

STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-03-28 FROM
10:00-15:00**



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-03-28 FROM 10:00-15:00**

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

2025-03-28

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

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, 2025-03-28** from 10h00-15:00 to consider the items on the Agenda.*

Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 FEBRUARY 2025

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

**Ref. no. 3/4/5/2/40
2025-02-28**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr 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 P April: Snr Town Planner

Mr R Fooy: Snr Town Planner

Ms B Zondo: Snr Town Planner

Guests:

Mr Esterhuizen (Applicant)

Mr Ziehl (Architect)

Mr Louw (Owner)

Mrs Louw (Owner)

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 FEBRUARY 2025

ITEM	SUBJECT
SMPT 01/02/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/02/25	LEAVE OF ABSENCE

SMPT 03/02/25	DISCLOSURE OF INTERESTS
	None received

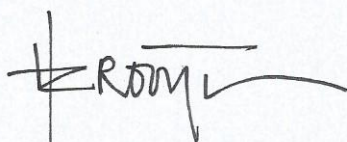
SMPT 04/02/25	MINUTES OF THE PREVIOUS MEETING DATED 31 JANUARY 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/02/25	<p>APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BYLAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO. 1471/6, STELLENBOSCH DIVISION</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. Mr Wilhelm Esterhuizen as the applicant made a presentation on behalf of the owner. See attached document. c. Questions for clarity were asked about the access road which was confirmed that it has been approved by WCG Infrastructure – Transport and the construction of new buildings that is regarded as outbuildings by the applicant, and not as new dwellings. The applicant referred to the definitions of “additional dwelling” and “dwelling unit” and explain the intention is not to create permanent residence but overnight

	<p>accommodation for transient guests. It was confirmed that the main dwelling is to be used by the farm owner and does not form part of the tourist accommodation.</p> <p>d. Based on site visits, the presentation by the applicant and the positive aspects in the planning report, opinions were raised by some MPT members that the impact on agriculture is minimum and the scale of the development is small and the new tourist accommodation units should not have a significant impact on the rural landscape.</p> <p>e. Concerns were raised about the cumulative effect of allowing three new units on all land units in the rural area that was not discussed in the applicant's or the planner's reports and should have been considered in line with the objective of the WCG Rural Guidelines.</p> <p>f. It was also noted that the protection of agricultural land and the potential to farm in general should be considered and not viticulture specifically. The argument about farm size might be weak but the spatial context and the footprint of the development should be considered.</p> <p>g. From the department's side it is noted that technically the zoning scheme and the rural guidelines are based on the number of dwelling units to count and limit the impact, and it is recognised that the rural guidelines need to be updated. It is a recent trend that developers and their applicants now try and motivate tourist units without a kitchen, leaving a vacuum as a unit without a kitchen has not been defined. The intention and objective to protect the rural landscape is a policy objective and it is reaffirmed. By calling tourist units something different does not make it any different from the policy perspective. The cumulative impact should also be considered to protect the value of the unique tourism destination being the Stellenbosch Winelands.</p> <p>h. The relocation of the new units and extension of existing buildings within the farm werf in a compact footprint might be a better urban design approach. Members proposed that the application be referred back to the department and the applicant, to discuss an alternative urban design proposal.</p> <p>i. Two proposals were tabled, to either decide the application as recommended or to refer it back to the department to consider an alternative urban design proposal. The MPT members voted and two votes are in favour of the recommendation submitted by the Department and five votes are in favour to the proposal to refer the application back to the applicant to consider an alternative.</p> <p>j. The MPT members are all in favour of the part of the recommendation to approve the conversion of portions of the existing structures into tourist accommodation.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 FEBRUARY 2025

	RESOLVED BY VOTING: 1. That the application be referred back to the applicant to work out a desirable urban design solution with the department, specifically the spatial planning and land use management sections, in a manner which serves to achieve the spatial intent of the municipal and rural policy in the protection of agricultural aspects and the character of the rural landscape.
SMPT 06/02/25	OTHER MATTERS
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	Policy aspects regarding tourist accommodation and developments in the rural area in general were discussed. While the objective and purpose of the WCG Rural Guidelines are confirmed, the need for guidelines specific to Stellenbosch is supported and the Department indicated that it was decided to compile guidelines and a spatial vision for the rural area. There will be consultation with the MPT in compiling the draft Stellenbosch Rural Guidelines.
6.2	APPEALS RECEIVED AGAINST MPT DECISION
	No new appeals against MPT decisions were received.
6.3	GENERAL

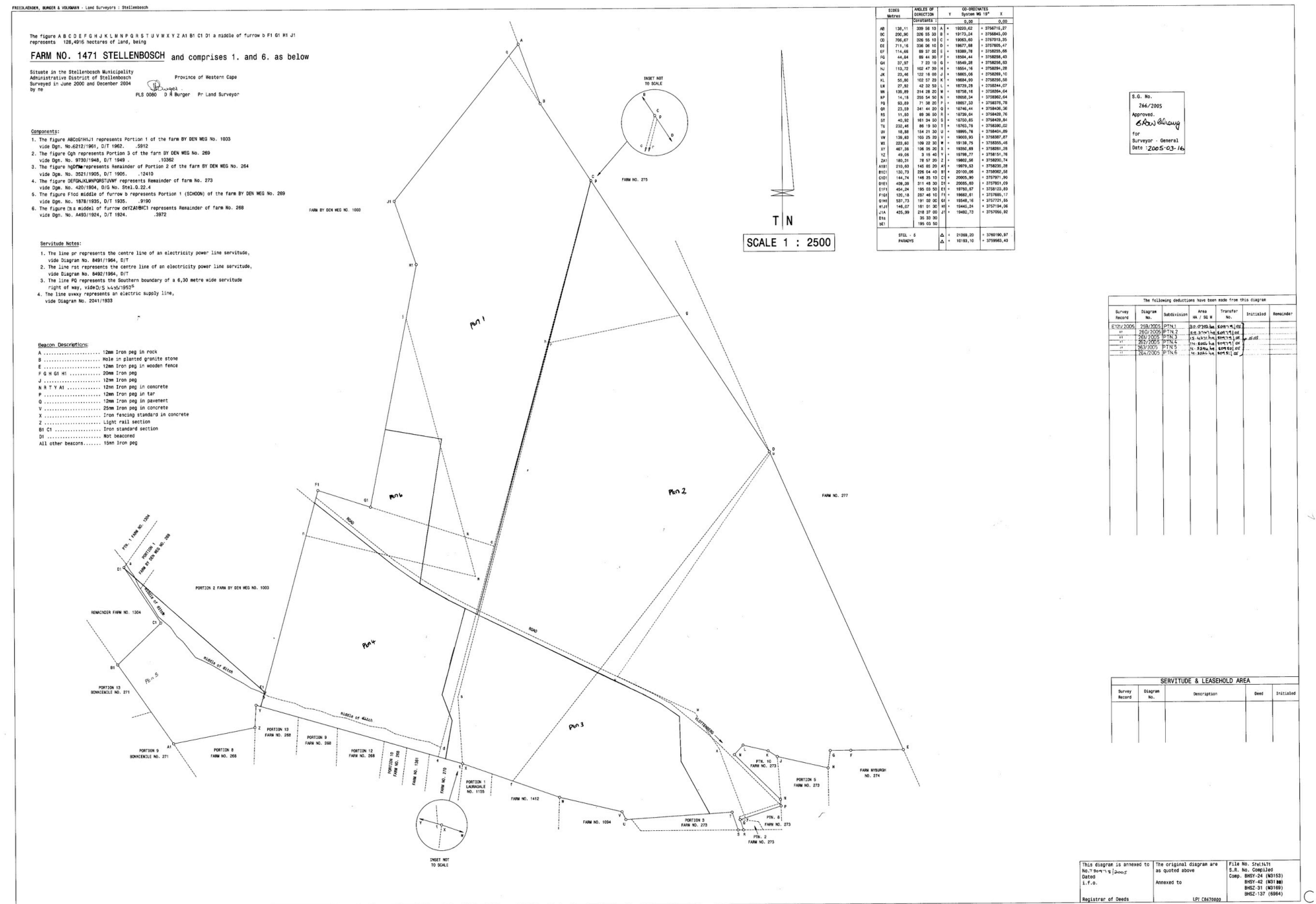


Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL


Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

Tourist Accommodation Establishment Portion 6 of Farm 1471

STELLENBOSCH KLOOF ROAD



MPT AGENDA REPORT

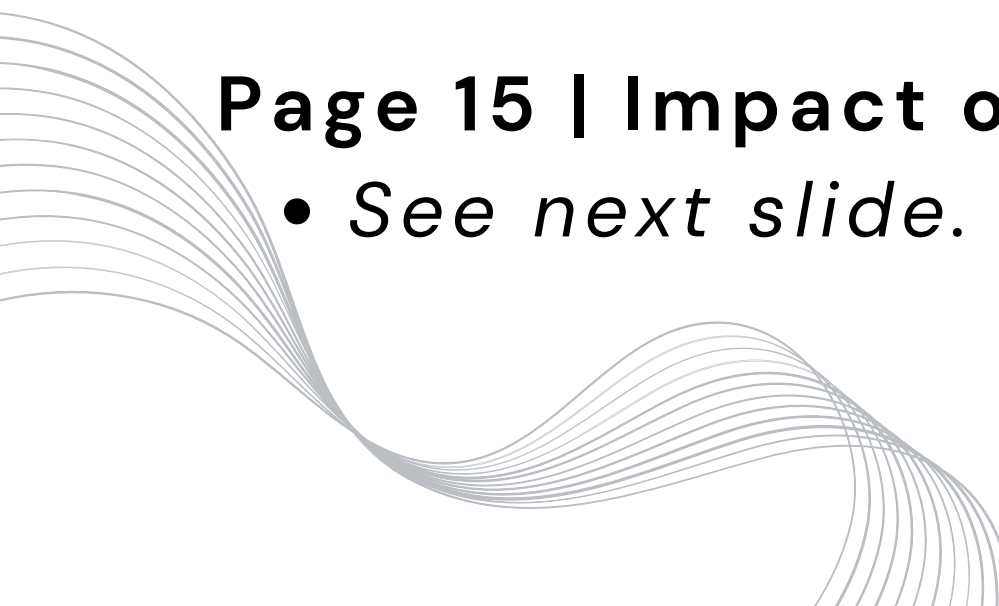
Page 10 | 6 Bedrooms for transient guests, not 7:

- 1 x Bedroom in existing farm store.
- 2 x Bedroom in existing second dwelling (1 x part of dwelling unit; 1 x separate with separate entrance (suite).
- 3 x New suites.

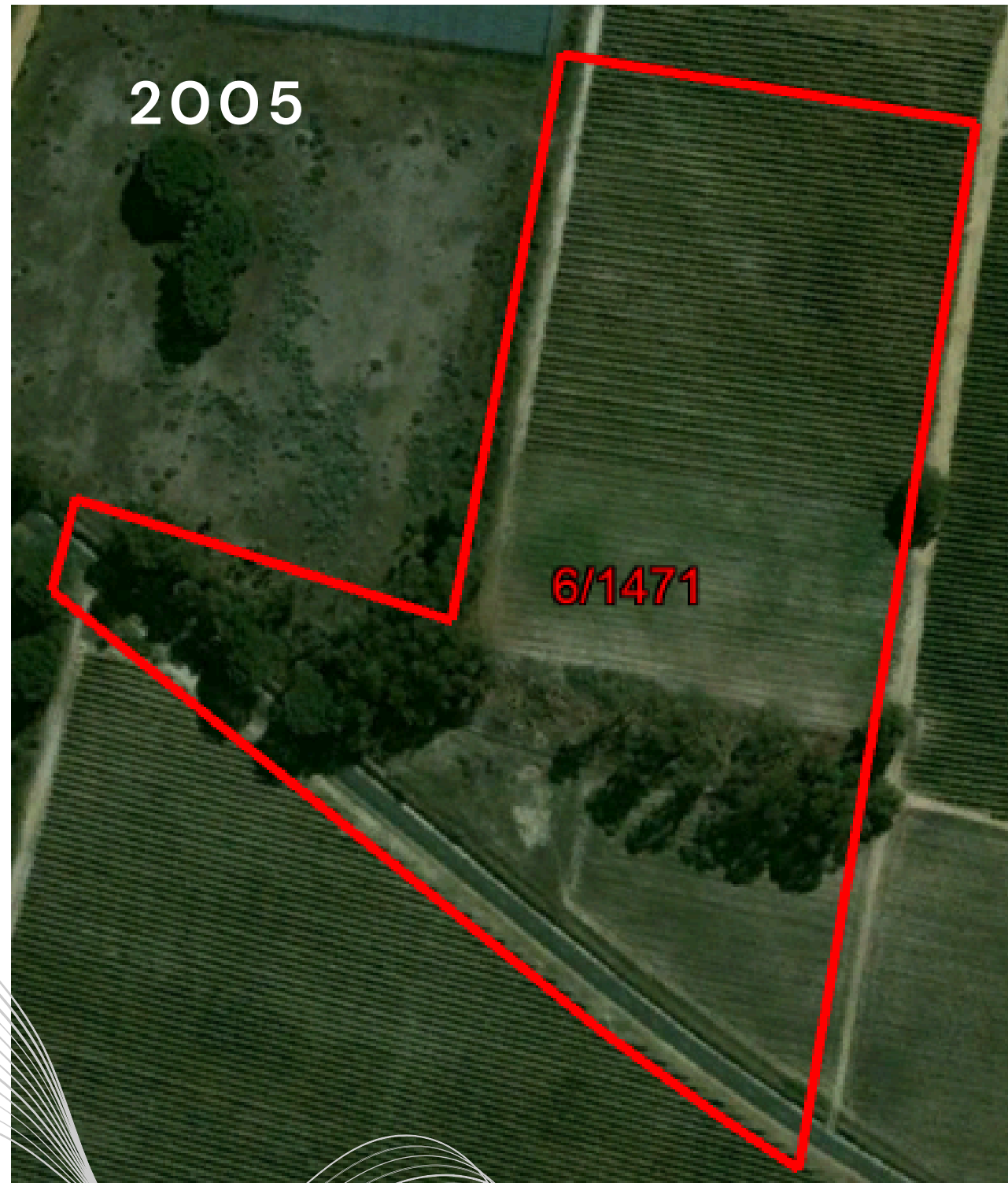
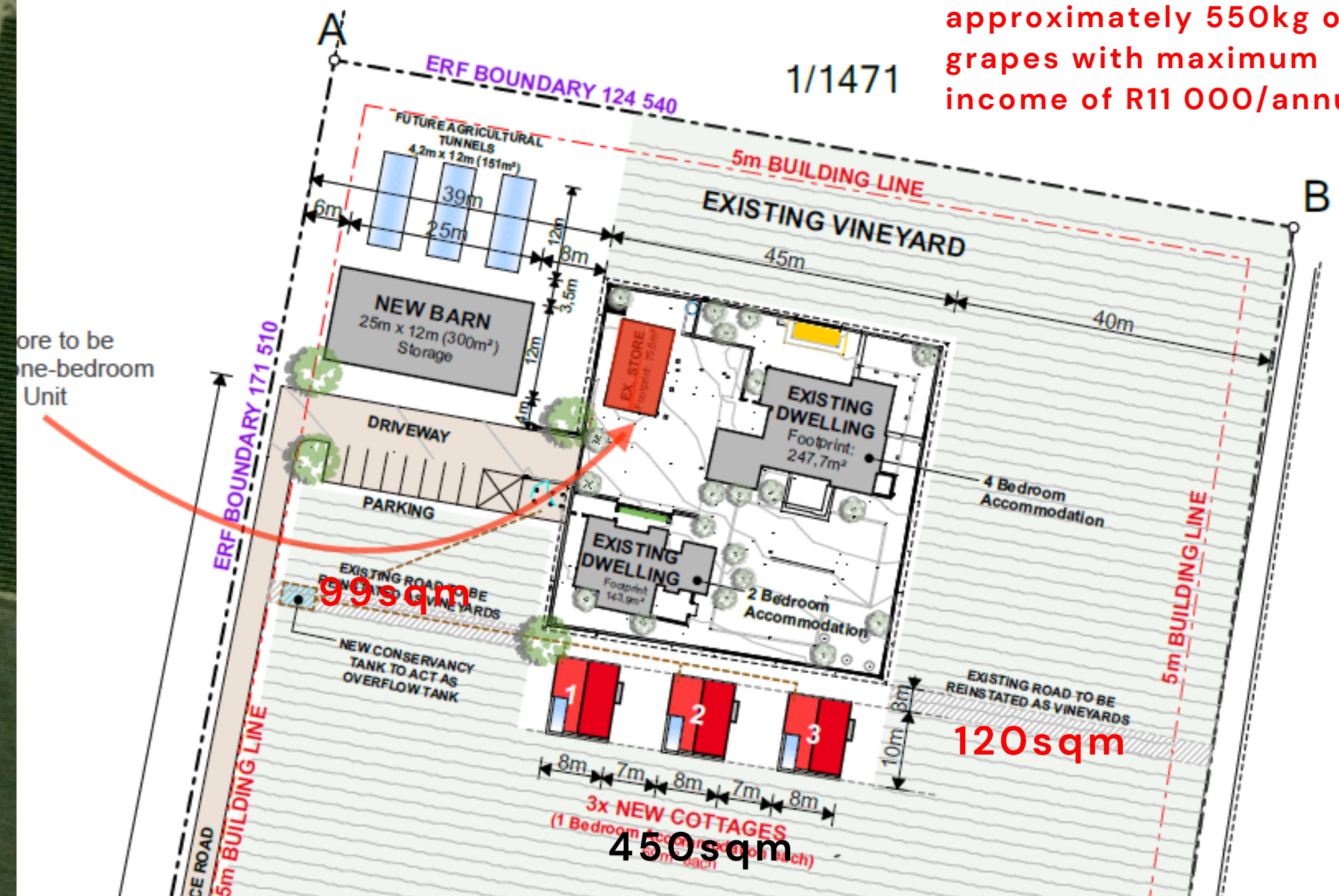
Page 14 | Can align with the definition of an outbuilding:

- *“rooms for transient guests, provided not self-catering”.*
- *“must first be classified in line with the provisions of the zoning scheme by-law”?*

Page 15 | Impact of proposal and transient guests on agriculture:

- *See next slide.*
- 

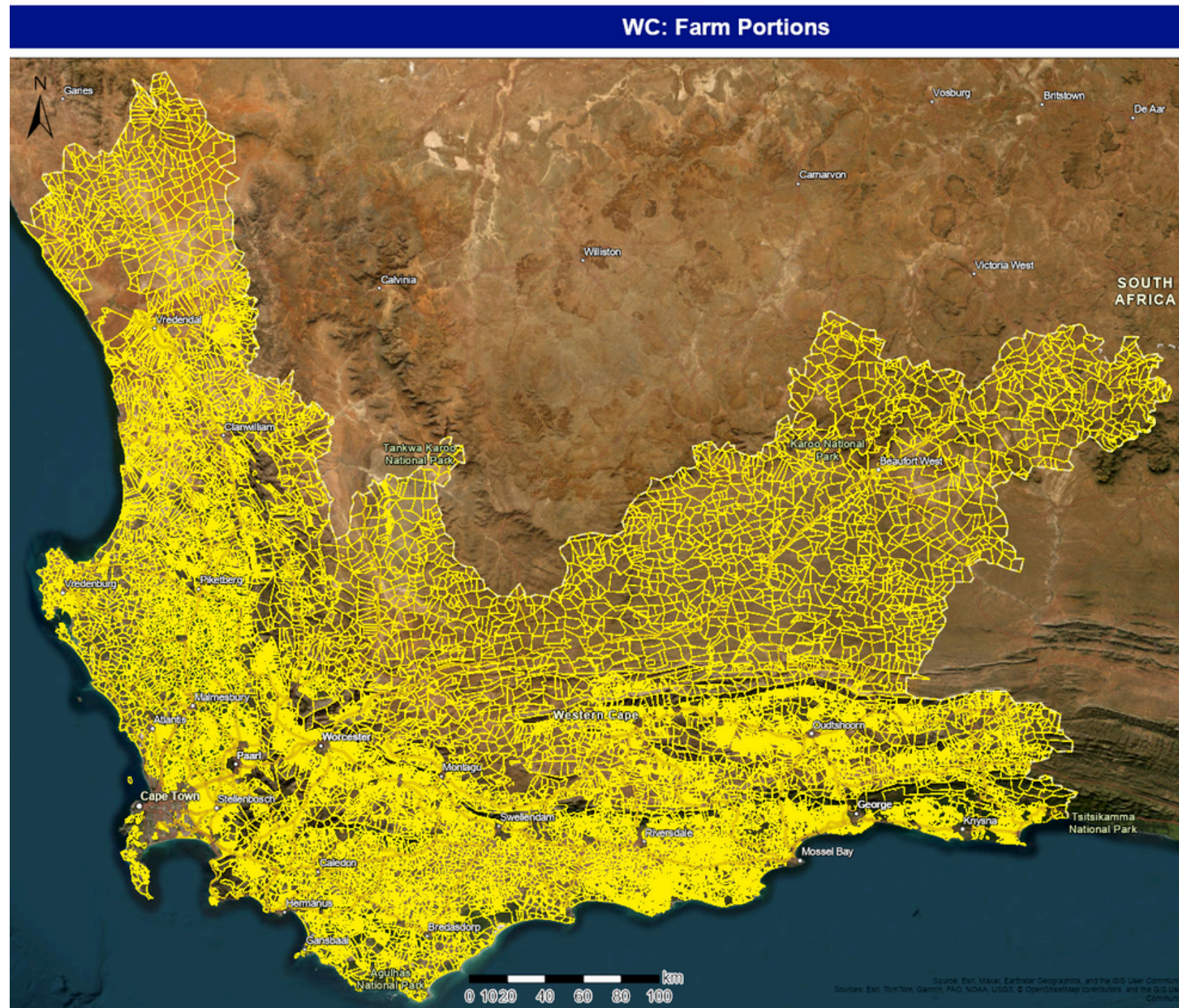
IMPACT ON AGRICULTURE



Net Result:

-230sqm of vineyard space, producing approximately 550kg of grapes with maximum income of R11 000/annum

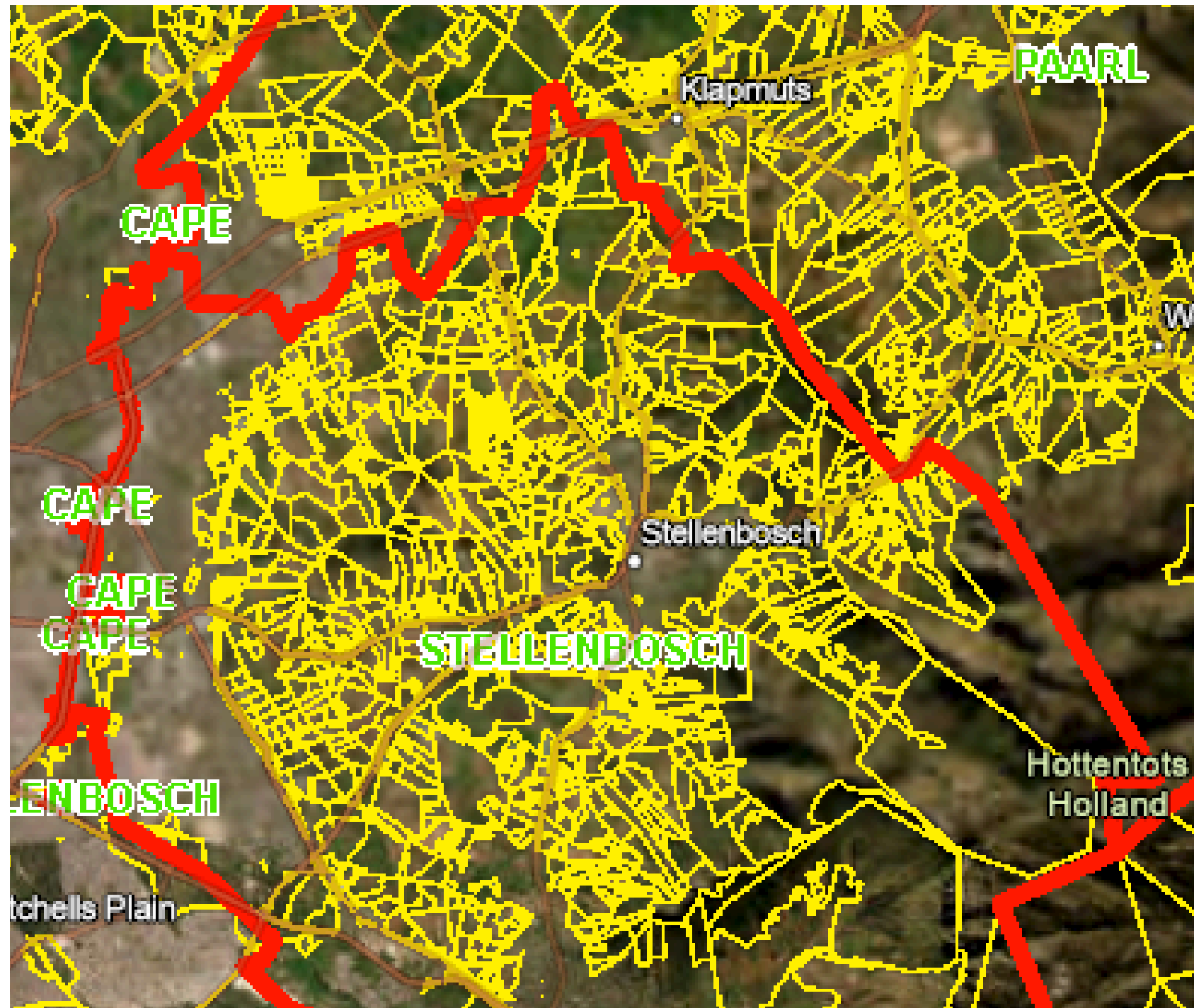
WESTERN CAPE VS STELLENBOSCH



**Average Farm Portion Size:
167.4 ha per farm portion**

**11 560 609 ha of farm land
69 070 farm portions**

WESTERN CAPE VS STELLENBOSCH



**Average Farm Portion Size:
28 ha per farm portion**

**SB Farms (Valuation Roll):
39 320 ha of farm land
1 415 farm portions**

THANK YOU

PIETERHUIZEN
P L A N N I N G



**APPLICATION FOR REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION
 FROM AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND
 CONSENT FOR WAREHOUSING AND TRANSPORT USAGE**

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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
FOR THE REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION FROM
AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND
CONSENT FOR WAREHOUSING AND TRANSPORT USAGE.**

APPLICATION DETAILS

Application Reference	LU/ 9820	Commencement Date	2019/06/24
Applicant	Virdus Works (Pty)Ltd Dupré Lombard	Last day for comments or additional information	2024/12/15
Farm No	717/1	Place	Klapmuts
Zoning	Agricultural and Rural Zone	Other approvals	None

X	TYPE OF APPLICATION
X	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 utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
X	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

Background

This application served before the Municipal Tribunal (MPT) in October 2024. Following its review, the MPT identified certain deficiencies in the initial submission and subsequently referred the application back to the applicant for revision. The shortcomings identified by the MPT are outlined in the extract from the MPT's October meeting minutes inserted below.

UNANIMOUSLY RESOLVED:

1. That the application be referred back for the applicant to specifically also address the following matters:
 - 1.1. The proposed rezoning to subdivisinal area application must comply with the requirements as stipulated in section 17(8) of the Municipal Land Use Planning Bylaw.
 - 1.2. The application reflects the municipal policy position in relation to the position of the land uses east and west of the river and the zoning and management of the open space area.
 - 1.3. The application be amended to include the subdivision plan to indicate as a minimum the road portions.

The applicant has submitted a revised subdivision and zoning plan to address the shortcomings identified by the MPT as noted in the extract of the minutes of the MPT meeting above.

The development still entails the rezoning and subdivision of the subject property, to create a mixed-use development comprising Group Housing, Public Road, Industrial and Private Open Space land uses. Access to the proposal is via the Groenfontein Road to the West, over the public road portions created over Erf 2183, Klapmuts and Farm 748/6 (Potbelly) to the R44.

The applicant has provided an updated Site-Specific motivation with the revised application as noted in the applicant supplementary motivation attached as **Annexure C**. In essence according to the applicant, the proposal is seen to not be out of context with its surroundings as the SDF when updated in 2019 and 2023 did not take the existing approval granted along the river corridor into consideration and thus does not reflect the existing land uses in the surrounding area as approved. As a result, the revised proposal which has addressed the concerns of the MPT is in line with the land uses approved on surrounding properties notwithstanding the fact that the subject property is indicated as open space / green area in the 2023 SDF.



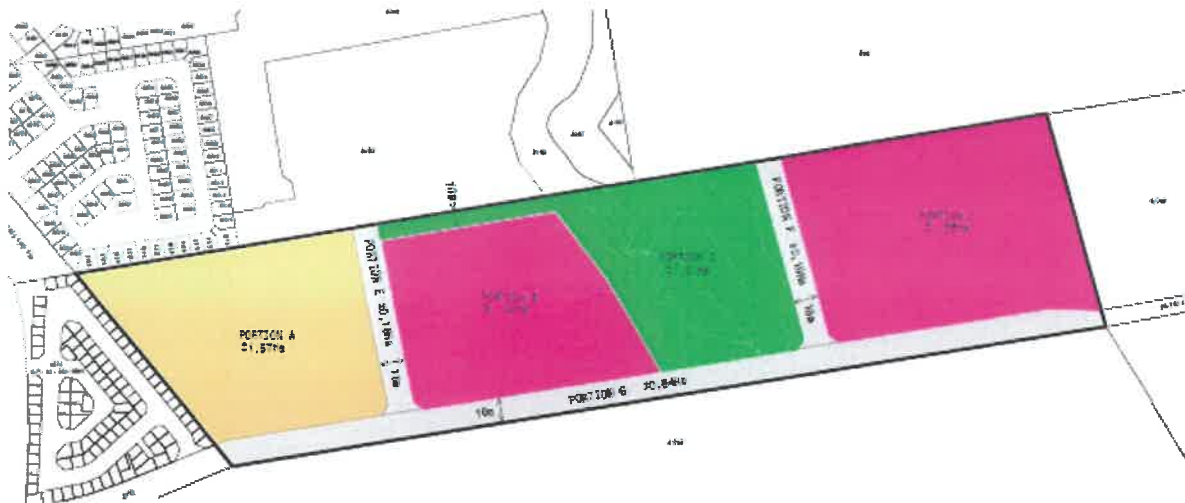
Extract of SDF

The revised land use application has been amended to read as follows due to the revised proposal.

Application under consideration as submitted in 2019 in terms of the previous zoning scheme (Section 8 Zoning Scheme):

- 1) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, **to rezone** Farm 717/1, Paarl Division from **Agricultural Zone I** to **sub divisional area**, in order to accommodate a mixed-use development comprising the following zonings:
 - Residential Zone II ($\pm 1.5656\text{ha}$)
 - Transport Zone II ($\pm 1.2173\text{ha}$)
 - Industrial Zone I ($\pm 3.2206\text{ha}$)
 - Open Space Zone II ($\pm 1.3137\text{ha}$),
- 2) Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, for the **subdivision** of Farm 717/1, Paarl Division into:
 - **Portion A** measuring $\pm 1.57\text{ha}$ for Group Housing purposes.
 - **Portion B** measuring $\pm 1.34\text{ha}$ for Industrial Zone I purposes.
 - **Portion C** measuring $\pm 1.31\text{ha}$ for Industrial Zone I purposes.
 - **Portion D** measuring $\pm 1.88\text{ha}$ for Open Space Zone II purposes.
 - **Portion E** measuring $\pm 0.18\text{ha}$ for Transport Zone 2 purposes (Public Road).
 - **Portion F** measuring $\pm 0.19\text{ha}$ for Transport Zone 2 purposes (Public Road).
 - **Portion G** measuring $\pm 0.84\text{ha}$ for Transport Zone 2 purposes (Public Road).
- 3) Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, for **the following departures**:
 - 3.1 To permit a density of **25 units / hectare** in lieu of the permitted **20 units / hectare**.
 - 3.2 **To provide only 30m² of communal open space per dwelling unit** in lieu of the required 80m² of communal open space per dwelling unit,
 - 3.3 To provide **20% of private outdoor space** of the gross floor space of the unit, **in lieu of the** required 40%.

- 4) Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, for **a Consent Use** in order to accommodate warehousing as well as transport usage under the proposed zoning of Industrial Zone I.



Designation	Zoning	Use	Number of future erven	Area (m ²)	Percentage (%)
	Transport Zone 2	Public and private road / transport facilities	3	12173	17
	Industrial Zone 1	Warehousing / Industry / Business premises / Employee housing / Serviced by internal private roads	2	32206	44
	Residential Zone 2	Group Housing / Serviced by internal private roads	1	15656	21
	Open Space Zone 2	Private open space	1	13137	18
			7	73172	100

The revised application also included a subdivision exemption application for the road portion, but as the Zoning and Subdivision plan already indicated the road portions (Portions E, F & G), the exemption application is not required.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any (Very briefly - this is a checklist to showcase that you did consider all the relevant matters.)
Accurate public participation processed followed	X		<p>The initial application was advertised in the press and to the affected / interested property owners circulated to the relevant internal and external departments and the following departments provided comment:</p> <p>The Neighbouring Farm No. 749, Heen-en-weer. <u>Supports the proposed development</u> but requires an access road to unlock their property which is currently landlocked. The revised proposal has addressed this concern as now an access road is proposed that will resolve due to a previous approval granted by the Municipality subject to conditions that were not implemented.</p>

Conditions imposed by departments	X		<p>The application was advertised in the press and circulated to the relevant internal and external departments and the following departments provided comment:</p> <ul style="list-style-type: none"> • Directorate Infrastructure Services: Engineering Services recommended the application for approval subject to certain conditions (See Annexure E) • Manager: Spatial Planning: Supports the proposal with certain conditions (See Annexure E) • Department: Transport & Public Works: Has no objection to the proposal subject to certain conditions (See Annexure F) • Heritage Western Cape: Has no objection to the proposal subject to certain conditions (See Annexure F) • Department of Environmental Affairs and Development Planning: Has no objection to the proposal subject to certain conditions (See Annexure F) • Western Cape Government Agriculture (Elsenburg): Has no objection to the proposal. (See Annexure F)
DC's applicable	X		DC's are applicable as noted in the Directorate Infrastructure Services: Engineering Services conditional support. (See Annexure E)
Objections / Comments received	X		The Neighbour Farm No. 749, Heen-en-Weer did not support the previous application as no access road was provided to unlock their property, which is landlocked due to a previous approval granted by the Municipality. <u>The revised proposal under consideration has addressed the concerns of the objector and the revised proposal is supported.</u> (See Annexure G)
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	Proposal is not compliant with the SDP as approved in 2019 and 2023 notwithstanding the fact that the subject property is within the urban edge. As result a Site-Specific motivation has been submitted for consideration
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW			
Socio-economic impact	The revised proposal would have a positive impact on the existing socio-economic conditions of the community as a number short- and long-term employment opportunities would become available should the proposal be supported.		
Compatibility with surrounding uses	The revised proposal is compatible with the existing land uses found in the surrounding area as similar approvals have been granted on the adjoining properties.		
Impact on the external engineering services	The revised proposal is supported by the Directorate Infrastructure Services with specific conditions.		
Impact on safety, health and wellbeing of the surrounding community	The revised proposal will have a positive impact on the existing community as the residential and industrial land uses are separated by a 16m wide road reserve.		
Impact on heritage	This aspect was addressed during the EIA process.		

Impact on the biophysical environment	This aspect was addressed during the EIA process.
Traffic impacts, parking, access and other transport related considerations	The revised proposal addresses the concerns in terms of traffic movement and access to the adjoining properties.
Whether the imposition of conditions can mitigate any adverse impact of the proposed use or development of land	The conditions imposed on the revised proposal will aid in mitigating the negative impact of the proposed on its surroundings as the industrial component use is to be limited to warehousing and associated land uses and not Industrial in general.

PLANNING EVALUATION AND KEY FINDINGS OF PLANNING EVALUATION

The revised application has addressed the concerns previously noted by the Municipal Planning Tribunal and has been recirculated to the relevant internal departments for further comment. Additionally, the revised proposal has also been readvertised to the objector for their input and is supported as the concerns listed by objector have now been addressed.

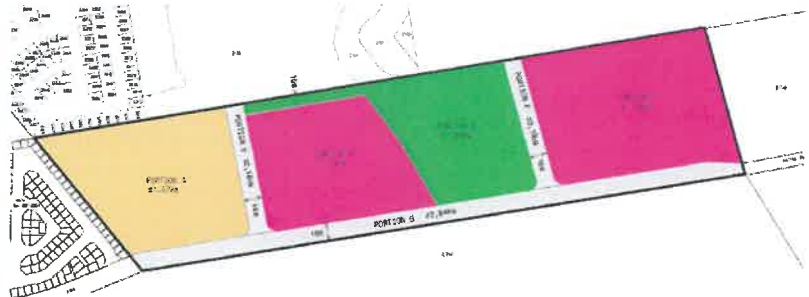
The applicant has submitted an updated Site-Specific Motivation as part of the revised application. This supplementary motivation, attached as **Annexure C**, provides further motivation for the proposal. The revised Site-Specific Motivation reiterates that the Spatial Development Framework (SDF), when updated in 2019 and 2023, did not account for existing approvals granted along the river corridor, consequently, while the revised proposal may not align with the SDF, it is not considered to be out of character with the land use approvals granted on surrounding properties.

The revised application was circulated to the relevant internal departments and the objector (Farm 749/0) for comment. The internal departments have indicated their support for the application, subject to standard conditions of approval and the objector has confirmed that their concerns regarding access to their property have been addressed, as the revised proposal now includes an access road over farm 717/1. The revised proposal also incorporates a larger residential component, which is separated from the industrial-zoned properties by a 16-meter-wide public road which provides access to an adjoining property (Erf 2123). The designated private open space portion is accessible from various road sections within the development.

While the revised proposal deviates from the 2019 and 2023 Spatial Development Framework (SDF) guidelines, which designate the western portion of the subject property for open space or green area purposes, the deviation from the SDF is considered acceptable as development could be allowed within this area as permitted on the adjoining properties.



Locality Plan / Zoning Plan



Revised proposal under consideration

The consent use and departure applications submitted for consideration have been evaluated and are supported, as the revised subdivision and zoning plan is supported. The approval of these applications will enable optimal utilization of the newly created properties.

The initial proposal **was not** supported by the Planning Directorate due to several shortcomings, all of which have been addressed in the revised proposal currently under consideration.

After having independently considered and weighted all the relevant information submitted with the revised land use and land development application concludes that:

- 1) The revised application under consideration now meets the minimum requirements for a rezoning application to a subdivisional area
- 2) The applicant has submitted a site-specific motivation to justify the deviation from the MSDF to permit the proposed alternative land uses, emphasizing that the proposed land uses are consistent with the existing character of the surrounding area.
- 3) The proposed residential and industrial land uses are supported by the Planning Directorate, as the identified shortcomings of the initial proposal have been addressed, and the proposed uses are not seen to be out of character with their surroundings. (**Annexure A**)
- 4) The proposal has made provision for a "16m wide future road" connecting Groenfontein Road, traversing Erf 2183 and Farm 748/6 (Potbelly), to the R44 which is a requirement to comply with the Municipal Roads Master Plan for the Klapmuts area.
- 5) Access to the adjoining properties, including Farm 749 and Erf 2123, has been incorporated into the revised proposal, thereby addressing the concerns of the owners of Farm 749.
- 6) The residential component is separated from the industrial component by a 16m wide road reserve.
- 7) The Open Space component is accessible from a few roads, thus ensure that this area is accessible.
- 8) The objector has indicated that the concerns raised on the first proposal have been addressed in the revised proposal and thus is in support of the proposal under consideration.
- 9) The internal and external departments also support the revised proposal with conditions as the concerns raised on the initial application have been addressed.

List relevant plan numbers	Subdivision and Zoning Plan. Plan Rev 14 - dated: 12 April 2024 (Annexure B)
List annexures	ANNEXURE A: Locality Plan. ANNEXURE B: Revised Subdivision and Zoning Plan. ANNEXURE C: Applicant's Motivation for revised proposal ANNEXURE D: Comments from Internal Departments. ANNEXURE E: Comments from External Departments. ANNEXURE F: Comments from Adjoining Neighbor. ANNEXURE G: Copy of Initial Subdivision and Zoning Plan. ANNEXURE H: Extract of 2023 MSDF. ANNEXURE I: Minutes: Stellenbosch Municipal Planning Tribunal 25 October 2024

DECISION

1. That it **BE DECIDED** that the application for Rezoning and Subdivision with Departures and Consent Use on the subject property, Farm 717/1, Paarl Division, **deviates** from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1. The MSDF has identified the western portion of Farm 717/1, Paarl Division, for green area purposes.
2. That it **BE DECIDED** that the application for Rezoning and Subdivision with Departures and Consent Use on the property on Farm 717/1, Paarl Division **does warrant site specific circumstances** as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 There are unique circumstances or considerations to serve as compelling justification to deviate from the Municipal Spatial Development Framework (MSDF), as the 2023 MSDF, did not consider the existing approvals granted for mixed use in the form of Group Housing and Industrial developments along the river corridor and surrounding area when being revised.
 - 2.2 The proposal under consideration for Farm 717/1, Paarl division, may not be aligned with the MSDF, but is not considered to be out of character with the surrounding land use approvals granted in the surrounding area.
 - 2.3 The proposed development of Farm 717/1, Paarl division, will have no impact on the urban growth management of the area, or the development agenda and strategy of the 2023 MSDF.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm 717/1, Paarl Division for:
 - 3.1 Rezoning in terms of Section 15(2)(a) of the said by-law from *Agricultural Zone I* to *sub divisional area*, in order to accommodate a mixed-use development comprising the following zonings:
 - 3.1.1 Residential Zone II (± 1.57 ha)
 - 3.1.2 Transport Zone II (± 1.2 ha)
 - 3.1.3 Industrial Zone I (± 3.2206 ha)
 - 3.1.4 Open Space Zone II (± 1.3137 ha),
 - 3.2 Subdivision in terms of Section 15(2)(d) of the said by-law comprising the following:
 - 3.2.1 Portion A measuring ± 1.57 ha for Group Housing purposes.
 - 3.2.2 Portion B measuring ± 1.34 ha for Industrial Zone I purposes.
 - 3.2.3 Portion C measuring ± 1.88 ha for Industrial Zone I purposes.
 - 3.2.4 Portion D measuring ± 1.31 ha for Open Space Zone II purposes.
 - 3.2.5 Portion E measuring ± 0.18 ha for Transport Zone II purposes (Public Road)
 - 3.2.6 Portion F measuring ± 0.19 ha for Transport Zone II purposes (Public Road)
 - 3.2.7 Portion G measuring ± 0.84 ha for Transport Zone II purposes (Public Road)
 - 3.3 *Departure* in terms of Section 15(2)(b) of the said by-law comprising the following:
 - 3.3.1 To permit a density of 25 units / hectare in lieu of the permitted 20 units / hectare on Portion A.

- 3.3.2 To provide only 30m² of communal open space per dwelling unit in lieu of the required 80m² of communal open space per dwelling unit on Portion A,
- 3.3.3 To provide 20% of private outdoor space of the gross floor space of the unit, in lieu of the required 40% on Portion A.

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

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

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

- 4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 4.4 The development must be undertaken in accordance with the zoning and subdivision plan, Ref: PA717-1, Dwg: PROP_REV15, Dated December 2024 and attached as **Annexure B**.
- 4.5 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 4.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 4.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement includes and complies with the conditions as imposed by the *Directorate Infrastructure Services* in their Memo / letter with Reference 2169 CIVIL LU and Dated February 2025 and attached as **Annexure D**.
- 4.8 All engineering services and infrastructure as required in terms of the services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 4.9 The conditions of approval as imposed by the Western Cape Government, Infrastructure, Chief Directorate: Road Planning be complied with as imposed in their letter Dated 8 August 2023, Ref TPW/CFS/LUD/REZ/SUB-25/335 (Job 27206), attached as **Annexure E**.
- 4.10 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record keeping purposes, which plan indicate the following information:
 - 4.10.1 Newly allocated erf numbers
 - 4.10.2 Co-ordinates
 - 4.10.3 Survey dimensions
 - 4.10.4 Street names and numbering
- 4.11 A Street Numbering and Naming Plan to be submitted to the Municipality for approval prior to the registration of the first land unit within the subdivision.
- 4.12 The **industrial zoned properties use** be **limited to activities that are light industrial in nature which includes warehousing and transport purposes with associated activities as approved in terms of the consent use** and that all industrial activities do not have any negative impact on the surrounding residential area in terms of noise and air pollution.

- 4.13 An owner's association to be established in terms of section 29(1) of the subject Bylaw to manage the communal property as required.
- 4.14 A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.
- 4.15 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at his cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 4.16 That should the applicant propose to phase the development a phasing plan be submitted to the Municipality for approval prior to the transfer or registration of the first land unit.

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

- 3.1 The application under consideration is not out of character with its surroundings.
- 3.2 The proposal will provide access to adjoining properties that are currently land locked and thereby facilitate the development of these properties.
- 3.3 Additional work and residential opportunities will be created for the residents of Klapmuts and surroundings.

6. **Matters to be noted:**

- 6.1 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 6.2 All electrical requirements be directed to Eskom.
- 6.3 The land use shall not create any undue noise or be a nuisance to the neighbourhood and precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 6.4 An application for the erection of advertising signs be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.
- 6.5 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.
- 6.6 Compliance to the condition of the Environmental Authorization granted.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

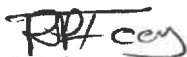
The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: R P Fooy

Capacity: Senior Town Planner

SACPLAN Registration:

Signature:



Date:

13/03/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: A.c.4; B.4; D.b.4; G.4

Decision Making Authority: SMPT

Rational: Site Specific Circumstances with Justifiable Inconsistencies.

Name:

Capacity:

SACPLAN Registration:

Stuart Carters
SMPT
A/ISSI

Signature:

Date:

[Signature]
13/3/2025

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: *C. Kriel*

Capacity: *MLM*

Signature: *[Signature]*

Date: *14-03-2025*



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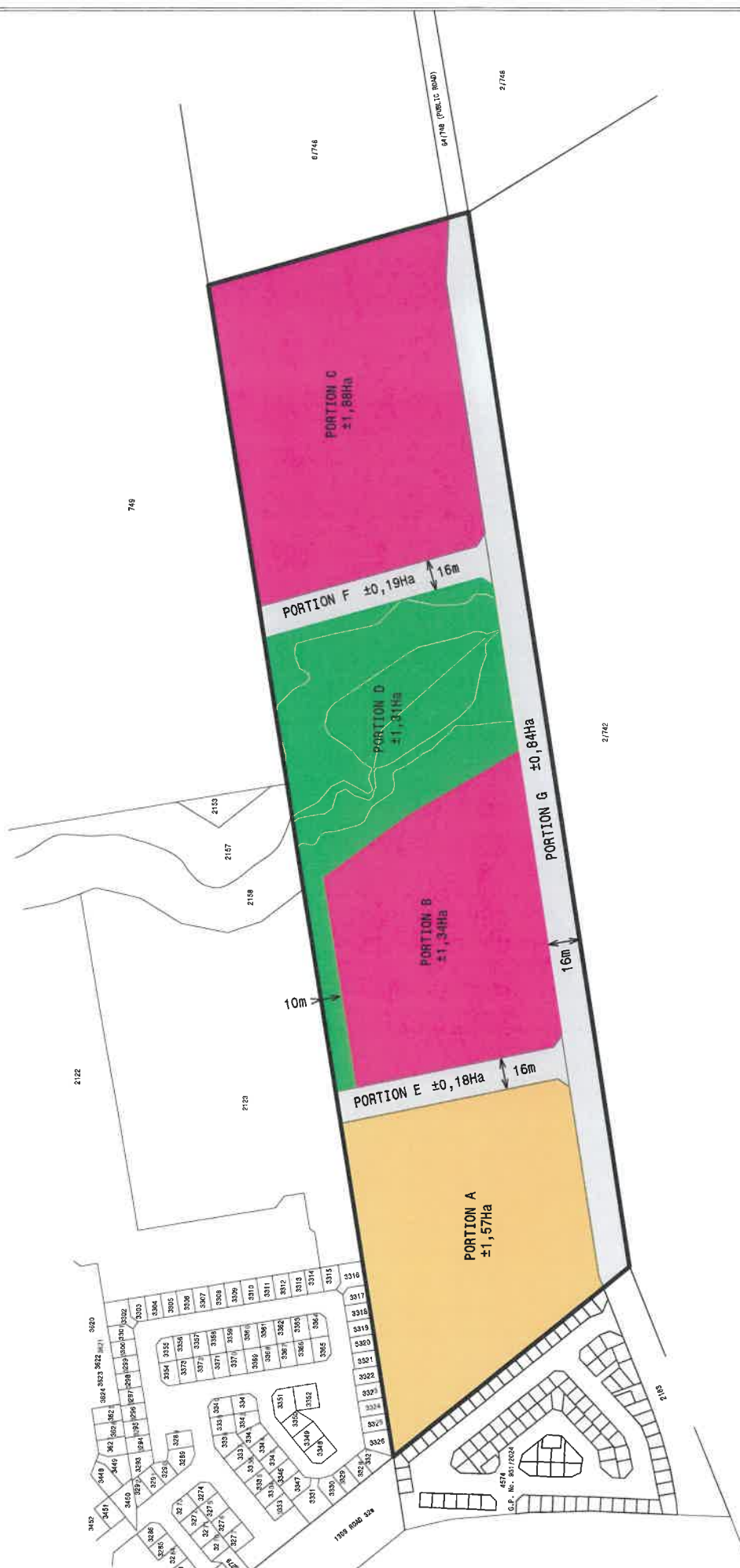
ANNEXURE A



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ANNEXURE B



Designation	Zoning	Use	Number of kitchen units	Area (m ²)	Percentage (%)		Scale 1:2000 @ A3	Date: 12 December 2024	System: WG 19
	Transport Zone 2	Public and private road / transport facilities	3	12 713	17				
	Recreational Zone 1	Recreational / Industry / Business premises / Employee housing / Services by informal private trade	2	32 006	44				
	Residential Zone 2	Group Housing / Serviced by informal private trade	1	15 656	21				
	Open Space Zone 2	Private open space	7	13 137	18				
					100				

PROPOSED SUBDIVISION AND LAND USE
PORTION 1 OF FARM GROENFONTEIN No. 717
PAARL

Ref: FA717-1 Dwg: PROP SUB_REV15

friedlaender, burger & volkmann

PROFESSIONAL LAND SURVEYORS 62 TILLOUW STREET, MIDRAND 2008
Tel: 011 791 1111 Fax: 011 791 1112 Email: info@fbv.co.za Web: www.fbv.co.za



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ANNEXURE C

12 December 2024

The Director: Planning and Development
 Stellenbosch Municipality
 PO Box 17
STELLENBOSCH
 7600

Per email: landuse.enquiries@ Stellenbosch.gov.za

Dear Sir

SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820) IN RESPONSE TO THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL

This submission is made in response to the Municipal Planning Tribunal (MPT) decision as reflected in the minutes of the meeting of 25 October 2024.

The decision is recorded as follows:

1. *That the application be referred back for the applicant to specifically also address the following matters:*
 - 1.1. *The proposed rezoning to subdivisional area application must comply with the requirements as stipulated in section 17(8) of the Municipal Land Use Planning Bylaw.*
 - 1.2. *The application reflects the municipal policy position in relation to the position of the land uses east and west of the river and the zoning and management of the open space area.*
 - 1.3. *The application be amended to include the subdivision plan to indicate as a minimum the road portions.*

1. Compliance with Section 17(8) of the Bylaw

Section 17(8) of the Stellenbosch Municipality: Bylaw on Municipal Land Use Planning, 2023, reads as follows:

(8) The approval of a rezoning to subdivisional area must include conditions that make provision for at least—

- (a) density requirements;*
- (b) main land uses and the extent thereof; and*
- (c) a detailed phasing plan or a framework including —*
 - (i) main transport routes;*
 - (ii) main land uses;*
 - (iii) bulk infrastructure;*
 - (iv) requirements of organs of state;*
 - (v) public open space requirements; and*
 - (vi) physical development constraints.*

It refers to an approval, i.e., a decision, and not the content of an application. However, in view of the MPT decision, the following is submitted in compliance therewith.

Section 17(8) requirement	Content in application	Requested development	Amended development proposal
Density requirements.	Paragraph 2.2.1.	Abutting Erf 2183, 7 000m ² residential at minimum 25 du/ha. West of river 3ha mixed-use with light industrial and warehousing with floor area of 22 000m ² . East of river 2,6ha industrial use with and warehousing and manufacturing with floor area of 20 000m ² . River corridor open space of 7 000m ² . Internal road of 5 000m ² .	Abutting Erf 2183, 1,57ha residential at minimum 25 du/ha. West of river 1,3ha industrial limited to storage and warehousing with floor area of 9 100m ² and separated from residential uses with road of 16m and open space buffer of 10m. East of river 1,9ha industrial use with floor area of 13 300m ² . River corridor open space of 1,3ha. Municipal road (16m wide) of 0,86 ha across property along southern boundary. Two connector roads to northerly abutting properties each 16m wide and 0,37ha.
Main land uses and extent.	Paragraph 2.2.1.	As above.	As above.
Phasing plan or framework showing:	Annexure D.	Annexure D as amended up to PA717-1_PROPOSED SUBDIVISION PLAN_REV14-PLAN A1 Draft A3 of 06 October 2024.	As annexed hereto.
Main transport routes.	Annexure D.	Annexure D as amended up to PA717-1_PROPOSED SUBDIVISION PLAN_REV14-PLAN A1 Draft A3 of 06 October 2024.	As annexed hereto.
Bulk infrastructure.	Annexure G and H.		
Requirements of organs of state.	Annexure F, G, H, I and J.		
Public open space.	Annexure D.	Annexure D as amended up to PA717-1_PROPOSED SUBDIVISION PLAN_REV14-PLAN A1 Draft A3 of 06 October 2024.	As annexed hereto PROPOSED SUBDIVISION AND LAND USE PLAN PROP_SUB_REV15 of 12 December 2024.
Physical development constraints.	Annexure I.		

As stated in the oral presentation, the application, if non-compliant, should have been refused. The Municipality confirmed in writing that the application is considered complete and compliant, and that the application process can proceed. The argument that the application is non-

compliant with the requirements for applications is contradictory to the letter and seemingly ignorant of the fact that a decision should address the matters contained in Section 17(8). At the time of making the application, in June 2019, the requirement for consideration of a subdivisional area was for the indication of the different zonings and uses, and the density of the development. This was included in the application as shown in the table above.

The updated land development plan (PROP_SUB_REV15, dated 12 December 2024) is attached hereto under Annexure B.

2. Planning policy relating to land east and west of the river

2.1. Policy

The rezoning of land on the western side of the river for urban development purposes by the Municipality shows a departure from the stated policy contained in the SDF. Where the SDF shows the entire river corridor along the left bank as open space, residential development has been approved, even before the latest amendment of the SDF in 2023. When approving the SDF, Council apparently did not take cognisance of the land use decisions and the SDF continues to show the left bank as an open space corridor, even though large tracts thereof have been approved for development.

2.2. Land use west of the river.

The reasons for indication of an industrial use to the west of the river are contained in our numerous submissions. Suffice to refer to the facts that uncertainty regarding access to abutting properties, and the need for economic opportunities, more than the need for more lower middle income residential erven, substantiate the proposal. The SDF highlights the need for the creation of employment opportunities in Klapmuts and until the large tracts of land on the northern side of the N1 can be developed, reasonable alternatives which do not have long term negative effect on the town should be considered. The proximity of residential and industrial uses along the Old Paarl Road corridor should be an example of how such development has occurred and can co-exist.

The proposed development plan attached hereto illustrates how a positive outcome (approval subject to appropriate conditions) can lead to a desirable development that benefits the larger community and the Municipality. It provides for more than 1,5ha of residential development west of the river, abutting the existing residential development. It further provides for an open space buffer between the proposed residential development on Erf 2123 to the north of the site, and an industrial development abutting the river corridor, below the dam. The reasons for showing this portion of the site for industrial development has been appropriately motivated.

The decision-maker must take appropriate cognizance of the site specific environmental factors relating to development along the river corridor. Fluvial risk management and re-thinking the nature of development along river corridors is critical in view of the changing climate on the one hand and the economic realities which demand investment in employment opportunities by using scarce land resources inside urban areas on the other.

Cognisance must be taken of the presentation made to the oral hearing, the content of which is not reproduced herein.

2.3. Road connections

Even though the approved Roads Master Plan (RMP) of October 2022 does not show any roads over the property and it does not contain any road project specification that directly affects the property, the amended land development plan includes roads to serve the larger community.

2.4. Open space management

As indicated in the oral presentation, the maintenance of the open space corridor along the river is important for the landowner and the future owners of the abutting development. Below are four sample pictures of the open spaces in Klapmuts, indicating the general lack of appropriate maintenance of open spaces along water courses. The Municipality sadly does not have the resources to appropriately manage river corridors, and the owner therefore prefers to retain private ownership of the open space corridor along the river.

There is no benefit for the larger community in the establishment of public open space along the river corridor, while private open space that is appropriately maintained and managed has significant benefit. Not only does it create better quality open space for the abutting owners and residents but it also ensures better management of the water course to avoid pollution, alien vegetation growth, and erosion.



3. Subdivision of roads

The road reserve along the southern boundary and two northerly connections to the abutting

properties are shown on the attached land development plan. As these roads are not required by the applicant, but provided solely in execution of the MPT decision, the subdivision thereof is proposed in terms of Section 24 of the Land Use Planning Bylaw. Mr Johan Fullard, Senior Manager: Roads, Transport & Stormwater indicated in a personal meeting held with him and Mr Francois Klomp, representative of the owner of Erf 2123 on 25 October 2024, that the roads will be acquired by expropriation process, if not by private treaty between the different parties. In view thereof, the subdivision of the roads would qualify under Section 24 as quoted below.

Section 24(1) of the Land Use Planning Bylaw reads as follows:

Exemption of certain subdivisions and consolidations

24. (1) The subdivision or consolidation of land does not require the approval of the Municipality in the following cases:

(b) a subdivision or consolidation that arises from an expropriation;

(e) the construction or alteration of a public or proclaimed street;

A request for exemption is attached hereto under Annexure A in consideration of the subdivision of the roads.

Yours faithfully



DUPRÉ LOMBAARD

Technical Planner and Environmental Assessment Practitioner

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

Document: SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820) IN RESPONSE TO THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL

Date: 12 December 2024

ANNEXURE A: Request for exemption of road subdivisions



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

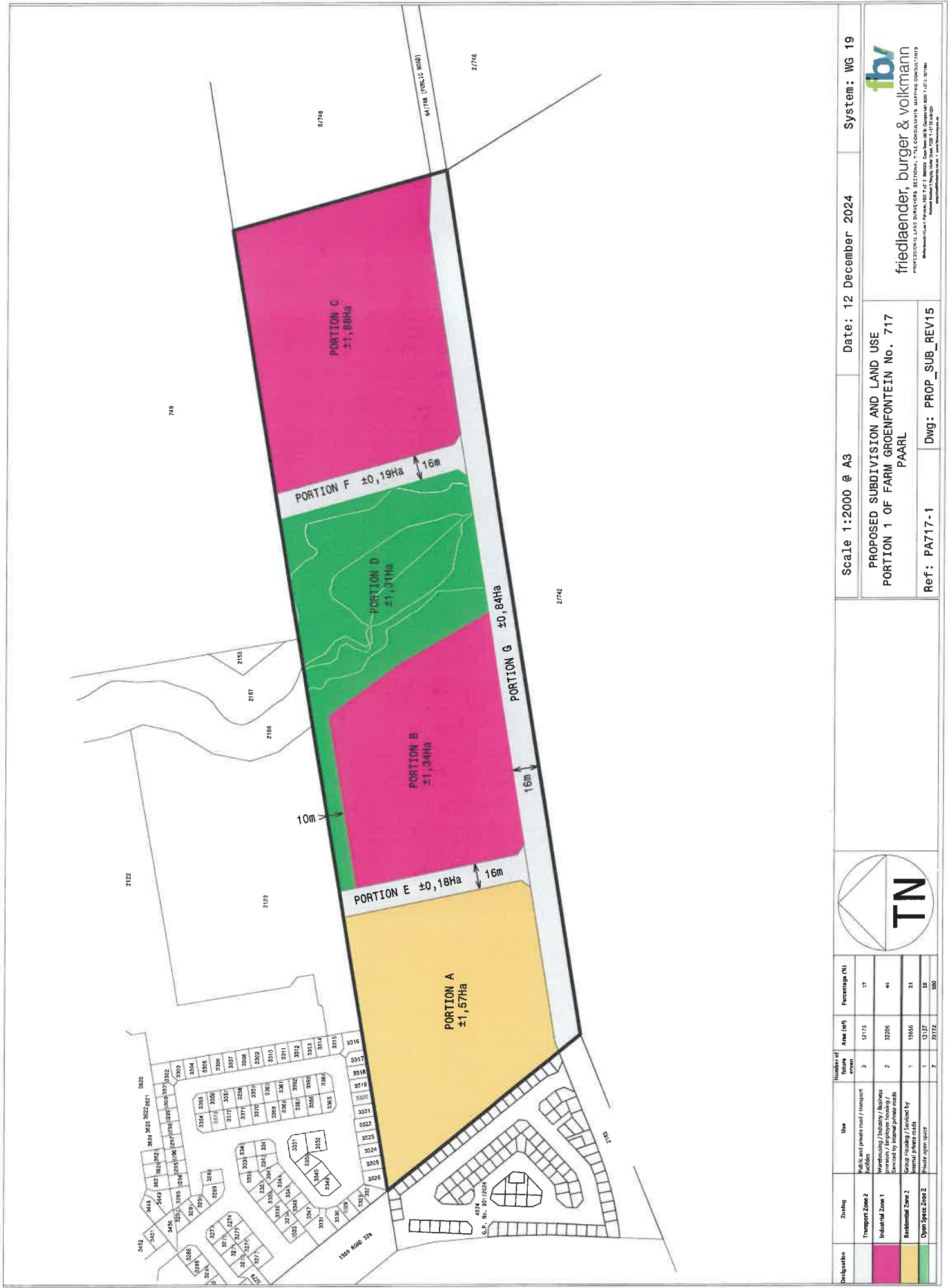
REQUEST FOR EXEMPTION: CONSOLIDATION & SUBDIVISION OF LAND			
<i>In terms of Section 24, Stellenbosch Municipality Land Use Planning By-Law</i>			
Name & Surname (Requester)	Virdus Works (Pty) Ltd per Dupré Lombaard	Date Submitted	12 December 2024
Contact details: Phone number	+27 82 895 6362	Email Address	dupre.lombaard@virdus.com
Postal Address	3 rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600		
Erf or Farm Number(s) as per Title Deed Description(s)	Portion 1 of the Farm Groenfontein No. 717, Paarl Division	Farm Portions (if applicable)	Portion 1
Physical Address(es) of land for request to be exempted	R44, Klapmuts	Allotment Area (Town)	Klapmuts
Have you verified that the proposed land consolidation or sub-division is exempt from a land-use application in ITO Section 24: Stellenbosch Municipality Land Use Planning By-Law? (see document attached for exemption scenarios)		YES	NO
Briefly outline the nature of your proposed land consolidation or subdivision, ITO Section 24, and provide a reason for the need to consolidate or subdivide Attach motivation	<p>APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820) IN RESPONSE TO THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL</p> <p>1. That the application be referred back for the applicant to specifically also address the following matters:</p> <p>1.1. ... subdivisional area application must comply with ... section 17(8) of the Municipal Land Use Planning Bylaw.</p> <p>1.2.</p> <p>1.3. The application be amended to include the subdivision plan to indicate as a minimum the road portions.</p>		
INDICATE WHICH OF THE FOLLOWING DOCUMENTS ARE ATTACHED TO THIS EXEMPTION FORM	YES	NO	Admin to Verify
1. Letter of Motivation / Intent	X		
2. Power of Attorney (if not land owner)	X		
3. Copy of Title Deeds for all affected properties	X		
4. Proof of Fee Payment		X	
5. Locality Plan	X		
6. Subdivision Plan	X		
Other documents (if applicable – list below)			
7.			
8.			
SIGNATURE OF OWNER / AGENT			DATE 12/12/2024
VERIFIED* & SIGNED BY ADMIN OFFICER			DATE

*Verification only of the documentation attached and not the completeness or correctness of that documentation.

Document: SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820) IN RESPONSE TO THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL

Date: 12 December 2024

ANNEXURE B: Land development plan PROP_SUB_REV15





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ANNEXURE D



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

TO : The Director: Planning and Development

FOR ATTENTION : Nicole Katts

FROM : Director: Infrastructure Services

DATE : 25 Feb 2025

RE. : Farm 717-1, Klapmuts: Rezoning, Subdivision for Portion A:
Residential Zone II, Portion B: Transport Zone I, Portion C:
Industrial Zone I POS and Transport Zone II

YOUR REF : LU/9820

OUR REF : 2169 CIVIL LU

This Memo supersedes the Memo dated 15 April 2024. This revised Memo is in response to the amended layout (specifically the roads layout) as per the Proposed Subdivision and Land Use plan Dwg Prop_Sub_rev 15, dated 12 Dec 2024 by FBV

The following engineering documents were evaluated as part of this application:

- Proposed Subdivision and Land Use plan Dwg Prop_Sub_rev 15, dated 12 Dec 2024 by FBV;
- Transport Impact Assessment by ICE Group dated 3 June 2019;
- Report on Civil Engineering Services, by UDS, dated 16 May 2019;
- Water and Sewer capacity analysis reports by GLS dated 15 June 2017

Background: It is noted that this application is only for the mother erf subdivision and internal layout must therefore still be submitted for further approval at a later stage. Additional conditions or requirements may then become applicable.

In consideration of provisions related to Civil Engineering Services the application is supported subject to the following conditions:

Specific Conditions: These conditions must be complied with prior to transfer of the first property or approval of any building plans, whichever occurs first.

1. Water

1.1 There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development:

1.1.1 An existing 250mm dia pipe is located along the southern boundary of the development that can be tied into.

1.1.2 The Developer will be responsible for any link water pipelines between the development and the municipal network.

1.1.3 The identification of adequate connection positions will be done at SDP stage.

1.2 A bulk water meter conforming to the specifications of the Directorate: Infrastructure Services must be installed, the municipal account for the said meter must be activated and the consumer deposit must be paid.

2. Klapmuts WWTW (Waste Water Treatment Works):

2.1 The Klapmuts WWTW has a current capacity of 2.4Ml/day. Unfortunately, taking into account the existing developments and new developments already approved, there is not sufficient spare capacity to accommodate the proposed development. **The municipality has allocated budget to the upgrade of the WWTW, but the completion of this upgrade might not align with the implementation of the development.** As in interim solution, and taking into account that this is an industrial development and also the Owners cooperation in allowing bulk municipal services to be constructed on their property recently, it has been agreed with the Developer to

allow a package plant until such time that capacity is available at the WWTW. Once capacity is available, the Developer or successor in title must immediately connect to the municipal network - at their cost. Before any construction work on the plant commences, designs and specification must be submitted for approval by the Water Services department. Further conditions may be set at design approval stage. The necessary approvals must also be obtained from Department of Water and Sanitation for the operation of the package plant – this is the Developer's responsibility. **The package plant is only applicable to the industrial component of the development and not to the residential component (Portion A). No further subdivision of Portion A into the individual erven will therefore be supported until spare capacity at the Klapmuts WWTW has been created.**

3. Sewer

- 3.1 There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development:

3.1.1 The Developer will be responsible for any link sewer pipelines between the development and the municipal network. The nearest connection point is the 200mm dia sewer north of the development.

3.1.2 The identification of adequate connection positions will be done at SDP stage.

4. Roads

- 4.1 The Public Road Reserves Portions E, F and G, as shown on the Proposed Subdivision and Land Use plan Dwg Prop_Sub_rev 15, dated 12 Dec 2024 by FBV, must be subdivided from Farm 717/1 and be rezoned and transferred to the Municipality. This must be in place before subdivision clearance or before any building plans are approved (whichever may come first).

- 4.2 The following upgrades must be installed:

4.2.1 In order to construct the long-term road network (**Annexure Long term Roads**) that will give access to this development and other developments along this route, land is required from the properties to the south (Farm 742 and Farm 748/2). This is however not yet in place, which makes the construction of the

ultimate layout problematic at this stage. As an interim solution, access to Farm 717/1 must be constructed in accordance with DWG No LS143-G01 Rev 05 dated 2024-03-15 by Liezl Stodart (**Annexure: Interim Roads**). The section of road, between the R44 and the access to the Farm 717/1 development must be constructed before any subdivision clearance of Farm 717/1 is issued. Should the land become available for the construction of the ultimate layout, the Municipality will set such road construction conditions on any future land use applications.

- 4.3 Any conditions stated by the Provincial Roads Engineer must be complied with.

5. Stormwater

- 5.1 The difference between the pre-and post-development run-off must be attenuated on site. The detention pond, associated stormwater pipelines, inlet and outlet structures and erosion protection must be completed to municipal standards before clearance / Occupation Certificate. All earthworks and trimming and shaping of the pond must also be completed. All stormwater infrastructure details must be clearly indicated on the building plans and/or engineering drawings submitted for approval prior to construction.
- 5.2 The 1:50 and 1:100 year flood lines of the stream traversing the property must be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. No new development will be allowed under the 1:100 year flood line. This will be evaluated at SDP stage.

6. Solid Waste

- 6.1 Details with regards to solid waste removal infrastructure and operations must be provided at SDP stage, for approval by the Municipality.

7. Installation of Engineering Services

- 7.1 Over and above the bulk and external upgrades identified above, each newly created erf (or each building where subdivision is not applicable) must also be fully serviced its water- and sewer connections, stormwater drainage and roads/access

points. All internal and link engineering services for the development must be installed by the developer at his cost.

- 7.2 Detail engineering drawings must be submitted for approval prior to the commencement of construction. The engineering drawings approval letter issued by the Municipality will constitute the “engineering services agreement” for the provision and installation of services between the municipality and the land owner / developer, as stated in the municipality’s land-use planning by-law.

8. Development Charges (DCs)

- 8.1 DCs are payable in accordance with the prevailing and applicable Council DCs Tariffs and DCs Policy at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first. The amount payable will therefore be the amount as calculated according to the approved tariff structure and according to the DCs Policy principles at the time that payment is made.
- 8.2 Where DCs are identified above as a potential funding source for infrastructure projects, the Developer must enter into a DCs Agreement with the Municipality, prior to any work commencing. Any work done or expenditure incurred prior to such an agreement will be at the Developer’s own risk.

9. As - Builts

- 9.1 Upon completion, a complete set of as-built drawings, as well as the asset verification information (in the case of municipal services) be submitted in a format acceptable to the Municipality. These drawings must be signed by a professionally registered engineer.

10. Phasing

- 10.1 For each of the development phases or portions, a site development plan, accompanied by an engineering services report, and where required by the Municipality, an updated traffic impact study, and water and sewer capacity analysis report by the municipality’s master planning consultants, must be submitted for approval by the Infrastructure Directorate. Additional upgrades to the ones listed may be identified at that stage.

- 10.2 Should the developer not take up his rights for whatever reason within **two years** from the date of this memo, a revised engineering report and other specialist engineering reports as may be required, addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the developer for further comment and conditions. Should this revised engineering report confirm that available services capacities are not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services or the necessary upgrades must be done, as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available.

General Conditions

11. The implementation of the development wrt the provision of civil engineering services, must comply with the "*General guidelines and standard practices for the provision of civil engineering services for new developments*" as published on the municipality's website and as amended from time-to-time.
12. The design of the civil engineering services for the development must comply with the "*Design Guidelines and Minimum Standards for Civil Engineering Services*" as published on the municipality's website and as amended from time-to-time.
13. The internal services are **private**. Therefore, all internal services will be maintained by the **Developer and/or Owner's Association**.
14. The Developer will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The Developer will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services, prior to transfer of the first property or approval of any building plans or occupation certificate, whichever occurs first.



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

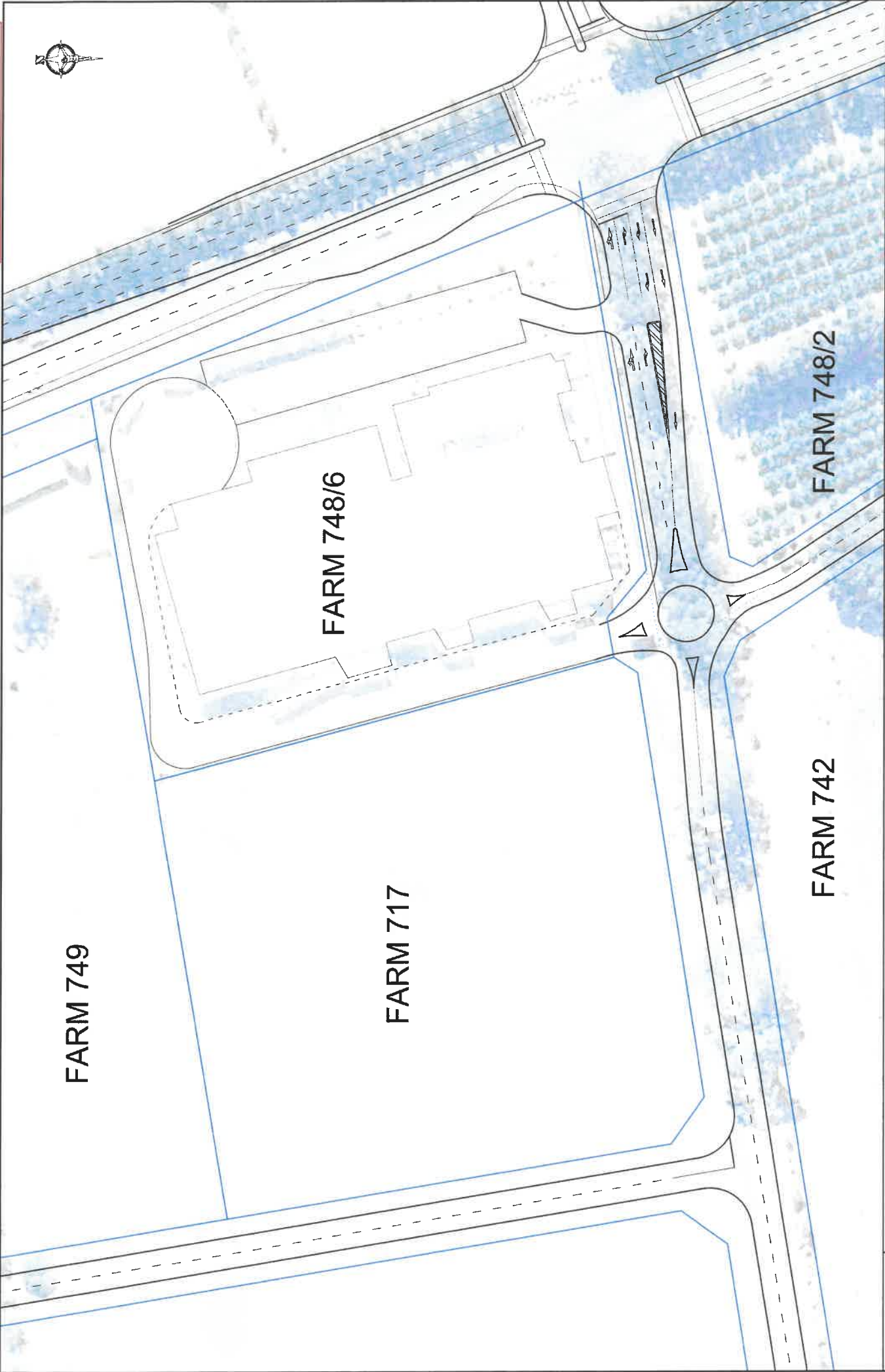
W:\2.0 DEVELOPMENT\01 Land Use applications\2169 (TK) Farm 717-1 Paarl (LU-9820) (Klapmuts - Dupre)\2169 (TK) Farm 717-1 Paarl (LU-9820)_5 (amended layout with access to neighbours).doc



FARM 749

FARM 748/6

FARM 717





STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE E



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/335 (Job 27206)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

REMAINDER OF PORTION 1 OF FARM GROENFONTEIN 177 PAARL (KLAPMUTS): MAIN ROAD 27 AND MAIN ROAD 205: UPDATED TRAFFIC IMPACT ASSESSMENT FOR THE ORIGINAL APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE AND DEPARTURES

1. The following refer:
 - 1.1. The email from Virtus Works dated 21 February 2023;
 - 1.2. The letter UDS233/Reports/TIA/Addendum from UDS Africa dated 20 February 2023 serving as an Addendum to the previous Traffic Impact Assessment (TIA) (Ref: ICE/S/1297 and dated 3 June 2019);
 - 1.3. Proposed Land Development Plan dated 8 November 2021 (reference PA717-1, drawing number PA717-1 and Revision 11) as prepared by Friedlaender, Burger & Volkmann;
 - 1.4. This Branch's comments and conditions (reference TPW/CFS/RP/LUD/EWZ/SUB-25/335 (Job 27206) dated 18 November 2021 on the application;
 - 1.5. All previous correspondence and conditions relating to the Rezoning and Consent application for the original Portion 6 of Farm No. 748, Paarl (Potbelly Pantry) with the intension of also creating a 20m road reserve on the southern edge of the subject property to perform the function of a Class 4 Municipal Collector road between Main Road 27 and Groenfontein road (10m will be taken from Farm 748/6 and 10m from the adjacent Portion 2 of Farm 748):
 - 1.5.1. Reference 16/9/6/1-25 (Job 26250) dated 10 September 2018 relating to this Branch's comments and conditions for the Rezoning and Consent application for Portion 6 of Farm 748, Klapmuts Paarl;
 - 1.5.2. Reference 16/9/6/1-25 (Job 270) dated 9 November 2020 for this Branch's comments and conditions and also to comply with the above approval by Stellenbosch

Municipality: Application for Subdivision of Portion 6 of Farm No. 748 (Potbelly Pantry) into two portions, Portion A (1056.4m²) a 10m wide strip along the southern boundary (part of the 20m road reserve) and Portion B (11913.4m²), the remainder and the Rezoning of the subdivided Portion A of Portion 6 of Farm 748 (Potbelly Pantry) from Industrials zone to Public Roads and Parking.

2. Main Road 27 (MR27; R44) is directly affected by this application while the Main Road 27/Main Road 189 (Old Paarl Road) and Main Road 27 / Main Road 205 (Simondium Road) is indirectly affected.
3. This Branch objected to the previous application because access would only have been through the existing Klapmuts road network with the main access off Groenfontein Road.
4. Key findings in the latest Addendum to the previous TIA are as follows:
 - 4.1. Access was initially only proposed via Groenfontein Road as issues regarding access over Portion 6 of Farm 748 (Potbelly Pantry) to MR27 (R44) were not yet resolved;
 - 4.2. The proposed access position changed from the Groenfontein Road access only, to access also now possible onto MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) and was possible following negotiations with Stellenbosch Municipality and the neighbouring property owners;
 - 4.3. It was agreed with Stellenbosch Municipality that 16m (of the 20m road reserve) would be provided along the subject property and Portion 6 of Farm 748, whilst the remaining 4m required to accomplish the 20m would be provided by the neighbouring property (Portion 2 of Farm 748) if/when it is developed;
 - 4.4. The 16m will provide sufficient space for an 8m road and 2m sidewalk;
 - 4.5. The proposed future 4m along the neighbouring property (Portion 2 of Farm 748) would accommodate the current row of trees and the NMT route;
 - 4.6. The potential trip generation, as per the previous TIA, were 276 peak hour trips (183 in, 93 out during the AM peak hour and 89 in, 187 out during the PM peak hour) for the light industrial/warehousing uses, and 23 peak hour trips (6 in, 17 out during the AM peak hour and 16 in, 7 out during the PM peak hour) for the potential housing portion of the development:
 - 4.6.1. With the proposed access to Main Road 27, approximately 75% of the light industrial/warehousing trips were assumed to travel via the said access, whilst the remainder of the light industrial/warehousing trips (possibly employees via the existing Klapmuts area) plus the housing portion-trips were assumed to travel via Groenfontein Road.
 - 4.6.2. To provide access to the Mount Vernon development, to the opposite side of the Potbelly Pantry-access, a dedicated right-turn lane (as first phase upgrade) and traffic signals (to follow when warranted) will be provided at this intersection.
 - 4.6.3. MR27 (R44) / MR189 (Old Paarl Road) intersection: WCG comments mentioned that this intersection was not included in the previous TIA's analyses but should be assessed

as the development would "add at least 200 vehicle trips to the traffic passing through" the intersection.

- 4.6.4. It was concluded that no upgrades to the MR27 (R44) / MR189 (Old Paarl Road) intersection is considered necessary as result of the proposed development traffic and that background issues exist in the area, i.e. the dualling of Main Road 27 considered required to accommodate the traffic along the road through Klapmuts (between Klapmuts-Simondium Road-intersection and the N1-interchange), by the year 2026/2027 (based solely on annual growth in background traffic along the road, regardless of specific developments).
- 4.6.5. It was recommended that the proposed development on the subject property be considered for approval from a traffic point of view on condition that the R44/Potbelly/Mount Vernon intersection is signalised, and access to the full proposed development is possible to Groenfontein Road as well.
5. This Branch offers no objection to this application for the Subdivision, Rezoning, Consent Use and Departures for Remainder of Portion 1 of Farm Groenfontein 177 Paarl (Klapmuts) subject to the following conditions:
 - 5.1. Access off MR27 (R44) to Portion 1 of Farm 717 must be via a 16m municipal road reserve over Portion 6 of Farm 748 (Potbelly Pantry);
 - 5.2. The section of the 16m municipal road reserve must be acquired and the street off MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) must be constructed prior to the construction of the development;
 - 5.3. The extension of the 16m municipal street must link with Groenfontein Road;
 - 5.4. The development must provide access to Farm 749 (Heen-en-Weer) via a right of way servitude or municipal street over Portion 1 of Farm 717;
 - 5.5. Access to the development via Groenfontein Road will not be allowed without the access over Portion 6 of Farm 748 off MR27 (R44).
6. This Branch remains concerned about the continuous ad-hoc development approvals in Klapmuts with interim road intersection measures proposed but also affecting the further deterioration of the mobility function of this section of MR27 (R44) until such time as the dualling of the affected section of MR27 (R44) is in place.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 8 AUGUST 2023

REGISTERED POST

Our Ref: HM/ CAPE WINELANDS/ DRAKENSTEIN/ KLAPMUTS/
FARM GROENFONTEIN 717/ PORTION 1
Case No. 18071009A50711E
Enquiries: Lwazi Bhengu
E-mail: Lwazi.Bhengu@westerncape.gov.za
Tel: 021 483 9689
Date: 19 March 2019

Cadcor (Pty) Ltd
P.O. Box 643
1752



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 MIXED USE DEVELOPMENT ON PORTION 1 OF FARM GROENFONTEIN 717, KLAPMUTS, SUBMITTED IN TERMS OF SECTION 38 (8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 18071009A50711E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 15 March 2019. This matter was discussed at the Heritage Officers meeting held on 18 March 2019.

You are hereby notified that since there is no reason to believe that the proposed mixed use development on Farm Groenfontein 717, Portion 1, Klapmuts, 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 palaeontological 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.

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.

Yours faithfully

Dr Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 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2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086,



Department of Environmental Affairs and Development Planning
Bernadette Osborne
 Development Management: Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/1/B4/23/1004/20
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 09 OCTOBER 2020

The Board of Directors
 Cadcor (Pty) Ltd
 PO Box 643
PAARDEKRAAL
 1752

Attention: Mr Charles Collins

Cell: (082) 895 6362
 E-mail: charles@collins1969.com

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 1 OF FARM GROENFONTEIN NO. 717, KLAPMUTS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Cc: (1) Heloise Groenewald (Guillaume Nel Environmental Consultants)
 (2) Schalk van der Merwe (Stellenbosch Municipality)

E-mail: hdp@gnec.co.za
 E-mail: Schalk.vandermerwe@stellenbosch.gov.za



**Western Cape
Government**

Agriculture

Cor Van Der Walt
LandUse Management

Email: LandUse.Eisenburg@elsenburg.com

tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/4/185
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Virdus Works
 77Buitekring, Dalsig
 STELLENBOSCH
 7600

Att: Dupré Lombaard

LAND DEVELOPMENT APPLICATION: DIVISION PAARL
PORTION 1 OF THE FARM GROENFONTEIN NO 717

Your application of 06 May 2021 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed development.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- 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. C. van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2021-09-09

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599



ANNEXURE F



InterActive Town & Regional Planning
PO Box 980
Hermanus
7200

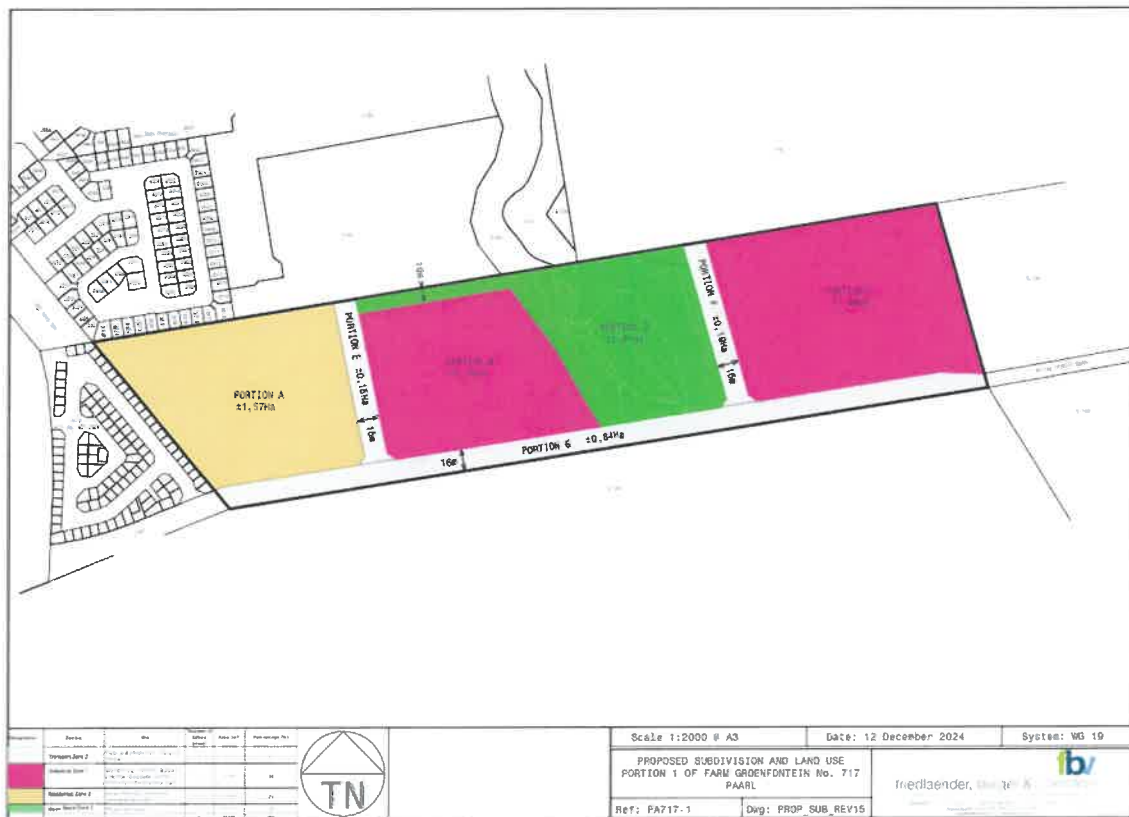
Reference: KLAPMUTS 749

Date: 20 February 2025

Attention: Mr. Robert Fooy

PORTION 1 OF FARM 717 GROENFONTEIN LAYOUT PROPOSAL: COMMENT

Your email dated 19 February 2025 requesting feedback on the revised proposal for Farm 717/1 as shown here-below as well as our telephone discussion on 19 February 2025 refers.



