

STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-09-26 FROM
10:00-15:00**



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-09-26 FROM 10:00-15:00**

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

2025-09-26

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

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

Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use
Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the
Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch on
FRIDAY, 2025-09-26 from 10h00-15:00 to consider the items on the Agenda.*

Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 29 AUGUST 2025

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 29th OF AUGUST 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS,
STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM
10H00-15H00**

**Ref. no. 3/4/5/2/40
2025-08-29**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A van der Merwe: Senior Manager - Community Services

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

Mr M Williams: Senior Legal Advisor

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: Senior Town Planner

Observers

Mr K Erasmus

Mr E Ascott

Mr A Lakay

Mrs O Pakamile

Mr L Ndaba

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ITEM	SUBJECT
SMPT 01/08/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/08/25	LEAVE OF ABSENCE
	Mr Anthony Barnes

SMPT 03/08/25	DISCLOSURE OF INTERESTS
	None received

SMPT 04/08/25	MINUTES OF THE PREVIOUS MEETING DATED 30 MAY 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/08/25	<p>APPLICATION FOR CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO. 1674/4, PAARL DIVISION (LU/17504)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. b. Questions were raised about the number of dwelling units on the farm and availability of farm worker housing. Reference was made to the Boschendal Draft Conceptual Framework which was undertaken as a spatial planning framework to inform development applications as the farm falls within the Dwarsrivier Valley Rural Area Conservation Overlay Zone and is of heritage and cultural significance. c. Discussions followed on the conversion of farm worker housing units to tourist accommodation. It was confirmed that the labourers who used to

stay on the farm moved to the nearby Lanquedoc urban area in the past and are no longer accommodated on the farm.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1674/4, Paarl Division to establish thirteen (13) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposal exceeds the number of dwelling units permitted on an agricultural land unit, as prescribed by the MSDP for agricultural properties and thus conflicts with the spatial planning objectives of the MSDP.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1674/4, Paarl Division to allow a tourist accommodation establishment within the footprint of the original seven (7) cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 The proposed development will utilise the same cottages as approved in 2019 as temporary departure. The context of the development is the same as that of 2019 and is subservient to agricultural activities found on the farm.
3. That the application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1674/4, Paarl Division for Consent Use to allow a tourist accommodation establishment within the footprint of the original cottages (13 dwelling units) that can accommodate 52 guests

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 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 tourist accommodation establishment must be confined within the footprint of thirteen (13) self-catering units and no new buildings must be constructed.
 - 4.3 Condition as imposed by Department: Transport & Infrastructure in their letter dated 24 July 2025 be adhered to (See **Annexure E**).

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	<p>4.4 The tourist accommodation establishment be subservient to the dominant agricultural use of the property.</p> <p>4.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans.</p> <p>4.6 Conditions as imposed by the Directorate Infrastructure Services in their memo dated 27 February 2025 be adhered to. See Annexure F.</p> <p>4.7 The development must be undertaken generally in accordance with the site plan as referenced (BOSCH_OC_20240710_01, drawn by: nm & associates planners and designers & floor layout plans as referenced 2.01a, 2.02a, 2.03a, 2.04a & 2.05a drawn by Phillip Briel Architecture & Urban design, dated: 24 July 2014 and attached as Annexure B.</p> <p>4.8 Building plans be submitted for all changes of use in existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related uses.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The aesthetic appearance of the site and surrounding environment will not be altered and the proposal will not have a negative visual impact from the nearby scenic route or the surrounding properties as it is confined to existing approved cottages.</p> <p>5.2 There are justifiable site-specific considerations to depart from the provisions of the MSDF.</p> <p>5.3 The agricultural viability of the property will not be affected as the proposal will be using existing structures, thus the primary land use of the property will remain agriculture.</p> <p>5.4 The proposal is in line with the Boschendal Draft Conceptual Framework, September 2019.</p> <p>5.5 The proposal is not inconsistent with the Dwars River Valley Rural Area Conservation Overlay Zone.</p> <p>6. Matters to be noted</p> <p>6.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>6.2 Should, after following due process –</p> <p>6.2.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or</p> <p>6.2.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or</p> <p>6.2.3 The property be used for any unauthorised uses not permitted in terms of this approval, authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building</p>
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	structures to be reverted to uses in line with the primary use of the property.
SMPT 06/08/25	<p>APPLICATION FOR THE CONSOLIDATION OF UNREGISTERED ERVEN 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, AND 1138, KLAPMUTS, AND THE SUBDIVISION OF THE CONSOLIDATED UNREGISTERED PROPERTY (ERF 2046) IN ACCORDANCE WITH THE AMENDED GP APPROVED BY STELLENBOSCH MUNICIPALITY IN 2009. (LU/17086)</p> <p>Discussion:</p> <ol style="list-style-type: none"> Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal. Discussions followed on the national title deed programme to facilitate the transfer of residential erven to the rightful housing beneficiaries. It is a challenge on national level, and the Municipality is driving a few of these projects on local level with the assistance of donor funding to rectify the problem. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> Application is made in terms of Section 15.2(e) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the Consolidation of erven 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts to create Unregistered Erf 2046, Application is made in terms of Section 15.2(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the Subdivision of <i>unregistered Erf 2046, Klapmuts</i> into 49 Conventional Residential Zoned portions and 2 Public Road and Parking Zone portion. <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <ol style="list-style-type: none"> The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw: <ol style="list-style-type: none"> 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. 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. The development be undertaken in accordance with the Subdivision Plan, Drawing No: 2046-07-2025, Date: July 2025 and attached as Annexure B

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	<p>3.4. The applicant submits an electronic copy (shp, dwg, dxf) or hard copy of the SG approved diagram for record keeping purposes.</p> <p>3.5. The public road portion be transferred prior to, or simultaneously with the transfer of the first land unit.</p> <p>4. The reasons for the above decision are as follows:</p> <p>4.1. The proposal is compatible with its surroundings and has no impact on the biophysical environment, as the subject property is located within an already developed residential area.</p> <p>4.2. The residential units on the subject property have already been constructed and are occupied by the beneficiaries.</p> <p>4.3. The proposal will benefit existing tenants/ beneficiaries by enabling the property to be transferred, thereby offering them secure tenure.</p> <p>4.4. The current application seeks only to formalize the previously approved but now lapsed approval granted for subdivision.</p> <p>5. Matters to be noted:</p> <p>5.1. An application for the approval of street names and numbers must be submitted for consideration and approval in terms of the policy on Naming and Renaming of Streets, Public Places, Natural Areas, Artefacts, and Council-Owned Buildings and Facilities.</p>
<p>SMPT 07/08/25</p>	<p>APPLICATION FOR FOR THE SUBDIVISION OF FARM 1557 INTO PORTION B, PORTION C, AND THE REMAINDER PORTION; THE CONSOLIDATION OF ERF 16576 WITH ERF 13836 TO CREATE A 4.44 HA PROPERTY; THE CONSOLIDATION OF PORTION B WITH ERF 16566 TO FORM A 7.77 HA PROPERTY; AND AN EXEMPTION TO ESTABLISH A SERVITUDE RIGHT-OF-WAY OVER THE REMAINDER OF FARM 1557 IN FAVOUR OF PORTION C. (LU/16752)</p> <p>Discussion:</p> <p>a. Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal.</p> <p>b. Clarity on the proposal was given in relation to the proposed subdivided portions and the intended use thereof. It was noted that the motivation for the subdivision to create Portion C was not clear and one should be cautious of the possibility of urban sprawl.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm I 557 and Erf 16566, Stellenbosch for:</p>

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- 1.1 **Subdivision of Farm 1557** into **three portions, Portion B** (5,5 ha), **Portion C** (4.5 ha) and the **Remainder Portion** (44.7ha) in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015.
- 1.2 **Consolidate of Portion B** (5,5 ha) with **Erf 16566** (2.27ha) = 7.77ha portion is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015.

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

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

- 2.1 The subdivision and consolidation would result in part of the newly created property extending beyond the designated urban edge.
- 2.2 The subdivision and consolidation would also permit structures to be erected within the existing rural area that normally would not be permitted as a primary land use right thereby potentially having a negative visual impact on the surrounding area as a result of the topography of the consolidated property.
- 2.3 The proposal would result in the creation of an economically non-viable Portion of agricultural land, due to its size, orientation, and topography.
- 2.4 The proposal is also not aligned with the 2023 Stellenbosch Spatial Development Framework for agricultural land which does not promote the subdivision of agricultural properties located outside the urban edge.
- 2.5 The proposal is not aligned with the Western Cape Land Use Planning Guidelines for Rural Areas (March 2019), which promote the consolidation of agricultural land to prevent fragmentation and avoid compromising the economic viability of existing farming operations.

3. The **Consolidation of Erf 16576** (0,6989 ha) with **Erf 13836** (3,74 ha) in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2023.

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

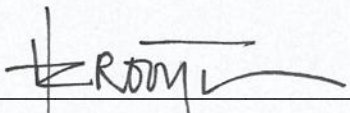
4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council 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 proposal.
 - 4.3 The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG approved consolidation diagram for record keeping purposes.

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	<p>4.4 No structures other than those related to agricultural activities may be constructed on the portion of the consolidated property comprising Erf 16576, in order to preserve the current agricultural uses and maintain the existing scenic and rural character of the area.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The two properties are zoned Agricultural and Rural Zone and are located within the urban edge.</p> <p>5.2 The consolidation of these properties will not result in any additional land use rights being granted but create a sustainable agricultural entity.</p> <p>5.3 The approval will have no negative impact on the existing scenic and rural character of the area.</p> <p>5.4 The proposal is consistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasize the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms thereby creating sustainable agricultural entities.</p>
SMPT 08/08/25	OTHER MATTERS
8.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<ol style="list-style-type: none"> 1. With reference to the discussion on the national title deed programme, the external MPT members requested the Municipality to prepare a statement on the current situation in Stellenbosch Municipality to be presented to the MPT at the next meeting. 2. Upon request, it was noted that in future the Municipality will table and discuss the draft rural guidelines and the review of the housing market study, and the work done with the DAG on Inclusive Housing, as well as the draft zoning scheme by-law. 3. It was also requested that the Municipality should be more proactive in seeking input into policy and guideline documents from the external MPT members as a useful resource to assist the Municipality. 4. The Chairperson noted the appointment of the new Mayoral Committee Member for Planning, LED and Tourism, Councillor Tamryn Kumm, and invited her to attend a future meeting.
8.2	APPEALS RECEIVED AGAINST MPT DECISION
	<ol style="list-style-type: none"> 1. An appeal was received on the decision by the MPT to refuse the application for consent use on Farm 1252, Stellenbosch for tourist accommodation and facilities.

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	<ol style="list-style-type: none"> 2. An appeal was received on the decision by the MPT to refuse the application for consent use for a tourist accommodation establishment and departure on farm no. 266/11, Stellenbosch division 3. An appeal was received on the decision by the MPT to refuse the application 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.
8.3	GENERAL
	<ol style="list-style-type: none"> 1. The detail, quality and resolution of the plans included in the Agenda are poor and not clearly visible, and a request is made that the Municipality share site plans separately. 2. The Municipal Public Viewer can be accessed at the following link: https://experience.arcgis.com/experience/b22e3950771444e48542edaf4a1afdce/page/Main-Map/



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



APPLICATION FOR THE REZONING OF ERF 787, HAMMAN STREET, FROM CONVENTIONAL RESIDENTIAL ZONE TO MIXED USE ZONE TO ALLOW FOR THE EXISTING BUILDINGS ON THE PROPERTY TO BE USED AS OFFICES. (LU/16567)

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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/16567	Commencement Date	06-03-2024
Applicant	Arch Town Planners (Pty) Ltd	Last day for comments or additional information	27-09-2024 08
Erf	787	Place	
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*
	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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

The subject property, Erf 787, forms part of the historic "water erf," which originally extended from Dorp Street to the Eerste River before being subdivided into three equal portions. Over time, the erven to the north were developed and, in some cases, restored. The historic building fronting Dorp Street, La Gratitude, was initially converted into a restaurant and now accommodates offices, with a modern office block constructed behind it. This office block was later subdivided, enabling the development of a townhouse complex forming the northern boundary of the subject property. Access to these developments, as well as to Erf 787, is provided from Dorp Street via an access servitude road.

The subject property which is the remaining "undeveloped portion", which lies directly south of the townhouse complex, abutting the Eerste River. Accessed to the subject property can be obtained via a servitude road from Dorp Street or via Hamman Street. 32 on-site parking bays have been provided, and accesses is taken from Hamman Street. The subject property measures nearly 9 000m² in size and is zoned Conventional Residential. Given its size, use as a single residential erf is impractical and therefore the application. The applicant also owns the adjacent Erf 786, which is vacant, and together these two erven cover approximately 11500m², offering greater development potential if consolidated.

In 2016 the owner obtained approval to utilise the existing dwelling for offices in the form of a temporary departure. The approval granted was limited to five years in terms of LUPO. With the adoption of LUPA, the applicant once again applied for a further five-years in 2023 which was supported by the Land Use Section, but this decision was appealed by the adjoining property owner, and the Appeal Authority subsequent approved the temporary departure but limiting it to one year. (Previous approvals attached as **Annexure F**.) As a result of this the owners are now applying to rezone the property to Mixed Use to utilize only the existing buildings on the property for office purposes, as a further extension of the temporary departure is not possible and the only means of continuing to use the existing buildings for offices as a land use right is to rezone the property.

Given the size and central location of the subject property, it is reasonable to expect that it will, in time, be redeveloped in its entirety, however, as the landowner currently is uncertain about the most suitable long-term development option and therefore is applying to utilize the existing buildings for office purposes as previously permitted. This is seen by the owner as the 1st phase of redeveloping the property as it will enable an income to be generated from the property without having an impact on its surroundings and will permit the landowner additional time to determine the optimal redevelopment approach, which is anticipated to be a complex, lengthy, and costly process.

Following consultation with the Spatial Section of the Municipality, the **Mixed-Use Zoning** was identified as the most suitable zoning to allow offices as a primary land use right and to limit the impact of the proposal to what had already in principle been supported in terms of a temporary departure, as only the existing buildings on the property would be used / converted to office space (±800m²), with any future extensions, new structures, or redevelopment requiring / resulting in a revised application being submitted which could be widely public participated, with the required detailed plans and studies being in place.

ASSESSMENT CHECKLIST			
CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed			The application was widely advertised and included the Eikestad Nuus. An on-site notice was placed on the property, with e-mails and registered letters being sent to surrounding affected property owners and community organizations. Several objections were received but most were withdrawn following consultation between the applicant/property owners and the objectors. Currently, only one objection from the owner of Erf 14144 remains, with the Stellenbosch Interest Group submitting a conditional objection, which is attached as Annexure I to this item, thus out of a total of 23 property owners notified (excluding the press notice), excluding the Stellenbosch Interest Group, the majority of property owners support the proposal as indicated.
Conditions imposed by departments			Directorate Infrastructure Services imposed conditions of approval should the proposal be supported Internal comments attached as Annexure G .
DCs applicable			Yes should the application be supported. Internal comments attached as Annexure G .
Objections received			Initially several objections were received inclusive of the one received from the Stellenbosch Interest Group, of which all were withdrawn except 1 which was received from the owner of Erf 14144. Refer to addendum to the portfolio of evidence dated 11 April 2025, attached as Annexure E & Objection attached as Annexure I .
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65			The Stellenbosch Spatial Development Framework (SDF) promotes infill and densification by prioritizing brownfield over greenfield development in areas with access to good public transport facilities / routes. It further encourages integrated, mixed-income projects while discouraging segregated estates to support inclusive growth aligned with the CBD's urban character. The SDF further advocates for locally integrated commercial zones, retail in pedestrian-heavy areas, and well-managed markets spaces to strengthen opportunities for small-scale business and traders within the Stellenbosch CBD area.

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW	
Socio-economic impact	<p>The proposal would prioritise short-term financial gain and return on investment over the long-term best use of the land. Converting the property to offices will contribute to worsening traffic congestion, discouraging tourism and pedestrian activity, and undermining the heritage and residential character of Hamman and Dorp Streets. This, in turn, risks driving out permanent residents, weakening community cohesion, and reducing the area's vibrancy after hours since office developments are largely inactive at night. The lack of continuous activity can create opportunities for crime and urban decay, threatening safety and security.</p> <p>By contrast, medium-density residential development is viewed as more socio-economically beneficial, as it would support tourism, integrate better with surrounding land uses, promote non-motorised transport, increase safety through continuous occupation, and complement the appeal of the area as a mixed residential and tourist destination. Overall, the socio-economic impact of office rezoning is assessed as negative, as it jeopardises the long-term wellbeing, safety, and liveability of the community while undermining tourism and heritage-related economic opportunities</p>
Compatibility with surrounding uses	<p>The proposed rezoning of Erf 787 for office use is considered incompatible with the surrounding land uses, as the property is situated within a predominantly residential environment along Hamman Street, where many permanent residents still live, and where the character has remained intact compared to nearby streets that have been eroded by office conversions. Addition of a formal office development will introduce traffic and parking pressures that conflict with the residential function of Hamman Street, in contrast to La Gratitude and other offices that gain access directly from Dorp Street.</p> <p>The proposal does not align with the spatial vision that encourages residential and tourism-related development in this area, as such uses support vibrancy, safety, and compatibility with the historic and residential character. By comparison, offices tend to generate activity only during business hours, leaving the area inactive and vulnerable after hours, which undermines both the wellbeing of residents and the heritage qualities of the street / precinct.</p> <p>The proposed rezoning is seen to be at odds with the prevailing residential and tourism-oriented land uses and risks disrupting the balance and character of the neighbourhood / street.</p>
Impact on the external engineering services	<p>The proposed rezoning of Erf 787 is expected to place additional strain on the external engineering services, particularly the road and traffic network. Office development on the site will contribute to the already serious congestion experienced in Dorp Street and further exacerbate traffic pressure at the Hamman Street and Dorp Street intersection.</p> <p>The cumulative effect of existing and proposed office and commercial developments along the Dorp Street tributaries is significant and requires proper investigation. Furthermore, Hamman Street, which</p>

	retains its residential character, will be negatively affected by increased traffic accessing the cul-de-sac, in contrast to developments like La Gratitude that take access directly from Dorp Street.
Impact on safety, health and wellbeing of the surrounding community	Due to the high traffic volumes passing through the Dorp Street precinct, many residential houses have already been converted into offices, some with permission and many being illegal. The combined effect of this is that a high number of motor vehicles make use of Dorp Street during peak traffic hours to access their offices, which often results in gridlock during peak hours, resulting in the out-migration of permanent residents not wanting to cope with the excessive traffic volumes during this period. Krige Street which runs parallel to Hamman Street, is a good example of where office use, both legal and illegal, has degraded the character and quality of the street as the residential character has been lost.
Impact on heritage	<p>The proposed rezoning of Erf 787 for office use is expected to negatively affect the heritage significance of the surrounding area, particularly Dorp Street and its historic precinct. Dorp Street already suffers from excessive traffic volumes, which undermine its environmental capacity, causing noise, air pollution, and unsafe conditions for pedestrians and tourists.</p> <p>Approving further office development will intensify these pressures, eroding the cultural and historic value of the area and diminishing its role as a premier tourist destination. The incremental conversion of residential properties into offices has already altered the character of nearby streets, such as Krige Street, and threatens to do the same in Hamman Street. Further undermining the traditional residential and heritage character of the neighbourhood. The proposal will aid in degrading the unique heritage setting of Dorp Street by prioritizing short-term commercial gain over the long-term preservation of its historic, cultural, and tourism value.</p>
Impact on the biophysical environment	<p>The proposed rezoning of Erf 787 for office use may have several indirect but significant impacts on the biophysical environment. The property is located adjacent to the Eerste River and includes open land along the riverbanks, which are described as a tranquil natural setting belonging to the municipality.</p> <p>Converting the site to office use would isolate this riverfront land, potentially leading to neglect, reduced public accessibility, and an increased risk of crime or environmental degradation.</p> <p>Furthermore, the anticipated increase in vehicle traffic associated with office development will contribute to higher levels of noise and air pollution within the Dorp Street precinct, adversely affecting both environmental quality and the experience of residents, pedestrians, and tourists.</p> <p>The rezoning proposal risks degrading the natural and environmental assets of the area, particularly the Eerste River frontage and by prioritizing traffic-intensive office use over more sustainable residential and tourism-related land uses.</p>

<p>Traffic impacts, parking, access and other transport related considerations</p>	<p>The development will add to the already serious traffic congestion in Dorp Street, one of the main east-west routes through the historic core, where capacity cannot be increased without damaging heritage resources such as historic buildings and oak trees. Increased office activity will further strain the Hamman Street and Dorp Street intersection, which is already problematic and unsafe for vehicles, pedestrians, and non-motorized transport.</p> <p>The subject property obtains access from Hamman Street, a cul-de-sac that still retains a largely residential character, which may accommodate the immediate needs but will still channel traffic into the narrow cul-de-sac, exacerbating localized congestion and residential disruption.</p>
<p>Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land</p>	<p>The primary concerns raised relate to cumulative traffic congestion in Dorp Street, increased pressure on the Hamman Street cul-de-sac, the erosion of the residential character of the area, and the undermining of the historic and tourism value of the precinct.</p> <p>These are structural impacts that cannot be fully addressed through conditions such as limiting office numbers, managing parking, or requiring minor access adjustments.</p> <p>Similarly, conditions aimed at securing on-site parking or managing hours of operation would not resolve the issue of offices being largely vacant after hours, reducing surveillance and increasing risks to safety and security.</p> <p>In essence, while conditions could marginally regulate aspects of access, parking, or traffic management, they cannot mitigate the fundamental incompatibility of office development with the residential, heritage, and tourism-oriented character of Hamman and Dorp Streets. The adverse impacts identified are therefore inherent to the proposed land use change and cannot be meaningfully neutralized through conditions.</p>

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:

- The precinct between the Eerste River and Alexander Street is better suited to residential and tourism related land uses such as guest houses, boutique hotels, townhouses, restaurants, and cultural facilities, which contribute to vibrancy and safety.
- Office proliferation, both legal and illegal, has already caused severe congestion and out-migration of permanent residents in nearby streets like Krige Street, where the residential character has been eroded due to the introduction of offices.
- The location of the subject property is better suited to medium-density residential development, which would complement both Hamman and Dorp Streets, supporting tourism, promoting NMT, thereby mitigate the impact of traffic, and enhance safety.

- The rezoning to Mixed Use would encourage office development at the expense of a more suitable land use, jeopardizing Hamman Street's residential character, worsening congestion, and potentially leaving the riverfront land vulnerable to neglect and crime.

The subject land use and land development application is, having regard to the conclusions above, viewed as Deviating from the relevant principles and policy and consequently grounds for not supporting the subject land use and land development application.

List relevant plan numbers	Site Development Plan, Drawn by: AJK, Dated: 2504-2023; Pages 1 to 6
List annexures to report	Annexure A: Locality Plan Annexure B: Site Development Plan Annexure C: Motivation Report Annexure D: POE Annexure E: Addendum to POE. Annexure F: Previous Approval Letters. Annexure G: Internal Departments Comments. Annexure H: Traffic Impact Assessments. Annexure I: Remaining Objection.

RECOMMENDATION

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw for the Rezoning of Erf 787, Hamman Street, from Conventional Residential Zone to Mixed Use Zone to allow for the existing buildings on the property to be used as offices.

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:

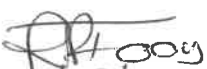
- 2.1. The rezoning to Mixed Use would encourage office development at the expense of a more suitable land use, jeopardizing Hamman Street's residential character, worsening congestion, and potentially leaving the riverfront land vulnerable to neglect and crime.
- 2.2. The subject property is more appropriately suited for medium-density residential development, which would align with the character of both Hamman and Dorp Streets, support tourism, encourage non-motorized transport, help reduce traffic impacts, and contribute to a safer environment.

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: R Foooy

Capacity: S.T.P
SACPLAN Registration:

Signature: 
Date: 10/09/2024

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the Categorisation Model approved vide Item 10.8.1 dd dated 26 February 2025.

Category / Delegation Item Number: A.c.

Decision Making Authority: MPT

Rational: Rezoning of any land to use in A nature that are deemed too may cause the transformation of an area.

Name:

Steven Castles

Capacity:

SNAM

SACPLAN Registration:

A/1557

Signature:

Date:

[Signature]

12/9/2025

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:

Name:

Capacity:

Signature:

Date:



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ANNEXURE A

Erf 787 Hamman St Locality



Date created: 2023/12/12



Source: Esri, Maxar, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, Esri, DeLorme, HERE, Garmin, FAO, NOAA, USGS, etc. All rights reserved. No warranty is made by the copyright holder for the use of the data in the map.



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ANNEXURE B

Contractors to ensure that all work is done in strict accordance with latest regulations & requirements of applicable Authorities including : Local Municipal Authority; National Building Regulations; CSP Technical Guide to Good House Construction (residential work)

2. Quality of materials and workmanship to comply with the latest relevant Codes & Specifications of SABS & BSS & the min standards of Standard Preliminaries & the model Preliminaries for Trades.

- Contractor must view site and works and allow for any contingencies necessary to complete the works satisfactorily. Special care must be taken to consider factors more important than information and dimensions given on plan.
- Contractors to check the details on the drawing for compliance with standards of good building practice, with particular reference to requirements by local or site conditions and report any discrepancies to author/owner.
- No setting out is to commence before site boundary peg positions are verified and confirmed by the Surveyor. General setting out including the boundaries & building lines & verification of services are the Contractor's responsibility.

- 7 Contractor to verify all levels, heights & dimensions on site and check the same against drawings before any work is put in hand. Figure dimensions are to be used at all times and large scale details take precedence over small scale. This drawing is not to be scaled.
- 8 Only the latest approved drawings may be used for the construction of the works. All superseded and other drawings must be removed from the site.
- 9 The author shall not be held responsible for any defect, irregularity or failure to perform of any material, equipment, system, machinery or incorrect interpretation of the drawings or any other consequences of information already disseminated.

10. Drawing prepared on basis of visual surface observations of the site. Regardless of depth shown, 75% of the excavations for foundations shall be taken down to and into stable undisturbed soil.
11. Any errors, discrepancies, omissions and all queries are to be reported immediately to the author/owner for clarification before any work is put in hand.
12. The copyright of this drawing remains with the author and may only be used for the purpose for which it was produced. It may not be amended, re-produced or reproduced without the written consent of the author.

alan king
townplanning and
architectural consultant

email: kingalanj54@gmail.com
tel 021 8553861 cell 082-4667715

client J WINSLOW

project SITE DEVELOPMENT PLAN
FOR REZONING APPLICATION
ERF 787, HAMMAN STR STELLENBOSCH

training

from	a/k/	checked
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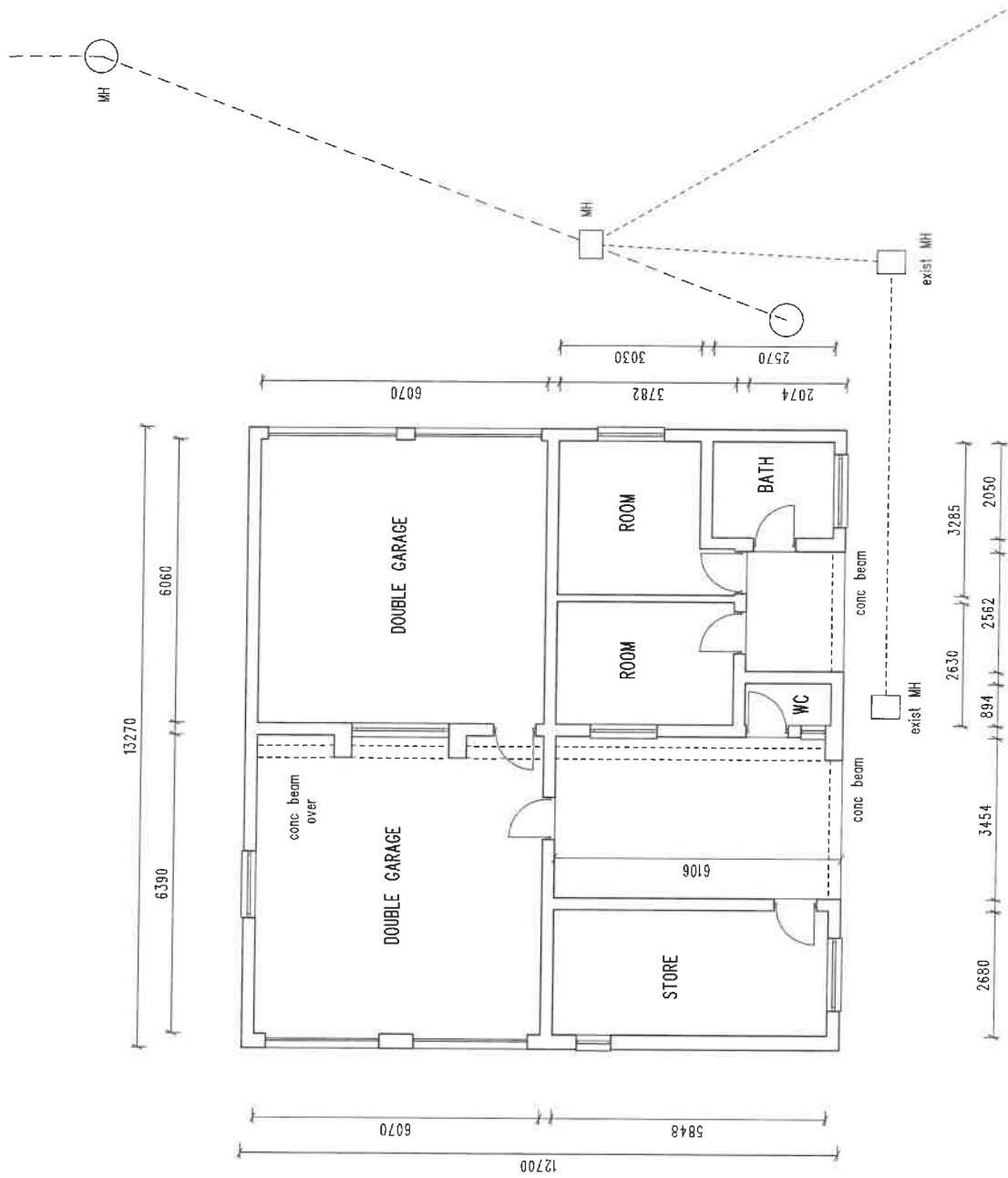
Area of Site	= 8795 m ²
Existing Building	= 491.70 m ²
Existing u/r Sloop	= 24.93 m ²
Existing Cellar	= 48.31 m ²
Existing Outbuilding	= 168.53 m ²
New Covered Walkways	= 62.51 m ²
Total area of Buildings	= 795.98 m ²
Existing Terrace	= 63.28 m ²

DIMENSIONS & LEVELS TO BE CHECKED ON SITE	
revision	

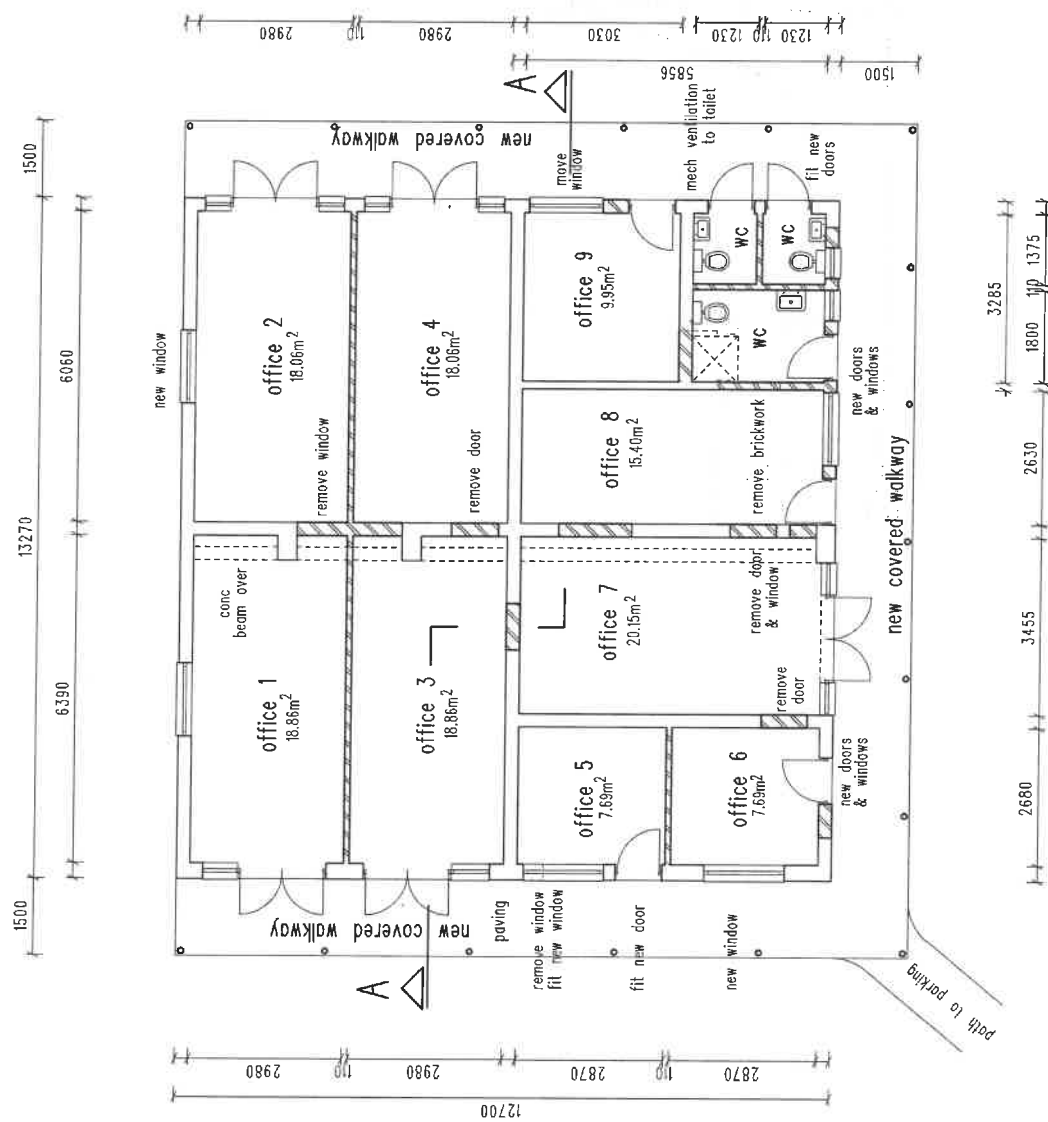
 alan king townplanning and architectural consultant email: kingalanj54@gmail.com tel 021 8553861 cell 082-4667715	client J WINSHAW
---	-----------------------------------

project SITE DEVELOPMENT PLAN FOR REZONING APPLICATION ERF 787, HAMMAN STR STELLENBOSCH	drawing EXISTING OUTBUILDING
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drawn gjk-	checked
scale 1:100	date 25-04-2023
project no W.04/23	drawing no 2 of 6

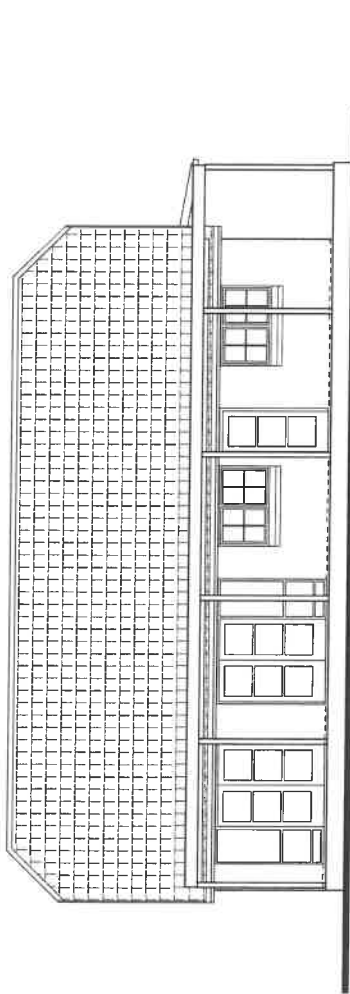


PLAN EXIST OUTBUILDING 1:100

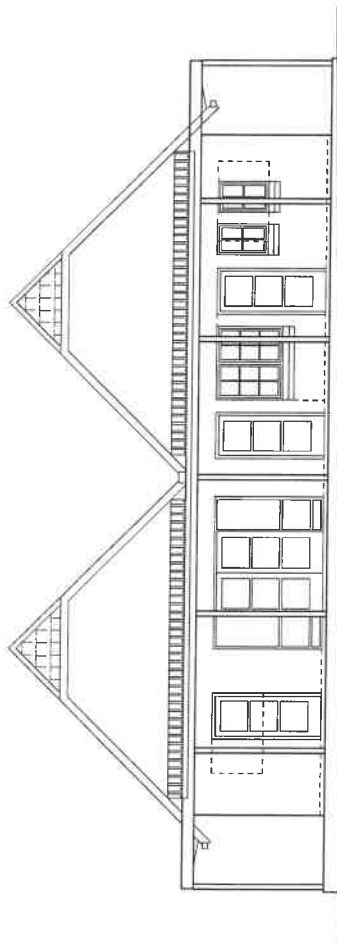


PLAN NEW OFFICE LAYOUT 1:100

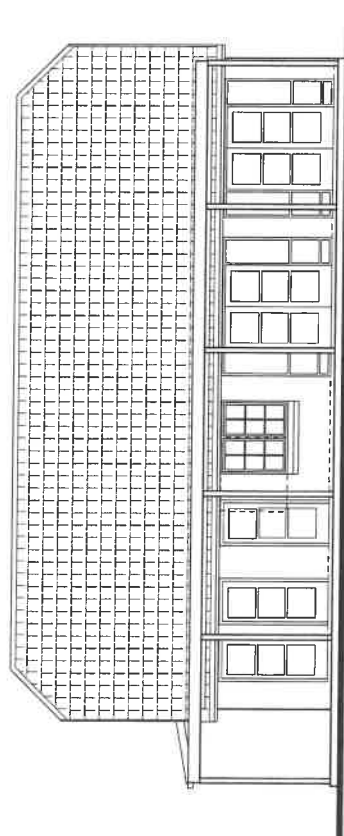
Gross Leasable Areas	
Office 1	= 19.79 m ²
Office 2	= 18.78 m ²
Office 3	= 20.65 m ²
Office 4	= 19.61 m ²
Office 5	= 8.58 m ²
Office 6	= 8.21 m ²
Office 7	= 22.13 m ²
Office 8	= 16.92 m ²
Office 9	= 11.02 m ²
Total	145.69 m²
Area of Site	= 8795 m ²
Existing Building	= 168.53 m ²
New Covered Walkways	= 62.51 m ²
Gross leasable area	= 145.69 m ²
DIMENSIONS & LEVELS TO BE CHECKED ON SITE	
revision	
 alan king townplanning and architectural consultant email: kingalanj54@gmail.com tel 021 8553861 cell 082-4687715	
client	J WINSHAW
project	SITE DEVELOPMENT PLAN FOR REZONING APPLICATION ERF 787, HAMMAN STR STELLENBOSCH
drawing	NEW OFFICE FLOOR PLAN
drawn	gjk checked
scale	1:100 date 25-04-2023
project no	W.04/23 drawing no 3 of 6



SOUTH ELEVATION

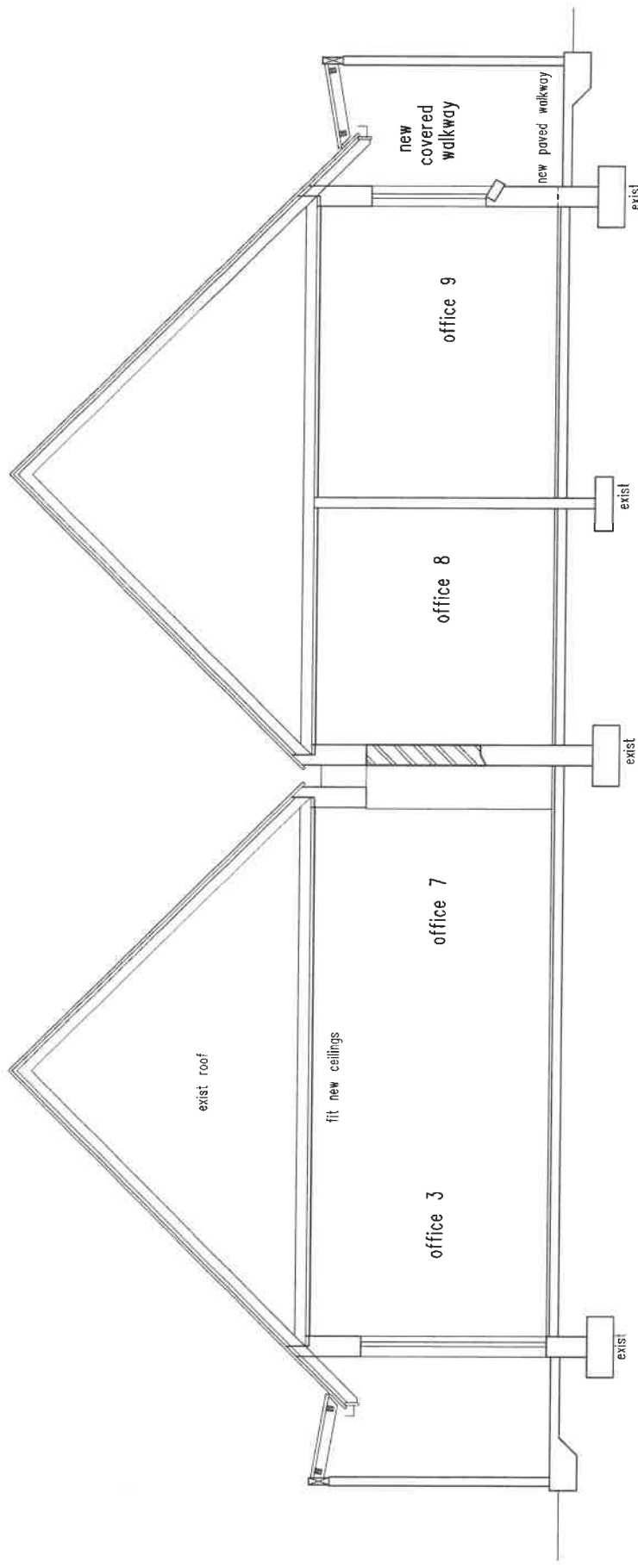


EAST ELEVATION



NORTH ELEVATION

FOUNDATIONS Strip foundations of 230mm walls to be 800x300. 100mm wall foundations to be 600x200. Foundation depth and size to suit ground conditions.		SPECIFICATION
FLOORS Finish on 30mm screed on 100mm conc slab on 250 mic dampproof membrane lap joined, sealed & turned up around perimeter of & for the full thickness of the slab. Fill to be well graded and compacted in layers not exceeding 150mm.		
REINFORCED CONCRETE To be engineer designed to conform to part 'b' of NBR. and to be certified		
WALLS External walls to be 230mm brickwork, plastered and painted to match. Internal walls to 114x38mm timber studs with fibre reinforced cement boards.		
D.P.C TO WALLS. 375mic embossed Brickgrip to all walls, installed min 150mm above the level of adjoining ground at external perimeter of walls. Cavity walls to be provided with weep-holes at 1000' c/c.		
WALL TIES Cavity walls to be provided with wall ties at a rate of 2.5/sgm, such ties to comply with requirements contained in SABS 28.		
WINDOWS & DOORS Precast concrete lintols to support brickwork above all frames.		
ROOF Existing roof structure		
COVERED WALKWAYS Corrugated sheets on 114x38mm timber rafters		
GUTTERS P.V.C gutters and down pipes or to match exist water to be taken away from foundations.		
CEILING Rhino-board ceiling, with 76mm coved cornice on 38x38mm bracing at 400c/c max		
ELECTRICAL Allow for light & power, points as directed by owner, including TV & telephone joints		
DIMENSIONS & LEVELS TO BE CHECKED ON SITE		
revision		
client		alan king townplanning and architectural consultant email: kingalanj54@gmail.com tel 021 8553861 cell 082-4667715
project		J WINSHAW SITE DEVELOPMENT PLAN FOR REZONING APPLICATION ERF 787, HAMMAN STR STELLENBOSCH
drawing		NEW OFFICE ELEVATIONS
drawn	gjk	checked
scale	1:100	date 25-04-2023
project no	W.04/23	drawing no 4 of 6



SECTION A-A 1:50

revision				
<div>alan king  townplanning and architectural consultant email: kingalanj54@gmail.com tel. 021 8553861 cell 082-4667715</div>				
client	J WINSHAW			
project	SITE DEVELOPMENT PLAN FOR REZONING APPLICATION ERF 767, HAMMAN STR STELLENBOSCH			
drawing	SECTIONS			
drawn	gjk	checked		
scale	1:50	date	25-04-2023	
project no	W.04/23	drawing no	5 of 6	

Gross Leasable Areas

Office 1	=	17.77 m ²
Office 2	=	20.62 m ²
Office 3	=	38.42 m ²
Office 4	=	46.34 m ²
Office 5	=	65.57 m ²
Office 6	=	29.51 m ²
Office 7	=	7.81 m ²
Office 8	=	28.89 m ²
Office 9	=	10.99 m ²
Office 10	=	28.37 m ²
Office 11	=	12.62 m ²
Office 12	=	22.21 m ²

Total

329.12m²

Area of Site	=	8795 m ²
Existing Building	=	491.70 m ²
Existing u/r Steep	=	24.93 m ²
Existing Cellar	=	48.31 m ²
Existing Outbuilding	=	168.53 m ²
New Covered Walkways	=	62.51 m ²
Total area of Buildings	=	795.98 m ²
Existing Terrace	=	63.28 m ²

DIMENSIONS & LEVELS TO BE CHECKED ON SITE

revision

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email: kingalanj54@gmail.com
tel 021 8553861 cell 082-4667715

client J WINSHAW

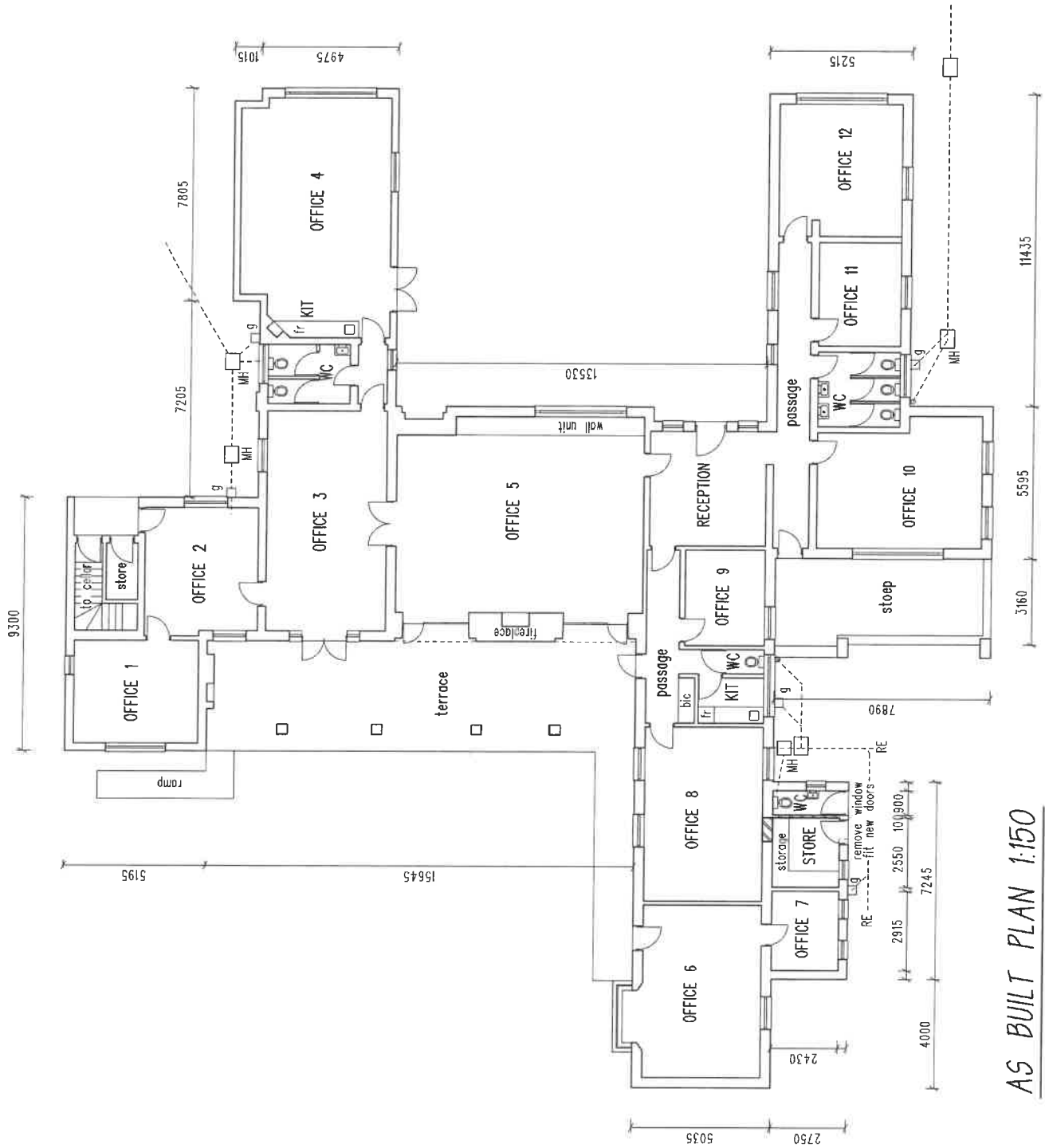
project SITE DEVELOPMENT PLAN
FOR REZONING APPLICATION
ERF 787, HAMMAN STR STELLENBOSCH

drawing EXIST OFFICE FLOOR PLAN

drawn gik checked

scale 1:150 date 25-04-2023

project no W.04/23 drawing no 6 of 6



AS BUILT PLAN 1:150



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ANNEXURE C

REZONING APPLICATION

ERF 787 STELLENBOSCH, HAMMAN STREET



December 2023

SUBMITTED TO:

STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY: RENALDO MULLER

Postal Address: Bakkershuis
152 Doerstraat
Stellenbosch, 7600

Email: renaldo@archtownplanners.co.za

Website: www.archtownplanners.co.za



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Annexures

Annexure A: Land Use Planning Application Form

Annexure B:	Power of Attorney
Annexure C:	Title Deed
Annexure D:	Conveyancer's Certificate
Annexure E:	Site Development Plan, Floor Plans and Elevations
Annexure F:	Traffic Statement
Annexure G:	Services Report
Annexure H:	Previous Approval
Annexure I:	Pre-Application

1. INTRODUCTION

1.1 Background Information

Erf 787 Stellenbosch, hereafter referred to as the application site, is situated within Stellenbosch in an area known as Stellenbosch Central. Though the property is zoned Conventional Residential, the scale of the erf, being almost 9 000m², makes it impractical to use the property as a single residential property. In light of this, the owner has in recent years obtained approval to use the existing dwelling house as offices. As the Conventional Residential zoning does not allow for offices of this scale as a permitted right, approval was only granted on a temporary basis (5 years), with the option to extend this right for a further 5 years. The first 5 years have already expired, and approval has recently been issued for another 5 years extension. (Please note the appeal process for this approval is still in process).

The owner would also like to convert the existing garage to offices. As the temporary right for offices cannot be extended again, the only way to establish this right as a permanent right is to rezone the application site to a more suitable zoning category which allows for offices as a primary right. Due to the size and central location of the property it can reasonably be expected that the application site will at some stage in the future be fully redeveloped. However, at this stage, the landowner is still unsure as to the most suitable development option for the application site and would first like to utilize the existing buildings and infrastructure on site to its full potential. This will enable the landowner to generate income from the existing buildings and provide them with time to decide on the best redevelopment option for the application site, which will be a lengthy and costly process.

In consultation with the Municipality, it is considered that the most suitable zoning category to allow for the proposed offices as a primary right, is the Mixed-Use Zoning category. If the proposed rezoning is approved, the approval will be tied to the existing buildings and GLA only and any extensions to the existing building or any new buildings/development will require a new application (for an amendment of the SDP), including all required specialist studies and full public participation which is usually required as part of a rezoning application.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the rezoning of Erf 787 from Conventional Residential to Mixed-Use zone.

Refer to **Annexure A** for the application form.

The power of attorney is attached to this report as **Annexure B**.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15(2)(a) the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') to allow for the following on Erf 787 Stellenbosch:

- i. Rezoning of Erf 787 from Conventional Residential Zone to Mixed Use Zone to allow for the existing buildings to be used as offices.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Current Zoning
Erf 787, Stellenbosch	Jeanette Winshaw	8795 m ²	T1171/1939	Conventional Residential Zone

Table 1 Property Details

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

From our study of the deed, it seems that there are no restrictive title deed conditions in the current deed that will prohibit the development of a mixed-use nature.

Also please refer to the attached Conveyancer Certificate in **Annexure D**.

2.2 Locality

The application site is centrally located within Stellenbosch town, situated between Dorp, Piet Retief and Hamman Streets and the Eersterivier, which forms the southern boundary of the site. It is the last portion of undeveloped, private owned land of this extend within the town centre (please refer to Figure 1 below)

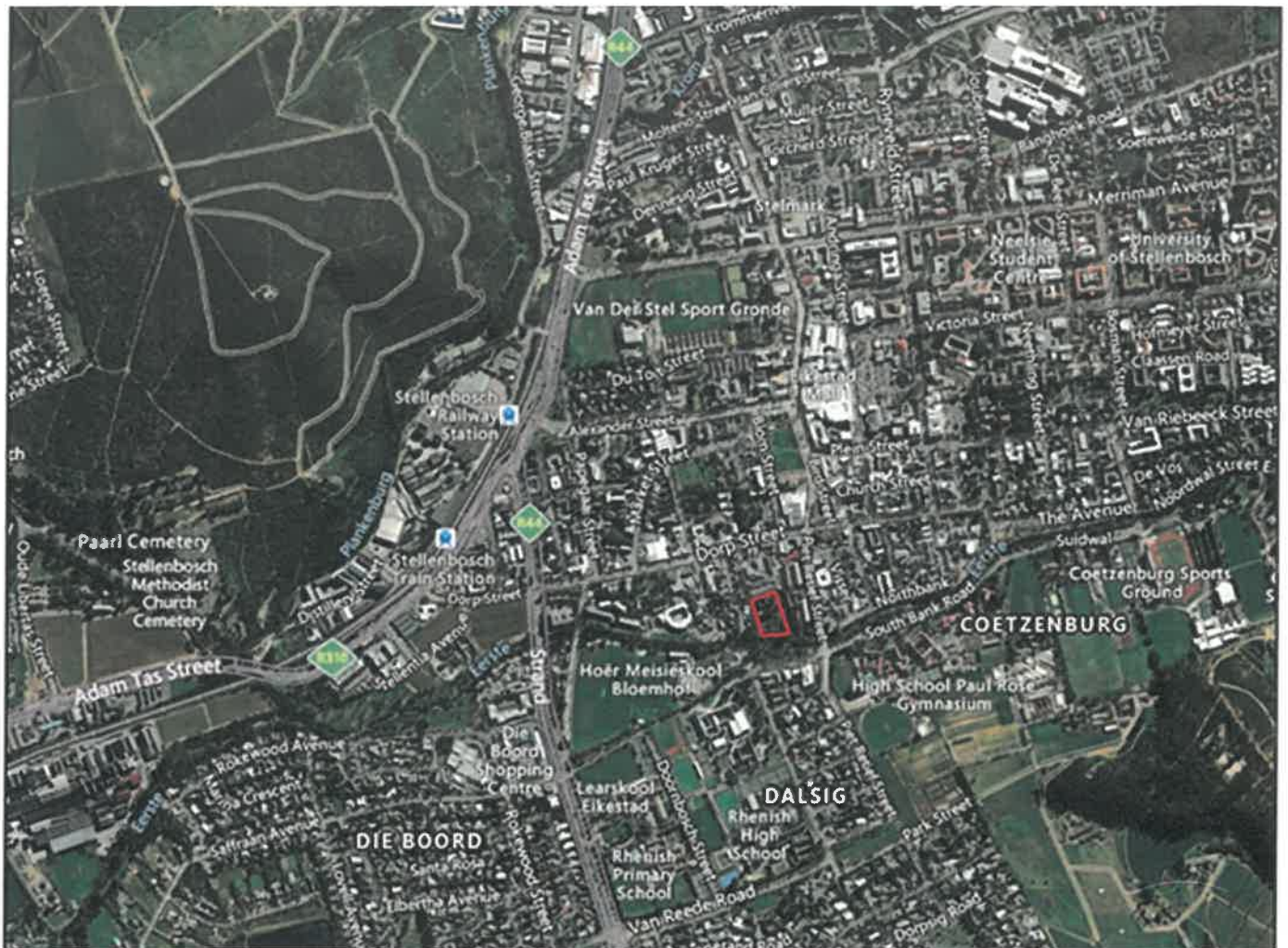


Figure 1: Locality within Stellenbosch

The application site is centrally located within Stellenbosch town, situated between Dorp, Piet Retief and Hamman Streets and the Eersterivier, which forms the southern boundary of the site. It is the last portion of undeveloped, private owned land of this extend within the town centre. Hamman Street, on the western boundary, is a cul-de-sac street with mostly single residential houses of which many have been converted to offices and guest houses. La Gratitude Dorpshuise and offices lies directly north of the site, with the Helderberg Men's Residence on the eastern boundary. The site is within walking distance from Coetzenburg stadium, town centre and various schools, including Bloemhof, Paul Roos and Rhenish, it is well positioned within the context of Stellenbosch thus providing an excellent opportunity for the appropriate development. Erf 786, which is currently vacant and lies adjacent to this property, is also owned by the applicant. Together these properties make up nearly 11 500 m² of underutilised property in a mixed area in Stellenbosch Central.



Figure 2: Local Context

2.3 Physical characteristics, existing and surrounding land uses

The application site is a total of 8795 m² in extent. There is an existing house and outbuilding (garage) on the property. In line with a previous land use approval, the house has been converted (through minimal internal alterations) to offices. The outbuilding (which includes a garage) is not currently in use. The remainder of the site is used for parking and garden area. There is currently one vehicular access point to the property on the western side of the property taking access directly from Hamman Street.

2.4 Current zoning

Properties within the Stellenbosch Municipal Area are regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (hereafter referred to as "the Zoning Scheme"). According to the zoning map below, Erf 787 is zoned **Conventional Residential**, please refer to Figure 3 below:

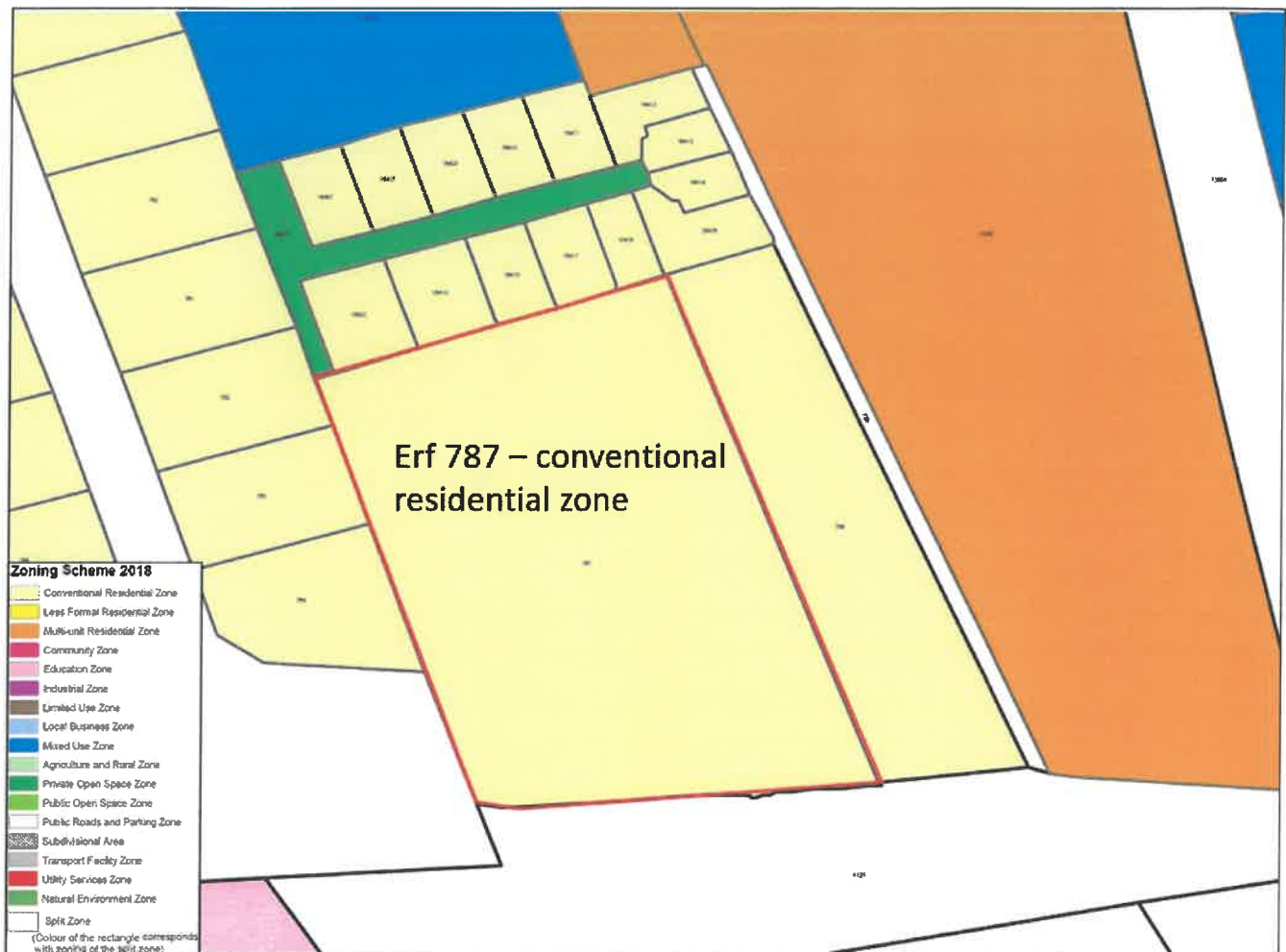


Figure 3 Extract of the Zoning Map

The zoning scheme allows the following uses under conventional residential zoning.

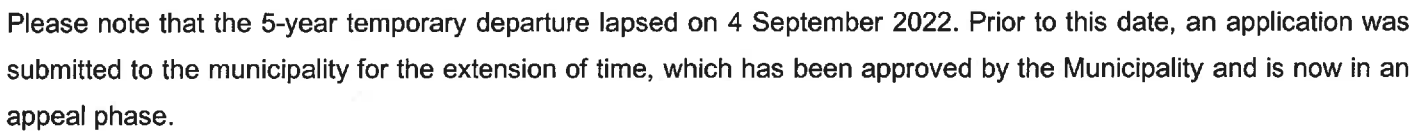
Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> Dwelling house 	<ul style="list-style-type: none"> Bed and breakfast establishment Home occupation practice Home lodging Second dwelling Occasional use (one event/year) Private road 	<ul style="list-style-type: none"> Commune Extramural facility Group housing Guest house House shop Occasional use (>one event/year) Tourist dwelling unit Additional uses exceeding parameters in this chapter

Table 2: Conventional Residential Zoning

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TOWN PLANNERS

“a temporary departure on Erf 787, Haman Street Stellenbosch, in order to utilize the existing dwelling on the property for offices....”

Figure 4: Approved SDP (September 2017)



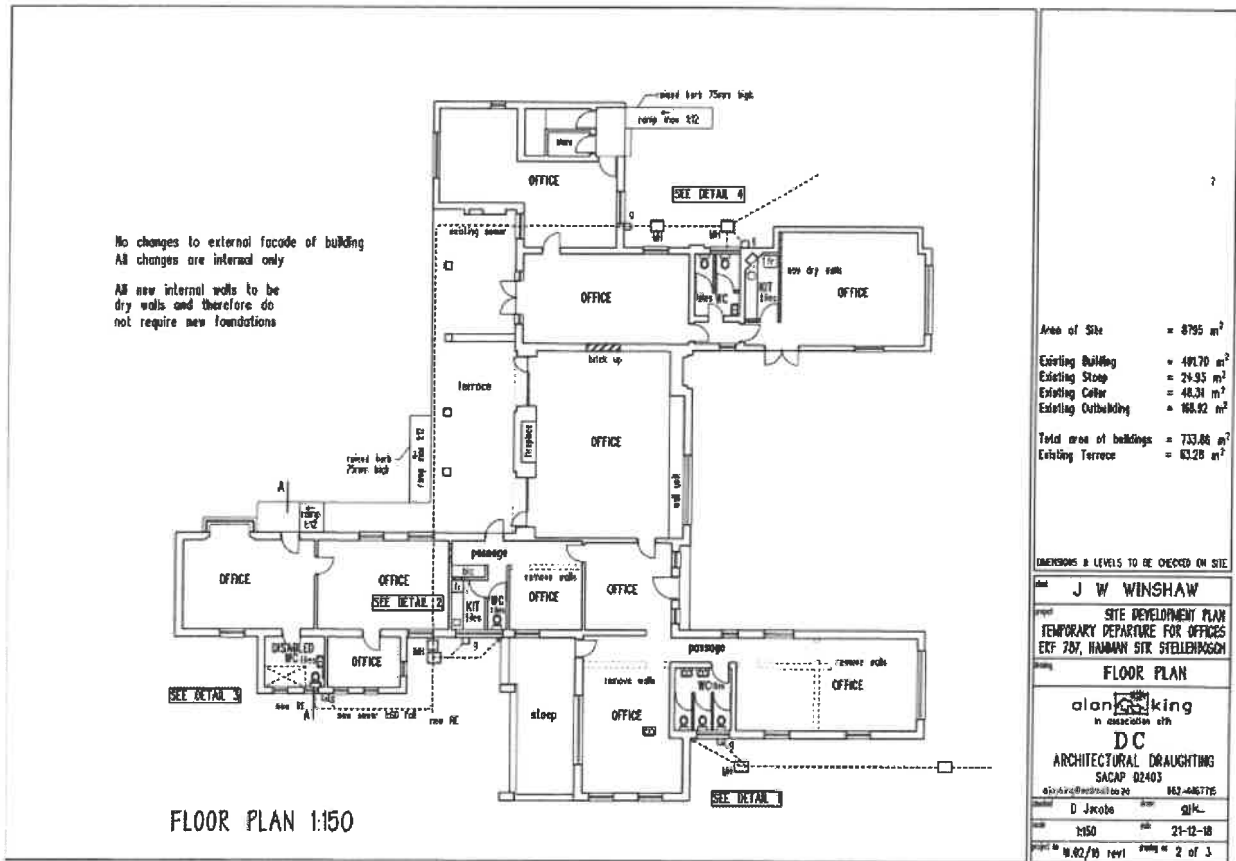


Figure 5: Floor Plan of Approved Offices (September 2017)

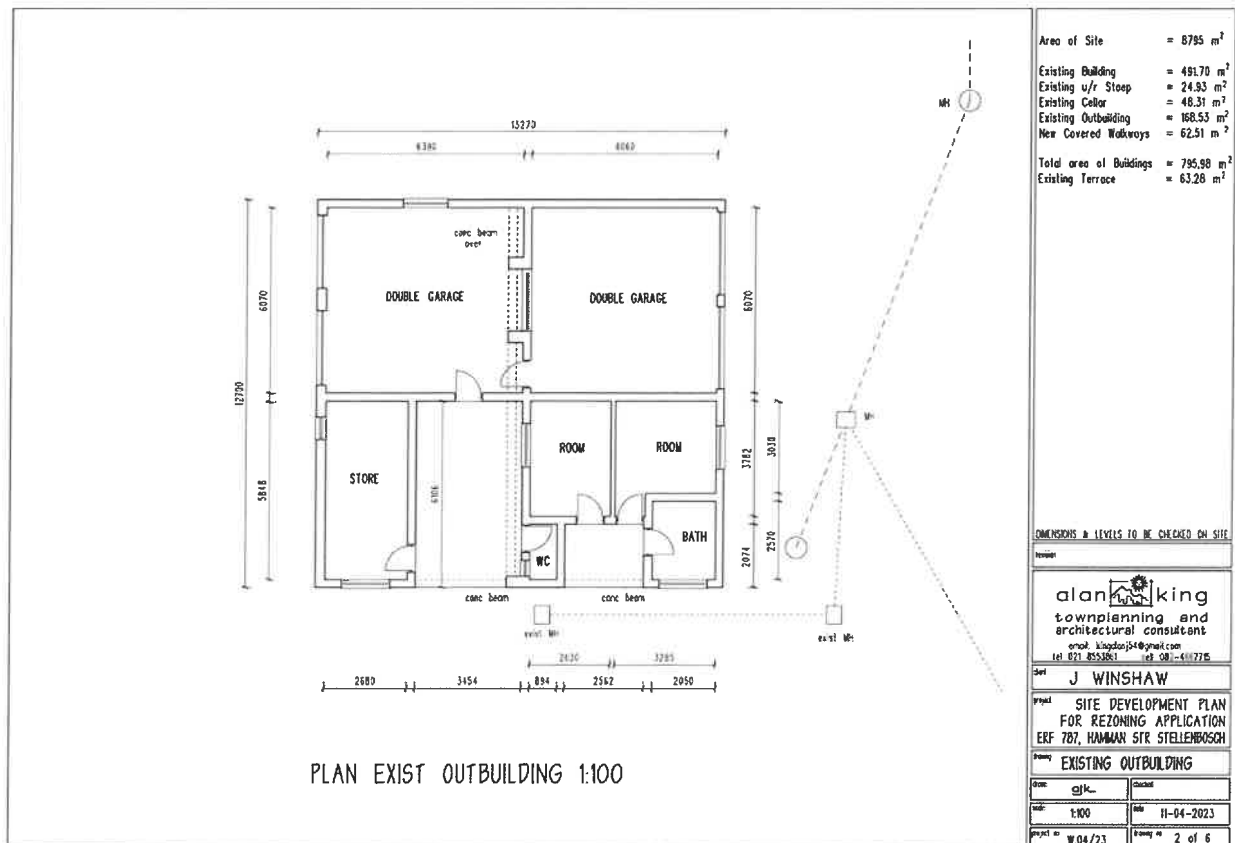


Figure 6: Floor Plan of Existing Outbuilding (September 2017)

3. DEVELOPMENT PROPOSAL

3.1 Proposed Development

The proposed development is purely to allow for permanent rights to convert and use the existing garage (of $\pm 170\text{m}^2$) as offices and to be able to continue to use the existing house as offices. It is important to note that the proposed development will not include any new development or extension of any of the existing buildings.

The existing garage is currently only being used for storage. It has two double garages, a storeroom, bathroom and two smaller storerooms. The intention is to convert the $\pm 170\text{m}^2$ garage to offices, with a GLA of $\pm 145\text{m}^2$. The footprint of the garage will not be altered or changed. The conversion will include internal and external alterations such as subdividing the double garages into smaller offices, replacing the existing garage doors with office doors, adding new doors and windows to allow access and ventilation to the proposed offices and adding a covered walkway on the northern, eastern and southern facade of the building. Parking for the new offices (8 x parking bays) will be provided west of the existing parking area, on the opposite sides of the existing access road. Please refer to Figures 7 below for the layout of the proposed office conversion (please refer to **Annexure E** for a more detailed layout and site development plan):

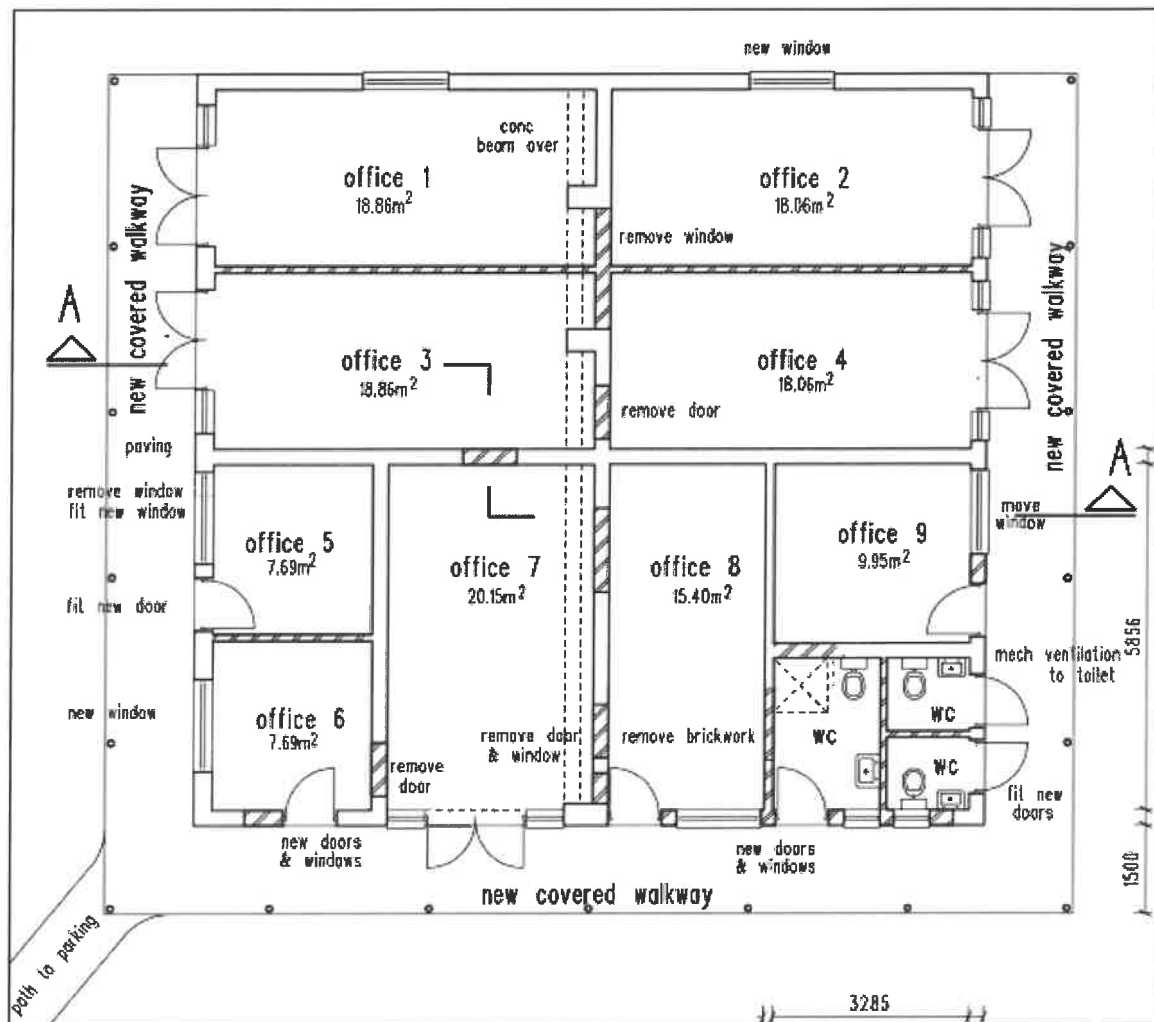


Figure 7: Proposed Outbuilding to Office Conversion Plan

As mentioned above, the existing dwelling house has already been converted to offices, under a temporary departure, which will lapse within a period of 5 years from the date of final decision. For the purposes of this application, it is important to include the offices in the existing dwelling house, as the proposed rezoning will establish the use of the dwelling house as a permanent right.

The existing dwelling house (offices) has a footprint of approximately 565m², including the main building, stoep and cellar, and a GLA of ±330m². Parking is provided in the existing parking area, south of the swimming pool. This application does not include any extensions to the existing dwelling house. Please refer to Figure 8 below for the floor plans of the existing offices (Refer to **Annexure E** for the elevations):

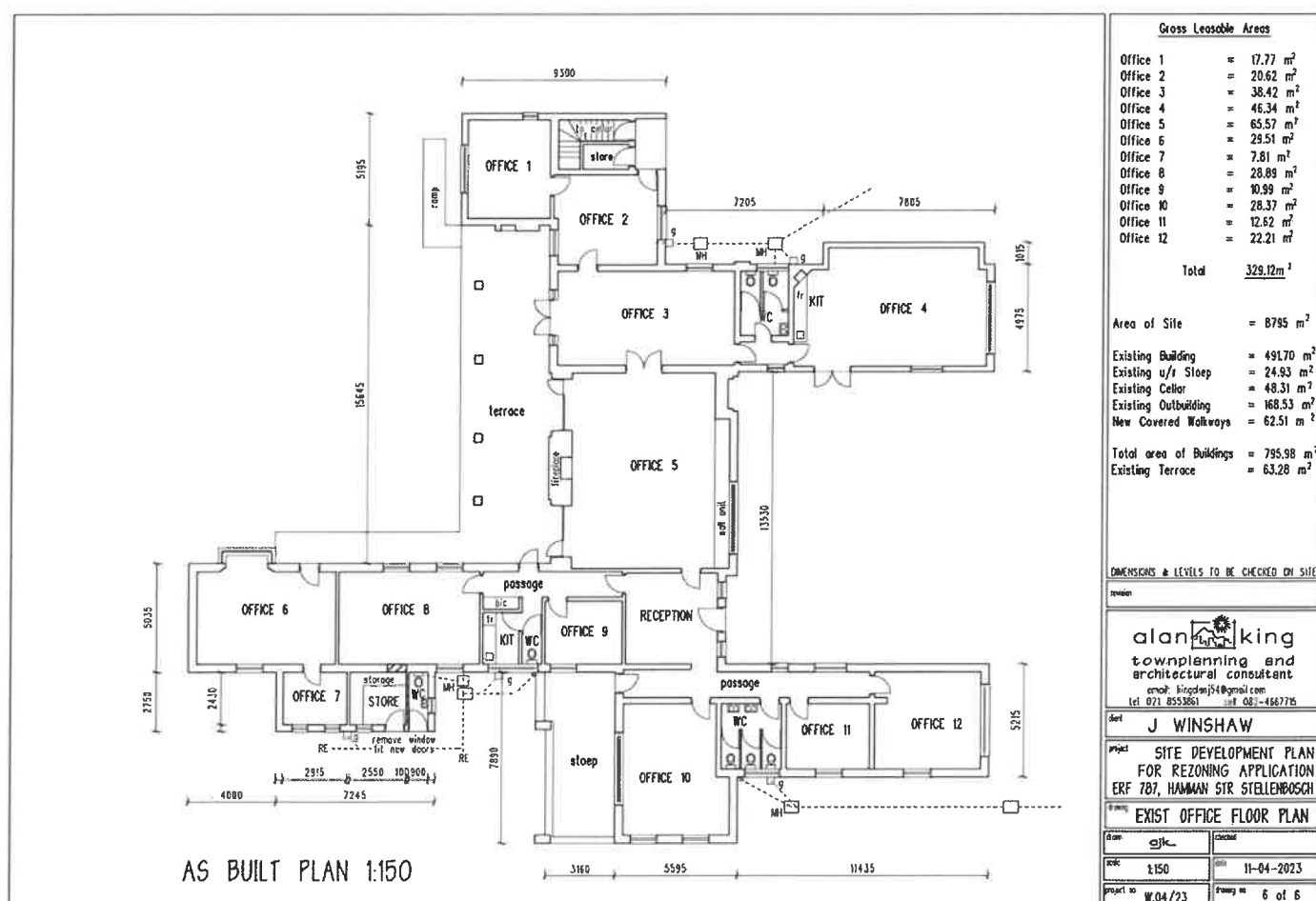


Figure 8: Floor Plan: Offices in Existing Dwelling House

The proposed offices (in the garage and the dwelling house) will have a combined GLA of approximately 475m² which requires a minimum of 19 parking bays. The parking bays as proposed on the SDP therefore comply with the minimum parking required.

It is important to note that the total area of the buildings (including new covered walkway and existing terrace) on site is ±860m² which on a site of 8 795m² equates to ±10%, which is substantially less than that allowed for any erf zoned Conventional Residential (allowable coverage of 40%).

The zoning scheme allows the following uses under mixed use zoning.

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Commune • Business premises (including shops, markets, restaurants, office) • Clinic • Community residential building • Extramural facility • Flats • Guest house • Hostel • Hotel • Occasional use (one event/year) • Plant nursery • Public institution • Public parking area • Private road • Tourist dwelling unit • Tourist accommodation establishment • Welfare institution 	None	<ul style="list-style-type: none"> • Adult Entertainment • Builders yard • Commercial gymnasium • Conference facility • Day care • Filling station • Freestanding base telecommunication station • Funeral parlour • Gambling place • Helicopter landing pad • Hospital • Indoor sport • Liquor Store • Motor vehicle fitment centre • Motor showroom • Occasional use (> one event/year) • Parking garage • Place of assembly • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution • Warehouse

Table 3: Mixed Use Zoning

3.2 Availability of Services

A civil engineering services report was prepared by BART SENEKAL INC. Consulting Civil & Structural Engineers. This section serves as a summary of the report (Refer to **Annexure G** Services Report).

• Water supply

Potable water supply to the development will be from the existing water connection and municipal meter on the water network in Dorp Street. The existing supply line across the adjacent properties is protected by a servitude agreement. The existing water demand is estimated at 1 unit at 1,2 kl/unit/day amounting to 1.2 kl/day. The estimated water demand for the proposed offices is 475m² GLA @ 0.4 kl/100m² GLA amounting to 1.9 kl/day. With an increase of 0.7 kl/day, that additional water demand is minimal, and sufficient spare capacity is available in the existing municipal network to accommodate the additional demand.

• Sewage

An existing 150mm Ø sewer main runs from east to west across the erf and provides a connection point for the property sewerage. The existing sewage run-off from the residential dwelling unit is estimated as follows: 1 unit @ 0.7 kl/unit/day for an estimated 0.7 kl/day. The sewage run-off from the proposed office development is calculated as follows: 475m²

GLA @ 0.35 kl/100m² GLA for an estimated 1.7 kl/day. The proposed office development will increase sewage run-off by 1 kl/day. The existing municipal sewer network has sufficient spare capacity to accommodate the additional run-off.

3.3 Traffic Impact

A traffic impacts statement was prepared by ITS Innovative Transport Solutions. Please refer to **Annexure F** traffic impacts statement.

The TIS concluded that the estimated number of trips associated with the proposed development will be marginal and will have an insignificant impact on the external road network.

It is proposed to use the existing access from Hamman street. A total of 32 parking bays will be provided on-site, which is sufficient.

4. MOTIVATION

4.1 Stellenbosch Municipality Land Use By-Law (2019)

As set out in Section 65(1) of the By-law, certain criteria needs to be met in consideration of an application by the decision-making authorities. In line with this section, Table 3, 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)(a) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation. See Annexure I 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 application is for the rezoning of Erf 787 from conventional residential to mixed use. The reasons for the desirability of the applications may be summarized as follows:</p> <ul style="list-style-type: none"> – The application site is one of the only remaining underdeveloped portions of land in central Stellenbosch, and there is a large demand for business and office space within this area. – The property is adjacent to a vacant property of approximately 2600 m², also owned by the applicant, which will inevitably be required to be developed. – The development pressure on this site is significant, making its development inevitable. – The proposed development will not negatively impact the area's character since other business and office uses already exist in the vicinity. The property is located in Stellenbosch Central in a mixed-use area.

	<ul style="list-style-type: none"> – The rezoning seeks to grant permanent business rights to the property, which has predominantly been used for offices since the approval of a temporary departure on 5 September 2017. – The current business of commercial rentals has proven to be a success and has further proven to have minimal impact to the surrounding area or traffic. – The property's location offers an excellent opportunity for infill development, optimizing the use of space and services in central Stellenbosch. – The application site is conveniently situated within walking distance of Stellenbosch's central business district, including Eikestad Mall, the University of Stellenbosch, Paul Roos, and Bloemhof schools. – The rezoning will ensure that the buildings on the property are utilized to their full potential. – The increase in traffic due to the proposed rezoning will have an insignificant impact on the external road network, as concluded in the TIS. – The application site has sufficient on-site parking space. – The rezoning will be subject to restrictive conditions indicating that only the existing buildings can be used for business purposes. This will grant the owners the time and financial stability needed for the eventual redevelopment of the application site, which will require a further application process. <p>Regarding the zoning scheme:</p> <ul style="list-style-type: none"> – The zoning scheme indicates that the purpose of the mixed-use zone is to allow a variety of business retail and office land uses within the central business areas of towns. The application site is one of the only underdeveloped sites in central Stellenbosch. This development will increase the efficiency and use of the application site. – The zoning scheme indicates that the purpose of the mixed-use zone is to allow a variety of mixed land uses that have no negative impact on each other. In this regard the development will improve business use in the area and increase the potential to have a mix of land uses in the future.
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.

Table 4 Assessment of Application in terms of Section 65 (1) of the By-Law

4.2 Land Use Planning Act (2014)

Section 59 of the Land Use Planning Act, 2014 (hereafter referred to as 'LUPA') sets out the land use planning principles for the Western Cape. The following is an assessment of the application against these principles:

SPLUMA Principles	Compliance of Proposed Application
Spatial Justice	This development can promote spatial justice by creating an inclusive and accessible environment for various stakeholders. Providing opportunities for different socioeconomic groups, in the form of job opportunities. In this case the creation of office spaces will ensure that individuals have job opportunities close to central Stellenbosch and close to residential options.
Spatial Sustainability	This development adheres to principles of spatial sustainability by optimizing land use and minimizing urban sprawl by developing inside of the Urban Edge and in central Stellenbosch. The locality encourages walkability and reduces the need for extensive commuting, leading to reduced carbon emissions and a more sustainable urban form.
Efficiency	This development is proposed on a brownfield site that will make use of the existing urban infrastructure. No service upgrades are required to accommodate the increased office area. It will result in the more efficient use of well-located land and existing infrastructure.
Good Administration	The proposed rezoning of land to mixed use and the use as offices are in-line with the municipality's existing densification policies. The development aligns with the principles of good administration by adhering to the regulations and guidelines set out in SPLUMA. This includes proper land use planning, obtaining necessary permits, and ensuring compliance with environmental and building standards. The approval of this application will be in the best interest of the Stellenbosch Municipality.
Spatial Resilience	It should be noted that this development is a brownfield development in an area of town that has already been urbanized. Thus, through this development, there will be no negative impact on vulnerable agricultural and/or natural areas; nor would there be any additional risk to the resilience of human residents in the area.

Table 5 Assessment of Application in terms of Section 59 of SPLUMA

4.3 Consistency with the Applicable Spatial Development Frameworks

4.3.1 Western Cape Provincial Spatial Development Framework, 2014

The Western Cape Spatial Development Framework (hereafter referred to as 'the PSDF') identifies 3 resource management objectives.

- I. Protect biodiversity and agricultural resources.
- II. Minimize the consumption of scarce environmental resources, particularly water, fuel, and land – in the latter case especially pristine and other rural land, which is the Western Cape's 'goldmine-above-the ground' (i.e., a non-renewable resource).

- III. Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.

The development complies with these objectives through being a brownfield development that will consist only of amendments to existing structures and the rezoning of the application site, to allow these structures to be used as offices. Thus, relieving pressure for expansion outside of the urban core.

By utilizing existing infrastructure thus reducing the need to develop in areas of high rural and cultural importance. And by strengthening the urban centre of Stellenbosch and having no negative effect on the sense of place of the area.

4.3.2 The Stellenbosch Municipality Integrated Development Plan, 2022

The current Stellenbosch Integrated Development Plan (hereafter referred to as “the IDP”), approved in May 2022, provides the detailed development plans for the Stellenbosch Municipal Area, over the short term (2022-2027) and long term; as well as reviewing some of the challenges and opportunities experienced by the municipality.

Overall, the IDP prioritises the densification of existing urban areas, by “focusing development in low-density areas, infill, and brownfield land before considering greenfield sites.” Given the low-density nature of the application site in combination with its ideal location near the town centre and university, the area is well-aligned with the IDP strategy of densifying brownfield sites.

As this site is a brownfield site and the added development will use an existing structure the development is within the scope of the IDP.

4.3.3 The Stellenbosch Municipality Spatial Development Framework, 2023

The Stellenbosch Municipality Spatial Development Framework, 2019 (hereafter referred to as “the SDF”) regulates the concept of spatial development and management of Stellenbosch Municipality comprises seven key tenets.

As a change action for the municipality, the SDF states that it actively supports mixed land use in settlement centres. The SDF also calls for infill development in Stellenbosch Central.

5. 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. It is therefore respectfully requested that the following applications be considered for approval:

Application in terms of Sections 15(a) of the By-Law to allow for the following on Erf 787 Stellenbosch:

- Rezoning of Erf 787 from Conventional Residential Zone to Mixed Use Zone to allow for the existing buildings to be used as offices.

Report compiled by:

Renaldo Muller



Reviewed by:

Marika Bolz (Director)



for Arch Town Planners (Pty) Ltd

December 2023



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE D



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M: +27 (0)72 480 5838
E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

4 June 2024

Per email: Bulelwa.Mdoda@ Stellenbosch.gov.za
Cc: Landuse.Applications@ Stellenbosch.gov.za

Dear Bulelwa

PORTFOLIO OF EVIDENCE (PoE) AND RESPONSE TO COMMENTS: REZONING APPLICATION ON ERF 787, STELLENBOSCH

Please note that the Public Participation Process for the above-mentioned application has now been concluded. The PPP commenced on 18 April 2024 and concluded on 20 May 2024.

Herewith, please find our Portfolio of Evidence with the following information attached as Annexures:

- Annexure A: PoE Checklist
- Annexure B: Notice to Surrounding Owners (Proof of Distribution Email & Registered Mail)
- Annexure C: Proof of On-Site Notice
- Annexure D: Notice in Eikestad Nuus (Example and Proof of Placement)
- Annexure E: Comments Received (Internal Municipal Departments)
- Annexure F: Comments Received (Public)
- Annexure G: Locality of Objectors

1. RESPONSE TO COMMENTS

As indicated in the Annexures, the application was advertised in the Eikestad Nuus, an on-site notice was placed on the property, e-mails and registered letters were sent to surrounding property owners and community organisations and the application was available on the Municipal website for comment. Formal comments/objections had to be submitted to the applicant (Arch Town Planners) on or before 20 May 2024. After this PPP, we received a letter of support (on behalf of ALL the property owners in La Gratitude Dorpshuise (14 property owners), plus three objections consisting of one letter submitted on behalf of 6 property owners in Hamman Street, one letter from one of the same owners that submitted a combined objection, and an objection from the SIG.

1.1 INTERNAL DEPARTMENTS:

Please refer to the attached letter of support from the Engineering Department.

1.2 PUBLIC:

As mentioned above, we received one letter of support from La Gratitude, and three letters of objection of which two letters of objections are from landowners in Hamman Street and one letter of objection from the SIG. Set out below, please find a summary and our response to the comments received.

1.2.1 LETTER OF SUPPORT: Received from Chris Moller, on behalf of the La Gratitude HOA, dated 16 May 2024

As mentioned above, the Head of the Home Owners Association of La Gratitude, Chris Moller submitted a letter of support, on behalf of all 14 homeowners in La Gratitude, in support of the proposed rezoning (attached in Annexure G).

