 0076

Cell: 083 7000 333
 Email: jaco@squaremeter.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12: The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>The following components will be constructed within 32m of the watercourse and delineated wetlands:</p> <ul style="list-style-type: none"> • A new instream dam; • Borehole and pump station located east of the dam; • Water pipeline mains and electrical cables; • A section of the proposed new road south of the dam; • Pods 3, 7 and 8 footprint area, including the access road to pod 8.
<p>Activity Number 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p>	<p>The following activities will result in the movement and removal of 10m³ or more of material within a watercourse:</p> <ul style="list-style-type: none"> • Construction of a new instream dam; • Borehole and pump station east of the dam; • Installation of water pipeline mains and electrical cables; • The maintenance of infrastructure located within watercourses.

<p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p>Activity Number 27:</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposed development will entail the clearance of more than 1ha of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 3 of 2014:</p> <p>Activity Number 4:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>I. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Various new road sections will be developed, that is likely to be just wider than 4m. These roads will be located in areas containing indigenous vegetation.</p>
<p>Activity Number 6:</p> <p>The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <p>i. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</p> <p>ii. Outside urban areas;</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</p> <p>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of</p>	<p>The proposed development includes tourism accommodation facilities ("pods"), which will accommodate more than 15 people and are located within 5km of a protected area.</p>

<p>NEMPAA or from the core area of a biosphere reserve; -</p> <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p>	
<p>Activity Number 12:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>More than 300m² of critically endangered vegetation will be cleared as part of the proposal.</p>
<p>Activity Number 18:</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. All areas outside urban areas:</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p>	<p>Existing roads on the property will be lengthened by more than 1km in areas containing indigenous vegetation.</p>

(aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the development in respect of the following alternative:

The development will include the following components:

- Proposed buildings:
 - A main house;
 - Five tourism accommodation units (also referred to as "pods"); and
 - A restaurant/bistro/wine tasting area, and associated parking.
- New agricultural activities – proposed vineyards and vegetable/fruit garden.
- New internal roads and lengthening of sections of existing roads.
- Water infrastructure:
 - A new borehole and pumpstation;
 - Two new dams (one instream and one off-stream); and
 - Water pipelines.
- Sewage and electricity infrastructure.
- A borrow area.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm Bo-Helderberg No. 1252, Stellenbosch, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 02' 12.62"	18° 51' 15.61"

The SG digit code is: C06700000000125200000

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Cornerstone Environmental Consultants (Pty) Ltd.
% Ms. M. de Villiers
PO Box 12606
STELLENBOSCH
7613

Cell: 083 235 8733

Email: mari@cornerstoneenviro.co.za

E. Conditions of authorisation

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to Site Layout Alternative 2, described in the Basic Assessment Report ("BAR"), dated June 2024, at the site as described in Section C above.
2. The holder must commence with and conclude the listed activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
- (b) A period of 10 years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 5.1 make clear reference to the site details and EIA Reference number given above; and
 - 5.2 include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 10 and 11

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.

- 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any, of the holder; and
 - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 9. The MMP adopted as part of this Environmental Authorisation must be implemented.
- 10. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

Monitoring

- 11. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
- 12. The ECO must conduct a site visit prior to the commencement of construction activities. Thereafter, weekly monitoring inspections must be undertaken during the clearance phase and monthly inspections during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.
- 13. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.

14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMP. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 10 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three months after the commencement of construction activities and annually thereafter, during the construction phase. A final Environmental Audit Report must be submitted six (6) months after completion of construction activities.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMP may render the holder liable to criminal prosecution.

3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.
5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. Appeals

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:
By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2024.09.30 12:54:15
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 30 SEPTEMBER 2024

CC: (1) M. de Villiers (Cornerstone Environmental Consultants (Pty) Ltd.)
(2) S. van der Merwe (Stellenbosch Municipality)
(3) M. Mathaulula (Department of Water and Sanitation)
(4) I. Adams (CapeNature)
(5) C. van der Walt (WCG: Department of Agriculture)

Email: mari@cornerstoneenviro.co.za
Email: Schalk.vandermerwe@stellenbosch.gov.za
Email: MathaululaM@dws.gov.za
Email: iadams@capenature.co.za
Email: Cor.VanderWalt@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



Figure 1: Location of the development site (red polygon).

www.westerncape.gov.za
Department of Environmental Affairs and Development Planning



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Forms dated 5 February 2024, the final BAR dated June 2024, the EMPr and MMP submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated June 2024; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at a location within and around the area where the listed activities are to be undertaken on 4 May 2023;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 3 and 4 May 2023, 23 February 2024 and 12 May 2024;
- the placing of a newspaper advertisement in the 'Eikestadnuus' on 8 November 2022;
- making the pre-application draft BAR available to I&APs for public review from 4 May 2023, the in-process draft BAR from 26 February 2024, as well as the revised draft BAR from 13 May 2024;

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The proposed development entails the construction of dams, the cultivation of land, the development of a main house, tourist accommodation, and tourist facilities, as well as the installation of water and sewage infrastructure and the development and/or expansion of internal roads. Below is the description of the alternatives that have been investigated.

2.1 Site layout alternatives

(a) Site Layout Alternative 1:

This alternative will include the following components:

- Proposed buildings:
 - A main house;
 - Eight tourism accommodation units (also referred to as "pods"); and
 - A restaurant/bistro/wine tasting area, and associated parking.
- New agricultural activities: Proposed vineyards and vegetable/fruit garden.
- New internal roads and lengthening of sections of existing roads.
- Water infrastructure:
 - A new borehole and pumpstation;
 - Two new dams (one instream and one off-stream); and
 - Water pipelines.
- Sewage and electricity infrastructure.
- A borrow area.

This alternative is not preferred for the following reasons:

- The number of additional units, to be utilised as tourist accommodation, is not in keeping with the relevant legislative framework applicable to the area.
- The development footprint will be more extensive than that of Site Layout Alternative 2, resulting in a larger disturbance footprint within an area that has been identified as a Critical Biodiversity Area.

(b) Site Layout Alternative 2 (herewith authorised):

This alternative will include the following components:

- Proposed buildings:
 - A main house;
 - Five tourism accommodation units (also referred to as "pods"); and
 - A restaurant/bistro/wine tasting area, and associated parking.
- New agricultural activities: Proposed vineyards and vegetable/fruit garden.
- New internal roads and lengthening of sections of existing roads.
- Water infrastructure:
 - A new borehole and pumpstation;
 - Two new dams (one instream and one off-stream); and
 - Water pipelines.
- Sewage and electricity infrastructure.
- A borrow area.

This alternative is preferred because it will limit the extent of the disturbance footprint within an area identified as a CBA, while it will also conform to the relevant legislative framework.

2.2 Dam Site and Layout Alternatives:

Nine site and layout options were modelled for the dams and are discussed below.

(a) Dam Layout Alternatives 1-7:

Dam options	Storage capacity	Wall height	Embankment crest length	Operational footprint [including wall, Full Supply Level (FSL) and spillway]	Water/wall ratio
Option 1	2 500m ³	12,1m	47m	0,1ha	0,41
Option 1a (herewith authorised)	500m³	4,9m	23m	0,1ha	0,66

Option 2	3 600m ³	17,34m	60m	0,1ha	0,26
Option 3	3 100m ³	18,3m	60m	0,1ha	0,26
Option 4	13 600m ³	23,3m	67m	0,2ha	0,66
Option 5	5 900m ³	13,8m	55m	0,1ha	0,67
Option 5a	5 400m ³	20m	50m	0,1ha	0,52
Option 6	4 200m ³	15,4m	48m	0,1ha	0,76
Option 7 (herewith authorised)	1 500m³	4,9m	90m	0,25ha	0,39

Various instream location and size alternatives were considered. Options 1, 1a, 2 and 3 vary in size but are located on the same location, the most downstream point of the property boundary. Option 3 is similar to Option 2 but is located adjacent to Option 2 on the 5m contours. Options 4, 5 and 5a are located further upstream, with Option 4 and 5 located on an identified "fountain" or wet area, resulting in these options being discarded. Option 5a was discarded as current runoff from the catchment area is uncertain.

Option 6 is located further upstream from Option 5 in the left tributary of the catchment area. While it has a better water/wall ratio than the downstream options, it would require higher storage pumping and would not effectively capture runoff from the catchment and was therefore discarded.

An off-channel Option 7 dam was included in the proposal, providing additional balancing storage capacity with a gravity advantage for irrigation purposes.

A combination of Option 1a and Option 7 is preferred, as it allows for the storage of surface water runoff from the instream catchment area and provides balancing storage capacity for irrigation.

2.3 "No-Go" Alternative

The "no-go" option was considered and is not preferred for the following reasons:

- The opportunity to develop tourism activities and enhance the farm's agricultural operations by utilising part of the previously disturbed footprint will be lost. Without the proposed agricultural and tourism development, there would be no resources or funds available for large-scale alien vegetation eradication. As a result, alien vegetation will continue to spread and out-compete natural elements remaining in the undeveloped areas of the farm.
- No additional employment opportunities would be created.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The proposed development entails the construction of two dams, the cultivation of land of approximately 7,6ha, the development of a main house, tourist accommodation and tourist facilities as well as the installation of water and sewage infrastructure and the development and/or expansion of internal roads on land zoned for agricultural use. Due to the topography/steepness of the property, there is the limited land available for agricultural purposes. Therefore, five tourist accommodation units are proposed to provide an additional source of income, which will help support the agricultural component of the development and to enhance the farm's sustainability. The additional income will enable the landowner to effectively manage biodiversity on the property through ongoing alien vegetation control. Furthermore, additional employment opportunities will be created during the construction and operational phases of the development. The development is consistent with the surrounding land use and the relevant legislative framework for the area.

3.2 Biophysical Impacts

According to the Terrestrial Biodiversity and Plant Species Assessment dated November 2022, compiled by Ms. Johlene Krige, the site comprises Cape Winelands Shale Renosterveld, an ecosystem classified as an critically endangered ecosystem in terms of section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The property is 74.87 ha in extent and is currently undeveloped in terms of agriculture. Features include a 4x4 trail and a network of hiking and mountain bike tracks. A significant portion of the proposed cultivation areas consist of previously cleared/disturbed areas. Aerial imagery indicates that these areas were historically cultivated, with some cleared in 2014. Areas not cleared in the past are currently dominated by high-density alien vegetation, with little to no natural vegetation remaining. While previously cleared areas contain some natural vegetation, plant diversity is low compared to other parts of the property.

The proposed site for the instream dam is heavily infested with alien vegetation, primarily Eucalyptus (*bloekom*) trees with significant amounts of Black Wattle (*Acacia mearnsii*) and Port Jackson (*Acacia saligna*). Other elements include Pine and Rubus fruticosus (*wildebraam*). The new road leading to the instream dam will primarily cross through high-density alien vegetation, resulting in minimal impact on intact natural habitat. The five tourist accommodation pods will be developed in areas with a mix of natural Cape Winelands Shale Fynbos and alien vegetation, which consist of moderately tall and dense shrubland. High densities of alien vegetation are found across the property.

The preferred layout for the development was informed by specialist assessments and aims to minimize impacts on terrestrial biodiversity and intends to preserve intact natural areas of Cape Winelands Shale Fynbos. Furthermore, through the implementation of the specialists' recommendations and the EMPr (accepted as Condition 8), the impacts of the proposed development on indigenous vegetation will be mitigated.

According to the Terrestrial Animal Species Specialist Assessment dated 27 October 2022, compiled by Mr. Jonathan Colville of Terrestrial Ecologist & Faunal Surveys, none of the invertebrate and bird Species of Conservation Concern ("SCCs") flagged by the National Screening Tool for this project are present on site. The specialist concluded that the proposed development is unlikely to generate significant negative impacts on any of the faunal SCC, if the proposed mitigation measures are implemented.

According to the Aquatic Biodiversity Assessment dated March 2023, compiled by Ms. Toni Belcher, the tributaries within the study area can be categorised as non-perennial foothill tributaries of the Moddergat River. The lower reaches of the streams have been largely modified as a result of flow and channel modification, as well as encroachment by surrounding farming activities.

The wetlands within the study area are classified as hillslope seepage, either linked to a stream channel or isolated. The instream habitat integrity of the tributaries is largely natural to moderately modified, while the riparian zone has been moderately modified. The major impacts on the stream habitat integrity are a result of physical disturbance into the riparian zone and the subsequent invasion of alien trees. The hillslope wetlands are considered to be in a largely natural state, though they are affected by alien tree invasion and the trails that pass through the seeps.

The tributaries of the Moddergat River have moderate to low ecological importance, while the hillslope seeps are considered to be of moderate ecological importance and sensitivity. Only linear infrastructure (roads, water pipelines and electricity) will cross these areas. Most of the roads are existing and there are no new roads that would be established within the aquatic constraints

areas. Water pipelines and electricity are also largely outside of the constraints areas and any works within these areas can easily be mitigated. The only component of the proposed project that lies within the watercourse corridors is the small instream dam and its associated borrow area. This dam will have a capacity of 500m³, with the dam and borrow having a combined footprint of 4000m².

The impact of the small dam on the watercourse is likely to be very low, particularly considering the larger instream dams immediately downstream of the proposed dam on the adjacent properties. The upstream borrow area will have a larger impact. It is proposed that this borrow area be designed to drain freely towards the dam basin/river sections and to be covered with topsoil and vegetated after use. With effective shaping and revegetating of the borrow area, the potential impact would be low. The impact of the proposed activities is thus likely to be low and mostly takes place during the construction phase. Through the implementation of the specialists' recommendations and the EMPr (accepted as Condition 8), the impacts of the proposed development on the watercourses will be mitigated to an acceptable level.

An MMP has been compiled to address future maintenance activities required within watercourses on the Farm Bo-Helderberg No. 1252, Stellenbosch. The maintenance of the infrastructure authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3 Heritage Impacts

According to the Heritage Impact Assessment dated April 2023, compiled by Ms. Jenna Lavin of CTS Heritage, the site is located on the upper slopes of the Helderberg Range, below the West Peak. The Helderberg sub-valley is characterised by agriculture and wilderness rather than extensive settlement. A primary concern for development of the site is that the wilderness character of the upper reaches of the farm must remain dominant, and the new development cannot disrupt the interaction of the various elements that comprise the cultural landscape of the Helderberg Farm Valley's.

Most of the site forms a part of a wider drainage area with densely vegetated small valleys converging at the highest dam. This gives the landform a concave, triangular landform that is inward-looking and has a low visual exposure. The well-treed environment has a high degree of natural texture and screening, and therefore the visual absorption capacity of the environment is high.

The site has two very distinct visual characters: the well-vegetated and visually secluded wilderness area and a small, visually exposed agricultural pocket on a hillock. The proposed new

werf is located at a highly visually exposed point within the Helderberg sub-valley. However, analysis shows that the proposed werf is located on the edge of the agricultural domain, with two local ridgelines providing some screening, along with vegetated "pockets" to either side.

Visual exposure tends to diminish with distance, meaning the impact of the new structures will be less noticeable the further away one is. If all new buildings are located within and below the converging local ridgelines, their visual exposure would be moderate, becoming recognizable only to viewers within the intermediate area of the Helderberg sub-valley. Since there is existing development higher up the slope on the neighbouring farm, this level of visual exposure is seen to be acceptable.

To minimize visual impact, the proposed location of the farmhouse has been shifted southwards, placing it below the ridgeline. The visual absorption capacity ("VAC") is provided by the densely vegetated area to the south of the proposed new werf, and on the neighbouring farm. Therefore, it is recommended that new, indigenous vegetation of similar density be established on the subject farm itself, around the edges where the vegetable garden is currently proposed. This will provide some VAC for the proposed new buildings, particularly the larger store and administration building. Furthermore, through the implementation of the specialist's recommendations included in the EMPr (accepted in Condition 8), visual impacts can be mitigated to an acceptable level.

3.4 Traffic Impacts

According to the Traffic Impact Statement dated 25 May 2022, compiled by Jaco Brink of ITS Engineers, even though the existing traffic volumes are high along the R44 in the vicinity of the site, there are sufficient gaps in traffic to accommodate the expected low traffic volumes generated by the proposed development. The specialist concluded that the development can be recommended from a transport impact perspective. Through the implementation of the specialist's recommendations included in the EMPr (accepted in Condition 8), traffic impacts can be mitigated to an acceptable level.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will have an impact on the visual landscape; however, this will be mitigated to acceptable levels.
- There will be a slight increase in traffic as a result of the implementation of the development.
- There will be an increase in noise and dust impacts during the construction phase, however, mitigation measures for these impacts are addressed in the EMPr.
- Impacts on aquatic features are anticipated, but will be limited through the implementation of specialist's recommendations and in terms of the approved EMPr and MMP.

Positive impacts:

- The landowner will be able to use the land for agricultural purposes, while generating additional income through tourist facilities and overnight accommodation, thereby making the farm more economically viable.
- The biodiversity on the site will be improved through continuous alien vegetation management.
- Employment opportunities will be created during the construction and operational phases.

4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking

any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----

APPENDIX 7

Director: Infrastructure Services.



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att AandagS: Nolusindiso Momoti
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Ilze Fillies
Date ▫ Datum: 30 April 2024
Our Ref ▫ Ons Verw: Civil LU 2496
Your Ref: LU/14498
Re ▫ Insake: Farm 1252, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a consent use on Farm No. 1252, Stellenbosch Division for; (i) A tourist facility in order to allow the construction of a restaurant and wine tasting and sales facility of $\pm 350\text{m}^2$. (ii) A tourist accommodation establishment to allow for the construction of 8 guest units (4 x one bedroom and 4 x two bedroom), single storey on $\pm 120\text{m}$ coverage with a building footprint of $\pm 45\text{m}^2$ per unit.

The application can be recommended for approval, subject to the following:

1. Water

- 1.1 The development has an existing borehole and are proposing to add an additional borehole.
- 1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

2. Sewer

2.1 The proposed sewer solution for the development is the clarus fusion or similar waste treatment. Applicant to ensure all relevant approvals from the Department of Water and sanitation are in place.

2.2 Wastewater and sewage may not pollute any groundwater, stormwater, or surface water.

3. Roads

3.1 Access is from a provincial road – all conditions by the Provincial Roads Engineer will be applicable.

3.2 The road and stormwater upgrades must be in place to ensure that stormwater is discharged in a safe manner with erosion protection.

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 subsequent applications ie building plans / A final calculation will be provided prior to payment.

4.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

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\2496 (IF) Farm 1252 Stellenbosch (LU-14498)\2496 () Farm 1252 Stellenbosch (LU-14498).doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION

Application Number:	2496 (IF) Farm 1252 Stellenbosch (LU-14498)
Development Name:	
Date:	30 April 2024
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 1252 Stellenbosch
DC Parameters Reference:	Motivation report Consent use Application (Tourist accommodation and facilities) Farm 1252 Hekkerberg Stellenbosch May 2022 by Arch Town planners

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	l/d/day	l/d/day	ha°C	t/week	trips/day		persons	
Total Increased Service Usage:	5,44	4,61	0,1005	0,25	106		15,5	
Total Service Usage Reduction:	0	0	0	0	53,0		0	
Total Service Usage after Reduction:	5,44	4,61	0,10050	0,250	53,0		16	
Charges before adjusting for positive only, before Deductions	R -	R -	R 20 820,20	R 24 452,90	R 686 675,88	R 731 848,98	R 52 289,64	R 784 238,62
Charges adjusted for positive only, before Deductions	R -	R -	R 20 820,20	R 24 452,90	R 686 675,88	R 731 848,98	R 52 289,64	R 784 238,62
Total Deductions:	R -	R -	R -	R -	R 343 337,94	R 343 337,94	R -	R 343 337,94
Total Development Charges Payable (excluding VAT):	R -	R -	R 20 820,20	R 24 452,90	R 343 337,94	R 388 611,04	R 52 289,64	R 440 900,68
VAT:	R -	R -	R 3 123,03	R 3 667,94	R 51 500,69	R 58 291,69	R 7 843,46	R 68 135,10
Total Development Charges Payable (including VAT):	R -	R -	R 23 943,23	R 28 120,84	R 394 838,63	R 446 902,70	R 60 133,08	R 507 035,78

APPLICANT INFORMATION

Application Processed by:	Izzy Filles
Signature:	<i>Izzy Filles</i>
Notes:	

K

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage Amount	Waste			Sewer			Stormwater			On-Highway Charges (excl. VAT)			Sub Total (incl. all services)	Community	Total
		Description	Unit	Area (m ²)	Unit Amount	Result	Area (m ²)	Unit Amount	Result	Amount	Yes	No	Yes	No	Yes	No	Yes	Yes	No	Yes			
Residential	Single Residential	>1000m ²	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Single Residential	>500m ²	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Single Residential	>250m ²	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Single Residential	<250m ²	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Second Dwelling	du								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Low Formal Residential	du								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Group Residential	du								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Apartment	du								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Retirement Village	du								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Old age home	du								0	R	-	R	-	R	-	R	-	R	-	R	-	R
Accommodation	Student Accommodation/Concessional Hostels	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Guest House	rooms					13			12	R	-	R	-	R	-	R	-	R	-	R	-	R
	Converted Guest House	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Hotel, Residential	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	R
Commercial	General Business	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Office	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Retail/Shop	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Restaurant	m2 GLA					300			350	R	-	R	-	R	-	R	-	R	-	R	-	R
	Outdoor Function / Picnic Area	peranna								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Conference Facility/Place of assembly	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Hospital/Clinic/Medical Rooms	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	University/College	student								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	School/Day Care	student								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Industrial - light	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
Industrial	Industrial - heavy	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Warehousing/Light Manufacturing	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Storage Facilities	unit								0	R	-	R	-	R	-	R	-	R	-	R	-	R
Open demand	Open Space/Natural Environment/Utility Site	ha								0	R	-	R	-	R	-	R	-	R	-	R	-	R
	Roads and Parking	ha								0,0000	R	-	R	-	R	-	R	-	R	-	R	-	R
Other	To be calculated	n/a								0,0000	R	-	R	-	R	-	R	-	R	-	R	-	R
	(Based on requested demands)	n/a								0	R	-	R	-	R	-	R	-	R	-	R	-	R
Total Area:		0								0													
Total Area:		0								0													

Deduct	Charges before adjusting for positive only, before Deductions	R	-	R	-	R	20 820,20	R	24 452,90	R	686 675,68	R	731 948,08	R	52 289,84	R	784 238,92
	Charges adjusted for positive only, before Deductions	R	-	R	-	R	20 820,20	R	24 452,90	R	686 675,68	R	731 948,08	R	52 289,84	R	784 238,92
	Deductions per service (from usage reductions)	R	-	R	-	R	-	R	-	R	343 337,94	R	343 337,94	R	-	R	343 337,94
	Discount Deduction (N)	Percentage:	0,00%	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Additional Deduction per service - from Service Agreement (sum)	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Totals	Sub Total after Adjustments and Deductions (excluding VAT)	R	-	R	-	R	20 820,20	R	24 452,90	R	343 337,94	R	388 011,04	R	52 289,84	R	440 300,88
	VAT	R	-	R	-	R	3 123,63	R	3 697,94	R	51 500,09	R	58 291,66	R	7 843,48	R	66 135,14
	Total Development Charges	R	-	R	-	R	23 943,23	R	28 150,84	R	394 838,03	R	446 302,70	R	60 133,32	R	506 436,02

OK

APPENDIX 8

Western Cape Chief Director: Road Planning



**Western Cape
Government**

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/459 (Job 30329)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

**BO-HELDERBERG FARM, FARM 1252, STELLENBOSCH: MINOR ROAD 4237 AND MAIN ROAD 27:
CONSENT USE (GUEST ACCOMMODATION, RESTAURANT AND WINE TASTING)**

1. The following refer:
 - 1.1 The email from Innovative Transport Solutions dated 15 September 2023 containing the gap survey results conducted at the MR27/OP4237 intersection;
 - 1.2 Our email letter of objection TPW/CFS/RP/LUD/REZ/SUB-25/459 (Job 30329) to Cornerstone Environmental Consultants dated 14 June 2023 refers;
 - 1.3 The letter 4474 from Innovative Transport Solutions dated 25 May 2022 containing the Traffic Impact Statement (TIS);
 - 1.4 The undated notice for the land development application LU/14498 received from Arch Town Planners via email dated 18 May 2023;
 - 1.5 The Consent Use Application Rev 1 received from Arch Town Planners dated May 2023; and
 - 1.6 A site visit conducted on 30 May 2023.
2. Main Road 27 (MR27) (R44) and Minor Road 4237 (OP4237) (Klein Helderberg Road) are affected by this application.
3. This application entails the following:
 - 3.1 A Consent Use for Tourist Accommodation to allow for 8 x guest units; and
 - 3.2 A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.
4. The main conclusions from the TIS are:

- 4.1. The existing traffic volumes along MR27 past OP4237 is high (>3 000 vehicles per peak hour).
- 4.2. The proposed development can generate approximately 34 new vehicular trips during the typical weekday PM peak hour, which is low (<50 vehicles per peak hour).
5. In the email from Innovative Transport Solutions dated 15 September 2023 it is stated that from the results of the gap survey it is evident that there are sufficient gaps in the northbound and southbound traffic streams along MR27 for the side road (OP4237) traffic to safely enter the road in two stages during the critical PM peak hour.
6. Access from the farm is via a gravel servitude road that connects with OP4237.
7. OP04237 has the following features:
 - 7.1. Km0.0 to km0.6: a narrow-surfaced road with gravel shoulders
 - 7.2. Km0.6 to km0.82: narrow-unsurfaced road consisting of in-situ sandy soil with poor drainage resulting in poor riding conditions during the rainy seasons.
8. The access from OP4237 onto MR27 is challenging due to the staggered median crossing with OP4236 (Bredell Road) on the opposite side of the R44.
9. The servitude road also provides access to other properties.
10. The access road to the new development site has been paved with concrete and vegetation blocks stormwater side drains next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection, to facilitate the movement of heavy (and other) vehicles during rainy conditions.
11. Considering all the above this Branch is concerned about the following:
 - 11.1. Continuous approval of ad-hoc developments in this area which - due to the substandard geometric and surface conditions present on the servitude road and the OP4237 with a problematic staggered median intersection on MR27 and opposite OP4237;
 - 11.2. The applicant has upgraded the private access road to accommodate this development, but similar poor in-situ material and drainage conditions will remain present on the servitude road and the gravel road section of OP4237;
 - 11.3. Increased traffic on OP4237 will create additional maintenance needs and as the Branch is not obliged to maintain Minor Roads, increased development can lead to insistence that the Local Authority accept the road as a municipal street. The upgrading of OP4237 does not form part of this Branch's five-year budget.
12. It is important to note that the R44 Road Safety Project when implemented will close the median breaks on MR27 at OP4236 and OP4237 and both these side roads will only have left-in/left-out access onto MR27 with u-turn opportunities at Steynsrust Rd and Winery Rd. This section of the project is currently in the Design phase.

13. This Branch offers no objection to the Consent Use applications for Farm 1252, Stellenbosch as reflected on the Site Development Plan (Drawing Number 101, Revision E) dated April 2023 prepared by Malherbe Rust Architects subject to the following conditions:
- 13.1. The applicant is fully aware and acknowledge that - as part of the R44 Road Safety Project, the median crossings at the MR27/OP4237/OP4236 intersections will be closed and become left-in/left-out accesses on MR27; and
- 13.2. The applicant is fully aware and acknowledges that the Branch is not obliged to maintain OP4237 and that he/she may for the interim be responsible for any additional maintenance/upgrading needs on OP4237 according to appropriate standards as agreed with and under supervision of the District Road Engineer in Paarl.
14. It is recommended that – until the R44 Road Safety Upgrade Project is implemented, the applicant be requested to advise visitors to the proposed development to plan their trips when leaving the site to avoid having to turn right at the R44 (MR27/OP4237) intersection.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 13 December 2023

TPW/CFS/RP/LUD/REZ/SUB-25/459 (Job 30329)

ENDORSEMENTS

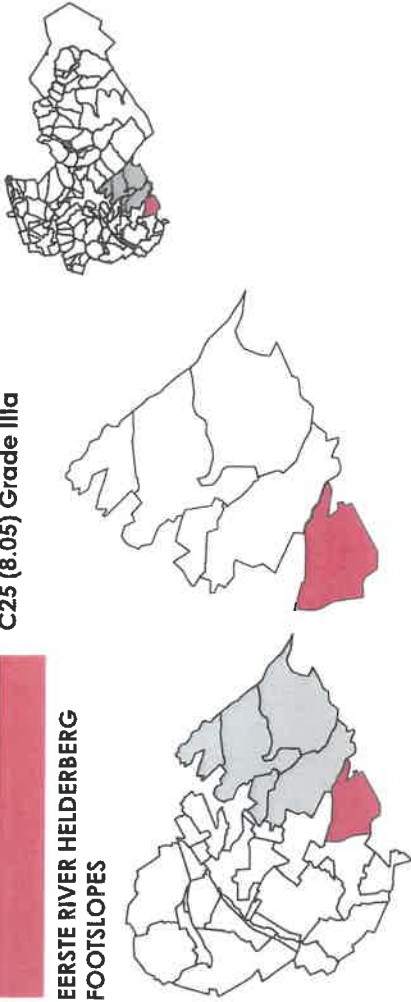
1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. Arch Town Planners
Attention: Mrs Marike Bolz (e-mail: marike@archtownplanners.co.za)
3. Innovative Transport Solutions
Attention: Mr P Arangie (e-mail: pieter@pietera@itsglobal.co.za)
4. District Roads Engineer
Paarl
5. Mr SW Carstens (e-mail)
6. Me S du Preez (e-mail)
7. Mr B du Preez (e-mail)

APPENDIX 9

Extracts from Stellenbosch Municipal Heritage Inventory and Conservation Management Plan

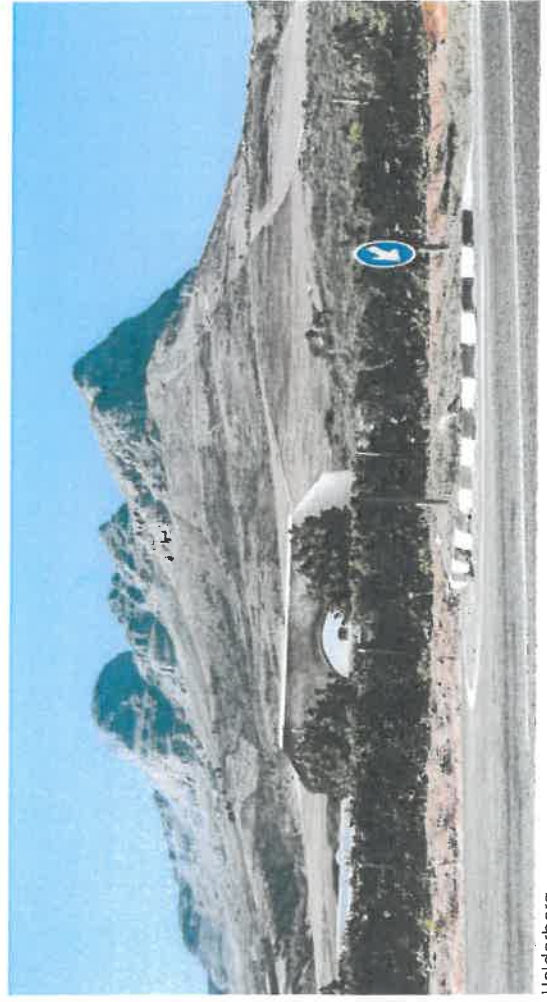
C25 (8.05) Grade IIIa

EERSTE RIVER HELDERBERG FOOTSLOPES

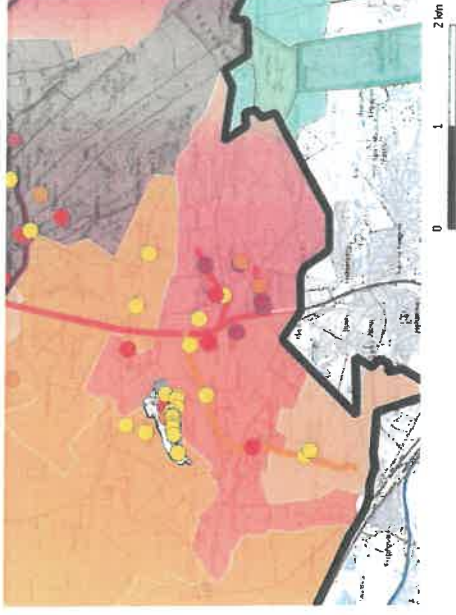


C25 Helderberg Foothills

This unit is flanked by the Helderberg to the east, with its apex being West Peak. The western boundary of the unit is the R44. Three fairly deep and well-vegetated drainage lines lead down the footslopes of the mountain. Several critical biodiversity and ecological support areas are located along these drainage lines and on the upper to mid mountain slopes. The unit displays a fairly dense pattern of natural fingers interspaced with a finer pattern of crop fields and vineyards organised along the contours. Historical structures are located closer to the drainage lines, with newer residences positioned on the convex slopes between these vegetated streams. Most of the unit features high to moderate suitable soils for agriculture (viticulture). The upper slopes of the Helderberg are extensively used for running and cycling (see the Strava heatmap for intensity). Natural vegetation knits together edges of fields and vineyards, giving it a rugged character, and some of the roads and homes are overgrown. The upper slopes of West



Helderberg



Strava heatmap for running and cycling
(Strava Labs 2015)

Peak of the Helderberg has a degraded quality as it is currently an old plantation in the process of being rehabilitated. Avontuur appears separate from the rest of the unit as the distinct white fence poles used for the uniform horse paddocks distinguishes it from the overall the typology, creating a unique pattern that has a landmark quality. Views from the upper reaches of the unit stretch all the way to Cape Town, but within the lower drainage lines, views are confined to the intimately spaced immediate surroundings, creating several view pockets in the unit.

One of the first freehold farms is located next to the R44, between the historic Helderberg and Klein Helderberg farms. The avenue of Eucalyptus trees along the Klein Helderberg Road creates a clear, visual threshold between the agricultural landscape of the Winelands, and the 'peri-rural' edge of Somerset West. Another special feature in the landscape is the mature Cypress avenue leading to San Gabriel (Klipheuwel). Hans Fransen (2004) describes Navarre (Nooitgedacht-Helderberg) as "matchless, and its facade one of the finest in the Cape".

This land unit is diverse with a variation of vineyard sizes, vegetable farming and smaller 'lifestyle' plots. These are mainly arranged along the three main drainage lines, which are densely vegetated and lead down from the Helderberg. Several historic farmsteads with associated landscape elements are located within this land unit. Land units such as this one, situated in close proximity to urban nodes, are valuable resources for recreational use.

C25 HELDERBERG FOOTHILLS

The unit displays a fairly dense pattern of natural fingers interspaced with a finer pattern of crop fields and vineyards organised along the contours. Land use is diverse, with a variation of vineyard sizes, vegetable farming and smaller 'lifestyle' plots. Historical structures are located closer to the drainage lines, with newer residences positioned on the convex slopes between these vegetated streams.

MAIN AIM: ENHANCE (MANAGE) AND INTERVENE (CHANGE): Improve land parcels by strengthening or reinforcing agricultural use and its characteristic elements and features, most importantly the tree-lines and windbreaks between properties, as well as vineyards and farmstead/werf areas.

MAIN VALUE: AESTHETIC AND HISTORIC - Appropriate use of heritage features is critical for their preservation. Development that will result in the loss of the sense of "openness" of the space, as well as its historic use as agriculture, and established planting patterns (including mature trees and tree lines) will threaten the heritage value of this landscape unit.

CONSERVATION SYSTEM: Three scenic routes exist within this landscape unit. The visual impact of proposed developments must be carefully considered. This landscape unit also forms part of the green transitions conservation system, so maintenance of its green and open agricultural character is important.

DEVIATED LAND USE/USES THAT WILL LIKELY ERODE LANDSCAPE CHARACTER: Overscaled private dwellings (on ridgelines), gated residential estates, large-scale industrial structures, business parks as well as isolated shopping centres and their associated parking lots will likely pose a threat to the character of the landscape unit. Suburban "creep", particularly from the Cape Town Municipal Boundary (Somerset West), must not be permitted.

DEVELOPMENT CRITERIA

Please refer to the Conservation Management section of the CMP for general guidelines, explanatory text/terms, and the process behind developing the Development Criteria. The Development Criteria sheets are based on Landscape and Townscape typologies found within the Stellenbosch Municipality. The focus is on the current heritage elements and character of the landscapes, and the criteria are discussed under the five value lines (ecologic, aesthetic, historic, social and economic). They should also be read in conjunction with the Heritage Inventory (individual sites) and the Conservation Systems (Appendix 3 of the CMP).

Grade IIIa	✓
Foothill CS	✓
Green Transition CS	✓
Scenic Route CS	✓

A ECOLOGICAL

Significance:

Several critical biodiversity and ecological support areas are located along the drainage lines and on the upper to mid mountain slopes.

Development Criteria:

- Protect biodiversity by not allowing development in areas of ecological sensitivity such as wetlands, drainage lines, steep slopes, floodplains, areas with a high water table, areas with high biodiversity, and areas with threatened species.

B AESTHETIC

Significance:

This unit is flanked by the Helderberg to the east, with its apex being West Peak. The western boundary is the R44. Three fairly deep and well-vegetated drainage lines lead down the footslopes of the mountain.

The unit displays a fairly dense pattern of natural fingers interspaced with a finer pattern of crop fields and vineyards organised along the contours.

Natural vegetation knits together edges of fields and vineyards, giving it a rugged character, and some of the roads and homes are overgrown.

The upper slopes of West Peak of the Helderberg has a degraded quality as it is currently an old plantation in the process of being rehabilitated.

Avontuur appears separate from the rest of the unit as the distinct white fence poles used for the uniform horse paddocks distinguishes it from the overall the typology, creating a unique pattern that has a landmark quality. Views from

the upper reaches of the unit stretch all the way to Cape Town, but within the lower drainage lines, views are confined to the intimately spaced immediate surroundings, creating several view pockets in the unit.

The avenue of Eucalyptus trees along the Klein Helderberg Road creates a clear, visual threshold between the agricultural landscape of the Winelands, and the 'peri-rural' edge of Somerset West. Another special feature in the landscape is the mature Cypress avenue leading to San Gabriel (Klipheuwel). Hans Fransen (2004) describes Navarre (Noitgedacht-Helderberg) as "matchless, and its facade one of the finest in the Cape".

Development Criteria:

- The high mountains in the study area are landforms vital to its overall landscape character. They enclose the valleys and settlements of heritage significance. Prevent development on visually sensitive mountain slopes and ridgelines in order to preserve the continuity of the mountains as a backdrop.
- Prevent fragmentation and rezoning of wilderness or 'natural' areas within the municipality, to ensure that the important contribution of wilderness areas to the character of a variety of heritage sites is maintained.
- Maintain the balance of Urban, Rural and Wilderness areas. It is the interplay and relationship between these that give the study area its unique character (refer to the Conservation Systems).
- It is recommended that visual permeability should be maintained towards mountains, valleys and across open, and cultivated fields. (a) Discourage the use of solid walls

around vineyards and agricultural areas in public view and along scenic routes. (b) Views should be framed and enhanced by development wherever possible.

- Limit cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. Propose 'no-go' development areas above the 380m contour line for cultivated fields, and 300m for any built structures.
- Avoid development or infrastructure (such as buildings, wind turbines and power lines), on crests or ridgelines because of impact on the visual sensitivity of skylines.
- Prevent construction of new buildings on visually sensitive, steep, elevated or exposed slopes, ridgelines and hillcrests. Retain the integrity of the distinctive and predominantly agricultural landscape character.
- Land use related to agricultural use but with large visual intrusions /clutter (such as timber yards and nurseries)

should be carefully assessed. Mitigation measures should be put in place before any development or rezoning is permitted to allow such use.

- Encourage mitigation measures (for instance use of vegetation) to "embed" existing over-scaled structures (such as large agricultural sheds) within the surrounding agricultural landscape.
- Traditional planting patterns should be protected by ensuring that existing treed avenues, tree alignments and copses are not needlessly destroyed, but reinforced or replaced, thereby enhancing traditional patterns with appropriate species.
- Suburban development of the 1930s eroded the cultural landscape and changed its character as a result of mono-functional planning principles that advocated the separation of working, living, and recreation. Any proposed development that continues in this fashion should be discouraged.



C HISTORIC

Significance:

One of the first freehold farms is located next to the R44, between the historic Helderberg and Klein Helderberg farms.

Several historic farmsteads with associated landscape elements are located within this land unit.

Historical structures are located closer to the drainage lines, with newer residences positioned on the convex slopes between these vegetated streams.

Development Criteria:

ARCHAEOLOGICAL EVIDENCE & FREEHOLD GRANTS

- Handaxes and cleavers, etc. are found throughout the area, and their heritage significance is clear. All archaeological material is protected in terms of the NHRA.
- Any remaining structures or fabric associated with the first freehold land grants should be protected, and included as part of the heritage inventory.

MOVEMENT SYSTEMS AND SETTLEMENT PATTERNS

- The scale of roads (especially those that align with historic wagon routes) should be the minimum possible. Insensitive, over-engineered, hard elements can compromise the rural character of a landscape as a whole.
- Respect the distinctive settlement patterns along stream courses. Proposals should be carefully considered in relation to potential impacts on the heritage significance of these settlements and the historic riverine corridor.

HISTORIC WERFS

- Respect traditional werf settlement patterns by considering the entire werf as the component of significance. This includes the backdrop of the natural landscape against which it is sited, as well as its spatial structure. Any development that impacts the inherent character of the werf component should be discouraged.
- Interventions on the werf must respect the layout, scale, massing, hierarchy, alignments, access, landscaping and setting.
- Historical layering must be respected and protected. Alterations and additions to conservation-worthy structures should be sympathetic to their architectural character and period detailing. Inappropriate 'modernisation' of conservation-worthy structures and traditional werfs should be prevented. Inappropriate maintenance can compromise historic structures. Heritage expertise is required where appropriate.
- Distinguish old from new but ensure visual harmony between historical fabric and new interventions in terms of appropriate scale, massing, form and architectural treatment, without directly copying these details.
- Encourage development that prolongs the longevity of historic family farms as an increasingly rare typology.
- Any development that threatens the inherent character of family burial grounds should be discouraged.

PLANTING PATTERNS

- Traditional planting patterns should be protected by ensuring that existing tree alignments and copses are not needlessly destroyed, but reinforced or replaced, thereby enhancing traditional patterns with appropriate species.
- Significant avenues should be protected as a heritage component.

NEW DEVELOPMENT

- Ensure that new developments within rural contexts are in sympathy with the topography and unique *genus loci* of the place/landscape unit.
- Observe the siting of traditional farmsteads and settlements along the stream course. Similar principles should be followed in the placement of new development, as this will inherently strengthen the character of the landscape units as a whole.
- Ensure that new buildings within historical precincts or wref contexts are in sympathy with the scale, massing, layout and idiom of surrounding buildings.
- Avoid the loss of rural character due to suburban development that engulfs rolling foothills and severs the agricultural continuum that encircles settlements. (a) Avoid inappropriate suburban extensions to rural villages and hamlets, in order to retain their sense of scale, civic structure and rootedness (development pressure from Somerset-west should not sprawl into this landscape unit).

D SOCIAL

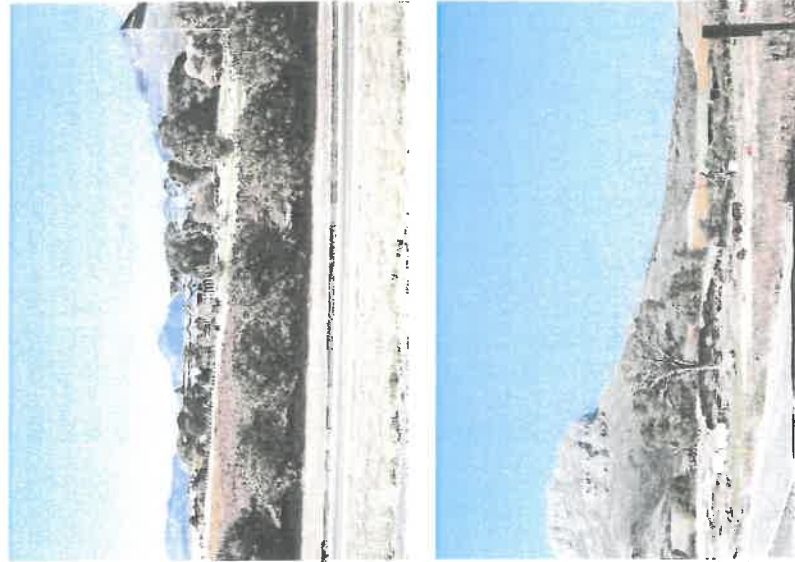
Significance:

The upper slopes of the Helderberg are extensively used for running and cycling (see the Strava heatmap for intensity).