From our perspective we do not have any objections to the proposal and the point of access. The roads should however be Public Roads.

Should you have any questions in this regard please do not hesitate to contact me.

Kindly advise if the above proposal is to be presented at the next MPT for consideration?

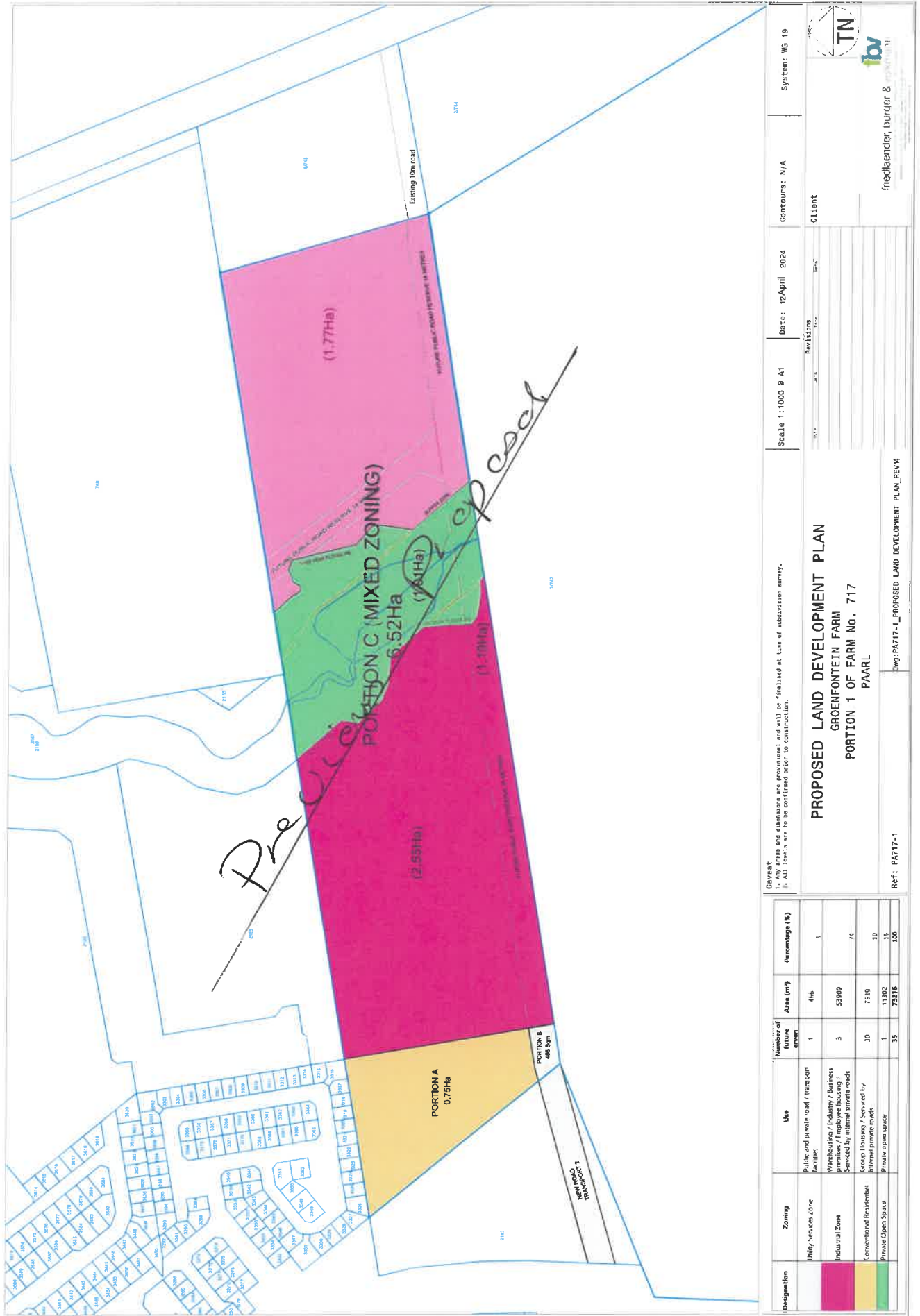
Kind Regards,

A handwritten signature in black ink, appearing to read 'Andre Wiehahn', with a stylized, flowing script.

Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)



ANNEXURE G



Copyright
 All rights reserved and will be finalised at time of subdivision survey.
 All levels are to be confirmed prior to construction.

Designation	Zoning	Use	Number of future erven	Area (m²)	Percentage (%)
Public services (one)	Public services (one)	Public and private road / transport facilities	1	466	1
Industrial Zone	Industrial Zone	Warehousing / Industry / Business premises / Employee housing / Serviced by internal private roads	3	53909	14
Conventional Residential	Conventional Residential	Group housing / Serviced by internal private roads	30	7510	19
Private Open Space	Private Open Space	Private open space	1	11302	15
			35	73216	100



ANNEXURE H

5.5 KLAPMUTS

Located as it is on the N1 transport corridor – which carries 93% of metropolitan bound freight traffic – Klapmuts is a potentially significant centre for economic activity and residence within the metropolitan region and SM (as identified in the GCM RSIF). To date, the settlement is characterized by residential use and limited commercial and work-related activity. Public sector resource constraints have prevented the infrastructure investment required to enable and unlock the full potential of the area for private sector economic development as envisaged in the GCM RSIF.

The decision by Distell to relocate to and consolidate many of its operations in Klapmuts is critical to commence more balanced development of the settlement. Distell proposes to develop a beverage production, bottling, warehousing and distribution facility on Paarl Farm 736/RE, located north of the N1, consolidating certain existing cellars, processing plants, and distribution centres in the Greater Cape Town area. The farm measures some 200 ha in extent. The beverage production, bottling, warehousing and distribution facility will take up approximately 53 ha.

The project proposal includes commercial and mixed-use development on the remainder of the site which is not environmentally sensitive to provide

opportunities both for Distell's suppliers to co-locate, and for other business development in the Klapmuts North area. The site does not have municipal services, and the proposed development will therefore require the installation of bulk service infrastructure, including water, wastewater treatment, stormwater, electricity, and internal roads.

Significant progress has been made in planning for a "Innovation Precinct" or "Smart City" district west of but contiguous to Klapmuts south. This includes a land agreement with the University of Stellenbosch to possibly establish university related activities in this area. The urban edge has been adjusted in recognition of the opportunity associated with this initiative.

A number of issues require specific care in managing the development of Klapmuts over the short to medium term. The first is speculative applications for land use change on the back of the proposed Distell development. Already, a draft local plan prepared by DM has indicated very extensive development east of Farm 736/RE. Distell will not fund the extensive infrastructure required to unlock development here, and arguably, land use change to the east of Farm 736/RE could detract from the opportunity inherent in Farm 736/RE. The second is the linkages between Klapmuts north and south, specifically along Groenfontein Road and a possible NMT crossing over the N1 linking residential areas south of the N1

directly with Farm 736/RE. Without these linkages, residents to the south of the N1 will not be able to benefit from the opportunity enabled north of the N1. The third is speculative higher income residential development in the Klapmuts area, based on the area's regional vehicular accessibility. Higher income development is not a problem in and of itself, but ideally it should not be in the form of low density gated communities.

Most importantly, the N1 corridor – including adjacent land also serviced by the old Main Road and railway – stretching from the CoCT through Klapmuts towards Paarl, requires urgent joint planning. Much potential to generate economic opportunity exists here, but careful planning and decisions are required in relation to where to start, what areas to prioritise for development, and what to protect as nature and agriculture.

A critical non-spatial issue related to Klapmuts is its split administration between DM and SM. Consideration should be given to approach the Demarcation Board to adjust municipal boundaries in a manner where Klapmuts North and South falls within one municipal administration. In this regard, Klapmuts appears functionally more related to SM than DM. SM has also, for many years, invested in services for the Klapmuts community.

KLAPMUTS CONCEPT

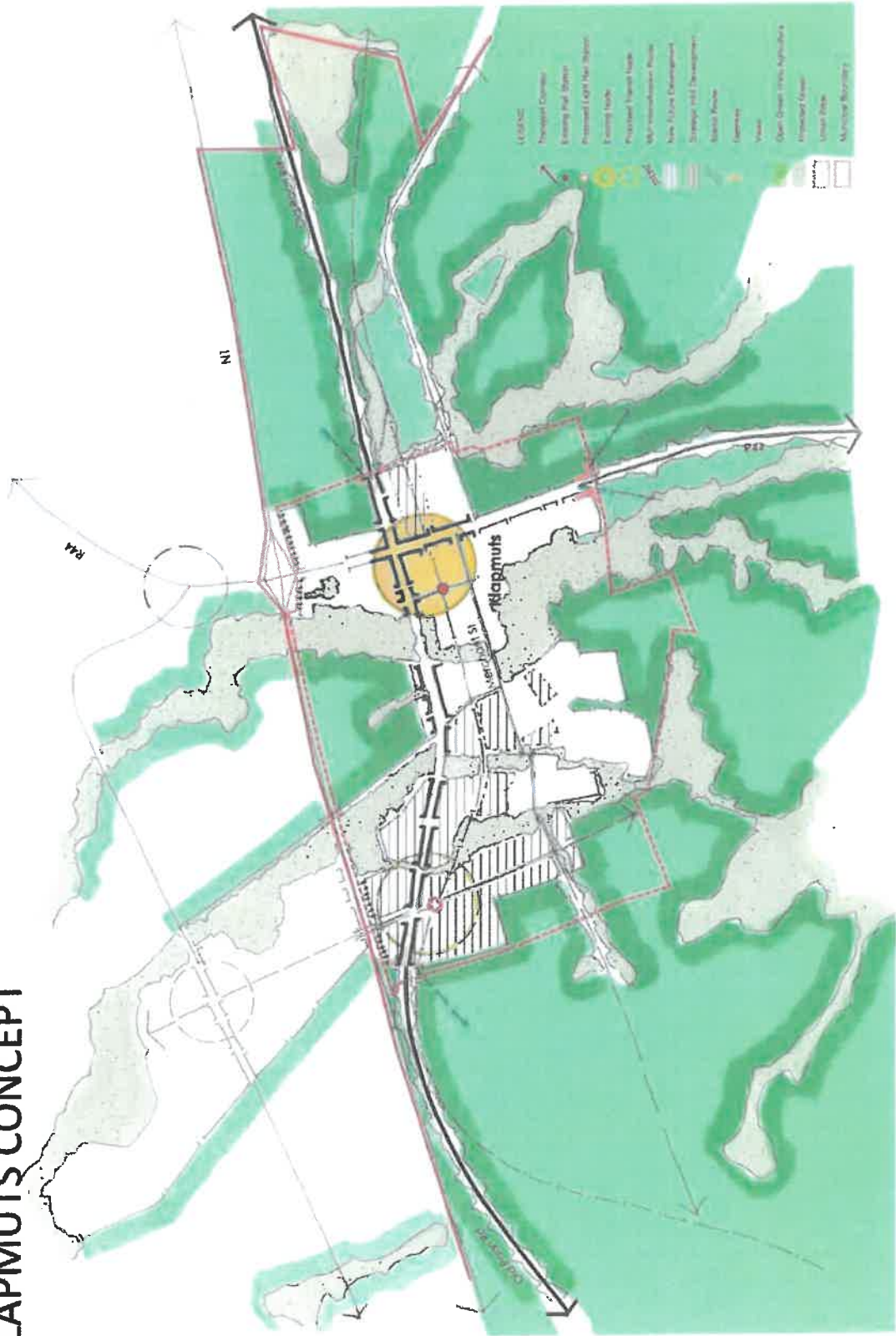


Figure 26: Klapmuts Concept

KLAPMUTS FRAMEWORK

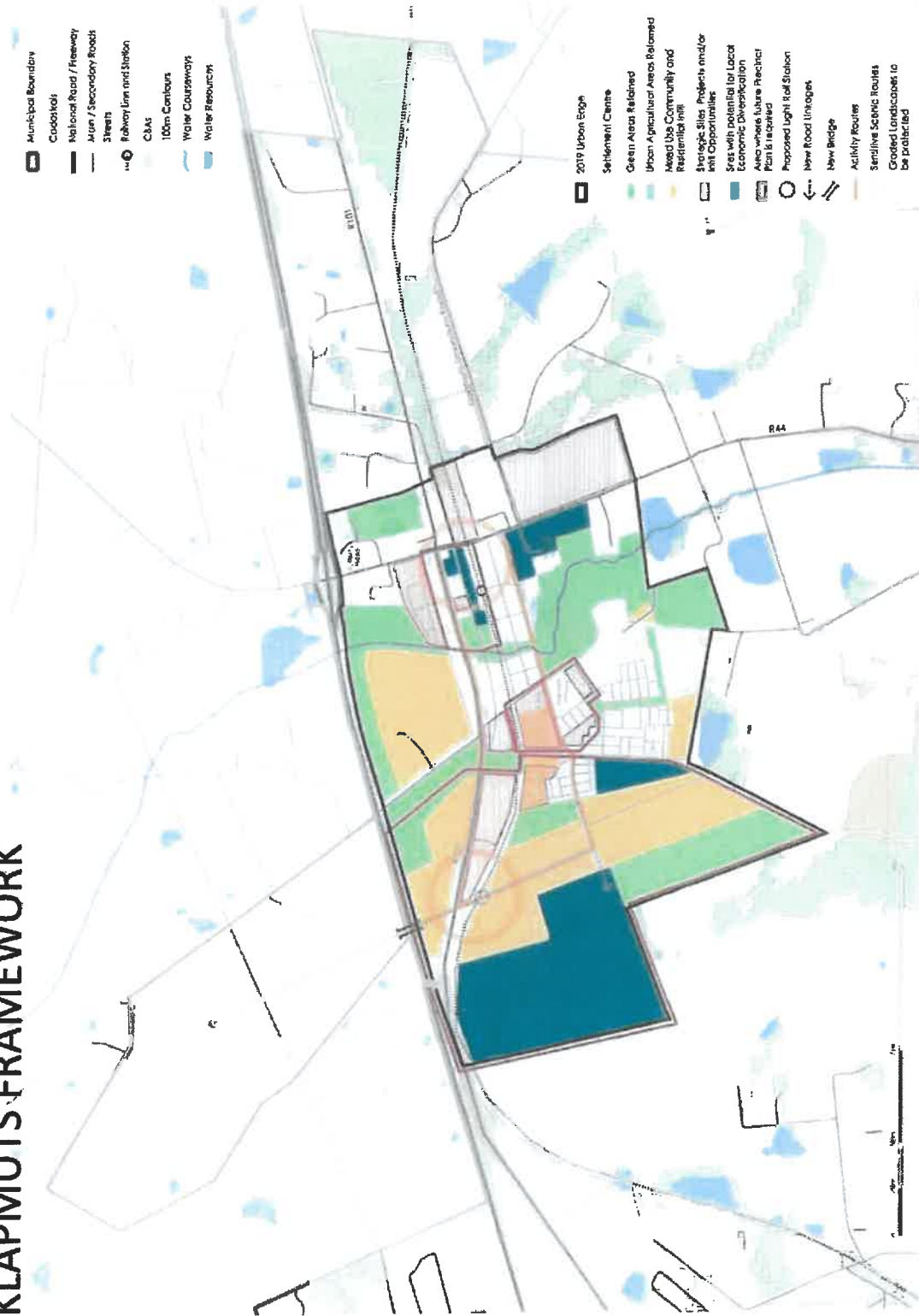


Figure 27: Klapmuts Plan



ANNEXURE I

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 OCTOBER 2024

ITEM	SUBJECT
SMPT 01/003/24	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.
SMPT 02/003/24	LEAVE OF ABSENCE
	None
SMPT 03/003/24	DISCLOSURE OF INTERESTS
	None received
SMPT 04/003/24	MINUTES OF THE PREVIOUS MEETING DATED 24 MAY 2024
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/003/24	REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION FROM AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND CONSENT FOR WAREHOUSING AND TRANSPORT USAGE Discussion: <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. Mr Chris Rabie and Mr André Wiehahn from Interactive Town & Regional Planning made a presentation on behalf of the owner of Heen-en-Weer Farm 749. Farm 749 is land locked and is looking for a solution for access via the adjacent property, Farm 717/1. See presentation attached.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 OCTOBER 2024

	<p>c. Mr Dupre Lombard from Viridus Works made a presentation on behalf of the owner Mr Charles Collins of Farm 717/1. See presentation attached.</p> <p>The chairperson thanked the presenting parties and the following discussion was held in a closed MPT session.</p> <p>d. Three aspects were of concern and were discussed, namely:</p> <ul style="list-style-type: none"> i) The road access options have not been finalised to an agreed outcome. ii) The ownership and maintenance of the open space must be reconsidered, and thus the zoning of Private Open Space or Public Open Space. Although the lack of maintenance of public open space might be a reality, the benefit of a future possible open space system throughout the area should not be undermined. Consideration should be given on possible options that will address current realities with maintenance and future possibilities to be part of an accessible open space system. For such purpose a zoning of public open space with interim arrangements on access and maintenance must be considered. iii) The use of the land west of the open space system must be reconsidered in line with the alternative options presented. Although there are examples of coexistence of light industrial and residential uses, the type of industrial uses must be considered as well as the interface with the property to the north which is also designated for residential development. The continuation of a component of residential development to the west is therefore preferred from a spatial planning perspective. <p>e. The Tribunal notes the request from the applicant to refer the application back.</p> <p>UNANIMOUSLY RESOLVED:</p> <ul style="list-style-type: none"> 1. That the application be referred back for the applicant to specifically also address the following matters: <ul style="list-style-type: none"> 1.1. The proposed rezoning to subdivisional area application must comply with the requirements as stipulated in section 17(8) of the Municipal Land Use Planning Bylaw.
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 OCTOBER 2024

	<p>1.2. The application reflects the municipal policy position in relation to the position of the land uses east and west of the river and the zoning and management of the open space area.</p> <p>1.3. The application be amended to include the subdivision plan to indicate as a minimum the road portions.</p>
SMPT 06/003/24	<p>CONSENT USE FOR A TOURIST FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM No. 1106, PAARL DIVISION</p> <p>Discussion:</p> <p>a. Chairperson handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal.</p> <p>b. The proposal was briefly discussed after clarity was given about the policy guidelines on tourist accommodation on farms.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the application for a Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages, deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:</p> <p>1.1. The proposed development exceeds the number of dwelling units and coverage prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.</p> <p>2. That it BE DECIDED that the application for Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:</p> <p>2.1. The proposed development will utilise the same cottages as approved in 2011 as a temporary land use departure. The context of</p>



APPLICATION IN TERMS OF SECTION 15 (2)(O) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON FARM 1119/2 PAARL DIVISION FOR CONSENT USE TO EXPAND THE TOURIST ACCOMMODATION ESTABLISHMENT BY CONVERTING THE EXISTING COTTAGES TO ADDITIONAL TOURIST ACCOMMODATION UNITS ALLOWING 9 TOURIST DWELLING UNITS

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STELLENBOSCH

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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/16498	Commencement Date	18/01/2023
Applicant	Jacques Volschenk (JV Planning Consultants)	Last day for comments or additional information	31/01/2025
Erf/Farm nr	Farm 1119/2	Place	Paarl Division
Zoning	Agriculture and Rural Zone	Other approvals	Consent Use application for a tourist facility to utilise an outbuilding (±511m ²) for an interior decorating studio and a breakfast room/coffee shop. The property has deemed consent for tourist accommodation establishment (conversion of 4 existing labourer's cottages into 5 guest suites).

X TYPE OF APPLICATION

	15(2)(a) rezoning of land*
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
X	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services

	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

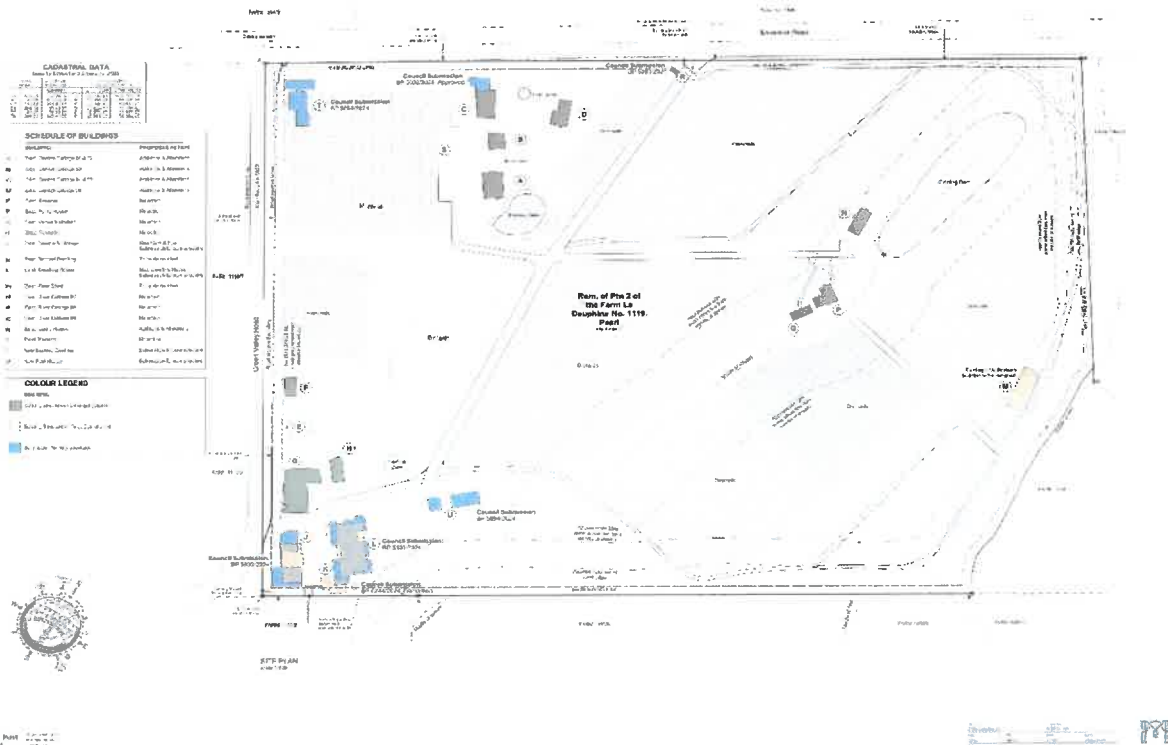
1. Purpose of the Application:

- o The applicant intends to regularise and expand the existing tourist accommodation units on the La Dauphine Farm and by allowing the conversion of three (3) labourers' cottages to tourist dwelling units and to relax the building lines in order to accommodate the second dwelling unit.

2. Background and existing uses:

- o Access to the property is gained off from Excelsior Road to the north with Green Valley Road to the west. The property abuts the Franschoek railway line and is crossed by a municipal sewer servitude. The subject property currently comprises of 2x farm dwellings, storage (warehouse), 4x tourist dwelling units, 3x labourers cottages (converted to tourist dwelling units), restaurant (not operational anymore), garages, office & pump house, bone fide agriculture.
- o The application for departure to relax the building lines in order to accommodate the second dwelling unit was withdrawn and an amended SDP was submitted (See **Annexure C**).
- o During the course of the application process, the property was sold to the current owners – Inheemshoek (Pty) Ltd. In addition to the proposal under consideration, various building plans have been submitted for the following: (**See image below**):
 - Demolition of the second dwelling unit. A new second dwelling unit is proposed to be built in the western corner of the property near the cluster of existing tourist units.
 - Additions and alterations to the garden cottages.
 - New gym and spa in the area previously occupied by the garage buildings for the exclusive use of the owner.
 - New pool house for the exclusive use of the owner.
 - Additions and alterations to the main dwelling house.
 - Additions and alterations to the guard house.
 - Demolition of existing farm shed. (No demolition permit application submitted yet).

These building plans have no bearing on the land use application under consideration but provides background of the proposals made by the new owner to develop the farm.



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

- The proposal complies with Section 213 (2) of the zoning scheme bylaw as the tourist accommodation establishment complies with the parameter as it is established partly within the existing buildings and on fallow land.
- The scale of the buildings used for the consent use is in keeping with the character of buildings on the land unit and the character of the area.
- As required in terms of section 213 (5), the primary use of the land unit will remain bona fide agriculture, and the tourist accommodation establishment will remain subservient to the primary land use activities on the property.
- There are no restrictive conditions listed in the respective title deed that would prohibit the nature of this application.
- The Stellenbosch Spatial Development Framework (SDF) recognizes the importance of the tourism industry and calls for the protection and expansion of tourism assets.
- The SDF also recognizes the importance of the agriculture sector especially in relation to supporting tourism and employment.
- The consent use will also contribute to creating employment opportunities and minimize the poverty gap.
- The farm has proven that the land uses can be accommodated on site without it negatively impacting on surrounding properties.
- The tourist accommodation provided in the past ceased about three years ago.

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

- The applicant was informed that the application proposal submitted is made for more than the permitted number of additional dwelling units on a property (in relation to the size of the farm), therefore not in compliance with the provisions in the MSDF. As the application will deviate from the MSDF, the applicant was required to present and motivate the application on the basis of site-specific justification to depart from the MSDF as envisaged in Section 22 of SPLUMA.

5. The following is the summary of the site-specific motivation:

- The additional tourist dwellings are consistent with the development criteria proposed for new developments in the Franschoek cul-de-sac Land Unit (Stellenbosch Conservation Management Plan, 2019).
- The proposal is consistent with the guidelines and policies of the Stellenbosch Environmental

- o Management Framework as it relates to the siting, orientation and general development of tourism accommodation units.
- o As per the provisions of Section 213 of the Stellenbosch Zoning Scheme By-Law, 2023 (Consent uses in Agriculture and Rural Zone) the agricultural land and associated practices on site will continue unabated. The primary use of the land will also remain bona fide agriculture, and the tourism accommodation establishment will remain subservient to the primary use.
- o The desirability of the units must be considered against the exceptional and tangible resources of the Franschhoek valley. These have previously been recognized by the municipality. It has also been proven for several years already that the river cottages have become a tangible part of the fabric of the valley and the farm in particular.
- o To our knowledge, no complaint has ever been made against the same and the units, in no way, impacted negatively on the agricultural practices.

ASSESSMENT CHECKLIST			
CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate public participation processed followed	X		Circulated to internal & external departments as well as interested and affected parties.
Conditions imposed by departments	X		<ul style="list-style-type: none"> o The Manager: Spatial Planning did not support the consent use proposal (See Annexure E for memo dated 30 April 2024 and email dated 14 May 2024). o The Director: Infrastructure Services: application recommended for approval (See Annexure F for Memo dated 18 March 2024 and email dated 20 February 2024). o The Environmental Planner: Community Services: The department, from an environmental planning point of view, has no objection to the approval of the application (See Annexure G for Memo dated 07 June 2024). o The Department of Infrastructure: Road Planning application recommended for approval (See Annexure H for email dated 18 October 2024). o The Department of Environmental Affairs and Development Planning: Development management, commented on the application (See Annexure I for email dated 12 June 2024).
DCs applicable	X		DCs are payable (See Annexure F)
Objections received		X	The applicant sent notices (e- mails) to interested and affected parties. No objections received.
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	<p>The proposal is not compliant with the SDF as approved in 2019 & 2023. As a result, site specific motivation has been submitted for exceeded the permitted number of additional dwelling units on the property in relation to the size of the farm.</p> <p>Contradicting information is presented on the size of cottage # 7 and cottage # 8. According to the</p>

		applicant the footprint of the cottages is smaller than the zoning scheme development parameter of 120m ² , while the information contained in the NEMA Section 24G Application indicates the footprint size of the cottages as 330m ² and 200m ² respectively. The SDF set a minimum requirement of 175m ² per unit.
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW		
Socio-economic impact	<p>The proposal facilitates economic growth appropriate to the rural context of the agricultural surrounding area. Development in rural areas should be in keeping with its location and sensitive to the rural landscape that is a tourist asset for the winelands economy.</p> <p>The farm employs seven farm workers and seasonal contractors are employed to support with the harvest. Currently no farm workers live on the farm.</p>	
Compatibility with surrounding uses	<p>The subject property is located in a predominantly agricultural area, with wine farms and tourist accommodation establishments on the surroundings. The property comprises some 12.9ha of which a total of 7.1ha is under a combination of vineyards and orchards (i.e. grapes, plums and olives). The remaining area comprises of the fallow land, riverine corridors and dams and areas of physical infrastructure (i.e. tourist accommodation and facilities, dwellings units and roads).</p> <p>The farm is concentrated in three clusters, namely the primary cluster near the main dwelling, the Garden Cottages near the entrance gate and the River Cottages close to the irrigation dam and local drainage line.</p> <p>The proposal to expand the tourist accommodation will not negatively impact on the farming activities on the farm and the agricultural character of the area, as the 4 tourist units and three labourer's cottages already exist and have access from existing farm roads.</p>	
Impact on the external engineering services	<p>The proposal will not impact on any engineering services as the proposed tourist dwelling units will utilise the existing infrastructure. Furthermore, the application was circulated to the infrastructure services, and they supported the application.</p>	
Impact on safety, health and wellbeing of the surrounding community	<p>There are no anticipated negative impacts as the proposal complies with the development parameters applicable to the zoning of the property, except exceeding the number of dwelling units in a property which site specific motivation for deviating was submitted.</p>	
Impact on heritage	<p>The property falls within the Franschoek Cul-de-Sac Land Unit as identified in the Heritage Inventory and the main structure</p>	

	<p>of the property is formed by the Franschhoek mountains which creates a sense of enclosure.</p> <p>The proposal will not impact on any heritage resources as the labourer's cottages are already existing and forms part of the landscape,</p>
Impact on the biophysical environment	<p>The three labourer's are located within an Ecological Support Area (ESA2) associated with a non- perennial drainage line.</p> <p>A NEMA Section 24G Application was conducted by an Environmental Assessment Practitioner (Landscape Dynamics Environmental Consultants Pty Ltd), dated 25 January 2024 and Aquatic Biodiversity Assessment was done by Bluscience, dated January 2024, to investigate or provide an assessment of the potential aquatic ecosystems impacts of the works undertaken near the watercourses/wetlands on site and provide recommended rehabilitation or mitigation measures.</p> <p>The report concluded that an impact of very low to negligible significance to the associated aquatic ecosystems is likely to have been associated with the works undertaken.</p> <p>See Annexure K.</p>
Traffic impacts, parking, access and other transport related considerations	<p>The applicant has provided parking for the proposed use as indicated on the site plan, therefore sufficient parking is provided. The application was circulated to Western Cape department of Infrastructure: Road Planning and was supported.</p>
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	<p>Section 206 (6) of the Zoning scheme by law indicates that construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses, this will be imposed as condition of approval to mitigate adverse impact.</p>

ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Policy and guidelines

- 1.1 The proposed development is located outside the urban edge of Franschhoek. The objectives and principles of the Stellenbosch Municipality Spatial Development Framework highlight the following related to the proposed application:
- o Land outside of existing and proposed urban settlements 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.
 - o As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.

- *New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.*
- *All development in rural areas should be in keeping and in scale with its location and be sensitive to the character of the rural landscape and local distinctiveness.*
- *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 is supported.*
- *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.*
- *Development in the rural area should not:*
 - *Have a significant negative impact on biodiversity.*
 - *Lead to the loss or alienation of agricultural land or has a cumulative impact there upon.*
 - *Compromise existing or potential farming activities.*
 - *Compromise the current and future possible use of mineral resources.*
 - *Be inconsistent with the cultural and scenic landscape within which it is situated.*
 - *Involve extensions to the municipality's reticulation networks.*
 - *Impose real costs or risks to the municipality delivering on their mandate.*
 - *Infringe on the authenticity of the rural landscape.*

1.2 The proposal involves the regularisation of the existing three (3) labourer's cottages to three (3) tourist dwelling units (330 m² all together) to extend the tourist accommodation establishment to accommodate 6 guests (3 bedrooms) more in addition to the regularization of additions to the existing approved cottages to extend the 5 guest suites as approved to 6 guest suites. The MSDF further states that additional dwelling units should be restricted to one (1) unit per 10ha, to a maximum of 5 units, the proposal is in conflict with this guideline, hence the site-specific motivation. Similarly, the Western Cape Land Use Planning Guidelines (Rural Guidelines) also prescribes one (1) additional dwelling unit per 10 ha with a maximum of five (5) additional dwelling units per land unit. The proposed development is for more tourist dwelling units than what is permitted and deviates from the provisions of the MSDF and Western Cape Guidelines for Rural Areas, 2019.

1.3 Furthermore, the zoning scheme allows one dwelling unit and second dwelling unit as a primary right, and on land exceeding 20 ha in size consent may be granted for additional dwelling unit at a rate of one additional dwelling unit per every 10ha exceeding the 20ha threshold, up to a maximum of 4 additional dwelling units. The size of the property is 12ha, and there is already a main dwelling, second dwelling, 4 tourist dwelling units and 3 labourers' cottages, therefore the proposal exceeds the allowed additional dwelling units on a property. However, the rationale is to support the use of existing structures which are no longer utilised for their original purpose, rather than to allow the construction of any new buildings/structures on the property. Therefore, the deviation can be justifiable as the proposed tourist dwelling units are confined within the existing and approved labourer's cottages.

1.4 Section 206 (6) of the Zoning scheme bylaw indicates that construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses. The applicant indicated that currently no employees reside on the farm, therefore the section will be imposed as a condition of approval.

2. Assessment of comments on application

There were no objections received from the interested and affected parties as well as community organisations, only comments. However, matters relating to planning principles were highlighted by internal and external planning departments. The concerns include the possibility that the proposed activities will not be subservient or related to the dominant agricultural use of the property. Caution should be taken to not undermined the main goals and objectives of the Guidelines for Rural Areas.

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

KEY FINDINGS OF PLANNING EVALUATION

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

1. The proposal is to extend the existing tourist accommodation establishment from four cottages allowing 5 guest suites to 6 guest suites in these cottages known as the Garden Cottages and 3 guest suites in the laborers cottages referred to as the River Cottages. There is no definition for guest suite and as it is clarified as to be self-catering, the approval is to extend the accommodation to allow 9 tourist dwelling units in total.
2. Tourist accommodation should preferably make use of existing buildings that take the natural and heritage significance of the site into consideration.
3. The proposed tourist dwelling units are confined within the existing footprints of the approved cottages and labourer's cottages thus the agricultural viability of the farm will not be impacted on.
4. The three labourer cottages to be converted are located next to a drainage line and dam and therefore a NEMA Section 24G Application and Aquatic Biodiversity Assessment reports were conducted for this proposal.
5. The development will not have any negative impact on the surrounding area or wider cultural landscape of Franschhoek, as the primary land use of the property will remain agriculture.
6. The proposal will assist in diversifying the land use on the farm without impacting on the existing agricultural activities.
7. The proposed uses are subservient to the agricultural use of property and surrounding farms.
8. The proposal exceeds the number of dwellings permitted on the property which is 12 ha in extent and deviates from the MSDP and the Western Cape Land Use Planning Guidelines for Rural Areas.
9. Due to the size of the property, no new additional dwelling units can be allowed on this farm.
10. Site specific motivation was submitted by the applicant.
11. The deviation can be justifiable as the proposed number of tourist dwelling units as well as floor area proposed is confined within the existing building footprints which are clustered together on fallow land.

The subject land use and land development application is, having regard to the conclusions above, viewed as inconsistent with the MSDP, however site-specific motivation submitted by the applicant is satisfactory, consequently grounds for the support of the subject land use and land development application.

List relevant plan numbers	Site Development Plan Drawing No P0001 dated 06/08/2023 and floor plans referenced as Drawings No: P002 – P008, drawn by: JLV (JV Planning Consultants), dated: 01/11/2023.
List annexures	Annexure A: Locality Plan Annexure B: Title Deed Annexure C: Site Development Plan Annexure D: Applicant's Motivation and Site-Specific Motivation Annexure E: Spatial Planning Comment Annexure F: Infrastructure Services Comment Annexure G: Community Services Comment Annexure H: Infrastructure: Road Planning Comment Annexure I: WCG DEA&DP Comment Annexure J: Site Inspection Photos Annexure K: NEMA Section 24G Application and Aquatic Biodiversity Assessment Report

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm 1119/2 Paarl Division to allow additional tourist units within the existing cottages **deviates** from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposal exceeds the number of dwelling units prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.
 - 1.2 Considering the footprint of the labourer's cottages as per the NEMA 24G Application, the coverage of two of the cottages exceeds the maximum floor area of 175m² prescribed in the MSDF.
2. That it **BE DECIDED** that the application for Consent Use on Farm 1119/2 Paarl Division to allow additional tourist units within the existing cottages **does warrant site specific circumstances** as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 There are unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units as well as the associated footprint / floor area as the proposal is to convert existing buildings to ensure that the farming landscape does not change and that the primary agricultural use remains intact.
3. That the application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm 1119/2 Paarl Division for **Consent Use** to expand the tourist accommodation establishment by converting the existing cottages to additional tourist accommodation units allowing 9 tourist dwelling units

BE APPROVED in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.
4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
 - 4.3 The tourist accommodation establishment be limited to 12 bedrooms accommodating a maximum of 24 paying guests at any time and be confined to nine tourist accommodation units in the existing buildings, i.e. 6 Garden Cottages and 3 River Cottages.
 - 4.4 The development be implemented generally in accordance with the Site Development Plan Drawing No P001 dated 06/08/2024 and cottage floor plans referenced as Drawing No: P002 – P008 drawn by: JLV (JV Planning Consultants), dated: 01/11/2023 attached as **Annexure C**.
 - 4.5 No employee housing for farm workers may be developed in the place of the former employee housing units that has been converted to the tourist dwelling units approved in this application, and should the need arise for such employee housing units for farm workers in the future, the existing tourist dwelling units must be converted back to its original use as employee housing units.

- 4.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
 - 4.7 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
 - 4.8 A contravention penalty of R10 000 per dwelling unit (x 4) in accordance with the approved tariffs of Council, is payable within 30 days from date of the subject approval.
 - 4.9 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
 - 4.10 The conditions imposed by the **Director: Infrastructure Services** as contained in their memo dated 18 March 2024, attached as **Annexure H**, be complied with.
5. The **reasons** for the above decision are as follows:
- 5.1 The proposal is of appropriate scale and confined to existing structures previously approved.
 - 5.2 The proposal is in line with the current use of the property and will not have a negative impact on the character of the surrounding area or compromise the development goals of the rural landscape.
 - 5.3 The proposed use is subservient to the agricultural activities on the farm and helps to diversify the land use on the farm without affecting potential agricultural production.
6. Matters to **be noted**:
- 6.1 Building plans be approved by the municipality prior to any building work commencing.
 - 6.2 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.
 - 6.3 Should, after following due process –
 - a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or,
 - b) The operational use of the facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or,
 - c) The property be used for any unauthorised uses not permitted in terms of this approval,

the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

ANNEXURES

ANNEXURE A: Locality Plan

ANNEXURE B: Title Deed

ANNEXURE C: Site Development Plan

ANNEXURE D: Applicant's Motivation & Site-specific motivation

ANNEXURE E: Comment from the Manager: Spatial Planning

ANNEXURE F: Comment from Director: Infrastructure Services

ANNEXURE G: Comment from the Environmental Planner: Community Services

ANNEXURE H: Comment from department of Infrastructure: Road Planning

ANNEXURE I: Comment from Department of Environmental Affairs and Development Planning

ANNEXURE J: Site inspection photos

ANNEXURE K: NEMA section 24G application and Aquatic Biodiversity Assessment reports

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: Bongive Zondo
Capacity: Sr. Town Planner
SACPLAN Registration: A13477
Signature: 
Date: 14/03/25

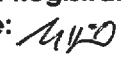
REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide item 10.8.1 dated 26 February 2025.

Category / Delegation Item Number: O4

Decision Making Authority: MPT

Rational: Application is inconsistent and deviates from the MSDF.

Name: C. Kriel
Capacity: MPT
SACPLAN Registration: A2240
Signature: 
Date: 14-03-2025

SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CONSENT USE: FARM 1119/2 PAARL DIVISION****Administrator to Authorised Official / Municipal Planning Tribunal:**

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

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

Date: 28 March 2025

Name: C. Kriel

Capacity: mum

Signature: 

Date: 14-03-2025

ANNEXURE A: LOCALITY PLAN

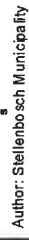
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Legend



Date: 2025/03/04



This map is a presentation of the information for residents newly held by the St. Albert Municipality. While every effort has been made to ensure the accuracy of the product, Council is unable to accept liability for any errors or omissions in or for any loss or damage caused to be suffered by any person as a result of the publication of the map and the information on it, or as a result of reliance on the information provided on the map.



ANNEXURE B: TITLE DEED

21

CLIFFE DEKKER HOFMEYR INC
1 PROTEA PLACE
SANDOWN
SANDTON, 2196
(011) 562 1000

For endorsement		
Purchase price/valued	R 96900 00-00	Office No
Net Capital		
Reason for exemption		
Cal	section	Act

"A"

Prepared by me

ifab
CONVEYANCER
NAYNA PARBHOO

T000042060/2016

DEED OF TRANSFER

DATA / VERIFY

26 JUL 2016

NCAPAI LINDA

BE IT HEREBY MADE KNOWN THAT
RAYMOND FRANCIS SCOTT

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer
being duly authorised thereto by a Power of Attorney which said Power of Attorney was
issued at CAPE TOWN on 2 JUNE 2016 granted to him by

VERUSKA BELBON FARMS CC

Registration Number 2007/044360/23

DATA / CAPTURE

21 JUL 2016

BARLOW MARLYN

Page 2

And the appearer declared that his said principal had, on 26 April 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MONGWAWANE PROPRIETARY LIMITED

Registration Number 1981/007519/07

or its Successors in Title or assigns, in full and free prop.

**REMAINDER OF PORTION 2 OF THE FARM DAUPHINE NO. 1119
IN THE STELLENBOSCH MUNICIPALITY
DIVISION PAARL, PROVINCE OF THE WESTERN CAPE**

IN EXTENT : 12,9319 (TWELVE COMMA NINE THREE ONE NINE) Hectares

**FIRST TRANSFERRED : Deed of Transfer Number T161 dated
15 April 1857 with diagram annexed thereto and held by Deed of Transfer
Number T47301/2001**

- I. SUBJECT to the conditions as referred to Deed of Transfer No. T10257/1907.
- II. SUBJECT FURTHER:

A. Aan 'n serwitut van reg van weg genome in 'n sekere Noariële Akte geheg
aan Transportakte Nr. T10257/1907 waarna verwys word in the Serwitut
- oorkening daarop gedateer 6 Desember 1909.

B. Aan die serwitut waarna verwys word in die Endossement gedateer
29 Julie 1930 op Transportakte Nr. T9023/1924, welke as volg lees :

"The within described land is subject to a servitude with regard to
apportionment of water in terms of an Order of the Water Court (Water
Court District No. 1) dated 18, 19, 20 & 24th March 1930 as will more fully
appear on reference to the copy of the said Order annexed hereto.

Page 3

C. By virtue of Notarial Deed of Servitude No. K1147/2005S dated 7 October 2005 the within property is subject to :

(a) a servitude borehole with a 2 meter radius, the center of which is represented by the Point A point A on diagram No. SG 4873/2003, and the perpetual right to draw such amount of water from such borehole as may be allocated in terms of a license of use of water which has been applied for and to be issued by the Department of Water Affairs and Forestry ;

(b) a servitude in perpetuity of a pump station at Point A on the said Diagram SG 4873/2003

(c) A pipeline and Power servitude, 4 metres wide, the center line of which is indicated by the Figure A B on Diagram SG 4873/2003.

With ancillary rights in favour of Portion 2 of the Farm Bosplaats No. 1128 in the Stellenbosch Municipality Division of Paarl, Province of the Western Cape

As will more fully appear from said Notarial Deed of Servitude.

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GhostConvey 15.8.10.1

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Page 4

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

VERUSKA BELBON FARMS CC

Registration Number 2007/044360/23

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

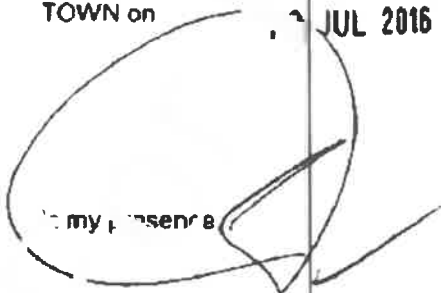
MONGWAWANE PROPRIETARY LIMITED

Registration Number 1981/007517/0.

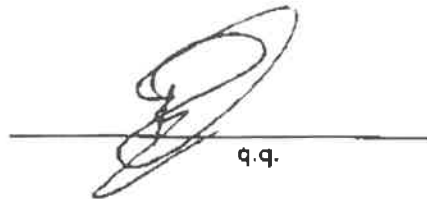
or its Successors in Title or assigns, now and henceforth shall be entitled thereto, conformably to local custom, the said however reserving its rights, and finally acknowledging the purchase price to be the sum of R85 000 000,00 (EIGHTY FIVE MILLION RAND) excluding VAT in the sum of R11 900 000,00 (ELEVEN MILLION NINE HUNDRED THOUSAND RAND) total consideration paid by the transferee to the transferor being the amount of R96 900 000,00 (NINETY SIX MILLION NINE HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto. THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 12 JUL 2016

in my presence



REGISTRAR OF DEEDS



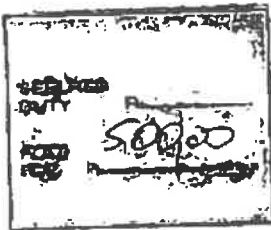
g.g.

"B"

171

Van Wyk Fouché Ingelyf
 Lady Greystraat 45
 Standard Bank Gebou
 Paarl
 7646

Opgestel deur my



TRANSPORTEESORGER
 VAN WYK WJ

DIE NAAM VAN DIE *Veruska* The name of the
 IS VERVOLG DEUR *Veruska Belbon Farms CC* Has been changed to
 0000 034 2016 (1)
 13 JUL 2016
 REGISTRATEUR/REGISTRAR

GETRANSPORTEER AAN *Mongwawane Properties Limited* TRANSFERRED TO
 0000042060/2016
 13 JUL 2016
 REGISTRATEUR/REGISTRAR

000047301/2004

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

ANNEC LOJW

voor my verskyn het, REGISTRATEUR VAN AKTES te KAAPSTAD, hy die
 g. nemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom
 verteenwoordigend

Die Trustees indertyd van die LA DAUPHINE TRUST
 Nr. IT362/1994

geteken te PAARL op 29 MAART 2004

REGISTRAR NAAM	WAGNER	WAGNER	WAGNER
WAGNER	WAGNER	WAGNER	WAGNER
WAGNER	WAGNER	WAGNER	WAGNER
WAGNER	WAGNER	WAGNER	WAGNER

VIR ENDOSSEMENTE KYK BLADSY
 FOR ENDORSEMENTS SEE PAGE 4

- 2 -

En genoemde Komparant het verklaar dat sy prinsipaal op 20 Maart 2004, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sdaer en transport r aan en ten gunste van

VERUSKA BELBON FARMS (PROPRIETARY) LIMITED
Nr. 2000/027235/07

diese Opvolgers in titel of Regverkrygendes,

RESTANT VAN GEDEELTE 2 VAN DIE PLAAS LA DAUPHINE NR. 1119, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Wes-Kaap Provinsie;

GROOT 12.9319 (TWAALF KOMMA NIEUW DRIE EEN NEGE) Hektaar

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 161/ gedateer 15 April 1857 met Kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T21871/1995

I. **ONDERHEWIG** aan en voor jaardes waarna verwys word in Transportakte Nr. T10257/1907.

II. **ONDERHEWIG** aan en voor jaardes waarna verwys word in die

- A. Aan 'n servituut van reg van weg genoem in 'n sekere Notariële Akte behag aan Transportakte Nr. T10257/1907 waarna verwys word in die Servituut aantekening daarop gedateer 6 Desember 1909.
- B. Aan die servituut waarna verwys word in die Endossement gedateer 29 Julie 1930 op Transportakte Nr. T9023/1924, welke as volg lees:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No. 1) dated 18, 19, 20 & 24th March 1930 as will more fully appear on reference to the copy of said Order annexed hereto."

WESHALWE die komparant afstand doen van al die regte en titel wat

Die Trustees indertyd van die LA DAUPHINE TRUST
Nr. IT362/1994

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

VERUSKA BELBON FARMS (PROPRIETARY) LIMITED
Nr. 2000/027235/07

h -

- 3 -

diese Opvolgers in titel of Regverkrygendes, tans en voortan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die rege van die Staat en ten slotte erken dit dat die verkoopprijs die bedrag van R7 650 000,00 (Sewe Miljoen Ses Honderd en Vyftig Duisend Rand) beloop.

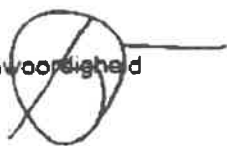
TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

Onderteken, verly en met die ampseël bekragtig op die kantoor van die Registrateur van Aktes te Kaapstad op 25 Mei 2004



q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES

u

-4-

T47301/2004

By virtue of Notarial Deed of Servitude No. K 1147/2005

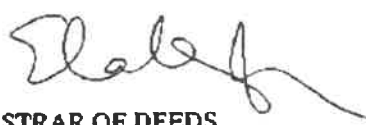
Dated 7 October 2005 the within property is subject to :

- a) a servitude borehole with a 2 meter radius, the centre of which is represented by the Point A point A on diagram SG 4873/2003, and the perpetual right to draw such amount of water from such borehole as may be allocated in terms of a licence of use of water which has been applied for and to be issued by die Departement van Water Affairs and Forestry;
- b) a servitude in perpetuity of a Pump station at Point A on the said Diagram SG 4873/2003;
- c) A pipeline and Power Servitude, 4 metres wide, the center line of which is indicated by the Figure A on Diagram SG 4873/2003

With ancillary rights in favour of Portion 2 of the Farm Bosplaats No. 1128 in the Stellenbosch Municipality Division of Paarl, Province of the Western Cape

As will more fully appear from said Notarial Deed of Servitude

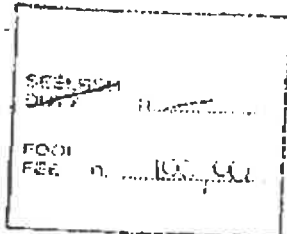
2005-11-05
Deeds Office
Cape Town


REGISTRAR OF DEEDS

479
VAN WYK GAUM FOUCHEE ING
 Poringebou, Hoofstraat 345, PAARL, 7620
 Posbus 362, PAARL, 7620
 Tel 02211-611050
 Fax 02211-24185

Opposel & surmy "C"

TRANSPORTBESORGER
 VAN WYK, W J



VIR ENDOSSEMENTE K BLADSY
 FOR ENDOWMENTS SEL AGE

T 21871-95

TRANSPORTAKTE

Hierby word bekendgemaak:

DAT

ANNECKE J. C. W.

voor my, Registrateur van Aktes,
 ver. in het te KAAPSTAD

hy, die g. omde Komparant synde behoorlik daartoe gemagtig deur 'n volmag
 uitgevoer te PAARL

op die 20ste dag van April 1994 deur

SIMON PETRUS VAN BLERK MALHERBE

Identiteitsnommer 340728 5027 003

Getroud huite gemeenskap van goedere

F2511) 195

Para 2

ENDOSSEMENT KRACHTENS ARTIKEL 44 VAN WET 47 VAN 1937		ENDOSSEMENT BY HATGEET SECTION 44 OF ACT 47 OF 1937	
HEROPGEMEET DIAGRAMNUMMER L.S. No. 5318-1999		RESURVEYED DIAGRAM NUMBER	
MOONING 1,9615		HA	
DC 1009012000			
00-02-28		REGISTRATIEUR/REGISTRAR	

Para 2

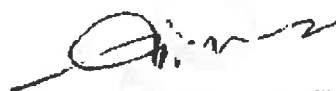
GETRANSPORTEER AAN B.P.J. De Meester		TO BE KEPT TO	
RESTANT/REMAINDER T 13877/2000			
2000-02-20		REGISTRATIEUR/REGISTRAR	

Para 6 5157

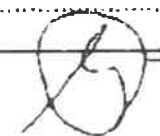
Para 1

TRANSPORTED TO R. Steinmetz		TRANSPORTED TO	
JAN. 12, 9319 ha			
098404 • 2000			
000002311 • 2000		REGISTRATIEUR/REGISTRAR	

PARA 3 + PARA 6

SERTIFIKAAT VAN VERENIGDE TITEL UITGEREIK CERTIFICATE OF CONSOLIDATED TITLE ISSUED	
HOU BEKEND AS NOW KNOWN AS SITUATIE IN THE PRINCIPALITY OF STELLENBOSCH	PORTION 7 OF THE FARM LE CAPE 1117 21, 2 sek 1/2
T 04643772002	
2002-06-06	REGISTRAR

Restant Para 1

GE-TRANSPORTEERD AAN VERMISKER BEHEER -w. S (Pty) Ltd	TRANSPORTED BY VERMISKER BEHEER -w. S (Pty) Ltd
RESTANT / REMAINDER	
T 000047301 / 2054	REGISTRAR / REGISTRAR
25 MAY 2004	REGISTRAR / REGISTRAR

VIR ENDOSSEMENTE KYK BLADSY
 FOR ENDORSEMENTS SEE PAGE 8

En die Komparant het verklaar dat sy voorsegde Prinsipaal wettig en wettiglik verkoop het op 23 Maart 1994 en dat hy, in sy voornoemde hoedanigheid hierby in volkome en vrye eiendom sedeer en transporteer aan en ten gunste van

DIE TRUSTEES INDERTYD VAN DIE LA DAUPHINE TRUST, NR. T362/94

Hul Opvolgers in Titel of Gemagtigdes;

X Gedeelte 2 van die Plaas La Dauphine Nr. 19, in die Afdeling PAARL, in die Wes-Kaap Provinsie;

GROOT: 13,4476 (DEERTIEN komma VIER HUNDERT SEWE SES) Hektaar;

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 161/gedateer 15 April 1857 met Kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T 1017/1976.

I. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 10257/1907.

II. ONDERHEWIG . ORDER:

A. Aan 'n servituut van reg van weg gemaak in 'n sekere Notariële Akte wat betrekking het op Transportakte Nr. T 10257/1907 waarna verwys word in die Servituut aantekening daarop gedateer 6 Desember 1907.

B. Aan die servituut waarna verwys word in die Endossement gedateer 19 Julie 1930 op Transportakte Nr. T 9023/1924, welke as volg lees:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No. 1) dated 18, 19, 20 & 24th March 1930 as will more fully appear on reference to the copy of said Order annexed hereto."

X Gedeelte 2 van die Plaas Bos Plaats Nr. 1128, in die Afdeling PAARL, in die Wes-Kaap Provinsie;

GROOT: 2,1271 (TWEË komma EEN TWEE SEWE EEN) Hektaar;

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 6098/1926 met Kaart wat daarop betrekking het en gehou kragtens Transportakte Nr. T 1017/1976.

I. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 3380/1920.

h

II. ONDERHEWIG VERDER:

- A. aan die terme van paragrawe 1, 3 & 4 van die Notariele Akte daaraan geheg en verwys na in die Endossement gedateer 1 Junie 1920 daarop, wat as volg lees:

"By Deed dated 6 December 1911 the right of use of certain road over this land has been granted to and in favour of the property held under para 3 and remdr of properties under paras 2 and 5 of Tfr No. 1416 dated 3 February 1903 subject to conditions as will more fully appear on reference to the copy annexed to transfer No. 1416 February 1903."

- B. aan die voorwaardes geskied in die Endossement gedateer 13 Maart 1925 op Transportakte Nr. T 5835/1923, naamlik:

"By Deed of Transfer No. 288 dated 13 March 1925 present and future properties of property held thereunder shall have the right to a right of way 8,82 metres wide along Western Boundary of property held hereunder and shown on Diagram annexed thereto."

- C. aan die serwituu waarna verwys word in die Endossement gedateer 29 Julie 1930 op Transportakte Nr. T 6098/1926, welke aantekening, meer volledig uiteengesit is in paragraaf 1. II. B. hierbo.

3. Restant van die Plans Le Dauphine Nr. 1119, in die Afdeling PAARL, in die Wes-Kaap Provinsie;
GROOT: 6332 (SIEFTIEN komma SES DRIE DRIE TWEE) Hektaar;

AANVANKLIK GEREГИSTREER kragtens Grondbrief Ou Stellenbosch Eiendomstrieuwe Boekdeel 2, Nr 12/gedateer 19 Augustus 1710, met Kaart Nr. 11/1710 waaraarop betrekking het en gehou kragtens Transportakte Nr. T 26324/1974.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 66/gedateer 5 Oktober 1872.
B. ONDERHEWIG VERDER aan die bepalinge van die endossement gedateer 29 Julie 1930 aangebring op Transportakte Nr. T 11287/1921 welke endossement as volg lui:

"REGISTRATION OF SERVITUDE

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court, Water Court District No. 1 dated 18, 19, 20 & 24 Mar 1930, as will more fully appear on reference to a copy of said Order annexed hereto."

4. Die Plas Le Dauphine Nr. 1125, in die Afdeling PAARL, in die Wes-Kaap Provinsie;

GROOT: 37,6632 (SEWE EN DERTIG komma SES DRIE TWEE) Hektaar;

AANVANKLIK GEREISTREER kragtens Grondbrief Stellenbosch Erfpagbriewe Boekdeel 10 (ii), Nr 62/1833, met Kaart Nr. 292/1831 wat daarop betrekking het en gehou kragtens Transportakte Nr. T 26324/1974.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 11287/1921.

- B. ONDERHEWIG VERDER aan die bepalings van die endossement gedateer 29 Julie 1930 aangebring op Transportakte Nr. T 11287/1921 welke endossement meer volledige uiteengesit word in paragraaf 3. B hierbo.

5. Restant van Gedeelte 3 van die Plas Le Dauphine Nr. 1119, in die Afdeling PAARL, in die Wes-Kaap Provinsie;

GROOT: 5,0050 (VYF komma NUL NUL VYF NUL) Hektaar;

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 383/gedateer 23 Mei 1857 met Kaart Nr. 8b. 1857 wat daarop betrekking het en gehou kragtens Transportakte Nr. T 26324/1974.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 66/gedateer 5 Oktober 1872.

- B. ONDERHEWIG VERDER aan die bepalings van die endossement gedateer 29 Julie 1930 aangebring op Transportakte Nr. T 11287/1921 welke endossement meer volledige uiteengesit word in paragraaf 3. B hierbo.

6. Gedeelte 1 (Gedeelte van Gedeelte 3) van die Plas Le Dauphine Nr. 1119, in die Afdeling PAARL, in die Wes-Kaap Provinsie;

GROOT: 4,0171 (VIER komma NUL EEN SEWE EEN) Hektaar;

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T 398/gedateer 22 Augustus 1860 met Kaart Nr. 2281/1860 wat daarop betrekking het en gehou kragtens Transportakte Nr. T 26324/1974.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 596/gedateer 26 Oktober 1880.

- B. ONDERHEWIG VERDER aan die bepalings van die endossement gedateer 29 Julie 1930 aangebring op Transportakte Nr. T 11287/1921 welke endossement meer volledige uiteengesit word in paragraaf 3. B hierbo.

WESHALWEE die Komparant afstand doen van al die regte en bel wat bogenoemde Transportgewer voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat bogenoemde Transportgewer geheel en al van die besit daarvan onthef en nie meer daarop geregtig is nie en dat, kragtens hierdie akte, bogenoemde Transportnemer Trust, Hul Opvolgers in Titel of Gemagtigdes tans en voorts daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regule van die Staat; en ten slotte erken hy dat die hele Koopsom ten bedrae R72 000, (SEWEHONDERD TWEE EN DERTIGDUISEND RAND) behoorlik betaal en verseker is.

TEN GEWYSE waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Amptseël versigtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te KAAPSTAD op hierdie die 30^{ste} dag van

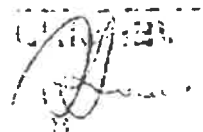
Maart

in die jaar van ons Heer, tweehonderd negenhonderd Vyf en Negentig (1995)

In my teenwoordigheid,



Registrateur van Aktes



q.q.

h

8 -

VA 000651 / 1

T 2184119 5

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 60 (u)

Deeds Registry
Cape Town

08 FEB 2011

Asst. Registrar of Deeds

Para 5

VERBIND	MORTGAGED
VR FOR R 1 500 000.00	
B 005898 / 11	
07 MAR 2011	REGISTRATEUR/REGISTRAR

Para 4

VERBIND	MORTGAGED
VR FOR R 1 500 000.00	
B 00127941 / 2013	
2013 - J - 03	REGISTRATEUR/REGISTRAR

VIR ENDOSSEMENTE KYK BLADSY
 ENDORSEMENTS SEE PAGE 6 17 SEQ.

"D"

18 0 -12- 1975

R106500.00

ORIGINAL OORESPRONKLIKE STAMPED OESÊE
DUTY BEVREGA..... WES..... FOOI.....
TRANSFER DUTY HEWERDTE R2795.00

Handwritten notes:
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 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

T 1017	1976
--------	------

Transportakte

(Uit 'ng van 'n Prokurasie)

Opgestel deur my:

Handwritten signature
 Transportbesorger.

hierby word bekendgemaak

DAT DANIEL PETRUS DE KLERK VAN GEND
~~WILHELM PETRUS MALHERBE~~
 voor my, Registrateur van Aktes,
 verskyn het, te K A A P S T A D hy, die genoemde
 Komparaat synde behoorlik daartoe gemagtig deur 'n volmag aan
 hom verleen deur

IND.	NO.	INITIAL
R	1	AM
S		
L		

DANIEL JACOBUS ROUX

(gebore op 7 September 1936)

-BLANK GROEP-

gedateer die 15de dag van OKTOBER 1975
 en geteken te BELLVILLE

EN /

BLADSY/PAGE

ENDOSSEMENT OP
ENDORSEMENT ON

T

1976

EIENDOM/PROPERTY

Persell van
die plaas genaamd La Dauphine
En Andere

B

1290

1976

M'OE

VERBIND
MORTGAGED

26-01-1978

vir R105000,00 (met preferensie
for R105000,00 (with preference)vir 'n verder bedrag nie te bogaande
for an additional amount not exceeding

R105000,00

P.R. Bk.
P.R. Bk.Aktekantoor,
Deeds Office,
Kapsaal,
Cape Town.M. L. Edwards
Asst. Registrateur/Asst. RegistrarDIE GROND HIERIN BESKRYWE
THE LAND DESCRIBED HEREINIS REGISTREER EN MOET IN DIE DEKOMS LEKRYWE WORD AS
IS REGISTERED AS, AND MUST IN FUTURE BE DESCRIBED ASP. Ged. 2 van die plaas La
Dauphine Nr. 1119.P2 Ged. 5 in die plaas
Be Plaas Nr. 1128AKTEKANTOOR,
DEEDS OFFICE,
KAPSAL,
CAPE TOWN.

21-1-1976

M. L. Edwards
HOOF REGISTRASIEAMPTENAAR,
CHIEF REGISTRATION OFFICER.

M.A.E

B 2366 / 1977 Met 28/66

VERBIND
MORTGAGED

16-2-1977

vir R6500,00 (met preferensie
for R6500,00 (with preference)vir 'n verder bedrag nie te bogaande
for an additional amount not exceedingR400,00 P. Bk.
P.R. Bk.Aktekantoor,
Deeds Office,
Kapsaal,
Cape Town.

M. L. EDWARDS

Asst. Registrateur/Asst. Registrar

CANCELLED
GEKANSELLEER

T. H. BRINCKER

REGISTRATEUR
REGISTRAR

- 2 -

EN die Komparant het verklaar dat sy Prinsipaal

voormeld die hiernavermelde eiendom verkoop het aan die hiernavermelde transportnemer op 21 APRIL 1975

DU DUS sedeer en transporteer die Komparant in sy voornoemde mededienigheid hiermee in volkome en vrye eiendom aan en ter gunste van :

SIMON PETRUS VAN BLERK MALHERBE

(gebore op 28 JULIE 1934)

- BLANKE GROEP -

sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes:

I. SEKER /

Hortors 201 Afrikaans - 2.

- 3 -

1. SEKER stuk eiendomsgrond, gelee te Fransch Hoek, in die Afdeling Paarl, synde Perseel La A van die Plaas genoem LA DAUPHINE;

GROOT: Dertien komma Vier Sewe Ses (13,4476) Hek tar.

UITSTREKKENDE soos meer volledig aangetoon deur Transportakte met n Kaart daarby aangeheg, gemaak ten gunste van D Kriel nr 161 gedateer 15 April 1857 en daaropvolgende transportaktes, die laaste waarvan gemaak ten gunste van Komparant se Prinsipaal nr 1387 gedateer 30 Januarie 1968.

ONDERHEWIG aan die verwaardes waarna verwys word in Transportakte nr 10257 gedateer 28 Desember 1907.

ONDERHEWIG VERWYS:

- A. Aan n Serwituut van reg van weg genoem in n sekere Notariële Akte geheer aan Transportakte nr 10257 gedateer 28 Desember 1907 waarna verwys word in die Serwituut Aantekening daarop gedateer 6 Desember 1909.
- B. Aan die Serwituut waarna verwys word in die Endossement gedateer 29 Julie 1930 op Transportakte gedateer 3 Oktober 1924, nr 9023 wat as volg lees:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No 1) dated 18, 19, 20, & 24th March 1930 as will more fully appear on reference to the copy of said Order annexed hereto."

- C. Aan die beperkings van Sub-Artikel 1 (b) van Artikel 35 van Wet Nr. 28 van 1966

2. SEKER stuk eiendomsgrond, gelee naby Fransch Hoek in die Afdeling Paarl, synde Perseel C C gedeelte van BOS PLAATS;

GROOT / ...

- 4 -

GROOT: Twee komma Een Twee Seve . . . (2,1271)
Hektaar;

UITSTREKKENDE soos meer volledig aangetoon deur Transport-
akte met n Kaart daarby aangeheg, gemaak ten gunste van
John Carruthers nr 6098 gedateer 25 Junie 1926 en daarop-
volgende transportaktes, die laaste waarvan gemaak ten
gunste van Komparant se Prins, al nr 1387 gedateer 30
Januarie 1968.

ONDERHEWIG aan die voorwaardes waarna verwys word in
Transportakte nr 3380 gedateer 13 Maart 1920.

ONDERHEWIG VERDER:

- A. aan die teken van paragrawe 1,3 & 4 van die Notariële
Akte daaraan geheg en verwys na in die Endossement
gedateer 1 Junie 1920 daarop, wat as volg lees:

"By Deed dated 6 December 1919 the right of use
of certain road over this land has been granted
to . . . in favour of the property held under
parag 3 and remainder of properties under paras
2 . . . 5 of Tfr No 1416 dated 3 February 1903
subject to conditions as will more fully
appear on reference to the copy annexed to
transfer No 1416 February 1903."

- B. aan die voorwaardes genoem in die Endossement gedateer
13 Maart 1925 op Transportakte nr 5835 gedateer
21 Julie 1923 naamlik:-

"By Deed of Transfer no 2288 dated 13 March
1925 present and future proprietors of
property held thereunder shall have the right
to: a right of way 8,82 metres wide along Western
Boundary of property held hereunder and shown
on Diagram annexed thereto."

- C. aan die Serwituut waarna verwys word in die Endossement
gedateer 29 Julie 1930 op gesegde Transportakte nr 6098
gedateer 25 Junie 1926, welke Aantekening meer volledig
uiteengesit is aan die einde van Paragraaf 1(B) hierbo.

- D. Aan die beperkings van Sub-Artikel 1 (b) van Artikel
35 van Wet Nr. 28 van 1966

DIE /

- 5 -

DIE Komparant doen dus hiermee afstand van al die regte,
aanspraak en titel wat **TRANSPORTGEWER**

voorheen op genoemde eiendom gehad het, en gevolglik erken die
Komparant ook dat **TRANSPORTGEWER**
geheel en al van die besit daarvan onthef en nie meer daarop geregtig
is nie, en dat kragtens hierdie akte, bogenoemde

TRANSPORTNEMER

Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes
tans en voortaan daartoe geregtig is, of enkomstig plaaslike gebruik,
behoudens die Regte van die Staat, en ten slotte erken hy dat die
hele Koopsom ten bedrae R106 500,00 (EENHONDERD EN SES
DUISEND VYFHONDERD ...)

behoorlik betaal of verklaar.

TEN BEWYS waarvan ek, die genoemde Registrateur, tesame
met die Komparant hierdie Akte onderteken en dit met die Ampseël
bekragtig het.

ALSDUS GEDOEN en verly op die Kantoer van die Registrateur
van Aktes, **KAAPSTAD**
op hede die **26de** dag van **Januarie** in
die jaar van ons Heer, Eenduisend Negenhonderd en **SES**
Seintig (1978).

g.g. sy Prinsipaal/ale.

In my teenwoordigheid

REGISTRATEUR VAN AKTES.

GEREGISTREER IN DE **POAS** REGISTER VAN **POAS**

BOEK

FOLIO **P1** 1119/2/1 ✓

P2 1128/2/1 ✓

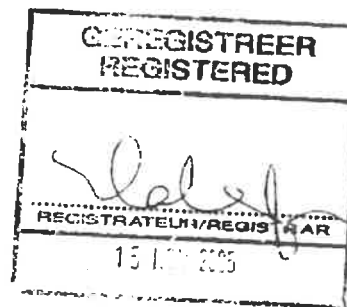
VERANTWOORDE LIKE KLERK.

gudMenne

HV

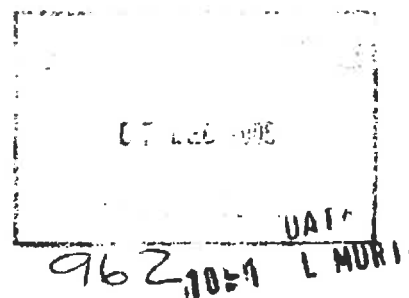


1-6-7
①



"E"

NOTARY PUBLIC



Protocol No:

NOTARIAL DEED OF SERVITUDE

KNOW ALL MEN WHOM IT MAY CONCERN:

That on the 7 day of OCTOBER 2005 before me

SUSANNA VIVIER

Notary Public, by lawful authority, duly admitted and practising as such at Cape Town, in the Western Cape Province, and in the presence of the subscribing competent witnesses, came and appeared-

ANNECKE JOUBERT-LOUW

In his capacity as duly authorised agent of

VERUSKA BELBON FARMS (PTY) LTD
Number 2000/027235/07

(hereinafter referred to as the "Servient Owner")

[Handwritten initials]

and being the registered owner of

**Remainder of Portion 2 of the Farm La Dauphine No. 1119
In the Stellenbosch Municipality
Division of Paarl Province of the Western Cape**

IN EXTENT: 12.9319 hectares

HELD BY Deed of Transfer No T 47301 / 2004

(hereinafter referred to as the "Servient Property")

by virtue of a Special Power of Attorney granted to the said Appearer at Paarl on **31 JULY 2005**.

AND

In her capacity as duly authorised agent of

JAMES MICHAEL CALDERWOOD

Identity Number: 670530 5145 08 0

Married out of community of property

(hereinafter referred to as the "Dominant Owner")

and being the registered owner of

**Portion 2 of the Farm Bosplaats No 1128
In the Stellenbosch Municipality
Division of Paarl Province of the Western Cape**

In extent: 1.9615 hectares

HELD BY Deed of Transfer No T 85467 / 2004

(hereinafter described as the "Dominant Property")

By virtue of a Special Power of Attorney granted to the said Appearer at Paarl on **21 JULY 2005**.

Which said powers of attorney remain filed in my protocol;

AND THE APPEARER DECLARED THAT

- 1.1 There is a borehole as more fully described hereinafter on the Servient property, with an electric pump thereon and a pipeline and power line unto the Dominant Property, which aforesaid fixtures belong to the Servient Owner;

- 1.2 The Servient Owner and the Dominant Owner have agreed that the Servient Owner will supply water from the borehole to the Dominant Property;
- 1.3 Such supply of water shall be in accordance with such allocation of water which may be granted to the Dominant Property in accordance with a licence of use to be issued by the Department of Water Affairs which licence application has been submitted;
- 1.4 The parties wish to register a predial servitude over the Servient Property in favour of the Dominant Property to enable the Dominant Owner to exercise its rights in terms hereof;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

Servitude

2. The Servient Owner hereby grants to the Dominant Owner and his successors in title:
 - 2.1 A Servitude Borehole with a 2 meter radius, the centre of which is represented by the Point A on annexed diagram No. SG 4873/2003, and the perpetual right to draw such amount of water from such borehole as may be allocated to the Dominant Property in terms of a licence of use of water which has been applied for and to be issued by the Department of Water Affairs and Forestry ("the Licence");
 - 2.2 A Servitude in perpetuity of a Pump station at Point A on the said annexed diagram to enable the Dominant Owner to pump the water;
 - 2.3 A Pipeline and Power line Servitude, 4 metres wide, the centre line of which is indicated by the Figure A B on the annexed Diagram No S.C. 4873/2003;
 - 2.4 To convey such water and electricity across the Servient Property, underground only, by means of pipes, wires and/or cables or other appliances.

(Handwritten signature and initials)

- 1.2 The Servient Owner and the Dominant Owner have agreed that the Servient Owner will supply water from the borehole to the Dominant Property;
- 1.3 Such supply of water shall be in accordance with such allocation of water which may be granted to the Dominant Property in accordance with a licence of use to be issued by the Department of Water Affairs which licence application has been submitted;
- 1.4 The parties wish to register a predial servitude over the Servient Property in favour of the Dominant Property to enable the Dominant Owner to exercise its rights in terms hereof;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

Servitude

2. The Servient Owner hereby grants to the Dominant Owner and his successors in title:
 - 2.1 A Servitude Borehole with a 2 meter radius, the centre of which is represented by the Point A on annexed diagram No. SG 4873/2003, and the perpetual right to draw such amount of water from such borehole as may be allocated to the Dominant Property in terms of a licence of use of water which has been applied for and to be issued by the Department of Water Affairs and Forestry ("the Licence");
 - 2.2 A Servitude in perpetuity of a Pump station at Point A on the said annexed diagram to enable the Dominant Owner to pump the water;
 - 2.3 A Pipeline and Power line Servitude, 4 metres wide, the centre line of which is indicated by the Figure A B on the annexed Diagram No S.G. 4873/2003;
 - 2.4 To convey such water and electricity across the Servient Property, underground only, by means of pipes, wires and/or cables or other appliances.

[Handwritten signature and initials]

Water and Electricity Metering

- 3.1 Each of the parties shall install, at its own cost, a separate electricity and water meter so as to meter the consumption of electricity and the volume of water pumped by each party.
- 3.2 The Dominant Owner shall only pump the volume of water allocated to it in terms of the Licence and the remainder of the water in the bore hole shall be dealt with similarly in accordance with the Licence.

Maintenance

- 4.1 Any replacement of existing equipment, such as the electric motor, pump, cables, pipelines, etc. and / or the maintenance of the existing equipment or any new equipment shall be carried out by the parties jointly, and they shall be liable for the cost thereof in proportion to the volume of water withdrawn by them respectively from the said borehole, which volume shall be measured over a calendar year period.
- 4.2 All such work shall be mutually agreed upon by the parties, except in case of emergency.
- 4.3 The Dominant Owner is entitled to a right of entry upon the Servient Property to carry out thereon such maintenance and / or replacement work as may be necessary or convenient, and to ensure the safe and efficient operation of the equipment.
- 4.4 The Dominant Owner is not entitled to erect any overhead wires, towers or poles, nor any above ground structures on the servitude area to convey the water and or electricity. All such cables and pipelines shall be subsurface.

Preference of Use

5. The Dominant Owner shall at all times have preferent pumping rights on the bore hole.

Damage

- 6.1 The Dominant Owner is liable for any damage which may be caused as a result of the bursting and / or leakage of pipes, electric faults, or any other damage caused by the operation of the Servitude.
- 6.2 Whenever it is necessary to disturb the soil surface, dig holes or the like, the Dominant Owner shall carry out such works with as little interference as possible to the Servient Owner and immediately repair any such disturbances and/or holes or the like.

Value

7. No consideration is payable for the granting of the Servitude.

[Handwritten signatures and initials]

Registration

8. This Notarial Deed will be registered against the Title Deeds of the Servient and Dominant Property in the office of the Registrar of Deeds.

Costs

9. The costs for drawing and registering this Notarial Deed, as well as all costs related directly thereto, including transfer duty if applicable, will be payable by the La Dauphine Trust.

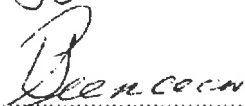
THUS DONE AND EXECUTED on the day, month and year first aforewritten in the presence of the undersigned witnesses.

WITNESSES:

1.



2.

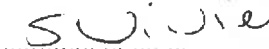



qq FIRST PARTY



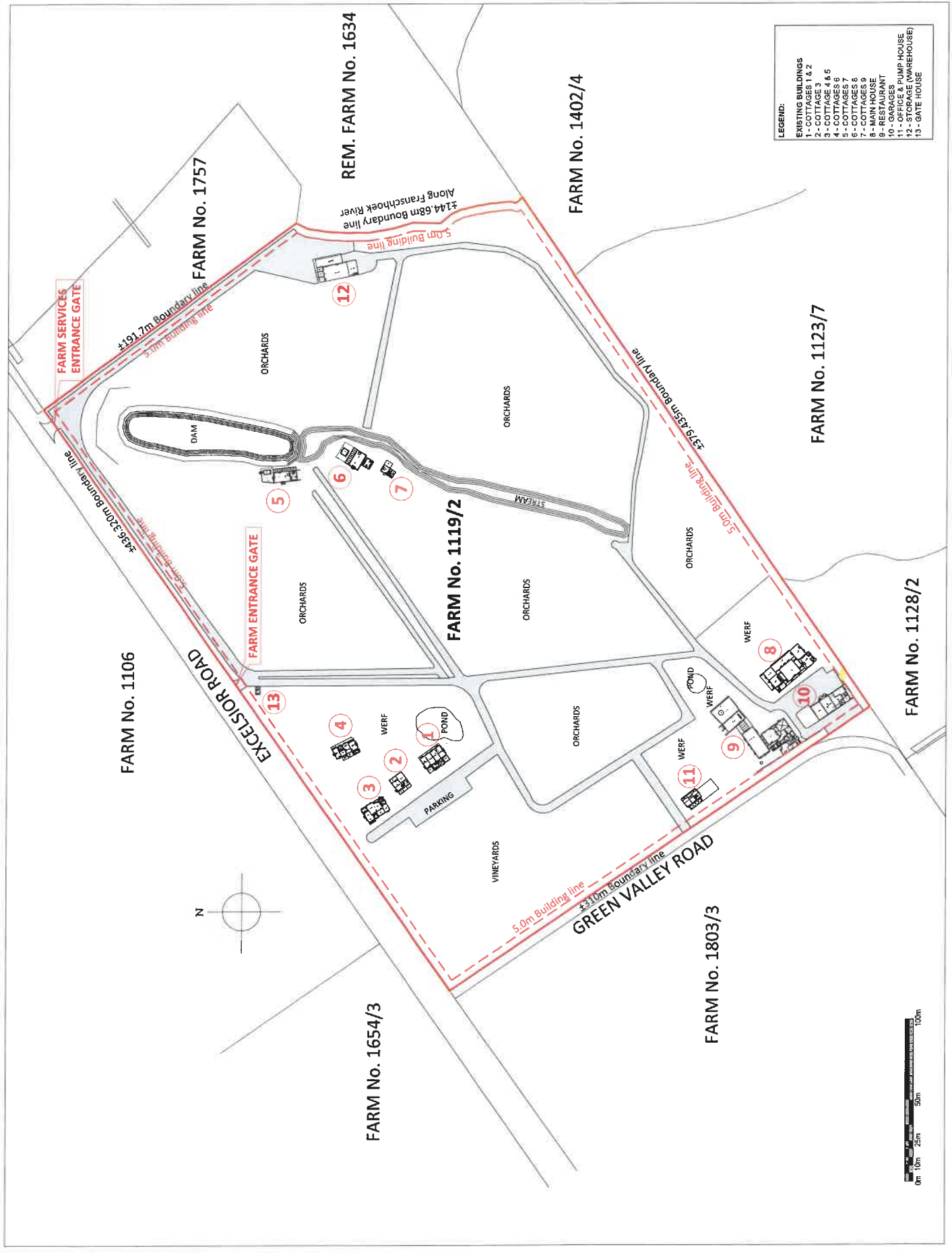
qq SECOND PARTY

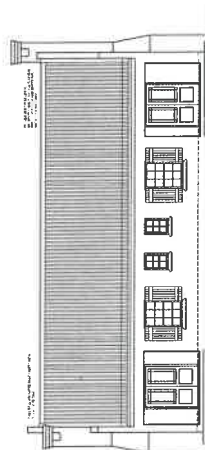
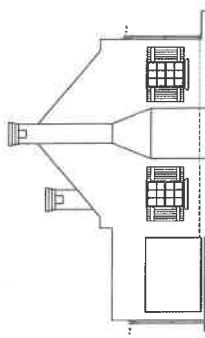
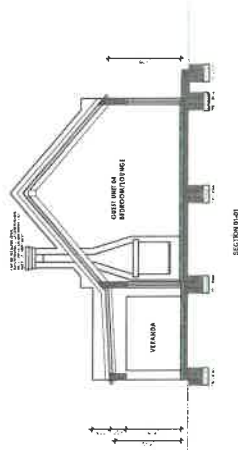
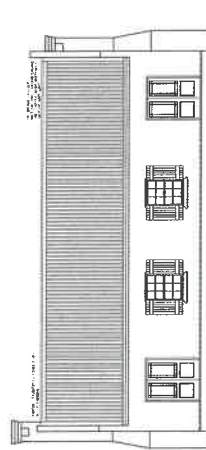
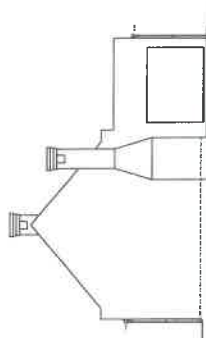
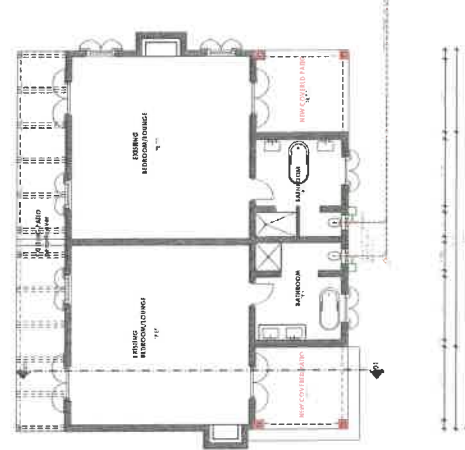
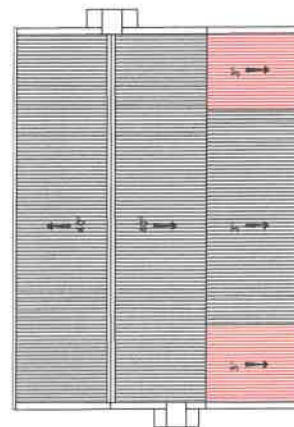
QUOD ATTESTOR



NOTARY

ANNEXURE C: SITE DEVELOPMENT PLAN





NOTES:

1. All dimensions are in meters unless otherwise stated.
2. The building is to be constructed of brickwork.
3. The roof is to be gabled and covered with tiles.
4. The building is to be finished with white paint.
5. The building is to be finished with white paint.
6. The building is to be finished with white paint.
7. The building is to be finished with white paint.
8. The building is to be finished with white paint.
9. The building is to be finished with white paint.
10. The building is to be finished with white paint.

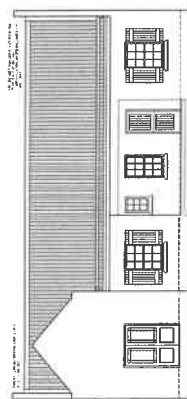
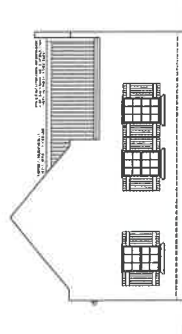
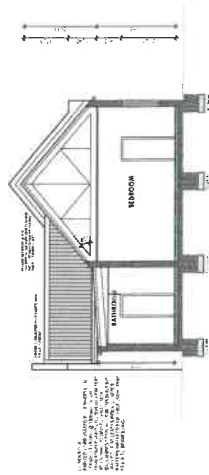
MOUHANWANE (PTY) LTD.

LA DAUPHINE
LAND USE PLANNING APPLICATION:
FARM NO. 1119/2, FRANSCHHOEK

COTTAGE 1 & 2
BUILDING PLAN

FRM_11192_01 1:100
P002 01/11/2023
J.V. PLANNING CONSULTANTS

FOR APPROVAL



1. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

2. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

3. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

4. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

5. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

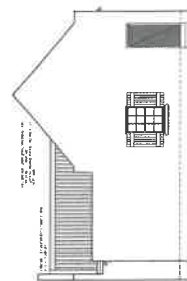
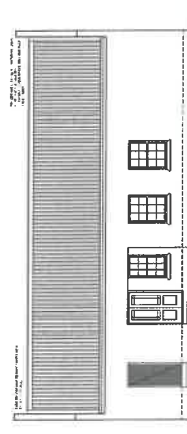
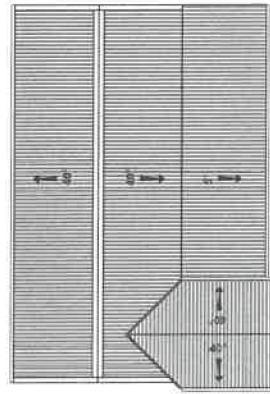
6. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

7. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

8. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

9. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).

10. The drawings are prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant provisions of the National Building Standards Act, 2012 (Act No. 119 of 2012).