Mr. Moller met with Arch Town Planners on behalf of the entire La Gratitude Complex on Thursday 25 April 2024 and Tuesday 14 May 2024 to discuss the application and to get a better understanding of the proposal. His concerns were mainly regarding the proposed zoning choice of Mixed-Use Zone vs Local Business Zone and the existing services connections. He was concerned about future development that could potentially be established on the application site if the Mixed-Use zone was approved. As discussed with Mr. Moller, we understand that this could raise concerns and have therefore proposed that the Municipality, if the application is approved, include a condition of approval that ties the development down to the current proposed use **only** in line with the proposed SDP. This can be enforced in a condition of approval that reads:

*The approval is tied to the **existing** buildings and **existing** GLA **only** as indicated on the approved SDP. Any extensions to any of the existing buildings or any new buildings/development will require a new application) with a full public participation process which is usually required with a rezoning application. Any future applications will require all relevant specialist studies, including (but not limited to) a Traffic Impact Statement / Assessment, a Services Report, a Heritage Impact Assessment, Visual Impact Assessment and a detailed SDP.*

In response to the above meetings Mr Moller submitted a letter of support for the proposed rezoning with a request that the following should also be included as a condition of approval (if the application is successful):

*The approval is granted for the rezoning from Conventional Residential to **Mixed-Use (offices only)**.*

It is considered that this is a fair request to which we agree as it will establish the existing and proposed office use (which is the intent of this application) as a permanent right, without compromising the rights of surrounding property owners and without providing a blanket approval for an unknown future development.

Mr. Moller also submitted a request to relocate the connection services to Hamman Street. As confirmed in the services report submitted as part of the application, the existing services infrastructure has capacity to accommodate the additional proposed office space in the garage. The Municipal Engineering Department has also accepted the current services

infrastructure as appropriate in their comments. This application does not allow for any new service connections and will utilize all existing services. A detailed Services Report will be required for any future development proposals which at that stage will assess the need for the relocation of services or new service connections/upgrades.

1.2.2 OBJECTION 1: Received from Viridus Works, dated 17 May 2024, on behalf of the owners of the following properties:

- Erf 14144, Mr and Mrs Slabbert
- Erf 764, Mr and Mrs Dean
- Erf 766, Mr and Mrs Venter
- Erf 767, CMV Trust (the trust of Mr Venter, also the owner of Erf 766 above)
- Erf 763, Ms B Lane (please note that this property has been sold to a new owner who has appointed Arch Town Planners to prepare and submit an application on his behalf to convert the house to a guest house – this objection from M B Lane is therefore seen as invalid and should be disregarded)
- Erf 760, Mr MJ Hunt

Please see Annexure H for a Locality Map of the Objectors.

It should be noted that though the letter of objection is submitted as representing objections from 6 property owners, it is in effect only 4 objections out of a total of 23 property owners, who were notified (excluding the notification in the press), in comparison to the **letter of support from 14 property owners**.

We would further like to note that during the notification period, the landowner of the application site became aware of concerns regarding the application. Though the notice that was sent out to the surrounding property owners clearly states that any person with questions regarding the application, could contact Arch Town Planners for further information (as Mr. Moller did), we also provided an opportunity for the residents/owners of Hamman Street to discuss their concerns during a proposed meeting at the application site. Please see Figures 1-3 of the message placed on the residential WhatsApp group, on 9 May 2024, as well as a list of members of the group. Despite this effort to provide an in-person opportunity for clarity on concerns, none of the residents (who form part of the objection received a week later) attended the meeting. The intention of this meeting was to provide an open dialogue where concerns could be addressed directly, as we did with Mr. Moller, and clarity could be provided. This lack of attendance suggests a missed opportunity that could have been utilised for constructive engagement.

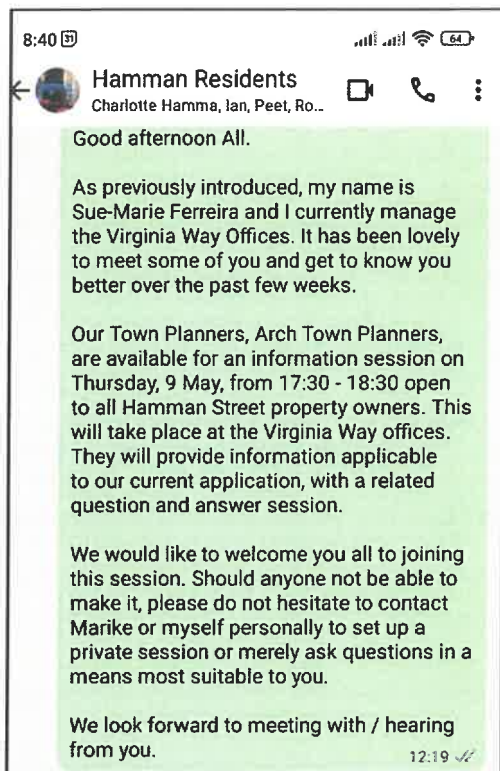


Figure 1: WhatsApp Message

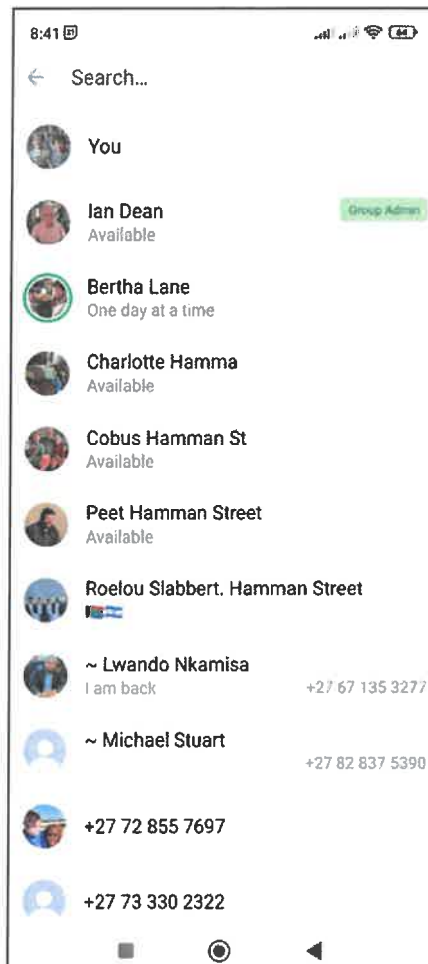


Figure 2: Members of WhatsApp group

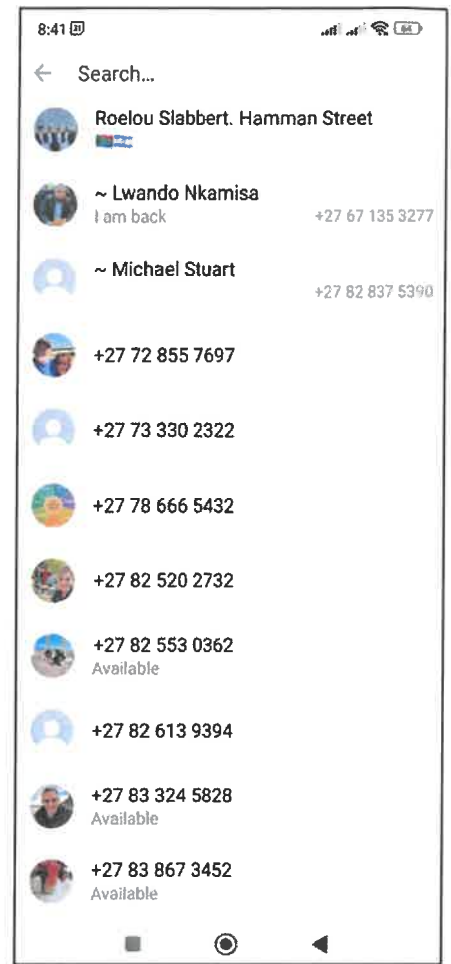


Figure 3: Members of WhatsApp group

a) Residential Character of the Area

In his letter of objection, Mr. Lombaard focuses on the residential character of the area with specific reference to Hamman Street. Before we respond to the objections, it is important to note that this statement, made throughout the letter of objection and used to form the basis of the objections, is clearly incorrect.

Though the buildings along Hamman Street might read as single residential buildings, it is clear from a recent survey (which was done on Monday, 27 May 2024) that the majority of houses are not utilized as single residential houses. There are multiple businesses operating from the residential houses in Hamman Street. There are 16 erven in Hamman Street where 9 of them (more than half) are used for some type of business activities. Please refer to Figure 4 below, which indicates the land use of the different properties. Of the nine properties, four are being used as businesses (offices and restaurants), one is being used and openly advertised as student accommodation, three are currently used as guest houses and one property is in the process of design for a new guest house. Though it can be argued that the guest houses are still considered to contribute to the residential character of the area, it is clear that the four properties operating as businesses in Hamman Street, cannot be considered as being residential in nature. It is argued that similar to these businesses, the proposed development of offices in the existing house and garage will still read as a residential building and though the land use differs, the building still reads as residential in terms of scale and character. The comment that Hamman street is a residential street and that the proposed offices will be out of character with the surrounding residential properties is therefore misleading and false as the proposed offices is clearly in line with what is already happening along Hamman Street, with the major difference being that the proposed offices will provide more than enough on-site parking which will not result in visitors parking on red-

lines or in front of gates/garages of the houses in Hamman street. It is in effect argued that the properties along Hamman Street are already considered to be of a mixed-use nature, which aligns with the mixed use zoning of the area (being Stellenbosch Central).

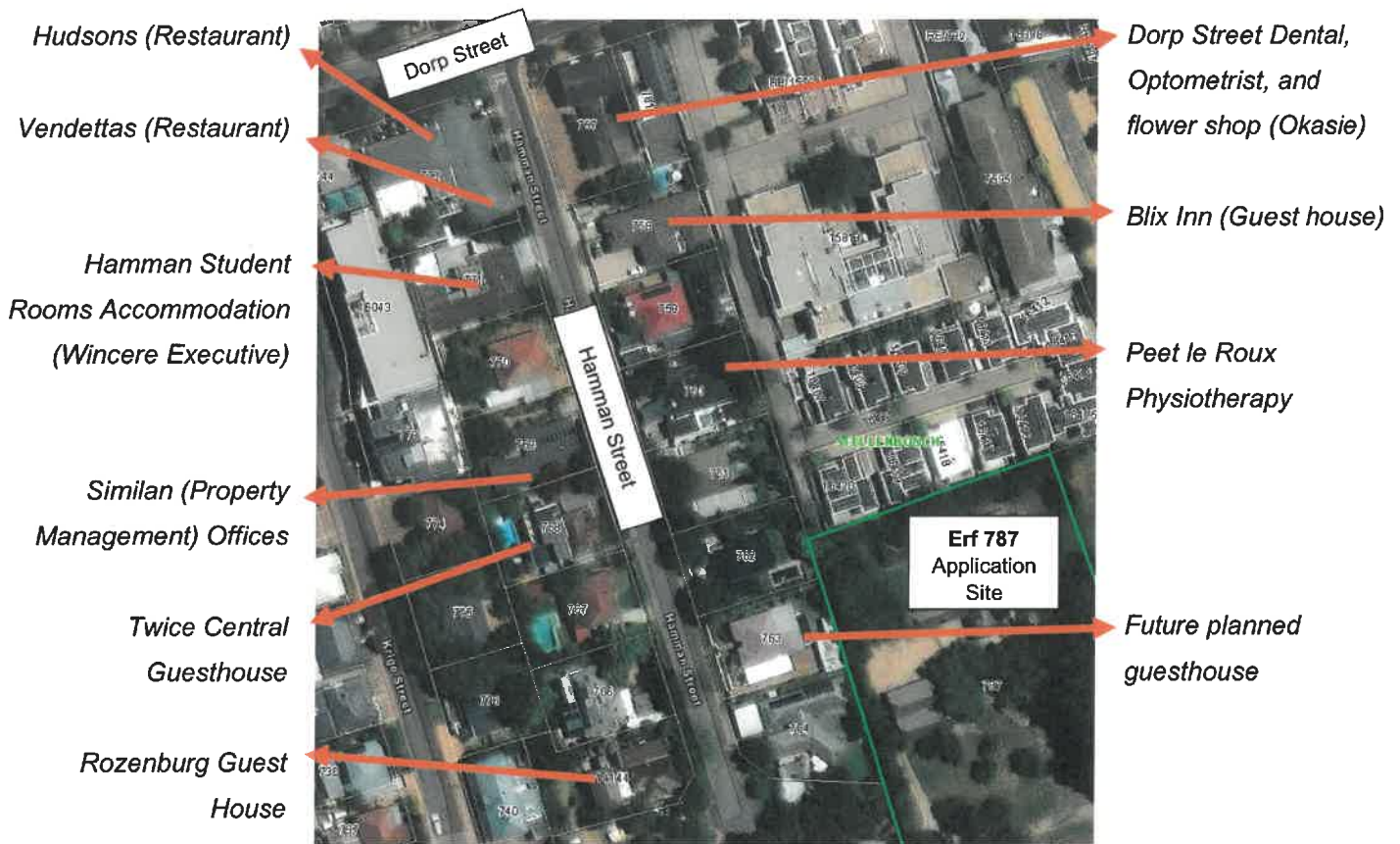


Figure 4: Existing land uses along Hamman street

b) Office Use seen as an Inappropriate Use for this Area

Mr. Lombaard clearly states that the affected owners are in principle not opposed to a change in use and intensified development or to the redevelopment of the property in keeping with the surrounding residential land use and spatial development policies of the Municipality, but they object to the proposed rezoning for the continued and expanded office use and accordingly a foot in the door for future unspecified mixed-use development.

In the letter of objection, he argues that the objecting owners will be further affected by the office use, that it is inappropriate on the property and street, and that it lacks desirability and is not justifiable or reasonable. Mr. Lombaard does not indicate how the proposed offices will affect the owners or why the proposed conversion of the garage and permanent rights to use the existing house as offices is seen as inappropriate, lacks desirability, is not justifiable or reasonable. It is also mentioned that the future development of the site should be for residential purposes and not for any business use that would cause continuous discomfort and disturbance to the residents in the street. He does not indicate how the existing offices and proposed new offices will cause discomfort and disturbance to the 4 objectors.

Though reference is made to the inappropriate use of offices on the application site and the perceived discomfort and disturbance that would result from the offices, it is never indicated how the office will result in the above. It is therefore motivated that this objection is invalid and should be disregarded.

In the letter of objection, it is stated that the requested conversion of the garage is not supported as it will further entrench the current business use and lead to an increase in business related traffic in the street. The letter also states that this, the conversion of the garage to offices, will erode the residential character of the street where the only business is guest accommodation and occupational practices. Firstly, as pointed out above, the street is not purely used for residential purposes, with specific reference to the offices of Similan Property Management, which is situated only one erf away from erven 766 and 767 (owned by one of the objectors, Mr and Mrs. Venter). Also refer to Figure 4 above which indicates the locality of the flower shop, dental practice, physiotherapist and restaurants in Hamman Street. It is also motivated that the proposed development, to provide offices in the existing residential buildings is in keeping within the residential character of the area in terms of visual character and scale, in line with the existing conversions in Hamman Street.

The objectors argue that the demand for centrally located residential accommodation outweighs the demand for office space. While there is a demand for centrally located residential accommodation in Stellenbosch, there is also a significant demand for office space especially with on-site parking. There may be vacant offices in the town centre however, many of the offices in town do not provide sufficient on-site parking. The current demand for centrally located offices that provide sufficient parking in Stellenbosch cannot be overlooked. The fact that the landowner seeks to establish the temporary right for offices as a permanent right and also intends to expand the offices space by converting the garage is a clear indication of the need for offices. The argument that there is an oversupply of office space in town should, therefore, be disregarded.

It should be noted that the motivation report correctly states that the application does not include any new development or extension of any of the existing buildings, but only includes for the extension of land use rights (land use rights only) through the conversion of the garage into office space and establishing the existing offices as a permanent right.

c) Rezoning to Mixed-Use Zone

It seems that the main concern raised by this group of objectors is around the possible future development which could be developed if the site was zoned Mixed-Use and concerns that a future application will require a significantly less onerous process and motivation than a rezoning. The objectors wrongfully assume that a future development proposal, if it is in line with the building parameters of the Mixed-Use zone, will only require an amendment of a SDP application, which is not the case. **As discussed under Section 1.2.1 above, any future development or any deviation from the proposed SDP (if it is approved) will require a full land use application process, including a public participation process which will allow all interested and effected parties to assess, review and comment on any future development proposal.**

The objection implies that the rezoning to Mixed-Use Zone instead of Local Business Zone might be a strategic move for long-term commercial development. The application did not hide its intent and aims to provide an adaptable and sustainable use for the property that aligns with the broader spatial development policies of the Municipality. Furthermore, the owners of the application site, Erf 787, also own Erf 786. If the intent was to use this application as a "foot in the door" for an easier future development application, they could have applied for the consolidation of the two

properties and the rezoning of both properties to Mixed-Use. However, the intent is purely to only allow for the permanent use of the existing house and garage for offices.

Mr Lombaard argues that the application did not assess the impact of the Mixed-use zone development on the surrounding area. It is argued that the application did assess the impact of the proposed development – being the establishment of the existing offices as a permanent right and the proposed conversion of the garage to offices. The application is very clear that if the application for the rezoning is approved, the approved Mixed-Use zoning will apply to the existing buildings and office use **only**, therefor the rezoning does not allow for any other uses than that indicated on the SDP. The application did assess the impact of the proposed development at hand, being the proposed offices, with the required services report, traffic statement, floor plans, elevations plans and SDP. It did not have to assess any future development options as there are currently no other development options proposed – any future development proposal would need to go through a vigorous land use application process, including a full public participation process, as discussed under Section 1.2.1 and above.

The objectors raised their concerns regarding the rezoning to Mixed-Use in lieu of Local Business which they feel would be better suited. They motivate that the proposed offices can also be accommodated in a Local Business zone, which is in their opinion the preferred option.

As stated in the motivation report, it is still unclear what the future development of the site will entail, but from the pre-application meeting with the Municipality it was clear that future development should allow for a Mixed-Use development and not a business orientated development. This is in line with the newly approved SDF which specifically identifies areas for mixed land use and improved economic development as one of the change actions, with the spatial proposal to retain and actively support mixed use redevelopments and buildings within the town centre and surrounding areas, comprising living space above active street fronts. The SDF also promotes residential infill and densification and proposes to pro-actively support higher density infill residential opportunities in the town centre, areas immediately surrounding it and along major routes (with consideration of historic areas and structures).

The purpose of the Local Business zone is to make provision for:

- Low density commercial uses that are compatible with and located within residential areas (i.e. not town centre).
- 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.

Though the Local Business zone allows for residential and mixed land uses, the intent is clearly to allow for lower density commercial and non-residential type of land use in contrast to what is recommended by the SDF.

Where the Local Business zone is more focused on low density commercial type of uses (outside of the town centre), the purpose of the Mixed-use zone is to make provision for the following (which is clearly in line with the SDF):

- A variety of business uses (retail and office) and other related land uses within the central business areas of towns (i.e. within the zoning area where this property is located)
- A variety of higher density residential uses and tourist accommodation.
- A variety of community uses, creating a zone of mixed land uses that do not have a negative impact on each other.

Erf 787 is located in the town centre in a mixed-use zoning area (making it more suitable for mixed-use zoning) and not within a typical residential area where the odd small business or guest house may exist (which businesses are more suitable for the local business zone).

It is therefore motivated that the proposed rezoning to Mixed-Use is the best suitable zoning category, as it is clearly aligned with the proposals and recommendations of the SDF and as was discussed during the pre-application meeting with the Municipality.

d) Increase in Traffic

The objectors are concerned about the potential impact of an increase in traffic if the site was to be rezoned to Mixed-Use. The objection implies that Mixed-Use zoning would increase traffic on Hamman Street and also cause a disturbance to the character of the street. They mention the traffic impact of all businesses on the street. However, a traffic impact statement was done by ITS Innovative Transport Solutions that concluded that the estimated number of trips associated with the existing offices and proposed garage conversion will be minimal and will have an insignificant impact on the external road network. Additionally, any future development on this erf will require a thorough traffic impact assessment that will ensure that traffic concerns are adequately addressed and planned for.

Mr Lombaard concurs in the objections that the traffic increase to date as a result of the current offices has been marginal. The addition of the garage space as offices is small in proportion and will have a minimal increase to traffic movement as calculated by ITS Innovative Transport Solutions.

The Stellenbosch Municipal Engineering Department did not have any negative comment regarding any traffic concerns in their approval report of the proposed development.

It is also important to note that during the various site visits to the application site, it was noted that many vehicles turn into Hamman Street looking for parking, and if no parking is available these cars drive to the end of the cul-de-sac and turn around and drive out into Dorp street again, thus adding traffic to the street. It is motivated that it is not the existing offices and proposed offices on the application site (which provides more than the required parking) that results in the increased traffic flow, but the lack of on-site parking for the other businesses in Hamman Street and elsewhere in Stellenbosch.

1.2.2 OBJECTION 2: Received from Mr and Mrs Dean, dated 17 May 2024

Though Mr and Mrs Dean (owners of Erf 764) were included in the Objection submitted by Viridus Works, they submitted a separate objection, which focuses on the Traffic Impact Statement which was done by ITS Innovate Transport Solutions. In their letter of objection, they question the validity of the TIS, particularly the number of trips associated with the proposed development, being found to be marginal and of insignificant impact on the external road network.

a) Validity of Traffic Impact Statement and Over Supply of Parking:

The objector states that the TIS was made as a theoretical paper exercise without taking account of the existing reality and argues that the current trip generation ranges between 5 – 20 vehicle entries per hour (thus 10 – 40 passing trips, entry and exist, per hour). The objector did not indicate at what time these trips were counted, as it will differ between peak and non-peak hours.

Mr Dean further raises concerns about the calculated 30% increase in traffic. While this increase may appear significant in raw numbers, it is important to contextualize this within the broader traffic management framework. The calculated increase from 10-40 trips to 13-52 trips per hour remains within the capacity of the road network.

It is logic to accept higher traffic volumes during the peak traffic hours. This was assessed and taken into consideration in the TIS, and though there will be an increase in trip generation, it was found to be marginal and to have an insignificant impact on the external road network. The existing offices have not, to date, resulted in backed up traffic during peak hours, turning into Hamman Street from Dorp street, or existing in Hamman street. As mentioned above, it was noted during multiple site visits, that many cars driving into Hamman Street drive all the way through to the cul-de-sac, looking for parking and then, if none is found, turn around and exit the street, which adds to the perceived high trip generation, clearly not as a result of the existing and proposed offices, but rather as a result of the lack of parking for the other businesses in Hamman Street and in Stellenbosch town.



Figure 5: Parking on Hamman Street (27/05/2024)



Figure 6: Parking on Hamman Street (27/05/2024)

The objector's concern about high turnover and early morning classes are noted, but these activities are already part of the existing traffic patterns. The objector questions the number of parking bays provided. As proposed in the application, 32 on-site parking bays are provided for the proposed offices, which is more than the parking required in terms of the zoning scheme. It should be noted that, the zoning scheme does not place a restriction on the maximum number of parking bays that may be provided on site. The site has enough space to accommodate more than the required number of parking bays to ensure that none of the visitors to the offices need to park in Hamman Street. This is clearly to the benefit of all property owners and businesses in Hamman Street and should, therefore, not be seen as a negative aspect, but should rather be welcomed by the objectors. From a recent site visit on 27 May 2024, it was noted that multiple cars are parked on Hamman Street that make use of the other offices/business facilities in the street. Some of these cars are even parked on red lines. Please see Figures 5 and 6.

b) Long-Term Implications and Zoning Rights:

The objection cites the same concerns regarding the potential for developers to exploit zoning rights, as was set out in their objection submitted by Viridus Works. Please refer to Section 1.2.2 (c) for a response to this concern.

1.2.3 OBJECTION: Received from the Stellenbosch Interest Group, dated 21 May 2024

The SIG does not object to the proposed development of the offices in the existing structures. Their concern is similar to that of Viridus Works, relating to the rezoning to Mixed-Use vs Local Business. This issue was addressed above, please refer to Section 1.2.2 (c).

The SIG welcomes the proposal to include a restrictive condition, to limit the proposed development to that indicated on the SDP, which can be restricted by the proposed conditions:

- i) *The approval is tied to the **existing** buildings and **existing** GLA **only** as indicated on the approved SDP. Any extensions to any of the existing buildings or any new buildings/development will require a new application (even if it is only for the amendment of the SDP) with a full public participation process which is usually required with a rezoning application. Any future applications will require all relevant specialist studies, including (but not limited to) a Traffic Impact Statement / Assessment, a Services Report, a Heritage Impact Assessment, Visual Impact Assessment and a detailed SDP.*
- ii) *The approval is granted for the rezoning from Conventional Residential to **Mixed-Use (offices only)**.*

2. SUMMARY

In summary, it seems that the main concern with the application relates to the possible future development that could be developed if the site is zoned to Mixed-Use and the traffic impact of future development. This has been addressed above.

None of the objectors (except Mr and Mrs Dean, which only objected to the perceived increase in traffic) specifically objected against the current proposal to allow for the offices and they did not indicate how/why the proposed offices in the house and garage will have a negative impact on them. The objections were aimed at the impact of future development which,

as motivated above, will be assessed and reviewed (by all interested and affected parties) when such a proposal is submitted for consideration.

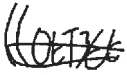
It should be noted that after an extensive public participation process, only four property owners (five, if Ms B Lane who already sold her property is counted) objected to the proposal, of which some of their statements which forms the basis of their objections (with specific reference to the residential character of the area) is clearly misleading and false. This, in contrast to 14 property owners who support the application.

The concerns regarding a “blanket approval” which could result in future development proposals following a simple minor application process, without public participation and detailed specialist studies, is addressed as proposed in the motivation report and as set out above, with our proposal to include restrictive conditions of approval (if the application is approved) which would restrict the development to **ONLY that applied for now**, as part of this application.

3. CONCLUSION

In light of the above, we kindly request that you now conclude the application process and favourably consider our application for a mixed-use rezoning to allow for the existing house and garage to be used as offices on a permanent basis.

Yours sincerely



Carlien Coetzee

Arch Town Planners (Pty) Ltd



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ANNEXURE E



Physical Address: Bakkershuis
152 Dorp Street
Stellenbosch, 7600
M: +27 (0)72 480 5838
E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

11 April 2025

Per email: Bulelwa.Mdoda@ Stellenbosch.gov.za
Cc: Landuse.Applications@ Stellenbosch.gov.za

Dear Bulelwa

ADDENDUM TO THE PORTFOLIO OF EVIDENCE (PoE) DOCUMENT, DATED 4 JUNE 2024: REZONING APPLICATION ON ERF 787, STELLENBOSCH

Our PoE, dated 4 June 2024, in response to the public participation for the land use application relating to the proposed rezoning of Erf 787 (Hamman street) Stellenbosch, refers.

We would hereby like to submit an addendum to the above mentioned PoE in response to meetings/discussions held with surrounding property owners, as well as the relevant Municipal officials assigned to this application. This letter should be read with the above mentioned PoE.

1. WITHDRAWAL OF OBJECTIONS:

Please note Viridus Works previously submitted an objection on behalf of the following property owners:

- Erf 14144, Mr and Mrs Slabbert
- Erf 764, Mr and Mrs Dean (please note that this property has been sold and the new owner is in support of this application - the objection from Mr and Mrs Dean is therefore seen as invalid and should be disregarded)
- Erf 766, Mr and Mrs Venter
- Erf 767, CMV Trust (the trust of Mr Venter, also the owner of Erf 766 above)
- Erf 763, Ms B Lane (please note that this property has been sold to a new owner who has appointed Arch Town Planners to prepare and submit an application on his behalf to convert the house to a guest house – this objection from M B Lane is therefore seen as invalid and should be disregarded)
- Erf 760, Mrs MJ Hunt

Erven 764 and 763 have recently been sold and the new property owners fully support the proposed rezoning of Erf 787, as confirmed in their letters of support attached as Annexure A.

We (being Arch Town planners and the landowners of the application site) have also met with and had discussions with the remainder of the objectors and Dupre Lombaard from Viridus Works. After these meetings the owners of the following erven also withdrew their objections by signing either a consent letter or providing a formal letter to this effect (also included in Annexure A) :

- Erf 766, Mr and Mrs Venter
- Erf 767, CMV Trust (the trust of Mr Venter, also the owner of Erf 766 above)
- Erf 760, Mrs MJ Hunt

This results in only one objector (Erf 14144) + the SIG, in comparison with the **18 letters of support** (from the surrounding property owners and all 14 homeowners in La Gratitude). It should be noted that all direct neighbours of the application site, being the persons having the clearest interest in this application and who would be the most effected by any rights granted, are in support of this application. It is clear that the **overwhelming majority of the surrounding property owners** agree with the proposal to allow for the existing offices in the main dwelling and the proposed conversion of the garages to offices, to be established as permanent rights, which is the **ONLY** objective of the proposed rezoning application. Please also refer to the 12 reasons of support from the owner of Erf 764 in his supporting letter, as motivation for the application, which we believe clearly address some of the miss conceptions raised by the previous owner of the property.

It is our understanding that the remaining objector is in principle not concerned with the conversion of the house and garage to offices. Their main concern relates to the potential future development which they believe may occur if the rezoning of the application site is approved. Though we believe that both the motivation report and the PoE is very clear in the intention of what we aim to achieve (being to establish the permanent rights of offices in the existing house and garage only) we have summarized our proposals as suggested conditions of approval, which the Municipality may consider to include as conditions of their approval, if this application was to be approved. We believe this will ensure that no other development, except for the existing house and proposed garage conversions, will be able to take place on the application site without approval of a full land use application, including public participation.

The following are suggested conditions of approval which could be included if the application was to be approved:

1. The approved rights under the mixed-use zone are limited to the primary right of **"business premises - offices"** only. As a result of this condition, the owner of the property has no rights under any of the other mixed-use primary or consent uses, including any of the other business types such as restaurants, shops etc.
2. The abovementioned rights are further limited to the 2 current buildings (existing offices and garage) only, with a combined GLA of approximately 475m².
3. The approval only relates to the SDP by A. King dated 25.04.2023. Building plans must be submitted to the Municipality for approval.

4. No further development on this erf is currently authorised. Should any future development be envisioned, then a full development application shall be required to be submitted. This application shall be required to either request a rezoning or an expansion of this limited zoning right (depending on the development needs at the time). Such an application shall consist of a new land use application and must include all specialist studies (i.e. traffic and services impact etc.) and follow a full public participation process as is usually required as part of any rezoning application.
5. The fact that the business rights on the current buildings have been approved as part of this application, should not be construed as an indication that the Municipality will approve or support further business rights on this Erf. Any further business rights will need to be applied for under the aforementioned development application and analysed afresh by the Municipality at the time.
6. No parking is allowed on street, hence, sufficient parking for tenants and clients is to be provided on site and to be clearly demarcated to council's satisfaction.

2. CONCERNS FROM INTERNAL DEPARTMENTS

It is our understanding from discussions with the relevant internal departments, that the main concerns from the internal departments are the concerns regarding the loss of the residential character of the area and the concerns with potential future development of the site.

a) Residential Character of the Area

As indicated in the PoE, we are of the strong opinion, that the reference to Hamman street and surrounding area, as having a mainly residential character is factually incorrect. None of the surrounding streets, being Krige, Dorp and Piet Retief streets are residential streets, which in essence means that, for some reason, the concerns relating to the protection of the perceived residential character of the area, relates to Hamman street only. It is argued that Hamman street is no different to Krige street in character, where single residential houses have been converted to offices. The proposed development, similar to all conversions in Hamman street and many conversions in Krige street, relate to the conversion of the existing residential buildings only and will in no way impact the existing character of the area. It seems that the concerns relate to the perceived impact of future development of the site, which is not under consideration in the current application as is very clearly set out above, in the Motivation Report and the PoE.

As indicated in the PoE, the majority of houses in Hamman street, are not utilized as single residential houses. There are multiple businesses operating from the residential houses in Hamman Street. There are 16 erven in Hamman Street where 9 of them (more than half) are used for some type of business activities. Please refer to Figure 1 below, which indicates the land use of the different properties. Of the nine properties, four are being used as businesses (offices and restaurants), one is being used and openly advertised as student accommodation, three are currently used as guest houses and one property is in the process of design for a new guest house. Though it can be argued that the guest houses are still considered to contribute to the residential character of the area, it is clear that these properties are not single residential properties, but are managed as income earning businesses. It is also clear that the five remaining properties operate as fully fledged businesses in Hamman Street and cannot be considered as being residential in nature. It is argued that similar to these businesses, the proposed development of offices in the existing house and garage will still read as a residential building and though the land use differs, the building still reads as residential in terms of scale and character. The comment that Hamman street is a

residential street and that the proposed offices will be out of character with the surrounding residential properties is therefore misleading and factually incorrect as the proposed offices is clearly in line with what is already happening along Hamman Street, with the major difference being that the proposed offices will provide more than enough on-site parking which will not result in visitors parking on red-lines or in front of gates/garages of the houses in Hamman street. It is in effect argued that the properties along Hamman Street are already considered to be of a mixed-use nature, which aligns with the mixed use zoning of the area (being Stellenbosch Central).

It is further important to note that the application site merely has its access point in Hamman Street. The property and buildings are well nestled away out of sight and hearing of most of Hamman Street (and the broader Stellenbosch). The buildings border on some owners' of La Gratitude (all being in support) and only 3 Hamman Street neighbours of which 2 are in full support and the third has not objected. To argue that these rights will change the character of Hamman Street is misleading, as the these buildings cannot be seen from any point in Hamman Street. The only effect which the granting of these rights can have on Hamman street is a slight traffic increase, which was tested by traffic specialists and found to be minimal.

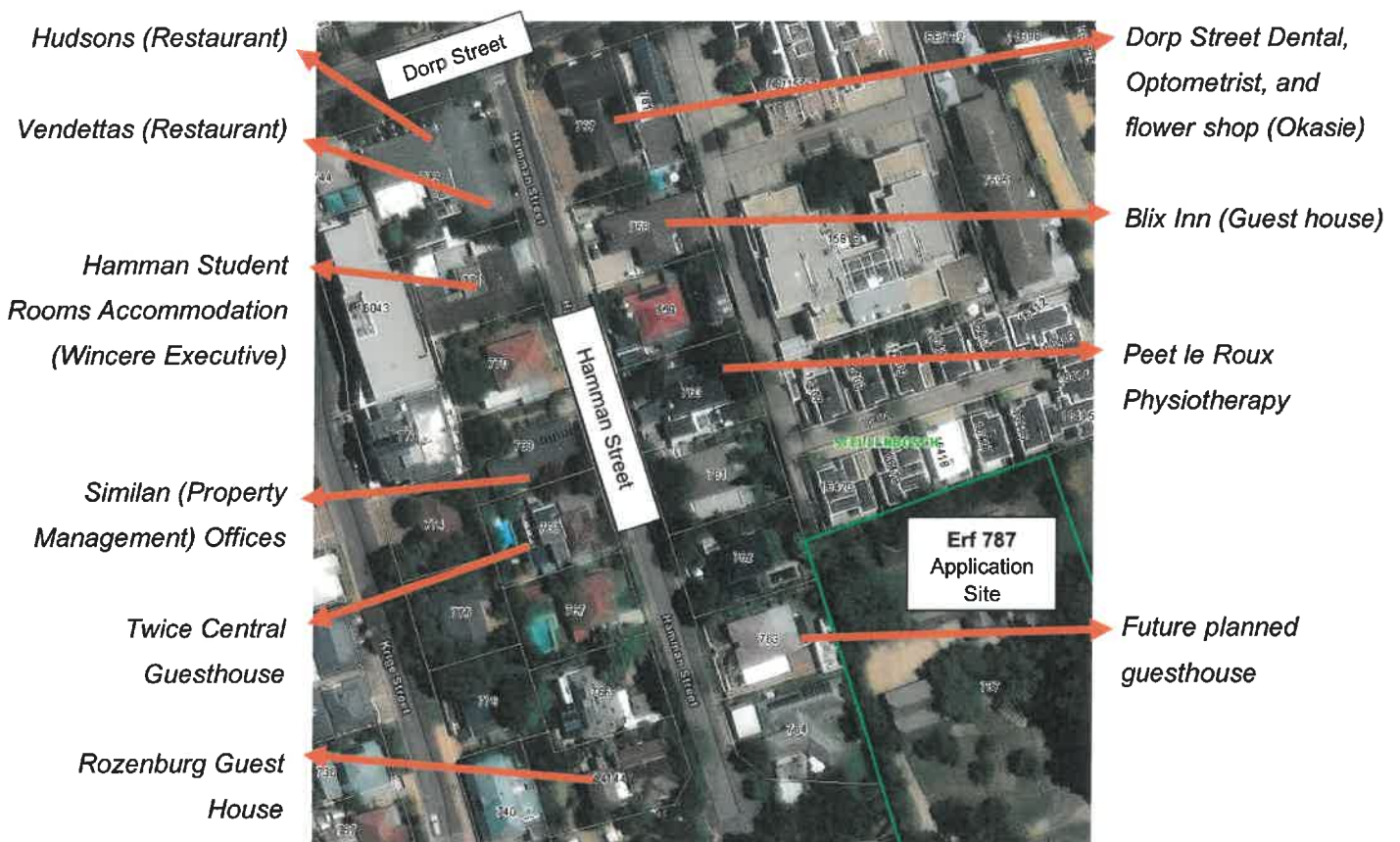


Figure 1: Existing land uses along Hamman street

b) Office Use seen as an Inappropriate Use for this Area

The current application, as set out in the Motivation report and the PoE (dated 4 June 2024) is very clear that the application is to allow for the permanent use of the existing buildings as offices, which was previously supported and approved by the Municipality. We find it confusing that the Municipality has concerns regarding the permanent use of the house and garage as offices, as they have previously supported the proposed conversion of the house to offices, in their letter of approval dated 14 September 2016 and again in the letter of approval, dated 26 April 2023. The main reasons for their decision, as indicated in their 2023 letter of approval are as follow:

- The property would be underutilized if only used for residential purposes.
- The property is in a mixed land use area with the CBD area of Stellenbosch.
- The scale of the proposed use is small as only $\pm 5\%$ of the property is being utilized for office purposes.
- The proposed use is an interim land use as the application is for a temporary departure which is only valid for 5 years.

Though this decision was amended on appeal to shorten the approval to a validity period of 1 year only, the Municipality clearly sees the property being situated in a mixed-use area within the CBD (hence their recommendation during the pre-application meeting that the best suited zoning category to accommodate the proposed office use in the existing buildings to be Mixed-Use). We also agree with their findings that the property would be underutilized if only used for residential purposes. The La Gratitude owners strongly support this statement as they have raised their concerns regarding safety issues and disturbance if the property was to be converted back to residential use.

The owners have previously attempted to rent the house out as single residential, however, due to the age of the building, the size of the two erven and the location next to the river, potential candidates' expectations of building renovations, garden maintenance and security upgrades would far exceed the potential income to keep the property afloat. The business which is currently in place and which is the basis of this application, with a small inclusion of the garage building, is a well loved establishment of many Stellenbosch residents who utilise the services of its tenants on a regular basis for the ease of its location and parking, as well as its natural surroundings. This business, as seen by the 16 letters of support and only 3 objectors, is the type of business which the Stellenbosch community support, and it cannot be placed in the same category of full scale development which the community is currently complaining about. The business has clearly maintained the look and feel of a residential property, kept its client and tenants base off the streets of Stellenbosch from a parking perspective and, due to the nature of its tenant base, allows for the traffic to be spaced over the course of the day instead of all arriving and departing during peak hours.

3. SUMMARY

In summary, it seems that the main concern with the application relates to the possible future development that could be developed if the site is zoned to Mixed-Use and the traffic impact of future development. This has been addressed above.

None of the objectors objected against the current proposal to allow for the proposed offices. The objections were aimed at the impact of future development which, as motivated above, will be assessed and reviewed (by all interested and affected parties) when such a proposal is submitted for consideration.

We believe that the concerns regarding a "blanket approval" can be addressed by limiting the development footprint to the proposed SDP and only approving Offices as a primary use under the Mixed-Use zoning, and incorporating the proposed and/or similar conditions of approval as proposed under Section 2 above, which would restrict the development to **ONLY that applied for now**, as part of this application.

4. CONCLUSION

In light of the above, we kindly request that you now conclude the application process and favourably consider our application for a mixed-use rezoning to allow for the existing house and garage to be used as offices on a permanent basis.

Yours sincerely



Marike Bolz

Arch Town Planners (Pty) Ltd

Annexure A: Withdrawal of Objections and letters of Support

No. 2 Hamman Street
 Stellenbosch Central
 7600
 084 440 4402

Dear Messrs

**RE: REZONING APPLICATION ERF 787, STELLENBOSCH, HAMMAN STREET.
 MUNICIPAL LAND USE REFERENCE NUMBER: TP 605/2024
 POE DATED: 4 JUNE 2024**

The application by the owners of Erf 787, Stellenbosch, under TP 605/2024 for the rezoning of the premises to mixed use, with the approval being tied to the existing buildings and GLA only, has reference.

It is hereby confirmed that Dream World Investments 401 (Pty) Ltd purchased Erf ⁷⁶⁴~~766~~, Hamman Street, Stellenbosch (number 2 Hamman Street) in December 2024, of which I am the Property Executive (capacity). Accordingly, Dream World Investments 401 (Pty) Ltd is the sole owner of this property, which lies adjacent to Erf 787 and is the most closely effected property in Hamman Street in respect of the aforementioned application due to the Erf 787's access point. It is noted that this property was purchased from Mr. and Mrs. Dean, who are no longer residents of Hamman Street and/or Stellenbosch.

The owners of Erf 787 have provided Dream World Investments 401 (Pty) Ltd with the full portfolio of evidence related to this application as was submitted to the Municipality, which documents we have closely analysed.

I hereby wish to note the following in respect of the aforementioned application:

1. I hereby withdraw any objection associated with my property given against the rezoning application of Erf 787. The previous owners, Mr and Mrs Dean, are no longer residents of Hamman Street and / or Stellenbosch, hence, their objections carry very little weight, as their arguments in respect of traffic and nuisance etc. are no longer relevant to them.
2. I fully support the application by the owners of Erf 787.
3. I disagree with the argument by Mr and Mrs Dean that any development creep is possible, as this has clearly been limited by the applicant in the body of their application where they themselves confirm that a full development application with all studies etc. will be needed should further development be required. This has further been limited by the applicants by limiting the rights to the buildings and GLA only, as well as limiting the mixed-use zoning to offices only (i.e. excluding all other categories usually allowable under this zoning type). This means that no other category under this zoning type will be allowed, and that the rights don't extend further than the buildings themselves. Should future development on any portion of the property or any other mixed-use category be required in future, then they will need to reapply for such rights with an entirely new application, including the public participation process.
4. It is my view, based on how the owners have limited themselves in anticipation of such concerns, that the owners intentions are true and that they merely wish to operate the business which they have already well established, with a small expansion incorporating an already existing building.

5. It is clear that this application does not consist of a typical development, as no new buildings are requested, and the existing buildings require minimal internal and facial changes, with no extensions.
6. I further disagree with the argument that mixed use zoning is not appropriate in the area, as this property lies in Stellenbosch Central which is a mixed-use location and is an area where residents and businesses clearly coexist. Hamman Street can definitely not be seen as residential in nature, as various businesses exist, including Hudsons, a second restaurant, optometrists, numerous guest houses, offices, floral shops, physios etc. It is clear that mixed-use zoning is the most appropriate zoning for such a property. To my understanding very few properties in Hamman Street actually consist solely of a residential usage.
7. Furthermore, the request by the applicant is minimal when taking the size of the property into account, being less than 10% of the total coverage. To require such a large property to remain as single residential seems to conflict with the mixed-use zoning of Stellenbosch Central, especially when so many smaller properties (with no parking availability) have been granted similar rights within the vicinity. A property of this size in Stellenbosch Central can surely not be expected to house merely one family.
8. Furthermore, it would seem that the Municipality may be interested in future residential development in the area. By granting the mixed-use zoning to this property and requiring the office use to be limited to the existing buildings only, the Municipality could still require the applicant to limit future development (i.e. any new build) to a residential type of development should an application for future development be submitted.
9. I further disagree with the objections of Mr and Mrs Dean regarding any traffic nuisance. Virginia Way offices is a quiet business premises, with minimal traffic, and makes provision for parking for all vehicles, hence, full off-street parking is provided.
10. When considering the argument by the Deans that the applicant should have applied for Local Business Use, this is clearly contradictory to the Municipality's initial preapplication meeting advice that the property is required to have both business and residential zoning to align with the mixed-use zoning of the area and the Municipality's more recent vision of possible future residential developmental. It would seem that the applicant applied for this zoning to align with the Municipality's advice at the preapplication meeting, and that the zoning requested still aligns irrespective of the Municipality's change in vision.
11. From what I have seen on this property and from my discussions with the owner, it is my understanding that the owners are merely wishing to proceed with their already established business, with a small expansion in an existing building. There are various commercial tenants who have grown their business and client base at this address, who will be affected by the closing of these offices. These businesses mostly consist of small, women / mommy owned practises needing affordable space nearby schools; allowing themselves flexibility to manage their work and family lives. The same goes for the majority of their clients who largely consist of working parents, students and children needing assistance at a nearby vicinity with ample parking. I am not aware of many premises in Stellenbosch Central, being as closely located to schools, the university, other offices and the various neighbourhoods, offering ample parking and affordable rates for such businesses. Should this premises be closed, these women (mommy) owned businesses will be forced to relocate, which may cause a loss of clientele and force up their expenses etc. Many available premises do not provide parking for employees and clientele, hence, further increasing the parking issue in Stellenbosch.

12. Lastly, I wish to make clear that I have no objection, as a neighbour of Er 787, against this business being provided fair and reasonable business hours in which their tenants may be allowed to see clients. Any complaint about the hours submitted by the previous owners, Mr and Mrs Dean, associated with my property should be withdrawn as they are no longer relevant to the Deans. For any professional service business to be competitive in the market, they require flexible hours. To limit these rights conflicts with the principle of job creation and economic expansion, as the tenants are limited from seeing a client market which is unavailable during the hours of 8am until 5pm (which ranges from the working population, to students, school kids with extra mural activities etc.). These premises are ideally located for increased / flexible hourly rights, as it is fully out of sight of any neighbour and the broader Stellenbosch; it creates no noise pollution for any neighbours and the broader Stellenbosch; it has ample off-street parking and generates very little traffic. I struggle to understand how these offices can be seen to be of any nuisance, being neatly tucked away.

As indicated above, please withdraw any objection associated with my property and include my letter of full support of this application.

Please do not hesitate to contact me should you wish to discuss.

Kind regards



Riaan Munnik
Dream World Investments 401 (Pty) Ltd
Property Executive
084 440 4402

03 March 2025

Date



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

APPLICATION DETAILS			
Erf / Farm No.	787 (Hamman Street)		Area Stellenbosch
Applicant / consultant	Arch Town Planners		Contact No. 072 262 5304
Application type in terms of applicable planning legislation	Building Line Departure	Other Departures	Amendment of Conditions
	Consent Use	x Other (please specify)	Rezoning
Detailed description of application			
The proposed development is to rezone the property from Conventional Residential Zone to Mixed-Use to allow for the existing house and existing garage to be used as offices. No new construction is planned.			

Note to applicant:

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that the Directorate can formally advertise the matter via email or post.

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

1. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (i.e., both husband and wife), all parties to sign.
2. 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.
3. Ensure the application detail section above is properly completed.
4. Ensure the plan specified below corresponds with the plan shown to and signed by you.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal in respect of the aforementioned application and having signed, confirm that I / we understand the proposal as set out above and confirm that **(please tick below)**

I / we have no objection	x	I / we object for the reasons listed hereunder	
Reasons for objection			
Signature of affected party / property owner			Date 3. March 2025
Full name (capitals)	BEAT Travel Services (Pty) Ltd		
Company name	BEAT Travel Services (Pty) Ltd		
Erf / Farm No. of affected property	Erf 763, Stellenbosch		
Street address of affected party	4 Hamman Street, Stellenbosch		
	Postal code	7600	
Contact No.	Office / Home	+41 79 796 60 34	Cell +41 79 796 60 34



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

APPLICATION DETAILS			
Erf / Farm No.	787 (Hamman Street)		Area Stellenbosch
Applicant / consultant	Arch Town Planners		Contact No. 072 262 5304
Application type in terms of applicable planning legislation	Building Line Departure	Other Departures	Amendment of Conditions
	Consent Use	x Other (please specify)	Rezoning
Detailed description of application			
The proposed development is to rezone the property from the conventional residential zone to mixed use zone in order to allow the existing house and existing garage building to be used as offices. The rights extend to the existing buildings only and no new construction is planned. The rights are limited to the sub right under the mixed use zoning of offices only. Any new development will require a full development application.			

Note to applicant:

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that the Directorate can formally advertise the matter via email or post.

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

1. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (i.e., both husband and wife), all parties to sign.
2. 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.
3. Ensure the application detail section above is properly completed.
4. Ensure the plan specified below corresponds with the plan shown to and signed by you.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal in respect of the aforementioned application and having signed, confirm that I / we understand the proposal as set out above and confirm that **(please tick below)**

I / we have **no objection** ☒ I / we **object** for the reasons listed hereunder ☐

To Note:

The owner of Erf 760, Stellenbosch previously submitted an objection to the proposal. With the signing of this consent form, the owner retracts their objection in support of the above mentioned land use application.

Signature of affected party / property owner	<i>Mary-Jane Hunt</i>		Date	10/04/2024
Full name (capital)	Mary Jane Hunt			
Company name	Sweet Well Land Company (Pty) Ltd			
Erf / Farm No. of affected property	Erf 760, Stellenbosch			
Street address of affected party	10 Hamman Street, Stellenbosch		Postal code	7600
Contact No.	Office / Home		Cell	079 341 7150



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

APPLICATION DETAILS				
Erf / Farm No.	787 (Hamman Street)		Area	Stellenbosch
Applicant / consultant	Arch Town Planners		Contact No.	072 262 5304
Application type in terms of applicable planning legislation	Building Line Departure		Other Departures	Amendment of Conditions
	Consent Use	x	Other (please specify)	Rezoning
Detailed description of application				
The proposed development is to rezone the property from the conventional residential zone to mixed use zone in order to allow the existing house and existing garage building to be used as offices. The rights extend to the existing buildings only and no new construction is planned. The rights are limited to the sub right under the mixed use zoning of offices only. Any new development will require a full development application.				

Note to applicant:

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that the Directorate can formally advertise the matter via email or post.

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

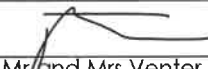
1. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (i.e., both husband and wife), all parties to sign.
2. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.
3. Ensure the application detail section above is properly completed.
4. Ensure the plan specified below corresponds with the plan shown to and signed by you.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal in respect of the aforementioned application and having signed, confirm that I / we understand the proposal as set out above and confirm that **(please tick below)**

I / we have **no objection** ☒ I / we **object** for the reasons listed hereunder ☐

To Note:

The owners of Erf 766 and 767, Stellenbosch previously submitted objections to the proposal. With the signing of this consent form, the owners retract their objections in support of the above mentioned land use application.

Signature of affected party / property owner			Date	
Full name (capitals)	Mr and Mrs Venter - Erf 766, and CMV Trust (IT 4121/2007, JLC Venter) - Erf 767			
Company name				
Erf / Farm No. of affected property	Erf 766 and 767, Stellenbosch			
Street address of affected party	3 and 5 Hamman Street, Stellenbosch			
		Postal code	7600	
Contact No.	Office / Home		Cell	082 452 3745



Belangegroep Stellenbosch Interest Group

interestgroupstellenbosch@gmail.com

09-06-2025

Marika Bolz
Arch Town Planners
marike@archtownplanners.co.za

Dear Ms Bolz

Erf 787, Hamman Street, Stellenbosch

The Stellenbosch Interest Group wishes to inform you of the withdrawal of its objection dated 21 May 2024 to the rezoning of Erf 787 from Conventional Residential Zoning to Mixed-Use Zoning.

Kind regards

Claire Erasmus
(Chairperson)



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ANNEXURE F

Enquiries	R Fooy/ S Newman
Our ref	Erf 787, Stellenbosch
Application No	LU/4172
Date	2016-08-18
Telephone	021-808 8680 / 8690
Fax	021-886 6899

REGISTERED MAIL

Sir/Madam

APPLICATION FOR A TEMPORARY DEPARTURE ON ERF 787, STELLENBOSCH

Your objection/comment in the above regard, refers.

The Delegated Authority on 21 June 2016 resolved as follows:

1. That the application for a temporary departure on Erf 787, Hamman Street, Stellenbosch in order to utilise the existing dwelling on the property for offices, **be refused**, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985).

The reasons for the Refusal:

1. Access to Hamman Street was granted for residential purposes, not offices or business and the nature of the traffic is different and will negatively affect the street.
2. The land use, albeit temporary, does not fit with the general nature of the area with business primarily on Dorp Street and residential closer to the river.
3. The Site Development Plan indicates significant changes to the site, which cannot be deemed 'temporary' and will change the character of the site.

Kindly be advised that you may now appeal against the above-mentioned decision in terms of the internal appeal process as approved by Council at its meeting held on 29 October 2014.

In terms of the aforesaid Council decision, an objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance or applicable Zoning Scheme Regulations, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

FILE NR:	OUTGOING POST
EF 787 SB	LU/4172
SCAN NR:	
COLLABORATOR NR:	458716

File.

received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Please note, an appellant is not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Yours faithfully



for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

Registered Post on Erf 787, Stellenbosch

Martin Purves
6 Hamman Street
STELLENBOSCH
7600

Ian & Izelle Dean
P.O Box 671
STELLENBOSCH
7599

Cobus Venter
10 Van Riebeeck Street
STELLENBOSCH
7600

Bertha Lane (Little Precious Trust)
4 Hamman Street
STELLENBOSCH
7600



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INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

Enquiries	R Fooy / S Newman
Our ref	Erf 787, Stellenbosch
Your ref	3216-P
Application No	LU/4172
Date	5 September 2017
Telephone	021-808 8680 / 8659
Fax	021-886 6899

REGISTERED MAIL

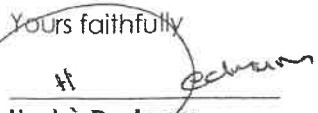
TV3 Architects & Town Planning
La Gratitude Offices
97 Dorp Street
STELLENBOSCH
7600

Sir

APPEAL (IN TERMS OF THE STELLENBOSCH MUNICIPAL INTERNAL APPEAL PROCESS) AGAINST THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT DECISION TO REFUSE AN APPLICATION ON ERF 787, STELLENBOSCH

- Your appeal letter dated 14 September 2016, refers.
- I wish to advise that the Acting Municipal Manager resolved on 7 July 2017 that the appeal against the decision by the Director: Planning and Economic Development decision to refuse an application on Erf 787, Stellenbosch, **be upheld** for the reasons set out in the attached report dated 7 July 2017, and that the previous decision taken by the Director: Planning and Economic Development on 21 June 2016, therefore be amended to read as follows:
 - That **approval be granted** in terms of Section 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for a temporary departure on Erf 787, Hamman Street, Stellenbosch, in order to utilise the existing dwelling on the property for offices, subject to the conditions of approval attached as **Appendix 1**, as well as the following conditions imposed by the Acting Municipal Manager:
 - No street parking may be allowed in the street;
 - A site development plan must be submitted before submission of any building plans for approval by the Director: Planning and Economic Development;
 - That the conditions as imposed in Appendix 1 of the report be imposed.
- Please be advised that the appeal process has now been concluded and that the above decision is therefore now considered final.

Yours faithfully


Hedre Dednam
Manager Land Use Management



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 MUNICIPALITY • UMASIPALA • MUNISIPALITEIT
 Department: Planning and Economic Development

APPENDIX 1
FILE NO: 787

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site " means **ERF 787 STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: Temporary departure on erf 787, Hamman Street, Stellenbosch, in order to utilise the existing dwelling for offices.

CONDITIONS IMPOSED:

CONDITIONS IMPOSED IN TERMS OF THE TEMPORARY DEPARTURE.

- 1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2 The approval shall automatically lapse in the event of the temporary departure not being acted upon within 1 year from the date of this approval;
- 3 That building plans must be submitted to this municipality for approval for any internal alterations to the existing dwelling, prior to any building work commencing onsite;
- 4 That no external alterations to the existing dwelling are to be made to facilitate the proposed uses of the building for office purposes;
- 5 That the access from Hamman Street and onsite parking are to be formalized and provided with a hard top to the satisfaction of Council prior to the property being used for offices;

Application Number: LU/7646
 Our File Reference Number: Erf 787, Stellenbosch
 Your Reference Number:
 Enquiries: N. Dafeti / A. Hardouin
 Contact No: 021 808 8640 / 8673
 Email: Nopinki.Dafeti@ Stellenbosch.gov.za /
 Email: Annecke.Hardouin@ Stellenbosch.gov.za
 Date: 01 October 2018

REGISTERED MAIL

J. W. Winshaw
 Klein Welmoed
 Lynedoch
 7603

Sir,

REF: E.F. 787SB	OUTGOING POST LU/7646
610 907	

APPLICATION FOR AN AMENDMENT OF THE SITE DEVELOPMENT PLAN: ERF 787, STELLENBOSCH

1. The above application refers.
2. The Authorised Employee, on 21 September 2018, **approved, in whole**, in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for :
 - 2.1 The application for an amendment of the approved SDP in order to accommodate the proposed carports.
3. The above approvals are subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:
 - 3.1 The approval applies only to the application in question as indicated on drawing no. W.01/18, dated 09-03-18 and drawn by Alan King town planning & architectural consultant (See **APPENDIX 2**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - 3.2 This approval is only valid for 5 years from date of final notification;
 - 3.3 Building plans must be submitted to Council for consideration prior to any building work being undertaken.

20/10/18

4. Reasons for the above decision are as follows:
 - 4.1 The proposal is compliant with the existing land use of the subject property;
 - 4.2 The proposal is found to be desirable as it is not out of character with the surrounding area.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning_portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website.
7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

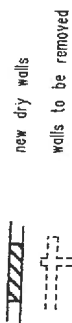
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APPENDIX 2

(APPLICATION FOR AN AMENDMENT OF SITE DEVELOPMENT PLAN IN TERMS OF THE
STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW PROMULGATED OCTOBER,
2015 ON ERF 787, DORP STREET, STELLENBOSCH)

SITE DEVELOPMENT PLAN

Legend



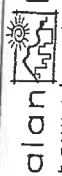
Area of Site	= 8795 m ²
Existing Building	= 491.70 m ²
Existing Stoep	= 24.93 m ²
Existing Cellar	= 48.31 m ²
Existing Outbuilding	= 168.92 m ²
Total area of buildings	= 733.86 m ²
Existing Terrace	= 63.28 m ²

DIMENSIONS & LEVELS TO BE CHECKED ON SITE

WINSHAW

client
project
SITE DEVELOPMENT PLAN
TEMPORARY DEPARTURE FOR OFFICES
ERF 787, HAMMAN STR STELLENBOSCH

FLOOR PLAN

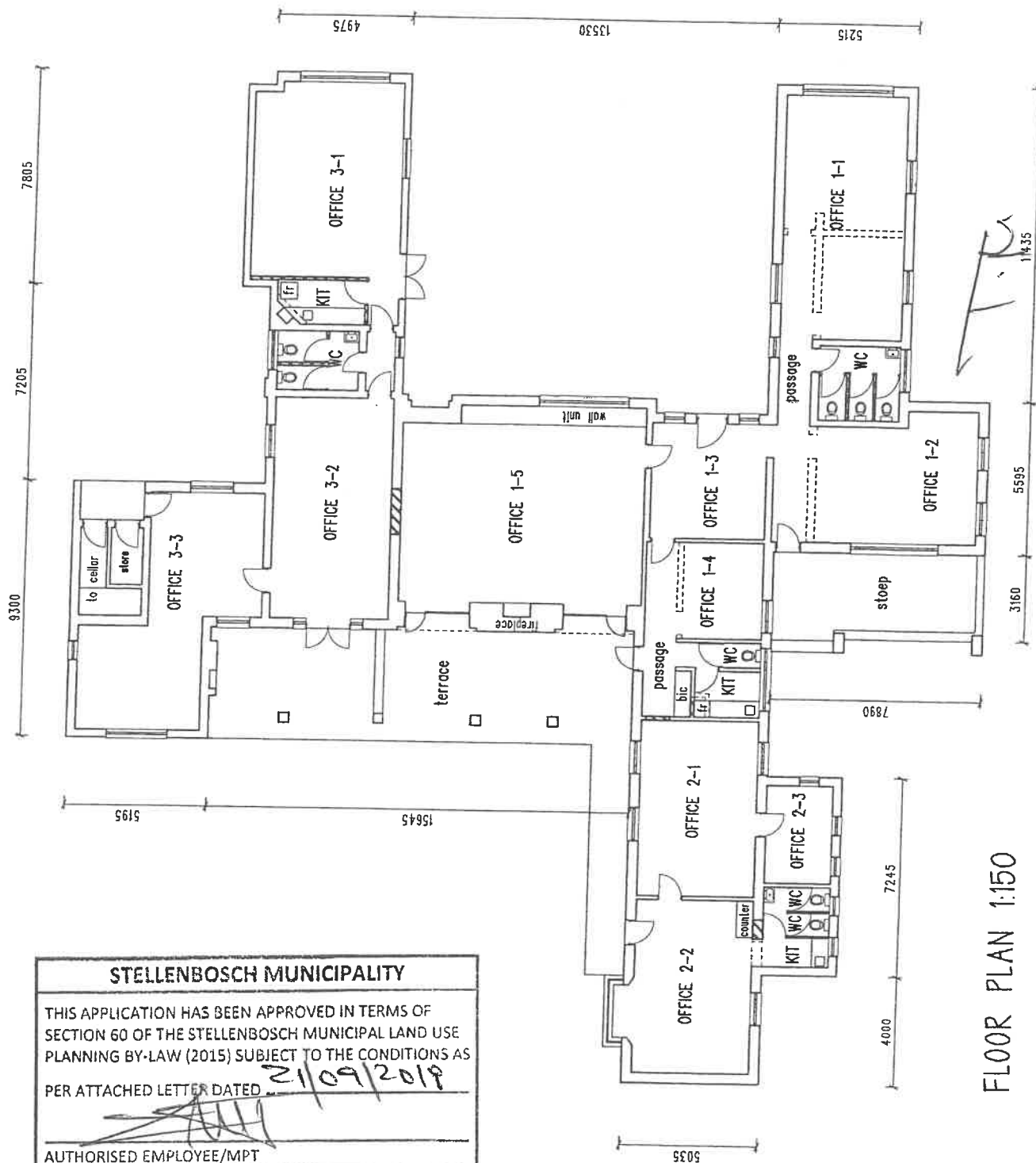


alan king
townplanning and
architectural consultant
email: ajoykingwebmail.co.za
tel 021 8553861 cell 082-4667715

checked
scale
project no
drawing no

drawn
date
W.01/18

gjk
09-03-18
2 of 2



STELLENBOSCH MUNICIPALITY

THIS APPLICATION HAS BEEN APPROVED IN TERMS OF
SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE
PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS
PER ATTACHED LETTER DATED 21/09/2019

AUTHORISED EMPLOYEE/MPT

FLOOR PLAN 1:150



ERF 15724

ERF 15724

- ERF 15724

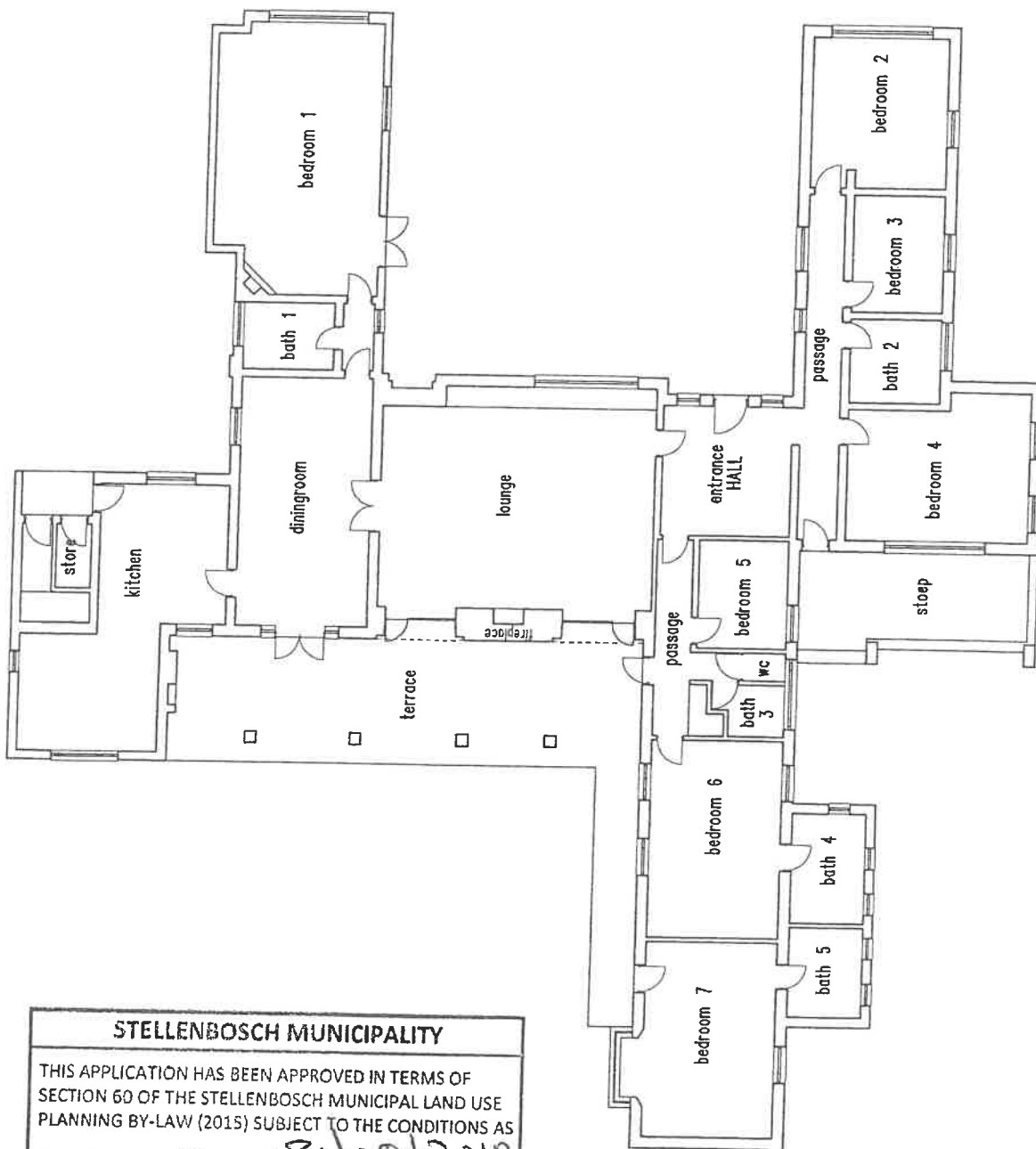
ERF 15724

ERF 15724

ERF 15724

ERF 15724

ERF 15724



STELLENBOSCH MUNICIPALITY

THIS APPLICATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS

PER ATTACHED LETTER DATED 21/09/2018

AUTHORISED EMPLOYEE/MPT

DIMENSIONS & LEVELS TO BE CHECKED ON SITE

Client	WINGHAW
Project	SITE DEVELOPMENT PLAN TEMPORARY DEPARTURE FOR OFFICES ERF 787, HAMMAN STR STELLENBOSCH
Drawing	PLAN EXISTING
Checked	alan king town planning and architectural consultant email: alanking@webmail.co.za Tel: 021 8553961 cell 082-4667715
Scale	1:150
Date	21-02-18
Project no	W.01/18
Drawing no	1 of 1

PLAN OF EXISTING BUILDING 1:150

*Delegated Approval
which was affected*



STELLENBOSCH

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Application Number: LU/14169

Our File Reference Number: Erf 787, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: s.winshaw@gmail.com

Sir / Madam

APPLICATION FOR TEMPORARY DEPARTURE ON ERF 787, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the application for Temporary Departure on Erf 787, Hamman Street, Stellenbosch, in order to utilise the existing dwelling for office purposes in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015.

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

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

- a. That no exterior alterations be made to the existing dwelling unit to ensure that the existing residential character of the buildings on the property are retained.
- b. No vehicle to be parked with Hamman Street, all parking for clients and tenants to be provided onsite
- c. The onsite parking area to be clearly demarcated onsite
- d. The approval shall automatically collapse in the event of the temporary departure not being acted upon with 1 year from the date of this approval

- e. The development must be under taken generally in accordance with the site Development Plan (Drawing No: W02/18, Dated: 21-12-2018, Drawn by: Alan King & Associates), attached as **Annexure B**
- f. 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.
- g. The uses permitted shall be for professional offices only which only operate from Monday to Friday during normal working hours.

3. The reasons for the above decision are as follow:

- 3.1 The property would be underutilized if only used for residential purposes.
- 3.2 The property is in a mixed land use are with the CBD area of Stellenbosch.
- 3.3 The scale of the proposed use is small as only $\pm 5\%$ of the property is being utilized for office purposes.
- 3.4 The proposed use in an interim land use as the application is for a temporary departure which is only valid for 5 years.

- 4. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

- 5. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

5.1 The personal particulars of the Appellant, including:

- i. First names and surname
- ii. ID number
- iii. Company of Legal person's name (if applicable)
- iv. Physical Address
- v. Contact details, including a Cell number and E-Mail address

5.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

5.3 The grounds of the appeal which may include the following grounds:

- i. that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- ii. grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

5.4 Whether the appeal is lodged against the whole decision or a part of the decision.

5.5 If the appeal is lodged against a part of the decision, a description of the part.

5.6 If the appeal is lodged against a condition of approval, a description of the condition.

5.7 The factual or legal findings that the appellant relies on.

5.8 The relief sought by the appellant.

5.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision

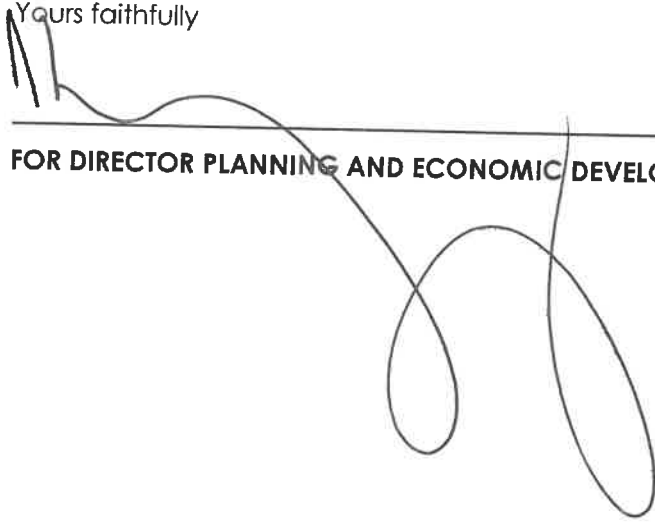
5.10 That the appeal includes the following declaration by the Appellant:

- i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- ii. That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information, or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect, or misleading or not believing them to be correct.

- 6. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@ Stellenbosch.gov.za.
- 7. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
- 8. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za.
- 9. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

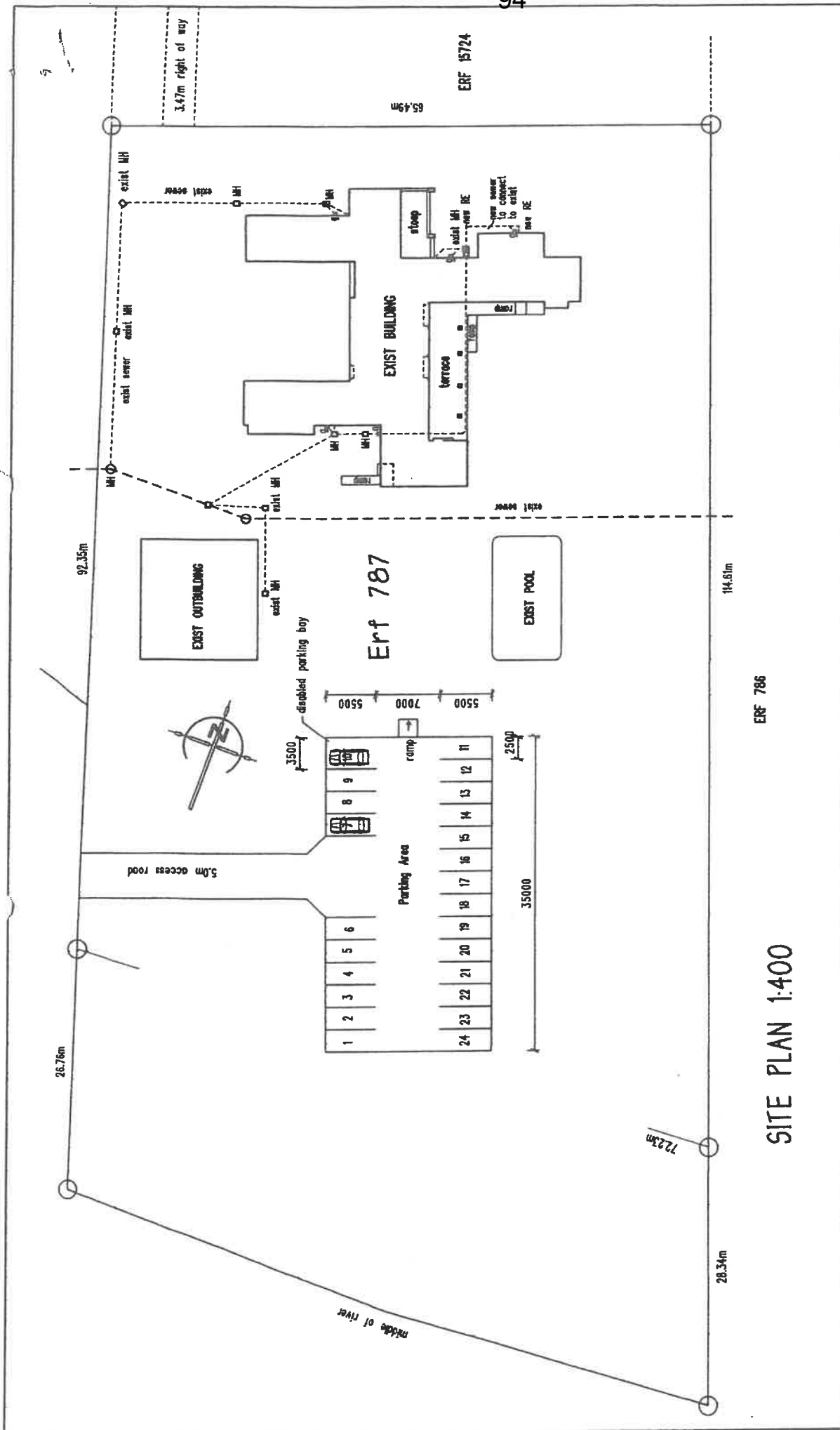
26/4/2023
DATE:



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ANNEXURE B



SITE PLAN 1:400

ERF 786

General Notes

- Contractors to ensure that all work is done in strict accordance with the relevant standards and requirements of the relevant building regulations and the relevant standards of the relevant building regulations (national work).
- Quality of materials and workmanship to comply with the relevant standards of the relevant building regulations and the relevant standards of the relevant building regulations (national work).
- The drawing is to be used in conjunction with other relevant documents, including the relevant building regulations and the relevant standards of the relevant building regulations (national work).

- Contractors must visit site and verify and allow for any variations necessary to complete the work satisfactorily. Any variations must be approved by the relevant building regulations and the relevant standards of the relevant building regulations (national work).
- Contractors to check the details in this drawing for compliance with standards of good building practice, with particular reference to requirements by local authority conditions and report any discrepancies to architect/owner.
- No utility and is to be completed before this boundary. Any variations must be approved by the relevant building regulations and the relevant standards of the relevant building regulations (national work).

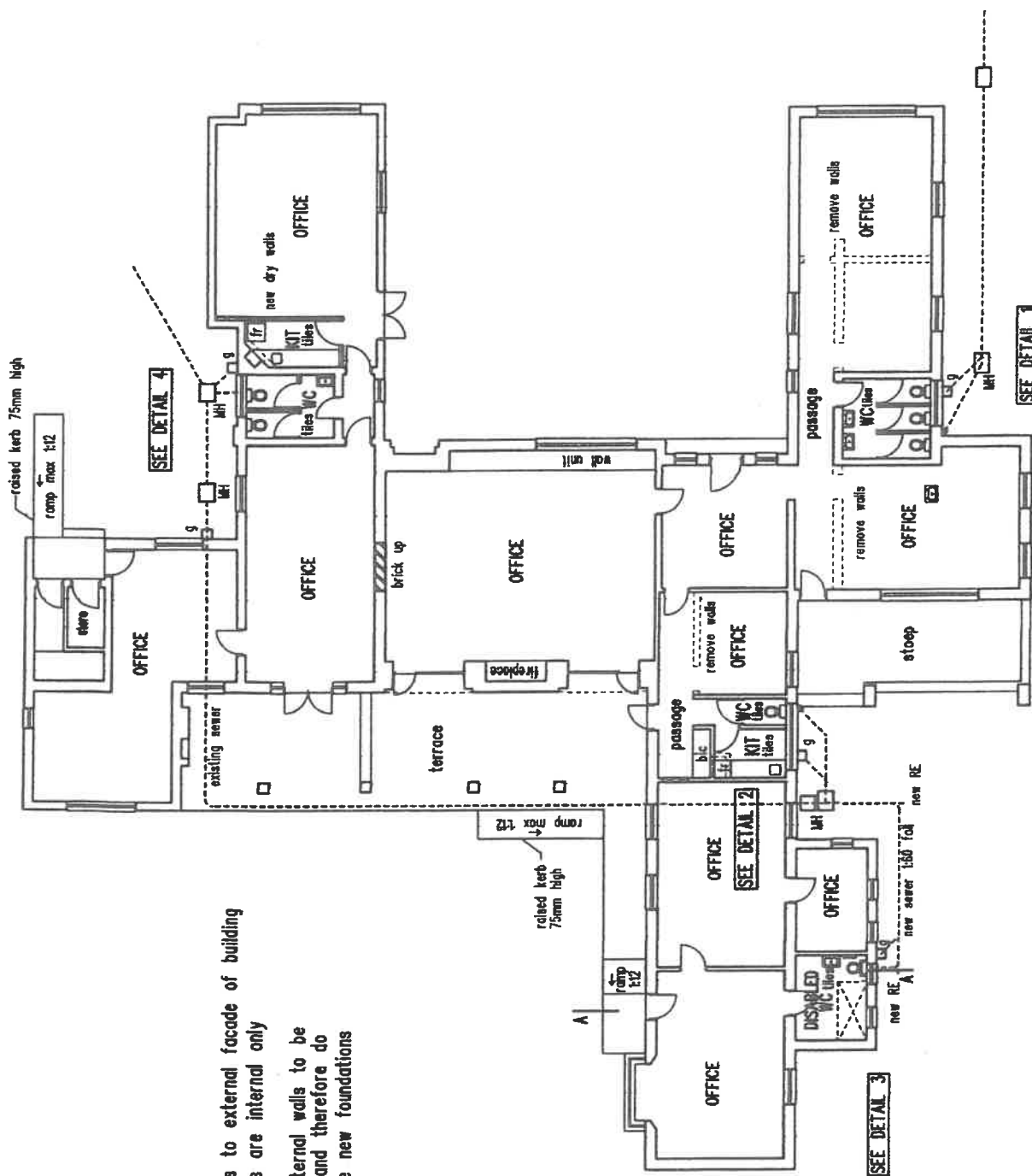
- Contractor to verify all levels, heights & dimensions on site and check the same against drawings before any work is put in place. Any discrepancies to be noted at all times and the relevant building regulations and the relevant standards of the relevant building regulations (national work) must be followed.
- Only the latest approved drawings may be used for the construction of the works. All approved drawings and other drawings must be removed from the site.
- The architect and not be held responsible for any defect, omission or error in the drawings or any other information or data supplied by the architect/owner.

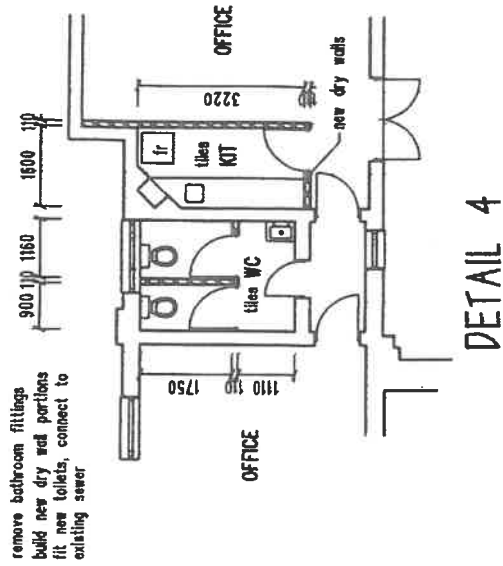
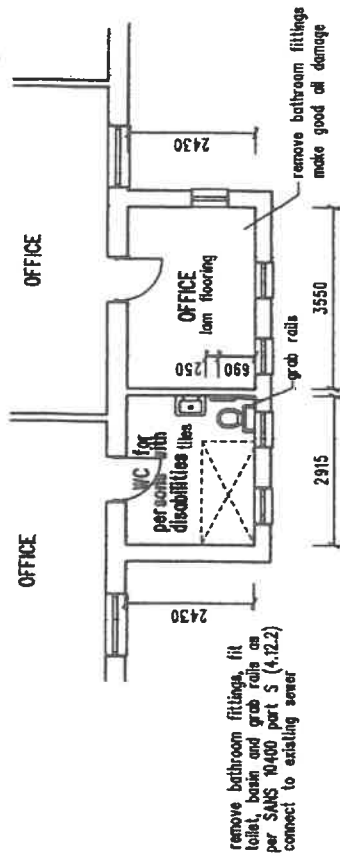
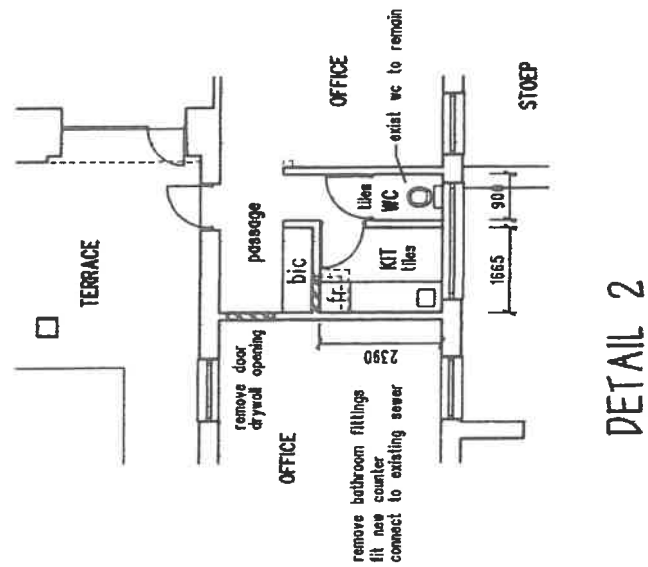
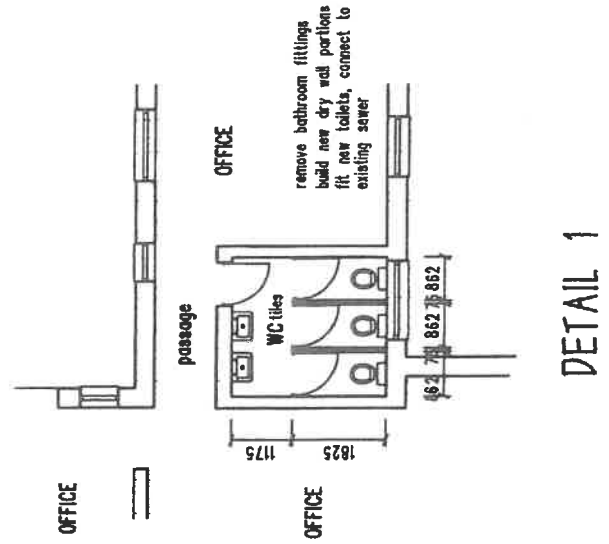
- Drawing prepared on basis of visual surface characteristics of the site. Improvements of depth along in sections, excavations for foundations and be taken down to and into stable substratum soil.
- Any errors, discrepancies, omissions and all queries are to be reported immediately to the architect/owner for clarification before any work is put in place.
- The copyright of this drawing remains with the architect and may only be used for the original project for which it was prepared. It may not be copied, reproduced or otherwise used without the written consent of the architect.

alan king
in association with
DC
ARCHITECTURAL DRAUGHTING
SACAP 02403
cell 082-4667715
email: ajoyking@webmail.co.za

client	J W WINSHAW
project	INTERNAL ALTERATIONS TO ACCOMMODATE NEW OFFICES ON ERF 787, HAMMAN STR STELLENBOSCH
drawing	SITE PLAN
checked	D Jacobs drawn SK
scale	1:400 date 21-12-18
project no	W.02/18 revl dng no 1 of 5

FLOOR PLAN 1:150





DIMENSIONS & LEVELS TO BE CHECKED ON SITE

client J W WINSHAW

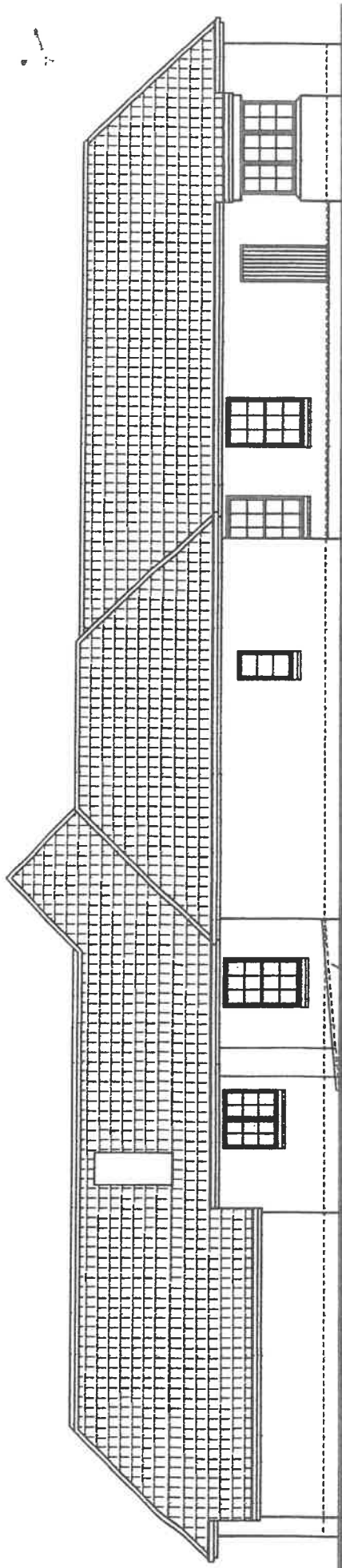
project SITE DEVELOPMENT PLAN
TEMPORARY DEPARTURE FOR OFFICES
ERF 767, HAMMAN STR STELLENBOSCH

drawing DETAIL FLOOR PLANS

alan king
townplanning and
architectural consultant
email: alanking@redmail.co.za
tel 021 8553861 cell 082-4667715

checked D Jacobs
date 21-12-18

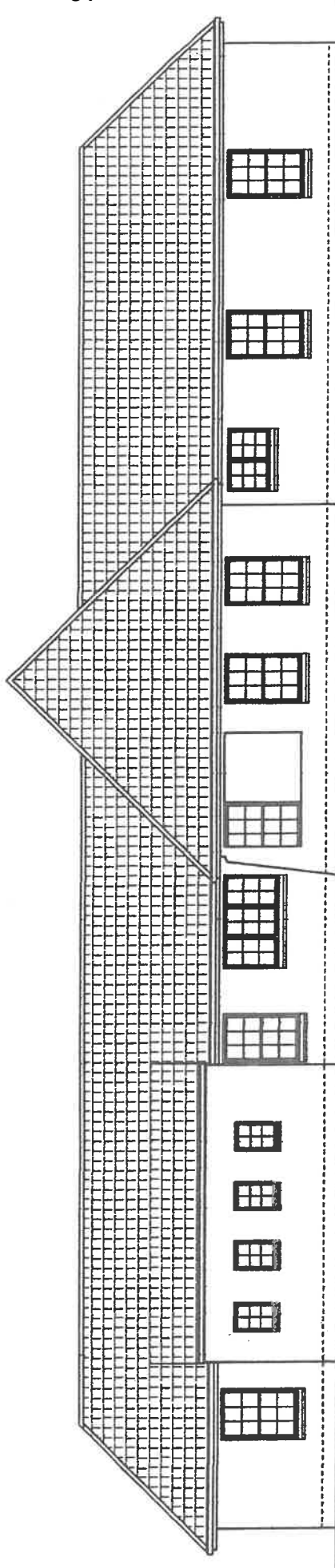
rev1 3 of 5



ramp with 75mm kerb

SOUTH ELEVATION

No changes to external facade of building
All changes are internal only



NORTH ELEVATION

alanjeyling
in association with

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cell 082-4667715
email: alanjeyling@abmail.co.za

client

J W WINSHAW

project

**INTERNAL ALTERATIONS TO
ACCOMMODATE NEW OFFICES ON
ERF 787, HAMMAN STR STELLENBOSCH**

drawing

ELEVATIONS

checked

D Jacobs

drawn

sk

scale

1:100

date

21-12-18

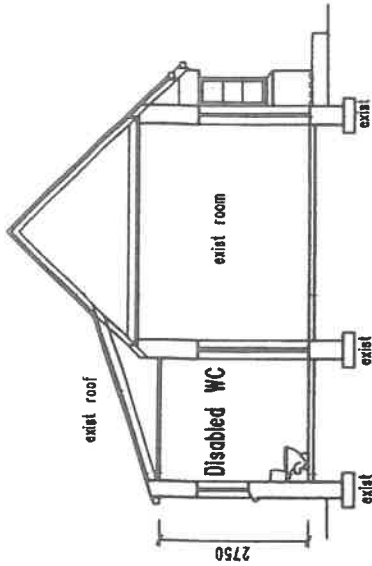
project no

W.02/18

rev1

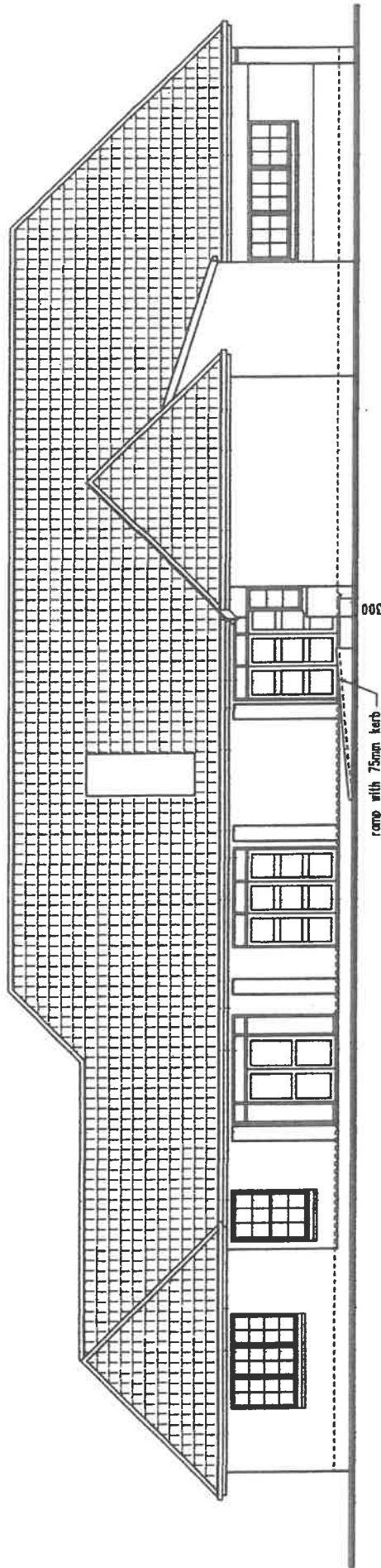
4 of 5

All new internal walls to be
dry walls and therefore do
not require new foundations

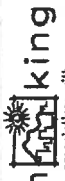


TYPICAL SECTION A-A

No changes to external facade of building
All changes are internal only



EAST ELEVATION



in association with

DC

ARCHITECTURAL DRAUGHTING

SACAP 02403

cell 082-4667715

email: gjoyking@webmail.co.za

Client	J W WINSHAW
Project	INTERNAL ALTERATIONS TO ACCOMMODATE NEW OFFICES ON ERF 787, HAMMAN STR STELLENBOSCH
Drawing	ELEVATION & SECTIONS
checked	D Jacobs
drawn	SK
scale	1:100
date	21-12-18
Project no	W.02/18
rev1	5 of 5



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14169
 Our File Reference Number: Erf 787 Stellenbosch
 Your Reference Number:
 Enquiries: Ulrich von Molendorff
 Contact No: 021 – 808 8682
 Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: s.winshaw@gmail.com

Dear Sir/ Madam

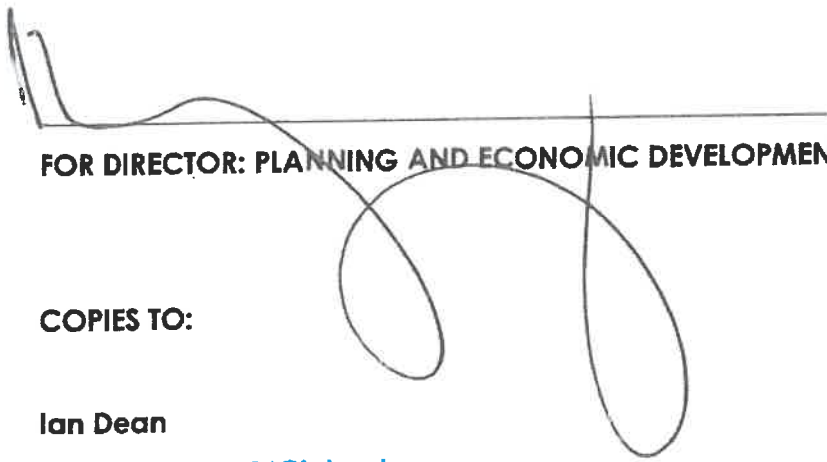
APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR TEMPORARY DEPARTURE ON ERF 787 STELLENBOSCH

1. This Municipality's decision letter dated 26 April 2023, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 23 July 2024 that the appeals submitted against the approval of the Authorised Decision Maker dated 26 April 2023, in respect of the application for Temporary Departure on Erf 787, Stellenbosch, insofar as the appeal submitted by the adjacent property owners of Erf 764, **BE UPHELD** and, insofar as the appeal submitted by the applicant / owner, **BE UPHELD**, and for which purpose the subject decision **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:
 - 2.1 That the application in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-law, for the Temporary Departure, limited for a maximum period of 1 year from date of approval, on Erf 787 Stellenbosch, in order to utilize the existing dwelling for office purposes only,

4. Reasons for the decision:

- 4.1 Hamman Street has retained a predominant residential character which continues to provide well located and accessible residential opportunities for the main town center.
- 4.2 The proposed use of the property for office purposes is not compatible with the residential use and any future permanency and expansion of such office use will undermine and have a detrimental impact on this residential nature and character of Hamman Street.
- 4.3 The temporary use which is limited to a period of one year is an interim arrangement to allow for the relocation of the existing office use to an alternative property which is appropriately zoned for office use, and whereafter the use of the subject property must revert to residential use in keeping with the rest of the Hamman Street.
5. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

23/8/2024,
DATE

COPIES TO:

Ian Dean

Email: landeand26@icloud.com

Anton Melck

Email: amelck@cluvermarkotter.law

Erf 787 Stellenbosch – LU/14169

Page 3 of 3

SITE PLAN 1:400

587 785

114.600

28.34m

2230

General Notes

- [illegible]

4. Carefully read the list of subjects and then let any conference member who is familiar with the subject suggest a speaker. The speaker should be given at least 10 days to prepare. The speaker should be given an opportunity to discuss the subject with the conference members.