Land units such as this one, situated in close proximity to urban nodes, are valuable resources for recreational use.

Development Criteria:

- It is recommended that physical permeability to communal resources such as rivers and mountains is maintained and enhanced, for the enjoyment of all members of the public. This is particularly true when considering any new development proposals. (a) Promote public footpaths across the cultivated landscape. (b) Restore areas of recreation, especially where the public has traditionally enjoyed rights of access. Action might include the removal of fences and walls, where it is appropriate. (c) Prevent



privatisation of natural places that form part of the historical public open space resource network. (d) Allow for sustainable, traditional use of natural places for recreational, spiritual and resource-collection purposes.

- Where practical, encourage managed access to wilderness areas on the higher slopes. This will allow residents and visitors to the winelands opportunities to experience the wilderness domain, which is a key component within the cultural landscape as a whole, and to experience the sense of interconnectedness of the wilderness, agricultural and urban domains through views from the upper slopes. (See Green Transitions and Foothills Conservation Systems).
- Always use existing roads and pathways, such as old forestry service roads, before any new routes are established. As much wilderness area as possible must be left intact.
- The principle of 'tread lightly' must be applied for any activity (and associated development requirements e.g. toilets for major events) in this domain should be emphasised.
- Make sure the required provision for the rehabilitation and maintenance of the slopes used for traditional and recreational purposes is in place.
- Mountain slopes have been used for traditional practices for many years, and care should be taken that any significant cultural sites, such as burials and veldkos/medicinal plant resources, are not disturbed.

E ECONOMIC

Significance:

Most of the unit features high to moderate suitable soils for agriculture (viticulture).

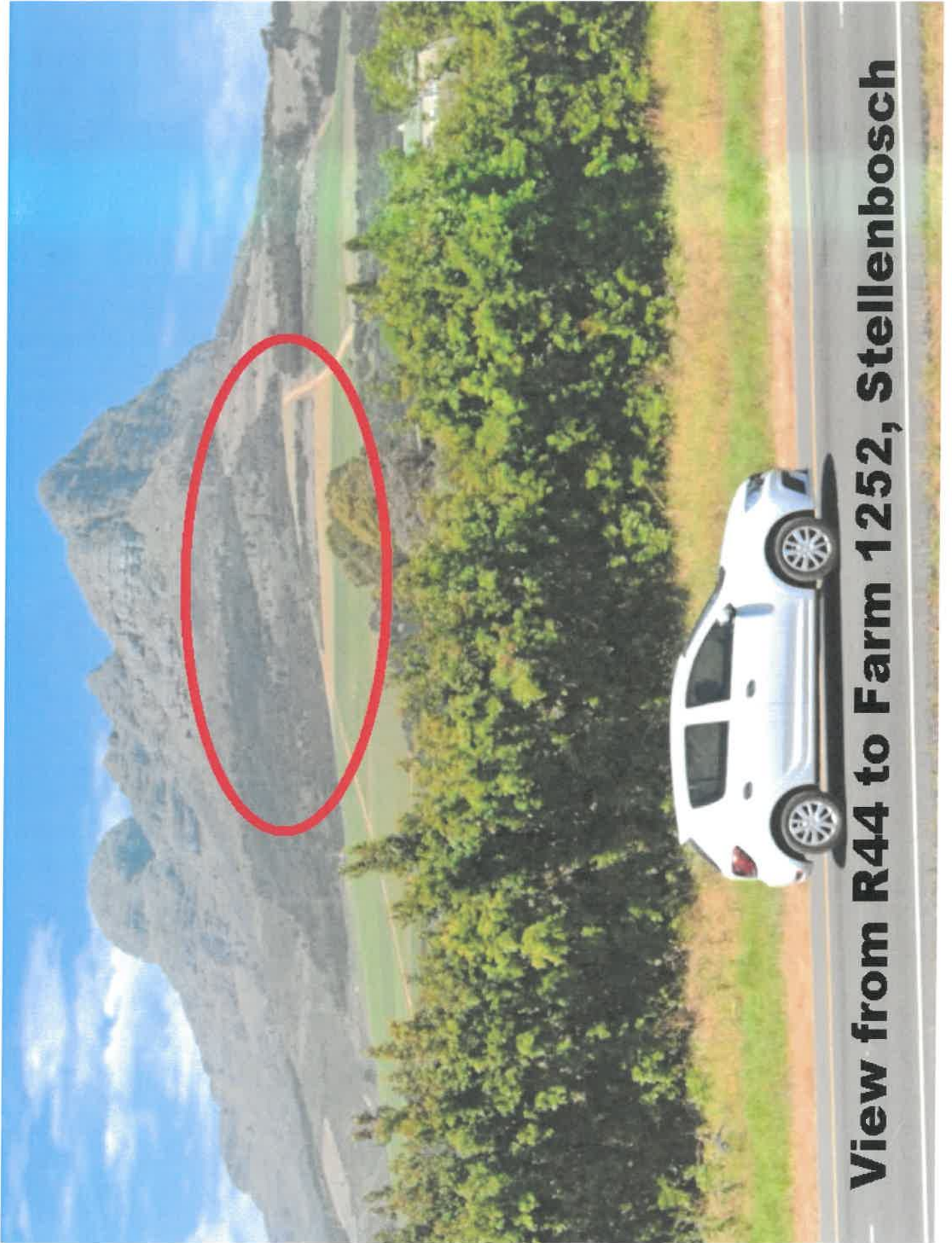
This land unit is diverse with a variation of vineyard sizes, vegetable farming and smaller 'lifestyle' plots. These are mainly arranged along the three main drainage lines, which are densely vegetated and lead down from the Helderberg.

Development Criteria:

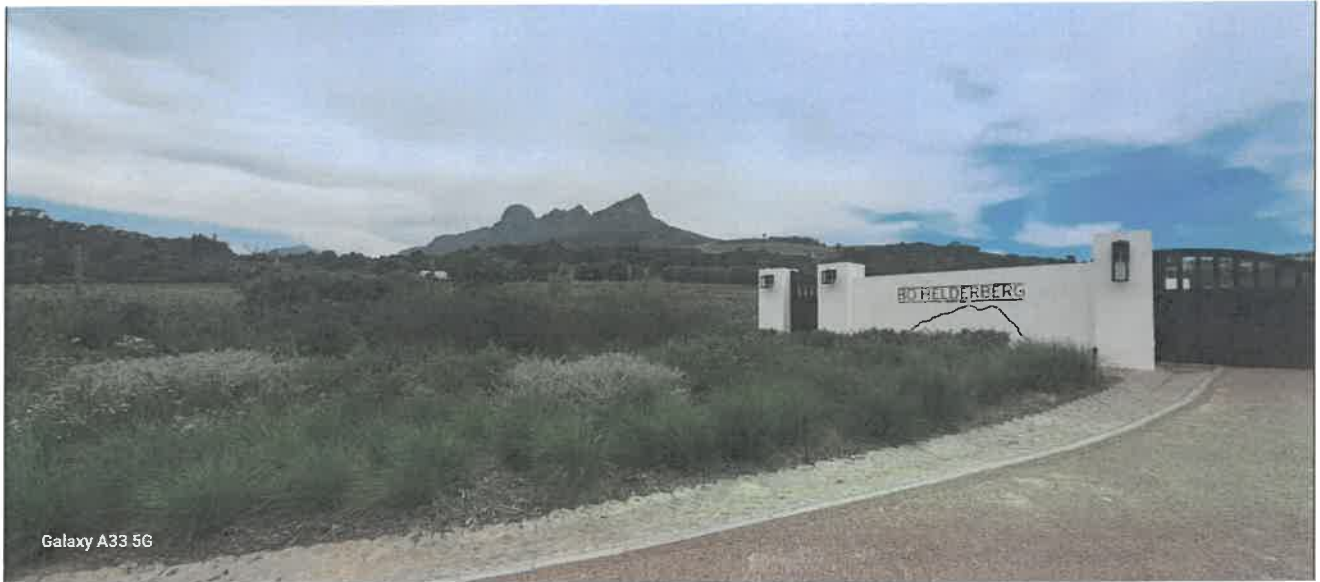
- Care should be taken that vineyards are not needlessly destroyed, and replaced by non-agricultural development. The potential agricultural use of the land should be retained for the future.
- Fruit orchards are associated with windbreak trees, which form distinctive strong lines on the landscape. In cases where the orchard has lost its function, to retain its heritage values the windbreak trees should be kept and new development could be included within existing blocks.
- Land-use and infrastructure that is not one of the core agricultural systems (vineyards and orchards), could have a negative visual effect in the landscape (greenhouses, black plastic ground cover, shade netting, chicken batteries). The placement of these agricultural elements should be carefully considered.
- The proliferation of non-agricultural uses, particularly in visually prominent locations, should be avoided. This is in order to protect the predominantly agricultural character of the landscape.
- The subdivision of farms into smaller uneconomic 'lifestyle' plots of less than 3 hectares fundamentally erodes the agricultural character of the landscape.
- Maintain larger unified land areas to protect larger landscape continuums that display a unified scenic character.

APPENDIX 10

Photo's



View from R44 to Farm 1252, Stellenbosch



Access to Farm No, 1252, Stellenbosch





Site views, showing existing building construction





Views from the farm NO. 1252, Stellenbosch of existing structures on surrounding properties on similar or higher contour heights.





**DIVISION APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND PERMISSION
 ITEMS OF THE ZONING SCHEME: ERF 295, FRANSCHHOEK.**

CONTENT	
ANNEXURES	PAGE NUMBER
APPENDIX 1: Locality Plan	766-768
APPENDIX 2: Site and building plans	769-776
APPENDIX 3: Motivational Report	777-826
APPENDIX 4: Portfolio of Evidence	827-889
APPENDIX 5: Heritage Western Cape & Municipal Heritage Department	890-915
APPENDIX 6: Director: Infrastructure Services & Electrical Engineering	916-922
APPENDIX 7: Cape Winelands District Municipal Health Services	923-924
APPENDIX 8: Photo's	925-930



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW

APPLICATION DETAILS:

APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND PERMISSION INTERMS OF THE ZONING SCHEME BYLAW: ERF 295, FRANSCHHOEK.

Application Reference	LU/16750	Commencement Date	13/03/2024
Applicant	Tommy Brummer Town Planners	Last day for comments or additional information	15/10/2024
Erf/Farm nr	Erf 295	Place	Franschhoek
Zoning	Conventional Residential Zone	Other approvals	none
X	TYPE OF APPLICATION		
X	15(2)(a) rezoning of land*		
	15(2)(b) a permanent departure from the development parameters of the zoning scheme		
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land		
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*		
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*		
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*		
X	15(2)(g) a permission required in terms of the zoning scheme		
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*		
	15(2)(i) an extension of the validity period of an approval		
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme		
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*		
	15(2)(l) a permission required in terms of a condition of approval		
	15(2)(m) a determination of a zoning		
	15(2)(n) a closure of a public place or part thereof		
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. Application is made in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023, for the rezoning of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone.
2. Application is made in terms of Section 15(2)(o) of the said bylaw a consent use to permit a Hotel on Erf 295, Franschhoek.
3. Application is made in terms of Section 15(2)(b) of the said bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschhoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pools.
4. Application is made in terms of Section 15(2)(g) of the said bylaw for Councils permission in terms of Section 246(1) of the Zoning Scheme Bylaw 2023 to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zone (Franschhoek Urban Conservation area) on Erf 295, Franschhoek.
5. Application is made in terms of Section 15(2)(g) of the said bylaw in terms of the provisions of Section 252(2)(a) & (c) of the Zoning Scheme Bylaw (2023) to increase the building height from 8.5m to 9.2m in the Franschhoek Urban Conservation Area and to permit the proposed boundary wall/fence along Akademie Street to be 1.3m in height and along Union Street to be 1.2m in height, in lieu of 1m height restriction for boundary walls in the Franschhoek Urban Conservation Area. the Helderberg foothills has not been cultivated and is located on a prominent scenic landscape.

See **APPENDIX 2** for Site Development Plans and Building Plans, and the applicant's motivation in **APPENDIX 3**.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	Yes		<p>The application was extensively advertised to all interested and affected parties and internal and external departments.</p> <p>The public participation process commenced on 16 May 2024 and concluded 17 July 2024, with 30days granted for interested and affected parties and 60days for departments.</p> <p>Two (2) objections were received, which the applicant responded to in the Portfolio of Evidence (See APPENDIX 4).</p>
Conditions imposed by departments	Yes		<p>1) Heritage Western Cape (APPENDIX 5).</p> <p>2) Director: Infrastructure Services (APPENDIX 6).</p> <p>3) Cape Winelands District Municipal Health Services (APPENDIX 7)</p>
DCs applicable	Yes		Calculations will be applicable as provided in the engineering comments, based on the municipal DC policy. (APPENDIX 7).
Objections received	Yes		1) Stephni Schneider and Michael Ziegeler

			2) Franschhoek Heritage & Ratepayers Association). See the POE, attached as APPENDIX 4 .
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65	Yes		

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	The influx of tourists may drive up local demand for services and products, creating some jobs which may reduce poverty and increase revenue. The proposed tourism facilities could subsequently contribute to increase and enhances the economy activity of the town.
Compatibility with surrounding uses	In close proximity to the subject property we have the; Chapter House Boutique Hotel, Le Petit Paris Guesthouse, Les Chambres Guesthouse Franschhoek, the five star The Belmont Guesthouse and many more. The Franschhoek High School and a three-storey residential building is also located adjacent to the application property. The immediate surrounding area therefore have a mix of land uses and the proposed Hotel will therefore not be foreign the surrounding land uses.
Impact on the external engineering services	Sufficient municipal services can be provided to the development, subject to DC payments.
Impact on safety, health and wellbeing of the surrounding community	The purely residential in nature development will compliments the residential uses in the vicinity notwithstanding the rezoning to local business to establish a hotel. The zoning is just the most appropriate zoning for the intended land use.
Impact on heritage	Heritage Western Cape and the Municipal Heritage Department approve the application and proposed building plans.
Impact on the biophysical environment	None.
Traffic impacts, parking, access and other transport related considerations	The application will comply with the required parking ration for the proposed use and the application and all parking layout plans was approved by the municipal infrastructure department.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	Conditions could be imposed that could mitigate the impact on the surrounding environment.

OBJECTIONS RECEIVED AND CORRESPONDING REPLY BY APPLICANT

In a separate letter the applicant responded to both objections as listed in the Portfolio of Evidence, attached as **APPENDIX 4**.

The departmental comment is provided in the planning evaluation section of this report.

KEY FINDINGS OF PLANNING EVALUATION

1. Proposal

The application intends to establish a hotel by rezoning Erf 295, Franschhoek, making provision for 8 guestrooms and 7 parking bays. The existing dwelling will be retained and new buildings will be added as new wings, to accommodate guest rooms and ancillary uses.

2. Characteristics of surrounding environment;

Franschhoek is known for its numerous guest houses and boutique hotels, making it a popular destination for those seeking charming and unique lodging options. The town's reputation for exceptional cuisine, wine, and natural beauty also contributes to its appeal as a destination for travelers seeking a luxurious and relaxing stay. Guest accommodation is there indeed synonymous with Franschhoek Town. Numerous properties in the immediate surroundings do therefore provided guest accommodation, some authorized and other not.

New guest accommodation facilities could therefore not be seen as a reasonable motivation to not approved a similar business to others in the region, as trade competition cannot influence the establishment of similar industries. South African Competition Act aims to foster a competitive environment, which can encourage the entry of new businesses, including those offering similar products or services, and it also regulates mergers to ensure they don't stifle competition.

The reference to a hotel is also not foreign to Franschhoek, as the town also boasts a number of boutique hotels that offer a more upscale experience, often with unique design and amenities all over the Franschhoek Conservation area. The town therefore offers a wide variety of guest houses, from cozy family-run guesthouse properties to luxurious boutique hotels.

The activities on the surrounding school and 3 storey residential villas direct adjacent to the property will therefore have an effect on the proposed Hotel's tranquil needs, then rather the hotel on their activities.

It is therefore not envisaged that the proposed hotel, which is primarily a residential accommodation premises, will have a negative impact on its immediate surroundings.

3. Access to the property and parking arrangements:

The property is surrounded by three streets, Union Street, Reservoir Street and Akademie Street. Main access is proposed from Union Street directly opposite a 3 storey Villa Building and the proposed access is not envisaged to have a safety concern to traffic in Union Street. No accesses are proposed from Akademie Street and two parking bays have been proposed in Reservoir Street. These parking arrangements was approved by our Infrastructure Services Department.

4. Heritage perspective:

The property is located on the periphery of the Franschhoek Urban Conservation area. The property therefore clearly borders on non-conservation worthy structures and properties. The zoning scheme bylaw stipulates that an area can be designated based on its exceptional historic interest, architectural significance, environmental or conservation worthy aesthetics or landscapes, after a completion of a suitable study to identify the extent and boundaries based on appropriate criteria. The proposal was subsequently presented to both the Provincials Heritage Authority (Heritage Western Cape) and the local Heritage authority (Municipal Heritage Department) and both either approved or recommended the application for approval. Hotels and guest houses are also not listed in the zoning scheme as land uses that may have a detrimental impact on the conservation character of the area.

The increase in proportionally buildings height from 8.5m to 9.2m (Less than 1m), considering the double storey and three storey structures in the immediate vicinity of the proposed hotel building, will therefore not detract aesthetically from its immediate surroundings and could be recommended for approval. See **APPENDIX 8** for site photos.

5. Land Use Planning assessment:

Proposed zoning;

Historically no provisions were adequately made in the municipal zoning scheme to provide in the need and a land use that was synonymous to the town of Franschoek. Since recently guest accommodation was provided as rezoning to General Residential. Boutique Hotels specifically, which is small, independent hotel known for its unique design, personalized service, and intimate atmosphere, often just outside the thresholds of a guesthouse, and a focus on creating a memorable guest experience, has not been fully accommodated in the zoning provisions of conventional residential zone. The activities in extend are similar to a guesthouse, but don't conform to the parameters of a guesthouse as per current definitions. The zoning of Local Business Zone is therefore just the most appropriate zoning category to accommodate a land use which is common in Franschoek Town (Boutique Hotel). All activities could be restricted to only the consent use applied for (Hotel) and no other land uses is an automatic assume right. Boutique hotels in the Franschoek historic area, is therefore not foreign to cultural landscapes, streetscape and Land uses and could be recommended for approval.

Boundary wall heights;

Significant of 1m walls in its historical context of the property its buildings and surrounding properties is of important when considering this restriction. A site inspection revealed that 1.8m solid walls or permeable fences are a normal occurrence in the area. The current boundary fencings will just be repeated on certain sections of the proposed boundary fencing. The 50% permeability is not necessarily calculated in vertical height, but proportionally in horizontal length and therefore comply to applicable parameters for boundary fences of residential nature. The 1,2m and 1.3m high fences in Akademie and Union Streets respectively just provide more security and privacy to the facility. It should be taken into consideration that the property is flanked by three roads and privacy on the property will be compromised if no alternative are put in place. These proposals are not for the length of the street and is deemed desirable to provide the necessary privacy to private spaces on the property.

Building line departures;

Swimming pools are exempted from the building line if located along a common boundary, but not on street boundaries. Considering the alignment of the subject property adjacent to three (3) streets, placement of buildings and structures is always going to be compromised. The application for building line departures made in terms of Section 15(2)(b) of the bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pool could be recommended for approval, as it will not compromise road safety, hinder the municipalities infrastructure department to perform its mandatory tasks or impact on any adjacent property owner.

Spatial perspective;

The Municipal Spatial Development recognises that the spatial decisions impact on what settlements become.

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

The SDF seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA on the other hand 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 and Good Administration. None of the above principles is compromised by the proposed guest accommodation development in a primarily residential area.

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

1. Sufficient municipal services will be provided for the development.
2. The development will enhance tourism and the local economy without significantly disrupting the residential environment.
3. The hotels offer unique, upmarket experiences and its smaller scale (8bedrooms) can will be easily integrated into the existing surrounding residential neighbourhood and educational zones.
4. A boutique hotel will support local businesses (like restaurants, shops, and transportation services) which is within walking distances and create employment opportunities.
5. Retaining the existing dwellings and the unique design and architectural styles for the new extensions, will complement the character of the surrounding area.
6. The zoning, consent use applied for, relevant departures, sufficient parking provision, access of quite roads and architectural style will ensure that the 8-bedroom hotel is compatible with the surrounding land uses and will minimize the potential conflict with residents of the area it is located in.
7. The boutique hotel is well designed to blend in with the architectural style of the existing buildings and the area, preserving its character while attracting visitors to the urban conservation area.
8. The zoning category is just a tool to the intended tourist accommodation facility and will be restricted to the operation of a hotel, which is not prohibited by the relevant spatial planning frameworks.
9. The proposed double storey structures are adjacent to buildings of similar height and even higher with a three (3) storey structures opposite Unions Street and school buildings opposite Akademie Street, while the property will maintain a single storey height and retain existing walls along Reservoir Street. The streetscape on Reservoir Street will therefore be retained, except for the implementation of two new parking bays.
10. The properties location on the periphery of the urban conservation zone, in a mixed-use area of residential, education, accommodation and business use, is in a transition zone where partially protected land meets new developmental needs, potentially acting as a buffer zone to ensure that the conservation needs, the need for development and the safety, protection and welfare of habitats are balanced.

The subject land use and land development application is, having regard to the conclusions above, viewed as consistent with the relevant legislative / principles / policy / guidelines / plans and consequently grounds for supporting the subject land use and land development application.

List relevant plan numbers	Drawing 210-SK-001 to 004 and 006, 007, dated 05/03/2024 and 26/07/2024 and drawn by Young Architecture
List annexures to decision	APPENDIX 1 – Locality APPENDIX 2 – Site and building plans APPENDIX 3 – Motivational Report APPENDIX 4 – Portfolio of Evidence APPENDIX 5 – Heritage Western Cape & Municipal Heritage Department APPENDIX 6 – Director: Infrastructure Services & Electrical Engineering APPENDIX 7 – Cape Winelands District Municipal Health Services

RECOMMENDATION:

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 295, Franschhoek for:

- 1.3 the **rezoning** of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone limited for the purpose to permit a consent use for a hotel, in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023,
- 1.4 a **consent use** to permit a Hotel on Erf 295, Franschhoek in terms of Section 15(2)(o) of the said bylaw.
- 1.5 **Departure** in terms of Section 15(2)(b) of the said bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschhoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pools.

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

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

- 2.3 The approval only applies to the proposed applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.4 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.
- 2.5 The development be undertaken in accordance with the Site and Building Plans with reference; Drawing 210-SK-001 to 004 and 006, 007, dated 05/03/2024 and 26/07/2024 and drawn by Young Architecture and attached as **APPENDIX 2**.
- 2.6 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant conditions of approval have been complied with.
- 2.7 Compliance with the conditions relating to approval of Heritage Western Cape in their approval dated 20 March 2024 and attached as **APPENDIX 5**.
- 2.8 Compliance with the conditions relating to infrastructure services contained in memorandum (Civil LU2703, dated 07 October 2024) and attached as **APPENDIX 6**.
- 2.9 Compliance with the conditions relating to Electrical Services Department contained in email dated 07 May 2024 attached as **APPENDIX 6**.
- 2.10 Compliance with the conditions relating to infrastructure services contained in memorandum dated 12 July 2024 and attached as **APPENDIX 7**.
- 2.11 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme Bylaw and to be illustrated on the building plans.

- 2.12 The rezoning and consent use only grants the right to operate an eight (8) bedroom hotel from Erf 295, Stellenbosch and any other land uses listed in the zoning categories will require a new application for processing and a decision by the municipal decision maker.
- 2.13 The dining facility of the hotel may only be available to paying guest in the accommodation rooms and may not be open for the public.

3 The **reasons** for the above decision are as follows:

- 3.1 The development will enhance tourism and the local economy without significantly disrupting the residential environment.
- 3.2 Sufficient municipal services will be provided for the development.
- 3.3 All required parking will be provided onsite.
- 3.4 The zoning, consent use applied for, relevant departures, sufficient parking provision, access off quite roads and proposed architectural style will ensure that the 8-bedroom hotel is compatible with the surrounding land uses and will minimize the potential conflict with residents of the area it is located in.

4 **Matters to be noted:**

- 4.1 The following applications revert back to the Authorized Employee for a decision in terms of the approved system of delegations.
 - 4.1.1 Permission in terms of Section 246(1) of the Zoning Scheme Bylaw 2023 for an application made in terms of Section 15(2)(g) of the said bylaw for Councils to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zone (Franschhoek Urban Conservation area) on Erf 295, Franschhoek.
 - 4.1.2 Permission in terms of the provisions of Section 252(2)(a) & (c) of the Zoning Scheme Bylaw (2023) for an application made in terms of Section 15(2)(g) of the said bylaw, to increase the building height from 8.5m to 9.2m in the Franschhoek Urban Conservation Area and to permit the proposed boundary wall/fence along Akademie Street to be 1.3m in height and along Union Street to be 1.2m in height, in lieu of 1m height restriction for boundary walls in the Franschhoek Urban Conservation Area on Erf 295, Franschhoek.
- 4.2 When the new zoning scheme bylaw is implemented for Stellenbosch Municipality, the property's zoning will be converted to the most restrictive use permitted under the new bylaw.

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: P April

Capacity: Senior Town Planner

SACPLAN Registration:

Signature: 

Date: 11/04/2025

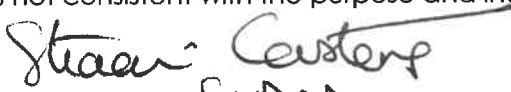
REVIEW OF ASSESSMENT AND RECOMMENDATION

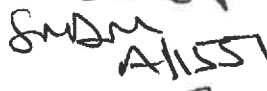
The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: (i) A(c), B(2), O(b), (ii) LUP85

Decision Making Authority: MPT

Rational: Rezoning of any land to a scale or to use(s) in nature that are deemed to cause the transformation of an area, regardless of any supportive planning directives and /or alternatively, if the application is not consistent with the purpose and intent of the prevailing zoning scheme provision.

Name: 

Capacity: 

SACPLAN Registration: A/1551

Signature: 

Date: 11/04/2025

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

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

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

Date: 25 April 2025

Name: Chrizette Kriel

Capacity: MPT

Signature: 

Date: 11.04.2025

APPENDIX 1

Locality Plan



APPENDIX 2

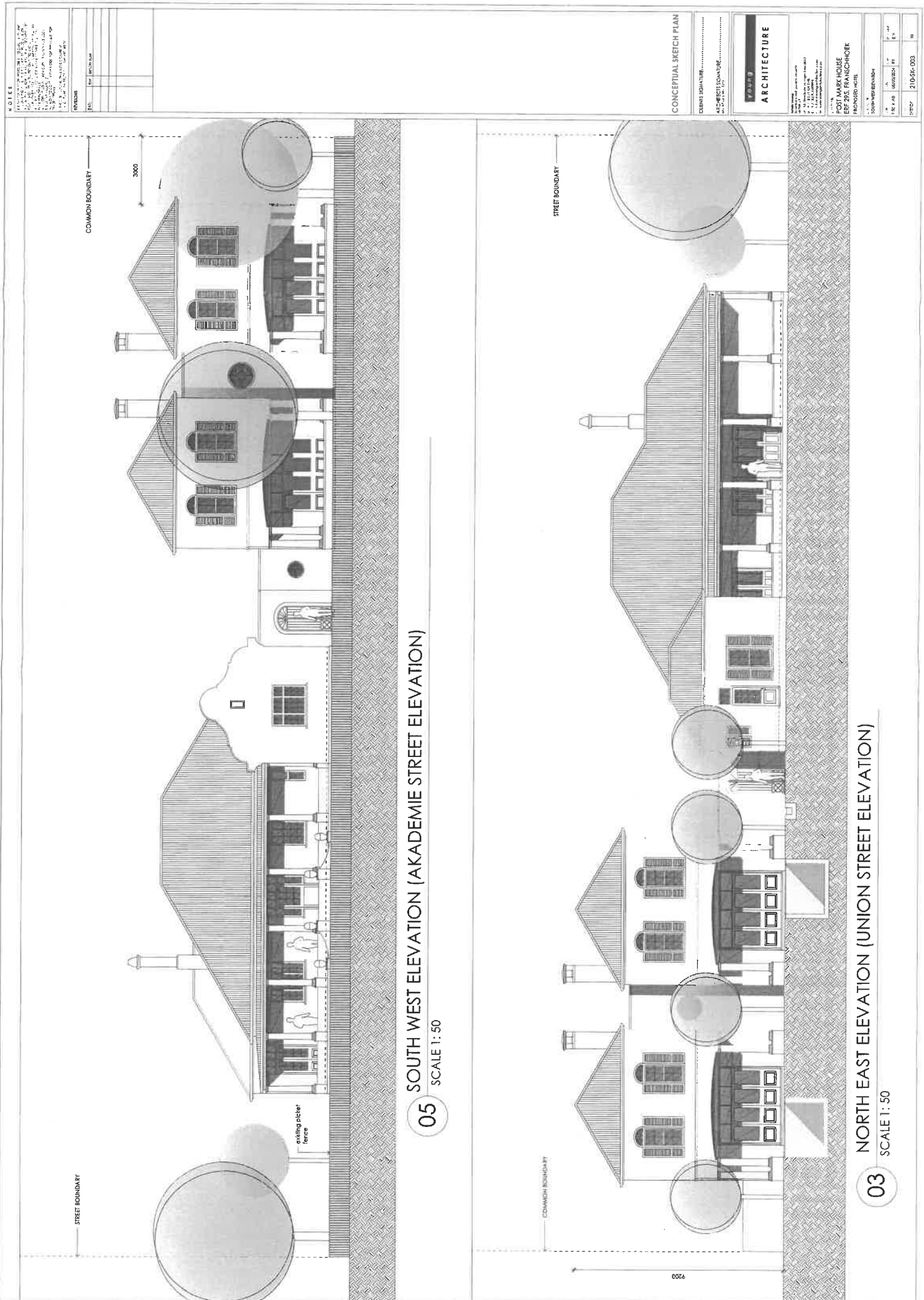
Plans



01 GROUND FLOOR PLAN & SITE PLAN
SCALE 1:75



02 FIRST FLOOR PLAN: revised
SCALE 1:75



NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. FINISHES ARE AS NOTED ON THE FINISH SCHEDULE.
3. MATERIALS AND WORKMANSHIP SHALL BE AS NOTED ON THE SPECIFICATIONS.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

NO.	REVISION	DATE
1	1	10/10/2023
2	2	10/10/2023
3	3	10/10/2023
4	4	10/10/2023
5	5	10/10/2023
6	6	10/10/2023
7	7	10/10/2023
8	8	10/10/2023
9	9	10/10/2023
10	10	10/10/2023

CONCEPTUAL SKETCH PLAN

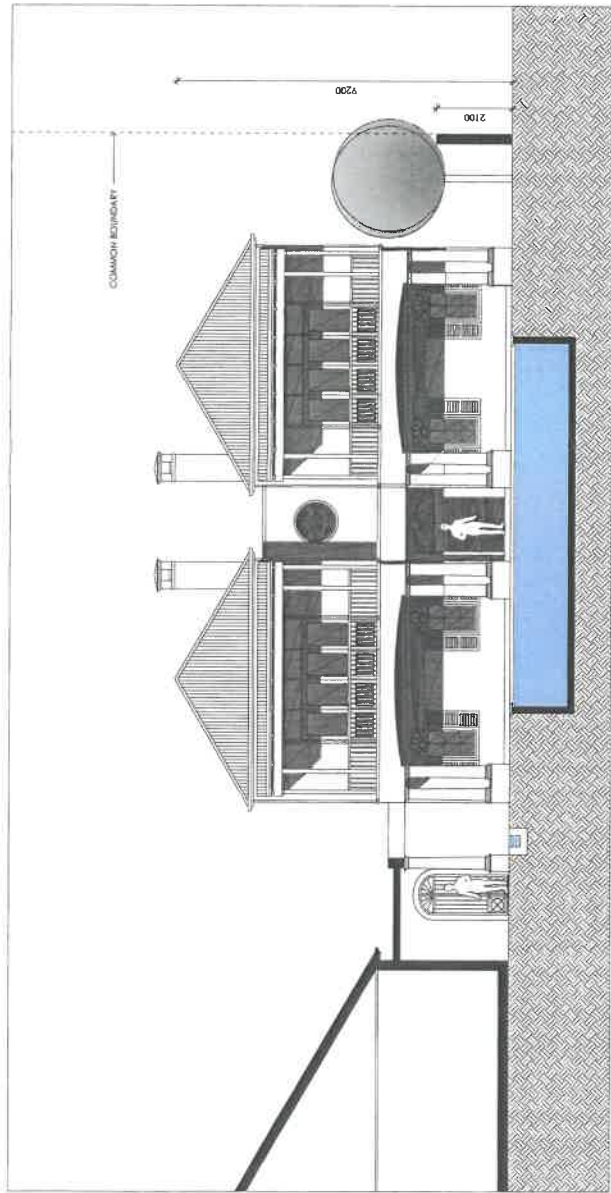
CLIENT SIGNATURE
ARCHITECT SIGNATURE
DATE: 10/10/2023

ARCHITECTURE

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. FINISHES ARE AS NOTED ON THE FINISH SCHEDULE.
3. MATERIALS AND WORKMANSHIP SHALL BE AS NOTED ON THE SPECIFICATIONS.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

POST MARK HOUSE
BR 201 FRANCHISE
10/10/2023

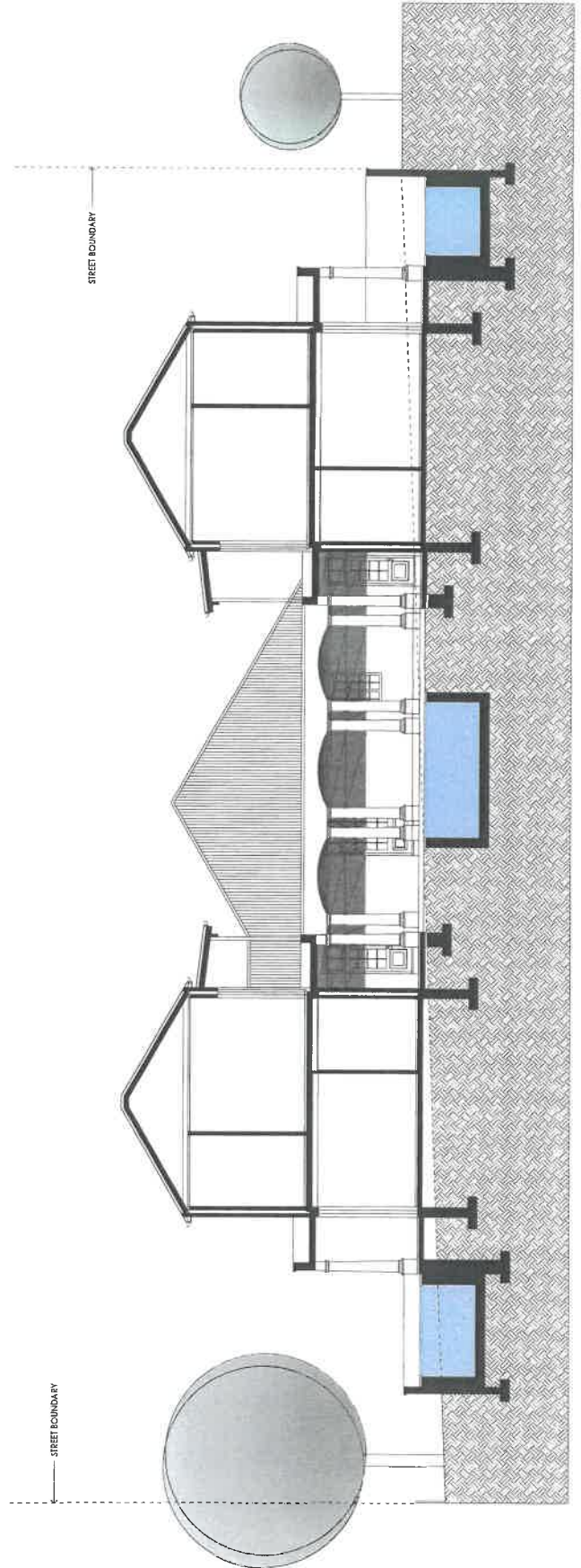
NO.	REVISION	DATE
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4	4	10/10/2023
5	5	10/10/2023
6	6	10/10/2023
7	7	10/10/2023
8	8	10/10/2023
9	9	10/10/2023
10	10	10/10/2023



SECTION A-A: THROUGH POOL COURTYARD

06

SCALE 1: 50



SECTION B.B.

08

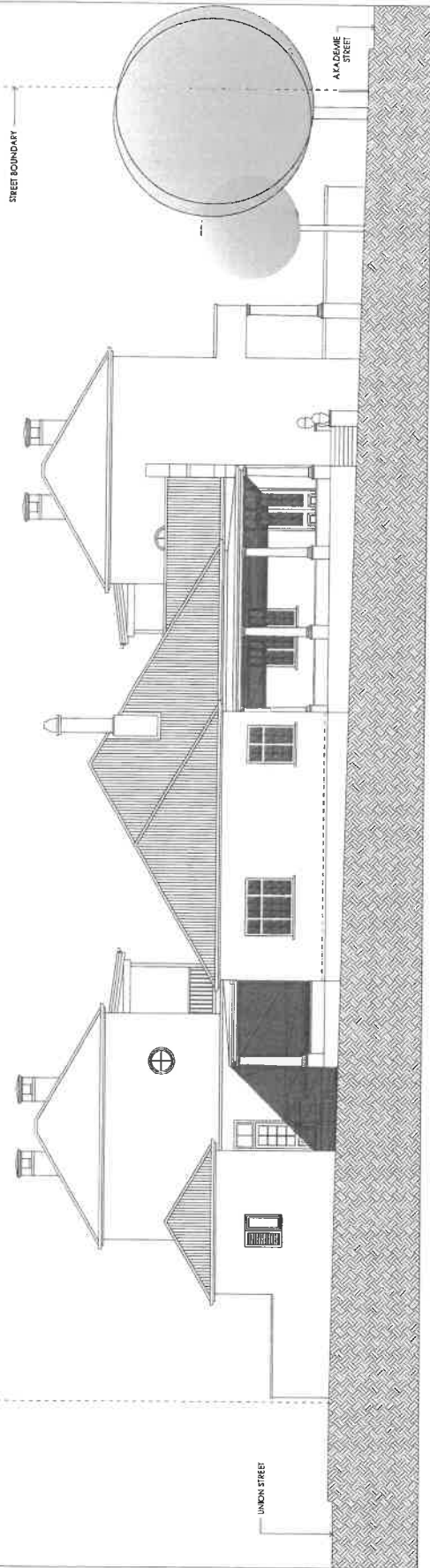
SCALE 1: 50

NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
3. ALL MATERIALS ARE TO BE OF A QUALITY SUITABLE FOR THE PURPOSES INTENDED.
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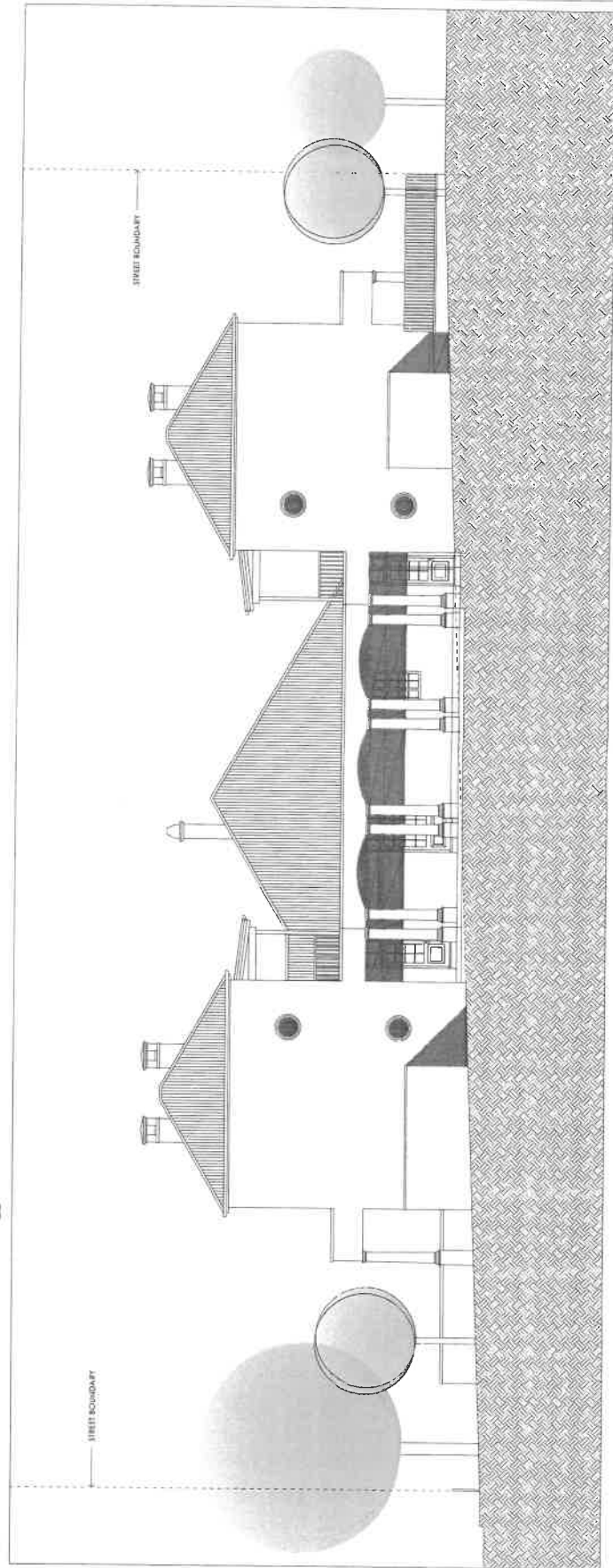
REVISIONS:

NO.	DATE	BY	DESCRIPTION
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10			



10 NORTH WEST ELEVATION (RESERVOIR STREET ELEVATION)

SCALE 1:50



09 SOUTH EAST ELEVATION

SCALE 1:50

CONCEPTUAL SKETCH PLAN

CLIENTS REQUIREMENT

ARCHITECTURAL SKETCH PLAN

ARCHITECTURE

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NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND THE EXISTING BUILDING.
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10. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND THE EXISTING BUILDING.