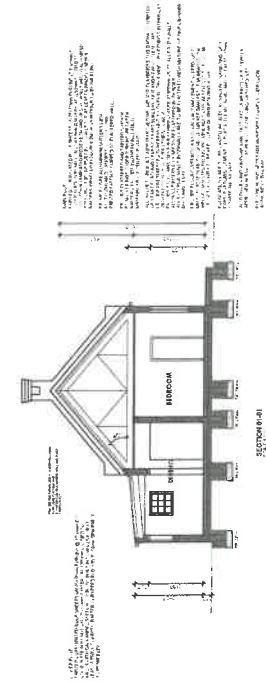
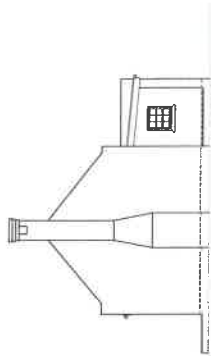
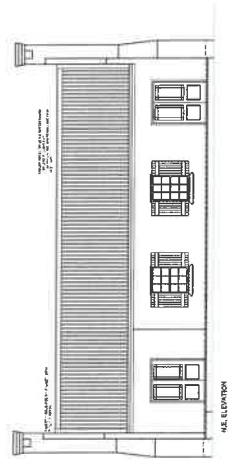
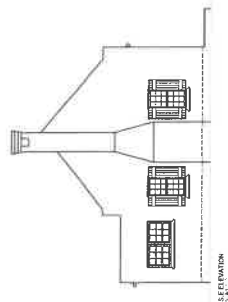
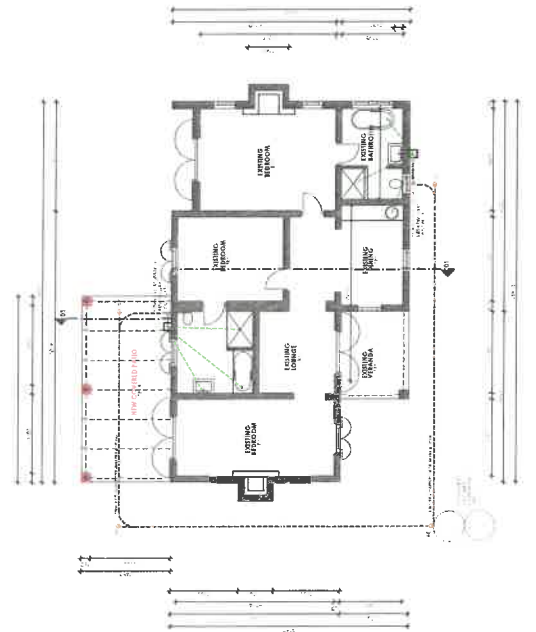
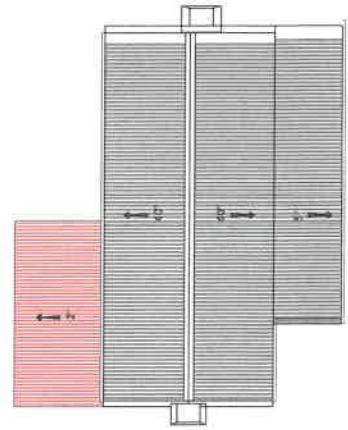
MONGHIANE (PVT) LTD.

LA DAUPHINE
LAND USE PLANNING APPLICATION:
FARM NO. 1119/2, FRANSCHHOEK

COTTAGE 4 & 5
BUILDING PLAN

PROJECT NO.	1192_01	DATE	11/02/2023
DESIGNER	J. J. J. J.	SCALE	1:100
CLIENT	J. J. J. J.	DATE	11/02/2023

FOR APPROVAL



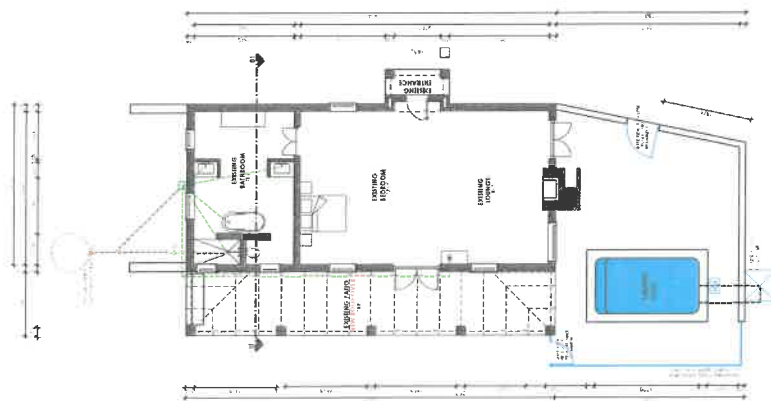
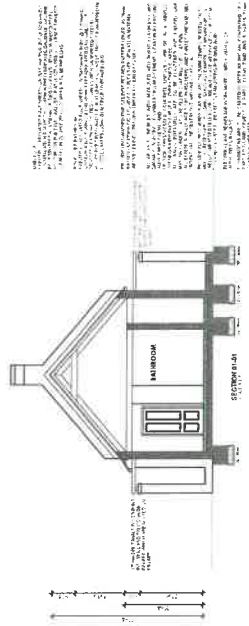
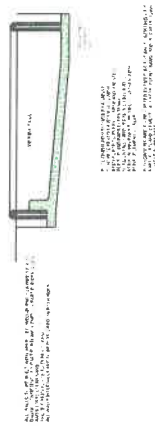
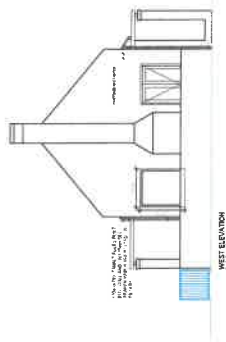
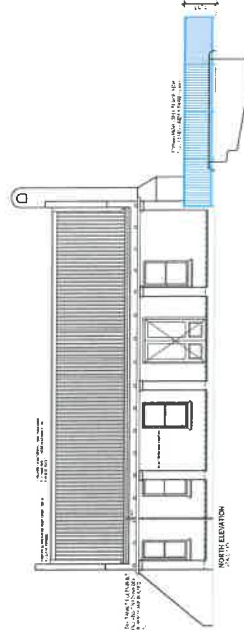
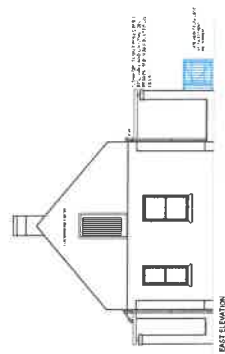
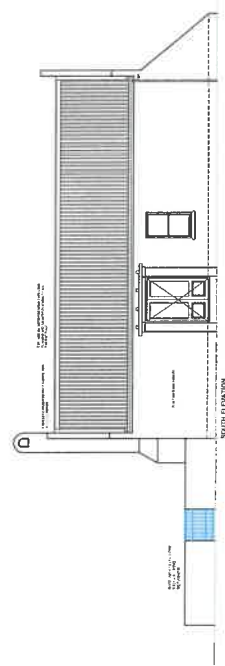
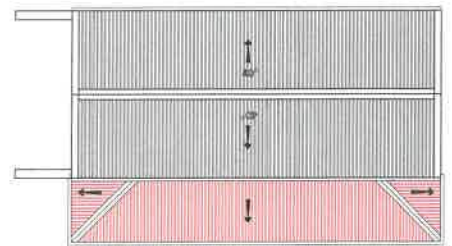
MONGWAMANE (PTY) LTD.

LA DAUPHINE
LAND USE PLANNING APPLICATION:
FARM NO. 1119/2, FRANSCHHOEKCOTTAGE 6
BUILDING PLAN

Project No.	PARM_1119/2_01	Scale	1:100
Drawn by	PDS	Date	01/11/2023
Sheet	1	Drawn by	PDS
		Checked by	PDS

JV PLANNING CONSULTANTS

FOR APPROVAL



MONGHAWANE (PTY) LTD

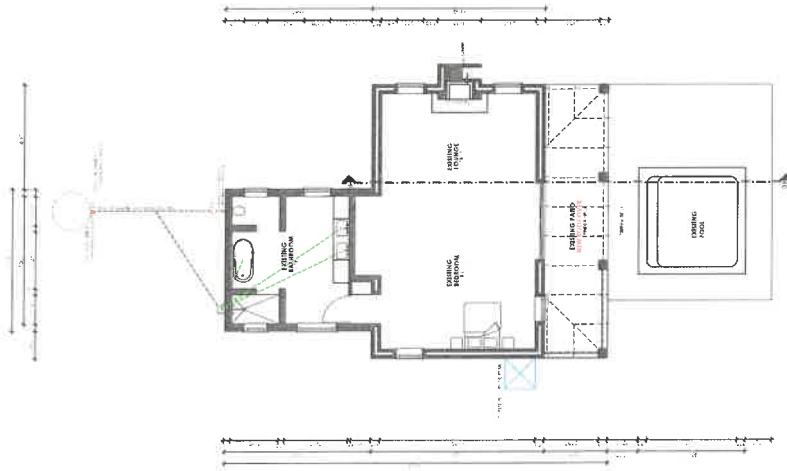
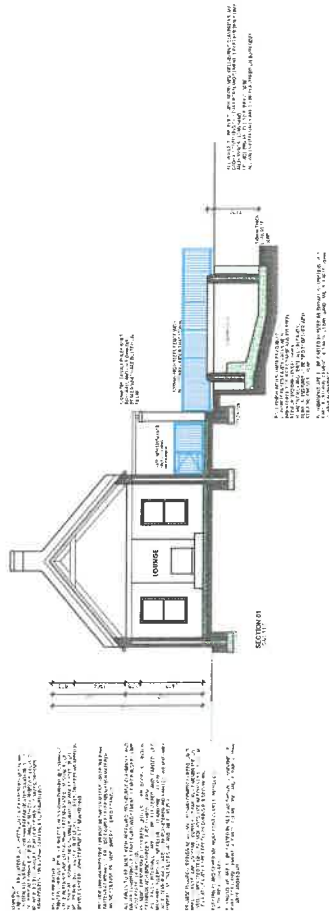
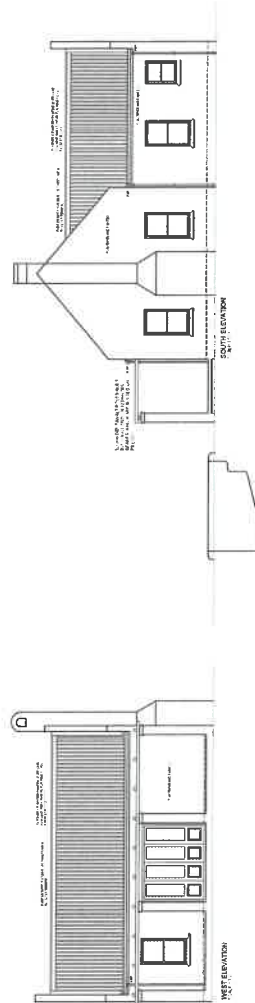
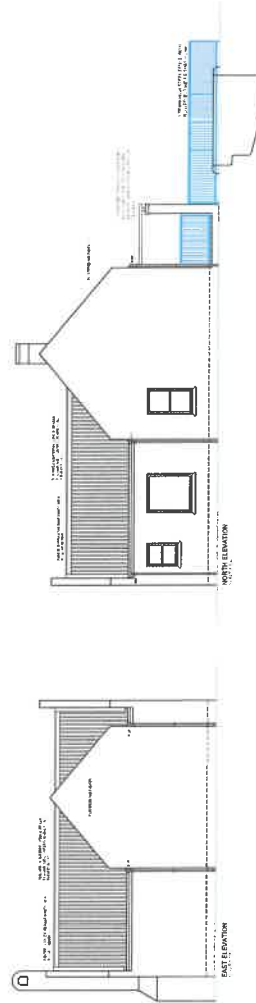
LA DAUPHINE
LAND USE PLANNING APPLICATION:
FARM NO. 1119/2, FRANSCHHOEK

COTTAGE 7
BUILDING PLAN

DATE: 11/02/21	SCALE: 1:100
PROJECT: 01/11/2023	REV: 1
DESIGNER: J.V.	REV: 2

J.V. PLANNING CONSULTANTS

FOR APPROVAL



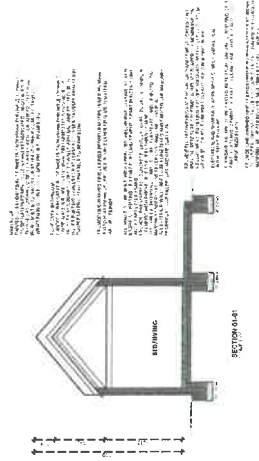
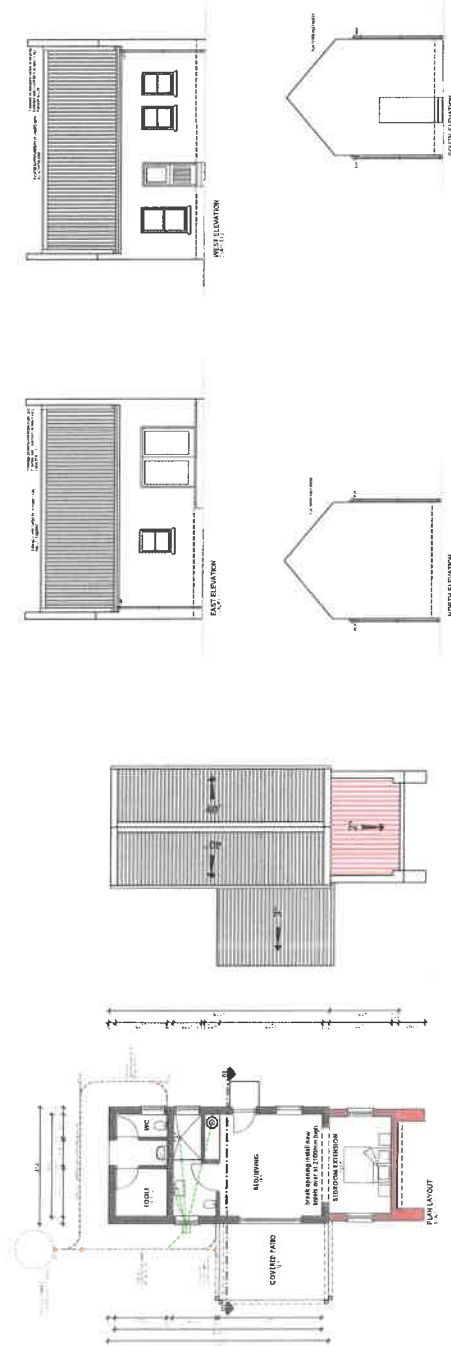
MONSIEUR (P) LTD.

LA DAUPHINE
LAND USE PLANNING APPLICATION:
FARM NO. 11197, FRANCHOEKCOTTAGE 8
BUILDING PLAN

PROJECT	FRANCHOEK_01	1:100
DATE	01/11/2023	
DESIGNER	7	1:100
SCALE	1:100	1:100

JV PLANNING CONSULTANTS

FOR APPROVAL



MONGWANE (P) LTD.

LA DAUPHINE
LAND USE PLANNING APPLICATION:
FARM NO. 1119/2, FRANSCHHOEKCOTTAGE 9
BUILDING PLAN

PROJECT: FARM_1119/2_01	SCALE: 1:100
DATE: 01/11/2023	BY: J.V.
FOR: J.V.	BY: J.V.

J.V. PLANNING CONSULTANTS

FOR APPROVAL

**ANNEXURE D: APPLICANT'S MOTIVATION & SITE-SPECIFIC
MOTIVATION**

JV Planning Consultants

18 Mountain Fern Crescent
SOMERSET WEST 7130

Cell 082 821 6365

Email Jacques.volschenk10@gmail.com

8 November 2023

The Director:
Department of Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

Dear Sir,

**APPLICATION FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND DEPARTURE:
PORTION 2 OF THE FARM NO. 1119, PAARL (LA DAUPHINE)**

The pre-application scrutiny process, as it relates to the land use planning application on the abovementioned property, refer.

1 INTRODUCTION AND APPLICATION DETAILS

The undersigned has been appointed by the owner of Portion 2 of the Farm La Dauphine No. 1119, Paarl (hereinafter referred to as the property) to prepare and submit, on its behalf, an application which would enable an expanded tourist accommodation establishment on the property.

In particular, application is made for the following:

- a) In terms of Section 15(2)(o) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 (hereinafter referred to as the By-Law) for a consent use to make provision for a tourist accommodation establishment.
- b) In terms of Section 15(2)(b) of the By-Law for a permanent departure to permit the position of an existing building within the building lines.
- c) In terms of Section 15(2)(g) of the By-Law for the approval of a site development plan for the property.

The application described in this report is illustrated by the drawings included under Annexure 1.

2 LOCATION AND CONTEXT

The property is situated approximately 1.8km southwest of the town of Franschhoek along Excelsior Road. The farm, previously referred to as La Petit Dauphine, is a picturesque estate set among vineyards, olive groves and fruit orchards. The working farm is bordered by Excelsior Road to the north, from where access is provided to the property, and Green Valley Road to the west. The Franschhoek River presents the southern and eastern boundary of the property.

The property is set amongst an agricultural landscape where several accommodation facilities are provided on the surrounding properties. Despite this additional land use, agriculture remains the dominant land use in the area.

The property comprises some 12.9ha of which a total of 7.1ha is under a combination of vineyards and orchards (i.e. grapes, plums and olives). The remaining area comprises fallow land, riverine corridors and dams and areas of physical infrastructure (i.e. tourist accommodation and facilities, dwellings units and roads).

The buildings and infrastructure on the property is concentrated in three distinct nodes/clusters. The primary cluster in the southern corner of the property includes the manor house, outbuilding, garage, coffee shop and farm manager's office. A secondary cluster is located next to the entrance and includes the former labourers cottages. These have been converted into guest accommodation (refer to section 3.2 below). A third cluster comprises three newly constructed guest suites. These are located in the centre of the property, immediately south of an irrigation dam and along the local drainage line.

A farm shed for farm implements and storage purposes is located along the eastern boundary.

Up until approximately 2 years ago, Le Petite Dauphine provided tourist accommodation and tourist facilities in the form of a coffee shop/restaurant called Café Bon Bon. All tourist activities and accommodation has however since ceased whilst only the farming enterprise is still operational.



Figure 1: Entrance to the Manor House (source Google Earth Streetview, 2023).



Figure 2: Two of the guest suites located in the cluster next to the irrigation dam (source: Mongwawane (Pty) Ltd.).



Figure 3: The restaurant in the period whilst operational (source: Mongwawane (Pty) Ltd.).



Figure 4: Present state of one of the cottages on site.

The property is relatively flat but slopes downward from the south to the north along the flow of the Franschhoek River. The property slopes some 15m between 292m amsl. at its highest point to approximately 277m amsl. at its lowest point in the northern corner.

As further described in the chapters below, Stellenbosch Municipality, during 2007, granted approval for the conversion of the four (4) existing labourer's cottages into 5 guest suites. These cottages are located in the secondary cluster is located next to the entrance.

Following the conversion of the same, one of the labourer's cottages were further divided to create an additional guest suite. Three additional guest suites were also constructed next to the irrigation dam. These conversions/constructions were undertaken without the required land use approval, hence this application. A separate application for environmental authorization of the same is also currently being undertaken as described in the chapters below.

3 SITE DESCRIPTION

The property is referred to in the title deed as the Remainder Portion 2 of the Farm La Dauphine No. 1119, situated in the Stellenbosch Municipality, Division Paarl, Western Cape Province.

The property details, as per the title deed and municipal records, are summarised in the table below:

Table 1: Property Details.

PROPERTY DESCRIPTION	SIZE	TITLE DEED	ZONING	OWNER
Rem. Portion 2 of the Farm La Dauphine No. 1119, Paarl	12.9319ha	742060/2016	Agriculture and Rural Zone	Mongwawane (Pty) Ltd.



Figure 5: Site context of the property.

3.1 RESTRICTIVE TITLE CONDITIONS

The property is held under Title Deed No. T42060/2016. In terms of same there are no restrictive title conditions which would prevent the items described in this application.

The title deed and conveyancer certificate, attached herewith, does however note a Notarial Deed of Servitude No. K1147/20055, dated 7 October 2005 as it relates to a borehole servitude and related infrastructure. The title deed notes as follows:

- C.(a) *A servitude borehole with a 2 meter radius, the centre of which is represented by the Point A on diagram No. SG 4873/2003, and a perpetual right to draw such amount of water from such borehole as may be allocated in terms of a licence of use of water which has been applied for and to be issued by the Department of Water Affairs and Forestry;*
- (b) *a servitude in perpetuity of a pump station at Point A on the said Diagram SG 4873/2003;*
- (c) *A pipeline and power servitude, 4 meters wide, the centre line of which is indicated by Figure A B on Diagram SG 4873/2003.*

With ancillary rights in favour of Portion 2 of the Farm Bosplaats No. 1128, Paarl in the Stellenbosch Municipality, Division of Paarl, Province of the Western Cape.

The title deed is included under Annexure 3.

The SG Diagram is included under Annexure 4.

3.2 APPLICABLE ZONING AND DEVELOPMENT PARAMETERS

The Stellenbosch Municipality, on 14 February 2007, granted approval for the rezoning of a portion of the property ($\pm 625\text{m}^2$) from Agricultural Zone I to Residential Zone V¹, in terms of the former Land Use Planning Ordinance, No. 15 of 1985 (LUPO) in order to convert 4 existing labourer's cottages into 5 guest suites.

At the same time, approval was also granted for a consent use (tourist facilities) in order to convert existing outbuildings of $\pm 511\text{m}^2$ for an interior decorating studio and a breakfast room/coffee shop purposes.

These approvals were noted by the Stellenbosch Municipality which, on 31 May 2021, issued a zoning certificate, in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 for the property. In said zoning certificate, the zoning of 'Agriculture and Rural Zone' was confirmed for the property.

The zoning certificate also confirmed the following additional use rights which stems from the land use planning approval of 14 February 2007:

- *Consent for a tourist accommodation establishment (conversion of 4 existing labourer's cottages into 5 guest suites).*
- *Consent use for a tourist facility to utilize an outbuilding, with a total footprint of $\pm 511\text{m}^2$, for an interior decorating studio and a breakfast room/coffee shop purposes.*

The development parameters, which apply to Agriculture and Rural Zone, are described in the table below.

Table 2: Development parameters for Agriculture and Rural Zone.

BUILDING TYPE	STREET BUILDING LINE (street & common boundaries)	HEIGHT	PRIMARY USE (coverage)	ADDITIONAL USE (coverage)	CONSENT USE (coverage)
ACCOMMODATION AND DWELLINGS					
Dwelling house and second dwelling house (excluding outbuildings, carport or garage)	5.0m	2 storeys	600m ² each		
Guest house, bed & breakfast & tourist dwelling units: in existing approved dwellings	In existing approved dwelling house			Max. 7 bedrooms	As approved by municipality
TOURIST FACILITIES					
Tourist facilities: overall max. limit including outdoor areas used but excluding parking	5.0m	1 storey		250m ²	As approved by municipality
- Shop in tourist facility sub-limit				120m ²	
- Manufacture and craft workshop sublimit				50m ²	

¹ In terms of Schedule 2 – Conversion of zoning on repealed zoning maps – of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 Residential Zone V, as per the former Land Use Planning Ordinance Section 8 Scheme, has been converted to Agriculture and Rural Zone + "deemed consent for tourist accommodation/guest house/hotel (based on lawful land use)" (outside urban edge) in the new zoning scheme By-Law.

OTHER AGRICULTURAL BUILDINGS

Employee housing unit (excluding outbuildings, carport or garage)	5.0m	1 storey	120m ²	As approved by municipality
Agricultural buildings	5.0m	3 storeys	No overall limit on land unit	Any one building >2000m ²

4 APPLICABILITY OF OTHER LEGISLATION**4.1 NATIONAL ENVIRONMENTAL MANAGEMENT ACT**

The Minister of Environmental Affairs and Tourism has in terms of Section 24(5) read with Section 44 of the National Environmental Management Act (NEMA) 107 of 1998, listed activities in terms of Section 24 and 24D of NEMA in a schedule, which may not commence without environmental authorization.

The EIA Regulations, which govern the implementation of the above sections of NEMA, outline the activities for which EIAs should apply.

The activities and land uses on site were assessed in terms of the applicable listing notices at the time of construction, as issued in terms of NEMA. It was found that some of these activities were undertaken without the required environmental authorizations and, as such, an application for rectification, in terms of section 24G of NEMA is currently being undertaken by Landscape Dynamics, the appointed Environmental Assessment Practitioner (refer to Annexure 9).

4.2 NATIONAL HERITAGE RESOURCES ACT

The restaurant/coffee shop building on site has been identified in the Municipality's Heritage Inventory as being of heritage significance. The inventory notes that *although the original H-plan homestead was demolished and a new structure was erected in its place, the complex retains two altered barns that have some limited architectural significance. However, the site has considerable scenic and landscape significance.*

The restaurant/coffee shop building is not the subject of this application.

Section 38(1) of the National Heritage Resources Act 25 of 1999 lists several activities which require approval from the responsible heritage resources authority (i.e. Heritage Western Cape) before construction may commence.

The tourist accommodation establishment was measured against these activities. Again, it was found that none of these activities would be 'triggered' or would result in the approval of Heritage Western Cape being sought. The National Heritage Resources Act 25 of 1999 is therefore not applicable.

3.3 SUBDIVISION OF AGRICULTURAL LAND ACT

The purpose of the Subdivision of Agricultural Land Act, No. 70 of 1970 is to control the subdivision and the use of agricultural land. The act is also concerned with the long-term lease of agricultural properties.

Whilst it is recognized that the subject property is zoned for agricultural purposes it is confirmed that the property will not be subdivided.

As such, whilst it is accepted that the comment of the Western Cape: Department of Agriculture might be sought, the provisions of the SALA is not applicable.

3.4 NATIONAL WATER ACT

In an effort to ensure the equitable allocation and beneficial use of water, the National Water Act No. 36 of 1998 put forward regulations with regard to the use of water. Under Part 1 of Chapter 4 of the Act it is stated that *a person can only be entitled to use water if the use is permissible under the Act*. Such permission may take various forms of licensed and unlicensed entitlements to use water.

Water use is broadly defined and includes a number of items listed under Section 21 of the Act.

Any activity within the 1:100-year flood line or within 100m of a watercourse (river, spring, natural channel, a lake or dam) or within a 500m radius from the delineated boundary (extent) of any wetland or pan triggers a water use activity in terms of Section 21 (c) & (i) of the Act.

- Section 21 (c) - impeding or diverting the flow of water in a watercourse;
- Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse.

Should any activities of Section 21 of the Act be 'triggered' by a potential development/construction, an application to obtain a license (General Authorisation or Water Use Authorisation) in terms of Section 21 of the Act must be prepared and submitted to the Department of Water and Sanitation (DWAS). This process will be undertaken simultaneously with the NEMA application.

5 PROJECT CONTEXT

The property operates as an active farming enterprise producing a variety of grapes, plums and olives. In terms of physical infrastructure and buildings, it includes a manor house and associated cottage in southern corner of the property as well as a garage and farm manager's office. A farm shed for farm implements and storage purposes are also presents along the eastern boundary.

Up until approximately 2 years ago, the property provided tourist accommodation and tourist facilities in the form of a coffee shop called Café Bon Bon.

All tourist activities and accommodation has since ceased whilst only the farming enterprise is still operational.

5.1 FARMING OPERATIONS

The farming activity on the property creates a special ambience with structured blocks of vineyards and orchards whilst access roads are lined with trees.

According to data from the Western Cape Department of Agriculture, the farm comprises 4 blocks of grapes of approximately 2.5ha in total, 5 blocks of plums with a total area of approximately 3ha and 2 blocks of olives with a total of approximately 1.6ha. The remaining area comprise fallow land (0.67ha), riverine corridors and dams and areas of physical infrastructure (i.e. tourist accommodation and facilities, dwellings units and roads).

The farm employs 7 farmworkers to tend the grounds, lawn, trees, olive grove and vineyards and harvest the grapes. Seasonal contractors are employed to support with the larger harvests, mainly the olives and plums, and to do specialized tasks such as pruning. The workers do not live on the farm.

5.2 TOURIST ACCOMMODATION AND FACILITIES

The tourist accommodation offering on the property is confined to two distinct clusters – one cluster at the entrance to the property and another cluster to the east, immediately south of an irrigation dam (see Figure 5 above). In total, the accommodation units comprise of 7 cottages (9 guest suites) – 7 x one-bedroom units and 2 x two-room units. In total, provision is made for the accommodation of 22 people.

Several of the guest suites have covered terraces with a private or communal pool.

The guest suites are well appointed but does not offer any self-catering options. Whilst operational, breakfast was served at Cafe BonBon. The café was also open to the public.

6 APPLICATION ITEMS

6.1 CONSENT USE

Application is herewith made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for a consent use to make provision for a tourist accommodation establishment on the property.

The expanded tourist accommodation establishment is to include the 5 guest suites which operated from the original 4 labourers' cottages as lawful use rights as well as the additional guest suite which has been created inside one of the cottages. The establishment also includes the additional three guest suites/cottages which has been established as a second cluster of units south of the irrigation dam.

Whilst the footprint of the original approved labourers' cottages remains roughly the same, the three new guest suites/cottages cover a combined area of approximately 330m².

The building plans of the cottages are included herewith under Annexure 1.

6.2 PERMANENT DEPARTURE

As mentioned above, the original farm La Dauphine dates back to 1710. From this time, the original property was improved with several structures. In the following years, the original farm was subdivided and re-subdivided up to the current extent.

Section 14(2) of the Zoning Scheme By-Law, 2019 states that *when the Municipality grants an approval for subdivision of a land unit containing one or more existing approved buildings or structures, the Municipality's approval is deemed to have been granted for any departure which may arise out of the subdivision, without having to identify each departure individually, provided that all structures are adequately shown on a plan and any new structures or buildings constructed after the confirmation of said subdivision, shall comply with the parameters of the Scheme.*

Due to a lack of municipal records, it is unclear when several of the structures on the property were erected and if any of these structures were approved. As a result, it is also the purpose of this application to apply for an encroachment of the following building line in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 to permit the position of existing structures on the property within the allocated building lines:

- Common boundary (south – adjacent to Farm No. 1128/2) from 5.0m to 0.0m to allow for the existing second dwelling.

The proposed building line departure is illustrated by the Departure Plan included under Annexure 1.

6.3 SITE DEVELOPMENT PLAN

Application is herewith made in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for the approval of a site development plan for the property.

The Zoning Scheme By-Law, 2019, in terms of Section 216, require that a site development plan be submitted to the Municipality for any new development or change of land use in existing buildings in this zone.

The purpose of the site development plan is to indicate all existing buildings and their land uses, cultivated areas, grazing areas, uncultivated areas, dams, rivers, natural veld and critical biodiversity areas on a plan to provide an overview of the extent of land use activities on the land unit, and to enable the Municipality to evaluate the compliance of any new land use or building proposals.

The Site Development Plan is included under Annexure 1

6.4 PREMISE OF THE APPLICATION

The Zoning Scheme By-Law, 2019 described a 'tourist accommodation establishment' as *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 cognizance 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;*

It is therefore submitted that the guest suites applied for in this application is consistent with the definition of a tourist accommodation establishment as the latter takes the form of two accommodation clusters with an additional tourist facility (the approved coffee shop).

Section 208 of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 specifically deals with tourist accommodation in this zone and states as follows:

- (1) *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 dwellings units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation establishment or a hotel, depending on the type of accommodation and the ancillary uses.*

The threshold referred to in Section 208 refers to the total number of guest bedrooms or number of people (refer to table 2) that may not be exceeded on a land unit. Section 207 notes *the total number of guest bedrooms in a bed and breakfast, guest house and tourist dwelling unit as a combined additional use on a land unit may not exceed 7 bedrooms or 14 people in total per land unit.*

As mentioned above, the facility has the potential to accommodate 22 people in 11 bedrooms.

Section 213 of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 lays down specific assessment criteria and requirements for consent uses on *Agriculture and Rural*-zoned properties. The most important of which is that the objectives of this zone, namely the *preservation of agricultural land and the continued use of farm land for agriculture* be adhered to.

From the above description of the property and intended land uses, it is clear that the primary use of the property is bona fide agriculture and that the tourist accommodation and facilities were subservient to the primary use of the property.

7 ENGINEERING SERVICES

The property is currently serviced in the following manner (refer to Annexure 5):

7.1 WATER

The property is currently serviced with potable water from boreholes on the property as no bulk water infrastructure of the Stellenbosch Municipality exists near the property. Potable water is treated on-site to meet SANS 241 Drinking Water Quality Standards.

The total potable water daily demand is estimated at approximately 4.4 kl/day.

The Civil Engineering service report notes that the demand for potable water is calculated for the following components/land uses on site:

Manor House:	600 m ²	= 1.0 kl/day
Coffee shop:	250 m ² @ 400 l/day/100 m ²	= 1.0 kl/day
Guest cottages (one bedroom):	7 units @ 220 l/unit/day	= 1.5 kl/day
Guest cottages (two bedroom):	2 units @ 400 l/unit/day	= 0.8 kl/day
Farm shed:	200 m ²	= <u>0.1 kl/day</u>
		4.4 kl/day

7.2 SEWAGE AND EFFLUENT MANAGEMENT

Similar to water, there is currently no existing bulk sewer infrastructure from the Stellenbosch Municipality in the vicinity. The existing facilities on the property utilize conservancy tanks.

The services report note that drainage of existing facilities is serviced by a private provider, and that the conservancy tanks have a capacity of 4 x 5 kiloliters, sufficient for once-a-week servicing.

The estimated daily sewer run-off is calculated for the following components/land uses, resulting in a total of 4.2 kl/day:

Manor House:	600 m ²	= 0.8 kl/day
Coffee shop:	250 m ² @ 400 l/day/100 m ²	= 1.0 kl/day
Guest cottages (one bedroom):	7 units @ 220 l/unit/day	= 1.5 kl/day
Guest cottages (two bedroom):	2 units @ 400 l/unit/day	= 0.8 kl/day
Farm shed:	200 m ²	= <u>0.1 kl/day</u>
		4.2 kl/day

7.3 SOLID WASTE

The estimated solid waste generated by the development is approximately 1.0 cubic meter per week. Currently the Stellenbosch Municipality provides waste removal services, but private waste collection is also considered as an alternative.

7.4 TRAFFIC AND PARKING

Section 44 of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 states that:

- (1) *The Municipality may require that the following traffic studies accompany an application in terms of Planning Law or this Scheme:*
- (a) ***When less than 50 additional peak hour single direction trips travelling in the peak direction are generated, no study is required;***
 - (b) *Then between 50 and 50 and 150 additional peak hour single direction trips traveling in the peak direction are generated, then a traffic impact statement may be required by the Municipality;*
 - (c) *when 150 or more additional peak hour single direction trips traveling in the peak direction are generated, then a traffic impact assessment may be required by the Municipality.*

The Municipality may waive the need for a traffic study or may demand such a study to be undertaken notwithstanding that a development may generate less trips, based on the sensitivity of the receiving environment with regards to traffic.

(own emphasis added)

It is contended that the traffic generated by the 4 additional guest suites (additional to the 5 guest suites previously approved) will be negligible and, as such, no traffic study is required.

Furthermore, the Zoning Scheme requires that parking be provided to the municipality's satisfaction. To this end it is submitted that sufficient parking facilities are in place to accommodate the additional guest suites. A formal parking area with overflow facilities are located in the centre of the property next to the manager's office and restaurant.

8 COMPLIANCE WITH RELEVANT POLICIES AND LEGISLATION

8.1 NATIONAL DEVELOPMENT PLAN

During November 2011, the National Planning Commission published a document titled; The National Development Plan 2030: Our Future – Make it Work, as a broad strategic framework which sets out a coherent and holistic approach to confronting poverty and inequality.

As its main goals, the National Development Plan (NDP) focuses of the following:

- Eliminate income poverty – Reduce the proportion of households with a monthly income below R419 per person (in 2009 prices) from 39% to zero.
- Reduce inequality – The Gini coefficient should fall from 0.69 to 0.6.

The NDP identifies 15 themes that as objectives and actions that will give effect to the overarching goal. These themes include the following:

- a) Economy and Employment
- b) Economic infrastructure
- c) Environmental sustainability and resilience
- d) Inclusive rural economy
- e) South Africa in the region and the world
- f) Transforming Human Settlements
- g) Improving education, training and innovation
- h) Health care for all
- i) Social protection

- j) Building Safer Communities
- k) Building a capable and developmental state
- l) Fighting corruption
- m) National building and social cohesion

In as far as the activities applied for in this document is concerned, the themes concerning *Economy and Employment*, *Environmental Sustainability and Resilience*, and *Inclusive Rural Economy* will be given effect to in the following manner.

(i) Economy and Employment

The proposed accommodation establishment will make a contribution to the local economy.

The development will contribute to the GGP. The GGP measures the value of all final goods and services produced/provided within one year of the area's economy. The generation of additional business sales and employment opportunities will initiate an on-going ripple effect through the local area, resulting in an increase in product and service value (measured in GGP).

During operation, the accommodation establishment may also result in direct jobs being created on site such as gardeners, concierge services, general workers, etc. Indirect jobs might also be created due to the multiplier effect in the economy in industries that provide goods, materials and services.

(ii) Environmental Sustainability and Resilience

The tourist accommodation establishment will comply with the specific actions listed under this heading by a manner of various direct responses. These primarily include the retention of mature vegetation on the property. Whilst positioned near water sources, the guest suites do not impact any ecological processes.

Efficient water and energy saving measures will also be implemented as part of the operations in order to minimize the consumption of scarce environmental resources. A sustainable waste management strategy will also be implemented whereby general waste will be separated from recycled material.

(iii) Inclusive Rural Economy

The NDP aims to create an additional 643 000 direct and 326 000 indirect jobs in the agriculture, agro-processing and related sectors by 2030. The Government aims to achieve this by, *inter alia*, activating rural economies through service to small and micro farmers and tourism.

In this regard, the tourist accommodation establishment will contribute to the creation of direct and indirect jobs in the rural areas of Stellenbosch.

8.2 WESTERN CAPE SPATIAL DEVELOPMENT FRAMEWORK

The Western Cape Provincial Spatial Development Framework (hereinafter referred to as the PSDF) was approved by the Minister of Local Government, Environmental Affairs and Development Planning and submitted to the Provincial Cabinet for endorsement in April 2014.

The PSDF sets out to put in place a coherent framework for the Province's urban and rural areas that: gives spatial expression to the National and Provincial development agendas;

- a) serves as basis for coordinating, integrating and aligning 'on the ground' delivery of national and Provincial departmental programmes;
- b) supports municipalities fulfil their municipal planning mandate in line with the national and Provincial agendas; and
- c) communicates government's spatial development intentions to the private sector and civil society.

The PSDF seeks to improve the effectiveness of public investment in the Western Cape's built and natural environments by:

- adopting credible spatial planning principles to underpin all capital investment programmes,
- spatially targeting and aligning the various investment programmes, and
- opening-up opportunities for community and business development in targeted areas.

In fulfilment of the mandate ascribed to it in SPLUMA and to take forward the Province's spatial development agenda, the PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The policy framework covers Provincial spatial planning's three interrelated themes, namely:

- a) Sustainable use of the Western Cape's spatial assets,
- b) Opening-up opportunities in the Provincial space-economy, and
- c) Developing integrated and sustainable settlements.

For each theme key challenges as distilled from the Provincial spatial profile and their spatial implications are noted and Provincial policies for dealing with them are presented. The table below put forward the respective themes, PSDF policies applicable to the development proposal and the manner in which the project will comply with the same.

Table 3: The three interrelated themes and applicable policies.

THEME AND POLICY	RESPONSE
a) SUSTAINABLE USE OF PROVINCIAL ASSETS	
<i>Policy R1: Protect biodiversity and ecosystem services</i>	Whilst three of the guest suites are located in an area classified as an Ecological Support Area (BSP ESA: Restore), these guest suites do not negatively impact on the functioning of the ecological area. The activity will also be addressed in the S24G application to be submitted to the DEA&DP.
<i>Policy R2: Safeguard inland and coastal water recourse, and manage the sustainable use of water</i>	A water-wise approach will be adopted in the operation of the accommodation establishment. The approach is aimed at maximising efficiencies and optimising storage capacity.
<i>Policy R3: Safeguard the Western Cape's agricultural and mineral resources, and manage their sustainable use</i>	As mentioned above, according to data from the Western Cape Department of Agriculture, the farm comprises blocks of grapes, plums and olives which are actively farmed. The tourist accommodation establishment does not impact on these agricultural resources.
<i>Policy R5: Safeguard cultural and scenic assets</i>	Excelsior Road is classified as a scenic route in terms of the Municipal Spatial Development Framework. Whilst it is not regarded as a scenic route with associated overlay parameters in terms of the zoning scheme, the area is regarded as a graded Landscape which needs to be protected. As mentioned above, the architectural design of the guest suites has been treated carefully and does not present a foreign form to the landscape.

b) OPENING-UP OPPORTUNITIES IN THE SPACE ECONOMY

Policy E2: Diversify and strengthen the rural economy

It is contended that the project presents a sustainable rural activity (i.e. an activity that is appropriate in the rural setting, generates positive socio-economic returns and do not compromise the environment) of an appropriate scale and form.

c) DEVELOPING INTEGRATED AND SUSTAINABLE SETTLEMENTS

Policy S1: Protect, manage and enhance sense of place, cultural and scenic landscapes

Refer to Policy R5 above.

In accordance with the development criteria for the specific land use as identified in the Stellenbosch Conservation Management Plan, the tourist accommodation establishment will ensure that the view-lines are retained and focused on prominent natural features. As such the guest suites does not represent over-scaled structures on visually-exposed landscapes. The suites are rather 'tucked into' the landscape. As such the integrity of the landscape character will be retained as the activity will not cause visual intrusion.

8.2.1 RURAL LAND USE PLANNING AND MANAGEMENT GUIDELINES

During 2019, the Provincial Government of the Western Cape prepared a spatial planning guideline document to provide guidance on land use planning and management outside the urban edge. The Western Cape Land Use Planning Guidelines: Rural Areas (March 2019) was implemented to support the roll-out of the Provincial Spatial Development Framework (PSDF) and its call to open up opportunities in the rural space-economy. The Rural Land Use Planning and Management Guideline primarily intends to achieve the objectives which are as follows:

- *To promote sustainable development in appropriate rural locations throughout the Western Cape and ensure that the poor share in the growth of the rural economy.*
- *To safeguard the functionality of the province's life supporting ecosystem services (i.e. environmental goods and services).*
- *To maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural landscapes, and natural resources.*
- *To assist Western Cape municipalities to plan and manage their rural areas more effectively.*
- *To provide clarity to the provincial government's social partners on what kind of development is appropriate beyond the urban edge, suitable locations where it could take place, and the desirable form and scale of such development.*

The principles underpinning the rural land use management guidelines, that are of relevance to this application are:

- a) Decisions on rural development applications should be based on the following spatial principles of the PSDF:
 - Spatial justice,
 - Sustainability and Resilience
 - Spatial efficiency
 - Accessibility, and
 - Quality and Liveability.
- b) Good quality and carefully sited development should be encouraged and located as far as possible in existing settlements.
- c) Accessibility should be a key consideration in all development decisions.
- d) New building development in the open countryside away from existing settlements should be strictly controlled regarding scale, height, colour, roof profile, etc.

- e) Priority should be given to the re-use of previously developed sites in preference to greenfield sites.
- f) All development in rural areas should be well developed and inclusive, in keeping and scale with its location, and sensitive to the character of the rural landscape and local distinctiveness.

The document provides detailed guidelines for a full spectrum of rural land uses. The management guidelines that apply to rural accommodation include:

Table 4: Management guidelines for rural land uses.

TOURIST ACCOMMODATION	
GUIDELINE	COMPLIANCE
Large scale tourist accommodation should preferably be provided in or close to urban areas.	The tourist accommodation establishment applied for comprise a mere 9 guest suites of which 5 has already been approved.
Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form.	Most of the units are located in converted former labourers cottages whilst the three new units are single bedroom units designed and built to be aesthetically coherent.
Tourist accommodation in the rural landscape should be clustered in visually discreet nodes	The tourist accommodation establishment comprise two distinct clusters in the agricultural landscape.
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 activity is a consent use in terms of the permitted land uses under the <i>Agriculture and Rural</i> zoning of the property.
Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in transit visitors.	As per the definition of tourist accommodation establishment, the guest suites only provide accommodation for transient guests.
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.	The tourist accommodation establishment is of an insignificant nature and will not negatively impact the primary agricultural nature of the property.
Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.	The approved guest suites are accommodated in former labourers cottages.
Tourist accommodation facilities where appropriate, should be located within or peripheral to the farmstead. Their buildings should complement the farm's vernacular.	The architectural vernacular of the guest suites is consistent with that of the manor house and other structures on the property.
The establishment of all types of accommodation in rural areas must avoid negative impacts on river systems and should therefore not be permitted below the 1:100 flood line or within 100m of a river bank.	A S24G application in terms of NEMA is currently underway to obtain approval for the guest suites next to the dam.
Dispersed rental units should be adjacent to existing farm roads, in visually unobtrusive locations, and be self-sufficient in terms of servicing.	The guest suites are located in an agricultural landscape and is unobtrusive from neighbouring roads. The units are also self-sufficient in terms of servicing.
A site development plan must be submitted to the municipality for consideration.	Application is herewith also made for the approval of the site development plan, as per the requirements of the Zoning Schem By-Law.

From the above, it is clear that the proposed activities are consistent with the provisions of the Rural Land Use Planning and Management Guidelines.

8.3 STELLENBOSCH SPATIAL DEVELOPMENT FRAMEWORK

The Stellenbosch Municipal Spatial Development Framework (MSDF) was approved by the Council of the Stellenbosch Municipality on 27 June 2023. The MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The MSDF outlines plans and written proposals for the municipality as a whole, but also for the major towns and smaller settlements. Broadly – and aligned to the SPLUMA MSDF guidelines – the settlement plans entail three types of actions or initiatives:

- *Protective actions* – things to be protected and maintained to achieve the vision and spatial concept.
- *Change actions* – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
- *New development actions* – new development or initiatives to be undertaken to achieve the vision and spatial concept.

Under these broad types of actions, strategic focus areas and settlement elements are dealt with. The SDF elements and associated spatial proposals as it relates to the tourist accommodation establishment are as follows:

Table 5: Plan elements and proposals for Franschhoek.

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSAL
Protective actions	<i>CBAs, ESA's, Protected areas</i>	Whilst located in an ESA, the tourist accommodation establishment still maintains and improves the nature areas found on the property
	<i>Agricultural land</i>	The additional uses applied for will all be undertaken on areas which is not utilized for agriculture. As such, the productive agricultural lands will be retained and not be negative impacted in any way.
	<i>Scenic landscapes, scenic routes, special places</i>	The strong sense of transition between agriculture and human settlement will be retained at the entrance to the town. The tourist accommodation establishment is set back from the scenic route and is partly on the existing development footprint of previous uses.
	<i>Historically and culturally significant precincts and places</i>	The Stellenbosch Conservation Management Plan (2018) notes that <i>La Petite Dauphine has significance for its landscape more than the structures within it, and La Dauphine is well-sited within its context with grand views.</i> The tourist accommodation establishment will maintain the integrity of the property. The guest suites will furthermore place this precinct in daily use and make it accessible to the public.

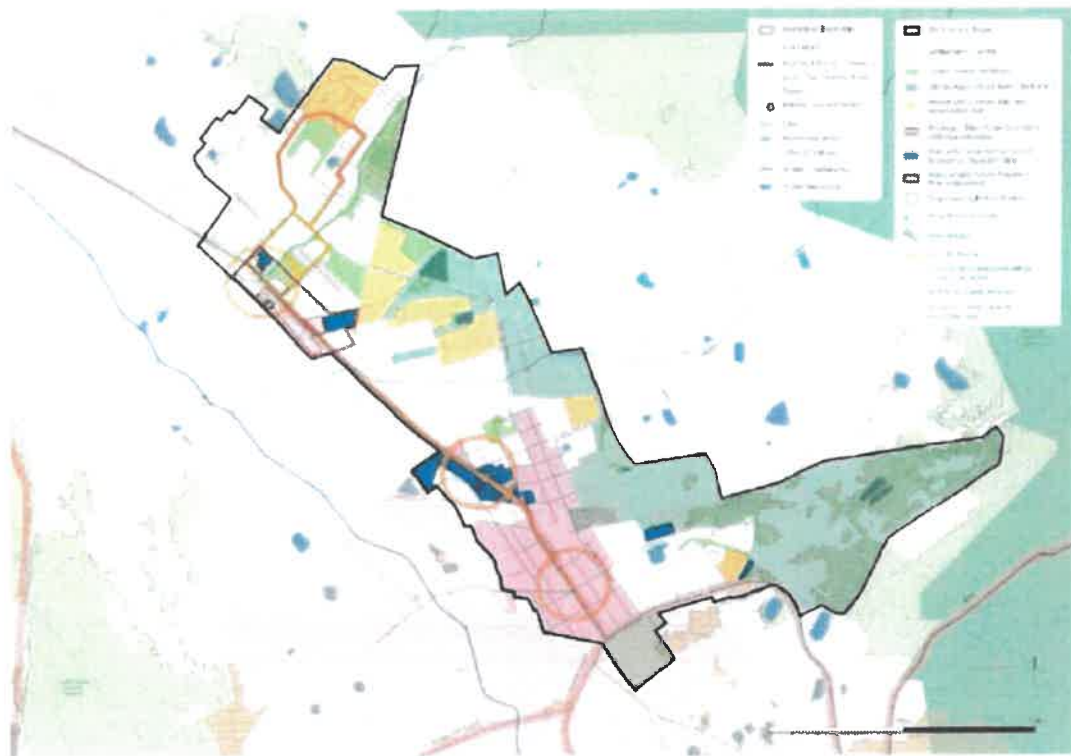


Figure 6: Franschhoek spatial plan. Subject property is south of the town amongst the area designated as 'Graded landscapes to be protected'.

From the above, it is contended that the proposed land use activities are consistent with the provisions of the Stellenbosch Municipality SDF.

8.3.1 POLICIES THAT GUIDE DECISION-MAKING

Stellenbosch Municipality, in partnership with other organisations, has completed a number of investigations and surveys to gather information in support of decision-making. One such example is the work undertaken with regards to historically and culturally significant precincts and places, scenic landscapes and routes.

Heritage resources in Stellenbosch Municipality are outlined in a series of reports under the title Heritage Inventory of the Tangible Heritage Resources in the Stellenbosch Municipality (2018).

In terms of the latter, townscape character units are identified for the major towns in the municipality as well as key urban elements and primary townscape character units.

As far as the Franschhoek valley is concerned, the study classifies the land unit within which the property is situated as the Franschhoek Cul-de Sac. The main structure of this land unit is formed by the Franschhoek mountains which creates a sense of enclosure. The study continues; *The pattern of this landscape is made up of smaller rectangular blocks with intermittent farm complexes that are woven together by natural fingers leading from the mountain, creating a well-balanced and fine texture. The main land use consists of pasture land, vineyards and orchards with strong windbreak edges.*

With regards to labourers' cottages, the study notes: *Clusters of workers' houses are found within this unit, and although the buildings are mostly in a poor condition, these clusters are well absorbed within the landscape as a unified whole.*

The development criteria of the Franschhoek Cul-de-Sac which is applicable to the subject property is listed below.

Table 6: Development criteria for Franschhoek Cul-de-Sac applicable to subject property.

FRANSCHHOEK CUL-DE-SAC LAND UNIT

The main aim of the unit is to CONSERVE (maintain) the existing character. This may require both protection and maintenance of the significant elements and features as well as appropriate development thereof. It includes the promotion of these landscapes and places for the appreciation and continuity of their cultural significance.

	DEVELOPMENT CRITERIA
Ecological	<ul style="list-style-type: none"> Only permit development that responds to the heritage sensitivity of the site, and that will not dominate, or irreparably damage the environments adjacent to these heritage sites. Optimize the scenic and recreational opportunities provided by water courses and larger water bodies, especially where they were enjoyed through historic right of way. Respect development setbacks from water resources to provide protection from flooding as well as creating scenic and ecological corridors.
Aesthetic	<p><u>Land use and development</u></p> <ul style="list-style-type: none"> Retain view-lines and vistas focused on prominent natural features such as mountain peaks, as these are important place-making and orientating elements for experiencing the cultural landscape. The construction of over-scaled private dwellings and other structures in locations of high visual significance, and on visually-exposed promontories, ridges and ridgelines, should be discouraged. Preferred locations are sites that have already been settled, or sites 'tucked into' the landscape, using the same criteria for site-location as the adjacent, older farmsteads. Visual permeability should be maintained towards mountains, valleys and across open, and cultivated fields. (a) Discourage the use of solid walls around vineyards and agricultural areas in public view and along scenic routes. (b) Views should be framed and enhanced by development wherever possible. <p><u>Planting pattern</u></p> <ul style="list-style-type: none"> Traditional planting patterns should be protected by ensuring that existing tree alignments and copses are not needlessly destroyed, but reinforced or replaced, thereby enhancing traditional patterns with appropriate species. Significant avenues should be protected as a heritage component. In some cases, remnant planting patterns (even single trees) uphold the historic character of an area. Interpretation of these landscape features as historic remnants should occur.
Historic	<p><u>18th Century Werf</u></p> <ul style="list-style-type: none"> Respect traditional werf settlement patterns by considering the entire werf as the component of significance. Any development that impacts the inherent character of the werf component should be discouraged. Interventions on the werf must respect the layout, scale, massing, hierarchy, alignments, access, landscaping and setting. Encourage development that prolongs the longevity of historic family farms as an increasingly rare typology.

Social**Settlement pattern**

- Respect existing patterns, typologies and traditions of settlement-making by promoting the continuity of these heritage features.
- The relocation of farm labour to housing settlements should be discouraged. Where structures are still used for workers housing, the historic use thereof has value, and should be protected as far as possible.

Economic

- Care should be taken that vineyards are not needlessly destroyed, and replaced by non agricultural development.
- Fruit orchards are associated with windbreak trees which form distinctive strong lines on the landscape. In cases where the orchard has lost its function, to retain its heritage values the windbreak trees should be kept and new development could be included within existing blocks.
- Developments that promote the continuity of the core function of agriculture within the Stellenbosch winelands should be promoted.

It is submitted that the proposed tourist accommodation establishment will adhere to the above development criteria for the area.

9 LEGISLATIVE CONTEXT

This application is submitted and will be considered in terms of the Stellenbosch Municipality: Land Use Planning By-Law, 2023. As such, the planning principles as advocated in the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA) is also applicable.

Chapter 2 of SPLUMA, and Section 59 of LUPA, lists development principles and norms and standards that shall apply to spatial planning, land development and land use management. These principles are as follows:

9.1 SPATIAL JUSTICE

Spatial justice is primarily concerned with the commitment to redress past spatial and other development imbalances. This is to be achieved by the incorporation of provisions that enable redress in Land Use Management Schemes, by Spatial Development Frameworks that allow for inclusion and integration of disadvantaged communities and general land development procedures that aim to improve the access to and use of land.

Whilst the tourist accommodation establishment does not aim to directly redress spatial justice, it is submitted that the activity will result in economic growth and job creation at a local scale. It will also result in the diversification of land uses on the property.

9.2 SPATIAL SUSTAINABILITY

Spatial sustainability requires land development to be aligned with fiscal and institutional means. The aim is further to promote land development that is spatially compact, resource frugal and within fiscal, institutional and administrative means of the competent authority.

This translates on the ground to development in locations that are sustainable and that limit urban sprawl, that uphold environmental and cultural considerations such as the protection of natural vegetation on site or historically significant vistas, and that ensures that development is feasible and financially viable.

The proposed consent use will allow for the activity to be undertaken partly within existing buildings and fallow land, thereby preventing an adverse impact on agricultural land and practices. No historical buildings

or conservation-worthy trees, vistas or critical infrastructure will be negatively impacted by the issuing of the approval as applied for.

9.3 EFFICIENCY

Efficiency requires land development to optimally use existing resources and infrastructure.

The property is self-sufficient as it relates to most of its infrastructural needs. The tourist accommodation establishment will therefore not put any strain on existing municipal infrastructure.

9.4 SPATIAL RESILIENCE

Spatial resilience provides for flexibility in spatial plans, policies and land use management systems to be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The property has proven to be resilient in terms of its land use. Even though a number of additional land uses have been introduced over the years, the underlying zoning still allows for agriculture as its primary use. It is therefore contended that the consent use applied for in this application will not have any detrimental or negative impact on the farming practices or surrounding land uses.

9.5 GOOD ADMINISTRATION

This principle primarily places an onus on decision-making authorities to ensure that due process is followed. It also requires that legislative and development requirements be met timeously by both applicants and authorities and that public consultation is undertaken, as required.

The principle also refers to application documents and requires of applicants to comply with all the necessary application procedures and requirements to ensure the speedy processing of applications. It is contended that this application complies with all the stated requirements.

10 PRE-APPLICATION CONSULTATION

Chapter IV of the Stellenbosch Municipality Land Use Planning By-Law, 2023 prescribe the general procedures for all applications. In particular, Section 37 refers to the pre-application consultation which the Municipality may require prior to the submission of an application. The purpose of such consultation is to identify any/all potential aspects to be addressed in the application.

In the latter regard, a pre-application scrutiny form was submitted to the Stellenbosch Municipality. In response, the municipality, on 5 September 2023, noted that *Your intended land use application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB].*

The response document is included herewith under Annexure 7.

11 CONCLUSION

Section 65 of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 lists the criteria to be taken into consideration on land use applications. The criteria and the section of this report in which those criteria are addressed, is provided in the table below.

Table 7: Criteria taken into consideration.

CRITERIA (65)		SECTION ADDRESSED
a)	the application submitted in terms of this By-law	7
b)	the procedure followed in processing the application	Municipality
c)	the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses	5, 6 & 8
d)	the comments received	N/A
e)	the response by the applicant, if any, to the comments referred to in paragraph (d)	N/A
f)	investigations carried out in terms of other laws that are relevant to the consideration of the application	4
g)	a registered planner's written assessment	Municipality
h)	the impact of the proposed land development on municipal engineering services	7
i)	the integrated development plan, including the municipal spatial development framework	9.3
j)	the integrated development plan and spatial development framework of the district municipality, where applicable	N/A
k)	the applicable local spatial development frameworks adopted by the Municipality	8.3
l)	the applicable structure plans	N/A
m)	the applicable policies of the Municipality that guide decision-making	8.3.1
n)	the provincial spatial development framework	8.2
o)	where applicable, a regional spatial development framework	N/A
p)	the policies, principles and the planning and development norms and criteria set by the national and provincial government	9
q)	the matters referred to in section 42 of the Spatial Planning and Land Use Management Act	Municipality
r)	the principles referred to in Chapter VI of the Land Use Planning Act	9
s)	the applicable provisions of the zoning scheme	3.2
t)	any restrictive condition applicable to the land concerned	3.1
u)	the impact on heritage resources.	2 & 4.2

In conclusion, the following motivating factors should be considered during the adjudication of the application:

- a) Section 213(2) of the Zoning Scheme By-Law states that *when approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farmland for agriculture*. The tourist accommodation establishment complies with this parameter as it is established partly within existing buildings and on fallow land.
- b) The scale of the buildings used for the consent use is in keeping with the character of buildings on the land unit and the character of the area.
- c) As required in terms of Section 213(5), the primary use of the land unit will remain bona fide agriculture and the tourist accommodation establishment will remain subservient to the primary land use activities on the property.
- d) There are no restrictive conditions listed in the respective title deed that would prohibit the nature of this application.
- e) The Stellenbosch Spatial Development Framework (SDF) recognises the importance of the tourism industry and calls for the protection and expansion of tourism assets. The SDF also recognises the importance of the agricultural sector especially in relation to supporting tourism and employment.
- f) The consent use will also contribute to creating employment opportunities and minimise the poverty gap.

- g) The farm has proven that the land uses can be accommodated on site without it negatively impacting on surrounding properties.

We trust that you find the above and the attached in order.

Yours sincerely



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31 January 2025

The Director
Department of Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

(Attention: Bongiwe Zondo)

Dear Sir/Madam,

**SITE-SPECIFIC MOTIVATION FOR DEVIATION FROM THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK:
PORTION 2 OF THE FARM NO. 1119/2, PAARL (LA DAUPHINE)**

The comment of the above-mentioned of 5 November 2024 and the subsequent site inspection and meeting of 20 January 2025, refer.

The application at hand is prepared and framed within the provisions of the Stellenbosch Zoning Scheme By-Law, 2023. In terms of the same, it is recognized that additional dwelling units are permitted on a property, provided that it is consistent with the number of dwelling units allowed for in the zoning scheme.

In terms of Section 204(2) of said scheme, on land units exceeding 20ha in size, the Municipality may grant its consent for additional dwelling units at the rate of one additional dwelling unit per every 10ha exceeding the 20ha threshold, up to a maximum of four (4) additional dwelling units.

Whilst the number of additional dwelling units on the property is in excess of the permitted number, the proposal is regarded to be not in compliance with the provisions of the Stellenbosch Municipal Spatial Development (MSDF). It is therefore the purpose of this report to provide motivation for the deviation from the MSDF and to justify the application on the above-mentioned property.

1 INTRODUCTION AND CONTEXT

The undersigned acts on behalf of the owners of Portion 2 of the Farm No. 1119, Paarl (hereinafter referred to as 'the Property').

The property is situated approximately 1.8km southwest of the town of Franschhoek along Excelsior Road. The farm, previously referred to as La Petit Dauphine, produces grapes and olives as well as stone fruit. The working farm is bordered by Excelsior Road to the north, from where access is provided to the property, and Green Valley Road to the west. The Franschhoek River presents the southern and eastern boundary of the property.

The property comprises some 12.9ha of which a total of 7.1ha is under a combination of vineyards and orchards (i.e. grapes, plums and olives). The remaining area comprise fallow land, riverine corridors and dams and areas of physical infrastructure (i.e. tourist accommodation and facilities, dwellings units and roads).

The farm employs 7 farmworkers to tend the grounds, lawn, trees, olive grove and vineyards and harvest the grapes. Seasonal contractors are employed to support with the larger harvests, mainly the olives and plums, and to do specialized tasks such as pruning. The currently workers do not live on the farm.

The buildings and infrastructure on the property is concentrated in three distinct nodes/clusters. The primary cluster in the southern corner of the property include the manor house, outbuilding, garage, coffee shop and farm manager's office. A secondary cluster is located next to the entrance and includes the former labourers cottages. These have been converted into guest accommodation (referred to as the Garden Cottages). A third cluster comprises three newly constructed guest cottages (referred to as the River Cottages). These are located in the centre of the property, immediately south of an irrigation dam and along the local drainage line.

Up until approximately 3 years ago, Le Petite Dauphine provided tourist accommodation and tourist facilities in the form of a coffee shop/restaurant called Café Bon Bon. All tourist activities and accommodation has however since ceased whilst only the farming enterprise is still operational.

2 LEGISLATIVE CONTEXT

Section 22 of SPLUMA prohibits the Municipal Planning Tribunal (MPT) from taking land use planning decisions that are inconsistent with the MSDF. In this regard, Section 22 of SPLUMA states as follows:

- (1) *A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework*
- (2) *Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework.*

(emphasis added)

Subsection (2) of Section 22 of SPLUMA therefore creates an exception to the 'general rule' stipulated in Subsection (1). It therefore follows, where there are site specific circumstances in a specific land use application, the decision-maker is obliged to consider those circumstances when deciding on the application.

It should, however, be noted that in terms of Section 42 of SPLUMA, there are other relevant considerations to be considered as part of the decision-making process. Section 42 of SPLUMA continues:

- (1) *In considering and deciding an application a Municipal Planning Tribunal must—*
 - ...
 - (b) *make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; and*
 - (c) *take into account—*
 - (iii) *the facts and circumstances relevant to the application;*
 - ...

Other than alluding to the concept of 'site-specific circumstances', as a means to justify deviation from a spatial development framework, the relevant planning legislation do not provide clarity or guidance on what this term entails. There are, however, some broad directions within the planning realm which provides guidance as to the factors that might contribute as site-specific motivations.

The Department of Agriculture, Land Reform and Rural Development prepared a guideline document to assist with the evaluation of applications for deviations from a spatial development framework, titled '*Guideline on the Determination of Site-Specific Circumstances in terms of Section 22(2) of the Spatial Planning and Land Use Management Act, (No. 16 of 2013), 2021*'. In terms of the same, site-specific circumstances is defined as follows:

'Any land use related condition that is applicable to a specific land parcel. A site-specific circumstance is by nature an attribute or characteristic or condition which is adjudged unique to or exceptionally related to the land which is the subject of a land development application'.

This may include circumstances where:

- The land use was contrary (but ideally compliant) at the time of approval of the MSDF, (e.g. the MSDF due to a matter of scale, has not picked up an existing authorized commercial node or other land use);
- Changed land use has occurred over time necessitating a different or alternative development approach, (e.g. commercial or industrial land uses have crept into a former residential area and which have not been picked up by the drafters of the MSDF);
- The land use changes that have taken place are not deliberate, unauthorized and/or encouraged by the applicant, (e.g. the MSDF has not recognized previously approved developments which are now, technically, contrary to the MSDF);
- The land development application is justifiable, not necessarily in terms of the MSDF, but in terms of the uniqueness and special attributes of the development proposal or immediate environs, (e.g. social, economic and environmentally justification).

It is important to note that site-specific circumstances can vary for each individual application and there are no predetermined aspects when it comes to determining whether or not a deviation from the MSDF is justifiable by site-specific circumstances.

3 PROJECT PROPOSAL

The property was incrementally developed over the years. During 2007, approval was granted for the conversion of four (4) existing labourer's cottages into 5 guest suites. These cottages are located in the cluster next to the entrance. At the same time, approval was also granted for a consent use (tourist facilities) to convert existing outbuildings into an interior decorating studio and a breakfast room/coffee shop.

Following the conversion of the Garden Cottages, building plans were submitted for three new staff cottages in 2011. These cottages were to be located in the centre of the property next to the existing irrigation dam. Owing to its nature as staff accommodation, these dwellings provided for a range of domestic facilities.

In the years following, these units were also used as tourist accommodation to form part of the tourist offerings provided on the property. As mentioned above, the accommodation of paying guests ceased in 2022 as has the café on the property. It is however the intention of the owner to, again, commence with the accommodation of transient guests. As a result, this application aims to apply for the required approval to use the three River Cottages as part of the tourist accommodation establishment.

During the course of the application process, the property was sold to the current owners – Inheemshoek (Pty) Ltd. In addition to the tourist offering, it is the intent of the new owner to renovate the property to suite its needs. In this regard, due notice must be taken of the various building plans which have been submitted for the following:

- Additions and alterations to the Garden Cottages.
- New gym and spa in the area previously occupied by the garage buildings. This is for the exclusive use of the owner.

- Demolition of the second dwelling. A new second dwelling is to be built in the western corner of the property near the cluster of cottages.
- New main dwelling house.
- Demolition of existing farm shed.
- Additions and alterations to the guard house.
- New pool house. This is also for the exclusive use of the owner.

The above building plans are all submitted within the primary rights and uses afforded to the property in terms of the Stellenbosch Zoning Scheme By-Law, 2023.

Whilst a concern had been raised over the possible over bulking of the property, it is recognized that the new building footprint will present an approximately 13.3% increase over the existing building footprint. This is regarded as a negligible increase as most new buildings and structures will be located in or near the existing development clusters. The building footprints are as follows:

Total Existing Footprint	2354.60 m ²
Total New Footprint	2668.91 m ²

Notwithstanding the above, it is to be noted that the farming activities will continue on the property and will not be negatively impacted by the planned buildings and structures.

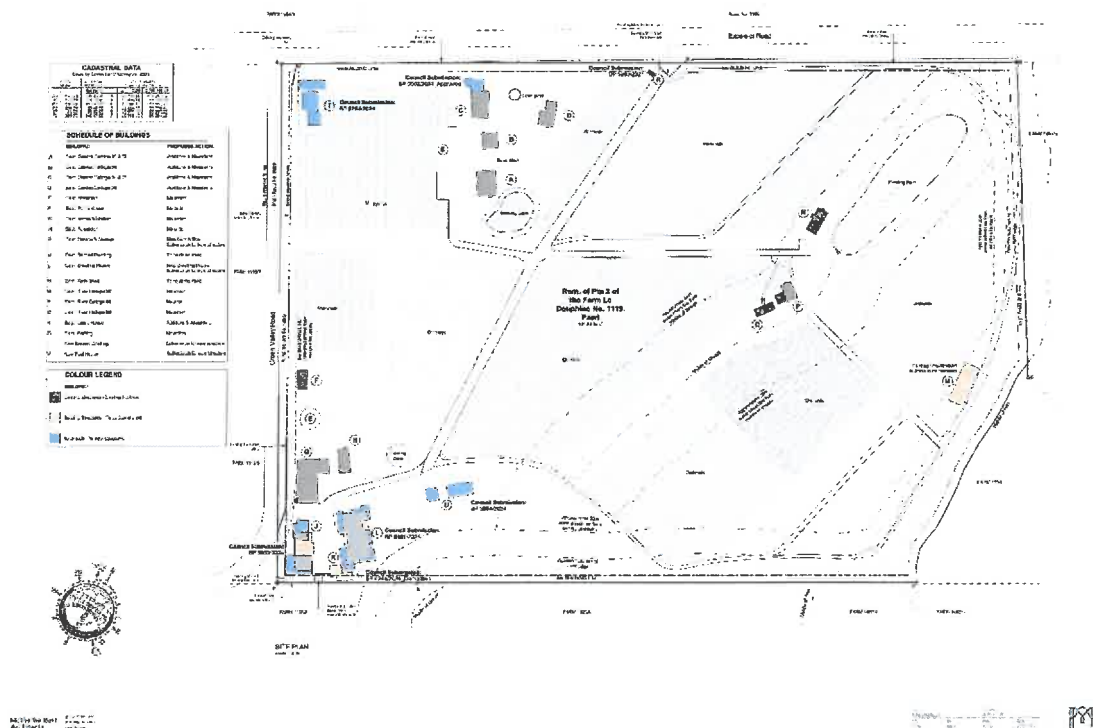


Figure 1: Site Plan for the farm La Dauphine. Note the building plan numbers for the submissions made for the respective components listed above.

4 ALIGNMENT WITH THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The Municipal Systems Act, No. 32 of 2000 (MSA) requires municipalities to be developmentally oriented. To this end, the MSA instruct municipalities to undertake developmentally oriented planning to ensure that it gives effect to its developmental duties as required by the Constitution.

The MSA, furthermore, through Section 25 requires municipalities to adopt an Integrated Development Plan (IDP) as a single, inclusive and strategic plan for the development of the municipality. In terms of Section 26(e) of the MSA, a Spatial Development Framework (SDF) is described as a core component of the IDP, which must include basic guidelines for a land use management system for the municipality.

Section 12 of the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) equally describes the purpose of SDFs. Section 12 notes as follows:

- (1) *The national and provincial spheres of government and each municipality must prepare spatial development frameworks that –*
- (d) *guide planning and development decisions across all sectors of government;*

The Stellenbosch Municipal Spatial Development Framework (MSDF) was subsequently prepared in terms of the provisions of SPLUMA and approved by the Council of Stellenbosch Municipality on 26 June 2023. The MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate the vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public sector components of this vision with other agencies and processes to ensure implementation.

The Stellenbosch Environmental Management Framework (EMF) is a component of the MSDF and serves as a tool to guide land use decision-making. The EMF makes use of Spatial Planning Categories (SPCs) as a broad guide to land use planning and management. These categories, and associated guidelines, are aligned to international, national and provincial development objectives.

In terms of the designation of the property in the MSDF, it is noted that the Spatial Planning Category of the property comprises Intensive Agriculture (SPC C.b), Ecological Corridors (SPC B.c), and Farmsteads and Outbuildings (SPC D.r).

It is the purpose of the Agriculture SPC to

- Consolidate and protect existing and potential agricultural landscapes;
- Facilitate sustainable agricultural development, land and agrarian reform, and food security; and
- Stabilise and manage ecosystems to restore ecological functionality



Figure 2: Extract from the Environmental Management Framework illustrating the SPCs for the property and surrounds.

The MSDF provides specific spatial proposals for a number of key elements. The SDF elements applicable to the application and the manner in which the proposal complies with the same are as follows:

SDF ELEMENT		SPATIAL PROPOSALS	COMPLIANCE
a)	Agricultural land:	<ul style="list-style-type: none"> High potential agricultural land must be excluded from non-agricultural development. Changes in land-use must not lead to the creation of uneconomical or sub-economical agricultural units. Building structures associated with agriculture, dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income, are permitted and should adhere to the guidelines contained in the SEMF and 'Western Cape Land Use Planning: Rural Guidelines'. 	<ul style="list-style-type: none"> The physical structures have been concentrated in pockets of mostly disturbed land. The proposed tourist accommodation units have not negatively impacted on the continuation of the farming activities. The proposed units adhere to the guidelines of the 'Rural Guidelines', as put forward in Par. 4.1.
b)	Critical biodiversity and Nature areas:	<ul style="list-style-type: none"> Maintain Buffer areas largely as 'no-go' areas from a development perspective, only permitting non-consumptive activities (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education). Where value-adding development is required (for example for temporary accommodation), preference should be given to currently disturbed areas as development footprints. 	<ul style="list-style-type: none"> Whilst the tourist accommodation units are mostly positioned within disturbed areas, it is acknowledged that three units are located next to a drainage line and dam. To this end, an environmental process in terms of NEMA was undertaken and recommended for approval. The final decision of this process is currently awaited.

c)	Water courses:	<ul style="list-style-type: none"> No development should be permitted on river banks below the 1:100 flood-lines. 	<ul style="list-style-type: none"> Refer above.
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The EMF provides additional policies, strategies and guidelines for each of the SPCs. With regards to SPC category D, the EMF lists the following policies which was applied in the siting, orientation and general development of the units:

- a) *Development within natural areas must blend in or harmonize with the biophysical characteristics of the environment. This implies the following:*
 - (i) *Developmental components must be discretely sited within the environment.*
 - (ii) *Development must blend in with the natural surroundings in terms of colour, use of locally occurring natural building materials and architectural style.*
 - (iii) *Development must conform to the local vernacular in terms of scale and design, of that particular region or bioregion.*
 - (iv) *Where necessary existing unsightly development must be screened through effective landscaping.*
- b) *To ensure that buildings of tourism-related developments are in harmony with the surrounding landscape and local vernacular, thus maintaining the character and aesthetic quality of the area, the planning and design process must address, inter alia, the following:*
 - (i) *Architectural vernacular.*
 - (ii) *Architectural design (cast shadows, break bulk of buildings).*
 - (iii) *Urban design to maintain space.*
 - (iv) *Materials to be used (natural stone, thatch, wood).*
 - (v) *Fencing (if any).*
 - (vi) *Height and coverage of units.*
 - (vii) *Landscaping proposals for the site.*
 - (viii) *Extent of units and erven.*
- c) *Landscaping must be undertaken simultaneously with construction.*
- d) *As a general rule, non-agricultural development may not be permitted outside the urban edge except for bona-fide holiday/tourism accommodation.*

It is therefore contended that the proposed tourist accommodation units are largely consistent with the provisions of the MSDF.

4.1 RURAL GUIDELINES AS A MEANS OF TESTING CONSISTENCY

The Department of Environmental Affairs and Development Planning prepared a document titled '*Western Cape Land Use Planning Guidelines for Rural Areas*' – also referred to as the Rural Areas Guidelines – during March 2019. This guideline document can also be used in testing the consistency principles.

Whilst the consistency of the proposal with the provisions of the MSDF is dealt with above, the Rural Areas Guidelines provide guidelines for managing rural land use change. Towards a logic and consistent manner in how the pressures for rural land use change are managed, the Rural Areas Guidelines sets out objectives and guidance for implementation at landscape and farm level. The following extracts from the Rural Areas Guidelines relate to tourist accommodation in rural areas have specific bearing on this application:

- a) Land uses of appropriate scale, such as farm tourism, that do not detract from farming production, that diversify farm income, and add value to locally produced products could be allowed.
- b) Large scale resorts should not be accommodated within Agriculture SPCs as they detract from the functionality and integrity of productive landscapes.

- c) Land uses ancillary to or associated with agriculture should be located peripheral to the farmstead precinct (preferably in re-used or replaced farm buildings and disturbed areas), not on good or moderate soils, and linked to existing farm access roads and the services network.
- d) Accommodation in the rural areas to cater for *Tourist Accommodation* of appropriate scale and form, appropriate to the SPC.
- e) Tourist accommodation in the rural landscape should be clustered in visually discreet nodes.
- f) Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in transit visitors.
- g) The form and scale of tourist accommodation should reinforce rural landscape qualities. Information on architectural design must be provided for the purposes of heritage and visual assessments.
- h) Buildings should include appropriate buffers, landscaping and screening to reduce their visual impact on the rural landscape.
- i) 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.
- j) 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.
- k) Tourist accommodation facilities, where appropriate, should be located within or peripheral to the farmstead. Their buildings should complement the farm's vernacular.
- l) The establishment of all types of accommodation in rural areas must avoid negative impacts on river systems and should therefore not be permitted below the 1:100 flood line or within 100m of a riverbank. Where the flood line has not been determined or is out of date, a flood line study is required.
- m) Whilst it is preferable that they be located within the farmstead, dispersed rental units should be adjacent to existing farm roads, in visually unobtrusive locations, and be self-sufficient in terms of servicing (i.e. no extension of infrastructure networks to remote locations).

Whilst the proposal is consistent with the above provisions of the Rural Guidelines, it is to be noted that, similar to the Zoning Scheme By-Law, the Rural Guidelines also notes the following regarding additional dwelling units:

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 measured from natural ground level to the highest point of a building). Additional dwelling units should not be alienated, whether by individual erven, sectional title, share block or by any other means.

The document also provides guidelines for municipalities in the consideration of development applications. The document reiterates that *in approving development applications, authorities must consider the impact that a development might have on agriculture and the rural landscape and must ensure, through appropriate conditions and other measures, that activities are appropriate in a rural context, that the development generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.*

In assessing proposed developments in rural areas, the following criteria should be applied – also indicated is the manner in which the proposal is consistent with the same:

- Environmental authorization – An environmental assessment had been undertaken in terms of NEMA and was recommended for approval by the Environmental Assessment Practitioner. The decision is currently awaited. Similarly, the senior environmental planner of Stellenbosch Municipality had no objection against the development.
- Compatibility with land use activities suitable in the WCBSP category it is situated in, and subject to an environmental impact assessment – the proposal is consistent with the provisions of the Spatial Planning Categories, as described above.

- Does not alienate unique or high value agricultural land, or compromise existing farming activities – the cottages are located in defined pockets which does not impact on the agricultural practices on site.
- Does not compromise the current or future possible use of mineral resources – the property is not located in an area known for its rich mineral resources.
- Is compatible with the cultural and scenic landscapes within which the development is proposed – As described in the application motivation, the proposal is consistent with the development criteria put forward in the Stellenbosch Conservation Management Plan (2019) and the Heritage Inventory of the Tangible Heritage Resources in the Stellenbosch Municipality (2018).
- Does not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks – the engineering services reports have indicated that the proposed development will not put any unnecessary pressure on the municipal networks.
- Does not impose real costs or risks to the municipality delivering on its mandate – there is no risk to the municipality in approving the application that it might impact on the municipality's mandate.
- Does not infringe on the authenticity of rural landscapes – the proposal is consistent with the site, orientation and general place-making principles put forward in various planning documentation and, as such, it will not infringe on the authenticity of the rural landscape.

5 CONCLUSION

In considering the application to convert the former labourer's cottages to guest suites in 2007, the Municipality found such proposal to be desirable and approved it as such. The municipality also found it fit to impose conditions similar to the policies and guidelines of the current Stellenbosch Environmental Management Framework and the Rural Areas Guidelines.

Similar to the erstwhile application, the additional tourist dwellings present an opportunity to promote and support inclusive growth of the rural economy whilst not compromising the unique asset base that is the Franschhoek valley.

The additional tourist dwellings also present an opportunity to diversify the agricultural economy (of the farm, in particular) through tourism. Such an approach is consistent with Provincial Guidelines to rural accommodation where it would facilitate the provision of a variety of short-term tourism accommodation across the rural landscape, that is in keeping with the local character.

It is also to be noted that the physical context within which the application property is located has not changed much over the years. The Franschhoek valley remains a sought-after destination which is rich in tangible heritage and environmental resources.

In conclusion, the following is to be noted:

- a) The additional tourist dwellings are consistent with the development criteria proposed for new developments in the *Franschhoek cul-de-sac Land Unit* (Stellenbosch Conservation Management Plan, 2019).
- b) The proposal is consistent with the guidelines and policies of the Stellenbosch Environmental Management Framework as it relates to the siting, orientation and general development of tourism accommodation units.
- c) As per the provisions of Section 213 of the Stellenbosch Zoning Scheme By-Law, 2023 (Consent uses in Agriculture and Rural Zone) the agricultural land and associated practices on site will continue unabated. The primary use of the land will also remain bona fide agriculture, and the tourism accommodation establishment will remain subservient to the primary use.
- d) The desirability of the units must be considered against the exceptional and tangible resources of the Franschhoek valley. These have previously been recognized by the municipality. It has also been proven for several years already that the River Cottages have become a tangible part of the fabric of

the valley and the farm in particular. To our knowledge, no complaint has ever been made against the same and the units, in no way, impacted negatively on the agricultural practices.

We trust you will find the above in order.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JL Volschenk', written in a cursive style.

JL VOLSCHENK
Pr Pln A/208/2010

ANNEXURE E: COMMENT FROM THE MANAGER: SPATIAL PLANNING



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : **Manager: Land Use Management**
 From : **Manager: Spatial Planning**
 Reference : **Farm 1119/2 Paarl**
 LU No : **LU/16498**
 Date : **30 April 2024**
 Re : **Application for Consent Use and Departure on Farm 1119/2, Excelsior Road, Paarl**

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

08 MAY 2024

RECEIVED

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

Application is made for the following:

- **Consent Use** for Tourist Accommodation Establishment to accommodate the newly constructed three guest suites.
- **Departure** to relax the building lines from 0.5m to 0m in order to accommodate the existing building.

FILE NR.	F 1119/2 P
SEAL NR.	
DISCREPANCY NR.	

1) Opinion/reasoning:

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

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

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

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

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

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

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

The property is situated approximately 1.8km southwest of the town of Franschhoek along Excelsior Road. The farm, previously referred to as La Petit Dauphine, is a picturesque estate set among vineyards, olive groves and fruit orchards. The working farm is bordered by Excelsior Road to the north, from where access is provided to the property, and Green Valley Road to the west. The Franschhoek River presents the southern and eastern boundary of the property.

The property is set amongst an agricultural landscape where several accommodation facilities are provided on the surrounding properties. The buildings and infrastructure on the property is concentrated in three distinct nodes/clusters. The primary cluster in the southern corner of the property includes the manor house, outbuilding, garage, coffee shop and farm manager's office. A secondary cluster is located next to the entrance and includes the former labourer's cottages. These have been converted into guest accommodation. A third cluster comprises three newly constructed guest suites. These are located in the centre of the property, immediately south of an irrigation dam.

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

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

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

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

landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.

- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

This department does not support the application for the consent use for the tourist accommodation establishment to accommodate the newly constructed three guest suites, as these units are already built before approval and therefore illegal.

This department is also concerned that the agricultural industry will not be subservient or related to the dominant agricultural use of the property and/or surrounding farms.

Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.

The departure to relax the building lines from 5m to 0m in order to accommodate the existing building is supported subject to the adjacent property owner giving approval.

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

[Handwritten signature]

BJG de la Bat
MANAGER: SPATIAL PLANNING

Charlene Williams

From: Nicole Katts
Sent: Tuesday, 14 May 2024 13:56
To: Charlene Williams
Subject: FW: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

From: Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>
Sent: Tuesday, 14 May 2024 13:53
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

Good afternoon Nicole,

The heritage Section has no objection to the application for consent use.



Kind regards,

Katherine Robinson

Senior Heritage Planner

Heritage Resource Management

Planning & Economic Development

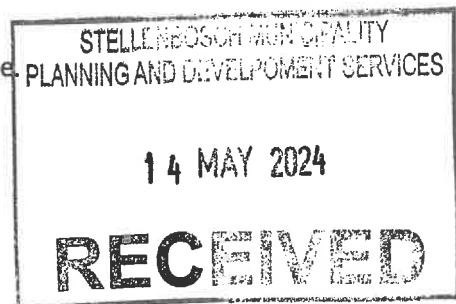
T: +27 21 808 8608 Cell: 072 202 5008

Email:

Katherine.Robinson@stellenbosch.gov.za

71 Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



FILE NR:	F 1119/2 P
SCAN NR:	
COLLABORATOR NR:	767236

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From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Tuesday, 14 May 2024 12:16
To: Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>
Subject: RE: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

Good day;

Just a reminder, we are still awaiting outstanding comment from Heritage for the above application.

Your response will be appreciated.

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



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Xolani Tika
Date ▫ Datum:	18 March 2024
Our Ref ▫ Ons Verw:	Civil LU 2661
Town Planning Ref:	LU/16498 – TP570/2023
Re ▫ Insake:	Farm 1119/2, Paarl: 1. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for Consent Use for Tourist Accommodation Establishment to accommodate the newly constructed three guest suites. 2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for Departure to relax the building lines from 5m to 0m in order to accommodate the existing buildings.

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

1. Existing Borehole

- 1.1 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

AFALLACS

2. Existing Conservancy Tanks

- 2.1 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Infrastructure Services

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage
- 3.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 3.3 The appropriate DC's are payable before the facility is put to its approved use.

4. Roads and Parking

- 4.1 All parking bays must be indicated on the plan as per the requirements in the municipal zoning scheme.


Xolani Tika**Technician: Development (Infrastructure Services)**

T:\2.0 DEVELOPMENT\01 Land Use applications\2661 (XT) Farm 1119-2 Paarl (LU-16498 TP570-2023)\2661 () Farm 1119-2 Paarl (LU-16498 TP570-2023).doc

AFALLAS



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number	DC 2081 (X7) Ert 1110 -2 Farm (L101646 TP57U - 2023)
Development Name	
Date	18 March 2024
Financial Year	2023/2024
Ert Location (Select from 7 Locations)	Franschhoek
Ert Region (Select Urban or Rural)	Rural
Ert No. / Farm No	Farm 1110 2
DC Parameters Reference	Email from Jacques Volschenk: j.volschenk1@gmail.com / 2024/03/14

SUMMARY OF DC CALCULATION								
Service	Water	Sanity	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Units	l/day	l/day	m ³ /C	l/week	l/m ² /day		persons	
Total Increased Services Usage	0.00	0.54	0.012	0.04%	9		3	
Total Service Usage Reduction	0	0	0	0	4.5		0	
Total Service Usage after Reduction	0.00	0.54	0.01200	0.04%	4.5		3	
Charges before adjusting for positive only, before Deductions	R	R	R	R	R	R	R	R
Charges adjusted for positive only, before Deductions	R	R	R	R	R	R	R	R
Total Deductions	R	R	R	R	R	R	R	R
Total Development Charges Payable (excluding VAT)	R	R	R	R	R	R	R	R
VAT	R	R	R	R	R	R	R	R
Total Development Charges Payable (including VAT)	R	R	R	R	R	R	R	R

APPLICANT INFORMATION	
Application Processed by:	John Tax
Signature:	
Notes:	

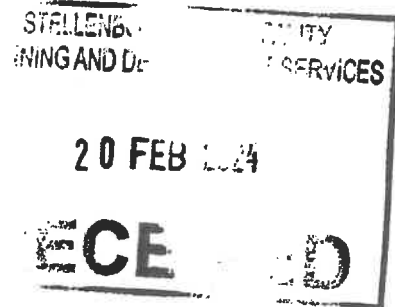
18/03/2024

Charlene Williams

From: Nicole Katts
Sent: Tuesday, 20 February 2024 11:49
To: Charlene Williams
Subject: FW: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

H Charlene

Plaas asb op leer vir my aandag.