1. Cauterize in early afternoon with a cauterizer on eye and cheek. Then cauterize on forehead and on nose. Then cauterize on the back of the neck and the back of the hand at the wrist and the back of the hand at the wrist.
2. If the child cannot stand, he can be held in the arms of the mother or the father.
3. The father and mother should be held responsible for any delay in the treatment of the child.

19. The body is prepared to handle a flood of surface absorption of the sun's rays, and the body's skin is sweating. The body is sweating and the skin does not get too hot.
20. The body is prepared to handle a flood of surface absorption of the sun's rays, and the body's skin is sweating. The body is sweating and the skin does not get too hot.

alan

in association with
DC
ARCHITECTURAL DRAFTING

SACAP D2493

cd 082-485776

email: ojayking@hotmail.co.uk

303

010

INTERNAL ALTERATIONS TO
ACCOMMODATE NEW OFFICES ON
ERF 787, HAUMAN STR STELLENBOSCH

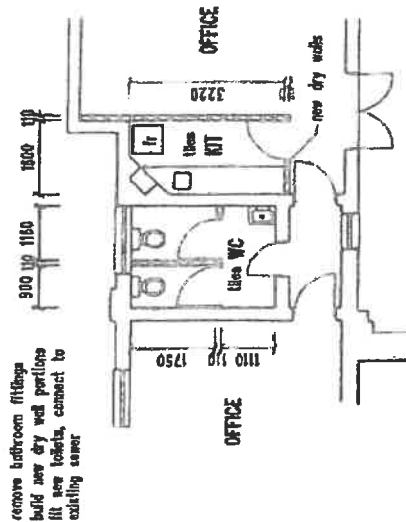
Sheet No. SITE PLAN

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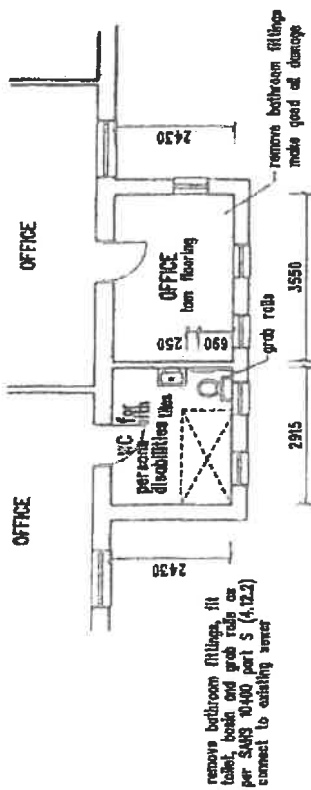
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Project

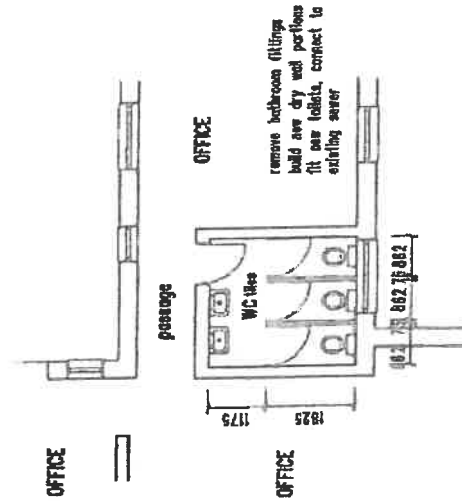
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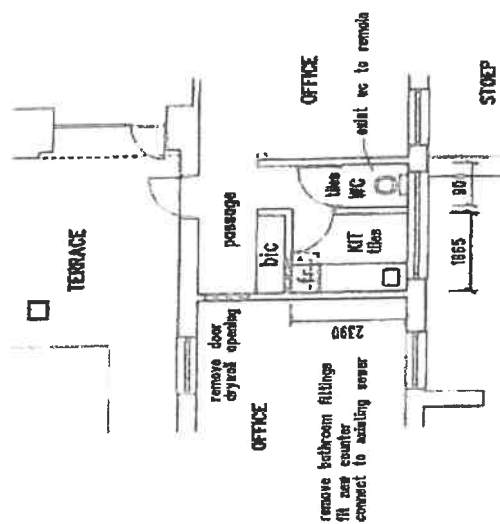
DETAIL 4



DETAIL 3 (Disabled WC)



DETAIL 1



DETAIL 2

DIMENSIONS & LEVELS TO BE CHECKED ON SITE

J W WINSHAW

SITE DEVELOPMENT PLAN
TEMPORARY DEPARTURE FOR OFFICES
ERF 787, HAMMAN STR STELLENBOSCH

DETAIL FLOOR PLANS

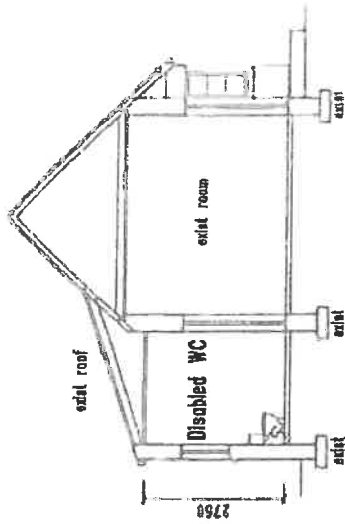
alan
town planning and
architectural consultant
tel: 021 9553861 cell: 082-4417715

D Jacobs

1:800

21-12-18

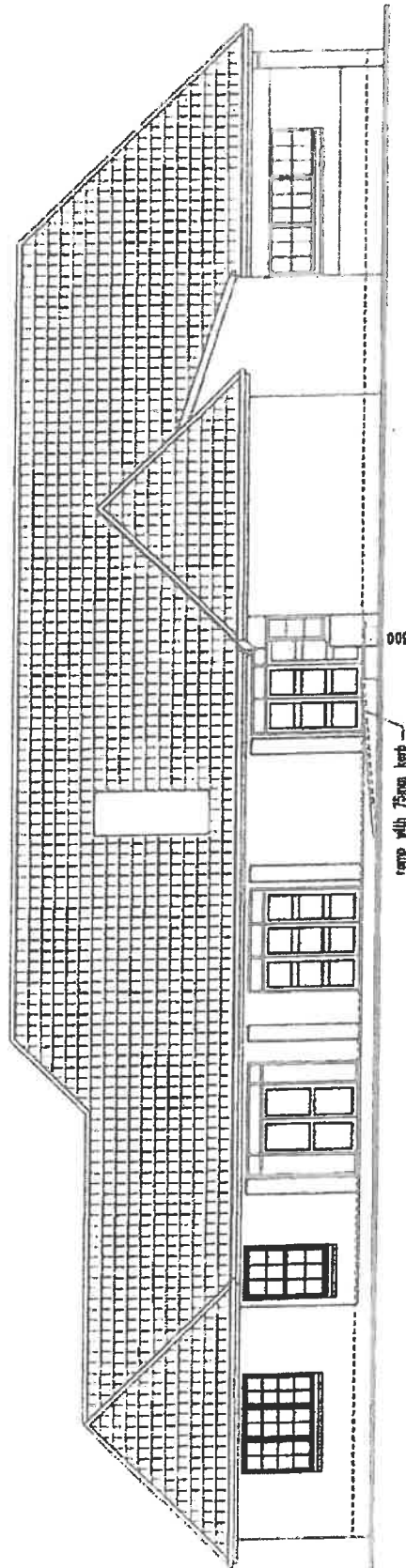
W.02/18 rev1 sheet 3 of 5



TYPICAL SECTION A-A

All new internal walls to be
dry walls and therefore do
not require new foundations

No changes to external facade of building
All changes are internal only



EAST ELEVATION

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Drawn J W WINSHAW

Project INTERNAL ALTERATIONS TO
ACCOMMODATE NEW OFFICES ON
ERF 787, HAMMAN STR STELLENBOSCH
Drawing ELEVATION & SECTIONS
checked D Jacobs
scale 1:100
project no W.02/18 revl 001 to 5 of 5



ANNEXURE G



STELLENBOSCH MUNICIPALITY

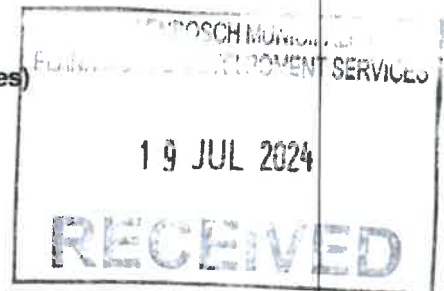
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To • Aan:	Director: Planning + Economic Development
Att Aandag:	Bulelwa Mdoda
From • Van:	Manager: Development (Infrastructure Services)
Author • Skrywer:	Tyrone King
Date • Datum:	23 April 2024
Our Ref • Ons Verw:	Civil LU 2695
Town Planning Ref:	LU/16567 – TP605/2023
Re • Insake:	Erf 787, Stellenbosch: Application in terms of Section 15(2)(a) for the Rezoning of Erf 787, Stellenbosch, from Conventional Residential to Mixed Use to allow the existing buildings on the property to be used for office purposes.



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

- 1. Civil Engineering services**
 - 1.1 The existing water and sewer service connections are to be utilized.
- 2. Development Charges (DCs)**
 - 2.1 The following DC's are payable: See **Development Charge Calculation** attached.
 - 2.2 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.

2.3 The appropriate are payable immediately after approval of this application.



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

W:\2.0 DEVELOPMENT\01 Land Use applications\2695 () Erf 787 Stellenbosch (LU-16567 TP605-2023)\2695 () Erf 787 Stellenbosch (LU-16567 TP605-2023).doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number	2095 (J) Erf 787 Stellenbosch (LU-16587 TP005-2023)
Development Name	
Date	23 April 2024
Financial Year	2023/2024
Erf Location (Select from 7 Locations)	Stellenbosch Town
Erf Region (Select Urban or Rural)	Urban
Erf No. / Farm No.	Farm 1252 Stellenbosch
DC Parameters Reference	SDP Drawing 3 of 6 dated 25-04-2023 (Garage offices) and SDP Drawing 6 of 6 dated 25-04-2023 (House offices)

SUMMARY OF DC CALCULATION							
Service	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civl Eng Services)	Totals
Units(s)	l/day	l/day	l/s	l/week	l/day		
Total Increased Services Usage	0.7	0.9625	0.02325	0.055	38.375		
Total Service Usage Reduction	0	0	0	0	0.0		
Total Service Usage after Reduction	0.70	0.96	0.02325	0.055	38.4		
Charges before adjusting for positive only, before Deductions	R 21 936.44	R 33 197.37	R 4 816.61	R 5 378.64	R 246 606.50	R 311 936.56	R 304 647.38
Charges adjusted for positive only, before Deductions	R 21 936.44	R 33 197.37	R 4 816.61	R 5 378.64	R 246 606.50	R 311 936.56	R 311 936.56
Total Deductions	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT)	R 21 936.44	R 33 197.37	R 4 816.61	R 5 378.64	R 246 606.50	R 311 936.56	R 311 936.56
VAT	R 3 290.47	R 4 979.61	R 722.49	R 806.95	R 36 990.97	R 46 790.48	R 46 790.48
Total Development Charges Payable (including VAT)	R 25 226.91	R 38 176.97	R 5 539.10	R 6 185.58	R 283 597.47	R 358 727.04	R 358 727.04

APPLICATION INFORMATION	
Application Processed by	Tyone Kyo
Signature	
Notes	Ex house converted to Offices = 330m2 Garage converted to Offices GLA = 145m2 Total 475m2 (Also see Par 3.1 of Arch Motivation report dated December 2023)

ELETRICITY SERVICES: CONDITIONS OF APPROVAL **ERF 787**

GENERAL COMMENT:

1. All electrical work to comply to SANS 142, SANS 104 XA, SANS 1307, SANS 10106, SANS 10252-1 and SANS 10254, and Municipal By-Laws
2. Development Bulk Levy Contributions are payable

CONDITIONS

1. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.

2. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval, i.e.

- a) The design of the electrical distribution system
- b) The location of substations(s) and related equipment.

3. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

4. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)

5. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.

6. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

7. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.

8. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:

- Solar water Heating or Heat Pumps in Dwellings
- Energy efficient lighting systems
- Roof insulation with right R-value calculations.
- Control Air condition equipment tied to alternative efficiency systems
- Preheat at least 50% of all hot water with alternative energy saving sources
- All hot water pipes to be clad with insulation with R-value of 1
- Provide a professional engineer's certificate to proof that energy saving measures is not feasible.

9. If connecting a generator /solar panel for backup, the backup equipment needs to comply to OHS Act SANS 10142-1

FILE NR:	E 787 S
	168 118
	268 118
COLLABORATOR NR:	

Bradley Williams

Date.....4/06/2024

Signature

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

05 JUN 2024

RECEIVED



ANNEXURE H

Sue-Marie Ferreira
Per email

Email: s.winshaw@gmail.com

13 July 2023

Our Reference: 4569

Attention: Mrs Ferreira

TRAFFIC IMPACT STATEMENT: ERF 787 HAMMAN STREET, STELLENBOSCH

We refer to our appointment to assist with the abovementioned development in terms of the expected traffic impact on the surrounding road network. This letter summarises the traffic impact in support of the proposed development on Erf 787 in Stellenbosch.

Erf 787 is located north of the Eerste River, south of Dorp Street, east of Piet Retief Street and west of Hamman Street in Stellenbosch. See Figure 1 for a Locality Plan.



Figure 1: Erf 787 Locality Plan

THINKING GLOBAL, ACTING LOCAL

Directors: JI Coetzee Pr Eng (Managing), Dr P Pretorius Pr Eng
Dr JC Krogscheepers Pr Eng, Mrs LC Pretorius Pr Eng, Ms O Ribeiro MBA
Registration No: 2001/027 205/07



Figure 3: Dorp Street Cross-Section



Figure 4: Hamman Street Cross-Section

Trip Generation

The trip generation rates are based on the Committee of Transport Officials (COTO)'s TMH 17². The expected trip generation rates for offices are 2.1 trips per 100m² GLA during both the a.m. and p.m. peak hours. The resultant trip generation is therefore 10 vehicles per hour during both the a.m. and p.m. peak hours, of which three trips will be generated by the new office space. It is therefore concluded that the expected impact of the proposed development will be marginal.

² Committee of Transport Officials, TMH17, South African Trip Data Manual, September 2013

Access

Access will be obtained via the existing access off Hamman Street. The access to the development is gated. The gate is an intercom-operated gate for visitors. There is sufficient storage available between the gate and Hamman Street to accommodate any vehicle stacking.

Parking and Internal Site Circulation

According to the Stellenbosch Municipality Zoning Scheme By-Law³, four parking bays per 100m² GLA are required for office. This calculates to 19 parking bays required. The SDP indicates a total of 32 parking bays will be provided on-site which is sufficient.

All parking bays are according to the minimum standards and the internal vehicle circulation is sufficient.

Summary

This letter outlines the expected traffic impact of the proposed development on Erf 787 in Stellenbosch. The estimated number of trips associated with the proposed development will be marginal and will have an insignificant impact on the external road network.

One access to the site is proposed. A total of 32 parking bays will be provided on-site which is sufficient.

We trust that the above adequately addresses the traffic-related issues associated with the proposed development on Erf 787 in Stellenbosch. Please contact us should you need any additional information.

Regards,


Johan Brink Pr.Eng

for Innovative Transport Solutions (Pty) Ltd

³ Stellenbosch Municipality, Zoning Scheme By-law, September 2019

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

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRE LOMBAARD

3 Floor, Time Square, Ekurhuleni Street, Isando Park, Stellenbosch
7600, South Africa

Mobile: +27 82 805 6362 / Email: dupre.lombaard@virdus.com



17 May 2024

Ms Carlien Coetzee
Arch Town Planners
Per: carlien@archtownplanners.co.za

Dear Madam

OBJECTION TO LAND DEVELOPMENT APPLICATION: ERF 787, HAMMANN STREET, STELLENBOSCH (REFERENCE TP605/2024)

The notice to the adjacent owners dated 18 April 2024 refers. This submission is made on behalf of owners and residents in the street, being:

- **Mr and Mrs Slabbert for the Venezia Trust, Erf 14144;** Remaining Objector as the other property owners listed have withdrawn their objections as noted in the Addendum to the POE.
- Mr and Mrs Dean, Erf 764;
- Mr and Mrs Venter, Erf 766;
- CMV Trust (IT 4121/2007, JLC Venter), Erf 767;
- Little Precious Trust (Ms B Lane), Erf 763; and
- Mr MJ Hunt, Erf 760.

We hereby lodge the following objection against the land development application on behalf of the aforementioned owners and residents in Hammann Street, who are already and will be further affected by the office use and a rezoning permanently permitting offices in the street, as well as any future mixed use redevelopment of the property.

The affected owners are in principle not opposed to a change in use and intensified development or to the redevelopment of the property in keeping with the surrounding residential land use and spatial development policies of the Municipality but object to the proposed rezoning for the continued and expanded office use and accordingly a foot in the door for future unspecified mixed use development.

At the heart of the objection lies the question whether Erf 787, at the end of a *cul-de-sac*, surrounded by residential properties, is the right place for the proposed development of offices and future mixed-use development. We submit that the proposed rezoning and continued use is inappropriate on the property and in the street, it lacks desirability, it is not justifiable or reasonable and that the land development application should be refused for the reasons set out below.

The application states that the property, almost 9 000m², is too large to use as a single residential property, which statement is understood and supported. However, the next best use in such situation is not a mixed use as claimed in the application. The Mixed-use Zone in terms of the Stellenbosch Municipality Zoning Scheme Bylaw permits numerous uses and development which would not be compatible with the surrounding residential character of the area and should not be permitted at the

end of a *cul-de-sac*. Rezoning of the property to an undesirable zoning on the grounds that it will be limited to a single primary use of limited scale cannot be supported, as a future application would only have to argue that the primary use needs to change, which requires a significantly less onerous process and motivation than a rezoning. The application confirms that a future application will be an application for amendment of the site development plan only, i.e., based on the assumption at that time that the Mixed-use Zoning is acceptable to the surrounding residents. The statement that: *"The zoning scheme indicates that the purpose of the mixed-use zone is to allow a variety of mixed land uses that have no negative impact on each other. In this regard the development will improve business use in the area and increase the potential to have a mix of land uses in the future"* further raises the suspicion that this application is made for strategic purposes to establish a Mixed-use Zone and not to accommodate the existing offices.

The fact that application is not made for a rezoning to a Local Business Zone, which also permits offices as a primary use, confirms the suspicion that the application might be a strategic application aimed at a long term plan to convert the use to a potentially more lucrative one for the owners and an even less desirable one for the surrounding owners. The application states that the purpose thereof is *"to rezone the application site to a more suitable zoning category which allows for offices as a primary right"*, which could be the Local Business Zone, but seemingly this does not suffice, for uncertain reasons.

The statement that *"due to the size and central location of the property it can reasonably be expected that the application site will at some stage in the future be fully redeveloped"* is understood and the concept is supported, but such redevelopment should be for appropriate residential purposes and not for any business use that would cause continuous discomfort and disturbance to the residents in the street.

The requested conversion of the garage, which is being used for storage in terms of the application, is not supported. It will further entrench the current business use and lead to an increase in business-related traffic in the street. This erodes the residential character of the street where the only business is guest accommodation and occupational practices in dwelling houses, and which play an important role in the retention of the character of the street under difficult circumstances in a central location. Additional traffic and business activity will put further pressure on the owners in trying to retain the residential character of the street, while the owners of the business premises (subject property) do not reside there and might not understand the importance of retaining the residential character as do the residents. It is noteworthy how far, for solely commercial reasons, the owner intends to push the envelope, solely for the owner's benefit, and to the prejudice of the residents in the street. The owner inter alia requires the departure and expansion of the office space to add value to the property, and from the perspective of the affected residents to entrench the non-residential use and accordingly to be able to motivate that the commercial use is acceptable in the residential environment. In the motivation report it is stated that: *"It is important to note that the proposed development will not include any new development or extension of any of the existing buildings"*, yet, in the very next paragraph application is made for an extension of the office space by the conversion of the garage.

The application also hides the true intent thereof with the statement that: *"The proposed development is purely to allow for permanent rights to convert and use the existing garage (of ± 170m²) as offices and to be able to continue to use the existing house as offices."* The proposed development is a future mixed-use development as stated elsewhere in the application and not the simple conversion of the

garage and use of the converted house for office purposes. If it were for the limited use of offices in a mere 475m² GLA, the owner can offer guarantees that the use of the property will be so limited and that in future it will be rezoned to a lesser zoning (for residential purposes). Such guarantees could for example be offered by way of servitude rights over the property in favour of the residents of the street, albeit undesirable and statutorily messy. Land use conditions limiting the use are ineffective and could be amended as indicated in the application, while servitudes in favour of the residents of the street would be significantly more difficult to cancel.

In an attempt to motivate the desirability of the application, the applicant summarises a few bullet points in the motivation report. Amongst others it states that "*the application site is one of the only remaining underdeveloped portions of land in central Stellenbosch, and there is a large demand for business and office space within this area*", without substantiating the statement relating to demand. A quick search for offices to let in Stellenbosch indicates significant office vacancies for which tenants are sought.

In contrast to the claimed demand for offices, the demand for centrally located residential accommodation is equally high and the locational and desirability factors as motivated in the application would be equally applicable to a residential development (Housing Market Studies for Intermediate Cities/ Larger Towns in the Western Cape, Stellenbosch Town Report, August 2022). The stated demand for office space, location, and extent of the property offer insufficient reasons for a mixed-use development and assessment of the desirability of such use.

The application fails to assess the negative impacts that a mixed-use development might have on the residential street if in future the primary rights are taken up by the owners. Instead, it downplays the effects of the application as if the intention is to limit the development to the existing small-scale offices. If the rezoning application is approved, the potential development in terms of the Mixed-use Zone will adversely and materially impact on the neighbours' and objectors' existing rights and will have significant effect on the area's sense of place. The applicant has not succeeded in appropriately assessing the impact of a Mixed-use Zone development on the surrounding area and in showing the desirability of such zoning and potential development in the *cul-de-sac*. A contextual assessment of the situation must be undertaken, and it must consider the effect of the proposed land use and accordingly resultant buildings will have on the neighbouring properties and the character of the surrounding area. The Mixed-use Zone will permit the development of six-storey buildings with a permitted coverage of 85%, while an equally appropriate (from the applicant's perspective) Local Business Zone would allow only for three-storey buildings and coverage of 75%. The impact of the built environment envisaged with the application can thus be reduced significantly, but it seems as if the true purpose is not the extension of the existing office uses. A more acceptable and appropriate Multi-unit Residential Zone development will have equally limited potential building effect.

The intention with the required contextual assessment of the effect of any building development on the neighbouring properties is to prevent a development that will be unreasonably intrusive, overbearing or otherwise unsightly or objectionable from being undertaken. The aim should inter alia be to ensure that the development will not have an inappropriate visual or other impact on sense of place or existing rights. Buildings permitted in terms of the Mixed-use Zone will be of such nature or appearance that it will probably or in fact be unsightly or objectionable; or will probably or in fact derogate from the value of adjoining or neighbouring properties. The judgements handed down in

True Motives 84 (Pty) Ltd v Mahdi and Another 2009 (4) SA 153 (SCA), Da Cruz and Another v Cape Town City and Another 2017 (4) SA 107 (WCC), and also see the Constitutional Court judgement in the Turnbull-Jackson case (2014 (6) SA 592 (CC)) highlight the essential nature of a proper contextual assessment and an appropriate decision based thereon. The courts have determined that when considering the question of derogation of value, the question seems to be whether any disadvantage will result from what is proposed to a neighbouring property. The proposed Mixed-use Zone and resultant future development will derogate from the value of the objectors' properties and is unacceptable.

Suffice to state that it is clear from the legislation that an application must be refused if it does not comply with any of the minimum threshold criteria as specified, as in this instance where a proper assessment of the desirability has not been made.

Densification and intensification of the land development on the site can be achieved with a lesser Local Business Zone as indicated above, albeit equally unacceptable to the residents, and with a rezoning to a Multi-unit Residential Zone that will also increase the value of the land for the owner and contribute to the achievement of the Municipality's spatial planning objectives. If development of the site in terms of the primary uses under the Mixed-use Zone is not intended, then why apply for such zoning? While it is understood that the purpose is to extend the lifespan of the existing offices, it should be noted that such use does not belong in the street and therefore the rezoning is not justifiable, and it should not be permitted.

According to the motivation a traffic impact statement was prepared (ITS Innovative Transport Solutions) and it concluded that: *"the estimated number of trips associated with the proposed development will be marginal and will have an insignificant impact on the external road network."* However, it did not assess the development impact of a Mixed-use Zone development which, according to the application, can be achieved with a site development plan amendment application. If cannot be argued that the access via Hamman Street is acceptable for a Mixed-use Zone development. If so, then it would assume that all other properties in the street could be granted similar use rights, in which case clearly the access would be completely insufficient.

The residents already report traffic movements and volumes out of keeping with the current residential character of the street, albeit marginal. It must be assumed, amongst others based on the motivation report, that the ultimate goal is a commercial development. In this locality, it would attract peak time traffic for employees to and from work and during a day visitor traffic. It is extremely unlikely that employees and client would be resident in walking distance of the development. On the other hand, if the property is developed for residential purposes, the traffic patterns would synchronize with that of the street and be significantly lower than for a mixed-use development.

The potential impact of traffic in the *cul-de-sac* with limited space, the additional pedestrian movement, the changing movement patterns, the change in activity patterns, and the effects of non-residential buildings on the residents of the street have not been assessed. According to the application there are no negative effects of the proposed Mixed-use Zone on the neighbouring properties. However, the applicant has failed to properly assess the potential effects and downplayed them based on the unguaranteed proposal to limit the use to the existing offices in 475m² of existing buildings.

Document: OBJECTION TO LAND DEVELOPMENT APPLICATION: ERF 787, HAMMANN STREET, STELLENBOSCH
(REFERENCE TP605/2024)
Date: 17 May 2024

We submit that the disadvantages of a mixed-use development and the continued office use outweigh the alleged benefits to the larger community and in particular to the residents of the street. The proposed rezoning and resultant potential development is therefore not justifiable and it lacks desirability, and should accordingly be refused.

Yours faithfully



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ANNEXURE I

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

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRE LOMBAARD

3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch
7600, South Africa

Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com



17 May 2024

Ms Carlien Coetzee
Arch Town Planners
Per: carlien@archtownplanners.co.za

Dear Madam

OBJECTION TO LAND DEVELOPMENT APPLICATION: ERF 787, HAMMANN STREET, STELLENBOSCH (REFERENCE TP605/2024)

The notice to the adjacent owners dated 18 April 2024 refers. This submission is made on behalf of owners and residents in the street, being:

- Mr and Mrs Slabbert for the Venezia Trust, Erf 14144;
- Mr and Mrs Dean, Erf 764;
- Mr and Mrs Venter, Erf 766;
- CMV Trust (IT 4121/2007, JLC Venter), Erf 767;
- Little Precious Trust (Ms B Lane), Erf 763; and
- Mr MJ Hunt, Erf 760.

Remaining Objector as the other property owners listed have with drawn their objections as noted in the Addendum to the POE.

We hereby lodge the following objection against the land development application on behalf of the aforementioned owners and residents in Hammann Street, who are already and will be further affected by the office use and a rezoning permanently permitting offices in the street, as well as any future mixed use redevelopment of the property.

The affected owners are in principle not opposed to a change in use and intensified development or to the redevelopment of the property in keeping with the surrounding residential land use and spatial development policies of the Municipality but object to the proposed rezoning for the continued and expanded office use and accordingly a foot in the door for future unspecified mixed use development.

At the heart of the objection lies the question whether Erf 787, at the end of a *cul-de-sac*, surrounded by residential properties, is the right place for the proposed development of offices and future mixed-use development. We submit that the proposed rezoning and continued use is inappropriate on the property and in the street, it lacks desirability, it is not justifiable or reasonable and that the land development application should be refused for the reasons set out below.

The application states that the property, almost 9 000m², is too large to use as a single residential property, which statement is understood and supported. However, the next best use in such situation is not a mixed use as claimed in the application. The Mixed-use Zone in terms of the Stellenbosch Municipality Zoning Scheme Bylaw permits numerous uses and development which would not be compatible with the surrounding residential character of the area and should not be permitted at the

end of a *cul-de-sac*. Rezoning of the property to an undesirable zoning on the grounds that it will be limited to a single primary use of limited scale cannot be supported, as a future application would only have to argue that the primary use needs to change, which requires a significantly less onerous process and motivation than a rezoning. The application confirms that a future application will be an application for amendment of the site development plan only, i.e., based on the assumption at that time that the Mixed-use Zoning is acceptable to the surrounding residents. The statement that: *"The zoning scheme indicates that the purpose of the mixed-use zone is to allow a variety of mixed land uses that have no negative impact on each other. In this regard the development will improve business use in the area and increase the potential to have a mix of land uses in the future"* further raises the suspicion that this application is made for strategic purposes to establish a Mixed-use Zone and not to accommodate the existing offices.

The fact that application is not made for a rezoning to a Local Business Zone, which also permits offices as a primary use, confirms the suspicion that the application might be a strategic application aimed at a long term plan to convert the use to a potentially more lucrative one for the owners and an even less desirable one for the surrounding owners. The application states that the purpose thereof is *"to rezone the application site to a more suitable zoning category which allows for offices as a primary right"*, which could be the Local Business Zone, but seemingly this does not suffice, for uncertain reasons.

The statement that *"due to the size and central location of the property it can reasonably be expected that the application site will at some stage in the future be fully redeveloped"* is understood and the concept is supported, but such redevelopment should be for appropriate residential purposes and not for any business use that would cause continuous discomfort and disturbance to the residents in the street.

The requested conversion of the garage, which is being used for storage in terms of the application, is not supported. It will further entrench the current business use and lead to an increase in business-related traffic in the street. This erodes the residential character of the street where the only business is guest accommodation and occupational practices in dwelling houses, and which play an important role in the retention of the character of the street under difficult circumstances in a central location. Additional traffic and business activity will put further pressure on the owners in trying to retain the residential character of the street, while the owners of the business premises (subject property) do not reside there and might not understand the importance of retaining the residential character as do the residents. It is noteworthy how far, for solely commercial reasons, the owner intends to push the envelope, solely for the owner's benefit, and to the prejudice of the residents in the street. The owner inter alia requires the departure and expansion of the office space to add value to the property, and from the perspective of the affected residents to entrench the non-residential use and accordingly to be able to motivate that the commercial use is acceptable in the residential environment. In the motivation report it is stated that: *"It is important to note that the proposed development will not include any new development or extension of any of the existing buildings"*, yet, in the very next paragraph application is made for an extension of the office space by the conversion of the garage.

The application also hides the true intent thereof with the statement that: *"The proposed development is purely to allow for permanent rights to convert and use the existing garage (of $\pm 170\text{m}^2$) as offices and to be able to continue to use the existing house as offices."* The proposed development is a future mixed-use development as stated elsewhere in the application and not the simple conversion of the

garage and use of the converted house for office purposes. If it were for the limited use of offices in a mere 475m² GLA, the owner can offer guarantees that the use of the property will be so limited and that in future it will be rezoned to a lesser zoning (for residential purposes). Such guarantees could for example be offered by way of servitude rights over the property in favour of the residents of the street, albeit undesirable and statutorily messy. Land use conditions limiting the use are ineffective and could be amended as indicated in the application, while servitudes in favour of the residents of the street would be significantly more difficult to cancel.

In an attempt to motivate the desirability of the application, the applicant summarises a few bullet points in the motivation report. Amongst others it states that *"the application site is one of the only remaining underdeveloped portions of land in central Stellenbosch, and there is a large demand for business and office space within this area"*, without substantiating the statement relating to demand. A quick search for offices to let in Stellenbosch indicates significant office vacancies for which tenants are sought.

In contrast to the claimed demand for offices, the demand for centrally located residential accommodation is equally high and the locational and desirability factors as motivated in the application would be equally applicable to a residential development (Housing Market Studies for Intermediate Cities/ Larger Towns in the Western Cape, Stellenbosch Town Report, August 2022). The stated demand for office space, location, and extent of the property offer insufficient reasons for a mixed-use development and assessment of the desirability of such use.

The application fails to assess the negative impacts that a mixed-use development might have on the residential street if in future the primary rights are taken up by the owners. Instead, it downplays the effects of the application as if the intention is to limit the development to the existing small-scale offices. If the rezoning application is approved, the potential development in terms of the Mixed-use Zone will adversely and materially impact on the neighbours' and objectors' existing rights and will have significant effect on the area's sense of place. The applicant has not succeeded in appropriately assessing the impact of a Mixed-use Zone development on the surrounding area and in showing the desirability of such zoning and potential development in the *cul-de-sac*. A contextual assessment of the situation must be undertaken, and it must consider the effect of the proposed land use and accordingly resultant buildings will have on the neighbouring properties and the character of the surrounding area. The Mixed-use Zone will permit the development of six-storey buildings with a permitted coverage of 85%, while an equally appropriate (from the applicant's perspective) Local Business Zone would allow only for three-storey buildings and coverage of 75%. The impact of the built environment envisaged with the application can thus be reduced significantly, but it seems as if the true purpose is not the extension of the existing office uses. A more acceptable and appropriate Multi-unit Residential Zone development will have equally limited potential building effect.

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We submit that the disadvantages of a mixed-use development and the continued office use outweigh the alleged benefits to the larger community and in particular to the residents of the street. The proposed rezoning and resultant potential development is therefore not justifiable and it lacks desirability, and should accordingly be refused.

Yours faithfully

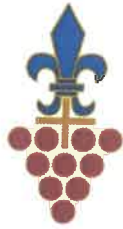


DUPRE LOMBAARD



APPLICATION FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT, DEPARTURE AND SUBDIVISION ON FARM NO. 65/13 & 30, STELLENBOSCH DIVISION

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

**PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE
 STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 FOR A CONSENT
 USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT, DEPARTURE AND
 SUBDIVISION ON FARM NO. 65/13 & 30, STELLENBOSCH DIVISION.**

APPLICATION DETAILS

Application Reference	LU/17271	Commencement Date	24/07/2024
Applicant	Urban Dynamics South Cape – Gerhardus Swart	Last day for comments or additional information	09 May 2025
Farm nr	65/13 & 30 (See ANNEXURE A for locality plan)	Place	Stellenbosch Division
Zoning	Agriculture and Rural Zone	Other approvals	Previous approval was granted for a winery, guesthouse and tourist facilities (wine tasting and sales)

X	TYPE OF APPLICATION
	15(2)(a) rezoning of land*
X	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilize 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
x	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose

The owner of the two farms seeks to diversify the income on the farm by creating a high-end tourist destination by expanding the tourist accommodation facilities on Farms No. 65/13 and 65/30, operated as one entity.

2. Background and Application detail

The farms are located within the picturesque Devon Valley a tranquil, verdant, and picturesque area within the Stellenbosch Winelands, known for its breath-taking views of olive groves, vineyards, and the Helderberg Mountains. These are tourist attractions and numerous tourist accommodation facilities are located in the area, which is home to the award-winning Devon Valley Hotel, on route to J C Le Roux winery, home renowned of sparkling wine in South Africa.

The farm portions comprise of ±32.96 hectares together (16ha per portion), used predominantly for agricultural and tourism related purposes. Tourism on the properties comprises of the guesthouse "Log Cabin" and tourist facility (wine tasting facility) which was approved as a consent uses on Portion 30 of Farm 65. It is now the intention of the owner to expand the tourism accommodation

on Portion 13 to include 10 wine-barrel shaped tourist accommodation pods and combine the activities over the two farms via a registered lease-hold area.

Application is subsequently made in terms of the Stellenbosch Municipal: Bylaw on Municipal Land Use Planning (2023);

- (a) In terms of Section 15(2)(a) of the said bylaw for a consent use for a tourist accommodation establishment to accommodate 10 tourist accommodation units on Farm No. 65/13, Stellenbosch Division.
- (b) In terms of Section 15(2)(b) of the said bylaw for a departure to provide no parking bays on Farm No. 65/13, Stellenbosch division, but instead providing the required 10 parking bays on Farm No. 65/30, Stellenbosch Division, requiring that the properties be notarial tied. (Proposed development will be in favour of an external party, The Log Cabin Pty Ltd).
- (c) In terms of Section 15(2)(d) of the said bylaw for a subdivision to register Lease Area A ($\pm 4206\text{m}^2$) on Farm No. 65/30, Stellenbosch Division and Lease Area B ($\pm 11471\text{m}^2$) over Farm No. 65/13, Stellenbosch Division to enable a long-term lease over the accommodation units, parking area and in terms of the Subdivision of Agricultural Land Act.

See **ANNEXURE B** for;

- (a) **Site Plan**; dated April 2024 and drawn by Urban Dynamics South Cape,
- (b) **Landscape Site Development Plans**; Drawing SQ1-LOG-001, dated 2023-08-16 and drawn by Square One Landscape Architects, and
- (c) **Subdivision Plans**; Ref: Lease Diagram, dated April 2024, and drawn by Urban Dynamics South Cape
- (d) **Concept Wine Barrel pods**; unreferenced

3. Summary of applicant's motivation. See **ANNEXURE C** for motivation

- a) The proposed development includes the construction of **10 self-catering barrel-shaped pods ($\pm 39\text{m}^2$)** that will be 1000mm above the ground in height. The pods will be raised above the ground with 6 concrete footings, each at 600mm x 600mm (Total surface area/barrel = 2.16m^2). The decking of the barrel pod will be treated pine posts placed on 200mm x 200mm concrete footings (estimated 0.8m^2). Each pod will cover approximately 2.96m^2 and the total area cleared by the barrel pods will be $2.96\text{m}^2 \times 10 = 29.6\text{m}^2$. The pathway for access to the accommodation pods will consist of gravel.
- b) The existing access road on Portion 30 will be utilised to access the proposed parking area and development on Portion 13. The clustering of facilities and use of existing access roads will

minimise the impact on agricultural and natural resources. The existing access road will be notarily tied to the proposed development on Portion 13. Should the properties be in different ownership in the future, a servitude of 4,5m must be registered over Portion 30 in favour of Portion.

- c) Guest will be able to walk from the parking area to the proposed pods via a gravel road or be transported by means of golf-carts.
- d) The existing shoulder sight distance along the east of the access Road / Access intersection onto Farm No 65/30, is 240m and not applicable to the west, due to the access Road ending at the access to the property. The available sight distances and location meet and exceed the minimum requirement, and are therefore considered to be acceptable.
- e) The proposed lease areas are located outside the flood lines and does not include any vineyards. The proposed lease areas will also separate and thus contribute to efficient management of the tourism accommodation and cultivated land on the farm.
- f) It can thus be concluded that, given site-specific considerations, the proposed tourism pods are regarded as an appropriate and beneficial land use for the farm in terms of the unique design, location, utilisation of existing facilities and services, sustainability of the farm, and cognisance of environmental and heritage sensitivities.
- g) It can be concluded that the proposed development is desirable with adequate mitigation to minimise potential impacts on the character of the surrounding winelands area, existing agricultural activities, existing spatial policies, and the safety and welfare of the community. It is our considered opinion that the proposed development will contribute greatly to Agri-tourism in the area resulting in economic growth and investment opportunities.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	x		<p>The applicant has in terms of Section IV of the Stellenbosch Municipality Planning By-Law, notify all surrounding owners and interested an affected party, as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal and the property for the full duration of 11/10/2024 to 13/11/2024.</p> <p>No objections were received from surrounding property owners and applicant's response on external departments</p>

			<p>comments received, is attached in the Portfolio of Evidence (ANNEXURE D).</p> <p><u>The application was circulated to the relevant internal & external departments and the following departments gave comment:</u></p> <ol style="list-style-type: none"> 1. The Directorate Infrastructure Services recommended the application for approval, subject to certain conditions. See ANNEXURE E. 2. The Provincial Department of Transport Infrastructure have an unconditional no objection. See ANNEXURE F. 3. The Cape Winelands District Municipality (Health Department) recommended the application for approval, subject to certain conditions. See ANNEXURE G. 4. Heritage Western Cape indicated that no further action is required under Section 38 of the National Heritage Resources Act (Act 25 of 1999). See ANNEXURE H. 5. The Department of Agriculture (Elsenburg) do not support the application, as it exceeds the number of additional dwelling units permitted. From an agricultural perspective, the cumulative impact of allowing consent use that exceeds the scale of the application property has a negative impact on the agricultural landscape. See ANNEXURE I. 6. The Department of Environmental Affairs and Development Planning (Directorate Development Management - Region 2) commented on the proposal. See ANNEXURE J.
DCs applicable	X		Yes
Objections received		x	No objections have been received from surrounding owners or interested and affected parties, other than departmental comments received.

<p>Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65</p>		<p>1. <u>Zoning Scheme Bylaw</u></p> <p>a) <u>Primary rights relating to accommodation;</u></p> <p>Primarily a property zoned Agriculture and Rural Zone of 20ha and less (subject property of 16ha), is only allowed a Main dwelling, a second dwelling an employee housing unit. It does not qualify for any further additional dwelling units, as only properties bigger than 20ha does qualify for further additional dwelling units.</p> <p>The site plan in Annexure B clearly indicates that Farm 65/13, already have 3 dwellings on it, while 10 self-catering accommodation units is proposed.</p> <p>No new structures are intended to be constructed on Farm no 65/30 and only the proposed parking for the facilities on Farm No 65/13 is intended on it.</p> <p>b) <u>Tourist accommodation establishment (10 self-catering units), as a consent use;</u></p> <p>The Zoning Scheme prescribes that consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to the primary land use activities on the land unit.</p> <p>It has been established that the subject property is an active farm and used for agricultural purposes, while the intend of the properties zoning allows a limited range of ancillary uses.</p> <p>As far as possible, a consent use should be undertaken from existing buildings on the property which are no longer utilized for their original purpose, and the</p>
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			<p>Municipality may approve internal alterations and additions to these building within the parameters of the zoning scheme.</p> <p>The assessment criteria for consent uses stipulates that the scale of the individual buildings used for consent uses shall remain in keeping with the character of the buildings allowed on a land unit, the character of the area and non-agricultural land uses may not dominate the buildings. A new additional 10 self-catering units, will definitely dominate the existing and allowable three (3) dwellings on the 16ha land parcel and will change the character of the area.</p> <p>None of the existing buildings will be concerted for the intended use.</p> <p>The purposes of the zone are further to make provision for buildings and structures which may be erected for reasonable and normal agricultural purposes. Approval must therefore first be obtained for primary agricultural buildings, like main, second or an additional dwelling unit and then an application can follow to use the approved structures for a guesthouse; tourist dwelling units or tourist accommodation establishment.</p> <p>When the number or scale of buildings, in which accommodation for transient guests is provided, exceed the maximum number or scale of dwelling houses and additional dwelling houses permitted on a land unit, or if other buildings, which are not the approved main dwelling house, second dwelling house or additional dwelling units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation</p>
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establishment or a hotel, depending on the type of accommodation and the ancillary uses.

The definition for an additional dwelling unit reads as follows:

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

The scheme further prescribed that new building may only be approved if the Municipality is satisfied that proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural Zone.

2. Spatial Development Framework

The Municipal Spatial Development framework (MSDF) states that farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.) should be clustered within the farmstead precinct.

Further, that buildings accommodating **ancillary on-farm activities (e.g. guest house)** should be located within the farmstead precinct, preferably using existing structures.

			<p>Where new buildings are erected these should be on previously disturbed footprints within or adjacent to the farm werf and not on cultivated land.</p> <p>The spatial development framework therefore, similar to the zoning scheme bylaw, suggest that tourist accommodations should ideally utilize existing structures. In cases where this is not possible, any new developments should be located on sites that have already been disturbed, thereby recognizing and respecting the natural and cultural significance of the area.</p> <p>It is important to note that the proposed buildings will not be constructed on land currently utilized for agricultural purposes, but will however not be in close proximity to the existing farmsteads on either Farms No 65/13 or 30.</p> <p>The cumulative effect of all ancillary and non-agricultural land uses should also not detract from the rural character of the landscape and the primary agricultural activities.</p> <p>As said, a property zoned Agriculture and Rural Zone of 16ha, is only primarily allowed a main dwelling, a second dwelling and an employee housing unit. It does not qualify for any further additional dwelling units, as only properties bigger than 20ha does qualify for further additional dwelling units.</p> <p>The MSDF stipulates that <i>"Additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6.5m). Additional dwelling units should be non-alienable, whether individual erf, sectional title, share block or other."</i></p>
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			<p>The proposed lease will separate the right to use and occupy portions of the properties (held by the tenant) from its ownership (held by the landlord).</p> <p>As said given the size of the subject property the 10 self-catering pods will be located on Farm 65/13 only 16ha in extent. The building work on the property already consists of a main dwelling and second dwelling unit which means that no further additional dwellings are allowed.</p> <p>The proposed tourist accommodation facility (10-selfcatering barrel pod units), does not adhere to the allowable number of units for a property of this size and is thus in conflict with the principles of the MSDF.</p> <p>Should such an application be considered for approval, it will require a deviation from the MSDF, based on site specific motivation.</p> <p><u>3. The Western Cape PSDF Rural Land Use Planning & Management Guidelines, May 2009</u></p> <p>The Western Cape Land Use Planning Guidelines, Rural Areas, March 2019, similar to the Municipal SDF indicated that 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.</p> <p>In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, a maximum of five additional dwelling units may be permitted on land zoned for agricultural purposes, at a ratio of one additional unit per 10ha. Additional dwelling units</p>
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			<p>should be restricted to a building height of 6,5m and maximum floor area of 175m².</p> <p>The provision for such type of development must however not be construed that it is possible in all cases. The policy guidelines are clear in which circumstances it can be allowed, and in particular that it is only permitted on properties that are larger than 50ha for resort related activities.</p> <p>The proposal for ten (10) self-catering units and deviates from the Zoning Scheme, MSDF as well as the Rural Guidelines (although the Rural Guidelines only give guidance and is not statutory enforceable). The consideration and assessment of the proposed development application, in compliance with the municipal zonings scheme bylaw and the MSDF is however a municipal competency.</p>
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Site-specific motivation

Since the application deviates from the MSDF, the application must be presented and motivated on the basis of site-specific justification to depart from the MSDF. The applicant's motivation for site specific circumstances are as follow:

Motivation for Site-specific deviation in terms of Section 22(2) of SPLUMA

According to the Stellenbosch Spatial Development Framework, the application area is earmarked for "agriculture". The objective of this section is therefore to motivate for site-specific deviation in terms of Section 22(2) of SPLUMA to deviate from the key guidelines for the "agriculture" spatial planning category as per the Stellenbosch Spatial Development Framework (2019). A departure is required from the following guideline "1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm [is permitted]" to accommodate the proposed tourism accommodation establishment.

The grounds for site-specific deviation from the Stellenbosch Spatial Development Framework (SDF, 2019) and Rural Development Guidelines (RDG, 2019), include the following considerations:

(a) Tourism accommodation establishment

It should be noted that the guidelines and SDF refer to dwelling units which is defined as a unit for the living accommodation for a family. This application includes a consent use for a tourism

accommodation establishment, for transient guests, which includes 10 pods and not dwelling units or tourist dwelling units. The motivation for site specific deviation should thus be considered with the aforementioned in mind.

(b) Consistency with other objectives/ guidelines set out in the RDG and SDF:

The proposed development does comply with the following guidelines and objectives of the SDF and RDG (2019):

- The proposed facility is located in an area that does not impact on the agricultural activities as well as wetlands, floodplains and other important natural vegetation.
- The cumulative effect of all ancillary and non-agricultural land uses will not detract from the rural character of the landscape and the primary agricultural production capacity of the farm.
- The facility will not detract from the functionality and integrity of farming practices and landscapes and is considered to be of an appropriate scale and form.
- The facility is appropriate in a rural context, and it will generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.
- The facility is of appropriate scale compatible with the farmstead precinct and the surrounding rural context.
- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity, conservation and agri-tourism should be promoted in farming areas outside of urban settlements; and
- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into account.

(c) Utilisation of existing services and facilities:

- The shared parking area and access road will contribute to efficient management of the tourism accommodation and access control to the development and agricultural land.
- The proposed development can be efficiently serviced through the utilisation of the existing municipal and ESKOM services, integrated with alternative services solutions. This approach will ensure sustainable supply of services to the development, while minimising the impact on the surrounding services networks.

(d) Impact on environmental, agricultural and heritage resources:

- The proposed layout was informed by the agricultural and environmental resources on site and the pods are placed outside of the vineyards, flood lines, CBA, ESA and Wetland areas.

- The clustering of tourism facilities and utilisation of the existing access roads and parking area will minimise the impact on agricultural and natural resources.
- The objective of the development proposal is not to detract from the farm's agricultural entity, but to promote and enhance agricultural sustainability and use of the property by introducing the proposed uses as supplementary and compatible uses to the agricultural use of the land.

(e) Unique development opportunity:

The development area is suitable for eco-tourism based on the following bio-physical, design and land use characteristics:

- Design: The pods were designed to resemble wine barrels, and the materials and colours were used sensitively and are appropriate to the surrounding winelands context.
- Landscape: The picturesque landscape which includes mountains and vineyards is visible from the proposed development area.
- Location to existing facilities: The development is walking distance to the existing wine tasting facility and restaurant.
- Existing tourism facilities: The development will support the existing Log Cabin while benefiting from its existing facilities (swimming pool etc.)
- Outdoor amenities: The development area is surrounded by scenic walking routes and outdoor amenities, allowing guests to explore the natural beauty of the landscape at their leisure amidst the vineyards.

It can thus be concluded that, given the site-specific considerations, the proposed tourism pods are regarded as an appropriate and beneficial land use for the farm in terms of the unique design, location, utilisation of existing facilities and services, sustainability of the farm, and cognisance of environmental and heritage sensitivities.

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	The proposed tourist accommodation establishment will create employment opportunities in the area.
Compatibility with surrounding uses	<p>The subject property is located in an area that predominantly comprises agricultural activities and associated tourist related facilities.</p> <p>The proposed tourist accommodation establishment for 10 self-catering units however deviates from the Spatial Development Framework as well as the Stellenbosch Zoning Scheme Bylaw and 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).</p>

	Considering that the proposal has no unique natural topographical features, specific environmental conditions, or particular historical land uses on this site which could be considered site-specific circumstances.
Impact on the external engineering services	The property has sufficient engineering services for the existing and proposed activities.
Impact on safety, health and wellbeing of the surrounding community	<p>The primary use of the property will remain agricultural with no cultivated agricultural land being taken out of production.</p> <p>The scale and extent of the proposed facility will have any detrimental impact on the built- and natural environment. There is however no evidence that negative impacts will in future be generated by the operations of the establishment that could be considered as detrimental to the safety, health and wellbeing of the surrounding community.</p>
Impact on heritage	The application is considered not to be subject to the provisions of Section 38 of the Heritage Resources Act (Act 25 of 1998).
Impact on the biophysical environment	The structures are proposed outside the 1:100-year flood line, on an area that has not been farmed for a few years.
Traffic impacts, parking, access and other transport related considerations	Access to subject property will be via an approved access point, complying with all statutory requirements. Parking is provided according to the Stellenbosch Municipality Zoning Scheme By-Law.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	The proposed tourist pods will be visible from higher slopes on most locations due to its proposed location in a valley. Landscaping conditions will in all probability not be able to assist with total screening of the proposed facilities in its current proposed form.

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 owner of the farm seeks to diversify the income on the farm by creating a high-end tourist destination that will service the luxury market for tourist accommodation.
2. 10 self-catering barrel-shaped pods ($\pm 39\text{m}^2$) is proposed as a tourist accommodation establishment, to be alienated via a lease agreement, together with an existing guesthouse.
3. Sufficient engineering services can be provided, included parking provision.

4. The proposal will generate employment opportunities in the area.
5. A tourist accommodation establishment means an enterprise which provides the accommodation of transient guest which exceeds the scale and extent of tourist dwelling unit or guesthouse and which is also not a hotel with its ancillary public facilities, ... i) ..., ii) may consist of self-catering units.... (See complete definition in Zoning Scheme Bylaw).
6. The MSDF proceed to prescribe tourist accommodation guidelines, for rural accommodation and stipulated the following relevant consideration;
 - 6.1 Recognising and support the provision of a variety of short-term tourism accommodation that is in keeping with the local character.
 - 6.2 Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. This proposal is not close to any settlement. Further that tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
 - 6.3 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. No existing buildings will be used and the structures will be visually intrusive from most surrounding areas because it is located in a valley.
 - 6.4 Additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6.5m). The proposed units are self-catering and subsequently classified in terms of the zoning scheme by-law as dwellings, hence it must comply with the prescriptions and parameters for additional dwelling units in terms of the MSDF and the Zoning Scheme Bylaw. Based on the 16ha size of the property this proposal is no compliant with this provision.
 - 6.5 Additional dwelling units should be non-alienable, whether individual erf, sectional title, share block or other.
7. The MSDF therefore require that the fragmentation of a farm cadastral units should be prevented, and consent uses employed for managing ancillary on farm activities, meaning it needs to be non-alienable. The proposed leasehold area (by definition a subdivision) intends to alienate the propose tourist operations from the farming entity, to a 3rd party to operate.
8. 10 Self-caterings pods, additional to the existing guesthouse uses, is cumulatively a large-scale tourist and recreation facilities that will detract from the functionality and integrity of productive

farming landscapes, notwithstanding that it will be located on land not recently farmed, and should subsequently not be allowed.

9. The 10-self-catering tourist accommodation units, together with all other tourist accommodation facilities on the subject properties, lends itself to the provisions of rural accommodation and provision for tourist accommodation in both the MSDF and the Rural Guidelines, which must clearly advantage and distinguished the site, in terms of its amenity value, from surrounding properties to be in line with provision in these documents. No such features are found on this premises to distinguish it from other farming entities in the immediate surrounding rural area.
10. The proposed number of dwelling units for tourist accommodation will exceed the number of dwellings allowed and will be out of character with its surroundings and will have a negative impact on the character of the area with regards current proposal.
11. Due to the extent of the subject property, which individually spans over 16hectares, no further dwellings are allowed. The proposal subsequently deviates from the MSDF provisions.
12. The proposal of the tourist accommodation establishment does not comply with the provisions of the Stellenbosch Municipality Zoning Scheme By-Law, the MSDF as well as the non-statutory Rural Guidelines.
13. The proposal for the tourist accommodation establishment deviates from the MSDF (i.e number of dwelling units) and the application was presented and motivated on the basis of site-specific justification to depart from the MSDF. There is however not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of dwelling units.
14. The long-term impact of similar and cumulative activities in the rural area, on the municipality and the scenic, heritage and cultural landscape should be considered when decisions are taken. Approving this application for 10 self-catering units on a 16ha agricultural land parcel, contrary to the prescriptions of the MSDF and the Municipal Zoning Scheme Bylaw, will create a precedent which may compromise the municipality to deliver on its overall mandate.

The subject land use and land development application (tourist accommodation establishment; departure and subdivision) is, having regard to the conclusions above, viewed as deviating from the MSDF and not in Compliance with the objectives of the Zoning Scheme By-law and consequently grounds for **not supporting** the subject land use and land development application.

<p>List relevant plan numbers</p>	<p>(a) Site Plan; dated April 2024 and drawn by Urban Dynamics South Cape,</p> <p>(b) Landscape Site Development Plans; Drawing SQ1-LOG-001, dated 2023-08-16 and drawn by Square One Landscape Architects, and</p> <p>(c) Subdivision Plans; Ref: Lease Diagram, dated April 2024, and drawn by Urban Dynamics South Cape</p> <p>(d) Concept Wine Barrel pods; unreferenced</p>
<p>List annexures</p>	<p>ANNEXURE A: Locality Plan</p> <p>ANNEXURE B: Site, Landscaping and subdivision plan</p> <p>ANNEXURE C: Applicants motivation</p> <p>ANNEXURE D: Portfolio of evidence</p> <p>ANNEXURE E: Comments from Directorate Infrastructure Services</p> <p>ANNEXURE F: Comments from Western Cape: Transport & Public Works: Roads</p> <p>ANNEXURE G: Comments from Cape Winelands District Municipality</p> <p>ANNEXURE H: Comments from Heritage Western Cape</p> <p>ANNEXURE I: Comments from Western Cape Department of Agriculture</p> <p>ANNEXURE J: Comments from DEADP (Directorate Development Management 0 Region 2)</p> <p>ANNEXURE K: Site photos</p>

RECOMMENDATION

1. That it BE DECIDED that the application for Consent Use on Farm No. 65/13 and 65/30, Stellenbosch Division to establish ten (10) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality Spatial Development Framework (SMSDF) as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

1.1 The proposal exceeds the number of dwelling units permitted on a property in extent of 16ha as prescribed by the SMSDF for agricultural properties and thus conflicts with the spatial planning objectives of the SMSDF.

2. That it BE DECIDED that the application for Consent Use on Farm No. 65/13 and 65/30, Stellenbosch 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:

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.

3. That the following applications in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 65/13 and 65/30, Stellenbosch Division:

3.1 In terms of Section 15(2)(o) of the said bylaw for a consent use for a tourist accommodation establishment to accommodate 10 tourist accommodation units on Farm No. 65/13, Stellenbosch Division.

3.2 In terms of Section 15(2)(b) of the said bylaw for a departure to provide no parking bays on Farm No. 65/13, Stellenbosch division, but instead providing the required 10 parking bays on Farm No. 65/30, Stellenbosch Division, requiring that the properties be notarial tied.

3.3 In terms of Section 15(2)(d) of the said bylaw for a subdivision to register Lease Area A ($\pm 4206\text{m}^2$) on Farm No. 65/30, Stellenbosch Division and Lease Area B ($\pm 11471\text{m}^2$) over Farm No. 65/13, Stellenbosch Division to enable a long-term lease over the accommodation units and parking area.

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

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

- 4.1 The nature and scale of the subject proposed land use 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.
- 4.2 The tourist accommodation establishment exceeds the number of dwelling units permitted on a property which is 16ha 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.
- 4.3 Favorable consideration of the subject applications will set a precedent, where such a decision will set a specific course of action or interpretation of the relevant policy and bylaws that will compromise this municipality's mandate to make future decisions of similar nature and locality.
- 4.4 The proposed development therefore contradicts the overall vision, strategic objectives, or principles outlined in the Stellenbosch Municipality's approved Spatial Development Framework and purpose of the subject Agriculture and Rural Zoning category.

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: 10/09/2025

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 10.8.1 dated 26 February 2025.

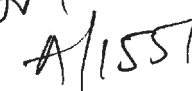
Category / Delegation Item Number: B4, D(b)4, O(c)4,

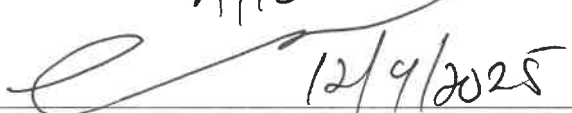
Decision Making Authority: MPT

Rational: Application is inconsistent and deviates, inclusive of the MSDF

Name: 

Capacity: 

SACPLAN Registration: 

Signature: 

Date: 12/9/2025

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:

Name:

Capacity:

Signature:

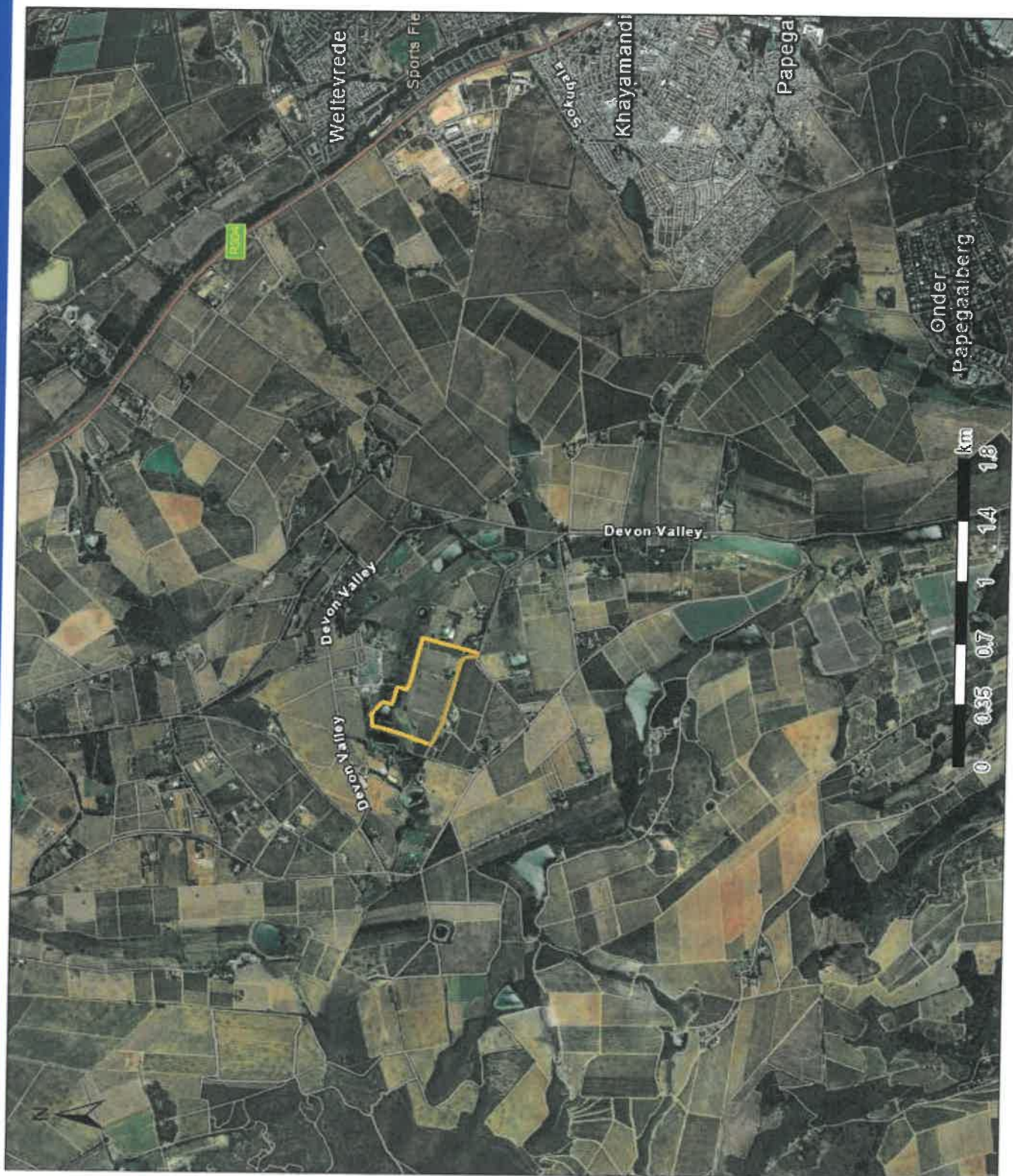
Date:

ANNEXURE A

Locality Plan

Farms 65/13 & 30, Stellenbosch

Legend



Map Center: Lon: 18°48'53.7"E
Lat: 33°54'43.4"S

Scale: 1:36,112

Date created: 2025/09/09



Western Cape
Government
FOR YOU



Legend

Parent Farms

Farm Portions

Map Center: Lon: 18°48'27"E
Lat: 33°54'33.4"S

Scale: 1:9,028

Date created: 2025/09/09



**Western Cape
Government**

LOUISVALE**FARM 65 PTNS 13 & 30
(STELLENBOSCH)****LOCAL CONTEXT**

-  Subject Properties
(Total Area ±32,81 ha)
- Cadastral Boundaries
- Contour (1m intervals)

PLEASE NOTE
All boundary line positions, distances and property sizes need
to be verified by a Professional Land Surveyor

REF: C:\Users\OneDrive - JUNE CHARTERED SURVEYORS PROJECTS
Stellenbosch\Louisvale_Water_Farm_65_Pt13_24_30_Pt13

COMPILED BY: A. ELLIS

NOTES:
1. This plan was prepared in accordance with the provisions of the Survey Act, 1981 (Act 94 of 1981) and the Survey Regulations, 1981 (Regulation 100 of 1981).
2. The plan was prepared in accordance with the provisions of the Survey Act, 1981 (Act 94 of 1981) and the Survey Regulations, 1981 (Regulation 100 of 1981).
3. The plan was prepared in accordance with the provisions of the Survey Act, 1981 (Act 94 of 1981) and the Survey Regulations, 1981 (Regulation 100 of 1981).

DATE: AUGUST 2023

SCALE: SEE LINESCALE

PLAN NO:

CLIENT:

JOHN ELLIS & ASSOCIATES
Office: Bule 208
Tiger Lake Building
2 Niagara Way
Stellenbosch 7601
PO Box 2443 Stellenbosch 7601
Tel: (021) 248 1545
Website: www.june.co.za



ANNEXURE B

Site and Subdivision Plans

LOUISVALE

**FARM 65 PTNS 13 & 30
(STELLENBOSCH)**

SITE PLAN

Subject Properties

Existing Buildings

**Cadastral
Boundaries**

PLEASE NOTE:
Existing building footprints extends are
approximate and traced from
Aerial Photography

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF: C:\Users\user\OneDrive - Urban Dynamics\Documents\PROJECTS\Stellenbosch\Louisvale_Whse_Farm_85_Plot13_24_30\Plans

COMPILED BY: A. ELIS

INDEMNITY

DATE:	CLIENT:
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APRIL 2024

SCALE: APRIL 2024

PLAN NO:

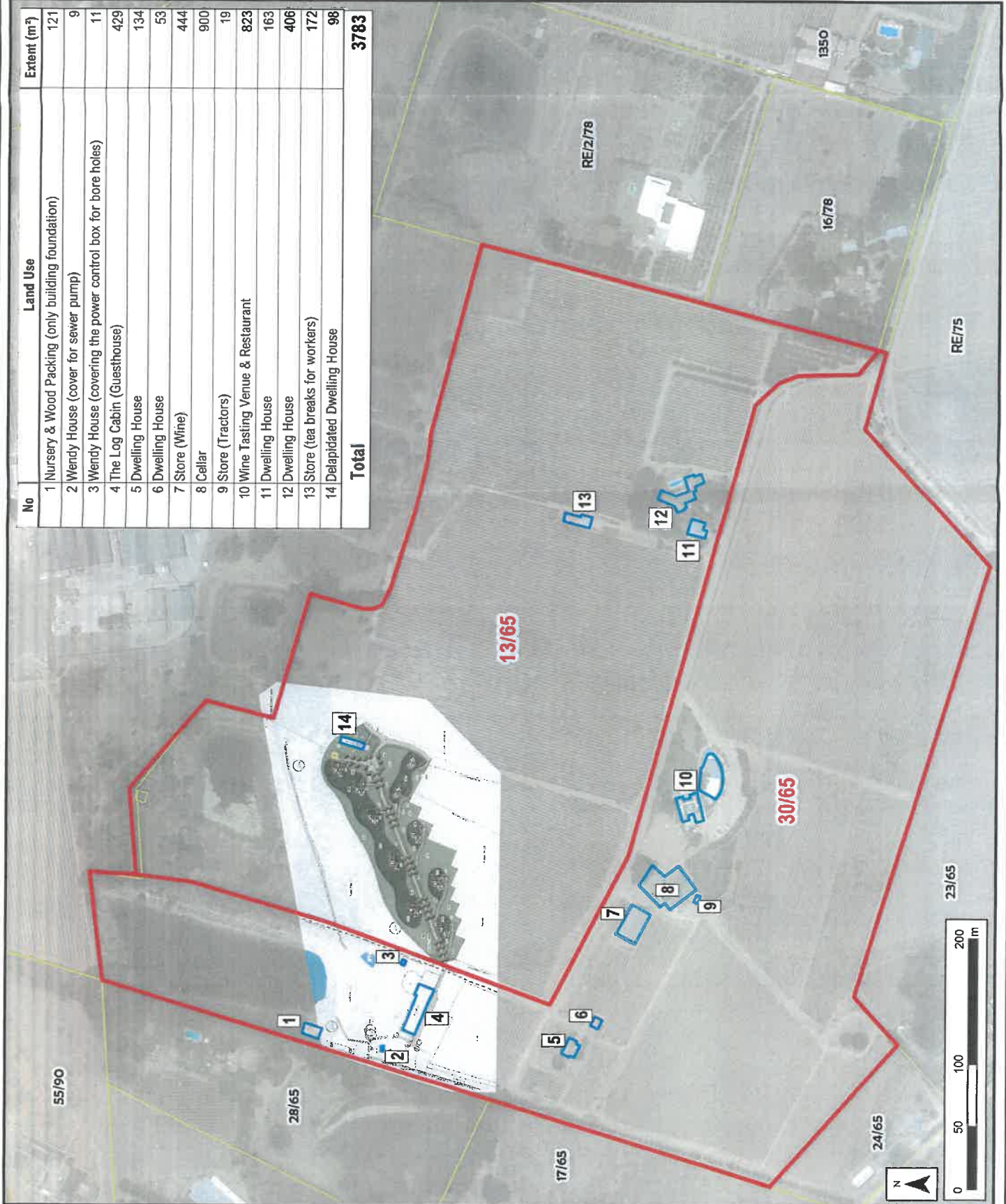
FILE NAME:

URBAN DYNAMICS SOUTH AFRICA

Office Suite 208,
Tyger Lake Building,
2 Niagara Way, Tyger Falls,
Belville, 7530
PO Box 2445, Belville, 7535

Tel: (021) 948 1545
Website: www.udwc.co.za

No	Land Use	Extent (m ²)
1	Nursery & Wood Packing (only building foundation)	121
2	Wendy House (cover for sewer pump)	9
3	Wendy House (covering the power control box for bore holes)	11
4	The Log Cabin (Guesthouse)	429
5	Dwelling House	134
6	Dwelling House	53
7	Store (Wine)	444
8	Cellar	900
9	Store (Tractors)	19
10	Wine Tasting Venue & Restaurant	823
11	Dwelling House	163
12	Dwelling House	406
13	Store (tea breaks for workers)	172
14	Deapidated Dwelling House	98
Total		3783



LOUISVALE

FARM 65 PTNS 13 & 30
(STELLENBOSCH)

LEASE DIAGRAM

-  Subject Properties
(Total Area ±32,81 ha)
-  Relict Unchannelled
Valley Bottom Wetland
-  100 Year Floodline
-  Development Setback
Buffer 15m
-  Zone of Regulation
32m NEMA

Proposed Lease Areas

-  Lease Area A on
Portion 30 of Farm 65,
Stellenbosch
(±4206m²)
-  Lease Area B on
Portion 13 of Farm 65,
Stellenbosch
(±11471m²)

PROJECT SUMMARY
Author: [Name], Date: [Date], Version: [Version]

REF: C:\Users\user\OneDrive - Urban Dynamics\Documents\PROJECTS\Stellenbosch\Louisvale_Water_Farm_65_Ptns_13_30\Plans

COMPILED BY: A. ELUG

INDIVIDUALITY

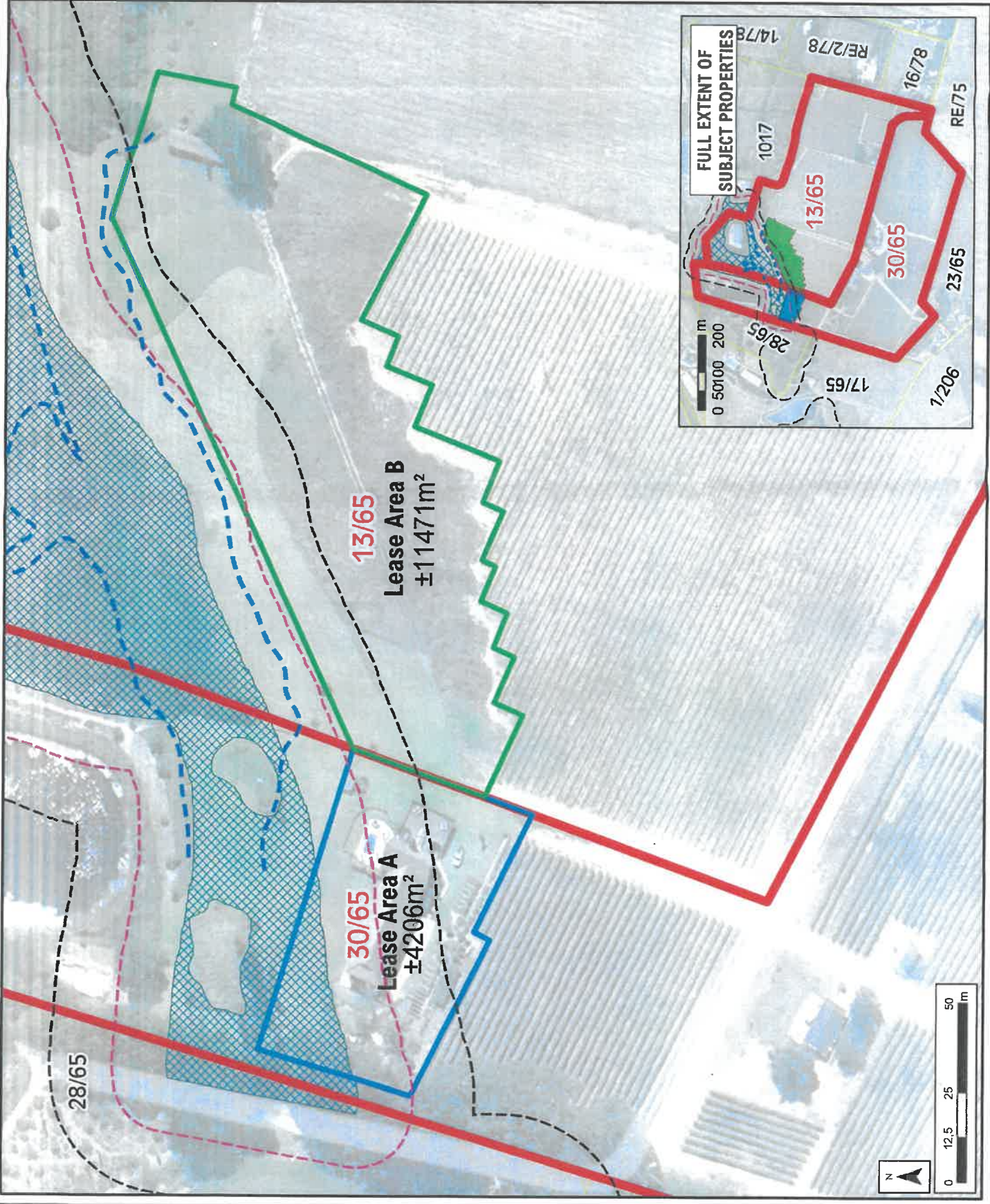
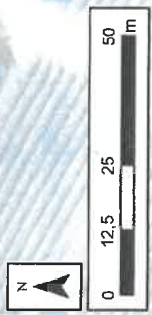
DATE: APRIL 2024

SCALE: SEE LINESCALE

PLAN NO:

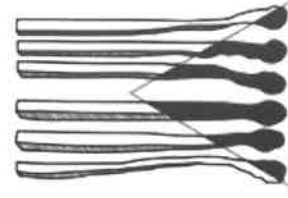
CLIENT

Urban Dynamics South Africa
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55 Niagara Way, Tyger Falls,
9465
PO Box 2445, Bethlehem, 7535
Tel: (021) 948 1545
Website: www.udwc.co.za





Collaborative Design
Manufacture
Logistics
Installation

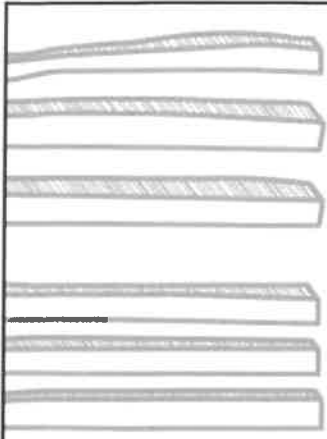


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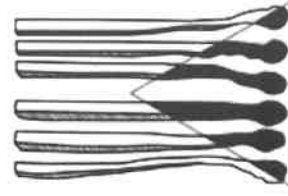
THE LOG CABIN WINE BARREL CONCEPT

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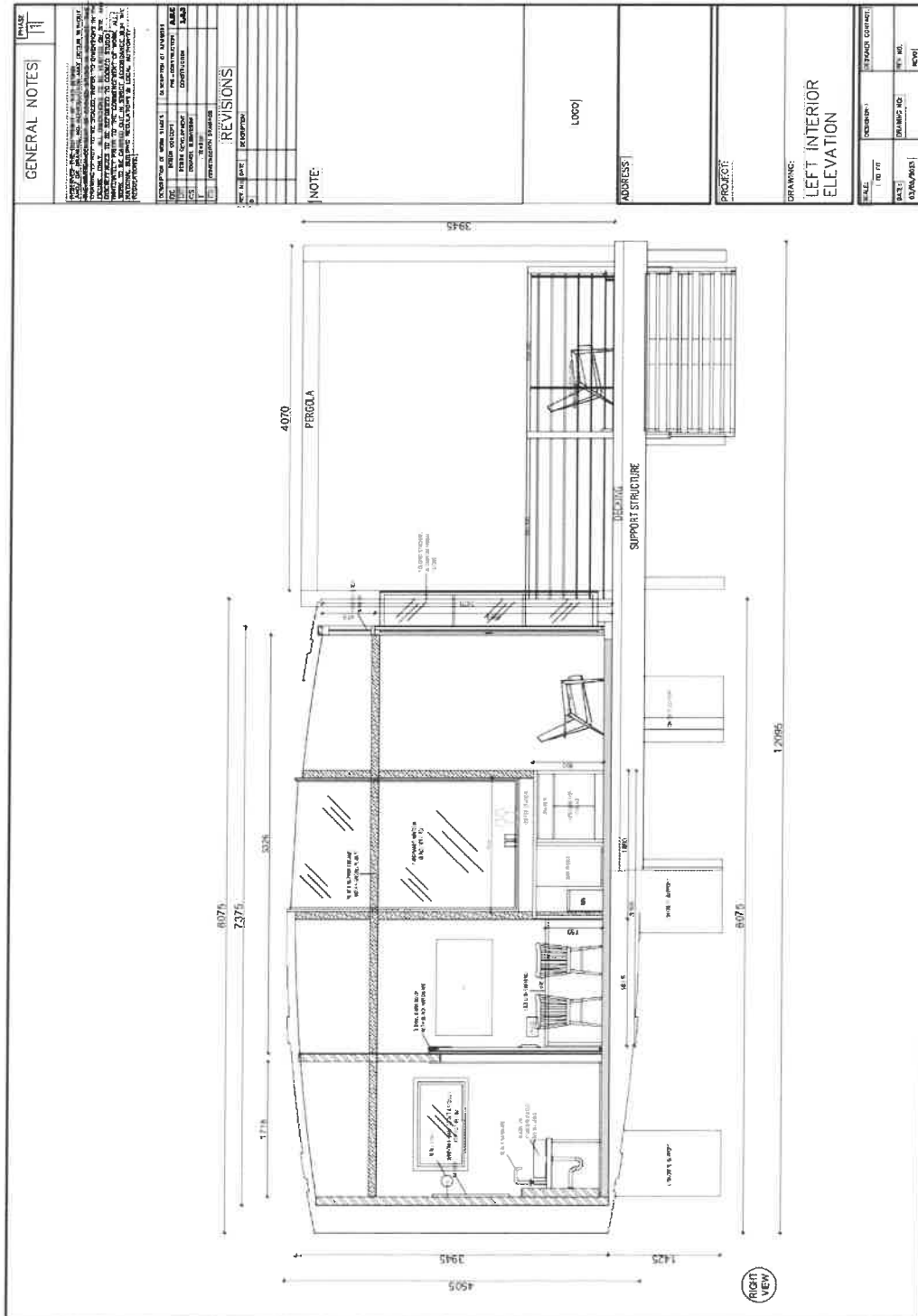


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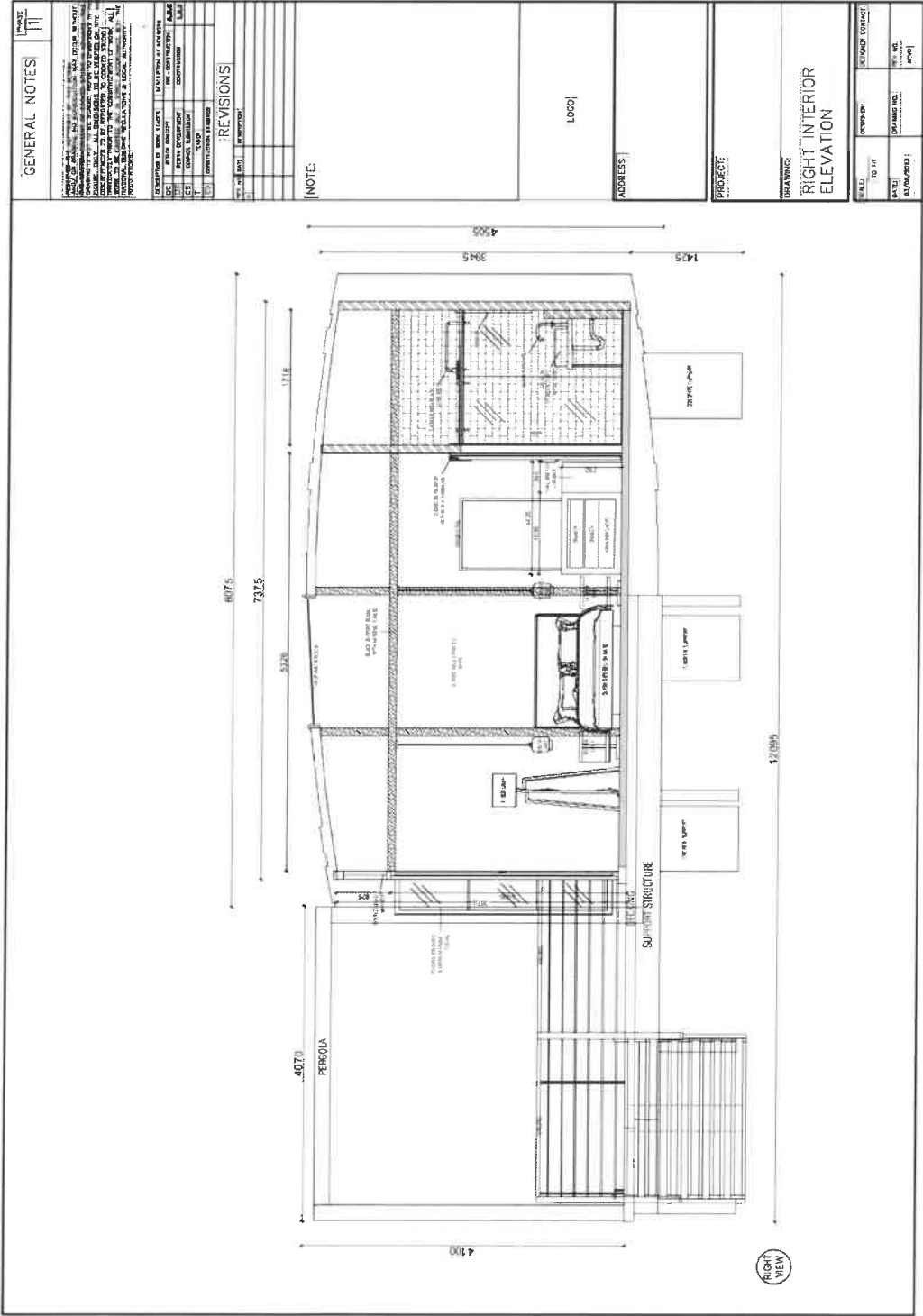


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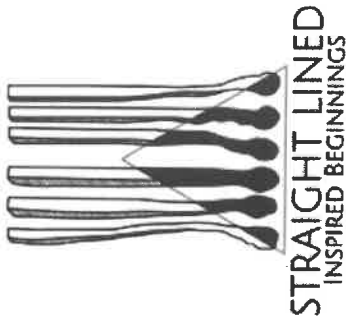
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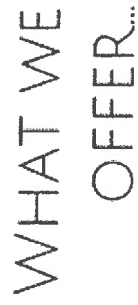
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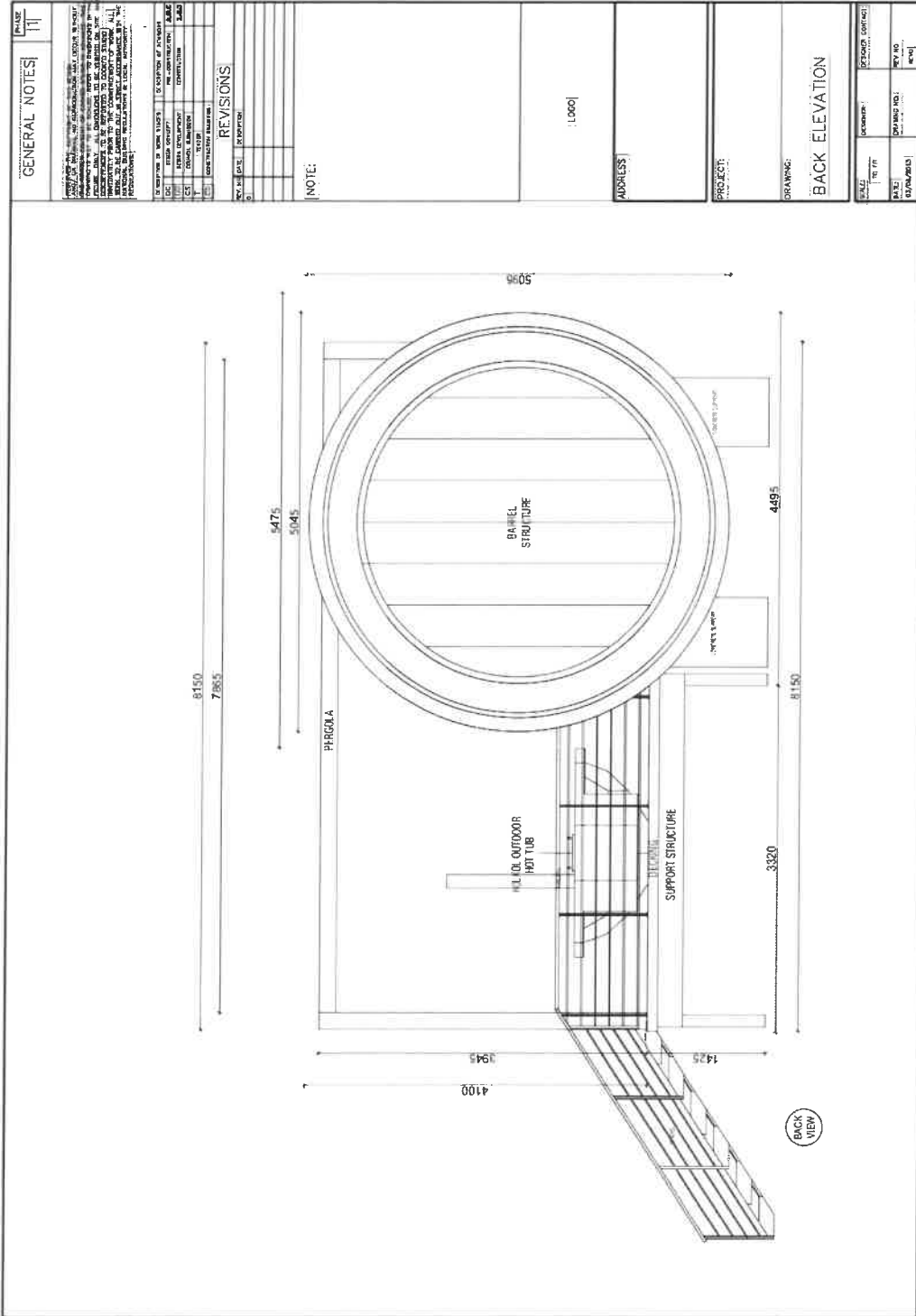
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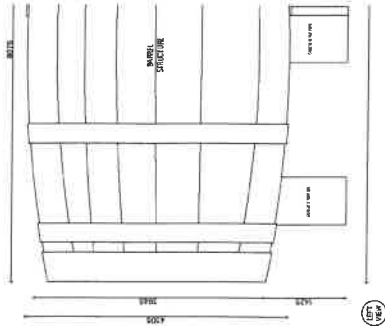
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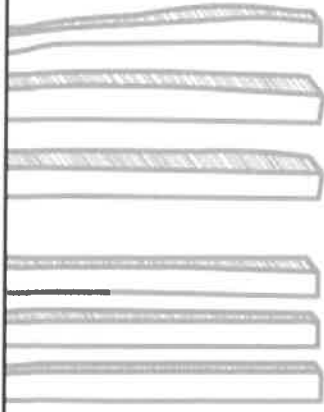
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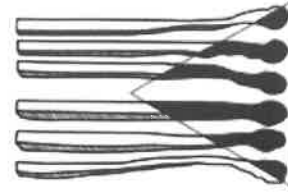
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Architectural drawing showing the left exterior elevation of a structure. The drawing includes dimensions and labels for various components.