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/10/2023	ISSUED FOR PERMIT

REVISIONS:

CONCEPTUAL SKETCH PLAN

CLIENT: SOUTHERN ARCHITECTS
ARCHITECT: SOUTHERN ARCHITECTS
DATE: 10/10/2023

ARCHITECTURE

PROJECT NAME: SOUTHERN ARCHITECTS
PROJECT ADDRESS: 10/10/2023
PROJECT DATE: 10/10/2023
PROJECT LOCATION: 10/10/2023

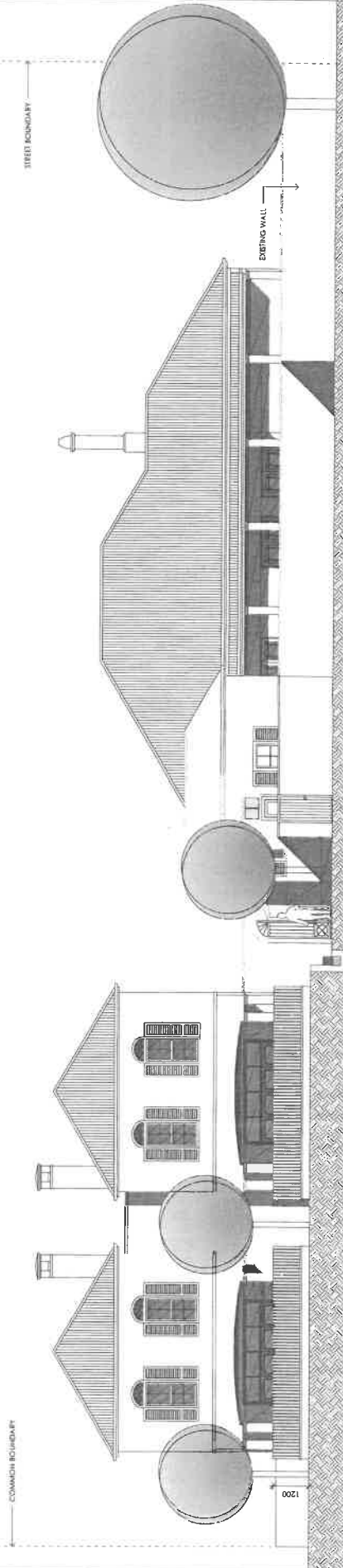
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07 NORTH EAST ELEVATION (UNION STREET ELEVATION): boundary wall indicated
SCALE 1:50

APPENDIX 3

Applicant's Motivation

Date: December 2023

Our ref: 11340



I L Rosenberg House 80 Jordaan Street BO-KAAP
 ☒ 242 Buitengracht Bo-Kaap CAPE TOWN 8001
 T: 021 531 8435 E: info@tommybrummer.co.za

PROPOSED REZONING, CONSENT, DEPARTURES AND COUNCIL'S PERMISSION: ERF 295 FRANSCHHOEK AT 13 AKADEMIE STREET

1 INTRODUCTION

This report motivates the applications required to permit the property to be used as a Hotel (a luxury boutique hotel – the “Postmark Hotel”). The existing historical dwelling house will be retained and used for “front-of-house” activities (e.g. reception), while two new buildings (the guest-“wings”) will be constructed to the south-east of the dwelling with the proposed eight (8) guestrooms. It will not be accessible to the general public, but will be for the use of and by paying guests only.



Aerial view of Erf 295 with the dwelling on the corner of Reservoir and Akademie Streets

The property is registered in the name of *Tykana Properties (Pty) Ltd.*, the directors of which have appointed **Thomas Brian Brummer** to submit the required applications on their behalf. The required Power of Attorney and Company Resolution are attached hereto. The following documents are attached in support of the application:

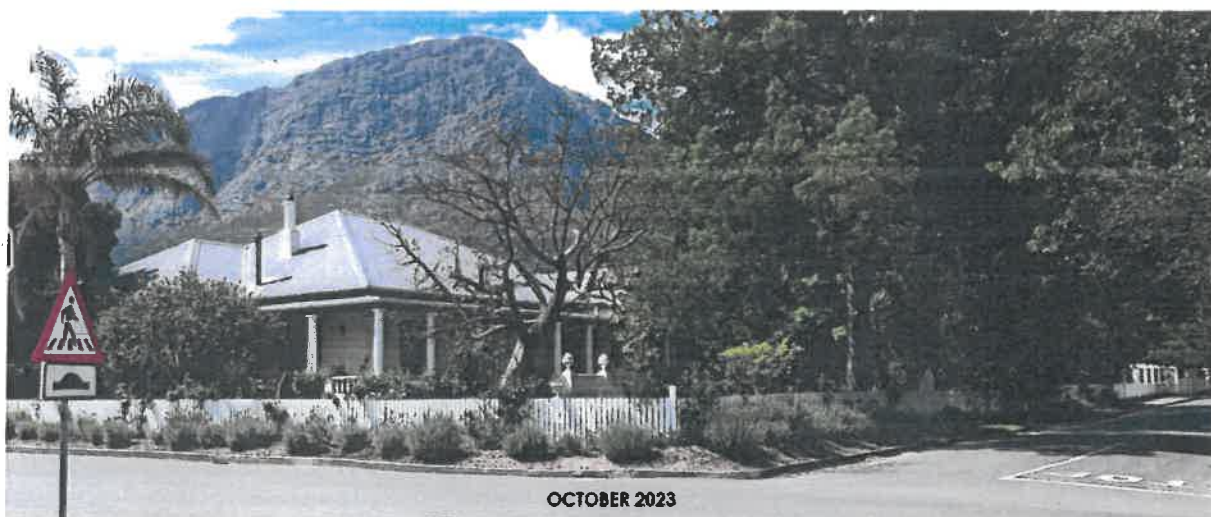
Application Form, Power of Attorney & Company Resolution	Annexure A
Title Deed and Ownership (CIPC report)	Annexure B
Erf Diagram	Annexure C
Site Development Plan (Young Architecture)	Annexure D
Heritage Statement (Cindy Postlethwayt Heritage Practitioner) – to be submitted	Annexure E
Design methodology (as prepared by Young Architecture)	Annexure F
Pre-submission consultation document/correspondence	Annexure G

2 APPLICATIONS

The following applications are required and accordingly made in terms of Section 15(2) of the Stellenbosch Municipality: By-Law on Municipal Land Use Planning 2023 ("the By-Law"):

1. Sub-section (a): Rezoning of Erf 295, Franschhoek from *Conventional Residential Zone* to *Local Business Zone*.
2. Sub-section (o): Council's consent to permit a Hotel on Erf 295.
3. Sub-section (b): A permanent departure from Section 97(1) of the Zoning Scheme to permit the proposed buildings (guestrooms) to be 3m in lieu of 4.5m from the south-eastern common boundary (with Erf 3809 and Remainder/Erf 492).
4. Sub-section (g): For Council's permission in terms of Section 246(1) of the Zoning Scheme to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zones (Franschhoek Urban Conservation Area) as depicted on the proposed plans.
5. Sub-section (g): For Council's permission in terms of Section 252(2)(a) & (c) of the Zoning Scheme to permit the proposed guestroom-buildings to be 9.2m in height from the existing ground level to the top of roof, in lieu of 8,5m permitted, and to permit a section of the proposed boundary wall in Union Street to be 1.2m in height in lieu of a height of 1m.

3 PROPERTY DETAILS

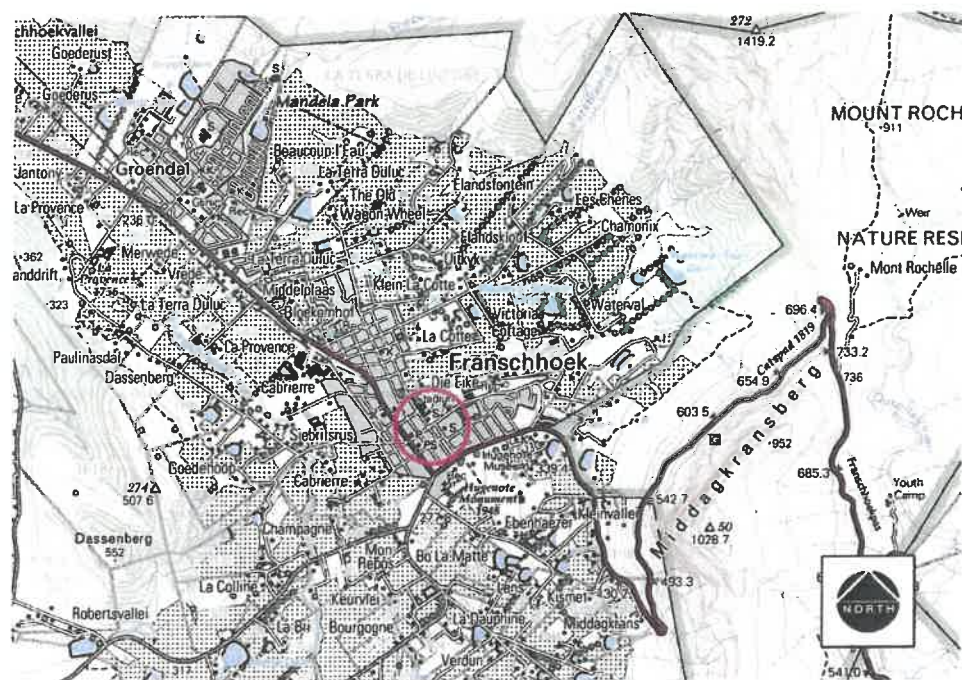


(Photo: C Postlethwayt)

Erf number	295, Franschhoek
Street address	13 Akademie Street (corner of Akademie, Reservoir and Union Streets)
Deed of Transfer	T33486/2018
Extent	2030m ²
Current zoning	<i>Conventional Residential Zone (an existing dwelling house)</i>
Proposed zoning (proposed hotel)	<i>Local Business Zone (8-room boutique hotel)</i>
Registered owner	Tykana Properties (Pty) Ltd.

4 LOCALITY and ZONING

Figure 1 shows the location of the property in its context to the rest of Franschhoek. The property is within easy walking distance of the commercial area (the main road through the town).

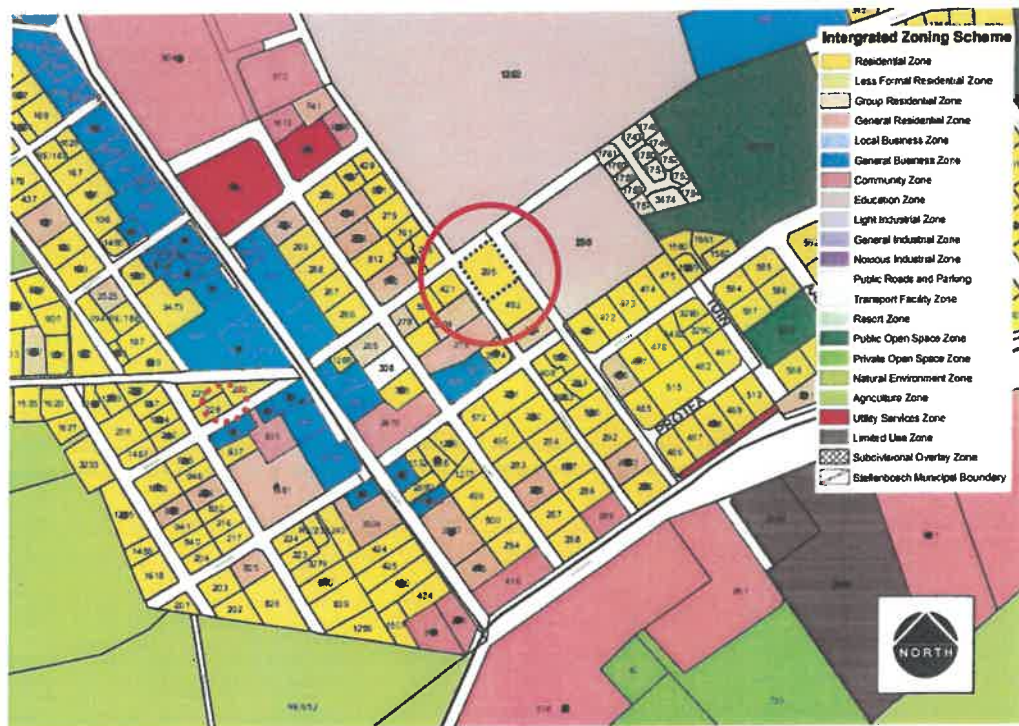


As indicated by the aerial photo below, the property is developed with a single-storey, single dwelling house and some outbuildings, situated on a relatively large erf. The dwelling house, which will be converted and used as part of the hotel, is situated in the middle-to-north-western portion of the erf. The site has three street boundaries, and abut only two neighbouring properties to the south-east. The current vehicle access (to the garages – which will be demolished) is from Union Street; the proposed parking bays will also be accessed from this street.

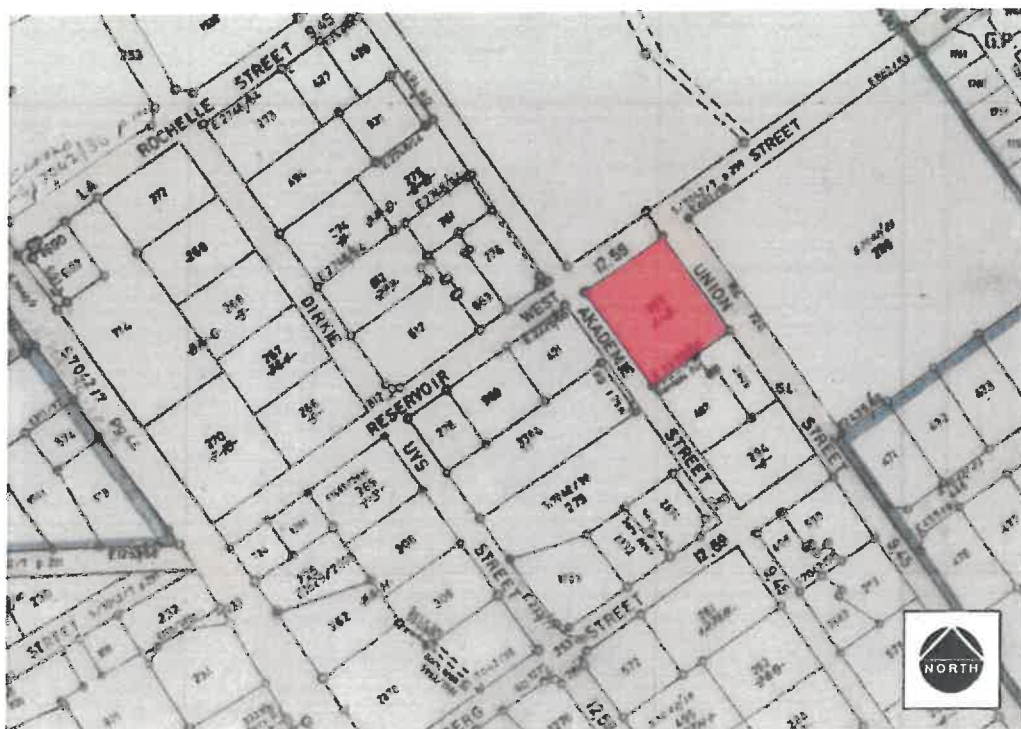


The property is zoned for Conventional Residential purposes as indicated on the zoning map below. Note that a number of the properties in the immediate area are zoned General Residential Zone

scattered throughout the residential area. Although the proposed Local Business Zone is not necessarily prevalent in the area, the proposed *land use* – namely an accommodation establishment – is a relatively common and very compatible land use in the area.



The noting sheet of the property, as obtained from the Surveyor-General's office, is attached below:



5 STELLENBOSCH ZONING SCHEME

The following definitions from the Zoning Scheme have reference to this application:

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

* * *

“guest house” (gaste huis) means the use of furnished bedrooms or suites in a dwelling house and/or second dwelling, for the accommodation of transient guests, where accommodation is rented out on an individual room-by-room basis, where no proprietor is required to live on the property as a permanent resident, and where no self-catering facilities are provided, subject to the following:

- i) in the zones where this Scheme permits a dwelling house or second dwelling house but not flats or hotel, the scale of anyone building may not exceed that of a dwelling house or second dwelling house which would ordinarily accommodate one family and must be able to revert back to a dwelling house when no longer used for a guest house.
- ii) up to one meeting room and one room for beauty treatments per land unit may be provided on properties which are zoned other than Conventional Residential zone, provided that the facilities may only serve resident guests of that specific land unit and may not be used by residents of the same enterprise who reside on different land units.
- iii) at least one communal bathroom shall be provided to guests, but rooms may be an en-suite.
- iv) one kitchen per dwelling unit will be retained from which the establishment may serve meals to guests who are resident on that same land unit.
- v) it is not compulsory for the establishment to have staff present on a 24-hour basis, but the operation may include such staff.
- vi) a guest house premises may be licensed to sell liquor for consumption on the property in a Local Business zone, Mixed-use Zone, Agriculture and Rural Zone, and Open Space Zone. In any other zones, a consent use application must first be approved before such a license may be issued.
- vii) a guest house may not include a shop for sale of alcohol for off-site consumption;
- viii) alcohol may only be served to resident guests and the facility may not include a pub.

* * *

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

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

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

* * *

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

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

* * *

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

* * *

“tourist facilities (toerisme fasiliteite) describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmers markets, farm deli, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels;

The specific nature of the proposed development with the main dwelling house and the adjacent but separate, non-interleading guestrooms (which are not self-catering), render the latter as not being “dwelling units” per definition. The proposal is therefore not a “tourist dwelling unit” or a “guesthouse” per definition, and hence can not be accommodated as a “consent use” under the current Conventional Residential Zone.

The proposal is also not considered to be a “tourist accommodation establishment” per definition, nor is it consistent with the purpose of the Multi-Unit Residential Zone (Section 77 of the Zoning Scheme), and therefore it can not be accommodated as a consent use if the site was rezoned to this Zone.

The most appropriate zoning therefore is the Local Business Zone, which has as its purpose the following (Section 91 of the Zoning Scheme):

91. Purpose of the zone

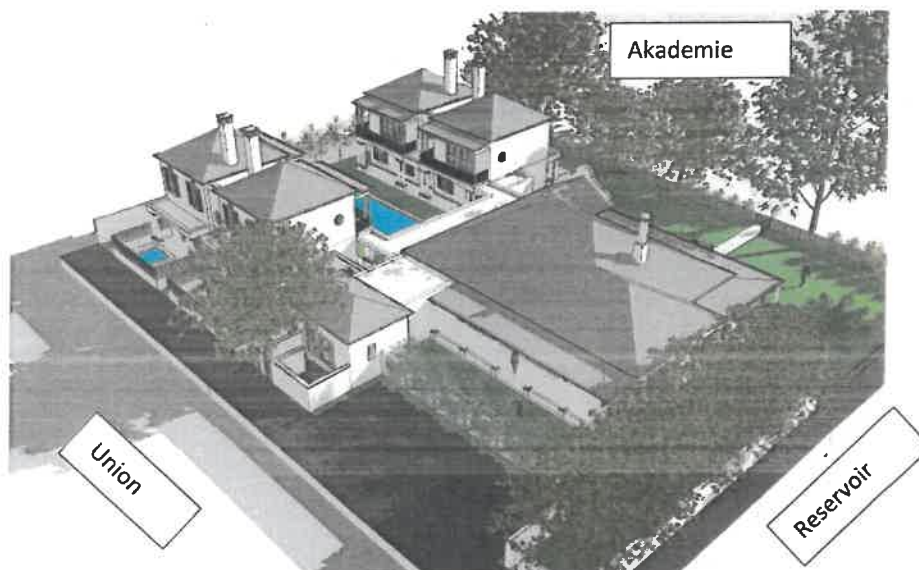
- (1) The purpose of this zone is to make provision for:
- low-density commercial uses that are compatible with and located within residential areas.
 - non-residential land uses that provide for the convenience of and service to the surrounding residential community.
 - non-residential uses that will not have an adverse impact on the surrounding residential environment.
 - a clustering of community, residential and mixed land uses that are compatible with the surrounding residential environment and which enables residents to walk to facilities.
 - a mix of land uses that can co-exist without negatively impacting on each other.

This zoning allows a “hotel” as a consent use, as indicated below:

Primary Uses	Additional Uses (Technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Business premises (including a shop, market, restaurant, office) • Clinic • Flats • Medical consulting rooms • Public parking area • Private road • Occasional use (one event/year) 	<ul style="list-style-type: none"> • Tourist dwelling unit (in flat) • Commune (in flat) 	<ul style="list-style-type: none"> • Commercial gymnasium • Community residential building • Conference facility • Day care Centre • Extramural facility • Filling station • Guest house • Hostel • <u>Hotel</u> • Liquor store • Occasional use (more than one) • Parking garage • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tourist accommodation establishment • Welfare institution

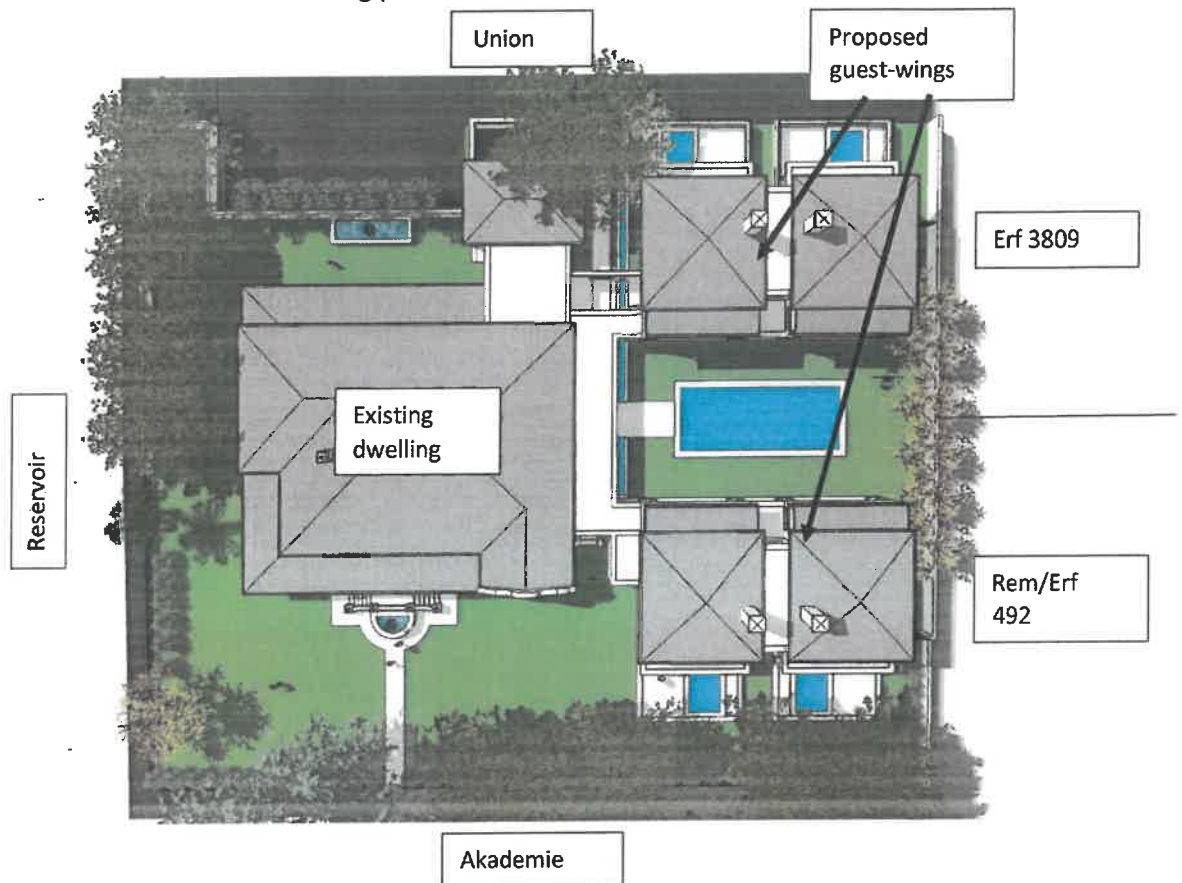
6 DEVELOPMENT PROPOSAL

- As mentioned, the proposal is to utilise the property for “hotel” purposes. The proposed zoning is considered to be the most appropriate zoning to accommodate the proposed hotel.



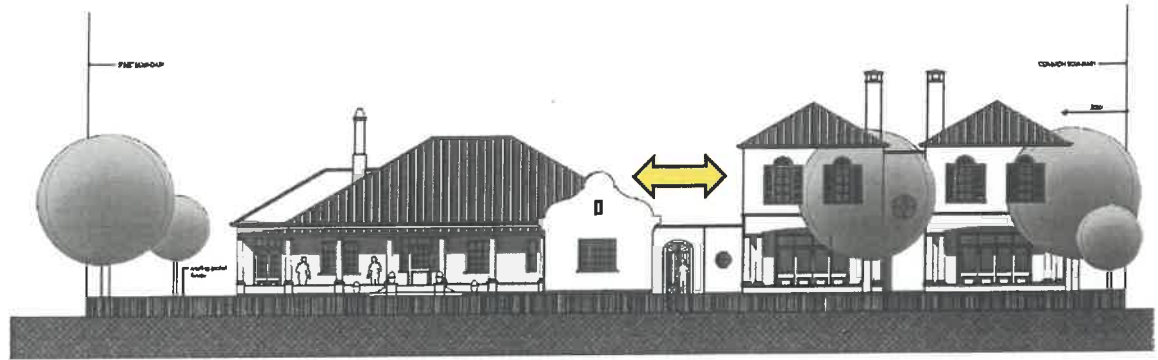
Axonometric perspective of the proposal (northern view). The existing dwelling is towards the right with the new guest-wings towards the left

- The existing dwelling house will be primarily be retained in its current form and appearance (with minor alterations and additions). This building will be used as the main “hotel” and comprise the reception, a library, lounge, kitchen and dining area.
- A small building will be constructed to the north-east of the main building (facing Union Street) to accommodate a small staff component
- Two new buildings (the guestroom-“wings”) will be constructed to the south-east of the existing dwelling. A total of eight (8) guestrooms will be provided, each with its own private “splash” pool, as well as a large pool inbetween the two guest-wings which can be used by any of the guests. The guestrooms will not be self-catering (meals will be taken in the dining room in the dwelling house).



Bird's eye view of subject property indicating development proposal spatially

- In order to create an adequate “breathing space” between the historic dwelling and the proposed buildings, the latter buildings have been separated from the former by approximately 4m. There is thus a visual “gap” between the two groups of buildings, but they are linked (on ground level) by a roofed terrace/passage-way.

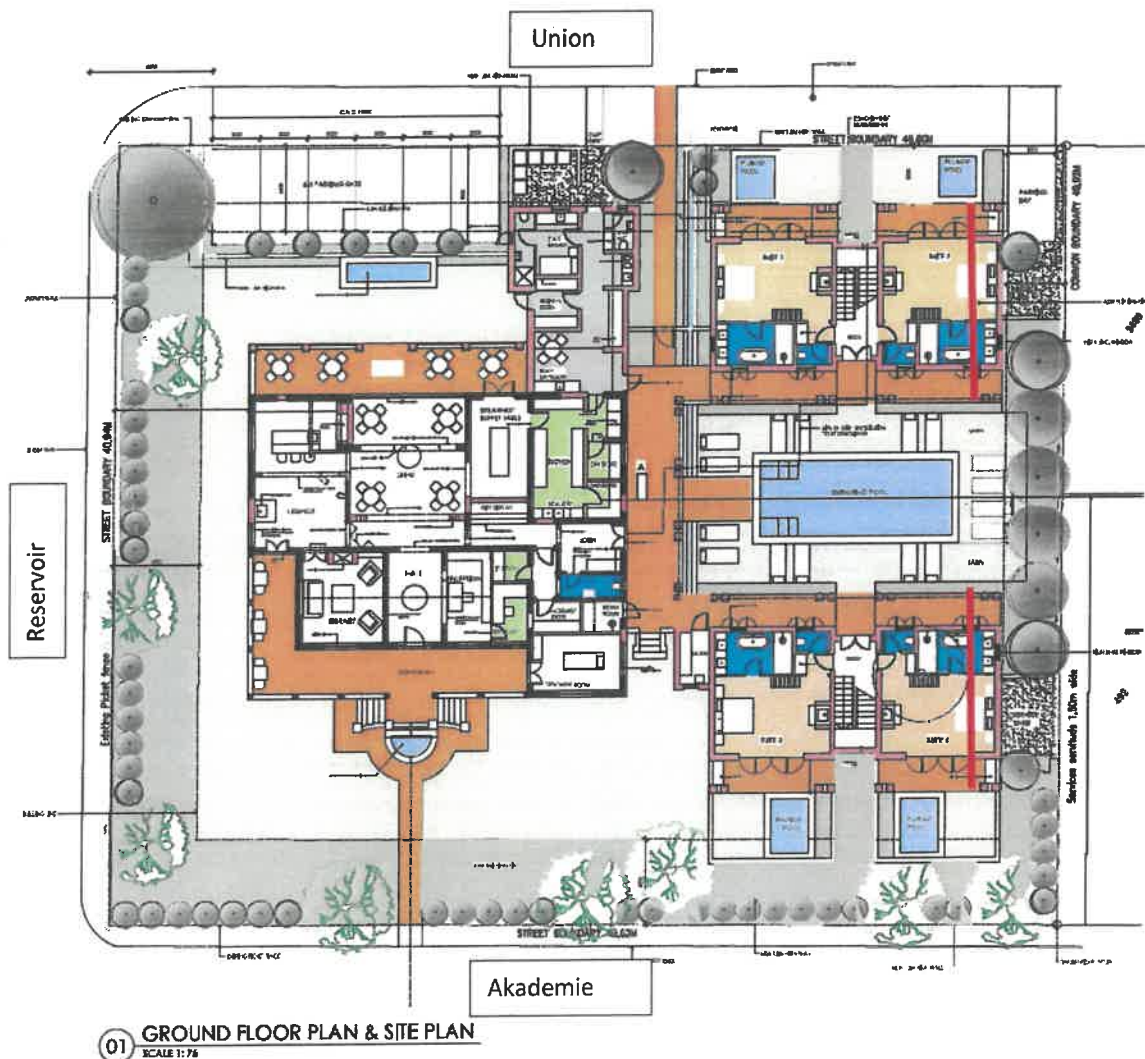


05 SOUTH WEST ELEVATION (AKADEMIE STREET ELEVATION)-revised
SCALE 1:50

Akademie Street elevation with proposed buildings to the right of the existing historic house (to the left). Note the "gap" between the two components.

- The aforementioned requires a common boundary building line **departure** from the required 4.5m to 3m. (The proposed buildings comprise of a ground and first floor only; there is no "second floor" and hence the 6m common boundary building line does not apply).

The extent of the proposed departure is illustrated by the hatched area on the extract of the ground floor plan below.



01 GROUND FLOOR PLAN & SITE PLAN
SCALE 1:75

- The proposal complies with the required 4.5m street boundary building lines in the proposed Local Business Zone (hotel use).

- The street facades of the proposed new buildings (especially on the ground floor) have active interfaces with the two streets these buildings face (Union and Akademie Streets) e.g. swimming pools, (French) doors and decks.
- The eaves of the proposed roofs measure 310mm in depth and are permitted (they may encroach the common boundary building lines by up to 1m).
- The proposed coverage is 37% (approximately 755m²) which is less than the permitted 50%.
- The proposal only comprises a maximum of two storeys, and is thus compliant with the permitted 3 storeys for hotels in the proposed zone.
- The height of the proposed buildings measure 9.2m from the existing ground level to the top of roof. The Franschhoek Urban Conservation Area permits a height of 8.5m and the proposal therefore requires Council's **permission** in this regard.
- Section 95 of the Zoning Scheme stipulates that the number of bedrooms for a hotel shall be determined by the available on-site parking with respect to Section 33. Section 33 requires 0.7 bays/bedroom or suite. The proposed 8 guest bedrooms therefore requires 5.6 bays (6 bays). Since a total of 7 on-site parking bays will be provided there is no parking departure.

(No additional facilities are proposed as part of the proposed Hotel for non-guests, and accordingly no additional parking is required).

The proposed parking bays will be provided in the north-eastern corner of the site (taking access off Union Street). Some existing garden space will be removed in order to provide the parking, and this requires Council's **permission** in terms of the Franschhoek Urban Conservation Area.

- The proposed alterations and additions (including the demolition of some of the existing outbuildings and the removal of a tree) also requires the Council's **permission** in the Urban Conservation Overlay Zone.
- The report will show that the proposal is considered desirable, is compliant with current planning policy and related approved legislation, is in character and compatible with the area and the streets.
- A heritage statement and application in terms of Section 34 of the National Heritage Resources Act (NHRA) has been prepared by *Cindy Postlethwayt heritage practitioner* and will be submitted to the Heritage Western Cape (HWC) in January 2024. Once finalised, a copy thereof will be submitted to the Municipality as well.
- The proposed plans were prepared by *Young Architecture*.

7 POLICY AND LEGISLATION

The following policy documents and planning related legislation are relevant in considering the development proposal and adjudicating the application:

7.1 Stellenbosch Municipality Spatial Development Framework (November 2019)

The following principles as contained in the SDF generally support the proposal to re-develop the property with the hotel:

- *Restrict/mitigate impact on historic and cultural assets.*

Compliance: The old dwelling house will be retained (with some minor alterations), and indeed the on-going maintenance thereof (as well as of the large garden) will be ensured by the income that will be derived by the hotel (financial viability). The sensitive proposal and design will help protect the heritage integrity of the site and the immediate area. It will also reinforce the attraction of Franschhoek as a “significant tourist destination”.

- *Restrict outward growth of settlements to protect agricultural land and natural environments, and curb urban sprawl.*

Compliance: The proposed development is located inside the urban area of Franschhoek in a well-established residential area.

- *Make efficient use of well-located land in existing urban areas. Promote NMT and support pedestrianisation.*

Compliance: The property is located within walking distance of Huguenot Road (approximately 180m) and all the main business, entertainment and tourist sites in town.

- *The relationship between settlement form (e.g. mix of uses, extent to which it provides opportunity for different groups) and challenges such as the prospect to find sustainable livelihoods.*

Compliance: The proposed hotel will provide much-needed employment for many people (whether directly employed or indirectly associated with the hotel), the desirability and need of which can not be over-emphasised enough.

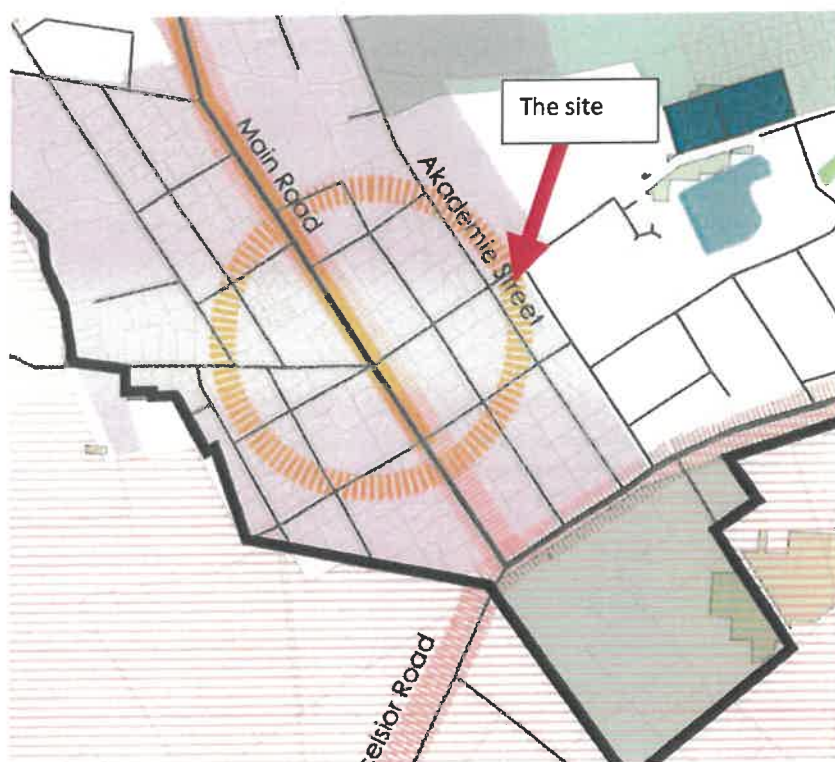
- *Land should be used for its most sustainable and appropriate use.*

Compliance: The proposal will result in the better utilisation of the site for a more intensive purpose in direct support of the tourism sector and the local economy.

In terms of specific proposals for Franschhoek, the development proposal complies as follows:

- It supports the principle of mixed-land uses and the improvement of economic opportunity.
- It will help directly and positive assist with critical livelihood processes and support the tourism industry.
- It maintains the integrity of historically and culturally precincts.
- It represents a form of in-fill development which comfortably fits into the existing urban fabric.
- It is contained inside the urban edge (i.e. retaining the footprint of Franschhoek).

The property is situated inside the 2019 Urban Edge and in the area identified as “existing and proposed urban character areas”. It is located directly on the perimeter of the identified “settlement centre”, as indicated on the extract of the MSDF below:



7.2 Land Use Planning Act (LUPA)

- The proposal is also considered as being consistent with Sections 58 and 59 of LUPA in terms of the following:
 - It is considered a sustainable development with positive impacts on the environment (intensification of land within the urban area which is already well-served with infrastructure), the economy, the tourism sector, and the livelihoods of many people (including employees and employers) who all depend on an income.
 - The proposal will create much-needed employment and income which will help to address “spatial and development imbalances” (principle of spatial justice).
 - The proposal is spatially compact, protects prime and high potential agricultural land by utilising existing urban land for in-fill development (densification and intensification of land use), it will result in a more viable community, it supports “heritage and tourism resources and has regard for the “economic potential of the area”. This is the principle of spatial sustainability.
 - The proposal optimises existing resources, infrastructure and land (more compact towns), whilst a diverse combination of land uses is promoted (principle of spatial efficiency).

7.3 Spatial Planning and Land Use Management Act (SPLUMA)

- In terms of Section 42(c) of the Spatial Planning and Land Use Management Act the application:
 - Is in the public interest as it will directly support tourism and the local economy which both have direct and indirect positive impacts on individuals and the wider community.
 - The proposed hotel will ensure the proper maintenance of the large, historic dwelling and garden through the income that will be derived. Put differently, by retaining the existing

property and dwelling house as they are currently may pose financial difficulties for an owner if it was only used for private residential purposes (unless such owner has sufficient – and lots of it – money).

- Provides for additional rates to be collect with assists in sustainable municipal provision of services.
- Section 7 of SPLUMA also relates to the same principles vide Section 59 of LUPA which have been addressed above.

8 MOTIVATION

Section 65 of the By-Law states the general adjudication criteria (*in cursive*) when considering a proposal is as listed below. The supporting motivation or compliance for each criterion is provided where applicable.

Sub-section (c): *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;*

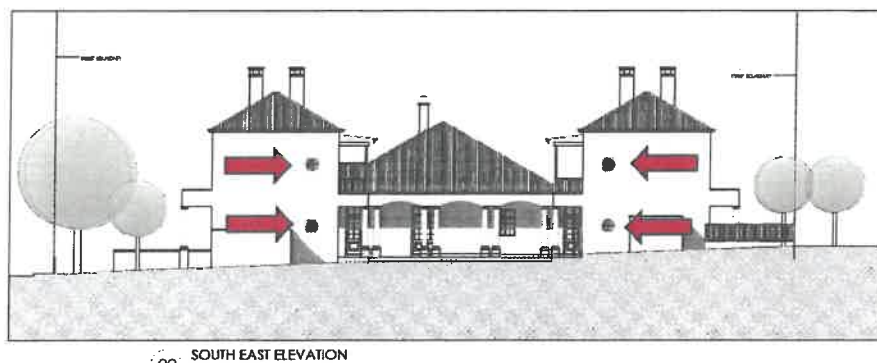
- The proposal will have a direct and indirect positive **socio-economic** impact on the property owner, on the employees of the hotel as well as on people indirectly involved in the hospitality sector, on the tourism sector and the local economy in general. Much-needed employment opportunities will also be created during the construction phase.

The future upkeep and maintenance of the property will be ensured which, together with the proposed re-development of the property, will have a positive impact on property values (including those of the abutting/neighbouring properties).

The improvement of the subject erf will mean a higher municipal valuation and hence more rates and taxes for the Municipality.

Given that the set back of the proposed buildings from the common boundary (there are only two abutting neighbours) is - at 3m, *further away* than the 2.5m building line that applies in the event that the erf was developed in accordance with the existing Conventional Residential Zone. The proposed buildings have a height of 2 storeys which is also the same as that permitted with the current zoning. It is therefore not believed that the proposed rezoning to Local Business Zone will have any material or undue impact on the neighbours from a socio-economic perspective.

The windows facing the abutting neighbours are all high-level windows and there are no other openings or balconies facing them. There is thus no impact on privacy of the neighbours.



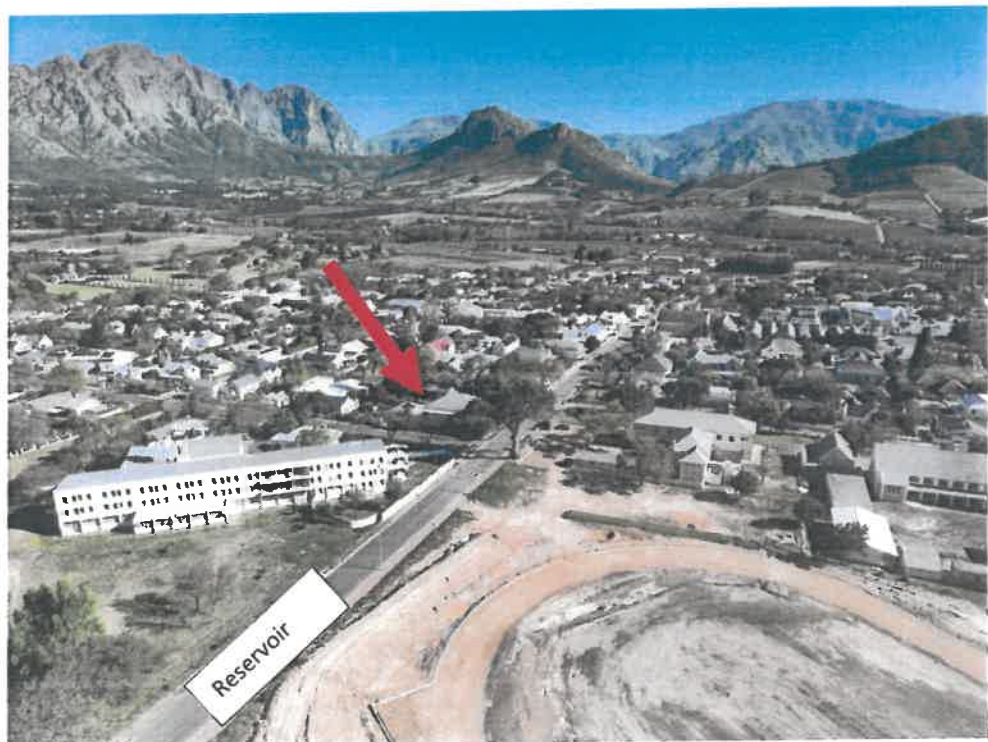
South-east Elevation facing the abutting Erf 3809 and Remainder/Erf 492 (note the small port-hole windows in the two guest wings). The building in the centre of the image is the historic dwelling house in the background.

- The proposal is considered to be entirely **compatible** with the surrounding area with respect to land use; a great number of properties in the same streets and immediate area are used for accommodation establishments e.g. guesthouses (which even have also been rezoned from Conventional Residential Zone). The proposal is also considered compatible with respect to the appearance (design, roof shape, fenestration etc.), height, scale, footprint and extent of typical buildings in the area.

The proposed guest-“wings” are not only separate from each other but also separate from the dwelling house. These buildings will therefore read as such (i.e. a free-standing structures) and there will not be any “massing” of one large building.

The proposed height of 9.2m in lieu of 8.5m permitted relates to only 700mm, which is considered immaterial given the relatively large property (it is one of the larger properties in the area; by comparison, the two abutting properties are only 893m² and 556m² in extent).

The properties directly to the north-west (across Reservoir Street – Erven 296, 299 and 300) and to the north-east (across Union Street – Erf 298) have an “Education Zone”. These properties are used for non-residential purposes e.g. a sports field (part of the Franschhoek High School), a medical and performance training centre (also associated with the school), and a hostel building (three storeys in height). The proposal is therefore considered to be entirely compatible (and complementary) with these uses and the existing built form.