Kind regards / Vriendelike Groete
Nicole Katts
 Administrative Officer
 Development Management
 Planning & Economic Development

T: +27 21 808 8318
 NPK Building, 20 Plein Street
 Stellenbosch, 7600
www.stellenbosch.gov.za



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FILE NR:	F 1119/2 P
SCAN NR:	
COLLABORATOR NR:	763388

From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Sent: Tuesday, 20 February 2024 11:01
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Reginald Pheiffer <Reginald.Pheiffer@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Charne Williams <Charne.Williams@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>; Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>
Cc: Carli Van Wyk <Carli.VanWyk@stellenbosch.gov.za>; Elzona Morris <Elzona.Morris@stellenbosch.gov.za>
Subject: RE: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

GENERAL: NONE

CONDITIONS: Outside electrical network area – ESKOM (021 980 3953) 1. Installation of 10A electrical control units 2. Solar water heating/heat pump installation. 3. Energy efficient lightning 4. Roof insulation 5. Cooking with gas fired appliances 6. Control air condition equipment with energy saving devices. 7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

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



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



www.facebook.com/stellenboschmunicipality



twitter.com/StellMun

Hugenate Road 23 Franschhoek 7690
 PO Box 18, Franschhoek, 7690
 PO Box 17, Stellenbosch, 7599

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From: Nicole Katts <Nicole.Katts@ Stellenbosch.gov.za>

Sent: Tuesday, 20 February 2024 09:50

To: Reginald Pheiffer <Reginald.Pheiffer@ Stellenbosch.gov.za>; Tyrone King <Tyrone.King@ Stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@ Stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@ Stellenbosch.gov.za>; Charne Williams <Charne.Williams@ Stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@ Stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@ Stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@ Stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@ Stellenbosch.gov.za>; Kaizer Makati <Kaizer.Makati@ Stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@ Stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@ Stellenbosch.gov.za>

Cc: Carli Van Wyk <Carli.VanWyk@ Stellenbosch.gov.za>; Elzona Morris <Elzona.Morris@ Stellenbosch.gov.za>

Subject: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

Good day;

The relevant documentation regarding the abovementioned application will be sent via WeTransfer due to the size of the document. Kindly furnish me with your comment by email, if any, in order to enable me to submit the application to the decision making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 1119/2, Paarl Division - LU/16498 (TP570/2023)

DESCRIPTION OF THE PROPOSAL:

ANNEXURE G: COMMENT FROM THE ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

INTEROFFICE
MEMORANDUM

STELLENBOSCH
THE ENGLISH TOWN • DORP ENGEBOU
MUNICIPALITY • UMAMPAKA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Nicole Katts	From:	Senior Environmental Planner: Schalk van der Merwe
CC:		Date:	7 June 2024
Re:	APPLICATION FOR CONSENT USE AND DEPARTURE: PORTION 2 OF THE FARM 1119, FRANSCHHOEK – LU/16498		

The above application refers. It is noted that some development on Portion 2 of Farm 1119, that are associated with the above land use application, were undertaken without the required Environmental Authorization acquired in terms of the National Environmental Management Act (107 of 1998 [NEMA]). An application for rectification thereof, in terms of section 24G of NEMA, is currently undertaken. On request the relevant Environmental Assessment Practitioner Report (Landscape Dynamics Environmental Consultants [Pty] Ltd) and Aquatic Biodiversity Assessment (BlueScience, January 2024) were made available to this department.

Having considered the above application and additional information acquired, as mentioned, this department, from an environmental planning point of view, has no objection to the approval of the application on condition that all the activities on site comply with the Western Cape Noise Control Regulations.

S VD MERWE**SENIOR ENVIRONMENTAL PLANNER:****COMMUNITY SERVICES**

Bongiwe Zondo

From: Schalk Van der Merwe
Sent: Tuesday, 05 November 2024 11:36
To: Bongiwe Zondo
Subject: RE: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

Bongiwe, good day.

The NEMA 24G EIA Report and associated aquatic assessment were made available to us. Other than a decision from DEADP on the 24G application I don't expect any further relevant information to come out of the NEMA process that would prohibit us from finalizing the land use application. As far as the NEMA matter is concerned, it is therefore my opinion that a decision on the land use application can be made.

Regards



Schalk van der Merwe

Environmental Planner

**Community & Protection Services:
Stellenbosch Municipality**

T: +27 21 808 8679

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Bongiwe Zondo <Bongiwe.Zondo@stellenbosch.gov.za>
Sent: Tuesday, 05 November 2024 11:04
To: Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>
Subject: RE: LAND USE APPLICATION FOR COMMENT: FARM 1119/2 PAARL DIVISIION - LU/16498 (TP570/2023)

Morning Schalk,

With regards to the subjected farm application and the comments you have provided this office.

We in the process of finalising the application and note your comment on the application.

However, since the application in terms of section 24G of NEMA is currently undertaken, in your professional opinion, could you kindly advise if we have to wait for the finalisation of NEMA application before making a decision on the consent use application?

Your assistance would be much appreciated.

**ANNEXURE H: COMMENT FROM DEPARTMENT OF INFRASTRUCTURE:
ROAD PLANNING**



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: DOI/CFS/RN/LU/REZ/SUB-10/572 (Application 2024-06-0049)

The Municipal Manager

20 Plein Street

STELLENBOSCH

7600

Attention: landuse.enquiries@ Stellenbosch.gov.za

PORTION 2 OF FARM NO. 1119, PAARL: DIVISIONAL ROAD 1343: CONSENT USE APPLICATION

1. The application received from Messrs JV Planning Consultants received on 6 June 2024 refers.
2. The subject property is located in southern Franschhoek and takes access off Divisional Road 1343 (DR01343, Excelsior Road).
3. This application for Consent Use to accommodate tourist accommodation for up to 22 people.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 18 OCTOBER 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: e-mail: landuse.enquiries@ Stellenbosch.gov.za
2. Consultant: JV Planning Consultant
Attention: Mr J Volschenk (e-mail: jacques.volschenk10@gmail.com)
3. District Roads Engineer
Paarl
4. Mr E Smith (e-mail)
5. Ms S Bothma (e-mail)
6. Mr F Fakier (e-mail)
7. Mr S Carstens (e-mail)

ANNEXURE I: COMMENT FROM DEPARTMENT OF ENVIRONMENTAL
AFFAIRS AND DEVELOPMENT PLANNING



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Kobus Munro

Development Management: Region 2

Kobus.Munro@westerncape.gov.za | Tel: 083 701 1890

REFERENCE: 15/3/2/12/BS2

FOR ATTENTION: CHRIZELLE KRIEL

PROVINCIAL PLANNING COMMENT: APPLICATION FOR CONSENT USE FOR TOURIST ACCOMMODATION ON REMAINDER FARM 1119/2, PAARL DIVISION

1. Your request for comment, dated 7 June 2024, has reference.
2. The subject property measures 12.9319ha in extent and is zoned Agriculture and Rural. The farm is used for agricultural purposes, with approximately 3ha of plums, 2,5ha of vineyards, 1,6ha of olives and 0,7ha lying fallow. Development on the site includes a manor house and associated outbuildings, coffee shop/restaurant (non-operational), farm shed, 7 x one-bedroom guest cottages and 2 x two-bedroom guest cottages.
3. In 2007, approval was granted for the rezoning of 625m² from Agricultural Zone I to Residential Zone V to convert four existing labourer's cottages into five guest suites, and for a consent use for tourist facilities to convert the existing outbuildings (511m²) into a studio and a coffee shop.
4. Following the conversion of the same, one of the labourer's cottages was further divided to create an additional guest suite. Three additional guest suites were also constructed next to the irrigation dam and all these conversions/constructions were undertaken without the required land use approval.
5. The current proposal is for an expanded tourist accommodation establishment, to include the five guest suites for which approval was previously obtained, as well as the additional guest suite which has been created inside one of the cottages and the three additional guest suites/cottages that have been established as a second cluster of units south of the irrigation dam. Whilst the footprint of the original approved labourer's cottages remains roughly the same, according to the applicant the three new cottages cover a combined area of approximately 330m². The approximate footprint of the three cottages in question according to the NEMA 24G Consultation Form measures 590m² comprising cottage 7 – 60m², cottage 8 – 200m² and cottage 9 – 330m².
6. All three units are located within an Ecological Support Area (ESA2) associated with a non-perennial drainage line.
7. The activities and land uses on site were assessed in terms of the applicable listing notices at the time of construction, as issued in terms of NEMA, and it was established that some of these activities were undertaken without the required environmental authorisations. An application for rectification in terms of section 24G of NEMA is currently being undertaken.
8. 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/or the natural environment

and adhere to the recommendation as contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

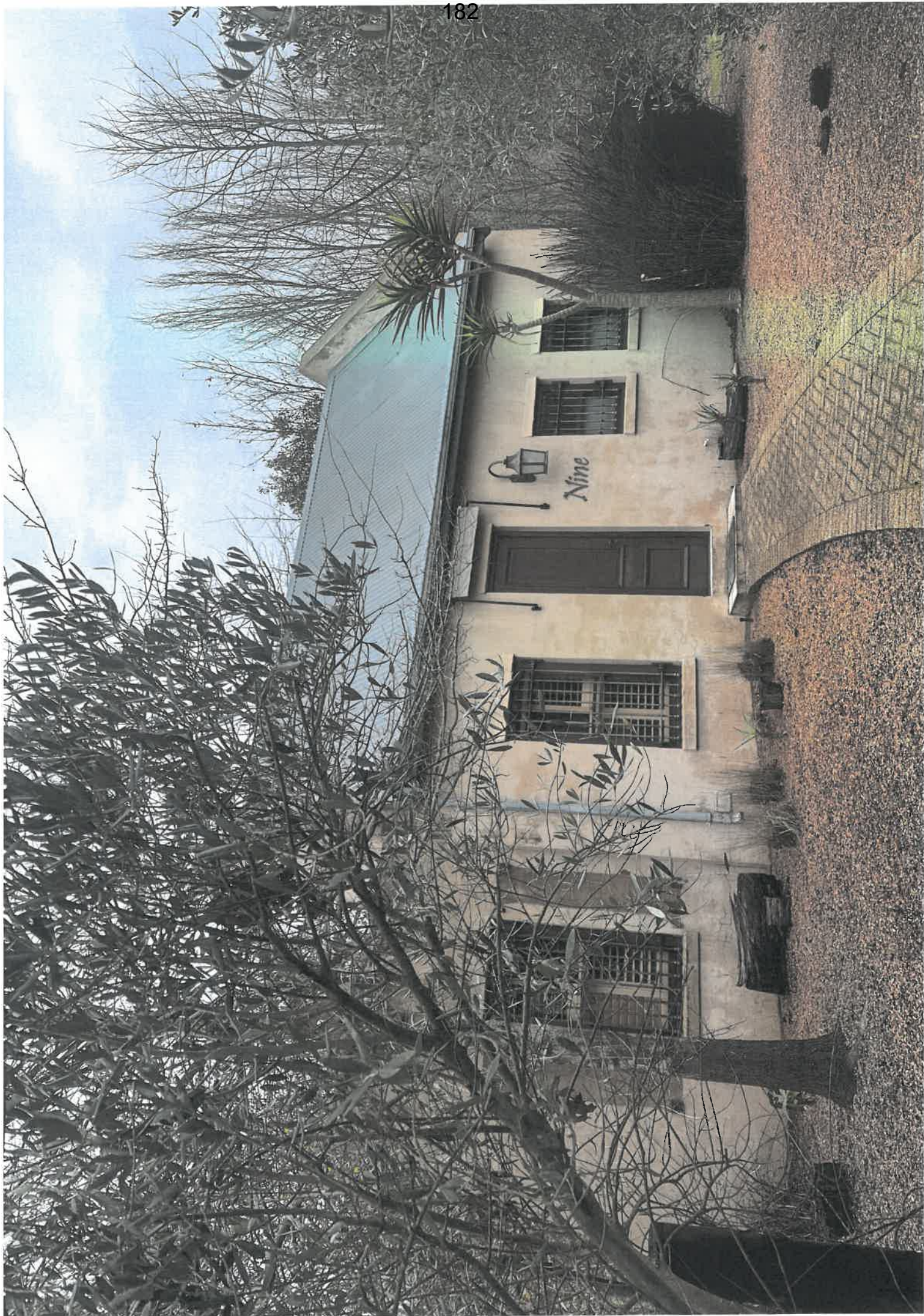
9. The following extracts from the Western Cape Land Use Planning Guidelines for Rural Areas, March 2019, have specific bearing on the application at hand:
 - o The corresponding Spatial Planning Category for Ecological Support Area 2 is Buffer 2, in which agricultural diversification and non-agricultural opportunities such as additional dwelling units and tourist facilities are encouraged, provided that development associated with farm diversification of "value adding" does not result in excessive encroachment into farmland with agricultural production potential and is located within or peripheral to the farmstead precinct within existing farm buildings.
 - o All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness (page 35).
 - o 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 (page 35).
 - o Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape (page 35).
 - o Extensive agriculture should be located on land in Buffer 1 and Buffer 2 SPCs (page 39).
 - o Buildings accommodating land uses ancillary to agriculture should be located within the farmstead precinct, preferably within existing structures. Where new buildings are erected, these should be on previously disturbed footprints within or adjacent to the farm homestead and not on cultivated land (page 40).
 - o Whilst it is preferable that land uses ancillary to agriculture be located within the farmstead, dispersed rental units can be allowed, provided they are located along existing farm roads, in visually unobtrusive locations and be self-sufficient in terms of service infrastructure (page 41).
 - o Only activities that are appropriate in the rural context, general positive socio-economic returns and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodation (page 41).
 - o Given the Western Cape's unique rural landscape, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the Western Cape Government's approach to rural accommodation is to facilitate the provision of a variety of short-term tourist accommodation across the rural landscape (page 47).
 - o The building height of any new resort unit (or additional dwelling unit) should be restricted to that of a single storey (6,5m measured from natural ground level to the highest point of a building) (page 52).
 - o The maximum floor area of a resort unit should be limited to 120m² including garaging (page 52).
 - o The development should not result or contribute to visually obtrusive or ribbon development along the coastline, visually sensitive areas, cliffs or ridges (page 55).
10. It should be noted that the Rural Areas 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.

11. To this end, the Rural Areas Guidelines do not specifically reference a 'tourist accommodation establishment' as described in the Stellenbosch Zoning Scheme By-law, although 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 some degree to 'holiday accommodation' within a resort development.
12. The Guidelines are not clear with respect to 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.
13. Notwithstanding the fact that application has been made for tourist accommodation in terms of which the Zoning Scheme By-law does not prescribe density or size parameters, neither the density as per the additional dwelling density model nor the size of units 8 and 9 are in line with the recommendations as set out in the Rural Areas Guideline.
14. It is important to note, however, that the official position of the Western Cape Government as outlined in the Rural Areas Guideline is not inflexible but is a framework for informed decision-making. Where a finding of consistency cannot be made, the decision-maker must give due regard to the applicant's motivation to justify such deviation and the impact of such deviation on the overall objective of the applicable guidelines. A key consideration for such justification would be that the development that is inconsistent with the broadly applicable guideline principles would not undermine the main goals and objects of the guidelines.
15. A deviation from the guidelines should, however, be applied with restraint and decision-makers should caution against its general application to the wider area, future precedent based motivation and resultant cumulative impacts.
16. Due regard should also be given to section 65(f) of the Stellenbosch Municipality Land Use Planning by-law, which provides that when the Municipality (or the Municipal Planning Tribunal in this instance) considers an application, it must have regard to investigations carried out in terms of other laws that are relevant to the consideration of the application. In this instance, the information forming part of the Section 24G application may suffice, although the DEA&DP Directorate Environment Governance, Sub-Directorate: Rectification has advised that to date only the NEMA 24G Consultation Form has been submitted (October 2023), with the Section 24G application still pending.

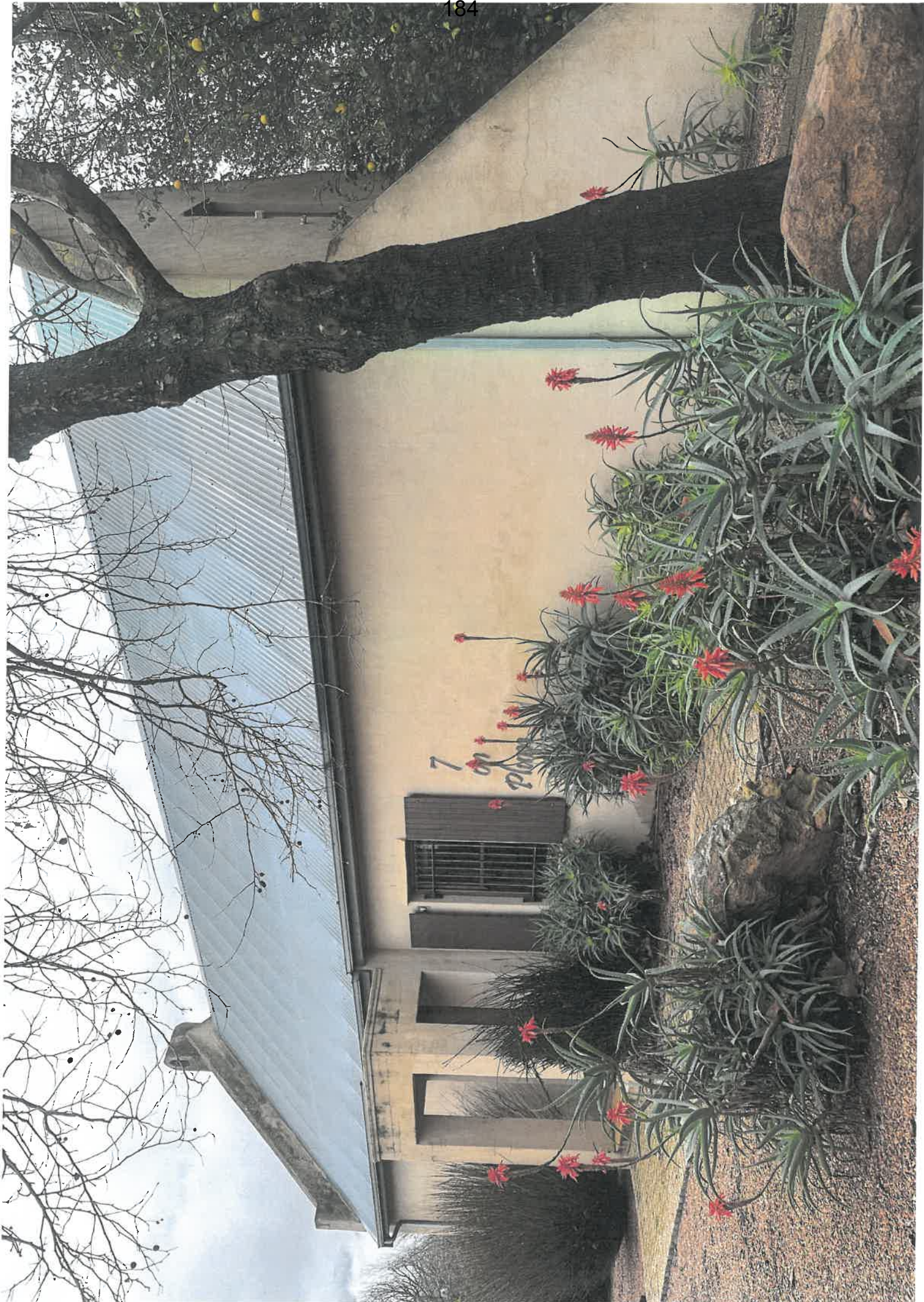
**Johann de
Jongh** Digitally signed by
Johann de Jongh
Date: 2024.06.12
08:58:54 +02'00'

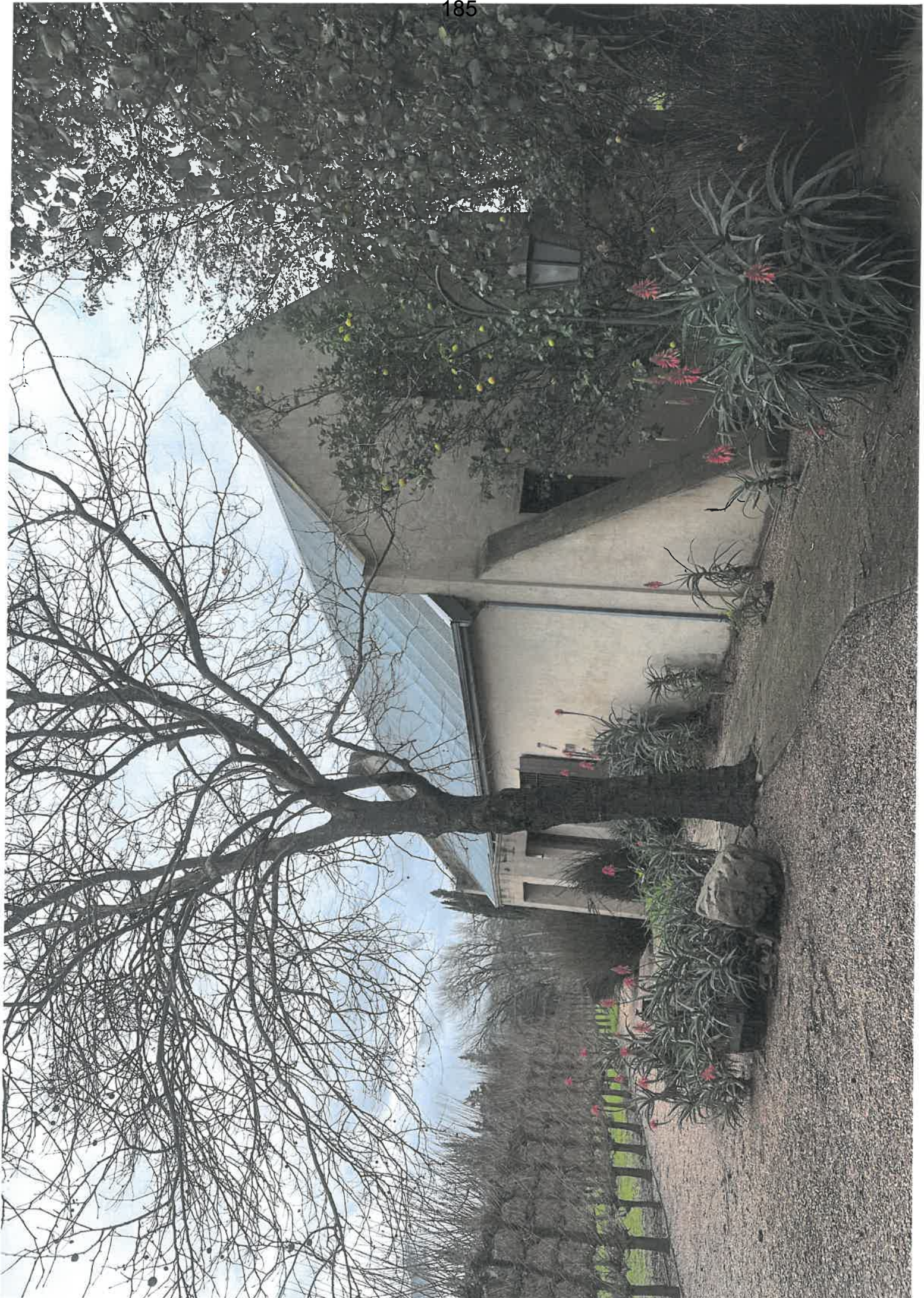
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

ANNEXURE J: SITE INSPECTION PHOTOS



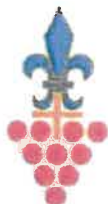












STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref : 1119/2 P
 Contact per : A Gwintsa
 Contact no : (021) 808 8681
 Date : 31 May 2021

ZONING CERTIFICATE –FARM No. 1119/2, PAARL DIVISION

It is hereby certified that the zoning of Farm No. 1119/2 Paarl Division, in terms of the Stellenbosch Municipality Zoning Scheme By-Law 2019 is:

Agriculture and Rural Zone

- With deemed consent for a tourist accommodation establishment (conversion of 4 existing labourer's cottages into 5 guest suites).
- Consent Use for a tourist facility to utilize an outbuilding, with a total foot print of $\pm 511\text{m}^2$, for an interior decorating studio and a breakfast room /coffee shop purpose.

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
Agricultural building ($\leq 2000\text{m}^2$) Agriculture Dwelling house Forestry Natural Environment Occasional use (one event/year) Private road Polytunnel ($\leq 2000\text{m}^2$) Second dwelling Employee housing (one unit)	Agricultural building ($\geq 2000\text{m}^2$) Agricultural Industry ($\leq 2000\text{m}^2$) Bed and Breakfast establishment Employee housing (exceeding one unit) Guest house Home day care center Home occupation practice Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) Rooftop base telecommunication station Tourist dwelling units Tourists facility (existing buildings)	Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural Industry ($\geq 2000\text{m}^2$) Camping Site Day care center Freestanding base telecommunication station Helicopter landing pad Intensive feed farming Kennel Market Occasional Use ($\geq$ one event /year) Plant nursery Polytunnel ($\geq 5000\text{m}^2$) Renewable energy structure Service Trade Tourist accommodation establishment Tourist facility (new buildings or exceeding threshold) Any additional use exceeding the threshold set out in this chapter


Director: Planning and Economic Development

Please Note: Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.

Page 1 of 1

T: +27 21 808 8111 • F: +27 21 886 6899

Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599

www.stellenbosch.gov.za

Stellenbosch GIS Map

SCALE

1:9 027,98

Legend

Street Address

Erven

Sectional Schemes

Airfield

High Way

Provincial

Arterial

Main

Street

Street

Railway



Stellenbosch Municipality
Planning & Economic Development
Created by: Computer Aided

Date: 2021/05/11



Author: Stellenbosch Municipality

Stellenbosch Municipality

Street Address
71 Plain Street, Stellenbosch, 7600

Tel: 021 801 9000

Stellenbosch Municipality
Planning & Economic Development
Created by: Computer Aided
Date: 2021/05/11



Stellenbosch GIS Map

SCALE

1:9 027,98

Legend

Street Address

Even

Sectional Schemes

Airfields

High Way

Provincial

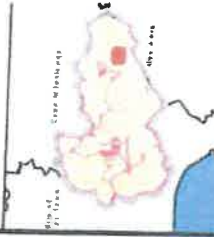
Arterial

Main

Street

Street

Railway



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2021/05/31



Author: Stellenbosch Municipality



Stellenbosch Municipality

Street Address:
71 Plain Street, Stellenbosch, 7600

Tel: 021 888 8858

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Navrae / Enquiries: B Mdoda
 U verwysing / Your ref. -
 Ons verwysing / Our Ref: Farm 1119/2, Paarl
 Datum / Date: 2007-02-14
 Telefoon / Telephone: 021-808 8690
 Faks / Fax: 021-808 8651

REGISTERED POST

Praktiplan
 P O Box 90
 PAARL
 7622

Sir

APPLICATION FOR REZONING AND CONSENT USE: FARM 1119/2, PAARL

Your application in the abovementioned regard, refers:

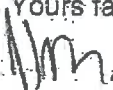
The Acting Executive Director : Economic Facilitation Services at a recent meeting resolved as follows:

- 1.1 That **approval be granted** in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985, for the **rezoning** of $\pm 625\text{m}^2$ from Agricultural Zone I to Residential Zone V, in order to convert 4 existing labourer cottages into 5 guest suites.
- 1.2 That **approval be granted** for a **Consent Use** (tourist facilities) in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) and promulgated under P.N. 1048/1988 in order to convert existing outbuildings of $\pm 511\text{m}^2$ for a interior decorating studio and a breakfast room/coffee shop purposes. See **Annexure B**.
- 1.3 The approval will be subject to the following conditions in terms of Section 42(1) of Ordinance 15 of 1985.
 - (1.3.1) That the approval only applies to the rezoning and consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements.
 - (1.3.2) Section 16(2) of Ordinance 15 of 1985, whereby this approval for the rezoning shall lapse if it is not exercised within two years from the date of this approval.

- (1.3) That this approval for the consent uses shall lapse if it is not exercised within two years from the date of this approval.
- (1.3.4) The owner of the property must apply for the applicable business licenses in terms of the Business Act, No 71 of 1991.
- (1.3.5) The necessary licenses must be obtained in terms of the Liquor Act, 1989 (Act 27 of 1989) if liquor is going to be served.
- (1.3.6) That only the proposed floor areas may be utilized for all rezoning and consent use approvals.
- (1.3.7) That refuse removal must be done to the satisfaction of the Director: Engineering- & Technical Services.
- (1.3.8) Council reserves the right to request any further landscaping proposals, if deemed necessary if insufficient landscaping has been implemented in order to screen or soften the visual impact of the existing structures from all possible lookout points, roads and surrounding properties.
- (1.3.9) That all new outside lighting, if needed should be done in such a way that it will have the minimum impact on the environment and the views from the surrounding properties and roads.
- (1.3.10) That the colour of every wall, door, window, roof, etc. needs to be sympathetic to the character of the area and blend in with the surrounding landscape and structures.
- (1.3.11) That all materials used in the renovation of all buildings on the properties should complement the architecture characterizing the property and district.
- (1.3.12) That the utilization of the property and buildings must at all times be within the parameters determined by the Section 8 Scheme Regulations for the applicable zonings.
- (1.3.13) The main house and associated outbuildings may only be occupied and used by a person(s) that is/are directly involved in the agricultural activities on the property, and may not be rented out or operated for formal business purposes (i.e bed & breakfast, etc) without prior approval from this Council.
- (1.3.14) That no pollution, including noise pollution, may take place on the property and that all other health regulations must be complied with. Where noise is concerned the applicant comply with the Noise Control Regulations made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act 73 of 1989) and promulgated at P.N. 627/1998. The SABS code of conduct 0103-1994, must be used as a guideline and will be the owner's responsibility.
- (1.3.15) That the applicant be responsible for all costs necessary to comply with all the conditions unless otherwise specified.
- (1.3.16) That the conditions as set out in Annexure F by the Chief: Health Officer (Cape Winelands District Municipality), be complied with.

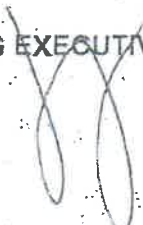
- (1.3.17) That the conditions as set out in **Annexure G** by the District Road's Engineer, be complied with.
- (1.3.18) That all the conditions as set out in the Record of Decision dated 30/06/2006 of the Department of Environmental Affairs and Development Planning, be adhered to (**Annexure H**).
- (1.3.19) The owners or his/her assignee must confirm in writing that the aforementioned conditions are understood and will be adhered to at all times, before the approval will come into affect.
- (1.3.20) These conditions of approval imposed must be made known to any new owner and/or developer and are binding on any new owner and/or developer.
- (1.3.21) That Council reserves the right to impose further conditions if needed.
- (1.3.22) That the applicant be reminded, that failure to comply with any of these conditions shall also be regarded as an offence and will be dealt with by using the appropriate legal mechanisms.

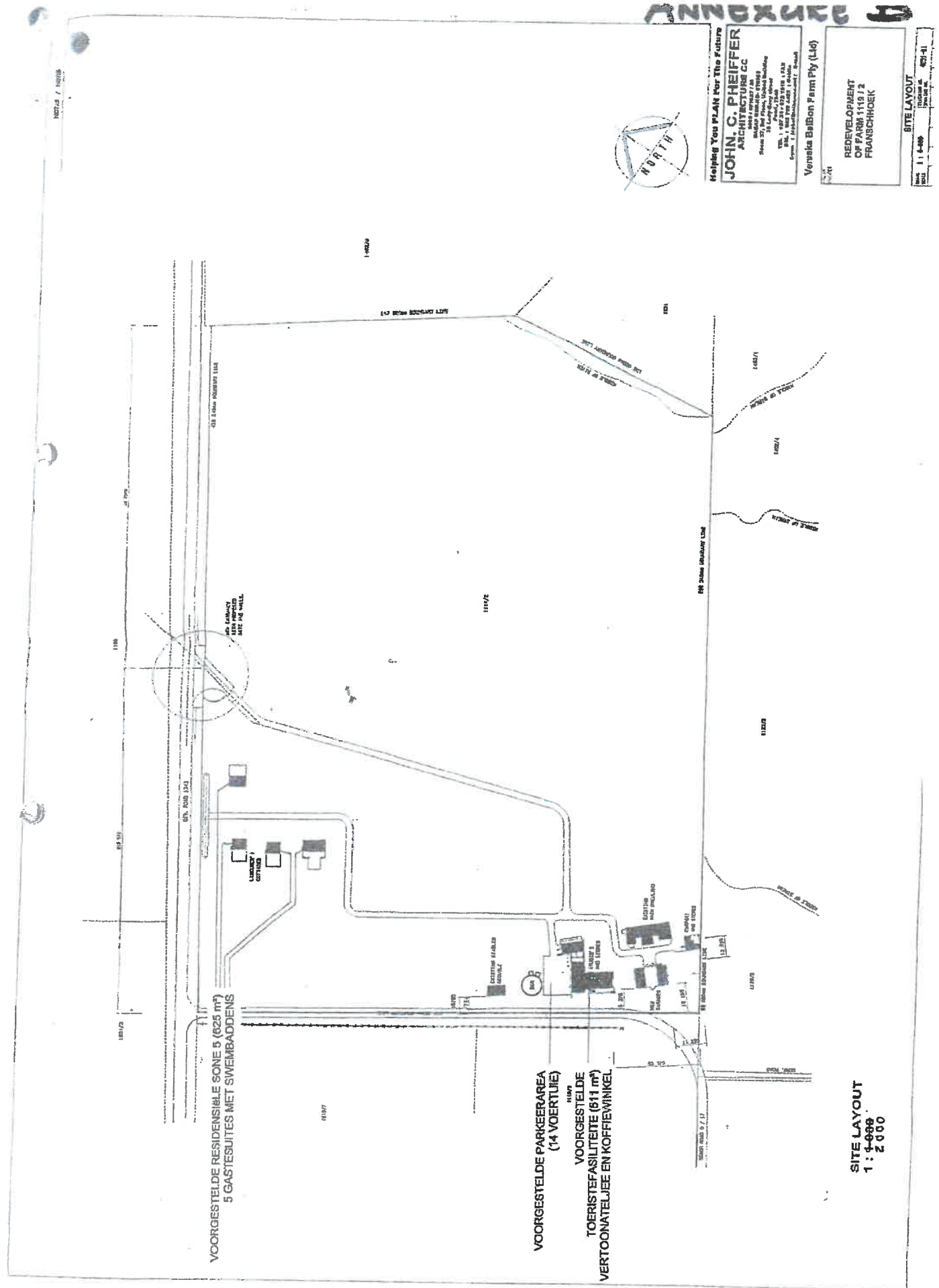
Yours faithfully

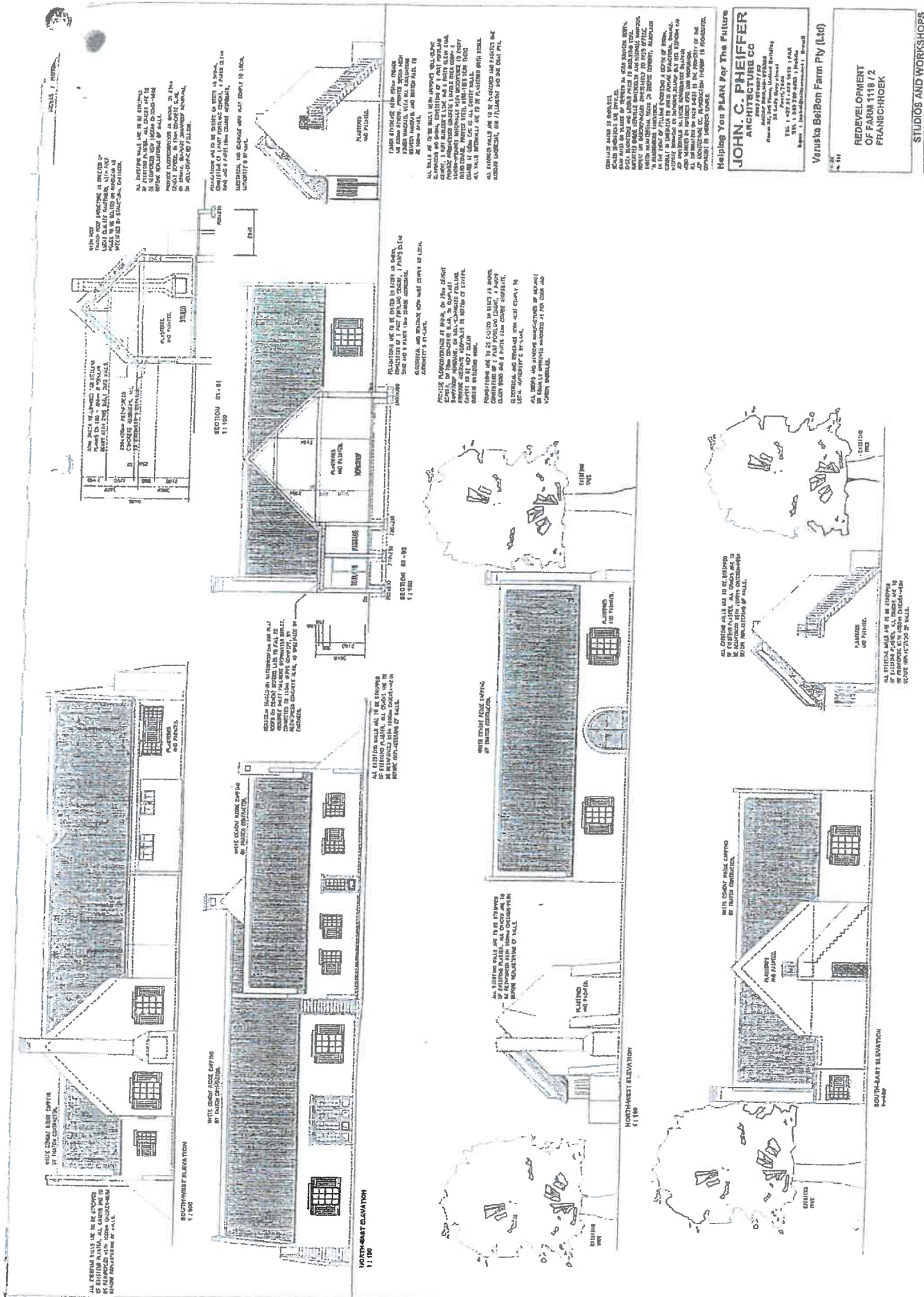

p. ACTING EXECUTIVE DIRECTOR: ECONOMIC FACILITATION SERVICES

/bm

F1119/2



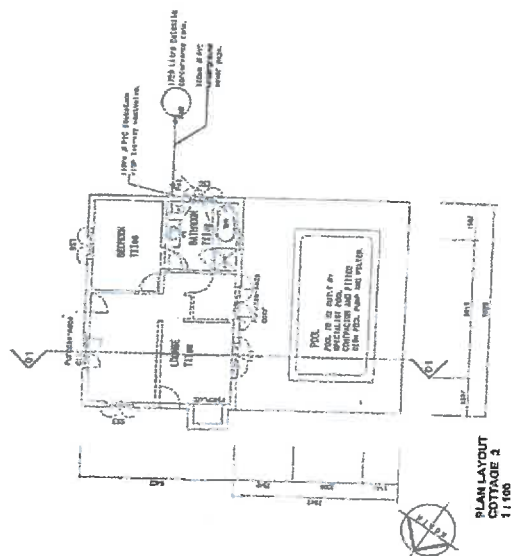




STUDIOS AND WORKSHOPS

NAME: _____
 ADDRESS: _____
 PHONE: _____

PLAN LAYOUT
COTTAGE 1
4-110

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JOHN. C. PHEIFFER
ARCHITECTURE CC
1000 J. ROBERTS AVE.
SUITE 100
DALLAS, TX 75243
(214) 343-1111

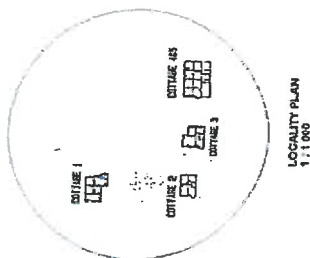
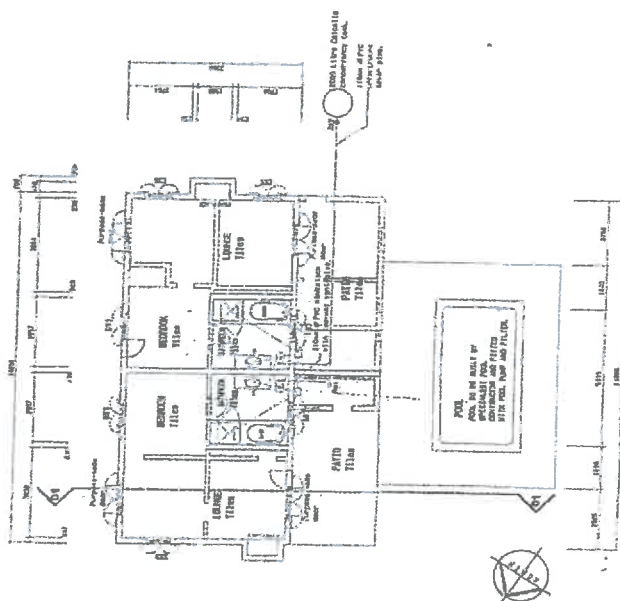
BACAP REALTY - B76295
Riverside St, San Francisco, United States
20 Lady Street street
P.O. Box 7866

VIA 1 212 878 878 1010 FAX
HOL 1 800 728 6631 Mobile
E-mail: j.bachap@earthlink.net / Bachap

VERUSHKA BELBON FARMS PTY(Ltd)

REDEVELOPMENT
OF FARM 1119 / 2
FRANSCHHOEK

LABOURER'S COTTAGES



PLAN LAYOUT
COTTAGE 426
1:100

[illegible]

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JOHN. C. PHEIFFER
ARCHITECTURE CC

8652 / 8712 / 13
BAGLEY HILLMAN STREET
Room 37, 2nd Floor, United Building
26 Lady Gray Street
P.O. Box 7248
TEL: 1-800-314-2718 EXT. 1 FAX
TEL: 1-800-789-4023 50614
Home: 1-800-314-2718 ext. 1001

VERUSHKA BELBON FARMS PTY(LTD)

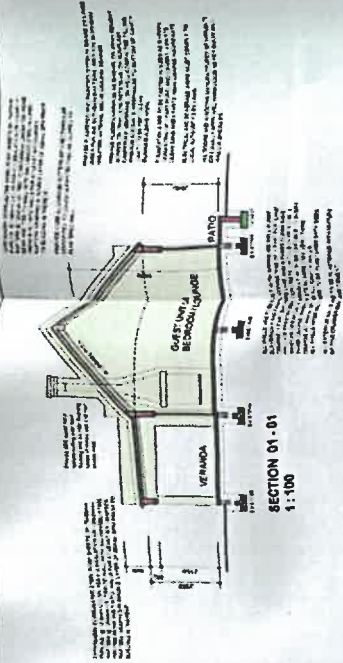
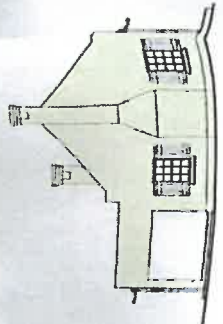
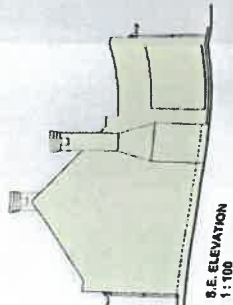
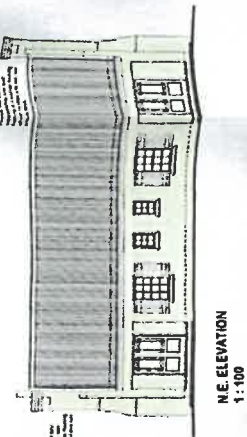
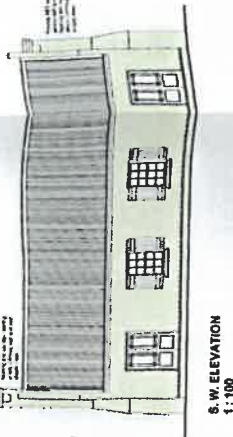
**REDEVELOPMENT
OF FARM 1119 / 2
FRANSCHHOEK**

LABOURER'S COTTAGES

Rate	1 r 100	Fixed rate	Rate
100.00	100.00	100.00	100.00

NOTES
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL ELECTRICAL REGULATIONS.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
3. THE DRAWING IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE.
4. ANY CHANGES TO THE DRAWING MUST BE APPROVED BY THE ARCHITECT.

PLAN NUMBER
01-01



NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	10/10/2019
2	ISSUED FOR PERMIT	10/10/2019
3	ISSUED FOR PERMIT	10/10/2019

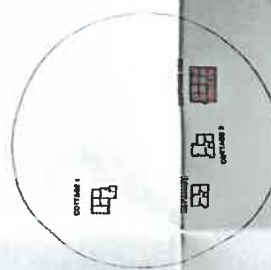
Holdings: See PLAN For The Future
JOHN. C. PHEIFFER
ARCHITECTS CC
101-103 Main Street
Durbanville 7800
Tel: 021 934 1011
Fax: 021 934 1012
Email: jcpheiffer@johnspheiffer.co.za

VERUSHA BELBON FARMS PTY LTD

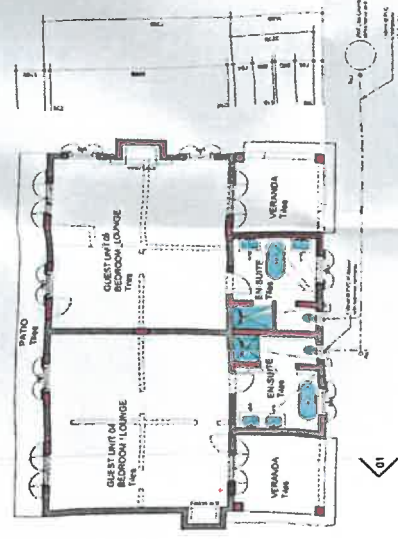
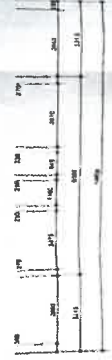
REDEVELOPMENT
OF PARTS 1 & 2
FRANSCHHOOF

COTTAGES 4 & 5	
Area	9.15m ²
Volume	400.0m ³
Owner	Johns
Architect	Johns

AS-BUILT DRAWING



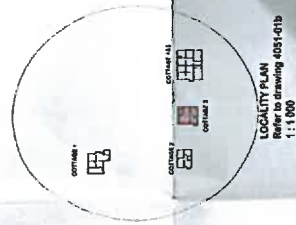
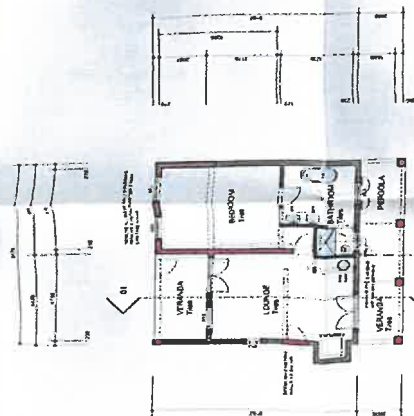
LOCALITY PLAN
Refer to drawing 4051-01b
1:100



95% Fee estimated
per cottage

PLAN LAYOUT
COTTAGE 4 & 5
1:100

Ching to be 100m
from back of any
flow



95th Ave estimate
per college

**PLAN LAYOUT
COTTAGE 3
1:100**

(L)

NOTES

NOTES APPROVED

1. All work to be done in accordance with the approved plans and specifications.

2. The contractor shall be responsible for obtaining all necessary permits and approvals.

3. The contractor shall maintain access to all existing utilities and structures.

4. The contractor shall be responsible for the safety of all workers and the public.

5. The contractor shall be responsible for the disposal of all waste materials.

6. The contractor shall be responsible for the protection of all existing trees and landscaping.

7. The contractor shall be responsible for the completion of all work within the specified time frame.

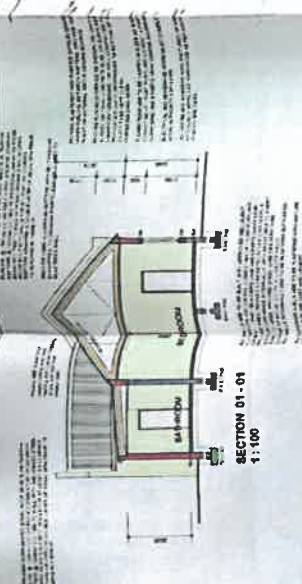
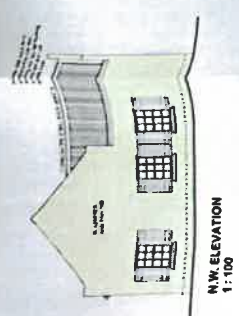
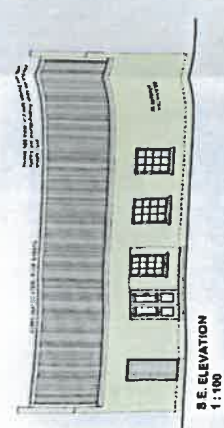
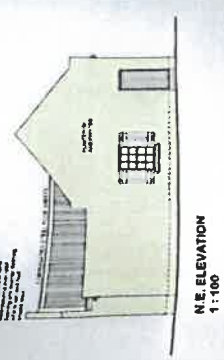
8. The contractor shall be responsible for the payment of all subcontractors and suppliers.

9. The contractor shall be responsible for the maintenance of all records and documents.

10. The contractor shall be responsible for the final inspection and sign-off of the project.

PLAN NUMBER

18/08/17



REVISIONS	DATE	BY	REASON
1	18/08/17	JP	Initial design
2	18/08/17	JP	Revised design
3	18/08/17	JP	Final design

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JOHN. C. PHEIFFER

ARCHITECT

1800 10 STREET S.E.

Calgary, Alberta T2C 1A1

Phone: (403) 243-1111

Fax: (403) 243-1112

Web: www.jcpheiffer.com

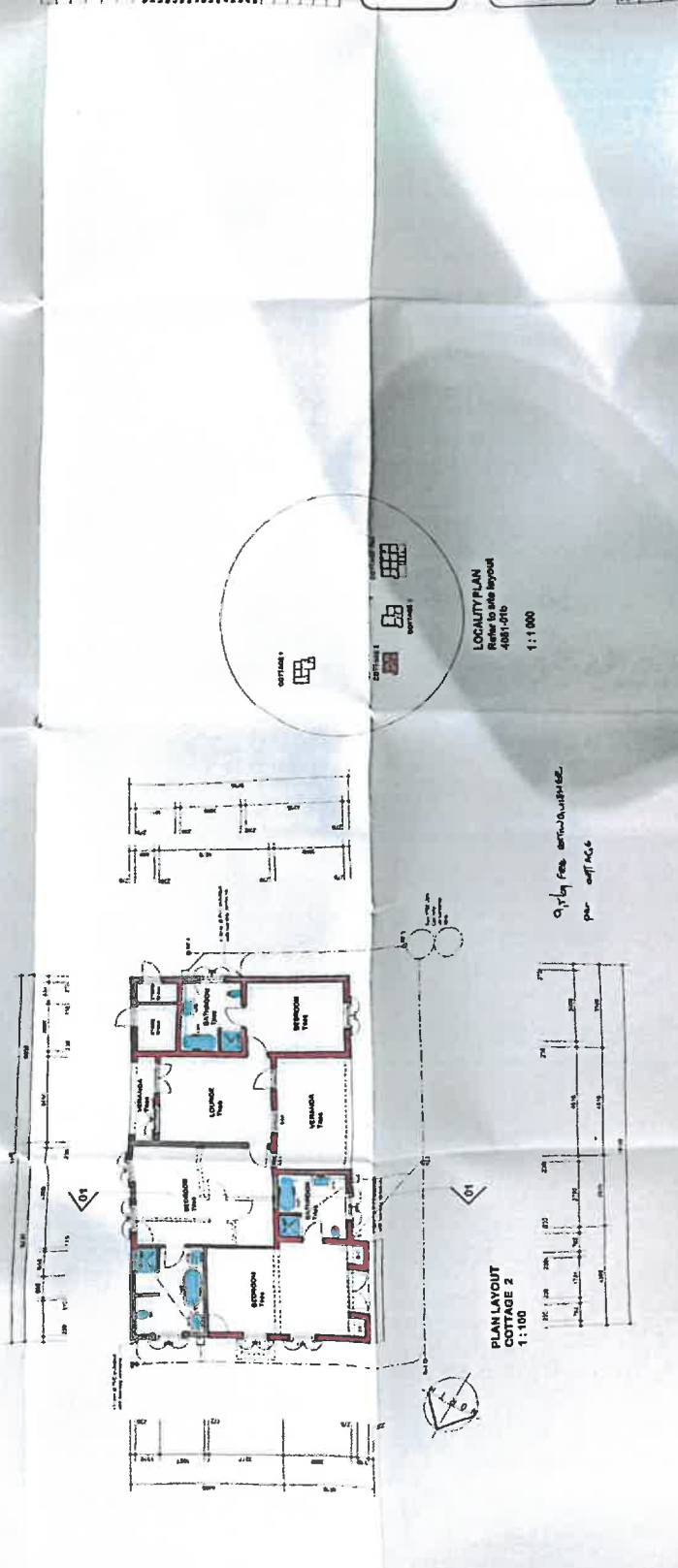
VERUSHKA BELSON FARMS PTY(Ltd)

REDEVELOPMENT OF FARM 1119/2 FRANCHOCK

COTTAGE 2

1:100

AS-BUILT DRAWING



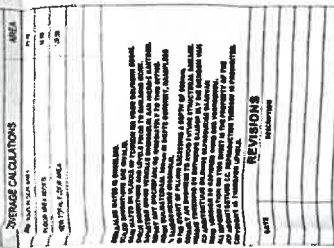
VERUSHKA BELSON FARMS PTY(Ltd)

REDEVELOPMENT OF FARM 1119/2 FRANCHOCK

COTTAGE 2

1:100

AS-BUILT DRAWING



Helping You PLAN For The Future
JOHN. C. PHEIFFER

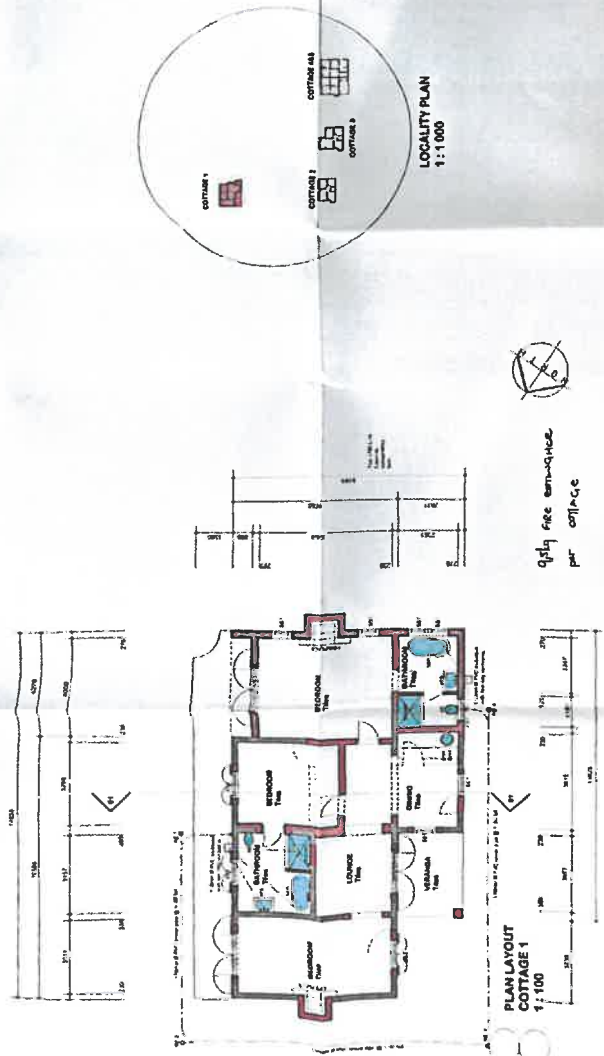
ANALYTICAL SERVICES CO.
2093 S. 67th ST. # 23
OAKLAND 906-468-8740 X1
Rm 207, 3rd Floor, United Building
38 Lady Mary Street
Pearl, MS
YK 1 427 81-872 1419 : FAX
MSL 1 602 750-4432 : Mobile
Spokane : Spokane-Harrison and L Bonnell

TERUSHKA BELBON FARMS PTY (LTD)

REDEVELOPMENT
OF FARM 1119/2
FRANSCHHOEK

1 x 100	to be done in 1980	4661-04
Joblog	all with no action	Joblog
AS-BUILT DRAWING		

Chimney To Be 1000m
Above Roof County.



**ANNEXURE K: NEMA SECTION 24G APPLICATION AND AQUATIC
BIODIVERSITY ASSESSMENT REPORTS**



Pre-Application EIA Report (Application Form)

In terms of Regulation 8 of the Section 24G Fine Regulations, it is required to undertake a **pre-application public participation process**. This document is thus being distributed for comment purposes only to comply with this requirement.

IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.

Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.

No.	Application Requirements	Please tick for confirmation
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. (Note: Failure to meet the Regulation 8 will result in rejection of the application)	✓
2.	Application form has been completed and attached, which includes among others:	
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	✓
	2.2. A list of all similarly listed activities in terms of the current EIA regulations (if applicable).	✓
	2.3. A description of the receiving environment before commences of the activity(ies).	✓
	2.4. A description of the receiving environment after commences of the activity(ies).	✓
	2.5. All appendices and annexures:	
	2.5.1. Locality map	✓
	2.5.2. Site plans or/and Layout plan	✓
	2.5.3. Building plans (if applicable)	✓
	2.5.4. Colour photographs	✓
	2.5.5. Biodiversity overlay map	✓
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	X
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	✓
	2.5.8. Environmental Management Programme	✓
	2.5.9. Certified copy of Identity Document of Applicant	✓
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	✓
	2.6. Signed declaration forms.	✓
	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	Y N

**NEMA SECTION 24G APPLICATION
COMPLETENESS CHECKLIST**

3.	3.1. If yes, has the specialist assessment report been attached to the application?	✓
4.	An assessment of the impacts of the activity or activities in terms of the following categories:	
	• Socio-economic	✓
	• Biodiversity	✓
	• Sense of place &/or Heritage/ Cultural	✓
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	✓
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	✓
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	✓
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	✓
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	✓
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	✓
9.	Compliance history of the applicant:	
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	✓
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	✓
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	✓
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	✓
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	✓
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1. - 9.1.3.) may apply.	✓
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA. This document is distributed to State Departments for comment. The below will be added to the Application Form which will be submitted to the DEADP for approval.	
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	X
	10.2 Copies of comments and responses included in the application.	X
	10.2 Comments and Response report attached to the application.	X
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017) (if conducted/undertaken)	X



BETTER TOGETHER.

NEMA SECTION 24G APPLICATION FORM

Pre-Application EIA Report (Application Form)

In terms of Regulation 8 of the Section 24G Fine Regulations, it is required to undertake a **pre-application public participation process**. This document is thus being distributed for comment purposes only to comply with this requirement.

Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:

- National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA");
- National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM: WA")

April 2018

Form Number S24GAF/04/2018

Kindly note that:

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This **Application Form** must be completed for all section 24G applications, by an independent Environmental Assessment Practitioner ("EAP").
3. This Application Form is current as of 01 April 2018. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 01 April 2018.

4. **The content of this Application Form includes the following:**

PART 1 -

Section A: Background Information

Section B: Activity Information

Section C: Description of Receiving Environment

Section D: Need and Desirability

Section E: Alternatives

Section F: Impact Assessment, Management, Mitigation and Monitoring Measures

Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties

Section H: Recommendations of the EAP

Section I: Representations - Response to an Incident or Emergency Situation

Section J: Public Participation Process

PART 2 -

ANNEXURE A of Fine Regulations

Section A: Directives

Section B: Deferral of the Application

Section C: Quantum of the section 24G fine
Section D: Preliminary advertisement

**PART 3 –
 Appendices and Declarations**

**PART 4 –
 ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**

5. An independent EAP must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence.
6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted.
7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website <https://www.westerncape.gov.za/eadp/>
8. The use of "not applicable" in the Application Form must be done with circumspection.
- 9. No faxed or e-mailed application forms will be accepted.**
10. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.
11. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

PROCESS TO BE FOLLOWED:

- a) **Prior to submission of an Application Form**, the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").
- b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.
- c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.
- d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G(1)(i-viii) of the NEMA.
- e) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.
- f) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.
- g) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.
- h) **Proof of payment of the fine must be submitted to the Department.** Upon payment of the administrative fine, the MEC/Competent Authority may-
 - refuse to issue an environmental authorisation; or

- issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
- direct the applicant to provide further information or take further steps prior to making a decision provided for above;
- together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

PLEASE NOTE THE FOLLOWING:

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.
2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—
 - (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
 - (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.
3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
 - (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
 - (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
 - (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.
4. A person is guilty of an offence if that person:
 - Prior to submission of a section 24G application:
 - o fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
 - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
 - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
 - o fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.
 - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.
5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

DEPARTMENTAL DETAILS

Department of Environmental Affairs
and Development Planning,
Directorate: Environmental Governance
Attention: Sub-directorate: Rectification
Private Bag X9086
Cape Town, 8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street, Cape Town

Queries should be directed to the Sub-
directorate: Rectification at:
Tel: (021) 483-5827 Fax: (021) 483-4033

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

DEPARTMENTAL REFERENCE NUMBER(S) (to be completed by the EAP)

File Reference number (Enforcement), if applicable	
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on <http://www.westerncape.gov.za/eadp> for the latest version of the documents

PART 1

PROJECT TITLE

Unlawful construction of 3x guest cottages and a storeroom on the Remainder of Portion 2 of the Farm La Dauphine No. 1119, Franschhoek

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "X" in which region the unlawful activity/ies has commenced.

REGION 1 City of Cape Town and West Coast District	REGION 2 Cape Winelands District and Overberg District	REGION 3 Central Karoo District and Eden District
	X	

SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

Cross out the appropriate box "X".

1.1	The applicant is a Natural Person (individual)					
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)					X (Pty) Ltd
1.2.1	If a firm, please tick the relevant box below:					
	Body Corporate	Partnership	Trust	Parastatal	Organ of State	
	Directors of a Company	Members of a Board	Other, please specify			

Applicant's details (duplicate this section where there is more than one applicant)	
Applicant Name:	Mongwawane (Pty) Ltd
RSA Identity Number/ Passport Number of Applicant, if natural person:	
Name of Firm (if applicable):	Mongwawane (Pty)Ltd
Firm Registration Number:	1981/007519/07
Contact Person at the Firm:	K Enslin
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below

• Directors of a company; or	Name: J Enslin RSA ID No. 5901105014082 Name: PR Springorum RSA ID No. 7101115255084		
Postal address:	Postnet Suite 465, Private Bag X 7260		
	Witbank	Postal code:	1035
Telephone:		Cell:	0825555378
E-mail:	kenslin@mweb.co.za	Fax:	
Project Consultant			
Contact person:			
Postal address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:	Susanna Nel		
Company name (if any):	Landscape Dynamics Environmental Consultants (Pty) Ltd		
Postal address:	3 Palomino Avenue		
	Somerset West	Postal code:	7130
Telephone:		Cell:	082 888 4060
E-mail:	susanna@landscapedynamics.co.za	Fax:	
EAP Qualifications	BEcon (University of Stellenbosch) with numerous relevant Environmental Impact Management short courses at NWU and environmental law companies. 18 years' experience as EAP. Condensed CVs are available on the website: www.landscapedynamics.co.za		
EAP Registrations/Associations	EAPASA Registered: 2019/519		
Name of the Landowner:	INHEEMSHOEK (Pty) Ltd		
Name of the contact person for the land owner (if other):	JB Smith-Wilson		
Postal address:	PO BOX 2831, Saxonwold, Saxonwold		
	Gauteng	Postal code:	2132
Telephone:	082 458 6306	Cell:	
E-mail:	hannetjie@kirsh.co.za	Fax:	
Person in control of land:	JB Smith-Wilson		
Contact person:	Hannetjie Smith-Wilson		
Postal address:	PO BOX 2831, Saxonwold, Saxonwold		
		Postal code:	
Telephone:		Cell:	082 458 6306
E-mail:	hannetjie@kirsh.co.za	Fax:	

Please note:

In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.

A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.

Municipality in whose area of jurisdiction the activity falls:	Stellenbosch Municipality		
Contact person, if known:	The Municipal Manager: Ms Geraldine Mettler		
Postal address:	PO Box 17		
	Stellenbosch	Postal code:	7599
Telephone	021 808 8025	Cell:	
E-mail:	municipal.manager@stellenbosch.gov.za	Fax:	

Please note:

In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.

Property location(s):	Inheemshoek, Excelsior Road, Franschhoek
Farm/Erf name(s) & number(s) including portion(s)	Portion 2 Farm No 1119
Property size(s) (m ²)	12.9319 Hectares
Development footprint size(s) (m ²)	<ul style="list-style-type: none"> Approximate footprint size of the 3 cottages: <ul style="list-style-type: none"> Cottage nr 7 – 60m² Cottage nr 8 – 200m² Cottage nr 9 – 330m² Total approximate cottage area = 590m² Approximate footprint size of the storeroom: 280m² Total approximate footprint: 870m²
SG21 Digit code(s)	C05500000000111900002

Property boundary: La Dauphine farm

Point	Latitude (S)	Longitude (E)
1 – Northern corner	33° 55' 34.99" South	19° 7' 11.85" East
2 – Eastern corner	33° 55' 43.73" South	19° 7' 16.71" East
3 – Southern corner	33° 55' 50.74" South	19° 7' 4.53" East
4 – Western corner	33° 55' 42.91" South	19° 6' 58.01" East

The co-ordinates for the site boundary are: Cottages

Point	Latitude (S)	Longitude (E)
1 – Northeastern corner	33° 55' 39.13" South	19° 7' 10.60" East
2 – Southeastern corner	33° 55' 41.87"S South	19° 7' 10.51" East
3 – Southwestern corner	33° 55' 41.74"S South	19° 7' 10.28" East
4 – Northwestern corner	33° 55' 39.14"S South	19° 7' 10.06" East

Storeroom

Point	Latitude (S)	Longitude (E)
1 – Northeastern corner	33° 55' 40.24" South	19° 7' 15.40" East
2 – Southeastern corner	33° 55' 41.02" South	19° 7' 15.59" East
3 – Southwestern corner	33° 55' 41.09" South	19° 7' 15.16" East
4 – Northwestern corner	33° 55' 40.33" South	19° 7' 14.97" East

Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	Inheemshoek, Excelsior Road, Franschhoek		
Magisterial District or Town:	Franschhoek		
Closest City/Town:	Franschhoek	Distance	±1.5km
Zoning of Property:	Agriculture and Rural Zone		

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Also refer to the **TOWN PLANNING ASSESSMENT REPORT** as attached under Appendix M

Was the property rezoned after commencement of activities?		YES	NO
If yes, what was the previous zoning?			
<p>A portion of the property (±625m²) was rezoned from Agricultural Zone I to Residential Zone V1 in 2007 in order to convert 4 existing labourer's cottages into 5 guest suites.</p> <p>The Stellenbosch Municipality, on 31 May 2021, issued a zoning certificate and the zoning of 'Agriculture and Rural Zone' was confirmed for the property.</p>			
Is a rezoning application required?		YES	NO
Is a consent use application required?		YES	NO
<p>Application is to be made to Stellenbosch Municipality for the required land use rights for the three cottages (nr's 7, 8 and 9). In this regard, a consent use application must be submitted to the Municipality in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023. Said consent use application is to make provision for a tourist accommodation establishment as defined in the zoning scheme.</p>			
Locality map:	<p>A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection) 		
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</p> <p>Note: The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the <i>Infrastructure Development Act, 2014</i> [Act No. 23 of 2014].</p>		

2. APPLICATION HISTORY

(Cross out the appropriate box "X" and provide a description where required).

Has any national, provincial or local authority considered any development applications on the property previously?	Yes	No
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
<p>DEADP ref nr: E12/2/1-87-Farm 1119/2, Paarl Note that the Applicant was the previous property owner: Veruska Belbon Farms (Pty) Ltd</p> <p>CONVERSION OF EXISTING BUILDINGS The conversion of existing labourer cottages and the conversion of other existing buildings, such as the original farmhouse and packing shed, to tourism facilities that include 6x guest suites (No's 1 – 6), a coffee shop and an interior decorating shop.</p> <p>Ex Post Facto Approval These activities triggered listed activities in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989) (ECA) and were commenced with, and completed, unauthorised. This issue was dealt by DEADP by means of an Ex Post Facto Approval, dated 30 June 2006 (attached hereto as Appendix M).</p> <p>The following activities were authorised: "The conversion of 5 labour cottages, existing packing shed and a cold store into 5 guest suites, a breakfast room / coffee shop and interior decorating studio".</p> <p>Conclusion of the conversion of existing buildings into tourism facilities The conversion of the existing labourer cottages and other buildings into tourist accommodation and other tourism facilities was dealt with in an Ex Post Facto Approval issued by the DEADP in 2006 and further attention to this development is not required.</p>		
Which authority considered the application:		
DEADP		
Has <u>any</u> one of the previous application/s on the property been approved or refused? If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).	Yes	No
<p>Previous zoning applications were successfully made:</p> <ul style="list-style-type: none"> The Stellenbosch Municipality, on 31 May 2021, issued a zoning certificate and the zoning of 'Agriculture and Rural Zone' was confirmed for the property. <p>No unsuccessful applications were made.</p>		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		
See above		

SECTION B: ACTIVITY INFORMATION

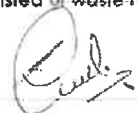
NEMA SECTION 24G APPLICATION

SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

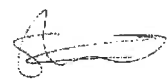
Applicant (Full names): Mongwawane (Pty)Ltd

Signature: 

Place: Witbank

Date: 07/05/2024

EAP (Full names): Susanna Nel

Signature: 

Place: Somerset West

Date: 23 January 2024

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
Government Notice No. ("GN") R1182 Activity No(s)	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity	State the date of commencement of each activity
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA			
GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
1(m)	The construction of facilities or infrastructure, including associated structures or infrastructure, for: 1(m) any purpose in the one in ten-year flood line of a river or stream, or within 32m from the bank of a stream, or within 32m	This activity is applicable because the cottages were constructed within 32m from the banks of a relic watercourse channel. The cottages are approximately 120m away from the Franschoek River.	2010 (exact date unknown)

1 (m)	from the bank of a stream, or within 32m from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) dams, (ii) channels, (iii) bridges, (iv) dams and (v) weirs.	.	
Government Notice No. R387 Activity No(s): (Listing Notice 2 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014			
Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 544 Activity No(s): (Listing Notice 1 of 2010)	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
11	The construction of (x) buildings exceeding 50m ² in size and (xi) infrastructure or structures covering 50m ² or more where such construction occurs within a watercourse or within 32m of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	<u>Cottages</u> This activity is applicable because the cottages cover more than 50m ² and are situated within 32m from the relic watercourse channel. <u>Storeroom</u> This activity is applicable because the storeroom covers more than 50m ² and is situated within 32m from the Franschoek River.	<u>Cottages</u> 2010 (exact date unknown) <u>Storeroom</u> Between January 2012 and September 2013
GN No. R. 545 Activity No(s): (Listing Notice 2 of 2010)	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

GN No. R. 546 Activity No(s): (Listing Notice 3 of 2010)	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
5	<p>The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.</p> <p>(c) Within 10km from a national park or world heritage sites or 5km from any other protected area identified in terms of NEMPAA or from the core area of a biosphere.</p> <p>(iv) Areas on the watercourse side of the development setback line or within 100m from the edge of water course where no such setback line has been determined.</p>	<p>This activity is applicable because the cottages sleep 6 people and are situated within 5km from the Mont Rochelle Nature Reserve, the Theewaterskloof Nature Reserve, the Hottentots Holland Nature Reserve as well as the Jonkershoek Nature Reserve. The cottages are situated within 100m from the edge of the relic watercourse channel.</p>	2010 (exact date unknown)
16	<p>The construction of (iii) buildings with a footprint exceeding 10m² in size and (iv) infrastructure covering 10m² or more where such construction occurs within 32m from a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p>(hh) Areas within 10km from national parks or world heritage sites or 5km from any other protected area identified in terms of NEMPAA or from the core area of a biosphere.</p>	<p>This activity is applicable because the footprints of the cottages as well as the storeroom exceed 10m² and are situated within 5km from the Mont Rochelle Nature Reserve, the Theewaterskloof Nature Reserve, the Hottentots Holland Nature Reserve as well as the Jonkershoek Nature Reserve. The cottages and storeroom are also situated within 100m from the edge of the relic watercourse channel.</p>	<p><u>Cottages</u> 2010 (exact date unknown)</p> <p><u>Storeroom</u> Between January 2012 and September 2013</p>
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998.			
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013 Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008			
GN No. 718 – Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 718 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

Waste Management Activity Contraventions: On or after 29 November 2013 Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008			
GN No. 921 - Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 921 – Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

Please note:

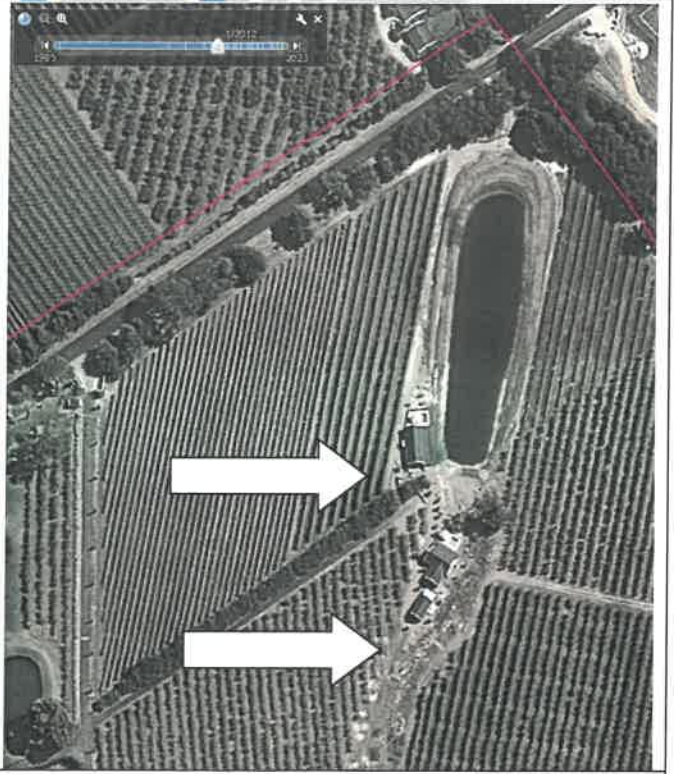
The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
12	<p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p>	<p>The three cottages are within 32m from a relic watercourse channel. It is unknown if any construction actually took place within the watercourse, but it is likely, especially when rehabilitation of the channel was done.</p> <p>The storeroom is within 32m from the Franschoek River.</p> <p>January 2010 before construction</p>  <p>January 2012: the cottages were constructed and rehabilitation of the relic watercourse channel commenced</p> <p>See photo on the following page</p>

	<p>(ee) where such development occurs within existing roads, road reserves or railway lines; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
19	<p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shell grot, pebbles or rock of more than 10 cubic metres from a watercourse,</p> <p>but <u>excluding</u> where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> a) will occur behind a development setback; b) is for maintenance purposes undertaken in accordance with a maintenance management plan; c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The three cottages are within 32m from a relic watercourse channel). It is unknown if any construction actually took place within the watercourse, but it is likely, especially when rehabilitation of the channel was done.</p>

GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.
14	<p>The development of</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square meters or more; where such development occurs</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>Western Cape</p> <p>Outside urban areas</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas identified in</p>	<p>The sties fall within an ESA (also refer to Section D, paragraph 1 for a CBA/ESA map)</p> <p>The three cottages are within 32m from a relic watercourse channel. It is unknown if any construction actually took place within the watercourse, but it is likely, especially when rehabilitation of the channel was done.</p> <p>The storeroom is within 32m from the Franschhoek River.</p>

	terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.	

Please note:

Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.

1. ACTIVITY DESCRIPTION

(Cross out the appropriate box "X" and provide a description where required).

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced <u>as well as</u> the original date of commencement if the application is an upgrade.	New	Upgrade

Cottages

The exact date of commencement is unknown, but the previous landowner confirmed that it was constructed in 2010. Google Earth was used to confirm the date of construction:

- January 2010 (the cottages were not constructed)
- January 2012 (the cottages were constructed)

The date of commencement of construction can only be confirmed as being between January 2010 and January 2012. There is no reason to dispute the date (2010) given by the previous landowner.

The applicable legislation in 2010 were the NEMA EIA Regulations which came into effect on 21 April 2006 and the NEMA EIA Regulations which came into effect on 18 June 2010. Since the date of commencement of construction is unknown, the activities must be assessed in terms of both pieces of legislation.

Storeroom

The exact date of commencement of construction is unknown and Google Earth was used to confirm the date of construction:

- January 2012 (the storeroom was not constructed)
- September 2013 (the storeroom was constructed)

The NEMA EIA Regulations in force during the time of construction (2012/2013) of the storeroom came into effect on 18 June 2010.

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.

Cottages

There are 9 cottages/guest suites on the farm in total, and the three cottages in question are numbers 7, 8 and 9 (approximate footprint of 590m²). Each cottage sleeps 2 people only. These cottages were constructed within 32m of a relic watercourse channel.

Since approximately 2 years ago, all tourist activities and accommodation on the farm has ceased whilst only the farming enterprise is still operational.

Storeroom

The storeroom (approximate footprint of 280m²) is a rectangular building which was constructed within 32m from the banks of the Franschoek River.

All activities are completed.

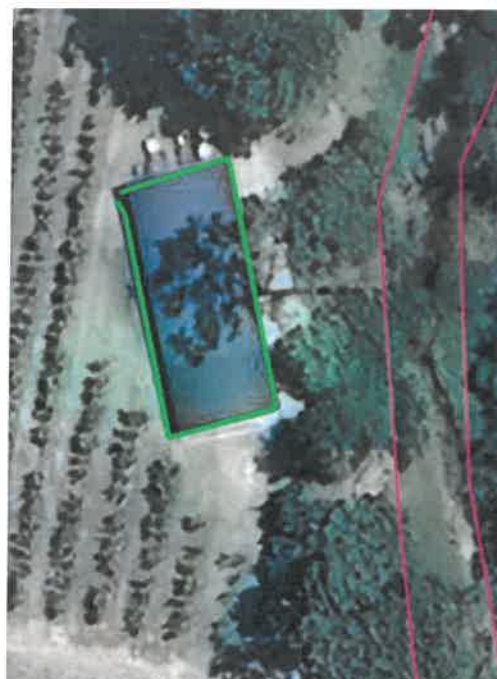
Detail regarding the applicable listed activities is provided in Section B.1 above.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).

Buildings	YES	NO
Provide brief description:		

See paragraph (b) above and Google Earth aerial images below. Also refer to the Photo Report attached under Appendix D.





Infrastructure (e.g. roads, power and water supply/ storage)

YES

NO

Provide brief description:

Existing farm roads were used to access the cottages as well as storeroom. The buildings are serviced with electricity, water and sewage (conservancy tanks that are being emptied by private contractors).

Also refer to Appendix M for a **Report on Provision on Civil Engineering Services**, compiled by Bart Senekal Consulting Engineers.

Water

The property is currently serviced with potable water from boreholes on the property and the water is treated on site to meet SANS 241 Drinking Water Quality Standards. Most recent test results on the potable water supply confirms the quality.

Sewer Drainage and Treatment

There is no existing bulk sewer infrastructure from the municipality in the vicinity. The existing facilities on the property utilise conservancy tanks. Drainage of existing facilities is serviced by a private provider, and the conservancy tanks have a capacity of 4 x 5 kiloliters, sufficient for once-a-week servicing (note that this is for the entire farm and not just the 3x guest cottages and storeroom).

Processing activities (e.g. manufacturing, storage, distribution)

YES

NO

Provide brief description:

Storage facilities for raw materials and products (e.g. volume and substances to be stored)

Provide brief description

YES

NO

The storeroom is used for vehicles and general farm equipment. No fresh produce is being stored in this building.

Storage and treatment facilities for solid waste and effluent generated by the project

Yes

No

Provide brief description

The three cottages as well as the storeroom have conservancy tanks that are being emptied by private contractors.

All waste generated on the farm is being collected by the municipality.

(d) Other activities (e.g. water abstraction activities, crop planting activities)

Yes

No

Provide brief description

The farm is being used for agricultural purposes (vineyards, plums and olives) and used to also operated as a tourism facility.

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	±870m ²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	±870m ²
Total area:	±870m ²

4. SITE ACCESS

Was there an existing access road?	YES	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length) m	m
Describe the type of access road constructed:		

Please Note:

Indicate the position of the access road on the site plan (See Section 5 below)

5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

Please note:

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (If already obtained):
National Environmental Conservation Act, 1989	DEADP	Authorisation	This Application for Ex Post Facto approval
National Environmental Management Act, 1998 and the EIA Regulations, (2010 and 2014 as amended)	DEADP	Authorisation	This Application for Ex Post Facto approval
National Water Act, 1998	Berg-Olifants Water Management Area	General Authorisation	In process

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
None known	

7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMA's")

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	NO
If yes, has an application been submitted to the licensing authority? Application is in process (Sections 21(c) and 21(i) application)	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.		
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	YES	NO
If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		

8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	NO
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If yes, please complete the table below:

The information provided below was derived from the **Town Planning Assessment Report** (attached under Appendix M).

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)
Application be made for the required land use rights for the 3x guest cottages. In this regard, a consent use application must be submitted in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 . Said consent use application is to make provision for a tourist accommodation establishment as	Stellenbosch Municipality	No	Pending

defined in the zoning scheme.			
<p>It is therefore recommended that:</p> <p>a) The as-built building plans be rectified with accurate and correct information. The set of drawings must also be updated to include all buildings on the property.</p> <p>b) The drawings be submitted for approval with the Stellenbosch Municipality.</p>	Stellenbosch Municipality	No	Pending

SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3):

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

According to Cape Farm Mapper, the site is on **Moorreesburg Formation**, which can be described as follows:

The Moorreesburg Formation is a geological unit that belongs to the Malmesbury Group, which is part of the Neoproterozoic to Cambrian Saldania Subprovince in the Western Cape. It consists of metamorphosed sedimentary rocks, such as quartzite, phyllite, schist, and marble, that were deposited in a marine environment between 800 and 600 million years ago. The Moorreesburg Formation is also intruded by granitic rocks of the Cape Granite Suite, which are younger than the Malmesbury Group and formed during the Pan-African orogeny.

The Moorreesburg Formation is overlain by the Bridgetown Formation, which is characterized by greenstone bodies that have a complex geochemical and tectonic history. The Moorreesburg Formation and the Bridgetown Formation are part of the Boland tectonic domain, which is one of the subdivisions of the Saldania Subprovince. The Boland tectonic domain is bounded by the Piketberg-Wellington fault zone to the west and the Worcester fault zone to the east.

GRANITE		QUARTZITE	
SHALE		DOLOMITE	
SANDSTONE		DOLERITE	
OTHER (specify)			

2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

The elevation of the property drops approximately 8m from its southern (288m above mean sea level) to northern (280m above mean sea level) boundaries over a distance along the river that drains along the boundary of the property of 420m. The average slope of the river at the site is 0.2% which is relatively flat. Upstream of the site, the slope of the river increases significantly as it flows off the mountainside.

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5
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3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("X") the appropriate boxes).

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
If other, please describe									

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following (cross out ("X") the appropriate boxes)?

SOILS

According to Cape Farm Mapper, the following is applicable to soils:

Broad Soils Classification (ENPAT)

Soil Type: Glenrosa and/or Mispah forms (other soils may occur), lime rare or absent in the entire landscape

Geology: Colluvial and alluvial sand on granite of the Stellenbosch Pluton, Cape Granite Suite and quartzite, conglomerate, slate and phyllite of the Franschhoek Formation, Malmesbury Group.

Shallow water table (less than 1.5m deep) According to Cape Farm Mapper, the following applies: Depth to Groundwater: Depth (mbgl): 8.17	YES	NO	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO	UNSURE
Soils with high clay content	YES	NO	UNSURE
Any other unstable soil or geological feature	YES	NO	UNSURE
An area sensitive to erosion	YES	NO	UNSURE

4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

Shallow water table (less than 1.5m deep) According to Cape Farm Mapper, the following applies: Depth to Groundwater: Depth (mbgl): 8.17	YES	NO	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO	UNSURE
Soils with high clay content	YES	NO	UNSURE
Any other unstable soil or geological feature	YES	NO	UNSURE
An area sensitive to erosion	YES	NO	UNSURE

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department.
(Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

5. SURFACE WATER

5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("X") the appropriate boxes)?

Perennial River	YES	NO	UNSURE
Non-Perennial River The Franschhoek River A relic watercourse channel	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland The large dam within the property was constructed within the original channel of the river that is no longer linked with the watercourse but appears to still receive some sub-surface flow that supports wetland habitat within the relic watercourse channel. The wetland in the relic watercourse channel appears to have formed upstream of the constructed dam in the channel. There is a low wall at the upstream end of the dam and a small depression behind the wall. This provides the topographic driver (depression) for the formation of the wetland. As there is still some subsurface flow and very localised surface inflow to the channel from the adjacent cultivated areas, the conditions are conducive to the formation of the wetland habitat. The water in the dam would also contribute to the wetness of the wetland. Three small cottages have been constructed on the top of bank, adjacent to the relic channel where the wetland has formed, and the dam built.	YES	NO	UNSURE
Estuarine / Lagoonal wetland	YES	NO	UNSURE

5.2 SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("X") the appropriate boxes)?

Perennial River	YES	NO	UNSURE
Non-Perennial River The Franschhoek River A relic watercourse channel	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland The large dam within the property was constructed within the original channel of the river that is no longer linked with the watercourse but appears to still receive some sub-surface flow that supports wetland habitat within the relic watercourse channel. The wetland in the relic watercourse channel appears to have formed upstream of the constructed dam in	YES	NO	UNSURE

the channel. There is a low wall at the upstream end of the dam and a small depression behind the wall. This provides the topographic driver (depression) for the formation of the wetland. As there is still some subsurface flow and very localised surface inflow to the channel from the adjacent cultivated areas, the conditions are conducive to the formation of the wetland habitat. The water in the dam would also contribute to the wetness of the wetland. Three small cottages have been constructed on the top of bank, adjacent to the relic channel where the wetland has formed, and the dam built.			
Estuarine / Lagoonal wetland	YES	NO	UNSURE

6. VEGETATION AND/OR GROUNDCOVER

Please note: The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult <http://bgis.sanbi.org.za> or BGIShelp@sanbi.org.za. Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

Cross out ("X") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above:	Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide Ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below) The storeroom is located approximately 10m to 15m from the top of bank of the Franschoek River. From past aerial imagery, it would appear that large alien trees were located within the footprint of the store.	Cultivated land	Paved surface

- (a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

This information is not available when construction commenced in 2010 and 2012/2013. La Dauphine was a working farm under cultivation when the cottages and storeroom were constructed. The areas where development took place were planted with

vineyards/plums/olives and from past aerial imagery, it would appear that large alien trees were located within the footprint of the storeroom. The developments did not impact on any important biodiversity areas.