Dimensions:

- Overall width: 1425
- Overall height: 12095
- Barrel width: 8075
- Barrel height: 4516
- Support structure width: 4170
- Support structure height: 1945

Labels:

- BARREL STRUCTURE
- SUPPORT STRUCTURE
- FERULA
- LEFT VIEW

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ANNEXURE C

Applicant's Motivation

NOOITGEDACHT (LOUISVALE)

Portion 13 & 30 of Farm 65, Stellenbosch Farms

Town Planning Report

September 2024



**URBAN DYNAMICS
SOUTH CAPE**
TOWN & REGIONAL PLANNERS

Unit 2, Ground Floor,
South Gate Office Park,
Fountain Road,
Tyger Valley

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LIST OF ABBREVIATIONS

CBA – Critical Biodiversity Area
ESA – Ecological Support Area
HWC – Heritage Western Cape
NEMA - National Environmental Management Act
NHRA – National Heritage Resources Act
NID – Notice of Intent to Develop
SDF – Spatial Development Framework
SDP – Site Development Plan
UVBW – Unchanneled Valley Bottom Wetland



Section 1**INTRODUCTION****1.1. Introduction & Background**

Portion 13 and 30 of Nooitgedacht Farm, Stellenbosch Farms are located within the picturesque winelands of Stellenbosch. The farm portions comprise of ±32.96 hectares used for predominantly agricultural and tourism related purposes. Tourism on the property comprises of the "Log Cabin" which was approved as a consent use on Portion 30 of Farm 65 (reference: LU/6474) in 2020. It is now the intention of the owner to expand the tourism accommodation on portion 13 to include 10 wine-barrel shaped tourist accommodation pods.

Urban Dynamics Town Planners have been appointed to prepare and submit an application for consent for the proposed development in terms of the relevant zoning, as set out in the Stellenbosch Municipality Zoning Scheme (2019).

Portion 13 and 30 of Farm 65, will be referred to hereafter as the application area.

1.2. Property Description and Ownership

Portion's 13 & 30 of Farm 65 Nooitgedacht, Stellenbosch Farms are described in the title deeds as follows:

Property	Extent (ha)	Title Deed	Registered Owner
Farm 13/65, Nooitgedacht	16.9026 ha	T15818/2021	BLUE PIE PROP PTY LTD
Farm 30/65, Nooitgedacht	16.0594 ha	T55575/2018	BLUE PIE PROP PTY LTD

Table 1: Ownership



1.3. Conveyancer Certificate

The title deeds were reviewed by a registered conveyancer to identify any restrictive conditions pertaining to the proposed land use and development of the application area. STBB issued a statement that there are no title deed restrictions that will prohibit the proposed development (refer Annexure A).

1.4. Application Details

Following the above assessment, application is made in terms of the Stellenbosch Municipality Land Use Planning By-Law (2023) for the following:

- i) Consent use in terms of 15(2)(o) for a tourist accommodation establishment on Portion 13 of Farm 65 Nooitgedacht to accommodate 10 tourism accommodation pods.
- ii) A permanent departure in terms of 15(2)(b) to provide 0 on-site parking bays on Portion 13. A notarial tie will be registered on Portion 13 in lieu of the requirement for 10 parking bays to be provided on Portion 30.
- iii) Approval in terms of Section 15(2)(d) for the registration of a lease diagram for areas A ($\pm 4206 \text{ m}^2$) & B ($\pm 11\,471 \text{ m}^2$) on Portion 13 & 30 as illustrated on the below:

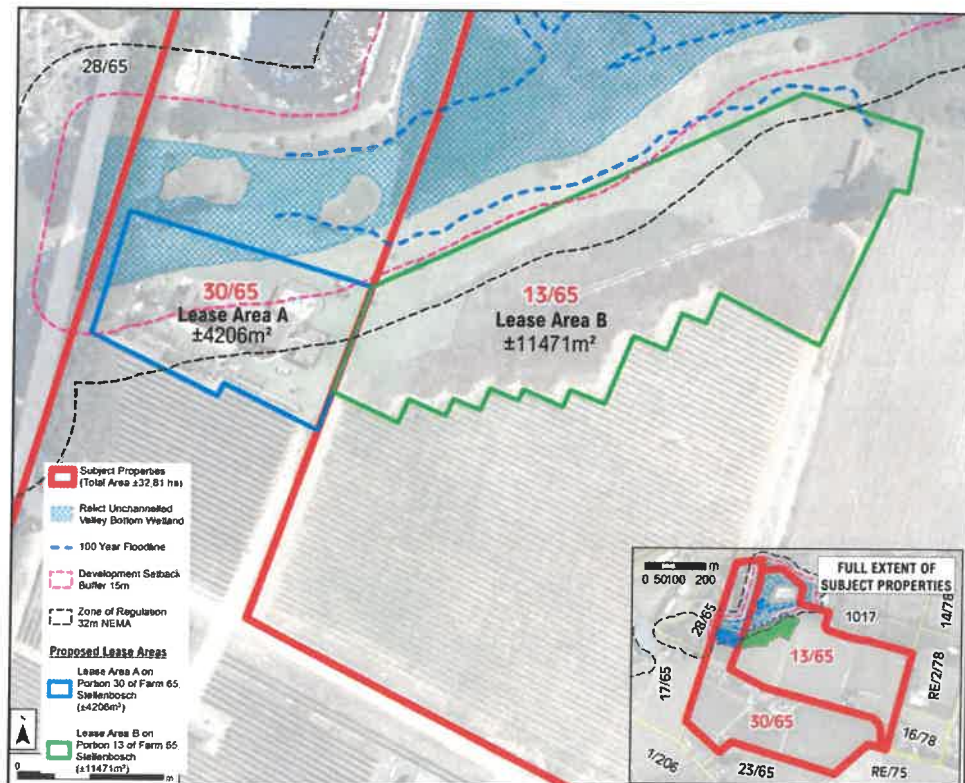


Figure 1: Proposed Lease Areas

- iv) An application will be submitted for a long-term lease (25 years) in terms of the Subdivision of Agricultural Land Act (70 of 1970).

- v) Motivation for site-specific deviation in terms of Section 22(2) of SPLUMA to deviate from the Stellenbosch Spatial Development Framework's (2019) to permit a tourism accommodation establishment (for the development of 10 pods) in lieu of the permitted "1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm".

1.5. Locality

1.5.1. Regional Context

The properties are located northeast of central Stellenbosch and within the Stellenbosch Farms area. The application area can be accessed via the Vredenburg and Devon Valley Road off the M12.

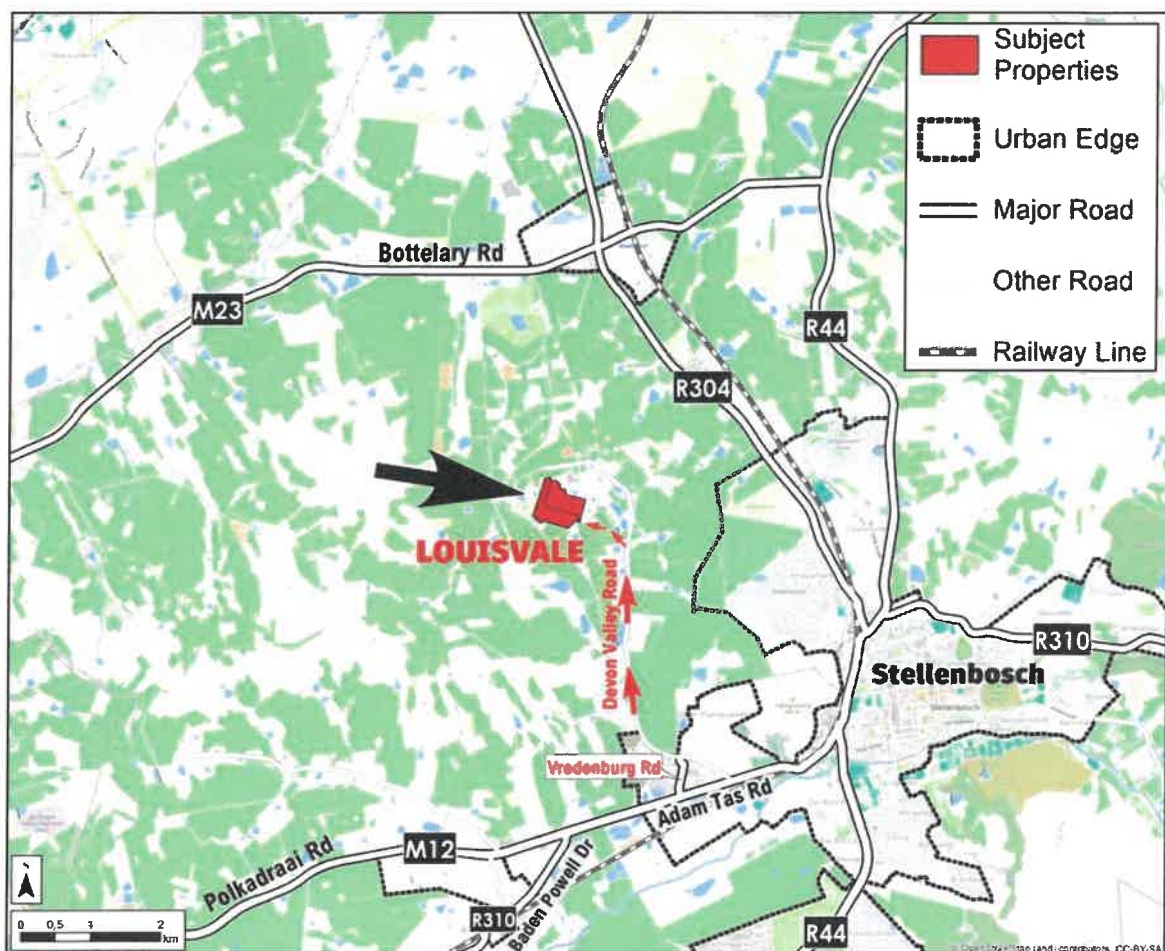


Figure 2: District Context

1.5.2. Local Context

The application area can be accessed via an existing entrance point located at the eastern boundary of Portion 30. The farms are surrounded by predominantly agricultural activity, including well-known wine farms such as Clos Malverne Wine Estate, J.C Le Roux and Glen Mira Family Wines. Furthermore, the application area is surrounded by popular tourist accommodation establishments such as the Devon Valley Hotel and the Gemoedsrus Guest Farm.

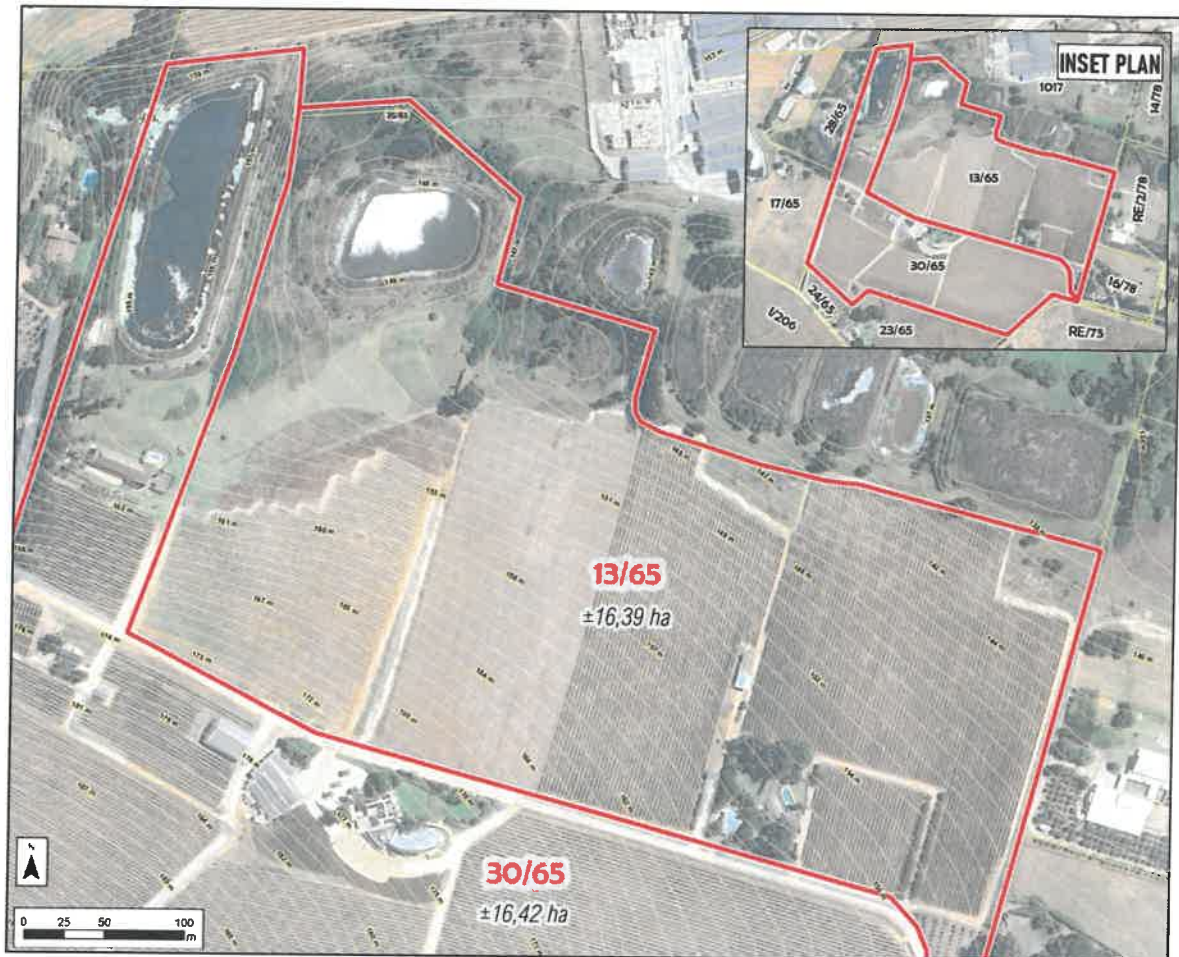


Figure 3: Local Context

From the above-mentioned, it is clear that the application site is **well-located** within the Stellenbosch Winelands amongst existing tourist accommodation and facilities.

The farm portions comprise of ±32.96 hectares that is used for predominantly for agricultural and tourism related purposes. The agricultural component consists of vineyards, the Louisvale Winery and agricultural buildings and infrastructure. The tourism facilities on the site comprises of the "Log Cabin" which was approved as a consent use on Portion 30 of Farm 65. The existing and proposed land uses are fully consistent with the surrounding land uses (refer Section 1.5.2).

As illustrated in **Figure 6** and in terms of the Stellenbosch Municipality's Zoning Scheme (2019), the application area and surrounding farms are zoned Agricultural Zone (AG).

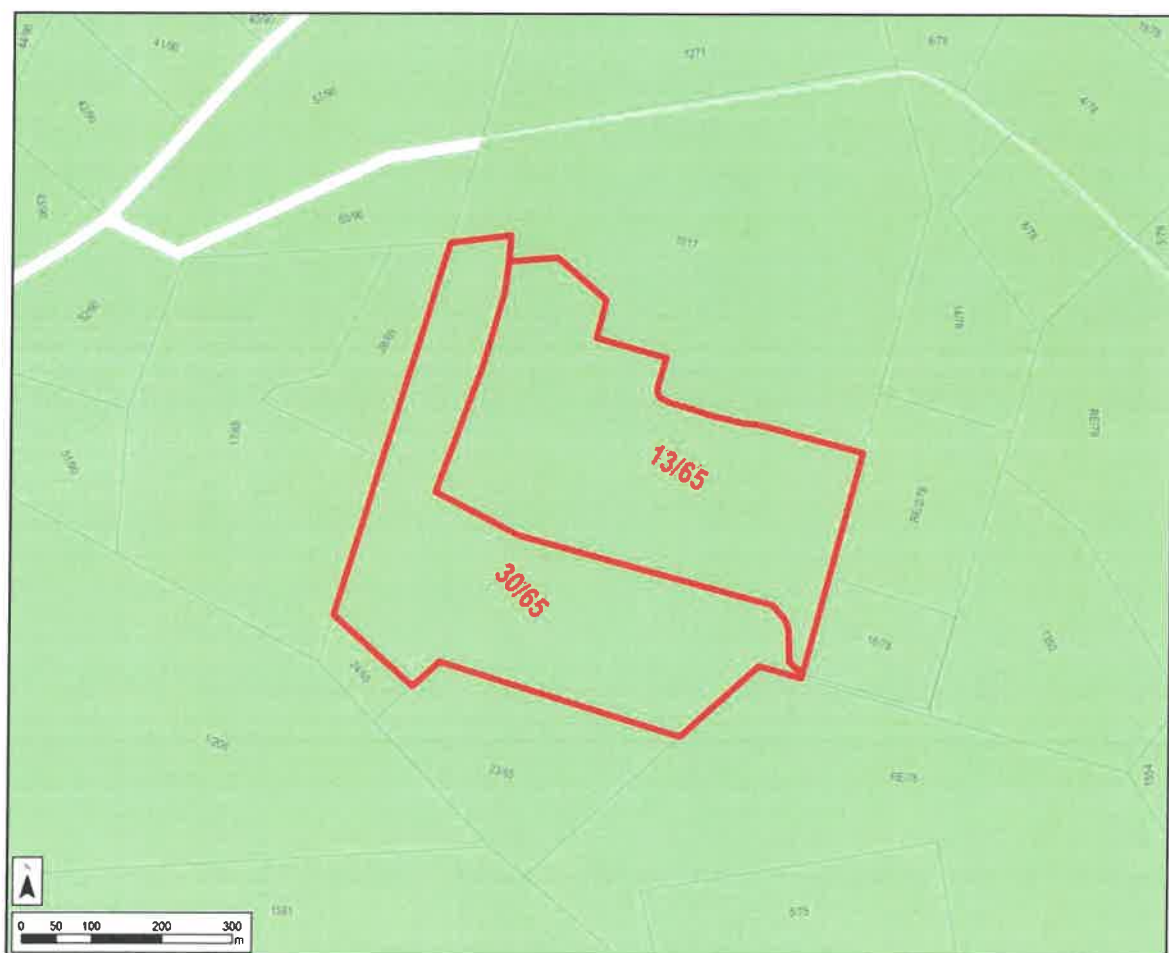


Figure4: Zoning Context

The surrounding zoning & land use pattern of the immediate environs promotes / displays a mixture of agricultural and tourism uses. The proposed development and resulting applications respond positively to the surrounding zoning and land use context and will contribute to enhance the tourism development potential in the in the Stellenbosch Winelands.

1.6. Spatial Policy Context

The proposed application is assessed in terms of the current overarching National, Provincial and Local Municipal spatial and strategic policies, to determine the land use proposal's consistency with these policies.

1.6.1. Provincial Spatial Development Framework (2014)

The Western Cape Provincial Spatial Development Framework (PSDF, 2014) conveys the National spatial agenda to Provincial and Local departments, as well as state owned enterprises, so that the lower order sector plans and programmes are grounded in a sound and common spatial logic. The PSDF is a long term (longer than 5 years) spatial framework which coordinates, integrates and aligns the plans, policies and strategies of all spheres of government.

Economic sectors and specific areas targeted for support (2014: 59 I- IX), **and relevant to this application**, are:

- Agri-processing and **agri-tourism** – on farms and in settlements
- Tourism, in both urban and rural areas, based on regional tour routes, themed and focused on outdoor activities.

From the analysis of the specific targeted areas for support, it is clear that the PSDF(2014:59), in principle, supports appropriate future development that would contribute to tourism development in rural areas.

1.6.2. Western Cape Land Use Planning Guidelines (2019): Rural Areas

The Western Cape Land Use Planning Guidelines forms part of the approved Western Cape Government: Provincial Spatial Development Framework. The objectives of the Rural Areas Guideline are to:

- Promote sustainable development in appropriate rural locations throughout the Western Cape and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the province's life supporting ecological infrastructure and ecosystem services (i.e., environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.



According to these guidelines, the following, relevant land use activities are supported:

- Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape.
- Activities or land uses of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products, e.g.: **farm tourism**; restaurant and function venue facility.

The proposal conforms to the following guidelines:

- The proposed facility is located in an area that does not impact on the agricultural activities as well as wetlands, floodplains and other important natural vegetation.
- The cumulative effect of all ancillary and non-agricultural land uses will not detract from the rural character of the landscape and the primary agricultural production capacity of the farm.
- The facility will not detract from the functionality and integrity of farming practices and landscapes and is considered to be of an appropriate scale and form.
- The facility is appropriate in a rural context, and it will generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.
- The facility is of appropriate scale compatible with the farmstead precinct and the surrounding rural context.

It should, however, be noted that the proposal includes 10 tourism pods as part of the tourism accommodation establishment which exceeds the permitted "1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm" (Rural Development Guidelines, 2019). The motivation for site-specific deviation to permit a tourism accommodation establishment on Portion 13 of Farm 65 is included as part of **Section 4**.

*The development proposal is mostly aligned with spatial policy, and will give practical effect to the Rural Land Use Guidelines that have been adopted by the Western Cape Government: Department of Environmental Affairs and Development Planning (hereafter: DEADP). Refer to **Section 4** for the motivation for site-specific deviation from the Stellenbosch SDF.*



1.6.3. Stellenbosch Spatial Development Framework (SDF 2019)

The Stellenbosch Municipality Spatial Development Framework (2019) is a policy document that seeks to influence the overall spatial distribution of current and future land use within the Municipality, to give effect to the vision, goals and objectives of the municipal IDP (2018/19) or related business plans of government. The SDF places a renewed and key focus on the protection of agricultural and farming land and the conservation of the natural and biodiversity areas. The application area is located outside the urban edge and accordingly the following principles apply:

- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and **agri-tourism**;
- Intensification of agriculture, biodiversity, conservation and **agri-tourism** should be promoted in farming areas outside of urban settlements; and
- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into account.

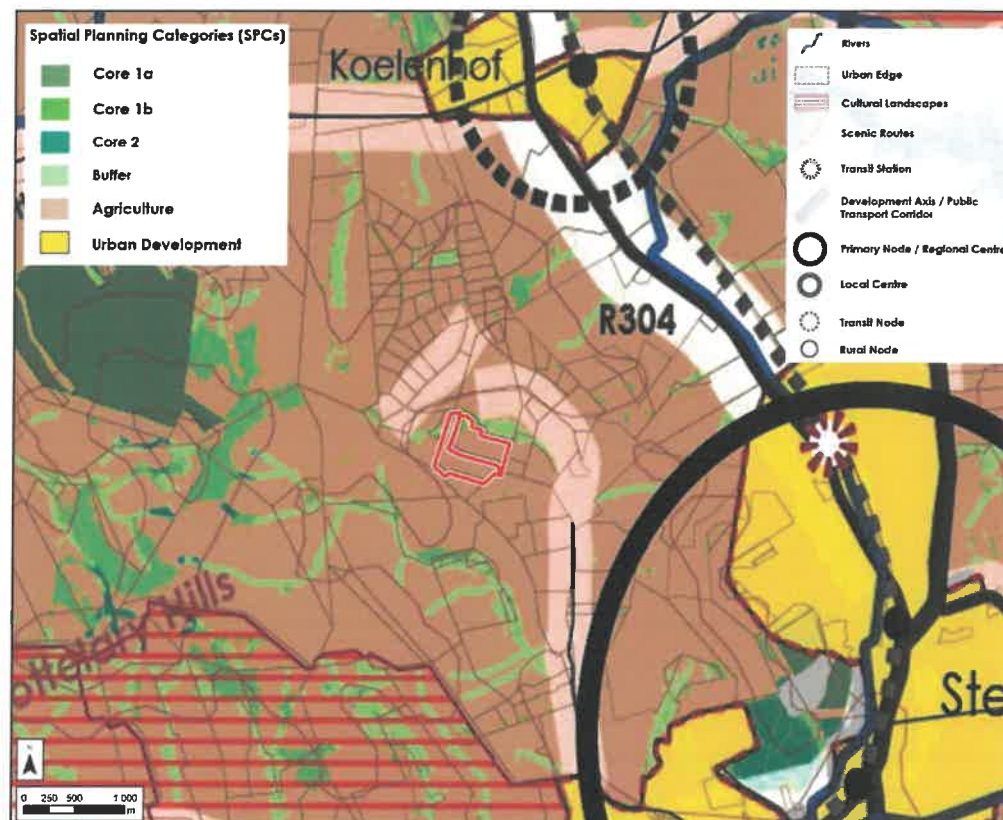


Figure5: Stellenbosch Municipality SDF (2019)

Stellenbosch SDF (2019) adopts the Rural Development Guidelines as the key guidelines for agricultural land. Based hereon, a motivation for site specific deviation from the key guidelines of the "agriculture" SPC is required to permit a tourism accommodation establishment on Portion 13 of Farm 65.

Forthcoming from the above, the proposed development would be generally consistent with the principles and objectives of the Stellenbosch SDF (2019) as it promotes agri-tourism while still taking the natural and heritage significance into account. Refer to Section 4 for the motivation for site-specific deviation from the Stellenbosch SDF..

1.7 Environmental Aspects

Groenberg Enviro, the registered Environmental Assessment Practitioner, submitted an application in terms of the National Environmental Management Act, 1998 (Act no. 107 of 1998) and the Environmental Impact Assessment Regulations. This application is currently in process.

1.8 Water Use Licence

Groenberg Enviro, the registered Environmental Assessment Practitioner submitted an application for a water use licence in terms of the National Water Act 1998 (Act No. 36 of 1998) was submitted. This application is currently in process.

1.9 Heritage

A Notice of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in terms of Section 38 of the National Heritage Resources Act (NHRA). The department issued a response stating that the proposed development will not negatively impact on heritage resources, and that no further action under Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) is required. The Record of Decision is attached as Annexure B.

1.10 Agriculture

An application in terms of the Subdivision of Agricultural Land Act (Act 70 of 1970) will be submitted to register the proposed lease areas for long term lease (25 years).

2.8 CONCLUSION – CONTEXTUAL ASSESSMENT

Following the afore-mentioned assessment of broad contextual informants, it can be concluded that the proposed development should respond positively to its surrounding context in terms of the following:

- Consistency with the principles and objectives of the of the relevant policies as it promotes agri-tourism while still taking the natural and heritage significance into account.
- Respond positively to the surrounding zoning and land use context and will contribute to enhance the tourism development potential in the in the Stellenbosch Winelands.
- Excellent opportunity for agri-tourism within the Stellenbosch Winelands.



Section 2

SITE CHARACTERISTICS

2.1. Site Analysis (Biophysical)**2.1.1 Slope & Drainage**

The existing topography and flood lines relating to the farm and development area is illustrated below. The development area has a moderate slope approximately 8% from south-west to North-east. The drainage pattern is mainly of a sheet-flow nature.

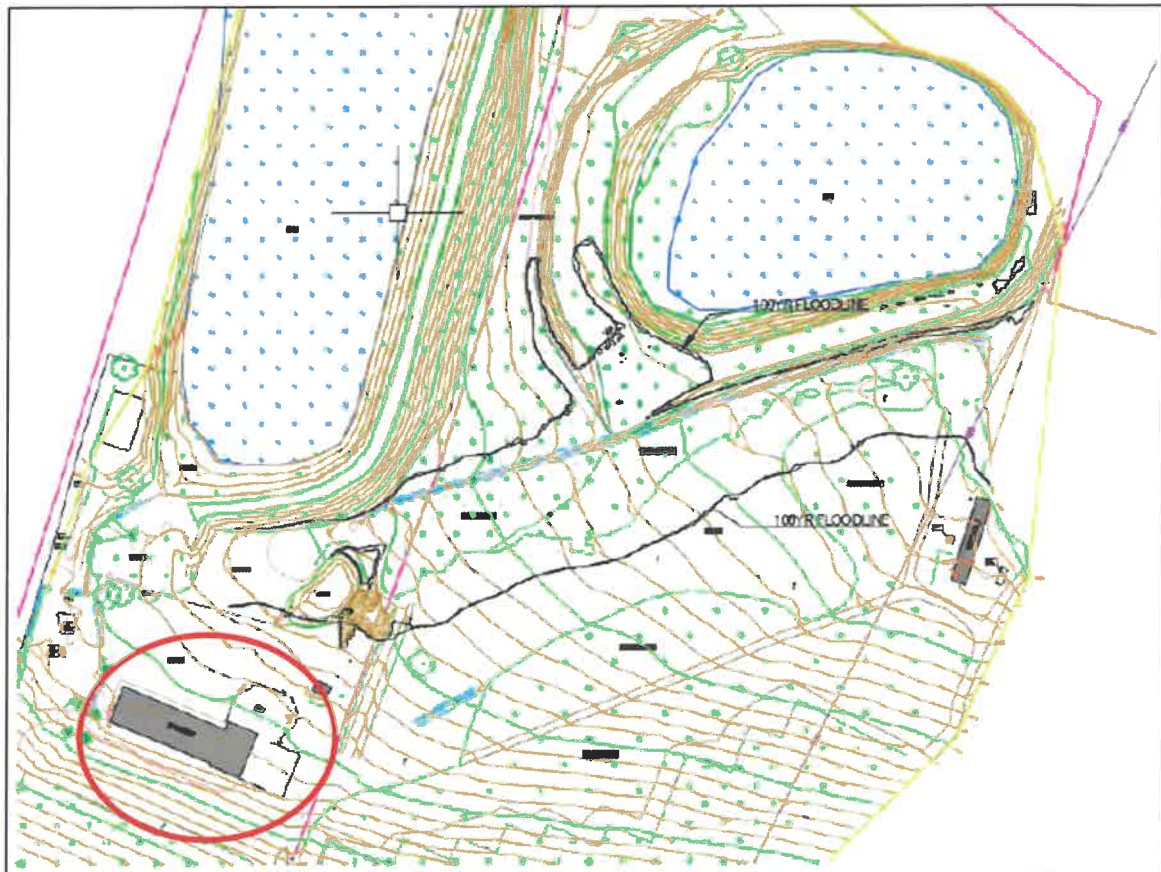


Figure 6: Slope, drainage and flood line in relation to the Log Cabin

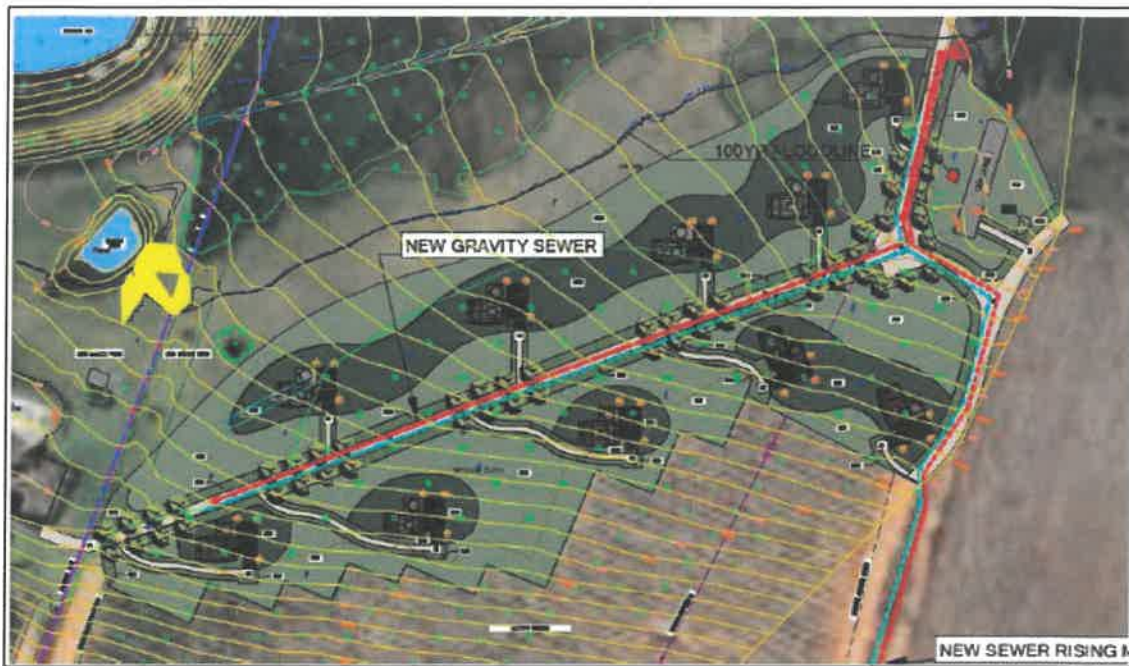


Figure 7: Slope, drainage and flood line in relation to the proposed development.

2.1.2 Cultivated Land & Vineyards

Portion 13 and 30 of Farm 65 consists of predominantly cultivated land which includes vineyards for the production of Louisvale Wines. The map below shows the type of vineyards that are present on these portions. The proposed tourism accommodation will be located on Portion 13 of Farm 65, and will not be located within cultivated land areas. The landowner (attached as Annexure C) confirmed that the development area consists of Valley bottom and Kroonstad soil types which are not suitable to utilise for cultivation. Furthermore, he confirmed that the development area has not been utilised for agricultural purposes for the last 25 years and will not be utilised for this purpose in the future.



Figure 8: Vineyards located on Portion 13 and 30 (development area roughly indicated).



2.1.3 Biodiversity

According to Groenberg Enviro, portions 13 and 30 contain areas that are classified as Critical Biodiversity Area (CBA): Terrestrial and Ecological Support Area (ESA) 2: Watercourse. These areas have, however, been previously transformed as it is situated within an operating farm (confirmed during the visual inspection by the Environmental Practitioner). Furthermore, Groenberg Enviro confirmed that the proposed development is not located within any CBA or ESA areas, and minimal vegetation will be lost due to the development of the tourism pods.



Figure 9: Conservation Areas located on Portion 13 and 30.

2.1.3 Waterbodies

FEN Consulting was appointed to conduct a specialist freshwater ecological assessment as part of the Environmental Authorisation and Water Use Licence processes for the proposed development (attached as Annexure D). Their field visit confirmed an Unchannelled Valley Bottom Wetland within the study area, which was ecologically assessed as follows:

Surface water feature	Present Ecological State (PES)	Ecoservices	Ecological Importance and Sensitivity (EIS)	Recommended Ecological Category (REC), Recommended Management Objective (RMO) and Best Attainable State (BAS)
Unchannelled Valley Bottom Wetland	Category E (Seriously Modified)	<ul style="list-style-type: none"> Tourism Potable supply Sediment trapping 	Low	REC Category: D (Largely modified) BAS: Category: D (Largely Modified) RMO Category: D (Improve)

(Source: FEN Consulting Freshwater Assessment)

The risk assessment (based on layout option 3) determined an overall low risk significance for the construction and operation phase on condition of stringent mitigation measures where applicable. This wetland is not considered significantly ecologically sensitive to the nature of the development since wetland edge effects have already taken place and considering the seriously modified nature of the wetland hydrology, geomorphology, water quality and vegetation community.

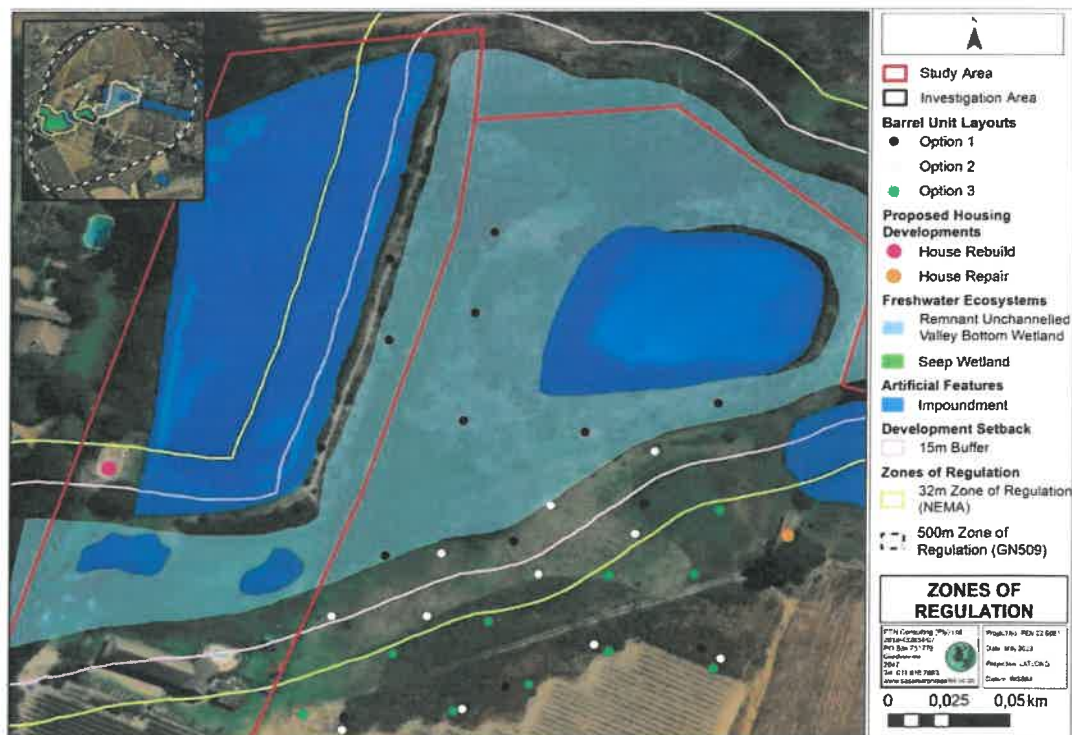


Figure 10: Wetlands & Zones of Regulation

Option 3 (proposed layout) was determined as the most developable option by FEN consulting, considering that this would pose the lowest risk to the wetland, as all barrel pods are located outside of the 32m NEMA Zone of Regulation.

2.1.4 Landscape

The cultural landscape which includes vineyards and mountains, presents a unique opportunity for eco-tourism close to wine tasting facilities. The figures below illustrate the rural and picturesque landscape which is visible from the proposed development area.

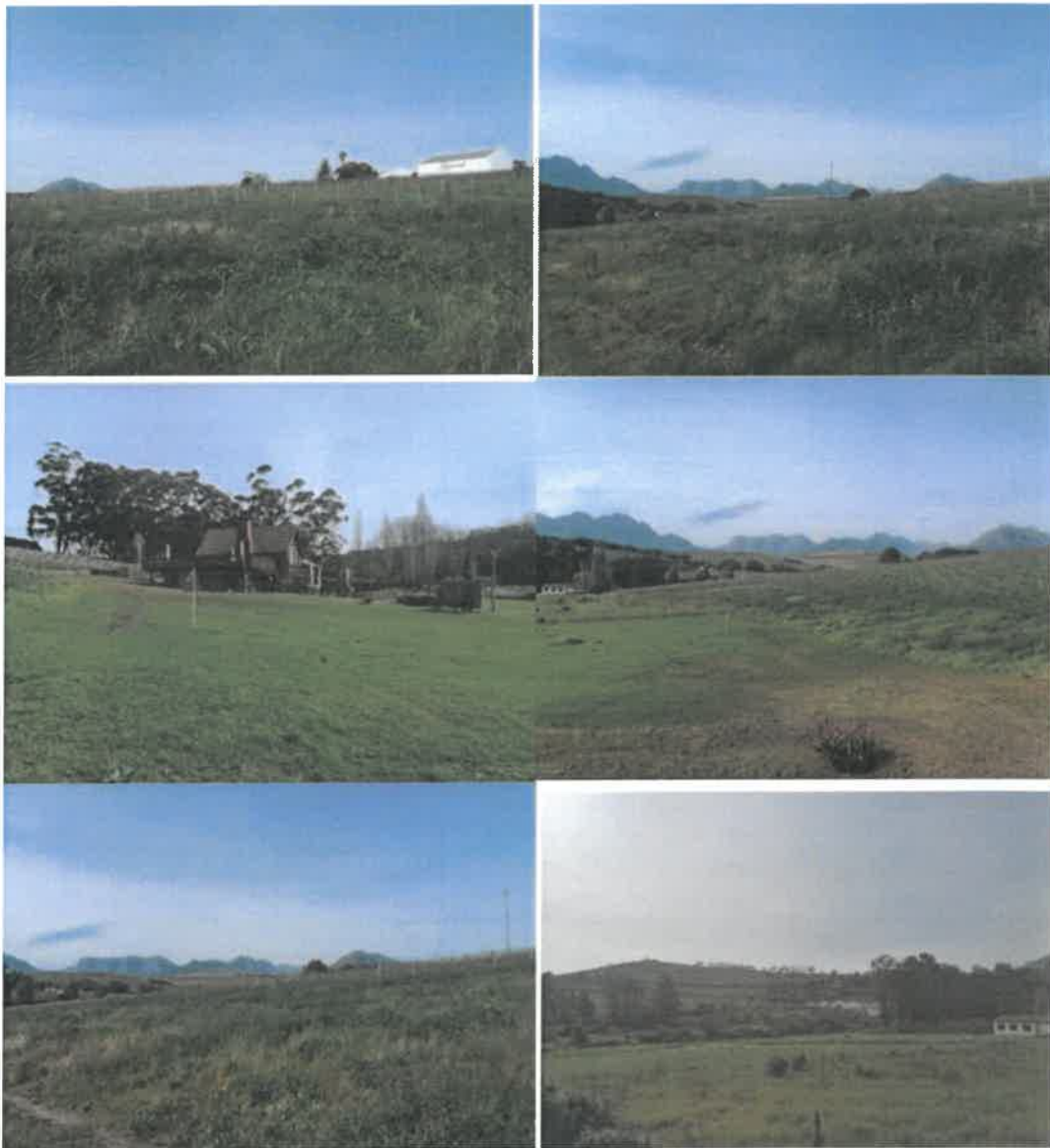


Figure 11: Landscape surrounding the application area.

2.2. Existing Land Uses & Servitude Context

2.2.1 Existing Buildings and Land Uses

Portion 13 & 30 of Farm 65 is currently utilised for tourism and agricultural purposes. Figure 9 below illustrates the existing buildings in relation to the proposed tourism accommodation establishment. As described within the land use table, most of the buildings are directly linked to the agricultural production on the farm, with the exception of the Log Cabin (Guesthouse) which was approved as a consent use on Portion 30.

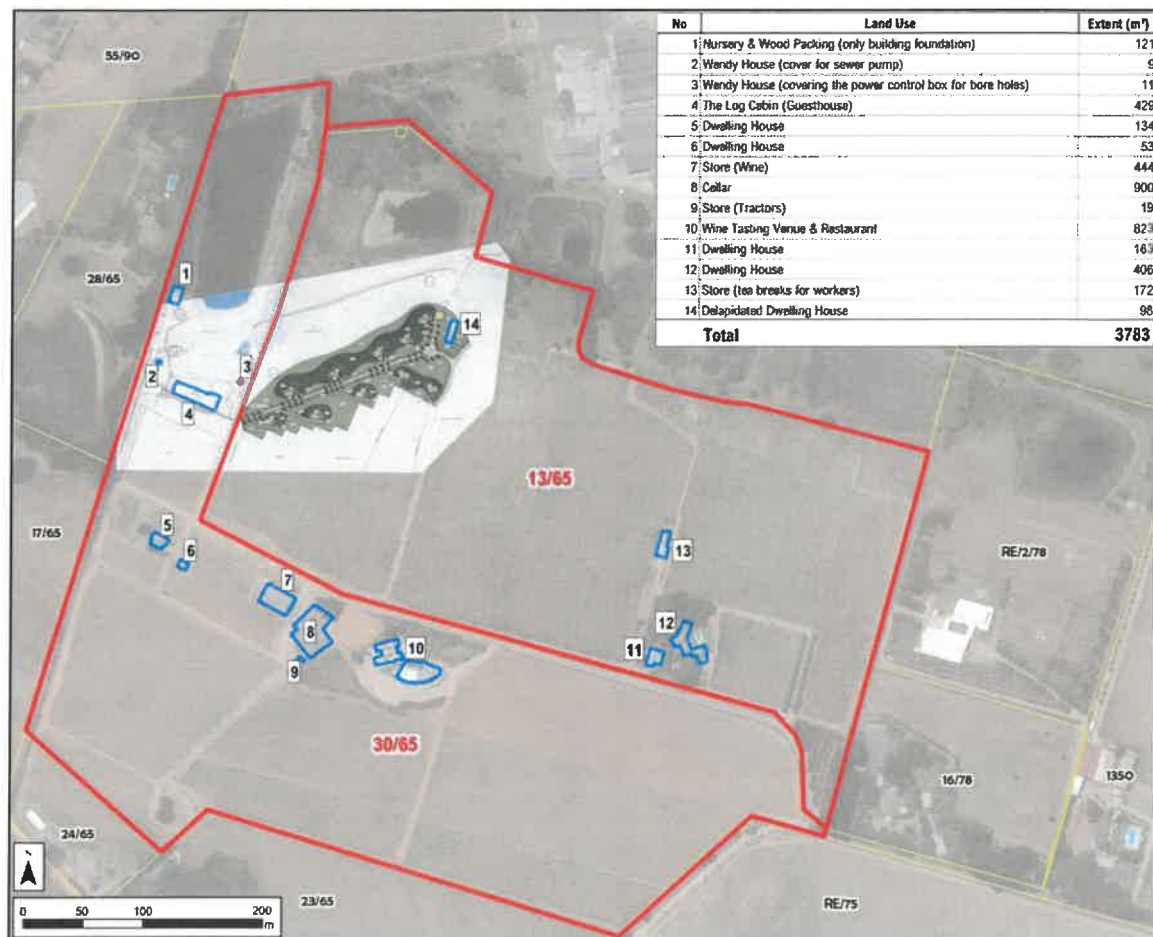


Figure 12: Site Plan (including existing buildings)

2.2.2 Servitude Context

There is a servitude pipeline of 3.15m wide registered on portion 13 and 30, as well as a notarial access servitude area registered over portion 30 in favour of Portion 17. The proposed tourist accommodation pods will be clustered to the east of the existing Log Cabin establishment and their placement was identified with due consideration of the existing servitudes, illustrated below.

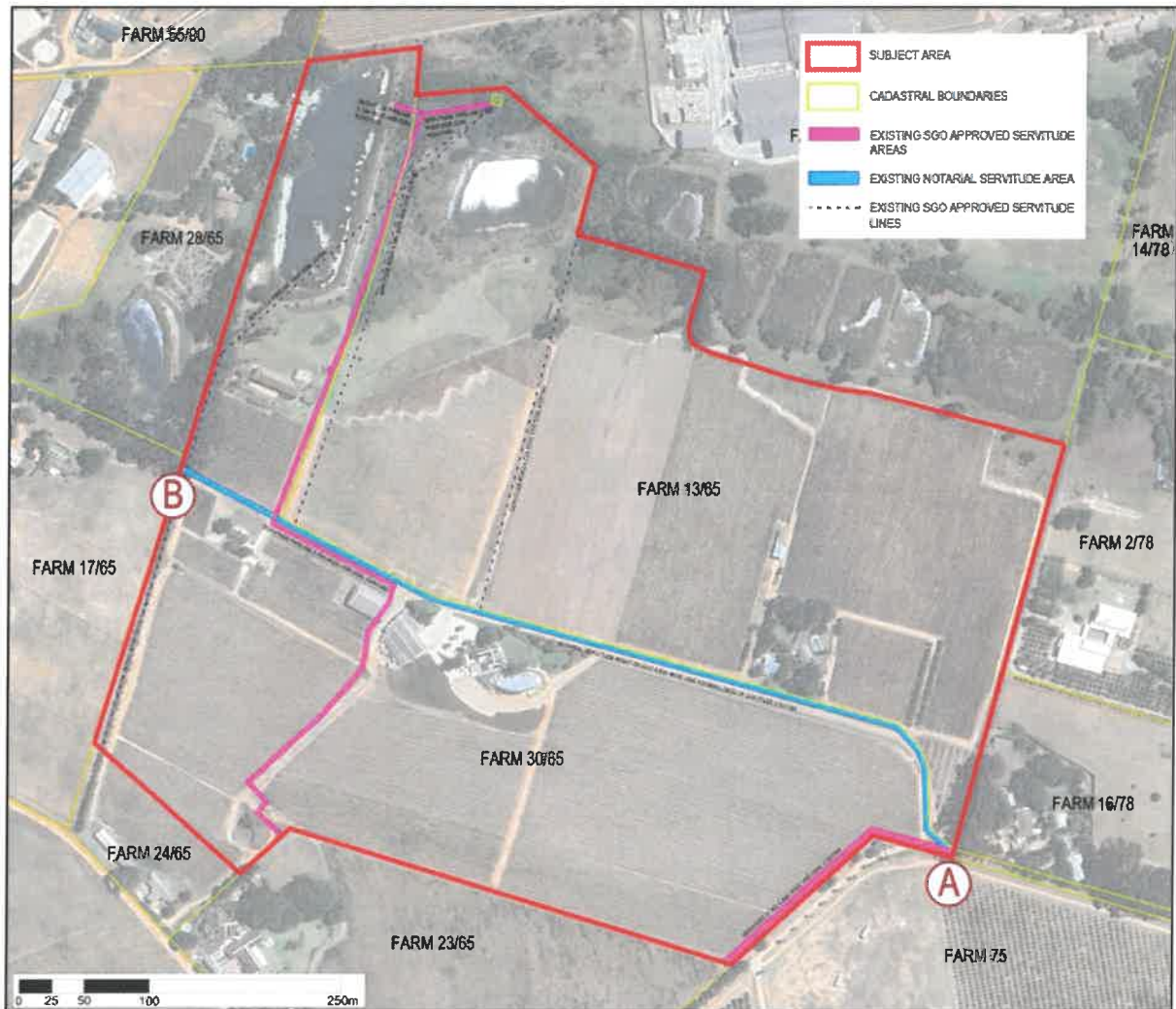


Figure 13: Existing Servitudes on Portion 13 and 30

2.2.2 Access & Parking Context

Access to portions 13 and 30 of Farm 65 can be obtained at point A, and access to the existing tourism accommodation (Log Cabin) is obtained via the existing access road illustrated as ABC on Figure 11 below.

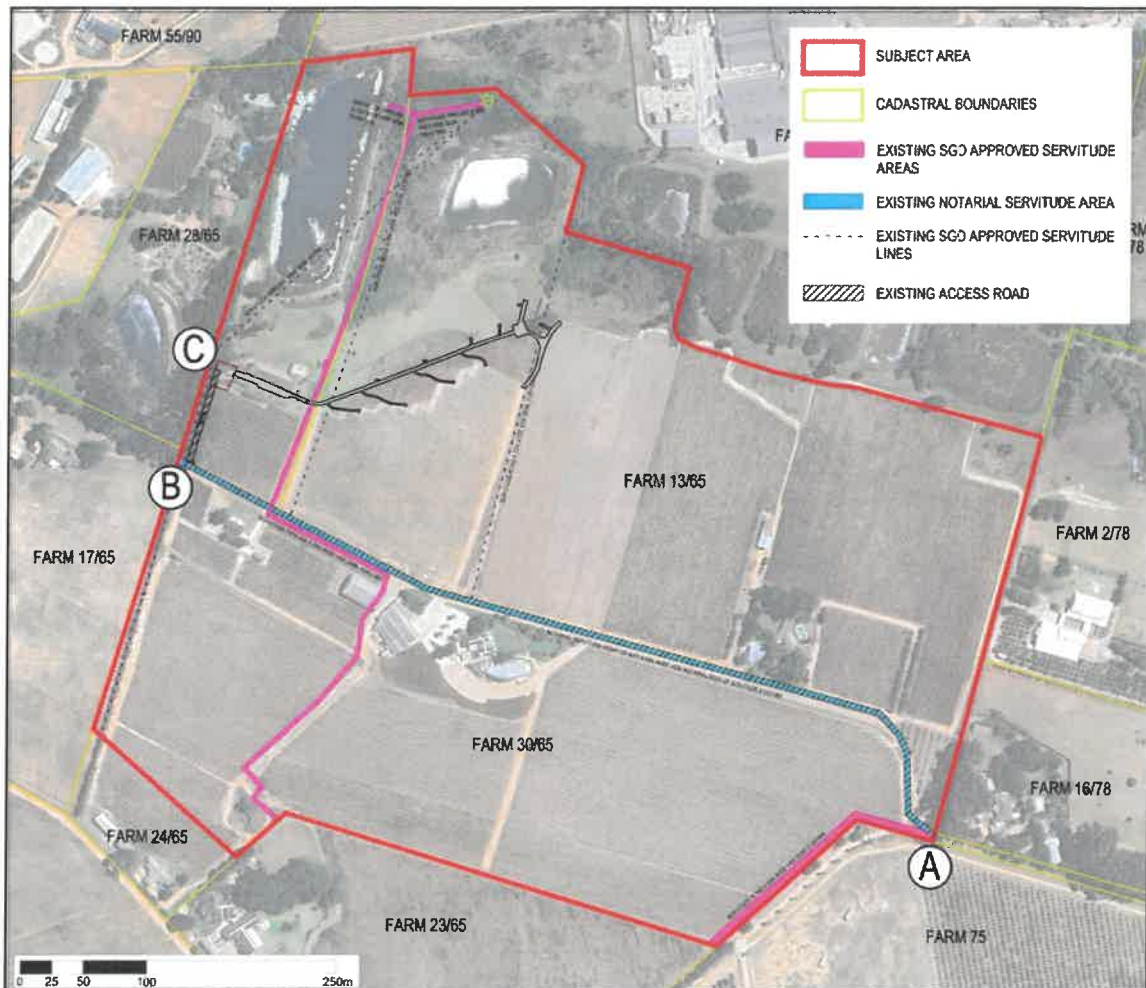


Figure 14: Existing Servitudes on Portion 13 and 30

Therefore, access to the proposed development will be obtained via the existing access road and utilise the existing parking area (located at portion C). The use of existing roads and facilities will contribute to efficient functioning of the tourism accommodation and minimise the impact of the development on agricultural and environmental resources.

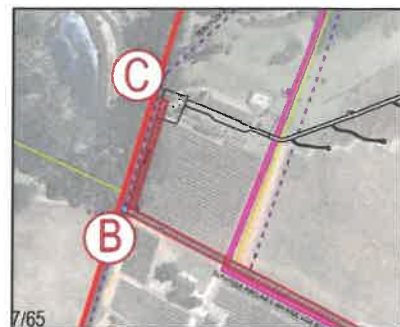


Figure 15: Existing Parking on Portion 30

2.3. CONCLUSION – SITE CHARACTERISTICS ASSESSMENT

Following the afore-mentioned assessment of bio-physical, structural and land use informants, (illustrated on Figure 16 below) it can be concluded that the proposed development should respond positively to its surrounding context in terms of the following:

- The development will be located outside of vineyards.
- The proposed layout was informed by the environmental resources on site and the pods are placed outside of the flood lines, CBA, ESA and Wetland areas.
- The shared parking area and access road will contribute to efficient management of the tourism accommodation and access control to the development and agricultural land.
- The clustering of tourism facilities and utilisation of the existing parking area will minimise the impact on agricultural and natural resources.
- It is clear that the development area is suitable for eco-tourism based on the following bio-physical and land use characteristics:
 - Landscape: The picturesque landscape which includes mountains and vineyards is visible from the proposed development area.
 - Location to existing facilities: The development is walking distance to the existing wine tasting facility and restaurant.
 - Existing tourism facilities: The development will support the existing Log Cabin while benefiting from its existing facilities (swimming pool etc.)
 - Outdoor amenities: The development area is surrounded by scenic walking routes and outdoor amenities, allowing guests to explore the natural beauty of the landscape at their leisure amidst the vineyards.

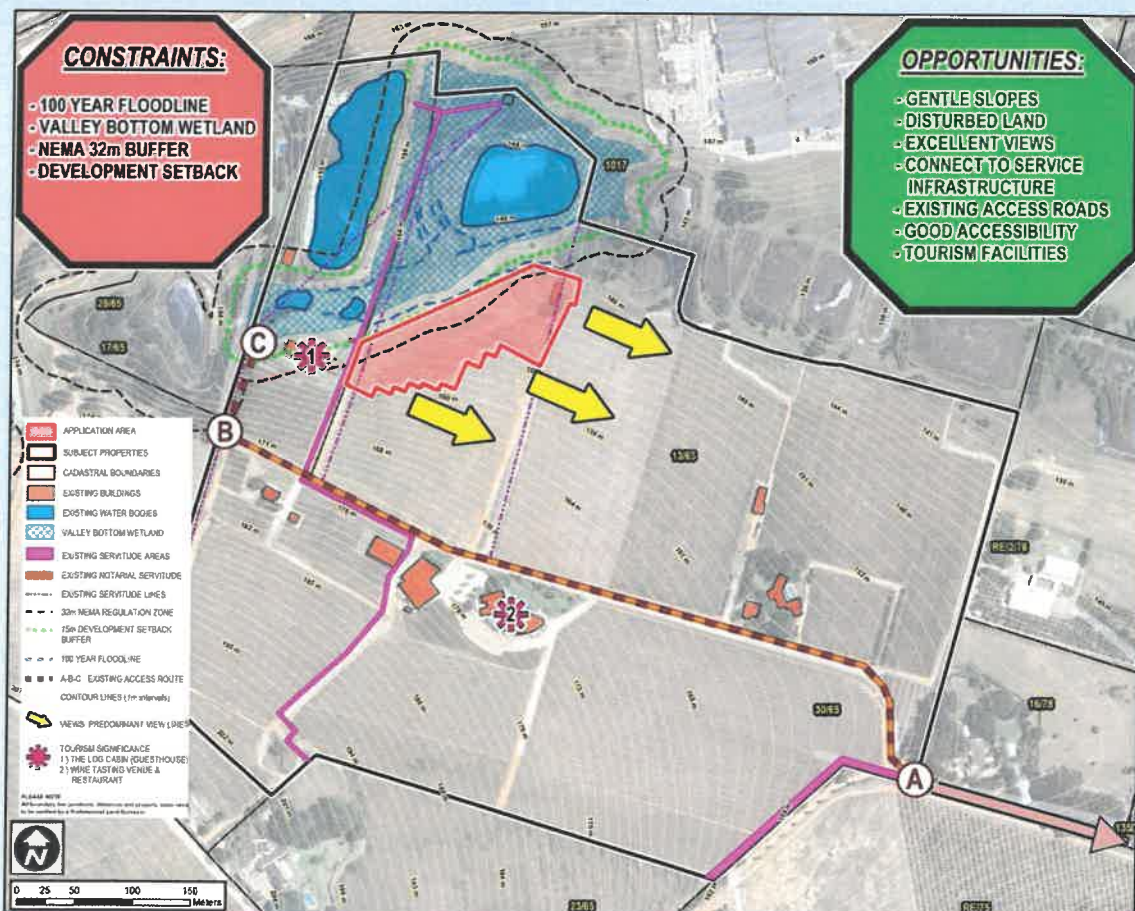


Figure 16: Opportunities and Constraints

Section 3

DEVELOPMENT PROPOSAL

3.1. Landscape SDP and Pod Design

The development proposal, as illustrated below, consist of 10 self-catering pods on Portion 13 of Farm 65. The proposed development can, as per the Stellenbosch Zoning Scheme (2019), complies with the land use category of a tourism accommodation establishment (refer definition below), permitted as a consent use within the current Agricultural zoning.

Tourist accommodation establishment 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 particular 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;*

The pods will be clustered to the east of the existing Log Cabin establishment and will offer a unique agri-tourism opportunity within the Stellenbosch Winelands. The pods were designed to resemble wine barrels and the materials and colours were used sensitively and are appropriate to the surrounding winelands context.



Figure 17: Precedent (Quinta da Pacheca, Portugal)

As illustrated on Figure 18-21, the proposed development consists of 10 pods with a central connecting walkway. The pods, while connected, are designed, landscaped, and placed specifically to optimise the surrounding views while maintaining privacy (10-15m between pods).

Landscaping

All species indicated on the landscape SDP were carefully selected by SQ1, the appointed landscape architect, and are indigenous. Some of the species include seasonal flowers that will attract birds, butterflies, bees and other small insects, while other are great for slope stabilization during establishment. The grasses are also indigenous and commonplace with agricultural settings within the Western Cape. The landscaping proposal was carefully considered in terms of respecting the landscape character.

The implementation of the proposed landscape plan will enhance the overall appeal and experience for visitors while also providing functional and aesthetic benefits. The proposed trees and planting mixes are well-suited to the local climate and soil conditions, requiring less water and maintenance once established. The proposed landscaping and pathways can guide visitors through the landscape while also defining and organizing the space.

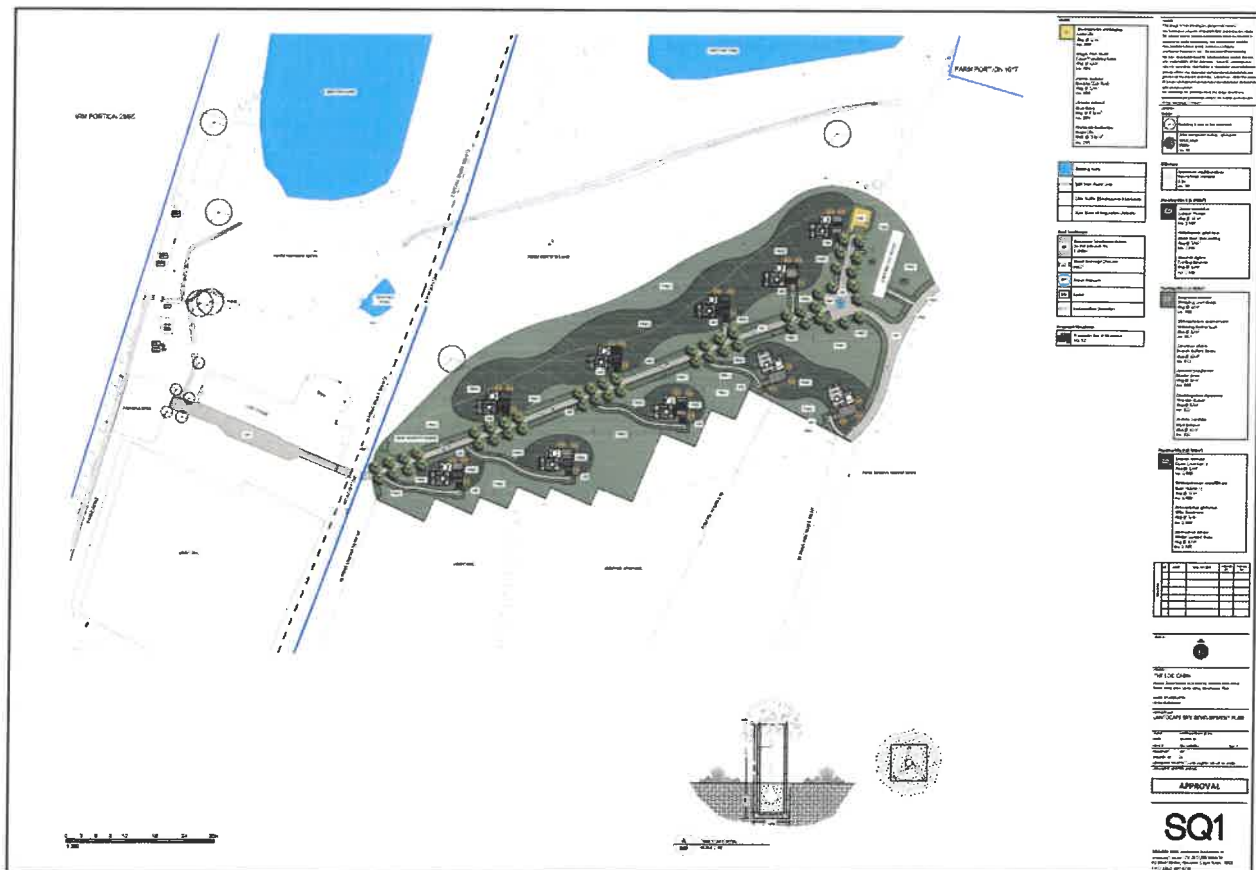


Figure 18: Landscape SDP (attached as Annexure E)

The proposed development includes the construction of 10 self-catering barrel-shaped pods ($\pm 39\text{m}^2$) that will be 1000mm above the ground in height. The pods will be raised above the ground with 6 concrete footings, each at 600mm x 600mm (Total surface area/barrel = 2.16m^2). The decking of the barrel pod will be treated pine posts placed on 200mm x 200mm concrete footings (estimated 0.8m^2). Each pod will cover approximately 2.96m^2 and the total area cleared by the barrel pods will be $2.96\text{m}^2 \times 10 = 29.6\text{m}^2$. The pathway for access to the accommodation pods will consist of gravel.

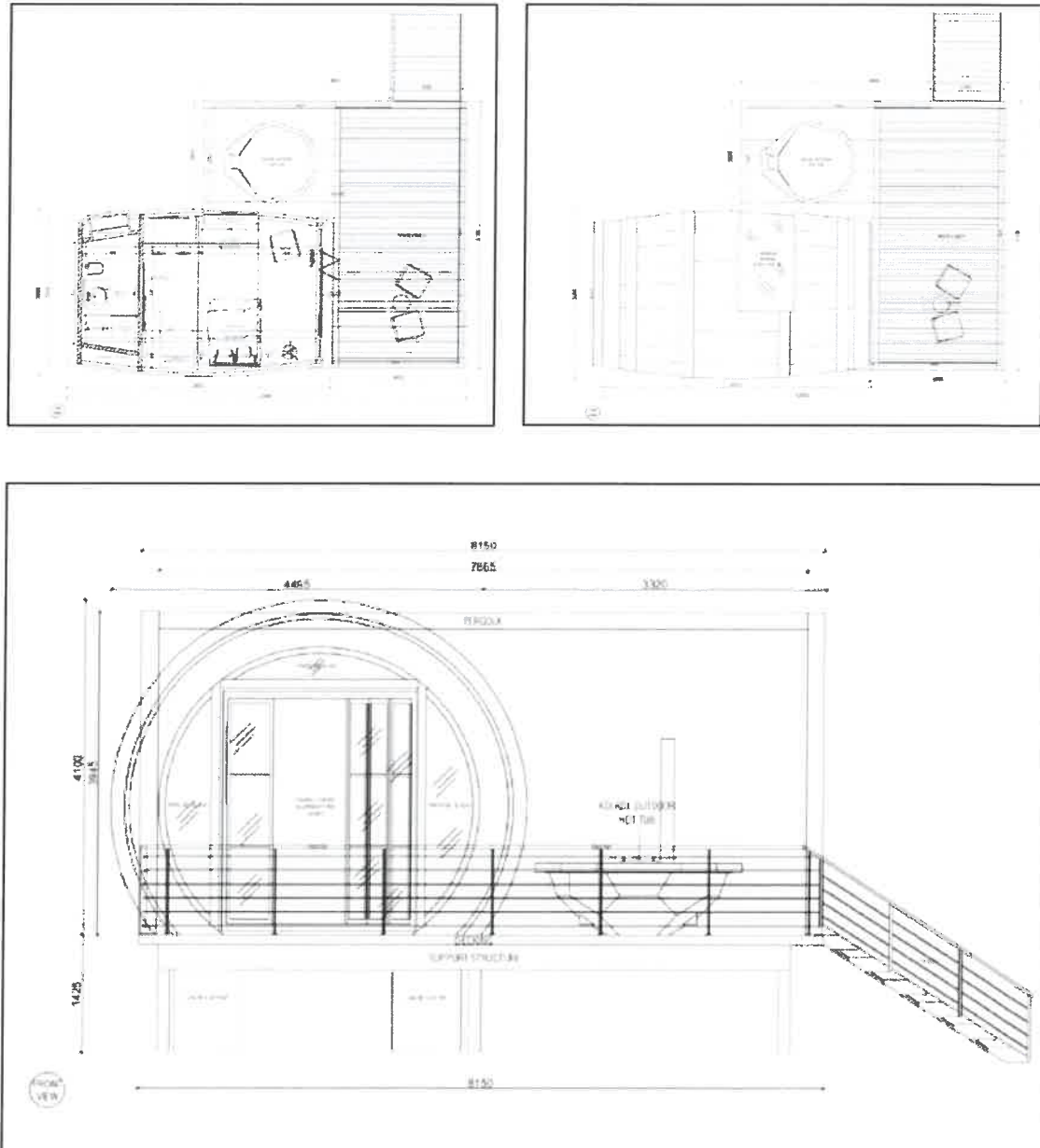


Figure 19-21: Preliminary pod designs

3.2. Access & Parking

The existing access road (illustrated as ABC on Figure) on Portion 30 will be utilised to access the development and parking area (located at point C). The clustering of facilities and use of existing access roads will minimise the impact on agricultural and natural resources.

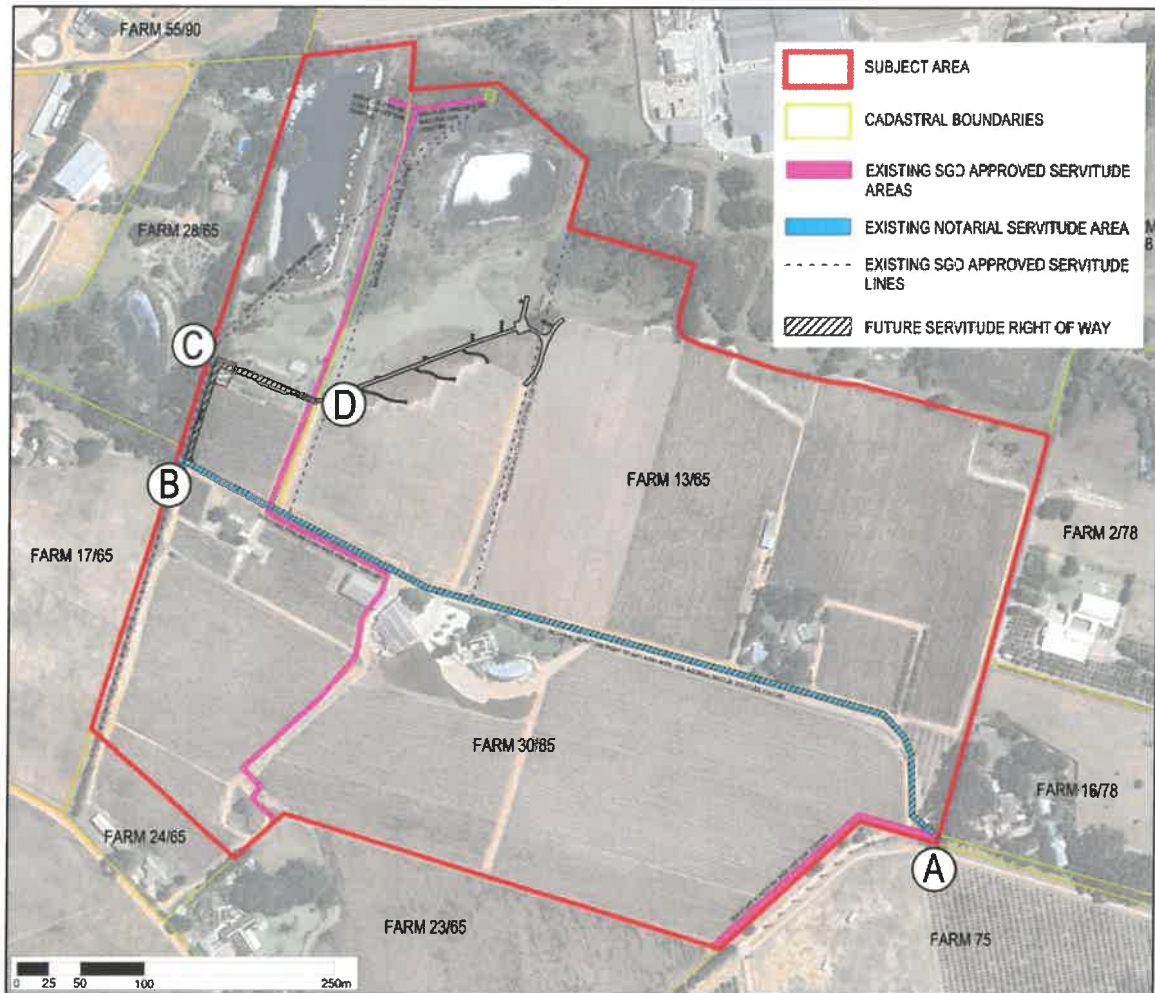


Figure 22: Access Considerations

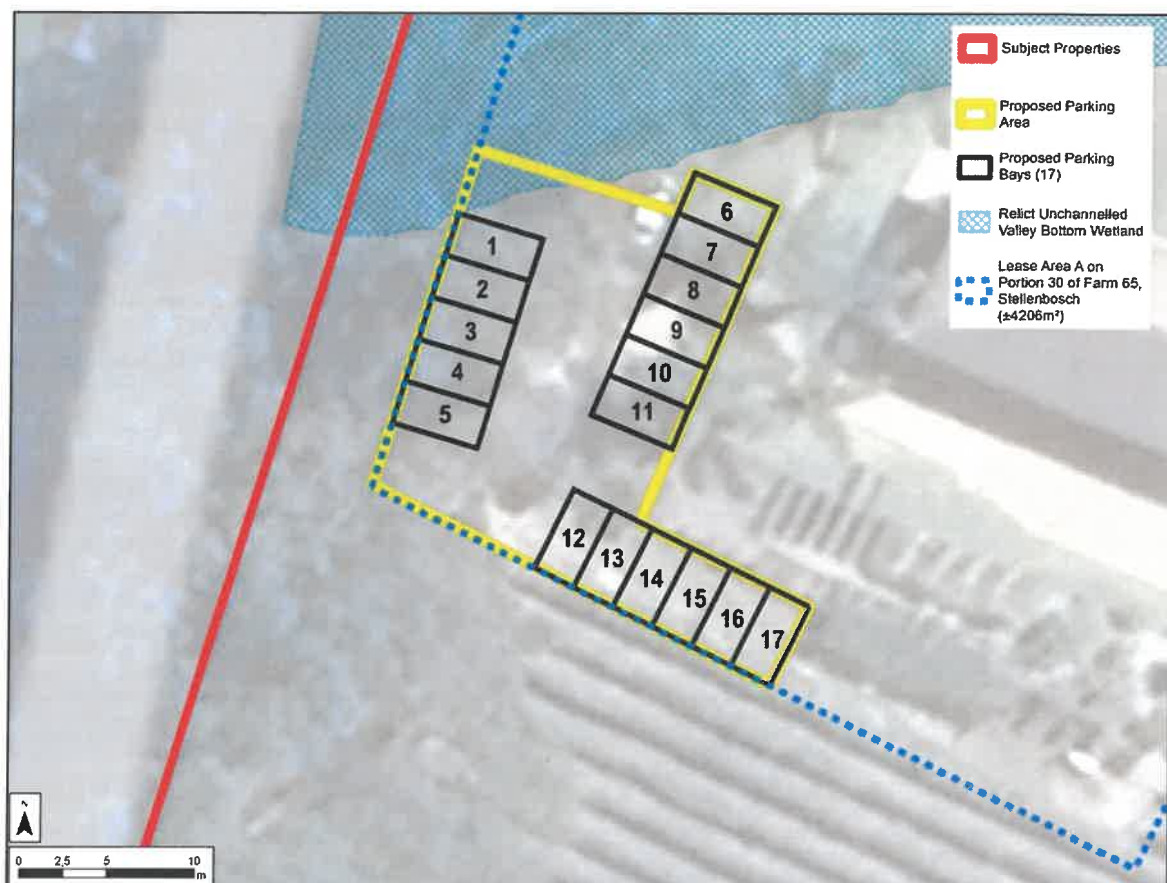
The **existing access road** will be notarily tied to the proposed development on Portion 13. Should the properties be in different ownership in the future, a servitude of 4,5m must be registered over Portion 30 in favour of Portion 13 (as illustrated by ABCD).

Off-street parking will be provided on portion 30 in accordance with the Stellenbosch Zoning Scheme By-Law (2019) at 1 bay per accommodation unit. The **proposed parking area** on Portion 30 will be notarily tied to the proposed development on Portion 13. The required parking for the proposed development (10 bays) and the existing Log Cabin (6 bays) is calculated in Table 2.

Table 2: Required Parking

Land Use	Parking Ratio	Rooms/Pods	Parking Bays Required	Parking Bays Provided/Proposed
Log Cabin (Guesthouse)	1 bay/ room	6	6	7
Barrel Pods (Tourism Accommodation Establishment)	1 bay/unit	10	10	10
		16	16	17

Parking can be accommodated on Portion 13 as illustrated below:

**Figure 23: Parking Layout Concept**

Guest will be able to walk from the parking area to the proposed pods via a gravel road or be transported by means of golfcarts.

3.3. Civil Engineering Services

Malcolm Cerfonteyn was appointed to compile a civil engineering services report (refer Annexure F). The following section contains a summary of the civil engineering services proposals.

2.3.1 Water

Demand

Based on a consumption of 600l/d per double room, the domestic water-supply demand is estimated at 6 kl/day for the 10 pods. The storage requirement will be for 48 hrs = 12kl. The normal design requirements for firefighting purposes of low-risk developments are a fire hydrant delivering a flow of 15 l/s and sufficient storage to maintain a flow of 15l/s for 1 hr. This comes to a storage of 54m³. This seems excessive for a development of this size and nature, and it is recommended that a rational fire design be done for this development.

Existing and Proposed Bulk External Water Supply

There is no existing municipal water supply in close proximity of the site. The existing dwellings and business on the farm are provided with water supply through one borehole of which the delivery rate is unknown. This borehole pumps to existing storage tanks. It is foreseen that these tanks will have to be augmented with 3x5kl tanks. The size, location and condition of the existing local water supply network is unknown and therefore we have made provision to supply the new development with a separate 75mm diameter water main from the new storage tanks. The preliminary layout of water supply services is included in the services report.

Potable Water

Although the water has been used on the farm as potable water, it is recommended that the water quality of the borehole water be tested and confirmed for the suitability of potable water. In the meantime, it is recommended that commercially bottled drinking water be used for these purposes.

2.3.2 Sewerage

Sewage Flows

The sewage flows expected from this development is 90% of the water supply =10.8kl/day. The peak flows will be approximately 0.5 l/s.

Existing and Future Bulk External Sewerage System

Louisvale Farm has an existing private sewer presumed to be 160mm in diameter. It is located in the main access road and connects to the municipal sewer as shown below. The existing sewer systems around the farm seems to be a small-bore system. Small-bore sewerage systems make use of septic tanks before discharging the



sewage into a sewerage system. Therefore, it is proposed that a common septic tank be constructed for the 10 pods. The septic effluent will discharge into an adjacent pumping station which will pump the sewage to the Louisvale Private Sewer.

2.3.3 Stormwater

a) Watercourse & Floodlines

There is a watercourse from west to east through the development, receiving flow from upstream properties and discharging into downstream properties. A preliminary floodline has been determined. The proposed development is located outside the 100yr floodline.

b) Stormwater Management on site

As this is a very low impact rural development with very few impermeable surfaces, it is recommended that only surface flow stormwater grassed or vegetated swales be implemented to convey the stormwater. A few small and shallow drifts can be constructed in the proposed golf-cart pathway. A stormwater cut-off drain to be constructed as illustrated in the services report.

3.4. Electrical Engineering Services

Mapule Consulting was appointed to compile an electrical engineering services report (refer **Annexure G**). The following section contains a summary of the electrical engineering services proposals.

Existing Electrical Infrastructure

The abovementioned erf is situated in an Eskom electrical distribution area. From what could be determined, the erf area in question is serviced with an existing 50kVA supply utilised by the Log Cabin Lodge.

Electrical Load Estimate

The SANS 204 Standard for Energy Efficiency in Buildings will be used as the basis for the load estimate. The order of magnitude estimated increase in maximum demand for the new development is 70 kVA.

Availability of Electricity

The availability of the additional 70kVA supply to the erf in question was confirmed by the Supply Authority (letter attached as Annexure J).



3.5. Transport Arrangements

The Traffic Impact Statement (TIS) prepared by Hendri Badenhorst (attached hereto as **Annexure H**) confirmed that:

- It was observed that the intersection currently operates at good level of service due to low vehicle volumes and no conflicts were observed during the visual inspection. The increase in volumes (5 trips) generated by the proposed development will have little to no impact to the intersection operation and will continue to operate at a good level of service.
- Access to the proposed development will be made via existing internal farm roads, that consist of block paving and gravel surfaces, no new roads will be required. No obstructions were observed at the vehicle entrance along the access Road. It was noted that no signage demarcated the access road bell mouth. it is recommended that the required signage be installed at the bell mouth.
- The existing shoulder sight distance along the east of the access Road / Access intersection is 240m and not applicable to the west, due to the access Road ending at the access to the property. The available sight distances and location meet and exceed the minimum requirement, and are therefore considered to be acceptable.
- A visual inspection of the study area was carried out, to determine if pedestrians are able to travel from the parking area to the proposed development area within the existing property area. From the observations, no new conflicts will be created by the proposed development on the property.
- The existing parking area meets and exceeds the current parking requirement.

3.6. Conclusion

From the above-mentioned specialist engineering investigations, it can be concluded that the proposed development can be efficiently serviced by adapting a service supply network through the utilisation of the existing municipal and ESKOM services, integrated with alternative services solutions. This approach will ensure sustainable supply of services to the development, while minimising the impact on the surrounding services networks.



SECTION 4**DESIRABILITY CRITERIA FOR APPROVAL**

This section presents the motivation for the consent use, parking departure and approval of lease diagram application as in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015).

4.1 Motivation**a) Consent Use**

Application is made for consent use for a tourist accommodation establishment on Portion 13 of Farm 65 Nooitgedacht to accommodate 10 tourism accommodation pods. The consent use is motivated as follows:

- The proposed application for a tourism accommodation establishment presents an **opportunity** to contribute most positively to the diverse and rich character and offering of the Stellenbosch Winelands area and broader municipal area;
- The proposal is supported by a thorough, comprehensive and detailed series of **specialist studies**, which informed and guided the development proposal in its form, scale and configuration;
- Cognisance was taken of relevant **heritage and environmental sensitivities** and the proposal was planned in direct **positive response** to these sensitivities;
- The objective of the development proposal is not to detract from the farm's agricultural entity, but to **promote and enhance agricultural** sustainability and use of the property by introducing the proposed uses as supplementary and compatible uses to the agricultural use of the land.
- The proposal is **consistent with provincial and local spatial planning policies and objectives**.

b) Permanent Departure

Application is made for a permanent departure, motivated as follows:

- The existing parking area on Portion 30 will be utilised as parking for the proposed development. The existing parking area (17 bays) meets and exceeds the current parking requirements for the Log Cabin (6 bays).
- By separating parking from the tourism accommodation pods, the area is free from vehicles and therefore reduces disturbance, and contributes to exclusivity and an enhanced visitors' experience of living in the wineland.
- The clustering of tourism facilities and utilisation of the existing parking area will minimise the impact on agricultural and natural resources.
- The shared parking area and access road will contribute to efficient management of the tourism accommodation and access control to the development and agricultural land.
- A notarial tie will be registered on Portion 13 in lieu of the requirement for 10 parking bays to be provided on Portion 30.



c) Lease Diagram

In addition, approval in terms of Section 15(2)(d) for the registration of a lease diagram for areas A ($\pm 4206 \text{ m}^2$) & B ($\pm 11\,471 \text{ m}^2$) on Portion 13 & 30. This application is motivated as follows:

- The approval of a lease diagram will allow the owner of the Log Cabin to apply for a long-term lease in terms of the Subdivision of Agricultural Land Act for 25 years.
- A long-term lease will enable the owner of the Log Cabin to obtain increased tenure security regarding the tourism accommodation establishment and investment.
- Leasing of farmland with low agricultural productivity for tourism accommodation will enable the optimization of land use and generating additional income for the farm.
- The proposed lease areas are located outside the flood lines and does not include any vineyards.
- The proposed lease areas will separate and thus contribute to efficient management of the tourism accommodation and cultivated land on the farm.

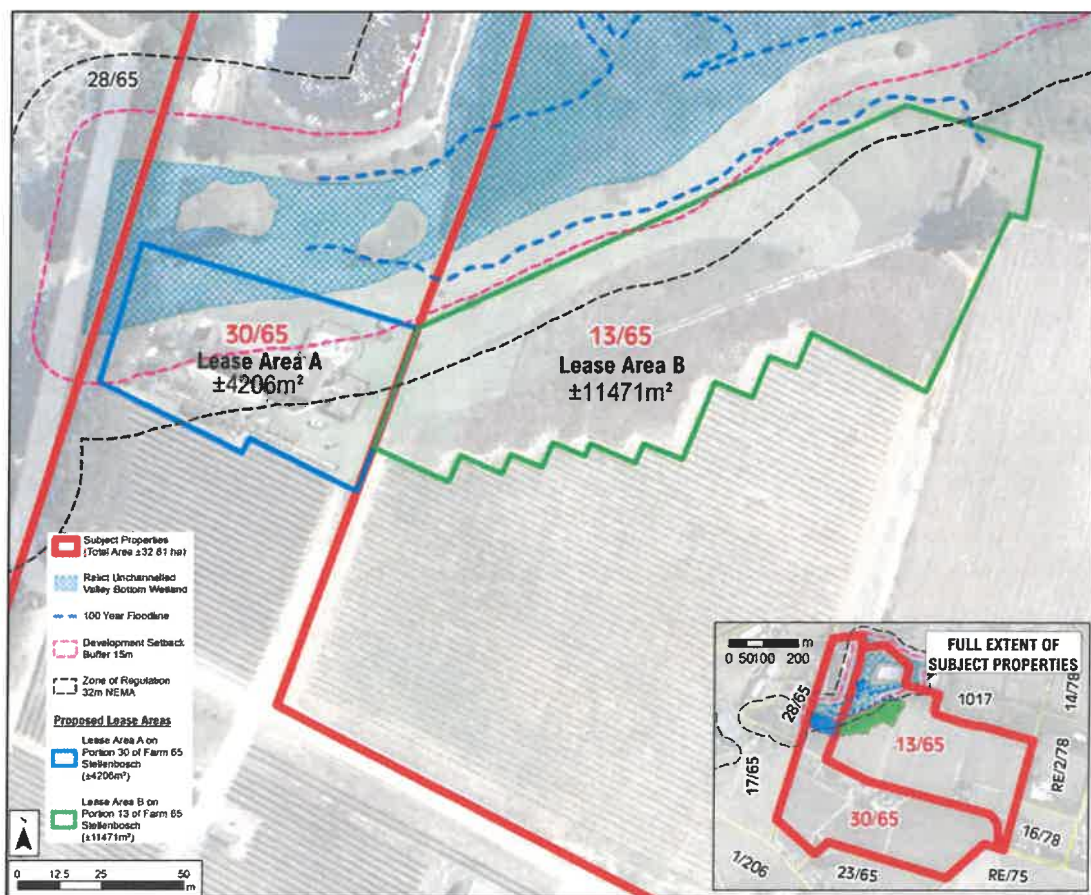


Figure 24: Proposed Lease Areas (Attached as Annexure I)

d) Motivation for Site-specific deviation in terms of Section 22(2) of SPLUMA

According to the Stellenbosch Spatial Development Framework, the application area is earmarked for "agriculture". The objective of this section is therefore to motivate for site-specific deviation in terms of Section 22(2) of SPLUMA to deviate from the key guidelines for the "agriculture" spatial planning category as per the Stellenbosch Spatial Development Framework (2019). A departure is required from the following guideline "*1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm [is permitted]*" to accommodate the proposed tourism accommodation establishment.

The grounds for site-specific deviation from the Stellenbosch Spatial Development Framework (SDF, 2019) and Rural Development Guidelines (RDG, 2019), include the following considerations:

- **Tourism accommodation establishment**

It should be noted that the guidelines and SDF refer to dwelling units which is defined as a unit for the living accommodation for a family. This application includes a consent use for a tourism accommodation establishment, for transient guests, which includes 10 pods and not dwelling units or tourist dwelling units. The motivation for site specific deviation should thus be considered with the aforementioned in mind.

- **Consistency with other objectives/ guidelines set out in the RDG and SDF:**

The proposed development does comply with the following guidelines and objectives of the SDF and RDG (2019):

- The proposed facility is located in an area that does not impact on the agricultural activities as well as wetlands, floodplains and other important natural vegetation.
- The cumulative effect of all ancillary and non-agricultural land uses will not detract from the rural character of the landscape and the primary agricultural production capacity of the farm.
- The facility will not detract from the functionality and integrity of farming practices and landscapes and is considered to be of an appropriate scale and form.
- The facility is appropriate in a rural context, and it will generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.
- The facility is of appropriate scale compatible with the farmstead precinct and the surrounding rural context.
- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity, conservation and agri-tourism should be promoted in farming areas outside of urban settlements; and



- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into account.
- **Utilisation of existing services and facilities**
 - The shared parking area and access road will contribute to efficient management of the tourism accommodation and access control to the development and agricultural land.
 - The proposed development can be efficiently serviced through the utilisation of the existing municipal and ESKOM services, integrated with alternative services solutions. This approach will ensure sustainable supply of services to the development, while minimising the impact on the surrounding services networks.
- **Impact on environmental, agricultural and heritage resources.**
 - The proposed layout was informed by the agricultural and environmental resources on site and the pods are placed outside of the vineyards, flood lines, CBA, ESA and Wetland areas.
 - The clustering of tourism facilities and utilisation of the existing access roads and parking area will minimise the impact on agricultural and natural resources.
 - The objective of the development proposal is not to detract from the farm's agricultural entity, but to promote and enhance agricultural sustainability and use of the property by introducing the proposed uses as supplementary and compatible uses to the agricultural use of the land.
- **Unique development opportunity**

The development area is suitable for eco-tourism based on the following bio-physical, design and land use characteristics:

- Design: The pods were designed to resemble wine barrels, and the materials and colours were used sensitively and are appropriate to the surrounding winelands context.
- Landscape: The picturesque landscape which includes mountains and vineyards is visible from the proposed development area.
- Location to existing facilities: The development is walking distance to the existing wine tasting facility and restaurant.
- Existing tourism facilities: The development will support the existing Log Cabin while benefiting from its existing facilities (swimming pool etc.)
- Outdoor amenities: The development area is surrounded by scenic walking routes and outdoor amenities, allowing guests to explore the natural beauty of the landscape at their leisure amidst the vineyards.