Aerial photo from the north towards the site, identified by the arrow (note the large surrounding buildings in the foreground to the left and right)

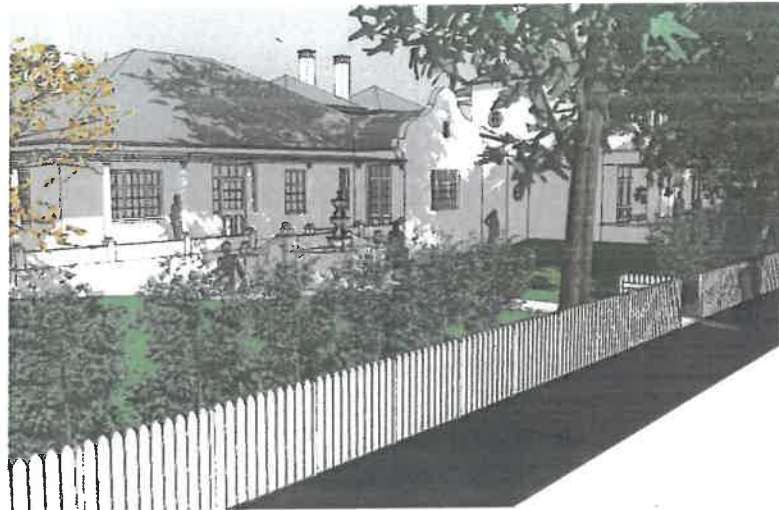


- It is not believed that the proposal will have any undue impact on external **engineering services**; however, the application will be circulated internally for the Municipalities' services branches to comment on.
- The proposal is considered to have a positive impact on the **safety, health and wellbeing** of the surrounding community for the following reasons:
 - Permanent new employment – and thus an income, will be created for several people (improving their wellbeing).
 - The proposed land use and buildings are considered compatible with the surrounding built environment.
 - The proposed design (buildings) is considered sensitive to the heritage integrity of the area.
 - The new guest-“wings” have French doors, decks and pools on ground level facing Akademie and Union Streets. These features ensure an activated interface with the respective streets on ground level, thereby ensuring passive surveillance onto these public realms and improving the overall safety of the area. This is an improvement of especially the Union Street façade where there is for all intents and purposes no active interface of the property with that street.
 - The proposed main entrance to the hotel will be from Union Street – thereby increasing the interactive nature of this façade.
 - The proposed staff component means that there will always be someone present on-site overnight which is desirable and positive with regard to safety.
 - The movement of guests and staff in the area will also help to deter anti-social behaviour due to more “eyes on the road”.
- Great care has been taken with the proposed design, location (of the new buildings), and interaction between the new and the old structures in order to protect and preserve the **heritage** character and integrity of the existing dwelling, the impact on the streetscapes, as well as the immediate and wider area. In this regard the heritage application as prepared by the heritage

practitioner, as well as the design methodology report as prepared by the architect, must be consulted where the various aspects are addressed in greater detail.

A few of the main aspects are (for details refer to the design methodology as prepared by **Young Architecture**):

- For all intents and purposes, the historic dwelling will be kept intact with only relatively minor (external) alterations and additions.
- Akademie Street has been identified as having more historical value in comparison to Union Street (and to a lesser degree Reservoir Street). Accordingly, special care was taken to maintain the existing streetscape along the Akademie Street boundary.



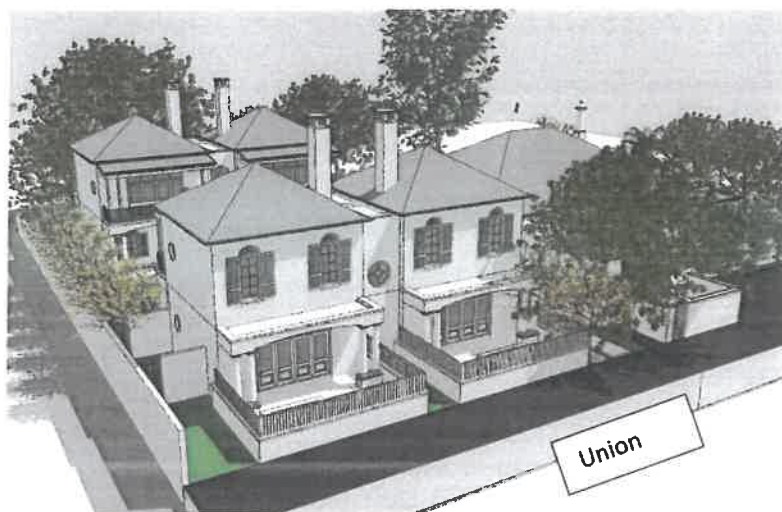
Akademie Street façade, with the retention of the historic dwelling's façade and white picket fence

- The main (and most important) façade of the dwelling is the one as seen from the north-west (i.e. from the corner of Reservoir and Akademie Streets). This façade, with the covered verandah and including the white picket fence along Akademie and Reservoir Streets, will remain largely undisturbed. This will mainly be achieved by positioning the proposed buildings to the south-east of the dwelling, and will therefore not have a material impact (or "interfere") with the dwelling's main façade – refer to the 3D-render below which is from this direction.



Axonometric perspective of the proposal (north-western view). Note the existing dwelling in the foreground – facing Reservoir and Akademie Streets, with the proposed extensions to the back/side.

- The proposed guest-“wings” will be separated from the main building by approximately 4m, thereby better protecting the “integrity” of that building, which will be enhanced by its relatively “stand alone” position. This “breathing space” between the two elements (old and new) will also help to maintain and enhance one of the most attractive features of the dwelling, namely its “L”-shaped covered and wrap-around verandah which faces Akademie and Reservoir Streets.
- The new building elements respond directly to similar character-giving elements in the neighbourhood. These include, regular orthogonal plan shapes, stoeps/verandahs & verandah columns, window, and door treatments and pitched roof elements etc.
- The proposed roofs comply with the required 30-degree pitch as per the Franschhoek Urban Conservation Area.
- The scale and massing of the new buildings are at a residential scale.
- In order to minimise the impact on the Akademie Street scape and character, the proposed parking and new carriageway crossing will be placed at the “back” of the dwelling – in Union Street. The following image is the architect’s render of the Union Street façade:



Union Street façade

- A portion of the existing garden in the north-east corner of the site will be removed in order to accommodate the proposed parking; however, it is noted that this portion of the property is not visible from Union Street in any event due to an existing solid and overgrown boundary wall along that boundary.
- The tree-lined character of Akademie Street will be retained.
- One mature tree – a Norfolk Island pine tree – approximately 13m from the Akademie Street boundary and thus almost half-way into the erf between Akademie and Union Streets, will be removed in order to accommodate the one new guest-wing. This tree is situated behind another tree closer to Akademie Street, and therefore does not form part of the established “tree-line” of this street. The removal thereof is therefore not believed to have any material impact on the treed-character of Akademie Street. New indigenous trees will be planted in the place of the pine tree.
- With respect to the impact on the **biophysical environment**, only one mature tree (the Norfolk Island pine) will be removed. This tree is an alien species and will be replaced by the planting of

new indigenous trees. The position of this tree restricts the further development of the property as proposed, especially with regard to the guest-wing closest to Akademie Street. The removal of this tree is considered desirable and necessary in order to achieve the sensitive and complementary relationship between the historic dwelling house and the new buildings. In other words, the removal of the tree is required in order to achieve and protect the heritage integrity and character.



Aerial view of the erf from the north-east. The Norfolk pine tree to be removed is identified

Relatively small portions of the existing garden will be removed to accommodate the proposed parking area and new buildings (some of which will merely replace other, existing outbuildings).

It is not believed that there will be any material impact on the biophysical environment.

- The proposal is considered to have positive impacts with respect to **traffic, parking and other transport** related matters:
 - Sufficient on-site parking will be provided and there is no parking departure.
 - Access will be taken from Union Street which has a wider road reserve than Akademie Street (12.59m vs. 9.45m), and which can comfortably accommodate the anticipated additional traffic and access due to this “extra” width. As noted elsewhere, a relatively large building (a hostel) exists directly across Union Street – it is therefore not necessarily a quiet, traditional residential street for this section of the road.
 - Access from Akademie Street is not considered desirable in order to preserve the heritage character of the property, the existing garden, and this street scape.
 - Access from Reservoir Street is also not considered desirable since it is the comparatively busier road which carries relatively more and faster-moving traffic (in addition to the attractive façade of the existing dwelling facing this road).
 - Although the proposed carriageway crossing is relatively close to the intersection of Union and Reservoir Streets (the closest parking bay is approximately 6.5m from the meeting point of the prolongation of the respective street cadastral boundaries), Union Street has a stop street and cars therefore do slow down to stop when traveling in an east-west direction.
 - The property is within walking distance to Franschhoek’s main street (Huguenot Road) with its myriad of restaurants, shops, galleries and other tourist attractions, and it can be expected that many of the guests will walk to town.

- With regard to the **imposition of conditions of approval**, the Municipality is empowered to impose reasonable and relevant conditions as it deems fit. In this instance the following conditions may be considered to be imposed:
 - Conditions limiting the number of guestrooms to eight (8).
 - Conditions limiting the number of guests to sixteen (16).
 - A condition that the hotel may not be used by members of the general public (unless they are bona fide guests of paying guests who stay in the hotel).

Sub-section (i): *the integrated development plan, including the municipal spatial development framework;*

Compliance: The development proposal is considered to be consistent with the SDF generally and with the requirements for Franschhoek specifically.

Sub-section (s): *the applicable provisions of the zoning scheme.*

Compliance: The proposal is for a rezoning, permissions in terms of the urban conservation overlay zone and a setback departure. The rezoning is considered appropriate as:

- It is considered to be the most appropriate zoning to accommodate the proposed boutique hotel
- The proposed zoning (and use) is a “low-density, commercial use that is compatible with and located within residential areas”, is not considered to have an adverse impact on the surrounding residential environment, is considered compatible with the surrounding residential environment and which enables residents (hotel guests) to walk to facilities, and represents a “mix of land uses” that can co-exist without negatively impacting on each other.
- The proposal can be restricted by means of conditions of approval.

The setback departure is considered desirable for the following reasons:

- The departure relates to the two proposed buildings (guestroom “wings”) which are closer to the common boundary than permitted. The setback (3m) is 0.5m *further* away from the boundary than a building permitted in terms of the current zoning, which is considered desirable and less-onerous compared to a building in terms of existing rights.
- The relevant building does not have any windows facing the common boundary except for small, port-hole (sized) bathroom windows, which is not considered to have any material impact on privacy due to their very nature, function and (small) size.
- The two balconies closest to the south-eastern common boundary (which are partially within the 4.5m building line) do not face towards the neighbouring erven, but instead face inwards - towards the central pool area between the two guest wings (and are thus not orientated towards the neighbours). If required, screen walls can always be erected on the south-eastern edge of these balconies to ensure privacy.
- The relevant buildings are two storeys in height which is the same number of storeys as permitted in terms of the current zoning.

The permissions required in terms of the Urban Conservation Overlay Zone can be supported as:

- The additional height relating to the buildings only relates to a negligible 700mm.
- Considering the relatively large extent of the subject erf and the surrounding built environment (including a large, three-storey building across the road in Union Street), the proposed height is not considered to be material or excessive (some of the properties in the immediate area are also double-storey).
- The proposed permission for height only applies to the two new guestroom-wings building (and then only to the top part of their pitched roofs), and not the entire erf or all the buildings thereon.
- The pitches of the two roofs that exceed the 8.5m height does not directly abut the neighbouring properties, but are approximately 6m from the common boundary.
- The proposed height relates directly to the heritage and aesthetic requirement relating to the roof form (pitch and degree thereof), and granting the permission will ensure that these aspects (i.e. heritage character and aesthetic appearance) will be satisfied.
- The removal of the one mature tree (which is an alien species) does not form part of the main tree-line (or character) of Akademie Street (or of any other street) as it is considerably set back from the street boundaries. New indigenous trees will be planted instead of the one tree to be removed.
- The aspect of the removal of a portion of the garden to create the parking area has been addressed elsewhere in this report, and it is not considered to be a material impact on the conservation area.
- The existing boundary walls along Akademie and Reservoir Streets will be retained. A portion of the existing boundary wall along Union Street will be demolished to accommodate the new parking bays; the new screen wall will be constructed 5.5m from that street boundary (it is therefore not a boundary wall but rather a garden wall).
- A section of the boundary wall along Union Street will be retained with some "in fill" (e.g. where the existing drive-way is to be removed). This section of the wall measures 1.2m in height and requires Council's permission in terms of the Urban Conservation Area. The height is not particularly high and will also consist of a white picket-fence (similar to Akademie and Reservoir Street elevations). The proposed permission only relates to a negligible 20cm which is considered immaterial and will not have an undue impact on the street scape.

9. CONCLUSION

The proposal is considered desirable and compatible from a land use perspective, and can comfortably exist in harmony with the surrounding built environment (which itself is peppered with accommodation establishments, amongst other uses).

From a design (appearance, massing, positioning, height, footprint and scale) point of view the proposal is also considered to be entirely compatible with the surrounding built and natural environment.

From a heritage perspective, the proposal is supported by the heritage practitioner and it is expected that it will also be supported by the Heritage Western Cape and the Municipality's Heritage Branch officials. It is considered to be a sensitive, complementary and compatible proposal which is in character with this Urban Conservation Area.

The proposal is not believed to have any impact on existing rights.

It has been demonstrated that the proposal complies with all the adjudication criteria and relevant legislation, and as such, the Municipality is urged to approve the application.

TOMMY BRÜMMER TOWN PLANNERS

COMPANY RESOLUTION

Tykana Properties (Pty) Ltd.

It is hereby resolved that

Tykana Properties (Pty) Ltd.

is the registered owner of Erf 295 Franschhoek, and hereby authorises

Justin Mitchell

to sign all relevant documentation with regard to the proposed rezoning, consent, permanent departure, Council's permission, or any other land use application required, in order to permit the development and use of the property for a Hotel, as per the application submitted by Tommy Brummer Town Planners.

CERTIFIED A TRUE EXTRACT


Director: Justin Mitchell


Director: Louise Marie Poole


Director: Nicolas George Poole

Date: 11 December 2023

Cor van der Merwe

From: Pedro April <Pedro.April@stellenbosch.gov.za>
Sent: Tuesday, 21 November 2023 14:12
To: Cor van der Merwe
Subject: Pre-application scrutiny: Erf 295, Franschhoek: Hotel Development
Attachments: 8768-Extra-Stellenbosch-Land-Use-By-law-2023.pdf

Hi Cor

Apologies for the administrative oversight relating to this pre-application scrutiny application and subsequent late reply.

Your application entails the establishment of a 8-bedroom Boutique Hotel and the use of the existing house for dining facilities, administrative offices and staff facilities.

The zoning of the subject erf is Conventional Residential and it is located within the Franschhoek Urban Conservation Area. No provision is made in the subject zoning for an Hotel. The property must therefore be rezoned to an appropriate zoning as the proposed use exceeds the thresholds for guesthouse, accommodation establishments and tourist dwellings.

The proposed alternative zoning as indicated on the conceptual sketch plans, that do include a hotel as a consent use is Local Business Zone, which accommodate a hotel as a consent use. The intended application to apply for is therefore correct as an application for rezoning from Conventional Residential to Local Business Zone, with consent use for a Hotel and you may proceed to submit a corresponding application.

You are advised to clarify the following matters with the respective departments individually before final submission of your application.

1. Your access proposal for 6 parking bays directly at the intersection of Reservoir and Union Streets be discussed with our traffic engineering section, attention Mr Nigell Winter (Head Traffic Engineering) at email: Nigell.Winter@stellenbosch.gov.za
2. Development of new buildings and street facing walls higher than 1m in the conservation area needs to be discussed with Katherine Robinson (Heritage) contactable at email: Katherine.Robinson@stellenbosch.gov.za.
3. The need of a 1,5m services servitude, instead of access on the property needs to be discussed with the Infrastructure Department: Mr Tyron King at email: Tyrone.King@stellenbosch.gov.za
4. Should you want to discuss the Spatial implications of the rezoning of a residential property to local business zone to make provision for a Hotel in a predominantly residential area, its advisable that you either get in contact with Spatial Planning Department; Barbara-Ann

Henning at email: Barbara-Ann.Henning@stellenbosch.gov.za or Mr Bernabe De La Bat (Manager Spatial Planning) at email: Bernabe.DeLaBat@stellenbosch.gov.za

All land use management matters have therefore been attended to in your submission and no further meetings is required with this deartment. Should your deliberations with the respective departments require a final collective meeting before submission, a meeting could be arranged at that time.



Yours faithfully

Pedro April

Senior Town Planner

Department:

Land Use Management

Directorate:

Planning & Economic Development

Stellenbosch Municipality

Departmental Email Adresses:

Landuse.enquiries@stellenbosch.gov.za

Landuse.applications@stellenbosch.gov.za

Landuse.appeals@stellenbosch.gov.za

T: +27 21 808 8683 | Fax: +27 21 886 6899

43 Andringa Str, Eikestad Mall, 3rd Floor,

Stellenbosch, 7600

www.stellenbosch.gov.za



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About Stellenbosch Municipality

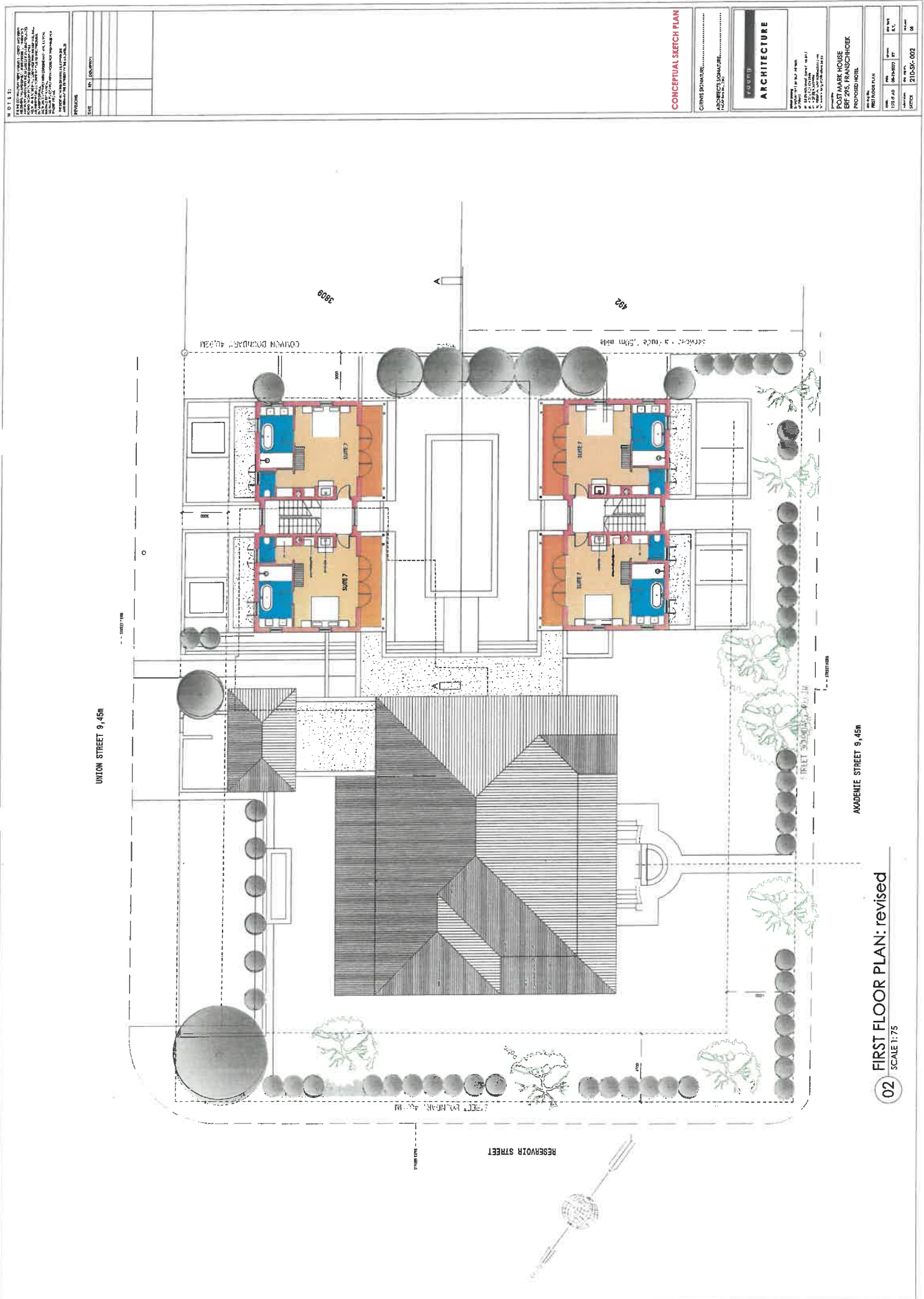
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

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

Disclaimer:

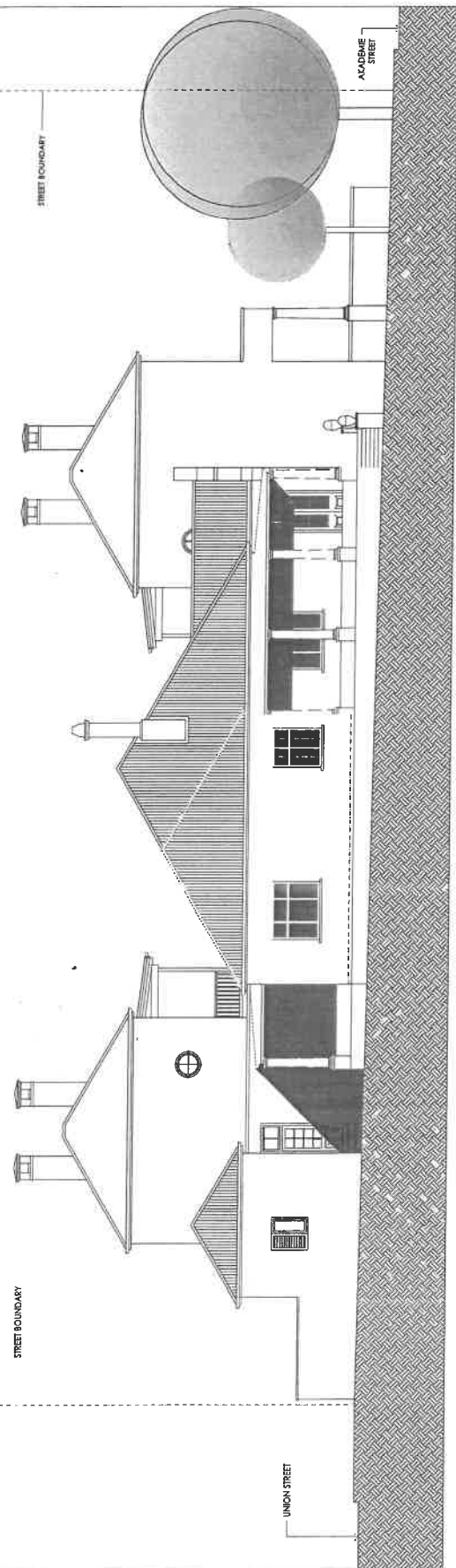
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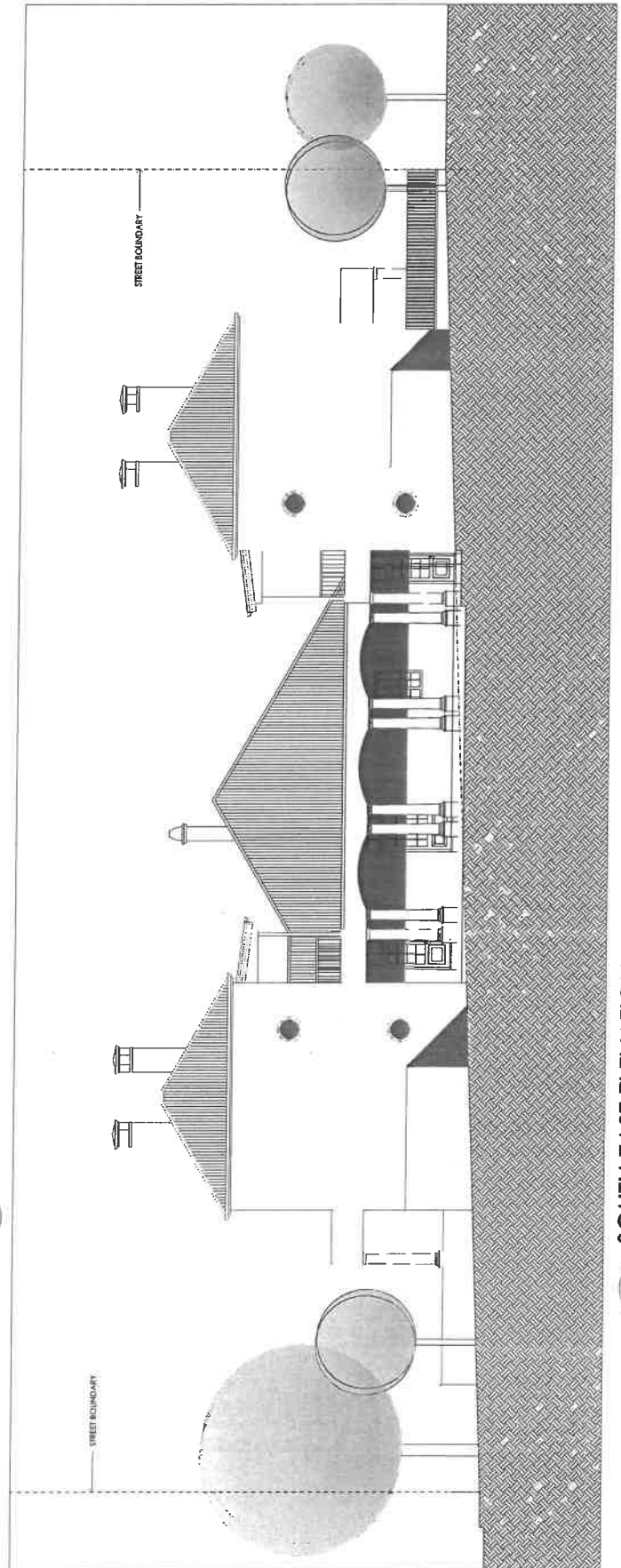
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 2. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND THE PROPOSED DEVELOPMENT.
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10	1	ISSUED FOR PERMITTING



10 NORTH WEST ELEVATION (RESERVOIR STREET ELEVATION)

SCALE 1:50



09 SOUTH EAST ELEVATION

SCALE 1:50

CONCEPTUAL SKETCH PLAN

CLIENTS SIGNATURE:
 ARCHITECT'S SIGNATURE:
 DATE: 10/10/2023

YOUNG
 ARCHITECTURE

PROJECT NO: 2103K-005
 PROJECT: POST MARK HOUSE
 PREPARED BY: BPT 265, FRANSCHOEK

DATE	10/10/2023
BY	BPT 265, FRANSCHOEK
CHECKED BY	BPT 265, FRANSCHOEK
PROJECT	2103K-005

NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 IBC AND 2015 IRC.
 2. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEY DATA.
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENGINEERING DATA.
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIAL DATA.
 6. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR DATA.
 7. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EQUIPMENT DATA.
 8. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES DATA.
 9. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SITE DATA.
 10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY DATA.

REVISIONS:

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2	08/13/2023	REVISED PER COMMENTS
3	08/13/2023	REVISED PER COMMENTS
4	08/13/2023	REVISED PER COMMENTS
5	08/13/2023	REVISED PER COMMENTS
6	08/13/2023	REVISED PER COMMENTS
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8	08/13/2023	REVISED PER COMMENTS
9	08/13/2023	REVISED PER COMMENTS
10	08/13/2023	REVISED PER COMMENTS

CONCEPTUAL SKETCH PLAN

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ARCHITECT'S SIGNATURE:.....

DATE: 08/13/2023

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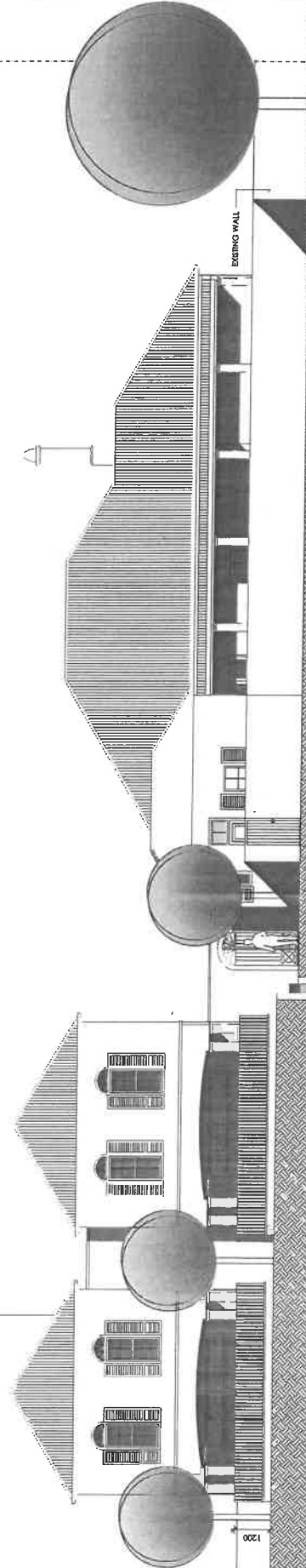
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COMMON BOUNDARY

STREET BOUNDARY



07 NORTH EAST ELEVATION (UNION STREET ELEVATION): boundary wall indicated

SCALE 1:50

PROJECT ID:.....

PROJECT CODE:.....

06

SCALE 1: 50

80

SCALE 1:50

CONCEPTUAL SKETCH PLAN

CLIENT'S SIGNATURE _____

ARCHITECT'S SIGNATURE _____

young
ARCHITECTURE

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POST MARK HOUSE
ERF 295, FRANSCHOEK
PROPOSED HOTEL.

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author(s) SLUTICE	company no. 210-SK-004		of items 08

NOTES

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CONCEPTUAL SKETCH PLAN

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ARCHITECT SIGNATURE

DATE

PROJECT NAME

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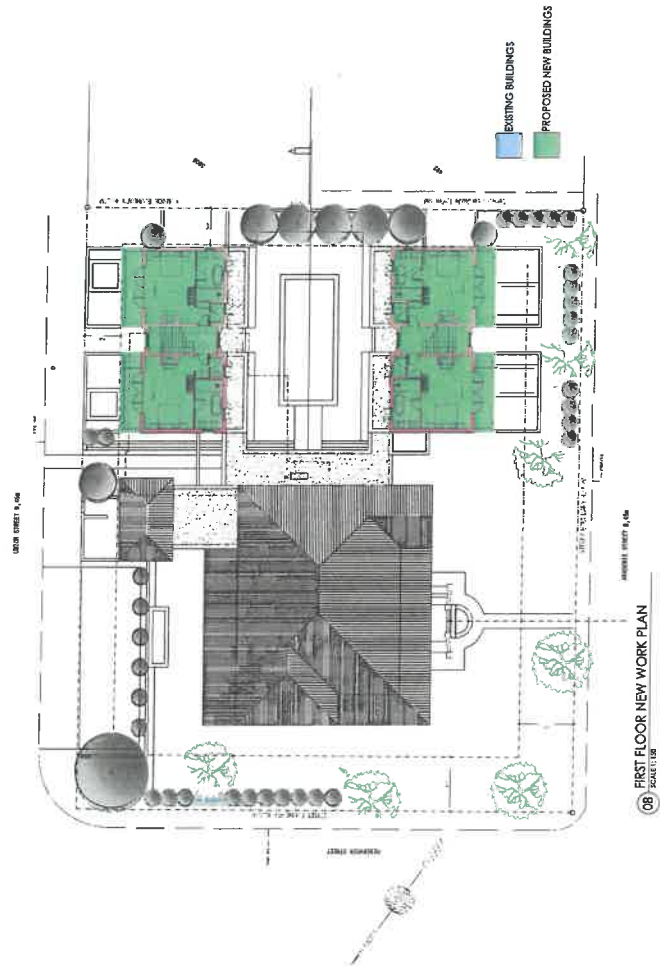
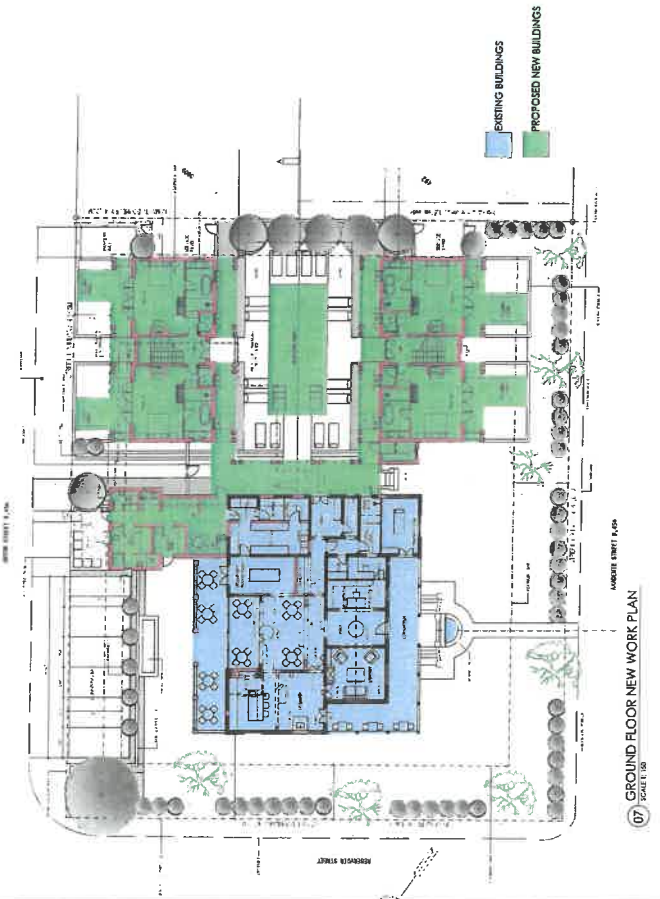
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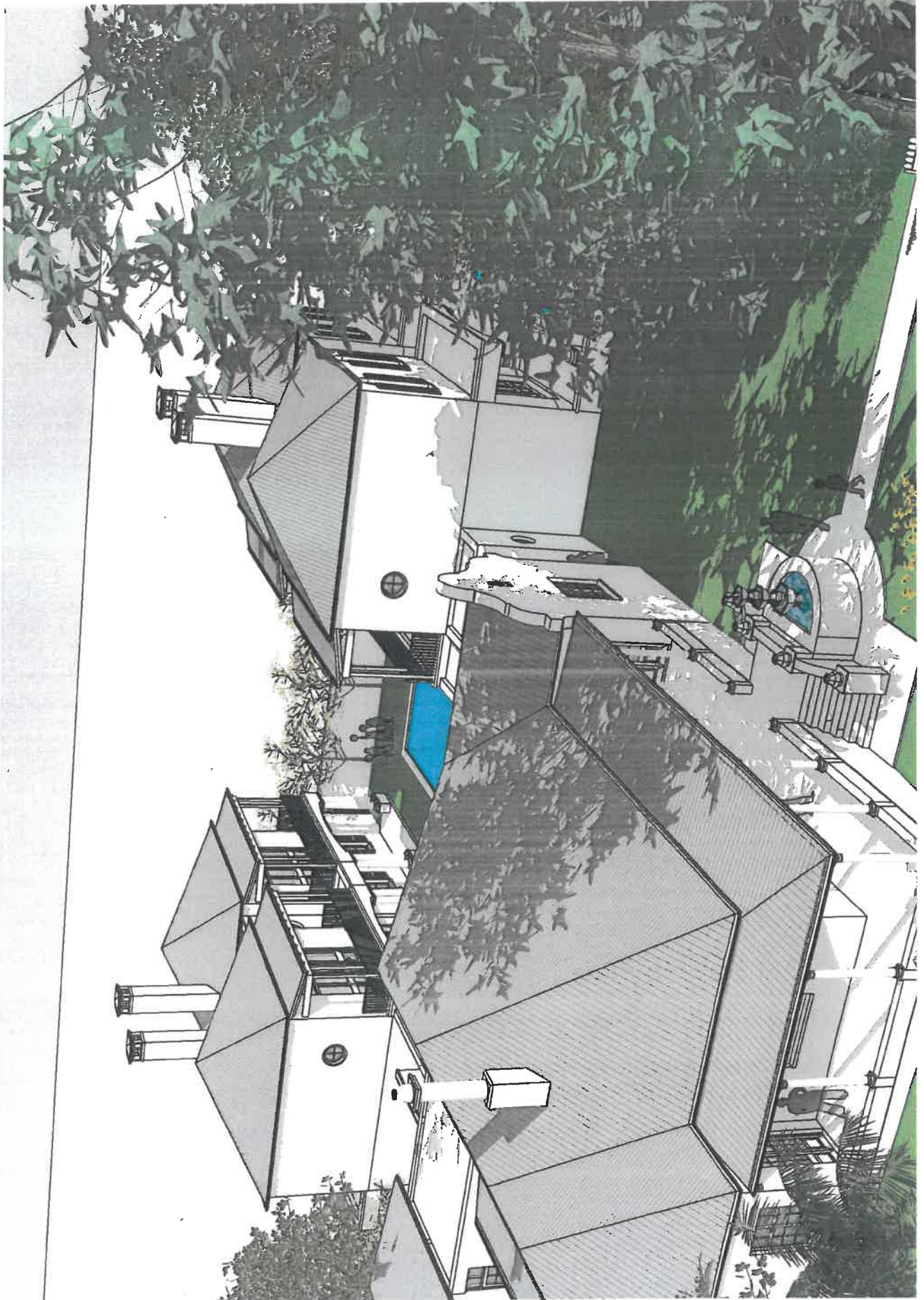
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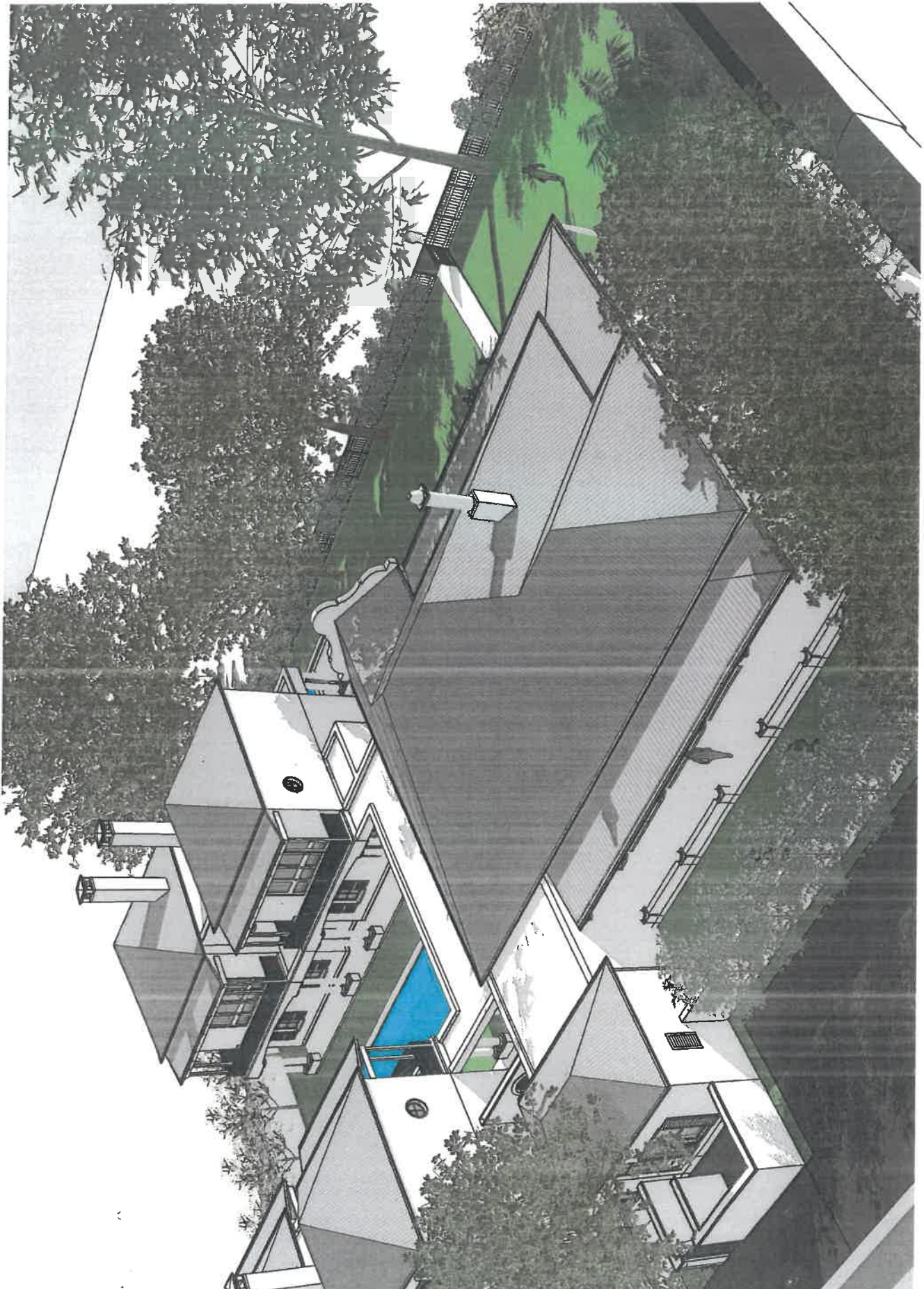
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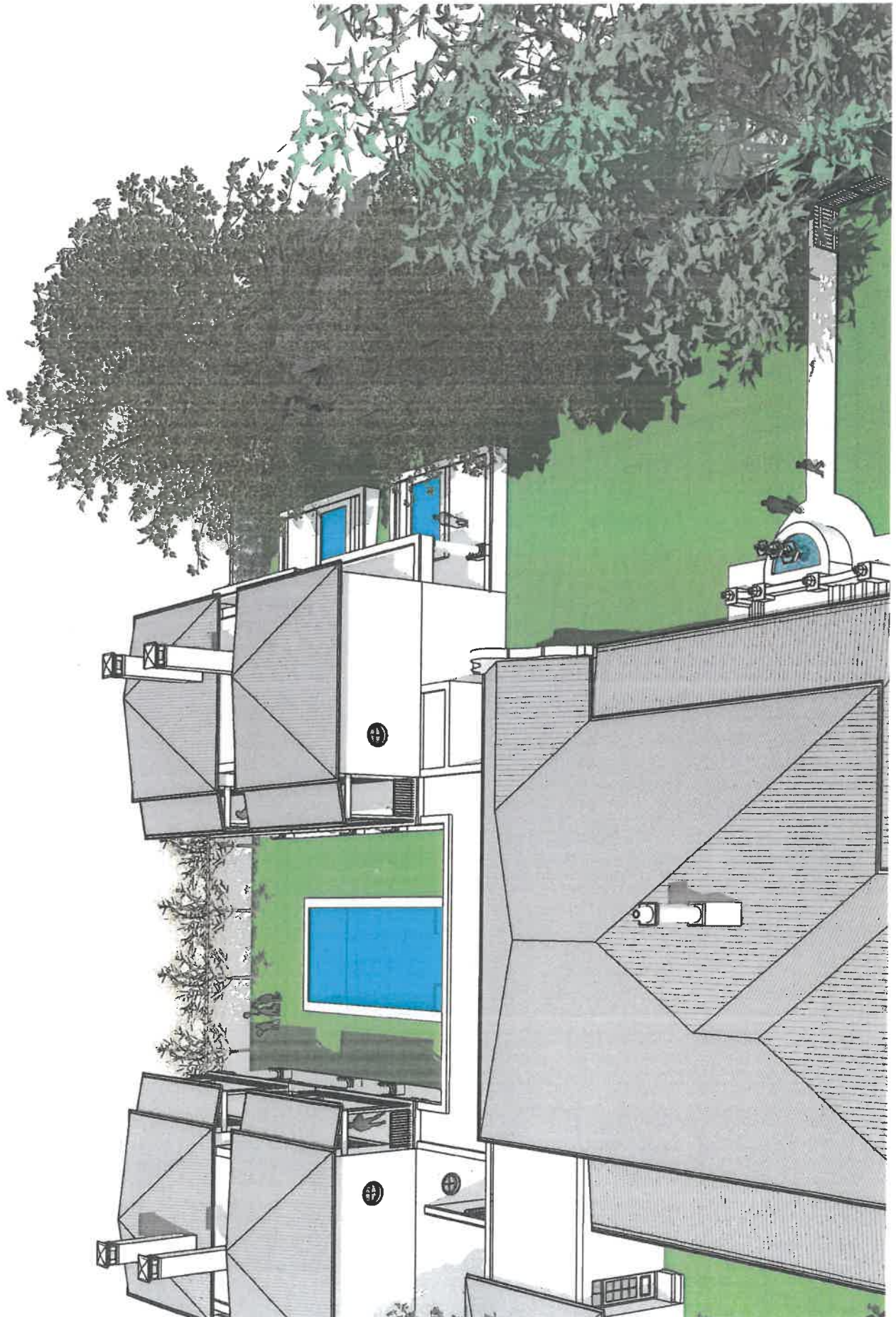