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	

(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	The site has been subject to a long history of agricultural activities such that the natural vegetation cover has mostly been transformed and now comprises mostly a transformed vegetation cover of landscaped and cultivated areas. Under natural conditions, the cover vegetation would have comprised Swartland Alluvium Fynbos, an Endangered vegetation type.

(c) Complete the table to indicate:

- (i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
- (ii) whether an aquatic ecosystem was previously present on site.

The areas where development took place were planted with vineyards/plums/olives and from past aerial imagery, it would appear that large alien trees were located within the footprint of the storeroom.

Terrestrial Ecosystems		Aquatic Ecosystems							
Ecosystem threat status as per the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)			Estuary		Coastline		
	Endangered								
	Vulnerable								
	Least Threatened								
		YES	NO	UNSURE	YES	NO	YES	NO	

(d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

An **Aquatic Biodiversity Assessment** was undertaken by Ms Toni Belcher (attached under Appendix H) and is summarised below.

Aerial photographs taken in 1942 of the site and surrounding area show the watercourse

(Franschhoek River) to be in a similar position to its current location and already diverted from the original channel. At that time, significant cultivation of the area had already taken place along the watercourse channels, confining the rivers and riparian zones. The image, therefore, does not represent the streams as they would have naturally occurred. The darker areas shown in the image are associated with dense vegetation cover (likely alien trees) that occurred on the site and along the watercourses. The presence of wetland areas onsite in this earlier imagery is not evident. The image from 1977 below shows further cultivation of the area and reduced watercourse corridors (in particular the remnant watercourse channel). No wetland areas are visible at the site in this later image.



An aerial photograph of the study site taken in 1938, overlaid in Google Earth



An aerial photograph of the study site taken in 1977, overlaid in Google Earth

The satellite image below from 2000 shows the site before the dam was in place but with a similar level of transformation of the site and adjacent watercourses. Again, no wetland areas are visible in the image. The dam is only visible in past Google Earth imagery from 2006 onwards.



Google Earth imagery of the study site taken in 2000

6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Cross out ("X") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition	Indigenous Vegetation with scattered aliens	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above:	Describe the vegetation type above:	Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide Ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below) The storeroom is located approximately 10m to 15m from the top of bank of the Franschoek River. The river channel in the vicinity of the storeroom is deeply incised with eroded banks that mostly contain exotic tree species such as grey poplars (<i>Populus</i>	Cultivated land	Paved surface

<p>canescens), English oaks (<i>Quercus robur</i>), pine trees (<i>Pinus pinaster</i>), Australian cheesewood (<i>Pittosporum undulatum</i>), weeping willows (<i>Salix babylonica</i>), London plane (<i>Platanus acerifolia</i>) and black wattle (<i>Acacia mearnsii</i>). Some indigenous riparian trees such as wild peach (<i>Kiggelaria africana</i>) and white stinkwood (<i>Celtis africana</i>) occur as well as some riverbed grass (<i>Pennisetum macrourum</i>) within the channel. The 1 in 100 year flood line is well within the deeply eroded channel. It is thus likely that the construction of the storeroom did not result in any loss of aquatic habitat or functionality.</p>		
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(a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	%	
Degraded (includes areas heavily invaded by alien plants)	%	
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	100%	La Dauphine was a working farm when the cottages and storeroom were constructed. The relic watercourse channel adjacent to the cottages were rehabilitated with indigenous vegetation, which is a positive impact.

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

Vegetation

La Dauphine was a working farm under cultivation when the cottages and storeroom were constructed. The areas where development took place were planted with vineyards/plums/olives and from past aerial imagery, it would appear that large alien trees were located within the footprint of the storeroom. The developments did not impact on any important biodiversity areas.

The farm is still a working farm and, at present, the cottages are not used for any specific purpose.

Aquatic

An **Aquatic Biodiversity Assessment** was undertaken by Ms Toni Belcher (attached under Appendix H) and is summarised below.

The Franschhoek Tributary of the Berg River flows along the southern and eastern boundaries of the property. The aquatic specialist assessment report provides an assessment of the potential aquatic ecosystem impacts of the works undertaken near the watercourses/wetlands on site

and provides recommended rehabilitation or mitigation measures. It falls within the Berg-Olifants Water Management Area. The Franschoek River is best described as a seasonal cobble bed stream.

Watercourse (Franschoek River) at the storeroom

Drainage across the site is from the hillslopes in the south towards the Franschoek River in the north. Due to past agricultural activities upstream of and within the site, the drainage in the system is highly modified. Historically the Franschoek River crossed the site but has been diverted along the border of the property. Most of the water is also taken out of the river for irrigation. The diverted watercourse is in a degraded condition and overgrown with primarily alien trees such as *Populus* spp., oaks (*Quercus* spp.) and pine trees (*Pinus* sp.).

View of the Franschoek River



Relic watercourse channel and wetland at the 3x cottages (also refer to the map on the following page)

The large dam within the property was constructed within the original channel of the river that is no longer linked with the watercourse but appears to still receive some sub-surface flow that supports wetland habitat within the relic watercourse channel (a relic watercourse is a former or ancient watercourse that is no longer active or visible on the surface. It may be buried, filled, or eroded by natural or human processes).

The wetland in the relic watercourse channel appears to have formed upstream of the constructed dam in the channel. There is a low wall at the upstream end of the dam and a small depression behind the wall. This provides the topographic driver (depression) for the formation of the wetland. As there is still some subsurface flow and very localised surface inflow to the channel from the adjacent cultivated areas, the conditions are conducive to the formation of the wetland habitat. The water in the dam would also contribute to the wetness of the wetland. Three small cottages have been constructed on the top of bank, adjacent to the relic channel where the wetland has formed, and the dam built.

While the relic channel does contain some aquatic habitat and the wetland area that has formed, it is no longer connected with the main watercourse and is isolated within the cultivated areas. It is thus no longer able to receive any surface water flow with the only water in the channel comprising subsurface flow and runoff from the immediate area.



The rehabilitated relic watercourse channel



Watercourses on La Dauphine farm

FEPA Wetland and Rivers

CapeFarmMapper 3



FEPA Wetland and rivers mapped in the vicinity of the site (red polygon)

Critical Biodiversity Areas

CapeFarmMapper 3



Western Cape Biodiversity Spatial Plan mapping (2018) for the site

Ecological Importance

The Franschhoek River is considered to have a moderate ecological importance and sensitivity. This is due to the fact that the indigenous fish species Cape galaxias (*Galaxia zebratus*) and Cape kurper (*Sandelia capensis*) occur within the river downstream of the site and would likely have occurred in the upper river system in winter under natural conditions.

The loss of indigenous plant species and subsequent invasion of alien trees within the stream however means that the watercourse and especially the relic watercourse channel offers little habitat of biodiversity value. The larger river system does however have the potential to provide a corridor in the agricultural landscape between the lower-lying river corridor and the high-lying protected area.

It is recommended that the ecological condition of the stream at least be improved to a D category (largely modified). This would easily be achieved with the clearing of the invasive alien vegetation within the riparian zones. This should however be done for the river reach and on both banks of the river to be meaningful and to not destabilise the channel. Revegetation with local indigenous riparian plants to replace cleared riparian areas would need to be undertaken to stabilise the banks.

It should be noted that none of the recent works under consideration in this report have contributed to the current degraded condition of the watercourse. From the evaluation of past modification of the river, it is evident that the watercourse was already in its current degraded condition before the earliest image taken in 1942.

The recommended rehabilitation of the watercourse, if implemented properly, would however not only improve the ecological functioning of the stream but would also contribute towards the improvement of the larger river system, increase the ecological goods and services it can provide such as the attenuation of flows, improvement of water quality, and supply of water. It will also enable the watercourse to be better able to deal with the impacts of climate change such as erosion and higher variability of flow (longer dry periods and high flow conditions).

IMPACT ASSESSMENT

The three cottages

From the images provided, it can be seen that little remained of the watercourse habitat within the original channel already more than 80 years ago. The construction of the cottages and dam thus is unlikely to have resulted in any significant loss of functional aquatic habitat.

The wetland area at the dam and three cottages were rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages.

Wetland plants in the wetland include rushes such as *Juncus capensis*, bracken (*Pteridium aquilinum*), arum lilies (*Zantedeschia aethiopica*) and red-hot pokers (*Kniphofia* sp.). The cottages are located in previously cultivated areas on the top of bank approximately 6m from the channel. **They thus also did not result in any loss of**

remnant riparian vegetation associated with the relic watercourse.

The storeroom

The storeroom is located approximately 10m to 15m from the top of bank of the Franschhoek River. From past aerial imagery, it would appear that large alien trees were located within the footprint of the store. The river channel at the storeroom is deeply incised with eroded banks that mostly contain exotic tree species. Some indigenous riparian trees such as wild peach and white stinkwood occur as well as some riverbed grass within the channel.

The 1 in 100 year flood line is well within the deeply eroded channel. ***It is thus likely that the construction of the storeroom did not result in any loss of aquatic habitat or functionality.***

Given the above assessment, an impact of very low to negligible significance is likely to have been associated with the works undertaken.

CONCLUSION

Given the above assessment, an impact of very low to negligible significance to the associated aquatic ecosystems is likely to have been associated with the works undertaken.

The risk assessment determined that the works undertaken have a **low** or **positive** impact during the construction and operation phases.

The works fall thus within the ambit of the General Authorisations for Section 21(c) and (i) water uses. An integrated water use authorisation is being submitted to address Section 21(a) and (b) water uses being applied for.

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

The wetland area at the dam and three cottages were rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages.

Wetland plants in the wetland include rushes such as *Juncus capensis*, bracken (*Pteridium aquilinum*), arum lilies (*Zantedeschia aethiopica*) and red-hot poker (*Kniphofia* sp.).

Considering that the relic watercourse does not carry any significant surface water flow and the aquatic habitat in this lower reach of the relic channel was largely lost due to cultivation, the construction of the dam did not result in any loss of aquatic habitat or functionality, nor does it impede any flow in the associated watercourses.

The relic watercourse and wetland areas were rehabilitated, and the biodiversity of the sight was improved. These management measures can thus be seen as adequate.

The following mitigation/rehabilitation measures are however recommended by the aquatic specialist to improve the ecological integrity of the aquatic features at the site:

- Continue to operate dam as is currently being done – limiting volume stored in dam, management of invasive bulrush and enhancing the diversity of indigenous wetland vegetation.
- Rehabilitation of relic channel through further removal of exotic plants and introducing local indigenous plants.
- Limit disturbance in the riparian zone of river, do not use the setback area of 10m from top of bank for stockpiling of materials, remove invasive alien trees from this zone; stabilise watercourse banks through some reshaping and revegetation with suitable indigenous vegetation as advised by a suitably trained botanist/rehabilitation specialist.

The recommended rehabilitation of the watercourse, if implemented properly, would not only improve the ecological functioning of the stream but would also contribute towards the improvement of the larger river system, increase the ecological goods and services it is able to provide such as the attenuation of flows, improvement of water quality, and supply of water. It will also enable the watercourse to be better able to deal with the impacts of climate change such as erosion and higher variability of flow (longer dry periods and high flow conditions).

7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

(a) Please provide a description.

La Dauphine was a working farm when the cottages and storeroom were constructed. The areas where development took place were planted with vineyards/plums/olives and from past aerial imagery, it would appear that large alien trees were located within the footprint of the storeroom. The farm is still operated as an active agricultural unit.

8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("X") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("X") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

10. SOCIO-ECONOMIC CONTEXT

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

According to CityFacts, the population of Franschhoek was 15,217 in 2015, with a median age of the population is 25.8 years. The town has a population density of 3,365/km². The town has seen a significant increase in population over the years, with an increase of 290.9% from 1975 to 2015. Tourism and agriculture are the major drivers of economic growth in Franschhoek.

10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

The socio-economic state of the community did not change because of this development; note that the development is only 3 cottages that sleeps 6 people and a storeroom on an agricultural farm within a popular tourism area.

The development had a positive impact in terms of employment during both the construction and operational phases. Additional tourist accommodation could also assist with a slight increase of tourism to the area, but note that the cottages haven't been used as tourist facilities during the approximate past 2 years.

11. HISTORICAL AND CULTURAL ASPECTS

- (a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50m in length;
- (c) any development or other activity which will change the character of a site-
 - (i) exceeding 5 000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- (d) the re-zoning of a site exceeding 10 000 m² in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

- (b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "3(2) Without limiting the generality of subsection (1), the national estate may include—

- (a) places, buildings, structures and equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites;
- (g) graves and burial grounds, including—
 - (i) ancestral graves;
 - (ii) royal graves and graves of traditional leaders;
 - (iii) graves of victims of conflict;
 - (iv) graves of individuals designated by the Minister by notice in the Gazette;
 - (v) historical graves and cemeteries; and
 - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa;
- (i) movable objects, including—
 - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - (ii) objects to which oral traditions are attached or which are associated with living heritage;
 - (iii) ethnographic art and objects;
 - (iv) military objects;
 - (v) objects of decorative or fine art;
 - (vi) objects of scientific or technological interest; and

(vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO
		UNCERTAIN	
If YES, explain:			
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	NO
		UNCERTAIN	
If YES, explain:			
Was any building or structure older than 60 years affected in any way?		YES	NO
		UNCERTAIN	
If YES, explain:			

Please Note:

If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.

12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

- (a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).
If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

AREA	YES	NO	UNSURE	If "YES": Distance to nearest area (m)
An area within 100m of the high water mark of the sea	YES	NO	UNSURE	
An area within 100m of the high water mark of an estuary/lagoon	YES	NO	UNSURE	
An area within the littoral active zone	YES	NO	UNSURE	
An area in the coastal public property	YES	NO	UNSURE	
Major anthropogenic structures	YES	NO	UNSURE	
An area within a Coastal Protection Zone	YES	NO	UNSURE	
An area seaward of the coastal management line	YES	NO	UNSURE	
An area within the high risk zone (20 years)	YES	NO	UNSURE	
An area within the medium risk zone (50 years)	YES	NO	UNSURE	
An area within the low risk zone (100 years)	YES	NO	UNSURE	
An area below the 5m contour	YES	NO	UNSURE	
An area within 1km from the high water mark of the sea	YES	NO	UNSURE	
A rocky beach	YES	NO	UNSURE	
A sandy beach	YES	NO	UNSURE	

- (b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

13. REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property's existing land use rights?	YES	NO	Please explain
<p>Application is to be made to Stellenbosch Municipality for the required land use rights for the three cottages (nr's 7, 8 and 9). In this regard, a consent use application must be submitted to the Municipality in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023. Said consent use application is to make provision for a tourist accommodation establishment as defined in the zoning scheme.</p>			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
<p>The property falls within rural area and is destined for agricultural and tourism activities, which are both major economic drivers within the Franschhoek region. Activities on the farm is also in line with the surrounding land uses.</p>			
Urban edge / Edge of Built environment for the area	YES	NO	Please explain
<p>Not applicable (the development is on a farm outside of the urban edge)</p>			
Integrated Development Plan of the Local Municipality	YES	NO	Please explain
<p>Stellenbosch Municipality Five-Year Integrated Development Plan (IDP) 2022/27 The IDP guides the spatial development and land use planning of the municipality. The IDP is aligned with the vision, mission, values, and goals of the municipality, and reflects the needs and priorities of the community.</p> <p>Agriculture and tourism are an important economic driver for the area as a whole, and the activities on the La Dauphine farm is therefore in line with the vision and mission of the IDP.</p>			
Spatial Development Framework of the Local Municipality	YES	NO	Please explain
<p>Stellenbosch Municipality Spatial Development Framework, November 2019 The property falls within a rural area and is destined for agricultural and tourism activities. Activities on the farm is also in line with the surrounding land uses.</p>			
Approved Structure Plan of the Municipality	YES	NO	Please explain
<p>A Structure Plan is not available for the Stellenbosch Municipality, however, the La Dauphine development falls within a rural area and is destined for agricultural and tourism activities. Activities on the farm is also in line with the surrounding land uses.</p>			
An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
<p>Development will not impact negatively environmental sensitive features:</p> <ul style="list-style-type: none"> • The development area was used for agricultural activities (vineyards/plums/olives) • The relic watercourse channel adjacent to the cottages was rehabilitated as part of the development (positive impact) • The storeroom has no negative impact on the Franschhoek River. 			
Any other Plans	YES	NO	Please explain

SECTION D: NEED AND DESIRABILITY

Please Note: Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (<http://www.capegateway.gov.za/eadp>).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES	NO	Please explain
<p>The Stellenbosch Municipality, on 31 May 2021, issued a zoning certificate and the zoning of 'Agriculture and Rural Zone' was confirmed for the property.</p> <p>Application is to be made to Stellenbosch Municipality for the required land use rights for the three cottages (nr's 7, 8 and 9). In this regard, a consent use application must be submitted to the Municipality in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023. Said consent use application is to make provision for a tourist accommodation establishment as defined in the zoning scheme.</p>			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
<p>The property falls within rural area and is destined for agricultural and tourism activities, which are both major economic drivers within the Franschhoek region. Activities on the farm is also in line with the surrounding land uses.</p>			
(b) Urban edge / Edge of Built environment for the area	YES	NO	Please explain
<p>Not applicable (the development is on a farm outside of the urban edge)</p>			
(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO	Please explain
<p>Stellenbosch Municipality Five-Year Integrated Development Plan (IDP) 2022/27 The IDP guides the spatial development and land use planning of the municipality. The IDP is aligned with the vision, mission, values, and goals of the municipality, and reflects the needs and priorities of the community.</p> <p>Agriculture and tourism are an important economic driver for the area as a whole, and the activities on the La Dauphine farm is therefore in line with the vision and mission of the IDP.</p> <p>Stellenbosch Municipality Spatial Development Framework, November 2019 The property falls within a rural area and is destined for agricultural and tourism activities. Activities on the farm is also in line with the surrounding land uses.</p>			
(d) Approved Structure Plan of the Municipality	YES	NO	Please explain
<p>A Structure Plan is not available for the Stellenbosch Municipality, however, the La Dauphine development falls within a rural area and is destined for agricultural and tourism activities. Activities on the farm is also in line with the surrounding land uses.</p>			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO	Please explain
<p>Development will not impact negatively environmental sensitive features:</p>			

- The development area was used for agricultural activities (vineyards/plums/olives)
- The relic watercourse channel adjacent to the cottages was rehabilitated as part of the development (positive impact)
- The storeroom has no negative impact on the Franschhoek River

(f) Any other Plans (e.g. Guide Plan)

YES

NO

Please explain

3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?

YES

NO

Please explain

Agriculture infrastructure (the storeroom) was required for the effective operation of the agriculture activities and tourism facilities (3x guest cottages) are common within the Franschhoek rural area. Both these activities are major economic drivers and are supported in the municipal plans.

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?

YES

NO

Please explain

The farm was used for agricultural activities (vineyards/plums/olives) and a storeroom was required for the effective operation of the agriculture activities. The 3x guest cottages were built to be in further support of the tourism accommodation on the farm (6x cottages were already in operation when these were constructed).

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)

YES

NO

Please explain

Agriculture and tourism facilities are common within the Franschhoek region and contributes considerably to employment within the area. The development created job opportunities during both the construction and operational phases of the project.

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.)

YES

NO

Please explain

Existing farm roads were used to access the cottages as well as storeroom. The buildings (cottages and storeroom) had to be serviced with electricity (minimal usage), water (borehole) and sewage (conservancy tanks that are being emptied by private contractors). Municipal confirmation is not required.

The **Report on Provision of Civil Engineering Services** (attached under Appendix M) concluded as follows:

"The report concludes that the required basic civil engineering services, including potable water, sewerage, and solid waste removal, are provided for Portion 2 of Farm La Dauphine No. 1119 in Paarl."

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an

YES

NO

Please explain

appendix, where applicable.)			
Municipal infrastructure is not used and municipal planning is therefore not required.			
8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO	Please explain
9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES	NO	Please explain
The farm is situated within the Franschhoek rural area, which is well-known for its tourist attractions and agricultural activities.			
10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES	NO	Please explain
The activities do not impact negatively on any sensitive natural and/or cultural areas.			
11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)?	YES	NO	Please explain
The activities do not impact negatively on people's health and/or wellbeing. The guest cottages and storeroom are completely in line with the surrounding land uses of the area and does not impact on the visual character and/or sense of place of the farm or the area.			
12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO	Please explain
<p>Opportunity costs are the benefits that are lost or forgone when choosing one alternative over another. In terms of development, opportunity costs can be the value of the resources, time, money, or land that are used for a certain project, instead of being used for another purpose.</p> <p>In the case of the development, the storeroom and three cottages, were constructed whilst being in line with the surrounding land uses and was in support of existing activities on the farm. There are no unacceptable opportunity costs.</p>			
13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
The activities (3x guest cottages and storeroom) did not have a cumulative impact do to the very small and localised size of the activities.			
14. Is/was the development the best practicable environmental option for this land/site?	YES	NO	Please explain
A storeroom was required for the continuation of the existing agricultural activities. The guest cottages were a logical option to enhance the existing tourism activities at that time.			

15. What are/were the benefits to society in general and to the local communities?	Please explain
<p>The activities created jobs during both the construction and operational phases. The storeroom ensured more productive farming. Tourism activities attracted more people to the area.</p>	
16. Any other need and desirability considerations related to the activity?	Please explain
<p>No</p>	
<p>17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:</p>	
<p>The stated objectives of Section 23 are to ensure integrated decision-making and co-operative governance so that NEMA's principles and the general objectives for integrated environmental management of activities can be achieved. The goals are to</p> <ol style="list-style-type: none"> promote the integration of the principles of environmental management set out in section 2 into the making of all decisions which may have a significant effect on the environment; identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management set out in section 2; ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them; ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment; ensure the consideration of environmental attributes in management and decision-making which may have a significant effect on the environment; and identify and employ the modes of environmental management best suited to ensuring that a particular activity is pursued in accordance with the principles of environmental management set out in section 2. <p>For this project the following applies:</p> <ol style="list-style-type: none"> No negative environmental, economic and social impacts are evident because of the developments. Impacts have been described and assessed elsewhere in this report. Mitigation measures have been supplied in order to ensure that all identified impacts are mitigated to acceptable levels. Application is being made to the DEADP for the <i>ex post facto</i> approval of this development. The procedures which were followed during the public participation programme were based on the NEMA EIA Regulations 2014, as amended as well as the Fine Regulations. DEADP will take all information as represented in this report into consideration and may request further information should they feel that further studies/information is required before an informed decision can be made. The mitigation measures as supplied in this report together with the measures as per the Environmental Management Programme are deemed to be the best way to manage anticipated impacts. 	

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

Chapter 2 of NEMA provides a number of principles that decision-makers have to consider when making decisions that may affect the environment, therefore, when a Competent Authority considers granting or refusing environmental authorisation based on an Environmental Impact Assessment, these principles must be taken into account.

The NEMA principles with which this application conforms are described as follows:

1. Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.
2. Development must be socially, environmentally and economically sustainable.
3. Sustainable development requires the consideration of all relevant factors.

The social, economic and environmental impacts that the development of a storeroom and three guest cottages could have had were considered, assessed and evaluated, and informed decision-making by the authority is hereby made possible.

SECTION E: ALTERNATIVES

Please Note: Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (<http://www.capegateway.gov.za/eadp>).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

- (a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management" set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

Please note:

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

La Dauphine Farm is the only farm available to the applicant and property alternatives could not form part of this development.

The storeroom site was selected to have the least impact on the agricultural activities, to be adjacent to an existing farm road and to be easily accessible from the main crop areas.

The position of the three guest cottages were carefully selected to have the least impact on agricultural activities whilst enhancing the experience of the site for visiting tourists. The cottages were constructed adjacent to a relic watercourse channel, wetland and a farm dam. The channel and wetland areas were rehabilitated to enhance the biodiversity of the site and thereby the general experience of the farm.

It can be concluded that the sites selected for the construction of the three guest cottages and storeroom were the best practical option within the boundaries of the farm. Further alternatives will not be assessed.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

A storeroom was required to be in support of the agricultural activities; without this storeroom the effectiveness of the farming operation would be jeopardised.

The three guest cottages were constructed to be in support of the already existing tourism facilities on the farm (six cottages, interior decorating studio and a breakfast room/coffee shop).

These activities were chosen to be in support of- and to enhance - current farming operations and were the best practical options in furtherance of a successful farming business.

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The design of the storeroom was chosen to fulfil specific farming needs (i.e. to store large farming equipment).

The design and layout of the three guest cottages was chosen to make maximum use of the views and to fulfil market need.

The development had very low / insignificant impact on the environment and a change in design or layout wouldn't have had lessened this very low impact further. Design or layout alternatives will not be further assessed.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

Technology alternatives (i.e. different building materials) would not have changed the very low impact of this development and will not be further assessed.

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The storeroom was constructed to be in support of the agricultural activities and will not be used for any other purpose. There are thus no operational alternatives.

The three guest cottages were originally constructed in enhancement of the existing tourism facilities on the farm. At present, these cottages are not being used for any specific purpose. The very low impact these cottages have on the environment will not change whether it is being used for tourism or other type of accommodation.

Operational activities will be further assessed.

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

The impact of the storeroom resulted in limited loss of riparian habitat that was in a degraded condition.

The construction of the cottages is unlikely to have resulted in any significant loss of functional aquatic habitat. The wetland area at the dam and three cottages were rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages.

The refusal of the activity would result in no significant changes to the aquatic ecosystems at the site from the current state, if mitigated to also undertake the rehabilitation measures recommended in EMPr. With mitigation, there would be no significant difference in the ecological condition of the watercourse at the site between removal of the cottages and storeroom and retaining the structures. For both alternatives, the recommended ecological condition of a D category would be achievable with the very likelihood of achieving better ecological integrity (of moderately modified).

The impact of the activities (storeroom and guest cottages) is rated as very low / negligible and the demolishing of these structures will serve no purpose and is definitely not recommended.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

Please note: If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

The following alternatives were investigated:

- Location
 - Storeroom position: Least impact on agricultural activities, adjacent to an existing farm road and easily accessible from the main crop areas.
 - Three guest cottages position: Least impact on agricultural activities whilst enhancing the experience of the site for visiting tourists.
- Type of activity
 - Storeroom: Required to be in support of the agricultural activities.
 - Guest cottages: In support of the already existing tourism facilities on the farm
- Layout / Design
 - Storeroom: Fulfills specific farming needs (i.e. store large farming equipment).
 - Guest cottages: Chosen to maximise views and to fulfil market need.
- Operational aspects of the activity
 - Storeroom: In support of the agricultural activities.
 - Guest cottages: In enhancement of existing tourism facilities on the farm. The very low impact of the cottages will not change whether it is being used for tourism or other type of accommodation.
- The option of not implementing the activity.
 - The refusal of the activity would result in no significant changes to the aquatic ecosystems at the site from the current state, if mitigated to also undertake the rehabilitation measures recommended in EMPr.
 - Refusal of the activity is *not* recommended.

SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:

(a) Geographical and physical aspects:

The development did not impact on the geographical and physical aspects.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	NO
If yes, please describe:		
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES	NO
If yes, please describe:		
Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES	NO
If yes, please describe:		
Please describe the manner in which any other biological aspects were impacted:		
Rehabilitation of the relic watercourse channel and wetland areas is a positive impact; negative impact on the biological features of the farm is very low and negligible.		

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	+R1m
Has/will the activity have contributed to service infrastructure?	YES NO
How many new employment opportunities were/will be created in the construction phase of the activity?	Multiple subcontractors
What was the value of the employment opportunities during the construction phase?	
What percentage of this accrued to previously disadvantaged individuals?	
How was this ensured and monitored (please explain):	
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	Between 4 and 16
What is the current/expected value of the employment opportunities during the first 10 years?	
What percentage of this accrued/will accrue to previously disadvantaged individuals?	
How was/will this be ensured and monitored (please explain):	

Any other information related to the manner in which the socio-economic aspects was/will be impacted:
No

(d) Cultural and historic aspects:

There are no cultural and/or historical aspects that were impacted on.
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2. WASTE AND EMISSIONS**(a) Waste (including effluent) management**

Did the activity produce waste (including rubble) during the construction phase?	YES	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	Unknown m ³	
Normal construction waste would have been generated.		

Does the activity produce waste during its operational phase?	YES	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	Waste generated by the entire farm is 1 m ³ , the waste generated by the storeroom and cottages are very small in volume	

Where and how was/will the waste be treated / disposed of (describe)?		
Waste is being removed by the Stellenbosch Municipality.		
Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority.	YES	NO
Waste generated by the storeroom and three guest cottages are minimal and very small; municipal confirmation is not required. This waste is being removed together with the other waste on the farm by the municipality since the construction dates (between 2010 and 2012).		
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	YES	NO
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility:	YES	NO
Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO
Facility name:		
Contact person:		
Postal address:		
	Postal code:	
Telephone:	Cell:	
E-mail:	Fax:	
Describe the measures that were/will be taken to reduce, reuse or recycle waste:		
The minimal waste generated by the development is recycled with the other waste generated on the farm.		

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO
If yes, does it require approval in terms of relevant legislation?	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		

3. WATER USE

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity did/does/will not use water
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If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month:	
The demand for potable water for the guest cottages and storeroom is calculated at 0.22 kilolitre per day. Total usage on the farm is calculated at 4.4 kl/day.	

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)	
Did/does the activity require a water use permit / license from DWA?	YES NO
If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.	
An integrated water use authorisation is being submitted to address Sections 21(a), 21(b), 21(c) and 21(i) water uses as per the National Water Act.	
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:	
Standard water saving measures are being implemented (the development uses minimal water).	

4. POWER SUPPLY

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

Eskom
If power supply is not available, where will power be sourced from?
Generator

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
LED light bulbs are being used as far as possible (the development uses minimal electricity).

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

None

6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION

Please note:

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
 - Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.
- (a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

Note: Construction took place between 2010 and 2012 and there is no construction phase impact visible on the site.

Impacts on geographical and physical aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impact on biological aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impacts on socio-economic aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	

Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impacts on cultural-historical aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Noise impacts:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Visual impacts / Sense of Place:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

- (b) **Impacts that result from the operational phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.**

Impacts on the geographical and physical aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable	

loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impact on biological, inclusive of aquatic aspects:	
Potential impact:	Aquatic Ecosystem impacts Cottages adjacent to the relic channel Disturbance/modification of aquatic habitat and potential for some water quality impacts
Nature of impact:	Positive
Extent and duration of impact:	Short and long term/permanent
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Partly reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low positive
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	Rehabilitation of relic channel through further removal of exotic plants in the adjacent relic channel and introducing local indigenous plants
Cumulative impact post mitigation:	Low / Very Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low / Very Low to positive

Impact on biological, inclusive of aquatic aspects:	
Potential impact:	Aquatic Ecosystem impacts Storeroom adjacent to Franschoek River Disturbance/modification of aquatic habitat and potential for some water quality impacts
Nature of impact:	Negative
Extent and duration of impact:	Short and long term/permanent
Probability of occurrence:	Highly probable
Degree to which the impact can be reversed:	Partly reversible
Degree to which the impact may cause irreplaceable loss of resources:	Marginal loss
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low negative
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	<ul style="list-style-type: none"> Limit disturbance in the riparian zone Do not use the setback area of 10m from top of bank for stockpiling of materials. Remove invasive alien trees from this zone. Stabilise watercourse banks through some reshaping and revegetation with suitable indigenous vegetation as advised by a suitably trained botanist/rehabilitation specialist.
Cumulative impact post mitigation:	Low / Very Low to positive
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low / Very Low

Impacts on the socio-economic aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impacts on the cultural-historical aspects:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Noise impacts:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Visual impacts / Sense of Place:	
Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

- (c) Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.

It is highly unlikely that the development will be decommissioned. In the unlikely event that this happens, the impacts will be assessed in relation to legislation at that time.

Potential impacts on the geographical and physical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impact on biological aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impacts on the socio-economic aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impacts on the cultural-historical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential noise impacts:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable	

loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential visual impacts:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

(d) Any other impacts:

Nature of impact:	None
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Please note: If any of the above information is not available, specialist input may be requested.

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

Please note: Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (<http://www.capegateway.gov.za/eado>). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

An **Aquatic Biodiversity Assessment** was undertaken by Ms Toni Belcher (attached under Appendix H) and is summarised in Section 6 of this report.

The study concluded as follows:

An **impact of very low to negligible significance** to the associated aquatic ecosystems is likely to have been associated with the works undertaken. The risk assessment determined that the works undertaken have a **low or positive** impact during all phases.

The following mitigation/rehabilitation measures are recommended to improve the ecological integrity of the aquatic features at the site:

- Continue to operate dam as is currently being done – limiting volume stored in dam, management of invasive bulrush and enhancing the diversity of indigenous wetland vegetation.
- Rehabilitation of relic channel through further removal of exotic plants and introducing local indigenous plants.
- Franschhoek River
 - Limit disturbance in the riparian zone
 - Do not use the setback area of 10m from top of bank for stockpiling of materials.
 - Remove invasive alien trees from this zone.
 - Stabilise watercourse banks through some reshaping and revegetation with suitable indigenous vegetation as advised by a suitably trained botanist/rehabilitation specialist.

The recommended rehabilitation of the watercourse, if implemented properly, would not only improve the ecological functioning of the stream but would also contribute towards the improvement of the larger river system, increase the ecological goods and services it is able to provide such as the attenuation of flows, improvement of water quality, and supply of water. It will also enable the watercourse to be better able to deal with the impacts of climate change such as erosion and higher variability of flow (longer dry periods and high flow conditions).

8. IMPACT ASSESSMENT SUMMARY

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
<p>Biological, inclusive of aquatic, impact</p> <p>The relic watercourse channel and wetlands areas were rehabilitated and further mitigation is recommended. Impact on the Franschhoek River will also be positive after rehabilitation has been applied.</p>	<p>Positive (Franschhoek River) Moderate positive (relic watercourse)</p>

9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

From historic images, it can be seen that little remained of the watercourse habitat within the original channel already more than 80 years ago. The construction of the cottages is unlikely to have resulted in any significant loss of functional aquatic habitat. The wetland area at the dam and three cottages was rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages. The cottages are located in previously cultivated areas on the top of bank approximately 6m from the channel. **They thus also did not result in any loss of remnant riparian vegetation associated with the relic**

watercourse.

The storeroom is located approximately 10m to 15m from the top of bank of the Franschhoek River. From past aerial imagery, it would appear that large alien trees were located within the footprint of the store. The river channel at the storeroom is deeply incised with eroded banks that mostly contain exotic tree species. Some indigenous riparian trees occur as well as some riverbed grass within the channel. The 1 in 100 year flood line is well within the deeply eroded channel. **It is thus likely that the construction of the storeroom did not result in any loss of aquatic habitat or functionality.**

Given the above assessment, an impact of very low to negligible significance is likely to have been associated with the works undertaken.

10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

None

(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

Fully able with support from the land Owners.

Please note: A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES

(a) Please describe adequacy of the assessment methods used.

The assessment criteria (see below) are drawn from the EIA Regulations, 2014 as amended, in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) and the latest basic assessment report template provided by the DEADP and the DEADP Guidelines for involving Biodiversity Specialists in EIA Processes, 2005.

(b) Please describe the assessment criteria used.

Nature of the impact: This is an appraisal of the type of effect (positive or negative) the construction, operation and maintenance of a development would have on the affected environment. This description should include what is to be affected.

Extent of the impact: Extent defines the physical extent or spatial scale of the impact. The impact could:

- **Site specific:** limited to the site.
- **Local:** limited to the site and the immediate surrounding area (1-10km)
- **Regional:** covers an area that includes an entire geographic region or extends beyond one region to another.
- **National:** across national boundaries and may have national implications.

Duration of the impact: The specialist should indicate whether the lifespan of the impact would be:

- **Short term:** 0-5 years.
- **Medium term:** 5-15 years.
- **Long term:** beyond the operational phase, but not permanently).
- **Permanent:** where mitigation either by natural processes or by human intervention will not occur in such a way or in such time span that the impact can be considered transient.

Consequence of Impact: Indicate how the activity will affect the environment.

Probability of occurrence: Probability describes the likelihood of the impact occurring. The likelihood can be described as:

- **Improbable/unlikely:** low likelihood of the impact occurring.
- **Probable:** distinct possibility the impact will occur.
- **Highly probable:** most likely that the impact will occur.
- **Definite:** impact will occur regardless of any prevention measures.

Irreplaceable loss of resources: Describes the degree to which resources will be irreplaceably lost due to the proposed activity. It can be **no loss of resources**, **marginal loss**, **significant loss** or **complete loss of resources**.

Reversibility: This refers to the degree to which an impact can be reversed.

- **Fully reversible:** where the impact can be completely reversed.
- **Partly reversible:** where the impact can be partially reversed.
- **Irreversible:** where the impact is permanent.

Cumulative impact: An effect which in itself may not be significant but may become significant if added to other existing or potential impacts that may result from activities associated with the proposed development. Cumulative impacts prior to and post mitigation must be assessed. The cumulative effect can be:

- **Negligible:** the impact would result in negligible to no cumulative effect.
- **Low:** the impact would result in insignificant cumulative effects.
- **Medium:** the impact would result in minor cumulative effects.
- **High:** the impact would result in significant cumulative effects.

Degree to which an impact can be mitigated: This indicates the degree to which an impact can be reduced. The degree of mitigation can either be **high** (the impact can be **fully** mitigated), **moderate** (the impact can be **partly mitigated**) or **not mitigated at all**.

Significance: Based on a synthesis of the information contained in the above-described procedure, the significance of the potential impacts can be assessed (prior and post mitigation) in terms of the following significance criteria:

- **No impact.**
- **Low negative:** where it would have negligible effects and would require little or no mitigation.
- **Low positive:** the impact will have minor positive effects.
- **Medium negative:** the impact will have moderate negative effects and will require moderate mitigation.
- **Medium positive:** the impact will have moderate positive effects.
- **High negative:** the impact will have significant effects and will require significant mitigation measures to achieve an accepted level of impact.
- **High positive:** the impact will have significant positive effects.
- **Very high negative:** the impact will have highly significant effects and are unlikely to be able to be mitigated adequately.
- **Highly positive:** the impact will have highly significant positive effects

(c) Please describe the gaps in knowledge.

Applicable and relevant specialist and engineering studies were undertaken and it is unlikely that any missing information could influence the outcome of this project.

(d) Please describe the underlying assumptions.

- It is assumed that all documentation and information obtained from the different stakeholders, professional team members, specialists and client are accurate, unbiased and valid.
- It is assumed that the applicant will follow the mitigation measures as proposed in the report and that the EMPr will be implemented at all times.

(e) Please describe the uncertainties.

The development in relation to its environment was thoroughly investigated by the aquatic specialist and professionals and there are therefore no uncertainties with regards to the development as constructed.

SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	YES	NO
If "NO", list the aspects that should be further assessed through additional specialist input/assessment:		
If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:		
Applicant should be directed to cease the activity:	YES	NO
Please provide reasons for your opinion		
<p>The impact of the storeroom resulted in limited loss of riparian habitat that was in a degraded condition.</p> <p>The construction of the cottages is unlikely to have resulted in any significant loss of functional aquatic habitat. The wetland area at the dam and three cottages were rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages.</p> <p>The refusal of the activity would result in no significant changes to the aquatic ecosystems at the site from the current state, if mitigated to also undertake the rehabilitation measures recommended in EMPr. With mitigation, there would be no significant difference in the ecological condition of the watercourse at the site between removal of the cottages and storeroom and retaining the structures. For both alternatives, the recommended ecological condition of a D category would be achievable with the very likelihood of achieving better ecological integrity (of moderately modified).</p> <p>The impact of the activities (storeroom and guest cottages) is rated as very low and the implementation of mitigation as per this report will further enhance the positive nature of this development.</p> <p>The storeroom forms an integral part to the successful functioning of the agricultural activities on the farm and the guest cottages are in support of the existing tourism facilities. The demolishing of these structures will serve no purpose and is definitely not recommended.</p>		
If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.		
<p>The activities should be authorised, and the following mitigation should be considered to be included in the authorisation:</p> <ul style="list-style-type: none"> • Continue to operate dam as is currently being done – limiting volume stored in dam, management of invasive bulrush and enhancing the diversity of indigenous wetland vegetation. • Rehabilitation of relic channel through further removal of exotic plants and introducing local indigenous plants. • Franschoek River <ul style="list-style-type: none"> ○ Limit disturbance in the riparian zone ○ Do not use the setback area of 10m from top of bank for stockpiling of materials. ○ Remove invasive alien trees from this zone. ○ Stabilise watercourse banks through some reshaping and revegetation with suitable indigenous vegetation as advised by a suitably trained botanist/rehabilitation specialist. 		

SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that were taken in response to the incident or emergency situation.

Not applicable

Please note:

Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to be followed in the case of emergency situations.

SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

"The applicant must place a preliminary advertisement in-
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
(3) The applicant must open and maintain of a register of interested and affected parties.
(4) The register must be attached to the application form and included in the report , or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of- (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application; (b) all persons who have requested the applicant, in writing, to place their names on the register; and (c) all organs of state that have jurisdiction in respect of the activity to which application relates."

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.

As per agreement during the pre-application meeting held with the DEADP (minutes attached under Appendix M), the following actions are being taken prior to the submission of the Application Form for approval/refusal of the project (note that proof thereof will be provided in the Application Form which will be submitted to the DEADP for approval/refusal of this 24G application):

1. Complete the Application Form (which is the EIA Report) (this document) and EMPr.
2. Advertise the project, as well as the availability of the Application Form / EIR Report and EMPr, for a 30-day commenting period:
 - a. One local newspaper
 - b. Onsite notice
 - c. Emails to all on the IAP Register
3. The IAP Register must be compiled in terms of the stipulations in the 2014 EIA Regulations, as amended.
4. The Application Form / EIR Report and EMPr will also be made available to the DEADP for *comment* and *will not* be the official application.

Please indicate whether the applicant has a website (please tick relevant box):

YES

NO

If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.

Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.

1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014 -			
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -			
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES	DEVIATION	
(ii) any alternative site	YES	DEVIATION	
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to -			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	DEVIATION	
(vi) any other party as required by the Department;	YES	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES	DEVIATION	
(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	N/A
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. Provide a list of all the state departments that has been / will be consulted:		
List of State Depts.	Comment obtained (YES/NO)	If not, provide reasons
Department of Agriculture CapeNature DWS Berg-Olifants Water Management Area	No	The Pre-Application Application Form / EIA Report (this document) is now being distributed for public comment. Comment received will be included in the Application Form to be submitted to the DEADP for approval/refusal of the development.
Heritage Western Cape will be approach for comment, even though the Heritage Act is not triggered		

2. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed.
(The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)

To be provided in the Application Form to be submitted to the DEADP for approval/refusal of the development.

3. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.

To be provided in the Application Form to be submitted to the DEADP for approval/refusal of the development.

Please note:

- A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.
- All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.
- The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.
- Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.

2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.

All the requirements as per Regulation 41 will be complied with.

3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.			
State Department	Name of person	Contact details	
Department of Agriculture	Land Use Management: Mr Cor van der Walt and Mr Brandon Layman	Tel	021 808 5111
		Fax	
		E-mail	CorvdW@elsenburg.com
			brandonl@elsenburg.com

DWS	Mr Darrel Daniels	Tel	021 941 6189 082 370 3556
		Fax	
		E-mail	DanielsD@dws.gov.za
		Fax	
		E-mail	

Cape Nature: Assegaaibosch, Jonkershoek: The Manager Land Use Advice: Scientific Services: Mr Patrick Shone	Mr Patrick Shone	Tel	021 866 8000 087 087 8029 082 727 2691
		Fax	
		E-mail	pshone@capenature.co.za

Heritage Western Cape will be approach for comment, even though the Heritage Act is not triggered.	The CEP: Mr Michael Janse van Rensburg	Tel	021 483 9729
		Fax	
		E-mail	hwc.hwc@westerncape.gov.za ceoheritage@westerncape.gov.za

Winelands District Municipality	The Municipal Manager: Mr Henri Prins	Tel	086 126 5263
		E-mail	mm@capewinelands.gov.za

Stellenbosch Municipality	The Municipal Manager: Geraldine Mettler	Tel	021 808 8111
		E-mail	Geraldine.Mettler@stellenbosch.gov.za

Stellenbosch Municipality	Community Services: The Director: Mr Gary Boshoff	Tel	021 808 8437
		E-mail	Gary.Boshoff@stellenbosch.gov.za

Stellenbosch Municipality	Community & Protection Services: Environmental Planner: Schalk van der Merwe	Tel	21 808 8679
		E-mail	Schalk.VanderMerwe@stellenbosch.gov.za

Stellenbosch Municipality	Councillor for Ward 1: Mr Reginald Cheiffer	Tel	021 808 8111
		E-mail	Reginald.Cheiffer@stellenbosch.gov.za

Please note:

A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	immediately cease the activity pending a decision on the application submitted in terms of this subsection As explained in this Application Form / EIA Report, refusal of the activities is not recommended
ii	investigate, evaluate and assess the impact of the activity on the environment This information is provided in this Application Form / EIA Report
iii	remedy any adverse effects of the activity on the environment
iv	cease, modify or control any act, activity, process or omission causing pollution or environmental degradation
v	contain or prevent the movement of pollution or degradation of the environment
vi	eliminate any source of pollution or degradation
vii	compile a report containing- This Application Form / EIA Report complies to these requirements
	aa a description of the need and desirability of the activity
	bb an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity
	cc a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity
	dd a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed
	ee an environmental management programme
viii	provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

Please Note:

Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.

The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?	YES	NO	UNCERTAIN
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?	YES	NO	UNCERTAIN
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.			
Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA <u>in terms of which this application directly relates?</u>	YES	NO	UNCERTAIN
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.			

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES

Index	Socio Economic Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	X
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
Motivation:		
The storeroom and three guest cottages are in support of agricultural activities and existing tourism facilities on the farm. This infrastructure is in line with the land uses of the surrounding area. Agriculture and tourism are two of the major economic drivers within the macro area and the development as discussed in this report is in support of these drivers.		

Index	Biodiversity Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	X
	The activity is giving, has given or could give rise to localised biodiversity impacts	
	The activity is giving, has given or could give rise to significant biodiversity impacts	
	The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
Motivation:		
From historic images, it can be seen that little remained of the watercourse habitat within the original channel already more than 80 years ago. The construction of the cottages is unlikely to have resulted in any significant loss of functional aquatic habitat. The wetland area at the dam and three cottages was rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages.		

The cottages are located in previously cultivated areas on the top of bank approximately 6m from the channel. **They thus also did not result in any loss of remnant riparian vegetation associated with the relic watercourse.**

The storeroom is located approximately 10m to 15m from the top of bank of the Franschhoek River. From past aerial imagery, it would appear that large alien trees were located within the footprint of the store. The river channel at the storeroom is deeply incised with eroded banks that mostly contain exotic tree species. Some indigenous riparian trees occur as well as some riverbed grass within the channel. The 1 in 100 year flood line is well within the deeply eroded channel. **It is thus likely that the construction of the storeroom did not result in any loss of aquatic habitat or functionality.**

Given the above assessment, an impact of very low to negligible significance is likely to have been associated with the works undertaken.

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	X
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
Motivation:		
The guest cottages and storeroom are completely in line with the surrounding land uses as well as the macro area and does not impact negatively on the sense of place on the farm or in the wider area. Impact on heritage resources is highly unlikely.		

Index	Pollution Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any pollution	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
Motivation:		
The storeroom and three guest cottages generate normal domestic waste of minimal volumes, does not generate any air emissions, effluent is minimal and are well managed via conservancy tanks. There is very little / no pollution impact.		

PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

Index	Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable		
	Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	
	Administrative action was not previously taken against the applicant in respect of the abovementioned provisions.	X
Explanation of all previous administrative action taken in respect of the above:		

Index	Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable		
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	X
Explanation of all previous convictions in respect of the above:		

Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
Description of variable		
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	X
Explanation in respect of all previous applications submitted in terms of section 24G:		

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

Index	Applicant's legal persona	Place an "x" in the appropriate box
Description of variable		
	The applicant is a natural person.	
	The applicant is a firm.	X
	Describe the firm: The firm is a Propriety Limited	

Index	Any other relevant information that the applicant would like to be considered.
	Motivate and explain fully:

NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.

The activities under investigation (storeroom and three guest cottages) were constructed between 2010 and 2012; long before the Applicant bought the farm in 2016.

The Applicant was not aware, and was not made aware, of the possibility that the activities may have been constructed unlawfully.

The Applicant sold the property to Inheemshoek (Pty) Ltd which insisted that applicable professional persons must investigate all activities on the farm and comment on the lawful / unlawful developments. This 24G Application is a result of these investigative studies.

SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

NOTE: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

PART 3 - APPENDICES

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	✓
Appendix B:	Site plan(s)	✓
Appendix C:	Building plans (if applicable)	X
Appendix D:	Colour photographs	✓
Appendix E:	Biodiversity overlay map	✓
Appendix F:	Permit(s) / license(s) from any other organ of state including service letters from the municipality	X
Appendix G:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Landowner consent and any other public participation information as required in Section J above.	✓
Appendix H:	Specialist Report <ul style="list-style-type: none"> Aquatic Specialist Assessment 	✓
Appendix I:	Environmental Management Programme	✓
Appendix J:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	X
Appendix K:	Certified copy of Identity Document of Applicant	X
Appendix L:	Certified copy of the title deed (or title deeds in the case of linear activities)	X
Appendix M:	Any Other (if applicable) (describe) <ul style="list-style-type: none"> Ma - Ex Post Facto Approval, dated 30 June 2006 Mb - Pre-application meeting minutes Mc - Engineering Services Report Md - Town Planning Assessment Report Me - Landowner Consent Mf - Written Resolution 	✓

Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

Annexures for waste listed activity/ies supporting information		Tick the box if Annexure is attached
Annexure 1	Waste listed activities supporting information (as in prescribed attached form)	
Other	(please list accordingly)	

NEMA SECTION 24G APPLICATION

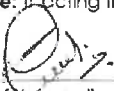
DECLARATIONS**THE APPLICANT**

Note: Duplicate this section where there is more than one applicant

- I J Enslin as a duly authorised Representative (state capacity) authorized by Mongwawane Pty Ltd thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:
- am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations to act as the independent Environmental Assessment Practitioner for this application;
- have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- am aware that I may be issued with a directive and that I must comply with such a directive;
- am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
- will be responsible for the costs incurred in complying with the environmental legislation including but not limited to –
 - o costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations;
 - o costs incurred in respect of the undertaking of any process required in terms of this application;
 - o costs in respect of any prescribed fee payable in respect of this application;
 - o costs in respect of specialist reviews, if the competent authority decides to recover costs;
 - o the provision of security to ensure compliance with the applicable management and mitigation measures; and
 - o fine costs
- am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
- have the ability to implement the applicable management, mitigation and monitoring measures; and
- hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.

am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014 {

Please Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.



Signature of the applicant:

J Enslin

Name:

Mongwawane (Pty) Ltd

Name of Firm (if applicable):

07/05/2024

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I ...[Susanna Nel](#)..., as the appointed independent environmental practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this application to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and the relevant specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the EIA Regulations, the NEM:WA and any specific environmental management Act(s);
- am able to meet the responsibilities in terms of NEMA, the EIA Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations

Note: The terms of reference must be attached.



Signature of the environmental assessment practitioner:

[Landscape Dynamics Environmental Consultants \(Pty\) Ltd](#)

Name of company:

[25 January 2024](#)

Date:

PART 4 -**ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)****1. WASTE QUANTITIES**

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

Note: In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)

Source of information supplied in the table above Mark with an "X"

Determined from volumes

Determined with weighbridge/scale

Estimated

1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
		Tons/ Month	M ³ / Month	Method & Location	Method & Location and Contractor details	

2. GENERAL

Prevailing wind direction (e.g. NWW)

November – April

May - October

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

LANDFILL PARAMETERS (If applicable)

The method of disposal of waste:

Land-building ☐Land-filling ☐Both ☐**The dimensions of the disposal site in metres**

	At commencement	After rehabilitation

The total volume for the disposal of waste on the site:

Volume Available	Mark with "X"	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100-34 999		
35 000- 3,5 million		
>3,5 million		

The total volume already used for waste disposal on the site:

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	No	No

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

The Salvage method

Mark with an "X" the method to be used.

At source

Recycling installation

Formal salvaging

Contractor

No salvaging planned

Fatal flaws for the site:

Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No
Within 100 m of the source of surface water	Yes	No
Within 1km from the wetland	Yes	No

Indicate the distance to the boundary of the nearest residential area

Indicate the distance to the boundary of the industrial area

metres

metres

Wettest six months of the year

November- April

May -October

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	Total rainfall for 6 months	Total rainfall for 6 months
For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

Location and depth of ground water monitoring boreholes:

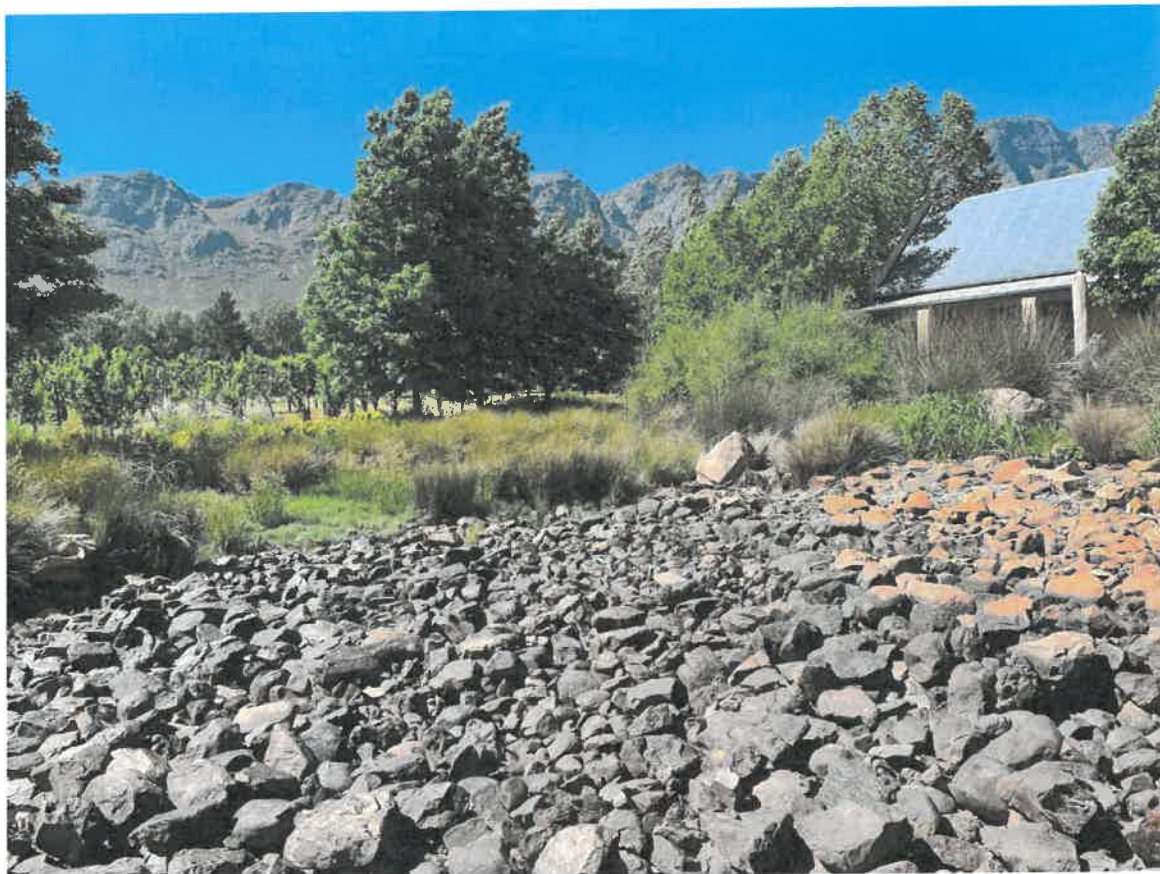
Codes of the boreholes	Borehole locality	Depth (m)	Latitude	Longitude
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "

Location and depth of landfill gas monitoring test pit:

Codes of the boreholes	Borehole locality	Latitude	Longitude
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "

AQUATIC BIODIVERSITY ASSESSMENT FOR PORTION 2 OF FARM LA DAUPHINE 1119 IN FRANSCHHOEK

JANUARY 2024



Prepared By:

Ms. Toni Belcher (*Pr. Sci. Nat. 400040/10*)

Tel: 082 883 8055

Email: toni@bluescience.co.za

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1. SPECIALIST DETAILS, EXPERTISE AND DECLARATION

1.1. BACKGROUND AND QUALIFICATIONS OF SPECIALIST CONSULTANT

Name: Antonia Belcher

Contact details: 53 Dummer St, Somerset West, 7130; Phone: 082 883 8055; Email: toni@bluescience.co.za

Profession: Aquatic Scientist (P. Sci. Nat. 400040/10)

Fields of Expertise: Specialist in freshwater assessments, monitoring and reporting

Years in Profession: 30+ years

Toni Belcher worked for the Department of Water Affairs and Forestry for more than 17 years. During this period she worked for the Directorate Water Quality Management, the Institute for Water Quality Studies and the Western Cape Regional Office and has built up a wide skills base on water resource management and water resource quality for rivers, estuaries and the coastal marine environment. Since leaving the Department in 2007, she has been working in her private capacity and was co-owner of BlueScience (Pty) Ltd, working in the field of water resource management and has been involved in more than 500 aquatic ecosystem assessments for environmental impact assessment and water use authorisation purposes. In 2006 she was awarded a Woman in Water award for Environmental Education and was a runner up for the Woman in Water prize for Water Research.

Professional Qualifications:

1984 Matriculation Lawson Brown High School

1987 B.Sc. – Mathematics, Applied Mathematics University of Port Elizabeth

1989 B.Sc. (Hons) – Oceanography University of Port Elizabeth

1998 M.Sc. – Environmental Management (*cum laude*) Potchefstroom University

Key Skills:

Areas of specialisation: Aquatic ecosystem assessments, Monitoring and evaluation of water resources, Water resource legislation and authorisations, River classification and Resource Quality Objectives, River Reserve determination and implementation, Water Quality Assessments, Biomonitoring, River and Wetland Rehabilitation Plans, Catchment management, River maintenance management, Water education.

Summary of Experience:

1987 – 1988	Part-time field researcher, Department of Oceanography, University of Port Elizabeth
1989 – 1990	Mathematics tutor and administrator, Master Maths, Randburg and Braamfontein Colleges, Johannesburg
1991 – 1995	Water Pollution Control Officer, Water Quality Management, Department of Water Affairs, Pretoria
1995 – 1999	Hydrologist and Assistant Director, Institute for Water Quality Studies, Department of Water Affairs and Forestry, Pretoria
1999 – 2007	Assistant and Deputy Director, Water Resource Protection, Western Cape Regional Office, Department of Water Affairs, Cape Town
2007 – 2012	Self-employed – Aquatic Specialist
2013 – 2020	Senior Aquatic Specialist and part owner, BlueScience
2020 – present	Self-employed – Aquatic Specialist

1.2. DECLARATION OF INDEPENDENCE

I, Antonia Belcher, as the appointed Specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
 - other than fair remuneration for work performed in terms of this application, have no business, financial, personal or other interest in the development proposal or application and that there are no circumstances that may compromise my objectivity; or
 - ~~am not independent, but another specialist (the "Review Specialist") that meets the general requirements set out in Regulation 13 has been appointed to review my work (Note: a declaration by the review specialist must be submitted);~~
- in terms of the remainder of the general requirements for a specialist, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant, the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
- have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
- have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

Signature of the Specialist:



Name of Company:

-

Date:

18 January 2024

2. INTRODUCTION

2.1. BACKGROUND

A NEMA Section 24G application is being undertaken for alleged unlawful activities that have been undertaken on Portion 2 of Farm 1119, Paarl Region District (Figure 1). The site is located outside the urban edge of Franschhoek and falls within the jurisdiction of the Stellenbosch Municipality. The Franschhoek Tributary of the Berg River flows along the southern and eastern boundaries of the property. This aquatic specialist assessment report provides an assessment of the potential aquatic ecosystem impacts of the works undertaken near the watercourses/wetlands on site and provides recommended rehabilitation or mitigation measures.

Table 1. Key information related to the water resources which may be impacted by the proposed activities

Descriptor	Name / details	Notes
Water Management Area (WMA)	Berg-Olifants WMA	
River/Catchment	Franschhoek River	Tributary in the upper Berg River System
Quaternary Catchment	G10A	
Present Ecological State	D (Largely Modified)	DWAf (2012) (for the Franschhoek River)
Ecological Importance and Sensitivity	Ecological Importance – Moderate Ecological Sensitivity – High	
Latitude	33°55'39.11"S	Location of the entrance to the property
Longitude	19° 7'5.25"E	

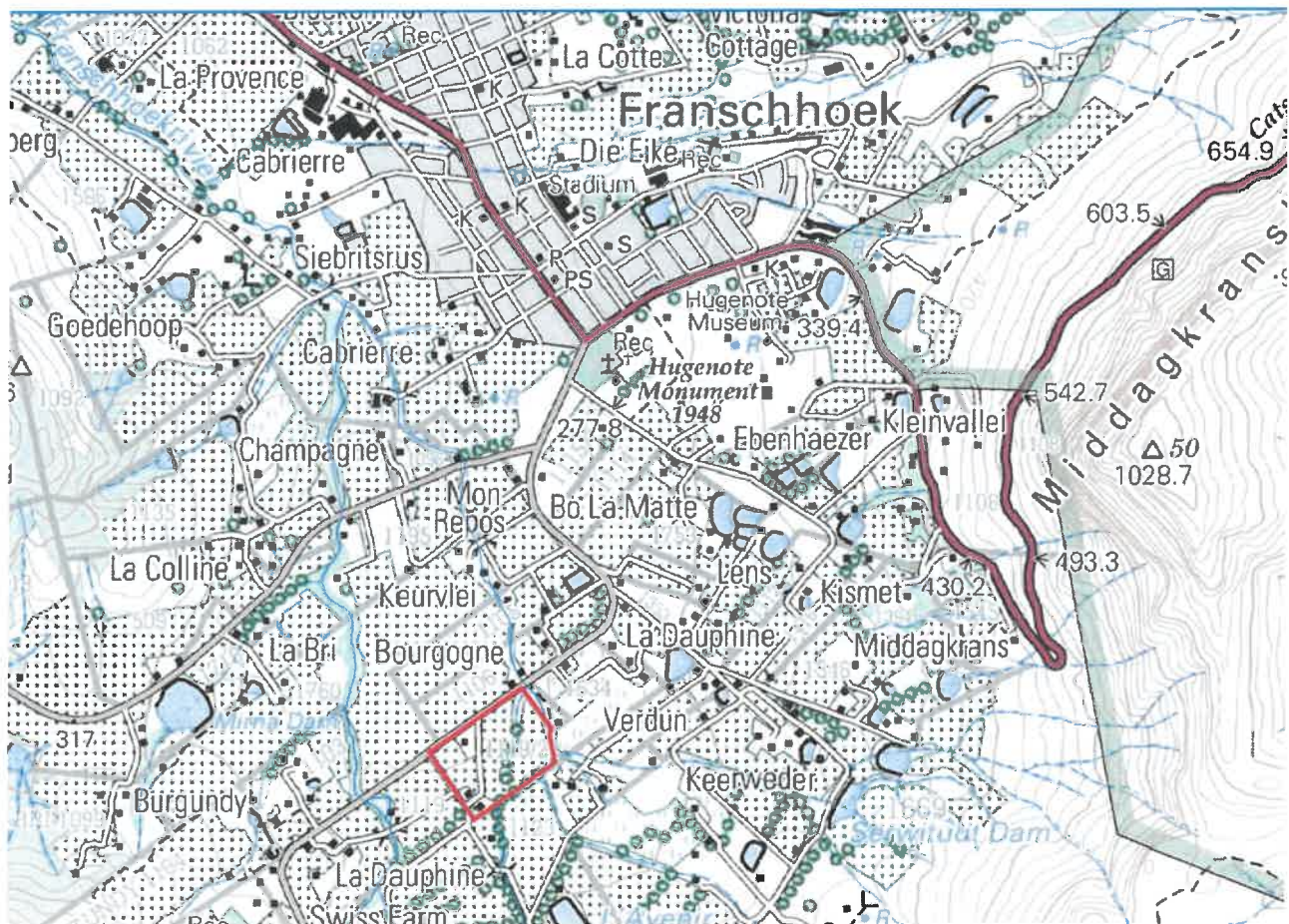


Figure 1. A topographical map of the study area, indicating the locality of the site (red polygon)

2.2 SCREENING TOOL FOR AQUATIC BIODIVERSITY SENSITIVITY

The DFFE Screening Tool indicates the wider area at the site as being of very high Aquatic Biodiversity Combined Sensitivity (Figure 2). This is linked with a Strategic Water Source Area for Surface Water (Boland) occurring in the wider area upper catchment of the Berg River. The very high sensitivity is also associated with aquatic Critical Biodiversity Areas occurring in the larger Franschhoek River where there are instream wetland areas on adjacent properties. This is assessed further in the report. The activities undertaken are unlikely to impact the Strategic Water Source Area.

MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
X			

Sensitivity Features:

Sensitivity	Feature(s)
Very High	CBA 1: Aquatic
Very High	Rivers_D
Very High	SWSA (SW)_Boland

Figure 2. DFFE Screening Tool mapping for the site for Aquatic Biodiversity Combined Sensitivity

2.3. TERMS OF REFERENCE

The agreed upon scope of work for this report was as follows:

Undertake a Aquatic Specialist Assessment that includes the following:

1. *Literature review and assessment of existing aquatic ecosystem information:* Conduct a review of existing studies, reports and data for the area.
2. *Site Assessment of activities undertaken (guest cottages and storeroom) and the associated aquatic ecosystems:* Undertake a site assessment of the watercourses and wetland areas within 500 m of the activities within the site. The assessment will include:
 - Identification and detailed delineation of the aquatic features;
 - In-situ assessment of the ecological condition; using river and wetland health assessment methodologies as applicable to determine the overall ecostatus of the streams;
 - Identification of any aquatic habitat areas and or aquatic biota within the area assessed that are of high biodiversity conservation importance and sensitivity that could potentially be affected by the development activities; and
 - Any other aspects as spelled out in the Terms of Reference for this specialist freshwater investigation.
3. *Ecological characteristic description:* Based on the data and information collected in the preliminary assessment, describe the ecological characteristics of the aquatic ecosystems, their present ecological status, ecological importance and sensitivity and recommended ecological condition.
4. *Compilation of Aquatic Specialist Report:* Compile an Aquatic Specialist Impact Assessment Report that comprises an assessment of the activities undertaken and their potential impacts on the adjacent aquatic ecosystems' condition and functioning. Provide rehabilitation or mitigation measures to minimise any possible impacts that have been identified.
5. Undertake a DWS Risk Assessment and consider other water use activities on the property to inform a water use authorisation process for the site.

2.4. METHODOLOGY AND LIMITATIONS OF THE STUDY

Input into this report was informed by a combination of desktop assessments of existing freshwater ecosystem information for the study area and catchment, as well as a site visit on 8 November 2023, at the start of the end of a wetter than usual winter rainfall period. The timing of the site visit for delineating and assessing aquatic features was considered suitable. Past imagery of the site was consulted to determine past land use and modification activities that have taken place within the site.

The DFFE Screening Tool, SANBI Biodiversity GIS, Cape Farm Mapper and Freshwater Biodiversity Information System websites were consulted to identify any constraints in terms of fine-scale biodiversity conservation mapping as well as possible freshwater features mapped in the Freshwater Ecosystem Priority Areas maps. This information/data was used to inform the resource protection-related recommendations.

Limitations and uncertainties often exist within the various techniques adopted to assess the condition of ecosystems. The following techniques and methodologies were utilized to undertake this study:

- Analysis of the freshwater ecosystems was undertaken at a rapid level and did not involve detailed habitat and biota assessments.
- The guideline document, “A Practical Field Procedure for the Identification and Delineation of Wetlands and Riparian Areas” document, as published by DWAF (2005) was followed for the delineation of the wetland areas. According to the delineation procedure, the wetlands were delineated by considering the following wetland indicators: terrain unit indicator; Soil form indicator; Soil wetness indicator; and vegetation indicator.
- Recommendations are made with respect to the setback line for the development site, based on the aquatic ecosystem functioning and site characteristics.

The level of aquatic assessment was considered to be adequate for this study.

2.5. USE OF THIS REPORT

This report reflects the professional judgment of its author. The full and unedited content of this should be presented to the client. Any summary of these findings should only be produced in consultation with the author.

3. DESCRIPTION OF THE SITE

3.1 BASELINE CHARACTERISTICS

The study area is located within the Franschhoek Valley, at the base of the north-western facing slopes of the Franschhoek Mountains (Figure 4). Drainage off the surrounding slopes comprises many small streams that flow north-westwards to form the mainstem of the Franschhoek River. The Franschhoek River then flows north-westwards to join the Berg River downstream of the Berg River Dam.

The elevation of the property drops approximately 8m from its southern (288m above mean sea level) to northern (280 m above mean sea level) boundaries over a distance along the river that drains along the boundary of the property of 420m. The average slope of the river at the site is 0.2% which is relatively flat. Upstream of the site, the slope of the river increases significantly as it flows off the mountainside.



Figure 3. Elevation profile for the site, as shown along the watercourse along the property's southern and eastern boundary (note the orientation of the Google Earth image has been adjusted to align the watercourse course with the profile).

Franschhoek has a Mediterranean climate with high temperatures and low rainfall during summer (Figure 4). July represents the mid-winter month and has an average rainfall of 153mm. Evaporative losses are thus much higher in summer than in winter. Higher runoff events in the watercourses in the area thus occur in July and August while during the months of December to March, there is little to no flow in the streams (Figure 5).

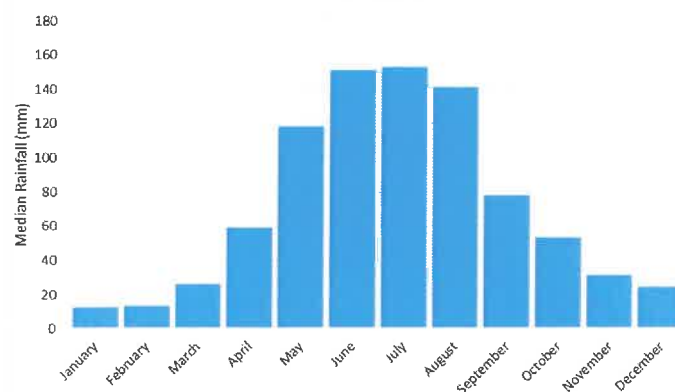


Figure 4. Average rainfall graph for the area between 1950 and 2000 (SA Atlas of Climatology and Agrohydrology - R.E. Schulze, 2009)

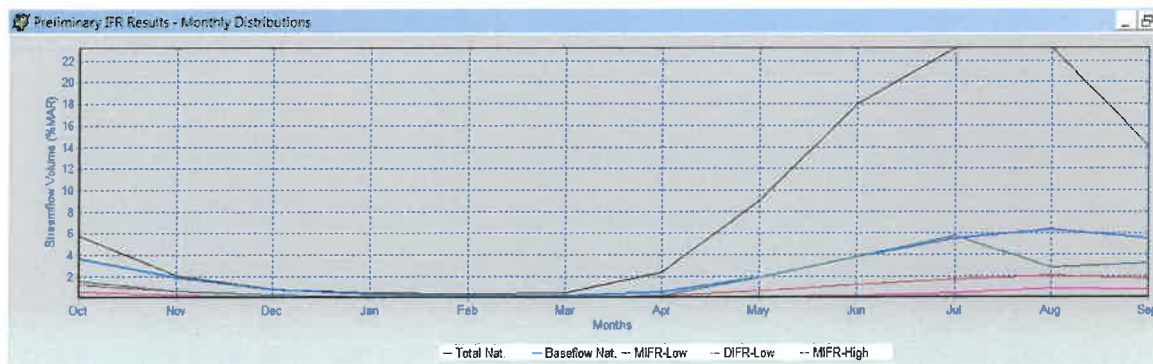


Figure 5: Flow distribution curve for the watercourses in the area where the black line indicates the natural flow distribution, and the green line indicates the groundwater contribution to the baseflow in the stream. The blue, red and pink lines indicate the high, low and drought flow distribution required to maintain the stream in a moderately modified ecological state.

The underlying geology comprises colluvial and alluvial sand on granite of the Stellenbosch Pluton, Cape Granite Suite and quartzite, conglomerate, slate and phyllite of the Franschhoek Formation, Malmesbury Group. The soils are primarily Glenrosa and/or Mispah forms, with lime rare or absent in the entire landscape. These soils have a sandy texture, leached and with a subsurface accumulation of organic matter, iron and aluminium oxides, either deep or on a hard or weathering rock. These soils are often associated with wetland formation.

The site has been subject to a long history of agricultural activities such that the natural vegetation cover has mostly been transformed and now comprises mostly a transformed vegetation cover of landscaped and cultivated areas. Under natural conditions, the cover vegetation would have comprised Swartland Alluvium Fynbos, an Endangered vegetation type.

Drainage across the site is from the hillslopes in the south towards the Franschhoek River in the north. Due to past agricultural activities upstream of and within the site, the drainage in the system is highly modified. Historically the Franschhoek River crossed the site but has been diverted along the border of the property. Most of the water is also taken out of the river for irrigation. The diverted watercourse is in a degraded condition and overgrown with primarily alien trees such as *Populus* spp., oaks (*Quercus* spp.) and pine trees (*Pinus* sp.). The large dam within the property was constructed within the original channel of the river that is no longer linked with the watercourse but appears to still receive some sub-surface flow that supports wetland habitat within the relic watercourse channel. There is another small off-channel dam and a third small, created water feature or pond within the site that is fed from groundwater. The mapped features mentioned above are shown in Figure 6. Images of these features are shown in Figures 7 to 12.

The wetland in the relic watercourse channel appears to have formed upstream of the constructed dam in the channel. There is a low wall at the upstream end of the dam and a small depression behind the wall. This provides the topographic driver (depression) for the formation of the wetland. As there is still some subsurface flow and very localised surface inflow to the channel from the adjacent cultivated areas, the conditions are conducive to the formation of the wetland habitat. The water in the dam would also contribute to the wetness of the wetland. Three small cottages have been constructed on the top of bank, adjacent to the relic channel where the wetland has formed, and the dam built.



Figure 6. Aquatic features occurring at the site, mapped in Google Earth



Figure 7. View of the diverted watercourse along the southern and eastern boundary of the site



Figure 8. View of the relic watercourse channel within the center of the site



Figure 9. View of the small wetland within the center of the site



Figure 10. View of off-channel Dam 1 in the northeastern extent of the site



Figure 11. View of off-channel Dam 2 in the site



Figure 12. View of the created water feature/pond within the site that is fed from a borehole

3.2. AQUATIC BIODIVERSITY CONSERVATION IMPORTANCE

There are three mapping initiatives which are relevant to this study in terms of the demarcating important aquatic biodiversity conservation areas, the National Freshwater Ecosystem Priority Areas (FEPA) mapping, National Wetland Map version 5 and the 2017 Western Cape's Biodiversity Spatial Plan (WCBSP) which has mapped the Critical Biodiversity Areas (CBA) for the Stellenbosch Municipal area.

FEPA mapping is intended to provide strategic spatial priorities for conserving freshwater ecosystems in South Africa. FEPAs were determined through a process of systematic biodiversity planning and were identified using a range of criteria for serving ecosystems and associated biodiversity of rivers, wetlands and estuaries. Certain river sub-catchments are identified as priority areas due to the importance of the river/freshwater features within the sub-catchment. Sub-catchments classified as River FEPAs are required to be maintained in a largely natural ecological state. Sub-catchments that are mapped as Fish Support Areas are to be managed in such a way that no activity causes the current ecological condition to degrade. The study area is located within a Fish Support Area (Figure 13). Fish Support Areas are fish sanctuaries which are considered to be in moderately to critically modified (can no longer considered to be in a natural state).

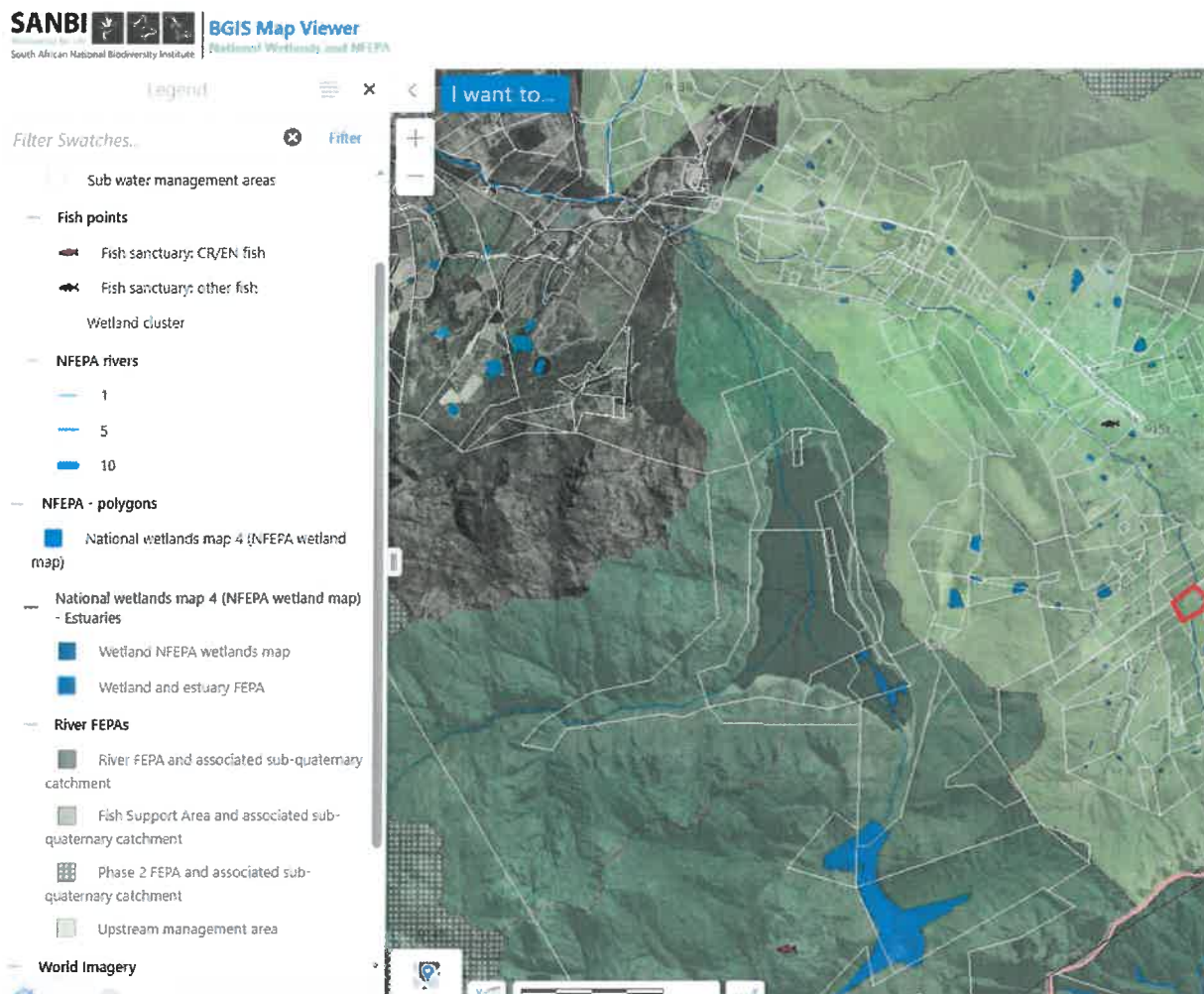


Figure 13. FEPA sub-catchments in the vicinity of the property (red polygon) (Council for Scientific and Industrial Research. NFEPA rivers 2011 available from SANBI BiodiversityGIS (<http://bgis.sanbi.org>); downloaded November 2023)

Specific features are also mapped as FEPA wetlands or estuaries and classified according to type. No natural FEPA wetland features are mapped within the site, only an artificial wetland associated with dams in adjacent properties (Figure 14). There are also no wetlands mapped within the site or the surrounding area in the National Wetland Map (Figure 14).

The aim of the WCBSP is to guide sustainable development by bringing together biodiversity information for decision-makers so that they can ensure appropriate land use, accommodate important biodiversity features in their planning and promote integrated management of natural resources. Critical Biodiversity Areas (CBA) and Ecological Support Areas (ESA). Aquatic CBAs are considered priority areas which should be maintained in a natural to near-natural state while aquatic ESAs are important for maintaining ecological services and supporting CBAs. The watercourses at the site are mapped as aquatic ESAs (Figure 15) as these watercourses provide important corridors for the movement of water and associated biota between the mountain slopes and the valley floor. The slopes of the Franschhoek Mountains where the streams rise are part of the Jonkershoek Nature Reserve – a formally protected area.



Figure 14. FEPA Wetland and rivers mapped in the vicinity of the site (red polygon) (Council for Scientific and Industrial Research. NFEPA rivers 2011 available from CapeFarmMapper (<https://gis.elsenburg.com/apps/cfm/>); downloaded November 2023)



Figure 15. Western Cape Biodiversity Spatial Plan mapping (2018) for the site (CapeFarmMapper: <https://gis.elsenburg.com/apps/cfm/>, downloaded November 2023)

3.3. LAND USE

Mapping of the site and surrounding area indicates it to be surrounded by cultivated and developed areas with very few natural vegetated areas remaining that are primarily along the watercourse corridors (Figure 16). Most of the vegetation along the watercourses in the area, however, comprises alien and often invasive vegetation species. Some wetland habitat is also mapped at the dam and the remnant watercourse channel. The formally protected Mont Rochelle and Jonkershoek Nature Reserves occur on the upper hillslope more than 2km to the south and east of the site.

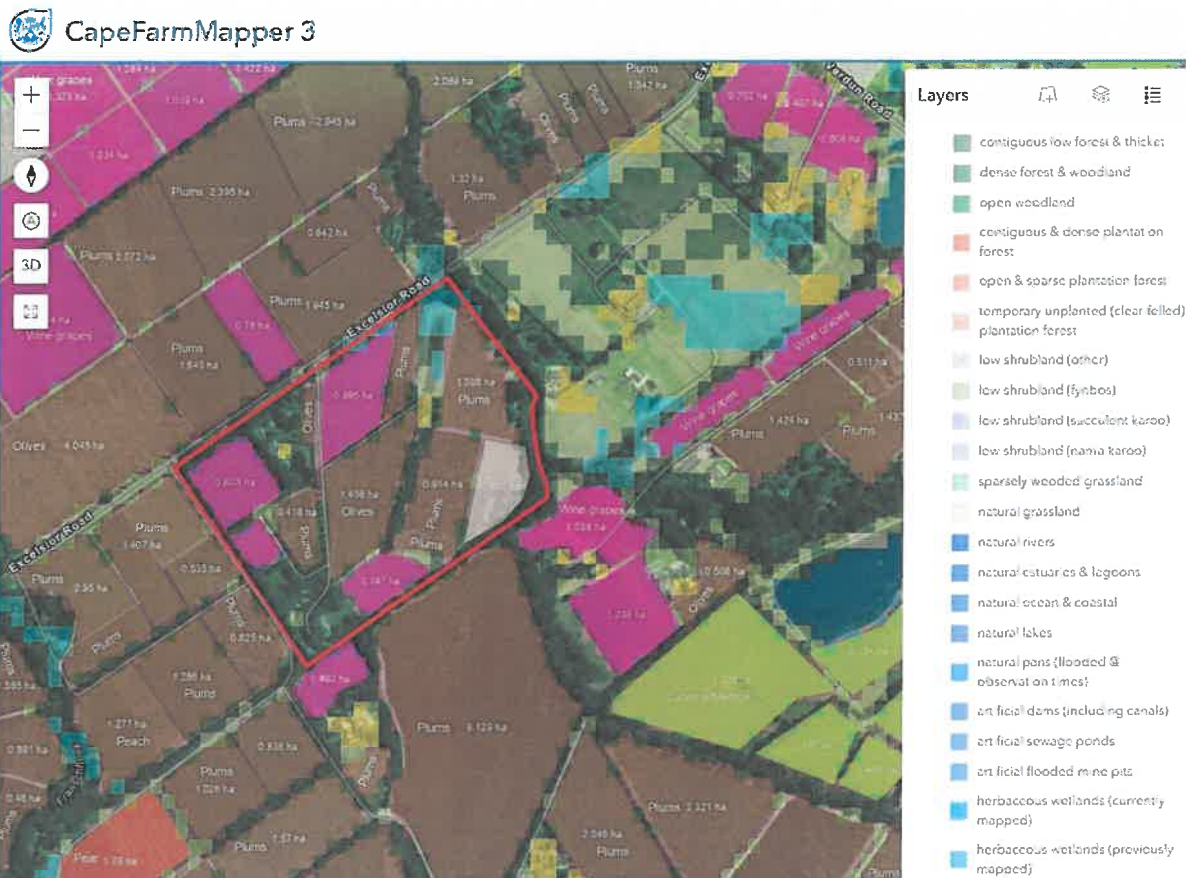


Figure 16. Land cover mapping (DEA 2018) and crop census mapping for the farm (obtained from CapeFarmMapper; November 2023)

3.4. HISTORICAL MODIFICATION AT THE SITE

Aerial photographs taken in 1942 of the site and surrounding area show the watercourse to be in a similar position to its current location and already diverted from the original channel (Figure 17). At that time, significant cultivation of the area had already taken place along the watercourse channels, confining the rivers and riparian zones. The image, therefore, does not represent the streams as they would have naturally occurred. The darker areas shown in the image are associated with dense vegetation cover (likely alien trees) that occurred on the site and along the watercourses. The presence of wetland areas onsite in this earlier imagery is not evident. The image from 1977 in Figure 18 shows further cultivation of the area and reduced watercourse corridors (in particular the remnant watercourse channel). No wetland areas are visible at the site in this later image.