It can thus be concluded that, given the site-specific considerations, the proposed tourism pods are regarded as an appropriate and beneficial land use for the farm in terms of the unique design, location, utilisation of existing facilities and services, sustainability of the farm, and cognisance of environmental and heritage sensitivities.



4.2 Desirability Criteria

The proposed development was evaluated in terms of the provisions of Section 65(1)(c) the Stellenbosch Land Use and Planning By-Law. The proposal meets the overall objectives and intent of this Section, as follows:

- Consistent with Provincial and Local Spatial Policy directives; ✓
- Consistent with the surrounding character of the Stellenbosch Winelands Region; ✓
- No known negative impact on environmental or heritage resources, the proposed design was specifically done with these factors in mind; ✓
- No negative impact on existing rights of any of the surrounding properties or farms; ✓
- Positive economic impact in terms of creating employment opportunities and promoting Agri-tourism that will contribute positively to economic growth and investment; ✓
- The proposed development supports the current agricultural land use and will not have known any negative impact on the existing winemaking or related agricultural activities; ✓
- No negative impact on the safety and welfare of the surrounding communities; ✓
- The traffic impact of the proposed development will not have a material impact on the surrounding environment; and ✓
- No negative impact on municipal services infrastructure, with upgrades specified as per the services reports. ✓



4.3 Consistency with Policy Requirements

Table 3 below is a brief summary of the proposed development with regard to policy consistency as per section 2.5 of this motivation report.

Table 2: Permitted land uses within an Agriculture and Rural Zone

POLICY DIRECTIVE	COMPLIANT
Western Cape Provincial Spatial Development Framework (2014)	✓
Western Cape Land Use Planning Guidelines (2019): Rural Areas	✓ Refer to Section 4 for site-specific motivation to deviate from the provisions of the guidelines.
Stellenbosch Municipal Spatial Development Framework (2019)	✓ Refer to Section 4 for site-specific motivation to deviate from the provisions of the guidelines.

4.4 Development Principles

Section 42 of the Spatial Planning and Land Use Management Act (SPLUMA 2013), stipulates that applications may only be refused if the proposed land use does not comply with the Municipal Spatial Development Framework or if it lacks desirability. The proposed development is deemed to be consistent with the proposals of the Stellenbosch Municipal SDF (2019). The following desirability considerations are relevant to this application:

4.4.1 Socio-economic Impact

If the development is approved and implemented, it will contribute to enhance the tourism accommodation offering within the Stellenbosch Winelands area, which will have positive economic spin-offs.



4.4.2 Character of the Surrounding Area

The introduction of various tourism uses have been meticulously and sensitively planned and crafted through an iterative multi-disciplinary process, taking into account contextual and site informants and sensitivities, i.e., heritage sensitivities, visual impact, biodiversity, etc. On this basis, the proposal is considered an appropriate proposal within the rural agricultural context of the farms, compatible with the character and landscape of the Stellenbosch Winelands area and surrounding environs.

4.4.3 Physical Characteristics of the Property

There is no reason to believe that the existing topography will be negatively affected by the proposed land uses.

4.4.4 Local Policy Context

The subject property is situated outside the urban edge where agricultural production, biodiversity, conservation, scenic quality, and Agri-tourism is promoted in terms of the Stellenbosch Spatial Development Framework (2019). The proposed development is therefore consistent with the current spatial planning proposals applicable to the area.

5.4.5 Location and Accessibility

Access to the development will be obtained using an existing access point and access road, with a notarial tie proposed between the development and the existing road.

4.4.6 Provision of Services

The existing and proposed development can be efficiently serviced by adopting an integrated approach of using existing municipal and ESKOM services, combined with alternative services solutions. This approach will ensure sustainable supply of services to the development, while minimising the impact on the surrounding services networks.

4.4.7 Safety and Well-being of the Community

The scale and nature of the proposed development has been found to be viable and is supported by all the various specialist studies.

4.4.8 Environment and Heritage

A registered Environmental Assessment Practitioner submitted an application in terms of the National Environmental Management Act, 1998 (Act no. 107 of 1998) and the Environmental Impact Assessment Regulations, which is currently in process. The department issued a response stating that the proposed development will not negatively impact on heritage resources, and that no further action under Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) is required.



4.5 Planning Principles: Land Use Planning Act (2014)

The Land Use Planning Act (LUPA, 2014) includes a series of land use principles that should guide development in the Western Province.

The planning principles were reviewed, and the proposed development concept assessed. It is concluded that the proposed development concept is fully compliant with the planning principles prescribed in LUPA (2014), as summarised in the table below.

Table 3: Compliance with Planning Principles of LUPA (2014)

LLUPA PRINCIPLES	COMPLIANCE / RESPONSE
Spatial Sustainability ✓	Fully Compliant Land uses are appropriate to rural environs, carefully considered relative to its context. In addition, hereto, the proposed development is well integrated with the rural fabric, as well as the social, economic, natural, ecological and processes.
Spatial Justice ✓	Compliant The proposed development will not exclude or segregate any population group but will in fact establish tourism opportunities within the Stellenbosch Winelands area, which will have positive economic spin-offs.
Efficiency ✓	Fully Compliant The proposal incorporates alternative methods and initiative to reduce and minimise impact on municipal services networks. The clustering of the pods and use of existing roads and parking areas will contribute to spatial efficiency.
Good Administration ✓	Fully Compliant The application is submitted in terms of the relevant legislative frameworks and will be processed accordingly.
Spatial Resilience ✓	Fully Compliant The proposed land use application will contribute to the diversification and



	strengthening of the rural economy, thus contributing to spatial resilience. Furthermore, cognisance was taken of flood line, heritage, environmental sensitivities which contributes to spatial resilience in the event of natural disasters.
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4.6 Conclusion

Considering the above-mentioned motivation, planning principles and desirability criteria, it can be concluded that the proposed development is consistent with these criteria and can therefore be regarded as desirable with adequate mitigation to minimise potential impacts on the character of the surrounding winelands area, existing agricultural activities, existing spatial policies, and the safety and welfare of the community. It is our considered opinion that the proposed development will contribute greatly to Agri-tourism in the area resulting in economic growth and investment opportunities.



Section 5

CONCLUSION & RECOMMENDATION

5.1 Conclusion

Following the abovementioned assessment, it is concluded that:

- The proposed application for a tourism accommodation establishment presents a **positive opportunity** to contribute most positively to the diverse and rich character and offering of the Stellenbosch Winelands area and broader municipal area;
- The proposal is supported by a thorough, comprehensive and detailed series of **specialist studies**, which informed and guided the development proposal in its form, scale and configuration;
- Cognisance was taken of relevant **heritage and environmental sensitivities** and the proposal was planned in direct **positive response** to these sensitivities;
- The objective of the development proposal is not to detract from the farm's agricultural entity, but to **promote and enhance agricultural** sustainability and use of the property by introducing the proposed uses as supplementary and compatible uses to the agricultural use of the land.
- The proposal is **consistent with provincial and local spatial planning policies and objectives, with inconsistencies motivated accordingly.**

5.2 Recommendation

Following the above assessment, it is our considered recommendation that the following applications be approved in terms of the Stellenbosch Municipality Land Use Planning By-Law to secure the land use rights for the proposed development:

- i) Consent use in terms of 15(2)(o) for a tourist accommodation establishment on Portion 13 of Farm 65 Nooitgedacht to accommodate 10 tourism accommodation pods.
- ii) A permanent departure in terms of 15(2)(b) to provide 0 on-site parking bays in lieu of 10 bays on Portion 13. (The required parking bays will be provided on Portion 30).
- iii) Approval in terms of Section 15(2)(d) for the registration of a lease diagram for areas A ($\pm 4206 \text{ m}^2$) & B ($\pm 11\,471 \text{ m}^2$) on Portion 13 & 30.
- iv) Additionally, an application will be submitted for a long-term lease (25 years) in terms of the Subdivision of Agricultural Land Act (70 of 1970).
- v) Motivation for site-specific deviation in terms of Section 22(2) of SPLUMA to deviate from the Stellenbosch Spatial Development Framework's (2019) to permit a tourism accommodation establishment (for the development of 10 pods) in lieu of the permitted "1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm".





STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021- 808 8606

SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE
Town Planning Application Management System (TPAMS)

[AFLA Portal \(stellenbosch.gov.za\) /](http://AFLA Portal (stellenbosch.gov.za) /)

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

NOTE: In terms of section 69 of the Bylaw on Municipal Land Use Planning 2023 the Municipality may categorise applications for consideration by either an authorised employee or the Municipal Planning Tribunal (Categorisation Model for Decision-making July 2023). These land use applications are subject to prescribed administrative and public participation processes and depending on the type of application, *Land Use Application Form A* or *Form B* must be completed. *Land Use Application Form B* can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, *Land Use Application Form A* must be completed. *Land Use Application Form C* must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

LAND USE PLANNING APPLICATION FORM A

Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation

Complete form using BLOCK letters and ticking the appropriate boxes

PART A: APPLICANT DETAILS

First name(s)	Gerhardus Paulus
Surname	Swart
Company name (if applicable)	Urban Dynamics South Cape
Postal Address	P.O. Box 2445, Bellville, 7535
Email Address	gerhard@udnc.co.za
Contact Number(s)	021 948 1545

PART B: REGISTERED LANDOWNER(S) DETAILS (If different from applicant)

Registered owner(s) Name	Blue Pie Prop Pty Ltd
E-mail Address	altmanna@glasfit.com
Contact Number	083 284 7521

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf No		Suburb		Town	
Farm no	65	Farm Portion	13 + 30	Nearest Town	Stellenbosch

Physical or Street Address	Louisvale Farm, Devon Valley Road		Property / Business / Farm known as	Louisvale	
Current Zoning	Agricultural				
Additional or Consent Uses	Tourism				
Current activities	Agriculture and Tourism				
Property Size / Extent	32,962 m ² (ha)			Are there existing buildings?	☒ Y ☐ N
Title Deed number	T 15818/2021 55575/2018				
Any restrictions to Conveyance's Certificate?	☐ Y	☒ X	If yes, list condition(s) as per certificate.		
Are the restrictive conditions in favour of a third party?	☐ Y	☒ X	If yes, list the party(ies).		
Is the property owned by Council?	☐ Y	☒ X	If yes, attach a power of attorney signed by the Municipal Manager or delegated authority		
Is the building located within the historical core?	☐ Y	☒ X	Is the building older than 60 years?	☐ Y ☒ X	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)? ☒ Y ☐ N If yes, indicate which section are triggered and attach relevant permit. S38
Any existing unauthorized buildings and/or land use on the subject property(ies)?	☐ Y	☒ X	Is the application to legalise the building / land use?	☐ Y ☒ X	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	☐ Y	☒ X	Are there any land claim(s) registered on the subject property(ies)?	☐ Y ☒ X	

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	☒ X	☐ N	If yes, attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	☒ X	☐ N	If yes, attach the written feedback received.

The submission of a pre-application scrutiny form to Landuse.Applications@stellenbosch.gov.za is compulsory for the following type of applications* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.

* 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

* 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 27(1)(a), and until such time as Section 21 Compliance Certificates have been issued in terms of the Stellenbosch Land Use Planning By-law

PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES	
APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023	
Type of application	Tick
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	
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	
OTHER APPLICATIONS	
Deviation from Council Policies/By-laws	
Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)	
DETAILS FOR INVOICE	
Name & Surname (party responsible for payment)	Kobus Groenewald The Log Cabin (Pty) Ltd
Postal Address	kobus@thelogcabin.co.za The Log Cabin, Louisvale Farm Olverton Valley Road, Stellenbosch
Vat Number (where applicable)	4600285342
<p>1. Application fees are per the Council Approved Tariffs. 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 as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.</p> <p>2. All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579</p> <p>3. 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.</p>	
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	

PART F: DETAILS OF PROPOSAL (Brief description of intent of development)

i) Consent use in terms of 15(2)(o) for a tourist accommodation establishment on Portion 13 of Farm 65 Nooitgedacht to accommodate 10 tourism accommodation units.

ii) A permanent departure in terms of 15(2)(b) to provide 0 on-site parking bays on Portion 13. A notarial tie will be registered on Portion 13 in lieu of the requirement for 10 parking bays to be provided on Portion 30.

iii) Approval in terms of Section 15(2)(d) for the registration of a lease diagram for areas A ($\pm 4206 \text{ m}^2$) & B ($\pm 11\,471 \text{ m}^2$) on Portion 13 & 30.

iv) An application will be submitted for a long-term lease (25 years) in terms of the Subdivision of Agricultural Land Act (70 of 1970).

Name and Date of design guidelines (if applicable)

N/A

		Adjoining erf number				
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage / footprint			From	%	To	%
Exceeding maximum permitted bulk / floor factor / habitable rooms			From		To	
Exceeding height restriction			From	m	To	m
Exceeding maximum storey height			From	m	To	m

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

☒	N		Power of attorney / Owner's consent if applicant is not owner	☒	N		Proof of any other relevant right held in the land concerned
☒	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	☒	N		S.G. diagram / General plan extract (A4 or A3 only)
☒	N		Written motivation pertaining to the need and desirability of the proposal	☒	N		Site development plan or conceptual layout plan (A4 or A3 only) to scale
☒	N		Locality plan (A4 or A3 only) to scale	Y	☒		Proof of agreement or permission for required servitude
☒	N		Proposed subdivision plan (A4 or A3 only) to scale	☒	N		Proof of registered ownership (Full copy of the title deed)
☒	N		Conveyancer's certificate	☒	N		Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	N	☒	Consolidation plan (A4 or A3 only) to scale	☒	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	☒	Street name and numbering plan (A4 or A3 only) to scale	☒	N	N/A	1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
☒	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	☒	Owners' Association consent
Y	N	☒	Abutting owner's consent	☒	N	N/A	Services Report or indication of all municipal services / registered servitudes
☒	N	N/A	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)	Y	N	☒	Proof of failure of owner's association
Y	N	☒	Copy of original approval and conditions of approval	Y	N	☒	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	☒	Proof of lawful use right	☒	N	N/A	Other (specify): <i>Agricultural Statement</i> <i>Freshwater report</i>
Y	N	☒	Required number of documentation copies				

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION					
X	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):		
			Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
			Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
			X	N/A	National Water Act, 1998 (Act 36 of 1998)
			Y	N/A	Other (specify)
X	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A	
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	X	N/A	
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	X	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, attach motivation.			

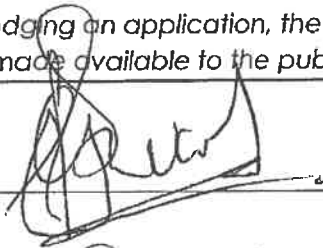
SECTION I: DECLARATION

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) of said bylaw 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 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 if it has reason to believe that information submitted, or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

30/04/24

Full name:

Gerhardus Paulus Swart

Professional capacity:

Director

**Portion 13 & 30 of Farm 65, Stellenbosch
Farms
Louisvale Barrel Project
Civil Engineering Services Report
August 2023**



Prepared by MJ Cerfonteyn Pr Eng

Cell No: 083 626 2306

**Portion 13 & 30 of Farm 65, Stellenbosch Farms
Louisvale Barrel Project
Civil Engineering Services Report**

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Annexures A: Conceptual Layout of Civil Engineering Services

Portion 13 & 30 of Farm 65, Stellenbosch Farms
Louisvale Barrel Project
Civil Engineering Services Report

1. Introduction

This report entails the assessment of the bulk and internal civil engineering services required for the proposed development on the Louisvale Farm in Devon Valley. It is based on the concept layout plan by the landscape architect, knowledge of the master-planning of the area obtained from previous reports and available information.

2. Proposed Development

The site is located on the farm Louisvale in the Devon Valley area in the Stellenbosch municipal area. A location plan is shown below.



Figure 1 : Location Map

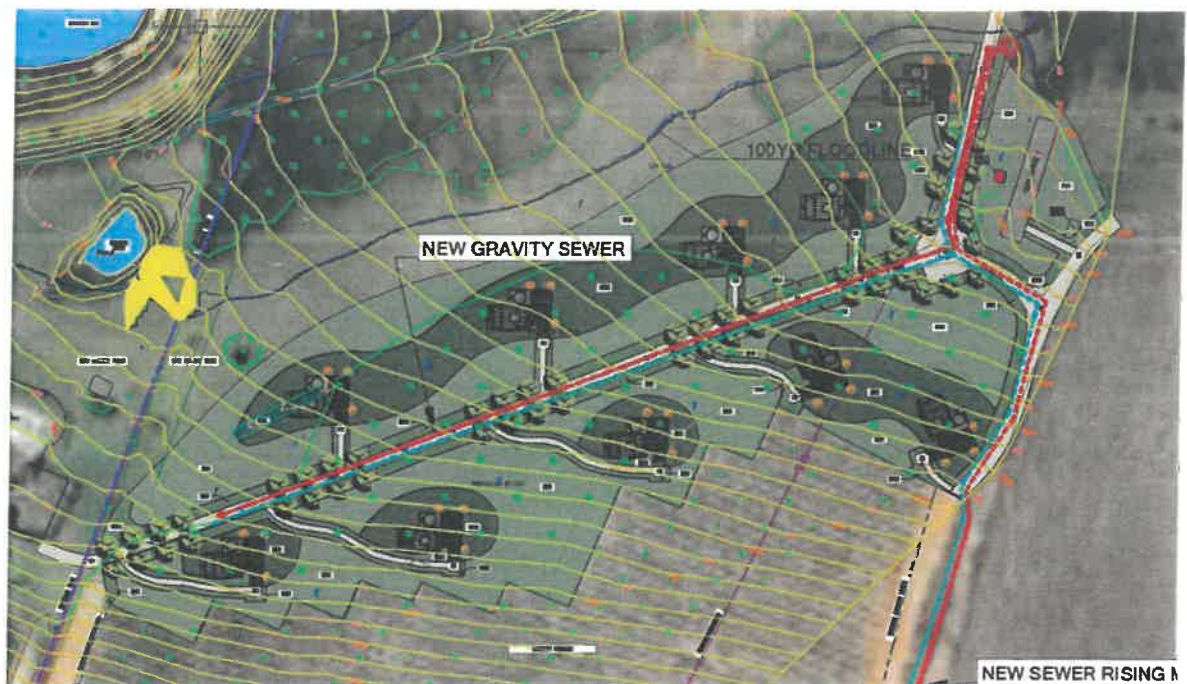
The proposed development will consist of 10 10 wine-barrel shaped tourism units.

The layout is shown below:



Figure 2: Proposed Development Layout

The existing topography of the site is shown below. It has a significant slope approximately 8% from south-west to North-east. The present drainage from the site occurs mainly in a sheet-flow fashion.



There is an existing stream north of the site.

A 100yr floodline was determined and is shown on the sketch below:



3. Roads and Access

There is a separate Traffic Impact Report addressing traffic volumes, and the impact on the surrounding road network.

4. Water Supply

4.1 Water Demand

Based on a consumption of 600l/d per double room, the domestic water-supply demand is estimated at 6 kl/day for the 10 units. The storage requirement will be for 48 hrs = 12kl.

The normal design requirements for firefighting purposes of low-risk developments are a fire hydrant delivering a flow of 15 l/s and sufficient storage to maintain a flow of 15l/s for 1 hr. This comes to a storage of 54m³. This seems excessive for a development of this size and nature and it is recommended that a rational fire design be done for this development.

4.2 Existing and Proposed Bulk External Water Supply

There is no existing municipal water supply in close proximity of the site.

The existing dwellings and business on the farm are provided water supply through one borehole of which the delivery rate is unknown. This borehole pumps to existing storage tanks, the location of which is shown in the figure below:



It is foreseen that these tanks will have to be augmented with 3x5kl tanks.

The size, location and condition of the existing local water supply network is unknown and therefore we have made provision to supply the new development with a separate 75mm diameter water main from the new storage tanks. The drawing in Appendix A shows the preliminary layout of water supply services.

Potable Water

Although the water has been used on the farm as potable water, it is recommended that the water quality of the borehole water be tested and confirmed for the suitability of potable water. In the meantime, it is recommended that commercially bottled drinking water be used for these purposes.

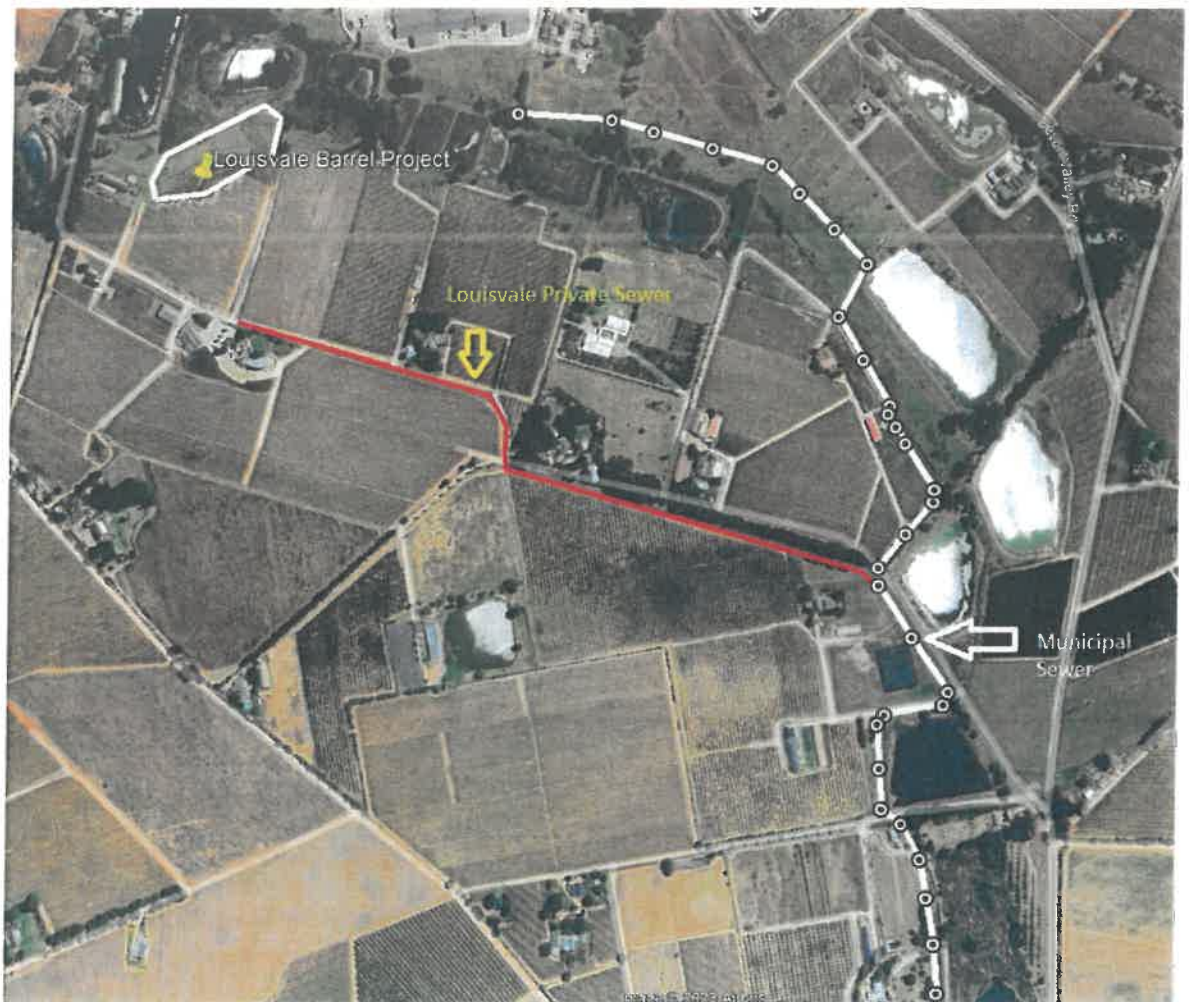
5. Sewerage

5.1 Sewage Flows

The sewage flows expected from this development is 90% of the water supply = 10.8kl/day. The peak flows will be approximately 0.5 l/s.

5.2 Existing and Future Bulk External Sewerage System:

Louisvale Farm has An existing private sewer presumed to be 160mm in diameter. It is in the main access road and connects to the municipal sewer as shown below:



The existing sewer systems around the farm seems to be a small-bore system. Small-bore sewerage systems make use of septic tanks before discharging the sewage into a sewerage system. Therefore, it is proposed that a common septic tank be constructed for the 10 units. The septic effluent will discharge into an adjacent pumping station which will pump the sewage to the Louisville Private Sewer.

The preliminary layout is shown in Appendix A.

6. Stormwater

6.1 Watercourse & Floodlines

There is a watercourse from west to east through the development, receiving flow from upstream properties and discharging into downstream properties. A preliminary floodline has been determined. The proposed development is located outside the 100yr floodline.

6.2 Stormwater Management on site

As this is a very low impact rural development with very few impermeable surfaces, it is recommended that only surface flow stormwater grassed or vegetated swales be implemented to convey the stormwater.

A few small and shallow drifts can be constructed in the proposed golf-cart pathway.

A stormwater cut-off drain to be constructed as shown on the drawing in Appendix A.

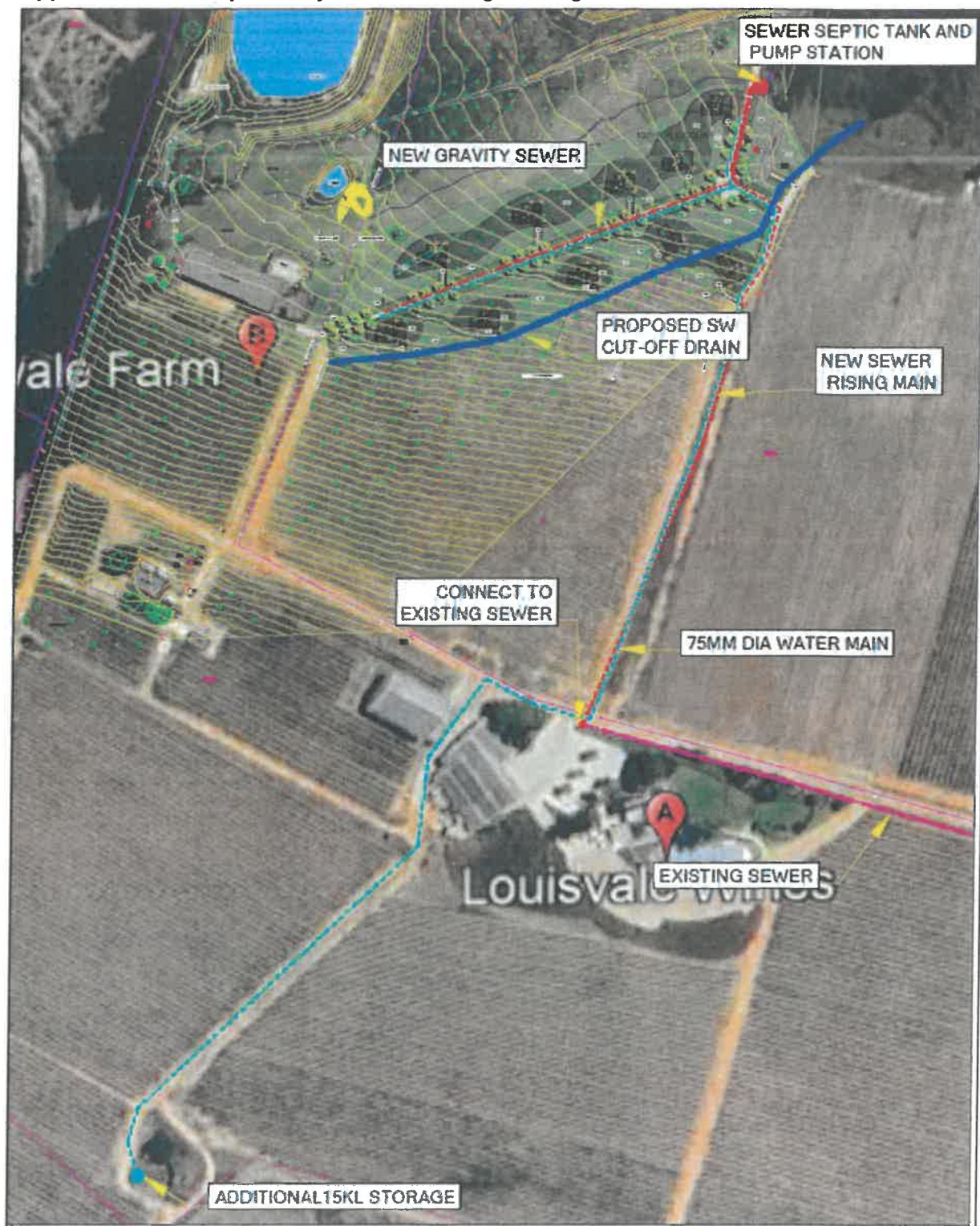
7. Conclusion

The proposed civil services on the site, reflecting the above requirements, are schematically indicated on the drawing in Appendix A.

The development can be serviced as described in the report. All details must be confirmed at the detail design stage of the project.

MJ Cerfonteyn Pr Eng

Appendix A: Conceptual Layout of Civil Engineering Services





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STELLENBOSCH • PNIE • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref/Ons Verw: Capacity Letter Farm 65-30 and 65-13 Louisvale

Your Ref/U Verw:

26 Feb 2024

Mr. Malcolm Cerfonteyn

By e-mail: mcerfonteyn@gmail.com

Sir,

CAPACITY STATUS OF MUNICIPAL CIVIL ENGINEERING INFRASTRUCTURE TO SERVICE THE PROPOSED DEVELOPMENT ON FARM 65-30 and 65-13 (LOUISVALE BARREL PROJECT)

Your e-mail enquiry dated 13 Nov 2024, regarding a water and sewer capacity letter required for environmental approval, refers.

This letter is based on the following information:

- Civil Engineering Services Report dated August 2023, Revision 1 : January 2024 by MJ Cerfonteyn

The following are the proposed development parameters:

- 10 wine barrel shaped tourism units

1. GENERAL

The confirmation of services capacity is based on the status of the infrastructure at this point in time and in no ways reflect the official viewpoint whether the development will be approved or not. The official viewpoint of this Directorate will only be given once a complete land-use application or building plan application (if land use application is not applicable, is submitted for formal comment.

2. WATER

Water provision is proposed via borehole, therefore there will be no impact on the municipal water networks.



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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

3. SEWER

There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.

Yours faithfully

Tyrone King

Manager: Development (Infrastructure Services)

W:\2.0 DEVELOPMENT\Capacities (Letters, Constraints, Discussions)\Capacity Letters\20240124 Farm 65-30 and 65-13 (Louisvale)\Capacity letter Farm 65-30 and 65-13 Louisvale.doc

Our reference: S069CT – Louisvale Barrel Project – Electrical Services Report
 Your reference: Portion 13 & 30 of Farm 65 Louisvale - Electrical Services Report

05 September 2023

The Log Cabin
 Louisvale Wine Estate
 Devon Valley Road
 Devon Valley
 Stellenbosch
 7600

For Attention: Mr. Kobus Groenewald

PROPOSED NEW DEVELOPMENT – PORTION 13 & 30 OF FARM 65, LOUISVALE WINE ESTATE DEVON VALLEY, STELLENBOSCH – ELECTRICAL INFRASTRUCTURE SERVICES REPORT

1. BACKGROUND AND TERMS OF REFERENCE

The opportunity to develop the existing Portion 13 & 30 of Farm 65, Louisvale Farm Estate, Devon Valley, Stellenbosch into a successful barrel type housing development as indicated in the proposed development SDP has been identified by the Applicant.

Mapule Consulting Cape (Pty) Ltd has been instructed to investigate the electrical infrastructure capacity and requirements for the proposed development and this report relays our preliminary findings and recommendations.

2. EXISTING ELECTRICAL INFRASTRUCTURE

The abovementioned erf is situated in an Eskom electrical distribution area.

From what could be determined the erf area in question is serviced with an existing 50kVA supply utilised by the Log Cabin Lodge.

3. ELECTRICAL LOAD ESTIMATE

The SANS 204 Standard for Energy Efficiency in Buildings will be used as the basis for the load estimate.

The order of magnitude estimated increase in maximum demand for the new development is 70 kVA.

4. AVAILABILITY OF ELECTRICITY

The availability of the additional 70kVA supply to the erf in question was confirmed by the Supply Authority (refer to attached Eskom Letter).



OFFICES AT:

HEAD OFFICE

P.O. Box 15082

PANDRAMA

7506

Tel: +27 21 930 5790

E-Mail:

gideon@mapule.co.za

22 Fairfield Street South

Fairfield Estate

Parow

7500

SPRINGS

P.O. Box 1300

SPRINGS

1560

Tel: +27 11 362 1829

5. SUMMARY

We summarise that electricity can be made available for the proposed development via a upgrade/new connection application with the Supply Authority.

This report was compiled by:



Stefan Snyman
for **Mapule Consulting**

Attached:

- Eskom Letter – Confirmation of supply availability
- Marked-up Landscape SDP – indicating existing Eskom 11kV overhead line and supply point



The Log Cabin
 Louisvale Wine estate
 Devon Valley Road
 Devon Valley
 STELLENBOSCH
 7600

Date: 05 September 2023

Enquiries: Ms O Mokotedi
 Tel number: +27 21 524 2010

Dear Sir / Madam

Electrical Infrastructure

Portion 13 and Portion 30 of Farm 65, Louisvale Wine estate

This letter serves to confirm that the abovementioned erf is in Eskom supply area. There is currently sufficient capacity to supply the required 70kVA supply.

Should you wish to pursue an application for connection kindly send an e-mail to our contact centre customerservices@eskom.co.za indicating #application of supply, Western Province. Alternatively, call +27 8600 37566. Applications are treated on first come first serve basis.

Eskom reserves all its rights.

Yours faithfully

Odwa Mokotedi
 MANAGER: CUSTOMER ACQUISITIONS

**TRAFFIC IMPACT STATEMENT: PROPOSED
ACCOMMODATION DEVELOPMENT
Portion 13 and 30 of Farm 65, Stellenbosch**
FINAL
April 2023

Compiled by: Helderberg Traffic Services
Traffic and Transportation Consultants
✉ 15 Warbler Avenue, Somerset West, 7130
☎ 072 17 868 35
✉ hendri@groenbergenviro.co.za
Author: Hendri Badenhorst (PrEngTech)
ECSA Reg. No. (201570173)

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TRAFFIC IMPACT STATEMENT: Proposed Accommodation Development

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1 Introduction and Background

An application to provide self-catering accommodation on Portion 13 and 30 of Farm 65 (Louisvale Wine Farm) is currently underway. The proposed development is located within a rural area. Part of the conditions of the application was to carry out a Traffic Impact Statement (TIS), to determine whether the existing road network will be able to accommodate the proposed development of 10 self-catering units.

The site is located in a rural area to the west of Stellenbosch, within the Stellenbosch Local Municipality, and is currently being utilised for agricultural purposes. The study area consists of the Devon Valley Road and Access Road, as shown on **Figure 1 to 3**.

Figure 1: Locality Plan

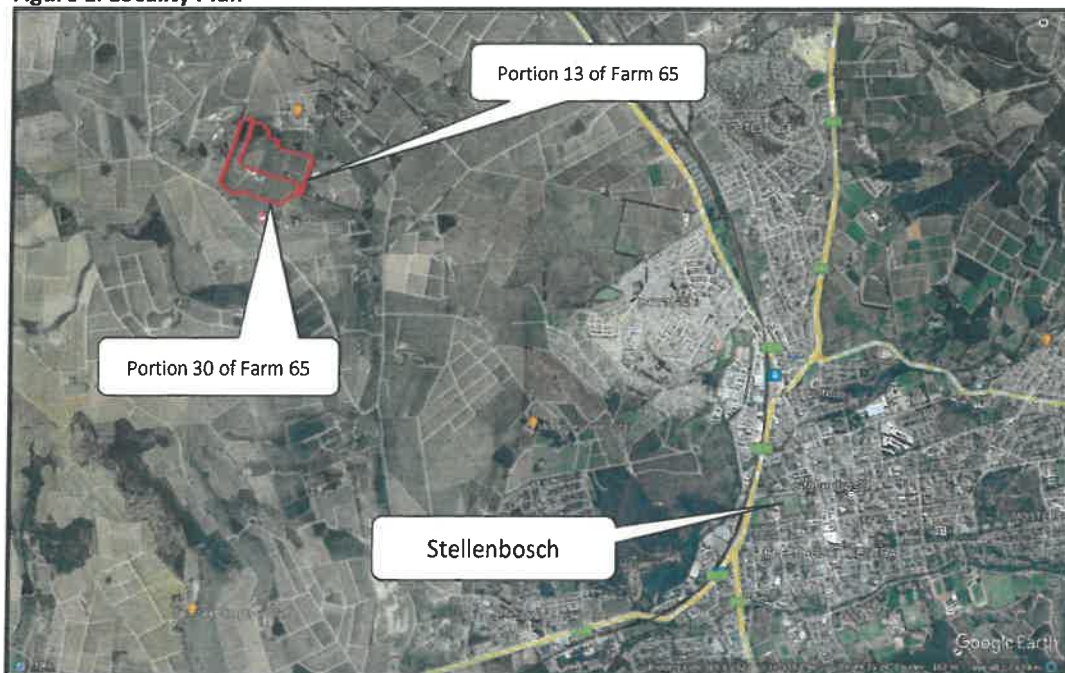


Figure 2: Proposed Self-catering unit locations



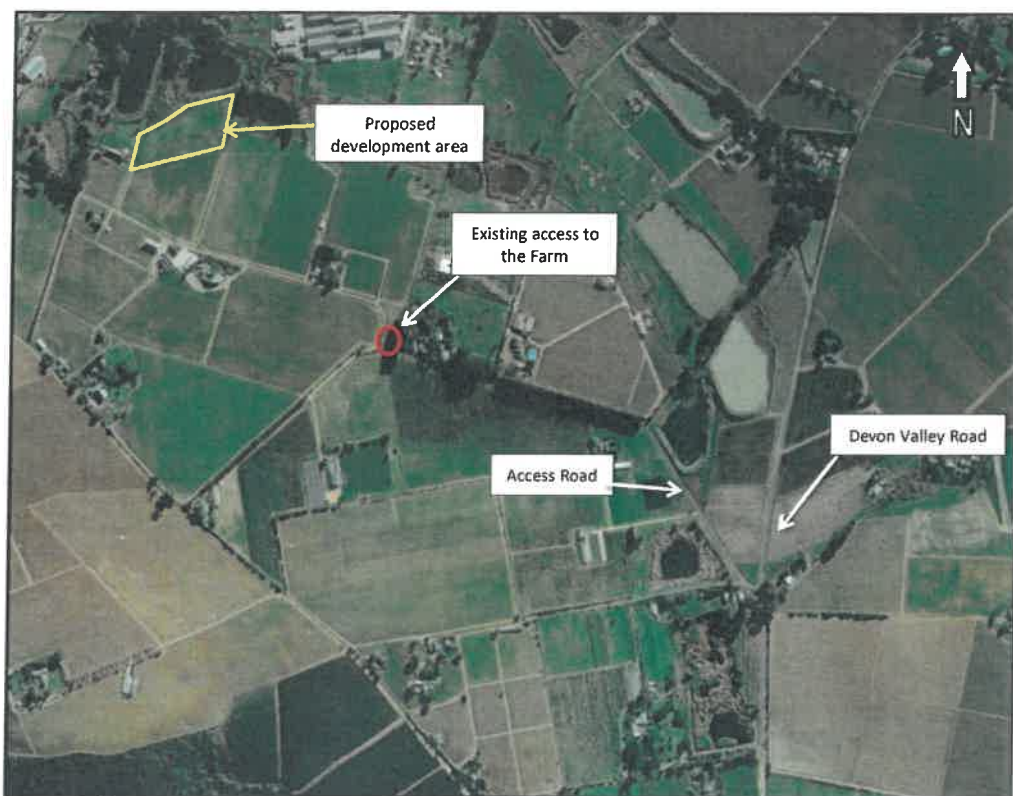


Figure 3: Study Area

2 Road Network and Access

2.1 Existing Road Network

The *Committee of Transport Officials' (COTO) South African Road Classification Manual* (TRH 26, 2012) was used to classify the roads within the study area. The surrounding road network is described as follows:

- **Devon Valley Road** is a two lane undivided carriageway with one lane in the north direction and one lane in the south direction. The road can be classified as a Class 4 collector road. The road provides access to agricultural farming properties, residential units, educational facilities, restaurants and predominantly serves light vehicle traffic.
- **Access Road** is a two lane undivided carriageway and can be classified as a Class 5 road. The road provides access to residential units, restaurants and predominantly serves light vehicle traffic.

2.2 2023 Background Traffic

A visual inspection and traffic counts were carried out on Tuesday 21 February 2023 during the weekday AM and PM peak traffic period at the following intersections:

- Devon Valley Road / Access Road Intersection

The results of the surveys indicate the weekday AM peak hour to be from **08:45** to **09:45** and the PM Peak hour to be from **15:00** to **16:00**. The 2023 background traffic volumes for the AM and PM peak hour are shown in **Figure 4** and **5**. The observed traffic consists of light vehicles (e.g. passenger cars, minibus taxis and bakkies) and heavy vehicles (e.g. trucks, tractors and buses).

It is noted that traffic counts were carried out during the periods of highest congestion within the area, which generates the highest proportion of traffic during the weekday periods.

Traffic volumes in the study area currently consist of agricultural, residential and tourist uses. The property current has residential and agricultural uses that generate traffic volumes.

Figure 4: Background Traffic 2023 Weekday AM Peak

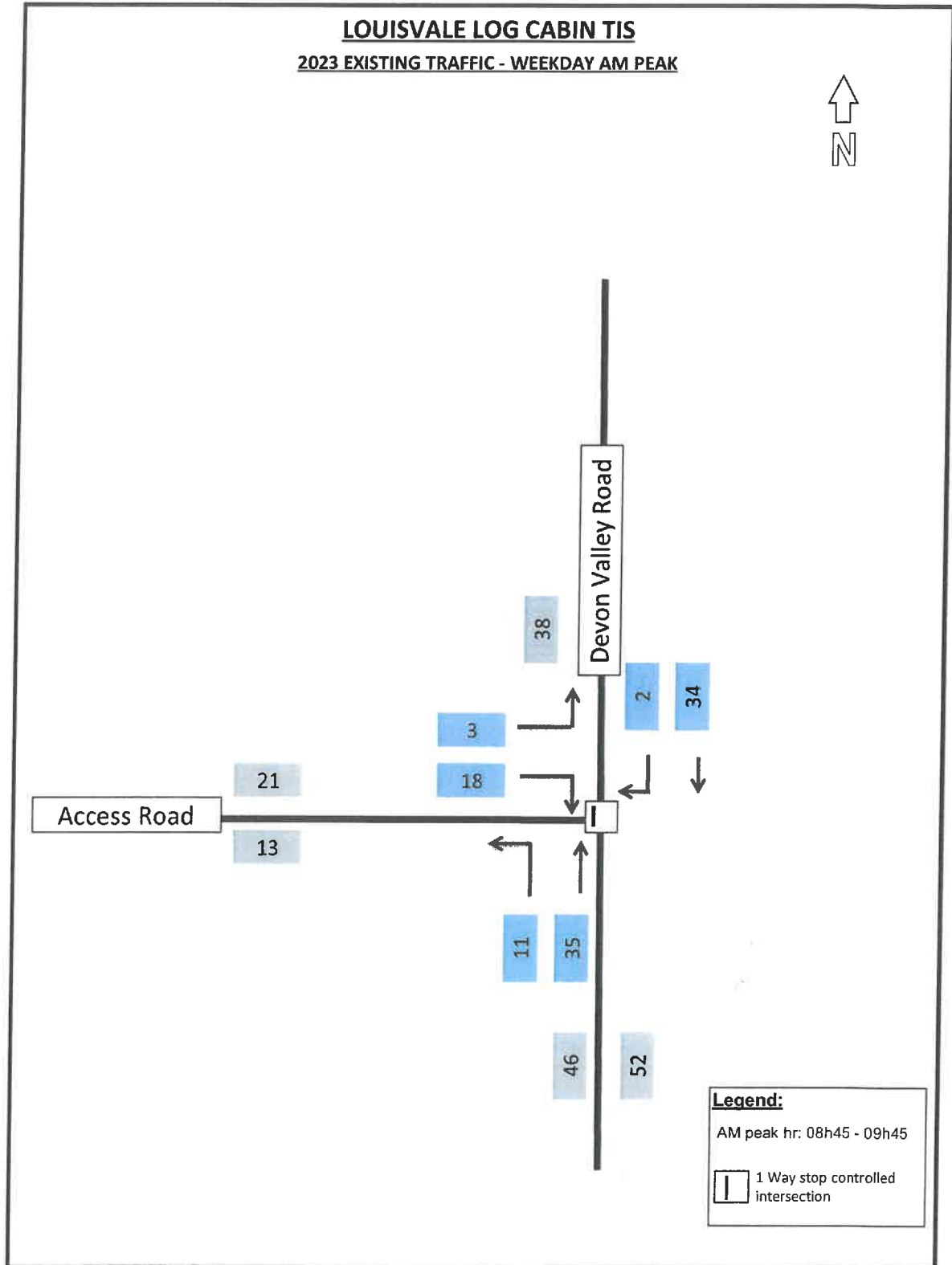
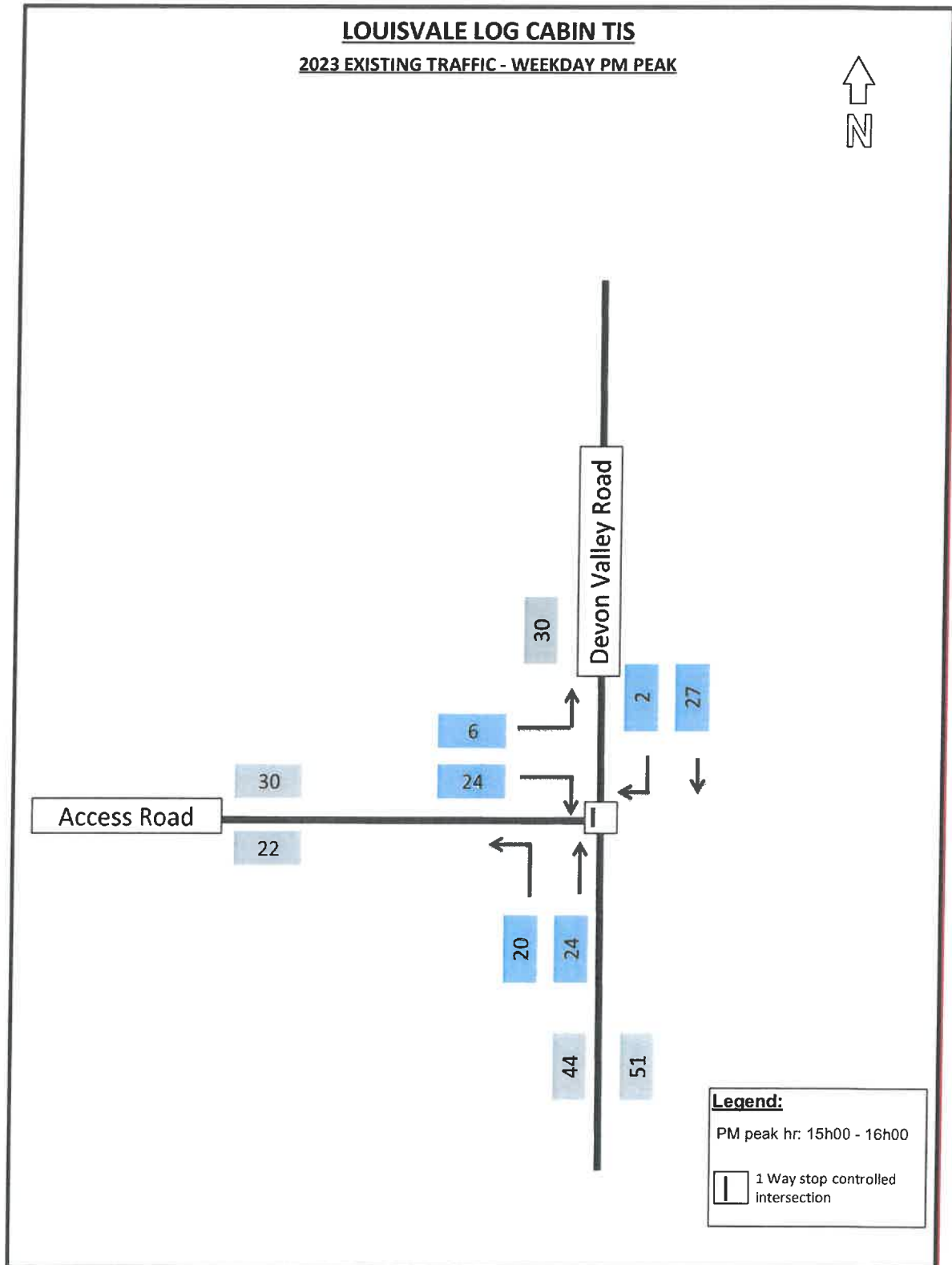


Figure 5: Background Traffic 2023 Weekday PM Peak



2.3 Access

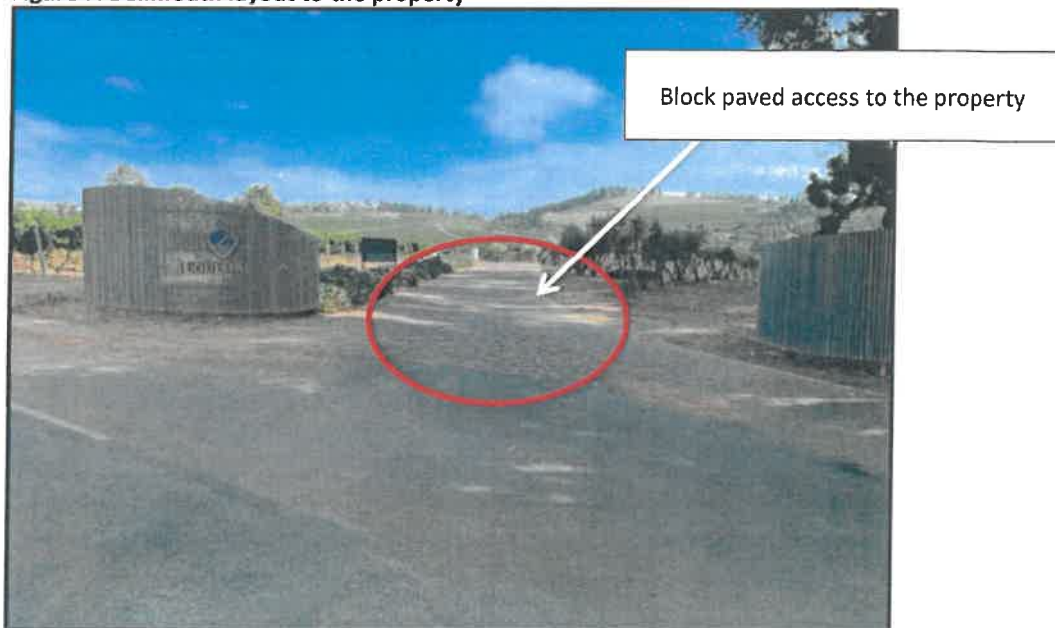
The Louisvale Wine Farm is currently fenced off and can only be entered through one entrance point to the south of the property, which intersects with the Access Road, as shown in the following figures below. Access to the proposed development will be made via existing internal farm roads, that consist of block paving and gravel surfaces, no new roads will be required. No obstructions were observed at the vehicle entrance along the Access Road.

It was noted that no signage demarcated the Access road bell mouth, it is recommended that the required signage be installed at the bell mouth.

Figure 6: Only Access to Development



Figure 7: Bellmouth layout to the property



2.3.1 Sight Distance

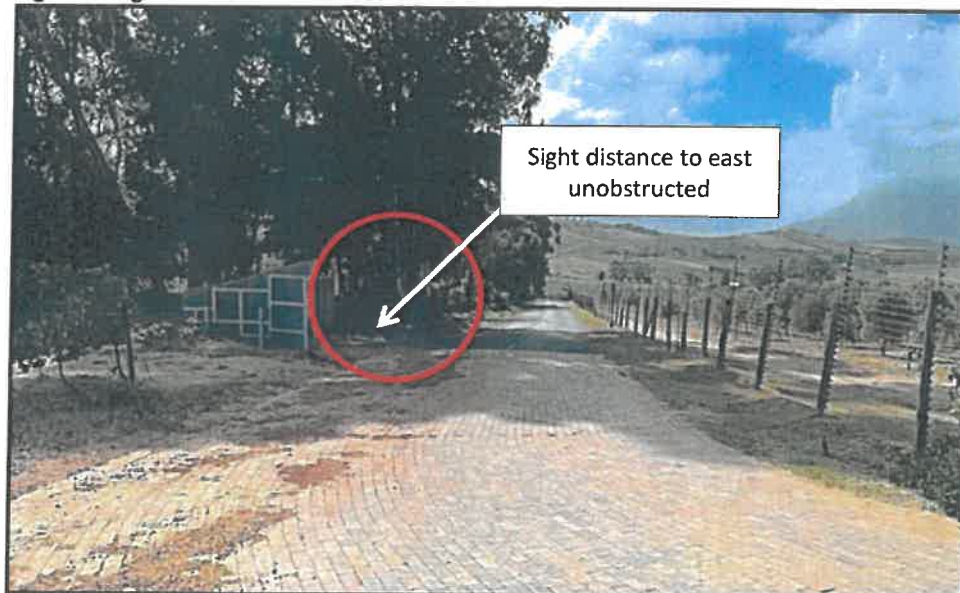
According to the *Western Cape Access Management Guidelines, 2020*, the minimum shoulder sight distance required for a stop-controlled access for a passenger car and a single unit truck (e.g. refuse truck) configuration along a road such as the Access Road, based on a posted speed limit of 60km/h, is 120m and 175m respectively.

The existing shoulder sight distance along the east of the Access Road / Access intersection is 240m and not applicable to the west, due to the Access Road ending at the access to the property. The available sight distances and location meet and exceed the minimum requirement, and are therefore considered to be acceptable, as shown in **Figure 8** and **9**.

Figure 8: Unobstructed view to access



Figure 9: Sight distance to the east



2.4 Non-Motorised Transit

A visual inspection of the study area was carried out, to determine if pedestrians are able to travel from the parking area to the proposed development areas within the existing property. From the observations, no new conflicts will be created by the proposed development within the property.

The existing residential building and parking facilities will be used to link up the proposed development areas to the existing facilities within the property.

3 Trip Generation and Distribution

3.1 Trip Generation

The Committee of Transport Official's (COTO) *TMH 17 South African Trip Data Manual* Version 1 (2012) was used to estimate the number of trips generated by the existing development zoning rights.

3.1.1 Trip Generation (2023)

The number of vehicle trips generated by the self-catering accommodation (Guesthouse - code 350) development of 10 units equates to 5 (in/out) and 5 (in/out) during the AM and PM Peak hour respectively, as shown in the table below. During the traffic counts it was noted that the number of trips during each peak period is very low due to the area being rural in nature (consisting of agricultural farms throughout the study area) and generating low vehicles volumes in this area. The increase of traffic volumes will have an insignificant impact on the operation of the intersection. If the development is approved, the road network within the study area will continue to operate optimally.

Table 1: Trip Generation

Landuse	Area (m ²) GLA / No. Units	Trip Generation (DOT Rate)		Total Development Trips	% Distribution				AM Peak		PM Peak	
		AM	PM		AM		PM		In	Out	In	Out
					In	Out	In	Out				
Guesthouse	10	0.45 / room	0.45 / room	5	50%	50%	50%	50%	2	3	3	2
Total									5		5	

It was observed that the intersection currently operates at good level of service due to the low vehicle volumes and no conflicts were observed during the visual inspection. The increase in volumes (5 trips) generated by the proposed development will have little to no impact to the intersection operation and will continue to operate at a good level of service.

If further zoning changes are made to the development, the trip generation would then need to be re-evaluated.

4 Parking

The *Western Cape Access Management Guidelines, 2020* document was used to assess the parking requirements of the proposed rezoning of the property area. The proposed development comprises a new land use on the property and has a parking requirement that needs to be met. The parking requirements for the land use component is summarised in the following table.

Table 2: Summary of Parking Requirements

Land Use Component	Parking Provision Rate
Guest House	0.6 bay / room

Based on the parking provision shown above, the development will require **6 parking bays** to accommodate the proposed self-catering units. The existing parking area (20 bays) will be utilised next to the existing building on the property, as shown in the figure below. This meets and exceeds the current parking requirement.

It is also recommended that parking aisle layouts should be designed such that it allows motorists to turn their vehicle around at the end of an aisle, should no parking be available. Sufficient space should therefore be made available to carry out a U-turn manoeuvre if a parking aisle is not open ended.

Figure 10 Vehicles parked along 3rd Avenue



Figure 11 Access to the parking area



5 Conclusions and *Recommendations*

The Conclusions and Recommendations of this TIS are summarised as follows:

- An application to provide 10 self-catering units for the property is currently underway.
- A traffic count was carried out on 21 February 2023. The weekday AM and Midday peak traffic hour was identified as being **08:45 – 09:45** and **15:00 – 16:00**.
- It was observed that the intersection currently operates at good level of service due to low vehicle volumes and no conflicts were observed during the visual inspection. The increase in volumes (5 trips) generated by the proposed development will have little to no impact to the intersection operation and will continue to operate at a good level of service.
- Access to the proposed development will be made via existing internal farm roads, that consist of block paving and gravel surfaces, no new roads will be required. No obstructions were observed at the vehicle entrance along the Access Road. It was noted that no signage demarcated the Access road bell mouth, it is recommended that the required signage be installed at the bell mouth.
- The existing shoulder sight distance along the east of the Access Road / Access intersection is 240m and not applicable to the west, due to the Access Road ending at the access to the property. The available sight distances and location meet and exceed the minimum requirement, and are therefore considered to be acceptable.
- A visual inspection of the study area was carried out, to determine if pedestrians are able to travel from the parking area to the proposed development area within the existing property area. From the observations, no new conflicts will be created by the proposed development within the property.
- The development will require **6 parking bays** to accommodate the proposed self-catering units. The existing parking area (20 bays) will be utilised next to the existing building on the property. This meets and exceeds the current parking requirement.

6 References

Committee of Transport Officials (COTO), 2012. *South African Trip Data Manual* (TMH 17). Pretoria: The South African National Roads Agency Limited.

Committee of Transport Officials, 2012. *South African Road Classification Access Management Manual* (TRH 26). Pretoria: The South African National Roads Agency Limited.

Transport and Public Works, 2020. *Access Management Guidelines*. Western Cape Government

Disclaimer

This report, and information or advice, which it contains, is provided by the author solely for internal use and reliance by its Client in performance of their duties and liabilities under its contract with the Client. Any advice, opinions, or recommendations within this report should be read and relied upon only in the context of the report as a whole. The advice and opinions in this report are based upon the information made available to the author at the date of this report and on current South African standards, codes, technology and construction practices as at the date of this report. Following final delivery of this report to the Client, the author will have no further obligations or duty to advise the Client on any matters, including development affecting the information or advice provided in this report. This report has been prepared by the author in their professional capacity as a Consulting Engineer. The contents of the report do not, in any way, purport to include any manner of legal advice or opinion. This report is prepared in accordance with the terms and conditions of the contract with the Client. Regard should be had to those terms and conditions when considering and/or placing any reliance on this report. Should the Client wish to release this report to a Third Party for that party's reliance, the author may, at his discretion, agree to such release provided that:

- (a) Written agreement is obtained from the author prior to such release, and
- (b) By release of the report to the Third Party, that Third Party does not acquire any rights, contractual or otherwise, whatsoever against the author and that the author, accordingly, assume no duties, liabilities or obligations to that Third Party, and
- (c) The author accepts no responsibility for any loss or damage incurred by the Client or for any conflict of interests arising out of the Client's release of this report to the Third Party.

6 -

1) ~~Copy~~ H? Creative title
required on pg 3
of deed

6/4/21
Monitored By:
B. DANIELS

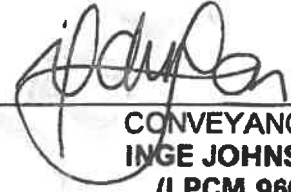
Done

ATTORNEY FOR THE COUNTY (LFCB No. 80715)

268

Faure & Faure Inc
 Patriot Pers Building
 227 Main Road
 Paarl
 Cape Town
 Tel: +27218711200

Prepared by me



CONVEYANCER
 INGE JOHNSON
 (LPCM 96036)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 8,298 505 00	R. 3 000 00
Reason for Exemption	Category Exemption	Exemption i t o. Sec/Reg. Act/Proc.



T 000015818 / 2021

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS (LPCM 80715)

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to them by

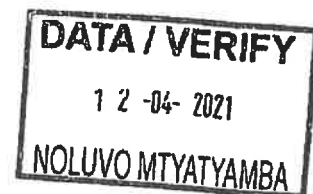
BLUE PIE SERVICES PROPRIETARY LIMITED
 Registration Number 1994/004099/07

signed at Randburg on 17 February 2021

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 11 February 2021 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of



BLUE PIE PROPERTIES PROPRIETARY LIMITED
Registration Number 2007/024301/07

its successors in title or assigns, in full and free property

**REMAINDER OF PORTION 13 OF THE FARM NOOITGEDACHT 65, IN THE
 STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH, PROVINCE OF THE
 WESTERN CAPE**

IN EXTENT 16,9026 (SIXTEEN COMMA NINE ZERO TWO SIX) HECTARES

**FIRST TRANSFERRED by Deed of Transfer Number T4021/1923 with Diagram relating
 thereto and held by Deed of Transfer No. T28699/2011.**

- A. SUBJECT** to the conditions referred to in Deed of Transfer No. T2633/1971.
- B. SUBJECT FURTHER** to a special condition contained in Deed of Transfer No. T1089/1914 to Chapman and Bosman.
- C. SUBJECT FURTHER** to the following special conditions set out in Deed of Transfer No. T4021/1923, which conditions read as follows:-

- "1. That the Transferee and his successors in title together with the government of the Republic of South Africa to whom Lots E and B have this day been transferred, No's 4024 and 4020, Ernest Neville Snapp, to whom "Seaton" has this day been transferred, No. 4023, and Percy Carter Buch to whom Lot D has this day been transferred and No. 4022 and their respective successors in title, shall have the joint right to the two third share of the water rising on Lot A to which the Appearer's Principal are entitled by virtue of the servitude created in favour of their predecessors in title by Transfer No. 1089 of the 16 February 1914, provided that when the said joint right is being exercised the water derived by the Transferee and the owners of the Lots B and D aforesaid from the Springs arising on their respective properties shall be taken into account so that there shall eventually be an equal division of all the water.
- 2. That the owners, occupiers and tenants, and their servants and authorised agents of Lot E this day transferred by the Appearer's Principal to the Government of the Republic of South Africa, No. 4024, "Seaton" this day transferred to Ernest Neville Snapp. No. 4023, Lot D this day transferred by Percy Carter Buch, No. 4022, and Lot B this day transferred to the Government of the Republic of South Africa, No. 4020, shall have the right of way 4,41 metres wide over the land hereby transferred with right to lay, inspect and maintain pipes across same to convey water over and under the said land from the Springs and dams from which the Appearer's Principal water supply is derived."

- D. SUBJECT FURTHER** to the servitude referred to in the endorsement dated 14 March 1944 on Deed of Transfer No. T1020/1942, which endorsement reads as follows:-

"By Deed of Transfer No. 3130/1994 the Transferee or his successors in title of the land hereby conveyed shall be entitled to a servitude right of way 9,45 metres wide as indicated on the diagram of Para 1 (No. 2145/1943) thereof conveyed over the remainder of the land held hereby, subject to conditions as will more fully appear on reference to the said Deed of Transfer."

- E. **SUBJECT FURTHER** to a servitude referred to in the endorsement dated 3 May 1947 on Deed of Transfer No. T1020/1942, which endorsement reads as follows:

"By Notarial Deed dated 27 January 1945, the right to convey electricity and electric power by means of overhead cables along the line of route shown and lettered g.h.j.k. on the diagram annexed to Transfer No. T7528/1947 and the right to lay underground pipes as may be reasonably required to convey water over the within property has been granted to the owners of the land held by Deed of Transfer No. 7528/1947 as will more fully appear on reference to the said Notarial Deed No. T156/1947, vide copy annexed hereto.

- F. **SUBJECT FURTHER** to a servitude referred to in the endorsement dated 28 April 1950 on Deed of Transfer No. T1020/1942, which endorsement reads as follows:

"By Deed of Transfer dated this day No. 5846/1950, the owner of the land hereby conveyed and his successors in title, shall be entitled to a servitude of roadway, 7,72 metres in width over the remaining extent measuring as such 19,7144 hectares of the land held under as indicated on the line e.r. on diagram No. T4128/1949 annexed to the said Deed of Transfer, as will more fully appear on reference to the said Deed of Transfer."

- G. **SUBJECT FURTHER** to the servitude referred to in the endorsement dated 4 September 1950 on Deed of Transfer No. T1020/1942, which endorsement reads as follows:

"By Notarial Deed of No. 407 dated 16 August 1950, the owner of the remainder measuring 16,9026 hectares held hereby has granted to the owner of Portion 34, measuring 12,8117 hectares conveyed by Transfer No. 13182 dated this day, the following:

"By Notarial Deed No. 407 dated 16 August 1950, the owner of the remainder measuring 16,9026 hectares held hereby has granted to the owner of Portion 34, measuring 12,8117 hectares conveyed by Transfer No. 13182 dated this day, the following servitudes:

1. The sole right to draw water from the borehole situate on the remainder held under indicated by Point P.H. on diagram 6412/1949 annexed to Transfer T13182/1950.
2. The right to lead water from the aforesaid borehole on the remainder held hereby to portion 34 by means of an existing pipeline shown on diagram 6412/1949, by the line u.t.s.
3. The electric pump and other equipment at the borehole, and the said pipeline are the absolute property of the owner and his successors in title of the dominant Portion 34 who shall be responsible for the maintenance thereof.
4. The owner and his successors in title of the said Portion 34 shall be entitled to a roadway 3,15 metres wide over the remainder held hereunder as indicated by the line b.p.q.r. on diagram 6412/1949 a copy of which Notarial deed is annexed hereto."

- H. **SUBJECT FURTHER** to a servitude as contained in Deed of Transfer No T28699/2011 and pursuant to the terms of the sale agreement referred to above in favour of Portion 24 (a portion of portion 13) and Portion 30 of The Farm Nooitgedacht No. 65 in the Municipality and Division of Stellenbosch for the installation of an electrical meter and

conveyance of electrical supply through an electrical cable over property hereby transferred.



WHEREFORE the appearer, renouncing all the right and title the said

BLUE PIE SERVICES PROPRIETARY LIMITED

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

BLUE PIE PROPERTIES PROPRIETARY LIMITED

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R8 298 505,00 (Eight Million Two Hundred and Ninety Eight Thousand Five Hundred and Five 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
07 APR 2021

Signature of appearer q.q.

In my presence

Registrar of Deeds

268

Faure & Faure Inc
 Patriot Pers Building
 227 Main Road
 Paarl
 Cape Town
 Tel: +27218711200

Prepared by me

Inge Johnson
 CONVEYANCER
 INGE JOHNSON
 (LPCM 96036)

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

FREDERIK HENDRIK KLUEVER duly authorised hereto by a resolution of the Directors of
BLUE PIE SERVICES PROPRIETARY LIMITED
 Registration Number 1994/004099/07

Do hereby nominate, constitute and appoint

ANTON LUTHER POSTHUMUS (LPCM 80715) or **ARNO WATSON (LPCM 80234)** or
CARLA BATT (LPCM 86715) or **INGE JOHNSON (LPCM 96036)** or **TANIA HANCKE**
(LPCM 85956)

with the power of substitution to be my true and lawful attorney and agent to appear before the Registrar of Deeds at Cape Town, or any other competent official in the Republic of South Africa

And then and there to declare that the Transferor did on 11 February 2021 sell by Private Treaty to

BLUE PIE PROPERTIES PROPRIETARY LIMITED
 Registration Number 2007/024301/07

for the sum of R8 298 505,00 (Eight Million Two Hundred and Ninety Eight Thousand Five Hundred and Five Rand)

the following property:

REMAINDER OF PORTION 13 OF THE FARM NOOITGEDACHT 65, IN THE STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH, PROVINCE OF THE WESTERN CAPE

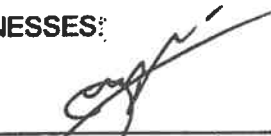
IN EXTENT 16,9026 (SIXTEEN COMMA NINE ZERO TWO SIX) HECTARES

HELD BY DEED OF TRANSFER NO T28699/1

And further cede and transfer the said 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 Transferor might or could do if personally present and acting therein, hereby ratifying, allowing and confirming all and whatsoever the said agent shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at RANDBURG on 17 FEBRUARY 2021 in the presence
of the undersigned witnesses.

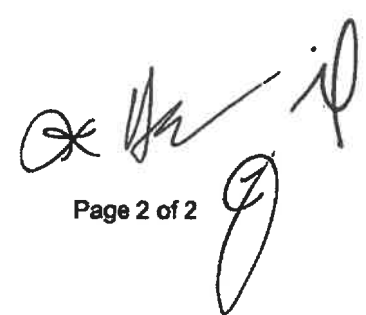
WITNESSES:

1. 

2. 


FREDERIK HENDRIK KLUEVER





**TDREP**

Transfer Duty Reference Number: TDE0421D89

Details of Seller / Transferor / Time Share Company

Full Name
Marital Status

Full Name
Company / CC / Trust Reg No. 200702430107

Surname / Registered Name	BLUE PIE PROPERTIES PROPRIETARY LIMITED
Marital Notes if applicable	

Date of Transaction/Acquisition (CCYYMMDD)

2021-02-11

Total Fair Value	R	8298505.00
-------------------------	----------	-------------------

Total Consideration	R	8298606.00
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Transfer Duty Payable on Natural Person	R	0.00
--	---	------

1 REMAINDER OF PORTION 13 OF THE FARM NOOITGEDACHT 65, IN THE STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH, PROVINCE OF THE WESTERN CAPE
IN EXTENT 16,9028 (SIXTEEN COMMA NINE ZERO TWO SIX) HECTARES

Exemption Certificate Details

Transfer Duty Reference No. TDE0421088

Exempt in terms of Section 9 of the Transfer Duty Act	OTHER
---	-------

Exemptions allowed by another Act **SECTION 8(15)**

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.

Please ensure you sign over
to 2 lines of 'X' above

27825e492af8df0c32d96
bcb9d7d9679c8cf836

Date
(CCYYMMDD)

2	0	2	1	0	3	1	9
---	---	---	---	---	---	---	---

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

INGE JOHNSON
FAURE & FAURE INC
HOOFSTRAAT 227 MAIN STREET
PAARL

Kommissaris van Ede	Commissioner of Oaths
Ex Officio Praktiserende	Ex Officio Practising
Prokureurs	Attorney
Notaris	Notary
Aktevervaardiger	Conveyancer

3e

**STELLENBOSCH**

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**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

In terms of Section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to STELLENBOSCH MUNICIPALITY in connection with the undermentioned property situated within that municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

DESCRIPTION OF PROPERTY

Municipal Reference Number	:	port 13 farm nooitgedacht 65
Erven	:	65
Portion	:	<u>REMAINDER OF PORTION 13</u>
Extension	:	<u>NOOITGEDACHT</u>
Zoning	:	
Registration division / Administrative District	:	IN THE STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH
Suburb	:	STELLENBOSCH
Town	:	NOOITGEDACHT
Sectional Title unit number	:	0
Exclusive use area and number as referred to on the registered plan	:	
Real right	:	
Scheme registration number	:	
Sectional Title Scheme Name	:	
Registered owner	:	BLUE PIE SERVICES PROPRIETARY LIMITED 1994/004099/07
Name and Identity / Registration number of all purchaser/s	:	BLUE PIE PROPERTIES PROPRIETARY LIMITED 2007/024301/07

This Certificate is valid until: 2021/05/18

Given under my hand at STELLENBOSCH on 2021/03/18

Declaration by Conveyancer:

I, INGER JOHANSON hereby certify that this is a print-out of a data message in respect of the original clearance certificate electronically issued by the STELLENBOSCH MUNICIPALITY

Conveyancer

Date

19.03.2021

Signed by: Lazerick John Alfarian Anthony
Signed at: 2021-03-18 11:36:18
Reason: I approve this document

Lazerick John Alfarian Anthony

**MUNICIPAL MANAGER
STELLENBOSCH MUNICIPALITY**

Date Issued: 2021/03/18
Authorised Official: Lazerick John Alfarian Anthony

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
 PREPARED BY : DRS88834 - NCAPAI LINDA

DATE : 20210325 TIME : 08:59:23.2 PAGE : 1

TRACK NUMBER : 88887472457

BLACK-BOOKING ENTRY ON NAME - BLUE PIE SERVICES PTY LTD
 ID NUMBER - 199400409987
 BIRTH DATE - 6
 MARITAL STATUS -
 MAIDEN NAME -
 TYPE OF PERSON - COMPANY

OTHER REFERENCES LINKED TO THIS PERSON :
 SAMLET PROP PTY LTD

ID: 199400409987 (ACTIVE)

PERSON NAME AND ID

CONTRACTS/INTERDICTS

NOTED ON SCAN/MICRO REF

BLUE PIE SERVICES PTY LTD

199400409987

BO66285/2017

20171211 20180116065936

199400409987

VAL1527/2017-ST10189/2005

20171211 20180116065857

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 FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

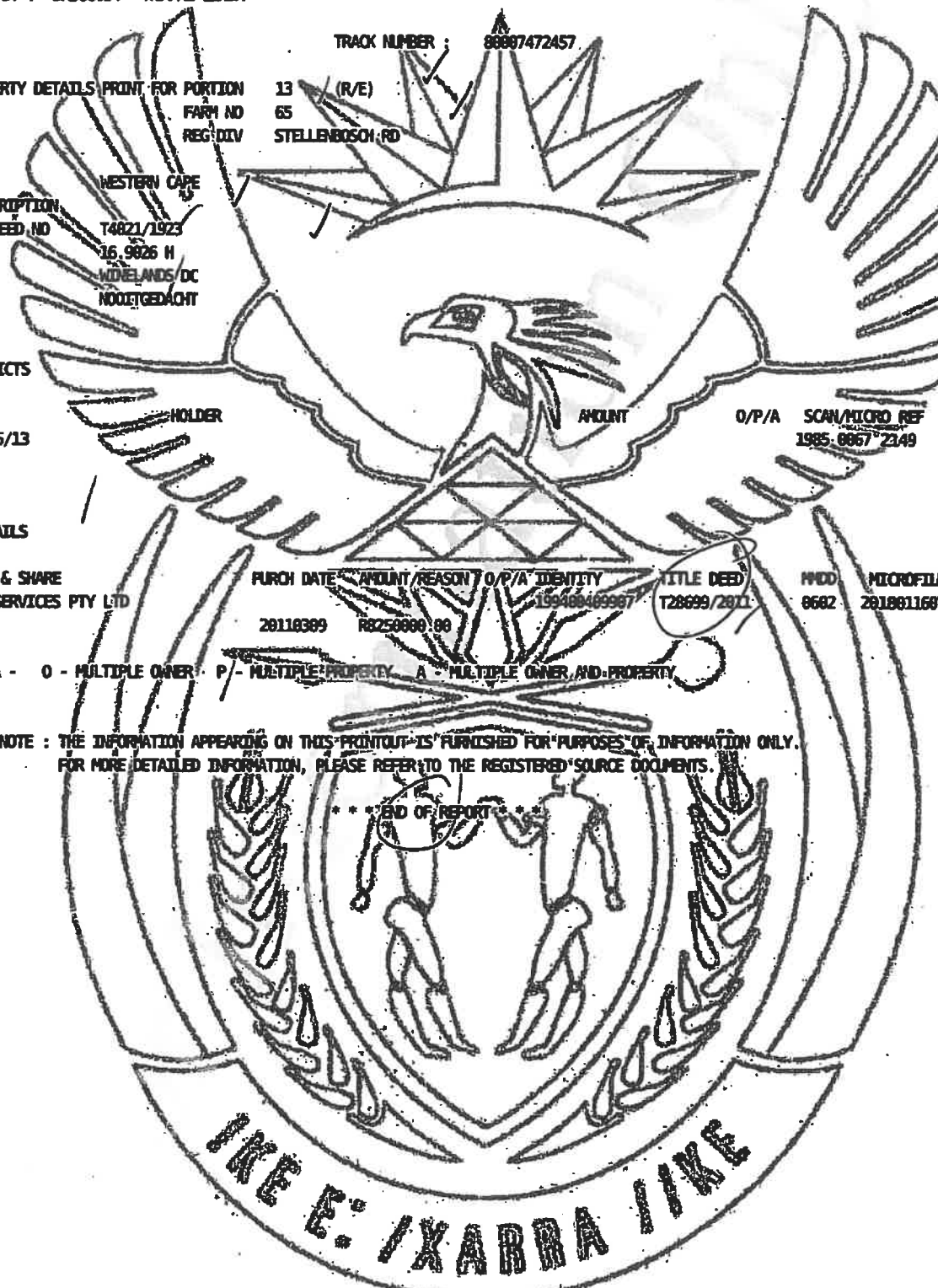
END OF REPORT

IKHE: /XABRA /IKHE

G

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
 PREPARED BY : DRS88834 - NCAPAI LINDA

DATE : 20210325 TIME : 08:59:32.2 PAGE : 1



TRACK NUMBER : 86887472457

PROPERTY DETAILS PRINT FOR PORTION 13 (R/E)
 FARM NO 65
 REG/DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE
 PREV DESCRIPTION T4821/1923
 DIAGRAM DEED NO 16,9826 H
 EXTENT WIDELANDS/DC
 CLEARANCE NOOTGEDACHT
 FARM NAME

NO INTERDICTS

DOCUMENTS FARM ST 65/13

HOLDER AMOUNT

O/P/A SCAN/MICRO REF HMD
 1985-8867-2149

OWNER DETAILS

FULL NAME & SHARE
 BLUE PTE SERVICES PTY LTD

PURCH DATE AMOUNT/REASON O/P/A IDENTITY TITLE DEED HMD MICROFILM REF
 20110309 R8250000.00 199408469987 T28699/2011 8682 20180116878451

* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
 FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***

W.E. /XARRA /KE

TEL No. (021) 871 1200

UITVOERING/EXECUTION

- Datum van indiening/Date of lodgement

Ref. No. Form. No. H280374Carmen

A. VIR ANTESORGER SE GEBRUIK FOR DEEDS OFFICE USE

	Order/Invoice/Contract	Quantity/Measure	Shelling/Loading	Reject/ Wastage	Remarks/Notes
1	S. Mweni	127			
2	E.E.M NKUNA	160			
3					

B. VIR AKTES/ORDER SE GEBRUIK/ FOR CONVEYANCE'S USE.

Name van Abteekenaar of Doent: Transfer
Louisville Properties Stellenb.
Blue Pie Properties

T 000055575 / 2018

Shakedown Linking		Violations, ext. blows/TLE deaths, etc. within
3	1	T/109769/1998 lodged in No. 2 of batch.

GELYKTYNGES/SHULS

No. to staff/branch	Key/Code	Name van Participant/Names of Parties	Name van Firm/Firm/Names of Firm	Firm No.
1.	T	Louisvate / Blue Pie	fauwe * Fauwe	268
2.	BC	" / ABSO	W. C. FOR EXECUTION	268
3.	BC	" / ABSO	"	268
4.			198-11-18	
5.			WANTED III FOR EXECUTION	
6.				
7.				
8.				
9.				
10.				
11.				
12.				

268

Faure & Faure Inc
 Patriot Pers Building
 227 Main Road
 Paarl
 Cape Town
 Tel: +27218711200

Prepared by me


 CONVEYANCER
 OTTO GEORGE LOW

Fee endorsement	
	Amount
Purchase Price/Value	R 16 659 250,00
Not to go capital Amount	R 3 671,00
Reason for exemption	Exempt i.A. 2

T000055575 / 2018

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to them by

LOUISVALE PROPERTIES STELLENBOSCH PROPRIETARY LIMITED
 Registration Number 1997/018851/07

signed at Paarl on 9 November 2018

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 25 July 2018 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

DATA / VERIFY
 2018-11-30
 PUMELELA MNAMATA

DATA / VERIFY
 30 NOV 2018
 JENNY VAN WYK

BLUE PIE PROPERTIES PROPRIETARY LIMITED
Registration Number 2007/024301/07

its successors in title or assigns, in full and free property

PORTION 30 OF THE FARM NOOITGEDACHT 65
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH, PROVINCE OF THE
WESTERN CAPE

IN EXTENT 16,0594 (SIXTEEN COMMA ZERO FIVE NINE FOUR) HECTARES

FIRST REGISTERED by Certificate of Consolidated title No T2687/1963 with Diagram No 5379/62 relating thereto and held by Deed of Transfer No T109769/1998.

A. As far as the figure A B C D E F T on said Diagram No 5379/1962 is concerned:-

1. SUBJECT to such conditions as are referred to in Deed of Transfer No T5846/1950.
2. FURTHER SUBJECT to the special conditions set out in Deed of Transfer No T1089/1914.
3. FURTHER SUBJECT, in so far as it may be applicable to the property hereby conveyed, to the terms of a Notarial Deed of Servitude, a reference to which is made in an endorsement dated the 3rd March 1947 on Deed of Transfer No T1020/1942, reading as follows:-

"By Notarial Deed dated 27.1.1945 the right to convey electricity and electric power by means of overhead cables along the line of route shown and lettered "g h j k" on the diagram annexed to transfer No 7528 dated 3.5.1947 and the right to lay underground pipes as may be reasonably required to convey water over the within property has been granted to the owner of the land held by Transfer No 3130 dated 14.3.1944 and the owner of the land held by Transfer No 7528/47 as will more fully appear on reference to said Notarial Deed No 156/1947 vide copy annexed hereto."

The line "g h j k" referred to in the above servitude is represented by the blue line x y z on the said Diagram No 5379/1962.

The applicability of which Notarial Deed has been extended as is more fully set out in paragraphs 1 F and 1 G hereunder.

4. NOT ENTITLED in terms of the said Deed of Transfer No 4846/1950 to the special conditions No 1 set forth in Deed of Transfer No 4021/1923 relating to certain water rights as the land hereby transferred was transferred without water rights which

were reserved to LINA DORFMAN (born SLAWEIT) a Widow, and her successors in title as owner of the remaining extent of the said land measuring 29,7143 hectares.

5. FURTHER ENTITLED to the special condition contained in said Deed of Transfer No 5846/1950 imposed by LINA DORFMAN (born SLAWEIT) a Widow, as owner of the remaining extent of the property measuring as such remainder 29,7143 hectares, held by her under Deed of Transfer No 1020/1942 namely: -

"The Transferee and his successors in title shall be entitled to servitude of roadway 4,72 metres in width over the remaining extent of the land registered in the name of the transferor by Deed of Transfer No 1020/42 as indicated by the line e r on the diagram No 4128/49 hereunto annexed".

- B. As far as the figure T F G H J K L M N O P Q R S on said Diagram No 5379/1962 is concerned:-

1. Subject to such conditions as are referred to in Deed of Transfer No 13182/1950.
2. Subject further to the special conditions set out in Deed of Transfer No 1089/1914.
3. Subject, in so far as it may be applicable to the property hereby conveyed, to the terms of a servitude, a reference to which is made in an endorsement dated the 14th March, 1944, on Deed of Transfer No 1020/1942 reading:-

"By Deed of Transfer No 3130 dated 14.3.1944 the transferee and his successors in title of the land thereby conveyed shall be entitled to a servitude right of way 9,45 metres wide as indicated on the diagram of para. 1 No 2145/1943 thereof conveyed over the remainder of the land held hereby subject to conditions as will more fully appear on reference to said Deed of Transfer."

(The line N O P on said Diagram No 5379/1962 represents the Southern and South Eastern Boundaries of the aforesaid Servitude road 9,45 metres wide).

4. SUBJECT, in so far as it may be applicable to the property hereby conveyed, to the terms of a Notarial Deed of Servitude a reference to which is made in an endorsement dated the 3rd May 1947 on Deed of Transfer No 1020/1942 reading:-

"By Notarial Deed dated 27.1.1945 the right to convey electricity and electric power by means of overhead cables along the line of route shown and lettered "g h j k" on the diagram annexed to transfer No 7528 dated 3.5.1947 and the right to lay underground pipes as may be reasonably required to convey water over the within property has been granted to the owner of the land held by transfer No 3130 dated 14.3.1944 and the owner of the land held by transfer No 7528/47 as will more fully appear on reference to the said Notarial Deed No 156/1947 vide copy annexed hereto."

(The line g h j k referred to above is represented by the blue line x y z on said diagram No 5379/1962).

The applicability of which Notarial Deed has been extended as is more fully set out in paragraphs 1 F and 1 G hereunder.

5. ENTITLED to the terms of a Notarial Deed of Servitude, a reference to which is made in an endorsement dated the 4th September 1950 on Deed of Transfer No 13182/1950 reading:-

"By Notarial Deed No 407 dated 16.8.1950 the owner of this remainder measuring 16,9026 hectares held by T 1020/42 has granted to the owner of the within property the following servitudes:-

- (a) the sole right to draw water from the borehole situate on the remainder held by T 1020/42 indicated by the point P H on the diagram No 6412/1949 annexed thereto (which point marked P H is indicated on said Diagram No 5379/1962 annexed hereto).
- (b) the right to lead water from the aforesaid borehole on the remainder held by T 1020/42 to the within property by means of an existing pipeline marked U C S on the said diagram No 6412/49 (which Servitude is indicated by the blue line u t s on said diagram No 5379/1962 annexed hereto).
- (c) The electric pumps and other equipment at the borehole, and the said pipeline are the absolute property of the owner and his successors in title to the within property, who shall be responsible for the maintenance thereof.
- (d) The owner and successors in title to the within property shall be entitled to a

roadway 3,15 metres wide over the remainder measuring 16,9026 hectares held by T 1020/42 as indicated by the line b p q r on diagram 6412/49. (which servitude is indicated by the line F E D C on said Diagram No 5379/1962 annexed hereto).

The applicability of which Notarial Deed has been extended as is more fully set out in paragraphs 1 F and 1 G hereunder.

C. THE WHOLE of the property hereby transferred is SUBJECT FURTHER by Deed of Transfer No T6276/89 to the following rights in favour of:-

PORTION 23 (portion of PORTION 13) of the farm NOOITGEDACTH NO 65

MEASURING: 6,9862 (SIX COMMA NINE EIGHT SIX TWO) hectares

Previously HELD BY CHACELEY (PROPRIETARY) LIMITED by Deed of Transfer No T 41808/81

1. THE right to thirty percent (30%) of the water in or the assured delivery at any given time of the existing earthwall storage dam, in the north eastern corner of the land, a portion of which dam is indicated by the words "Dam Wall" on the Servitude Diagram No 10342/1983 attached to Deed of Transfer No T39089/1984.

2. THE right and ownership to thirty percent (30%) of the existing pump, ancillary works and power line to abstract water from the aforesaid storage dam. Whenever the transferor or the transferee deems it necessary to erect a proper pumphouse they or their successors in title shall erect it between point V and W as shown on the said servitude Diagram No 10342/1983 and bear the costs in equal shares.

D. SUBJECT FURTHER, by Deed of Transfer No T39089/1984 to the following three servitude pipeline areas, 3,15 metres wide, in favour of the said PORTION 23 of the farm NOOITGEDACTH NO 65 previously HELD by CHACELEY (PROPRIETARY) LIMITED by Deed of Transfer No T 41808/81:

(a) The first, the centre line of which is marked V W on the Servitude Diagram No 10342/1983 attached to the said Deed of Transfer No T39089/1984.

(b) The second, running parallel to and alongside the boundary line W D on the said

Servitude Diagram No 10342/1983.

- (c) The third, the centre line of which is marked B K L M N O P Q R S T U on the said Servitude Diagram No 10342/1983.
- (d) The existing pipeline from the aforesaid storage dam more fully described in paragraph 1 C 1 hereof becomes the sole property of the transferee to convey his 70% share in the water from the storage dam. The owner of the said PORTION 23 is therefore entitled, whenever he deems it necessary, to lay at his expense a new underground pipeline with a minimum clear coverage of one metre in the aforesaid three servitude pipeline areas to convey his 30% share in the water from the storage dam.
- E. SUBJECT FURTHER to the following condition in favour of the said PORTION 23 of the farm NOOITGEDACTH NO 65 held as aforesaid and contained in said Deed of Transfer No T 39089/84:
- "THE owner of the property hereby conveyed, shall not be entitled to erect a permanent or temporary building or structure at any place within 100 metres from the boundary line F E on the said Servitude Diagram No 10342/1983".
- F. By Deed of Transfer No T39089/1984 SUBJECT FURTHER or ENTITLED TO, as the case may be, jointly or severally with Portion 24 (a portion of portion 13) of the Farm Nooitgedacht No 65) and Portion 25 (a portion of portion 13) of the Farm Nooitgedacht No 65, to the following rights in favour of the said PORTION 23 of the farm NOOITGEDACHT NO 65, previously held by CHACELEY (PROPRIETARY) LIMITED by DEED OF TRANSFER No T 41808/81:
1. The right to one half share for Portions 30, 24 and 25 and the other half share to Portion 23 of the combined capacity or the assured delivery of the following three boreholes, with the pumps, pipelines, water tanks (as described in paragraph D hereof) together with appurtenant water works, and which supply water for domestic purposes to the relative properties.
 - (a) The first borehole as is more fully described in Notarial Deed of Servitude No 156/1947 and registered against the said Portion 25 but subject to the terms and conditions as stipulated therein.