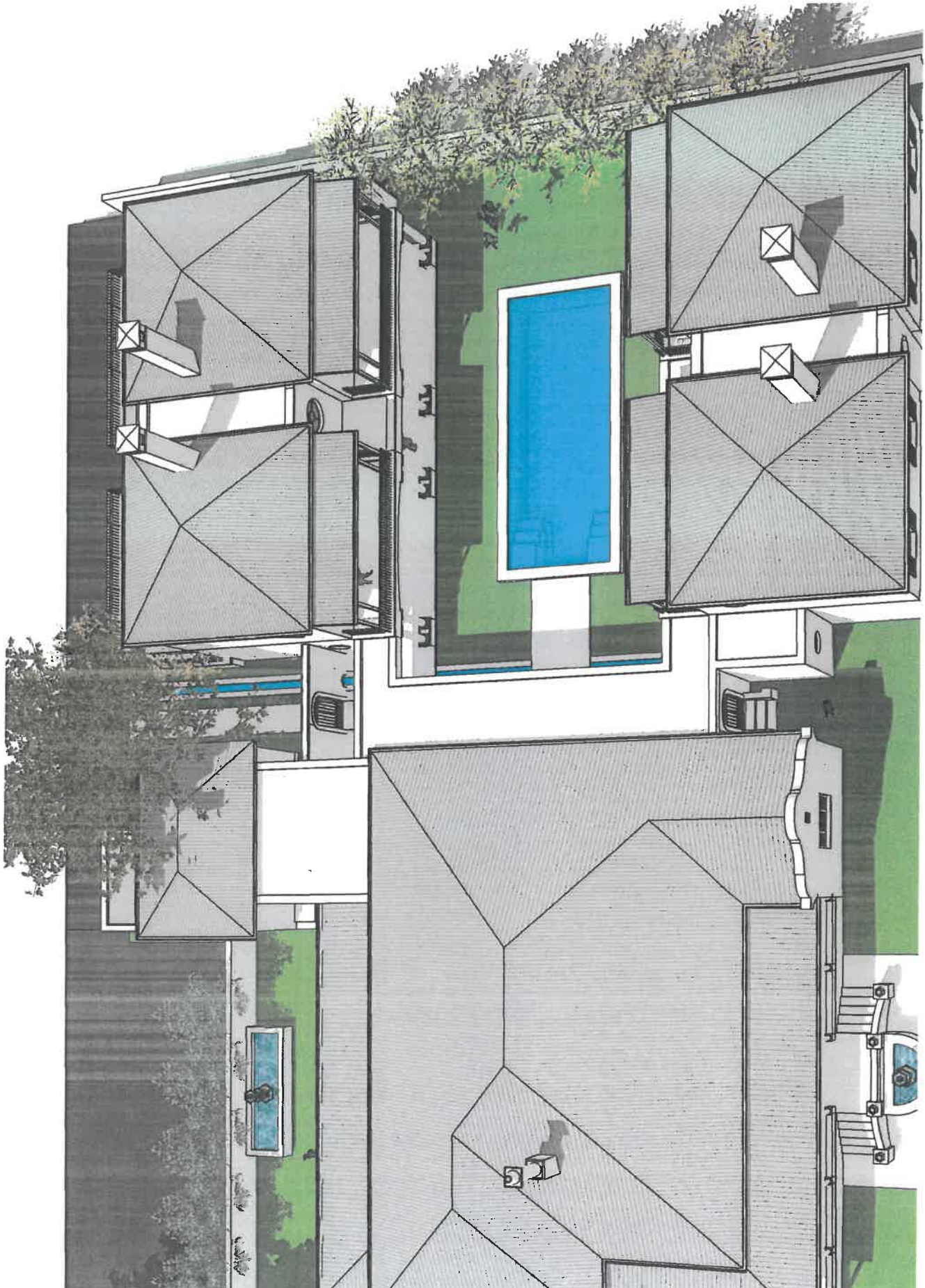


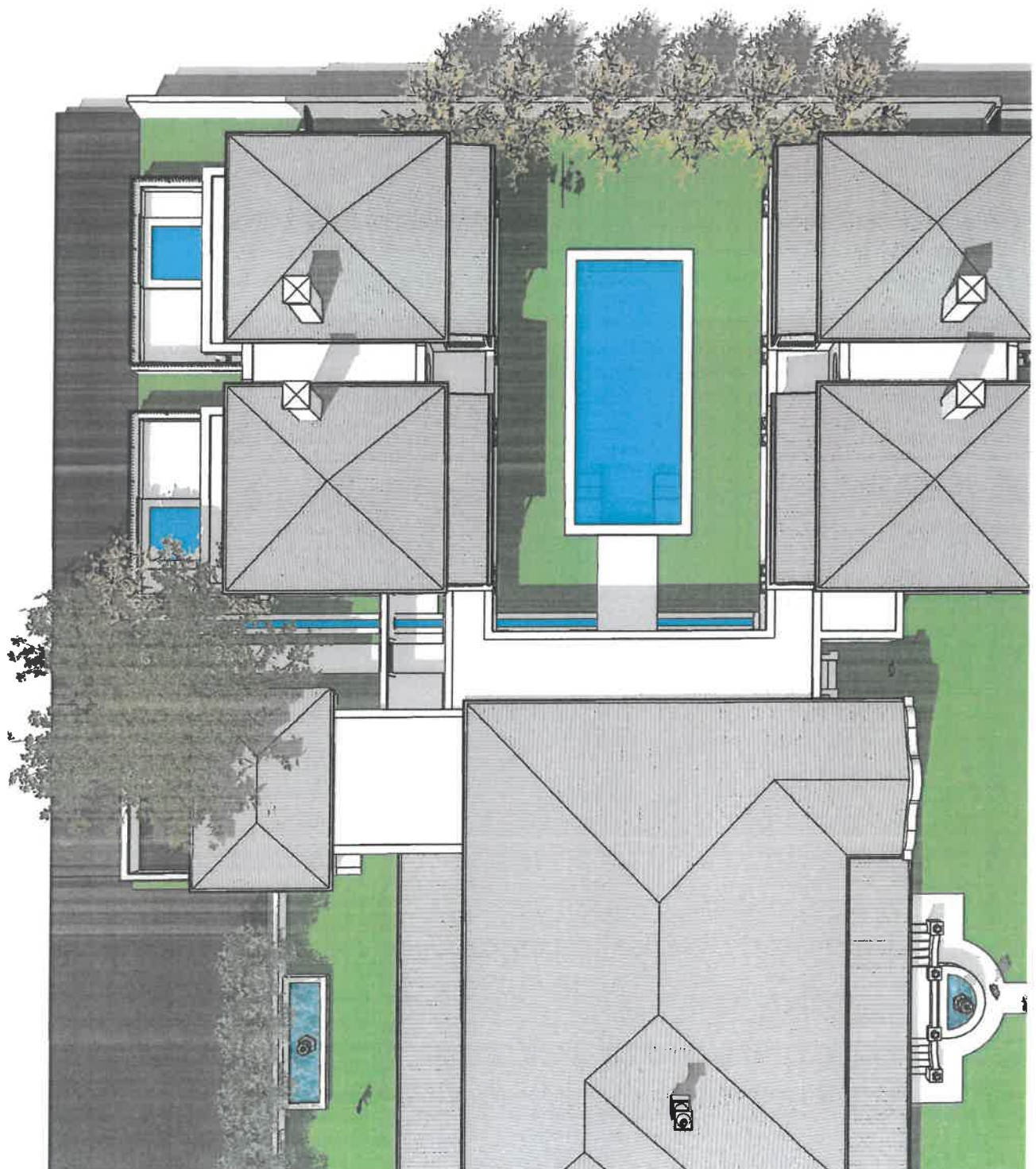




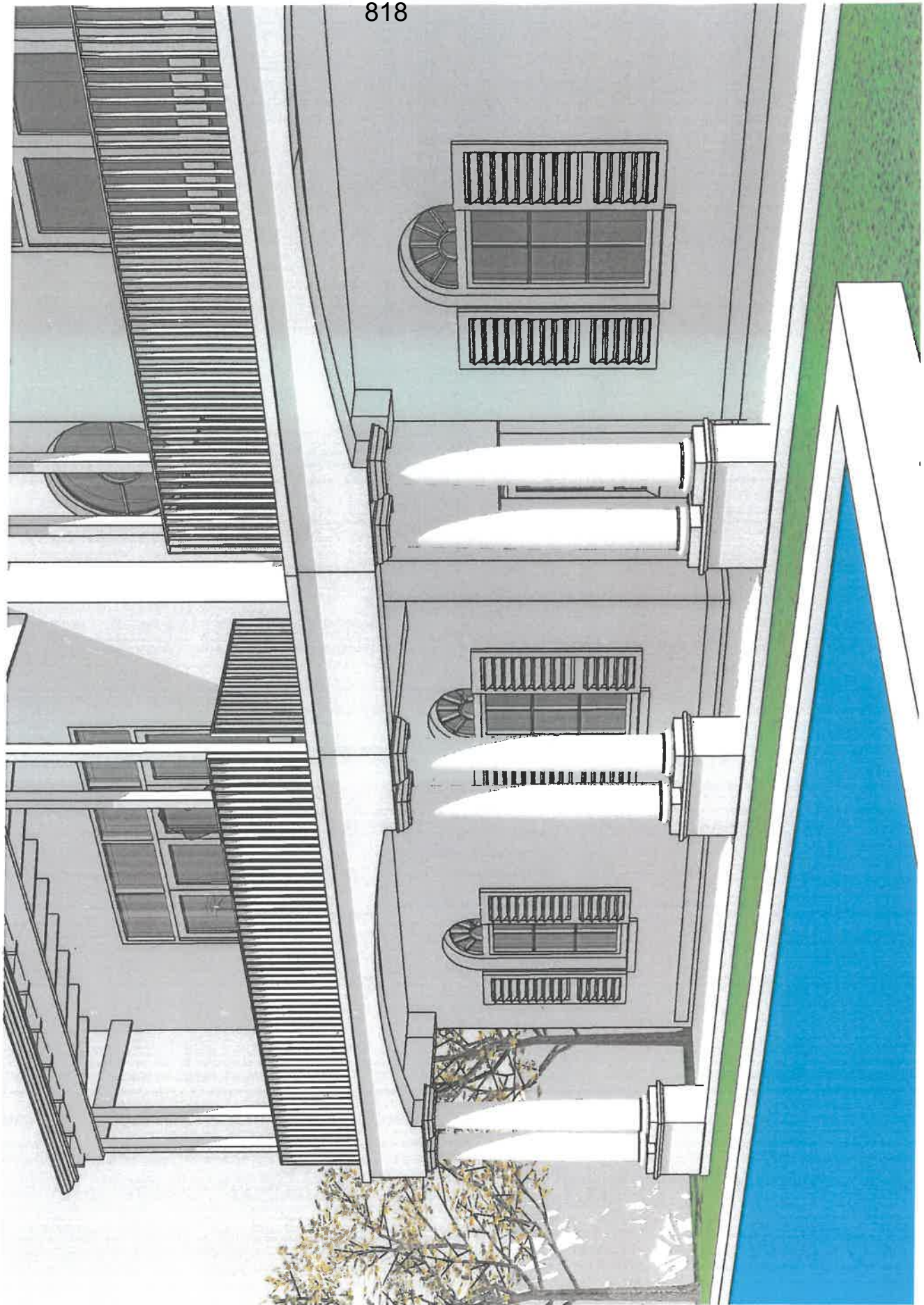


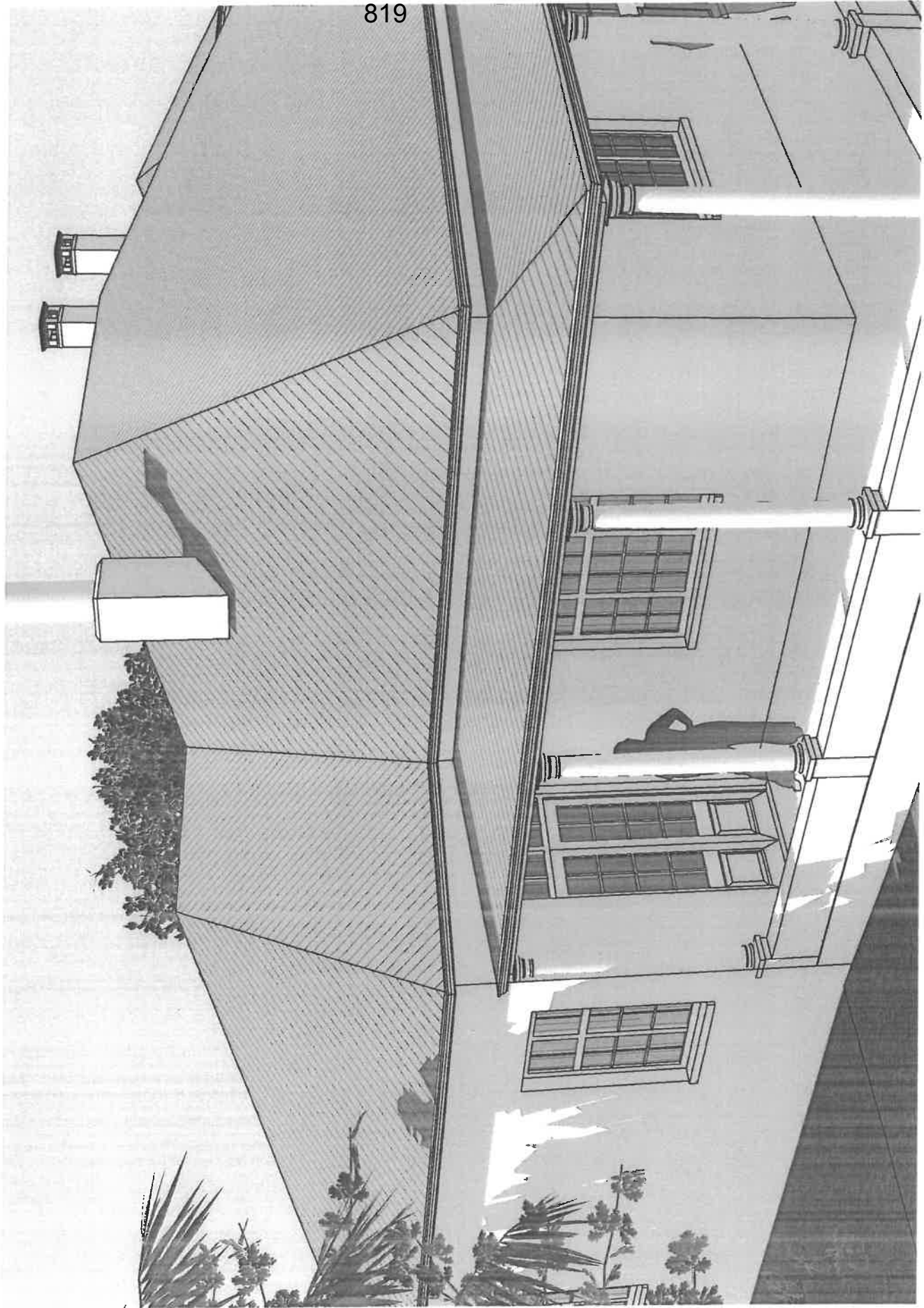


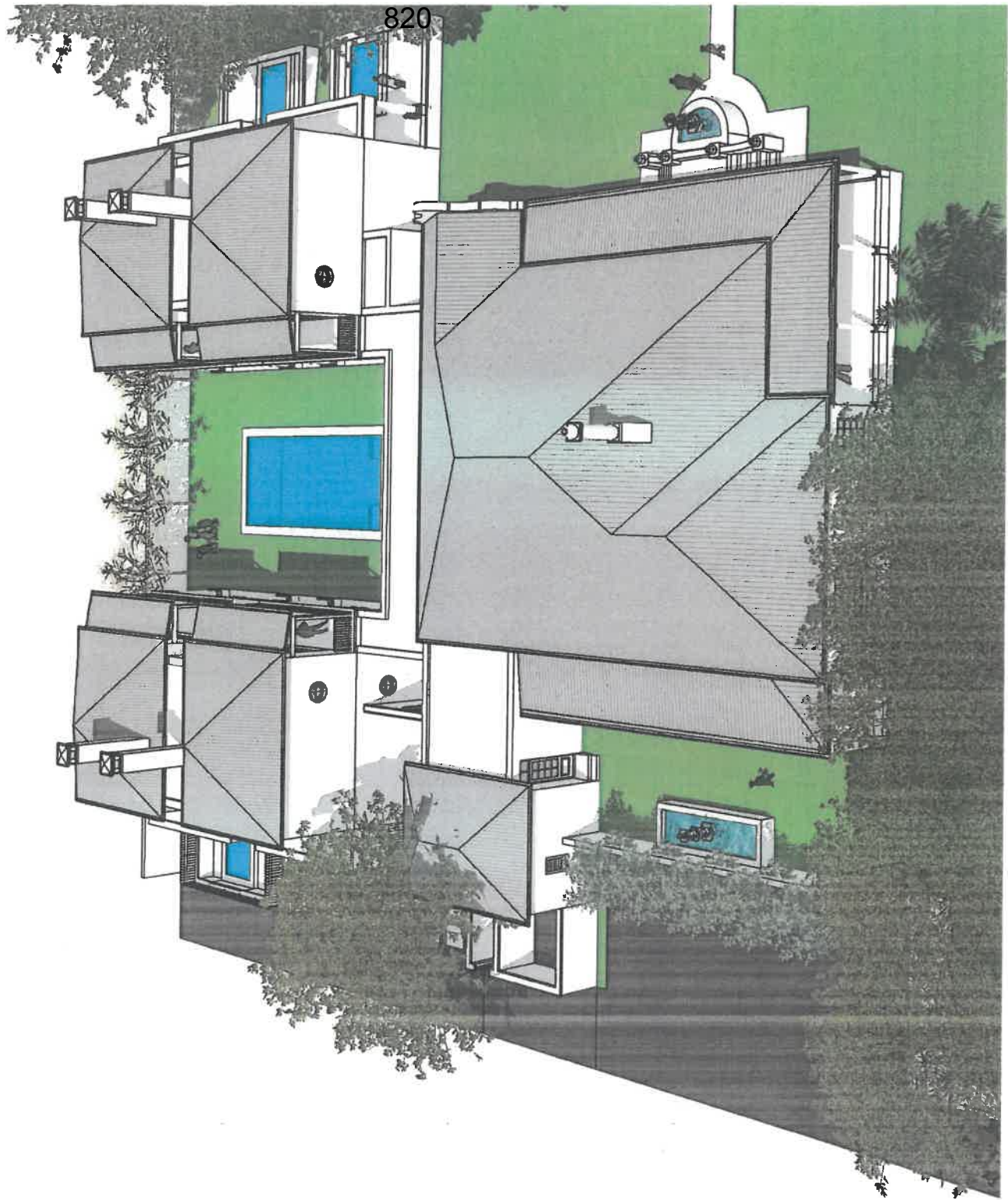


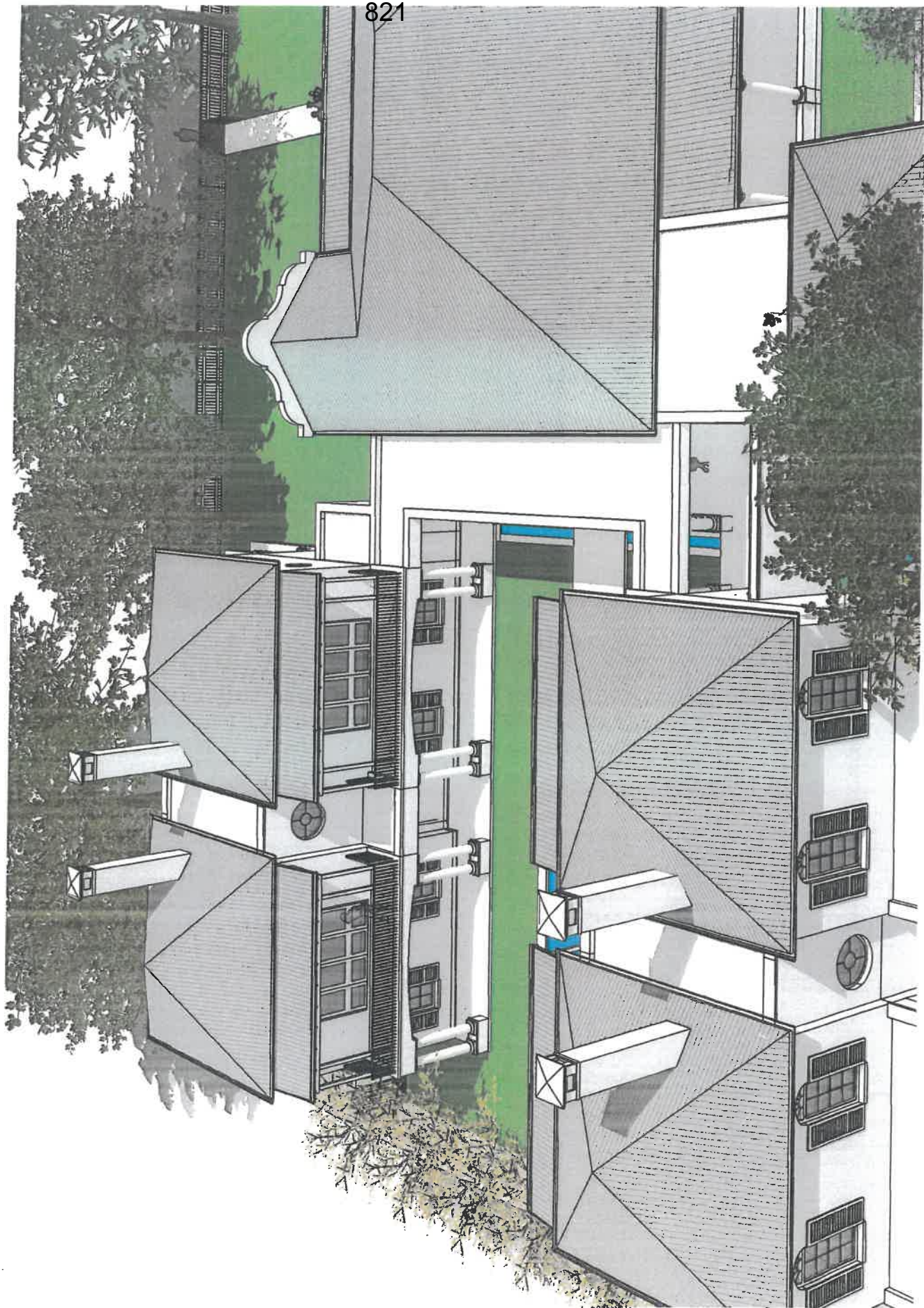








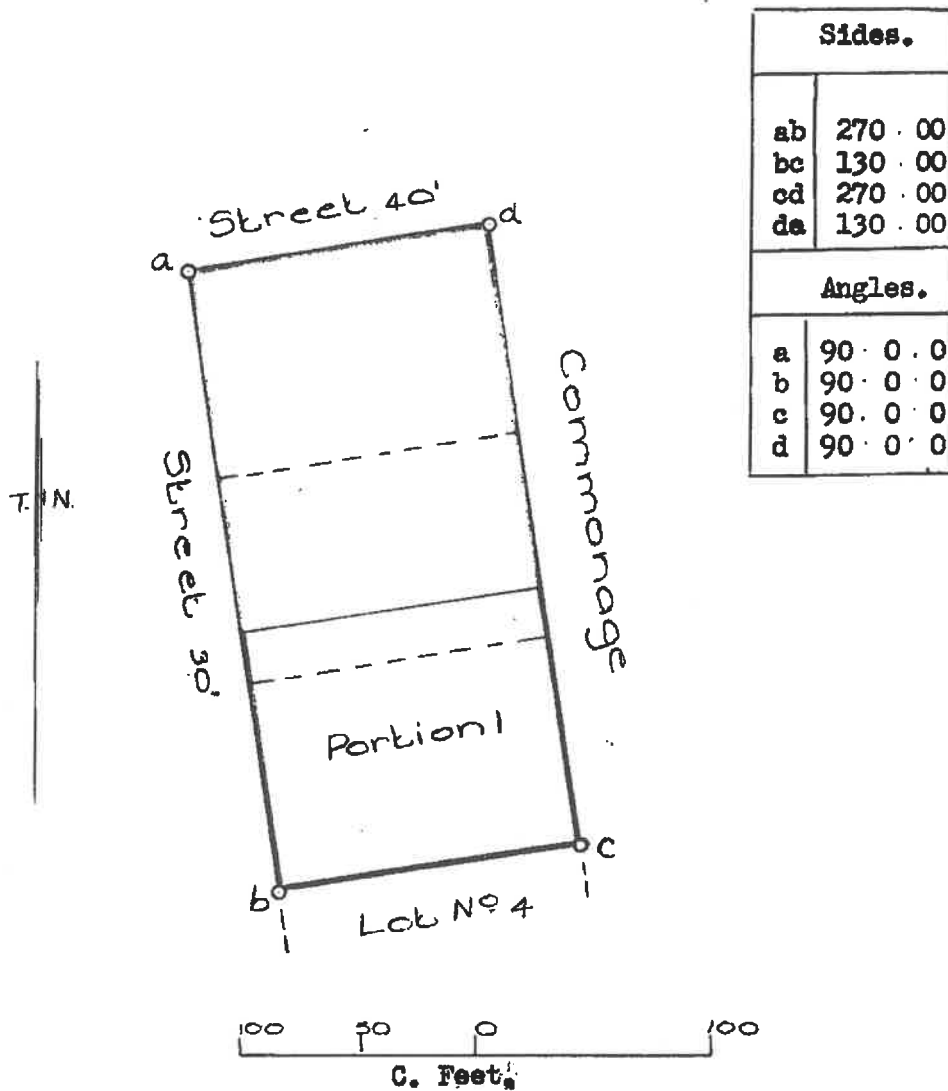




S.G Dgm. No. 2719/1899.

S.G Dgm. No. 2719/1899.

The numerical data of this diagram are mutually consistent.

(Sgd.) J.J. Bosman.
Examiner.

*NOW ERF NO. 295 FRANSCHHOEK.

The above diagram a b c d represents 243 Sq. Roods 108 Sq. Feet of land situate in the Township of French Hoek Paarl Division *marked Lots Nos. 1, 2, & 3, Block B being part of the land granted to the ~~Commissioners~~ for the time being of the Municipality of the Village of French Hoek 30th December 1897.

Bounded N by Street.
S " Lot No. 4.
E " Commonage.
W " Street.

Framed from actual survey by me,
(Sgd.) R.J. Moll.
Government Surveyor.
January 1898.

Copied from the diagram relating to
Transfer.....Title Deed No.....8414.....
dated.....17th October 1899 in favour of

15/7/62 *[Signature]* S
B
ERF 295

The following deductions for the year 1944 are shown in the program.

Chg. No.	Sub. No.	Transfer Date	Trf. No.
E. 929/44	1936/1944	Now EnP Portion 1.492	14,625
			13725/1944

171

Hennie Van Rooyen Attorneys,
Ou Kollege Building
35 Church Street
Stellenbosch
7600

Prepared by me,

CONVEYANCER
HENDRIK VAN ROOYEN

Fee endorsement	
Purchase price/value	Office fee
R 9 700 000,00	R 568,40
R	R
Exempt i.t.o	
Col.	section Act

VERBIND	MORTGAGED
VIR FLR R 7 760 000,00	
B 000015357/2018	
17 JUL 2018	

DATA / VERIFY 19 JUL 2018 YOLANDI OLIVIER

DATA / CAPTURE 19 JUL 2018 WENDY FANDE
--

T 000033486 / 2018

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

THAT ANNECKE LOUW

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

ALPHONSUS LAMBERTUS MARIA VERHULST

Born on 21 October 1943

Married, which marriage is governed by the Laws of NETHERLANDS

and duly assisted by his spouse

MYRIAM MECHELIN JOANNA VAN DER WAERDEN

Born on 09 February 1950

in so far as needs be

Hennie Van Rooyen Attorneys

dated 8 March 2018 and signed at STELLENBOSCH

AND the said Appearer declared that his/her principal had on 25 September 2017 truly and legally sold and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

TYKANA PROPERTIES PROPRIETARY LIMITED
Registration Number 2012/224386/07

its successors in title or assigns in full and free property:

REMAINDER ERF 295 FRANSCHHOEK,
IN THE MUNICIPALITY OF STELLENBOSCH,
DIVISION PAARL,
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 2030 (TWO THOUSAND AND THIRTY) SQUARE METERS

FIRST TRANSFERRED by Deed of Transfer No T8414 dated 17th October 1899 with diagram relating thereto and held by Deed of Transfer No T38619/1998.

A. SUBJECT to the conditions referred to in Deed of Transfer No T15007/1919.

WHEREFORE the Appearer, renouncing all the right, title and interest which the said **ALPHONSUS LAMBERTUS MARIA VERHULST**

and duly assisted by **MYRIAM MECHELIN JOANNA VAN DER WAERDEN** heretofore had to the premises, did, in consequence also acknowledge him, to be entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents, the said

TYKANA PROPERTIES PROPRIETARY LIMITED,

its successors in title or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of **R9 700 000,00 (NINE MILLION SEVEN HUNDRED THOUSAND RAND).**

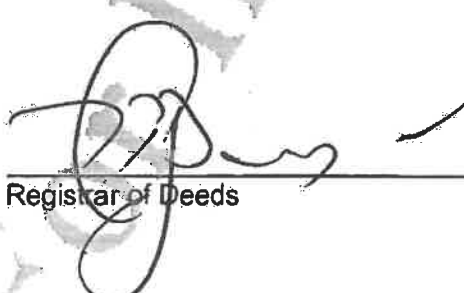
IN WITNESS WHEREOF I, the said Registrar of Deeds together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 17 July 2018



q.q. Signature of Appearer

In my presence,



Registrar of Deeds

APPENDIX 4

Proof of Evidence



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

LAND USE PLANNING APPLICATION: PUBLIC PARTICIPATION PROCESS

PORTFOLIO OF EVIDENCE (POE) CHECKLIST AND DECLARATION

Sections 45, 46 and 55 of the Stellenbosch Municipal Land Use Planning By-Law

Erf / Farm no	295	Portion(s) if farm		Allotment Area	Franschhoek
Owner/ Applicant	Tykana Properties (Pty) Ltd.			LU/#	LU/16750 (TP604/2023)
Notice Period	From:	16/05/2024	To:	17/06/2024	

CONFIRMATION OR DOCUMENTATION SUBMITTED	OWNER/APPLICANT			ADMIN VERIFY
	YES	NO	N/A	
1. The declaration is duly signed	X			✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached	X			✓
3. Municipality was notified in advance of the start and closing date	X			✓
4. The advertisement period complies with the required 30 days	X			✓
5. If applicable, confirms that the site notice was placed and kept on site for the full duration of the public participation process	X			✓
6. All communications (other than notices) in respect of the public participation process are attached	X			✓
Proof of notices published				
7. If applicable, photo evidence to confirm site notice (one close up and one from across the street)	X			✓
8. Wording of the advertisement accurate and copy attached	X			✓
9. Proof of notices published (publication date visible)	FILE NR:	E295FA ✓		
Proof of notices served				
10. Wording of notice accurate and example attached	SCAN NR:	✓		
11. Proof of all notices served to neighbouring properties attached	X			✓
12. Proof of all notices served to interest and community groups attached	LABORATOR NR:	715503 ✓		
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached	X (To HWC)			✓
Comments received				
14. All objections and comments received attached, including amended comments if relevant	X			✓
15. All comments from municipal departments and organs of state received (must also be attached to POE)	X			✓
16. Consent from abutting property owners obtained and attached			X	None
17. Applicant's written reply / responding comments on all the objections attached	X			

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

15 OCT 2024

Page 1 of 2

RECEIVED

KINDLY NOTE:

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

COMPLETE AND SIGN THE FOLLOWING DECLARATION**DECLARATION**

I, (full names & surname) Cor van der Merwe

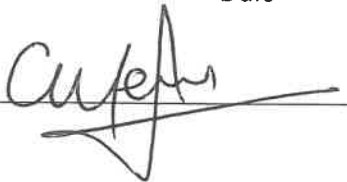
and ID No: 7408095014088, as the Applicant for the above application, hereby confirms:

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

Duly signed on 8 October 2024 at
Date

Cape Town
Place

Signature



For office use only

	NAME	SIGNATURE	DATE
VERIFIED BY ADMINISTRATIVE OFFICER	Bulelwa		14/10/2024
CHECKED BY TOWN PLANNER			

NOTES TO BE RECORDED:



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE APPLICATION

**PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za**

**Application Reference: LU/16750
(TP604/2023)**

ERF 295 FRANSCHHOEK

**ADVERTISING PERIOD: 16 May 2024 – 17
June 2024**

**ENQUIRIES: TOMMY BRUMMER TOWN
PLANNERS (cor@tommybrummer.co.za &
021 531 8435)**

NOTICE

Application has been made for the rezoning, consent, departures & Council's permission in terms of Sections 15(2)(a), (o), (b) & (g) of the Municipal Land Use Planning Bylaw for alterations and additions to the existing building (which will be retained) and the construction of two new buildings, in order to use the property as a hotel comprising 8 guestrooms.

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. If the website or documents cannot be accessed, an electronic copy of the application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw (any comments, if applicable, must be submitted within 30 days from the date of this notice to be received on or before the closing date of **17 June 2024**). Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: [Tommy Brummer Town Planners; cor@tommybrummer.co.za](mailto:Tommy.Brummer.Town.Planners@tommybrummer.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments / objection received after the closing date.

For any enquiries on the Application, or if you are unable to write and / or submit your comments as provided for, you must contact the Applicant for assistance.

Date: May 2024

Our ref: 11340 (Cor van der Merwe)



I L Rosenberg House 80 Jordaan Street BO-KAAP
 242 Buitengracht Bo-Kaap CAPE TOWN 8001
 T: 021 531 8435 E: info@tommybrummer.co.za

SUMMARY OF MOTIVATION REPORT*: PROPOSED REZONING, CONSENT, DEPARTURES AND COUNCIL'S PERMISSION: ERF 295 FRANSCHHOEK AT 13 AKADEMIE STREET

**Interested and affected parties who wish to obtain the full motivation report are invited to please contact this office/the author for that document, if required.*

1 INTRODUCTION

This report motivates the applications required to permit the property to be used as a Hotel (a luxury boutique hotel – the “Postmark Hotel”). The existing historical dwelling house will be retained and used for “front-of-house” activities (e.g. reception, library, lounge, kitchen and dining area), while two new buildings (the guest-“wings”) will be constructed to the south-east of the dwelling with the proposed eight (8) guestrooms. The guest suites will not be self-catering. The four proposed guest suites on the ground floor will each have a plunge pool, in addition to the larger shared pool in the center of the two guest-wings. A small building will be constructed to the north-east of the main building (facing Union Street) to accommodate a small staff component

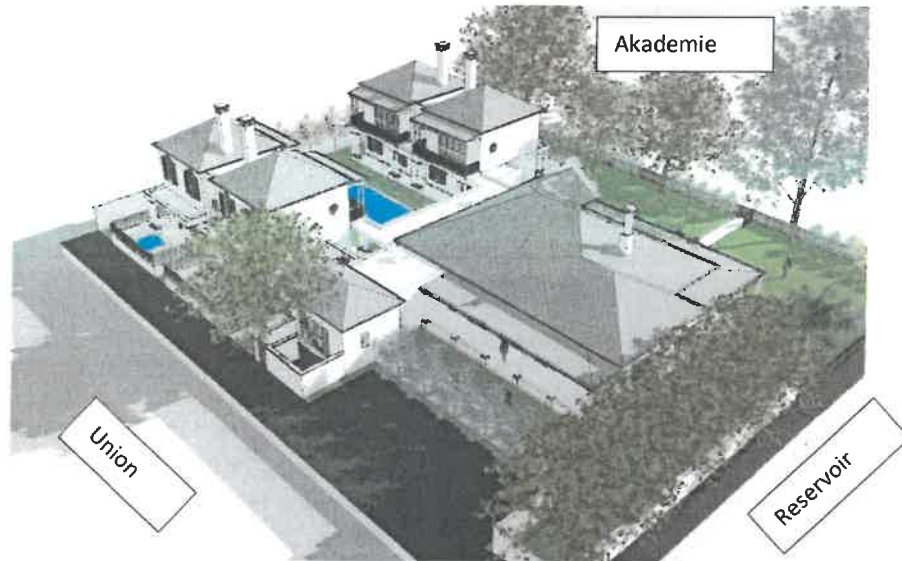
The hotel will not be accessible to the general public, but will be for the use of and by paying guests only.



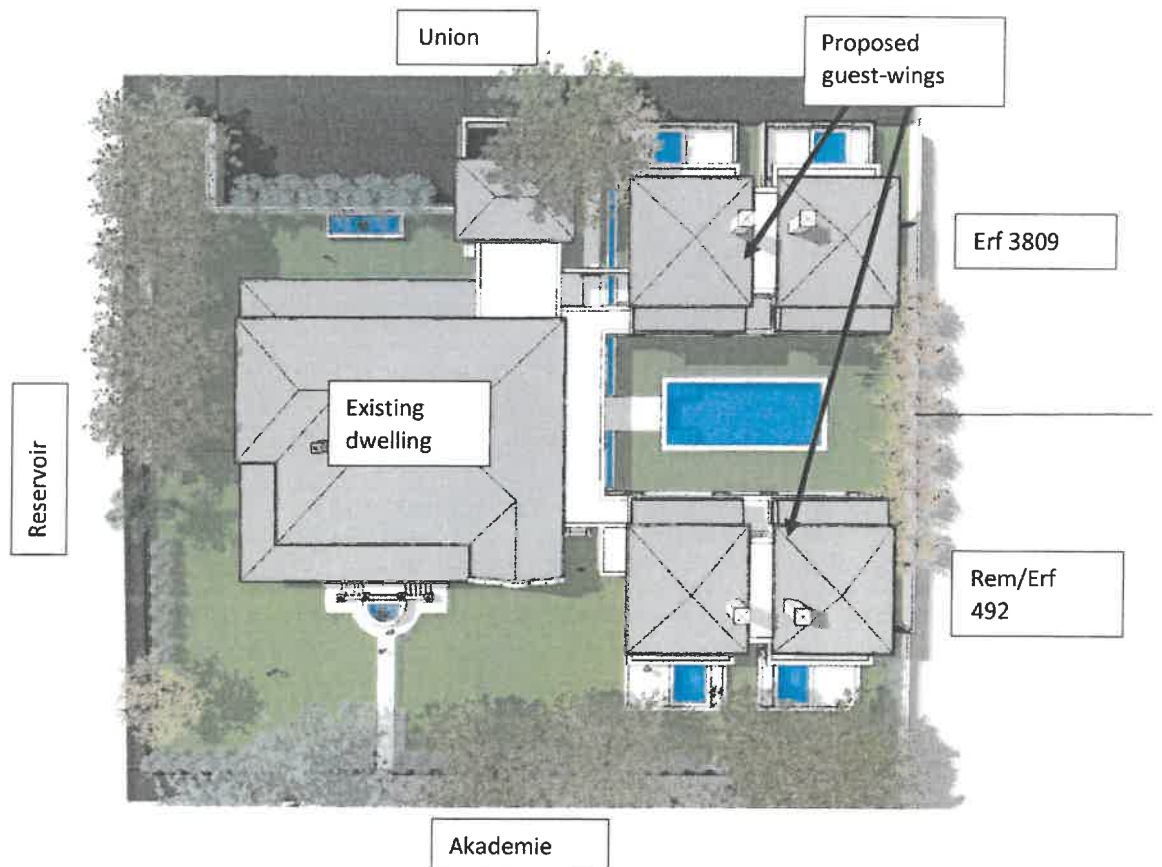
Aerial view of Erf 295 with the dwelling on the corners of Reservoir, Union and Akademie Streets

2 DEVELOPMENT PROPOSAL

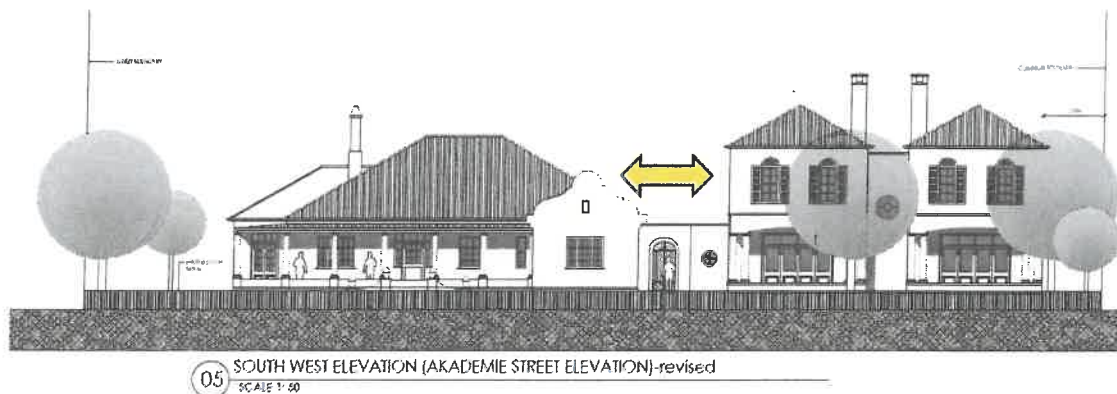
The proposed sketch plans were prepared by **Young Architecture** (copies of which are attached to this formal notification). The summary of the proposal is set out above. A heritage report was prepared by **Cindy Postlethwayt Heritage Practitioner** and submitted to Heritage Western Cape (HWC), which issued its permit (i.e. support) vide the permit dated 20 March 2024. The proposed re-development is illustrated by the renditions below:



Axonometric perspective of the proposal (northern view). The existing dwelling is towards the right with the new guest-wings towards the left



Bird's eye view of subject property indicating development proposal



Akademie Street elevation with proposed buildings to the right of the existing historic house (to the left).

3 MOTIVATION

Section 65 of the By-Law states the general adjudication criteria (*in cursive*) when considering a proposal is as listed below. The supporting motivation or compliance for each criterion is provided where applicable.

Sub-section (c): the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;

(c)(i): Compliance: The proposal will have positive **socio-economic** impacts on the property owner, on the employees of the hotel as well as on people indirectly involved in the hospitality sector, on the tourism sector and the local economy in general. Much-needed employment opportunities will also be created during the construction phase.

(c)(ii): Compliance: The improvement of the subject erf will mean a higher municipal valuation and hence more rates and taxes for the Municipality. Given that the set back of the proposed buildings from the common boundary is - at 3m, *further away* than the 2.5m building line that applies in terms of the existing Conventional Residential Zone. The proposed buildings have a height of 2 storeys which is the same as that permitted with the current zoning. The windows facing the abutting neighbours are all high-level windows and there are no other openings or balconies facing them. The proposal is considered to be **compatible** with the surrounding area with respect to land use (where many other accommodation establishments exist, as well as educational facilities etc.), and appearance (design, roof shape, fenestration etc.), height, scale, footprint and extent of typical buildings in the area. The proposed guest-“wings” are separate from each other and from the dwelling house. The proposed height of 9.2m in lieu of 8.5m permitted relates to only 700mm, which is considered immaterial given the relatively large property.

(c)(iii): Compliance: It is not believed that the proposal will have any undue impact on external **engineering services**; however, the application will be circulated internally for the Municipalities’ services branches to comment on.

(c)(iv): Compliance: The proposal is considered to have a positive impact by creating permanent new employment opportunities, and hence incomes, for the proposed staff. The proposed land use and buildings are considered compatible with the surrounding built environment, with the heritage integrity of the area, and will create an activated interface with the respective streets on ground level, thereby ensuring passive surveillance onto these public realms and improving the overall safety of the area. This is an improvement of especially the Union Street façade (where the main entrance of the proposed hotel will be) where there is for all intents and purposes no active interface of the property with that street. The proposed staff component means that there will always be someone present on-site overnight which

is desirable and positive with regard to safety. The movement of guests and staff in the area will also help to deter anti-social behaviour due to more “eyes on the road”. This is considered to have positive impacts on the **safety, health and wellbeing** of the community.