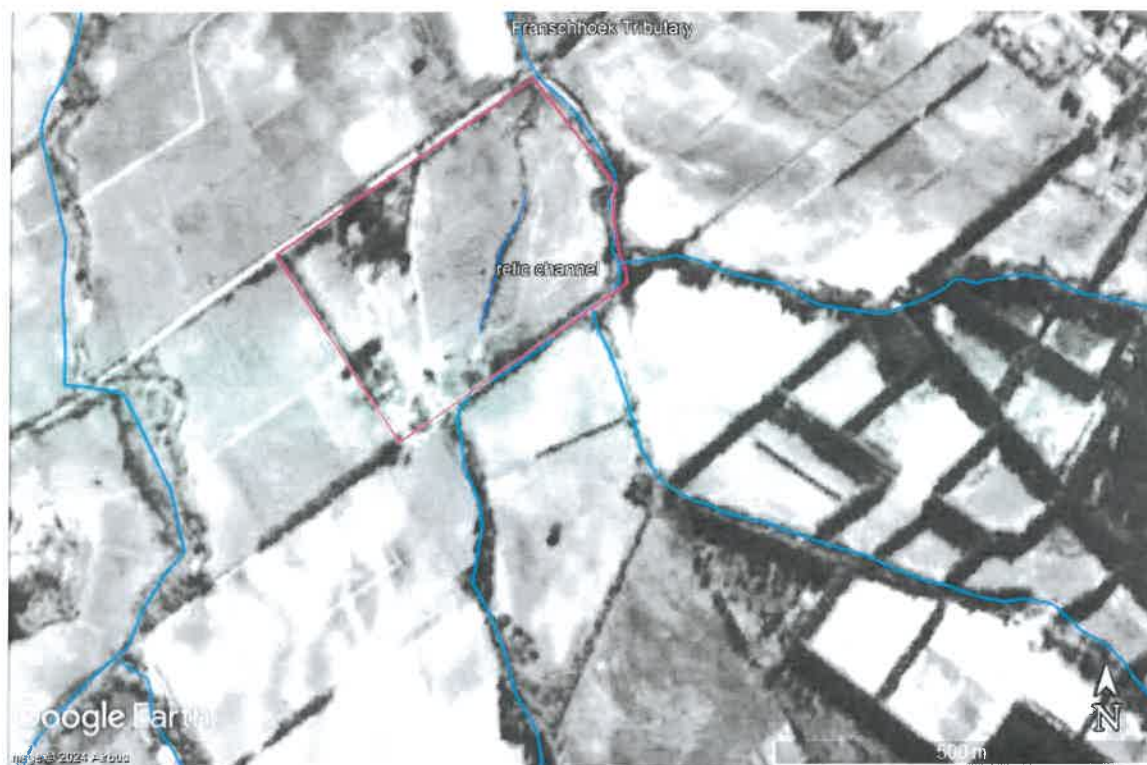


Figure 17. An aerial photograph of the study site taken in 1938, overlaid in Google Earth



Figure 18. An aerial photograph of the study site taken in 1977, overlaid in Google Earth

The satellite image from 2000 (Figure 19) shows the site before the dams were in place but with a similar level of transformation of the site and adjacent watercourses. Again, no wetland areas are visible in the image. The dams on the site are only visible in past Google Earth imagery from 2006 onwards.



Figure 19. Google Earth imagery of the study site taken in 2000 (obtained from CapeFarmMapper)

3.5. DESCRIPTION OF AQUATIC FEATURES, PRESENT ECOLOGICAL STATUS AND ECOLOGICAL IMPORTANCE AND SENSITIVITY

The Franschhoek River at the site can best be described as a seasonal cobble bed stream. The geomorphological and physical characteristics of the stream from the Site Characterisation assessment are shown in Table 2.

Table 2. Geomorphological and Physical features of the watercourse

Geomorphological Zone	Foothill cobble bed streams
Lateral mobility	Largely confined
Channel form	Moderately incised
Channel pattern	Single thread, moderate to low sinuosity
Channel type	Cobbles and boulders
Channel modification	Alien vegetation along the river, cultivation of surrounding areas and some structures within channels
Hydrological type	Seasonal
Ecoregion	South Western Coastal Belt
DWS Quaternary Catchment	G10A
Vegetation type	Swartland Alluvium Fynbos
Rainfall region	Winter

Evaluating the Present Ecological State or Habitat Integrity provides a measure of the degree to which a river or stream has been modified from its natural state. The methodology involves a qualitative assessment of the number and severity of the anthropogenic perturbations on a river and the damage they potentially inflict upon the system. These disturbances include both the abiotic and biotic factors which are regarded as the primary causes of degradation of a river. The severity of each impact is ranked using a scale from 0 (no impact) and 25 (critical impact). The Habitat Integrity Assessment is based on the assessment of the impacts of two components of the river, the riparian zone and the instream habitat (Table 3). The total scores for the instream and riparian zone components are then used to place the habitat integrity of both in a specific habitat integrity category. The Franschhoek River at the site is in a largely to seriously modified ecological condition. The riparian habitat, in particular, has been modified by the surrounding cultivated areas and invasive alien vegetation.

Table 3. The results of the Habitat Integrity Assessment of the stream

Instream Habitat Integrity		Riparian Habitat Integrity	
Water Abstraction	5	Vegetation Removal	15
Flow Modification	11	Exotic Vegetation	18
Bed Modification	14	Bank Erosion	10
Channel Modification	12	Channel Modification	12
Water Quality	7	Water Abstraction	10
Inundation	5	Inundation	9
Exotic Macrophytes	5	Flow Modification	11
Exotic Fauna	0	Water Quality	8
Rubbish Dumping	5		
Instream Habitat Integrity Class	D	Riparian Habitat Integrity Class	E/F

The Ecological Importance and Sensitivity (EIS) assessment considers several biotic and habitat determinants which indicate either the importance or the sensitivity of the water resource. These determinants are rated according to a scale from 0 (no importance or sensitivity) to 4 (very high importance or sensitivity). The median of the resultant score is calculated to derive the EIS category of the water resource. The EIS assessment and results are shown in Table 4.

Table 4. The results of the EIS assessment

Biotic determinant	Score
Rare and endangered biota	2
Unique biota	1
Intolerant biota	2
Species / taxon richness	1
Aquatic Habitat Determinants	
Diversity of aquatic habitat types or features	1
Refuge value of habitat type	2
Sensitivity of habitat to flow changes	2
Sensitivity to flow related water quality changes	2
Migration route or corridor for instream & riparian biota	2
National parks, wilderness areas, Nature Reserves, Natural Heritage Sites, Natural Areas, PNEs	2
EIS category	Moderate

The Franschhoek River is considered to have a moderate ecological importance and sensitivity. This is due to the fact that the indigenous fish species Cape galaxias (*Galaxia zebratus*) and Cape kurper (*Sandelia capensis*) occur within the river downstream of the site and would likely have occurred in the upper river system in winter under natural conditions. The conservation status of these two fish species is data deficient. Amphibians such as the 'Near Threatened' Montane Marsh Frog (*Poyntonina paludicola*) and the 'Least Concerned' Cape Sand Toad (*Bufo angusticeps*) are also known to be associated with the streams in the larger area.

The loss of indigenous plant species and subsequent invasion of alien trees within the stream however means that the watercourse and especially the relic watercourse channel offers little habitat of biodiversity value. The larger river system does however have the potential to provide a corridor in the agricultural landscape between the lower-lying river corridor and the high-lying protected area. It is recommended that the ecological condition of the stream at least be improved to a D category (largely modified). This would easily be achieved with the clearing of the invasive alien vegetation within the riparian zones. This should however be done for the river reach and on both banks of the river to be meaningful and to not destabilise the channel. Revegetation with local indigenous riparian plants to replace cleared riparian areas would need to be undertaken to stabilise the banks.

It should be noted that none of the recent works under consideration in this report have contributed to the current degraded condition of the watercourse. From the evaluation of past modification of the river, it is evident that the watercourse was already in its current degraded condition before the earliest image taken in 1942. The recommended rehabilitation of the watercourse, if implemented properly, would however not only improve the ecological functioning of the stream but would also contribute towards the improvement of the

larger river system, increase the ecological goods and services it can provide such as the attenuation of flows, improvement of water quality, and supply of water. It will also enable the watercourse to be better able to deal with the impacts of climate change such as erosion and higher variability of flow (longer dry periods and high flow conditions).

4. CONSIDERATION OF ACTIVITIES UNDERTAKEN IN TERMS OF AQUATIC ECOSYSTEM IMPACTS

NEMA section 24G application is for the following alleged unlawful activities on the La Dauphine Farm:

- The three guest cottages that were constructed adjacent to the relic stream channel of the Franschhoek River;
- A small dam constructed within a relic channel of the Franschhoek River; and
- The storeroom adjacent to the Franschhoek River.

From the past Google Earth imagery, it can be seen that the three cottages along the relic stream channel appear to have been constructed in 2010 or 2011 while the dam immediately downstream of this, in the channel, was built between 2004 and 2004. The storeroom adjacent to the diverted stream was built in 2012 and 2013. The other infrastructure and the two smaller dams/ponds are constructed away (more than 32m) from any watercourse or wetland in or adjacent to the property.

Mr Enright of WaterRight was appointed by the landowner to address the authorisation of water use on the property. He has indicated that an area of approximately 8.5 hectares was irrigated in 1999/2000 during the qualifying period when the National Water Act, 1998, was implemented. Based on a crop-water requirement volume for this catchment of 4500 m³ per hectare per year, verification of existing lawful water use was confirmed for taking 39000 m³ per year water for irrigation from the Franschhoek River and tributaries. An additional 5000m³ per year was accepted as industrial water use for the accommodation facilities (9 cottages) and a restaurant. There are also three boreholes on the property that are used to supply water.

The registered storage of water for the property is 37 620 m³, however, the estimated volume of the larger dam in the relic stream was estimated by Mr Enright to be slightly more than 2000 m³ and the storage of the smaller dam is about 1500 m³. The small water feature/pond only has a capacity of about 25 m³. The actual storage on site is thus much less than the registered volume accepted by DWS and also much less than the verified existing lawful use for taking water from the adjacent watercourse. An application is currently being submitted to DWS for the current storage on the property.

In terms of aquatic features associated with the works undertaken on the site, it is only the relic watercourse that was the original channel of the Franschhoek River that is associated with the construction of the dam and cottages. The existing active channel of the river has been diverted along the eastern and north boundaries of the site which is more than 130 m from the cottages and more than 35 m from the dam wall of the dam in the relic channel. While the relic channel does contain some aquatic habitat and the wetland area that has formed, it is no longer connected with the main watercourse and is isolated within the cultivated areas. It is thus no longer able to receive any surface water flow with the only water in the channel comprising subsurface flow and runoff from the immediate area.

Figure 20 below shows the footprint of the three cottages, the dam and the storeroom in relation to the already modified watercourse and relic channel within the site in 1942. From the image, it can be seen that little remained of the watercourse habitat within the original channel already more than 80 years ago. The construction of the cottages and dam thus is unlikely to have resulted in any significant loss of functional aquatic habitat. The wetland area at the dam and three cottages has been rehabilitated and does not show any

indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages. Wetland plants in the wetland include rushes such as *Juncus capensis*, bracken (*Pteridium aquilinum*), arum lilies (*Zantedeschia aethiopica*) and red-hot poker (*Kniphofia* sp.). The cottages are located in previously cultivated areas on the top of bank approximately 6m from the channel. They thus also did not result in any loss of remnant riparian vegetation associated with the relic watercourse.

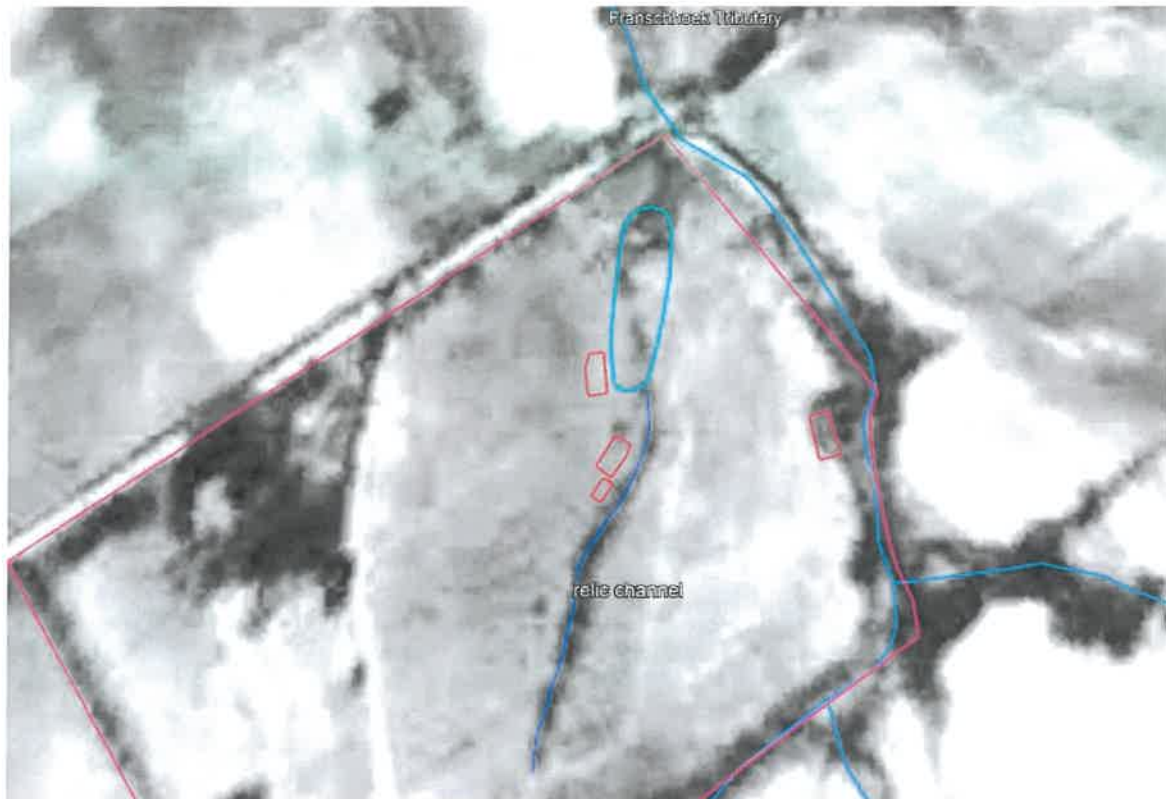


Figure 20. Mapped footprints of the dam, 3 cottages and storeroom in Google Earth with the 1942 aerial image overlay

The dam in the lower section of the channel is shallow and is dominated by *Typha capensis* in the deeper water area and indigenous sedges such as *Isolepis prolifera* and *Cyperus textilis* in the shallow water areas. Considering that the relic watercourse does not carry any significant surface water flow and the aquatic habitat in this lower reach of the relic channel was largely lost due to cultivation, the construction of the dam did not result in any loss of aquatic habitat or functionality, nor does it impede any flow in the associated watercourses.

The storeroom is located approximately 10m to 15m from the top of bank of the Franschhoek River. From past aerial imagery, it would appear that large alien trees were located within the footprint of the store. The river channel at the storeroom is deeply incised with eroded banks that mostly contain exotic tree species such as grey poplars (*Populus canescens*), English oaks (*Quercus robur*), pine trees (*Pinus pinaster*), Australian cheesewood (*Pittosporum undulatum*), weeping willows (*Salix babylonica*), London plane (*Platanus acerifolia*) and black wattle (*Acacia mearnsii*). Some indigenous riparian trees such as wild peach (*Kiggelaria africana*) and white stinkwood (*Celtis africana*) occur as well as some riverbed grass (*Pennisetum macrourum*) within the channel. The 1 in 100 year floodline is well within the deeply eroded channel. It is thus likely that the construction of the storeroom did not result in any loss of aquatic habitat or functionality.

Given the above assessment, an impact of very low to negligible significance is likely to have been associated with the works undertaken. The impact table for the various activity impacts on aquatic ecosystems is provided on the following page.

Table 5. Impact table of the works undertaken on the identified aquatic features

ACTIVITY	Dam in the lower relic channel	Cottages adjacent to relic channel	Storeroom adjacent to river
CONSTRUCTION / OPERATION PHASES			
Description of impact:	Aquatic Ecosystem impacts: Disturbance/modification of aquatic habitat and potential for some water quality impacts		
Nature of impact:	Positive	Positive	Negative
Duration of impact:	Short and long term/permanent	Short and long term/permanent	Short and long term/permanent
Extent	Site specific	Site specific	Site specific
Consequence of impact	The impact resulted in modification of aquatic habitat that had already largely been transformed	The impact resulted in some disturbance/modification of aquatic habitat that was in a degraded condition	The impact will result in limited loss of riparian habitat that was in a degraded condition
Probability of occurrence:	Definite	Definite	Highly probable
Degree impact may cause irreplaceable loss of resources:	No loss	No loss	Marginal loss
Degree impact can be reversed:	Partly reversible	Partly reversible	Partly reversible
Indirect impacts:	Possible flow modification	Potential of increased disturbance of aquatic habitat due to the development of the area with opportunity for further invasion of alien plants	Potential of increased disturbance of aquatic habitat with opportunity for further invasion of alien plants
Cumulative impact prior to mitigation:	Low	Low	Low
Significance rating of impact prior to mitigation	Low positive	Low positive	Low negative
Degree impact can be avoided:	Low	Low	Low
Degree impact can be managed:	Moderate	Moderate	Moderate
Degree impact can be mitigated:	Moderate	Moderate	Moderate
Proposed mitigation:	Continue to operate dam as is currently being done – limiting volume stored in dam, management of invasive bulrush and enhancing diversity of indigenous wetland vegetation	Rehabilitation of relic channel through further removal of exotic plants in the adjacent relic channel and introducing local indigenous plants	Limit disturbance in riparian zone of river, do not use the setback area of 10m from top of bank for stockpiling of materials, remove invasive alien trees from this zone; stabilise watercourse banks through some reshaping and revegetation with suitable indigenous vegetation as advised by a suitably trained botanist/rehabilitation specialist
Residual impacts:	Modification to some aquatic habitat at the site	Modification to some aquatic habitat at the site	Modification to some aquatic habitat at the site
Cumulative impact post mitigation:	Low/very low	Low/very low	Low/very low
Significance rating of impact after mitigation	Low/very low	Low/very low	Low/very low
Confidence	High	High	High

The No-Go alternative (that is removal of the dam, cottages and storeroom would result in no significant changes to the aquatic ecosystems at the site from the current state, if mitigated to also undertake the rehabilitation measures recommended in the table above. With mitigation, there would be no significant difference in the ecological condition of the watercourse at the site between removal of the dam, cottages and storeroom and retaining the structures. For both alternatives, the recommended ecological condition of a D category would be achievable with the very likelihood of achieving better ecological integrity (of moderately modified).

5. RISK ASSESSMENT

A risk assessment has been undertaken according to the Risk Matrix assessment version 2 issued under the General Authorisations for Section 21 (c) and (i) water uses (Gazette 498833, No 208 dated 8 December 2023) to inform the water use authorisation process and is included in this report (Appendix B). A summary of the assessment is provided below.

Table 6: Summary risk assessment for the proposed project:

Phase	Activity	Impact	Risk Ratings
CONSTRUCTION	Construction of the dam in the relic channel - Preparation of the site, clearing of vegetation, construction of dam	Disturbance or modification of aquatic habitat	L
		flow modification	L
		water quality impacts	L
	Construction of three cottages adjacent to the relic channel -Preparation of the site, clearing of vegetation, construction of cottages	Disturbance or modification of aquatic habitat	L
		flow modification	L
		water quality impacts	L
	Construction of storeroom adjacent to active river channel -Preparation of the site, clearing of vegetation, construction of store	Disturbance or modification of aquatic habitat	L
		water quality impacts	L
OPERATIONAL	Operation of dam in relic channel	Modification of flow	L
		Disturbance of aquatic habitat	L
	Use and maintenance of cottages adjacent to relic channel	Disturbance of aquatic habitat	L
		Water quality	L
	Use and maintenance of store adjacent to active channel	Disturbance of aquatic habitat	L
		Water quality	L
DECOMMISSIONING	Decommissioning of dam	Disturbance of aquatic habitat	L
		Water quality	L
		Flow modification	L
	Removal of cottages	Disturbance of aquatic habitat	L
		Water quality	L
	Removal of store	Disturbance of aquatic habitat	L
		Water quality	L

Table 7: Risk rating classes for the Risk Assessment

RATING	CLASS	MANAGEMENT DESCRIPTION
1 – 29	(L) Low Risk OR (+) Positive (++) Highly positive	Acceptable as is or with proposed mitigation measures. Impact to watercourses and resource quality small and easily mitigated, or positive.
30 – 60	(M) Moderate Risk	Risk and impact on watercourses are notable and require mitigation measures on a higher level, which costs more and require specialist input. Licence required.
61 – 100	(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

The risk assessment determined that the works undertaken have a **low** risk during the construction, operation and decommissioning phases. This implies that the works fall within the ambit of the General Authorisations for Section 21(c) and (i). water use activities. An integrated water use authorisation is being submitted to address the Section 21(a) and (b) water uses being applied for.

6. CONCLUSIONS AND RECOMMENDATIONS

The Franschhoek Tributary of the Berg River flows along the southern and eastern boundaries of the property. The DFFE Screening Tool indicates the wider area at the site as being of very high Aquatic Biodiversity Combined Sensitivity. This is linked with a Strategic Water Source Area for Surface Water (Boland) occurring in the wider area upper catchment of the Berg River. The works undertaken are highly unlikely to have impacted the Strategic Water Source Area. The very high sensitivity is also associated with aquatic Critical Biodiversity Areas occurring in the Franschhoek River where there are instream wetland areas on adjacent properties.

Drainage across the site is from the hillslopes in the south towards the Franschhoek River that drains northwards. Historically the Franschhoek River crossed the site but has been diverted along the border of the property. The diverted watercourse is in a degraded condition and overgrown with primarily alien trees. The large dam within the property was constructed within the original channel of the river that still exists within the property but is no longer linked with the river but appears to still receive some sub-surface flow that supports aquatic habitat within the relic watercourse channel.

The Franschhoek River at the site is in a largely to seriously modified ecological condition. The riparian habitat, in particular, has been modified by the surrounding cultivated areas and invasive alien vegetation. The river is considered to have a moderate ecological importance and sensitivity due to indigenous fish species that occur within the river downstream of the site. The loss of indigenous plant species and subsequent invasion of alien trees within the stream however means that the watercourse and especially the relic watercourse channel offers little habitat of biodiversity value. The larger river system does however have the potential to provide a corridor in the agricultural landscape between the lower-lying river corridor and the high-lying protected area.

It is recommended that the ecological condition of the stream at least be improved to a D category (largely modified). This would easily be achieved with the clearing of the invasive alien vegetation within the riparian zones. This should however be done for the river reach and on both banks of the river to be meaningful and to not destabilise the channel. Revegetation with local indigenous riparian plants to replace cleared riparian areas would need to be undertaken to stabilise the banks. None of the recent works under consideration in this report have contributed to the current degraded condition of the watercourse. From the evaluation of past modification of the river, it is evident that the watercourse was already in its current degraded condition before 1942.

In terms of aquatic features associated with the works undertaken on the site, it is only the relic watercourse that was the original channel of the Franschhoek River that is associated with the construction of the dam and cottages. The existing active channel of the river has been diverted along the eastern and north boundaries of the site which is more than 130 m from the cottages and more than 35 m from the dam wall of the dam in the relic channel. While the relic channel does contain some aquatic habitat and the wetland area that has formed, it is no longer connected with the main watercourse and is isolated within cultivated areas. It is thus no longer able to receive any surface water flow with the only water in the channel comprising subsurface flow and runoff from the immediate area.

In 1942 little remained of the watercourse habitat within the original channel. The construction of the cottages and dam thus is unlikely to have resulted in any significant loss of functional aquatic habitat. The wetland area at the dam and three cottages has been rehabilitated and does not show any indication of degradation at the cottages. It is more likely that work has been undertaken specifically to improve the condition of the watercourse at the cottages. The cottages are located in previously cultivated areas on the top of bank approximately 6m

from the channel. They thus also did not result in any loss of remnant riparian vegetation associated with the relic watercourse.

Considering that the relic watercourse does not carry any significant surface water flow and the aquatic habitat in this lower reach of the relic channel was largely lost due to cultivation, the construction of the dam did not result in any loss of aquatic habitat or functionality, nor does it impeded any flow in the associated watercourses.

The storeroom is located approximately 10m to 15m from the top of bank of the Franschoek River. From past aerial imagery, it would appear that large alien trees were located within the footprint of the store. The 1 in 100 year floodline is well within the deeply eroded channel. It is thus likely that the construction of the storeroom did not result in any loss of aquatic habitat or functionality.

Given the above assessment, an impact of very low to negligible significance to the associated aquatic ecosystems is likely to have been associated with the works undertaken. The risk assessment determined that the works undertaken have a **low** risk during the construction, operation and decommissioning phases. This implies that the works fall within the ambit of the General Authorisations for Section 21(c) and (i) water uses. An integrated water use authorisation is being submitted to address Section 21(a) and (b) water uses being applied for.

The following mitigation/rehabilitation measures are recommended to improve the ecological integrity of the aquatic features at the site:

- Continue to operate dam as is currently being done – limiting volume stored in dam, management of invasive bulrush and enhancing the diversity of indigenous wetland vegetation.
- Rehabilitation of relic channel through further removal of exotic plants in the adjacent relic channel and introducing local indigenous plants.
- Limit disturbance in the riparian zone of river, do not use the setback area of 10m from top of bank for stockpiling of materials, remove invasive alien trees from this zone; stabilise watercourse banks through some reshaping and revegetation with suitable indigenous vegetation as advised by a suitably trained botanist/rehabilitation specialist.

The recommended rehabilitation of the watercourse, if implemented properly, would not only improve the ecological functioning of the stream but would also contribute towards the improvement of the larger river system, increase the ecological goods and services it is able to provide such as the attenuation of flows, improvement of water quality, and supply of water. It will also enable the watercourse to be better able to deal with the impacts of climate change such as erosion and higher variability of flow (longer dry periods and high flow conditions).

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APPENDIX A: ENVIRONMENTAL IMPACT ASSESSMENT CRITERIA

These criteria are drawn from the EIA Regulations published by the Department of Environmental Affairs and Tourism (April 1998) in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) and the latest basic assessment report template provided by the Department of Environmental Affairs and Development Planning (DEA&DP) and the DEA&DP Guidelines for involving Biodiversity Specialists in EIA Processes, 2005. These criteria include:

Nature of the impact: This is an appraisal of the type of effect (positive or negative) the construction, operation and maintenance of a development would have on the affected environment. This description should include what is to be affected.

Extent of the impact: Extent defines the physical extent or spatial scale of the impact. The impact could:

- **Site specific:** limited to the site.
- **Local:** limited to the site and the immediate surrounding area (1-10km)
- **Regional:** covers an area that includes an entire geographic region or extends beyond one region to another.
- **National:** across national boundaries and may have national implications.

Duration of the impact: The specialist should indicate whether the lifespan of the impact would be:

- **Short term:** 0-5 years.
- **Medium term:** 5-15 years.
- **Long term:** beyond the operational phase, but not permanently).
- **Permanent:** where mitigation either by natural processes or by human intervention will not occur in such a way or in such time span that the impact can be considered transient.

Consequence of Impact: Indicate how the activity will affect the environment.

Probability of occurrence: Probability describes the likelihood of the impact occurring. The likelihood can be described as:

- **Improbable/unlikely:** low likelihood of the impact occurring.
- **Probable:** distinct possibility the impact will occur.
- **Highly probable:** most likely that the impact will occur.
- **Definite:** impact will occur regardless of any prevention measures.

Irreplaceable loss of resources: Describes the degree to which resources will be irreplaceably lost due to the proposed activity. It can be **no loss of resources, marginal loss, significant loss or complete loss of resources.**

Reversibility: This refers to the degree to which an impact can be reversed.

- **Fully reversible:** where the impact can be completely reversed.
- **Partly reversible:** where the impact can be partially reversed.
- **Irreversible:** where the impact is permanent.

Indirect impacts: Indirect impacts are secondary impacts and usually occur at a different place or time. Specialists will need to elaborate on any indirect or secondary impacts of proposed activities. If there are no indirect impacts specialist will need to briefly explain so.

Cumulative impact: An effect which in itself may not be significant but may become significant if added to other existing or potential impacts that may result from activities associated with the proposed development. Cumulative impacts prior to and post mitigation must be assessed. The cumulative effect can be:

- **Negligible:** the impact would result in negligible to no cumulative effect.
- **Low:** the impact would result in insignificant cumulative effects.
- **Medium:** the impact would result in minor cumulative effects.
- **High:** the impact would result in significant cumulative effects.

Degree to which impact can be avoided: This indicates the degree to which an impact can be avoided. The degree of avoidance can either be **high** (impact is completely avoidable), **moderate** (impact is avoidable with moderate mitigation), **low** (the impact is difficult to avoid and will require significant mitigation measures) or **unavoidable** (the impact is cannot be avoided even with significant mitigation measures).

Degree to which impact can be managed: This indicates the degree to which an impact can be managed. The degree of management can either be **high** (impact is completely manageable), **moderate** (impact is manageable with moderate mitigation), **low** (the impact is difficult to manage and will require significant mitigation measures) or **unmanageable** (the impact is cannot be managed even with significant mitigation measures).

Residual impacts: Residual impacts are those impacts that remain following the implementation of mitigation measures. Residual impacts must be identified and discussed. If there are no residual impacts, the specialist will need to briefly explain that the activity will have no residual impacts.

Degree to which an impact can be mitigated: This indicates the degree to which an impact can be reduced. The degree of mitigation can either be **high** (the impact can be **fully** mitigated), **moderate** (the impact can be **partly** mitigated) or **not mitigated at all**.

Significance: Based on a synthesis of the information contained in the above-described procedure, the significance of the potential impacts can be assessed (prior and post mitigation) in terms of the following significance criteria:

- **No impact.**
- **Low negative:** where it would have negligible effects and would require little or no mitigation.
- **Low positive:** the impact will have minor positive effects.
- **Medium negative:** the impact will have moderate negative effects and will require moderate mitigation.
- **Medium positive:** the impact will have moderate positive effects.
- **High negative:** the impact will have significant effects and will require significant mitigation measures to achieve an accepted level of impact.
- **High positive:** the impact will have significant positive effects.
- **Very high negative:** the impact will have highly significant effects and are unlikely to be able to be mitigated adequately.
- **High positive:** the impact will have highly significant positive effects.

APPENDIX B: RISK ASSESSMENT

PROJECT: Ptn 2 of Farm 1119, Part RD - Construction of a small dam and 3 cottages at a rail channel of the Franschoek River and a store near the current Franschoek River channel

RISK ASSESSMENT MATRIX for Section 21 (a) and (j) Water Use activities - Version 2

Name of Applicant:

Andrea Richter

Signature: 

SACNASP Registration Number:

40040120

Date: 18-Jan-24

Note: To be used for all relevant phases of the project (including in specified sub-activities) MUST BE COMPLETED BY SACNASP PROFESSIONAL MEMBER REGISTERED IN AN APPROPRIATE FIELD OF EXPERTISE

Phase	Activity	Impact	Potentially affected environment		Intensity of Impact on Receptor Quality						Overall intensity (score = 1-5)	Spatial scale (score = 1-5)	Duration (score = 1-5)	Severity (score = 1-5)	Importance rating (score = 1-5)	Consequences (score = 1-5)	Likelihood (Probability) of Impact	Significance (Score = 1-5)	Risk Rating (combined significance)	Confidence Level
			Receptor	RPI	Biological Importance	Aquatic Habitat (Divers)														
						Hydrology	Water Quality	Geomorph	Vegetation	Fauna										
CONSTRUCTION	Construction of the dam, to the river channel Preparation of the site, clearing of vegetation, construction of dam	Disturbance or modification of aquatic habitat	Franschoek River main channel	DE	Low	1	1	1	1	1	2	1	2	18	40%	8	High	High		
		Flow in pollution	Franschoek River main channel	DE	Low	2	1	2	1	1	4	1	4	1	2	18	40%	12	High	High
		Water quality impacts	Franschoek River main channel	DE	Low	1	2	1	2	2	4	1	2	2	16	40%	8	High	High	
		Disturbance or modification of aquatic habitat	Franschoek River main channel	DE	Low	1	1	1	1	2	4	1	2	2	14	40%	8	High	High	
	Construction of the dam adjacent to the main channel Preparation of the site, clearing of vegetation, construction of dam	Flow in pollution	Franschoek River main channel	DE	Low	1	1	1	1	1	2	1	1	4	2	8	30%	10	High	High
		Water quality impacts	Franschoek River main channel	DE	Low	1	2	1	1	1	4	1	2	2	13	40%	8	High	High	
		Disturbance or modification of aquatic habitat	Franschoek River main channel	DE	High	1	1	1	1	1	4	1	4	4	23	40%	11.2	High	High	
		Water quality impacts	Franschoek River main channel	DE	High	1	2	1	1	1	4	1	4	4	24	30%	4.9	High	High	
OPERATIONAL	Operation of the dam, to the river channel	Disturbance of flow	Franschoek River main channel	DE	Low	2	1	1	-1	-2	4	1	2	2	8	40%	8	High	High	
		Disturbance of aquatic habitat	Franschoek River main channel	DE	Low	1	1	1	-1	-2	2	1	1	4	2	8	40%	8	High	High
	Flow and maintenance of channels adjacent to the river channel	Disturbance of aquatic habitat	Franschoek River main channel	DE	Low	1	1	1	-1	-1	2	1	1	4	2	8	40%	8	High	High
		Water quality	Franschoek River main channel	DE	Low	0	1	0	1	1	1	1	1	4	2	12	40%	8	High	High
	Flow and disturbance of flow adjacent to the river channel	Disturbance of aquatic habitat	Franschoek River main channel	DE	High	1	1	1	1	1	1	1	4	4	18	40%	8	High	High	
		Water quality	Franschoek River main channel	DE	High	1	2	1	1	1	1	1	4	4	24	30%	4.9	High	High	
DECOMMISSIONING	Decommissioning of the dam	Disturbance of aquatic habitat	Franschoek River main channel	DE	Low	1	2	1	2	2	4	1	1	2	14	40%	8	High	High	
		Water quality	Franschoek River main channel	DE	Low	1	2	1	1	1	4	1	1	4	2	12	20%	10	High	High
	Flow and vegetation	Franschoek River main channel	DE	Low	1	1	-1	1	-1	4	1	1	4	2	12	20%	10	High	High	
	Flow and of channel	Disturbance of aquatic habitat	Franschoek River main channel	DE	Low	1	1	2	2	2	4	1	1	4	2	12	20%	10	High	High
		Water quality	Franschoek River main channel	DE	Low	1	2	1	1	1	4	1	1	4	2	12	20%	10	High	High
	Run-out of dam	Disturbance of aquatic habitat	Franschoek River main channel	DE	High	1	1	1	1	1	4	1	1	4	4	24	30%	4.9	High	High
		Water quality	Franschoek River main channel	DE	High	1	2	1	1	1	4	1	1	4	4	24	30%	4.9	High	High



APPLICATION IN TERMS OF SECTION 15 (2)(O) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON FARM 1377 PAARL DIVISION FOR CONSENT USE TO EXPAND THE TOURIST ACCOMMODATION ESTABLISHMENT IN THE ESTABLISHED GUESTHOUSE (1735 M²) AND IN THE CONVERTED GARAGE AND OUTBUILDING (169M²) ALLOWING 12 BEDROOMS

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STELLENBOSCH

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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/17084	Commencement Date	03/06/2024
Applicant	PJ Le Roux	Last day for comments or additional information	05/02/2025
Erf/Farm nr	Farm 1377	Place	Paarl Division
Zoning	Agriculture and Rural Zone	Other approvals	Consent was granted for restaurant purposes and an area of 1735 m ² for guest house purposes.

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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose of the Application:

- o The applicant intends to establish five (5) new guest units inside the existing garages and outbuilding located on the farmstead.

2. Background and existing uses:

- o Access to the property is gained off from the existing servitude road 4.5m wide traversing portion 11 of farm 1064.
- o The subject property currently comprises of:
 - Main dwelling
 - Second dwelling (converted to guest house)
 - Outbuilding (approved guest rooms inside portion thereof)
 - Triple garages building
 - Staff housing units
 - Tourist tram station & security entrance gate

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

- o The utilization of existing buildings on the farmstead of the subject property will be economically viable and will optimize existing infrastructure and services.
- o The proposed land uses will have a positive social impact since the proposed activity will ultimately create new employment opportunities.
- o Since the proposal will be confined inside of existing buildings and the primary land use will continue uninterrupted, the land uses will not be in conflict with what is already present on the property and immediate surroundings.
- o The necessary engineering services already exist on the subject property and can accommodate the proposal.
- o The proposal will have no impact (visual, health and safety) on any of the surrounding properties especially since the guest units will be confined to the existing farmstead.
- o There will be no impact on the heritage services as the heritage western cape has already issued permit for the conversion of the existing buildings to guest units.
- o There is more than sufficient onsite parking available on the farmstead to easily accommodate the small number of vehicles expected because of this application.
- o The existing internal farm roads have more than sufficient capacity to accommodate the expected traffic.
- o No cultivated agricultural land will be lost because of this proposal.

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

- o The applicant was informed that the application proposal submitted is made for more than the permitted number of additional dwelling units on a property (in relation to the size of the farm), therefore not in compliance with the provisions in the MSDF. As the application will deviate from the MSDF, the applicant was required to present and motivate the application on the basis of site-specific justification to depart from the MSDF as envisaged in Section 22 of SPLUMA.

The following is the summary of the site-specific motivation:

- o There are numerous similar tourist accommodation establishments in the valley with no direct or indirect negative impact on the primary land use, agriculture.
- o No changes to the physical environment are proposed, especially since the infrastructure is already present on the farmstead.
- o The farmstead is not visible from any public road and is also screened by large trees.
- o No new structures are proposed by this application.
- o The guest units will remain subservient to the primary agricultural activities on the land unit.
- o The proposal aligns strongly with the MSDF policy on tourist accommodation establishment.
- o The proposed guest units are all located inside the existing buildings on the farmstead, therefore correspond with MSDF guidelines.

ASSESSMENT CHECKLIST			
CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate public participation processed followed	X		Circulated to internal & external departments as well as interested and affected parties.
Conditions imposed by departments	X		<ul style="list-style-type: none"> o The Manager: Spatial Planning supported the consent use proposal (See Annexure E for memo dated 06 August 2024). o The Director: Engineering Services: application recommended for approval (See Annexure F for Memo dated 24 July 2024 and email dated 25 June 2024). o The Western Cape: Heritage has no objection to the approval of the application (See Annexure G for Memo dated 06 March 2024). o The Western Cape: Agriculture: Land Use Management has no objection to the approval of the application (See Annexure H for Memo dated 24 July 2024). o The Department of Infrastructure: Road Planning has no objection to the approval of the application (See Annexure I for email dated 01 November 2024). o The Department of Environmental Affairs and Development Planning: Environment impact management services, confirmed that the proposal does not constitute any listed activities in terms of the EIA Regulations, See Annexure J for letter dated 18 July 2024). o The Department of Environmental Affairs and Development Planning: Development management, commented on the application (See Annexure K for email dated 08 July 2024).
DCs applicable	X		DCs are payable (See Annexure G)
Objections received		X	The applicant sent notices (e- mails) to interested and affected parties. No objections received.
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	The proposal is not compliant with the SDF as approved in 2019 & 2023. As a result, site specific motivation has been submitted.
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW			
Socio-economic impact	The proposal facilitates economic growth appropriate to the rural context of the agricultural surrounding area. However, development in rural areas should be in keeping with its location and sensitive to the rural landscape that is a tourist asset for the winelands economy.		

Compatibility with surrounding uses	<p>The subject property is located in a predominantly agricultural area, with wine farms and tourist accommodation establishments and urban area of Franschhoek on the surroundings. The property comprises 20.34 ha of which a total of 96% is a functional agricultural land of vineyards, and the 4% consists of existing buildings.</p> <p>The property is located outside of the approved urban edge of Franschhoek. The proposal will not negatively impact on the farming activities on the farm and agricultural character of the area, as the proposal is located on the existing buildings.</p>
Impact on the external engineering services	The proposal will not impact on any engineering services as the proposed tourist dwellings units will utilise the existing infrastructure. Furthermore, the application was circulated to the infrastructure services department, and they supported the application.
Impact on safety, health and wellbeing of the surrounding community	There are no anticipated negative impacts as the proposal complies with the development parameters applicable to the zoning of the property, except exceeding the number of dwelling units in a property which site specific motivation for deviating was submitted.
Impact on heritage	The proposal will not impact on any heritage resources as the proposal is located on the existing buildings. Furthermore, the Western Cape: Heritage already issued a permit for the proposed renovations and conversion of the existing buildings.
Impact on the biophysical environment	The proposal will not impact on any biophysical environment as the proposal is located on the existing buildings.
Traffic impacts, parking, access and other transport related considerations	The application was circulated to Western Cape department of Infrastructure: Road Planning and was supported.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	The negative impacts that the proposal has on the rural landscape can be mitigated through the imposition of conditions.

ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Policy and guidelines

- 1.1 The proposed development is located outside the urban edge of Franschhoek. The objectives and principles of the Stellenbosch Municipality Spatial Development Framework highlight the following related to the proposed development:

- o Land outside of existing and proposed urban settlements 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.
- o As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.
- o New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.
- o All development in rural areas should be in keeping and in scale with its location and be sensitive to the character of the rural landscape and local distinctiveness.
- o 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 is supported.
- o 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.
- o Development in the rural area should not:
 - Have a significant negative impact on biodiversity.
 - Lead to the loss or alienation of agricultural land or has a cumulative impact there upon.
 - Compromise existing or potential farming activities.
 - Compromise the current and future possible use of mineral resources.
 - Be inconsistent with the cultural and scenic landscape within which it is situated.
 - Involve extensions to the municipality's reticulation networks.
 - Impose real costs or risks to the municipality delivering on their mandate.
 - Infringe on the authenticity of the rural landscape.

1.2 The proposal involves the development of five (5) tourist dwelling units (169.49 m² combined) on the existing triple garage building (unit 1- 51.27 m², unit 2- 31.36 m², unit 3 & 4- 22.94 m² each) and outbuilding (Unit 5- 40.98 m²) that can accommodate 10 guests (5 bedrooms).

1.3 The MSDF further states that additional dwelling units should be restricted to one (1) unit per 10ha, to a maximum of 5 units: 175m² maximum floor area including garaging and building height of one (1) storey (6.5), the proposal is in conflict with this guideline, hence the site-specific motivation. Similarly, the Western Cape Land Use Planning Guidelines (Rural Guidelines) also prescribes one (1) additional dwelling unit per 10 ha with a maximum of five (5) additional dwelling units per land unit. The proposed development is for additional five (5) tourist dwelling units and deviates from the provisions of the MSDF and Western Cape Guidelines for Rural Areas, 2019.

1.4 Furthermore, the zoning scheme allows one dwelling unit and second dwelling unit as a primary right, and on land exceeding 20 ha in size consent may be granted for additional dwelling unit at a rate of one additional dwelling unit per every 10ha exceeding the 20ha threshold, up to a maximum of 4 additional dwelling units.

1.5 The size of the property is 20.34 ha, and there is already a main dwelling, second dwelling (converted to guest house), outbuilding (approved guest rooms inside portion thereof), triple garages building and staff housing units, therefore the proposal exceeds the allowed additional dwelling units on a property. However, the rationale is to support the use of existing structures which are no longer utilised for their original purpose, rather than to allow the construction of any new buildings/structures on the property. Therefore, the deviation can be justifiable as the proposed tourist dwelling units are confined within the existing buildings.

2. Assessment of comments on application

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

KEY FINDINGS OF PLANNING EVALUATION

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

1. The proposal is to expand the existing accommodation establishment from seven (7) to twelve (12) guest rooms.
2. The proposed tourist units are confined within the existing buildings thus the agricultural viability of the farm will not be impacted on.
3. The development will not have any negative impact on the surrounding area or wider cultural landscape of Stellenbosch, as the land use of the property will remain agriculture.
4. The proposal will assist in diversifying the land uses on the farm without impacting on the existing agricultural activities.
5. The Western Cape: Heritage issued a permit for the proposed renovations and conversion of the existing buildings.
6. The proposed uses are subservient to the agricultural use of the property and surrounding farms.
7. All the proposed tourist accommodation units are clustered within the farmstead precinct.
8. The proposal exceeds the number of dwellings permitted on the property which is 20 ha in extent and deviates from the MSDF and the Western Cape land use planning guidelines for rural areas.
9. Due to the size of the property, only one additional dwelling units can be allowed on this farm.
10. Site specific motivation was submitted by the applicant.
11. The deviation can be justifiable as the proposed tourist dwelling units are confined within the existing buildings.

The subject land use and land development application is, having regard to the conclusions above, viewed as inconsistent with the MSDF, however site-specific motivation submitted by the applicant is justifiable, consequently grounds for the support of the subject land use and land development application.

List relevant plan numbers	Site Development Plan, referenced as File No: No: V 30-131, drawing No: 4, dated April 2024, drawn by: PJ le Roux, and Floor plans referenced as Project No: 1605, sheet No: 004, 001 & 002, Rev 2, drawn by a3d architects, dated September 2022.
List annexures to decision	None.

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm 1377 Paarl Division to allow additional dwelling units within the existing triple garage building and outbuilding deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposal exceeds the number of dwelling units prescribed by the MSDF for agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
2. That it **BE DECIDED** that the application for Consent Use on Farm 1377 Paarl Division to allow additional dwelling units within the existing triple garage building and outbuilding does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1 There are unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units as the;

- a) The proposal will utilise the existing buildings as approved, and the context of the development is the same and is subservient to agricultural activities on the farm.
- b) The proposed tourist units are confined within the existing buildings thus the agricultural viability of the farm will not be impacted on.

3. That the following application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm 1377 Paarl Division for Consent Use to expand the tourist accommodation establishment in the established guesthouse (1735 m²) and in the converted garage and outbuilding (169m²) allowing 12 bedrooms;

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

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

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

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

- 5.1 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.
- 5.2 The proposed tourist units are confined within the existing buildings thus the agricultural viability of the farm will not be impacted on.

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

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

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

6. Matters to be noted:

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

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

6.3 Should, after following due process –

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

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

c) The property be used for any unauthorised uses not permitted in terms of this approval,

the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

ANNEXURES

ANNEXURE A: Locality Plan

ANNEXURE B: Title Deed

ANNEXURE C: Site Development Plan

ANNEXURE D: Applicant's Motivation & Site-specific motivation

ANNEXURE E: Comment from the Manager: Spatial Planning

ANNEXURE F: Comment from Director: Infrastructure Services

ANNEXURE G: Comment from Western Cape: Heritage

ANNEXURE H: Comment from the Western Cape: Agriculture: Land Use Management

ANNEXURE I: Comment from department of Infrastructure: Road Planning

ANNEXURE J: Comment from Department of Environmental Affairs and Development Planning; Environment Impact Management Services

ANNEXURE K: Comment from Department of Environmental Affairs and Development Planning: Development Management

ANNEXURE L: Site inspection photos

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: Bongive Zondo
 Capacity: Senior Town Planner
 SACPLAN Registration: A13117
 Signature: [Signature]
 Date: 14/02/25

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide item 10.8.1 dated 26 February 2025.

Category / Delegation Item Number: O4

Decision Making Authority: MPT

Rational: Application is inconsistent and deviates from the MSDF.

Name: C. Kriel
 Capacity: MUMM
 SACPLAN Registration: A22/10
 Signature: [Signature]
 Date: 14-03-2025

SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CONSENT USE: FARM 1377 PAARL DIVISION****Administrator to Authorised Official / Municipal Planning Tribunal:**

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

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

Date: 28 March 2025

Name: C. Kriel
 Capacity: MUMM
 Signature: [Signature]
 Date: 14-03-2025

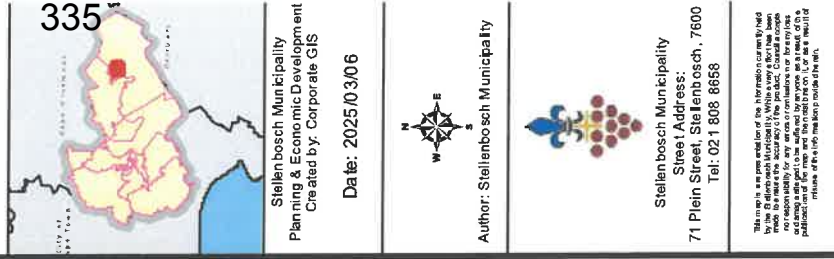
ANNEXURE A: LOCALITY PLAN

Stellenbosch GIS Map

SCALE
1:9 027,98

SCALE
1:9 027,98

SCALE
1:9 027,98



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2025/03/06

Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2025/03/06





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



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Street Address:
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This map is an unprecedented collection of information currently held by the British Broadcasting Corporation. While a very short time has been made to make the accuracy of the product, Councils complete no responsibility for any errors or omissions in or for any loss or damage arising from its use. The map is provided by the BBC as a result of the public's interest in the map and the cost of the map is not a result of the purchase of the map. The map is provided by the BBC.

ANNEXURE B: TITLE DEED

FOR FURTHER ENDORSEMENTS SEE
VIR VERDENE ENDOSEMENTE SIEN.....

Prepared by me,

Conveyancer
M F BLACK

SEELREG DUTY	R.....
FOOI FEE	R. 500.00

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN :

T 00005766772004

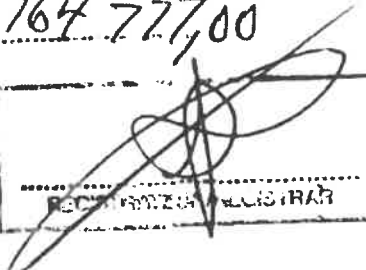
THAT PAUL WOLTER STELLING

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN the said Appearer being
duly authorised thereto by a Power of Attorney signed at CAPE TOWN on 18TH MAY 2004
and granted by:-

TRAUVE ESTATE (PROPRIETARY) LIMITED
Registration No. 1992/003483/07

- 10 -

DIE NAAM VAN DIE TRANSFERRÉE COMPANY		THE NAME OF THE COMPANY
IS VERANDER NA HAS BEEN CHANGED TO GRANDE PROVENCE PROPERTIES (PTY) LTD		
BC	000046730/2005	
06 JUL 2005	 REGISTRAR/REGISTRAR	

VERBIND	MORTGAGE
R 213 164 777,00	
B 000016570/2017	 REGISTRAR/REGISTRAR
2017-06-29	

AND the Appearer declared that the said Principal had truly and legally sold on 04 March 2004 a farming business as a going concern conducted at and inclusive of the hereinaftermentioned properties and that, the said Appearer in his capacity aforesaid, did by these presents, cede and transfer, to and on behalf of:-

GRAND PROVENCE PROPERTIES (PROPRIETARY) LIMITED
Registration No. 2003/025157/07

its successors in title or assigns in full and free property

1. THE FARM NO. 1377 IN THE MUNICIPALITY OF STELLENBOSCH, DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE;

In Extent 20,3406 (TWO ZERO COMMA THREE FOUR ZERO SIX) hectares

FIRST REGISTERED by Certificate of Consolidated Title No. T22640/1985 with Diagram No. SG9658/84 relating thereto and HELD BY Deed of Transfer No. T.45634/1992 (para. 1).

- I. INsofar as concerns the land represented by the figure ABCxLM Middle of River N on Diagram No. 9658/84 annexed to Certificate of Consolidated Title No. T.22640/1985:

- A. SUBJECT to the conditions referred to in Deed of Transfer No. 4596/1898.
- B. ENTITLED to the benefit of the following special conditions contained in Deed of Transfer No. T.1947/1947, namely:

- (a) The Transferee and his successors in Title as owner of the above land shall be entitled to a servitude road 14 feet 6 inches wide over portion 11 of La Provence held by the Appearer's Principal by Certificate of Registered Title registered this day No. 1945 along the boundary marked DC on diagram No. 9341/46 annexed to the said Certificate of Registered Title and over La Provence Annex, held by the Appearer's Principal by Deed of Transfer dated this day No. 1946 along the boundary marked CB on diagram No. A.3901/1930 annexed to the lastmentioned Deed of Transfer.
- (b) The Appearer's Principal and his successors in title as owners of the said Portion 11 of La Provence and the said La Provence Annex shall be precluded from erecting on the said land within a distance of 189 Cape Feet from the boundaries DC and CB respectively on the said diagrams Nos. 8341/46 and A3901/1930 any building or structure.

- C. ENTITLED to the benefit of the following special conditions referred to in the endorsement dated 9 March 1977 on Deed of Transfer No. T.2521/1963 which endorsement reads as follows:

"Kragtens Not Akte Nr. K0183/1977S gedateer 9/6/76 is die eiendom hieronder gehou geregtig op die volgende regte naamlik:

- (i) Die reg op die gesamentlike gebruik van 'n afloopwal deur die lyn w.b.x.y. met uitspoelkraan 2' en wateruitlaatpyp 2" op die servituutkaart nr. 1004/75.

- (ii) Die reg op die gesamentlike gebruik van 'n huishoudelike dam aangedui deur die figuur a'b'c'd' met inlaatpype e' en uitlaatpype e² op die servituutkaart nr 1004/74.
- (iii) Die reg op die gesamentlike gebruik van 'n affloopwal aangedui deur die lyn f'g' met inlaatpyp h' op die servituutkaart nr. 1004/75.
- (iv) Die reg op die gesamentlike gebruik van 'n servituutgebied 2 meter wyd die middellyne waarvan aangedui word deur die lyne gemerk A a b en a c d e f g h j k l m n p q r s t u v op die servituutkaart nr. 1004/75

oor die volgende eiendom:

Restant van die plaas Mooi Water Nr 1703
Afdeling Paarl – groot as sulks 36,4690Ha
gehou onder T.27088/74

Met bykomstige regte en voorwaardes soos meer breedvoerig beskryf in die gesegde Not Akte."

- D. SUBJECT to the following conditions referred to in the endorsement dated 27th June 1972 on Deed of Transfer No. T.2521/1963 which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 13 (3) VAN WET 28 VAN 1969

Kragtens Artikel 10(1) van Wet 28 van 1969 is die huis bekend as La Provence op die hieringemelde eiendom geproklameer as 'n Nasionale Gedenkwaardigheid ingevolge Proklamasie 932 gedateer 2/6/72 in die Staatskoerant van dieselfde datum. Vir verdere besonderhede sien gemelde Proklamasie en Diensbrief Nr. 10/2/252 gedateer 21/6/72 van die Direkteur van Argiewe Pretoria gebêre in leer 73."

(which Historical monument is indicated by the figure ABCxLM Middle of River N on diagram 9658/84).

- E. SUBJECT to the following condition referred to in the endorsement dated 24 May 1974 on Deed of Transfer No. 2521/1963, which endorsement reads as follows:

"Wysiging van Goewermentskennisgewing 932 van 2/6/72 – Endossement kragtens Artikel 13(3) van Wet 28 van 1969.

Kragtens Artikel 10(2) van Wet 28 van 1929 is Goewermentskennisgewing 932 van 2/6/72 wysig om die grond en geboue hieronder aangedui daarby in te sluit.

Die kleiner woonhuis aan die Paarlse kant en die Pakhuis aan die Franschoekse kant van die Hoofwoonhuis wat by die Goewermentskennisgewing 932 van 2/7/72 tot 'n Nasionale Gedenkwaardigheid verklaar is tesame met 'n Reghoekige stuk grond waarvan geen grens minder as 30 meter van buitemuur van genoemde geboue is nie. Vir verdere besonderhede sien Proklamasie 168 gedateer 8/2/74 in die Staatskoerant van dieselfde datum en Diensbrief 10/2/252 gedateer 20/2/74 van die Direkteur van Argiewe Pretoria gebêre in leer 24/4/6/16."

(which Historical monument is indicated by the figures ABCxLM Middle of River N on diagram 9658/84).

- II. INSOFAR as concerns the land represented by the figure EyxD on the Diagram No. 9658/84 annexed to Certificate of Consolidated Title No. T.22640/1985:

SUBJECT to the conditions referred to in Deed of Transfer No. T2574/1902.

- III. INSOFAR as concerns the land represented by the figure xyJ Right Bank of River K and FG Right Bank of River H on Diagram No. 9658/84 annexed to Certificate of Consolidated Title No. T.22640/1985:

SUBJECT to the conditions referred to in Deed of Transfer No. 13936/1902.

2. THE FARM NO. 1421 IN THE MUNICIPALITY OF STELLENBOSCH, DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE

In Extent 6 272 (SIX THOUSAND TWO HUNDRED AND SEVENTY TWO) square metres;

FIRST REGISTERED by Certificate of Consolidated Title No. T.9968/1990 with Diagram No. 2588/89 relating thereto and HELD BY Deed of Transfer No. T.45634/1992 (para 2).

- I. INSOFAR as concerns the land represented by figure xDEFGH on Diagram No. 2588/89 annexed to Certificate of Consolidated Title No. T.9968/1990:

SUBJECT to the conditions referred to in Deed of Transfer No. T.4596/1898.

- II. INSOFAR as concerns the land represented by the figure A D x on Diagram No. 2588/89 annexed to Certificate of Consolidated Title No. T.9968/1990:

- A. SUBJECT to the conditions referred to in Deeds of Transfer Nos. 4597/1898 and T4598/1898.

- B. SUBJECT to and entitled to the benefits of the conditions of the Servitudes referred to in the endorsements dated 5th March 1901, 25th July 1901, 16th December 1901 and 3rd January 1903 on Deeds of Transfer No. 4597/1898 and 4598/1898 and repeated in Deed of Transfer No. 5621/1928 as amended by the subsequent endorsement dated 27 June 1935 on Deeds of Transfer Nos. 4597/1898 and 5621/1928 namely:

"By Deeds of Transfer 1374 to 1402 25th February 1901 the owners of the property thereby conveyed have been granted certain water and grazing rights and the right to make bricks on farm La Provence subject to conditions as will more fully appear on reference to the said transfer"

"By Deed of Transfer No. 5064 dated 12th July 1901 the owner of the property thereby conveyed has been granted certain water and other rights over the farm La Provence as will more fully appear on reference to the said transfer."

"By Deed of Transfer No. 9243 dated 9.XII.1901 the distributor of the water to which certain sixty erven forming part of this property is entitled is regulated as will more fully appear on reference to the copy of special conditions annexed to the said Transfer."

"Certain Sixty erven sold subject to conditions similar to those referred to in the above endorsements."

"The grazing rights referred to in the endorsements dated 5.3.1901, 25.7.1901, 16.12.1901 and 3.1.1903 on trfr 4598/1898 and herein referred to are now confined to the area comprised in Certificate of Registered Title No. 5205 dd. 27.6.1935 the remdr. of the property held hereby not being subject to such grazing rights."

- C. SUBJECT to the terms of the endorsement dated 18 March 1985 on Deed of Transfer No. T.9407/1980 which endorsement reads as follows:

"Para 2

Endossement kragtens Artikel 31(6) van Wet 47 van 1937 (soos gewysig)

'n Gedeelte van die eiendom hierin vermeld groot 0,0020 ha is onteien deur die Paarl Afdelingsraad kragtens Art. 27 van Ordonnansie 19/1976 Vide Onteieningskennisgewing Nr RMR 4/2/18 dd 26.2.1985 geliasseer as onteienings caveat Ex 259/85 planne in tweevoud geliasseer hiermee."

- III INSOFAR as concerns the land represented by the figure B C D on Diagram No. 2588/89 annexed to Certificate of Consolidated Title No. T.9968/1990:

- A. SUBJECT further to the conditions referred to in Deeds of Transfer Nos. T.4597/1898 and 4598/1898 dated 9th June 1898.

- B. SUBJECT and/or ENTITLED to the benefits of the conditions of the Servitudes referred to in the endorsements dated 5th March 1901, 25th July 1901, 16 December 1901, 3rd January 1903, 30TH September 1936 and 22nd November 1938 on Deeds of Transfer No. 4597/1898 and 4598/1898 as amended by the endorsements dated 27th June 1935, namely

"By Deeds of Transfer 1374 to 1402 25th February 1901 the owners of the property thereby conveyed have been granted certain water and grazing rights and the right to make bricks on farm La Provence subject to conditions as will more fully appear on reference to the said transfer"

"By Deed of Transfer No. 5064 d.d 12th July 1901 the owner of the property thereby conveyed has been granted certain water and other rights over the farm La Provence as will more fully appear on reference to the said transfer."

"By Deed of Transfer No. 9243 d.d. 9.XII.1901 the distribution of the water to which certain sixty erven forming part of this property is entitled is regulated as will more fully appear on reference to the copy of special conditions annexed to the said Transfer."

"Certain Sixty erven sold subject to conditions similar to those referred to in the above endorsements."

"The grazing rights referred to in the endorsements d d. 5.3.1901, 25.7 1901, 16.12.1901 and 3.1.1903 on trfr 4598/1898 and herein referred to are now confined to the area comprised in Certificate of Registered Title No. 5205 dd. 27.6.1935 the remainder of the property held hereby not being subject to such grazing rights."

"By Deeds Trfs 9622 and 9623 dated 30.9.1936 the owners of the properties thereby conveyed have been granted the right to make bricks and quarry stones on the remainder held hereunder and have been granted certain right of way over said remainder subject to conditions as will more fully appear on reference to the copy of said Transfers.

"By Deed of Transfer No. 12085 dated 22.11.1938 the owner of the property conveyed thereby has been granted the right to make bricks and quarry stones on the remainder held hereunder and has been granted certain right of way over the said remainder as will more fully appear on references to the said Deed of Transfer."

C. SUBJECT to the following conditions contained in Deed of Transfer No. T.9967/1990 imposed by the Western Cape Regional Services Council in terms of Act 21 of 1940, namely:

1. The land may not be subdivided without the written approval of the controlling authority as defined in Act 21, 1940.
2. Not more than one dwelling house together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land, except with the written approval of the controlling authority as defined in Act 21, 1940.
3. No store or place of business whatsoever may be opened or conducted on the land without the written approval of the controlling authority as defined in Act 21, 1940.
4. No building or any structure whatsoever shall be erected within a distance of 35m from the centre line of Main Road 23 without the written approval of the controlling authority as defined in Act 21, 1940.
5. Should the subdivision necessitate the construction of an entrance to any subdivisional portion of the remainder, the owner should apply to the relevant controlling authority who will construct the entrance at the owner's cost.
6. Compliance with the requirements of the National Building Regulations regarding all new buildings is maintained."

3. ERF 183 LE ROUX, IN THE MUNICIPALITY OF STELLENBOSCH, DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE

In Extent 1 449 (ONE THOUSAND FOUR HUNDRED AND FORTY NINE) square metres;

FIRST TRANSFERRED by Deed of Transfer No. T.1946/1947 with Diagram No. A3901/1930 relating thereto and HELD BY Deed of Transfer No. T.16849/2000 (para 1.)

A. SUBJECT to the conditions referred to in Deed of Transfer No. T.1946/1947.

B. SUBJECT FURTHER to the servitude endorsement dated 7th February 1947 on Deed of Transfer No. T.1946/1947 reading as follows:

"By Deed of Transfer No. 1947 dated 7 February 1947 the owner or his successors in title to the property thereby conveyed is entitled to a Servitude road 14'6" wide over the property conveyed hereunder. Further the said owner of the property hereby conveyed is precluded from erecting any building or structure within a specified distance of certain boundaries, as will more fully appear on reference to the said Deed of Transfer."

8. 4. PORTION 11 (A PORTION OF PORTION 2) OF THE FARM LA PROVENCE NO. 1064, IN THE MUNICIPALITY OF STELLENBOSCH, DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE

In Extent 7 017 (SEVEN THOUSAND AND SEVENTEEN) square metres;

FIRST REGISTERED by Certificate of Registered Title No. T.1945/1947 with Diagram No. 9341/46 relating thereto and HELD BY Deed of Transfer No. T.16849/2000 (para 2)

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T.4596/1898.
- B. SUBJECT FURTHER to the following conditions referred to in said Certificate of Registered Title No. 1945 dated 7 February 1947, imposed by the Divisional Council of Paarl as the Controlling Authority in terms of Act 21/1940 when consenting to the abovementioned subdivision, namely:

1. The land may not be subdivided without the written approval of the Council.
2. Not more than one dwelling house together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with the approval of the Council.
3. No store or place of business whatsoever may be opened or conducted on the land without the written approval of the Council.
4. No building or structure whatsoever shall be erected within a distance of 300 Cape Feet from the centre line on the Main Road from Paarl to Fransch Hoek without the written approval of the Council.

- C. SUBJECT FURTHER to a servitude endorsement dated 7th February 1947 on Certificate of Registered Title No. T1945/1947 reading as follows:

"By Deed of Transfer No. 1947 dated 7 February 1947 the owner or his successors in title to the property thereby conveyed is entitled to a Servitude road 14'6" wide over the property conveyed hereunder. Further the said owner of the property hereby conveyed is precluded from erecting any building or structure within a specified distance of certain boundaries, as will more fully appear on reference to the said Deed of Transfer.

5. THE FARM PROTERRA NO. 1077, IN THE MUNICIPALITY OF STELLENBOSCH, DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE

In Extent 13,6385 (ONE THREE COMMA SIX THREE EIGHT FIVE) hectares

FIRST REGISTERED by Certificate of Consolidated Title No. T.1951/1960 with Diagram No. 6481/59 relating thereto and HELD BY Deed of Transfer No. T.100891/1997.

M

- I. INSOFAR AS the figure F H Middle of Franschoek River JL on said Diagram No. 6481/59 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T.921/1914 and, affecting the quitrent portion granted by Deed of Grant issued to H J de Villiers on 30 April 1839 (Stellenbosch Quitrents Volume 12, No. 19) with the reservation in favour of the State of the rights to mining of gold, silver and precious stones, mentioned in Section 4 of the Proclamation of Sir John Cradock dated 6 August 1813.

- II. INSOFAR AS the figure A C D E N Right bank of river on said Diagram No. 6481/59 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T.2701/1914 and granted by Deed of Grant issued to J P van der Merwe on 1 April 1833 (Stellenbosch Quitrents Volume 10, No. 61) with the reservation in favour of the State of all rights to the mining of gold, silver and precious stones, mentioned in Section 4 of the Proclamation of Sir John Cradock dated 6 August 1813.

WHEREFORE the Appearer, renouncing all the right and title which the said:-

TRAUVE ESTATE (PROPRIETARY) LIMITED

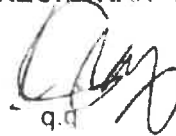
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of and disentitled to the same, and that by virtue of these presents, the said:-

GRAND PROVENCE PROPERTIES (PROPRIETARY) LIMITED

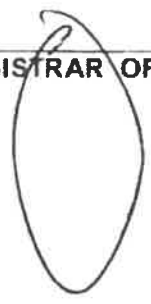
its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price to be the sum of R41 247 000,00 (FORTY ONE MILLION TWO HUNDRED AND FORTY SEVEN THOUSAND RAND).

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

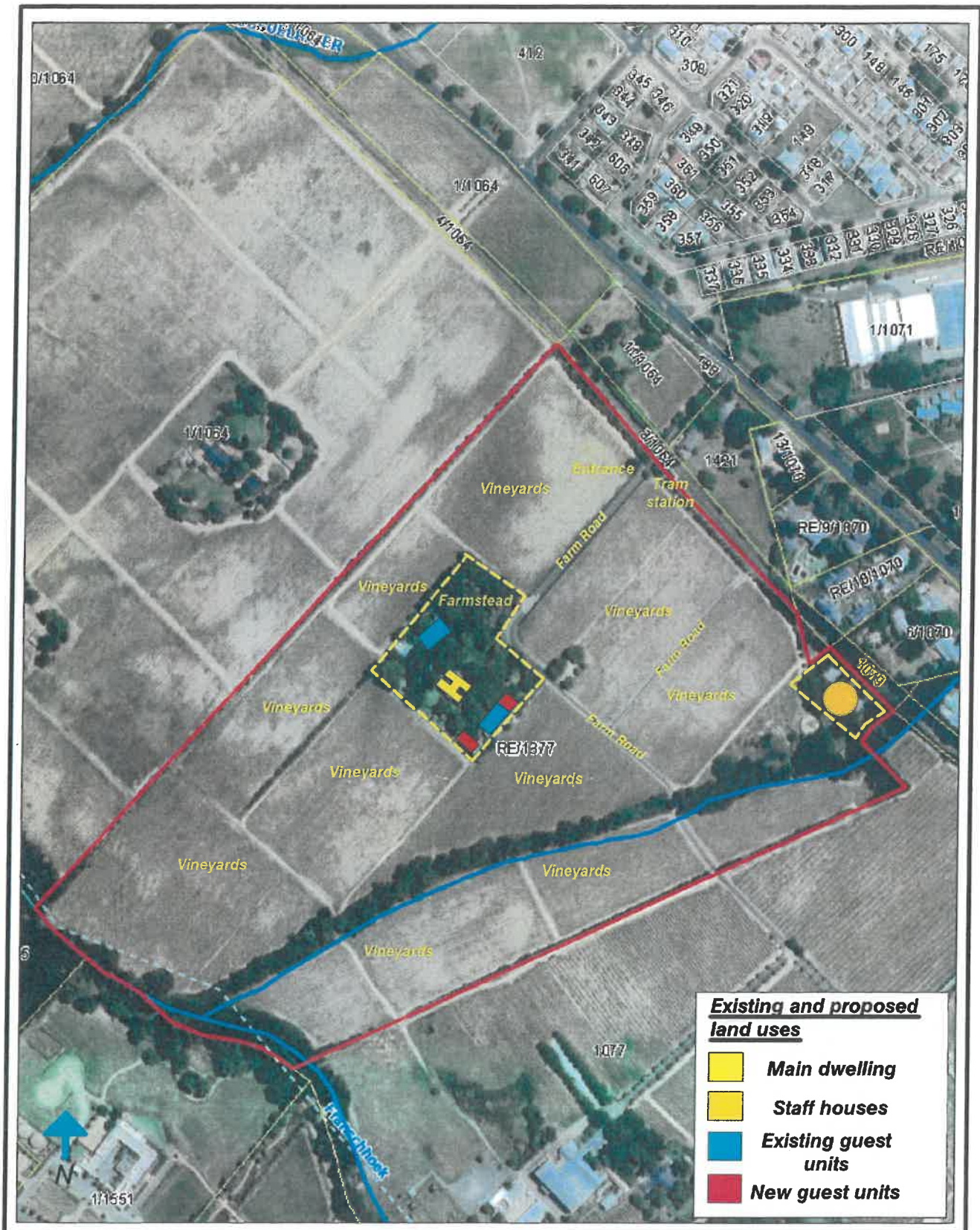
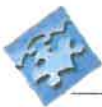
THUS DONE AND EXECUTED at the office of the REGISTRAR OF DEEDS at CAPE TOWN on 18th June 2004.


q.q.

In my presence,


REGISTRAR OF DEEDS

ANNEXURE C: SITE DEVELOPMENT PLAN



P-J le Roux

Stads- en Streekbouwers/
Town and Regional Planners

Hooftrant 262 Main Road Paarl
(Ph) 021-8722490 (Cell) 076 031 7807
(email) pj@pjleroux.co.za

Project:

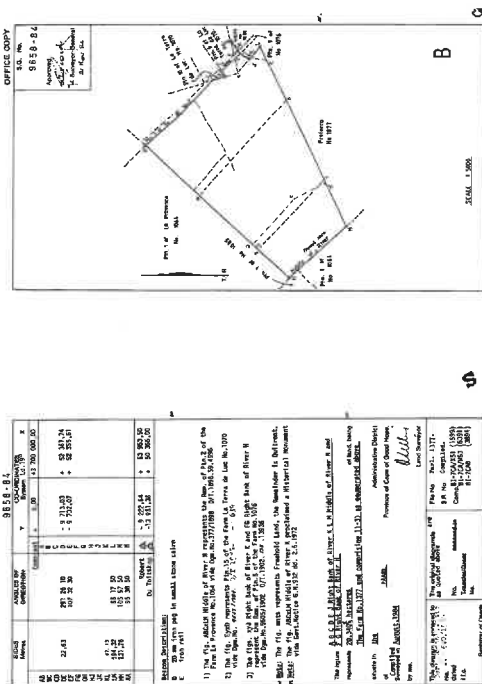
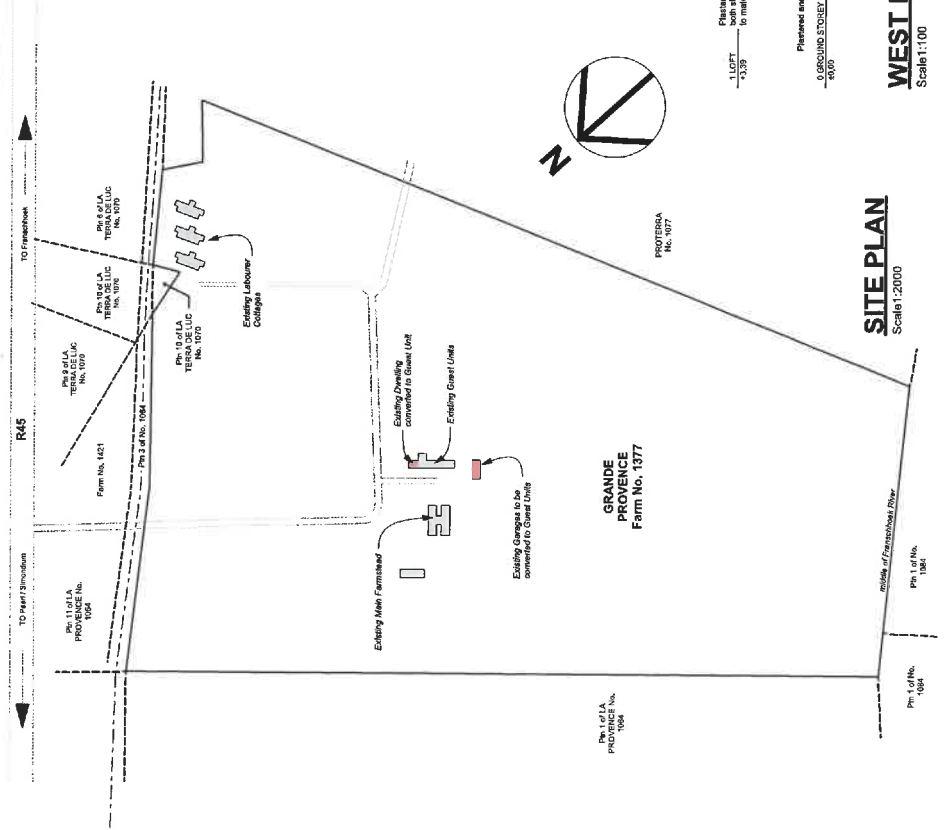
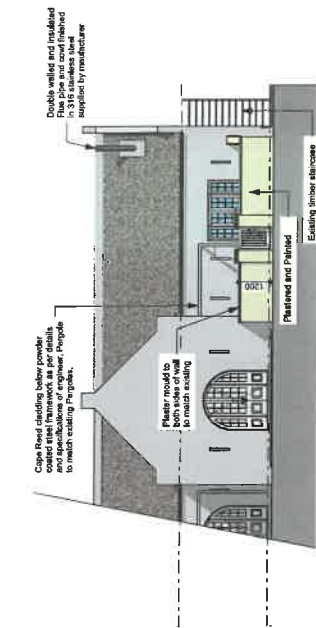
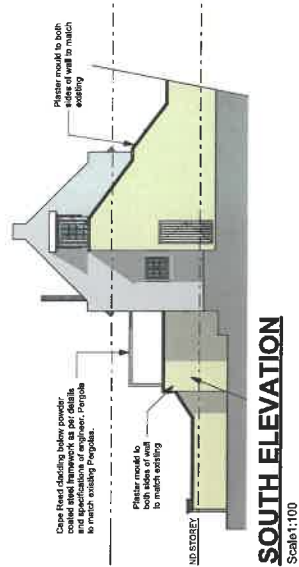
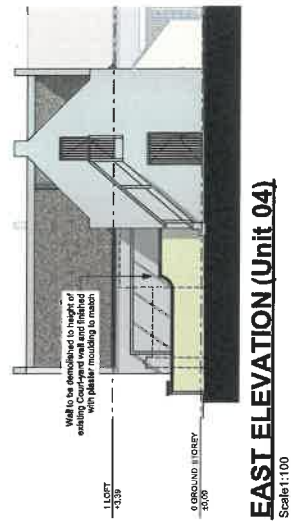
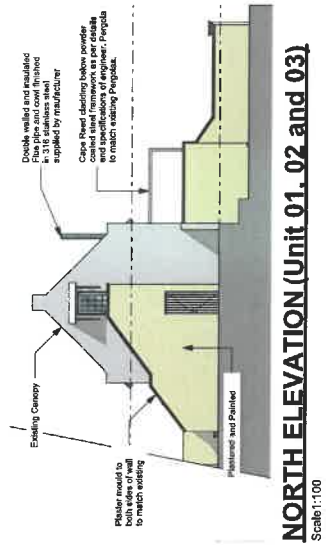
**Application for
Consent Use:
Farm No. 1377
Paarl**

Description:

**Site
Development
Plan**

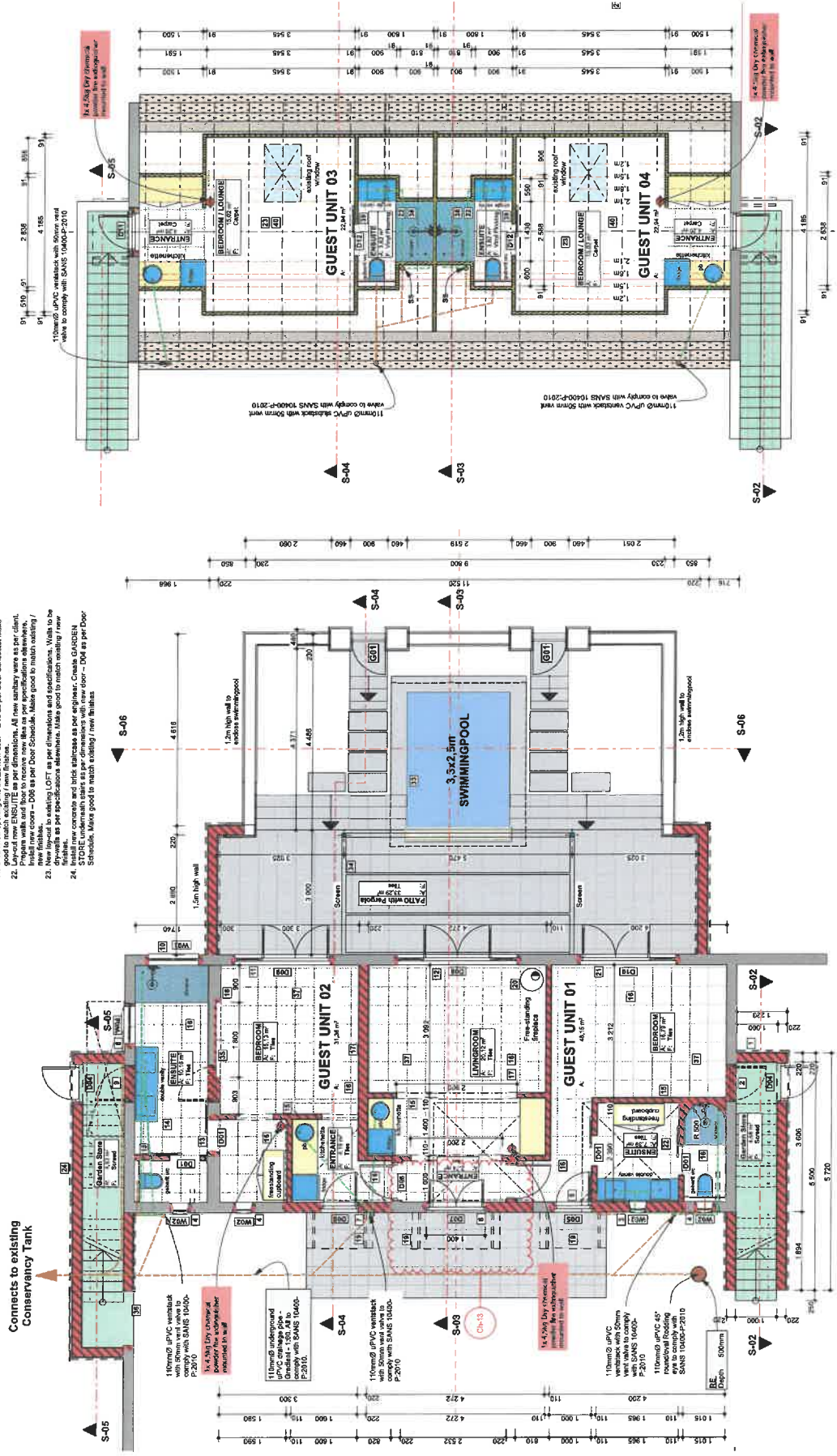
GRANDE PROVENCE

Skale 1:50 000	Leëre nr. V 30-131
Tekn. PJLR	Datum APRIL 2024
Kor PJLR	Tekening nr. 4



12. Break new opening and install new door – DO8 as per Door Schedule. Make good to match existing / new finishes.
13. Break opening in ceiling wall and install new door – DO1 as per Door Schedule. Make good to match existing / new finishes.
14. Remove all existing Wathtoughite, and make design connections between new door and existing floor slab. Make good to match existing / new finishes.
15. Prepare steel reinforcement for new door frame. Make good to match existing / new finishes.
16. Install new door frame. Make good to match existing / new finishes.
17. New 10mm single width up cut into ceiling floor. Make good to match existing / new finishes.
18. Prepare ceiling floor to receive new tiles as per client. Make good to match existing / new finishes.
19. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
20. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
21. Alter control unit / keypad to be removed and moved by specialist in location as per client. Make good to match ceiling / new finishes.
22. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
23. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
24. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
25. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
26. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
27. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
28. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
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36. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
37. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
38. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
39. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.
40. New 25mm double width up cut into ceiling floor. Make good to match existing / new finishes.

- [illegible]



GROUND STOREY
Scale 1:50

LOFT
Scale 1:50

Scale 1:50

Scale 1:50

Scale 1: 50

CONSTRUCTION: Flat concrete roof

Waterproofing: One layer Design SP-2000 waterproofing membrane, 1.5mm thick, laps and joints 1000mm and laps, sealed, primed, surface to falls. 2nd layer of 1.5mm thick Design SP-2000 waterproofing membrane and coarsella by 'torcflow' in. Including protection of 50mm thick layer clean 1:3 cement crushed stone.

Insulation: Iso-board, high density 32-36kg/m³ rigid extruded polystyrene, 100% closed cell insulation board, 100mm thick, 6000mm wide with tongue and groove joints, flat lightly tumbled on waterproofing membrane (as above), secured under 20mm nominal gravel.

Fullbore outlets; Seaqual HyDrain 75mm horizontal outlet balcony drain (Code: 097803) and domo grate and flange (Code: 097704), connected to waste pipe and installed in accordance with manufacturer's recommendations

CEILING CONSTRUCTION: Units 1-2 through-out

[illegible]

CORNICE: NMC Decorative Mouldings Nomasty® A interior extruded polystyrene cornice, size 110 x 110mm high fixed with Adifix® PS adhesive.

ADDITIONAL SOUND INSULATION: For immediate timber floor,
Knauf Insulation 100mm thick Acoustic Roll flexible non-combustible glass mineral wool acoustic insulation, complying with SANS 1361-1:2007 and SANS 426:2012, fitted in accordance with manufacturer's recommendations.

FLOOR CONSTRUCTION: Surface bed

Floor finish as shown, on 25mm screed on 100mm concrete slab on 250 MICRON damp proof membrane under concrete surface beds conforming to SANS 952:2011 laid with minimum 150mm overlaps and sealed with pressure sensitive tape on 50mm sandbed on min. 150mm well compacted filling. All compacted earth (III) to be compacted to 98% mod AASHTO and not to exceed layer thickness of 150 mm. Provide 193 mesh where filling exceeds more than 900mm.

All floors to stoeps and patios to have efficient fall away from building. All external tiles to be non-slip tiles.

kindred; to match existing

ALL Floors to comply with SANS 10400-1:2011

WALL CONSTRUCTION:

Superstructure (Pilehead): All walls to be constructed with Corbitt® 70MP nominal compressive strength NFP nonbearing Imperial plaster brick, size 22 x 108 x 73mm, manufactured in accordance with SANS 237:2007, laid in superstructure walls bedded and jointed in Class I mortar to comply to SANS 10400-K2B1.1.

Foundations: Corbitt® 14MP nominal compressive strength NFP loadbearing Imperial nominal brick, size 22 x 108 x 73mm, manufactured in accordance with SANS 237:2007, laid in foundations walls bedded and jointed in Class II mortar.

- All external walls to be of 500mm cavity

- Wall ties distribution not exceeding 450mm vertical centre-to-centre and horizontal spacing of 600mm irrespective of the cavity thickness. Provide weep holes at 600mm o/c max at floor level and above doors and windows.
- Cavity to be filled with concrete from foundations up to floor damp proofing.
- Stepped down - 375 micron embossed Blacktop at floor level, above doors and windows.

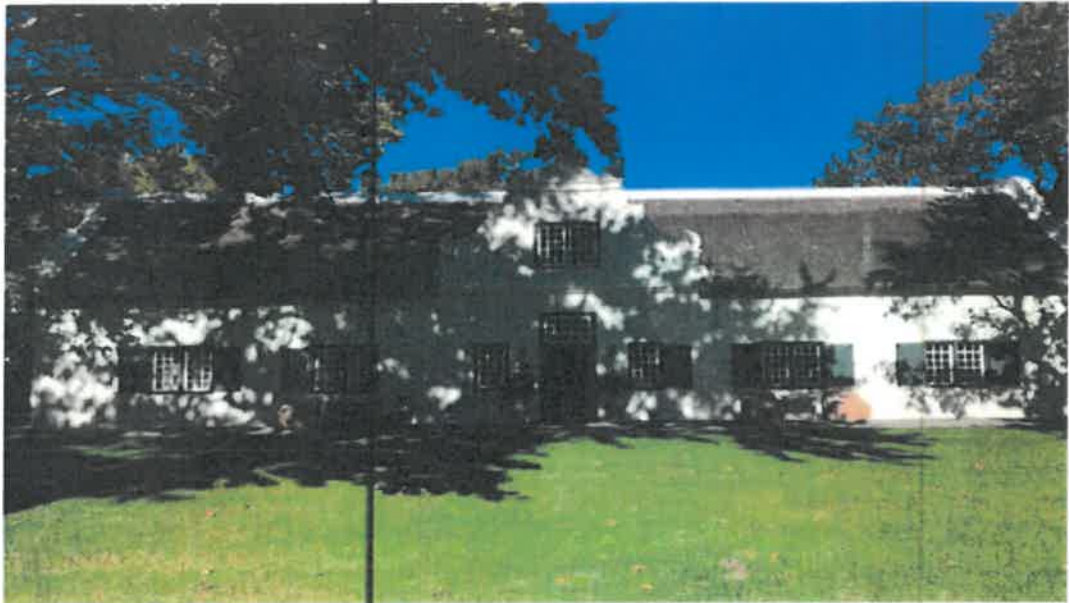
NOTE:

- Freestanding walls: To comply with SANS 10400-K:2011; pg 44-45, Fig.18, Table 17 & 18.
- Control Joints: To comply with SANS 10400-K:2011; pg 44-45, Fig.18, Table 17 & 18.

K2011; pg 47-49, Table 19, Fig. 19 & 20.