- (b) The second borehole as is more fully described in Notarial Deed of Servitude No 407/1950 and registered in favour of the property hereby conveyed but subject to the terms and conditions as stipulated therein and as far as the transferor is entitled to stipulate accordingly.
- (c) The third borehole situated in the Circular Servitude Borehole area, 3 metres in diameter, the centre of which area is indicated by point X on the said Servitude Diagram No 10342/1983.
2. Should the water supply from the said three boreholes become insufficient for the reasonable needs of the owners of the four properties concerned, they shall be entitled to sink or drill for further borehole(s) on the said Portions 24, 25 and 30 in search of a sufficient water supply. The necessary servitudes and ancillary right are hereby granted and obtained to put such successful new borehole(s) in operation and all costs shall be borne by the transferor and transferee in equal shares.
 3. The present positions of the pipelines from the said three boreholes, as far as they exist on PORTION 30 hereby conveyed, are retained and acknowledged. Should the transferor and/or the transferee decide that such portions of the pipeline be renewed, a new underground pipeline shall be laid in the servitude pipeline area more fully described in paragraph 1 D (c) above and subject to the same stipulations and more specifically that referred to in Paragraph 1 E hereof. Such costs to be borne in equal shares by the transferor and transferee but each owner shall install his own water connections at his expense.
 4. The right of access to all the aforesaid water works in order to inspect, to use and to maintain them, is reserved along the existing farm roads, but as far as Portion 30 hereby conveyed, is concerned, along and in the three servitude pipeline areas more fully described in paragraph 1 D above.
 5. All the water works, as far as they are shared between the transferor and transferee in terms of sub paragraphs C and F above, are subject to the following further conditions or stipulations:
 - (a) The cost of maintenance, the renewal or replacement of any such water work shall be borne by the transferor and transferee in equal shares.

- (b) The electricity charges to run the various pumps shall be borne by the transferor and transferee on a pro rata basis equal to the water actually received by them from the respective sources. Separate water metres shall be installed at the said storage dam and the respective water tanks used for domestic purposes in order to meter the quantity of the water delivered to each party.
- (c) The transferor and transferee shall open and operate a joint account with a financial institution and from the deposits made therein by them, the relative bills shall be paid regularly on the aforesaid pro rata basis.
- (d) The transferor and transferee shall co-operate as far as possible to utilize the shared water works simultaneously and to care for the maintenance and necessary repairs thereof. Any party shall however have the right to take the initiative to do whatever is necessary, and to hold the other party liable on demand for his pro rata share of the fair and reasonable expenses thus incurred for their mutual benefit.
- (e) Should any dispute arise from the working or usage of the water works thus shared, such dispute shall be submitted to arbitration in terms of the law and their findings shall be final and binding.

G. SUBJECT FURTHER by Deed of Transfer No T39089/1984 in favour of:

- (a) PORTION 23 (a portion of portion 13) of the farm NOOITGEDACHT NO 65
- (b) PORTION 24 (a portion of portion 13) of the farm NOOITGEDACHT NO 65
- (c) PORTION 25 (a portion of portion 13) of the farm NOOITGEDACHT NO 65

to a servitude pipeline area 3,15 metres wide the centre line of which is indicated by the line X Y on the said Servitude Diagram No 10342/1983 annexed to the said Deed of Transfer in order to connect the pump at the third borehole referred to in Paragraph F.1.(c) above, up with the main pipeline.

H. SUBJECT FURTHER in favour of Portion 28 (a portion of portion 17) of the farm NOOITGEDACHT NO 65 in the Stellenbosch Division, Measuring 3,3173 Hectares, held by Deed of Transfer No T 19358/1987, to a servitude right of way in terms of an endorsement dated this day on Deed of Transfer No T 44400/1988, which endorsement

reads as follows:-

"Para 1:-

By Notarial Deed of Servitude, dated 1-12-1988 No K 131/89 the within mentioned property (Para 1) is SUBJECT to a Servitude Right of Way 4,5 metres wide, the Northern boundary whereof is represented by the line N M L K J H G F T on Diagram No 5379/1962 annexed to Deed of Transfer No T 2687/1963 in favour of Portion 28 (a Portion of Portion 17) of the Farm Nooitgedacht No 65, Meas 3,3173 ha, held by Deed of Transfer No T 19358/1987. As will more fully appear from the said Notarial Deed."

- I. SUBJECT to the terms of an endorsement dated 29 May 2007 on Deed of Transfer No T40440/2007 reading as follows:

By virtue of Deed of Transfer No. T40440/2007 the within property is entitled to a servitude pursuant to the terms of a sale agreement for the installation of an electrical meter and conveyance of electrical supply through an electrical cable over the Remainder of Portion 13 of the Farm Nooitgedacht No. 65, in the Municipality and Division of Stellenbosch, Western Cape Province; In extent: 16,9026 Hectares, held under Deed of Transfer No. T40440/2007

As will more fully appear from the said Deed of Transfer.

WHEREFORE the appearer, renouncing all the right and title the said

LOUISVALE PROPERTIES STELLENBOSCH PROPRIETARY LIMITED

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

BLUE PIE PROPERTIES PROPRIETARY LIMITED

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R16 659 250,00 (Sixteen Million Six Hundred and Fifty Nine Thousand Two Hundred and Fifty Rand).

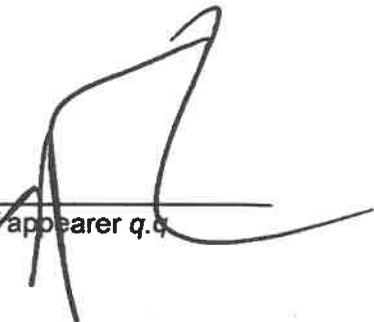
IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS SIGNED, EXECUTED AND SEALED at the Office of the Registrar of Deeds at Cape Town on

29 NOV 2018

In my presence


Registrar of Deeds


Signature of appearer q.q.

268

Faure & Faure Inc
Patriot Pers Building
227 Main Road
Paarl
Cape Town
Tel: +27218711200

Prepared by me

CONVEYANCER
OTTO GEORGE LOW

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

ZANE KENNETH MEYER duly authorised hereto by a resolution of the Directors of
1 LOUISVALE PROPERTIES STELLENBOSCH PROPRIETARY LIMITED
Registration Number 1997/018851/07

Do hereby nominate, constitute and appoint

1 ANTON LUTHER POSTHUMUS or ARNO WATSON or CARLA BATT

with the power of substitution to be my true and lawful attorney and agent to appear before the Registrar of Deeds at Cape Town, or any other competent official in the Republic of South Africa

And then and there to declare that the Transferor did on 25 July 2018 sell by Private Treaty to

1 BLUE PIE PROPERTIES PROPRIETARY LIMITED
Registration Number 2007/024301/07

for the sum of R16 659 250,00 (Sixteen Million Six Hundred and Fifty Nine Thousand Two Hundred and Fifty Rand)

the following property:

1 PORTION 30 OF THE FARM NOOITGEDACHT 65
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH, PROVINCE OF THE
WESTERN CAPE

IN EXTENT 16,0594 (SIXTEEN COMMA ZERO FIVE NINE FOUR) HECTARES

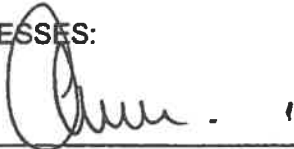
HELD BY Deed of Transfer No T109769/1998.

And further cede and transfer the said 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 Transferor might or could do if personally present and acting therein, hereby ratifying, allowing and confirming all and whatsoever the said agent shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at Paarl on 9 November 2018 in the presence
of the undersigned witnesses.

WITNESSES:

1.

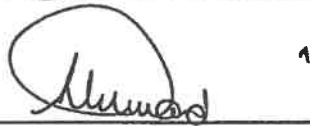


1



ZANE KENNETH MEYER

2.





Reference Details

Transfer Duty Reference Number: TDE02DB235

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.

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

Date
(CCYYMMDD)

20181109

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

OTTO GEORGE LOW
FAURE & FAURE INC
HOOFSTRAAT 227 MAIN STREET
PAARL

Kommissaris van Ede
Ex Officio Praktiserende
Prokureurs
Notaris
Aktevervaardiger

Commissioner of Oaths
Ex Officio Practising
Attorney
Notary
Conveyancer



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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:

PORTION 30 OF THE FARM NOOITGEDACHT 65
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
PROVINCE OF THE WESTERN CAPE

IN EXTENT 16, 0594 (SIXTEEN COMMA ZERO FIVE NINE FOUR) HECTARES

Municipal Reference Number/ 21 Digit Code: 522001621

Registration division/Administrative District: STELLENBOSCH MUNICIPALITY

Registered Owner:

LOUISVALE PROPERTIES STELLENBOSCH PROPRIETARY LIMITED
REGISTRATION NUMBER 1997/018851/07

Name and Identity/ Registration number of all purchaser/s:
BLUE PIE PROPERTIES PROPRIETARY LIMITED
REGISTRATION NUMBER 2007/024301/07

This certificate is valid until: ...27 December 2018...

Given under my hand at ...Stellenbosch..., on ...26 October 2018...

.....
For: Municipal Manager
Stellenbosch Municipality



Date Issued:

Authorised Official: L. Anthony

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
 PREPARED BY : DRS88885 - FANTI WENDY

DATE : 20181112 TIME : 12:01:49.2 PAGE : 1

TRACK NUMBER : 88885736834

BLACK-BOOKING ENQUIRY ON NAME - LOUISVALE PROP STELLENBOSCH PTY LTD
 ID NUMBER - 199781885187
 BIRTH DATE - 0
 MARITAL STATUS -
 MAIDEN NAME -
 TYPE OF PERSON - COMPANY

OTHER REFERENCES LINKED TO THIS PERSON :
 TANTRADE NINETEEN PTY LTD

PERSON NAME AND ID

LOUISVALE PROP STELLENBOSCH PTY LTD

ID: 97/18851/87

(INACTIVE)

CONTRACTS/INTERDLCTS

NOTED ON SCAN/MICRO REF

19978304-1999 0155 4856

199781885187

BC9443/1999

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
 FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*****END OF REPORT*****

UKE E: /XARRA /IKE

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
 PREPARED BY : DRS8885 - FANTI MENDY

DATE : 20181112 TIME : 12:02:21.6 PAGE : 1

TRACK NUMBER : 8886736834

PROPERTY DETAILS PRINT FOR PORTION
 FARM NO 30
 REG DIV 65-30
 STELLENBOSCH RD

PROVINCE WESTERN CAPE
 PREV DESCRIPTION LOUISVILLE
 DIAGRAM DEED NO T2687/1963
 EXTENT 16.8534 H
 CLEARANCE RIVIERLANDS DC
 FARM NAME NOOTGEDACHT

NO INTERDICTS

DOCUMENTS
 B39368/2882
 B78538/2882
 K131/1989S
 FARM ST 65/30

HOLDER & SHARE
 A.B.S.A BANK LTD
 A.B.S.A BANK LTD

AMOUNT
 R4588888.00
 R3888888.00

O/P/A SCAN/MICRO REF MMD
 2882 0578 2857 0785
 28878723188354 1129
 1989 0199 0282
 1985 0867 2171

OWNER DETAILS

FULL NAME & SHARE
 LOUISVILLE PROP STELLENBOSCH PTY LTD

PURCH DATE AMOUNT/REASON O/P/A IDENTITY TITLE DEED
 1997/01/05 187 1189769/1998

MMD MICROFILM REF
 1124 28878723188815

* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

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 FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***

IK E: /XARBA /IK E

LOUISVALE

FARM 65 PTNS 13 & 30
(STELLENBOSCH)

SITE PLAN

- Subject Properties
□ Existing Buildings
□ Cadastral
 Boundaries

PLEASE NOTE:
Existing building footprints extends are approximate and traced from Aerial Photography

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF: C:\Users\chc\OneDrive - Urban Dynamics\Documents\PROJECTS\STELLENBOSCH\LOUISVALE_FARM_65_PTNS_13_30.dwg

COMPILED BY: A. ELUS

INDEMNITY

THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE SURVEYOR ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE TO THE CLIENT OR ANY OTHER PARTY ARISING FROM THE USE OF THIS INFORMATION.

DATE: APRIL 2024

SCALE: SEE LINESCALE

PLAN NO:

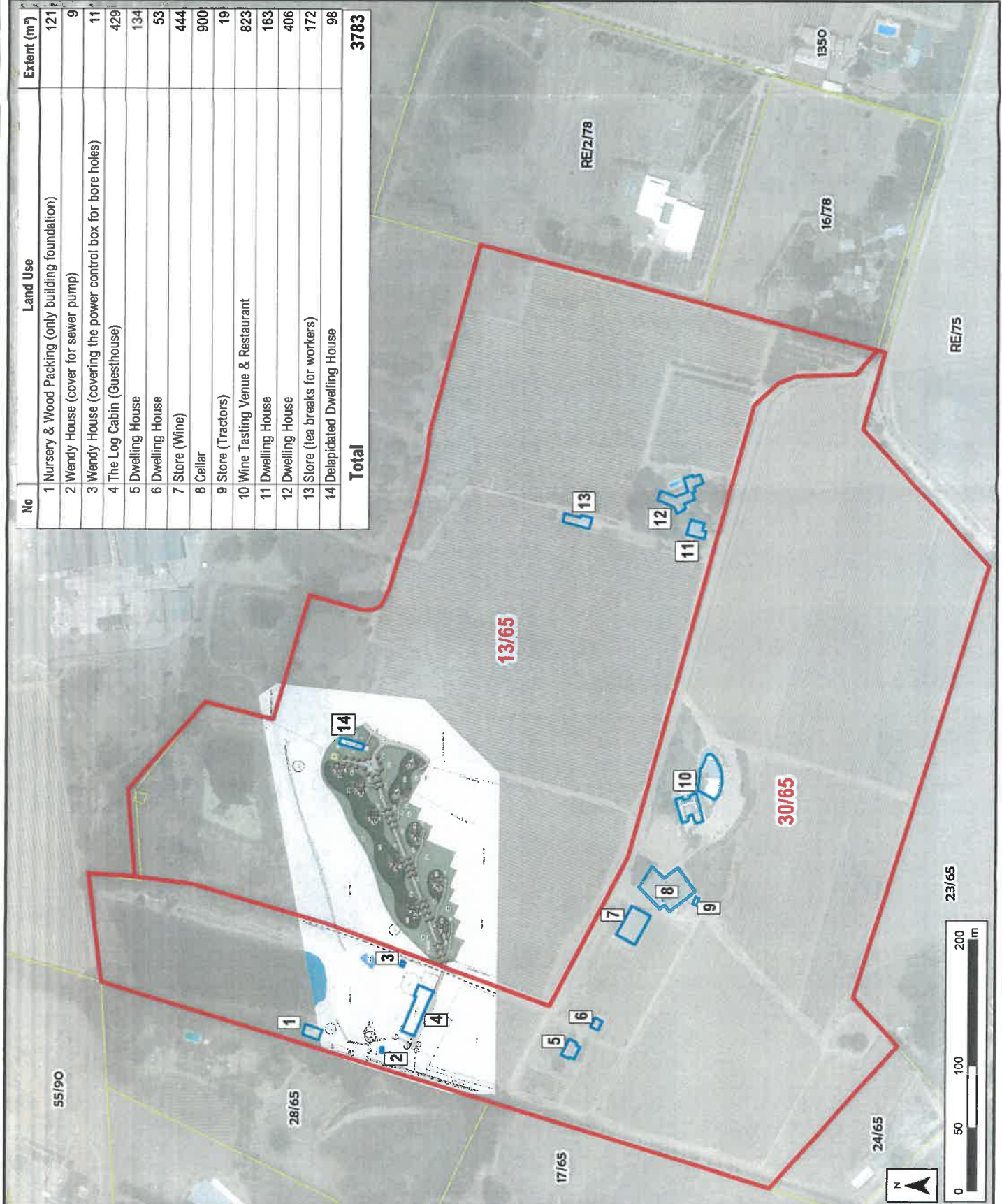
FILE NAME:

URBAN DYNAMICS SOUTH AFRICA
PTY LTD

Office Suite 208,
Tyger Lake Building,
2 Niagara Way, Tyger Falls,
Belville 7530
PO Box 2415, Belville, 7635

Tel: (021) 948 1545
Website: WWW.UDMCCOZ.AE

No	Land Use	Extent (m ²)
1	Nursery & Wood Packing (only building foundation)	121
2	Wendy House (cover for sewer pump)	9
3	Wendy House (covering the power control box for bore holes)	11
4	The Log Cabin (Guesthouse)	429
5	Dwelling House	134
6	Dwelling House	53
7	Store (Wine)	444
8	Cellar	900
9	Store (Tractors)	19
10	Wine Tasting Venue & Restaurant	823
11	Dwelling House	163
12	Dwelling House	406
13	Store (tea breaks for workers)	172
14	Delapidated Dwelling House	98
Total		3783



LOUISVALEFARM 65 PTNS 13 & 30
(STELLENBOSCH)**LEASE DIAGRAM**

-  **Subject Properties**
(Total Area ±32,81 ha)
-  **Relict Unchannelled Valley Bottom Wetland**
-  **100 Year Floodline**
-  **Development Setback Buffer 15m**
-  **Zone of Regulation 32m NEMA**

Proposed Lease Areas

Lease Area A on
Portion 30 of Farm 65,
Stellenbosch
(±4206m²)

Lease Area B on
Portion 13 of Farm 65,
Stellenbosch
(±11471m²)

PLEASE NOTE: This plan is a preliminary plan and is not a final plan. It is subject to change without notice.

REF: C:\Users\Ondine - Urban Dynamics\Documents\PROJECTS\Stellenbosch\Lease_Area_A_13_30_Farm_65_2024_04_20.dwg

COMPILED BY: A. ELLIS

INDEMNITY

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT A FINAL PLAN. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION AND FOR THE ACCURACY OF THE DATA. THE USER SHALL BE RESPONSIBLE FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS OF THE DATA. THE USER SHALL BE RESPONSIBLE FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS OF THE DATA.

DATE: APRIL 2024

SCALE: SEE LINESCALE

PLAN NO:

CLIENT

DATE

SCALE

PLAN NO

CLIENT

DATE

SCALE

PLAN NO

CLIENT

DATE

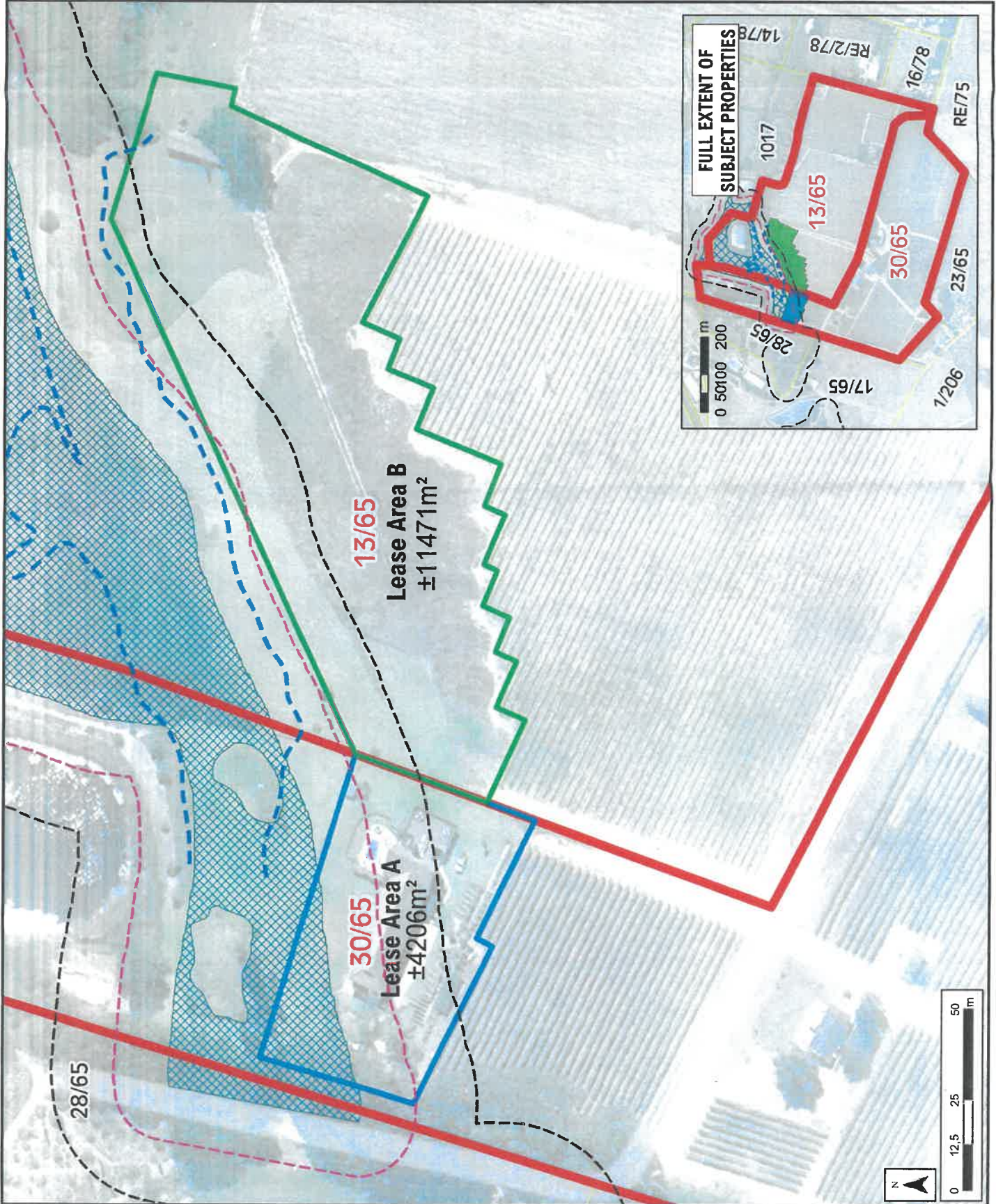
SCALE

PLAN NO

CLIENT

URBAN DYNAMICS SOUTH AFRICA
PTY LTD
100% BLACK OWNED
100% EMPLOYMENT

Office Suite 208,
Tiger Lake Building,
2 Niagara Way, Tiger Falls,
Bellville, 7830
PO Box 2445, Bellville, 7835
Tel: (021) 948 1545
Website: WWW.UDWC.CO.ZA



LOUISVALE

FARM 65 PTNS 13 & 30
(STELLENBOSCH)

LOCAL CONTEXT

 Subject Properties
(Total Area ±32,81 ha)

Cadastral Boundaries

Contour (1m intervals)

PLEASE NOTE
All boundary line positions, distances and property sizes must
be verified by a Professional Land Surveyor

REP: Client: *See Client* Urban Business Development
Stellenbosch, Louisa, Malm, Farm 65, 79013, 21, 20 Photos

COMPILED BY: A. ELUS

NOBILITY

THIS PLAN IS A PRELIMINARY DRAFT AND IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES BEFORE ANY CONSTRUCTION OR DEVELOPMENT COMMENCES. THE SURVEYOR ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS PLAN.

DATE: AUGUST 2023

SCALE: SEE LINESCALE

PLAN NO:

CLIENT:

Office Suite 208,
Tyger Lake Building
2 Niagara Way, Tyger Park,
Boksburg 1550
PO Box 2410, Springs 1535
Tel: 021 333 1345
Website: www.elsus.co.za



CONVEYANCER'S CERTIFICATE

I, the undersigned

CHANTE BIANCA MOONSAMY

a duly qualified and admitted Conveyancer of **SMITH TABATA BUCHANAN BOYES** on the 1st floor, Titanium House, 19 Gardner Williams Drive, Paardevlei, Somerset West, do hereby certify as follows:

I have conducted a search at the Deeds Registry, Cape Town, and have established in respect of:

**REMAINDER OF PORTION 13 OF THE FARM NOOITGEDACHT 65
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH
PROVINCE OF THE WESTERN CAPE**

IN EXTENT 16,9026 (SIXTEEN COMMA NINE ZERO TWO SIX) HECTARES

HELD BY DEED OF TRANSFER T15818/2021

REGISTERED in the name of

**BLUE PIE PROPERTIES (PTY) LTD
REGISTRATION NO 2007/024301/07**

In my search in the Deeds Registry, Cape Town, the following Title Deeds were considered:

T15818/2021;

T2633/1971;

T4021/1923;

T1089/1914

0

I have established as follows:

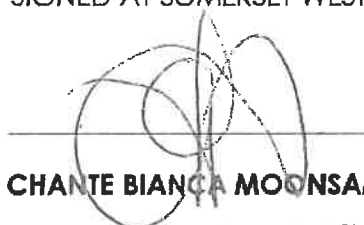
1. That the following restrictive conditions as contained in T15818/2021:

1.1. This Title Deed contains no restrictive conditions and merely refers to entitlements that Eskom has the right to convey electricity and electric power by means of overhead cables and lay underground pipes to convey water.

1.2. This Title Deed contains no restrictive conditions and merely refers to entitlements granted to the owner of Portion 34 and Portion 24.

This Title Deed therefore contains no restrictive conditions that may impose with the application for the Tourism Accommodation on Portion 13 of the Farm Nooitgedacht 65.

SIGNED AT SOMERSET WEST ON 27 JUNE 2023



CHANTE BIANCA MOONSAMY

SMITH TABATA BUCHANAN BOYES
CHANTE BIANCA MOONSAMY
8th FLOOR, 5 ST. GEORGES MALL
CAPE TOWN
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I, Chante Bianca Moonsamy

Practising at:

STBB, 1st Floor Titanium House, 19 Gardner Williams Avenue, Paardevlei , Somerset West

In respect of:

REMAINDER OF PORTION 13 OF THE FAARM NOOITGEDACHT 65

IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

PROVINCE OF THE WESTERN CAPE

IN EXTENT 16,9026 (SIXTEEN COMMA NINE ZERO TWO SIX) HECTARES

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 T15818/2021;
2. Deed of Transfer T2633/1971;
3. Deed of Transfer T4021/1923;
4. Deed of Transfer T1089/1914



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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	Deed of Transfer T15818/2021 – Clause E - In terms of Notarial deed T156/1947, the property is subject to the right in favour of Eskom to convey electricity and electric power by means of overhead cables. There is also the right to lay underground pipes as may be reasonably required to convey water.



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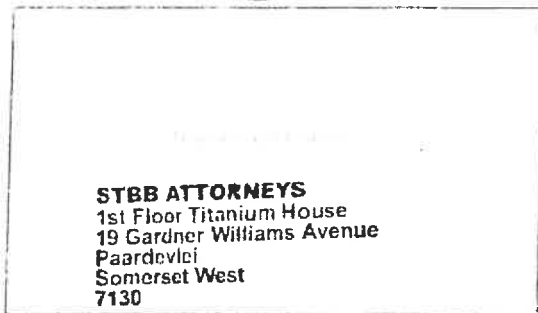
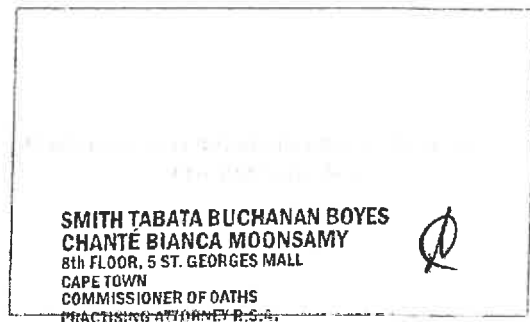
C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning ByLaw (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 Somerset West (Place) on this 27th (Day) JUNE (Month) of 2023

Full names and Surname: Chante Bianca Moonsamy

Signature:



Tel: 021 850 6400

Email: chantem@stbb.co.za

Cell: 065 975 0717

CONVEYANCER'S CERTIFICATE

I, the undersigned

CHANTE BIANCA MOONSAMY

a duly qualified and admitted Conveyancer of **SMITH TABATA BUCHANAN BOYES** on the 1st floor, Titanium House, 19 Gardner Williams Drive, Paardevlei, Somerset West, do hereby certify as follows:

I have conducted a search at the Deeds Registry, Cape Town, and have established in respect of:

**REMAINDER OF PORTION 30 OF THE FARM NOOITGEDACHT 65
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH
PROVINCE OF THE WESTERN CAPE**

IN EXTENT 16,0594 (SIXTEEN COMMA ZERO FIVE NINE FOUR) HECTARES

HELD BY DEED OF TRANSFER T55575/2018

REGISTERED in the name of

**BLUE PIE PROPERTIES (PTY) LTD
REGISTRATION NO 2007/024301/07**

In my search in the Deeds Registry, Cape Town, the following Title Deeds were considered:

T55575/2018;

T5846/1950;

T1089/1914;

T13182/1950

10

I have established as follows:

1. That the following restrictive conditions as contained in T5846/1950:

1.1. This Title Deed contains no restrictive conditions and merely refers to entitlements that Eskom has the right to convey electricity and electric power by means of overhead cables and lay underground pipes to convey water.

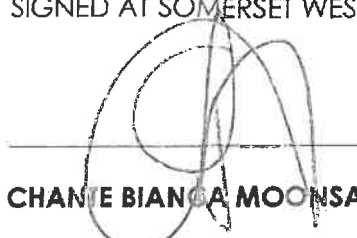
2. That the following restrictive conditions as contained in T55575/2018:

2.1. This Title Deed contains no restrictive conditions and merely refers to entitlements granted to the owner of Portions 23, 24, 25 and 28.

2.2. This Title Deed contains no restrictive conditions and merely places a restriction on Portion 30 in favour of Portion 23, to not erect a permanent or temporary building or structure within 100 metres from the boundary line.

This Title Deed therefore contains no restrictive conditions that may impose with the application for the Toursim Accommodation on Portion 30 of the Farm Nooitgedacht 65.

SIGNED AT SOMERSET WEST ON 27 JUNE 2023



CHANTE BIANCA MOONSAMY

SMITH TABATA BUCHANAN BOYES
CHANTE BIANCA MOONSAMY
8th FLOOR, 5 ST. GEORGES MALL
CAPE TOWN
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.



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 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I, Chante Bianca Moonsamy

Practising at:

STBB, 1st Floor Titanium House, 19 Gardner Williams Avenue, Paardevlei, Somerset West

In respect of:

PORTION 30 OF THE FARM NOOITGEDACHT 65

IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

PROVINCE OF THE WESTERN CAPE

IN EXTENT 16,0594 (SIXTEEN COMMA ZERO FIVE NINE FOUR) HECTARES

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 T55575/2018;
2. Deed of Transfer T5846/1950;
3. Deed of Transfer T1089/1914;
4. Deed of Transfer T13182/1950



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	Deed of Transfer T5846/1950 - Clause F – That by Notarial Deed, the right to convey electricity and electric power by means of overhead cables and also the right to lay underground pipes to convey water.



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				<p>Deed of Transfer T13182/1950</p> <ul style="list-style-type: none"> - Clause E similar to Clause F above; <p>Deed of Transfer T55575/2018 –</p> <ul style="list-style-type: none"> - Clause C – That the property is subject further to the following rights in favour of Portion 23 (a portion of portion 13) - Clause C (1) - the right to 30% of the water in or the assured delivery at any given time of the existing earthwall storage dam, in the north eastern corner of the land; - Clause C (2) – the right and ownership to 30% of the existing pump, ancillary works and power line to abstract water from the aforesaid storage dam. - Clause D – subject further to the following three servitude pipeline areas, 3,15 metres wide in favour of the said Portion 23: <ul style="list-style-type: none"> - Clause D (a) – the first, the centre line marked V W; - Clause D (b) – the second, running parallel to and alongside the boundary wall W D; - Clause D (c) – the third, the centre line marked B K L M N O P Q R S T U; - Clause D (d) – that the existing pipeline from the aforesaid storage dam becomes the sole property of the transferee to convey his 70% share in the water from the storage dam. The owner of the said Portion 23 is entitled to at his own expense, lay an underground pipeline with a minimum clear coverage of one metre in the aforesaid three servitude pipeline areas to convey his 30% share in the water from the storage dam. - Clause G – Subject further and in favour of Portions 23,24 and 25 to a servitude pipeline area 3,15 metres wide - Clause H – Subject further and in favour of Portion 28 (a portion of portion 17) to a servitude right of way in terms of Notarial Deed of servitude K131/1989 to a servitude right of way 4,5 metres wide
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				<ul style="list-style-type: none"> - Clause I – The property is entitled to a servitude for the installation of an electrical meter and conveyance of electrical supply through an electrical cable over the remainder of portion 13.
9.	Other Restrictive Conditions	Y	N	<p>Deed of Transfer T55575/2018 – Clause E</p> <ul style="list-style-type: none"> - Subject to the following condition in favour of Portion 23: That the owner of the property shall not be entitled to erect a permanent or temporary building or structure at any place within a 100 metres from the boundary line.

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

b

a.	Organ(s) of State that might have an interest in the restrictive condition	Stellenbosch Municipality
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 ByLaw (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
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Signed at Somerset West (Place) on this 27th (Day) JUNE (Month) of 2023

Q



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 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Full names and Surname: Chante Bianca Moonsamy

Signature:

STBB ATTORNEYS
 1st Floor Titanium House
 19 Gardner Williams Avenue
 Paardevlei
 Somerset West
 7130

SMITH TABATA BUCHANAN BOYES
CHANTE BIANCA MOONSAMY
 8th FLOOR, 5 ST. GEORGES MALL
 CAPE TOWN
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY R.S.A.

Tel: 021 850 6400

Email: chantem@stbb.co.za

Cell: 065 975 0717



4 April 2023

WIE DIT MAG AANGAAN

Hiermee word bevestig dat die spesefieke grond wat gebruik gaan word vir Die akkomodasie projek (Wynvat mobiele eenhede) nie geskik is vir boedery nie. Was nie geboer vir 25 jaar nie en daar word nie beplan om te boer nie. Dit is Valley Bottom grond en gekarteer as Kroonstad grond. Nie ekonomies om te boer nie.

LOUISVALE WINES
 P. O. BOX 542
 STELLENBOSCH 7599
 TEL.: 021 865 2422
 FAX: 021 865 2633

DANK DIE UWE
 SP Smith
 Plaasbestuurder/Wynmaker
 Louisvale Wines

Coast, however, western exposures are often found to be cooler than eastern aspects due to the sea breeze effect from the Atlantic Ocean.

Eastern aspects also have an advantage over western aspects because the eastern slopes are exposed to the sun first. Vines on an eastern slope will dry (dew or rain) sooner than those on a western slope, which should potentially reduce disease problems.

2.4.3 Slope steepness

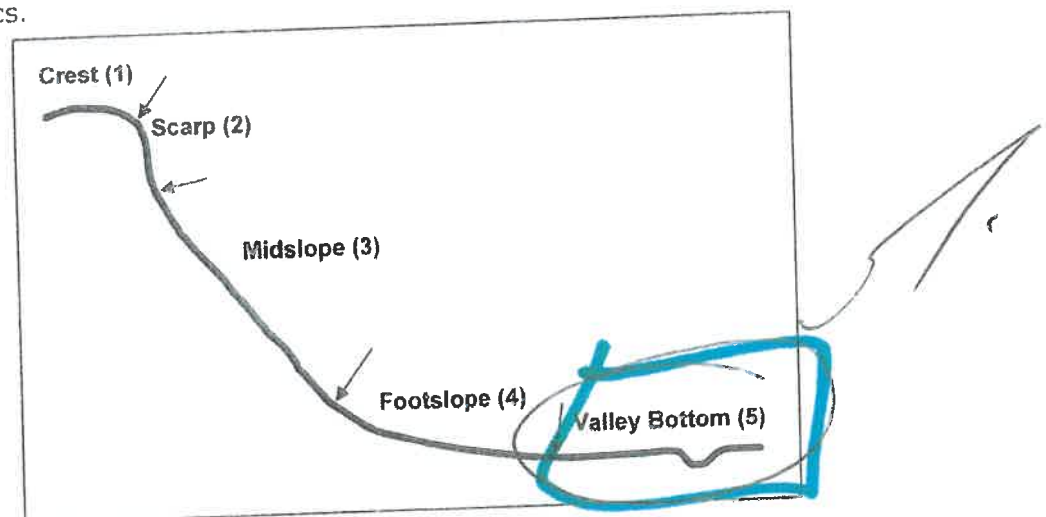
Slope steepness also determines the exposure to solar radiation. A slope perpendicular to the sun's rays will receive more solar radiation than one tilted away from the sun. Slope steepness furthermore regulates the amount of air and water drainage and thus also what machinery and viticultural practices can be used. The degree of erosion hazard is another important slope factor. Cold air, being of higher density than warm air, will tend to drain towards low lying areas of limited slope steepness.

2.4.4 Slope form

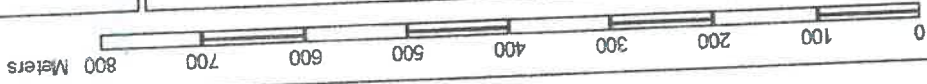
Slope form refers to the curvature of the slope. It can, apart from being absolutely flat, only be convex or concave. Convex slopes will be better drained of excessive moisture than concave slopes, where water logging can easily occur during the rainy season.

2.4.5 Terrain morphological units

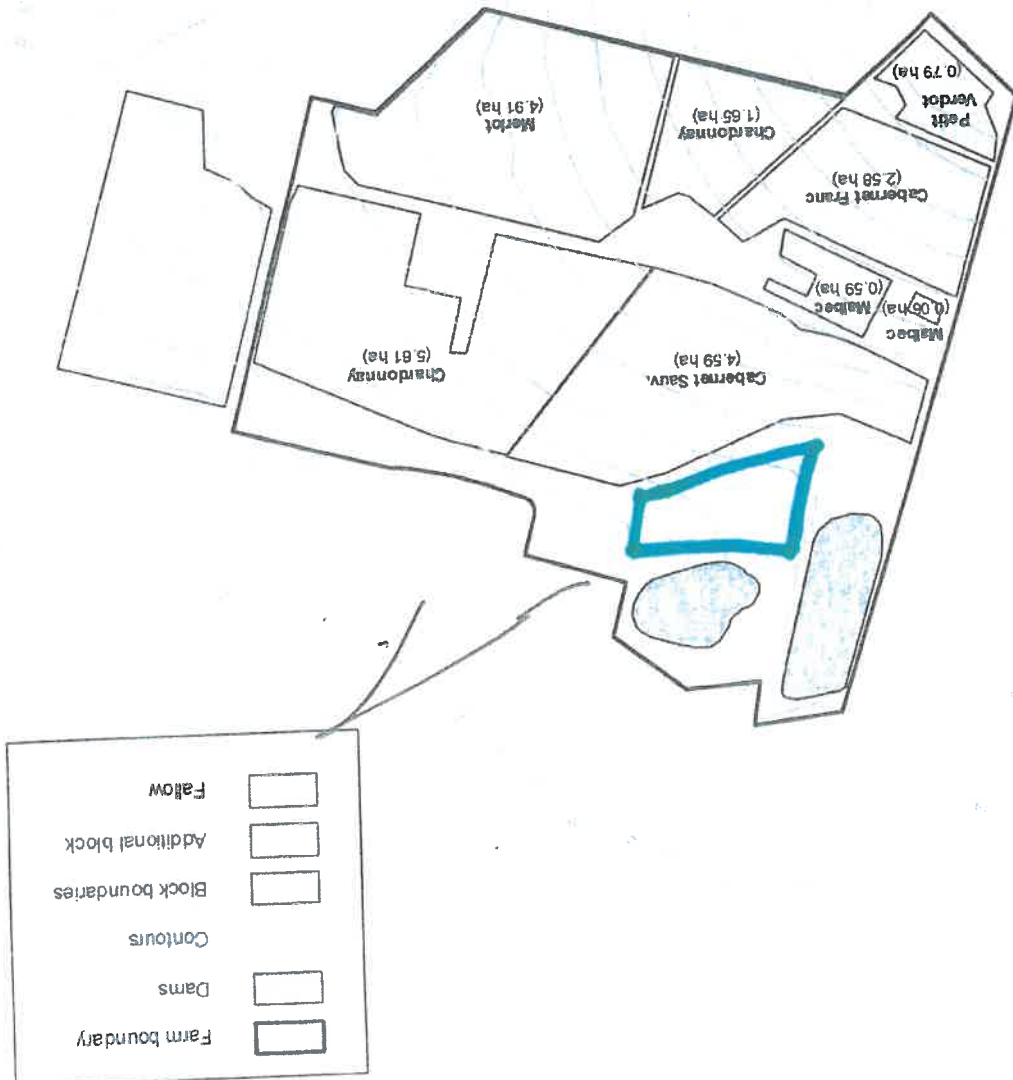
Terrain morphological units refer to the position in the landscape, as depicted below. Each terrain unit is associated with specific slope inclination and curvature characteristics.



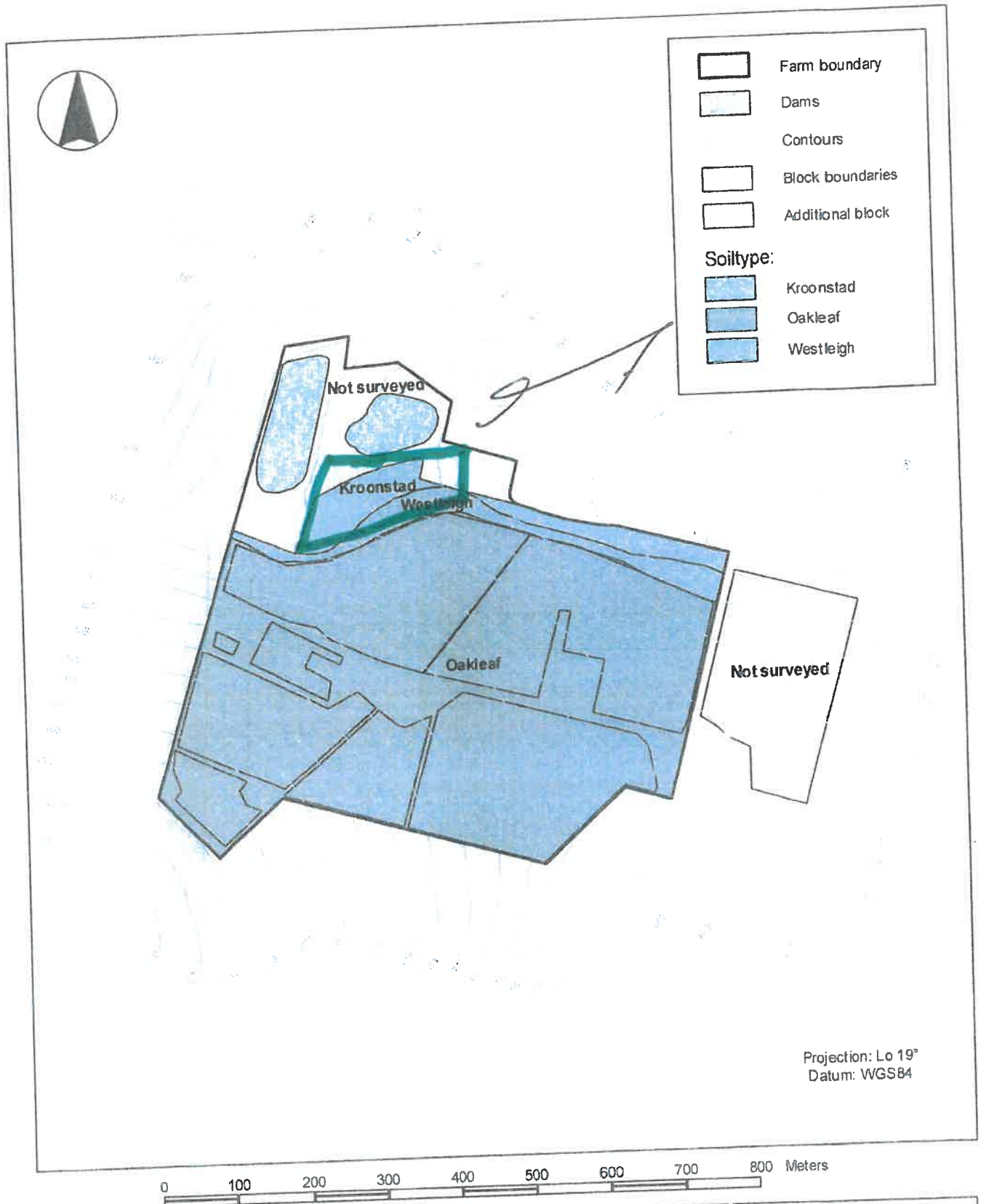
Project: LOUISVALE TERROIR ANALYSIS Client: Mr. Mike Johnston Contact: 021 - 865 2442 Date: September 2003 Compiled by: Francois Knight & Ryk Taljaard	 agri informatics GIS Solutions for Agriculture	P.O. Box 3544 Durbanville 7551 Tel: 082 658 7776 Fax: 021 975 3603 E-mail: f.knight@winems.co.za
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Projection: Lo 19°
Datum: WGS84



Soil Map



Project: **LOUISVALE TERROIR ANALYSIS**
 Client: **Mr. Mike Johnston**
 Contact: **021 - 865 2442**
 Date: **September 2003**
 Compiled by: **Francois Knight & Ryk Taljaard**

agri informatics
 GIS Solutions for Agriculture

PO Box 3544
 Durbanville 7551
 Tel: 082 658 7776
 Fax: 021 975 3603
 E-mail: fknight@winems.co.za



FEN CONSULTING

FRESHWATER ASSESSMENT

FOR THE PROPOSED LOUISVALE BARRELS PROJECT, DEVON VALLEY STELLENBOSCH MUNICIPALITY, WESTERN CAPE

Prepared for: Groenberg Enviro
Report author: Cole Grainger (Cand.Sci.Nat)
Report reviewers: Rabia Mathakutha (Cand.Sci.Nat)
Stephen van Staden (Pri.Sci.Nat)
Report Reference: FEN 22 - 5081
Date: May 2023



Part of the SAS Environmental Group of Companies

Website: <http://www.sasenvironmental.co.za>

Image not representative of site.

EXECUTIVE SUMMARY

Freshwater Ecological Network (FEN) Consulting (Pty) Ltd was appointed to conduct a specialist freshwater assessment as part of the Environmental Authorisation (EA) and Water Use Authorisation (WUA) processes for the proposed Louisvale Barrels Project development (hereafter, the 'development') on portions 13 and 30 of the Farm 65 (Nooitgedacht) (hereafter, the 'study area') in Devon Valley within the Stellenbosch Municipal area.

The development comprises the reconstruction of a building, the repair of another building and the construction of several barrel units according to three proposed layout options (Option 1, Option 2 and Option 3), all requiring domestic and sewerage services.

Historical aerial photography dating back to 1938 revealed a forked linear wet feature flowing eastwards through the study area which was confirmed in the field in October 2022 to be an unchanneled valley bottom (UCVB) wetland. There is offtake from this UCVB wetland to feed the primary impoundment, which presumably overflows into a secondary impoundment in the study area. Despite this offtake, the hydrology of this wetland is maintained (albeit minimally) by a portion of upgradient interflow moving through the study area, as per the natural signature, with impoundment seepage also contributing to the UCVB wetland. The hydrological/catchment disturbance has reflected in an alien and disturbance-tolerant wetland vegetation community comprised of *Pteridium aqualinum*, *Lantana camara* and *Solanum mauritianum*.

Following the field visit, the ecological assessments modelled an overall Present Ecological State (PES) Class E (seriously modified), low Ecological Importance and Sensitivity (EIS) and limited ecoservices provision (mostly recognised for tourism and potable water supply). The Department of Forestry, Fisheries and the Environment (DFFE) Environmental Screening tool designates the study area as having a very high aquatic biodiversity sensitivity, due to the presence of aquatic Critical Biodiversity Areas (CBAs) and a portion of the study area falling within a Strategic Water Source Area (SWSA).

The risk assessment determined a Moderate risk significance impact for Option 1, a Low risk significance (after mitigation) for Option 2 and a Low risk significance for Option 3 (before mitigation) for the respective construction and operation phases. The higher scores obtained for the activities associated with Option 1 were not eligible for a manual down reduction towards achieving a low risk impact significance, and therefore would require a Water Use License Application (WULA).

Sewerage infrastructure will be required for all of the proposed barrel unit layout options and the Department of Water and Sanitation (DWS), as custodians of the water resources in South Africa, must be consulted in this regard to decide on the required WUA process for the proposed development considering the motivations provided in this document.

In terms of EA, the development within the NEMA 32 m ZoR may trigger Activity 12 and 19 of GN327 – Listing Notice 1 of the 2014 Environmental Impact Assessment (EIA) regulations and Activity 12 and 14 of GN324 – Listing Notice:3 of the 2014 EIA regulations. Therefore, EA would need to be obtained.

Based on the findings of the freshwater ecosystem assessments and the results of the risk assessment, it is the opinion of the specialist that the proposed activities associated with Options 1 – 3 pose a Low risk to the integrity of the UCVB wetland. This is on condition that adherence to cogent, well-conceived and ecologically sensitive construction plans are implemented, where applicable and the mitigation measures provided in this report as well as general good construction practice are adhered to. Therefore, any of the proposed layout options are considered acceptable from a freshwater ecological and resources management perspective.

Option 3 is recommended as the most developable option, considering that this would pose the lowest risk to the wetland, as all barrel units are located outside of the 32m NEMA ZoR development setback. Option 2 is also developable, and although no barrel units are proposed within the wetland, several units are proposed within the development setback, which would require strict mitigation measures to be followed. Option 1 is least developable, considering the direct impacts from barrel unit positioning (although limited) within the wetland.



MANAGEMENT SUMMARY

FEN Consulting (Pty) Ltd was appointed to conduct a specialist freshwater ecological assessment as part of the EA and WUA processes for the proposed development in Devon Valley within the Stellenbosch Municipal area.

The development is comprised of a house rebuild, the repair of another house and the construction of several barrel units according to three proposed layout options (Option 1, Option 2 and Option 3), all requiring domestic and sewerage services.

A review of historical aerial photography dating back to 1938 revealed a forked linear wet feature flowing eastwards through the study area through an agricultural (orchards and vineyards) landscape. The results of the desktop study are contained in Section 4 of this report.

The field visit in October 2022 confirmed the linear wet feature as an UCVB wetland from which there is offtake to feed the primary impoundment, which presumably overflows into the secondary impoundment in the study area. Despite this offtake, the hydrology of this wetland is somewhat maintained (albeit minimally) by a portion of upgradient interflow moving through the study area, as per the natural signature, with impoundment seepage also assisting to preserve the original wetland footprint. The hydrological/catchment disturbance has reflected in an alien and disturbance-tolerant wetland vegetation community comprised of *Pteridium aqualinum*, *Lantana camara* and *Solanum mauritianum*.

The results of the ecological assessments of this wetland are shown below in Table A.

Table A: Summary of results of the field assessment of the UCVB wetland.

Freshwater Ecosystem	Present Ecological State (PES)	Primary Ecoservices	Ecological Importance and Sensitivity (EIS)	Recommended Ecological Category (REC), Recommended Management Objective (RMO) and Best Attainable State (BAS)
	Category E (Seriously Modified)	<ul style="list-style-type: none"> • Tourism • Potable supply • Sediment trapping 	Low	REC Category: D (Largely modified) BAS: Category: D (Largely modified) RMO Category: D (Improve)
	Extent of modification anticipated	None to Moderate (Barrel unit location option dependent) Three barrel unit locations (Options 1 – 3) proposed would result in a Moderate extent of modification for Option 1 due to development directly within the wetland where interflow processes and water quality can be disrupted (if using the trenching and backfilling method to lay the sewerage pipelines). Option 2 would cause a low modification to the wetland (after mitigation), due to being within the 15 m development setback and Option 3 would not pose any modification to the wetland due to being outside of the 15 m NEMA ZoR.		
Unchannelled Valley Bottom Wetland	Impact Significance and Business Case	Devon Valley in which the proposed barrel project is located is well known for its tourism potential which this project is wishing to capitalise off of. The construction of barrel units out of wood and supported by concrete slabs poses a low impact to the already majorly altered hydrology of the UCVB wetland, and considering that the vegetation community is currently characterised by level 1a and level 1b alien invaders, further deterioration of the vegetation community is unlikely. Mitigation associated with sewerage infrastructure must ensure that the pipelines are sleeved to contain any potential leaks and these pipelines must be inspected every 5 years, with an emergency pipeline repair plan in place should repair thereof be required. An AIP programme must be set up to remove all alien invasive species on the property and revegetated with indigenous species, in keeping with the RMO. Provided these mitigation measures are cogently followed, the either of Options 1-3 are deemed acceptable and this wetland could see benefit from the scheduled environmental management of this area.		



Following the ecological assessments of this wetland, the DWS Risk Assessment Matrix was applied to ascertain the significance of possible impacts which may occur as a result of the proposed development. The results of this assessment are presented in Section 7, Appendix F and Table B (below) of this report.

The risk assessment determined a Moderate risk significance impact for Option 1, a Low risk significance (after mitigation) for Option 2 and a Low risk significance for Option 3 (before mitigation) for the respective construction and operation phases. The higher scores obtained for the activities associated with Option 1 were not eligible for a manual down reduction towards achieving a low risk impact significance, and therefore would require a Water Use License Application (WULA).

Table B: Summary of the results of the DWS Risk Assessment applied to the wetland.

Barrel Units					
			Risk Rating		
Phase	Activity	Aspect	Option 1	Option 2	Option 3
CONSTRUCTION	Site Preparation	Stockpiling of materials	Low		
		Vegetation Clearing	Moderate	Low	Low
	Construction of Barrel Units	Operation of Machinery	Moderate	Low	Low
		Earth works involving removal of top soil and creation of topsoil stockpiles	Moderate	Low	Low
		Concrete works pertaining to construction of the foundation slabs	Moderate	Low (after mitigation)	Low
		Trenching for the laying of sewerage pipelines	Earth works involving removal of top soil and creation of topsoil stockpiles.	Moderate	Low (after mitigation)
	Backfilling of trenches	Moderate		Low (after mitigation)	Low
OPERATION	Operation of the sewerage infrastructure	Proactive monitoring to ensure structural integrity is maintained and to identify early warning signs.	Low		
		Potential leakage of the sewer pipeline	Moderate	Low (after mitigation)	Low
House construction and repair					
Phase	Activity	Aspect	Risk Rating		
CONSTRUCTION	Construction of a house within the 32m ZoR of a wetland	Concrete works	Low		
	Repair of a house outside of the 32m NEMA ZoR				

The Moderate risk significances determined for Option 1 stem mostly from the mandatory maximum score of a 5 for the severity of activities within the delineated extent of a watercourse (i.e. the wetland) and a mandatory default score of a 5 for legal issues for activities within the ZoR of a watercourse.

These scores however do not accurately reflect the impact of the activities associated with the proposed development. This is considering that wetland edge effects have already taken place and considering the seriously modified nature of wetland hydrology, geomorphology, water quality and the vegetation community. Therefore, this wetland is not considered ecologically sensitive to the nature of the proposed development, besides for the proposed use of concrete within the wetland which would constitute a freshwater quality hazard, if mitigation is not applied.



Option 1 proposes 7 barrel units within the wetland, 4 units within the calculated 15 m development setback, of which 3 are on an impoundment wall, 1 unit within the 32 m NEMA ZoR and 3 units outside of the 32 m NEMA ZoR. Option 2 proposes 4 barrel units within the 15 m development setback of the wetland, 3 units within the 32 m NEMA ZoR and 4 units outside of the 32 m NEMA ZoR. Option 3 proposes 10 barrel units outside of the 32m NEMA ZoR. The house rebuild falls within the 32 m NEMA ZoR of the wetland while the house repair falls outside of the 32 m NEMA ZoR. All proposed development however occurs within the 500 m ZoR (GN509) of the wetland.

Sewerage infrastructure will be required for all of the proposed barrel unit layout options and the Department of Water and Sanitation (DWS), as custodians of the water resources in South Africa, must be consulted in this regard to decide on the required WUA process for the proposed development considering the motivations provided in this document.

In terms of EA, the development within the NEMA 32 m ZoR may trigger Activity 12 and 19 of GN327 – Listing Notice 1 of the 2014 EIA regulations and Activity 12 and 14 of GN324 – Listing Notice 3 of the 2014 EIA regulations. Therefore, EA would need to be obtained.

General good practice for the construction of these barrel units includes the following:

- An Alien Invasive Clearing Plan (AIP) must be in place to remove all vegetation from the study area, and not just within the vicinity of the proposed barrel units. Vegetation clearing and subsequent revegetation must be conducted in a phased manner to minimise exposure of destabilised soil to the environment;
- Sediment control measures must be in place to ensure that stripped soil do not erode and cause the sedimentation of the wetland;
- Barrel unit construction should take a phased approach in terms of the laydown of building materials, i.e. only those materials pertaining to the barrel unit being constructed may be allowed to be laid down. This is only applicable to those proposed barrel units within the wetland (Option 1);
- The trenching and backfilling method(if approved and chosen) requires that special attention be paid to the preservation of top soil for use during backfilling and revegetation, and the compaction of backfilled soil must be done according to natural soil conditions. This will require supervision by a competent individual;
- An emergency pipeline repair plan must be in place should a sewerage pipeline be found to be leaking during inspection/general operation, to minimise sewerage outfall into the wetland, which is considered highly detrimental to wetland water quality; and
- All development must occur with the dry season, during a time of minimal surface runoff which will safeguard the wetland against sedimentation from upland erosion, (from bare soil during vegetation clearing).

Based on the findings of the freshwater ecosystem assessments and the results of the risk assessment, it is the opinion of the specialist that the proposed activities associated with Options 1 – 3 pose a Low-risk to the integrity of the UCVB wetland. This is on condition that adherence to cogent, well-conceived and ecologically sensitive construction plans are implemented, where applicable and the mitigation measures provided in this report as well as general good construction practice are adhered to. Therefore, any of the proposed layout options are considered acceptable from a freshwater ecological and resources management perspective.

Option 3 is recommended as the most developable option, considering that this would pose the lowest risk to the wetland, as all barrel units are located outside of the 32m NEMA ZoR development setback. Option 2 is also developable, and although no barrel units are proposed within the wetland, several units are proposed within the development setback, which would require strict mitigation measures to be followed. Option 1 is least developable, considering the direct impacts from barrel unit positioning (although limited) within the wetland.



DOCUMENT GUIDE

The table below lists the aquatic biodiversity specialist report requirements for the assessment and reporting of impacts on aquatic biodiversity **with very high sensitivity** in terms of Government Notice 320 as promulgated in Government Gazette 43110 of 20 March 2020 in line with the Department of Environmental Affairs screening tool requirements, as it relates to the National Environmental Management Act, 1998 (Act No. 107 of 1998).

No.	Requirements	Section in report
2.1	Assessment must be undertaken by a suitably qualified SACNASP registered specialist.	Appendix G
2.2	Description of the preferred development site, including the following aspects-	Executive and management summaries
2.2.1	a. Aquatic ecosystem type; b. Presence of aquatic species and composition of aquatic species communities, their habitat, distribution and movement patterns.	Section 4: Table 1 Section 5: Table 2 and Table 5
2.2.2	Threat status, according to the national web based environmental screening tool of the species and ecosystems, including listed ecosystems as well as locally important habitat types identified.	Section 4: Table 1
2.2.3	National and Provincial priority status of the aquatic ecosystem (i.e. is this a wetland or river Freshwater Ecosystem Priority Area (FEPA), a FEPA sub- catchment, a Strategic Water Source Area (SWSA), a priority estuary, whether or not they are free-flowing rivers, wetland clusters, etc., a CBA or an ESA; including for all a description of the criteria for their given status.	Section 4: Table 1 Section 5: Table 5
2.2.4	A description of the Ecological Importance and Sensitivity of the aquatic ecosystem including: a. The description (spatially, if possible) of the ecosystem processes that operate in relation to the aquatic ecosystems on and immediately adjacent to the site (e.g. movement of surface and subsurface water, recharge, discharge, sediment transport, etc.); b. The historic ecological condition (reference) as well as Present Ecological State (PES) of rivers (in-stream, riparian and floodplain habitat), wetlands and/or estuaries in terms of possible changes to the channel, flow regime (surface and groundwater).	Section 5
2.3	Identify any alternative development footprints within the preferred development site which would be of a "low" sensitivity as identified by the national web based environmental screening tool and verified through the Initial Site Sensitivity Verification.	Section 6
2.4	Assessment of impacts - a detailed assessment of the potential impact(s) of the proposed development on the following very high sensitivity areas/ features:	Section 7: Table 8
2.4.1	Is the development consistent with maintaining the priority aquatic ecosystem in its current state and according to the stated goal?	Yes, with implementation of the mitigation measures proposed in Section 7: Table 8
2.4.2	Is the development consistent with maintaining the Resource Quality Objectives for the aquatic ecosystems present?	Table 8
2.4.3	How will the development impact on fixed and dynamic ecological processes that operate within or across the site, including: a. Impacts on hydrological functioning at a landscape level and across the site which can arise from changes to flood regimes (e.g. suppression of floods, loss of flood attenuation capacity, unseasonal flooding or destruction of floodplain processes); b. Change in the sediment regime (e.g. sand movement, meandering river mouth/estuary, changing flooding or sedimentation patterns) of the aquatic ecosystem and its sub-catchment; c. The extent of the modification in relation to the overall aquatic ecosystem (i.e. at the source, upstream or downstream portion, in the temporary / seasonal / permanent zone of a wetland, in the riparian zone or within the channel of a surface water feature, etc.). d. Assessment of the risks associated with water use/s and related activities.	Section 5: Table 5
2.4.4	How will the development impact on the functionality of the aquatic feature including: a. Base flows (e.g. too little/too much water in terms of characteristics and requirements of system);	Section 5: Table 5



	<ul style="list-style-type: none"> b. Quantity of water including change in the hydrological regime or hydroperiod of the aquatic ecosystem (e.g. seasonal to temporary or permanent; impact of over abstraction or instream or off-stream impoundment of a wetland or river); c. Change in the hydrogeomorphic typing of the aquatic ecosystem (e.g. change from an unchanneled valley-bottom wetland to a channelled valley-bottom wetland); d. Quality of water (e.g. due to increased sediment load, contamination by chemical and/or organic effluent, and/or eutrophication); e. Fragmentation (e.g. road or pipeline crossing a wetland) and loss of ecological connectivity (lateral and longitudinal); and f. Loss or degradation of all or part of any unique or important features associated with or within the aquatic ecosystem (e.g. waterfalls, springs, oxbow lakes, meandering or braided channels, peat soil, etc). 	
2.4.5	How will the development impact on key ecosystem regulating and supporting services especially Flood attenuation; Streamflow regulation; Sediment trapping; Phosphate assimilation; Nitrate assimilation; Toxicant assimilation; Erosion control; and Carbon storage.	Section 5: Table 5
2.4.6	How will the development impact community composition (numbers and density of species) and integrity (condition, viability, predator-prey ratios, dispersal rates, etc.) of the faunal and vegetation communities inhabiting the site?	Section 5: Table 5
2.4.7	In addition to the above, where applicable, impacts to the frequency of estuary mouth closure should be considered, in relation to: size of the estuary; availability of sediment; wave action in the mouth; protection of the mouth; beach slope; volume of mean annual runoff; and extent of saline intrusion (especially relevant to permanently open systems).	NA
3.	The report must contain as a minimum the following information:	
3.1	Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise and their curriculum vitae;	Appendix G
3.2	A signed statement of independence by the specialist;	Appendix G
3.3	The duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;	Section 3.1 and 5.2
3.4	The methodology used to undertake the impact assessment and site inspection, including equipment and modelling used, where relevant;	Section 3, Appendix C and Appendix D
3.5	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 1.3
3.6	Areas not suitable for development, to be avoided during construction and operation (where relevant);	Section 7: Table 8
3.7	Additional environmental impacts expected from the proposed development based on those already evident on the site and a discussion on the cumulative impacts;	Section 7: Table 8
3.8	A suitable construction and operational buffer for the aquatic ecosystem, using the accepted protocol;	Section 6: Figure 17
3.9	Impact management actions and impact management outcomes proposed by the specialist for inclusion in the EMPr;	Section 7: Table 8
3.10	A motivation where the development footprint identified as per 2.3 were not considered stating reasons why these were not being considered; and	Section 7: Table 8
3.11	A reasoned opinion, based on the finding of the specialist assessment, regarding the acceptability or not, of the development and if the development should receive approval, and any conditions to which the statement is subjected.	Section 7.1
3.12	A suitable construction and operational buffer for the aquatic ecosystem using the accepted methodologies.	Section 7.1
3.13	Proposed impact management actions and impact management outcomes for inclusion in the Environmental Management Programme (EMPr).	Section 7: Table 8
3.14	A motivation must be provided if there were development footprints identified as per paragraph 2.3 for reporting in terms of Section 24(5)(a) and (h) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) that were identified as having a "low" aquatic biodiversity and sensitivity and that were not considered appropriate.	Section 8
3.15	A substantiated statement, based on the findings of the specialist assessment, regarding the acceptability or not of the proposed development and if the proposed development should receive approval or not.	Section 8
3.16	Any conditions to which this statement is subjected.	Section 8



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GLOSSARY OF TERMS

Alien vegetation:	Plants that do not occur naturally within the area but have been introduced either intentionally or unintentionally. Vegetation species that originate from outside of the borders of the biome -usually international in origin.
Biodiversity:	The number and variety of living organisms on earth, the millions of plants, animals and micro-organisms, the genes they contain, the evolutionary history and potential they encompass and the ecosystems, ecological processes and landscape of which they are integral parts.
Buffer:	A strip of land surrounding a wetland or riparian area in which activities are controlled or restricted, in order to reduce the impact of adjacent land uses on the wetland or riparian area.
Catchment:	The area where water is collected by the natural landscape, where all rain and run-off water ultimately flow into a river, wetland, lake, and ocean or contributes to the groundwater system.
Delineation (of a wetland):	To determine the boundary of a wetland based on soil, vegetation and/or hydrological indicators.
Ecoregion:	An ecoregion is a "recurring pattern of ecosystems associated with characteristic combinations of soil and landform that characterise that region".
Facultative species:	Species usually found in wetlands (76%-99% of occurrences) but occasionally found in non-wetland areas
Gleying:	A soil process resulting from prolonged soil saturation which is manifested by the presence of neutral grey, bluish or greenish colours in the soil matrix.
Hydromorphic soil:	A soil that in its undrained condition is saturated or flooded long enough to develop anaerobic conditions favouring the growth and regeneration of facultative vegetation (vegetation adapted to living in anaerobic soil).
Hydrology:	The study of the occurrence, distribution and movement of water over, on and under the land surface.
Intermittent flow:	Flows only for short periods.
Indigenous vegetation:	Vegetation occurring naturally within a defined area.
Mottles:	Soil with variegated colour patterns are described as being mottled, with the "background colour" referred to as the matrix and the spots or blotches of colour referred to as mottles.
Obligate species:	Species almost always found in wetlands (>99% of occurrences).
Perennial:	Flows all year round.
RAMSAR:	The Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat) is an international treaty for the conservation and sustainable utilisation of wetlands, i.e., to stem the progressive encroachment on and loss of wetlands now and in the future, recognising the fundamental ecological functions of wetlands and their economic, cultural, scientific, and recreational value. It is named after the city of Ramsar in Iran, where the Convention was signed in 1971.
RDL (Red Data listed) species:	Organisms that fall into the Extinct in the Wild (EW), critically endangered (CR), Endangered (EN), Vulnerable (VU) categories of ecological status
Seasonal zone of wetness:	The zone of a wetland that lies between the Temporary and Permanent zones and is characterised by saturation from three to ten months of the year, within 50cm of the surface
Temporary zone of wetness:	the outer zone of a wetland characterised by saturation within 50cm of the surface for less than three months of the year
Watercourse:	In terms of the definition contained within the National Water Act, a watercourse means: <ul style="list-style-type: none"> • A river or spring; • A natural channel which water flows regularly or intermittently; • A wetland, dam or lake into which, or from which, water flows; and • Any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse; • and a reference to a watercourse includes, where relevant, its bed and banks <p>Note: the term 'surface water feature' is used in this report and is deemed to encompass the National Water Act definition of a watercourse'</p>
Wetland Vegetation (WetVeg) type:	Broad groupings of wetland vegetation, reflecting differences in regional context, such as geology, climate, and soil, which may in turn have an influence on the ecological characteristics and functioning of wetlands.



ACRONYMS

°C	Degrees Celsius.
BAR	Basic Assessment Report
BGIS	Biodiversity Geographic Information Systems
CBA	Critical Biodiversity Area
CoCT	City of Cape Town
DFFE	Department of Forestry, Fisheries and the Environment
DWA	Department of Water Affairs
DWAF	Department of Water Affairs and Forestry
DWS	Department of Water and Sanitation
EAP	Environmental Assessment Practitioner
EC	Ecological Class or Electrical Conductivity (use to be defined in relevant sections)
EI	Ecological Importance
EIA	Environmental Impact Assessment
EIS	Ecological Importance and Sensitivity
EMC	Ecological Management Class
EMP	Environmental Management Program
ESA	Ecological Support Area
EWR	Ecological Water Requirements
FEPA	Freshwater Ecosystem Priority Areas
GIS	Geographic Information System
GN	Government Notice
GPS	Global Positioning System
HGM	Hydrogeomorphic
m	Meter
MAP	Mean Annual Precipitation
MC	Management Class
NEMA	National Environmental Management Act
NFEPA	National Freshwater Ecosystem Priority Areas
NWA	National Water Act
PEMC	Present Ecological Management Class
PES	Present Ecological State
REC	Recommended Ecological Category
RMO	Recommended Management Objective
RQIS	Research Quality Information Services
RQS	Resource Quality Services
SACNASP	South African Council for Natural Scientific Professions
SAIAB	South African Institute of Aquatic Biodiversity
SANBI	South African National Biodiversity Institute
SANParks	South African National Parks
SA RHP	South Africa River Health Programme
SQR	Sub quaternary catchment reach
subWMA	Sub-Water Management Area
WetVeg Groups	Wetland Vegetation Groups
WMA	Water Management Areas
WMS	Water Management System
WRC	Water Research Commission
WULA	Water Use License Application



1 INTRODUCTION

1.1 Background

FEN Consulting (Pty) Ltd was appointed to conduct a specialist freshwater ecological assessment as part of the EA and WUA processes for a proposed development in Devon Valley on portion 13 and 30 of Farm 65 (Nooitgedacht) within the Stellenbosch Municipal area (Figures 1 and 2).

In order to identify all freshwater ecosystems that may potentially be impacted by the proposed development a 500 m “zone of investigation” was implemented around the study area in accordance with Government Notice (GN) 509 of 2016 as published in the Government Gazette 40229 of 2016 as it relates to the NWA to assess possible sensitivities of the receiving freshwater environment. This area – i.e., the 500 m zone of investigation around the study area will henceforth be referred to as the “investigation area”.

The purpose of this report is to define the ecology of the study area by mapping freshwater ecosystems and describing their characteristics in terms of their Present Ecological State (PES), Ecological Importance and Sensitivity (EIS). This report aims to provide detailed information to guide the management of the proposed development activities within the vicinity of the study area, specifically those which have a bearing on the receiving freshwater environment. This is to ensure ongoing functioning of the ecosystem in support of local and regional conservation requirements and the provision of ecological services in the local area, while considering the need for sustainable economic development. This report, after consideration of the above, must guide the Environmental Assessment Practitioner (EAP), by means of a reasoned opinion and recommendations, as to the viability of the proposed development from a freshwater management perspective.

1.2 Structure of this report

This report investigates the impact significance of the proposed development, as explained in Section 2 below, in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended (NEMA) as well as the NWA by means of the Risk Assessment Matrix, as promulgated in GN 509 of 2016 as it relates to the NWA. The following structure is applicable to this report:

Section 1: Introduction

Provides an Introduction, the structure of this report and the assumptions and limitations.

Section 2: Project Description

Provides the location of the proposed development as well as a summary of the related activities.

Section 3: Assessment Approach

Provides the relevant methodology and definitions applicable to this report, a description of the sensitivity mapping and the risk assessment approach.

Section 4: Desktop Assessment Results

Reports on the findings from the relevant national, provincial and municipal datasets (such as the National Freshwater Ecosystem Priority Areas [NFEPA], 2011 database; the Western Cape Biodiversity Spatial Plan database (2017) and the National Biodiversity Assessment (2018)), were undertaken to aid in defining the PES and EIS of freshwater ecosystems.

Section 5: Site Based Freshwater Assessment Results

This section reports the following:



- A description and delineation of the freshwater ecosystems in the vicinity of the proposed development according to "Department of Water Affairs and Forestry (DWAF)¹ (2008)² : A practical Guideline Procedure for the Identification and Delineation of Wetlands and Riparian Zones";
- Delineation of all freshwater ecosystems (using desktop methods) within 500 m of the study area in accordance with GN 509 of 2016 as it relates to the NWA;
- The classification of freshwater hydrogeomorphic (HGM) types according to the Classification System for Wetlands and other Aquatic Ecosystems in South Africa. User Manual: Inland systems (Ollis *et al.*, 2013);
- The PES of the freshwater ecosystems according to the resource directed measures guideline as advocated by MacFarlane *et al.* (2020);
- The EIS of the freshwater ecosystems according to the method described by Rountree and Kotze (2013);
- The services provided by the freshwater ecosystems according to the method of Kotze *et al.* (2020) in which services to the ecology and to the people are assessed; and
- The allocation of a suitable Recommended Ecological Category (REC), Recommended Management Objective (RMO) and Best Attainable State (BAS) of the freshwater ecosystems based on the results obtained from the PES, Ecoservices and EIS assessments.

Section 6: Legislative Requirements

Provides the applicable legislative requirements based on the findings from Section 5 and indicates any applicable zones of regulation that may trigger various authorisation requirements.

Section 7: Risk Assessment

Provides the outcomes of the DWS Risk Assessment Matrix which highlight all potential impacts that may affect the freshwater ecosystems. Management and mitigation measures are provided and an assessment on the reversibility of the impact which should be implemented during the construction and operational phases of the proposed development in order to assist in minimising the impact on the receiving environment.

Section 8: Conclusion

Summarises the key findings and recommendations based on the risk assessment outcomes.

¹ The Department of Water Affairs and Forestry (DWAF) was formerly known as the Department of Water Affairs (DWA). At present, the Department is known as the Department of Water and Sanitation (DWS). For the purposes of referencing in this report, the name under which the Department was known during the time of publication of reference material, will be used.

² Although an updated manual is available since 2008 (Updated Manual for the Identification and Delineation of Wetlands and Riparian Areas). This is still considered a draft document currently under review.



1.3 Assumptions and Limitations

The following assumptions and limitations are applicable to this report:

- The determination of any freshwater ecosystems is confined to physical delineation within the study area, and desktop delineation (using aerial photography and digital satellite imagery) in the broader investigation area, and is based on a single site visit undertaken on the 28th of October 2022 during the Phase 1 verification study. The broader extent of freshwater ecosystems will be considered when describing the impact of the catchment on the freshwater ecosystem that was identified in the study area (where and if applicable);
- It must be acknowledged that the study area has a long history of agricultural land use which may confound or obscure freshwater delineations;
- Global Positioning System (GPS) technology is inherently somewhat inaccurate, and some inaccuracies due to the use of handheld GPS instrumentation may occur; however, the delineations as provided in this report are deemed appropriately accurate to fulfil the authorisation requirements;
- Wetlands and/or riparian watercourses and terrestrial zones create transitional areas where an ecotone is formed as vegetation species change from terrestrial to obligate/facultative wetland or riparian species. Within this transition zone, some variation of opinion on the freshwater ecosystem boundaries may occur. However, if the Department of Water Affairs and Forestry (DWAF) (2008) method is followed, all assessors should get largely similar results; and
- With ecology being dynamic and complex, certain aspects (some of which may be important) may have been overlooked. The freshwater ecosystem delineation as presented in this report is, however, regarded as the best estimate of the boundaries based on the site conditions present at the time of the site visit and are deemed appropriately accurate to guide any future development plans.

2 PROJECT DESCRIPTION

The proponent wishes to rebuild a dilapidated house, repair another house and build several self-catering barrel units according to the below options (See Figure 3):

- Option 1 – 15 barrel units spread across the valley floor, valley slope and impoundment wall
- Option 2 – 11 barrel units spread out across the valley floor and slope
- Option 3 – 10 barrel units spread out across the valley slope

The barrel units will be serviced with sewerage infrastructure, fitted with an above ground conservancy tank and supported either by placement on top of concrete slabs (7 m long x 3 m wide x 0.2 m high) which is the proponents preferred option over wooden stilts that would be sunk into the ground.



FEN 22-5081

May 2023

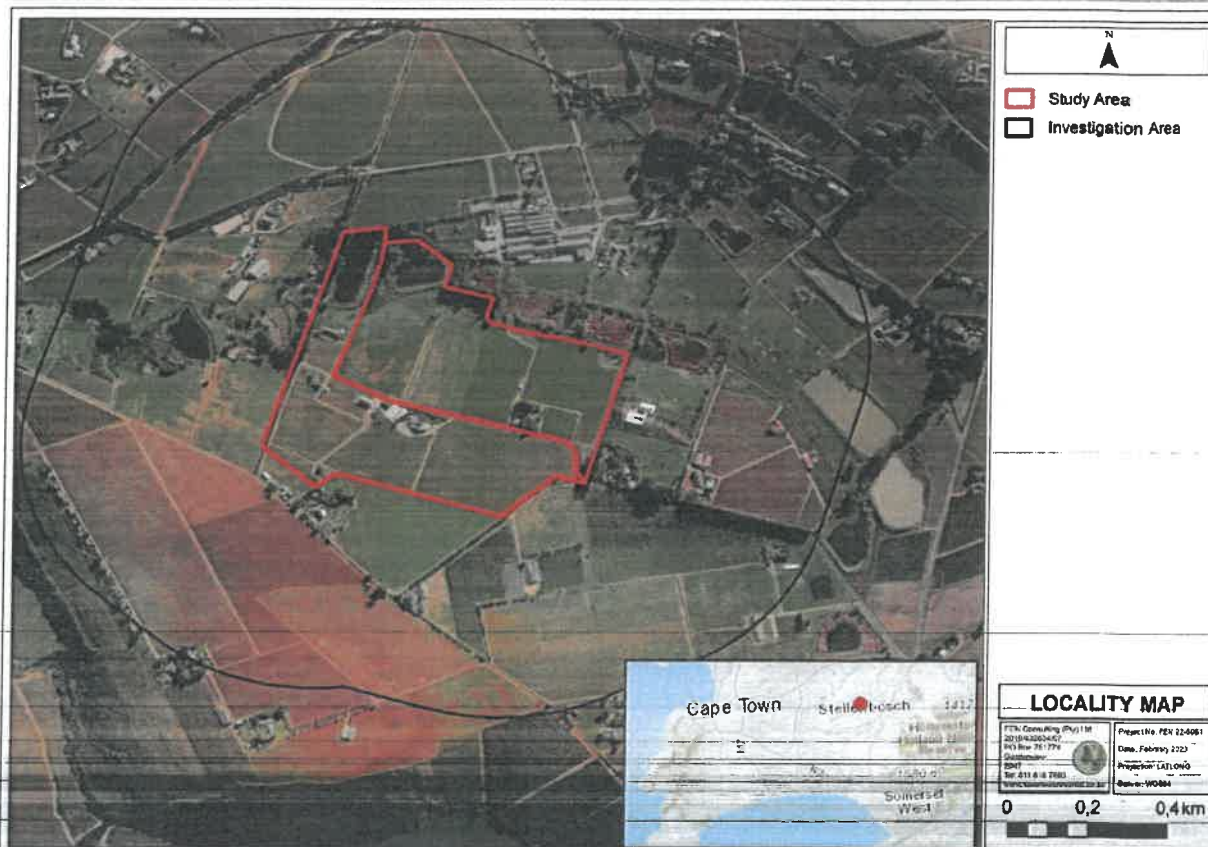


Figure 1: Digital satellite image depicting the study and investigation areas in relation to the surrounding area.

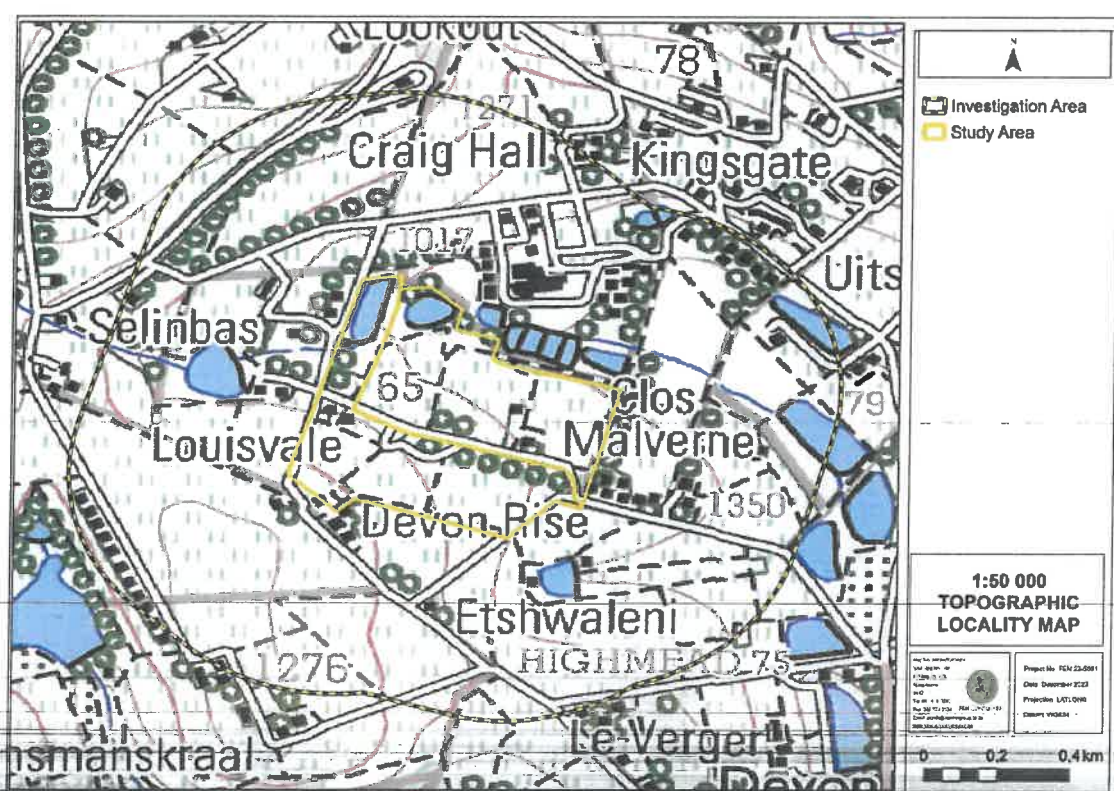


Figure 2: Location of the study and investigation areas depicted on a 1:50 000 topographical map, in relation to surrounding area.

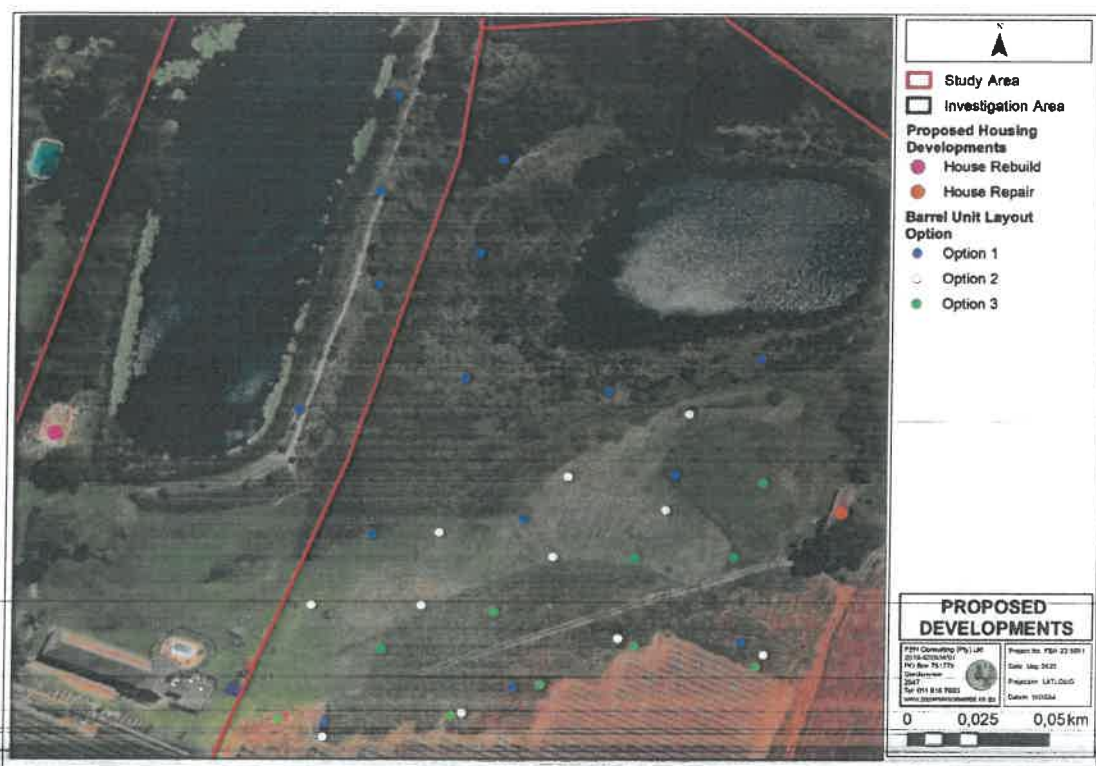


Figure 3: Location of the house repair, house reconstruction and barrel unit location options.

3 ASSESSMENT APPROACH

3.1 Field Verification

For the purposes of this investigation, the definitions of a watercourse and wetland and riparian habitat as per that in the NWA were considered. The definitions are as follows:

A watercourse means:

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently;
- (c) a wetland, lake or dam into which, or from which, water flows; and
- (d) any collection of water which the Minister may, by notice in the *Gazette*, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks.

It should be noted that in this report "freshwater ecosystem" is used and carries the same meaning as "watercourse" as defined by the NWA.

Wetland habitat is "land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil."

Riparian habitat includes the physical structure and associated vegetation of the areas associated with a watercourse which are commonly characterized by alluvial soil, and which are inundated or flooded to an extent and with a frequency sufficient to support vegetation of species with a composition and physical structure **distinct** from those of adjacent areas.

A field verification was undertaken in October 2022 (Western Cape spring period); during which the presence of any watercourse characteristics as defined by DWAF (2008) or wetland and riparian habitats as defined by the NWA were noted (please refer to Section 4 and 5 of this report). The delineations took place according to the method presented in the "Updated manual for the identification and delineation of wetland and riparian resources" (DWAF, 2008). This method is underpinned by several freshwater ecosystem distinguishing factors, including the following:

- Landscape position;
- The presence of water at or near the ground surface;
- Distinctive hydromorphic soil;
- Vegetation adapted to saturated soil; and
- The presence of alluvial soil in stream systems.

In addition to the delineation process, detailed assessment of the delineated freshwater ecosystems was undertaken, at which time factors affecting the integrity of the freshwater ecosystem were taken into consideration which aided in the determination of the functioning and the ecological and socio-cultural services provided by the freshwater ecosystem. A detailed explanation of the methods of assessment undertaken is provided in **Appendix C** of this report.

3.2 Sensitivity Mapping

The freshwater ecosystems associated with the study and investigation areas were delineated on a desktop basis using digital satellite imagery. Geographic Information System (GIS) was used to project these features onto digital satellite imagery and topographic maps. The sensitivity map is presented in Section 6 of this report and should guide the final layout for the proposed development.



3.3 Risk Assessment and Recommendations

Following the completion of the ecological assessments, a risk assessment was conducted (please refer to the method of approach and definitions in **Appendix D and F**). Mitigation recommendations associated with the proposed development together with general management measures applicable to the construction and operational activities are discussed in Section 7 and 8 of this report, while the general management measures which are considered to be best practice mitigation applicable to this project, are outlined in **Appendix F**.

4 RESULTS OF THE DESKTOP ANALYSIS

4.1 Analyses of Relevant Databases

The following section contains data accessed as part of the desktop assessment and presented as a "dashboard-style" report below (Table 1). The dashboard report aims to present concise summaries of the data on as few pages as possible to allow for integration of results by the reader to take place. Where required, further discussion and interpretation are provided.

It is important to note that although all data sources used provide useful and often verifiable, high-quality data, the various databases used do not always provide an entirely accurate indication of the actual site characteristics associated with the proposed development at the scale required to inform the EA and/or WUA processes. Given these limitations, this information is considered useful as background information to the study, is important in legislative contextualisation of the risks and impacts and was thus used as a guideline to inform the assessment and to focus on areas and aspects of increased conservation importance during the field survey. It must, however, be noted that site verification of key areas may potentially contradict the information contained in the relevant databases, in which case the site verified information must carry more weight in the decision-making process.



Table 1: Desktop data relating to the characteristics of the study area and surroundings.