(c)(v): Compliance: Great care has been taken with the proposed design, location (of the new buildings), and inter-action between the new and the old structures in order to protect and preserve the **heritage** character and integrity of the existing dwelling, the impact on the streetscapes, as well as the immediate and wider area. In this regard the HWC has issued a permit (support). Primarily, the historic dwelling will be kept intact with only relatively minor (external) alterations and additions to this building. Special care was taken to maintain the existing streetscape along the Akademie Street boundary, especially. The proposed buildings are free-standing from the main historic building, and are not considered to have a material impact of that building’s main façade. The new building elements respond directly to similar character-giving elements in the neighbourhood. These include, regular orthogonal plan shapes, stoeps/verandahs & verandah columns, window, and door treatments and pitched roof elements etc. The scale and massing of the new buildings are of a residential scale. The tree-lined character of Akademie Street will be retained. One mature tree – a Norfolk Island pine tree – approximately 13m from the Akademie Street boundary and thus almost half-way into the erf between Akademie and Union Streets, will be removed in order to accommodate the one new guest-wing. This tree is situated behind another tree closer to Akademie Street, and therefore does not form part of the established “tree-line” of this street. The removal thereof is therefore not believed to have any material impact on the treed-character of Akademie Street. New indigenous trees will be planted in the place of the pine tree. The proposed plunge pools are sunk into the ground and will not have any undue impact from, for example – a massing or visual point of view, on the heritage character of the area or on the street scape. The proposed boundary fence heights along Union and Akademie Streets are consistent with the respective street scapes where many of the other properties’ boundary walls/fences exceed the permitted height of 1m. The proposed heights relate to a marginal 20cm and 30cm difference (over 1m), and will also consist of picket fencing, which is consistent with the existing property’s fence and the heritage character of the area.

(c)(vi): Compliance: With respect to the impact on the **biophysical environment**, only one mature tree (the Norfolk Island pine) will be removed. This tree is an alien species and will be replaced by the planting of new indigenous trees. The removal of this tree is considered desirable and necessary in order to achieve the sensitive and complementary relationship between the historic dwelling house and the new buildings. In other words, the removal of the tree is required in order to achieve and protect the heritage integrity and character. Relatively small portions of the existing garden will be removed to accommodate the proposed parking area and new buildings (some of which will merely replace other, existing outbuildings).

(c)(vii): Compliance: The proposal is considered to have positive impacts with respect to **traffic, parking and other transport**: Sufficient on-site parking will be provided and there is no parking departure; access will be taken from Union Street which has a wider road reserve than Akademie Street and which can comfortably accommodate the anticipated additional traffic and access due to this “extra” width; access from Akademie or Reservoir Streets is not considered desirable in order to preserve the heritage character of the property, the garden, and this street scape; although the proposed carriageway crossing is relatively close to the intersection of Union and Reservoir Streets (the closest parking bay is approximately 6.5m from the meeting point of the prolongation of the respective street cadastral boundaries), Union Street has a stop street and cars therefore do slow down to stop when traveling in an east-west direction; the property is within walking distance to Franschoek’s main street (Huguenot Road) with its many restaurants, shops, galleries and other tourist attractions, and it can be expected that many of the guests will walk to town.

(c)(viii): Compliance: With regard to the **imposition of conditions of approval**, the Municipality is empowered to impose reasonable and relevant conditions as it deems fit. In this instance, conditions may be imposed to limit the number of guestrooms and guests, and that the hotel may not be used by members of the general public (unless they are bona fide guests of paying guests who stay in the hotel).

Sub-section (i): *the integrated development plan, including the municipal spatial development framework;*

Compliance: The development proposal is considered to be consistent with the SDF generally and with the requirements for Franschhoek specifically.

Sub-section (s): *the applicable provisions of the zoning scheme.*

Compliance: The proposal is for a rezoning, permissions in terms of the urban conservation overlay zone and a setback departure. The rezoning is considered appropriate as:

- It is considered to be the most appropriate zoning to accommodate the proposed boutique hotel.
- The proposed zoning (and use) is a “low-density, commercial use that is compatible with and located within residential areas”, is not considered to have an adverse impact on the surrounding residential environment, is considered compatible with the surrounding residential environment and which enables residents (hotel guests) to walk to facilities, and represents a “mix of land uses” that can co-exist without negatively impacting on each other.
- The proposal can be restricted by means of conditions of approval.

The setback departure is considered desirable for the following reasons:

- The departure relates to the two proposed buildings (guestroom “wings”) which are closer to the common boundary than permitted. The setback (3m) is 0.5m *further* away from the boundary than a building permitted in terms of the current zoning, which is considered desirable and less-onerous compared to a building in terms of existing rights.
- The relevant building does not have any windows facing the common boundary except for small, port-hole (sized) bathroom windows, which is not considered to have any material impact on privacy due to their very nature, function and (small) size.
- The two balconies closest to the south-eastern common boundary (which are partially within the 4.5m building line) do not face towards the neighbouring erven, but instead face inwards - towards the central pool area between the two guest wings (and are thus not orientated towards the neighbours). If required, screen walls can always be erected on the south-eastern edge of these balconies to ensure privacy.
- The relevant buildings are two storeys in height which is the same number of storeys as permitted in terms of the current zoning.

The permissions required in terms of the Urban Conservation Overlay Zone can be supported as:

- The additional height relating to the buildings only relates to a negligible 700mm.
- Considering the relatively large extent of the subject erf and the surrounding built environment (including a large, three-storey building across the road in Union Street), the proposed height is not considered to be material or excessive (some of the properties in the immediate area are also double-storey).
- The proposed permission for height only applies to the two new guestroom-wings building (and then only to the top part of their pitched roofs), and not the entire erf or all the buildings thereon.
- The pitches of the two roofs that exceed the 8.5m height does not directly abut the neighbouring properties, but are approximately 6m from the common boundary.

- The proposed height relates directly to the heritage and aesthetic requirement relating to the roof form (pitch and degree thereof), and granting the permission will ensure that these aspects (i.e. heritage character and aesthetic appearance) will be satisfied.
- The removal of the one mature tree (which is an alien species) does not form part of the main tree-line (or character) of Akademie Street (or of any other street) as it is considerably set back from the street boundaries. New indigenous trees will be planted instead of the one tree to be removed.
- The aspect of the removal of a portion of the garden to create the parking area has been addressed elsewhere in this report, and it is not considered to be a material impact on the conservation area.
- The existing boundary wall along Reservoir Street will be retained. A portion of the existing boundary wall along Union Street will be demolished to accommodate the new parking bays; the new screen wall will be constructed 5.5m from that street boundary (it is therefore not a boundary wall but rather a garden wall).
- A section of the boundary wall along Union Street will be retained with some “in fill” (e.g. where the existing drive-way is to be removed). This section of the wall measures 1.2m in height and requires Council’s permission in terms of the Urban Conservation Area. The proposed boundary fence along the Akademie Street boundary will be 1.3m in height. Both these heights are not particularly high and will consist of a white picket-fence (similar to the Reservoir Street boundary). The proposed permission only relates to a negligible 20cm and 30cm which is considered immaterial and will not have an undue impact on the street scape.

4. CONCLUSION

The proposal is considered desirable and compatible from a land use perspective, and can comfortably exist in harmony with the surrounding built environment (which itself is peppered with accommodation establishments, amongst other uses). From a design (appearance, massing, positioning, height, footprint and scale) point of view the proposal is considered to be compatible with the surrounding built and natural environment. From a heritage perspective, the proposal is supported by the heritage practitioner and the Heritage Western Cape. It is considered to be a sensitive, complementary and compatible proposal which is in character with this Urban Conservation Area. The proposal is not believed to have any impact on existing rights.

The proposal complies with all the adjudication criteria and relevant legislation, and as such, it is believed that the application should be approved.

TOMMY BRÜMMER TOWN PLANNERS





Galaxy A15





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LAND USE APPLICATION

PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za

Application Reference: LU/16750
(TP604/2023)

ERF 295 FRANSCHHOEK

ADVERTISING PERIOD: 16 May 2024 – 17
June 2024

ENQUIRIES: TOMMY BRUMMER TOWN
PLANNERS (cor@tommybrummer.co.za &
021 531 8435)

NOTICE

Application has been made for the rezoning, consent, departures & Council's permission in terms of Sections 15(2)(a), (e), (b) & (g) of the Municipal Land Use Planning Bylaw for alterations and additions to the existing building (which will be retained) and the construction of two new buildings, in order to use the property as a hotel comprising 8 guestrooms.

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. If the website or documents cannot be accessed, an electronic copy of the application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw (any comments, if applicable, must be submitted within 30 days from the date of this notice to be received on or before the closing date of **17 June 2024**). Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Tommy Brummer Town Planners: cor@tommybrummer.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The Municipality, in terms of Section 50(3) of the said Bylaw, may refuse to accept any comments / objection received after the closing date.

For any enquiries on the Application, or if you are unable to write and / or submit your comments as provided for, you must contact the Applicant for assistance.



Galaxy A15



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LAND USE APPLICATION

PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za

Application Reference: LU/16750
(TP604/2023)

ERF 295 FRANSCHHOEK

ADVERTISING PERIOD: 16 May 2024 – 17
June 2024

ENQUIRIES: TOMMY BRUMMER TOWN
PLANNERS (corn@tommybrummer.co.za &
021 531 8435)

NOTICE

Application has been made for the rezoning of Erf 295, depurated
B. Council's permission in terms of Sections 15(2)(b), (c), (d) & (e) of
the Municipal Land Use Planning Bylaw for alteration and additions
to the existing building (which will be retained) and the construction
of two new buildings in order to use the property as a hotel
comprising 8 guestrooms.

Notice is hereby given in terms of the provisions of the said Bylaw
that the above-mentioned application has been submitted to the
Stellenbosch Municipality for consideration. If the website or
documents cannot be accessed, an electronic copy of the
application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on
the application in terms of Section 30 of the said Bylaw (any
comments / objections must be submitted within 30 days from the
date of the notice to be received on or before the closing date of
17 June 2024). Written comment, which must include the reference
to the application, the name, contact details and physical address
of the person to submit the comments, the address to the
comments, and the interest of the person who submits the
comment in the application may be submitted to the Applicant by
electronic mail or hand-delivered to the Applicant's Town Planner,
corn@tommybrummer.co.za. In lodging an objection, comment or
representation, the person must acknowledge that information
may be made available to the public and to the applicant.

The Municipality in terms of Section 30(5) of the said Bylaw, may
refuse to accept any comments / objection received after the
closing date.

For any enquiries on the Application, or if you are unable to write
and / or submit your comments as provided for, you must contact
the Applicant for assistance.



LAND USE APPLICATION

PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za

Application Reference: LU 16750
(TP604 2023)

ERF 295 FRANSCHHOEK

ADVERTISING PERIOD: 16 May 2024 - 17 June 2024

**ENQUIRIES: TOMMY BRUMMER TOWN
PLANNERS (contacttommybrummer.co.za &
021 531 8435)**

NOTICE

Application has been made for the issuing of consent, declaration & control & permission in terms of Section 33(a) of the Urban & Rural Development Ordinance 1975 for the development of the site. The proposed development is for the construction of a new building, in order to take the business at a more convenient place.

Notice is hereby given to all persons who are providers of the said System that the above mentioned application for data access is submitted to the Information Management Unit for consideration. If the request is approved, access will be granted to the electronic data of the Information Unit as provided for in the application.

[illegible]

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Rezoning, departures, Council's consent and Council's permission: Erf 295 Franschoek

Application Address: 13 Akademie Street (on corner with Reservoir and Union Streets), Franschoek

Applicant: Tommy Brummer Town Planners Tel 021-531 8435, info@tommybrummer.co.za or cor@tommybrummer.co.za

Owner: Tykana Properties (Pty) Ltd c/o Tommy Brummer Town Planners

Application Reference: LU/16750/TP604/2023

Description of land development application:

Application has been made in terms of the Stellenbosch Land Use Planning Bylaw for the following on Erf 295 Franschoek

1. Application in terms of Section 15(2)(a) of the By-Law for the **Rezoning** of Erf 295, Franschoek from Conventional Residential Zone to Local Business Zone to permit a Hotel with eight (8) guestrooms on the property
2. Application in terms of Section 15(2)(a) of the By-Law for **Council's consent** in terms of Section 92 of the Stellenbosch Municipality Zoning Scheme By-Law 2019 (as amended 2023) – the 'Zoning Scheme', to permit a Hotel on Erf 295
3. Application in terms of Section 15(2)(b) of the By-Law for **permanent departures** from Section 97 of the Zoning Scheme to permit the proposed buildings (guestrooms) to be 3m in lieu of 4.5m from the south eastern common boundary with Erf 3809 and Remainder of Erf 492, and to permit the proposed plunge pools to be 3m from the Akademie Street boundary and 0m from the Union Street boundary in lieu of 4.5m
4. Application in terms of Section 15(2)(g) of the By-Law for **Council's permission** in terms of Section 246(1) of the Zoning Scheme to permit the proposed alterations and additions including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking, within the Urban Conservation Overlay Zones (Franschoek Urban Conservation Area) as depicted on the proposed plans
5. Application in terms of Section 15(2)(g) of the By-Law for **Council's permission** in terms of Section 252(2)(a) & (c) of the Zoning Scheme to permit the proposed buildings to be 9.2m in height in lieu of 8.5m permitted from the existing ground level to the top of roof, and to permit a section of the proposed boundary wall in Union Street to be 1.2m and the fence along Akademie Street to be 1.3m in height, in lieu of a height of 1m in the Franschoek Urban Conservation Area

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

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Tommy Brummer Town Planners: cor@tommybrummer.co.za or info@tommybrummer.co.za. By lodging an objection, comment or representation the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **17 June 2024**.

The Municipality in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and / or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 531 8435 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Hersonering, afwykings, Raadsvergunning en Raadsgoedkeuring: Erf 295 Franschoek

Adres van eiendom: 13 Akademiestraal (op hoek met Union en Reservoirstrate), Franschoek

Aansoeker: Tommy Brummer Town Planners Tel 021-531 8435, info@tommybrummer.co.za en cor@tommybrummer.co.za

Eienaar: Tykana Properties (Pty) Ltd per adres Tommy Brummer Town Planners

Aansoek Verwysing: LU/16750 (TP604/2023)

Beskrywing van grondontwikkelingsaansoek:

Aansoek word gedoen in terme van die Stellenbosch se Verordeninge op Grondgebruikbeplanning 2023 (die "Verordening") vir die volgende op Erf 295 Franschoek:

1. Aansoek in terme van Artikel 15(2)(a) van die Verordening vir die **Hersonering** van Erf 295 vanaf Konvensionele Residensiële Sonering Plaaslike Besigheidsone, om 'n Hotel (met ag 8; gastekamers) op die perseel toe te laat
2. Aansoek in terme van Artikel 15(2)(a) van die Verordening vir **Raadsvergunning** in terme van Artikel 92 van die Stellenbosch Soneringskema By-Wet 2019 (soos gewysig 2023) – die 'Soneringskema', om 'n Hotel op Erf 295 toe te laat
3. Aansoek in terme van Artikel 15(2)(b) van die Verordening vir **permanente afwykings** in terme van Artikel 97 van die Soneringskema om die gemeenskaplike boulyn (suid-oostelike gemeenskaplike grens met Erf 3809 en die Restant (Erf 492) van 4,5m na 3m te verslap ten einde nuwe bouwerk toe te laat, en om die straatboulyn van Akademiestraat van 4.5m na 3m, en die van Unionstraat van 4,5m na 0m te verslap, ten einde nuwe dompelsweimbaddens (plunge pools) toe te laat
4. Aansoek in terme van Artikel 15(2)(g) van die Verordening vir **Raadsgoedkeuring** in terme van Artikel 246(1) van die Soneringskema om die voorgestelde wysigings en nuwe bouwerk insluitende die sloping van strukture, die verwydering van 'n boom, en die verwydering van sommige tuinspasie vir parkeerdoelendes binne die Stedelike Bewaringsoorlegingsone (Franschoek Stedelike Bewaararea) toe te laat
5. Aansoek in terme van Artikel 15(2)(g) van die Verordening vir **Raadsgoedkeuring** in terme van Artikel 252(2)(a) en (c) van die Soneringskema om toe te laat dat die hoogte van die nuwe geboue die toelaatbare hoogte gemeet van die bestaande grondvlak tot bo-op die dak of boswerming van 8,5m na 9,2m verhoog mag word, en om toe te laat dat die grensmuure/herenings in Akademiestraat en Unionstraat 'n hoogte van onderskeidelik 1,3m en 1,2m in plaas van 'n hoogte van 1m het in die Franschoek Stedelike Bewaararea

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

Kommentaar en/of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Tommy Brummer Town Planners (cor@tommybrummer.co.za of info@tommybrummer.co.za). Deur 'n beswaar, kommentaar of vertoe te rig, erken die persoon wat dit doen dat inligging aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitingsdatum van **17 Junie 2024**.

Daar moet kennis geneem word dat die Munisipaliteit in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 531 8435 gedurende normale kantoorure.

AFFECTED /INTERESTED PROPERTY OWNERS LIST

<u>ADVERTISING INSTRUCTION</u>	<u>YES</u>	<u>NO</u>
Advertise in press (Paarl Post)	✓	
Notice on the property	✓	
Registered letters to affected property owners	✓	
Registered letters to community organizations	✓	
External departments	✓	

30 DAYS TO COMMENT

Erf 276
 Erf 279
 Erf 294
 Erf 296
 Erf 298
 Erf 299
 Erf 421
 Erf 492
 Erf 569
 Erf 663
 Erf 934
 Erf 2874
 Erf 3809

Franschhoek Heritage and Ratepayers Association
 The Garden House
 29 De Wet Street
FRANSCHHOEK
 7690

Email: brian@bharch.co.za / Siegfried.schafer@gmail.com / barryphillips505@gmail.com

Van Wyk and Cabriere Street Residents' Association
 37 Van Wyk Street
FRANSCHHOEK
 7690

Attn: Jackie Loubser
 Email: jackie@vincosteel.co.za

Franschhoek High School
 Email: Franschhoek.comb@wcgschools.gov.za
 Attention: Mr J Haasbroek

Wemmershoek Community and Ratepayers Association
 Isaac Davids
 Email: wemmershoekcommunity@gmail.com

Heritage Western Cape
Private Bag X9067
CAPE TOWN
8000

Department of Transport and Public Roads
Deputy Director-General: Roads Infrastructure
PO Box 2603
CAPE TOWN
8000
Email: Vanessa.Stoffels@westerncape.gov.za

Western Cape Department of Education
Private Bag X9114
CAPE TOWN
8000
Attention: F Abraham (021 467-2130)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

1. Application is made in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023, for the rezoning of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone.
2. Application is made in terms of Section 15(2)(o) of the said bylaw for a consent use to permit a Hotel on Erf 295, Franschhoek.
3. Application is made in terms of Section 15(2)(b) of the said bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschhoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pools.
4. Application is made in terms of Section 15(2)(g) of the said bylaw for Councils permission in terms of Section 246(1) of the Zoning Scheme Bylaw 2023 to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zone (Franschhoek Urban Conservation area) on Erf 295, Franschhoek.
5. Application is made in terms of Section 15(2)(g) of the said bylaw in terms of the provisions of Section 252(2)(a) & (c) of the Zoning Scheme Bylaw (2023) to increase the building height from 8.5m to 9.2m in the Franschhoek Urban Conservation Area and to permit the proposed boundary wall/fence along Akademie Street to be 1.3m in height and along Union Street to be 1.2m in height, in lieu of 1m height restriction for boundary walls in the Franschhoek Urban Conservation Area.

AFFECTED/INTERESTED PROPERTY OWNERS LIST

<u>ADVERTISING INSTRUCTION</u>	<u>YES</u>	<u>NO</u>
Advertise in press (Paarl Post)	✓	
Notice on the property	✓	
Registered letters to affected property owners	✓	
Registered letters to community organizations	✓	
External departments	✓	

30 DAYS TO COMMENT

Erf 276
 Erf 279
 Erf 294
 Erf 296
 Erf 298
 Erf 299
 Erf 421
 Erf 492
 Erf 569
 Erf 663
 Erf 934
 Erf 2874
 Erf 3809

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Email: brian@bharch.co.za / Siegfried.schafer@gmail.com / barryphillips505@gmail.com

Van Wyk and Cabriere Street Residents' Association
 37 Van Wyk Street
FRANSCHHOEK
 7690

Attn: Jackie Loubser
 Email: jackie@vincosteel.co.za

Franschoek High School
 Email: Franschhoek_comb@wcjsschools.gov.za
 Attention: Mr J Haasbroek

Wemmershoek Community and Ratespayers Association
Isaac Davids
Email: wemmershoekcommunity@gmail.com

Heritage Western Cape
Private Bag X9067
CAPE TOWN
8000

Department of Transport and Public Roads
Deputy Director-General: Roads Infrastructure
PO Box 2603
CAPE TOWN
8000
Email: Vanessa.Stoffels@westerncape.gov.za

Western Cape Department of Education
Private Bag X9114
CAPE TOWN
8000
Attention: F Abraham (021 467-2130)



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Bulelwa Mdoda
From ▫ Van:	Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Siyanda Sodo
Date ▫ Datum:	30 May 2024
Our Ref ▫ Ons Verw:	Civil LU 2703
Town Planning Ref:	LU/16750 – TP 604/2023
Re ▫ Insake:	<p>Erf 295, Franschhoek: 1. Application is made in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023, for the rezoning of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone. 2. Application is made in terms of Section 15(2)(o) of the said bylaw for a consent use to permit a Hotel on Erf 295, Franschhoek. 3. Application is made in terms of Section 15(2)(b) of the said bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschhoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pools.</p>

Ktutus

4. Application is made in terms of Section 15(2)(g) of the said bylaw for Councils permission in terms of Section 246(1) of the Zoning Scheme Bylaw 2023 to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zone (Franschhoek Urban Conservation area) on Erf 295, Franschhoek. 5. Application is made in terms of Section 15(2)(g) of the said bylaw in terms of the provisions of Section 252(2)(a) & (c) of the Zoning Scheme Bylaw (2023) to increase the building height from 8.5m to 9.2m in the Franschhoek Urban Conservation Area and to permit the proposed boundary wall/fence along Akademie Street to be 1.3m in height and along Union Street to be 1.2m in height, in lieu of 1m height restriction for boundary walls in the Franschhoek Urban Conservation Area.

Please address the following, so that the application can be further evaluated:

1. Indicate internal sewer and municipal sewer connection point.
2. A vehicle access setback distance of 10m from the erf boundary to the first parking bays (Corner of Reservoir and Union Street)
3. The proposed development on Erf 295 Franschhoek was not taken into consideration as a future development area of Stellenbosch Municipality's June 2019 water and sewer master plans. Given this oversight, it is crucial for the developer to engage with Stellenbosch Municipality's master plan consultants (GLS) to assess the impact of the proposed development on the existing (and future) water and sewer infrastructure. Specifically, determine if any upgrades or modifications are required to accommodate the additional demand.

Ktitus



Siyanda Sodo
Technician: Development (Infrastructure Services)

X:\2.0 DEVELOPMENT\01 Land Use applications\2703 (SS) Erf 295 Franschhoek (LU-16750 TP604-2023)\2703 () Erf 295 Franschhoek (LU-16750 TP604-2023).doc

Cor van der Merwe

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Tuesday, 07 May 2024 09:05
To: Cor van der Merwe
Subject: FW: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Hi Cor;

Please find below comment received from Electrical Department.



Kind regards,
Bulelwa Mdoda
 Land Use Management
Planning & Economic Development

T: +27 21 808 8690
 1st Floor, NPK Building
 Cnr Plein and Ryneveld Street
 Stellenbosch
 7600
www.stellenbosch.gov.za



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About Stellenbosch Municipality



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



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

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From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>

Sent: Tuesday, May 7, 2024 9:04 AM

To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; Charne Williams <Charne.Williams@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Siyanda Sodo <Siyanda.Sodo@stellenbosch.gov.za>; Xolani Tika (Development Technician) <Xolani.Tika@stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; John Aaron <John.Aaron@stellenbosch.gov.za>; Fabian van Wyk <fabian@capewinlands.gov.za>; ferencia@capewinlands.gov.za

Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

GENERAL: NONE

CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.

Subject to SANS 10142.204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units
2. Solar water heating/heat pump installation
3. Energy efficient lightning
4. Roof insulation
5. Cooking with gas fired appliances
6. Control air condition equipment with energy saving devices.
7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

Groete:

Martin Slabber

Sin. Supt. Dwaarsrivier Elect.

Engineering Services



Martin.slabber@stellenbosch.gov.za

C: +27 83603 3431
T: + 27 21 808 8338
www.stellenbosch.gov.za

 www.facebook.com/stellenboschmunicipality

 twitter.com/StellMun

Huguenote Road 23 Franschhoek 7690
PO Box 18, Franschhoek, 7690
PO Box 17, Stellenbosch, 7599

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Published at the following link: <http://www.stellenbosch.gov.za/main/pages/disclaimerpage.htm>

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>

Sent: Monday, 06 May 2024 11:06

To: Charne Williams <Charne.Williams@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Siyanda Sodo <Siyanda.Sodo@stellenbosch.gov.za>; Xolani Tika (Development Technician) <Xolani.Tika@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; John Aaron <John.Aaron@stellenbosch.gov.za>; Fabian van Wyk <fabian@capewinlands.gov.za>; Terencia <terencia@capewinlands.gov.za>

Subject: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Good day All;

Attached please find the relevant documentation regarding the abovementioned application.

Kindly furnish me with your comment by email, in order to enable me to submit the application to the decision making authority for consideration.

FARM NUMBER & APPLICATION NUMBER

Erf 295 (LU/16750 /TP604/2023)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

1. Application is made in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023, for the rezoning of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone.

2. Application is made in terms of Section 15(2)(o) of the said bylaw for a consent use to permit a Hotel on Erf 295, Franschhoek.
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4. Application is made in terms of Section 15(2)(g) of the said bylaw for Councils permission in terms of Section 246(1) of the Zoning Scheme Bylaw 2023 to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zone (Franschhoek Urban Conservation area) on Erf 295, Franschhoek.
5. Application is made in terms of Section 15(2)(g) of the said bylaw in terms of the provisions of Section 252(2)(a) & (c) of the Zoning Scheme Bylaw (2023) to increase the building height from 8.5m to 9.2m in the Franschhoek Urban Conservation Area and to permit the proposed boundary wall/fence along Akademie Street to be 1.3m in height and along Union Street to be 1.2m in height, in lieu of 1m height restriction for boundary walls in the Franschhoek Urban Conservation Area.

APPLICANT

Thomas Brummer

PROPERTY ADDRESS:

13 Akademie Street, Franschhoek

Please note that your comments must be submitted on or before 6 June 2024 from the date of this email.

Kind regards,
Bulelwa Mdoda
 Land Use Management
Planning & Economic Development



T: +27 21 808 8690
1st Floor, NPK Building
Cnr Plein and Ryneveld Street
Stellenbosch
7600
www.stellenbosch.gov.za



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

Cor van der Merwe

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Tuesday, 07 May 2024 09:06
To: Cor van der Merwe
Subject: FW: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Hi Cor;

Please find below comment received from Fire Department.



STELLENBOSCH
STELLENBOSCH - PLEIN STREET - 7600
021 261 4444 • 021 261 4444 • 021 261 4444

About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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From: John Aaron <John.Aaron@stellenbosch.gov.za>
Sent: Tuesday, May 7, 2024 8:34 AM
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Good day Bulelwa

No objections from Fire Services, Fire requirements will be given when plans are submitted to council.

Kind regards,
John Aaron
Station Commander: Fire Safety



Fire & Disaster Management
Community & Protection Services

T: +27 21 808 8889 | Cell: 083 655 5381
c/o Cluver & Helshoogte Road,
Stellenbosch, 7600
www.stellenbosch.gov.za



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

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>

Sent: Monday, May 6, 2024 11:06 AM

To: Charne Williams <Charne.Williams@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Siyanda Sodo <Siyanda.Sodo@stellenbosch.gov.za>; Xolani Tika (Development Technician) <Xolani.Tika@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; John Aaron <John.Aaron@stellenbosch.gov.za>; Fabian van Wyk <fabian@capewinelandsgov.za>; ferencia@capewinelandsgov.za

Subject: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Good day All;

Attached please find the relevant documentation regarding the abovementioned application.

Kindly furnish me with your comment by email, in order to enable me to submit the application to the decision making authority for consideration.

FARM NUMBER & APPLICATION NUMBER

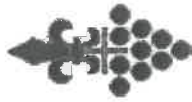
Erf 295 (LU/16750 /TP604/2023)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Cor van der Merwe

From: Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>
Sent: Thursday, 04 July 2024 14:27
To: Bulelwa Mdoda; Kaizer Makati
Cc: Cor van der Merwe
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Good afternoon Bulelwa,
 The Heritage Section has no objection to this application.



Kind regards,

Katherine Robinson

Senior Heritage Planner
 Heritage Resource Management
Planning & Economic Development

T: +27 21 808 8608 Cell: 072 202 5008

Email:

Katherine.Robinson@stellenbosch.gov.za
 71 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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



About Stellenbosch Municipality

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



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

Disclaimer:

The information contained in this communication from katherine.robinson@stellenbosch.gov.za sent at 2024-07-04 14:26:43 is confidential and may be legally privileged. It is intended solely for use by cor@tommybrummer.co.za and others authorized to receive it. If you are not cor@tommybrummer.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [ioco](http://ioco.co.za)

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>

Sent: Thursday, 04 July 2024 12:24

To: Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>

Cc: Cor van der Merwe <Cor@tommybrummer.co.za>

Subject: FW: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

Good day Katherine;

Attached please find the relevant documentation regarding the abovementioned application.

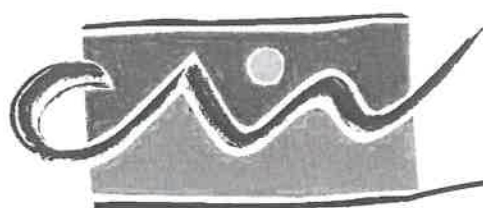
Kindly furnish me with your comment by email, in order to enable me to submit the application to the decision making authority for consideration.

FARM NUMBER & APPLICATION NUMBER

Erf 295 (LU/16750 /TP604/2023)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

1. Application is made in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023, for the rezoning of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone.
2. Application is made in terms of Section 15(2)(o) of the said bylaw for a consent use to permit a Hotel on Erf 295, Franschhoek.
3. Application is made in terms of Section 15(2)(b) of the said bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschhoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pools.



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : Ms B Mdoda
(Directorate Planning Economic &
Development: Stellenbosch Municipality)
Official / Beampte : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 295 Franschhoek
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2024-07-12

LAND USE APPLICATION: ERF 295, FRANSCHHOEK

There are no objections from an **Environmental Health** point of view in terms of this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance and must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 638 of 22 June 2018.
4. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
5. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.
6. Accommodation establishments must comply with Chapter 4, Section 12 of Provincial Gazette Extraordinary no. 6696 of February 2010.
This Section of the Notice outlines the requirements for an accommodation establishment.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER



The Garden House, 29 De Wet Street, Franschhoek 7690

Co-chairpersons

Wilfred Moses
Cell: 083 441 8280
Email: wilmoses2@gmail.com

Barry Phillips
Cell: 083 441 8280
Email: barryphillips505@gmail.com

Cor van de Merve
Tommy Brummer - Town Planners

By email only to: cor@tommybrummer.co.za

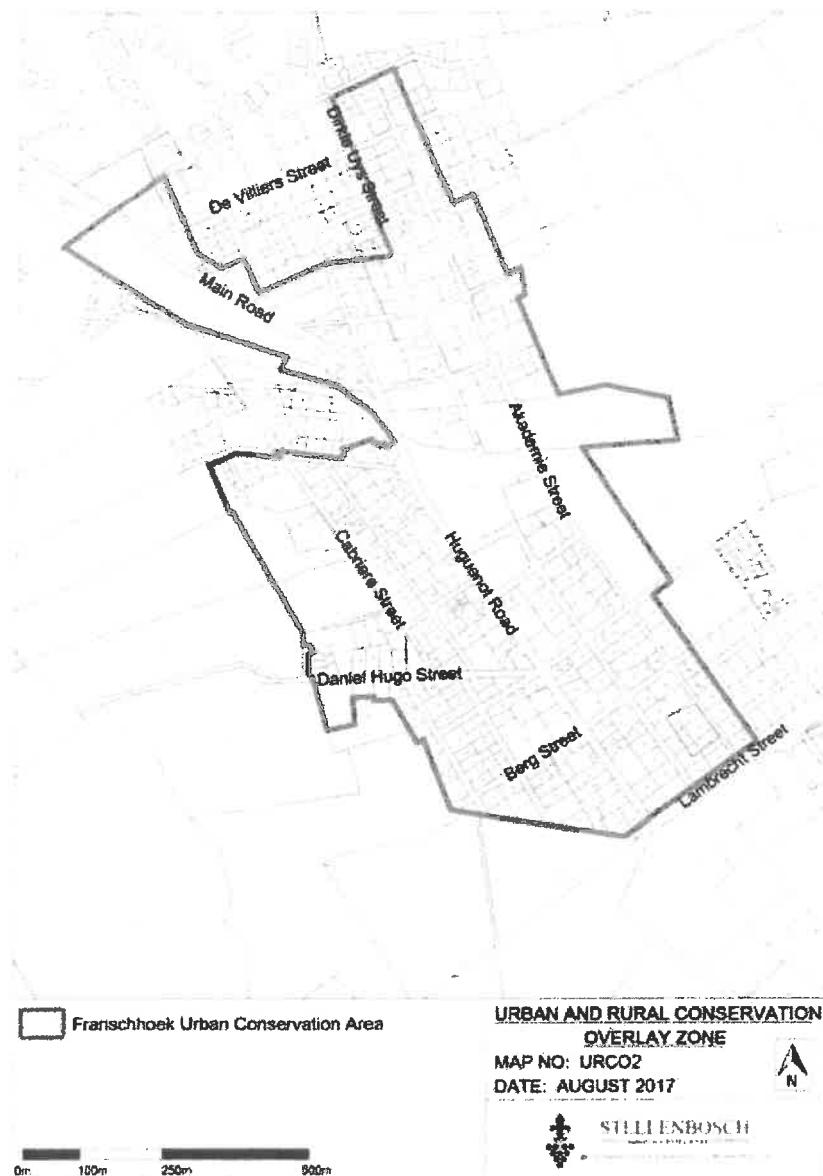
17th June 2024

Dear Cor

Application for rezoning, departures, Council's consents and permissions for Erf 295, Franschhoek.

1. Your notice of the above application refers.
2. In terms of s50 of the Stellenbosch Municipal Planning By-law you are advised that:
 - The Application Reference Number is LU/16750 (TP604/2023)
 - The Property Address is 13 Akademie Street, Franschhoek, 7690;
 - The Application Property Number is Erf 295 Franschhoek
 - The comments in this letter are submitted on behalf of the Franschhoek Heritage & Ratepayers Association (FHRPA) by Barry Phillips of The Garden House, 29 De Wet Street, Franschhoek 7690;
 - The FHRPA's interest in this application is as an interest group with over 600 members as residents, ratepayers and business owners in Franschhoek and the Franschhoek Valley and registered with the Municipality and Heritage Western Cape.
3. For the reasons given in this letter, the FHRPA objects to;
 - The rezoning of Erf 295 from Conventional Residential to Local Business Zone;
 - The removal of a mature tree and garden space for parking;
 - Permission for the proposed guest room buildings to be 9.2m high in lieu of 8.5m as provided in the Zoning Scheme By-law;
 - Permission for the fence along Akademie Street to be 1.3m high in lieu of 1m as provided in the Zoning Scheme By-law
4. **Location of Erf 295**

In terms of the Stellenbosch Zoning Scheme By-law of 2019 (the Zoning Scheme), Erf 295 is located in a dominant position in the Franschhoek Urban Conservation Area as delineated on the plan below. It is commonly referred to as the Historic Area and as the Historic Core in the Guidelines in the Stellenbosch Heritage Survey (the Heritage Survey) adopted by Council with a plan showing the same boundaries. To facilitate reference, the Heritage Survey Guidelines for Franschhoek are attached.



5. The Zoning Scheme purpose for the Historic Area

5.1 In terms of s244 of the Zoning Scheme,

"the purpose of the Urban Conservation Area Overlay Zone is to control development in order to:

- 1) protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value.

Comment: As the municipality has the power to "to control development in order to protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value, it has a duty to exercise that power to achieve the purpose for which it was given. A hotel is incompatible with the residential character of the area in which Erf 295 is located.

- 2) Given the Municipality's developmental objectives the aim of this zone is to provide an additional mechanism through which the Municipality can manage sensitive areas, regardless of the base zone, where new development can be balanced with the need for sensitive development in certain receiving environments.

Comment: As Erf 295 is undoubtedly in a "sensitive area" that is predominantly residential (as will be shown later in this letter), development of it as a hotel will not be balanced with the need for sensitive development in the receiving environment.

- 3) The overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed with which to avoid potential adverse impact of development on the receiving environment and mitigate them where they cannot be avoided.

Comment: There is undoubtedly not only the potential for but the certainty of an adverse impact of the proposed development on the receiving environment. The municipality has a duty to use the mechanism for the purpose for which it was given.

- 4) Other than when specific limitations are imposed by virtue of a provision contained in an overlay zone which reduces the development parameters, the objective of this zone is not to reduce existing development rights or to hinder development within existing development parameters unless such development has a significant adverse impact on heritage resources or environmental resources.

Comment: There are no existing development rights for a hotel on Erf 295.

6. The Heritage Survey Guidelines for development in the Historic Area

6.1 The Main Aims of the Heritage Survey Guidelines are to:

"... preserve those character-giving elements that extend beyond each individual property, are largely common to the Special Area, and are deemed to be conservation-worthy townscapes. The intention is to improve land parcels in the area by strengthening or reinforcing these characteristic elements and features, most importantly the treelined avenues and positive, garden interfaces between building and street edge. ... the guidelines look to ensure that new development within these significant townscape areas remains in character with the Special Area as a whole." (emphasis added)

Comment: The development of an over scaled building and its use as a hotel is not in keeping with the residential character of this part or the whole of the Historic Area contrary to the Heritage Survey Guidelines.

6.2 In explaining their "Main Value", the Heritage Survey Guidelines say:

"The appropriate use, renewal and interpretation of heritage features in this townscape unit is critical for their preservation. Any development that will result in the loss of ... low-density

residential environment, . . . or compromise the characteristic interface between structures and the street, **will threaten the heritage value of this townscape unit** (emphasis added)

Comment: The proposed site coverage of the development will result in the loss of the low-density residential environment of this part of the Historic Area, it will compromise the characteristic interface between structures and the street and diminish its heritage value contrary to the Heritage Survey Guidelines.

6.3 The Heritage Survey Guidelines go on to say:

"Over-scaled private dwellings, . . . and the development of blocks of flats, would erode the townscape character." (emphasis added)

Comment: While the proposed development is not a private dwelling it is over-scaled, it has the appearance of a block of flats, it will erode the townscape character and will, therefore, be contrary to the Heritage Survey Guidelines.

6.4 Under the heading "**Aesthetic**", the Heritage Survey Guidelines say:

"The place-making elements present in the neighbourhood give this area its character. **These include elements such as the presence of front gardens (often with mature trees) located between the street edge and the houses themselves.**

Comment: The extent of the loss of the front garden on the Akademie Street frontage is not visible as it is concealed by trees in the image on page 16 of the Motivation Report by Tommy Brummer dated December 2023 (updated April 2024) but the absence of a front garden on the Union Street frontage is apparent in the image on page 18 contrary to the Heritage Survey Guidelines. This is discussed further under the **Gardens** heading below.

6.5 Under the heading "**Interface between Streets and Buildings**", the Heritage Survey Guidelines also say:

"The interface between streets and buildings is a key character-giving component of the Special Area. Pattern of interface should be followed/interpreted in new developments, and reinforced when re-developing existing properties."

Comment: The pattern of interface advised in the Heritage Survey Guidelines has not been followed in the plans and images of the proposed development and they are, therefore, contrary to the Heritage Survey Guidelines.

6.6 Under the heading **Gardens**, the Heritage Survey Guidelines say:

Front gardens in front of houses are characteristic of the Special Area, and should be retained. New residential should reinforce the pattern of front gardens in this area.

Comment: The guideline that new residential should reinforce the pattern of front gardens in this area is equally applicable to other new buildings in the residential part of the Historic Area. The purpose of the guideline is to retain the characteristic of the Special Area. The intention of the guideline is that the front gardens should be visually connected to the house behind them. While Akademie Street frontages of the new buildings are not shown in the image on page 16 of the Motivation Report, they are shown in the image of the Union Street frontage on page 18. The walls are to provide privacy for users of the plunge pools and the stoep behind. Although the wall on the Akademie Street frontage is to be set back by 3,125m, it separates what could be a front garden in that setback area which is actually and visually disconnected from the building behind it and does not, therefore, reinforce the pattern of front gardens in this area.

Although the Motivation Report says on page 18 that "The proposed heights [of the boundary walls/fences] relate to a marginal 20cm and 30cm difference (over 1m), and will also consist of picket fencing" this is not how they are shown in the image on page 18 where they appear to be i.r.o. of 2m which would be needed to provide privacy to the hotel guests. They also appear to be non-compliant with s56(2) of the Zoning Scheme By-law in terms of which, "On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality's satisfaction"

6.7 Under the heading **Setbacks**, the Heritage Survey Guidelines say:

"The prevailing setback of residential building from street is largely consistent within the Special Area. New buildings should be set back the same distance as the existing historical buildings to either side (and within the streetscape as a whole), and the Municipality should not unreasonably withhold relief for setback departures, or may impose measures more restrictive than those that may typically apply within the applicable zoning category, where existing requirements will likely result in a degradation of the pattern and character of the Special Area. An extension to the side of an historic building should be set back slightly from the original façade."

Comment: The proposed new buildings with a frontage to Akademie Street are not set back the same distance as the existing building on Erf 295 contrary to the Heritage Survey Guidelines.

6.8 Under the heading **Heights**, the Heritage Survey Guidelines say:

"Buildings within the Special Area are seldom higher than a single storey. New buildings should look to adhere to the same heights as the existing historical buildings to either side (and within the streetscape as a whole). Greater height may be acceptable towards the rear of the site, when not visible from the street edge. The Municipality should not unreasonably withhold

relief for height departures, or may impose measures more restrictive than those that may typically apply within the applicable zoning category, where existing requirements will likely result in a degradation of the pattern and character of the Special Area."

Comment: As stated on page 11 of the Motivation Report, "The height of the proposed buildings measure 9.2m from the existing ground level to the top of roof. The Franschhoek Urban Conservation Area permits a height of 8.5m and the proposal therefore requires Council's **permission** in this regard." The new buildings are two storey, they do not adhere to the height of the existing building on Erf 295 and other buildings in the streetscape, they are not towards the rear of the site and they are, therefore, not only contrary to the Heritage Survey Guidelines but also contrary to the Zoning Scheme height restriction in the Historic Area.

6.9

In summary, it has been shown in sections 6.1 to 6.8 above that the new buildings on Erf 295 are contrary to **eight** of the Heritage Survey Guidelines for the Historic Area of Franschhoek. If they could be evaluated, the cumulative weight of the adverse impact of these deviations from the Heritage Survey Guidelines on the immediate vicinity and the Historic Area will be much greater than the sum of them individually. If the Stellenbosch Heritage Survey is to have any meaning or purpose, permission for these must be **refused**.

7 The intended use is as a guest house - not a hotel.

7.1 Although the application is for a hotel, in reality the existing and the new buildings will be used as a guest house. It is apparent that the reason for the application for hotel use is to avoid the restrictions that would apply to guest house use.

7.2 In terms of the definition of "guesthouse" in the Zoning Scheme as quoted in full on page 5 of the Motivation Report, the first condition for use of a building as a guesthouse is that "in the zones where this Scheme permits a dwelling house or second dwelling house but not flats or hotel, the scale of any one building may not exceed that of a dwelling house or second dwelling house which would ordinarily accommodate one family and must be able to revert back to a dwelling house when no longer used for a guest house."

7.3 By virtue of this condition for use of a dwelling house as a guesthouse, the underlying principle is that a building cannot be built as a guesthouse because such a building could not "revert back to a dwelling house" if it had never been used as such. This condition is reiterated in s53(2) of the Zoning Scheme re-emphasising its importance.

7.4 It is self-evident that the new buildings are not dwelling houses and the scale of them exceeds that of any dwelling house in the locality.