WALL CONSTRUCTION: Partition walls General

**ANNEXURE D: APPLICANT'S MOTIVATION & SITE-SPECIFIC
MOTIVATION**



*Application for
Consent Use:
Farm No. 1377
Paarl*

April 2024

V 30-131



P-J le Roux

Stads- en Streekreëlmisier
Town and Regional Planners

Hoofstraat 262 Main Road Paarl
(Ph) 021-8722499 (Cell) 076 031 7607
(email) pj@pjleroux.co.za

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 - 1.1. Application
 - 1.2. Applicant
2. **Property Information**
3. **Locality**
4. **Legal Land Use Rights**
 - 4.1. Existing zoning
 - 4.2. Existing land uses
5. **Proposed Development**
 - 5.1. Statement of purpose
 - 5.2. Development proposal
6. **Application**
7. **Spatial Planning Principles**
8. **Desirability**
 - 8.1. Physical characteristics
 - 8.2. Character of the area
 - 8.3. Accessibility
 - 8.4. Spatial Planning
 - 8.5. Provision of services
9. **Summary and Conclusion**



P-J le Roux

STATIS-EN-STREEKBEHOORDE TOWN AND REGIONAL PLANNERS

Farm No. 1377 Paarl

April 2024

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1. Locality Plan
2. Aerial Photo
3. Submitted building plans approved by HWC
4. Site Plan
5. Site Development Plan
6. SG Diagram

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2. Extract from Stellenbosch Municipality: Zoning Scheme By-Law (2023)

Figures

1. Locality: Stellenbosch
2. Site Locality: Portion 9 of Farm 689 Stellenbosch
3. Extract from the zoning map of Stellenbosch
4. Existing structures on subject property
5. Position of new guest accommodation units inside existing buildings
6. Stellenbosch Municipality Spatial Development Framework, 2019

Annexure

1. Power of Attorney
2. Company Resolution
3. Title Deed
4. Zoning Certificate
5. Municipal correspondence
6. Heritage Western Cape Permit
7. Municipal account
8. Application Form



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STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Farm No. 1377 Paarl

April 2024

1. INTRODUCTION

1.1 Application

With this document formal application is made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, for a **CONSENT USE** to facilitate the approved guest units together with the conversion and construction of new guest accommodation units as a "***tourist accommodation establishment***" on Farm No. 1377 Paarl.

Detail regarding the proposal will be discussed in Section 5 & 6 of this report.

1.2 Applicant

ALEXANDER PIETER VAN HEEREN as Director and duly authorised by **GRANDE PROVENCE PROPERTIES PTY LTD** as registered owners of **Farm No. 1377 Paarl** appointed this firm *P-J Le Roux Town Planners* to prepare a formal application for consent use on the subject property and to submit it to the relevant authorities for formal approval. (***Power of attorney and Company Resolution attached***).



P-J le Roux

STELLEREN, STREK-EN-REKLEWING TOEWAND-RESIDENT PLANNERS

Farm No. 1377 Paarl

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2. PROPERTY INFORMATION

Description	Farm No. 1377 Paarl
Location	Main Road 191 (R45) north of Franschhoek
Extent	20,3406ha
Registered Owner	GRANDE PROVENCE PROPERTIES PTY LTD (Power of attorney & Company Resolution attached)
Title Deed	T57661/2004 (Copy of Title Deed attached)
Existing Zoning	Agriculture and Rural Zone Guest House 1735m ² (Copy of Zoning Certificate attached)
Restrictive Conditions	None
Planning Legislation	Stellenbosch Municipality: Zoning Scheme By-Law (2023) Stellenbosch Municipality: Land Use Planning By-Law (2023)

Table 1: Property Information

The subject property is located inside the rural area immediately north of Franschhoek and falls inside the jurisdiction of Stellenbosch Municipality, Western Cape Province.



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Farm No. 1377 Paarl

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3. LOCALITY

Farm No. 1377 Paarl is an existing agricultural land unit situated opposite Le Roux Hamlet west of Main Road 191 (R45) approximately 1km north of Franschhoek Central Business District.



Fig. 1: Locality: Franschhoek

The area west of the R45 is primarily rural in nature and comprises small to medium agricultural land units, while the area immediately east of R45 represents existing urban developments (Le Roux Hamlet and Groendal residential neighbourhood). The subject property is bounded to the east by the existing railway line, the Franschhoek River to the west and agricultural properties to the north and south. There are existing smaller properties wedged between the railway line and the R45 further to the east. An existing tributary stream traverses the subject property in an east/west direction from the R45 towards the Franschhoek River. This however will have no direct or indirect impact on the land use proposal.



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Senior Planning Officer, T. 021 851 1234, P. 021 851 1235

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Access to the subject property is taken via an existing and established servitude road 4,57m wide traversing Portion 11 of Farm No. 1064 Paarl, which is also owned by the applicant vide Title Deed No. T57661/2004.



Fig. 2: Access to Farm 1377 Paarl with existing nodes

The existing access road and internal farm road is well established and provide easy and safe access to the two nodes (main farmstead as well as the staff housing units) as illustrated in yellow in fig.2 above.



View onto subject property from entrance gate



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Farm No. 1377 Paarl

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4. LEGAL LAND USE RIGHTS

4.1 Existing Zoning

The Stellenbosch Municipality has confirmed via a zoning certificate dated 28 February 2011 and as depicted on the extract of the zoning map (*Fig. 3 below*) that **Farm No 1377 Paarl** is in terms of Stellenbosch Municipality: Zoning Scheme By-Law, 2023, zoned "**Agriculture and Rural Zone**" with a "**Multi Unit Residential Zone**" component. According to this By-Law, the land uses permitted within "Agriculture and Rural Zone" is tabulated below:

Primary Uses	Additional Uses (not exceeding the threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building (<2000m²) • Agriculture • Dwelling House • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (<2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and Breakfast establishment • Employee housing (exceeding one unit) • Guest House • Home day care centre • Home occupation practice • Polytunnel >2001m²-<5000m² • Rooftop base telecommunication station • Tourist dwelling units • Tourist facilities (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry >2000m² • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use (> one event/year) • Plant nursery • Polytunnel >5000m² • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

Table 2: Extract from Stellenbosch Municipality: Zoning Scheme By-Law (2023)



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Stads- en Plaaslike Ombudsman | West- en Oos-Kaap

Farm No. 1377 Paarl

April 2024

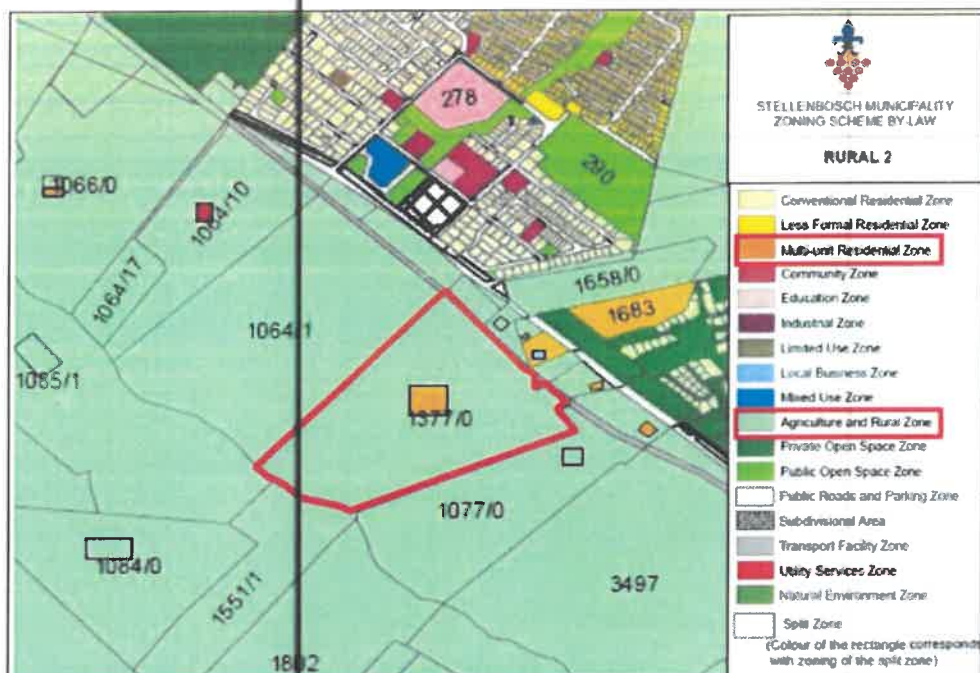


Fig. 3: Extract of zoning map of Stellenbosch

In addition, the zoning certificate also confirmed that approval was granted for guest accommodation (1735m²) (Res V) in extent inside existing buildings as illustrated in blue in the site extract below.

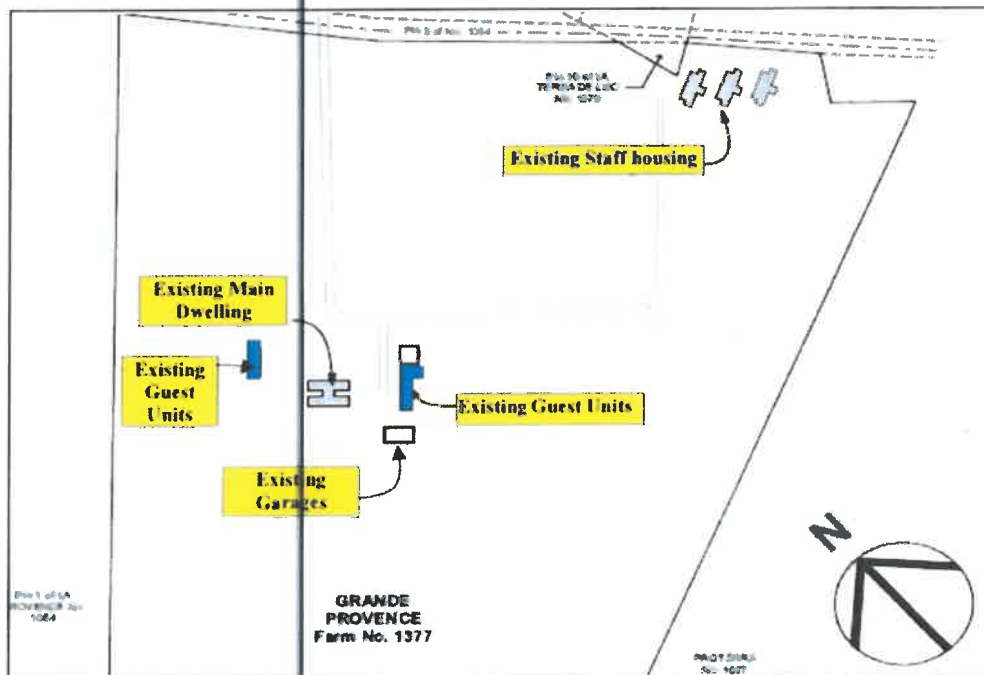


Fig. 4: Existing structures on subject property with approved guest units in blue



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Farm No. 1377 Paarl

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4.2 Existing Land Uses

The subject property is a bona fide and functional agricultural land unit with existing vineyards thereon. The vineyards cover almost 96% of the subject property with the existing buildings representing the remaining 4%.

The improvements on the subject property comprise the following buildings:

- Security entrance gate
- Tourist tram station
- Main dwelling
- Second dwelling (approved guest house)
- Outbuilding (approved guest rooms inside portion thereof)
(remainder is subject of this application)
- Triple garage building (subject of this application)
- Staff housing units



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STRATEGIC STRUCTURAL PLANNERS, TOURISM & RECREATION PLANNERS

Farm No. 1377 Paarl

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Existing vineyards with access road and farmstead in background



Existing vineyards



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Existing vineyards



Existing gatehouse with internal farm road



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Farm No. 1377 Paarl

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Tourist tram station at entrance gate



Main dwelling



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Farm No. 1377 Paarl

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Farm No. 1377 Paarl

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Existing triple garage building (subject of this application)



Staff housing units



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5. PROPOSED DEVELOPMENT

The objective of this application is to enable the applicant to optimise the existing buildings on the subject property to its fullest economical potential by permitting new tourist accommodation units thereon. The intention is to convert existing structures on the subject property for new guest units. No cultivated land will be lost because of this application and the activities will remain subservient to the primary agricultural uses.

The development proposal comprises **five (5) new guest units** inside two separate buildings located on the existing farmstead as illustrated in figure 5 below.

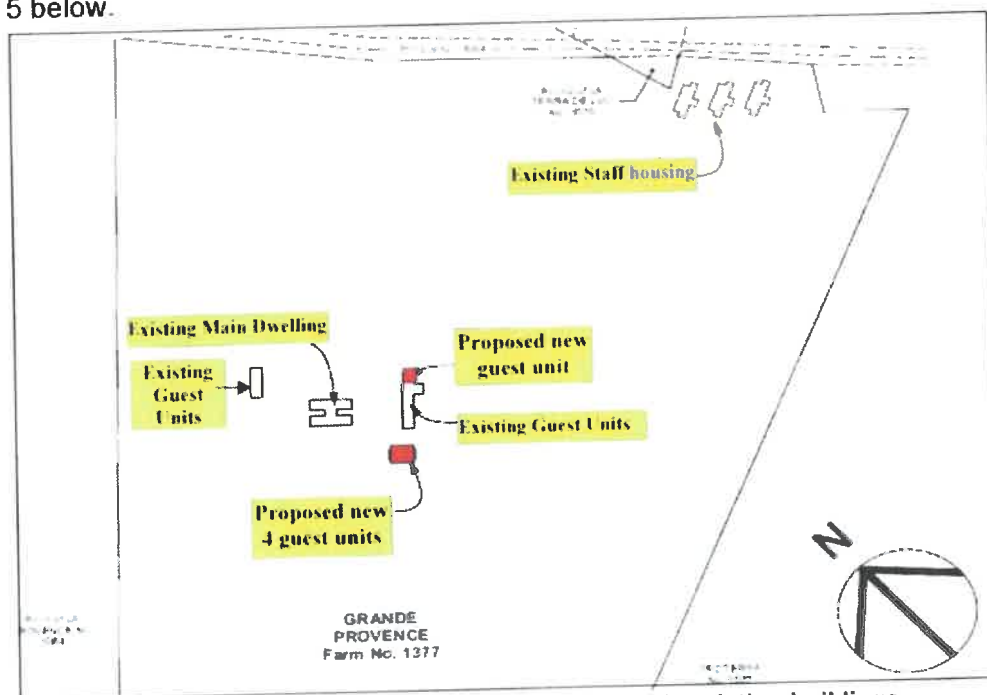


Fig.5: Position of new guest accommodation units inside existing buildings

Guest units 1-4 will be located inside the existing triple garage building. The intention is to redevelop and convert the existing garage building into **two guest units on ground level and two guest units inside the loft area** as clearly depicted on the extract from the building plan below. **Unit 1** will measure **51,27m²** in extent and comprises a **bedroom with ensuite**



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Stylized text below the name, possibly indicating a profession or company.

Farm No. 1377 Paarl

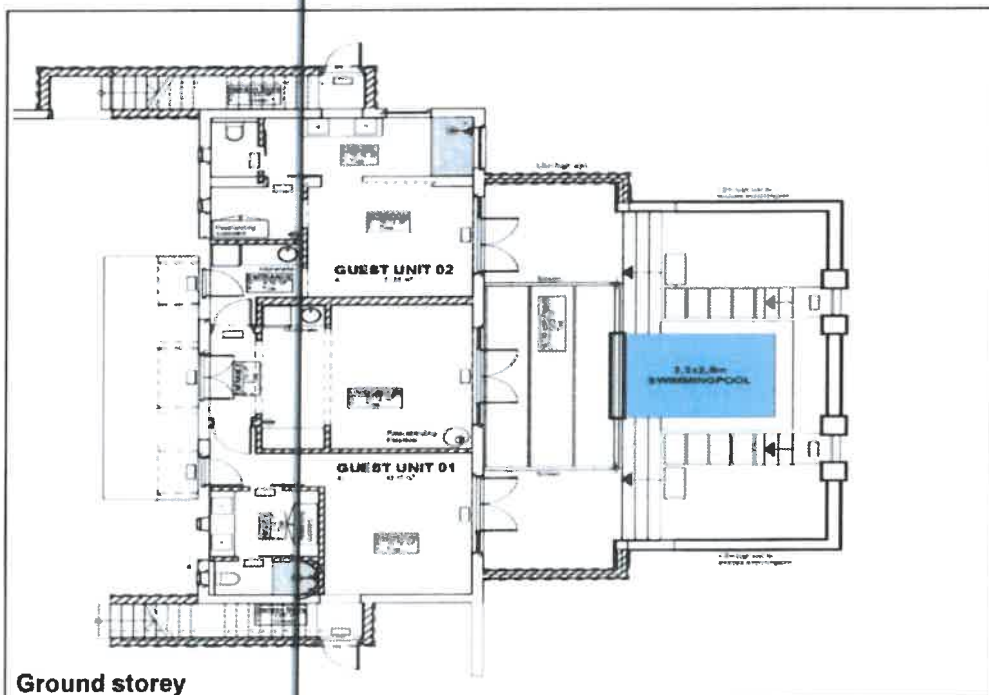
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bathroom, kitchenette with entrance and lounge area. Unit 2 will measure 31,36m² and comprises a bedroom with ensuite bathroom and small kitchenette. Both units will lead out onto an outside patio area with swimming pool.

Units 3 and 4 will be located inside the loft of the building and each will measure 22,94m² in extend comprising an open plan bedroom/lounge with ensuite bathroom and kitchenette respectively. Access to these loft units will be via two outside staircases on each end of the building.



Proposed new elevation guest units 1,2,3 & 4 (existing garage building)



Ground storey

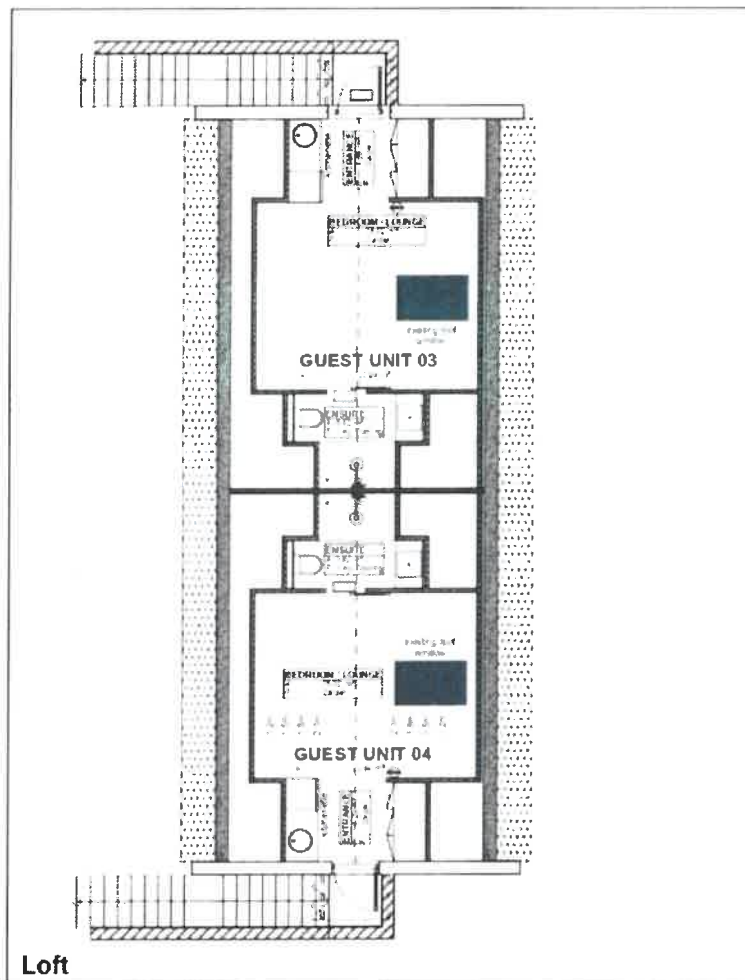


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Guest Unit 5 will be located inside the remaining portion of the existing outbuilding located south of the main dwelling on the farmstead and in which guest rooms have already been approved previously.

This unit measures **40,98m²** in extent and comprises a **main bedroom, ensuite bathroom, kitchenette, outside patio area and small swimming pool** as depicted in the extract from the building plan below.

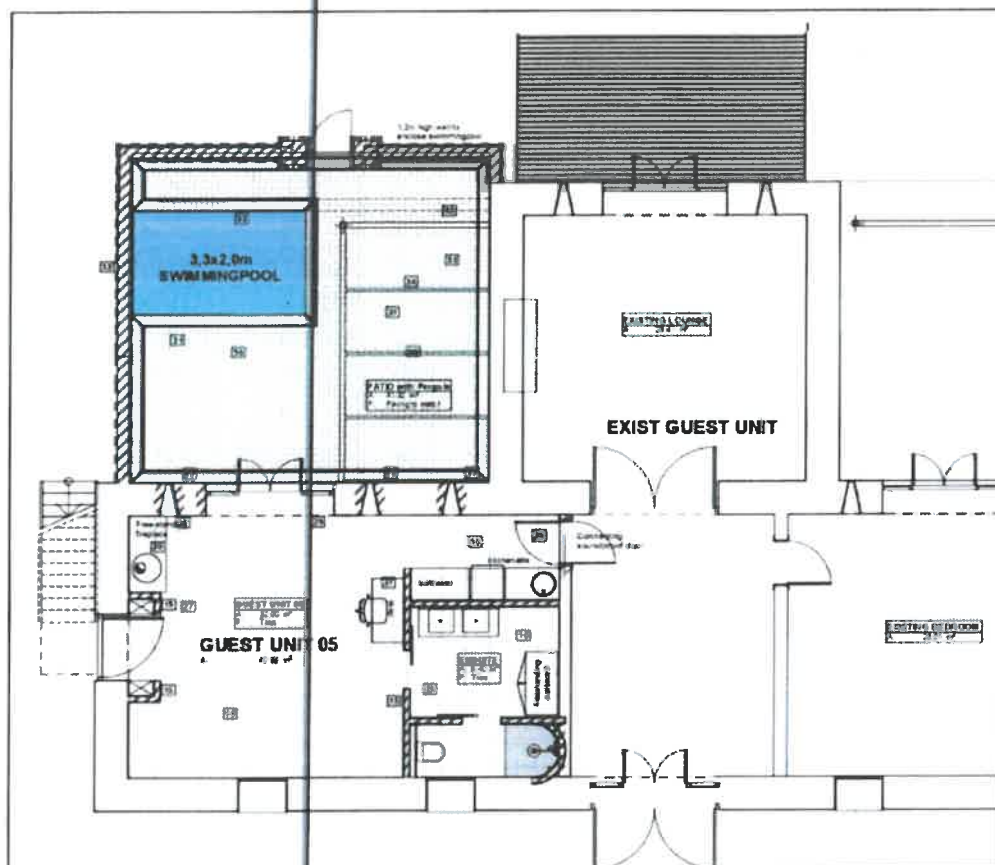


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STRUCTURAL STEEL-BUILDINGWORK, TILING AND ROOFING PLANNING

Farm No. 1377 Paarl

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Floor Plan of guest unit (outbuilding)

It is worth noting that Heritage Western Cape has already issued a permit in terms of Section 27 of the National Heritage Resources Act, 1999 regarding the plans submitted to them for the proposed renovations and conversion of the existing buildings (*copy of HWC permit attached*).



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6. APPLICATION

To achieve the objective of this report, it is necessary that a formal land use planning application be submitted to ensure that the proposal complies with the requirements of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, and the Stellenbosch Municipality: Zoning Scheme By-Law, 2023, respectively. Although no changes to the existing zoning are proposed, the proposed consent use requires formal approval from the Stellenbosch Municipality.

In terms of Section 201(1) of the Stellenbosch Municipality Zoning Scheme By-Law, the subject land unit is zoned "*Agriculture and Rural Zone*" with an existing "*Multi-Unit Housing*" component (Guest accommodation) thereon. This guest accommodation is however limited to 1735m² in extent and comprises an existing dwelling north of the main dwelling as well as rooms inside the existing outbuilding located to the south of the main house.

In response to correspondence received from the Stellenbosch Municipality, it was recommended that a formal application for **consent use** be lodged for "***tourist accommodation establishment***" to facilitate both the existing and approved guest accommodation units as well as the new five (5) guest units proposed by this application.

Formal application is therefore made in terms of **Section 15(2)(o)** of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **CONSENT USE** on **Farm 1377 Paarl**, to facilitate the following land use thereon:

- ***Tourist accommodation establishment*** to facilitate the existing and approved 1735m² guest accommodation units as well as the new 5 guest units as illustrated on the attached plans.



P-J le Roux

Senior Streetscape Planner, Town & Regional Planning

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Tourist accommodation establishment is defined in the Stellenbosch Municipality Zoning Scheme By-Law, 2023, as follows:

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

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



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STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Farm No. 1377 Paarl

April 2024

7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management.

The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The proposed application for **Consent Use on Farm 1377 Paarl** will be evaluated as follows against the five development principles:

(a) Principle of spatial justice

- The spatial justice principle requires that the past spatial and development imbalances should be redressed through improved access to and utilization of land. We are of the opinion that the **proposed additional guest units inside existing buildings on the farmstead promotes this principle by optimising natural and man-made resources without compromising the surrounding area and the primary agricultural land use of the subject property.**

(b) Principle of spatial sustainability

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. The **proposal embodies this principle with the optimal use of underutilised buildings on the subject property without**



P-J le Roux

SPATIAL PLANNING AND LAND USE MANAGEMENT

Farm No. 1377 Paarl

April 2024

compromising the surrounding area. Since this application is directed to existing buildings on the farmstead, we believe that it will not compromise the integrity of the farmstead. **No additional pressure is placed on any natural or man-made resources.**

- The proposal promotes land uses that are **spatially compact and recourse frugal** as the additional land use is proposed inside the existing buildings.
- The proposal promotes activities in a **location that is sustainable from an environmental and socio-economic point of view.**
- **No cultivated agricultural land will be lost** because of this proposal.
- Since the intention is to redevelop the existing garage building and the remaining portion of the outbuilding into guest units, no negative impact is expected on the built environment, **no safety hazards are anticipated** through this application.
- The intended land use will **not have any detrimental impact on the surrounds and are not in conflict with the primary land use.**
- The economic potential of the subject property will be extended even further by the additional land use through the creation of **new employment opportunities and tourist activities close to Franschhoek**, which will benefit the local communities, the local economy, and tourism sector.

(c) Principle of efficiency

- The proposed renovations and conversions inside existing buildings will **optimize the use of existing resources, infrastructure, and land** on the existing functional agricultural land unit.



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STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

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- We are of the opinion that due to the size and scale of the proposed land use it **will not compromise** the existing agricultural activities and land uses on the subject property and even in the immediate surrounds.
- The proposed activities will remain **subservient** to the primary agricultural land use.
- No changes to the **agricultural character** are expected because of this application since all activities will be confined to existing buildings on the farmstead.
- The proposal will **optimize the use of existing resources and infrastructure** while respecting the existing agricultural character of the subject property.

(d) Principle of spatial resilience

- This principle is **not applicable** since the proposed new land uses will be located inside existing buildings which will remain subservient to the primary agricultural land uses.

(e) Principle of good administration

- The Stellenbosch Municipality issued a letter in which the applicant was informed that a formal application is required (copy of letter attached)
- The formal application is submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



P-J le Roux

Stellenbosch Municipality, T. 021 881 1111, P. 021 881 1112

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8. DESIRABILITY

In terms of **Section 65 (b)** of the Stellenbosch Municipality: Municipal Land Use Planning By-Law 2023, the proposed utilization of the land must be desirable.

The concept of "*desirability*" in a land use planning context and as contemplated in Section 65 (b) of the Stellenbosch Municipality: Municipal Land Use Planning By-Laws can be described as the:

"degree of acceptability" of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability or based on its effect on existing rights and the biophysical environment concerned.

The desirability of this application for **Consent Use on Farm No. 1377 Paarl** will be discussed with regards to the following aspects:

- Physical characteristics
- Character of the area
- Accessibility
- Spatial Planning
- Provision of services

8.1 Physical Characteristics

The subject property forms part of the existing agricultural land units located to the north of Franschhoek and west of MR191 (R45). The subject property is a fully cultivated land unit with vineyards covering 96% of the property, while the two existing nodes (farmstead and staff housing) represent the remaining 4%.



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The subject property has a gentle slope from east to west across the property towards the Franschhoek River along the western boundary. Since the proposed land use will be located inside existing buildings on the farmstead, no cultivated land will be lost. There are also no topographical features, or any ecological habitats present which will be affected, or which will prevent or restrict the proposed development on the subject property.



8.2 Character of the area

The subject property is an existing agricultural farm located on the outskirts of Franschhoek west of MR191 (R45). The properties located west of MR191 are all primarily agricultural land that is extensively cultivated, while the properties to the east of MR191 is primarily part of the urban area of Franschhoek and include Le Roux and Groendal residential neighbourhoods. Since the intention with this application is merely to utilize existing structures on the farmstead, no changes to the primary agricultural activities are proposed and no cultivated land will be lost because of this application. It is also evident that no changes to the existing rural character of the area are proposed or foreseen. The size and scale of the proposed activities will also have no negative impact on the



P-J le Roux

SPESBEEK, STERKBOOM, ANDERSTADT, TOWNSHIP, REGIONAL PLANNER

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immediate surrounds. We are confident that the proposed activity will in fact support and strengthen the existing character of the surrounding area as well as the very important tourism sector, especially since it will remain subservient to the primary agricultural uses on the subject property.



View onto the surrounding area

8.3 Accessibility

Access to the subject property is taken directly from MR191 via an existing approved entrance and an existing and established servitude road 4,57m wide traversing Portion 11 of Farm No. 1064 Paarl, which is also owned by the applicant vide Title Deed No. T57661/2004. This servitude road leads onto an existing internal road network on the subject property that provides access to the existing nodes thereon.



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Sign board and formal entrance from MR191



Existing internal farm road

Since this application proposes only 5 additional guest units on the subject property, the increase in traffic because thereof will be insignificant and negligible. No changes to the existing road infrastructure will be required to accommodate this small-scale development.

8.4 Spatial Planning

The subject land unit is situated in a predominantly agricultural area within the area of jurisdiction of the Stellenbosch Municipality. The existing spatial planning policy, which is applicable to this area, the Stellenbosch Municipal Spatial Development Framework (SMSDF), was adopted by Council in



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SPATIAL PLANNING, STREET DESIGN, LANDSCAPE ARCHITECTURE, AND RECREATION PLANNING

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November 2019 and provides guidelines for spatial developments within the municipal area.

Although the subject land unit is not specifically mentioned in the existing spatial documentation, the principle of tourist related facilities on agricultural land units are accepted and encouraged on all spheres of government for various reasons (local economic development, employment, etc.). Since the subject land unit is an existing agricultural land unit with extensive cultivated lands, no changes to the primary agricultural activities are proposed since all activities will be confined to the inside of existing buildings on the subject property. It is therefore evident that the proposal is limited to existing buildings on the subject property, it does not conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable.

8.5 Provision of Services

Since there are existing services present on the subject property that can easily accommodate the proposed new guest units, no extra services will be required. Detail regarding the services will be addressed during the formal building plan process. The following services are already existing on the subject property:

- Potable Water
Water is obtained from the Stellenbosch Municipality network
- Sewage/wastewater
There is an existing municipal sewer connection on the subject property
- Electricity (see account attached)
Electricity is supplied by the Stellenbosch Municipality.



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STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Farm No. 1377 Paarl

April 2024

9. SUMMARY AND CONCLUSION

From the aforementioned it is evident that the application for **Consent Use** to facilitate the existing approved guest accommodation units as well as the five (5) new guest units on Farm 1377 Paarl as a **tourist accommodation establishment**, is in line with Section 65(1)(c) of the Stellenbosch Municipality Land Use Planning By-Law. The motivation for the proposed land uses can be summarized as follows:

Economic impact

- From a business point of view, the proposed guest units will support the local economy and tourism sector.
- The utilization of existing buildings on the farmstead of the subject property will be economically viable and will optimize existing infrastructure and services.

Social impact

- The proposed land uses will have a positive social impact since the proposed activity will ultimately create **new employment opportunities**.
- The proposed land uses will have a positive impact on the local tourism market and the new guest units will result in a **more sustainable** operation on the farmstead without compromising the primary agricultural activities.
- The principle of agri-tourism is well supported by all spheres of the government and is a significant contributor to job creation and the development of entrepreneurial skills.

Compatibility with surrounding land uses

- Since the proposal will be confined inside of existing buildings and the primary land use will continue uninterrupted, the land uses will **not be in**



P-J le Roux

STYLUS RECREATION & TOURISM RESERVE PLANNERS

Farm No. 1377 Paarl

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conflict to what is already present on farms in the immediate surrounds.

- All activities will be confined to the existing farmstead and no new buildings will be constructed.
- Since tourist accommodation are a common phenomenon on farms in the Stellenbosch and especially the Franschhoek areas and since all are additional land use rights, no impact is expected.
- The primary agricultural activities will continue uninterrupted, and no agricultural land will be lost because of this application.
- The existing road infrastructure is more than sufficient to accommodate the low volume of traffic generated by the proposed guest units.

Impact on external engineering services

- The necessary engineering services already exist on the subject property and can accommodate the proposal and details will be presented during the formal building plan process.

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

- There is no reason to believe that the proposed land use will result in any changes to the safety and security in the area, especially since access to the subject property is via a security gate.
- The proposed land use will have no impact (visual, health and safety) on any of the surrounding properties especially since the guest units will be confined to the existing farmstead.

Impact on heritage

- Heritage Western Cape has already issued a permit for the proposed conversions to the existing buildings to facilitate the new guest units.



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Traffic impacts, parking, access and other transport related considerations

- Due to the size and scale of the proposal, the existing and approved entrance is more than sufficient to accommodate additional traffic to and from the subject property.
- There is more than sufficient onsite parking available on the farmstead to easily accommodate the small number of vehicles expected because of this application.
- The existing internal farm roads have more than sufficient capacity to accommodate the expected traffic.

Whether the imposition of conditions can mitigate and adverse impact of the proposed land use

- It is our view that the proposed land use on the subject property will not have any detrimental impact on the surrounding area and **no mitigation is foreseen for this application.**

From the aforementioned it is evident that the application for **CONSENT USE** to facilitate the approved guest units together with the conversion and construction of new guest accommodation units as a "***tourist accommodation establishment***" on Farm No. 1377 Paarl as depicted on the attached ***Plans***, is therefore regarded as highly desirable and can be approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995

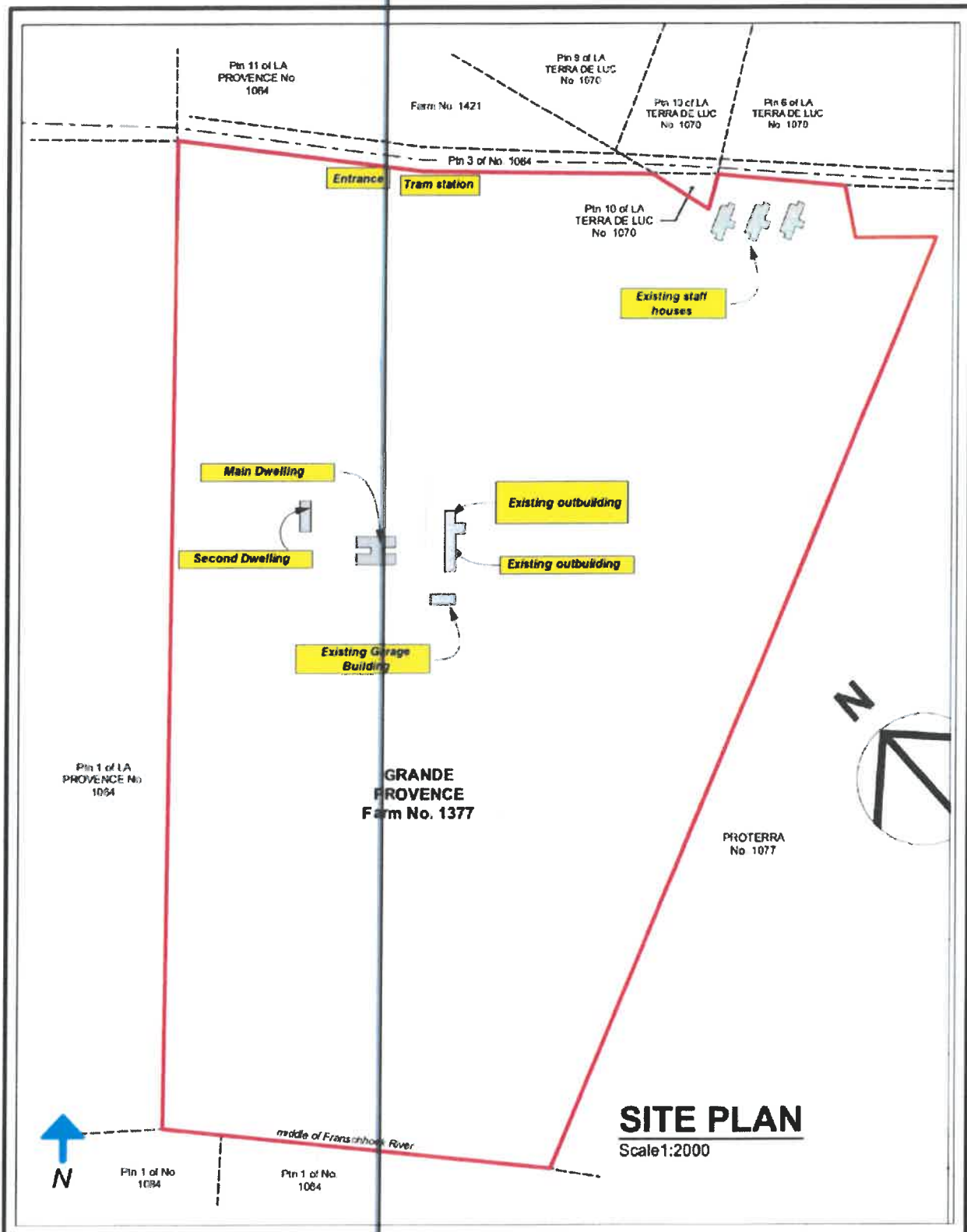


P-J le Roux

(SIGNED BY SHERIFF ANDER T. J. LE ROUX, PLANNING)

Farm No. 1377 Paarl

April 2024



P-J le Roux

Works on: Werksaamhede:
Towns and Regional Planning

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Project:

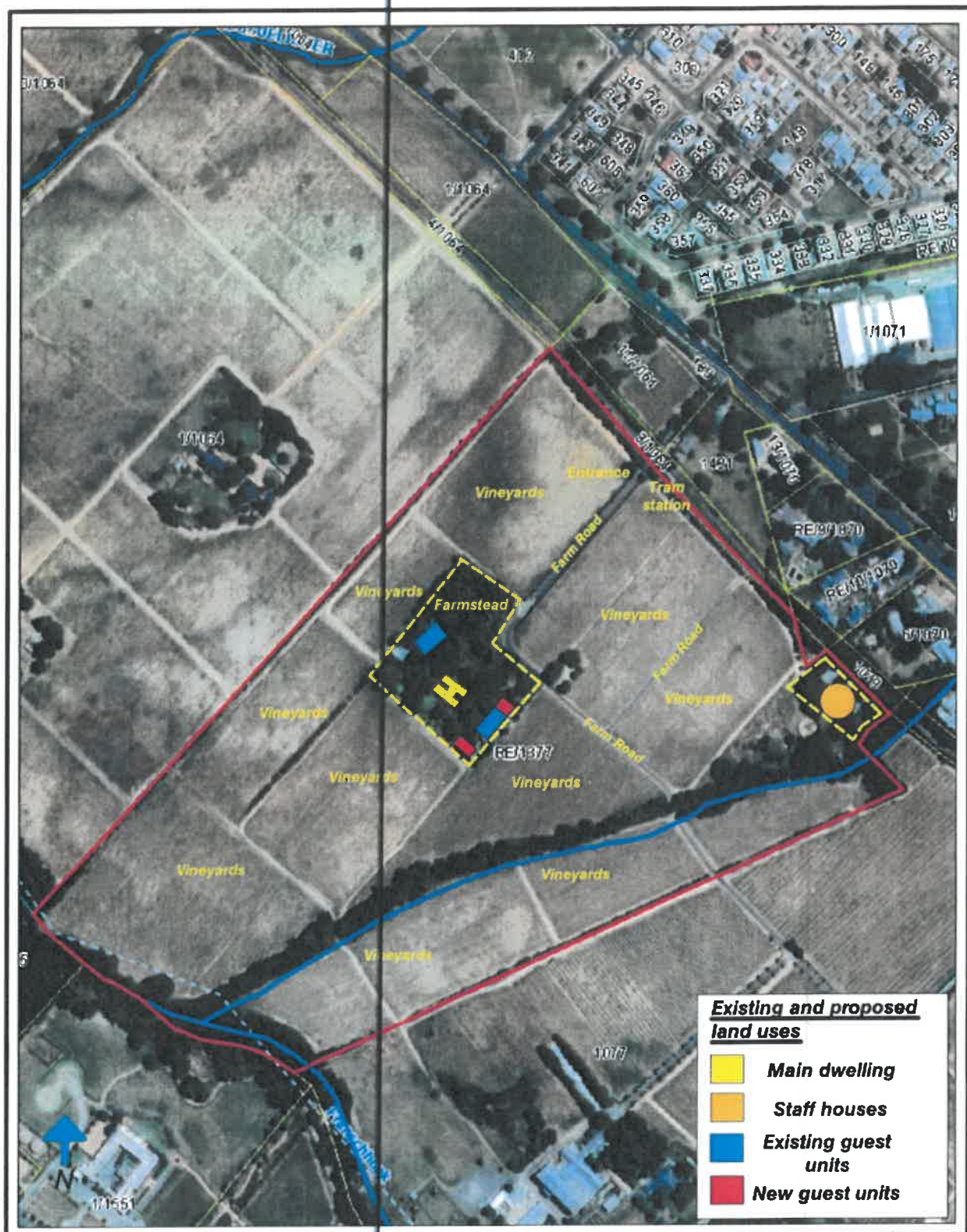
**Application for
Consent Use:
Farm No. 1377
Paarl**

Description:

Site Plan

GRANDE PROVENCE

Sheet 1:50 000	Leaflet V 30-131
Author P.JLR	Date APRIL 2024
Draw P.JLR	Tabling no. 3



P-J le Roux

State on Worktopians
Team and Regional Planners

Houtstraat 263 Main Road Paarl
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(Email) pj@proux.co.za

Project:

**Application for
Consent Use:
Farm No. 1377
Paarl**

Description:

**Site
Development
Plan**

GRANDE PROVENCE

Scale 1:50 000

Law no. V 30-131

Volume PJLR

Date APRIL 2024

Author PJLR

Planning no. 4

**APPLICATION IN TERMS OF STELLENBOSCH MUNICIPALITY LAND USE
PLANNING BY-LAW, 2015
APPLICATION FOR CONSENT USE: FARM GRANDE PROVENCE NO.
1377 PAARL
MOTIVATION FOR SITE SPECIFIC CIRCUMASTANCES IN TERMS OF
SECTION 22(2) OF THE SPATIAL PLANNING AND LAND USE
MANAGEMENT ACT (ACT 16 OF 2013)**

Background:

- After communication received from the senior official from the Stellenbosch municipality, a formal application was made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for consent use for tourist accommodation establishment to permit new guest suites inside existing buildings on the farmstead of Farm Grande Provance No. 1377 Paarl.
- The application was submitted on 24 April 2024.
- A formal instruction for public participation was issued by the Stellenbosch Municipality vide their letter LU/17084 dated 24 June 2024.
- Formal notices were sent to the surrounding landowners as well as interested and affected parties identified by the Stellenbosch Municipality. This also included some statutory authorities.
- The closing date for comments/objections was 29 July 2024 and no objection was received.

Proposed Development:

- The development proposal comprises 5 new guest suites inside two existing outbuildings on the farmstead.
- It is worth noting that the application is only for guest suites and not for self-catering purposes.
- Four (4) new suites will be located inside the existing garage outbuilding, while only one (10 guest suite will be accommodated inside the existing farm building.
- The subject property is uniquely located close to Franschhoek which is world renowned as a tourist destination.

- There are numerous similar tourist accommodation establishments in the Valley with no direct or indirect negative impact on the primary land use, agriculture.
- No changes to the physical environment are proposed, especially since the infrastructure is already present on the farmstead.
- The farmstead is not visible from any public road and is also screened by large trees.
- No new structures are proposed by this application.
- The guest rooms will remain subservient to the primary agricultural activities on the land unit.

Biophysical environment:

- Since the guest suites are all confined to existing buildings on the farmstead, there are no conservation worthy vegetation or any biological habitats that will be affected.

Agricultural environment:

- Even though the subject property is an existing fully cultivated wine farm, no changes or loss to any agricultural land will be made because of this application.
- All activities will be confined to the existing already disturbed farmstead.

Co-operative governance:

- The following statutory authorities/ internal department were notified:
 - Department of Agriculture – No objection vide letter dated 24 July 2024
 - Department of Infrastructure - No objection vide letter dated 1 November 2024
 - Stellenbosch Municipality Development Infrastructure – no objection vide their memorandum dated 24 July 2024
 - Stellenbosch Municipality Electrical Department – no objection
- Heritage Western Cape has already granted approval for the building plan proposals.

Existing MSDF statement:

- It is important to first note that the MSDF policy of tourist accommodation leans strongly on the Western Cape Land Use Planning Rural Guidelines and states the following:

- *“Recognizing the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape is supported”.*

Response:

The proposed guest suites are directly in line with the principle of tourism accommodation in rural areas.

- *“Large-scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in rural landscape could be allowed if it was an appropriate scale and form.”*

Response:

The subject land unit is adjacent to Franschhoek town, and the scale (5 guest suites) are appropriate.

- *“Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably making use of existing buildings...located within or peripheral to the farmstead...for the temporary accommodation for in transit visitors.”*

Response:

The proposed guest suites are all located inside existing buildings on the farmstead and correspond thus with the guidelines

- According to the MSDF policy on tourist accommodation in the Agricultural Buffer Zone 1 & 2, it is preferred that tourist accommodation is confined to the farmstead, which is proposed by this application.
- Even though reference is made to additional dwelling units as a means for tourist accommodation, it is important to note that an additional dwelling is referred to as a “dwelling unit” which is defined as follows:

“dwelling unit means a self-contained set of interleading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open plan area set aside for preparation of meals,....”

- It is worth noting that the proposed development **does not include** any self-contained units with a kitchen, **but only guest rooms with en-suite bathrooms**, which means that the **reference to additional dwelling units are not applicable to this application**.
- There is no reason to believe that this development proposal will have any direct or indirect negative impact on the spatial planning policies, especially since no spatial strategies were directed to the subject land unit specifically, but in general to agricultural land inside the Stellenbosch Municipal area.
- We believe that this unique setting and zero disturbance to the physical and visual environment, warrants the support of this application.

SPLUMA principles.

- The proposed development was already sufficiently motivated against the SPLUMA principles and even though the site-specific deviation was not mentioned in particular, we believe that the evaluation against the principles in the motivation report are sufficient.

Conclusion:

We firmly believe that the development proposal will not impact negatively in any way on the MSDF.

We submit that there are more than sufficient site-specific circumstances to approve the proposed guest suites inside the existing outbuildings on the farmstead.

ANNEXURE E: COMMENT FROM THE MANAGER: SPATIAL PLANNING



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
 From : Manager: Spatial Planning
 Reference : Farm 1377 Paarl
 LU No : LU/17084
 Date : 6 August 2024
 Re : Application Consent Use on Farm 1377, Paarl

FILE NR:

F 1377 P

SCAN NR:

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

08 AUG 2024

RECEIVED

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

Application is made for the following:

- **Consent Use** to facilitate the approved guest units together with the conversion and construction of new guest accommodation units as a "tourist accommodation establishment" on Farm No. 1377 Paarl.

1) Opinion/reasoning:

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

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

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

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the

principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

The property is 20,3406 ha in extent and zoned for Agriculture and Rural Zone with a guest house of 1735 m². The property is an existing agricultural land unit situated opposite Le Roux Hamlet west of the R45 approximately 1km north of Franschhoek Central Business District.

The area west of the R45 is primarily rural in nature and comprises small to medium agricultural land units, while the area immediately east of R45 represents existing urban developments (Le Roux Hamlet and Groendal residential neighbourhood). The subject property is bounded to the east by the existing railway line, the Franschhoek River to the west and agricultural properties to the north and south. There are existing smaller properties wedged between the railway line and the R45 further to the east. An existing tributary stream traverses the subject property in an east/west direction from the R45 towards the Franschhoek River. This however will have no direct or indirect impact on the land use proposal.

The subject property is a bona fide and functional agricultural land unit with existing vineyards thereon. The vineyards cover almost 96% of the subject property with the existing buildings representing the remaining 4%.

The improvements on the subject property comprise the following buildings:

- Security entrance gate
- Tourist tram station
- Main dwelling
- Second dwelling (approved guest house)
- Outbuilding (approved guest rooms inside portion thereof) – Remainder is subject to this application
- Triple garage building (subject of this application)
- Staff housing units

The objective of this application is to enable the applicant to optimise the existing buildings on the subject property to its fullest economical potential by permitting new tourist accommodation units thereon. The intention is to convert existing structures on the subject property for new guest units. No cultivated land will be lost because of this application and the activities will remain subservient to the primary

agricultural uses. The development proposal comprises five (5) new guest units inside two separate buildings located on the existing farmstead.

Guest units 1-4 will be located inside the existing triple garage building. The intention is to redevelop and convert the existing garage building into two guest units on ground level and two guest units inside the loft area as clearly depicted on the extract from the building plan below. Unit 1 will measure 51,27m² in extent and comprises a bedroom with en-suite bathroom, kitchenette with entrance and lounge area. Unit 2 will measure 31,36m² and comprises a bedroom with en-suite bathroom and small kitchenette. Both units will lead out onto an outside patio area with swimming pool.

Units 3 and 4 will be located inside the loft of the building and each will measure 22,94m² in extent comprising an open plan bedroom/lounge with en-suite bathroom and kitchenette respectively. Access to these loft units will be via two outside staircases on each end of the building.

Guest Unit 5 will be located inside the remaining portion of the existing outbuilding located south of the main dwelling on the farmstead and in which guest rooms have already been approved previously. This unit measures 40,98m² in extent and comprises a main bedroom, en-suite bathroom, kitchenette, outside patio area and small swimming pool as depicted in the extract from the building plan below.

Heritage Western Cape (HWC) has already issued a permit in terms of Section 27 of the National Heritage Resources Act, 1999 regarding the plans submitted to them for the proposed renovations and conversion of the existing buildings.

The proposed activities will remain subservient to the primary agricultural land use. No changes to the agricultural character are expected because of this application since all activities will be confined to existing buildings on the farmstead. All activities will be confined to the existing farmstead and no new buildings will be constructed. The primary agricultural activities will continue uninterrupted, and no agricultural land will be lost because of this application.

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

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

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

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities).
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.

- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

This department therefore supports the application subject to the following conditions:

- The agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms; (in the application it states that the land use remains primarily agricultural with approximately 96% of the land area being vineyards)
- The proposal should not adversely affect the agricultural potential of the farming unit.
- All activities must be confined to the existing buildings on the farmstead and no new buildings to be constructed

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



BJG de la Bat
MANAGER: SPATIAL PLANNING

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



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

26 JUL 2024

To • Aan:	Director: Planning + Economic Development
Att Aandag:	Bulelwa Mdoda
From • Van:	Technician: Development (Infrastructure Services)
Author • Skrywer:	Xolani Tika
Date • Datum:	24 July 2024
Our Ref • Ons Verw:	Civil LU 2734
Town Planning Ref:	LU/17084 – TP714/2024
Re • Insake:	Farm 1377, Paarl: Application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023 on Farm 1377 Paarl Division, for; -(a) Consent Use in terms of Section 15 (2) (o) of the said bylaw for tourist accommodation establishment in order to accommodate the extension of five new tourist dwelling units on the existing garages and guest units.

RECEIVED

FILE NR. F 1377 P

SCAN NR.

COLLABORATOR NR.

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

- 1. Sewer**
 - 1.1 The existing conservancy tank must be used for the proposed 5 new tourist dwelling units.
- 2. Water**
 - 2.1 The existing municipal water connection must be used for the proposed 5 new tourist dwelling units on farm 1377.

Ktutus

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage. The final calculations will be determined at the building plan stage submission.
- 3.2 The DC's were calculated by using the 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.
- 3.3 The appropriate DC's are payable before building plan approval


Xolani Tika**Technician: Development (Infrastructure Services)**

T:\2.0 DEVELOPMENT\01 Land Use applications\2734 (XT) Farm 1377 Paarl (LU-17084 TP714-2024)\2734 () Farm 1377 Paarl (LU-17084 TP714-2024).doc

Ktutus



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2734(XT) Farm 1377 -Pearl (LU-17084-TP714- 2024)
Development Name:	
Date:	24 July 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Franschhoek
Erf Region (Select Urban or Rural):	Rural
Erf No. : Farm No.	Farm 1377
DC Parameters Reference:	Proposed additional use on Farm 1377, Pearl (Building Plans Project number 1605 - Drawing title floor plans and section sheet no 001 (Units 01 -04) and sheet no 002 (Unit 05) Rev 01)September 2022

SUMMARY OF DC CALCULATION							
Service	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community
Unit(s):	k/day	k/day	ha°C	t/week	lmp/day		persons
Total Increased Services Usage	1.1	0.9	0.02	0.075	15		5
Total Service Usage Reduction	0	0	0	0	7.5		0
Total Service Usage after Reduction:	1.10	0.90	0.02000	0.075	7.5		5
Charges before adjusting for positive only, before Deductions	R 32 654.30	R -	R 3 022.54	R 7 335.87	R 116 333.57	R 159 346.28	R 19 287.88
Charges adjusted for positive only, before Deductions	R 32 654.30	R -	R 3 022.54	R 7 335.87	R 116 333.57	R 159 346.28	R 19 287.88
Total Deductions	R -	R -	R -	R -	R 58 166.78	R 58 166.78	R -
Total Development Charges Payable (excluding VAT):	R 32 654.30	R -	R 3 022.54	R 7 335.87	R 58 166.78	R 101 179.49	R 19 287.88
VAT:	R 4 898.15	R -	R 453.38	R 1 100.38	R 8 725.02	R 15 178.92	R 2 893.18
Total Development Charges Payable (including VAT):	R 37 552.45	R -	R 3 475.92	R 8 436.25	R 66 891.80	R 116 356.42	R 22 181.07
							R 138 537.49

APPLICANT INFORMATION	
Application Processed by:	Xolani Tika
Signature	
Notes	See attached Building Plans(Proposed five new guest units) <i>Ketiva</i>

[illegible]

Kritica

ANNEXURE G: COMMENT FROM WESTERN CAPE: HERITAGE

Street Address	• Tel	• E-mail	• Postal Address
Straatadres	• Tel	• E-pos	• Posadres
Idilesi yendawo	• Idilesi yendawo	• Idilesi yendawo	• Idilesi yeposi

**ANNEXURE H: COMMENT FROM THE WESTERN CAPE: AGRICULTURE:
LAND USE MANAGEMENT**



**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 : 20/9/2/5/4/1268
YOUR REFERENCE : V 30-131
ENQUIRIES : Cor van der Walt

PJ Le Roux Town and Regional Planners
PO Box 3457
PAARL
7620

Att: PJ Le Roux

APPLICATION FOR CONSENT USE: DIVISION PAARL
FARM GRANDE PROVENCE NO 1377

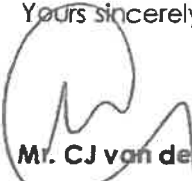
Your application of 24 April 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application.

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

2024-07-24

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

**ANNEXURE I: COMMENT FROM DEPARTMENT OF INFRASTRUCTURE:
ROAD PLANNING**



Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: DOI/CFS/RN/LU/REZ/SUB-10/573 (Application No 2024-07-0069)

PJ le Roux Town and Regional Planner

PO Box 3457

PAARL

7620

Attention: Mr PJ le Roux

Dear Sir

REMAINDER OF FARM NO. 1377 PAARL: MAIN ROAD 191: CONSENT USE

1. The following refers:
 - 1.1. The application received from PJ le Roux dated 27 June 2024, referenced V 30-131; and
 - 1.2. The motivation report received from PJ le Roux dated April 2024, referenced V 30-131; and
 - 1.3. Site Development Plan, dated April 2024, referenced V 30-131.
2. The subject property is located north west of Franschhoek and takes access via existing and established servitude road 4,57m wide traversing Portion 11 of Farm No. 1064 Paarl from Main Road 191 (MR009191- R45) at ±km22.68.
3. This application is for CONSENT USE for "tourist accommodation establishment" comprises five (5) new guest units inside two separate existing buildings located on the farmstead.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014.

Yours Sincerely

SW CARSTENS**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH****DATE: 1 NOVEMBER 2024**

ENDORSEMENTS

1. Consultant: PJ le Roux Town and Regional Planner
Attention: Mr PJ le Roux (e-mail: pj@pjleroux.co.za)
2. District Roads Engineer
Paarl
3. Mr E Smith (e-mail)
4. Mr S Carstens (e-mail)
5. Ms S du Preez (e-mail)

ANNEXURE J: COMMENT FROM DEPARTMENT OF ENVIRONMENTAL
AFFAIRS AND DEVELOPMENT PLANNING: ENVIRONMENT IMPACT
MANAGEMENT SERVICES



REFERENCE: 16/3/3/6/B3/28/1298/24
DATE OF ISSUE: 18 July 2024

The Director
 P-J le Roux Town and Regional Planners
 PO Box 3457
PAARL
 7646

Attention: Mr. Pierre-Jean le Roux

Tel: 021 872 2499
 E-mail: pi@pilleroux.co.za

Dear Sir,

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED APPLICATION FOR CONSENT USE FOR THE CONVERSION OF EXISTING BUILDINGS TO TOURISM ACCOMMODATION ON FARM NO. 1377, PAARL.

1. The documentation received by this Directorate on 27 June 2024, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned documentation and to determine the applicability of the EIA Regulations, 2014 (as amended), with respect to the proposed activity.
3. Based on the information provided, this Directorate note the following:
 - 3.1. The proposed activity entails the application for consent use to allow for additional tourist accommodation on Farm No. 1377, Paarl;
 - 3.2. The proposal comprises the development of five new guest units, inside two separate lawfully developed buildings. Guest Units 1-4 will be added to the garage building, and Guest Unit 5 will be added to the existing outbuilding; and
 - 3.3. The proposed site is zoned as Agriculture and Rural Zone.
4. You are herewith informed that the proposed development **does not** constitute any listed activities in terms of the EIA Regulations, 2014 (as amended).
5. This determination is based on the fact that the expansion of the existing tourism facility will not result in an increase in the development footprint of the buildings as the existing buildings will be converted to allow for tourism accommodation.
6. Environmental Authorisation is therefore not required from the competent authority prior to the undertaking of the said development.

7. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted, and environmental authorization obtained before such activity(ies) may commence.
8. The applicant must comply with any other statutory requirements that may be applicable to the development.
9. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*
10. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Melanese Schippers Digitally signed by
Melanese Schippers
Date: 2024.07.18
09:46:29 +02'00'

pp HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Cindy Winter (Drakenstein Municipality)
(2) Mr. Robert Fooy (Stellenbosch Municipality)
(3) Mr. Schalk van der Merwe (Stellenbosch Municipality)

Email: Cindy.Winter@drakenstein.gov.za

Email: Robert.fooy@stellenbosch.go.za

Email: Schalk.VanderMerwe@stellenbosch.gov.za

ANNEXURE K: COMMENT FROM DEPARTMENT OF ENVIRONMENTAL
AFFAIRS AND DEVELOPMENT PLANNING: DEVELOPMENT
MANAGEMENT

Reference: 15/3/2/12/BS2

PJ le Roux Town and Regional Planners
PO Box 3457
PAARL
7620

PROVINCIAL PLANNING COMMENT: APPLICATION FOR A CONSENT USE TO ALLOW A TOURIST ACCOMMODATION ESTABLISHMENT: FARM 1377, PAARL

1. Your request for comment, dated 28 June 2024, has reference.
2. The application property is approximately 20,34 ha in extent and is zoned as Agriculture and Rural Zone in terms of the Stellenbosch Scheme By-law, 2019. According to the applicant there is an existing approval for guest accommodation consisting of 1735m² (unclear if this reflects the development footprint or floorspace). Figure 4 which illustrates the "existing structures with approved guest units", consisting of the existing second dwelling and an outbuilding, does not reflect the 1735m² approved footprint/floorspace. It is unclear whether the main dwelling is also used for tourist accommodation purposes and if formed part of the previous approval.
3. The current proposal is for five additional guest accommodation units. The five proposed guest units will have a combined floor space of 169,49m² and will be accommodated within existing buildings. Units 1-4 will be located inside the existing triple garage building (two units on ground level and two units inside the loft area) and Unit 5 will be accommodated in the remaining portion of the existing outbuilding, together with existing guest units.
4. Although the development proposal exceeds the number of tourist accommodation units that is recommended in terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, the opinion is held that there is merit to deviate from the guidelines for the following reasons:

- 4.1 The property is actively used for farming and the tourist accommodation is subservient to the primary agricultural use.
- 4.2 All the tourist accommodation units are clustered within the farmstead precinct and will not have any negative impact on agriculture or the rural character of the area.
- 4.3 The property is situated adjacent to the Franschhoek Wine Tram route.
- 4.4 The impact of the proposed units on the development footprint of the property will be minor.
5. In conclusion, the proposed development is supported, provided that the development footprint of the tourist accommodation establishment is accurately reflected in the site development plan and that the existing buildings which is to be converted into tourist accommodation units, are not replaced by new structures or new primary rights (main dwelling and outbuildings) elsewhere on the property.

Kobus Munro Digitally signed by Kobus Munro
Date: 2024.07.08 08:05:21 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



ANNEXURE L: SITE INSPECTION PHOTOS













APPLICATION IN TERMS OF SECTION 15(2)(O) AND 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2023 FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND DEPARTURE ON FARM NO. 266/11, STELLENBOSCH DIVISION (LU/16630 & TP589/2023)

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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND DEPARTURE ON FARM NO. 266/11, STELLENBOSCH DIVISION

APPLICATION DETAILS

Application Reference	LU/16630 & TP589/2023	Commencement Date	19 February 2024
Applicant	TV3 Architects and Town Planners (Pty) Ltd Matthys Walters	Last day for comments or additional information	07 February 2025 <u>Due date:</u> 07 June 2025
Farm nr	266/11 (see ANNEXURE A for locality plan)	Place	Stellenbosch
Zoning	Agriculture and Rural Zone	Other approvals	Deemed consent use to utilize existing dwelling house for guest house purposes and spa. See ANNEXURE B for previous approvals.

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 utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme

	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
x	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose

Wedge View Guesthouse consists of thirteen (13) rooms (that could accommodate 28 persons) and in 2013 the owner constructed another structure to be used as part of the approved guest house. The new structure was constructed/established without approval of the building plans (and a land use approval).

This double storey structure consists of an outbuilding (i.e laundry room; garage; workshop; storeroom; staff restrooms; water tank area) and a two-bedroom self-catering unit on ground floor; and a three-bedroom self-catering dwelling unit on first floor level. See **ANNEXURE C2**. The current application is to legalize the utilization thereof as an extension of the existing approved Wedge View Guest House, so as to operate an additional five bedrooms. The five (5) additional guest rooms will expand the accommodation to eighteen (18) rooms with a capacity to sleep 40 guests in total. This structure was also placed over the 5,0m common building line, hence the departure application. See **ANNEXURE C1** for Site Development Plan/Site Plan.

2. Background and Application detail

The subject property is located approximately 8km to the west of the Stellenbosch CBD, north of Palkadraai Road and south of the Stellenboschkloof Road. The property is accessed from Polkadraai Road and Bonniemile Road via a registered right-of-way over Remainder Portion 1 of Farm No. 393 and Remainder Farm No. 266, Stellenbosch Division (See **ANNEXURE 1** for the locality plan).

The property, due to its restricted size, has never been utilized as a productive commercial agricultural entity. Instead, the property has since 1996 been utilized as a rural based tourist accommodation facility, first as a bed and breakfast establishment and after 2005 as a formal guest house. Accordingly, the enterprise has been in operation for 26 years and currently provide employment on average to between 21 to 23 people. The subject property is currently utilized exclusively for the purpose of the guesthouse/tourist accommodation establishment with a number of ancillary facilities i.e wellness spa, swimming pool, etc.

Building plans

The rezoning of a section of the property to Residential Zone V for the purpose of establishing a guest house did not specify a limit on the number of rooms approved; rather, it only defined the area of the rezoned portion, which is approximately $\pm 775\text{m}^2$. There are also no complete approved building plans showing the 13-bedroom guesthouse. It was revealed during a site inspection that the 13-bedroom guest house does not inherently consist of interconnected rooms.

The zoning of Residential Zone V for guesthouse purposes (in terms of the Section 8 Zoning Scheme Regulations) was converted to Agriculture and Rural Zone with a deemed consent for tourist accommodation establishment (in terms of the current zoning scheme bylaw). The conversion to a tourist accommodation facility was deemed the most appropriate use, as the dwelling already exceeded the limit set for a guest house in terms of the number of rooms.

The fundamental nature of a dwelling house remains unchanged despite its evolution over the years, and this will influence the potential number of units that can be constructed on the property. The proposal, if approved by the Council, will result in the establishment of four dwelling units on a 1,0756ha size property.

Previous approvals on the subject property: See **ANNEXURE B**.

Approval	Date
The use of the four en-suite bedrooms attached to the main dwelling is regarded as occupational practice in terms of Regulation 4,9 of the Section 8 Zoning Scheme Regulations. The rooms may not be used as self-contained units without approval from Council.	09 July 1996
Departure for building lines for extensions to the existing main dwelling. The main dwelling may not be utilized as a guest house. A bed and breakfast facility are however permitted from the dwelling should the owner reside in the building, and only four rooms are utilize for this purpose.	28 October 2004
Rezoning of the main dwelling $\pm 775\text{m}^2$ for purposes of a guest house.	02 May 2005
Departure application to relax the 30m building lines to construct a new main dwelling.	13 July 2007
Rezoning of a portion of the property $\pm 112\text{m}^2$ from Agricultural Zone I to Residential Zone V for the extension of the existing spa facility that will cater the needs of the guests visiting the existing guest house.	22 December 2011
Consent use and departure application construct and additional dwelling unit (3rd dwelling unit) was refused (a third unit on the subject property cannot be justified).	08 October 2013

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

- a) The approval for an additional five guest bedrooms will improve the guest house's continued financial viability as well as ability to continue to contribute to the municipal economy.
- b) The facility has operated successfully for the last 26 years and contributed to the local economy amongst other by currently providing employment to between 21 to 23 individuals.
- c) The property as a result of its limited extent has never represented or has been utilised as a productive commercial agricultural entity. The property has for the last 26 years and is currently

utilized exclusively for the purpose of operating an agricultural/rural based guesthouse/tourist accommodation establishment. During the past 26 years there has been no complaints from any of the abutting land owners.

- d) The proposed facility is currently duly provided with engineering services.
- e) There is no evidence that negative impacts have in the past or will in future be generated by the operations for the establishment that could be considered as detrimental to the safety, health and wellbeing of the surrounding community.
- f) The application is considered not to be subject to the provisions of Section 38 of the Heritage Resources Act as no rezoning is intended, no new structures are proposed and the application does not implicate a building structure older than 60 years. The visual impact of the existing structures on the application property specifically as viewed from the Polkadraai Road is mitigated as a result of the number of mature trees on site.
- g) There are no Critical Biodiversity Areas (CBAs) nor Ecological Support Areas (ESAs) on the application property.
- h) The existing guest house is duly served by the existing access/entrance points. In addition, sufficient on-site parking is provided so as to serve the existing operations including the additional five bedrooms being applied for. It is also considered that the additional five rooms will have a limited traffic impact and can accordingly be accommodated with the existing access arrangement.

PERMANENT DEPARTURE DESCRIPTION						
		Adjoining erf number		Zoning Scheme / Title Deed		
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	5,0m	To	0,3m
	Side		From	5,0m	To	0,9m
	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
Exceeding maximum boundary wall height	Street		From	m	To	m
	Side / Rear		From	m	To	m
Relaxation of on-site parking / loading requirements			From	bays	To	bays
Other						

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, advertised the application by sending e-mails to the interested and affected parties as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal. One objection was received from an interested and affected party. See ANNEXURE E.</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. Department of Environmental Affairs and Development Planning (Environmental Impact Management Services) supported the proposal as it does not trigger any listed activities. See ANNEXURE F. 2. The Department Community & Protection Services (Environmental Planner) supported the proposal. See ANNEXURE G.

		<p>3. The Manager: Electrical Services supported the proposal subject to conditions. See ANNEXURE H.</p> <p>4. The Manager: Health Services (Cape Winelands) supported the proposal. See ANNEXURE I.</p> <p>5. The Department of Agriculture (Elsenburg) supported the proposal. See ANNEXURE J.</p> <p>6. The Director: Infrastructure Services supported the proposal subject to conditions. See ANNEXURE K.</p> <p>7. The Department of Transport and Public Works (Department of Infrastructure) supported the proposal. See ANNEXURE L.</p> <p>8. The Manager: Spatial Planning did not support the proposal. See ANNEXURE M.</p>
Conditions imposed by departments	X	<p>The following departments, imposed conditions:</p> <p>1. The Manager: Electrical Services (see ANNEXURE H).</p> <p>2. The Director: Infrastructure Services (see ANNEXURE K)</p>
DCs applicable	X	Yes
Objections received	x	Stellenbosch Interest Group (SIG)

Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65

1. Spatial Development Framework

The SDF states that large scale tourist accommodation should preferably be provided in or close to urban areas. Tourist accommodation in the rural landscape could be allowed, if of an appropriate scale and form, appropriate to the SPC and should be clustered in visually discreet nodes. 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. The proposal is not in line with the existing agricultural character of the area, as the scale of the proposal is too extensive for this small agricultural property.

2. Zoning Scheme

a) Second dwelling & Additional dwelling/s

The property is zoned for agriculture and rural zone purposes and allows for a dwelling house and second dwelling unit as a primary right (*no land use approval is required*).

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."* Given the size of the subject property (1,0756ha), only two dwellings are allowed.

The subject property already has a main dwelling (which is currently being used as a guest house) and a second

		<p>dwelling unit. The property owner applied for a consent use for an additional dwelling unit (the same building for which the applicant is now seeking permission) in 2013. This request was denied as a third dwelling was not deemed justifiable on the property. See ANNEXURE B, decision letter dated 08 October 2013).</p> <p>The construction of two additional dwelling units (a two-bedroom unit on ground floor and a three-bedroom unit on first floor) cannot be justified due to the limited size of the property (see definition for an additional dwelling unit above).</p> <p><i>b) <u>Departure</u></i></p> <p>The application also includes a deviation from the building lines as the double storey structure is placed closer than 5,0m (0,3, & 0,9m respectively) from the common boundary, adjacent to Farm No. 266/10, Stellenbosch. The proposed number of dwellings is not justifiable, and as a result, the relaxation of the building lines cannot be permitted. The proposed structure does also not comply with Section 25 (1) which states that no doors, or windows that opens, is permitted in a wall facing a common boundary where such wall is erected closer than 1,0m to the common boundary.</p> <p><i>c) <u>Guest house/Tourist dwellings/Tourist accommodation establishment</u></i></p> <p>Approval must first be obtained for a second dwelling 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>It is important to highlight that the third and fourth dwelling, along with its accompanying outbuildings, was built without the necessary land use and building plan approvals. The current application seeks to regularize this unauthorized</p>
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		<p>structure, allowing the owner to utilize it in conjunction with the approved guest house as a facility for tourist accommodation.</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 establishment or a hotel, depending on the type of accommodation and the ancillary uses.</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.</p> <p>The Zoning Scheme Bylaw also states that consent uses may only be undertaken from a land unit where the proposed activity is subservient to the primary land use activities on the land unit. The proposal is however not being subservient to any agricultural activity conducted on the property as it has never constituted an agricultural entity as such. The applicant argued that the property, given its own limited extent, is considered to be a limited tourist node set within a surrounding agricultural context represented by a number of larger farm/agricultural entities. As such the application property as a tourist node is considered as a subservient use to the wider abutting agricultural context, rather than being subservient to any agricultural activity conducted on site.</p>
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3. The Western Cape PSDF Rural Land Use Planning & Management Guidelines, May 2009

The Rural Guidelines also specify that additional dwelling units should be restricted to one (1) unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6,5m). The proposal is for four (4) residential units and deviates from the Zoning Scheme, MSDF as well as the Rural Guidelines. Since the application deviates from MSDF, the application must be presented and motivated on the basis of site-specific justification to depart from the MSDF. The motivation for site specific circumstances are as follow (See **ANNEXURE D**):

- a) *NEMA EIA is not triggered as per DEADP's confirmation letter provided.*
- b) *There are no Critical Biodiversity Areas (CBAs) nor Ecological Support Areas (ESAs) on the property. Although the application property is mapped as the Critically Endangered Swartland Granite Renosterveld (Cape Farm Mapper, 2022), the terrestrial vegetation on the site has been completely transformed from its natural state, and no longer represents indigenous vegetation. Instead, the garden facilities on the site contains kikuyu grass and a mixture of exotic and indigenous garden plants.*
- c) *The property, because of its limited extent, has never been utilised as a productive commercial agricultural entity. The proposal does therefore not alienate unique or high value agricultural land or compromise existing farming activities.*
- d) *The property is not the subject of any mineral resources.*

			<p>e) The application is considered not to be subject to the provisions of Section 38 of the Heritage Resources Act (Act 25 of 1998) as no rezoning is intended, no new structures are proposed, and the application does not implicate a building structure older than 60 years. In addition, the visual impact of the existing structures on the application property specifically as viewed from the Polkadraai (M12) route is mitigated because of a number of mature trees on-site.</p> <p>f) Does not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks.</p> <p>g) Does not impose real costs or risks to the municipality delivering on its mandate. In turn the enterprise has been in operation for 26-years and currently support and provide local based employment opportunities for on average to between 21 and 23 people.</p> <p>h) The proposal does not infringe on the authenticity of rural landscapes. As general guiding principles 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.</p>
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DEPARTURE CONSIDERATIONS	YES	NO	N/A
Where abutting owners notified, and their comments / consent obtained?	x		
Where any objections received against the application?	x		
Does the proposal adversely affect abutting properties in terms of privacy, property value or views?	x		
Does the proposal restrict any sunlight?	x		
Is vehicle access to the site still possible?	x		

Is on-site parking for a vehicle possible?	x		
Is vehicular sight lines / visibility affected?		x	
Is Provincial Road Engineers approval required and has it been obtained?		x	
Does the site fall within the Urban and Rural Conservation Overlay Zone?		x	
Does the site fall within the Scenic Route Overlay Zone?		x	
Does the site fall within the Techno Park or Adam Tas Corridor Overlay Zone?		x	
Could an undesirable precedent be set?		x	
Can the proposed departure be dangerous to life or property?		x	
Does proposal comply with conditions of approval?			x
Are there any title deed restrictions / conditions?		x	

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	<p>Wedge View Guesthouse/Tourist Accommodation Establishment has operated successfully for the last 26 years and contributed to the local economy amongst others by currently providing employment to between 21 to 23 individuals. To this extent the establishment inclusive of the additional five bedrooms now being applied for is considered to have had and will continue to have a positive socio-economic impact.</p>
Compatibility with surrounding uses	<p>The application property has for the last 26 years and is currently utilized exclusively for the purposes of operating and agricultural/rural based Guesthouse/tourist accommodation establishment with a number of ancillary facilities, i.e spa, swimming pools, etc. During the past 26 years there has been no complaints from any of the abutting land owners with reference to the guesthouse operations which could serve to suggest that the establishment is either incompatible with or has a negative impact on its directly abutting surrounding environment</p> <p>The subject property is located in a predominantly agricultural area where other guesthouses already exists. The concept of accommodation establishments is therefore an acceptable use on agricultural zone properties and is therefore compatible with the surrounding uses. However, the extent of a consent use is a key factor when assessing the desirability of a proposal, and the size of this development raises concerns when compared to the property's overall size.</p>
Impact on the external engineering services	<p>The proposal is currently duly provided with engineering services.</p>

Impact on safety, health and wellbeing of the surrounding community	There is no evidence that negative impacts have in the past or 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.
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) as no rezoning is intended, and the application does not implicate a building structure older than 60 years. In addition, the visual impact of the existing structures on the property specifically viewed from Polkadraai is mitigated as a result of a number of mature trees on-site.
Impact on the biophysical environment	As confirmed as part of the NEMA Applicability Checklist submission, there are no Critical Biodiversity Areas (CBAs) nor Ecological Support Areas (ESAs) on the property. Although the property is mapped as the Critically Endangered Swartland Granite Renosterveld (Cape Farm Mapper, 2022), the terrestrial vegetation on the site has been completely transformed from its natural state, and no longer represents indigenous vegetation. Instead, the garden facilities on the site contains kikuyu grass and a mixture of exotic and indigenous garden plants.
Traffic impacts, parking, access and other transport related considerations	The existing guest house is duly served by the existing access/entrance points. In addition, sufficient on-site parking is provided so as to serve the existing operations including the additional five bedrooms being applied for. It is also considered that the additional five rooms will have a limited traffic impact and can accordingly can be accommodated within the existing access arrangement.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	None

OBJECTIONS RECEIVED AND CORRESPONDING REPLY BY APPLICANT (SEE ANNEXURE E)

Make list with statements on responding comments from applicant on inputs/ objections insofar as matters are being addressed.

<p>The proposal does not comply with paragraphs 5 and 6 and Section 213 of the Stellenbosch Zoning Scheme Bylaw.</p>	<p>The property, because of its limited extend has never been utilized as a productive commercial agricultural entity. Instead, the property has since 1996 been utilized as rural based tourist accommodation facility, first as a bed and breakfast establishment and after 2005 residential zone V rezoning approval, as a formal guesthouse. The subject property as a tourist node is considered as a subservient use to the wider abutting agricultural context, rather than being subservient to any agricultural activity conducted on-site. The property should not be rezoned to Multi-Unit Zone as the property is in an inherit rural setting which does not warrant the allocation of a high intensity urban use zoning.</p>
<p>The current issue of non-compliance with the provisions of the Land Use Planning Bylaw, needs to be investigate. Section 86 of the said bylaw requires that no portion of the property shall be used without the approval of the Municipality.</p>	<p>The applicant did not respond.</p>
<p>Reference in the application to the generation of employment is misleading as the existing unauthorized land use cannot be condoned.</p>	<p>The application was clearly submitted within the context of being a rectification on the part of the land owner as well and accordingly there are no validation to the notion put forward that the application is misleading in manner.</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:

1. The current application is to legalize the existing double storey structure as an extension of the existing approved Wedge View Guest House, so as to operate an additional five bedrooms. The five (5) additional guest rooms will expand the accommodation to eighteen (18) rooms with a capacity to sleep 40 guests in total.

2. The property is too small to be used for commercial farming. Since 1996, it has served as a rural tourist accommodation, starting as a bed and breakfast and becoming a guest house after 2005.
3. The proposed facility is currently duly provided with engineering services.
4. There is no evidence that negative impacts have in the past or will in future be generated by the operations for the establishment that could be considered as detrimental to the safety, health and wellbeing of the surrounding community.
5. The proposal consists of two (2) additional dwelling units (both units complies with the definition of a dwelling unit). The construction of an additional dwelling unit/s cannot be justified due to the limited size of the property. Given the size of the subject property (1,0756ha), only two dwellings are allowed.
6. The property owner applied for a consent use for an additional dwelling unit (the same building for which the applicant is now seeking permission) in 2013. This request was denied as a third dwelling was not deemed justifiable on the property.
7. The Zoning Scheme Bylaw states that consent uses may only be undertaken from a land unit where the proposed activity is subservient to the primary land use activities on the land unit. The proposal is however not being subservient to any agricultural activity conducted on the property as it has never constituted an agricultural entity as such.
8. The proposal is not in line with the existing agricultural character of the area, as the scale of the proposal is too extensive for this small agricultural property.
9. The proposal also entails a departure to relax the 5,0m common building line. The proposed use of the building is not justifiable, and as a result, the relaxation of the building lines cannot be permitted. The proposed structure does also not comply with Section 25 (1) which states that no doors, or windows that opens, is permitted in a wall facing a common boundary where such wall is erected closer than 1,0m to the common boundary.
10. The proposal deviates from the Zoning Scheme, MSDF as well as the Rural Guidelines. Since the application deviates from MSDF, the application must be presented and motivated on the basis of site-specific justification to depart from the MSDF.

The subject land use and land development application 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.

List relevant plan numbers	<p>Site Development Plan No. 4, dated 24 November 2023, drawn by TV3</p> <p>Drawing No. 101, dated Jan 2013, drawn by RCAD</p> <p>Drawing No. 102, dated Jan 2013, drawn by RCAD</p>
List annexures to report	<p>ANNEXURE A: LOCALITY PLAN</p> <p>ANNEXURE B: PREVIOUS APPROVALS</p> <p>ANNEXURE C: SITE DEVELOPMENT PLAN/SITE PLAN</p> <p>ANNEXURE D: APPLICANT'S MOTIVATION, PHOTOS AND SITE-SPECIFIC MOTIVATION</p> <p>ANNEXURE E: OBJECTION RECEIVED</p> <p>ANNEXURE F: COMMENT FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (ENVIRONMENTAL IMPACT MANAGEMENT SERVICES)</p> <p>ANNEXURE G: COMMENT FROM THE DEPARTMENT COMMUNITY AND PROTECTION SERVICES (ENVIRONMENTAL PLANNER)</p> <p>ANNEXURE H: COMMENT FROM THE MANAGER ELECTRICAL SERVICES</p> <p>ANNEXURE I: COMMENT FROM THE MANAGER HEALTH SERVICES (CAPE WINELANDS)</p> <p>ANNEXURE J: COMMENT FROM THE DEPARTMENT OF AGRICULTURE (ELSENBURG)</p> <p>ANNEXURE K: COMMENT FROM THE DIRECTOR INFRASTRUCTURE SERVICES</p> <p>ANNEXURE L: COMMENT FROM THE DEPARTMENT OF INFRASTRUCTURE</p> <p>ANNEXURE M: COMMENT FROM THE MANAGER: SPATIAL PLANNING</p> <p>ANNEXURE N: APPLICANT'S COMMENT ON OBJECTIONS</p>

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use and Departure on Farm No. 266/11, Stellenbosch Division to utilize an existing building (which consist of two dwelling units comprising five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms, deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposed development exceeds the number of dwelling units prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
2. That it **BE DECIDED** that the application for Consent Use and Departure on Farm No. 266/11, Stellenbosch Division to utilize an existing building (which consist of two dwelling units comprising five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms does not warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 The size of the subject property (1,0756ha) does not allow the number of units proposed and there area not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units
 - 2.2 The subject proposed development will become primary use of this property as it will not be subservient to the agricultural use that the property is zoned for.
3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2024 for a:
 - 3.1 **Consent Use** for to utilize an existing building (which consist of two dwelling units comprising five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms Farm No. 266/11, Stellenbosch Division; and
 - 3.2 **Departure** to relax the **5,0m** common building line (adjacent to Farm No. 266/10, Stellenbosch Division) to **0,3m** and **0,9m** to accommodate the existing building on the subject property;

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

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

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

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

4.3 The scale of the proposed development in relation to the size of the property is not in line with the objectives of the zoning of the property.

4.4 The size of the subject property does not allow the proposed number of dwelling units.

4.5 The proposed number of dwellings is not justifiable, and as a result, the relaxation of the building lines cannot be permitted.

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: Louisa Engelbrecht
Capacity: Senior Town Planner
Signature: Engelbrecht
Date: 12/03/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: O4; B4

Decision Making Authority: MPT

Rational: Application is inconsistent and deviates with MSDF

Name: Steven Carstens

Capacity: SMDM

SACPLAN Registration: A/1551

Signature:

Date: 13/3/2025

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: C. Kriel

Capacity: MLCM

Signature: 

Date: 14-03-2025

ANNEXURE A

LOCALITY PLAN

Cadastral information obtained from Surveys and Mapping (DRDLR),
Aerial Photography obtained on Google Earth.

Drawing:			Plan no.:	1	Notation:
	Locality Plan				
Date:	24/11/2023		Scale:	1:10 000(A4)	
Project no.:	P3130		Drawn:	WH	
			Checked:	MW	
					Cadastral Aerial Photo

Wedge View

Property Description:
Portion 11 of Farm 266, Stellenbosch

lv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

FIRST FLOOR, LA GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.lv3.co.za

ANNEXURE B

PREVIOUS APPROVAL/S

**WYNLAND DISTRIKSRAAD
WINELANDS DISTRICT COUNCIL
IBHUNGA LESITHILI SEWINELANDS**

Alexanderstraat 46 Alexander Street
Posbus / P.O. Box / IBhokisi 100
STELLENBOSCH
7599

NAVRAE / ENQUIRIES / IMIBUZO

TELEFOON / TELEPHONE / IFONI

FAKS / FAX / I-FAX

G. DU TOIT
ONS VERW. / OUR REF. / ISALATHISO

021-8872900 x 2131
U VERW. / YOUR REF. / ISALATHISO

021-8872271
DATUM / DATE / UMHLA

15/2/4/1/1-7GDT7.CCS

1996-07-09

Mrs. T.J. Spicer
Wedgeview
VLOTTENBURG
7604

Madam

APPLICATION FOR TOURIST ROOMS : FARM BLOEMENDAL NO. 266/11, VLOTTENBURG

Your letter dated 2 July 1996 with building plans, refer.

The Principal Town and Regional Planner reports that the use of the four en-suite bedrooms attached to the main dwelling, would be regarded as occupational practice in terms of Regulation 4.9 of the Scheme Regulations made in terms of Section 8 of Ordinance 15 of 1985. Any extension of the operation would however require formal approval from the Council.

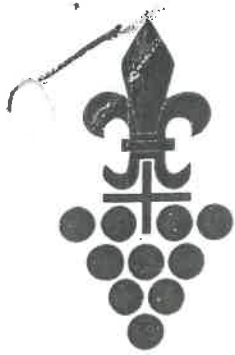
Your attention is also drawn to the following:

1. The rooms may not be used as self-contained units without approval from Council.
2. Council will not be responsible for the provision of services to the property.
3. The restrictions as stipulated in terms of Regulation 4.9.2 must be adhered to, especially Regulation 4.9.2(d) which stipulates that the activity may not be a source of disturbance or nuisance.
4. Regulation 4.9.3, which makes provision for Council to take action should any conditions of Regulation 4.9.2 be contravened, should be borne in mind.

Yours faithfully



for ACTING CHIEF EXECUTIVE OFFICER



446
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

15

Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref.
Datum / Date
Telefoon / Telephone
Faks / Fax
E-pos / E-mail

U von Molendorff
-
Farm 266/11
2004-10-28
021-808 8682
021-808 8651
ulrichm@stellenbosch.org

REGISTERED POST

Wedgeview Trust
P O Box 62
VLOTTENBURG
7604

Sirs

**FARM 266/11, STELLENBOSCH : APPLICATION FOR DEPARTURE :
BUILDING LINE RELAXATION**

Your application in the above-mentioned regard, refers.

The Director : Planning and Economic Development Services in terms of delegated powers resolved as follows :

1. That a zoning of Agricultural Zone I be determined for Farm 266/11, Stellenbosch in terms of Section 14(1) of the Land Use Planning Ordinance No 15 of 1985.
2. That approval be granted in terms of Section 15(1)(b) of the Land Use Planning Ordinance No 15 of 1985 for the departure from the land use restrictions applicable to Farm 266/11, Stellenbosch, for the relaxation of the 30m building line on the western boundary to 3,5m in order to make an extension to the existing main dwelling . (Annexure B)
3. The approval will be subject to the following conditions in terms of Section 42(1) of Ordinance No. 15 of 1985:
 - (a) Section 15(5) of the Land Use Planning Ordinance No 15 of 1985, whereby this approval shall lapse if it is not exercised within two years from the date of this approval.
 - (b) The approval applies only to the departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - (c) Building plans for the proposed building work must be submitted to the Council for approval.