Aquatic ecoregion and sub-regions in which the study area is located		Detail of the study area in terms of the National Freshwater Ecosystem Priority Area (NFEPA) (2011) database	
Ecoregion	Southern Coastal Belt	FEPACODE	The study area is not designated as a Freshwater Ecosystem Priority Area.
Catchment	Berg/Bot/Potberg	NFEPA	According to the NFEPA Database, several artificial wetlands (impoundments) occur within the study area and broader investigation area, which is confirmed by the National Biodiversity Assessment (NBA) Artificial Wetlands Database. Natural wetlands surround these impoundments and are designated to be in a heavily or critically modified ecological condition.
Quaternary Catchment	G22H	Wetlands (Figure 6)	
WMA	Berg	Wetland	
subWMA	Greater Cape Town	Vegetation Type	The study area is situated within the West Coast Granite Renosterveld according to the NFEPA database which is a Critically Endangered Wetland Vegetation Type as indicated by Mbona <i>et al.</i> (2015).
Dominant characteristics of the Southern Coastal Belt Ecoregion Level II (24.06) (Kleynhans <i>et al.</i> , 2007)		NFEPA Rivers	As per the NFEPA database, no rivers are indicated to be within the study area or associated investigation area. The Eerste River is located ~ 5.3 km south of the study area and indicated by NFEPA to be in a seriously Modified (RIVCON = E) ecological condition.
Level II Code	24.06	Importance of the study area according to the Western Cape Biodiversity Spatial Plan (WCBSP) (2017) (Figure 7)	
Dominant primary terrain morphology	Hills, Plains	Critical Biodiversity Areas	Small patches of the study area and its associated investigation area in the south and north are indicated as aquatic CBA 1 areas. CBAs are areas in a natural condition of high biodiversity and ecological value and need to be kept in a natural or near natural state, with no further loss of habitat or species to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.
Dominant primary vegetation types	Mountain Fynbos, Sand Plain Fynbos	Ecological Support Areas (ESA) 1 and 2	Portions of the study area and portions of the investigation area are indicated as ESA 2 (Restore from other land use). ESAs are areas that are not essential for meeting biodiversity targets, but play an important role in supporting the functioning of Protected Areas (PAs) or CBAs and are often vital for delivering system services. ESA1s are likely to be functional while ESA2s are severely degraded/have no natural cover remaining and require restoration.
Altitude (m a.m.s.l.)	100 - 1100	National Biodiversity Assessment (2018): South African Inventory of Inland Aquatic Ecosystems (SAIIAE) (Figure 8)	
MAP (mm)	500 - 800	According to the NBA 2018: SAIIAE database, no natural wetland features occur within the study area and associated investigation area. Multiple dams within the study area and the investigation area are indicated by the database as Artificial Wetlands. No NBA rivers are indicated to be within the study area or associated investigation area. The Eerste River is located ~ 5.3 km south of the study area and is indicated by the database to be in a Seriously Modified (RIVCON = E) ecological condition.	
The coefficient of Variation (% of MAP)	<20 - 30	Strategic Water Source Areas (2017) (Figure 5)	
Rainfall concentration index	30 - 55	Surface water SWSAs are defined as areas of land that supply a disproportionate (i.e., relatively large) quantity of mean annual surface water runoff in relation to their size. They include transboundary areas that extend into Lesotho and Swaziland. The sub-national Water Source Areas (WSAs) are not nationally strategic as defined in the report but were included to provide a complete coverage.	
Rainfall seasonality	Winter	Portions of the study area and investigation area are indicated to be within the Boland surface water Strategic Water Source Area	
Mean annual temp. (°C)	14 - 18	Land type Data	
Winter temperature (July)	6 to 18	The entire investigation area falls within the land type Ba47 – refer to Table 4 for a comprehensive description of the soil forms and horizons.	
Summer temperature (Feb)	14 to 28	National web-based Environmental Screening Tool (Accessed 2022) (Figure 4)	
Median annual simulated runoff (mm)	100 - >250	The screening tool is intended for pre-screening of sensitivities in the landscape to be assessed within the EIA process. This assists with implementing the migration hierarchy by allowing developers to adjust their proposed development footprint to avoid sensitive areas.	
Ecological Status of the most proximal sub-quaternary reach (DWS, 2014)		The southern half and tiny portions of the northern half of the study area are located in an area considered of very high aquatic biodiversity sensitivity, due to the study area being located within Aquatic CBAs and within a Strategic Water Source Area	
Sub-quaternary reach	G222H-09189 (Eerste River)		
Reach Distance from the study area	~ 5.3 km south of study area		
Assessed by an expert?	Yes		
PES Category Median	E (Seriously modified)		
Mean EI Class	Moderate		
Mean ES Class	High		
Stream Order	3		
Default Ecological Class (based on median PES and highest EI or ES mean)	B (High)		

CBA = Critical Biodiversity Areas; DWS = Department of Water and Sanitation; EI = Ecological Importance; ES = Ecological Sensitivity; ESA = Ecological Support Area; m.a.m.s.l = Meters Above Mean Sea Level; MAP = Mean Annual Precipitation; NFEPA = National Freshwater Ecosystem Priority Areas; UCVB; unchanneled valley bottom wetland; and WMA = Water Management Area



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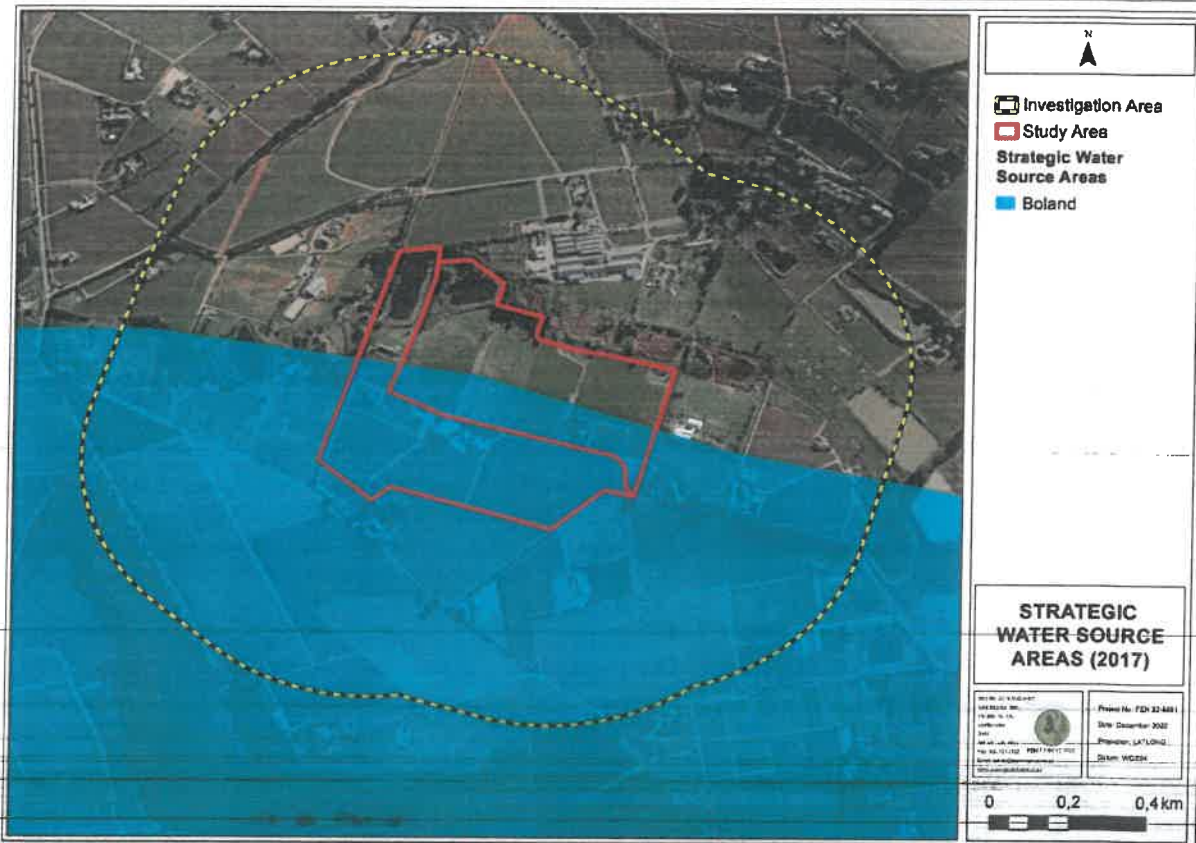


Figure 5: Strategic water source areas, indicating that the lower half of the study area falls within the Boland strategic surface water source area.

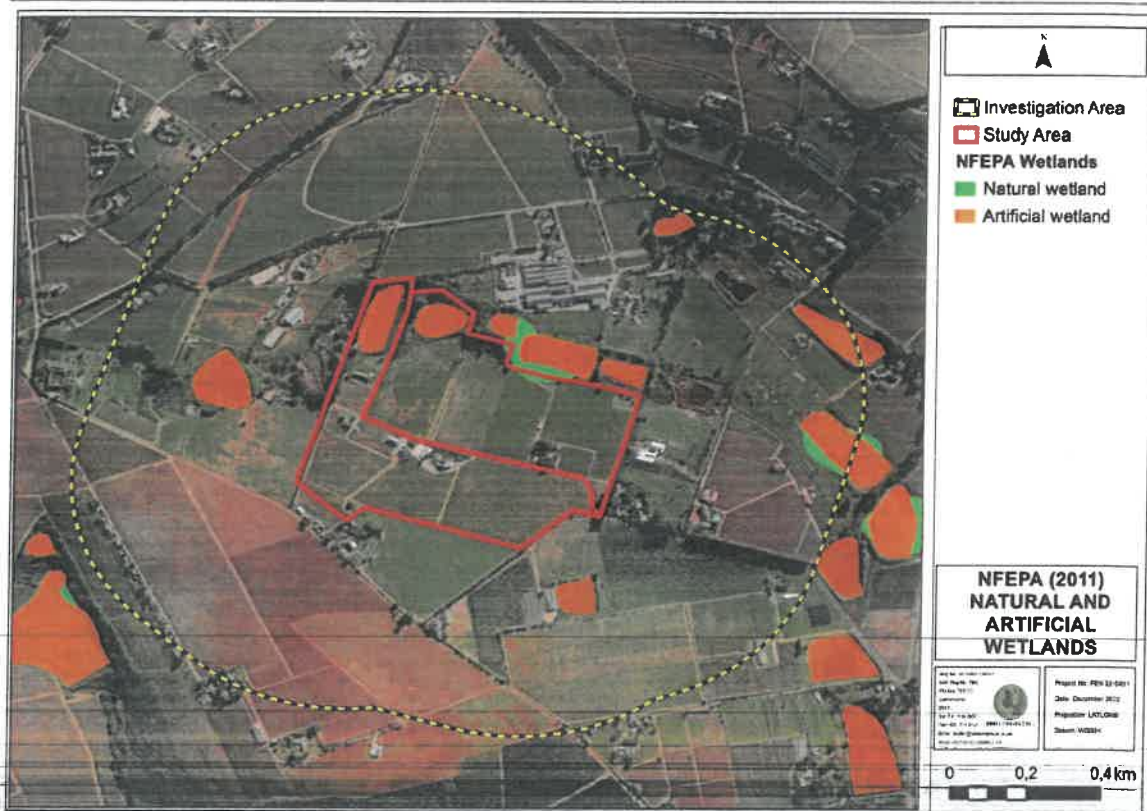


Figure 6: Natural and artificial wetlands and NFEPA listed rivers associated with the study and investigation areas as indicated by the NFEPA database (NFEPA, 2011).

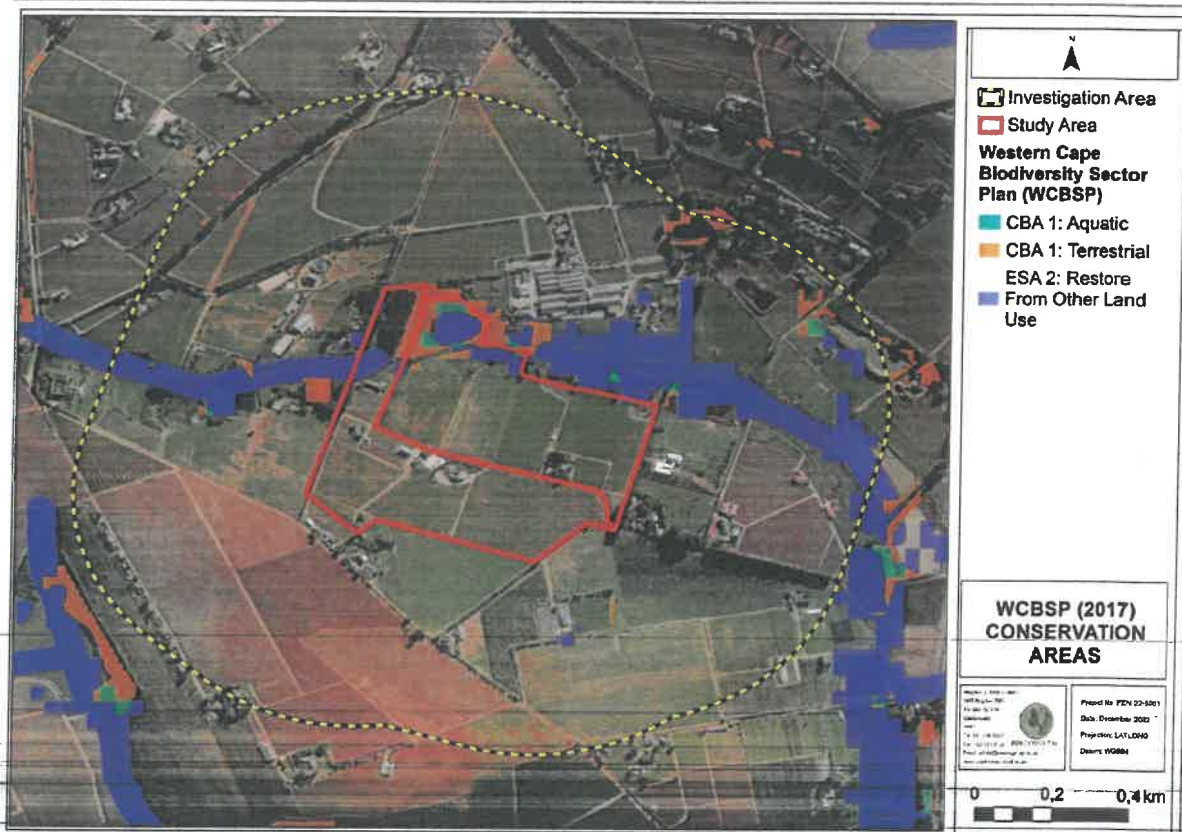


Figure 7: CBAs, ESAs and PAs within the study and investigation areas, as identified by the Western Cape Biodiversity Spatial Plan (2017).

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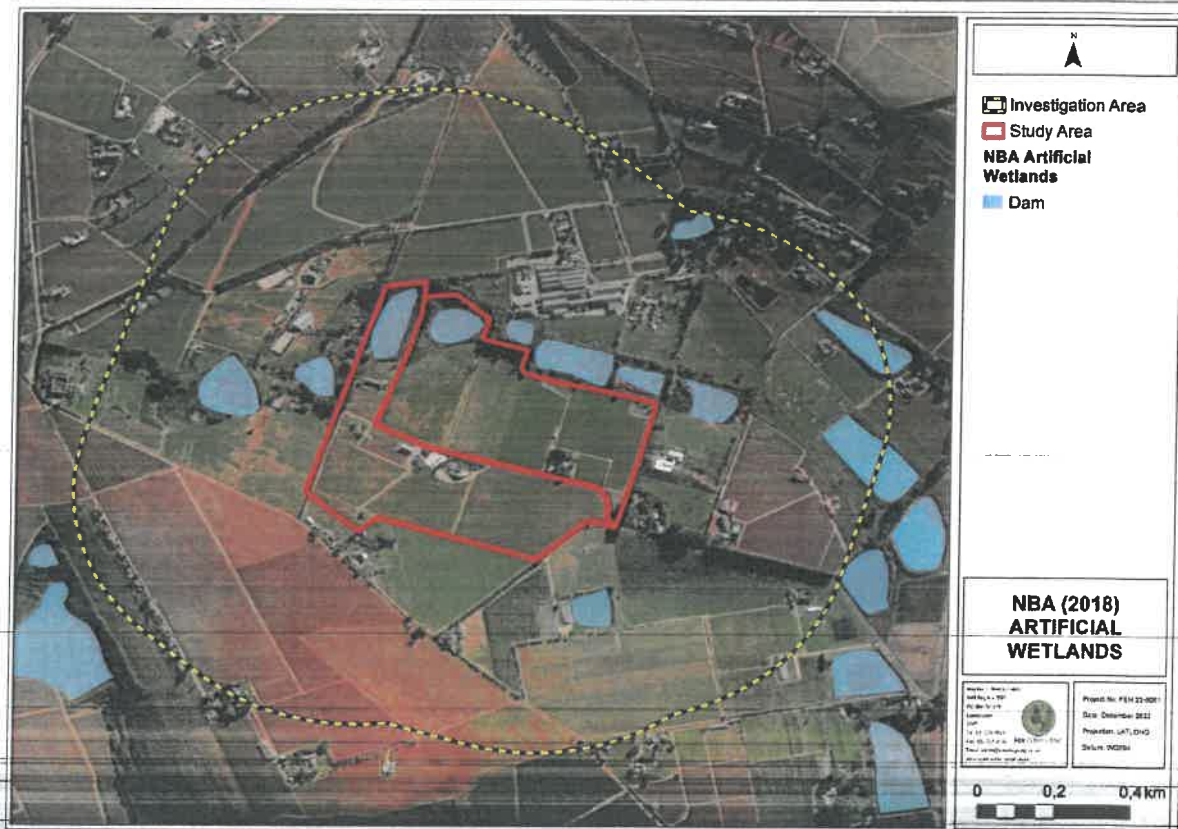


Figure 8: Freshwater ecosystem HGM types within the study and investigation areas, as identified by the National Biodiversity Assessment (2018)

5 RESULTS: FRESHWATER ECOLOGICAL ASSESSMENT

5.1 Analysis of available historical and recent aerial and digital satellite imagery

In preparation for the field assessment, aerial photographs, digital satellite imagery and provincial and national wetland databases (as outlined in Section 4 of this report) were used to identify points of interest in the surrounding area at a desktop level. Based on the historical aerial photographs (Figure 10), a diversity of digital signatures is identifiable that correspond with those displayed by freshwater ecosystems. In this regard, specific mention is made to the following:

- **Linear features:** Since water flows/moves through the landscape, surface water features often have a distinct linear element to their signature which makes them discernible on aerial photography or satellite imagery;
- **Vegetation associated with surface water features:** a distinct increase in density as well as shrub size near flow paths and areas of increasing wetness;
- **Hue:** water flow paths often show as white/grey or black and outcrops or bare soil displaying varying chroma created by varying vegetation cover, geology and soil conditions. Changes in the hue of vegetation with surface water feature vegetation often indicated on black and white images as areas of darker hue (dark grey and black). In colour imagery these areas mostly show up as darker green and olive colours or brighter green colours in relation to adjacent areas where there is less soil moisture or surface water present; and
- **Texture:** with areas displaying various textures, created by varying vegetation cover and soil conditions.

A review of historical aerial photography dating back to 1938 revealed a forked linear wet feature flowing eastwards through the study area through an agricultural (orchards and vineyards) landscape (Figure 9 A) The study area saw the collection of freshwater via two impoundments between 1953-1966 and during the years thereafter an additional network of impoundments within this wet feature were constructed, outside and east of the study area, all of which are operational today. Throughout the years the catchment has remained purposed to agriculture (mostly vineyards) and there has been an increase in building infrastructure within the catchment of this wet feature (Figure 9 B), as can be seen in December 2022 Google Earth digital satellite imagery.



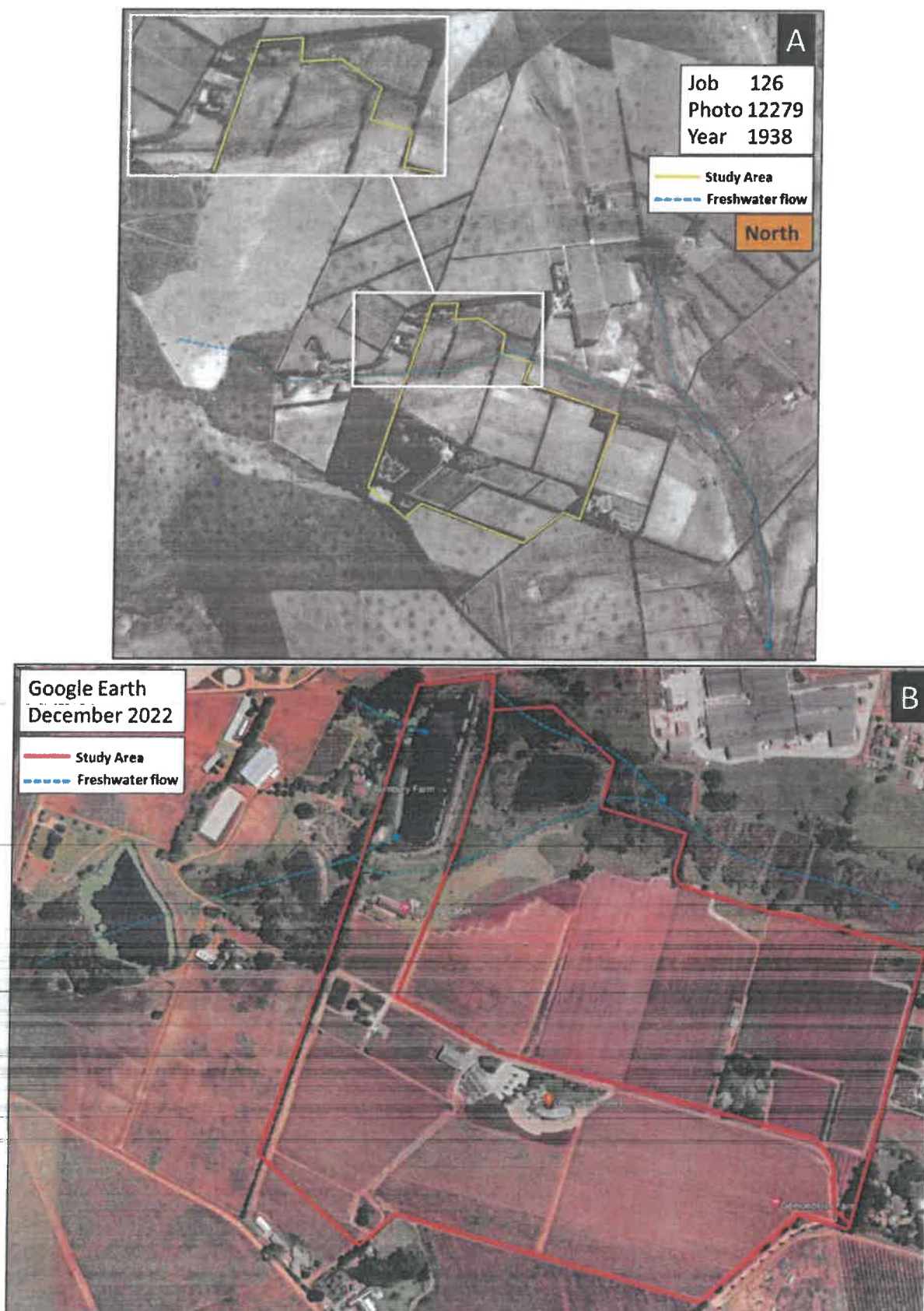


Figure 9: Historic aerial photography depicting a forked linear wet feature flowing eastwards through the study area (A) which has become impounded (B) over the years.



5.2 Freshwater Ecosystem Delineation

Points of interest were verified on the 28th of October 2022 and delineated using a mixture of physical (DWAF (2008) and Job (2009) soil characteristic guidelines) and desktop (digital satellite imagery) delineation indicators - the latter where mobility became challenged. The DWAF (2008) delineation guidelines require the following freshwater features to be considered:

Riparian and non-riparian areas

- Terrain units in terms of topography and elevation are used to determine in which parts of the landscape a freshwater ecosystem is most likely to occur;
- Flowing surface water can be used to determine the active zone; and
- The presence of alluvial soil or a distinct change in topography is used to define the channel edge of riverine systems without riparian vegetation, this vegetation which defines the outer boundary of riparian areas.

Wetlands

- Terrain units in terms of topography and elevation are used to determine in which parts of the landscape a freshwater ecosystem is most likely to occur;
- Obligate and facultative vegetation species could be used in conjunction with terrain units as well as the point where a distinct change in the vegetation composition is observed, to determine the boundary of a wetland;
- Soil form indicators are used to determine the presence of soil that is associated with prolonged and frequent saturation and a fluctuating water table within 50 cm of the land surface; and
- Soil hydrogeomorphic features such as mottling, gleying and streaking can be used to identify soil which regularly experience fluctuations in the water table, are well drained or remain waterlogged for extended periods of time.

It should be noted that for an area to be identified as a freshwater ecosystem, at least two of the above indicators per riparian/non riparian area or wetland should be present (*Pers Comm Prof. F. Ellery*).

The following freshwater ecosystems were identified, as depicted on the freshwater ecosystem delineation maps that follow (Figures 11). Refer to the relevant photos as indicated below.

- Within the study area:
 - The linear wet feature as observed on the historical and latest digital satellite imagery (Figure 9) was identified as an UCVB wetland (Figures 13 and 15); and
 - The artificial impoundments within the study area as indicated by the NFEPA (2011) and NBA (2018) Databases (Figures 6 and 8), were confirmed to be present (Figure 15).
- Outside the study area, within the investigation area:
 - Hillslope seep wetlands were identified that feed the UCVB wetland; and
 - The network of impoundments within the UCVB wetland was confirmed.

Evidence of the delineation indicators for the UCVB wetland according to the above delineation guidelines is provided below.



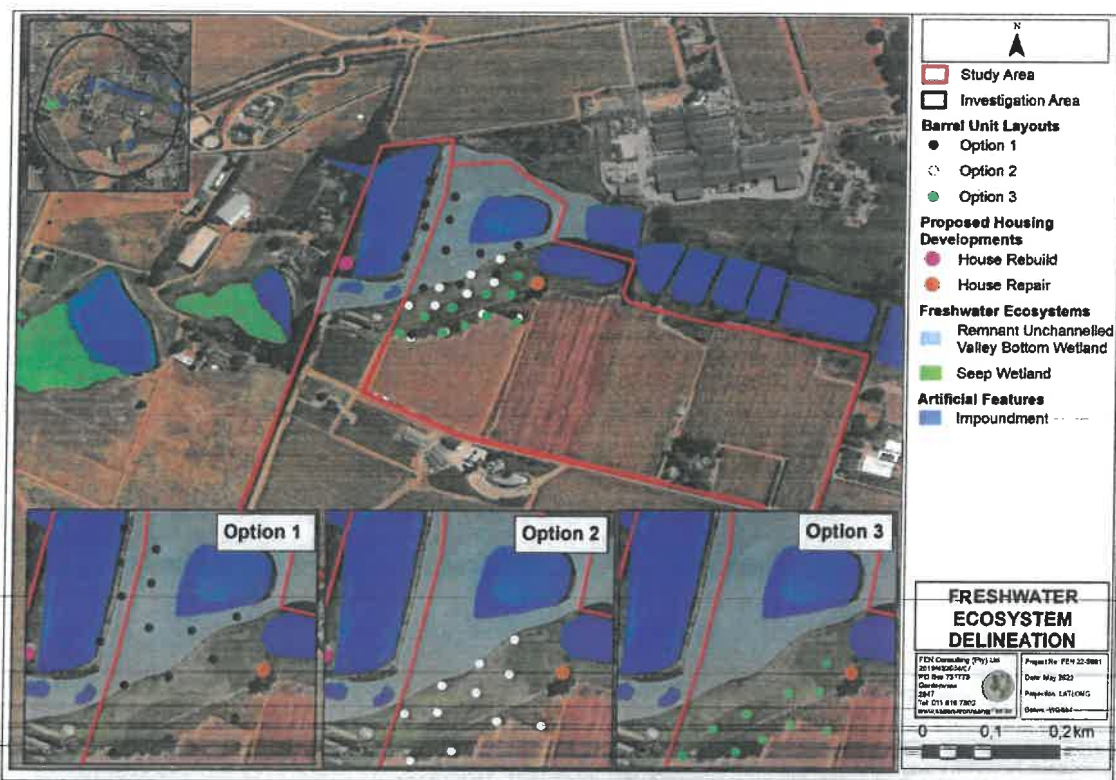


Figure 10: Freshwater ecosystem delineation in relation to the barrel unit locations.

- **Terrain units** were used to determine in which part of the landscape freshwater ecosystems would most likely occur. The identified UCVB wetland occurs at the valley base and flows in an easterly direction which is evidenced in the elevation profiles and supporting Google Earth digital satellite image (Figure 11 A - C).

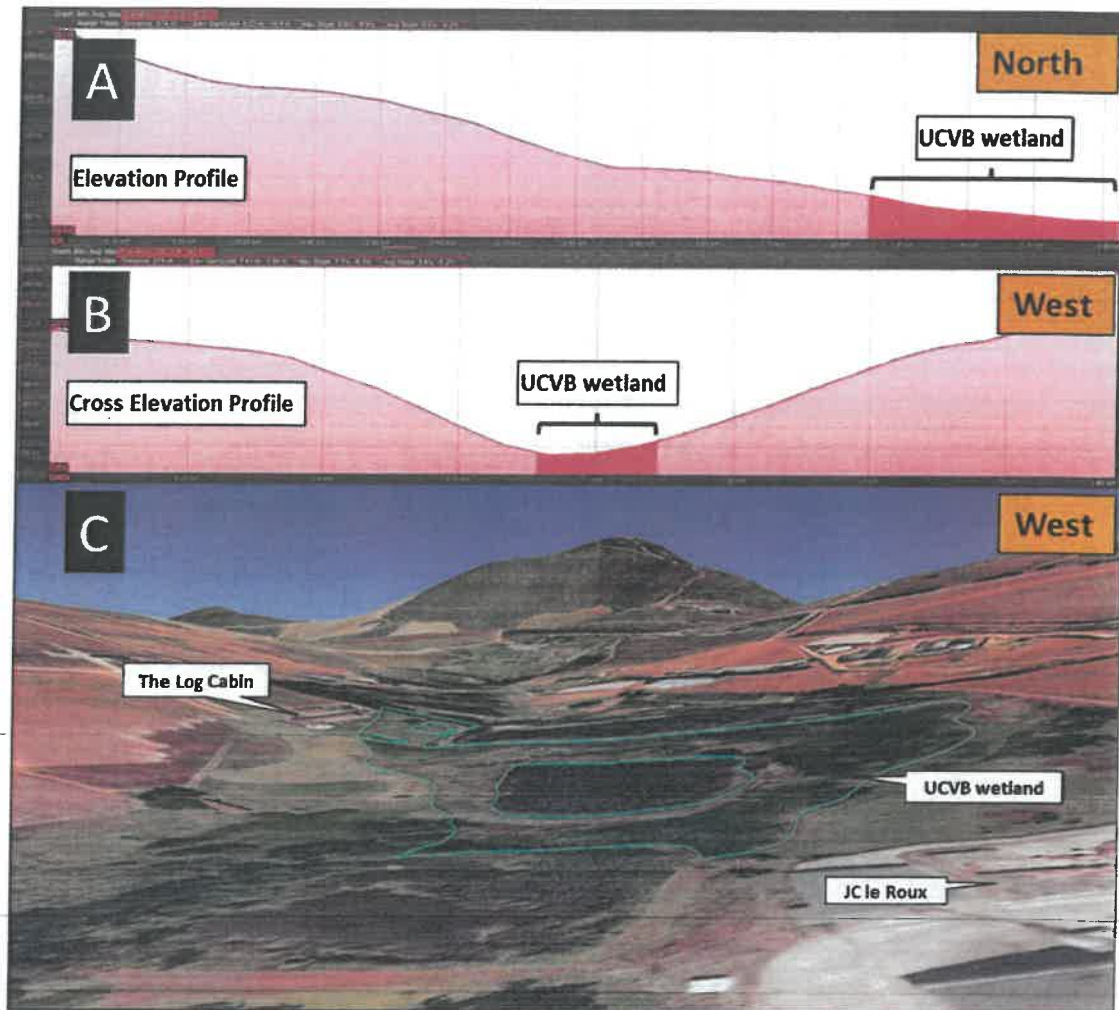


Figure 11: Elevation (A) and cross elevation profiles (B), including a digital image (C) (Google Earth) depicting the slope and valley bottom position in which the UCVB wetland has formed.

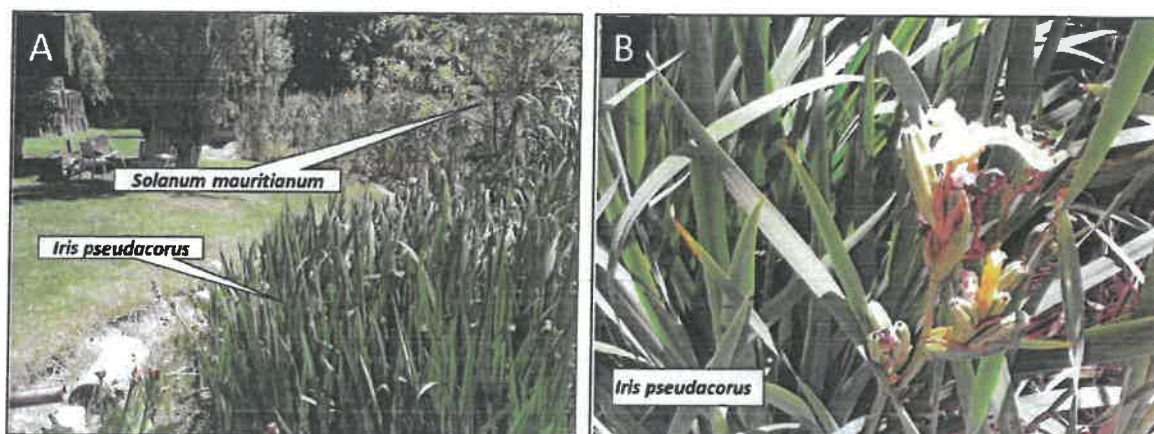
- **Obligate and facultative vegetation species** associated with areas where a distinct change between terrestrial and wetland vegetation occurs were used to determine the wetland boundary. Identification of facultative vegetation was limited in some areas due to some of the UCVB wetland portions having undergone landscaping and scheduled mowing. Please refer to Table 2 for the list of plant species identified and Figures 12 and 13 for the photographs.



Table 2: Obligate and facultative wetland species associated with the UCVB wetland within the study area.

Scientific Name	Common Name	Aquatic Plant Category	Wetland Plant Type	Red Data Status/Alien status
<i>Pteridium aquilinum</i>	Bracken fern	Wet Terrestrial - rooted close to or in damp to wet areas	Facultative wetland	Indigenous - Least Concern
<i>Zantedeschia aethiopica</i>	Arum lily		Obligate wetland	Indigenous - Least Concern
<i>Canna indica</i>	Indian Shot		Obligate wetland	Alien – NEMBA Level 1b ³
<i>Lantana camara</i>	Tickberry		Obligate Wetland	Alien – NEMBA Level 1b
<i>Typha capensis</i>	Bulrush		Obligate Wetland	Indigenous - Least Concern
<i>Solanum mauritianum</i>	Bugweed		Facultative wetland (cf)	Alien – NEMBA Level 1b
<i>Iris pseudacorus</i>	Yellow Flag		Obligate Wetland	Alien – NEMBA Level 1a
<i>Paspalum dilatatum</i>	Millet Grass	Emergent, narrow leaved – rooted in substrate, stems, flowers and leaves emergent.	Obligate Wetland	Alien
<i>Pennisetum macrourum</i>	Riverbed grass		Obligate Wetland	Indigenous - Least Concern

Pennisetum macrourum, *Solanum mauritianum* and *Iris pseudacorus* were identified within some of the landscaped areas of the wetland (Figure 12). *Solanum mauritianum* and *Iris pseudacorus* are considered level 1 b and level 1a invasive alien species respectively that require immediate clearing for the protection of the environment.

**Figure 12: Alien invasive species within the landscaped portions of the UCVB wetland.**

³ Category 1a and 1b are invasive species requiring compulsory control as part of an invasive species control programme. Remove and destroy. These plants are deemed to have such a high invasive potential that infestations can qualify to be placed under a government sponsored invasive species management programme. No permits will be issued.



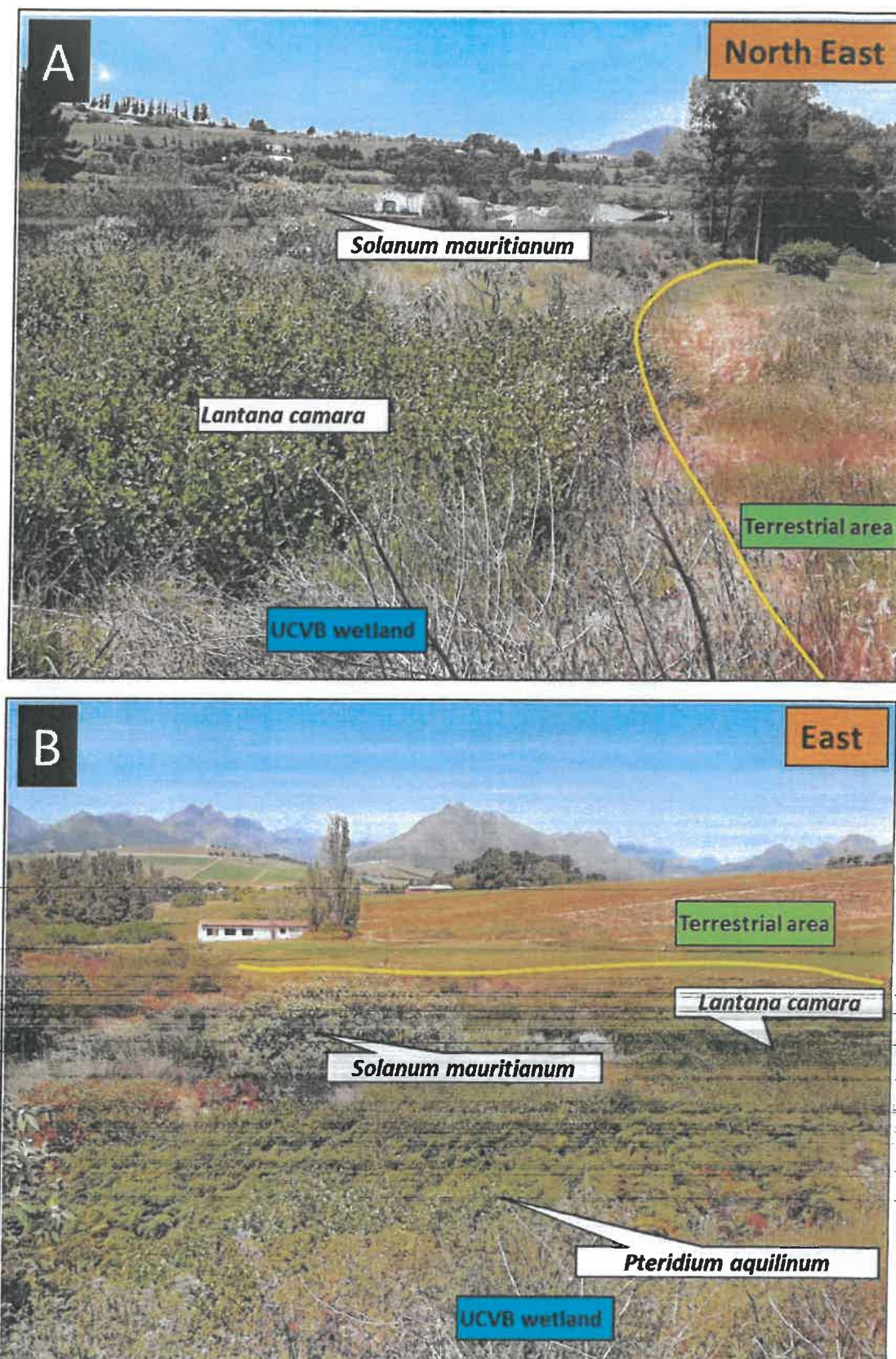


Figure 13: Wetland plant species observed A) along the southern border of the UCVB wetland and B) between the impoundments.



- **Soil hydrogeomorphic features** indicative of wetlands such as mottling and streaking are telling of seasonal saturation, and therefore, alternating periods of reduction and oxidation which causes minerals to precipitate out of solution (mottle), or organic matter to be leached out of infiltration routes (streaking). Gleying indicates waterlogged soil for prolonged periods, causing a sufficient state of reduction which creates their characteristic blue or green tint. According to DWAF (2005), these hydrogeomorphic features can be identified within the following soil forms (Table 3).

Table 3: Soil forms as an indicator of wetland presence (DWAF 2005).

Always indicative of wetlands	Potentially indicative of wetlands
Champagne, Katspruit, Willowbrook and Rensburg	<p>Signs of wetness are incorporated at the form level</p> <p>Avalon, Bainsvlei, Bloemdal, Cartref, Dresden, Estcourt, Fernwood, Glencoe, Kinkelbos, Klapmuts, Kroonstad, Longlands, Lamotte, Montagu, Pinedene, Sepane, Tukulu, Vilafontes, Wasbank, Westleigh, Witfontien</p> <p>Signs of wetness are incorporated at the family level</p> <p>Addo, Brandvlei, Dundee, Etosha, Glenrosa, Groenkop, Houwhoek, Inhoek, Jonkersberg, Kimberley, Molopo and Tsitsikamma</p>

The above soil forms have been mapped and provided in land type specification sheets which is used in conjunction with the Soil Classification Working Group (2018) which states that wetland soil typically occurs where an orthic (A horizon) overlays a yellow-brown apedal B horizon, E horizon or soft plinthic B horizon.

The investigation area falls within the Ba47 land type which is underlain by the following soil forms and diagnostic horizons, most of which may lead to the formation of wetlands as per the Soil Classification Working Group (2018).

Table 4: Soil forms, diagnostic horizons and texture classes as per the Ba47 landtype within which the investigation area falls. (co = consolidated, Sa = sand, Lm = Loam, Cl = clay).

Soil Form	Horizon, Depth and thickness (mm)	Top Soil	Subsoil		Soil Texture Class and (%) clay in subsoil	% Land Type
Avalon	B: 600-900	Orthic A	Yellow-Brown Apedal B	Soft Plinthic B	coSaLm-SaCILm (10-25)	4.9
Bainsvlei	B: 600-900	Orthic A	Red Apedal B	Soft Plinthic B	coSaLm-CILm (15-35)	5.2
Westleigh	B: 300-500	Orthic A	Soft Plinthic B		coSaLm-SaCILm (10-25)	6.5
Cartref	E: 250-450	Orthic A	E	Lithocutanic B	coSaLm-SaCILm (10-25)	5.4
Longlands	E: 600-1000	Orthic A	E	Soft Plinthic B	coSa-SaLm (3-15)	2.0
Dundee	A: 800-1200+	Orthic A	Stratified Alluvium		LmcoSa-SaLm (5-15)	0.9
Glenrosa	A: 300-600	Orthic A	Lithocutanic B		coSaLm-SaCILm (10-25)	7.8

According to the Soil Classification System (SCS) spatial layer for hydrological soil groups, the investigation area is underlain by a Class C soil which represents sandy clay loam (Figure 14) with the following proportions between sand, silt and clay (clay ≥ 20 AND clay < 35 , AND silt < 28 AND sand > 45) (Abraham *et al.*, 2019). Class C soil have low infiltration rates and restricted permeabilities and vary from moderate to moderately high inherent runoff potential (Schulze *et al.*, 1992). The hydrology of these soil is therefore best described as shallow interflow where the textural discontinuity between the A and B/E horizons facilitates the build-up of water in the top soil.



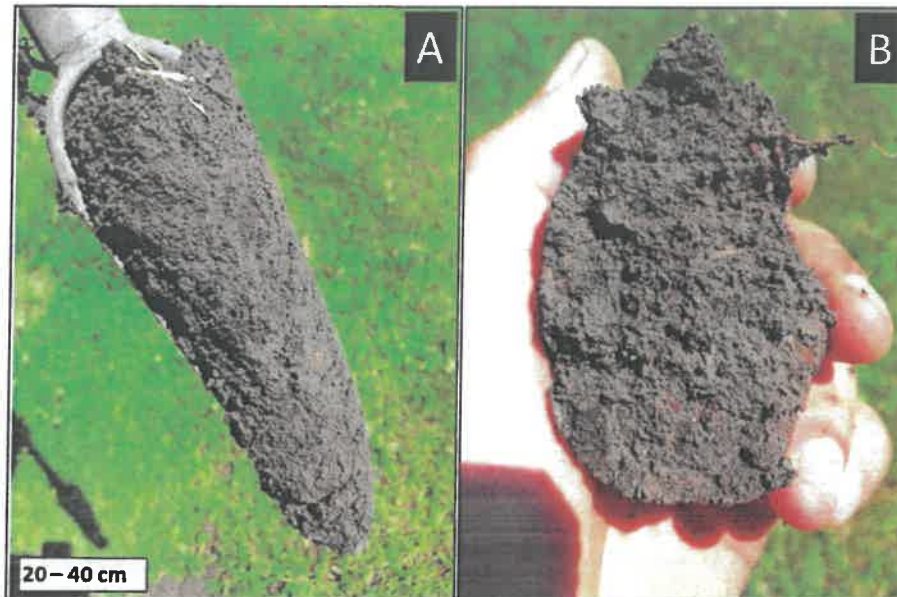


Figure 14: Redoximorphic soil of the UCVB wetland illustrating A) a damp mineral-dominated soil and B) the presence of mottling, indicative of seasonally saturated soil conditions.

5.3 Freshwater Ecosystem Classification

The UCVB wetland associated with the proposed development was classified according to the Classification System outlined in **Appendix C** of this report as an Inland System falling within the Southern Coastal Belt Ecoregion and the West Coast Granite Renosterveld WetVeg group. Table 5 below presents the classification from level 3 to 4 of the Wetland Classification System.

Table 5: Wetland classification within the study area according to Ollis *et al.* (2013)

Freshwater Ecosystem	Level 3: Landscape Unit	Level 4: Hydrogeomorphic (HGM) Type
Unchanneled Valley Bottom Wetland	Valley Floor: the base of a valley, situated between two distinct valley side-slopes, where alluvial or fluvial processes typically dominate.	A valley-bottom-wetland located on the valley-floor without a river channel running through it. Water inputs are dominated by diffuse flows which are formed when a river channel loses confinement and spreads out over a wider area, causing the concentrated flow associated with the river channel to change to diffuse flow (i.e., the river becomes an unchannelled valley-bottom wetland). This is typically due to a change in gradient brought about by a change in base level at the downstream edge of the wetland and the resulting accumulation of sediment or an unchannelled valley-bottom wetland could occur at the downstream end of a seep, where a slope grades into a valley near the head of a drainage line. There may also be groundwater input into the wetland. Water characteristically moves through the wetland in the form of diffuse surface or subsurface flow, but the outflow may be in the form of either diffuse or concentrated surface flow.

5.4 Freshwater Ecosystem Assessment

The freshwater ecosystem assessment is provided below in Table 6, which provides a summary of the field verification findings in terms of relevant aspects (hydrology, geomorphology and vegetation components) associated with the UCVB wetland. The details pertaining to the methodology used to assess the UCVB wetland is contained in Appendix C and the assessment results are provided in Appendix E.



Table 6: Summary of the assessment of the UCVB wetland.

Figure 15: A view north and north east of the UCVB wetland that is evident south of the impoundments as well as between them. The yellow line indicates the wetland boundary.

WET-Health Discussion

WET-Health PES Category: E (Seriously Modified)

A seriously modified ecological condition was determined due to the landuse changes within the 200 m wetland buffer accommodating mostly alien invasive vegetation, with the broader catchment being purposed to agriculture. Catchment hardening together with impoundment of this wetland and the associated alien invasive and disturbance vegetation response are largely responsible for the PES impact scores below.

PES Assessment	Hydrology	Geomorphology	Water Quality	Vegetation
Impact Score	8.6	4	3.1	8
PES Score (%)	14%	60%	69%	20%
Ecological Category	F	D	C	E

Combined PES Score (%)	32%
Combined Ecological Category	E – Seriously Modified

Freshwater ecosystem Characteristics

Hydrological regime

The hydrology is considered critically modified (PES Class F) due to impoundment of the majority of upstream flow, which is released slowly as impoundment seepage. A portion of the hydrological budget bypasses the impoundment in feed as interflow but together with the impoundment seepage does not nearly align to the natural hydrological signature in terms of the timing, duration, frequency and volume of freshwater flows for this UCVB wetland. The alien invasive vegetation that has established is expected to further decrease available freshwater in and downstream of this wetland, through evaporative losses.

Geomorphology and sediment balance

The geomorphology and sediment balance are considered largely modified (PES Class D) due to the decreased diffuse spread of sediment across the wetland floor from upstream flows, considering that sediment is being trapped in the impoundment. Conversely, an increase in sediment supply from lateral inputs (considering that the catchment is purposed to agriculture) is expected during high surface runoff events. These impacts have largely altered sediment distribution and retention patterns in the wetland.

Habitat and biota

The listed vegetation species in Table 2 above indicate that the majority of species categorise as level 1a or level 1b alien invaders and must be eradicated. The wet terrestrial habitat these species are found in suggests that the soil are damp or even wet, but does not flood, unlike what was expected prior to impoundment. Nevertheless, the majority of species are deemed to be obligates, meaning they are found in wetland habitat > 99% of the time.

Water Quality

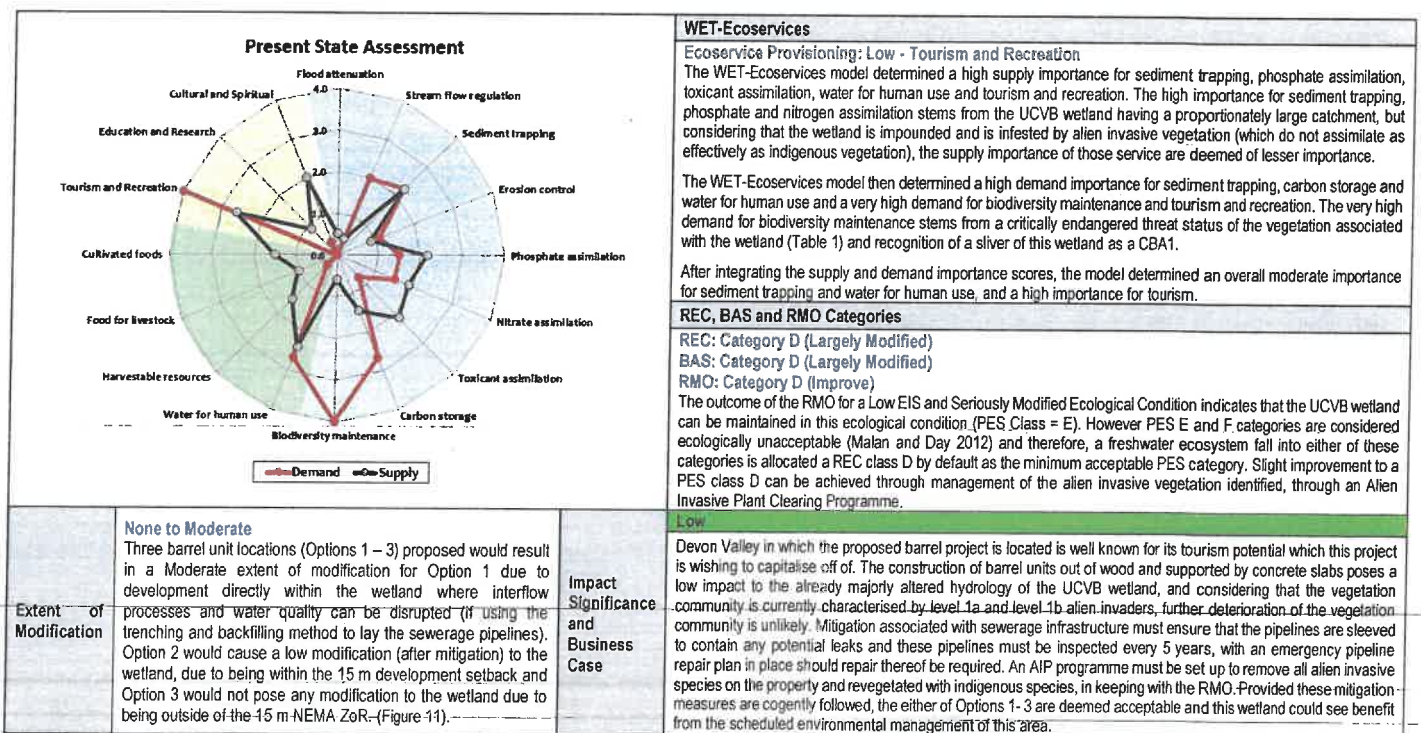
The water quality as tabulated below indicates slightly elevated pH, salinity, total dissolved solids (TDS), highly elevated electrical conductivity (EC) – based on DWA (2011) and very low levels of dissolved oxygen (DO) – albeit typical of wetland systems, all presumably due the combination of freshwater stagnancy and increased chemical oxygen demand from inputs from the agricultural activities within the catchment.

pH	Salinity	TDS	EC	DO
7.7	920 ppm	1290 mg/l	200 mS/m	2.28 mg/l

EIS Discussion

EIS Category: Low

The overall low EIS was determined through designation of low Ecological Importance and Sensitivity, Hydrological/Functional Importance and Direct Human Benefits. Alien invasive and disturbance-tolerant vegetation infestation has occurred, despite this area being associated with a vegetation type that is critically endangered. Although a silver is recognised as a CBA1, the likelihood of harbouring unique species populations or red data species is highly unlikely. Moderate sensitivities to decreases in summer base flows are anticipated, considering that this wetland has already reached a new equilibrium as a result of impounding, as evidenced by the wet-terrestrial vegetation community. Despite the catchment mostly being purposed to agriculture (vineyards), the narrow buffer area provides partial protection from upland sediment and nutrient sources affording this wetland a moderate sensitivity to water quality changes. The impoundments have significantly decreased the flood attenuation and stream flow regulation abilities of this wetland, as has the alien plant community decreased the ability to assimilate nutrients and toxicants. These impoundments however provide an important water supply for irrigation and the general area is recognised for its aesthetic qualities and tourism potential.



6 LEGISLATIVE REQUIREMENTS

The following legislative requirements were considered during the assessment. A detailed description of these legislative requirements is presented in Appendix B of this report:

- The Constitution of the Republic of South Africa, 1996⁴;
- The National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended (NEMA);
- The National Water Act, 1998 (Act No. 36 of 1998) as amended (NWA);
- Government Notice 509 as published in the Government Gazette 40229 of 2016 as it relates to the National Water Act, 1998 (Act No. 36 of 1998); and

According to Macfarlane *et al.* (2015) the definition of a buffer zone is variable, depending on the purpose of the buffer zone, however, it is considered to be "a strip of land with a use, function or zoning specifically designed to protect one area of land against impacts from another". Buffer zones are considered to be important to provide protection of basic ecosystem processes (in this case, the protection of aquatic and wetland ecological services), reduce impacts on water resources arising from upstream activities (e.g., by removing or filtering sediment and pollutants), provision of habitat for aquatic and wetland species as well as for certain terrestrial species, and a range of ancillary societal benefits (Macfarlane *et al.*, 2015). It should be noted, however, that buffer zones are not considered to be effective mitigation against impacts such as hydrological changes arising from stream flow reduction, impoundments or abstraction, nor are they considered to be effective in the management of point-source discharges or contamination of groundwater, both of which require site-specific mitigation measures (Macfarlane *et al.*, 2015).

Legislative requirements were first taken into consideration when determining a suitable buffer zone for various freshwater ecosystems. The definition and motivation for a regulated zone of activity for the protection of the identified UCVB wetland can be summarised as follows:

Table 7: Articles of legislation and the relevant zones of regulation applicable to each article.

Regulatory authorisation	Zone of applicability
Water Use Authorisation Application in terms of the National Water Act, 1998 (Act No. 36 of 1998) Department of Water and Sanitation	<p>In accordance with General Notice 509 of 2016, a regulated area of a watercourse for section 21 (c) and 21 (i) of the National Water Act, 1998 (Act 36 of 1998) is defined as:</p> <ul style="list-style-type: none"> • the outer edge of the 1 in 100 year flood line and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam; • in the absence of a determined 1 in 100 year flood line or riparian area the area within 100 m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench; or • a 500m radius from the delineated boundary (extent) of any wetland or pan.

⁴ Since 1996, the Constitution has been amended by seventeen amendments acts. The Constitution is formally entitled the 'Constitution of the Republic of South Africa, 1996'. It was previously also numbered as if it were an Act of Parliament – Act No. 108 of 1996 – but since the passage of the Citation of Constitutional Laws Act, neither it nor the acts amending it are allocated act numbers.



Regulatory authorisation	Zone of applicability
<p>Listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) EIA Regulations (2014), as amended in 2017.</p> <p>Department of Environmental Affairs and Development Planning (DEADP)</p>	<p><u>Activities of Listing Notice 1 (GN 327) of the National Environmental Management Act, 1998 (Act No.107 of 1998) EIA regulations, 2014 (as amended)</u></p>
	<p>Activity 12: (Option 1 and Option 2) <i>The development of—</i> (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more,</i> <i>where such development occurs—;</i> a) <i>within a watercourse;</i> b) <i>in front of a development setback; or</i> c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p> <p>Activity 19: (Option 1) <i>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 m³ from</i> (a) <i>a watercourse</i></p>
	<p><u>Activities of Listing Notice 3 (GN 324) of the National Environmental Management Act, 1998 (Act No.107 of 1998) EIA regulations, 2014 (as amended) applicable to the Northern and Western Cape, outside of urban areas.</u></p> <p>Activity 12 (Option 1 and Option 2) <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></p> <p>Western Cape i) <i>within any critically endangered or endangered ecosystem listen 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> ii) <i>Within critical biodiversity areas identified in bioregional plans;</i> iii) <i>Within the littoral active zone or 100 metres inland from the 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;</i> iv) <i>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> v) <i>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>
	<p>Activity 14: (Option 1 and Option 2) <i>The development of—</i> (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</i> (ii) <i>infrastructure or structures with a physical footprint of 10 square metres or more;</i> <i>where such development occurs—</i> (a) <i>within a watercourse;</i> (b) <i>in front of a development setback; or</i> (c) <i>if no development setback has been adopted, within 32 metres of a watercourse.</i></p> <p>Western Cape: i) <i>Outside urban areas;</i> (bb) <i>National Protected Area Expansion Strategy Focus areas;</i> (ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>



As per Table 7 above, the following zones of regulation (ZoR) apply to the identified freshwater ecosystems within the study area and investigation area:

- A 32 m ZoR in accordance with NEMA was applied to all freshwater ecosystems (watercourses); and
- A 500 m ZoR in accordance with the NWA in terms of GN 509 was assigned to the UCVB wetland within the study area and the upgradient seep wetlands.

A 15 m development setback for the UCVB wetland was modelled using the Macfarlane *et al.* (2015) buffer tool which is deemed sufficient to afford the wetland sufficient protection from the proposed barrel unit developments.

Three barrel unit alternatives were provided with respect to their locations relative to the wetland, ZoRs and development setback buffer, which are tabulated below in Table 8 as follows:

Table 8: Barrel unit cluster options, summarising the number of barrels per location with respect to the wetland, ZoR and the development setback buffer.

Option	Within Wetland	Within 15 m Setback	Within 32 m NEMA ZoR	Outside 32 m NEMA ZoR
Option 1	7	4	1	3
Option 2		4	3	4
Option 3				10
House rebuild			1	
House Repair				1

The freshwater sensitivities for the various barrel unit locations are summarised below as follows:

- Very High – within the wetland;
- High – within the 15 m development setback;
- Moderate – outside the 15 m development setback but inside the 32 m NEMA ZoR; and
- Low – outside the 32 m NEMA ZoR.

The house repair falls outside of the 32 m NEMA ZoR, which warrants exception of the need to apply for EA with DEADP in terms of listed NEMA activities in Table 7 above. The house rebuild however falls within the 32 m NEMA ZoR which may require EA.

The proposed development falls within the 500 m GN 509 ZoR (NWA) of the UCVB wetland which would necessitate WUA from the DWS. Refer to section 7 for specific details.

The ZoRs are illustrated in conjunction with the delineated freshwater ecosystems in Figure 16 below.



7 RISK ASSESSMENT

Following the assessment of the UCVB wetland, the DWS specified Risk Assessment Matrix (as promulgated in GN509 of 2016) was applied to ascertain the significance of risk associated with the proposed development on the key drivers and receptors of the wetland.

7.1 Risk Assessment considerations and outcome

- The risk assessment was applied to the three barrel unit location alternatives as described in Section 2 and Table 8 and depicted in Figure 16;
- There are four key ecological risks on the assessed freshwater ecosystem that were assessed, namely:
 - Loss of surface water feature habitat and ecological structure resulting in impacts to biota;
 - Changes to the socio-cultural and service provision;
 - Impacts on the hydrology and sediment balance of the wetland; and
 - Impacts on water quality;
- In applying the risk assessment, it was assumed that the mitigation hierarchy as advocated by the DFFE *et al.* (2013) would be followed, i.e., the impacts would first be avoided, minimised if avoidance is not feasible, rehabilitated as necessary and offset if required;
- Thus, the DWS risk assessment was applied assuming that all listed mitigation measures are implemented, therefore the results of the DWS risk assessment provided in this report presents the perceived impact significance **post-mitigation**;
- The default score for legal issues (since the proposed development is located within the 100 m / 500 m ZoRs) is '5';
- The installation of sewerage infrastructure within the GN509 ZoR of a watercourse is excluded from the General Authorisation (GA) for Section 21 (c) and (i) water uses; a WULA may therefore, be required to be submitted, irrespective of the risk outcome of this risk assessment;
- The proposed development activities and the associated risks they pose are all highly site specific, not of a significant extent relative to the area of the wetland assessed, and therefore have a limited spatial extent (i.e., within the study area);
- While the operation of the proposed development will be a permanent activity, the construction thereof is envisioned to take no more than a few months. The frequency of the construction impacts may, however, be daily during this time;
- Most impacts are considered easily detectable and mitigation measures thereof are considered to be easily practicable; and
- It is highly recommended that the area be rehabilitated and revegetated with suitable indigenous vegetation species.

The results of the risk assessment are summarised in Table 9 that follows, including key mitigation measures for each activity that must be implemented to reduce the impacts of the proposed development activities.



Table 9: Summary of the results of the DWS Risk Assessment applied to the UCVB wetland considering the significance of the proposed development

No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Severity	Consequence	Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)	Mitigation measures to be implemented
CONSTRUCTION PHASE											
1	Site Preparation	Site access and Stockpiling of materials	<ul style="list-style-type: none"> Stockpiling of barrel unit, housing reconstruction and repair materials and sewerage pipelines in such a manner that freshwater flows are impeded and/or diverted; and Potential hydrocarbon contamination of the wetland from oil and hydrocarbons originating from vehicles. 	All	1	3	13	39	L	N/A	<ul style="list-style-type: none"> No stockpiling, equipment storage or construction laydown areas may be planned within the 32m ZoR of the wetland. For barrel units within the 32m ZoR, the required materials must be brought to the location of the barrel unit under construction only, with the remainder of the other barrel unit materials stored outside the 32m ZoR; and In all events all machinery and vehicles used during construction must be maintained to prevent oil leaks. If breakdowns occur these must be towed offsite to the designated areas/workshops. The proposed will ensure that incidental oil spills and leakage are minimised onsite and thus limit any opportunities of water contamination and water quality deterioration.
		Vegetation clearing	<ul style="list-style-type: none"> Disturbances of soil leading to increased alien vegetation proliferation, and in turn to altered wetland habitat; Dust generation from exposed soil potentially leading to the smothering of the wetland vegetation and altering surface water quality; and Increased runoff and erosion leading to sedimentation; and Stockpiling of cleared vegetation in such a manner that freshwater flows are impeded and/or diverted. 	Option 1	5	8	15	120	M		<ul style="list-style-type: none"> An alien invasive clearing plan must be in place to eradicate alien vegetation within the study area, and not only in the vicinity of the proposed barrel units; AIPs within the study area must be removed prior to soil stripping to reduce seed loads within the topsoil (which will be used to revegetate with indigenous vegetation post construction). This will reduce the long-term AIP management requirements; Cleared vegetation must be stacked outside the 32 m NEMA ZoR and removed off site as soon as possible to prevent reintroduction of alien seeds and cuttings into the environment; All cleared vegetation must be disposed of at a licensed refuse facility and may not be mulched or burned on site; and Bare soil must be protected by means of a geotextile fabric such as hessian sheeting; where deemed necessary and revegetated as soon as possible with input from a botanical specialist- this is particularly important for vegetation clearing on the top of the impoundment walls (Option 1).
				Option 2	1.75	3.75	14	52.5	L		
				Option 3	1	3	13	39	L		
2	Construction of Barrel Units	Operation of construction equipment and vehicles; and Construction staff movement within the wetland	<ul style="list-style-type: none"> Trampling of wetland vegetation Potential leakage of hazardous substances from machinery such as hydrocarbons and other toxic chemicals that can discharge into the receiving freshwater environment 	Option 1	5	8	16	128	M		<ul style="list-style-type: none"> Vehicles must be regularly inspected for leaks, be equipped with drip trays, parked away from freshwater ecosystems and be refuelled on sealed surfaces outside off site to prevent ingress into soil and/or runoff into freshwater ecosystems; Movement of all construction equipment to remain in approved footprint areas; and Any spills are to be immediately contained and cleaned up and the waste removed off site as soon as possible to prevent further contamination.
				Option 2	4.5	3.5	15	52.5	L		
				Option 3	1	3	14	42	L		

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No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Severity	Consequence	Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)	Mitigation measures to be implemented
CONSTRUCTION PHASE											
3	Construction of Barrel Units	Earth works involving removal of top soil and creation of topsoil stockpiles	Potential sedimentation and altered water quality of the wetland	Option 1	5	8	16	128	M	N/A	<ul style="list-style-type: none"> Excavated materials must not be contaminated and the stockpiles must not exceed 2m in height; Topsoil must be stockpiled separately from deeper soil layers to ensure that topsoil gets backfilled last which will facilitate growth of new vegetation; All exposed soil must be protected for the duration of the construction phase with a suitable geotextile (e.g., hessian sheeting) to prevent potential sedimentation into the wetland; It is advised that a drift fence be erected (made out of heavy duty plastic) to prevent sediment run-off into the wetland, especially considering that the development is upgradient of the wetland; and Construction must occur during the dry season to limit the above impacts.
4		Concrete works pertaining to the construction of foundation slabs to support barrel units		Option 1	5	9	15	135	M	L (-11.5)	<ul style="list-style-type: none"> Fresh concrete and cement mortar must not be mixed near freshwater ecosystems but rather within a suitable area as determined by the ECO on a batter board or other suitable platform/mixing tray, but not on bare soil and must be within a lined, bound or bunded portable mixer. Consideration must be taken to use ready mix concrete; A washout area must be designated outside of the freshwater ecosystems, and wash water must be treated on-site or discharged to a suitable sanitation system; Cement bags must be disposed of in the demarcated hazardous waste receptacles; Spilled or excess concrete must be disposed of at a suitable landfill site. Chain of custody documentation must be provided; and
5	Construction of a House within 32m of the wetland	Concrete works pertaining to construction	Possible contamination of soil and surface water as a result of concrete works and runoff from the construction site, leading to pollution of the freshwater resource.	Option 2	1.75	4.75	14	66.5	M	L	
6	Repair of a house further than 32 m but within the 500 m GN509 ZoR of a wetland			Option 3	1.25	3.25	14	45.5	L	N/A	<ul style="list-style-type: none"> All construction works must be undertaken during the dry, summer months to limit contamination of freshwater ecosystems. A cut of trench must be put in place to divert water around the concrete slab to ensure any risk of runoff and contamination of surface water is reduced
				N/A	1.25	3.25	14	45.5	L		

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No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Severity	Consequence	Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)	Mitigation measures to be implemented
CONSTRUCTION PHASE											
7	Trenching for the laying of sewerage pipelines	Earth works involving removal of top soil and creation of topsoil stockpiles.	<ul style="list-style-type: none"> Disturbances of soil potentially leading to increased alien vegetation proliferation, and in turn alter wetland habitat; Potential erosion and sedimentation of downgradient freshwater ecosystems; Potential collection of freshwater flows in trenches, causing the dewatering of downstream freshwater ecosystems 	Option 1	5	8	15	120	M	N/A	<ul style="list-style-type: none"> Excavation activities must occur during the dry season (November – April) as far as possible to limit erosion, sedimentation, freshwater contamination/collection and flow manipulation on site; Excavated soil to be stockpiled to a height no greater than 2m to minimize dust generation and be deposited on the upgradient side of the trench as a failsafe to catch sedimentation should it become mobilized to avoid deposition into downgradient freshwater ecosystems; Excavated materials to be safeguarded from all forms of contamination; Top soil to be stored separately from deeper soil and all soil protected from weathering and wind transport by covering with a suitable geotextile such as hessian sheeting and stockpiling period to be minimized to effect backfilling; Excess soil and waste generated through the construction process must be disposed of at an appropriate and registered waste disposal facilities; It is acknowledged that seepage water may be present within the trench and invariably this will have a high silt load. Therefore, any seepage must be dewatered and pumped into a silt trapping area before entering the downstream reach of the wetland; and Avoid unnecessary trampling of vegetation irrespective of the vegetation being associated with the freshwater ecosystems or the surrounding terrestrial area.
				Option 2	1.75	4.75	14	66.5	M	L (-11.5)	
				Option 3	1	3.25	13	42.25	L	N/A	
8	Backfilling trenches	Earth works involving removal of top soil and creation of topsoil stockpiles.	<ul style="list-style-type: none"> Incorrect order of backfilling such that topsoil and associated seedbanks are deposited too deep to germinate; Backfilling with foreign soil material which could introduce invasive vegetation; and Soil either under or over compacted which may challenge seedbank germination and surface or interflow characteristics through the soil. 	Option 1	5	8	17	136	M	L (-16.25)	<ul style="list-style-type: none"> Backfilling to take place as soon as pipeline has been laid, ensuring that top soil is backfilled last according to the last-out-first-in backfilling principle; Soil must be appropriately compacted according to the natural soil characteristics of the area to preserve future surface and subsurface drainage through the previously-trenched areas – this will require supervision by a suitably competent individual; and The topsoil must be ripped for reestablishment of vegetation. However, to account for subsidence of the soil level over time, allowance for a slightly higher soil level within backfilled trench (depending on the soil type) may be made. Therefore, monitoring post construction activities is required.
				Option 2	1.75	4.75	15	71.25	M		
				Option 3	1.5	3.5	13	45.5	L	N/A	

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No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Severity	Consequence	Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)	Mitigation measures to be implemented
OPERATION PHASE											
9	Operation of the Sewerage Infrastructure	Proactive monitoring to ensure structural integrity maintained and to identify early warning signs.	<ul style="list-style-type: none"> Indiscriminate movement of vehicles and vegetation trampling within the wetland during maintenance activities; and Possible soil compaction and disturbance, resulting in increased alteration of the wetland vegetation community structure. 	All	1.75	3.75	11	41.25	L	N/A	<ul style="list-style-type: none"> Existing access roads must be used for monitoring/maintenance purposes. No indiscriminate movement of vehicles or personnel is allowed as this would result in the compaction of soil and disturbance of wetland habitat; It is recommended that the integrity of the sewer pipeline (if installed via open trenching) be tested at least once every five years or more often should there be any sign of a leak and the sewer pipeline must be sleeved; and Should repair of the pipeline be required to address a leak, an emergency pipeline repair plan must be in place to safeguard the wetland against sewerage.
10	Operation of Sewerage Infrastructure	Potential leakage of the sewer pipeline.	<ul style="list-style-type: none"> Potential eutrophication of water as a result of increased nitrates and phosphate loads into the wetland; Proliferation of alien and invasive plant species within the wetland; and Potential ingress of raw sewage into the wetland and downstream freshwater ecosystems with the introduction of faecal coliforms into the water that would seriously pollute the UCVB wetland. 	Option 1	5	8	16	128	M		
				Option 2	1.75	4.75	16	76	M	L (+21)	
				Option 3	1	3	16	48	L	N/A	

7.2 Risk Assessment Discussion

7.2.1 Barrel Units

The risk assessment determined a Moderate risk significance impact for Option 1, a Low risk significance (after mitigation) for Option 2 and a Low risk significance for Option 3 (before mitigation) for the respective construction and operation phases. According to the DWS Risk Assessment Matrix guidelines, if additional mitigation measures are applied, the Moderate risk significance impacts (for sensitivity ratings within the Moderate Risk range (56-80) can be manually reduced by a maximum of 25 points; this would bring all activities associated with the Option 2 options to an overall Low score (see mitigation measures below). However, due to the higher scores obtained for the activities associated with the Option 1 barrel unit option (> 80 Moderate Risk rating), it is not possible to reduce the risk significance impacts to a Low for this option.

The Moderate risk significances determined for Option 1 stem mostly from the mandatory maximum severity score of a 5 for activities within the delineated extent of a wetland and a mandatory maximum score for legal issues of a 5 for activities within the ZoR of a watercourse. The Moderate risk significances stems secondarily from the method of construction, i.e., the use of construction equipment within the wetland and the burying of the sewer pipelines beneath the ground, which requires trenching and backfilling within the wetland.

These scores however do not accurately reflect the risk of the activities associated with the proposed development on the wetland, considering that wetland edge effects have already taken place and considering the seriously modified nature of the wetland hydrology, geomorphology, water quality and the vegetation community, this wetland is not considered significantly ecologically sensitive to the nature of the proposed development.

Option 3 is recommended as the most developable option, considering that this would pose the lowest risk to the wetland, as all barrel units are located outside of the 32m NEMA ZoR development setback. Option 2 is also developable, and although no barrel units are proposed within the wetland, several units are proposed within the development setback, which would require strict mitigation measures to be followed. Option 1 is least developable, considering the direct impacts from barrel unit positioning (although limited) within the wetland.

The overall risk ratings after adjustment for the barrel units options are tabulated below in Table 10.

Table 10: Summary of the results of the DWS Risk Assessment applied to the wetland.

Barrel Units			Risk Rating		
Phase	Activity	Aspect	Option 1	Option 2	Option 3
CONSTRUCTION	Site Preparation	Stockpiling of materials	Low		
		Vegetation Clearing	Moderate	Low	Low
		Operation of Machinery	Moderate	Low	Low
	Construction of Barrel Units	Earth works involving removal of top soil and creation of topsoil stockpiles	Moderate	Low	Low
		Concrete works pertaining to construction of the foundation slabs	Moderate	Low (after mitigation)	Low
	Trenching for the laying of sewerage pipelines	Earth works involving removal of top soil and creation of topsoil stockpiles.	Moderate	Low (after mitigation)	Low
	Backfilling of trenches		Moderate	Low (after mitigation)	Low
OPERATION	Operation of the sewerage infrastructure	Proactive monitoring to ensure structural integrity is maintained and to identify early warning signs.	Low	Low	Low
		Potential leakage of the sewer pipeline	Moderate	Low (after mitigation)	Low



General good practice for the construction of these barrel units includes the following:

- An Alien Invasive Clearing Plan (AIP) must be in place to remove all vegetation from the study area, and not just within the immediate vicinity of the proposed barrel units. This aligns to the duty of care principle in Section 28 of NEMA which *"gives effect to this constitutional guarantee by imposing a duty of care on every person who causes, has caused or may cause significant pollution or degradation of the environment to take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or otherwise to minimise and rectify such pollution or degradation"*. Vegetation clearing and subsequent revegetation must be conducted in a phased manner to minimise exposure of destabilised soil to the environment;
- Sediment control measures must be in place to ensure that stripped soil do not erode and cause the sedimentation of the wetland;
- Barrel unit construction should take a phased approach in terms of the laydown of building materials, i.e. only those materials pertaining to the barrel unit being constructed may be allowed to be laid down. This is only applicable to those proposed barrel units within the wetland (Option 1);
- The trenching and backfilling method(if approved and chosen) requires that special attention be paid to the preservation of top soil for use during backfilling and revegetation, and the compaction of backfilled soil must be done according to natural soil conditions. This will require supervision by a competent individual; and
- A cut of trench must be put in place to divert water around the concrete slab to ensure any risk of runoff and contamination of surface water is reduced.
- All development must occur with the dry season, during a time of minimal surface runoff which will safeguard the wetland against sedimentation from upland erosion, (from bare soil during vegetation clearing and earthwork activities).

General good practice for the operation of these barrel units includes the following:

- It is recommended that the integrity of the sewer pipeline (if installed via open trenching) be tested at least once every five years or more often should there be any sign of a leak and the sewer pipeline must be sleeved; and
- An emergency pipeline repair plan must be in place should a sewerage pipeline be found to be leaking, to minimise sewerage outfall into the wetland, which is considered to pose a high risk to wetland water quality.

7.2.2 House repair and reconstruction

The house that will be reconstructed will pose a Low risk significance impact to the wetland due to being outside of the 15 m development setback and due to the foundations of this house already existing. The house that will be repaired similarly will also pose a Low risk significance impact to the wetland due to it being located a significant distance from the watercourse and thus the risk of significant impacts from edge effects is limited.

Assuming that strict enforcement of cogent, well-developed mitigation measures takes place (and the implementation of general construction management and good housekeeping practices, as per **Appendix F**); the significance of impacts arising from the proposed development can be adequately managed. Furthermore, with rehabilitation and long-term management of alien and invasive plant species, the overall PES of the wetland is unlikely to be negatively impacted by the proposed development.

7.3 Cumulative Impacts

Cumulative impacts stem from development activities that exacerbate existing impacts on the past, present and foreseeable future, state of the system.



The construction of concrete foundations on which the barrel units will be supported is considered a negative cumulative impact on the existing wetland hydrology (albeit critically modified) by creating several areas in the wetland (Option 1 layout option) where surface water and/or interflow is impeded or diverted. The combined extent of these foundations for Option 1 ($21 \text{ m}^2 \times 7 = 147 \text{ m}^2$) is however unlikely to pose any significant quantum of risk to hydrological and geomorphological processes driving the system. This is considering the hydrological and geomorphological shifts that have already taken place historically. This limited cumulative impact can however be avoided by supporting the barrel units on stilts, which allows freshwater to move freely through the wetland and is the preferred option from the freshwater specialist, as it also removes the need to use concrete within a watercourse.

Conversely, the scheduled clearance of alien invasive vegetation is considered to provide a positive cumulative impact in the environment, by increasing the distribution of indigenous vegetation in the wetland, which can spread into the broader catchment. During construction, edge effects will however need to be carefully managed.

Given the mitigation measures listed in this report, no other significant cumulative impacts are envisaged post the short term construction impacts.

8 CONCLUSION

FEN Consulting was appointed to conduct a specialist freshwater ecological assessment as part of the EA and WUA processes for the proposed development in Devon Valley within the Stellenbosch Municipal area.

The development is comprised of a house rebuild, the repair of another house and the construction of self-catering barrel units according to three layout options (Option 1, Option 2 and Option 3) each requiring domestic and sewerage services.

The field visit confirmed an UCVB wetland within the study area which was ecologically assessed as follows (Table 11):

Table 11: Summary of results of the field assessment as discussed in Section 5.

Surface water feature	Present Ecological State (PES)	Ecoservices	Ecological importance and Sensitivity (EIS)	Recommended Ecological Category (REC), Recommended Management Objective (RMO) and Best Attainable State (BAS)
Unchannelled Valley Bottom Wetland	Category E (Seriously Modified)	<ul style="list-style-type: none"> • Tourism • Potable supply • Sediment trapping 	Low	REC Category: D (Largely modified) BAS: Category: D (Largely Modified) RMO Category: D (Improve)

The risk assessment determined a Moderate risk significance impact for Option 1, a Low risk significance (after mitigation) for Option 2 and a Low risk significance for Option 3 (before mitigation) for the respective construction and operation phases. The higher scores obtained for the activities associated with Option 1 were not eligible for a manual down reduction towards achieving a low risk impact significance, and therefore would require a Water Use License Application (WULA).

These scores however do not accurately reflect the impact of the activities associated with the proposed development. This is considering that wetland edge effects have already taken place and considering the seriously modified nature of wetland hydrology, geomorphology, water quality and the vegetation community. Therefore, this wetland is not considered ecologically sensitive to the nature of the proposed development, besides for the proposed use of concrete within the wetland which would constitute a freshwater quality hazard, if mitigation is not applied.

Option 1 proposes 7 barrel units within the wetland, 4 units within the calculated 15 m development setback, of which 3 are on an impoundment wall, 1 unit within the 32 m NEMA ZoR and 3 units outside



of the 32 m NEMA ZoR. Option 2 proposes 4 barrel units within the 15 m development setback of the wetland, 3 units within the 32 m NEMA ZoR and 4 units outside of the 32 m NEMA ZoR. Option 3 proposes 10 barrel units outside of the 32m NEMA ZoR. The house rebuild falls within the 32 m NEMA ZoR of the wetland while the house repair falls outside of the 32 m NEMA ZoR. All proposed development however occurs within the 500 m ZoR (GN509) of the wetland.

Sewerage infrastructure will be required for all of the proposed barrel unit layout options and the Department of Water and Sanitation (DWS), as custodians of the water resources in South Africa, must be consulted in this regard to decide on the required WUA process for the proposed development considering the motivations provided in this document.

In terms of EA, the development within the NEMA 32 m ZoR may trigger Activity 12 and 19 of GN327 – Listing Notice 1 of the 2014 EIA regulations and Activity 10, 12 and 14 of GN324 – Listing Notice 3 of the 2014 EIA regulations. Therefore, EA would need to apply or obtained.

Based on the findings of the freshwater ecosystem assessments and the results of the risk assessment, it is the opinion of the specialist that the proposed activities associated with Options 1 – 3 pose a Low risk to the integrity of the UCVB wetland. This is on condition that adherence to cogent, well-conceived and ecologically sensitive construction plans are implemented, where applicable and the mitigation measures provided in this report as well as general good construction practice are adhered to. Therefore, any of the proposed layout options are considered acceptable from a freshwater ecological and resources management perspective.

Option 3 is recommended as the most developable option, considering that this would pose the lowest risk to the wetland, as all barrel units are located outside of the 32m NEMA ZoR development setback. Option 2 is also developable, and although no barrel units are proposed within the wetland, several units are proposed within the development setback, which would require strict mitigation measures to be followed. Option 1 is least developable, considering the direct impacts from barrel unit positioning (although limited) within the wetland.



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APPENDIX A – Terms of Use and Indemnity

The findings, results, observations, conclusions and recommendations given in this report are based on the author's best scientific and professional knowledge as well as available information. The report is based on survey and assessment techniques which are limited by time and budgetary constraints relevant to the type and level of investigation undertaken and FEN Consulting (Pty) Ltd and its staff reserve the right to, at their sole discretion, modify aspects of the report including the recommendations if and when new information may become available from ongoing research or further work in this field, or pertaining to this investigation.

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APPENDIX B – Legislative Requirements

The Constitution of the Republic of South Africa, 1996	The environment and the health and well-being of people are safeguarded under the Constitution of the Republic of South Africa, 1996 by way of section 24. Section 24(a) guarantees a right to an environment that is not harmful to human health or well-being and to environmental protection for the benefit of present and future generations. Section 24(b) directs the state to take reasonable legislative and other measures to prevent pollution, promote conservation, and secure the ecologically sustainable development and use of natural resources (including water and mineral resources) while promoting justifiable economic and social development. Section 27 guarantees every person the right of access to sufficient water, and the state is obliged to take reasonable legislative and other measures within its available resources to achieve the progressive normalization of this right. Section 27 is defined as a socio-economic right and not an environmental right. However, read with section 24 it requires of the state to ensure that water is conserved and protected and that sufficient access to the resource is provided. Water regulation in South Africa places a great emphasis on protecting the resource and on providing access to water for everyone.
National Environmental Management Act, 1998 (Act No. 107 of 1998)	The National Environmental Management Act, 1998 (Act No. 107 of 1998) and the associated Regulations as amended in 2017, states that prior to any development taking place within a wetland or riparian area, an environmental authorisation process needs to be followed. This could follow either the Basic Assessment Report (BAR) process or the Environmental Impact Assessment (EIA) process depending on the scale of the impact. Provincial regulations must also be considered.
National Water Act, 1998 (Act No. 36 of 1998)	The National Water Act, 1998 (Act No. 36 of 1998) recognises that the entire ecosystem and not just the water itself in any given water resource constitutes the resource and as such needs to be conserved. No activity may therefore take place within a watercourse unless it is authorised by the Department of Water and Sanitation (DWS). Any area within a wetland or riparian zone is therefore excluded from development unless authorisation is obtained from the DWS in terms of Section 21 (c) & (i). A watercourse is defined as: a) A river or spring; b) A natural channel in which water flows regularly or intermittently; c) A wetland, lake or dam into which, or from which water flows; and d) Any collection of water which the minister may, by notice in the Gazette, declare a watercourse.
Government Notice 509 as published in the Government Gazette 40229 of 2016 as it relates to the National Water Act, 1998 (Act No. 36 of 1998)	In accordance with Government Notice (GN)509 of 2016, a regulated area of a watercourse for section 21c and 21i of the NWA, 1998 is defined as: a) The outer edge of the 1 in 100 year flood line and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam; b) In the absence of a determined 1 in 100 year flood line or riparian area the area within 100 m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench; or c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.
	This notice replaces GN1199 and may be exercised as follows: i) Exercise the water use activities in terms of Section 21(c) and (i) of the Act as set out in the table below, subject to the conditions of this authorisation; ii) Use water in terms of section 21(c) or (i) of the Act if it has a low risk class as determined through the Risk Matrix; iii) Do maintenance with their existing lawful water use in terms of section 21(c) or (i) of the Act that has a LOW risk class as determined through the Risk Matrix; iv) Conduct river and storm water management activities as contained in a river management plan; v) Conduct rehabilitation of wetlands or rivers where such rehabilitation activities have a LOW risk class as determined through the Risk Matrix; and vi) Conduct emergency work arising from an emergency situation or incident associated with the persons' existing lawful water use, provided that all work is executed and reported in the manner prescribed in the Emergency protocol. A General Authorisation (GA) issued as per this notice will require the proponent to adhere with specific conditions, rehabilitation criteria and monitoring and reporting programme. Furthermore, the water user must ensure that there is a sufficient budget to complete, rehabilitate and maintain the water use as set out in this GA. Upon completion of the registration, the responsible authority will provide a certificate of registration to the water user within 30 working days of the submission. On written receipt of a registration certificate from the Department, the person will be regarded as a registered water user and can commence within the water use as contemplated in the GA.



APPENDIX C – Method of Assessment

1. Desktop Study

Prior to the commencement of the field assessment, a background study, including a literature review, was conducted in order to determine the ecoregion and ecostatus of the larger aquatic system within which the surface water features present in close proximity of the proposed development are located. Aspects considered as part of the literature review are discussed in the sections that follow.

1.1 National Freshwater Ecosystem Priority Areas (NFEPA; 2011)

The NFEPA project is a multi-partner project between the Council of Scientific and Industrial Research (CSIR), Water Research Commission (WRC), South African National Biodiversity Institute (SANBI), DWA, South African Institute of Aquatic Biodiversity (SAIAB) and South African National Parks (SANParks). The project responds to the reported degradation of freshwater ecosystem condition and associated biodiversity, both globally and in South Africa. It uses systematic conservation planning to provide strategic spatial priorities of conserving South Africa's freshwater biodiversity, within the context of equitable social and economic development.

The NFEPA project aims to identify a national network of freshwater conservation areas and to explore institutional mechanisms for their implementation. Freshwater ecosystems provide a valuable, natural resource with economic, aesthetic, spiritual, cultural and recreational value. However, the integrity of freshwater ecosystems in South Africa is declining at an alarming rate, largely as a consequence of a variety of challenges that are practical (managing vast areas of land to maintain connectivity between freshwater ecosystems), socio-economic (competition between stakeholders for utilisation) and institutional (building appropriate governance and co-management mechanisms).

The NFEPA database was searched for information in terms of conservation status of rivers, wetland habitat and wetland feature present in the vicinity of the proposed development.

1.2 Department of Water and Sanitation (DWS) Resource Quality Information Services Present Ecological State / Ecological Importance and Sensitivity (PES/EIS) Database (2014)

The PES/EIS database as developed by the DWS RQIS department was utilised to obtain background information on the project area. The PES/EIS database has been made available to consultants since mid-August 2014. The information from this database is based on information at a sub-quaternary catchment reach (subquat reach) level with the descriptions of the aquatic ecology based on the information collated by the DWS RQIS department from all reliable sources of reliable information such as SA RHP sites, EWR sites and Hydro WMS sites. The results obtained serve to summarise this information as a background to the conditions of the surface water feature traversed by the proposed linear development.

2. Classification System for Wetlands and other Aquatic Ecosystems in South Africa (2013)

All wetland or riparian features encountered within the study area was assessed using the Classification System for Wetlands and other Aquatic Ecosystems in South Africa. User Manual: Inland systems, hereafter referred to as the "Classification System" (Ollis et. al., 2013). A summary on Levels 1 to 4 of the classification system are presented in the tables below.



Table C1: Classification System for Inland Systems, up to Level 3.

WETLAND / AQUATIC ECOSYSTEM CONTEXT		
LEVEL 1: SYSTEM	LEVEL 2: REGIONAL SETTING	LEVEL 3: LANDSCAPE UNIT
Inland Systems	DWA Level 1 Ecoregions	Valley Floor
	OR	Slope
	NFEPA WetVeg Groups	Plain
	OR	Bench (Hilltop / Saddle / Shelf)
	Other special framework	

Table C2: Hydrogeomorphic (HGM) Units for the Inland System, showing the primary HGM Types at Level 4A and the subcategories at Level 4B to 4C.

FUNCTIONAL UNIT		
LEVEL 4: HYDROGEOMORPHIC (HGM) UNIT		
HGM type	Longitudinal zonation/ Landform / Outflow drainage	Landform / Inflow drainage
A	B	C
River	Mountain headwater stream	Active channel
		Riparian zone
	Mountain stream	Active channel
		Riparian zone
	Transitional	Active channel
		Riparian zone
	Upper foothills	Active channel
		Riparian zone
	Lower foothills	Active channel
		Riparian zone
	Lowland river	Active channel
		Riparian zone
	Rejuvenated bedrock fall	Active channel
		Riparian zone
	Rejuvenated foothills	Active channel
		Riparian zone
	Upland floodplain	Active channel
		Riparian zone
Channelled valley-bottom wetland	(not applicable)	(not applicable)
Unchannelled valley-bottom wetland	(not applicable)	(not applicable)
Floodplain wetland	Floodplain depression	(not applicable)
	Floodplain flat	(not applicable)
Depression	Exorheic	With channelled inflow
		Without channelled inflow
	Endorheic	With channelled inflow
		Without channelled inflow
	Dammed	With channelled inflow
		Without channelled inflow
Seep	With channelled outflow	(not applicable)
	Without channelled outflow	(not applicable)
Wetland flat	(not applicable)	(not applicable)

Level 1: Inland systems

From the classification system, Inland Systems are defined as **aquatic ecosystems that have no existing connection to the ocean⁵** (i.e. characterised by the complete absence of marine exchange and/or tidal influence) but **which are inundated or saturated with water, either permanently or**

⁵ Most rivers are indirectly connected to the ocean via an estuary at the downstream end, but where marine exchange (i.e. the presence of seawater) or tidal fluctuations are detectable in a river channel that is permanently or periodically connected to the ocean, it is defined as part of the estuary.



periodically. It is important to bear in mind, however, that certain Inland Systems may have had a historical connection to the ocean, which in some cases may have been relatively recent.

Level 2: Ecoregions & NFEPA Wetland Vegetation Groups

For Inland Systems, the regional spatial framework that has been included in Level 2 of the classification system is that of the DWA's Level 1 Ecoregions for aquatic ecosystems (Kleynhans *et al.*, 2005). There is a total of 31 Ecoregions across South Africa, including Lesotho and Swaziland. DWA Ecoregions have most commonly been used to categorise the regional setting for national and regional water resource management applications, especially in relation to rivers.

The Vegetation Map of South Africa, Swaziland and Lesotho (Mucina & Rutherford, 2006) groups' vegetation types across the country, according to Biomes, which are then divided into Bioregions. To categorise the regional setting for the wetland component of the NFEPA project, wetland vegetation groups (referred to as WetVeg Groups) were derived by further splitting Bioregions into smaller groups through expert input (Nel *et al.*, 2011). There are currently 133 NFEPA WetVeg Groups. It is envisaged that these groups could be used as a special framework for the classification of wetlands in national- and regional-scale conservation planning and wetland management initiatives.

Level 3: Landscape Setting

At Level 3 of the classification system for Inland Systems, a distinction is made between four Landscape Units (Table C1) on the basis of the landscape setting (i.e. topographical position) within which an HGM Unit is situated, as follows (Ollis *et al.*, 2013):

- **Slope:** an included stretch of ground that is not part of a valley floor, which is typically located on the side of a mountain, hill or valley;
- **Valley floor:** The base of a valley, situated between two distinct valley side-slopes;
- **Plain:** an extensive area of low relief characterised by relatively level, gently undulating or uniformly sloping land; and
- **Bench (hilltop/saddle/shelf):** an area of mostly level or nearly level high ground (relative to the broad surroundings), including hilltops/crests (areas at the top of a mountain or hill flanked by down-slopes in all directions), saddles (relatively high-lying areas flanked by down-slopes on two sides in one direction and up-slopes on two sides in an approximately perpendicular direction), and shelves/terraces/ledges (relatively high-lying, localised flat areas along a slope, representing a break in slope with an up-slope one side and a down-slope on the other side in the same direction).