7.5 Clearly, it is intended that the new buildings will be operated as a guesthouse rather than as a hotel. With 8 bedrooms, the scale and extent of the activity does not exceed that of other guest houses in the Historic Area. The application is dressed up as an application for a hotel to avoid conditions applicable to a guesthouse.

7.6 In terms of s33 of the Zoning Scheme, there must be one parking bay per guest room for a guesthouse but only 0.7 bays per guest room for a hotel. As only seven bays will be provided there would be a parking shortfall if it were a guesthouse. As none of the facilities will

be available for non-guests, e.g. the dining area, no additional bays are provided. The fact that there are no facilities for non-guests and it "will not be accessible to the general public" strengthens the argument that this will be a guesthouse and not a hotel.

8 Local Business Zone is inappropriate in Akademie Street

8.1 The proposed rezoning of Erf 295 to Local Business Zone is inappropriate in Akademie Street for the reasons given below

8.2 In terms of s91 of the Zoning Scheme, the purpose of the Local Business Zone is to make provision for:

(a) low-density commercial uses that are compatible with and located within residential areas;

Comment: The proposed hotel is not low-density having regard to the area on which the new buildings will be located and it is not a compatible use in this particular residential area.

(b) non-residential land uses that provide for the convenience of and service to the surrounding residential community;

Comment: The proposed hotel will not provide any convenience or service to the surrounding residential community.

(c) non-residential uses that will not have an adverse impact on the surrounding residential environment;

Comment: The proposed hotel will have an adverse impact on the ambience, sense of place and heritage values of the surrounding residential environment.

(d) a clustering of community, residential and mixed land uses that are compatible with the surrounding residential environment and which enables residents to walk to facilities;

Comment: The proposed hotel does not contribute to a "clustering of community, residential and mixed land uses that are compatible with the surrounding residential environment and which enables residents to walk to facilities";

(e) a mix of land uses that can co-exist without negatively impacting on each other.

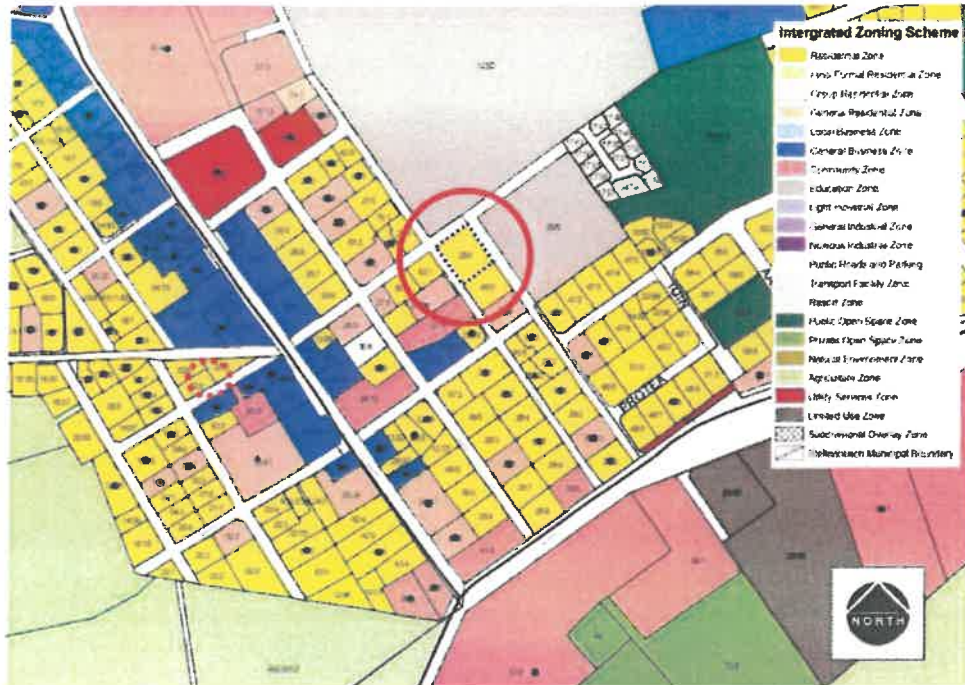
Comment: The proposed hotel will negatively impact on the residential sense of place of the area.

9 This is a predominantly residential area

9.1 The legend on the zoning map on page 4 of the Motivation Report (see below) refers to the zoning categories in the now repealed 1985 Franschhoek Town Regulations in which guest house use was accepted in the General Residential Zone. However, it is quite clear from this zoning map that all 16 erf's abutting the southwest side of Akademie Street between La Rochelle Street and Lambrechts Street (R45) are residential except for Chapter House, the open space behind the Congregational Church and the Huguenot Museum.

9.2 All 8 erfes on the northeast side between Reservoir Street and Lambrechts Street (R45) are residential except for Le Petit Paris and Akademie Street Guest House. Thus, out of 24 erfes in these sections of Akademie Street, only 3 are used as guesthouses.

9.3 It is also of import to note that Le Petit Paris and Akademie Street Guest House retain their appearances as dwelling houses and could revert back to use as such. Chapter House was originally built as a Mission House in 1888 and later used as a school until 1974.



Zoning Map from Page 4 of the Motivation Report

9.4 The proposed land use is not, therefore, "relatively common" as claimed in the Motivation Report.

10. General Observation

Franschhoek was established as a human settlement in 1847. Its residential characteristic is an essential part of the heritage value of its Historic Area and its sense of place. This depends not only on buildings within it having a residential appearance but also on permanent residents living in them. Transient guests as defined in the Zoning Scheme don't cut it.

For the reasons given in this letter, the FHRPA objects to the rezoning and departures for the development and use of the existing and new buildings as a hotel.

For and on behalf of The Franschhoek Heritage & Ratepayers Association

Barry Phillips
Co-chairperson

Cor van der Merwe

From: Stephni Schneider <stephni.schneider@gmail.com>
Sent: Sunday, 26 May 2024 10:13
To: Cor van der Merwe
Cc: Georgina Julies
Subject: Re: Formal notification of planning proposal: Erf 295 Franschoek at 13 Akademie Street, Franschoek: 11340/ objection

Good morning

Thank you for the email.

Unfortunately we are not too happy to hear about the proposed development in our street.

And I would like to object to the rezoning from residential to local business zone of erf 295

Franschoek has so many guest houses and hotels, and it's taking over. Our street is already filled with them, and normal families with normal lives are being pushed out. We are a residential area, and it does not feel like it anymore. There are no sense of community. Everyone is just taking older houses and properties and erecting bigger places to open up more guesthouses and hotels. Completely taking away from the once quiet residential area.

It will not make our street more safe. It will bring more traffic. It will bring more noise. It will bring more unsolicited attention to the street.

More businesses in residential areas are not the solution for our community.

Regards
Stephni Schneider and Michael Ziegler
12 akademie St, Franschoek, 7690, South Africa
076 044 5834

Date: 10 October 2024

Ref: 11340

Your ref: LU/16750 (TP604/2023)



LIST OF COMMENTS AND OBJECTIONS RECEIVED: ERF 295 FRANSCHHOEK AT 13 AKADEMIE STREET

The following is the list of the comments and objections received as part of the public participation and internal circulation process in the advertising of this application:

1. Internal Municipal Branches' comments:

- a) Infrastructure Services (dated 7 October 2024),
- b) Electrical Department,
- c) Fire Department,
- d) Heritage Section, and
- e) Environmental Health.

2. External interested and affected parties (e.g. neighbours and registered groups):

- a) Stephni Schneider & Michael Ziegler, Erf 2874 Franschhoek, at 12 Akademie Street, and
- b) Franschhoek Heritage & Ratepayers Association ("FHRA").

3. Governmental bodies:

- a) Heritage Western Cape.

Your faithfully,

Cor van der Merwe

cor@tommybrummer.co.za

TOMMY BRÜMMER TOWN PLANNERS

Date: 10 October 2024
 Ref: 11340
 Your ref: LU/16750 (TP604/2023)

TOMMY BRÜMMER
 T O W N P L A N N E R S

I L Rosenberg House 80 Jordaan Street BO-KAAP
 242 Buitengracht Bo-Kaap CAPE TOWN 8001
 T: 021 531 8435 E: info@tommybrummer.co.za

COMMENTS ON OBJECTIONS: ERF 295 FRANSCHHOEK AT 13 AKADEMIE STREET

1. Following the advertising of the proposed development the following objections were received:

- a) Stephni Schneider & Michael Ziegler, Erf 2874 Franschoek, at 12 Akademie Street, and
- b) the Franschoek Heritage & Ratepayers Association ("FHRA").

The location of the objector's erf (the yellow star) in relation to the application erf is indicated on the aerial photo below.



The Infrastructure Services Branch (Stellenbosch Municipality) originally objected against the proposed parking layout, in particular the relative proximity of some of the bays to the corner of Union and Reservoir Streets. The parking layout was subsequently amended and now enjoys the support of this Branch (the amended plans are dated 26 July 2024 and a copy thereof is attached to these comments). It was not considered by the heritage practitioner to be a material change to the proposed plans from a heritage perspective; new comments may be obtained from the Council's Heritage Branch official).

- 2. It is noted that, apart from this one objector (Erf 2874), all the other residents and owners in the area – including the immediately abutting neighbours, support the proposal (as no objections were received from them).
- 3. The objector is not an abutting neighbour but lives approximately 40m away on the corner of Berg and Akademie Streets.
- 4. No objections were received from the Municipality's technical branches. In particular, the Municipality's Heritage Resource Management Branch has no objection against the proposal.

Member: THOMAS BRIAN BRÜMMER
 Registration Number: B. Sc M(TRP) Pr Planner A/281/1985
 Tommy Brummer CC: Registration Number: CK 94/032549/23
 Vat Registration Number: 4900146830

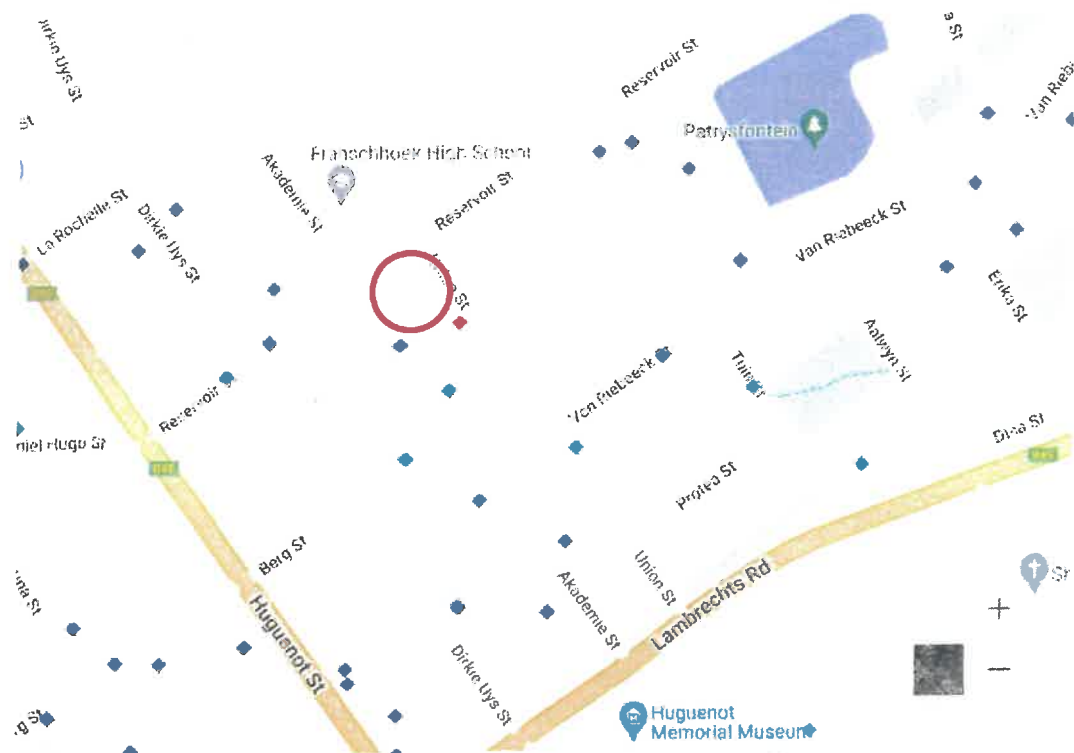
5. The proposal is also supported by Heritage Western Cape (HWC).
6. The objections relate mainly to the following issues:
 - (i) That there are too many guesthouses & hotels in this residential, and that "normal families" are being "pushed out",
 - (ii) The proposal will not make the area safer (more "unsolicited attention to the street"), and will bring more traffic & noise,
 - (iii) Compatibility of the proposed hotel with the character of the area, including the heritage character.
7. Our comments below will demonstrate that the objections are considered to be unreasonable, irrelevant, and unsubstantiated, and should be **dismissed** for the reasons provided.

8. RESPONSE TO OBJECTIONS

8.1 Objection from Erf 2874:

This objector is not "too happy" about the proposal as they feel that there are already "so many guesthouses and hotels" in Franschhoek, and that "it is taking over". The objector is of the opinion that the residential character of the area and "sense of community" will be negatively affected, with increased levels of noise, traffic, and "unsolicited attention" (safety).

- Any objection based on the prevalence of the number of guesthouses and hotels (or in fact, based on any land use), is not relevant to the application. It is not a town planning criterium, and accordingly it should be dismissed out of hand.
- Any business proposal is based on (and embarked upon) within a free-market sphere, i.e. the principle of supply and demand which is one of the main underlying principles of a capitalist society. Effectively the market will "decide" how many such facilities are needed, or can/will be supported, and when "enough is enough". The market will determine and ensure the balance between commercial and residential uses.
- Franschhoek is one of the main tourism destinations in the Western Cape (with foreigners and locals alike), and contributes significantly to the economy of the Western Cape. It is a highly desirable, attractive and vibrant town. The high number of restaurants, shops, wine farms, guesthouse, hotels etc. play a pivotal role in creating a large number of jobs, which is critical for (especially) the lower-income residents of the town.
- The character of the area is very mixed with regard to land use, as demonstrated in the motivation report. A large number of guesthouses and hotels exist not only in the immediate vicinity of the subject erf, but also in the wider area, as can be seen on the extract of the Booking.com website (the blue dots representing hotels/guesthouses). These listings are only from one booking platform, and are in addition to many other properties which are also available for rent on platforms like AirBnB etc.



Extract from Booking.com website indicating hotels/guesthouses

The point is that the area is not a purely residential area (in addition to a plethora of accommodation establishments, other uses like schools, flats, and churches also exist). The proposal is entirely consistent with the existing character of the area.

- Interestingly, Erf 2874 (Bella Casa) itself appears on the web as a B&B, as demonstrated by the extracts below, taken from the internet. It is not clear whether it still operates as one, but if not, it certainly has been used as a guesthouse as well.

tripadvisor.co.za

<https://www.tripadvisor.co.za> > Franschhoek Hotels

BELLA CASA - B&B Reviews (Franschhoek, South Africa)

Bella Casa, Franschhoek: See 8 traveller reviews, candid photos, and great deals for Bella Casa, ranked #62 of 83 B&Bs / inns in Franschhoek and rated 5 of ...

Rating: 5 3 reviews



HolidayApartments.co.za > South African

<https://www.holidayapartments.co.za> > property > Bella...

Bella Casa in Franschhoek

Bella Casa is a guest house located in the heart of the beautiful Franschhoek Village. 5 minutes walk to award winning restaurants and shops.



Facebook · Bella Casa Franschhoek

1K+ followers

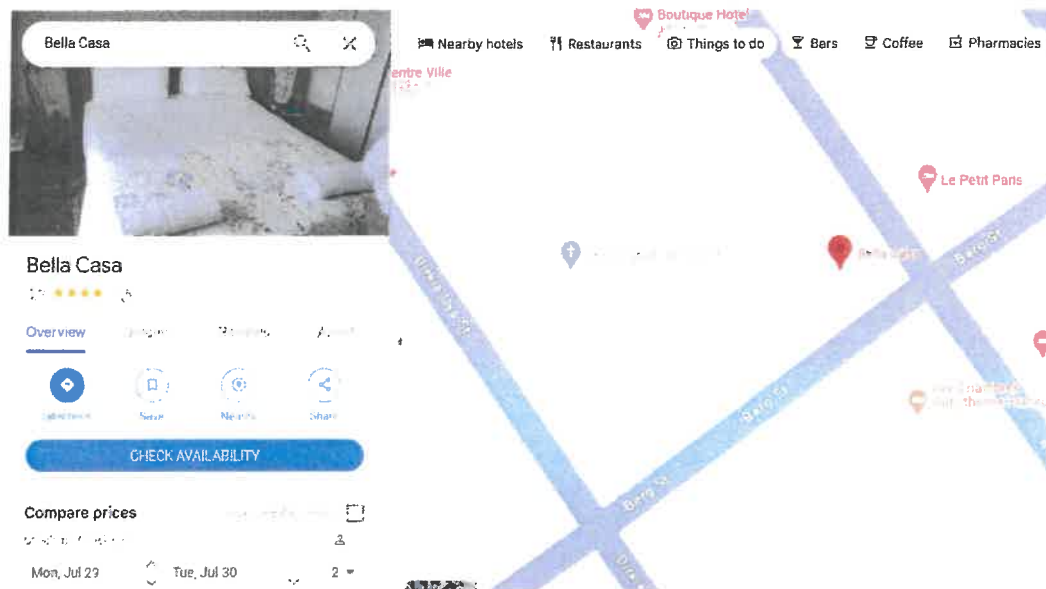
Bella Casa Franschhoek

Bella Casa Franschhoek, Franschhoek, Western Cape. 1016 likes · 32 were here.

Two beautifully appointed guest suites in the heart of the Franschhoek...

Rating: 5 2 votes





- The subject erf is within walking distance (approximately 180m) from Huguenot Road (the main street through Franschhoek) and essentially the whole town. Visitors to the hotel are highly unlikely to use cars to drive to town but will most likely walk instead.
- A total of 7 parking bays are proposed on-site (which is in fact 1 bay in excess of what is required, namely 0.7 bays/bedroom or suite). There is no parking departure.
- The proposed number of bays is considered to be a relatively low number and is not expected to have any material impact on traffic in the area; indeed, no objection in this regard was received from the Municipality's relevant service branch.
- The property abuts three streets, and is therefore well located with regard to accessibility (pedestrian and vehicles). Vehicle access is and will remain, as presently, from Union Street, which is a relatively quiet street and with no residential properties directly across this street from the subject erf.
- The frequency of cars to/from the proposed hotel can be expected to be relatively low as guests would traditionally leave the hotel later in the morning - after breakfast (i.e. not simultaneously to "school or office hours"), with a late afternoon return. In many instances it can be expected that guests will prefer to walk to the main part of town anyway which is only 180m from the site (Huguenot Road), and not use their cars.
- In addition to this the Hotel will offer a shuttle service that will be used by approximately 25% of the guests – thus further reducing the parking requirement for the site.
- It is not believed that the proposed traffic will have any material impact.
- As demonstrated above, this objection is considered to be frivolous, unsubstantiated and unreasonable, and should be **dismissed**.

8.2 Objection from the FHRA:

The FHRA lists a range of points relating to their opinion why the proposal is considered undesirable from a heritage perspective, and how it would, in their opinion, erode the heritage character of the area and which is allegedly not consistent with the various principles of the Urban Heritage Overlay Zone in the Zoning Scheme.

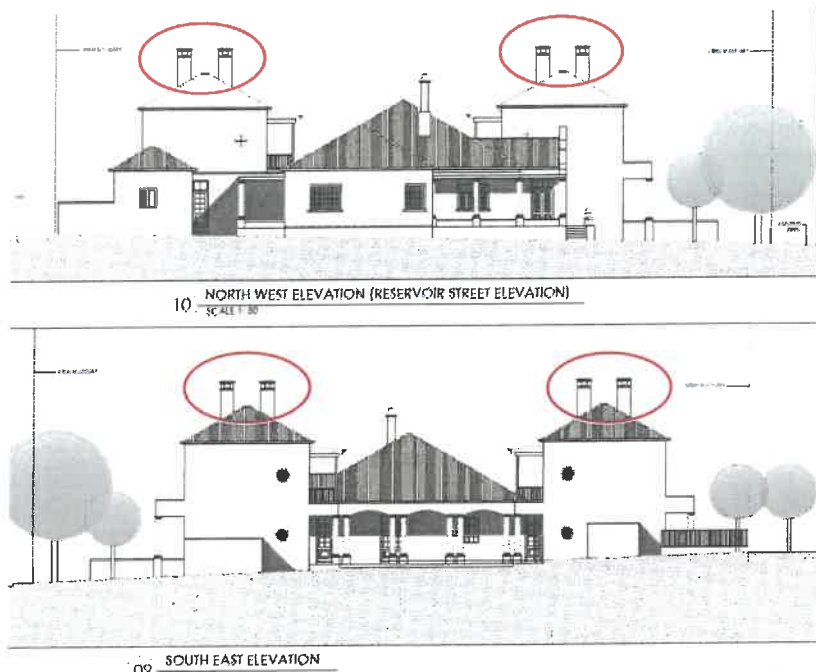
- Firstly, it is critical to point out that both the Stellenbosch Municipality's Heritage Management Branch as well as the HWC **support** the proposal (including the proposed land use and design).

- Second, The FHRA was the only entity which submitted comments (see below) on the heritage application, which was prepared by **Cindy Postlethwayt heritage practitioner** and submitted to the Heritage Western Cape (HWC) – and which preceded the land use application:

The Franschhoek Heritage & Ratepayers Association cannot object on heritage grounds to the proposed rezoning. For the record, however, it is concerned by the increasing number of residential properties in the Historic Area like this being repurposed as guest houses and for use as short-term rentals (e.g. Airbnb) and the consequential erosion of its residential character (which may be considered as being part of its heritage) as its permanent resident population is diminished to the extent that it becomes a sprawling hotel and an out of season ghost town.

With regard to the new building, the comment has been made that the chimney heights look a bit out of proportion and should be reconsidered.

- Critically, it will be noted that, with regard to any “design” aspects, the FHRA only suggested that the originally designed chimneys of the proposed buildings be “reconsidered”. The heights of the proposed chimneys were subsequently lowered to be as per the proposed drawings (see comparisons below):



Extract from original proposed plans (note the higher chimneys)

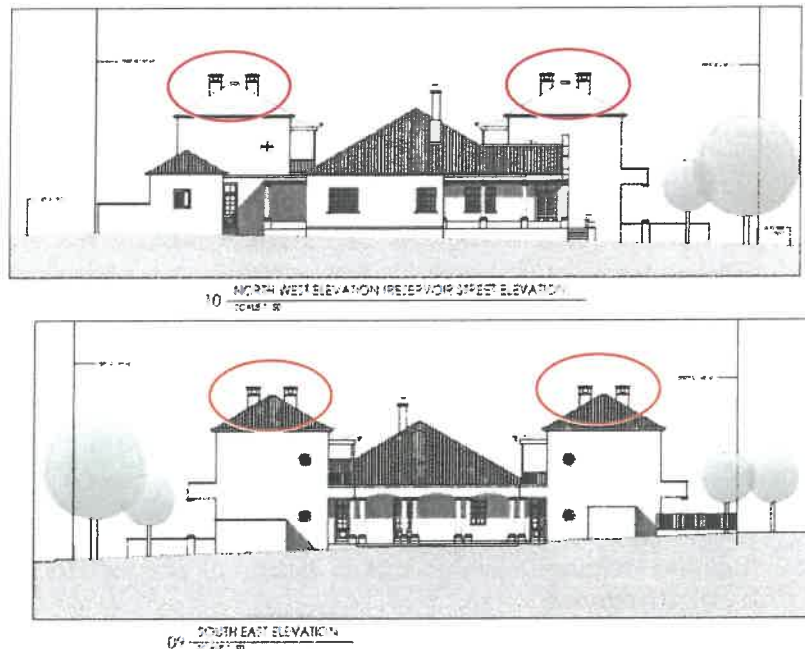


Figure 52: Revised chimney height, per final Sketch Plan submission.

Extract from amended plans (note the lowered chimneys)

- No other comments were made by the FHRA regarding the proposed design, the proposed placement, height, scale or appearance of the buildings, the garden areas, the street scape or the boundary walls and fences as part of the heritage application process. Put differently, all the various issues raised by the FHRA in response to the *land use application* appeared to have been acceptable when the very same plans were advertised as part of the *heritage application*. This sudden “turn-about” and (new) opposition to the proposal is indeed very strange and inexplicable.
- Importantly, the FHRA themselves acknowledge that it can not object “on heritage grounds to the proposed rezoning”.
- *It appears that the FHRA's primary concern is the proposed land use, and although they are utilising the Urban Conservation Overlay as a basis for critique, the Overlay Zone is designed primarily to protect those aspects of townscape that are conservation worthy. In this regard, it is the opinion of the heritage practitioner that land use is not, in and of itself, a source of negative heritage impact, nor it is a conservation-worthy aspect in and of itself: the issues raised by the FHRA in this instance relate to streetscape.*
- *In this regard, the following extract from the heritage practitioner's statement should be noted:*

The main aim of the Franschhoek Urban Conservation Area is not to protect each and every structure (aside from those that have been identified as having intrinsic heritage significance), but rather to preserve those character-giving elements that extend beyond each individual property, are largely common to the conservation-worthy townscape. The intention is to improve land parcels in the area by strengthening or reinforcing these characteristic elements and features, most importantly the tree lined avenues and positive, garden interfaces between building and street edge. This goes hand-in-hand with the protection of structures of historic significance, but the guidelines also look to ensure that new development remains in character with the Special Area as a whole.

The appropriate use, renewal and interpretation of heritage features in this townscape unit is critical for their preservation. Any development that will result in the loss of the avenues of trees, low-density residential environment, corner shops and institutions (schools and churches), or compromise the characteristic interface between structures and the street, will threaten the heritage value of this townscape unit. Over-scaled

private dwellings, cluttered properties, gated residential estates, ... and the development of blocks of flats, would erode the townscape character. (Stellenbosch Municipal Heritage Survey)

- The heritage statement identified those aspects of townscape significance in the immediate neighbourhood (pp 7 – 11; e.g. tree lines along streets, proximity of buildings in relation to street boundaries, height and permeability of boundary walls/fences, density, roof shape/form, parking), and interpreted them in the design indicators (pp 15 – 18; e.g. grain, tree-lined avenues, interfaces, massing etc.). The development proposal was expressly assessed against these indicators (pp 25 – 30). If the FHRA had concerns in this regard, it would have been appropriate to have raised this when the heritage application to HWC was circulated to them. As pointed out above, not only did the FHRA failed to raise concerns in this regard, but they specifically restricted their then comments to the heights of the former chimneys, which were subsequently lowered.
- In light of the above, our comments do not deal with each and every aspect of the FHRA's objection, but the following points are made:
 - ❖ The proposed buildings are considered desirable, attractive, and in keeping with the surrounding built environment from a placement (on the erf), height, appearance, and design point of view.
 - ❖ It is noted that the property, at 2030m² in extent, is one of the largest erven in the immediate vicinity. This aspect lends the erf a greater opportunity for an incremental intensification of land use in a comfortable manner.
 - ❖ The proposed buildings are/have *inter alia*, the following:
 - only two storeys in height (same as in terms of existing rights),
 - 3m from the common boundary (2.5m permitted i.t.o. existing rights),
 - At 5m from the street boundaries (4m permitted i.t.o. existing rights),
 - a coverage of only 38% (40% permitted i.t.o. existing rights),
 - contain pitched roofs which are also compliant with the required degree of such roof pitches),
 - separate from each other and from the main, historic dwelling house (thus not a monolithic structure, but where the "massing" and impact is "broken up" and mitigated, and consistent with the urban grain of the area),
 - retains a large proportion of the existing garden – especially along the streets (with Akademie Street being the more important street and street scape of the three roads abutting the site), and
 - retains the "picket fence" appearance along Akademie and Reservoir Streets.
 - ❖ Given the sensitive and sympathetic design and proposal, it is considered to have a positive impact on the heritage character of the property and of the area.
- Their "concern" about the repurposing of properties for guesthouse/hotel purposes is not considered a valid objection, given the mixed-use character of the area (with regard to land use and building forms) in such close proximity to the main road and many tourist attractions (restaurants, shops, the market, etc.), and the fact that these accommodation establishments can and do co-exist harmoniously with "normal" residential properties.

The economic principle of "supply and demand" has already been explained earlier in this report, and will not be repeated here. Besides, many of the properties currently being used for Airbnb or guesthouse purposes are by definition "dwelling houses" and can always easily revert back to being private dwellings, if required.

- The Municipality has no specific Policy or other guidelines to discourage applications such as the proposed, or to keep the neighbourhood perfectly homogenous with regard to land use and zoning, or to curb and control the “housing rental market”. On the contrary, a number of approved Policies and Frameworks actively support and encourage development proposals (such as the current proposal) for economic growth, job creation, and tourism, which ensures sustainable towns and livelihoods.
- The existing, large dwelling house will be retained, while the proposed guest bedrooms are akin to small “studio apartments” (or bachelor units), all of which can easily be used for “normal” residential purposes in the future, if ever required (note: the guest rooms do not currently have kitchens but little kitchenettes could be added, if required, if the hotel ever cease to exist).
- Whilst the *raison d’être* of the FHRA is acknowledged, and its efforts to assist in guiding development applications within the ambit of the heritage character of Franschhoek are appreciated (in principle), it was demonstrated that, in this instance, the objection from the FHRA is considered unreasonable and baseless (in addition to being contrary to the support from the official heritage authorities), and that it should be **dismissed**.

9. CONCLUSION

The objections (there are only two) are considered to be unreasonable, baseless and not entirely relevant, and as such – that they should be **dismissed**. The objection by the Franschhoek Heritage & Ratepayers Association in particular is highly questionable, given that none of the myriads of issues that they now raised were mentioned when the heritage application was advertised (in fact, they only questioned the height of the chimneys at the time).

In contrast, the desirability of the proposal was comprehensively and convincingly motivated in the application report, as well as demonstrated in the comments above. The proposal is considered to be entirely in character with the surrounding built environment.

It is not believed that there is any impact on existing rights.

It is not believed that there will be any negative impact on the heritage character of the premises or on the area, a statement which is corroborated by the fact that both the Municipality's Heritage Management Branch and the Heritage Western Cape support the proposal. The fact that there are so very few objections, and none at all from the immediate abutting neighbours, also speaks for itself.

The proposal complies with all the adjudication criteria as contained in the relevant legislation, including approved Policies and Framework. The proposal will directly and positive impact on the tourism sector, stimulate economic growth, improve the sustainability of the town, and positively impact on the livelihoods of many people by job creation (both directly and indirectly).

As a result, the Municipal Planning Tribunal is urged to **dismiss** the objections and to **approve** this desirable and attractive proposal.

TOMMY BRÜMMER TOWN PLANNERS

APPENDIX 5

Heritage Western Cape.

Our Ref: HM/ CAPE WINELANDS/ FRANSCHHOEK/ ERF 295-RE
 Case No.: HWC24030522CH0307
 Enquiries: Chané Herman
 E-mail: chane.herman@westerncape.gov.za
 Tel: 021 829 3316



Cindy Postlethwayt / Tykana Properties (Pty) Ltd
cindy@cphheritage.co.za

PERMIT:

CASE NUMBER: HWC24030522CH0307

Issued in terms of Section 34 of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 3(3)(a) of PN 298 (29 August 2003)

This permit is valid for three years from the date of issue

Proposed Action: Additions and alterations
 Site: Remainder Erf 295, 13 Akademie Street, Franschhoek
 Graded: IIIA

Permit issued in accordance with the drawings:

Drawings No.: 210-SK-001, 210-SK-002, 210-SK-003, 210-SK-004, 210-SK-006 and 210-SK-007; 210-BASE-001;
 Revision 09 and 01
 Dated: 1 March 2024 and 12 December 2023
 Drawings prepared by: Young Architecture

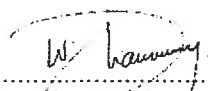
Conditions applicable to this permit:

1. Work to be done strictly in accordance with the HWC stamped plans.

NOTE:

- This decision is subject to an **appeal period of 14 working days**. Kindly note that the appeal period is calculated from the date indicated on the HWC date stamp, which is the date the appeal is sent, and not the date of signature
- Appeals to HWC are to be submitted to HWC.Appeals@westerncape.gov.za
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- **Work may NOT be initiated during this 14 day appeal period.**
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- **An HWC STAMPED PLAN must be present on the site at all times and must be produced on demand by any heritage inspector, building control official, or any person duly authorized to do so.**
- **A copy of this permit must be displayed in a prominent place on the site until the permitted work is completed.**

Should you have any further queries, please contact the official above and quote the case number.


 Waseefa Dhansay

Assistant Director: Professional Services



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: caoheritage@westerncape.gov.za

Straatadres: Protea Assuransie gebou, Groenemarkplein, Kaapstad, 8000 • Posadres: Posbus 1665, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: caoheritage@westerncape.gov.za

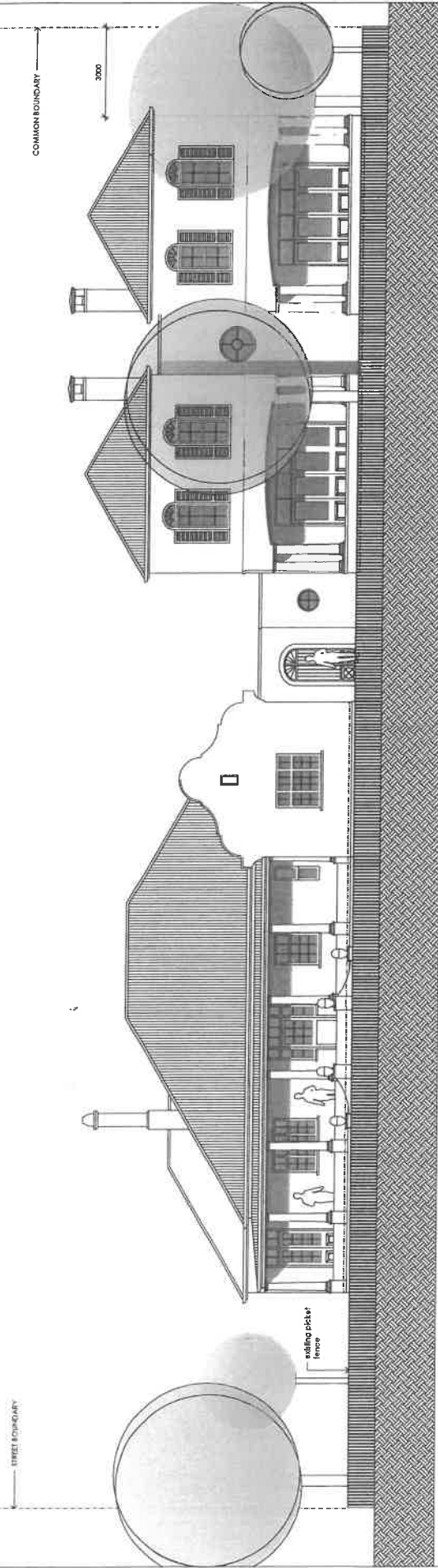
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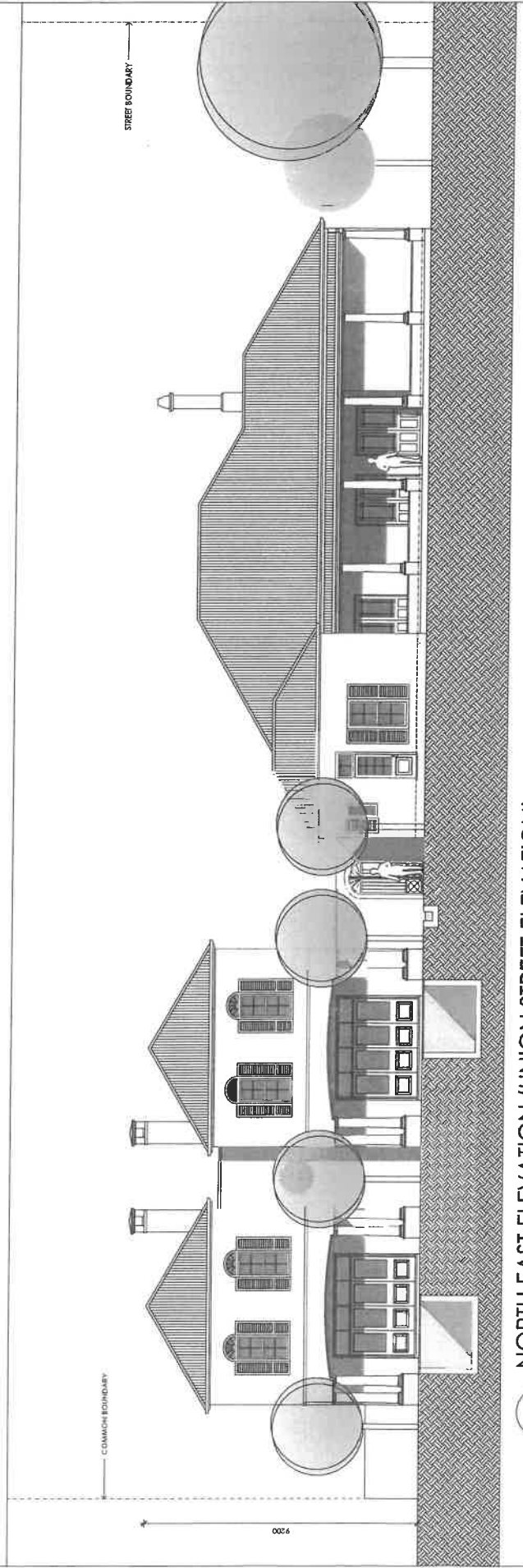
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10. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY VIOLATION OF CONTRACT TERMS.

PREPARED BY: YOUNG ARCHITECTURE
DATE: 20 MARCH 2024



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03 NORTH EAST ELEVATION (UNION STREET ELEVATION)
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Hydrograph Architects
Creative. Collaborative. Committed.
20 March 2024

APPROVED

CONCEPTUAL SKETCH PLAN

CLIENT SIGNATURE: _____
ARCHITECT SIGNATURE: _____
DATE: _____

YOUNG ARCHITECTURE

PROJECT: POST MARK HOUSE
REF: 295, RANSCHHOEK
PREPARED FOR: PREPARED FOR

DATE	DESCRIPTION	BY	CHKD BY
20 MARCH 2024	CONCEPTUAL SKETCH PLAN	YOUNG ARCHITECTURE	YOUNG ARCHITECTURE

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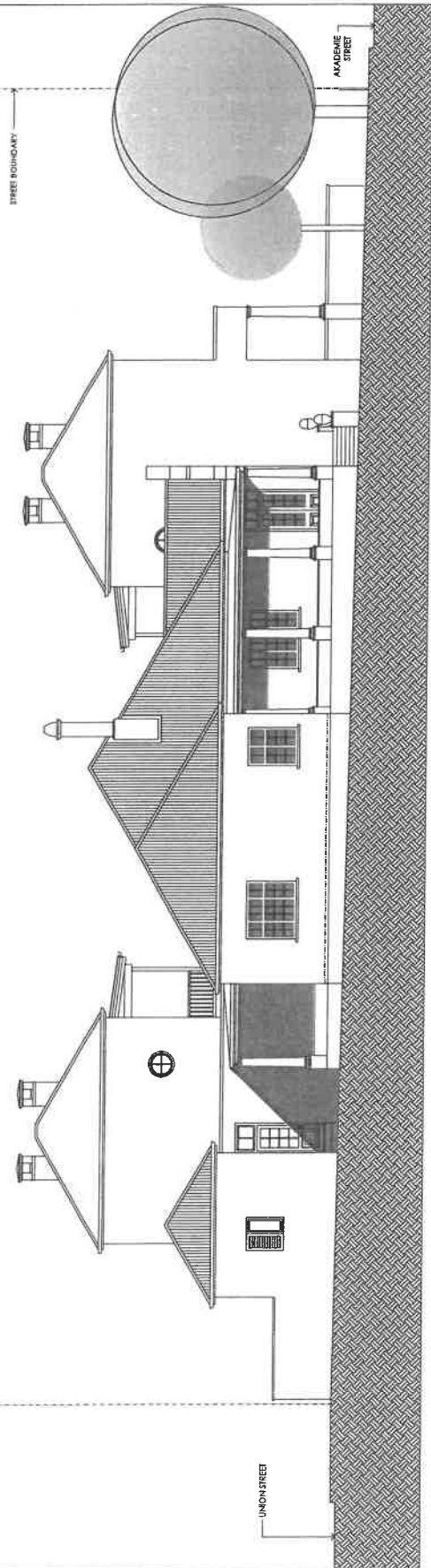
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NOTES	
1. ALL WORK TO BE COMPLETED BY 31/03/2024.	
2. ALL MATERIALS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.	
3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE BUILDING REGULATIONS.	
4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE ARCHITECT'S DRAWINGS.	
5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE PROJECT PROGRAMME.	
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89. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE PROJECT DATA-DRIVEN ORGANIZATION PLAN.	
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97. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE PROJECT TRANSFORMATIVE ORGANIZATION PLAN.	
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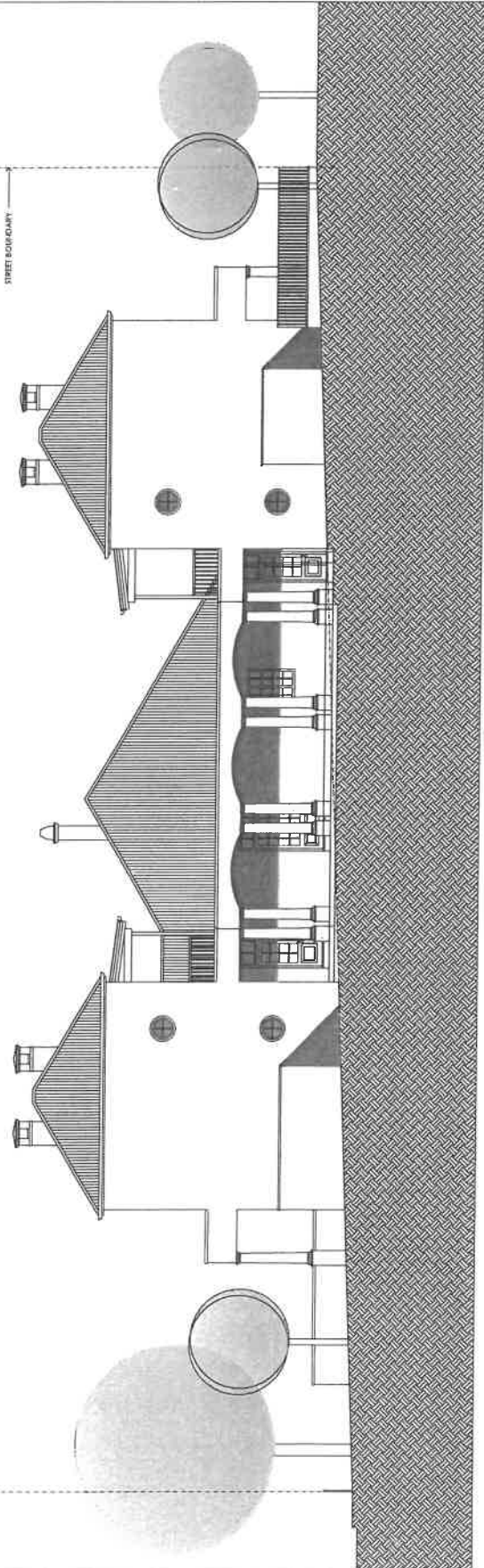
STREET BOUNDARY



10 NORTH WEST ELEVATION (RESERVOIR STREET ELEVATION)

SCALE 1:50

STREET BOUNDARY



09 SOUTH EAST ELEVATION

SCALE 1:50



20 March 2024

APPROVED

CONCEPTUAL SKETCH PLAN

CLIENT SIGNATURE

ARCHITECT SIGNATURE

YOUNG

ARCHITECTURE

PROJECT NAME

PROJECT ADDRESS

PROJECT REFERENCE

PROJECT DATE

PROJECT STATUS

PROJECT LOCATION

PROJECT CONTACT

PROJECT PHONE

PROJECT EMAIL

PROJECT WEBSITE

PROJECT SOCIAL MEDIA

DATE:

1. This drawing is the property of the Architect and is to be used only for the project and site for which it was prepared. It is not to be reproduced, copied, or used for any other purpose without the written consent of the Architect.

2. The Architect assumes no responsibility for the construction of the project or for the performance of the project after completion.

3. The Architect is not responsible for the accuracy of the information provided by the client or for the results of the project.

4. The Architect is not responsible for the accuracy of the information provided by the client or for the results of the project.

5. The Architect is not responsible for the accuracy of the information provided by the client or for the results of the project.

PROJECT:

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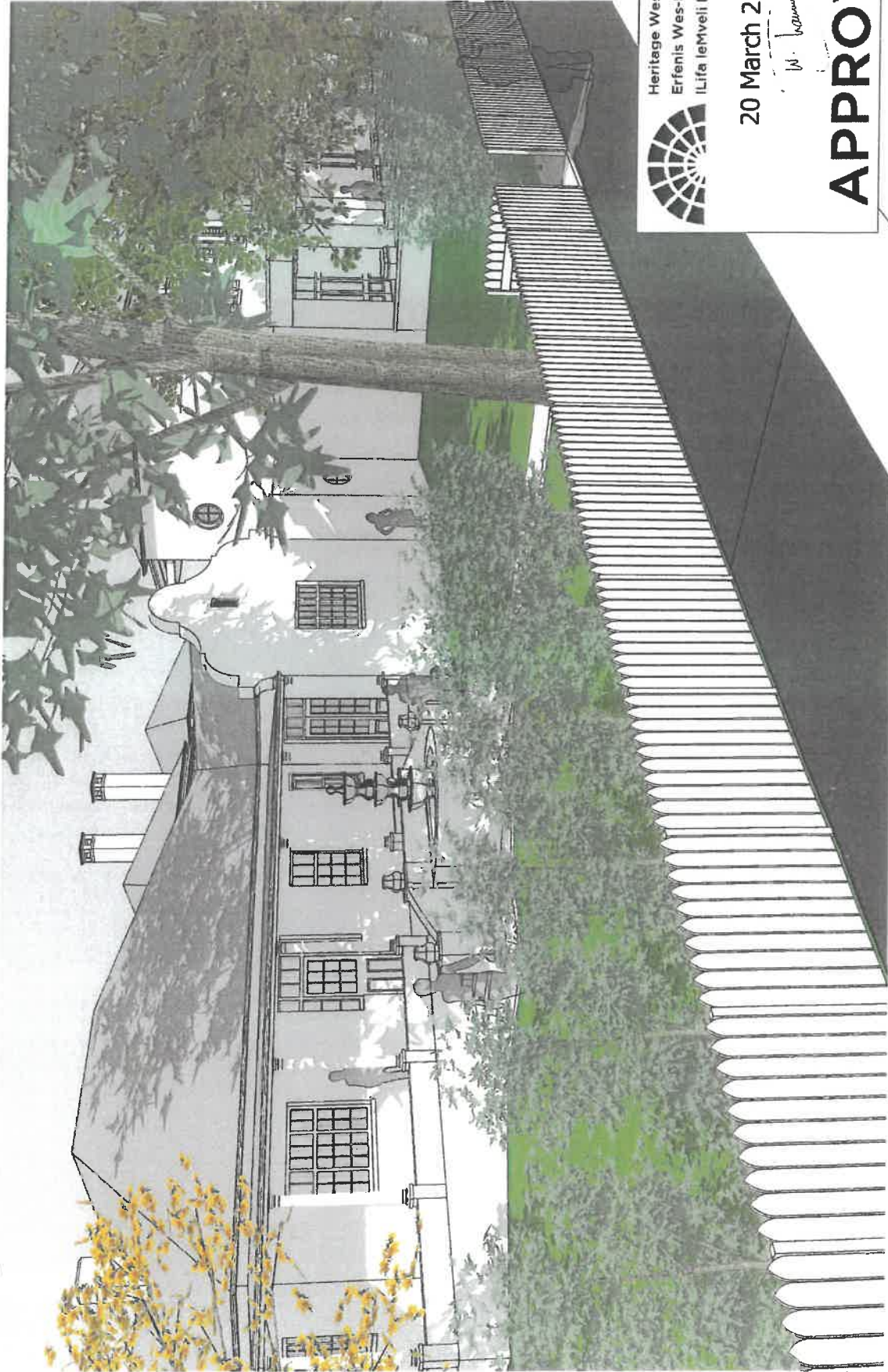
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Heritage Western Cape
 Erfenis Wes-Kaap
 ILifa leMveli leNtshona Koloni

20 March 2024

W. W. W. W.

APPROVED

POSTMARK HOTEL - VIEW 01 - AKADEMIE STREET

young ARCHITECTURE



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. W. W. W.

APPROVED

young ARCHITECTURE

POSTMARK HOTEL - VIEW 02 - AKADEMIE STREET



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. le Roux

APPROVED

THE POSTMARK - VIEW 03

young ARCHITECTURE



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Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. J. J. J.

APPROVED

YOUNG ARCHITECTURE

POSTMARK HOTEL - VIEW 04



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. van der Merwe

APPROVED

young ARCHITECTURE

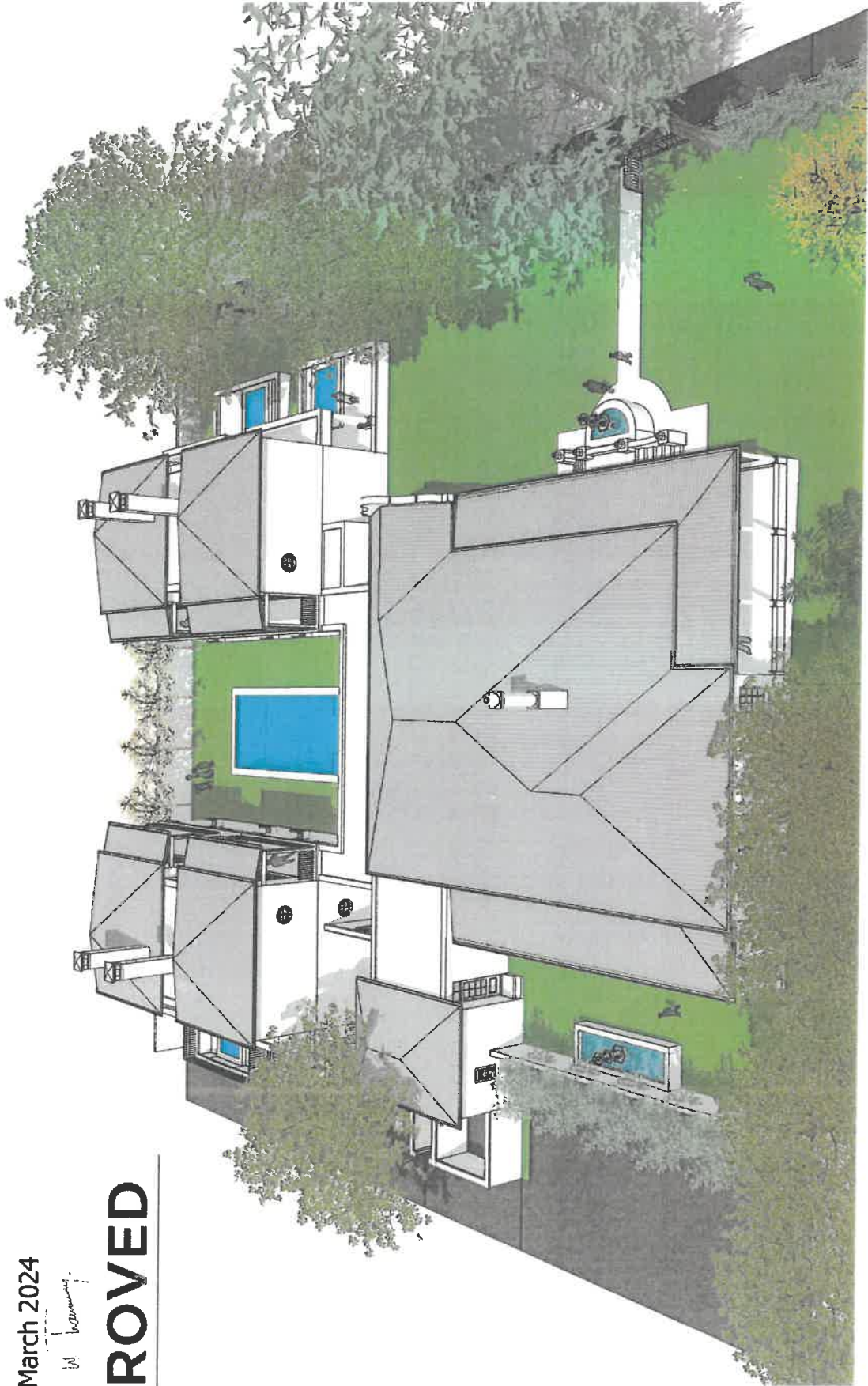
POSTMARK HOTEL - VIEW 05



20 March 2024

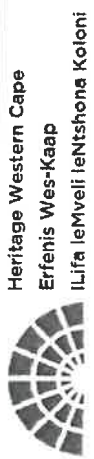
W. leMveli

APPROVED



POSTMARK HOTEL - VIEW 06

YOUNG ARCHITECTURE

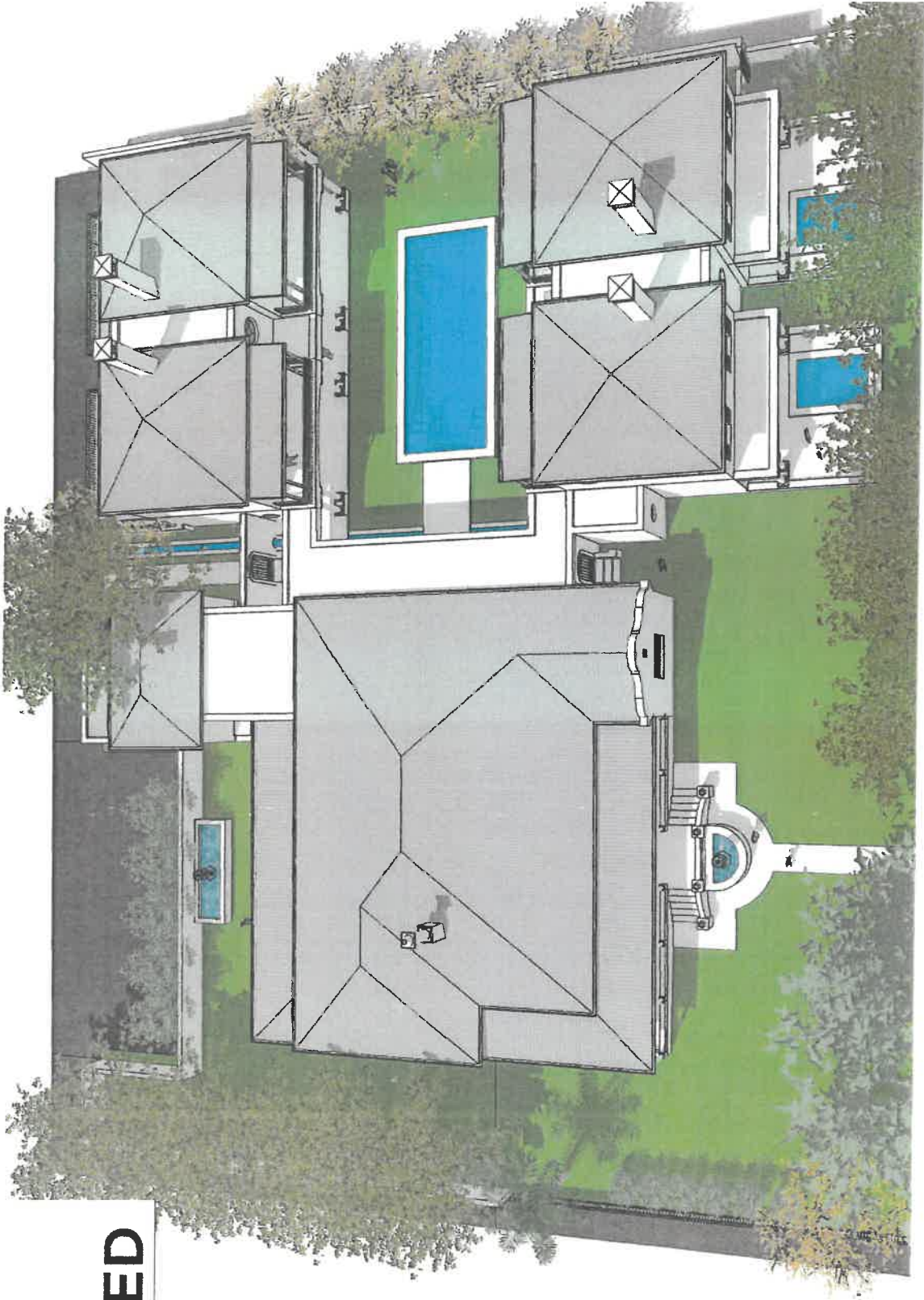


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Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. le Roux

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POSTMARK HOTEL - VIEW 07



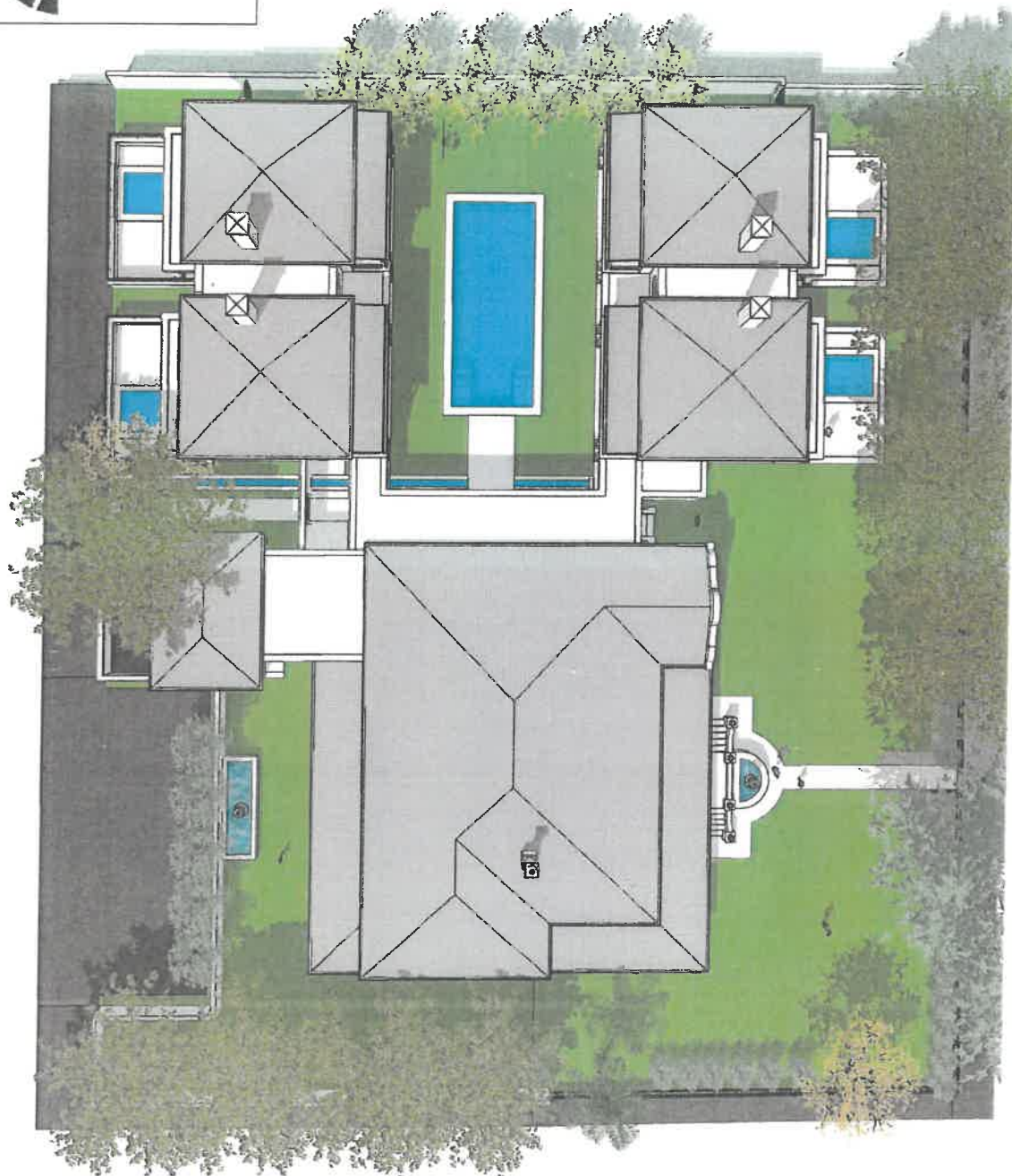
Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. Lammie

APPROVED

906



POSTMARK HOTEL - VIEW 08

young ARCHITECTURE

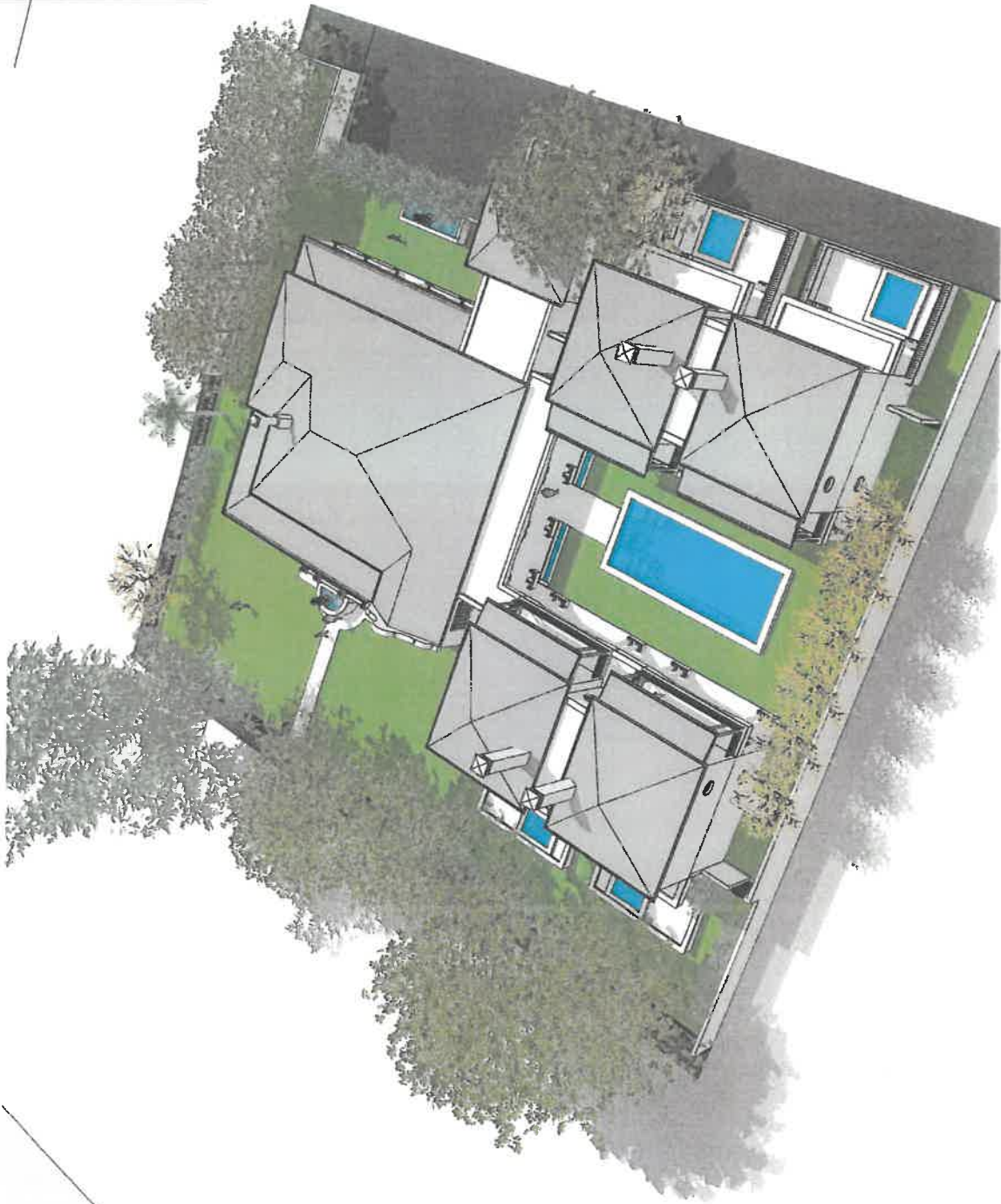


Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. J. J. J.

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POSTMARK HOTEL - VIEW 09

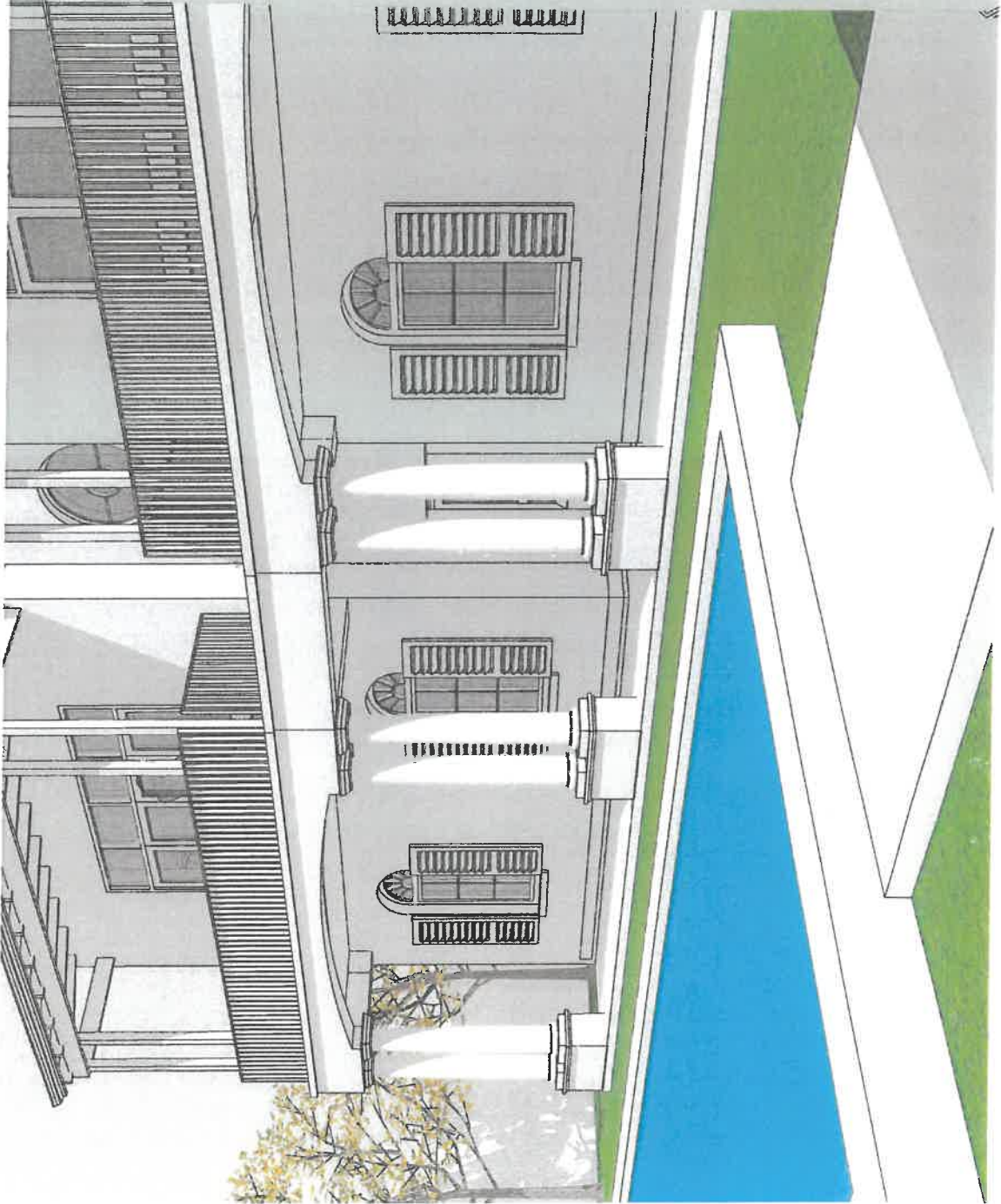
young ARCHITECTURE



20 March 2024

W. van der Merwe

APPROVED



POSTMARK HOTEL - VIEW 10

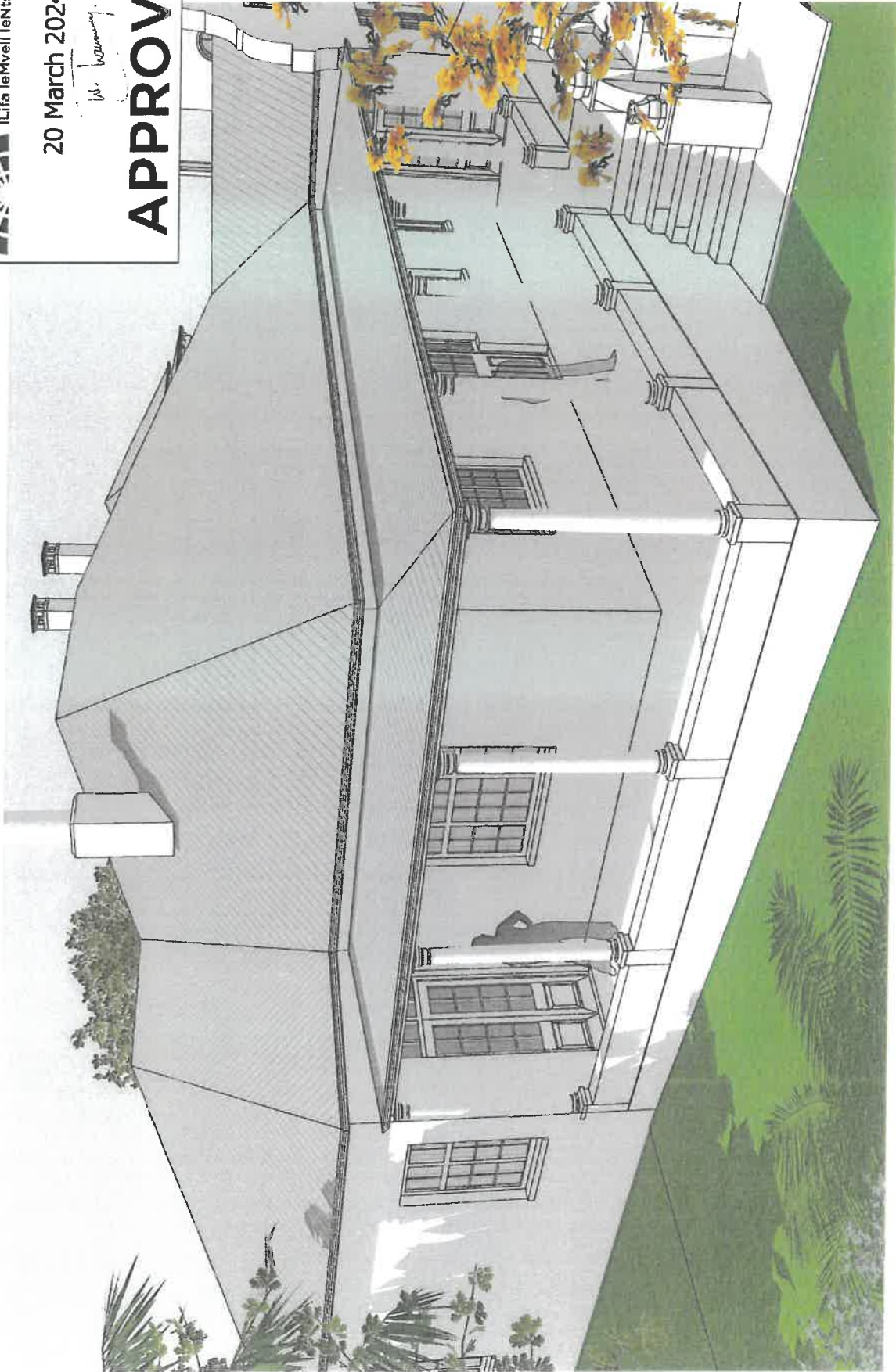


Heritage Western Cape
Erfenis Wes-Kaap
ILife leMveli leNtshona Koloni

20 March 2024

W. Lamm

APPROVED



POSTMARK HOTEL - VIEW 11



20 March 2024

W. J. J. J.

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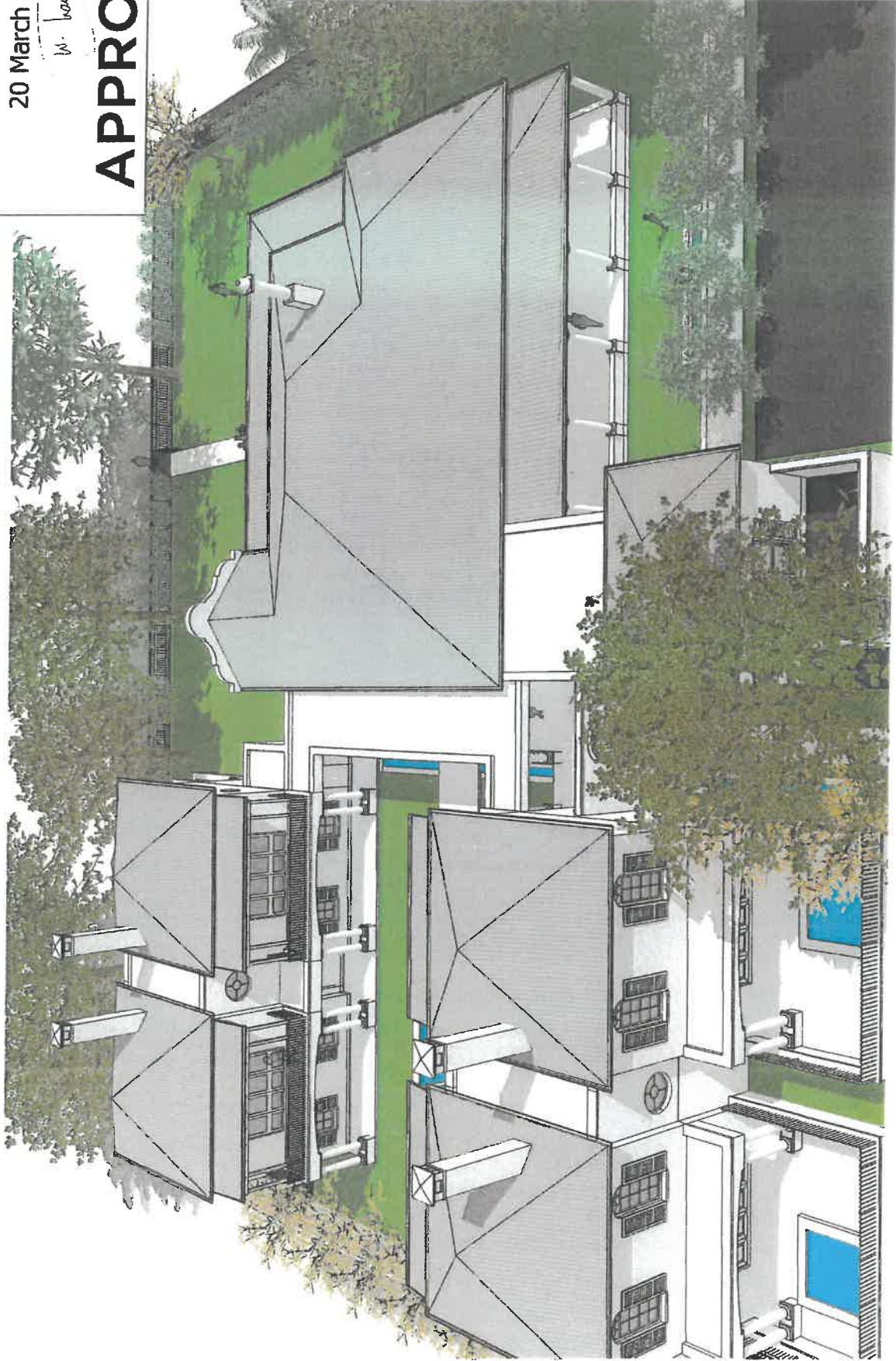
POSTMARK HOTEL - VIEW 12

young ARCHITECTURE

20 March 2024

W. Krumm

APPROVED



POSTMARK HOTEL - VIEW 13



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. H. H. H.

APPROVED

POSTMARK HOTEL - VIEW 14 - AKADEMIE STREET VIEW

young ARCHITECTURE



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

20 March 2024

W. Lamm

APPROVED



POSTMARK HOTEL - VIEW 15 - AKADEMIE STREET VIEW

young ARCHITECTURE

NOTES:

1. THE CLIENT HAS REQUESTED THE DEMOLITION OF THE EXISTING MAIN HOUSE, COVERED TERRACE, GARAGE, SWIMMING POOL, AND POND. THE DEMOLITION WORK IS TO BE COMPLETED BY 20 MARCH 2024. THE DEMOLITION WORK IS TO BE COMPLETED BY 20 MARCH 2024. THE DEMOLITION WORK IS TO BE COMPLETED BY 20 MARCH 2024.

REVISIONS

DATE	REV	DESCRIPTION



20 March 2024

APPROVED

CLIENT'S SIGNATURE.....

ARCHITECT'S SIGNATURE.....

SAFETY Reg. No. 721

young
ARCHITECTURE

ERF 295
FRANCSCHOEK

DEMOLITION PLAN

SCALE 1:100

BASE PLAN 210-BASE-002

01

UNION STREET 9,45m

49,60

POND

DEMOLISH EXISTING GARAGE

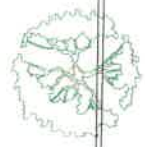
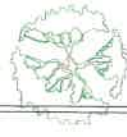
DEMOLISH EXISTING SWIMMING POOL

40,92

40,94

RESERVOIR STREET

Picket fence



Services servitude 1,50m wide

49,2

27,10

AKADEMIE STREET 9,45m

49,62

01 DEMOLITION PLAN
SCALE 1:100

APPENDIX 6

Director: Infrastructure Services.



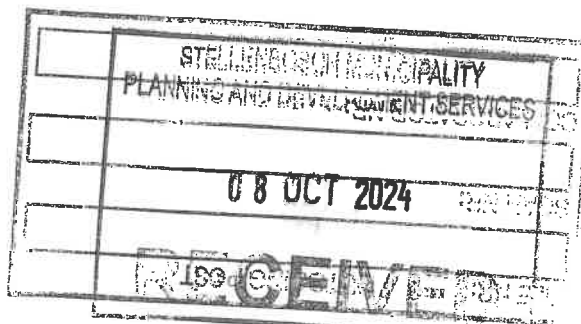
STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Bulelwa Mdoda
From ▫ Van: Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Siyanda Sodo
Date ▫ Datum: 07 October 2024
Our Ref ▫ Ons Verw: Civil LU 2703
Town Planning Ref: LU/16750 – TP 604/2023
Re ▫ Insake: Erf 295, Franschhoek: 1. Application is made in terms of Section 15(2)(a) Stellenbosch Municipal: Bylaw on Municipal Land Use Planning 2023, for the rezoning of Erf 295, Franschhoek from Conventional Residential Zone to Local Business Zone. 2. Application is made in terms of Section 15(2)(o) of the said bylaw for a consent use to permit a Hotel on Erf 295, Franschhoek. 3. Application is made in terms of Section 15(2)(b) of the said bylaw to relax the 4.5m building line to 3m from the south-eastern common boundary with Erf 3809 and Remainder Erf 492, Franschhoek, 4.5m to 3m from the street boundary along Akademie Street for plunge pools and from 4.5m to 0m on the Union Street boundary lines for plunge pools.



FILE NR:	E 295 FH
SCAN NR:	
ATOR NR:	775029

4. Application is made in terms of Section 15(2)(g) of the said bylaw for Councils permission in terms of Section 246(1) of the Zoning Scheme Bylaw 2023 to permit the proposed alterations and additions (including the demolition of structures, the removal of a mature tree and the removal of some garden space for parking), within the Urban Conservation Overlay Zone (Franschhoek Urban Conservation area) on Erf 295, Franschhoek. 5. Application is made in terms of Section 15(2)(g) of the said bylaw in terms of the provisions of Section 252(2)(a) & (c) of the Zoning Scheme Bylaw (2023) to increase the building height from 8.5m to 9.2m in the Franschhoek Urban Conservation Area and to permit the proposed boundary wall/fence along Akademie Street to be 1.3m in height and along Union Street to be 1.2m in height, in lieu of 1m height restriction for boundary walls in the Franschhoek Urban Conservation Area.

Details, specifications and information reflected in the following documents refer:

- Proposed Ground floor and Site Plan (8 Room Proposed Hotel). Drawing No: 210-sk-001, By Young Architecture, dated 26 July 2024.

These comments and conditions are based on the following proposed development parameters:

- Total Units: 8 Room Guest

Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

The development is recommended for approval, subject to the conditions as stated below:



1. Water

- 1.1 The existing municipal water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.
- 1.2 Indicate existing water connection point on the building plan.

2. Sewer

- 2.1 The existing municipal sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water and Sewer Service Department.
- 2.2 Indicate existing sewer connection point on the building plan.

3. Roads

- 3.1 Parking should be as per approved SDP, Drawing No 210-sk-001, dated 26 July 2024, Ground floor plan and Site Plan.
- 3.2 Any changes to the existing municipal infrastructure will be for the account of the client.

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 at building plan stage. A final calculation will be provided prior to payment.
- 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 DC payable before building plan approval.


Siyanda Sodo
Technician: Development (Infrastructure Services)



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2703 (SS) Erf 295 Franschoek (LU-16750 TP604-2023)
Development Name:	
Date:	07 October 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Franschoek
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Erf 295
DC Parameters Reference:	Building Plan by Young Architecture dated 26/07/2024, Drawing No.210-SK-001

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	kl/day	kl/day	ha°C	l/week	trips/day		persons		
Total Increased Services Usage:	0,56	0,74	-0,016	0,08	20		4		
Total Service Usage Reduction:	0	0	0	0	0,0		0		
Total Service Usage after Reduction:	0,56	0,74	-0,01600	0,080	20,0		4		
Charges before adjusting for positive only, before Deductions	R 17 471,83	R 28 281,36	-R 2 541,35	R 8 224,00	R 163 022,11	R 214 457,95	R 16 217,25	R	230 675,20
Charges adjusted for positive only, before Deductions	R 17 471,83	R 28 281,36	-	R 8 224,00	R 163 022,11	R 214 457,95	R 16 217,25	R	233 216,55
Total Deductions:	-	-	-	-	-	-	-	R	-
Total Development Charges Payable (excluding VAT):	R 17 471,83	R 28 281,36	-	R 8 224,00	R 163 022,11	R 214 457,95	R 16 217,25	R	233 216,55
VAT:	R 2 620,77	R 4 242,20	-	R 1 233,60	R 24 453,32	R 32 168,69	R 2 432,59	R	34 982,48
Total Development Charges Payable (including VAT):	R 20 092,61	R 32 523,56	-	R 9 457,60	R 187 475,42	R 246 626,64	R 18 649,84	R	268 199,03

APPLICANT INFORMATION	
Application Processed by:	Siyanda Sodo
Signature:	
Notes:	DC are for 8 room hotel. Credit has been granted for the existing house.

Franchisebook																		
Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charge Level (see V01)							Total				
		Area (m2)	Unit Amount	Area (m2)	Unit Amount		Result	Amount	Water	Sewer	Stormwater	Solid Waste	Roads & Transport		Sub Total (Civil Eng services)	Community		
	Unit		1					Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Residential	Single Residential >1000m2	du				-1	-R	37 493.64	-R	26 752.63	-R	7 624.04	-R	32 904.42	-R	106 532.74	R 16 217.26	R 186 746.99
	Single Residential <500m2	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >250m2	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <250m2	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Second Dwelling	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Apartments	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Retirement Village	du				0	R	-	R	-	R	-	R	-	R	-	R	-
	Old age home	du				0	R	-	R	-	R	-	R	-	R	-	R	-
Accommodation	Student Accommodation/Communal/Hostels	rooms				0	R	-	R	-	R	-	R	-	R	-	R	-
	Guest House	rooms				8	R	54 911.47	R	55 033.99	R	5 062.70	R	12 336.00	R	196 626.53	R 32 434.50	R 358 425.19
Commercial	Converted Guest House	rooms				0	R	-	R	-	R	-	R	-	R	-	R	-
	Hotel, Residential	rooms				0	R	-	R	-	R	-	R	-	R	-	R	-
	General Business	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Offices	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Retail/Shop	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Restaurant	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Outdoor Function / Picnic Area	persons				0	R	-	R	-	R	-	R	-	R	-	R	-
	Conference Facility/Place of assembly	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Hospital/Clinic/Medical Rooms	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	University/College	student				0	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	School/Day Care	student				0	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - light	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	Industrial - heavy	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Warehousing/Light Manufacturing	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-
	Storage Facilities	unit				0	R	-	R	-	R	-	R	-	R	-	R	-
	Open Space/Natural Environment/Utility Site	ha				0	R	-	R	-	R	-	R	-	R	-	R	-
	Roads and Parking	ha				0.0000	R	-	R	-	R	-	R	-	R	-	R	-
	To be calculated	n/a				0.0000	R	-	R	-	R	-	R	-	R	-	R	-
	(Based on equivalent demands)	n/a				0	R	-	R	-	R	-	R	-	R	-	R	-
	Total Area:	0																
	Total Area:	0																
	Charges before adjusting for positive only, before Deductions																	
Charges adjusted for positive only, before Deductions																		
Deductions per service (from usage reductions)																		
Discount Deduction (%)																		
Additional Deduction per service - from Service Agreement (sum)																		
Sub Total after Allowments and Deductions (excluding VAT)																		
VAT																		
Total Development Charges																		
Charges before adjusting for positive only, before Deductions																		
Charges adjusted for positive only, before Deductions																		
Deductions per service (from usage reductions)																		
Discount Deduction (%)																		
Additional Deduction per service - from Service Agreement (sum)																		
Sub Total after Allowments and Deductions (excluding VAT)																		

Bulelwa Mdoda

From: Martin Slabber
Sent: Tuesday, 07 May 2024 09:04
To: Bulelwa Mdoda; Charne Williams; Tyrone King; Kurt Titus; Ilze Fillies; Siyanda Sodo; Xolani Tika (Development Technician); Viola Anthony; Barbara-Ann Henning; John Aaron; Fabian van Wyk; ferencia@capewineland.gov.za
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 295 FRANSCHHOEK

GENERAL: NONE

CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units
2. Solar water heating/heat pump installation
3. Energy efficient lightning
4. Roof insulation
5. Cooking with gas fired appliances
6. Control air condition equipment with energy saving devices.
7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

Groete:
 Martin Slabber
 Sin. Supt. Dwarsrivier Elect.
 Engineering Services

FILE NR:	E 295 FH
SCAN NR:	
COLLABORATOR NR:	766827

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

07 MAY 2024

RECEIVED

Martin.slabber@ Stellenbosch.gov.za

C: +27 83603 3431

T: + 27 21 808 8338

www.stellenbosch.gov.za



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From: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>

Sent: Monday, 06 May 2024 11:06

To: Charne Williams <Charne.Williams@ Stellenbosch.gov.za>; Tyrone King <Tyrone.King@ Stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@ Stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@ Stellenbosch.gov.za>; Siyanda Sodo

APPENDIX 7

Cape Winelands Health Department.



CAPE WINE LANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

FILE NR:	OUTGOING POST	18
ERF 295 FH		
SCAN NR:	770073	
COLLABORATOR NR:		

MEMORANDUM TO/ AAN : Ms B Mdoda
(Directorate Planning Economic & Development: Stellenbosch Municipality)
Official / Beampte : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 295 Franschhoek
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2024-07-12

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

12 JUL 2024

LAND USE APPLICATION: ERF 295, FRANSCHHOEK

There are no objections from an Environmental Health point of view in terms of this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance and must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 638 of 22 June 2018.
4. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
5. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.
6. Accommodation establishments must comply with Chapter 4, Section 12 of Provincial Gazette Extraordinary no. 6696 of February 2010.
This Section of the Notice outlines the requirements for an accommodation establishment.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

RECEIVED

APPENDIX 8

Photo's





Galaxy A33 5G



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