Level 4: Hydrogeomorphic Units

Seven primary HGM Types are recognised for Inland Systems at Level 4A of the classification system (Table C2), on the basis of hydrology and geomorphology (Ollis *et al.*, 2013), namely:

- **River:** a linear landform with clearly discernible bed and banks, which permanently or periodically carries a concentrated flow of water;
- **Channelled valley-bottom wetland:** a valley-bottom wetland with a river channel running through it;
- **Unchannelled valley-bottom wetland:** a valley-bottom wetland without a river channel running through it;
- **Floodplain wetland:** the mostly flat or gently sloping land adjacent to and formed by an alluvial river channel, under its present climate and sediment load, which is subject to periodic inundation by over-topping of the channel bank;
- **Depression:** a landform with closed elevation contours that increases in depth from the perimeter to a central area of greatest depth, and within which water typically accumulates;



- **Wetland Flat:** a level or near-level wetland area that is not fed by water from a river channel, and which is typically situated on a plain or a bench. Closed elevation contours are not evident around the edge of a wetland flat; and
- **Seep:** a wetland area located on (gently to steeply) sloping land, which is dominated by the colluvial (i.e. gravity-driven), unidirectional movement of material down-slope. Seeps are often located on the side-slopes of a valley, but they do not, typically, extend into a valley floor.

The above terms have been used for the primary HGM Units in the classification system to try and ensure consistency with the wetland classification terms currently in common usage in South Africa. Similar terminology (but excluding categories for “channel”, “flat” and “valleyhead seep”) is used, for example, in the recently developed tools produced as part of the Wetland Management Series including WET-Health (Macfarlane *et al.*, 2008), WET-IHI (DWAf, 2007) and WET-EcoServices (Kotze *et al.*, 2009).

3. WET-Ecoservices (2020)

The WET-Ecoservices (v2) method by Kotze *et al.* (2020) provides an overall importance score to each of the ecoservices listed below (Table C4). The overall importance score of each ecoservice is calculated by integrating its respective supply and demand scores (Table C3). Each ecoservice supply and demand score in turn is calculated using an algorithm that has been designed to reflect the relative importance and interactions of the attributes represented by indicators that characterise that ecoservice.

The supply of an ecoservice is related to the innate ability of the wetland to provide a particular service, tying to its PES, while the demand on an ecoservice is founded on the wetland's catchment context (e.g. toxicant sources upstream), the number of beneficiaries and their level of dependency.

The WET-Health (v2) summary thus enables the reader to gauge both the relative importance of the individual ecoservice supply and demand scores and combined (overall) ecoservice importance.

➤ Flood attenuation	➤ Biodiversity maintenance
➤ Stream flow regulation	➤ Provision of water for human use
➤ Sediment trapping	➤ Provision of harvestable resources
➤ Phosphate assimilation	➤ Food for livestock
➤ Nitrate assimilation	➤ Provision of cultivated foods
➤ Toxicant assimilation	➤ Cultural and spiritual experience
➤ Erosion control	➤ Tourism and recreation
➤ Carbon storage	➤ Education and research

Table C3: Integration of ecoservice supply and demand scores to derive overall importance

Integrating scores for supply & demand to obtain an overall importance score						
		Supply				
		Very Low	Low	Moderate	High	Very High
Demand		0	1	2	3	4
Very Low	0	0.0	0.0	0.5	1.5	2.5
Low	1	0.0	0.0	1.0	2.0	3.0
Moderate	2	0.0	0.5	1.5	2.5	3.5
High	3	0.0	1.0	2.0	3.0	4.0
Very High	4	0.5	1.5	2.5	3.5	4.0



Table C4: Ecoservice importance categories and descriptions based on integration of supply and demand scores.

Importance Category		Description
Very Low	0-0.79	The importance of services supplied is very low relative to that supplied by other wetlands.
Low	0.8 – 1.29	The importance of services supplied is low relative to that supplied by other wetlands.
Moderately-Low	1.3 – 1.69	The importance of services supplied is moderately-low relative to that supplied by other wetlands.
Moderate	1.7 – 2.29	The importance of services supplied is moderate relative to that supplied by other wetlands.
Moderately-High	2.3 – 2.69	The importance of services supplied is moderately-high relative to that supplied by other wetlands.
High	2.7 – 3.19	The importance of services supplied is high relative to that supplied by other wetlands.
Very High	3.2 – 4.0	The importance of services supplied is very high relative to that supplied by other wetlands.

4. Ecological Importance and Sensitivity (EIS) (Rountree & Kotze, 2013)

The purpose of assessing importance and sensitivity of watercourses is to be able to identify those systems that provide higher than average ecosystem services, biodiversity support functions or are especially sensitive to impacts. Surface water features with higher ecological importance may require managing such surface water features in a better condition than the present to ensure the continued provision of ecosystem benefits in the long term (Rountree & Kotze, 2013).

In order to align the outputs of the Ecoservices assessment (i.e. ecological and socio-cultural service provision) with methods used by the DWA (now the DWS) used to assess the EIS of other surface water feature types, a tool was developed using criteria from both WET-Ecoservices (Kotze, *et al*, 2009) and earlier DWA EIA assessment tools. Thus, three proposed suites of important criteria for assessing the Importance and Sensitivity for wetlands were proposed, namely:

- Ecological Importance and Sensitivity, incorporating the traditionally examined criteria used in EIS assessments of other surface water features by DWA and thus enabling consistent assessment approaches across surface water feature types;
- Hydro-functional importance, taking into consideration water quality, flood attenuation and sediment-trapping ecosystem services that the wetland may provide; and
- Importance in terms of socio-cultural benefits, including the subsistence and cultural benefits provided by the wetland system.

The highest of these three suites of scores is then used to determine the overall Importance and Sensitivity category (Table C7) of the wetland system being assessed.



Table C6: Ecological Importance and Sensitivity Categories and the interpretation of median scores for biota and habitat determinants (adapted from Kleynhans, 1999).

EIS Category	Range of Mean	Recommended Ecological Management Class
<u>Very high</u> Wetlands that are considered ecologically important and sensitive on a national or even international level. The biodiversity of these wetlands is usually very sensitive to flow and habitat modifications.	>3 and ≤4	A
<u>High</u> Wetlands that are considered to be ecologically important and sensitive. The biodiversity of these wetlands may be sensitive to flow and habitat modifications.	>2 and ≤3	B
<u>Moderate</u> Wetlands that are considered to be ecologically important and sensitive on a provincial or local scale. The biodiversity of these wetlands is not usually sensitive to flow and habitat modifications.	>1 and ≤2	C
<u>Low/marginal</u> Wetlands that are not ecologically important and sensitive at any scale. The biodiversity of these wetlands is ubiquitous and not sensitive to flow and habitat modifications.	>0 and ≤1	D

5. WET-Health

Healthy wetlands are known to provide important habitats for wildlife and to deliver a range of important goods and services to society. Management of these systems is therefore essential if these attributes are to be retained within an ever-changing landscape. The primary purpose of this assessment is to evaluate the eco-physical health of wetlands, and in so doing to promote their conservation and wise management.

Level of Evaluation

Two levels of assessment are provided by WET-Health:

- Level 1: Desktop evaluation, with limited field verification. This is generally applicable to situations where a large number of wetlands need to be assessed at a very low resolution; or
- Level 2: On-site evaluation. This involves structured sampling and data collection in a single wetland and its surrounding catchment.

Framework for the Assessment

A set of three modules has been synthesised from the set of processes, interactions and interventions that take place in wetland systems and their catchments: hydrology (water inputs, distribution and retention, and outputs), geomorphology (sediment inputs, retention and outputs) and vegetation (transformation and presence of introduced alien species).

Units of Assessment

Central to WET-Health is the characterisation of HGM Units, which have been defined based on geomorphic setting (e.g. hillslope or valley-bottom; whether drainage is open or closed), water source (surface water dominated or sub-surface water dominated) and pattern of water flow through the wetland unit (diffusely or channelled) as described under the Classification System for Wetlands and other Aquatic Ecosystems above.

Quantification of Present State of a wetland

The overall approach is to quantify the impacts of human activity or clearly visible impacts on wetland health, and then to convert the impact scores to a Present State score. This takes the form of assessing the spatial extent of the impact of individual activities and then separately assessing the intensity of the impact of each activity in the affected area. The extent and intensity are then combined to determine



an overall magnitude of impact. The impact scores, and Present State categories are provided in the table below.

Table C5: Impact scores and categories of Present State used by WET-Health for describing the integrity of wetlands.

Impact category	Description	Impact score range	Present State category
None	Unmodified, natural	0-0.9	A
Small	Largely natural with few modifications. A slight change in ecosystem processes is discernible and a small loss of natural habitats and biota may have taken place.	1-1.9	B
Moderate	Moderately modified. A moderate change in ecosystem processes and loss of natural habitats has taken place, but the natural habitat remains predominantly intact.	2-3.9	C
Large	Largely modified. A large change in ecosystem processes and loss of natural habitat and biota and has occurred.	4-5.9	D
Serious	The change in ecosystem processes and loss of natural habitat and biota is great, but some remaining natural habitat features are still recognisable.	6-7.9	E
Critical	Modifications have reached a critical level and the ecosystem processes have been completely modified with an almost complete loss of natural habitat and biota.	8-10	F

Assessing the Anticipated Trajectory of Change

As is the case with the Present State, future threats to the state of the wetland may arise from activities in the catchment upstream of the unit or within the wetland itself or from processes downstream of the wetland. In each of the individual sections for hydrology, geomorphology and vegetation, five potential situations exist depending upon the direction and likely extent of change (table below).

Table C6: Trajectory of Change classes and scores used to evaluate likely future changes to the present state of the wetland.

Change Class	Description	HGM change score	Symbol
Substantial improvement	State is likely to improve substantially over the next 5 years	2	↑↑
Slight improvement	State is likely to improve slightly over the next 5 years	1	↑
Remain stable	State is likely to remain stable over the next 5 years	0	→
Slight deterioration	State is likely to deteriorate slightly over the next 5 years	-1	↓
Substantial deterioration	State is expected to deteriorate substantially over the next 5 years	-2	↓↓

Overall health of the wetland

Once all HGM Units have been assessed, a summary of health for the wetland as a whole needs to be calculated. This is achieved by calculating a combined score for each component by area-weighting the scores calculated for each HGM Unit. Recording the health assessments for the hydrology, geomorphology and vegetation components provide a summary of impacts, Present State, Trajectory of Change and Health for individual HGM Units and for the entire wetland.



6. Recommended Management Objective (RMO) and Recommended Ecological Category (REC) Determination

"A high management class relates to the flow that will ensure a high degree of sustainability and a low risk of ecosystem failure. A low management class will ensure marginal maintenance of sustainability but carries a higher risk of ecosystem failure" (DWA, 1999).

The RMO (table below) was determined based on the results obtained from the PES, reference conditions and EIS of the surface water features (sections above), with the objective of either maintaining, or improving the ecological integrity of the surface water feature in order to ensure continued ecological functionality.

Table C7: Recommended management objectives (RMO) for surface water features based on PES & EIS scores.

			Ecological and Importance Sensitivity (EIS)			
			Very High	High	Moderate	Low
PES	A	Pristine	A Maintain	A Maintain	A Maintain	A Maintain
	B	Natural	A Improve	A/B Improve	B Maintain	B Maintain
	C	Good	A Improve	B/C Improve	C Maintain	C Maintain
	D	Fair	C Improve	C/D Improve	D Maintain	D Maintain
	E/F	Poor	D* Improve	E/F* Improve	E/F* Maintain	E/F* Maintain

*PES Categories E and F are considered ecologically unacceptable (Malan and Day, 2012) and therefore, should a freshwater ecosystem fall into one of these PES categories, an REC class D is allocated by default, as the minimum acceptable PES category.

A surface water feature may receive the same class for the REC as the PES if the surface water features are deemed in good condition, and therefore must stay in good condition. Otherwise, an appropriate REC should be assigned in order to prevent any further degradation as well as enhance the PES of the surface water feature.

Table C8: Description of Recommended Ecological Category (REC) classes.

Class	Description
A	Unmodified, natural
B	Largely natural with few modifications
C	Moderately modified
D	Largely modified

7. Surface water feature Delineation

For the purposes of this investigation, a wetland is defined in the National Water Act, 1998 (Act No. 36 of 1998) as "land which is transitional between terrestrial and aquatic systems where the water-table is at or near the surface, or the land is periodically covered with shallow water, and which in normal circumstances supports or would support vegetation typically adapted to life in saturated soil".

The wetland zone delineation took place according to the method presented in the DWAF (2005) document "A practical field procedure for identification and delineation of wetlands and riparian areas. An updated draft version of this report is also available and was therefore also considered during the wetland delineation (DWAF, 2008). The foundation of the method is based on the fact that wetlands and riparian zones have several distinguishing factors including the following:

- The position in the landscape, which will help identify those parts of the landscape where wetlands are more likely to occur;
- The type of soil form (i.e. the type of soil according to a standard soil classification system), since wetlands are associated with certain soil types;



- The presence of wetland vegetation species; and
- The presence of redoximorphic soil feature, which are morphological signatures that appear in soil with prolonged periods of saturation.

By observing the evidence of these features in the form of indicators, wetlands and riparian zones can be delineated and identified. If the use of these indicators and the interpretation of the findings are applied correctly, then the resulting delineation can be considered accurate (DWAF, 2005 and 2008). Riparian and wetland zones can be divided into three zones (DWAF, 2005). The permanent zone of wetness is nearly always saturated. The seasonal zone is saturated for a significant period of wetness (at least three months of saturation per annum) and the temporary zone surrounds the seasonal zone and is only saturated for a short period of saturation (typically less than three months of saturation per annum), but is saturated for a sufficient period, under normal circumstances, to allow for the formation of hydromorphic soil and the growth of wetland vegetation. The object of this study was to identify the outer boundary of the temporary zone and then to identify a suitable buffer zone around the wetland area.



APPENDIX D – Risk Assessment Methodology

In order for the EAP to allow for sufficient consideration of all environmental impacts, impacts were assessed using a common, defensible method of assessing significance that will enable comparisons to be made between risks/impacts and will enable authorities, stakeholders and the client to understand the process and rationale upon which risks/impacts have been assessed. The method to be used for assessing risks/impacts is outlined in the sections below.

The first stage of the risk/impact assessment is the identification of environmental activities, aspects and impacts. This is supported by the identification of receptors and resources, which allows for an understanding of the impact pathway and an assessment of the sensitivity to change. The definitions used in the impact assessment are presented below.

- An **activity** is a distinct process or task undertaken by an organisation for which a responsibility can be assigned. Activities also include facilities or infrastructure that is possessed by an organisation;
- An **environmental aspect** is an 'element of an organizations activities, products and services which can interact with the environment'⁶. The interaction of an aspect with the environment may result in an impact;
- **Environmental risks/impacts** are the consequences of these aspects on environmental resources or receptors of particular value or sensitivity, for example, disturbance due to noise and health effects due to poorer air quality. In the case where the impact is on human health or wellbeing, this should be stated. Similarly, where the receptor is not anthropogenic, then it should, where possible, be stipulated what the receptor is;
- **Receptors** can comprise, but are not limited to, people or human-made systems, such as local residents, communities and social infrastructure, as well as components of the biophysical environment such as wetlands, flora and riverine systems;
- **Resources** include components of the biophysical environment;
- **Frequency of activity** refers to how often the proposed activity will take place;
- **Frequency of impact** refers to the frequency with which a stressor (aspect) will impact on the receptor;
- **Severity** refers to the degree of change to the receptor status in terms of the reversibility of the impact; sensitivity of receptor to stressor; duration of impact (increasing or decreasing with time); controversy potential and precedent setting; threat to environmental and health standards;
- **Spatial extent** refers to the geographical scale of the impact; and
- **Duration** refers to the length of time over which the stressor will cause a change in the resource or receptor.

The significance of the impact is then assessed by rating each variable numerically according to the defined criteria (refer to the table below). The purpose of the rating is to develop a clear understanding of influences and processes associated with each impact. The severity, spatial scope and duration of the impact together comprise the consequence of the impact and when summed can obtain a maximum value of 15. The frequency of the activity, impact, legal issues and the detection of the impact together comprise the likelihood of the impact occurring and can obtain a maximum value of 20. The values for likelihood and consequence of the impact are then read off a significance rating matrix and are used to determine whether mitigation is necessary⁷.

⁶ The definition has been aligned with that used in the ISO 14001 Standard.

⁷ Some risks/impacts that have low significance will however still require mitigation



The model outcome of the impacts was then assessed in terms of impact certainty and consideration of available information. The Precautionary Principle is applied in line with South Africa's National Environmental Management Act, 1998 (Act No. 107 of 1998) in instances of uncertainty or lack of information, by increasing assigned ratings or adjusting final model outcomes. In certain instances, where a variable or outcome requires rational adjustment due to model limitations, the model outcomes have been adjusted.

"RISK ASSESSMENT KEY" (Based on DWS 2015 publication: Section 21 c and i water use Risk Assessment Protocol)

Table D1: Severity (How severe does the aspects impact on the resource quality (flow regime, water quality, geomorphology, biota, habitat).

Insignificant / non-harmful	1
Small / potentially harmful	2
Significant / slightly harmful	3
Great / harmful	4
Disastrous / extremely harmful and/or wetland(s) involved	5
Where "or wetland(s) are involved" it means that the activity is located within the delineated boundary of any wetland. The score of 5 is only compulsory for the significance rating.	

Table D2: Spatial Scale (How big is the area that the aspect is impacting on).

Area specific (at impact site)	1
Whole site (entire surface right)	2
Regional / neighbouring areas (downstream within quaternary catchment)	3
National (impacting beyond secondary catchment or provinces)	4
Global (impacting beyond SA boundary)	5

Table D3: Duration (How long does the aspect impact on the resource quality).

One day to one month, PES, EIS and/or REC not impacted	1
One month to one year, PES, EIS and/or REC impacted but no change in status	2
One year to 10 years, PES, EIS and/or REC impacted to a lower status but can be improved over this period through mitigation	3
Life of the activity, PES, EIS and/or REC permanently lowered	4
More than life of the organisation/facility, PES and EIS scores, a E or F	5
PES and EIS (sensitivity) must be considered.	

Table D4: Frequency of the activity (How often do you do the specific activity).

Annually or less	1
6 monthly	2
Monthly	3
Weekly	4
Daily	5

Table D5: The frequency of the incident or impact (How often does the activity impact on the resource quality).

Almost never / almost impossible / >20%	1
Very seldom / highly unlikely / >40%	2
Infrequent / unlikely / seldom / >60%	3
Often / regularly / likely / possible / >80%	4
Daily / highly likely / definitely / >100%	5



Table D6: Legal issues (How is the activity governed by legislation).

No legislation	1
Fully covered by legislation (wetlands are legally governed)	5
Located within the regulated areas	

Table D7: Detection (How quickly or easily can the impacts/risks of the activity be observed on the resource quality, people and resource).

Immediately	1
Without much effort	2
Need some effort	3
Remote and difficult to observe	4
Covered	5

Table D8: Rating Classes.

RATING	CLASS	MANAGEMENT DESCRIPTION
1 – 56	(L) Low Risk	Acceptable as is or consider requirement for mitigation. Impact to watercourses and resource quality small and easily mitigated.
56 – 169	(M) Moderate Risk	Risk and impact on watercourses are notably and require mitigation measures on a higher level, which costs more and require specialist input. Licence required.
170 – 300	(H) High Risk	Watercourse(s) impacts by the activity are such that they impose a long-term threat on a large scale and lowering of the Reserve. Licence required.

A low risk class must be obtained for all activities to be considered for a GA

Table D9: Calculations.

Consequence = Severity + Spatial Scale + Duration
Likelihood = Frequency of Activity + Frequency of Incident + Legal Issues + Detection
Significance/Risk = Consequence X Likelihood

The following points were considered when undertaking the assessment:

- ~~Risks and impacts were analysed in the context of the project's area of influence encompassing:~~
 - Primary project site and related facilities that the client and its contractors develops or controls;
 - Areas potentially impacted by cumulative impacts for further planned development of the project, any existing project or condition and other project-related developments; and
 - Areas potentially affected by impacts from unplanned but predictable developments caused by the project that may occur later or at a different location.
- Risks/Impacts were assessed for construction phase and operational phase; and
- Individuals or groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status were assessed.

Control Measure Development

The following points presents the key concepts considered in the development of mitigation measures for the proposed construction:



- Mitigation and performance improvement measures and actions that address the risks and impacts⁸ are identified and described in as much detail as possible. Mitigating measures are investigated according to the impact minimisation hierarchy as follows:
 - Avoidance or prevention of impact;
 - Minimisation of impact;
 - Rehabilitation; and
 - Offsetting.
- Measures and actions to address negative impacts will favour avoidance and prevention over minimisation, mitigation or compensation; and
- Desired outcomes are defined and have been developed in such a way as to be measurable events with performance indicators, targets and acceptable criteria that can be tracked over defined periods, wherever possible.

Recommendations

Recommendations were developed to address and mitigate potential impacts on the freshwater ecology of the resources in traversed by or in close proximity of the proposed infrastructure.

⁸ Mitigation measures should address both positive and negative impacts.



APPENDIX E – Results of Field Investigation

PRESENT ECOLOGICAL STATE (PES)

WET-HEALTH v2 (Macfarlane *et al.* 2020)

Table E1: WET-Health assessment summary of the unchannelled valley bottom wetland.

WET-Health Level 2 assessment: PES Summary				
This worksheet provides an overall summary of the WET-Health Assessment that can be used for reporting purposes				
	Wetland PES Summary			
Wetland name	Louisvale UCVB wetland			
Assessment Unit	1			
HGM type	Unchannelled VB wetland			
Area extent (Ha)	2.5 Ha			
Unadjusted (modelled) Scores				
PES Assessment	Hydrology	Geomorphology	Water Quality	Vegetation
Impact Score	5.6	2.1	3.1	8.0
PES Score (%)	44%	79%	69%	20%
Ecological Category	D	C	C	E
Combined Impact Score	4.8			
Combined PES Score (%)	52%			
Combined Ecological Category	D			
Hectare Equivalents	1.3 Ha			
Confidence (modelled results)	Connection to regional aquifer but missing information on the degree of connectivity, the low			
Final (adjusted) Scores				
PES Assessment	Hydrology	Geomorphology	Water Quality	Vegetation
Impact Score	8.6	4.0	3.1	8.0
PES Score (%)	14%	60%	69%	20%
Ecological Category	F	D	C	E
Trajectory of change	→			
Confidence (revised results)	High	Not rated	Not rated	Not rated
Combined Impact Score	6.8			
Combined PES Score (%)	32%			
Combined Ecological Category	E			
Hectare Equivalents	0.8 Ha			



ECOLOGICAL IMPORTANCE AND SENSITIVITY (EIS)

(Rountree *et al.* 2013)

Table E2: Ecological Importance and Sensitivity summary for the unchannelled valley bottom wetland

ECOLOGICAL IMPORTANCE AND SENSITIVITY:		
Ecological Importance	Score (0-4)	Confidence (1-5)
Biodiversity support	0.00	5
Presence of Red Data species	0.00	5
Populations of unique species	0.00	5
Migration/breeding/feeding sites	0.00	5
Landscape scale	1.80	4
Protection status of the wetland	4.00	5
Protection status of the vegetation type	4.00	5
Regional context of the ecological integrity	0.00	4
Size and rarity of the wetland type/s present	0.00	4
Diversity of habitat types	1.00	4
Sensitivity of the wetland	1.67	5
Sensitivity to changes in floods	1.00	5
Sensitivity to changes in low flows/dry season	2.00	5
Sensitivity to changes in water quality	2.00	4
ECOLOGICAL IMPORTANCE & SENSITIVITY	1.80	4.69

HYDROLOGICAL/FUNCTIONAL IMPORTANCE			Score (0-4)	Confidence (1-5)	
Regulating & supporting benefits	Flood attenuation		The spreading out and slowing down of floodwaters in the wetland, thereby reducing the severity of floods downstream	2	5
	Streamflow regulation		Sustaining streamflow during low flow periods	2	4
	Water Quality Enhancement	Sediment trapping	The trapping and retention in the wetland of sediment carried by runoff waters	1	5
		Phosphate assimilation	Removal by the wetland of phosphates carried by runoff waters, thereby enhancing water quality	1	4
		Nitrate assimilation	Removal by the wetland of nitrates carried by runoff waters, thereby enhancing water quality	1	4
		Toxicant assimilation	Removal by the wetland of toxicants (e.g. metals, biocides and salts) carried by runoff waters, thereby enhancing water quality	1	4
		Erosion control	Controlling of erosion at the wetland site, principally through the protection provided by vegetation	2	4
	Carbon storage		The trapping of carbon by the wetland, principally as soil organic matter	1	3
TOTAL OVERALL SCORE AND CONFIDENCE:			1.375	4	

DIRECT HUMAN BENEFITS			Score (0-4)	Confidence (1-5)
Subsistence benefits	Water for human use	The provision of water extracted directly from the wetland for domestic, agriculture or other purposes	4	5
	Harvestable resources	The provision of natural resources from the wetland, including livestock grazing, craft plants, fish, etc.	4	4
	Cultivated foods	Areas in the wetland used for the cultivation of foods	0	5
Cultural benefits	Cultural heritage	Places of special cultural significance in the wetland, e.g., for baptisms or gathering of culturally significant plants	0	5
	Tourism and recreation	Sites of value for tourism and recreation in the wetland, often associated with scenic beauty and abundant birdlife	3	5
	Education and research	Sites of value in the wetland for education or research	0	5
TOTAL OVERALL SCORE AND CONFIDENCE:			1.33	5



ECOSYSTEM SERVICE PROVISION

WET-ECOSERVICES v2 (Kotze *et al.* 2020)

Table E3: WET-Ecoservices summary for the unchannelled valley bottom wetland

		Present State			
ECOSYSTEM SERVICE		Supply	Demand	Importance Score	Importance
REGULATING AND SUPPORTING SERVICES	Flood attenuation	0.5	0.0	0.0	Very Low
	Stream flow regulation	0.4	2.0	0.0	Very Low
	Sediment trapping	2.3	2.3	1.9	Moderate
	Erosion control	0.9	1.1	0.0	Very Low
	Phosphate assimilation	2.2	1.5	1.4	Moderately Low
	Nitrate assimilation	1.9	1.5	1.1	Low
	Toxicant assimilation	2.1	0.8	1.0	Low
	Carbon storage	1.4	2.7	1.3	Low
	Biodiversity maintenance	0.6	4.0	1.1	Low
PROVISIONING SERVICES	Water for human use	2.4	2.7	2.2	Moderate
	Harvestable resources	1.5	0.3	0.2	Very Low
	Food for livestock	1.0	0.0	0.0	Very Low
	Cultivated foods	1.5	0.0	0.0	Very Low
CULTURAL SERVICES	Tourism and Recreation	2.6	4.0	3.1	High
	Education and Research	0.9	0.0	0.0	Very Low
	Cultural and Spiritual	2.0	0.3	0.7	Very Low



APPENDIX F – Risk Assessment and Mitigation Measures

General construction management and good housekeeping practices

Latent and general impacts which may affect the freshwater ecology and biodiversity, will include any activities which take place in close proximity to the proposed development that may impact on the receiving environment. Mitigation measures for these impacts are highlighted below and are relevant to the surface water feature identified in this report:

Development footprint

- All development footprint areas should remain as small as possible and should not encroach into the freshwater areas unless absolutely essential and part of the proposed development. It must be ensured that the freshwater habitat is off-limits to construction vehicles and non-essential personnel;
- The boundaries of footprint areas, including contractor laydown areas, are to be clearly defined and it should be ensured that all activities remain within defined footprint areas. Edge effects will need to be extremely carefully controlled;
- Planning of temporary roads and access routes should avoid surface water features and be restricted to existing roads where possible;
- Appropriate sanitary facilities must be provided for the life of the construction phase and all waste removed to an appropriate waste facility;
- All hazardous chemicals as well as stockpiles should be stored on bunded surfaces and have facilities constructed to control runoff from these areas;
- It must be ensured that all hazardous storage containers and storage areas comply with the relevant SABS standards to prevent leakage;
- No fires should be permitted in or near the construction area; and
- Ensuring that an adequate number of waste and "spill" bins are provided will also prevent litter and ensure the proper disposal of waste and spills.

Vehicle access

- All vehicles must be regularly inspected for leaks. Re-fuelling must take place on a sealed surface area to prevent ingress of hydrocarbons into the topsoil;
- In the event of a vehicle breakdown, maintenance of vehicles must take place with care and the recollection of spillage should be practiced near the surface area to prevent ingress of hydrocarbons into topsoil and subsequent habitat loss; and
- All spills should they occur, should be immediately cleaned up and treated accordingly.

Vegetation

- Removal of the alien and weed species encountered within the surface water feature must take place in order to comply with existing legislation (amendments to the regulations under the Conservation of Agricultural Resources Act, 1983 and Section 28 of the National Environmental Management Act, 1998). Removal of species should take place throughout the construction, operational, and maintenance phases; and
- Species specific and area specific eradication recommendations:
 - Care should be taken with the choice of herbicide to ensure that no additional impact and loss of indigenous plant species occurs due to the herbicide used;
 - Footprint areas should be kept as small as possible when removing alien plant species; and
 - No vehicles should be allowed to drive through designated sensitive surface water feature areas during the eradication of alien and weed species.



Soil

- Sheet runoff from access roads and the walk ways should be slowed down by the strategic placement of berms;
- As far as possible, all construction activities should occur in the low flow season, during the drier winter months;
- As much vegetation growth as possible (of indigenous floral species) should be encouraged to protect soil;
- No stockpiling of topsoil is to take place within close proximity to the surface water feature, and all stockpiles must be protected with a suitable geotextile to prevent sedimentation of the surface water feature;
- All soil compacted as a result of construction activities as well as ongoing operational activities falling outside of project footprint areas should be ripped and profiled; and
- A monitoring plan for the development and the immediate zone of influence should be implemented to prevent erosion and incision.

Rehabilitation

- Construction rubble must be collected and disposed of at a suitable landfill site;
- All alien vegetation in the footprint area as well as immediate vicinity of the proposed development should be removed. Alien vegetation control should take place for a minimum period of two growing seasons after rehabilitation is completed; and
- Side slope and embankment vegetation cover should be monitored to ensure that sufficient vegetation is present to bind these soil and prevent further erosion.

Impact ratings on the surface water feature ecology

The table below serves to summarise the anticipated impacts that might occur during the construction and operational phases as well as the mitigation measures that must be implemented in order to maintain and enhance the ecological integrity of the resource. It is important to note that although all surface water features present within the investigation area were delineated, the risk assessment will focus only on the surface water feature where the proposed development will take place



Table F1: Summary of the results of the DWS Risk Assessment applied to the surface water feature.

No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Flow Regime	Physical & Chemical (Water Quality)	Habitat (Geomorph & Vegetation)	Biota	Severity	Spatial Scale	Duration	Consequence	Frequency of activity	Frequency of impact	Legal Issues	Detection	Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)
CONSTRUCTION PHASE																				
1	Site Preparation	Site access and Stockpiling of materials	<ul style="list-style-type: none"> Stockpiling of barrel unit, housing reconstruction and repair materials and sewerage pipelines in such a manner that freshwater flows are impeded and/or diverted; and Potential hydrocarbon contamination of the wetland from oil and hydrocarbons originating from vehicles. 	N/A	1	1	1	1	1	1	1	3	5	1	5	2	13	39	L	N/A
		Vegetation clearing	<ul style="list-style-type: none"> Disturbances of soil leading to increased future alien vegetation proliferation, and in turn to altered wetland habitat; Dust generation from exposed soil potentially leading to the smothering of the wetland vegetation and altering surface water quality; and Increased runoff and erosion leading to sedimentation; and Stockpiling of cleared vegetation in such a manner that freshwater flows are impeded and/or diverted. 	Option 1	5	5	5	5	5	1	2	8	5	3	5	2	15	120	M	
				Option 2	1	2	3	1	1.75	1	1	3.75	5	2	5	2	14	52.5	L	
				Option 3	1	1	1	1	1	1	1	3	5	1	5	2	13	39	L	
2	Construction of Barrel Units	<ul style="list-style-type: none"> Operation of machinery; and Construction staff movement within the wetland 	<ul style="list-style-type: none"> Trampling of wetland vegetation Potential leakage of hazardous substances from machinery such as hydrocarbons and other toxic chemicals that can discharge into freshwater ecosystems 	Option 1	5	5	5	5	5	1	2	8	5	2	5	4	16	128	M	N/A
		Earth works involving removal of top soil and creation of topsoil stockpiles	Potential sedimentation and altered water quality of the wetland	Option 2	1	2	2	1	1.5	1	2	3.5	5	2	5	3	15	52.5	L	
				Option 3	1	1	1	1	1	1	1	3	5	1	5	3	14	42	L	
				Option 1	5	5	5	5	5	1	2	8	5	3	5	3	16	128	M	
3	Construction of Barrel Units	<ul style="list-style-type: none"> Concrete works pertaining to the construction of foundation slabs to support barrel units 	<ul style="list-style-type: none"> Possible contamination of soil and surface water as a result of concrete works and runoff from the construction site, leading to pollution of the freshwater resource. 	Option 2	1	2	2	1	1.25	1	1	3.25	5	1	5	3	14	45.5	L	N/A
		Concrete works pertaining to the construction of foundation slabs to support barrel units	Possible contamination of soil and surface water as a result of concrete works and runoff from the construction site, leading to pollution of the freshwater resource.	Option 3	1	2	2	1	1.25	1	1	3.25	5	1	5	3	14	45.5	L	
				Option 1	5	5	5	5	5	1	2	8	5	3	5	3	16	128	M	
				Option 2	1	2	2	1	1.5	1	2	3.5	5	2	5	3	15	52.5	L	

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No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Flow Regime	Physico & Chemical (Water Quality)	Habitat (Geomorph & Vegetation)	Biota	Severity	Spatial Scale	Duration	Consequence	Frequency of activity	Frequency of impact	Legal Issues	Detection	Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)
CONSTRUCTION PHASE																				
5	Construction of a House within the 32m NEMA ZoR of the wetland	Concrete works pertaining to construction.	Possible contamination of soil and surface water as a result of concrete works and runoff from the construction site, leading to pollution of the freshwater resource.	N/A	1	2	1	1	1.25	1	1	3.25	5	1	5	3	14	45.5	L	N/A
6	Repair of a house outside of the 32m NEMA ZoR			N/A	1	2	1	1	1.25	1	1	3.25	5	1	5	3	14	45.5	L	
7	Trenching for the laying of sewerage pipelines	➤ Earth works involving removal of top soil and creation of topsoil stockpiles.	➤ Disturbances of soil potentially leading to increased alien vegetation proliferation, and in turn alter riparian habitat; ➤ Potential erosion and sedimentation of downgradient freshwater ecosystems; ➤ Potential collection of freshwater flows in trenches, causing the dewatering of downstream freshwater ecosystems ➤ Incorrect order of backfilling such that topsoil and associated seedbanks are deposited too deep to germinate ➤ Backfilling with foreign soil material which could introduce invasive vegetation; ➤ Soil either under or over compacted which may challenge seedbank germination and surface or interflow characteristics through the soil	Option 1	5	5	5	5	5	1	2	8	5	3	5	2	15	120	M	N/A
				Option 2	2	2	1	2	1.75	1	2	4.75	5	2	5	2	14	66.5	M	
				Option 3	1	2	1	1	1.25	1	1	3.25	5	1	5	2	13	42.25	L	
8	Backfilling of trenches			Option 1	5	5	5	5	5	1	2	8	5	3	5	4	17	136	M	N/A
				Option 2	2	1	2	2	1.75	1	2	4.75	5	2	5	3	15	71.25	M	
				Option 3	2	2	1	1	1.5	1	1	3.5	5	1	5	2	13	45.5	L	

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May 2023

No.	Activity	Aspect	Impact	Barrel Unit Layout Option	Flow Regime	Physico & Chemical (Water Quality)	Habitat (Geomorph & Vegetation)	Biota	Severity	Spatial Scale	Duration	Consequence	Frequency of activity	Frequency of impact	Legal Issues	Detection Likelihood	Significance	Risk Rating (before adjustment)	Risk Rating (after adjustment)	
OPERATION PHASE																				
9	Operation of the Sewerage Infrastructure	Proactive monitoring to ensure structural integrity is maintained and to identify early warning signs.	<ul style="list-style-type: none">Indiscriminate movement of vehicles and vegetation trampling within the wetland during maintenance activities; andPossible soil compaction and disturbance, resulting in increased alteration of the wetland vegetation community structure.	All	2	2	2	1	1.75	1	1	3.75	2	1	5	3	11	41.25	L	N/A
10	Operation of the Sewerage Infrastructure	Potential leakage of the sewer pipeline.	<ul style="list-style-type: none">Potential eutrophication of water as a result of increased nitrates and phosphate loads into the wetland;Proliferation of alien and invasive plant species within the wetland; andPotential ingress of raw sewage into the wetland and downstream watercourses with the introduction of faecal coliforms into the water that would seriously pollute watercourses.	Option 1	5	5	5	5	5	1	3	8	5	1	5	5	16	128	M	
				Option 2	1	3	1	2	1.75	1	2	4.75	5	1	5	5	16	76	M	L
				Option 3	1	1	1	1	1	1	1	3	5	1	5	5	16	48	L	N/A

APPENDIX G – Details, Expertise and Curriculum Vitae of Specialists

1. (a) (i) Details of the specialist who prepared the report

Cole Grainger MSc Conservation Ecology (University of Stellenbosch)
 Rabia Mathakutha MSc Plant Science (University of Pretoria)
 Stephen van Staden MSc Environmental Management (University of Johannesburg)

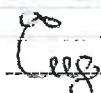
1. (a). (ii) The expertise of that specialist to compile a specialist report including a curriculum vitae

Company of Specialist:	FEN Consulting (Pty) Ltd		
Name / Contact person:	Cole Grainger		
Postal address:	221 Riverside Lofts, Tygerfalls Boulevard, Bellville,		
Postal code:	7539	Cell:	084 397 6753
Telephone:	011 616 7893 (head office)	Fax:	086 724 3132
E-mail:	cole@sasenvgroup.co.za		
Qualifications	MSc Conservation Ecology (University of Stellenbosch)		
Registration Associations	/ Registered Candidate Scientist at South African Council for Natural Scientific Professions (SACNASP)		

1. (b) a declaration that the specialist is independent in a form as may be specified by the competent authority

I, Cole Grainger, declare that -

- I act as the independent specialist in this application;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting the specialist report relevant to this application, including knowledge of the relevant legislation and any guidelines that have relevance to the proposed activity;
- I will comply with the applicable legislation;
- I have not, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- All the particulars furnished by me in this form are true and correct



Signature of the Specialist



1. (b) a declaration that the specialist is independent in a form as may be specified by the competent authority

I, Rabia Mathakutha, declare that -

- I act as the independent specialist in this application;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting the specialist report relevant to this application, including knowledge of the relevant legislation and any guidelines that have relevance to the proposed activity;
- I will comply with the applicable legislation;
- I have not, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- All the particulars furnished by me in this form are true and correct



Signature of the Specialist

1. (b) a declaration that the specialist is independent in a form as may be specified by the competent authority

I, Stephen van Staden, declare that -

- I act as the independent specialist in this application;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting the specialist report relevant to this application, including knowledge of the relevant legislation and any guidelines that have relevance to the proposed activity;
- I will comply with the applicable legislation;
- I have not, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- All the particulars furnished by me in this form are true and correct



Signature of the Specialist





**SAS ENVIRONMENTAL GROUP OF COMPANIES –
SPECIALIST CONSULTANT INFORMATION
CURRICULUM VITAE OF COLE GRAINGER**

PERSONAL: DETAILS

Position in Company	Freshwater Specialist
Joined SAS Environmental Group of Companies	2022

MEMBERSHIP IN PROFESSIONAL SOCIETIES

Candidate member of the South African Council for Natural Scientific Professions (SACNASP)
(SACNASP – Reg No. 119870)

EDUCATION

Qualifications

MSc Conservation Ecology (Stellenbosch University)	2017
BSc Conservation Ecology (Stellenbosch University)	2010
BSc Environmental and Biological Sciences (North West University)	2011

Short Courses

Tools for Wetland Assessment presented by Prof. F. Ellery and Rhodes University	2020
SASS5 National Aquatic Ecosystem Health Monitoring Programme	2018

AREAS OF WORK EXPERIENCE

South Africa – Western Cape, Eastern Cape and Northern Cape

KEY SPECIALIST DISCIPLINES

Freshwater Assessment Reporting

- Wetland delineation
- WET-Health, WET-Ecoservices and wetland Ecological Sensitivity and Importance
- Application of NEMA Impact Assessment and GN509 Risk Assessment Matrices

Aquatic Assessments

- Riparian watercourse delineation
- River IHI, VEGRAI and MIRAI Ecological Assessments

Wetland and River Monitoring

- Vegetation structure
- Sedimentation
- Water Quality
- Benthic Algae
- SASS 5
- Waste Classification

Water Use License Applications





**SAS ENVIRONMENTAL GROUP OF COMPANIES –
SPECIALIST CONSULTANT INFORMATION
CURRICULUM VITAE OF **RABIA MATHAKUTHA****

PERSONAL DETAILS

Position in Company	Freshwater Ecologist
Joined SAS Environmental Group of Companies	2020

MEMBERSHIP IN PROFESSIONAL SOCIETIES

Candidate member of the South African Council for Natural Scientific Professions (SACNASP – Reg No. 120040)
Member of the Western Cape Wetland Forum (WCWF)
Member of the South African Association of Botanists (SAAB)

EDUCATION

Qualifications

MSc Plant Science (University of Pretoria)	2018
BSc (Hons) Environmental Science (Biogeography) (University of KwaZulu-Natal)	2015
BSc Environmental Science (Life Science stream) (University of KwaZulu-Natal)	2014

Short courses

Tools for Wetland Assessment (Rhodes University)	2021
An Introduction on How to Map and Groundtruth Wetlands (WCWF)	2020
Official Department of Water and Sanitation (DWS) Section 21 (c) and (i) Water Use Authorisation Course	2018

AREAS OF WORK EXPERIENCE

South Africa – Gauteng, Mpumalanga, Western Cape, Eastern Cape, Northern Cape
Africa – Lesotho, Mozambique

KEY SPECIALIST DISCIPLINES

- Desktop Freshwater Delineation
- Freshwater Verification Assessment
- Freshwater (wetland / riparian) Delineation and Assessment
- Freshwater Eco Service and Status Determination
- Rehabilitation Assessment / Planning
- Maintenance and Management Plans
- Plant species and Landscape Plan
- Desktop Freshwater Delineation





**SAS ENVIRONMENTAL GROUP OF COMPANIES –
SPECIALIST CONSULTANT INFORMATION
CURRICULUM VITAE OF **STEPHEN VAN STADEN****

PERSONAL DETAILS

Position in Company	Group CEO, Water Resource Discipline Lead, Managing Member, Ecologist, Aquatic Ecologist
Joined SAS Environmental Group of Companies	2003 (year of establishment)

MEMBERSHIP IN PROFESSIONAL SOCIETIES

Registered Professional Scientist at South African Council for Natural Scientific Professions (SACNASP)
Accredited River Health Practitioner by the South African River Health Program (RHP)
Member of the South African Soil Surveyors Association (SASSO) Member of the Gauteng Wetland Forum
Member of the Gauteng Wetland Forum
Member of International Association of Impact Assessors (IAIA) South Africa;
Member of the Land Rehabilitation Society of South Africa (LaRSSA)

EDUCATION

Qualifications

MSc Environmental Management (University of Johannesburg)	2003
BSc (Hons) Zoology (Aquatic Ecology) (University of Johannesburg)	2001
BSc (Zoology, Geography and Environmental Management) (University of Johannesburg)	2000

Short Courses

Integrated Water Resource Management, the National Water Act, and Water Use Authorisations, focusing on WULAs and IWWMPs	2017
Tools for Wetland Assessment (Rhodes University)	2017
Legal liability training course (Legricon Pty Ltd)	2018
Hazard identification and risk assessment training course (Legricon Pty Ltd)	2018
Wetland Management: Introduction and Delineation (WLID1502S) (University of the Free State)	2018
Hydropedology and Wetland Functioning (TerraSoil Science and Water Business Academy)	2018

AREAS OF WORK EXPERIENCE

South Africa – All Provinces
Southern Africa – Lesotho, Botswana, Mozambique, Zimbabwe Zambia
Eastern Africa – Tanzania Mauritius
West Africa – Ghana, Liberia, Angola, Guinea Bissau, Nigeria, Sierra Leona
Central Africa – Democratic Republic of the Congo

DEVELOPMENT SECTORS OF EXPERIENCE

1. Mining: Coal, chrome, Platinum Group Metals (PGMs), mineral sands, gold, phosphate, river sand, clay, fluorspar
2. Linear developments (energy transmission, telecommunication, pipelines, roads)



3. Minerals beneficiation
4. Renewable energy (Hydro, wind and solar)
5. Commercial development
6. Residential development
7. Agriculture
8. Industrial/chemical

KEY SPECIALIST DISCIPLINES

Legislative Requirements, Processes and Assessments

- Water Use Applications (Water Use Licence Applications / General Authorisations)
- Environmental and Water Use Audits
- Freshwater Resource Management and Monitoring as part of EMPR and WUL conditions

Freshwater Assessments

- Freshwater (wetland / riparian) Delineation and Assessment
- Freshwater Eco Service and Status Determination
- Rehabilitation Assessment / Planning
- Maintenance and Management Plans
- Plant Species and Landscape Plans
- Freshwater Offset Plans
- Hydropedological Assessment
- Pit Closure Analysis

Aquatic Ecological Assessment and Water Quality Studies

- Habitat Assessment Indices (IHAS, HRC, IHIA & RHAM)
- Aquatic Macro-Invertebrates (SASS5 & MIRAI)
- Fish Assemblage Integrity Index (FRAI)
- Fish Health Assessments
- Riparian Vegetation Integrity (VEGRAI)
- Toxicological Analysis
- Water quality Monitoring
- Screening Test
- Riverine Rehabilitation Plans

Biodiversity Assessments

- Floral Assessments
- Biodiversity Actions Plan (BAP)
- Biodiversity Management Plan (BMP)
- Alien and Invasive Control Plan (AICP)
- Ecological Scan
- Terrestrial Monitoring
- Biodiversity Offset Plan

Soil and Land Capability Assessment

- Soil and Land Capability Assessment
- Hydropedological Assessment

Visual Impact Assessment

- Visual Baseline and Impact Assessments
- Visual Impact Peer Review Assessments



SPECIAL POWER OF ATTORNEY

*I/We Kobus Groenewald

..... the undersigned

do hereby nominate, constitute and appoint

GERHARD SWART

of

URBAN DYNAMICS SOUTH CAPE (PTY) LTD TOWN AND REGIONAL PLANNERS

with power of Substitution to be *my/our lawful representative in *my/our application for:

**APPLICATION FOR A CONSENT USE APPROVAL FOR TOURISM ACCOMMODATION
PURPOSES ON PORTIONS 13, 24 & 30 OF FARM 65 LOUISVALE, STELLENBOSCH**

In addition to apply for such amendments of any zoning schemes as may be deemed necessary and to make other necessary application and further to represent *me/us at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of those present and whatever our said representative have to date done herein.

Signed at Stellenbosch on this 28 day of December 2022

Signed

In the presence of the undersigned witnesses:

As Witnesses:

.....

¹ *Delete whichever is not applicable



Please initial here

ANNEXURE D

Portfolio of Evidence



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

FILE NR: OUTGOING POST

F-65/13 S

SCAN NR:

Nov2023

COLLABORATOR NR: 185087

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	65	Portion(s) if farm	13 & 30	Allotment Area	Stellenbosch Farms		
Owner/ Applicant	Gerhard Swart obo Urban Dynamics			LU/#	LU/17271		
Notice Period	From:	11/10/2024		To:	13/11/2024.		
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)				X			✓
Proof of notices served							
10. Wording of notice accurate and example attached				X			✓
11. Proof of all notices served to neighbouring properties attached				X			✓
12. Proof of all notices served to interest and community groups attached				X			✓
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached				X			✓
Comments received							
14. All objections and comments received attached, including amended comments if relevant				X			✓
15. All comments from municipal departments and organs of state received (must also be attached to POE)				X			✓
16. Consent from abutting property owners obtained and attached						X	✓
17. Applicant's written reply / responding comments on all the objections attached							

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

09 MAY 2025

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) Gerhard Swart and ID No: 6501315098088, 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 April 2025 at Bellville
Date Place

Signature 

For office use only

	NAME	SIGNATURE	DATE
VERIFIED BY ADMINISTRATIVE OFFICER	Nicole Kats	J. Kats	09-06-2025
CHECKED BY TOWN PLANNER			

NOTES TO BE RECORDED:

Case No:
Our Reference Number:
Date:

LU/17271 - TP726/2024
310279S
April 2025

RESPONSE TO COMMENTS REPORT

APPLICATION FOR A CONSENT USE. PERMANENT DEPARTURE & REGISTRATION OF A LEASE AREA ON PORTION 13 & 30 OF FARM 65.

The abovementioned application was submitted to the Stellenbosch Municipality. The application includes a proposal for lease registration, consent use, and a permanent departure to permit a tourism accommodation establishment on Farm 65, Stellenbosch Farms.

Following the circulation process, 8 departmental comments and 1 public acknowledgement were received. These comments were assessed and can be summarised as follows (next page):

Formal written comments were received from the following departments:

Department	Support	Comment	Response
1 Cape Winelands : Environmental and Health	YES	The department provides conditions regarding the sewer connection, refuse collection, water quality, and food handling.	Noted.
2 Spatial Planning	TBC	Further Engagement Required	The motivation for site-specific deviation is included as part of the planning report.
3 Engineering Services	YES	Conditions regarding the registration of the notarial tie and services are included.	Noted.
4 Fire Services	YES	No objection.	Noted.
5 Western Cape Government: Roads & Infrastructure	YES	No objection.	Noted.
6 Western Cape Government: DEADP	NO	The supply of tourist accommodation should be carefully considered with due regard to the impact thereof on the rural landscape.	<p>The impact on the environmental and rural impact was considered and will not have known negative impacts based on the following:</p> <ol style="list-style-type: none"> 1) An NID was submitted and the record of decision stated that no further action is required. 2) An EA was issued for the proposed development. 3) The pods were designed to resemble wine barrels, and the materials and colours were used sensitively and are appropriate to the surrounding winelands context.

			<p>The Stellenbosch Spatial Development Framework, 2023 permits dwelling units that support rural tourism and ancillary rural activities that serve to diversify farm income, provided said uses do not undermine the sustainability of agricultural production and adhere to the guidelines as contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019</p>	<div data-bbox="151 309 331 869">  <p>Figure 17: Precedent (Quinta da Pacheca, Portugal)</p> </div> <p>The pods were designed to resemble the existing Log Cabin.</p> <p>Agreed, a motivation for site-specific deviation was included as part of the land use application.</p> <p>The grounds for site-specific deviation from the Stellenbosch Spatial Development Framework (SDF, 2019) and Rural Development Guidelines (RDG, 2019), include the following considerations (refer page 34 of the motivation report):</p> <ol style="list-style-type: none"> 1) The applicable land use category in terms of the Stellenbosch Zoning Scheme By-law is tourism accommodation establishment and not dwelling units. 2) The development is consistent with other objectives/ guidelines set out in the Rural Development Guidelines and SDF. 3) There would be no impact on the utilisation of existing services and facilities 4) There would be no known impact on environmental, agricultural and heritage resources given the design process of mitigation and even avoidance of agricultural, environmental and heritage impacts.
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			<p>In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, a maximum of five additional dwelling units may be permitted on land zoned for agricultural purposes, at a ratio of one additional unit per 10 ha. Additional dwelling units should be restricted to a building height of 6,5m and a maximum floor area of 175m²</p> <p>Due to the permanent nature of the proposed structures, the proposed pods should be regarded as additional dwelling units in terms of the Rural Guidelines</p>	<p>5) This is a unique development opportunity whereby the tourism accommodation itself (pods) resembles wine barrels in proximity to vineyards, dams and existing tourism facilities.</p> <p><u>Reliance on a one-size-fits-all approach</u> does not take into consideration the multitude of other considerations, as clearly explained in the site-specific motivation.</p> <p>The decision to permit pods on Farm 65 should not be solely based on the ratio as per the existing guidelines but should take the scale form and positive impact of the development into account. The proposed pods are clustered, and also much smaller than a dwelling unit (39 m² compared to 175m²).</p> <p>It is important to note that the relevant guidelines and the Spatial Development Framework (SDF) pertaining to "dwelling units," are defined as accommodation for a family. This application, however, is different, as it proposed a tourism accommodation establishment comprising 10 pods intended for transient guests.</p> <p>Based on the definition within the zoning scheme, these proposed pods cannot be classified as dwelling units. The zoning scheme defines a "dwelling unit" as: a self-contained set of inter-leading rooms consisting of at least one bedroom, one bathroom, and no more than one kitchen or open-plan area designated for meal preparation,</p>
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			<p><i>utilized or intended for utilization as a complete residence and accommodation for one family. This can include a dwelling house, second dwelling house, additional dwelling house, group house, employee housing, or dwelling units within flats or apartments."</i></p> <p>Consequently, it is evident that the proposed pods do not meet the zoning scheme's requirements for inter-leading rooms or the capacity to function as a complete residence for a family.</p> <p>The department's comment is aimed at tourism development as a land use type. We disagree with this statement as the comments relating to the land use categories is not within the mandate of the department of Agriculture.</p>
		<p>The Guidelines further recommend that tourist accommodation in the form of resorts should not be entertained on properties smaller than 50 ha. Although the development proposal is not for a resort per se as the Stellenbosch Municipality Zoning Scheme By-law does not make provision for a resort zoning category, a tourist accommodation establishment comprising 10 units is equivalent to a small resort development as per the Rural Guidelines.</p>	<p>The primary consideration for decision-making should be the scale, form, location, and potential impact of the development, rather than the farm's overall size. The proposed pods are clustered and strategically located outside environmentally sensitive areas and vineyards.</p> <p>While the "resort" land use and zoning category may not be explicitly listed in the Stellenbosch Municipality Zoning Scheme By-law, this does not preclude tourism accommodation from being considered. The definition of tourism accommodation encompasses establishments</p>

				exceeding the scale of a guest house. Given that regulations limit guest houses to a maximum of 8 rooms, it follows logically that the proposed tourism establishment, with its larger scale, meets this criterion.
Western Cape Government: DEADP Additional Comment			<p>The meeting with Urban Dynamics and your response to this Directorate's comment, dated 27 November 2024 has reference.</p> <p>It should be noted from the outset that the consideration of the application is a municipal competency and will be evaluated exclusively in terms of the criteria for decision-making as set out in section 65 of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, of which the comment from the Provincial Minister and policies, principles and the planning and development norms set by provincial government constitutes one of several general criteria.</p> <p>The Stellenbosch Spatial Development Framework, 2023 permits dwelling units that support rural tourism and ancillary rural activities that serve to diversify farm income, provided said uses do not undermine the sustainability of agricultural</p>	<p>Noted.</p> <p>Noted.</p> <p>The proposed development will support rural tourism and ancillary rural activities that serve to diversify farm income and will not undermine the sustainability of agricultural production. The proposal adheres to the main objectives and objectives of the SDF & RDG.</p>

			production and adhere to the guidelines as contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.	
			<p>The Western Cape Land Use Planning Guidelines for Rural Areas, March 2019 sets out the Provincial agenda for rural areas and focuses on the sustainable development of rural areas, safeguarding rural heritage and culture and the protection of productive agricultural land, amongst others. Said Guidelines are, however, not binding or enforceable, although decision-makers are required to consider applications before them with due regard to the degree of consistency the application has with the broadly applicable subject guidelines and whether the main goals and object of the guidelines are not being undermined should the proposal succeed.</p> <p>The Guideline is a broad-based tool providing practical planning guidance for implementation in the rural areas of the Western Cape. Given its broad application across the Western Cape Province, the description of the land uses in the Guideline are not necessarily identical to the land uses as described in a specific municipal zoning scheme.</p>	Noted.
				Noted.

			<p>Extracts from the Rural Areas Guideline relevant to the planning application include the following:</p> <ul style="list-style-type: none"> • Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC. • Tourist accommodation in the rural landscape should be clustered in visually discreet nodes. • Only activities that are appropriate in a rural context, generate positive socioeconomic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken. • Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in transit visitors. • The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities. 	<p>Noted and agreed. The proposal aligns with the following objectives of the guidelines:</p> <ul style="list-style-type: none"> • Guideline: Tourist accommodation in the rural landscape could be allowed if of an appropriate scale and form, appropriate to the SPC. <p>Response: The proposal's scale is appropriate at multiple levels. The pod size (39m²) is significantly smaller than the maximum additional dwelling unit size (120m²). Furthermore, the number of structures is comparable to the permitted maximum of 8 bedrooms. Therefore, both pod size and the number of structures comply with the guideline requirements.</p> <ul style="list-style-type: none"> • Guideline: Tourist accommodation in the rural landscape should be clustered in visually discreet nodes. <p>Response: The site's visual absorption capacity is enhanced by its location on the lower valley floor and the visual association of the wine barrel design with the surrounding vineyards and the overriding land use character of the wine industry. This capacity is further supported by the site's accessibility. As illustrated below (refer map insert page 11), the application area is located at the end of a district road, functioning primarily as a destination rather than a through-route. Consequently, the site is not exposed to high volumes of commuter or through-traffic. The road is</p>
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			<p>mainly used by farmers and their workers. The site's remote location within the lower lying valley floor, therefore, significantly contributes to its visual absorption capacity.</p> <ul style="list-style-type: none"> • Guideline: Only activities that are appropriate in a rural context, generate positive socioeconomic returns, and do not compromise the environment or the municipality's ability to deliver on its mandate should be accommodated. The long-term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered. <p>Response: The proposed wine barrel structures are appropriate within a wine-producing context and will contribute to tourism-related income. The Environmental Authorisation confirms no negative environmental impact. The development will not negatively impact the municipality's ability to deliver services and will generate long-term rates and taxes revenue. The Heritage Western Cape Record of Decision confirms no impact on heritage resources.</p> <ul style="list-style-type: none"> • Guideline: Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in-transit visitors. <p>Response: This application is exclusively for temporary tourist accommodation.</p>
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			<ul style="list-style-type: none"> Guideline: The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities. <p>Response: The location, placement, materiality, and colour of the proposed structures have been carefully selected to ensure no negative impact on the rural character.</p> <p>In conclusion, the proposal is consistent with the guidelines, will not negatively impact the productivity of the agricultural land, and will contribute to the sustainability of the farm and rural development.</p>
		<p>Whilst the Rural Areas Guidelines do not specifically reference a 'tourist accommodation establishment' as described in the Stellenbosch Zoning Scheme By-law, the description, i.e. 'accommodation for transient guests that exceeds the scale and extent of a tourist dwelling unit or guest house', would be comparable to 'holiday accommodation' within a resort development.</p>	<p>Deviation from the guidelines is a logical conclusion where the reasons for such a decision is desirable and reasonable. This directive is explicitly stated in the rural guidelines document (Western Cape Land Use Planning Guidelines Rural Areas March 2019, page 79), namely: A decision maker is however not prohibited from taking a decision on a land development application if the decision deviates from the guidelines, provided that the application must motivate to justify the deviation. In such instances the unique and exceptional circumstances which are relevant and present in the context of the application in question, may render the applicable guidelines inappropriate.</p>

<p>It is also stated that in the case where land uses differ among the policies, legislation and guidelines, the guidelines should not be enforced in a rigid manner, but the proposal should be considered in terms of its consistency with the objectives of the policy.</p>		
<p>Where the site-specific circumstances carry more weight than the narrow application of minimum/maximum sizes, the desirability of the proposal must be strong enough to deviate or to take preference to the guidelines. One such desirability and site-specific consideration, is the high visual absorption capacity of the site within the lower lying valley floor and the association of the wine barrels with the vineyards and the wine industry, clearly the dominant land use character of the valley. The visual absorption capacity can also be attributed to the roads that lead to the farm. In the figure below the location of the development is positioned in relation to district/main/minor roads. The application area is located at the end of a district road. The road therefore does not fulfil a through-route function, but a destination function. The low order route is therefore not exposed to daily commuter traffic, through-traffic or high-volume traffic. The route is mainly used by the farmers and their workers. It can therefore be concluded that</p>	<p>The Guidelines are not clear with respect to resort density size but recommend that properties smaller than 50ha be guided by the additional dwelling density model (1 unit per 10ha with a maximum of 5 units). Figure 3: Resort Densities (page 51) applies only in respect of properties with a low visual carrying capacity, which should be in excess of 500ha before units can be considered, and properties which have a linear sea/river frontage. In both respects the calculation of density is very conservative and is based on the premise that the impact of any development is usually larger on smaller properties and smaller on large properties and assumes that the loss of a small part of a property will not have a significant impact on the biodiversity and sustainable functioning of the whole.</p>	

			<p>the remote location of the site contributes towards its visual absorption capacity.</p>
		 <p>It should be noted that the proposal is for the development of 10 wine-barrel shaped pods for tourist accommodation purposes and any reference to additional dwellings in the preceding paragraphs relates to the density model used in the Rural Guidelines to calculate the number of holiday accommodation units within a resort-type development on a property measuring less than 50ha. We are not implying that any unit will be used as a permanent residence and accommodation for one family.</p>	<p>The scale, form, location and impact of the development should be the overarching consideration for decision making rather than the size of the farm. The proposed pods are clustered, located outside of the environmentally sensitive areas and vineyards.</p>

		Essentially the premise is, however, made that although application can be made for a tourist accommodation establishment on an agricultural land unit, the land unit should be larger than 50ha for a positive consideration.	The scale, form, location and impact of the development should be the overarching consideration for decision making rather than the size of the farm. The proposed pods are clustered, located outside of the environmentally sensitive areas and vineyards.
		The subject property on which the proposed pods are to be located measures 16.39 ha and in terms of the approved Stellenbosch Municipality Zoning Scheme By-law, no additional dwelling units (of 120m ² each) would be permitted (further to a primary and 2nd dwelling unit). Comparisons between the footprints of the pods versus the footprints of 5 additional dwelling units measuring 175m ² is, therefore, not relevant to the application at hand.	<p>The Stellenbosch zoning scheme by-law explicitly states in section 213 (consent uses in agriculture) that:</p> <p>(3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.</p> <p>(4) A consent use application for, ... tourist accommodation establishment and tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses.</p> <p>It is therefore our considered opinion that the municipality can deviate from the guidelines based on the reasons provided herein, and in addition based on section 213, that the tourism</p>

				accommodation pods will be subservient to the primary use of the wine farm.
				An application for registration of a lease area was included as part of the consent use application. The areas will not be subdivided from the rest of the farm. Furthermore, the vineyards, natural resources amenities and existing facilities form part of the significance and desirability of the development proposal. This comment should thus be disregarded.
7	Western Government: Agriculture	Cape	NO	<p>As previously mentioned, the proposed pods cannot be defined as additional dwelling units and the unit/ha ratio should thus not be the overriding factor for decision making. Furthermore, the development is in line with various objectives and goals of the rural guidelines. The decision for support should be based on overall consistency with policy objectives and desirability of the proposal.</p> <p>Each application and proposed development should be considered based on its own merits, desirability considerations and site-specific circumstances. This development will not have a negative impact on the agricultural landscape based on the following:</p>
				<p>It could also further be argued that only the area encompassing the proposed long-term lease (Area B - ±11 471m²) should be used to determine the density of the tourist accommodation establishment, given that the lease area necessitates a subdivision application in terms of section 15(2)(d) of the Stellenbosch By-law on Municipal Land Use Planning, resulting in a separate land unit with separate owner.</p> <p>The proposal for ten (10) tourist accommodation pods is not supported as it exceeds the number of additional dwelling units that is permitted in terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.</p> <p>From an agricultural perspective, the cumulative impact of allowing consent uses that exceeds the scale of the application property has a negative impact on the agricultural landscape.</p>

				<ul style="list-style-type: none"> • The proposed development will not compromise the agricultural function of the farm and will contribute to the sustainability of the farm by diversifying the income. • The scale, materials and placement of the pods will not have a negative impact on the existing agricultural and environmental resources. • The development can be accessed via existing access roads and will be utilising the existing parking area on Portion 30.
8	Department of Water and Sanitation.	TBC	The department requested an authorisation for the development and water usage on site.	An application for authorisation is underway and the authorisation will be forwarded to the case officer upon the receipt thereof.

It can be concluded that the proposed application and development will not negatively impact the character of the area, and no negative impact is foreseen as a result of the application. Furthermore, the proposal will have a positive socio-economic impact on the area through the introduction of a unique development proposal which will attract transient guests to the Stellenbosch winelands.

Furthermore, the Western Cape Government Planning Department specifically states that the guideline is a broad-based tool providing practical planning **guidance** for implementation in the rural areas of the Western Cape. The department further states that the guidelines are not binding or enforceable, although decision-makers are required to consider applications before them with due regard to the degree of consistency with the broadly applicable subject guidelines and whether the main goals and objective of the guidelines are not being undermined, should the proposal succeed.

We firmly believe that the unit ratio (u/ha) should not be the overriding consideration. This guideline should in our view not be applied in a narrow manner, but the site-specific considerations should rather be applied to inform decision making. Based hereon and the consistency of the application with various objectives of the said guidelines and SDF.

Based on the above, the existing approvals and the Motivation Report, it is clear from the information that the comments received from the various departments have been considered and responded to most positively. On this basis, it is recommended that the application be supported by your Council and be recommended for approval.







ANNEXURE E

Comments from Directorate: Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Ilze Fillies
Date ▫ Datum:	15 November 2024
Our Ref ▫ Ons Verw:	Civil LU 2794
Town Planning Ref:	LU/17271 – TP726/2024
Re ▫ Insake:	<p>Farm 65/13 & 30, Stellenbosch: Application is made in terms of the Stellenbosch Municipal: Bylaw on Municipal Land Use Planning (2023);1. In terms of Section 15(2)(o) of the said bylaw for a consent use for a tourist accommodation establishment to accommodate 10 tourist accommodation units on Farm No. 65/13, Stellenbosch Division. 2. In terms of Section 15(2)(b) of the said bylaw for a departure to provide no parking bays on Farm No. 65/13, Stellenbosch division, but instead providing the required 10 parking bays on Farm No. 65/30, Stellenbosch Division, requiring that the properties be notarially tied.3. In terms of Section 15(2)(d) of the said bylaw for a subdivision to register Lease Area A ($\pm 4206\text{m}^2$) on Farm No. 65/30, Stellenbosch Division and Lease Area B ($\pm 11471\text{m}^2$) over Farm No. 65/13, Stellenbosch Division to enable a long-term lease over the accommodation units, parking area and in terms of the Subdivision of Agricultural Land Act.</p>

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

1. Water

- 1.1 The existing borehole must be used for the proposed development. The potable water supply must comply with SANS 241.

2. Sewer

- 2.1 The existing municipal sewer connection must be used for the proposed development.

3. Roads

- 3.1 The notarial tie must be registered before the tourist facility is put to its approved use.
- 3.2 If in future the ownership of the properties changes a 4.5m servitude must be registered over portion 30 in favor of portion 13 as an access road.

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

**Ilze Fillies****Principal Technician: Development (Infrastructure Services)**

N:\2.0 DEVELOPMENT\01 Land Use applications\2794 (IF) Farm 65-13 & 30 Stellenbosch (LU- 17271 TP726-2024)\2794 () Farm 65-13 & 30 Stellenbosch (LU- 17271 TP726-2024).doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION

Application Number:	2794 (IF) Farm 65-13 & 30 Stellenbosch (LU- 17271 TP726-2024)
Development Name:	
Date:	15 November 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 65-13 & 30
DC Parameters Reference:	Nooitgedacht Portion 13 & 30 of farms 65 Stellenbosch Farm Town planning report April 2024 by Urban Dynamic South Cape

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		persons	
Total Increased Services Usage:	2,2	1,8	0,04	0,15	30		10	
Total Service Usage Reduction:	0	0	0	0	15,0		0	
Total Service Usage after Reduction:	2,20	1,80	0,04000	0,150	15,0		10	
Charges before adjusting for positive only, before Deductions	R -	R 65 249,64	R -	R 15 420,00	R 190 291,03	R 270 960,67	R 40 543,13	R 311 503,81
Charges adjusted for positive only, before Deductions	R -	R 65 249,64	R -	R 15 420,00	R 190 291,03	R 270 960,67	R 40 543,13	R 311 503,81
Total Deductions:	R -	R -	R -	R -	R 95 145,51	R 95 145,51	R -	R 95 145,51
Total Development Charges Payable (excluding VAT):	R -	R 65 249,64	R -	R 15 420,00	R 95 145,51	R 175 815,16	R 40 543,13	R 216 358,29
VAT:	R -	R 9 787,45	R -	R 2 313,00	R 14 271,83	R 26 372,27	R 6 081,47	R 32 453,74
Total Development Charges Payable (including VAT):	R -	R 75 037,09	R -	R 17 733,00	R 109 417,34	R 202 187,43	R 46 624,60	R 248 812,03

APPLICANT INFORMATION

Application Processed by:	Ilze Fillees
Signature:	<i>Ilze Fillees</i>
Notes:	

PK

Stellenbosch Town

Land Use Category		Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charge (see clause 4.8)						Sub Total (incl. Development Charge)	Community	Total
Description		Unit	Area (m ²)	Unit Amount	Result	Area (m ²)	Unit Amount	Result	Amount	Water	Sanity	Stormwater	Solid Waste	Resh & Transport		
										No	Yes	No	Yes	Yes		
Residential	Single Residential >100m ²	du							0	R	-	R	-	R	-	R
	Single Residential >200m ²	du							0	R	-	R	-	R	-	R
	Single Residential >250m ²	du							0	R	-	R	-	R	-	R
	Single Residential <250m ²	du							0	R	-	R	-	R	-	R
	Second Dwelling	du							0	R	-	R	-	R	-	R
	Less Formal Residential	du							0	R	-	R	-	R	-	R
	Group Residential	du							0	R	-	R	-	R	-	R
	Apartment	du							0	R	-	R	-	R	-	R
	Retirement Village	du							0	R	-	R	-	R	-	R
	Old age home	du							0	R	-	R	-	R	-	R
Accommodation	Student Accommodation/Convent/Hostels	rooms							0	R	-	R	-	R	-	R
	Guest House	rooms				10			10	R	-	R	-	R	-	R
	Converted Guest House	rooms							0	R	-	R	-	R	-	R
	Hotel, Residential	rooms							0	R	-	R	-	R	-	R
Commercial	General Business	m2 GLA							0	R	-	R	-	R	-	R
	Office	m2 GLA							0	R	-	R	-	R	-	R
	Retail/Shop	m2 GLA							0	R	-	R	-	R	-	R
	Restaurant	m2 GLA							0	R	-	R	-	R	-	R
	Outdoor Function / Picnic Area	persons							0	R	-	R	-	R	-	R
	Conference Facility/Place of assembly	m2 GLA							0	R	-	R	-	R	-	R
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R	-	R	-	R	-	R
Industrial	University/College	student							0	R	-	R	-	R	-	R
	School/Day Care	student							0	R	-	R	-	R	-	R
	Industrial - light	m2 GLA							0	R	-	R	-	R	-	R
	Industrial - heavy	m2 GLA							0	R	-	R	-	R	-	R
	Warehousing/Light Manufacturing	m2 GLA							0	R	-	R	-	R	-	R
Non-residential	Storage Facilities	unit							0	R	-	R	-	R	-	R
	Open Space/Natural Environment/Utility Site	ha							0	R	-	R	-	R	-	R
Other	Roads and Parking	ha							0.0000	R	-	R	-	R	-	R
	To be calculated	n/a							0.0000	R	-	R	-	R	-	R
	(Based on equivalent demands)	n/a							0	R	-	R	-	R	-	R
Total Area:		0	Total Area:		0											

Credit	Charges before adjusting for positive only, before Deductions	R	-	R	65 249,84	R	-	R	15 420,00	R	190 291,03	R	270 960,87	R	40 543,13	R	311 603,81
	Charges adjusted for positive only, before Deductions	R	-	R	65 249,84	R	-	R	15 420,00	R	190 291,03	R	270 960,87	R	40 543,13	R	311 603,81
	Deductions per service (from usage reductions)	R	-	R	-	R	-	R	-	R	66 145,51	R	36 145,51	R	-	R	95 149,81
	Discount Deduction (%)	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	-
Totals	Sub Total after Adjustments and Deductions (excluding VAT)	R	-	R	65 249,84	R	-	R	15 420,00	R	66 145,51	R	175 915,16	R	40 543,13	R	216 358,29
	VAT	R	-	R	9 787,45	R	-	R	2 313,00	R	14 271,83	R	26 372,27	R	6 061,47	R	32 433,74
	Total Development Charges	R	-	R	75 037,29	R	-	R	17 733,00	R	109 417,34	R	202 287,43	R	46 604,60	R	348 892,03

AK

ANNEXURE F

Comments from Western Cape: Transport & Public Works: Roads



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: 16/9/6/1-25/24 (Application No: 2024-10-0067)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

F 65/13 S

14 NOV 2024

Attention: Mr U von Molendorff

Dear Sir

PORTION 13 AND 30 OF FARM 65, STELLENBOSCH: DIVISIONAL ROAD 1069 AND MINOR ROAD 5210: APPLICATION FOR A CONSENT USE, PERMANENT PARKING DEPARTURE AND SUBDIVISION TO REGISTER LEASE AREAS

1. The following refer:
 - 1.1. The Notice of Land Development Application ((LU/17271 - TP726/2024) received from Urban Dynamics South Cape dated October 2024;
 - 1.2. The unreferenced and undated Executive Summary of the detail and motivation for the application;
 - 1.3. Site Layout Plan prepared by Urban Dynamics South Cape dated August 2023;
 - 1.4. Lease Diagram prepared by Urban Dynamics South Cape dated April 2024; and
 - 1.5. Landscape Site Development Plan (Drawing No SQ1-LOG-001 Rev: 0) prepared by Square One Landscape Architects dated 16 August 2023;
2. Divisional Road 1069 (DR1069; Devon Valley Road) is indirectly and Minor Road 5210 (OP5210) directly affected by this application. Access to Portion 13 and 30 of Farm 65 is at the end of OP5210 at ±km 0.93.
3. The application includes the following:
 - 3.1. Consent use for a tourist accommodation establishment with 10 units on Portion 13 of Farm 65;
 - 3.2. Permanent Departure to provide no parking bays on Portion 13 of Farm 65, instead offering the required 10 parking bays on Portion 30 of Farm 65, subject to the properties being notarially tied;

16/9/6/1-25/24 (Application No: 2024-10-0067)

- 3.3. Subdivision to register Lease Area A ($\pm 4\,206\text{ m}^2$) on Portion 30 of Farm 65 and Lease Area B ($\pm 11\,471\text{ m}^2$) over Portion 13 of Farm 65, allowing a long-term lease for the accommodation units, parking area, and in compliance with the Subdivision of Agricultural Land Act.
4. This Branch offers an unconditional no objection to the above Consent Use for tourist accommodation and Permanent Departure for parking.
5. The subdivision of the Lease Areas is for your administration in terms of the Subdivision of Agricultural Land Act.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 13 NOVEMBER 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention : Mr U von Molendorff (e-mail : landuse.enquiries@stellenbosch.gov.za)
2. Urban Dynamics South Cape
Attention: Mr G Swart (e-mail: gerhard@udwc.co.za)
3. Mr D Fortuin (e-mail)
4. Mr B du Preez (e-mail)
5. Mr E Smith (email)
6. Paarl Dre

ANNEXURE G

Comments from Cape Winelands District Municipality



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N.Katts
 (Planning Economic &
 Development Services: Stellenbosch Municipality)

Official / Beampte : Ms. N. Nqola
Your ref/ U vrew. : Erf 65/13 & 30
Ref No / Verw. No : 15/2/6/1
Date / Datum : 13/11/2024

APPLICATION FOR CONSENT USE AND DEPARTURE: FARM 65/13 & 30 (TP726/2024) – LU/17271, STELLENBOSCH, WESTERN CAPE

There are no objections from an Environmental Health point regarding this application, subject to compliance with the following:

Your letter dated **25 September 2024**, in the above regard refers.

From an environmental health perspective this application may be recommended for approval, provided that the following conditions are complied with:

1. Sewerage system from the proposed development must be connected to the Municipal sewerage system according to Stellenbosch Municipality's specifications, conditions, and approval.
2. Sewage disposal on the premises must always take place in a nuisance-free manner and shall be the owner's responsibility.
3. The quality of the potable water on the premises must always comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.
4. Refuse collection and storage must be done in a way that will not cause a health nuisance.
5. The proposed development must be provided with a refuse area that is large enough to store all the refuse generated on the premises, Inaccessible to the public (ie equipped with a lockable door or gate)
6. All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, of 22 June 2018 under the National Health Act.
7. Said food handling areas may in no circumstances be operated without application being made to the Environmental Health Department of the Cape Winelands District Municipality

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano may/thunyelwe kuMlawuli kaMasipala
 Telefoon/Telephone/Umnxeba: 0861 265 263 • E-pos/E-mail/IE-mail: admin@capewinelands.gov.za • Faks/Fax/IFeksi: 023 342 8442

for a Compliance Certificate. This certificate will only be issued after inspection and if the premises meet the requirements of Regulation R638.

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

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

Yours faithfully



Nolusindiso Nqola
Environmental Health Practitioner
Obo. MUNICIPAL MANAGER

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala
Telefoon/Telephone/Umnxeba: 0861 265 263 • E-pos/E-mail/IE-mail: admin@capetown.gov.za • Faks/Fax/iFeksi: 023 342 8442

ANNEXURE H

Comments from Heritage Western Cape

Our Ref: HM / CAPE WINELANDS/ STELLENBOSCH / FARM 13/65 AND 30/65
Case No: HWC23053005SB0530
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959



Applicant: Pieter Badenhorst
pieter@groenbergenviro.co.za
Owner: Blue Pie Properties (Pty) Ltd
zane@faurefaure.co.za
EAP: therina@groenbergenviro.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
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 DEVELOPMENT ON PORTION 13 AND PORTION 30 OF FARM 65, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of the above matter received. This matter was discussed at the Heritage Officers meeting held on 10 July 2023.

You are hereby notified that, since there is no reason to believe that the proposed development on Portion 13 and Portion 30 of Farm 65, Stellenbosch will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay. Please note Heritage Western Cape's Chance Finds procedure.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

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



www.westerncape.gov.za/cas

Street Address: P.O. Box 400, Stellenbosch, Cape Town, 7600 • Postal Address: P.O. Box 400, Cape Town, 7600
 • Tel: +27 (0)21 483 5959 • E-mail: cas@westerncape.gov.za

Straatadres: P.O. Box 400, Stellenbosch, Kaapstad, 7600 • Posadres: P.O. Box 400, Kaapstad, 7600
 • Tel: +27 (0)21 483 5959 • E-pos: cas@www.westerncape.gov.za

Idilesi yendawo: P.O. Box 400, Stellenbosch, iNtshona Koloni, 7600 • Idilesi yeposi: P.O. Box 400, yeposi: P.O. Box 400 • Iinombolo zomnxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: cas@westerncape.gov.za

ANNEXURE I

Comments from Western Cape
Department of Agriculture.



**Western Cape
Government**

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

OUR REFERENCE : 20/9/2/5/6/224
YOUR REFERENCE : LU/17271 – TP726/2024
ENQUIRIES : Cor van der Walt

Urban Dynamics
Email: gerhard@udwc.co.za

Att: Gerhard Swart

**PROPOSED CONSENT USE, PERMANENT DEPARTURE AND REGISTRATION OF LEASE AREAS:
DIVISION STELLENBOSCH
PORTION 13 OF THE FARM NO 65
PORTION 30 OF THE FARM NO 65**

Your application of October 2024 as reference.

The proposal for ten (10) tourist accommodation pods is not supported as it exceeds the number of additional dwelling units that is permitted in terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. From an agricultural perspective, the cumulative impact of allowing consent uses that exceeds the scale of the application property has a negative impact on the agricultural landscape.

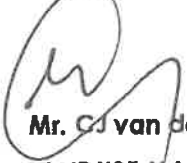
Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker.

Please note:

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

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

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-11-21

Copy:

Stellenbosch Municipality

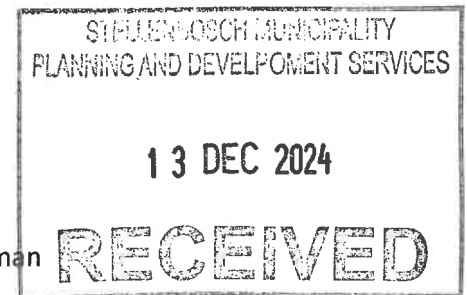
PO Box 17

STELLENBOSCH

7599

Charlene Williams

From: Nicole Katts
Sent: Friday, 13 December 2024 10:04
To: Charlene Williams
Subject: FW: Additional DEA&DP Comment: Louisvale Farm, Devon Valley (LU/17271 - TP726/2024)
Attachments: Stellenbosch Division Portions 13 and 30 of Farm 65 Nooitgedacht - additional comment.pdf; Stellenbosch Division Portions 13 and 30 of Farm 65 Nooitgedacht DC (signed 14 Nov 2024).pdf; SKM_C250i24112610260.pdf; Louivale - Report Sept 2024 - Additional Info.pdf



From: Lindsey Loots <lindsey@udwc.co.za>
Sent: Friday, 13 December 2024 10:02
To: Cor Van der Walt <Cor.VanderWalt@westerncape.gov.za>; Brandon Layman <Brandon.Layman@westerncape.gov.za>
Cc: gerhard@udwc.co.za; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Pedro April <Pedro.April@stellenbosch.gov.za>
Subject: [EX] Additional DEA&DP Comment: Louisvale Farm, Devon Valley (LU/17271 - TP726/2024)

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.

Good day Mr Cor van der Walt

Please refer attached updated comment (additional comment) and clarification regarding the applicability of the rural guidelines to the proposed tourist accommodation pods.

The department specifically states that the guideline is a broad-based tool providing practical **planning** guidance for implementation in the rural areas of the Western Cape. The department further states that the guidelines are not binding or enforceable, although decision-makers are required to consider applications before them with due regard to the degree of consistency with the broadly applicable subject guidelines and whether the main goals and objective of the guidelines are not being undermined, should the proposal succeed.

We firmly believe that the unit ratio (u/ha) should not be the overriding consideration. This guideline should in our view not be applied in a narrow manner, but the site-specific considerations as contained in the motivation report, should rather be applied to inform decision making. Based hereon and the consistency of the application with various objectives of the said guidelines, would you please revise your comment which is based on the number of additional dwelling units permitted in terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

Kind regards,



LINDSEY LOOTS • CANDIDATE TOWN PLANNER (c. Planner C/9672/2022)
URBAN DYNAMICS SOUTH CAPE PTY LTD • URBAN DYNAMICS CAPE PTY LTD
 TOWN AND REGIONAL PLANNERS

Tel: (021) 948 1545 • Website: www.udwc.co.za

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This office will close on Friday 13 December 2024 for the Festive Season and re-open on Monday, 13 January 2025.

We thank you for your loyal support in 2024.

Hierdie kantoor sluit op Vrydag, 13 Desember 2024 vir die Feesgely en heropen op Maandag, 13 Januarie 2025.

Baie dankie vir u getroue ondersteuning in 2024.

From: Helene Janser <Helene.Janser@westerncape.gov.za>

Sent: Tuesday, 10 December 2024 12:20

To: Lindsey Loots <lindsey@udwc.co.za>; Gerhard Swart <Gerhard@udwc.co.za>

Cc: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>; Stellenbosch Pedro April <Pedro.April@ Stellenbosch.gov.za>

Subject: Additional DEA&DP Comment: Louisvale Farm, Devon Valley (LU/17271 - TP726/2024)

Dear Lindsey and Gerhard

Please see additional comment on the application, as means to clarify our comment dated 14 November 2024, in response to your request.

Kind Regards

Helene Janser

Chief Town & Regional Planner: Development Management Region 2

Department of Environmental Affairs and Development Planning

Western Cape Government

4th Floor, Utilitas Building, 1 Dorp Street, Cape Town, 8000

Tel: +27 (0)21 483 3544

Cell: +27 (0)84 585 2000

Email: Helene.Janser@westerncape.gov.za

Website: www.westerncape.gov.za/eadp



**Western Cape
Government**

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**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 : 20/9/2/5/6/224
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Urban Dynamics
Email: lindsey@udwc.co.za

Att: Lindsay Loots

PROPOSED CONSENT USE, PERMANENT DEPARTURE AND REGISTRATION OF LEASE AREAS:
DIVISION STELLENBOSCH
PORTION 13 OF THE FARM NO 65
PORTION 30 OF THE FARM NO 65

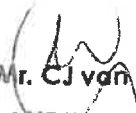
Your email of 13 December 2024 has reference.

The Western Cape Department of Agriculture (WCDoA) comments dated 21 November 2024, remains unchanged.

Please note:

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

Yours sincerely


Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2025-02-25

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

ANNEXURE J

**Comments from Department of
Environmental Affairs & Development
Planning (Directorate Development
Management – Region2).**

Reference: 15/3/2/12/BS2

Urban Dynamics Town and Regional Planners
PO Box 2445
BELLVILLE
7535

FOR ATTENTION: G. SWART

**PROVINCIAL PLANNING COMMENT: APPLICATION FOR CONSENT USE, DEPARTURE & SUBDIVISION
TO REGISTER A LEASE AREA:
PORTIONS 13 & 30 OF FARM NO 65, STELLENBOSCH**

1. The meeting with Urban Dynamics and your response to this Directorate's comment, dated 27 November 2024, has reference.
2. It should be noted from the outset that the consideration of the application is a municipal competency and will be evaluated exclusively in terms of the criteria for decision-making as set out in section 65 of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, of which the comment from the Provincial Minister and policies, principles and the planning and development norms set by provincial government constitutes one of several general criteria.
3. The Stellenbosch Spatial Development Framework, 2023 permits dwelling units that support rural tourism and ancillary rural activities that serve to diversify farm income, provided said uses do not undermine the sustainability of agricultural production and adhere to the guidelines as contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.
4. The Western Cape Land Use Planning Guidelines for Rural Areas, March 2019 sets out the Provincial agenda for rural areas and focuses on the sustainable development of rural areas, safeguarding rural heritage and culture and the protection of productive agricultural land, amongst others. Said Guidelines are, however, not binding or enforceable, although decision-makers are required to consider applications before them with due regard to the degree of consistency the application has with the broadly applicable subject guidelines and whether the main goals and object of the guidelines are not being undermined should the proposal succeed.
5. The Guideline is a broad-based tool providing practical planning guidance for implementation in the rural areas of the Western Cape. Given its broad application across the Western Cape Province, the description of the land uses in the Guideline are not necessarily identical to the land uses as described in a specific municipal zoning scheme.

6. Extracts from the Rural Areas Guideline relevant to the planning application include the following:
 - Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
 - Tourist accommodation in the rural landscape should be clustered in visually discreet nodes.
 - Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken.
 - Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in transit visitors.
 - The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities.
7. Whilst the Rural Areas Guidelines do not specifically reference a 'tourist accommodation establishment' as described in the Stellenbosch Zoning Scheme By-law, the description, i.e. 'accommodation for transient guests that exceeds the scale and extent of a tourist dwelling unit or guest house', would be comparable to 'holiday accommodation' within a resort development.
8. The Guidelines are not clear with respect to resort density size but recommend that properties smaller than 50ha be guided by the additional dwelling density model (1 unit per 10ha with a maximum of 5 units). Figure 3: Resort Densities (page 51) applies only in respect of properties with a low visual carrying capacity, which should be in excess of 500ha before units can be considered, and properties which have a linear sea/river frontage. In both respects the calculation of density is very conservative and is based on the premise that the impact of any development is usually larger on smaller properties and smaller on large properties and assumes that the loss of a small part of a property will not have a significant impact on the biodiversity and sustainable functioning of the whole.
9. It should be noted that the proposal is for the development of 10 wine-barrel shaped pods for tourist accommodation purposes and any reference to additional dwellings in the preceding paragraphs relates to the density model used in the Rural Guidelines to calculate the number of holiday accommodation units within a resort-type development on a property measuring less than 50ha. We are not implying that any unit will be used as a permanent residence and accommodation for one family.
10. Essentially the premise is, however, made that although application can be made for a tourist accommodation establishment on an agricultural land unit, the land unit should be larger than 50ha for a positive consideration.
11. The subject property on which the proposed pods are to be located measures 16.39 ha and in terms of the approved Stellenbosch Municipality Zoning Scheme By-law, no additional dwelling units (of 120m² each) would be permitted (further to a primary and 2nd dwelling unit). Comparisons between the footprints of the pods versus the footprints of 5



additional dwelling units measuring 175m² is, therefore, not relevant to the application at hand.

12. It could also further be argued that only the area encompassing the proposed long-term lease (Area B - ±11 471m²) should be used to determine the density of the tourist accommodation establishment, given that the lease area necessitates a subdivision application in terms of section 15(2)(d) of the Stellenbosch By-law on Municipal Land Use Planning, resulting in a separate land unit with separate owner.
13. From a provincial land use planning perspective, the above serves as additional input for the Municipality to take into consideration when assessing the development proposal.

Kobus Munro Digitally signed by Kobus Munro
Date: 2024.12.10 11:46:42 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

Copy to: Bulelwa Mdoda, Stellenbosch Municipality





**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

Urban Dynamics Town and Regional Planners

PO Box 2445

BELLVILLE

7535

FOR ATTENTION: G SWART

**PROVINCIAL PLANNING COMMENT: APPLICATION FOR CONSENT USE, DEPARTURE & SUBDIVISION
TO REGISTER A LEASE AREA:
PORTIONS 13 & 30 OF FARM NO 65, STELLENBOSCH**

1. Your request for comment, dated 13 October 2024, has reference.
2. The application area includes two farms namely Portions 13 and 30 of the Farm Nooitgedacht No. 65, measuring 16,9 ha and 16,05 ha respectively.
3. The proposal is for the development of 10 wine-barrel shaped tourist accommodation pods on Portion 13/65 with the parking area on Portion 30/65. The proposal includes the registration of a long-term lease (25 years) of 1,14ha on Portion 30/65 (tourist units) and 0,42ha on Portion 13/65 (parking). A notarial tie will be registered on Portion 13 in lieu of the requirement for 10 parking bays to be provided on Portion 30.
4. The supply of tourist accommodation should be carefully considered with due regard to the impact thereof on the rural landscape.
5. The Stellenbosch Spatial Development Framework, 2023 permits dwelling units that support rural tourism and ancillary rural activities that serve to diversify farm income, provided said uses do not undermine the sustainability of agricultural production and adhere to the guidelines as contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.



6. In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, a maximum of five additional dwelling units may be permitted on land zoned for agricultural purposes, at a ratio of one additional unit per 10 ha. Additional dwelling units should be restricted to a building height of 6,5m and a maximum floor area of 175m².
7. Due to the permanent nature of the proposed structures, the proposed pods should be regarded as additional dwelling units in terms of the Rural Guidelines.
8. The Guidelines further recommend that tourist accommodation in the form of resorts should not be entertained on properties smaller than 50 ha. Although the development proposal is not for a resort per se as the Stellenbosch Municipality Zoning Scheme By-law does not make provision for a resort zoning category, a tourist accommodation establishment comprising 10 units is equivalent to a small resort development as per the Rural Guidelines.
9. From a provincial land use planning perspective, the above serves as input for the Municipality to take into consideration when assessing the development proposal.

Kobus Munro Digitally signed by Kobus Munro
Date: 2024.11.14 10:59:21 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



ANNEXURE K