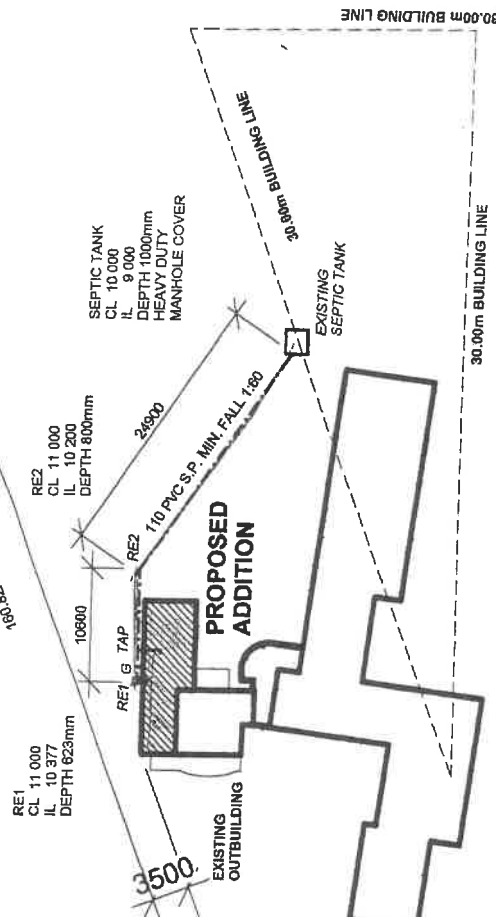
- (d) The utilization of the extension has to be within the parameters determined by the zoning of Agricultural Zone I at all times.
- (e) The extension may not be utilized as an additional dwelling or a separate dwelling without prior approval from the Council.
- (f) The Council reserves the right to request landscaping proposals to screen the development visually should the Council deem it necessary.
- (g) The outside lighting of the building should be done in such a way that it will have to minimum impact on the environment.
- (h) The colour of the building has to be sensitive and reconcilable with the environment, to ensure that the visual impact is minimised as far as possible.
- (i) The main dwelling may not be utilised as a guest house. A bed and breakfast facility is however permissible from the dwelling should the owner reside in building, and only four rooms are utilize for this purpose.

Yours faithfully


for ACTING DIRECTOR : PLANNING AND ECONOMIC DEVELOPMENT SERVICES

PORTION OF THE FARM
BLOEMENDAL No. 266

EXISTING
LABOURER'S
COTTAGE



PORTION 11 OF THE FARM
BLOEMENDAL No. 266

REMAINDER OF THE FARM
BLOEMENDAL No. 266

AREAS:

SITE	1.0765 hectares
PROPOSED NEW ADDITION	58.902 sq. m.
PERGOLAS	3.39 sq. m.
TOTAL	62.292 sq. m.

STELLENBOSCH MUNICIPALITY DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT SERVICES

SCALE
NTS

FILE
Farm 266/11 S

DATE
June 2004

Site Plan

Farm 266/11, Stellenbosch

SOURCE

ANNEXURE

COMPILED BY

**SOURCE**

ANNEXURE

COMPILED BY

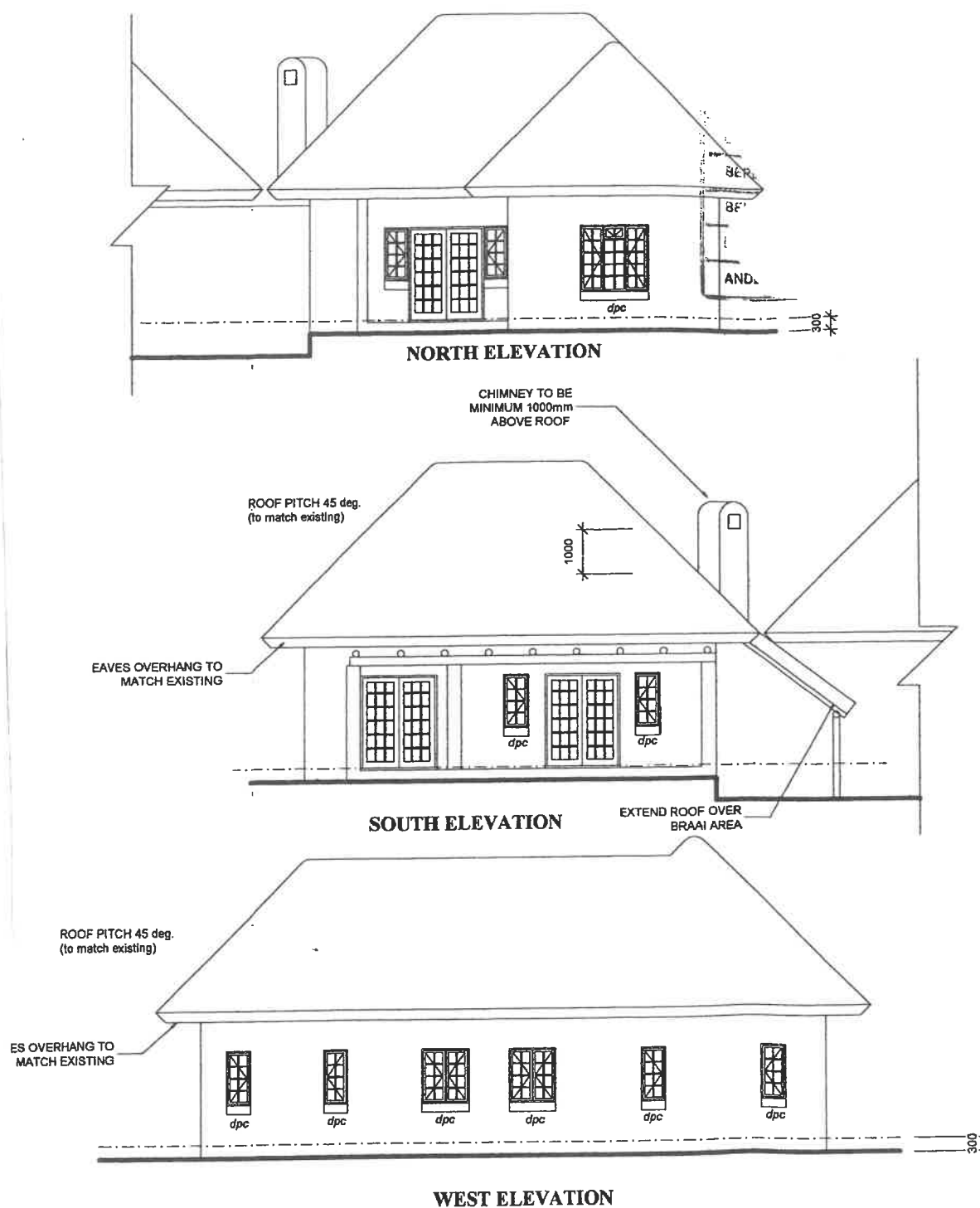
SCALE
NTS

FILE
Farm 266/11 S

DATE
June 2004

Floorplan

Farm 266/11, Stellenbosch



**STELLENBOSCH MUNICIPALITY
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT SERVICES**

SCALE NTS	<p align="center">Elevation Plan</p> <p align="center">Farm 266/11, Stellenbosch</p>	SOURCE
FILE Farm 266/11 S		ANNEXURE
DATE June 2004		COMPILED BY

(22)

Navrae / Enquiries
 U verwysing / Your ref.
 Ons verwysing / Our Ref .
 Datum / Date
 Telefoon / Telephone
 Faks / Fax
 E-pos / E-mail

U von Molendorff
 -
 Farm 266/11, Stellenbosch
 2005-05-02
 021-808 8682
 021-808 8651
 ulrichm@stellenbosch.org

REGISTERED POST

Wedgeview Trust
 P O Box 62
VLOTTENBURG
 7604

Sir / Madam

APPLICATION FOR REZONING RESIDENTIAL ZONE V : FARM 266/11, STELLENBOSCH : WEDGEVIEW COUNTRY HOUSE

Your application in the abovementioned regard, refers.

The Acting Director : Planning and Economic Development Services in terms of delegated powers resolved as follows:

That the application to rezone the main dwelling ($\pm 775\text{m}^2$) on Portion 11 of Farm 266 Stellenbosch from Agricultural Zone I to Residential Zone V so as to be used as a guesthouse, be **approved** in terms of Section 16 of the Land Use Planning Ordinance No 15 of 1985 subject to the following conditions imposed in terms of Section 42(1) of the same Ordinance :

- a) That the rezoning will apply only to the footprint of the main dwelling ($\pm 520\text{m}^2$) as shown on **Annexure B**. No extensions are permitted without the further consent of the Council;
- b) That the approval applies only to the rezoning in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- c) That sufficient suitable parking space is to be provided for guests visiting the guesthouse;
- d) That the owners must ensure that the sewerage system serving the guesthouse is well-maintained and serviced at all times so as not to affect any neighboring properties in any way.
- e) That the owner must inform guests visiting the guesthouse to be aware of agricultural traffic along the access road and to maintain a suitable speed on the roads at all time;
- f) That attention is to be given to minimizing the illumination of the guesthouse so as to prevent light pollution of the rural area. No floodlights or spotlights are to be installed and illumination of the access road is not recommended;
- g) That no pollution, including noise pollution, may take place on the property. All health regulations must be complied with. Where noise is concerned, the Environmental Conservation Act, Act 73 of

1989, as well as the SABS code of conduct 0103-1994, must be used as a guideline and shall be the owner's responsibility;

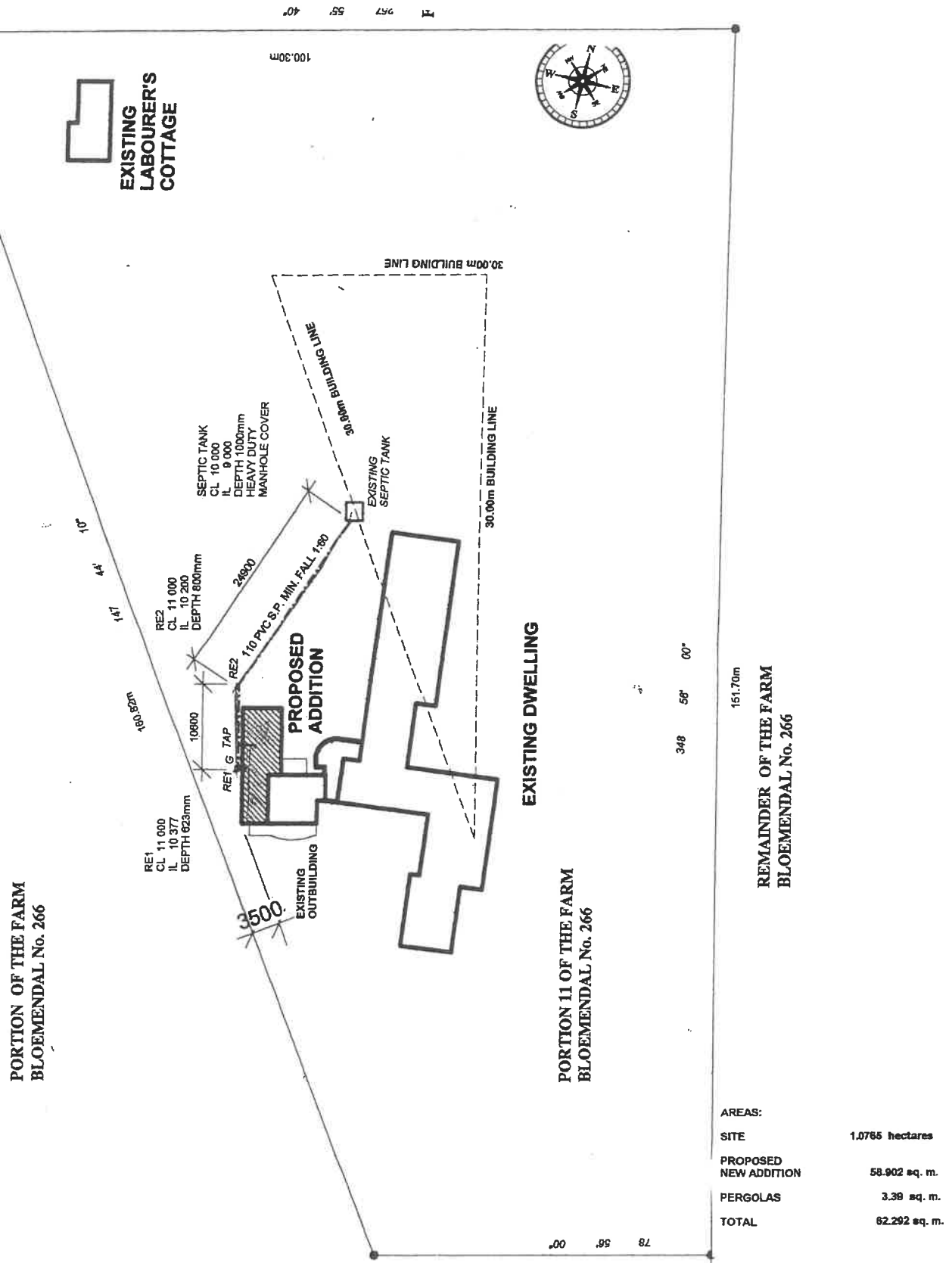
- h) That the applicant must, if applicable, register for the payment of levies as prescribed in the Regional Services Act No 109 of 1985;
- i) That the necessary license in terms of the Liquor Act No 27 of 1989 must be obtained, if applicable;
- j) That the conditions imposed by the Department of Water Affairs and Forestry as set out in their letter dated 2004/10/01 (Annexure E) be complied with;
- k) That the necessary Business License be obtained in terms of the Business Act, Act No 71 of 1991, if applicable; and
- l) That the conditions of the Director : Engineering and Technical Services as set out in his memorandum dated 2005-02-12 (Annexure F) be adhered to.

Yours faithfully



**p ACT DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT
SERVICES**

/sm
F266/11



**STELLENBOSCH MUNICIPALITY
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT SERVICES**

SCALE NTS	<p>Site Plan</p> <p>Farm 266/11, Stellenbosch</p>	SOURCE
FILE Farm 266/11 S		ANNEXURE
DATE June 2004		COMPILED BY



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Navrae / Enquiries:

U von Molendorff

U verwysing / Your ref.

-

Ons verwysing / Our Ref :

Farm 266/11, Stellenbosch

Datum / Date:

2007-07-13

Telefoon / Telephone:

021-808 8682

Faks / Fax:

021-808 8651

REGISTERED POST

Sunwealth (Pty) Ltd
Mr Dave Bakker
PO Box 62
Panniemile
Vlottenburg
7604

Sir/Madam

APPLICATION FOR DEPARTURE (BUILDING LINE RELAXATION): FARM 266/11, STELLENBOSCH

Your application in the abovementioned regard, refers.

The Director : Planning and Environment at a recent meeting resolved as follows:

1. That **approval be granted** in terms of Section 15(1)(b) of the Land Use Planning Ordinance (15 of 1985), for departure for the relaxation of the southern building line applicable on Farm 266/11 from **30m** to **5m** in order to construct a new main dwelling (Refer **Annexure B**).
2. That **approval be granted** in terms of Section 15(1)(b) of the Land Use Planning Ordinance (15 of 1985), for departure for the relaxation of the western building applicable on Farm 266/11 from **30m** to **5m** in order to construct a new main dwelling (Refer **Annexure B**).
3. The approval will be subject to the following conditions in terms of Section 42(1) of Ordinance 15 of 1985:
 - (a) Section 15(5) of Ordinance 15 of 1985, whereby this approval shall lapse if it is not exercised within two years from the date of this approval.

that departure and building plan in question and shall not

(c) Building plans must be submitted to the building section for approval.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mma' followed by a large, stylized flourish.

for DIRECTOR: PLANNING AND ENVIRONMENT

THE DESIGN ON THIS DRAWING IS THE PROPERTY OF MR. CHRIS JACOBS ARCHITECTURE CO. ANY REUSE OR REPRODUCTION OF THIS DESIGN WITHOUT THE WRITTEN PERMISSION OF MR. CHRIS JACOBS ARCHITECTURE CO. IS PROHIBITED. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE LOSS OF ANY DATA OR INFORMATION, OR ANY OTHER CONSEQUENCES OF ANY KIND, ARISING FROM THE USE OF THIS DESIGN. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS, OR ANY OTHER DEFECTS OR OMISSIONS, ARISING FROM THE USE OF THIS DESIGN. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS, OR ANY OTHER DEFECTS OR OMISSIONS, ARISING FROM THE USE OF THIS DESIGN.

NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL ELECTRICAL REGULATIONS. 2. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS, OR ANY OTHER DEFECTS OR OMISSIONS, ARISING FROM THE USE OF THIS DESIGN. 3. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS, OR ANY OTHER DEFECTS OR OMISSIONS, ARISING FROM THE USE OF THIS DESIGN.

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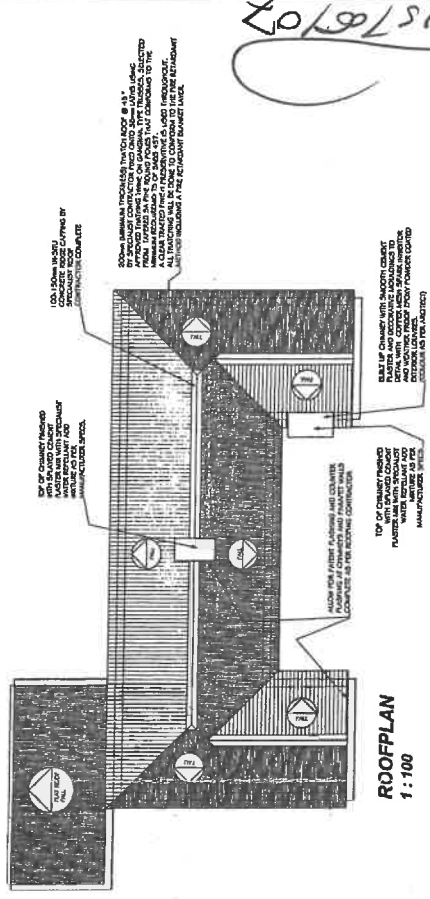
456
Chris Jacobs
Architecture cc
Building Project Management
Stellenbosch 7530
Tel: 021 798 7530
Cell: 083 277 5932
Email: chris@chrisjacobs.co.za

SUNWEALTH PTY LTD
Proposed New House
Farm 266 Portion 11,
WedgeView Farm
STELLENBOSCH

Drawing
AS SHOWN

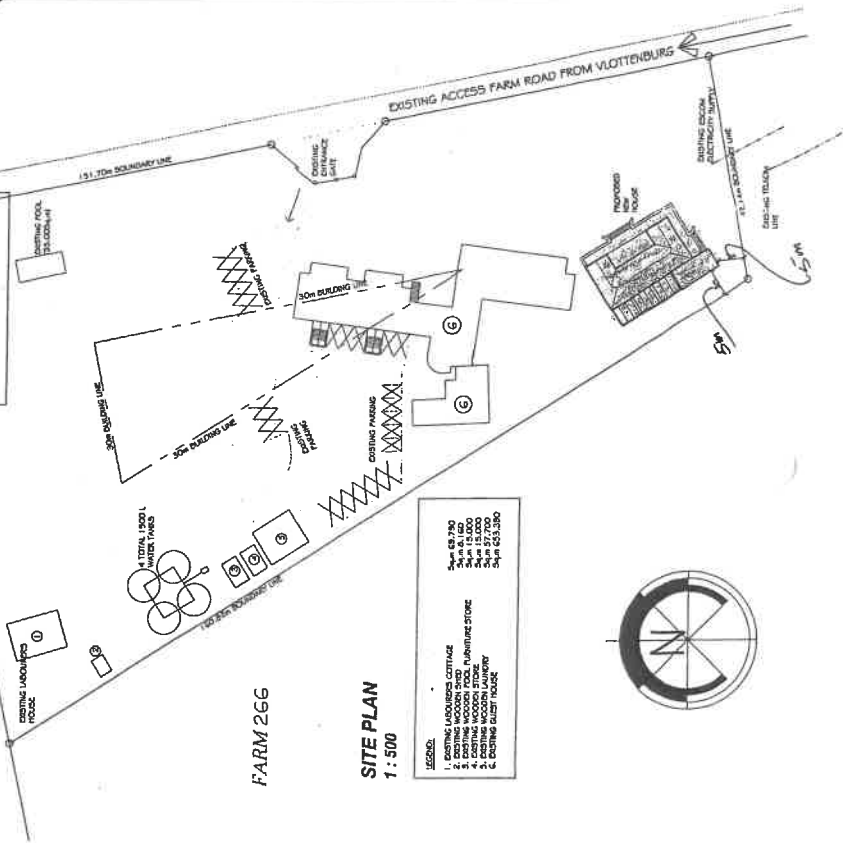
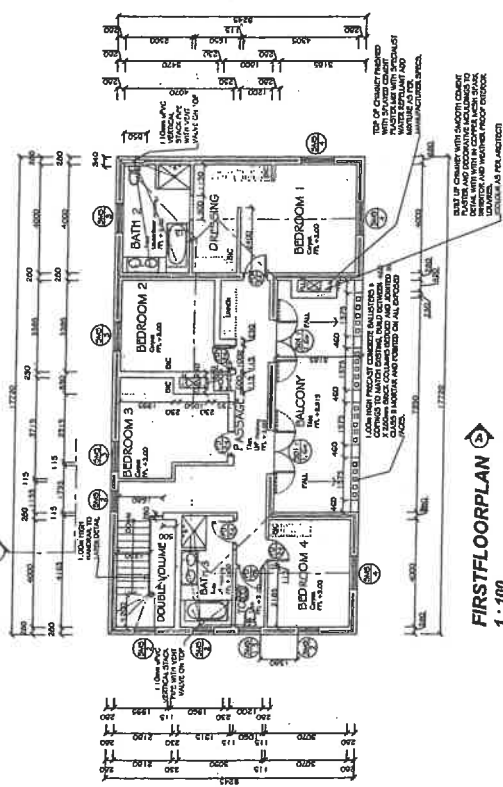
Owner Signature

Dwg No	1 OF 2
Project No	D0702-33
Date	Feb 2007
Scale	CJ

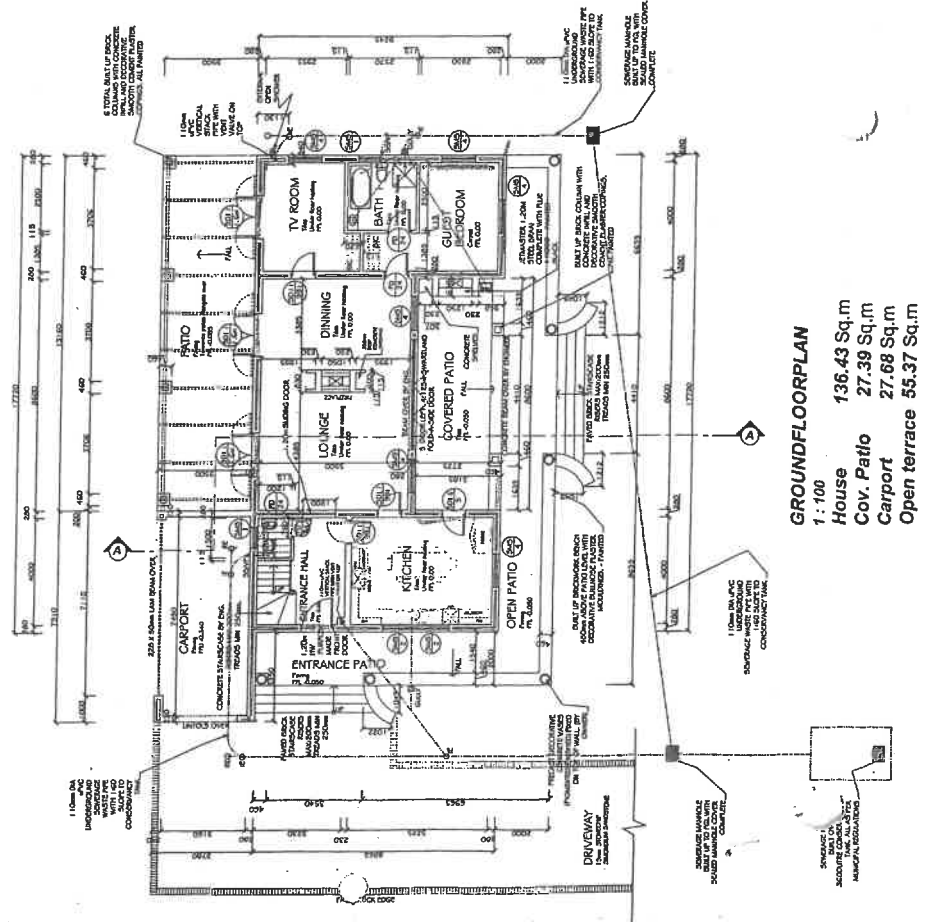


FARM 260

FARM 266 PORTION 11
1.0765 hectares



House 136.43 Sq.m
Open balcony 27.39 Sq.m



House 136.43 Sq.m
Cov. Patio 27.39 Sq.m
Carport 27.68 Sq.m
Open terrace 55.37 Sq.m

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES AND OTHER AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES AND OTHER AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES AND OTHER AUTHORITIES.

NOTES:

457

Chris Jacobs
Architecture CC
Building Project Management

Suite 211-Pedestal X2081
Stellenbosch-7599
Tel / Fax: 021-880 0888
Cell: 083 227 8883
Email: chris@chrisjacobs.co.za

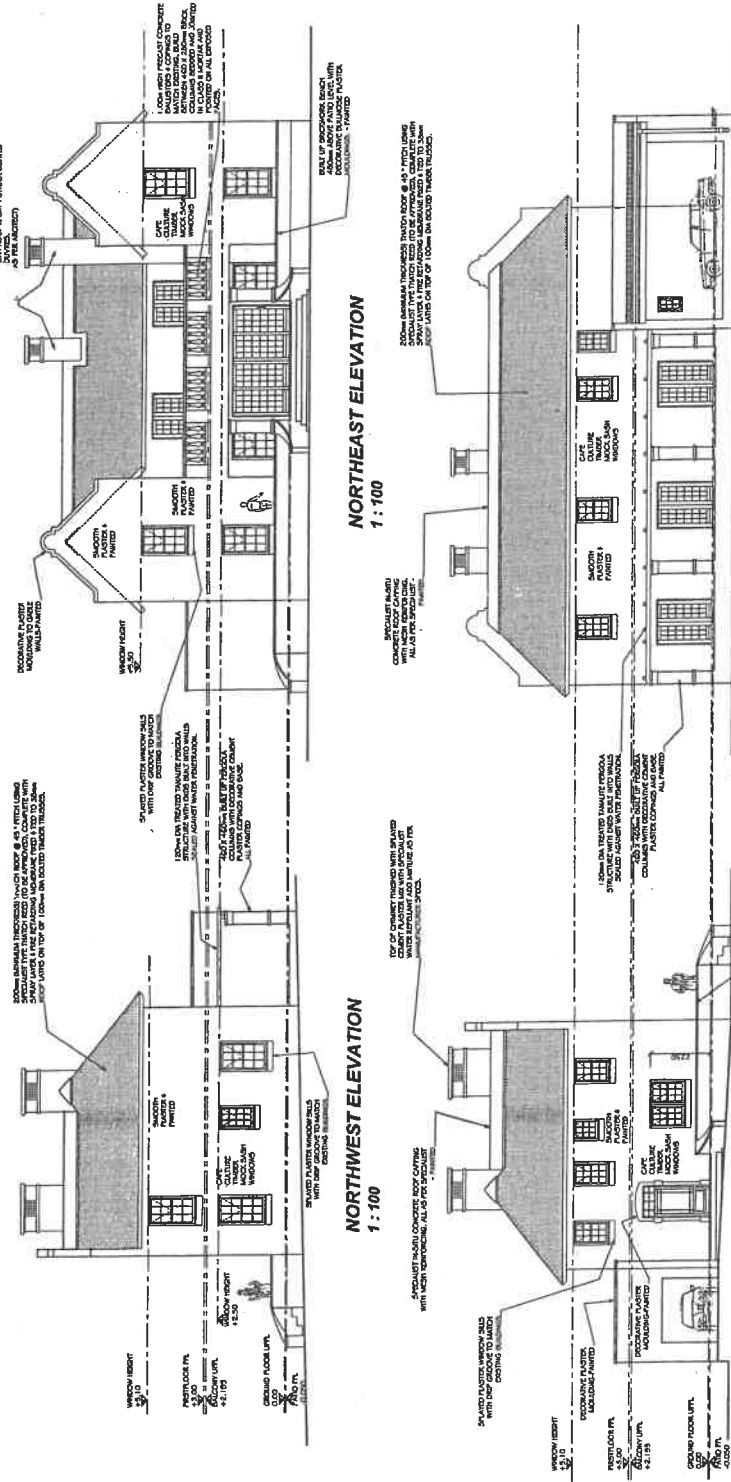
Project
SUNWEALTH PTY LTD
Proposed New House
Farm 266 Portion 11,
WedgeView Farm
STELLENBOSCH

Drawing
AS SHOWN

Owner Signature

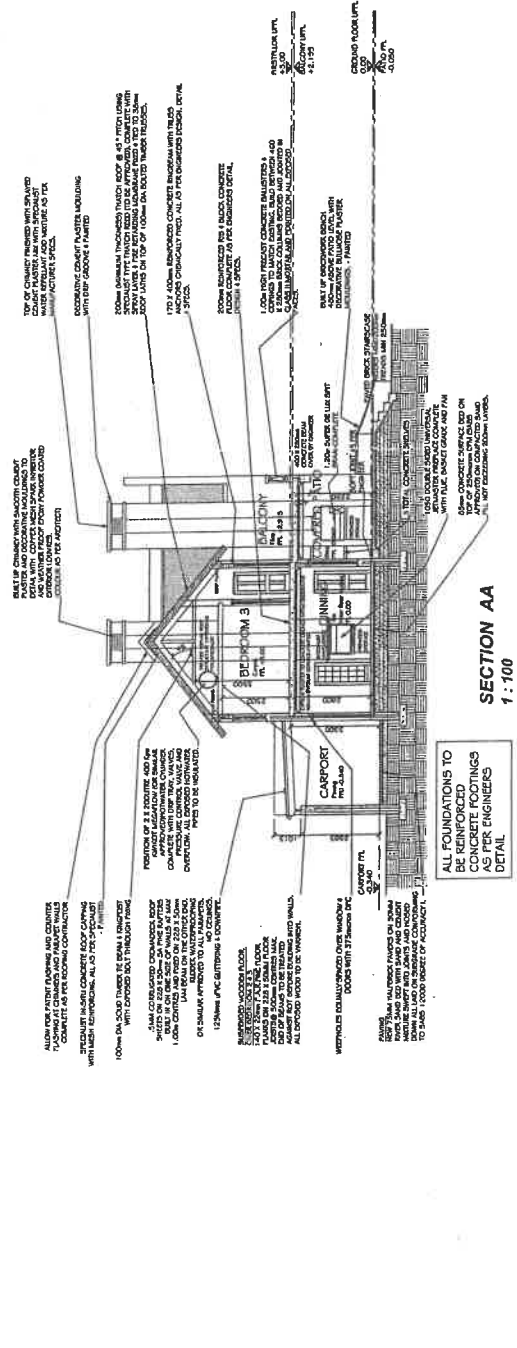
Project No	D0702-33	Dwg No	2 OF 2
Date	Feb 2007	Checked	CJ
Scale	As Shown	Drawn	CJ

B2



SOUTHWEST ELEVATION
1:100

SOUTHEAST ELEVATION
1:100



ALL FOUNDATIONS TO
BE REINFORCED
CONCRETE FOOTINGS
AS PER ENGINEERS
DETAIL



DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING

Provincial Government of the Western Cape

LAND MANAGEMENT: REGION 1

Nathaneal.Jacobs@pgwc.gov.za
tel: +27 21 483 8105
1 Dorp Street, Cape Town, 8001
www.capegateway.gov.za

REFERENCE: E17/2/2/1/AS10/Farm 266/10 and 266/11, Stellenbosch
ENQUIRIES: N Jacobs

REGISTERED POST

Alwi Theart
Urban and Rural Planning Practitioners
P.O.Box 7257
Stellenbosch
7599

Dear Sir

STELLENBOSCH MUNICIPALITY: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND TEMPORARY DEPARTURE ON PORTIONS 10 AND 11 OF THE FARM BLOEMENDAL NO 266, STELLENBOSCH

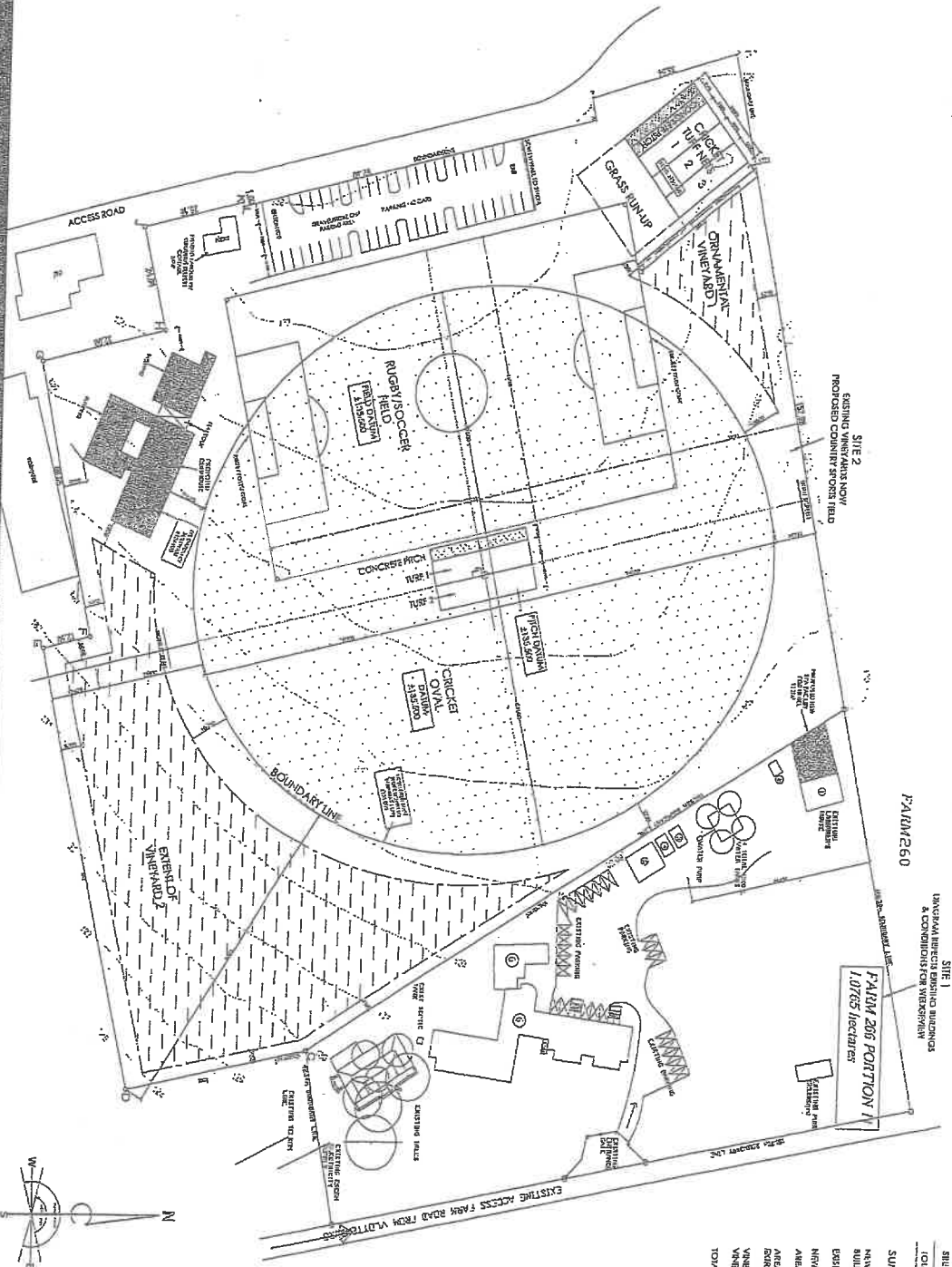
1. Your application dated 7 November 2007, refers.
2. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), has resolved that the applications for:
 - 2.1 the rezoning of a portion of $\pm 2,8$ ha (a portion of Farm 266/10 and a portion of Farm 266/11) of the consolidated portion (portion A and Farm 266/11, Stellenbosch Division), from Agricultural Zone I to Open Space Zone II, **be refused**, in terms of section 17(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), to accommodate a private sports facility;
 - 2.2 the rezoning of a portion of ± 112 m² of Farm 266/11, Stellenbosch Division, from Agricultural Zone I to Residential Zone V, **be approved**, in terms of section 17(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), for the extension of an existing spa facility that will cater for the needs of the guests visiting the existing guesthouse on the property;

- 2.3 the subdivision of Farm 266/10, Stellenbosch Division, into two portions, namely portion A of 3,4ha and a remainder of 11,95ha, **be refused**, in terms of section 24(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). Portion A will be consolidated with Farm No. 266/11, Stellenbosch Division, to form a cadastral unit of $\pm 4,5$ ha;
- 2.4 the departure for Farm 266/10, Stellenbosch Division, to relax the rear building line on the northern boundary of the newly consolidated property from 30m to 1m, **be approved**, in terms of section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), to accommodate the extension to the guesthouse (spa facility); and
- 2.5 the temporary departure for Farm 266/10, Stellenbosch Division, **be refused**, in terms of section 15(1)(a)(ii) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), in order to utilise the cricket club house as a function facility.
3. The above mentioned approvals are subject to the following conditions in terms of section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):
 - 3.1 that the applicant must submit a revised site development plan to the Municipality according to the above mentioned approvals;
 - 3.2 that compliance with condition 2.1 and 2.2 as prescribed by the Department of Transport and Public Works (DT&PW) in their letter dated 19 August 2008 (Annexure 1);
 - 3.3 that a detailed site development plan indicating landscaping and parking layout must be submitted to Council for consideration. The provision of parking must take into consideration the concerns raised by DT&PW in their letter dated 19 August 2008;
 - 3.4 that the owner of the property must apply for the applicable business licenses in terms of the Business Act, No 71 of 1991;
 - 3.5 that the necessary licenses must be obtained in terms of the Liquor Act, 1989 (Act 27 of 1989);
 - 3.6 that the utilisation of the property and buildings must at all times be within the parameters determined by the section 8 Scheme Regulations for the applicable zonings;

- 3.7 that building plans for the proposed building work must be submitted to the Municipality for approval prior to the commencement of any building work; and
- 3.8 Council reserves the right to impose any further conditions if deemed necessary.


J Benjamin
Chief Land Use Management Regulator

DATE: 22/12/2011

[illegible]

**WEDGEVIEW
STELLENBOSCH**

BITE PLAN SHOWING
LAND USE

**WEDGEVIEW SPORTS
FACILITIES & CLUB
HOUSE**

[illegible]

URBAN & RURAL

ACTINIZING

FARM 266/10 & 266/11
STELLENBOSCH

SDP

2266/08266

State Development Plan

2



Enquiries
Your ref.
Our Ref.
Application No
Date
Telephone
Fax

C Charles / U Von Molendorff
-
Portion 11 of Farm No 266, Stellenbosch
LU/2929
2013-10-08
021-808 8699 / 8682
021-808 8651

REGISTERED MAIL

R Cupido
46 Jacaranda Avenue
Stratford
EERSTE RIVER
7100

Sir / Madam

FILE NR:	OUTGOING POST
SCAN NR:	
F266/11 LU2929 REFUSAL	
COLLABORATOR NR:	
301641	

APPLICATION FOR CONSENT USE AND DEPARTURE ON PORTION 11 OF FARM NO 266, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Director : Planning and Development at a recent meeting resolved as follows:

1. That the application for consent use in order to construct a new additional dwelling unit on Farm 266/11, Bonniemile, Stellenbosch Division as per Drawing Number 100, dated January 2013, drawn by Robert Cupido Architectural Design attached as Annexure A, **be refused.**
2. That the application for departure to encroach the 30m lateral building line to 1.5m in order to construct a new additional dwelling unit on Farm 266/11, Bonniemile, Stellenbosch Division as per Drawing Number 100, dated January 2013, drawn by Robert Cupido Architectural Design attached as Annexure A, **be refused.**

REASONS FOR RECOMMENDATION

The proposed additional dwelling unit cannot be supported from a town planning point of view as there is no reason for the manager of the guesthouse not to occupy a portion of the guesthouse while the owner occupies the main dwelling when visiting the country. A third dwelling on the subject property cannot be justified.

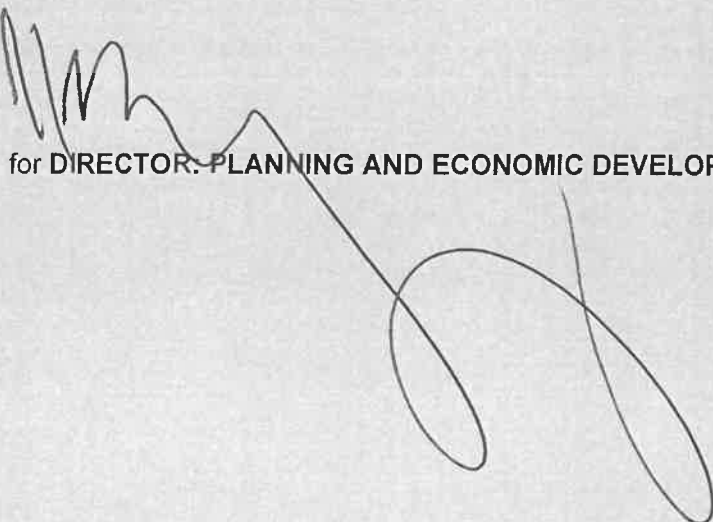
In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R703.00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality,

P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plein Street, Stellenbosch, 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.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you will be advised of your right to act on this decision.

Kindly note the above Council decision 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**

SOUTH EAST ELEVATION

NORTH WEST ELEVATION

464

project

drawn:

date:

scale:

drawn:

Rot

Conte

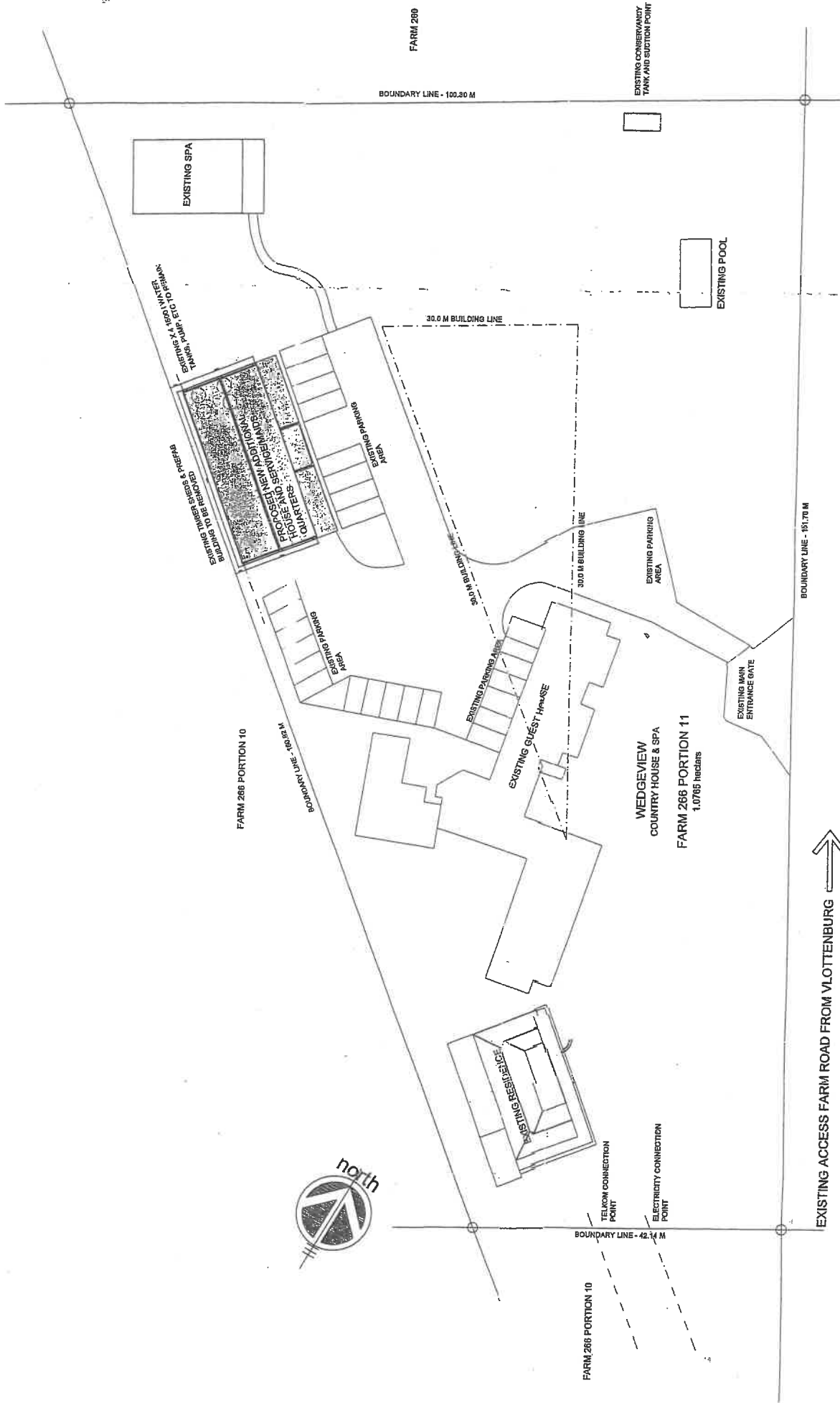
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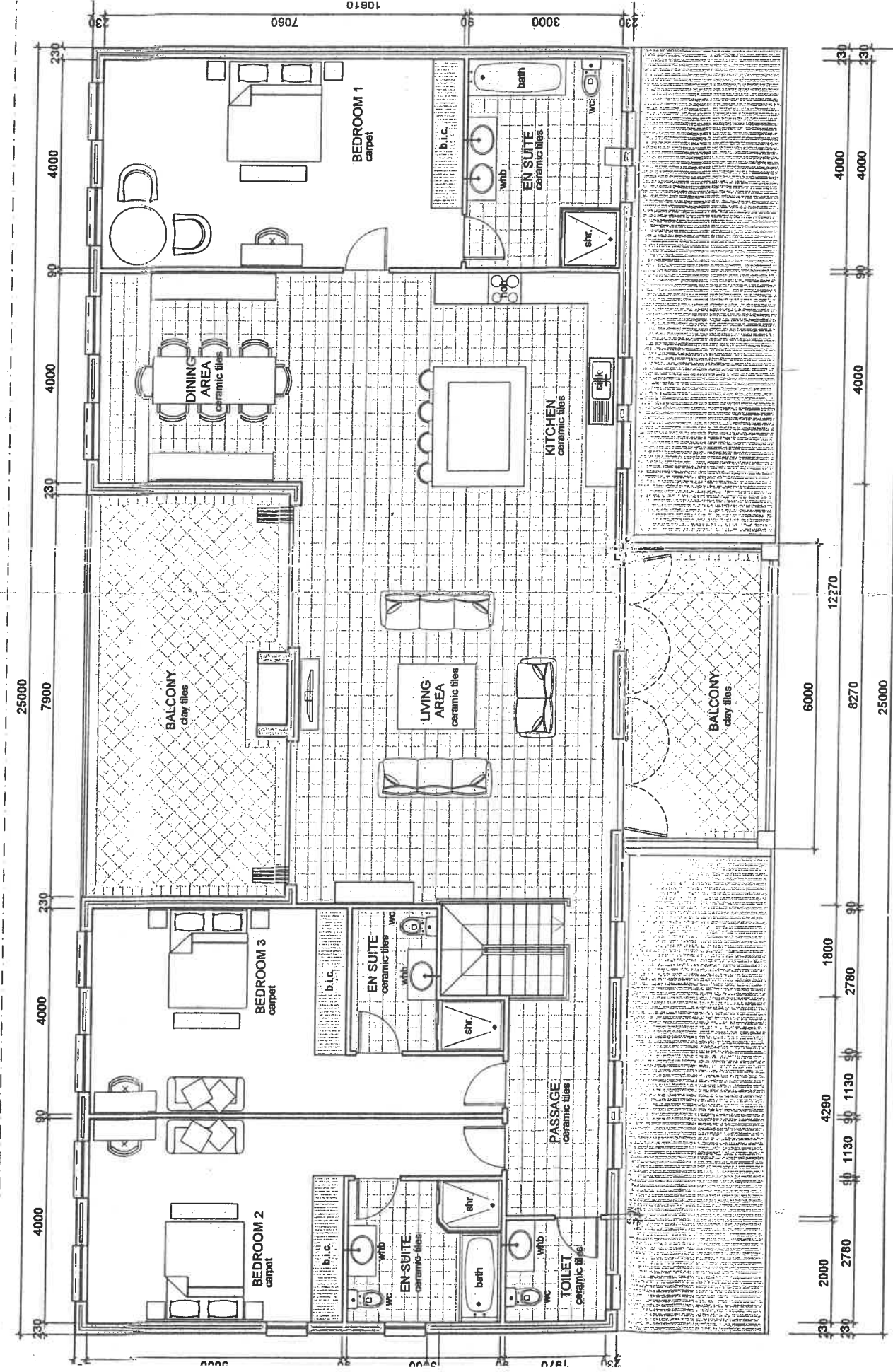
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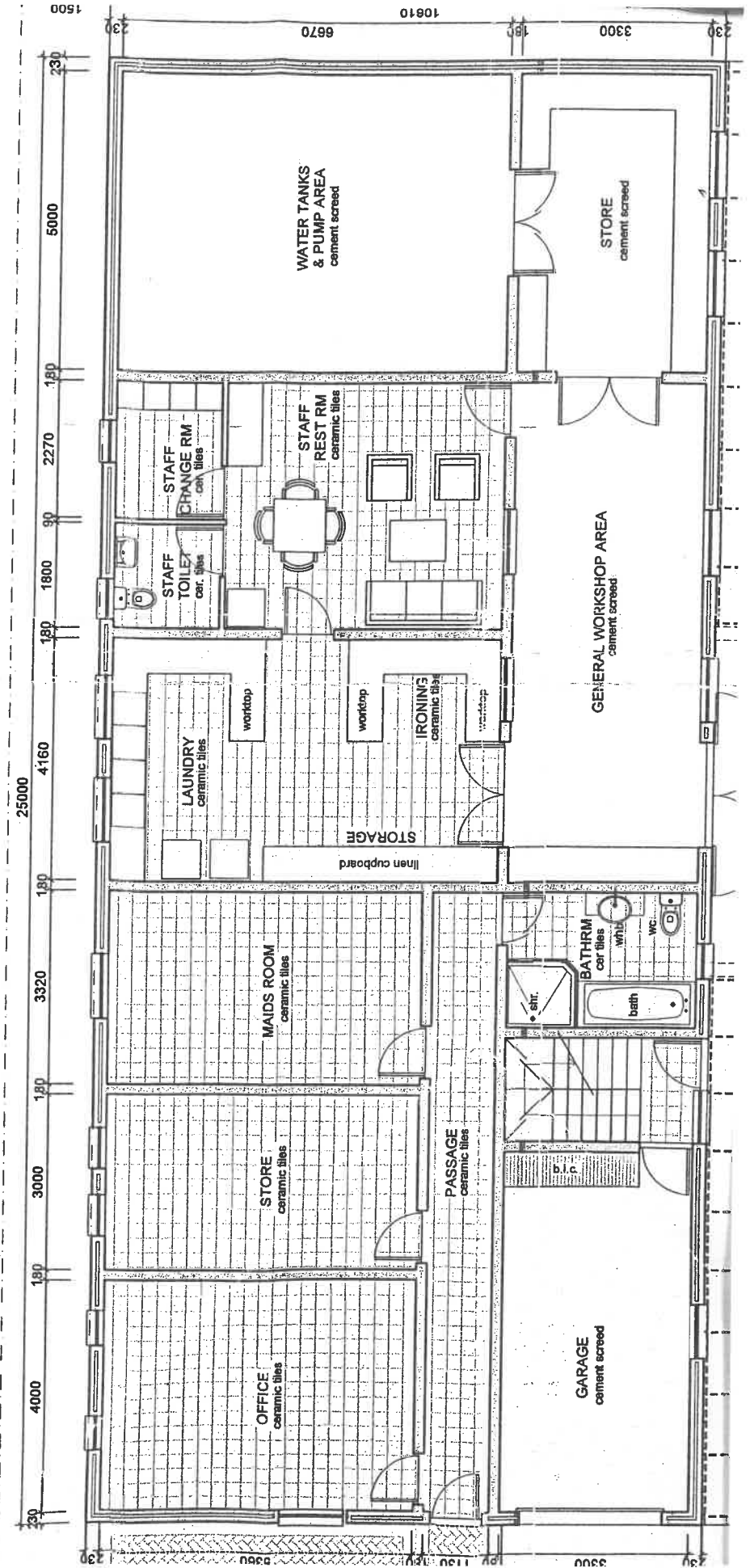
SITE & ROOF PLAN



SOUTH WEST ELEVATION



FIRST FLOOR PLAN



ANNEXURE C

SITE DEVELOPMENT PLAN



260

467

10/266

RE/266

Zoning	Zoning Scheme Provision	Existing Development
Size	Agricultural and Rural Zone	1.07ha
Building Line	5m	As per Plan
Coverage	NA	±1750m ²
Floor Area	NA	±2840m ²
Parking	14	24

Braai/Lapa
Entertainment Area

Pool

Conservancy Tank 60kl

5m Building Line

SPA

Water Tank

0.3m Building Line

Water Tanks

Building with 5 rooms, laundry facilities, staff
quarters, plant room and workshop (2013)

Water Tank

0.9m Building Line

Addition of a cottage for the
previous owner (2004/5)

WedgeView Country House and Spa
(1996)

Pool

Conservancy Tank 5kl

Additional Dwelling Unit (2007)

Access road to house (2007)

Entrance

Bore Hole

Conservancy Tank 5kl

5m ROW Servitude over
Farm 266

Conservancy
Tank 7kl

ESCOM Supply

Power Line

5m Building Line

C

D

Wedge View

Property Description:

Portion 11 of Farm 266, Stellenbosch

ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | TEL +27 (0)21 861 3800 | WWW.TV3.CO.ZA

Notation:

Drawing:	Site Development Plan	Plan no.:	4
Date:	24/11/2023	Scale:	1:1000(A4)
Project no.:	P3130	Drawn:	WH
		Checked:	MW

Cadastral Information obtained from Surveys and Mapping (DRDLR).

* All areas and dimensions are approximate and should be verified by a professional land surveyor.
* This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved

ANNEXURE D

APPLICANT'S **MOTIVATION**



ARCHITECTS & TOWN PLANNERS
INGENIEURS & STADTPLANNERS

**APPLICATION FOR CONSENT USE AND DEPARTURE
PORTION 11 OF FARM 266, BLOEMENDAL,
STELLENBOSCH**

Date: 29 November 2023

Our ref: P3130: Portion 11 of Farm 266
Bloemendal, Stellenbosch

Inquiries: Mr. T. Walters

FIRST FLOOR
LA GRATITUDE
OFFICE BUILDING
97 DORP STREET
STELLENBOSCH 7600
TEL 021 861 3800

PLANNING BY-LAW APPLICATION FOR:
PROPOSED CONSENT USE AND DEPARTURE PORTION 11 OF
FARM 266, BLOEMENDAL, STELLENBOSCH

Prepared on behalf of:

Sunwealth Prop (Pty) Ltd



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3. EXISTING ZONING, LAND USE, POLICY AND LEGISLATIVE CONTEXT.....	4
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PLANS / PHOTOS

- PLAN 1 - LOCALITY AND SURROUNDING LAND USE PLAN
- PLAN 2 - WEDGE VIEW 2011 LAND USE PLAN
- PLAN 3 - CONSENT USE AND BUILDING LINE DEPARTURE PLAN
- PLAN 4 - PORTION 11 OF FARM 266 SITE DEVELOPMENT PLAN
- PLAN 5 - WEDGE VIEW POLKADRAAI (M12-ROUTE) VIEW POINT
- BUILDING PLANS FOR GUEST HOUSE / TOURIST ESTABLISHMENT UNIT
- PHOTO COMPILATION OF EXISTING STRUCTURES - 2023

ANNEXURES

- ANNEXURE A - DEED OF TRANSFER
- ANNEXURE B - SG DIAGRAM
- ANNEXURE C - COMPANY RESOLUTION
- ANNEXURE D - EXISTING APPROVALS
- ANNEXURE E - PRE-APPLICATION SCRUTINY
- ANNEXURE F - SECTION 8 ZONING SCHEME CERTIFICATE

SPECIALIST REPORTS

- REPORT NO. 1 - DEA&DP NEMA APPLICABILITY CONFIRMATION

SECTION 1

This Section sets out the application made in terms of the relevant subsections of Section 15(2) of the Stellenbosch Municipal Planning By-Law (2015).

1. THE APPLICATION

Application is made for the following:

- 1.1 A Consent Use in respect of an existing building structure as depicted on **Plan No. 3** attached hereto, so as to utilise the structure as an extension of the existing approved Wedge View Guest House / Tourist Accommodation Establishment so as to operate and additional five bedrooms; and
- 1.2 A permanent departure, with reference to the existing building structure as depicted on **Plan No. 3**, from the prescribed 5m common boundary building line with Portion 10 of Farm 266, so as to allow for a common boundary building line setback along a line starting at point **(a)** set back at 0,3m to a point **(b)** set back at 0,9m, as depicted on **Plan No. 3** attached hereto.

SECTION 2

This section provides the relevant property information and planning context for the proposed application.

2. PROPERTY INFORMATION

2.1 Locality (Plan No. 1)

Portion 11 of Farm 266 Bloemendal (The Application Property) is located approximately 8km to the West of the Stellenbosch CBD, North of the Polkadraai (M12) Route and South of the Stellenboschkloof Road. The Application Property is in turn accessed from the Polkadraai (M12) Route and Bonniemile Road via a registered right-of-way over Remainder Portion 1 of Farm 393 and Remainder Farm 266 as depicted on **Plan No. 1** hereto.

2.2 Property description, ownership and extent

Details relating to the description, ownership, and size of the subject property, are provided in **Table 1** below.

Table 1: Property description

PROPERTY DESCRIPTION	REGISTERED OWNER	DEED OF TRANSFER NUMBER	SIZE (ha)
Portion 11 of Farm 266, Bloemendal, Stellenbosch	Sunwealth Prop (Pty) Ltd	T14491/2007	1.0765ha

2.2.1 The application property constitutes Portion 11 of Farm 266, Bloemendal, Stellenbosch, 1.0765 ha in extent.

2.2.2 The application property is currently registered in the name of Sunwealth Prop (Pty) Ltd, by virtue of deed of transfer T14491/2007. A copy of the Title Deed is attached hereto to as **Annexure A**.

2.2.3 The subject property is depicted on SG Diagram No. 8261/1985, a copy of which is attached hereto as ***Annexure B***.

2.2.4 The property owner signed a Company Resolution which authorises TV3 Architects and Townplanners to prepare and submit the application on his behalf, a copy of which is attached hereto as ***Annexure C***.

2.3 Mortgage Bonds, Conditions of Title and Servitudes

2.3.1 Mortgage Bonds

The property inquiries details search shows no Mortgage Bonds registered against the property in question.

2.3.2 Conditions of Title

No conditions of title exist that prohibits the proposed consent use and departure being applied for.

2.3.3 Servitudes

There are no servitudes registered over the application property as confirmed by virtue of the attached SG-diagram.

3. EXISTING ZONING, LAND USE, POLICY AND LEGISLATIVE CONTEXT

3.1 Existing Zoning

The property is currently zoned as Agricultural and Rural Zone in terms of the Stellenbosch Municipal Zoning Scheme By-Law (2023).

In terms of a 2013 Zoning Certificate issued under the previous Section 8 Zoning Scheme Regulations, the property was subject to an approved Residential Zone V “Spot Zoning” which allowed for the operation of an approximate 520m² Guesthouse and an approximate 112m² Spa Facility. The approvals in question are confirmed as per the Stellenbosch Municipal Rezoning Approval dated 2 May 2005 and DEA&DP Approval dated 12 December 2011, copies of which are attached hereto as part of **annexure D**.

In terms of the current Stellenbosch Zoning Scheme (2023) provisions, the above Residential Zone V “Spot Zoning” has been replaced / converted to a Consent Use approval.

In addition, the approved Guesthouse has historically and to date been utilised for the operation of 13 rooms which exceeds the maximum prescribed number of seven bedrooms allowed for in terms of the current Stellenbosch Zoning Scheme for a Bed and Breakfast, Guest House or a Tourist Dwelling Unit Establishment, accordingly for the purposes of this application the current activity is now by definition considered to be a Tourist Accommodation Establishment.

3.2 Existing and Surrounding Land Uses (Plan No. 1 and 4)

Portion 11 of Farm 266 constitutes a rural smallholding with a limited extent of 1,0765ha which came about as a result of a consolidation of Portion 4 of Farm 266 and Portion 12 of Farm 266 in 1987, approximately 36 years ago. The property as a result of its limited extent has never been utilised as a productive commercial agricultural entity. Instead, the property has since 1996 been utilised as rural based tourist accommodation facility, first as a Bed and Breakfast establishment and after the 2005 Residential Zone V rezoning approval, as a formal Guesthouse. Accordingly, the enterprise has been in operation for 26-years and currently provide employment on average to between 21 and 23 people.

The application property is currently utilised exclusively for the purposes of the Guesthouse / Tourist Accommodation Establishment with a number of ancillary facilities i.e. spa, swimming pools etc. The current number of bedrooms offered on the

basis of a transient guest room with breakfast included totals 18 bedrooms, which total includes the additional five bedrooms no being applied for in terms of this application. The full extent of the utilisation of the property in this regard is depicted on **Plan No. 4** which represents a composite Site Development Plan of the current operations conducted on site. A photo compilation depicting the main structures currently present on the application property is in turn attached hereto as reference.

The application property due to its limited extent and the fact that the property is exclusively utilised for Guesthouse / Tourist Accommodation Establishment and related ancillary purposes cannot be considered on the basis of being subservient to any agricultural activity conducted on the application property itself, as it has never constituted an agricultural entity as such. In this regard the application property given its own limited extent, is considered to be a limited tourist node set within a surrounding agricultural context represented by a number of larger farms / agricultural entities as depicted in **Plan No. 1**. As such the application property as a tourist node is considered as a subservient use to the wider abutting agricultural context, rather than being subservient to any agricultural activity conducted on-site.

3.3 Spatial Development Framework Context

In terms of the Stellenbosch Municipality's Spatial Development Framework (MSDF) agricultural / rural based tourist facilities / establishments are generally supported as part of growing the tourism industry in the Winelands and the in doing so supporting the local economy amongst others by means of providing job opportunities.

In addition, the Stellenbosch Municipal Spatial Development Framework (SDF) promotes tourism as a major economic driver of the municipal economy, as the town represents "a key tourism destination" in the Winelands area. Consequently, the Municipality has stressed the importance of the sustainable use of its spatial assets. This includes "safeguarding and celebrating the Western Cape's unique cultural, scenic and coastal resources, on which the tourism economy depends" and promotes the importance of "the protection and expansion of tourism assets".

More specifically under the theme of 'Rural Accommodation', the Thematic land use guidelines for rural areas regarding 'Tourist accommodation' states that

- *In recognition of the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported; and*
- *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.*

In the above regard the Wedge View Guesthouse / Tourist Accommodation Establishment as operated successfully for the last 26 years and contributed to the local economy amongst others by currently providing job between 21 to 23 job opportunities. To this extent the establishment inclusive of the additional five bedrooms now being applied for is considered to be aligned with the provisions of the MSDF in this regard.

3.4 Other legal application requirements

For the purposes of determining whether the application for a Consent Use so as to utilise the existing building structure in question as part of the existing Guest House / Tourist Establishment operations would require an application in terms of the NEMA Environmental Regulations, an Applicability Checklist Application was prepared by Cornerstone Environmental Consultants and submitted to DEA&DP. DEA&DP in turn confirmed by letter dated 25 January 2023 that the application does not required authorisation in terms of the NEMA Environmental Regulations. A copy of the abovementioned documentation is attached hereto as **Specialist Report No. 1.**

The application is considered not to be subject to the provisions of Section 38 of the Heritage Resources Act (Act 25 of 1998) as no rezoning is intended, no new structures

are proposed and the application does not implicate a building structure older than 60 years.

4. THE APPLICATION PROPOSAL

Wedge View was first established as a Bed and Breakfast Establishment in 1996. The latter establishment was then formally converted to a Guest House establishment by virtue of a Stellenbosch Municipal Rezoning Approval dated 2 May 2005 and further DEA&DP Approval dated 12 December 2011 so as to include a an approximate 112m² extension of the Spa Facility.

At the time of the abovementioned approvals the establishment operated 13 rooms that could sleep 28 people.

In 2013 the owners constructed a further dwelling which structure is the subject of this particular application. The latter structure was built on the approximate footprint of three existing structures as well as four water tanks located on the site, integrating said structures into one formalised multi-functional building which was considered to be an aesthetic improvement on the previous arrangement. The existing structures context that existed prior to the 2013 construction is indicated on **Plan No. 2** for reference purposes. For the purposes of the application it is noted that the structure in question was constructed / established without approval of the building plans as prepared at the time. Copies of the building plans as prepared are attached hereto as reference.

This Consent Use Application specifically refers to the abovementioned existing building structure erected in 2013 as depicted on **Plan No. 3** attached hereto, with the view to legalise the utilisation thereof as an extension of the existing approved Wedge View Guest House / Tourist Accommodation Establishment, so as to operate an additional five bedrooms.

The abovementioned 2013 dwelling constructed provides for the following Guest House / Tourist Establishment related uses:

- Five additional guest rooms thereby expanding the accommodation to 18 rooms with a capacity to sleep 40 guests in total;
- Laundry Facilities;
- Staff Restroom;
- General Workshop and Store which include a battery backup system with solar panels as well as hot water heating system;
- Four under roof water tanks; and
- A single enclosed garage parking

In the above regard it should be noted that all of the 18 rooms operate and are exclusively marketed on a bed and breakfast basis. Three of the rooms included as part of the dwelling structure which is the subject of this particular application can however potentially, by design, also occasionally be utilised as self-catering units if so requested. In addition, it is noted that meals are only served to transient guests booked at the establishment and not the general public.

Copies of the unapproved building plans which depicts the as built structure described above, is attached hereto as reference. In terms of the draft building plans the structures in question comprises a ground floor (coverage footprint) of 340m² with a first-floor area extent of 283m². Accordingly, the structure which is the subject of this particular application constitutes a total floor area of 623m² in extent. In addition to the above, the table below depicts the consolidated existing development parameter context for all of the structures on-site, inclusive of the abovementioned 623m², erected on the application property. This serves to illustrate that the existing development footprint context expressed in terms of coverage and floor area, even taking into consideration the limited extent of the application property itself, is fairly low and therefore confirms that the property has not been "over developed".

Table: Consolidated existing development parameter context

	Zoning Scheme Provision	Existing Development	
Zoning	Agricultural and Rural Zone		
Size	1.07ha		
Building Line	5m	As per Plan	
Coverage	NA	±1750m ²	16%
Floor Area	NA	±2840m ²	0.28
Parking	14	24	

In addition, application is made for a permanent departure, with reference to the abovementioned existing building structure as depicted on **Plan No. 3**, from the prescribed 5m common boundary building line with Portion 10 of Farm 266, so as to allow for a common boundary building line setback along a line starting at point (a) set back at 0,3m to a point (b) set back at 0,9m, as depicted on **Plan No. 3** attached hereto. In turn, the land owner undertakes to obtain a letter of no objection from the abutting land owner of Portion 10 of Farm 266 in this regard.

5. ENGINEERING SERVICES / ACCESS AND PARKING

The main existing engineering services infrastructure and connection points as depicted on the Site Development Plan which currently serve Guest House / Tourist Accommodation Establishment, inclusive of the of the proposed five additional rooms being applied for in terms of this application, include the following:

Bulk Water

The application property has access to municipal water supply which supplies the buildings on-site directly. The municipal water supply in turn also feeds 4 x 5 kl storage tanks with a booster pump to supply the buildings. The application property also has access to an on-site borehole pump, coupled to a 10kl reverse osmosis system which also serves to additionally supply the abovementioned 4 x 5 kl storage tanks.

In addition, the application property has water rights from the Theewaterskloof water supply scheme which can be utilised for irrigation purposes. The application property has a further additional 2 x 5 kl rainwater tanks installed which is utilised for the re-fill of the swimming pools as well as for irrigation purposes.

Sewer

The application property is currently serviced by four conservancy tanks as depicted on the SDP with an estimated capacity of 77kl. The conservancy tanks are currently serviced by a private service provider.

Solid Waste

General waste is being generated during the operation of the Guest House / Tourist Accommodation Establishment. This waste is adequately managed on the site and removed once a week to the municipal waste site.

Electricity

The application property is located in an Eskom supply area and is currently duly serviced with an Eskom connection point. In addition, the application property has a battery back-up and solar panel system installed to keep the Guest House / Tourist Accommodation Establishment operational during load shedding.

Access and Parking

The Application Property is accessed from the Polkadraai (M12) Route and Bonniemile Road via a registered right-of-way over Remainder Portion 1 of Farm 393 and Remainder Farm 266 as depicted on **Plan No. 1** hereto. There are currently two separate entrances leading from the right-of-way servitude which services the application property.

There are currently 24 open parking bays provide on-site and one closed garage parking for the purposes of operating the existing establishment.

In terms of the Zoning Scheme provisions for a Tourist Accommodation Establishment parking is to be provide at a ratio of 0,7 bays per room and 1 bay per self-catering room. The required parking allocation calculated on the basis of 15 bed and breakfast rooms and three self-catering rooms equates to a total parking bay requirement of 14 bays. Accordingly, sufficient parking is provided on-site to duly service the existing Tourist Accommodation Establishment, inclusive of the proposed five additional rooms being applied for in terms of this application.

6. MOTIVATION AND BURDEN OF PROOF

6.1 Need

In terms of the Stellenbosch Municipality's Spatial Development Framework (MSDF) agricultural / rural based tourist facilities / establishments are general supported as part of growing the tourism industry in the Winelands and in doing so supporting the local economy amongst others by means of providing job opportunities.

The approval for an additional five guest bedrooms has / will improve the guest house's continued financial viability as well as ability to continue to contribute to the municipal economy. In addition, the facilities specifically provided for the staff as part of the dwelling in question, also served to improve the general working conditions for staff employed at the establishment.

6.2 Desirability

The following considerations are deemed relevant to the assessment as to whether the proposed departures and consent use would be desirable:

6.2.1 Socio-economic impact

In this regard the Wedge View Guesthouse / Tourist Accommodation Establishment has operated successfully for the last 26 years and contributed to the local economy amongst others by currently providing employment to between 21 to 23 individuals. To this extent the establishment inclusive of the additional five bedrooms now being applied for is considered to have had and will continue to have a positive socio-economic impact.

6.2.1 Compatibility with surrounding uses

Portion 11 of Farm 266 constitutes a property with a limited extent of 1.0765ha which came about as a result of a consolidation of in 1987 approximately 36 years ago. The property as a result of its limited extent has never represented or has been utilised as a productive commercial agricultural entity. The application property has for the last 26 years and is currently utilised exclusively for the purposes of operating an agricultural / rural based Guesthouse / Tourist Accommodation Establishment with a number of

ancillary facilities i.e. spa, swimming pools etc. During the past 26 years there has been no complaints from any of the abutting land owners with reference to Guesthouse / Tourist Accommodation Establishment operations which could serve to suggest that the establishment is either incompatible with or has a negative impact on its directly abutting surrounding environment.

6.2.2 Impact on the external engineering services

The Guesthouse / Tourist Accommodation Establishment, inclusive of the additional five bedrooms now being applied for, is currently duly provided with engineering services as described above.

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

There is no evidence that negative impacts have in the past or 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.

6.2.4 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) as no rezoning is intended, no new structures are proposed and the application does not implicate a building structure older than 60 years.

*In addition, the visual impact of the existing structures on the application property specifically as viewed from the Polkadraai (M12) route is mitigated as a result of a number of matures trees on-site. The latter is illustrated by the view point photo taken from the Polkadraai (M12) route towards the Wedge View Guest House as depicted on **Plan No. 5** attached hereto, as well as the photo below which depicts the existing development context of the application property.*

Photo: Existing Wedge View Development Context



6.2.5 Impact on the biophysical environment

As confirmed as part of the NEMA Applicability Checklist submission, there are no Critical Biodiversity Areas (CBAs) nor Ecological Support Areas (ESAs) on the application property. Although the application property is mapped as the Critically Endangered Swartland Granite Renosterveld (Cape Farm Mapper, 2022), the terrestrial vegetation on the site has been completely transformed from its natural state, and no longer represents indigenous vegetation. Instead, the garden facilities on the site contains kikuyu grass and a mixture of exotic and indigenous garden plants.

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

The existing Guest House / Tourist Accommodation Establishment is duly served by the existing access / entrance points as described above. In addition, sufficient on-site parking is provided so as to serve the existing operations including the additional five bedrooms being applied for. It is also considered that the additional five rooms will have a limited traffic impact and can accordingly can be accommodated within the existing access arrangement.

6.2.7 The imposition of conditions can mitigate an adverse impact of the proposed land use
None

7. CONCLUSION

Application is made in terms of section 15(2) of the Stellenbosch Municipal Land Use Planning By-law (2015), for a Consent Use in respect of an existing building structure as depicted on **Plan No. 3** attached hereto, so as to utilise the structure as an extension of the existing approved Wedge View Guest House / Tourist Accommodation Establishment, so as to operate and additional five bedrooms.

As stated in the motivation above the Wedge View Guest House / Tourist Accommodation Establishment currently employs between 21 to 23 staff members. In addition, the establishment has been previously rated as number one out of 97 Stellenbosch guesthouses on Tripadvisor, as well as the winner of the 2013 Certificate of Excellence. It is therefore concluded that the development and related operations undertaken on the site to date contributed to the economic value of the municipal area without undermining the agricultural value of the surrounding farmlands, is visually discreet and has maximised the use of existing disturbed footprints on the site for the development of tourist accommodation over time.

In view of the above motivating considerations there are deemed to be no elements that render the application as being undesirable and accordingly the application should be duly considered for approval by your Council.



Photo 1: WedgeView Country House and Spa – main building



Photo 2: The Additional Dwelling Unit constructed in 2007 (Managers' House)



Photo 3: The cottage for the previous owner (added in 2004/5)



Photo 4: The Building with 5 rooms laundry facilities, staff quarters, plant room and workshop (added in 2013)



Photo 5: The Spa in the north-western corner.



Photo 6: The gardens of the estate. There are no indigenous vegetation present.

Portion 11 of Farm 266 Bloemendal (Wedgeview Site Specific Considerations)**a) Environmental Authorisation**

NEMA EIA not triggered as per DEADP Confirmation letter provided.

b) Compatibility with land use activities in the WCBSP category is situated in and subject to an environmental impact assessment

As confirmed as part of the NEMA Applicability Checklist submission, there are no Critical Biodiversity Areas (CBAs) nor Ecological Support Areas (ESAs) on the application property. Although the application property is mapped as the Critically Endangered Swartland Granite Renosterveld (Cape Farm Mapper, 2022), the terrestrial vegetation on the site has been completely transformed from its natural state, and no longer represents indigenous vegetation. Instead, the garden facilities on the site contains kikuyu grass and a mixture of exotic and indigenous garden plants.

NEMA EIA not triggered as per DEADP Confirmation letter provided.

c) Proposal does not alienate unique of high value agricultural land or compromise existing farming activities

Portion 11 of Farm 266 constitutes a rural smallholding with a limited extent of 1,0765ha which came about because of a consolidation of Portion 4 of Farm 266 and Portion 12 of Farm 266 in 1987, approximately 36 years ago. The property because of its limited extent has never been utilised as a productive commercial agricultural entity. Instead, the property has since 1996 been utilised as rural based tourist accommodation facility, first as a Bed and Breakfast establishment and after the 2005 Residential Zone V rezoning approval, as a formal Guesthouse. The application property is currently utilised exclusively for the purposes of the Guesthouse / Tourist Accommodation Establishment with a few ancillary facilities i.e. spa, swimming pools etc.

The application in question does not involve cadastral subdivision or subdivision by means of sectional title, accordingly no alienation of agricultural is proposed.

The application is supported by the Provincial Department of Agriculture

d) Does not compromise the current or future possible use of mineral resources.

The property is not the subject of any mineral resources.

e) Is compatible with cultural and scenic landscapes within which the development is proposed

The application is considered not to be subject to the provisions of Section 38 of the Heritage Resources Act (Act 25 of 1998) as no rezoning is intended, no new structures are proposed, and the application does not implicate a building structure older than 60 years.

In addition, the visual impact of the existing structures on the application property specifically as viewed from the Polkadraai (M12) route is mitigated because of a number of mature trees on-site. The latter is illustrated by the viewpoint photo taken from the Polkadraai (M12) route towards the Wedge View Guest House as depicted on **Plan No. 5** attached to the application

The structure which is the subject of this application was constructed in 2103. The latter structure was built on the approximate footprint of three existing structures as well as four water tanks located on the site, integrating said structures into one formalised multi-functional building which was an aesthetic improvement on the previous arrangement.

The application property is furthermore situated in an existing nodal context characterised by several structures located on the directly abutting properties.

f) Does not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks.

Bulk Water

The application property has access to municipal water supply which supplies the buildings on-site directly. The municipal water supply in turn also feeds 4 x 5 kl storage tanks with a booster pump to supply the buildings. The application property also has access to an on-site borehole pump, coupled to a 10kl reverse osmosis system which also serves to additionally supply the abovementioned 4 x 5 kl storage tanks.

In addition, the application property has water rights from the Theewaterskloof water supply scheme which can be utilised for irrigation purposes. The application property

has a further additional 2 x 5 kl rainwater tanks installed which is utilised for the re-fill of the swimming pools as well as for irrigation purposes.

Sewer

The application property is currently serviced by four conservancy tanks as depicted on the SDP with an estimated capacity of 77kl. The conservancy tanks are currently serviced by a private service provider.

Solid Waste

General waste is being generated during the operation of the Guest House / Tourist Accommodation Establishment. This waste is adequately managed on the site and removed once a week to the municipal waste site.

Electricity

The application property is in an Eskom supply area and is currently duly serviced with an Eskom connection point. In addition, the application property has a battery back-up and solar panel system installed to keep the Guest House / Tourist Accommodation Establishment operational during load shedding.

The above setting out of the existing services supply to the applications property confirms that the property is duly serviced, and no unjustifiable extension of the existing municipal network will be required because of the application in question. The application is supported in terms of the Stellenbosch Municipality's internal commenting.

g) Does not impose real costs or risks to the municipality delivering on its mandate.

The application does not.

In turn the enterprise has been in operation for 26-years and currently support and provide local based employment opportunities for on average to between 21 and 23 people.

h) Does not infringe on the authenticity of rural landscapes

As general guiding principles tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural

landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

The coverage and floor area factors of the existing establishment, inclusive of the building structure, which is the subject of this application, totals 16% and 0,28 respectively. The latter serves to illustrate that the existing development footprint context expressed in terms of coverage and floor area, even taking into consideration the limited extent of the application property itself, is low and therefore confirms that the property has not been “over developed”.

It is considered that the existing establishment inclusive of the structure which is the subject of this application general and substantially complies with the above guiding principles.

i) Potential long-term effect

From a long-term perspective, the application does unduly impact on:

- Impact municipal resources and finances
- Agricultural activities, production and sustainability
- Biodiversity and ecological infrastructure
- The scenic, heritage and cultural landscape

ANNEXURE E

OBJECTION RECEIVED



Belangegroep Stellenbosch Interest Group

16 May 2024

Mr Thys Walters thys@tv3.co.za
TV3 Architects and Town Planners (Pty) Ltd
La Gratitude Offices, Dorp Street
STELLENBOSCH

Mr Stiaan Carstens Stiaan.carstens@stellenbosch.gov.za
Senior Manager, Development Management
Stellenbosch Municipality

Dear Mr Walters and Mr Carstens

EX POST FACTO CONSENT USE APPLICATION, PORTION 11 OF FARM 266, WEDGEVIEW COUNTRY HOUSE, BONNIEMILE ROAD, STELLENBOSCH: OBJECTION TO THE APPROVAL THEREOF

1. I refer to the above-mentioned application and to the official notice forwarded to the Stellenbosch Interest Group (SIG) on 3 May 2024, calling for comments and/or objections, to be submitted on or before 3 June 2024.

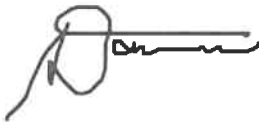
2. Having considered the application, the SIG is of the opinion that it cannot be dealt with by the Municipality in its current form, as this would contravene Paragraphs 5 and 6 of Section 213 of the approved Stellenbosch Zoning Scheme 2023. Paragraph 6, in particular (copied below), requires that the property be rezoned before non-agricultural consent uses may be exercised. The opinion of the SIG is based on the fact that no agriculture or natural environment uses are practiced on the property.

- (5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.
- (6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.

3. In addition to requiring that the property be successfully rezoned to "Multi-unit" zone (where the design and development envelope can be controlled with the consent of the Municipality), the current issue of non-compliance with the provisions of the Stellenbosch Municipal Land Use (SMLU) By-law 2015 needs to be investigated by the Land Use Compliance section of the Directorate of Planning and Economic Development. Section 86 of the said By-law (offences and penalties) requires that no portion of the property shall be used without the approval of the Municipality. Reference in the application to the generation of employment in relation to non-compliance with the provisions of the Municipal Land Use Planning By-law 2015 is misleading, as the existing unauthorised land use cannot be condoned.

4. Based on the above comments the SIG trusts that the current application will be withdrawn, to be replaced by an application for the rezoning of the property to "Multi-unit" zone. In the interim it is also trusted that the provisions of Section 86 (offences and penalties) of the SMLU By-law will be fully investigated and enforced by the Municipality.

Kind regards



Deputy-Chairperson: Ronnie Donaldson

ANNEXURE F

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Ntanganedzeni Mabasa

Directorate: Development Management, Region 1

Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/1/B4/45/1534/22

DATE: 25 January 2023

The Board of Directors
Sunwealth (Pty) Ltd
P. O. Box 62
Vlottenburg
STELLENBOSCH
7602

Attention: Mr. Dave Bakker

Tel.: 021 881 3525

Email: dave@wedgeview.co.za

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) TO THE DEVELOPMENT OF WEDGEVIEW COUNTRY HOUSE ON PORTION 11 OF FARM BLOEMENDAL NO. 266, STELLENBOSCH.

1. The electronic copy of the abovementioned document dated 29 November 2022, as received by this Department on 1 December 2022, refers.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. According to the information contained in the correspondence, this Department notes the following:
 - 3.1. The Wedgeview Country House with 13 rooms that could accommodate 28 people was established on Portion 11 of Farm Bloemendal No. 266, Stellenbosch in 1996.
 - 3.2. Between 2004 and 2005, an additional cottage was constructed for the previous owner.
 - 3.3. In 2007, a main house of approximately 427m² was constructed for the manager.
 - 3.4. A new access road to this house was also constructed, which was approximately 3.3 m wide and shorter than 30m in length.
 - 3.5. In 2013, an existing building was converted and expanded into 5 rooms and associated facilities that could accommodate an additional 12 people, thereby **expanding** the existing facility and increasing the accommodation capacity to 40 guests in total.
 - 3.6. These additions expanded the existing development footprint of approximately 366m² to approximately 829m².
 - 3.7. The nearest watercourses are the Sand River, which is approximately 480m north of the site and a non-perennial tributary of the Sand River approximately 320m south of the site.
 - 3.8. Although the site is mapped to contain critically endangered Swartland Granite Renosterveld vegetation, the site has been completely transformed from its natural state, and no longer represents indigenous vegetation.

4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that the construction of the additional structures and infrastructure during 2007 and the expansion of the Wedgeview Country House during 2013 on the said farm portion **did not** trigger any listed activity(ies) as defined in terms of the 2006 and 2010 EIA Regulations that were in place at the respective times. Environmental Authorisation was therefore not required prior to the construction of the additional structures and infrastructure and the expansion of the Wedgeview Country House on Portion 11 of Farm Bloemendal No. 266, Stellenbosch.
5. The above is based on the following:
 - 5.1 The initial establishment of the Wedgeview Country House in 1996 preceded the promulgation EIA Regulations on 5 September 1997.
 - 5.2 The access road that was constructed in 2007 did not exceed the applicable threshold for the construction of a road, as specified in the 2006 EIA Regulations.
 - 5.3 The development footprint of the Wedgeview Country House that was expanded during 2013 was not located within 100m of a watercourse, and therefore did not trigger the specified geographical area of Activity 18 of Listing Notice 3 of the 2010 EIA Regulations.
 - 5.4 The development footprint was transformed, and the construction of the additional structures and infrastructure did not result in the clearance of the mapped critically endangered indigenous vegetation.
6. Should any future changes to the existing development on the said farm portion trigger any listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence
7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

PP HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Schalk van der Merwe (Schalk Stellenbosch Municipality)
(2) Pieter de Villiers (Cornerstone Environmental Consultants)

Email: Schalk.vandermerwe@ Stellenbosch.gov.za
Email: pieter@cornerstoneenviro.co.za

ANNEXURE G

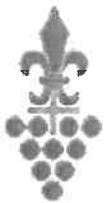
DEPARTMENT **COMMUNITY &** **PROTECTION SERVICES**

Charlene Williams

From: Nicole Katts
Sent: Thursday, 04 April 2024 11:46
To: Charlene Williams
Subject: FW: LAND USE APPLICATION FOR COMMENT: FARM 266/11, STELLENBOSCH DIVISION (LU/16630) - TP589/2023 (CIRCULATION)
Attachments: DEADP_Opinion-Checklist_Wedgeview Country House_25Jan2023.pdf

Hi Charlene

Please place on file for my attention.



Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer
Development Management
Planning & Economic Development

T: +27 21 808 8318
NPK Building, 20 Plein Street
Stellenbosch, 7600
www.stellenbosch.gov.za



FILE NR:	F 266/11 S
SCAN NR:	
COLLABORATOR NR:	765105

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

From: Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>
Sent: Thursday, 04 April 2024 11:43
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Cc: Tammy Leibrandt <Tammy.Leibrandt@stellenbosch.gov.za>
Subject: RE: LAND USE APPLICATION FOR COMMENT: FARM 266/11, STELLENBOSCH DIVISION (LU/16630) - TP589/2023 (CIRCULATION)

Nicole, hi.

The above application refers. Please see the attached response (dated 25 January 2023) from DEADP on the NEMA applicability of the proposed application. Please put this document on the relevant file.

From an environmental planning point of view this Department has no objection to the approval of the application.

Regards

ANNEXURE H

MANAGER: ELECTRICAL SERVICES

FARM 266-11 (LU/16630)

. No Comment

1.

CONDITIONS:

Solar panel plant farm to comply to Electrical regulation Act of 2006 (NERSA)

2. 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

3If connecting a generator for backup, the generator needs to comply to OHS Act SANS10142-1
4Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages?

ERF 

Date 16/04/2024

ANNEXURE I

MANAGER:HEALTH
SERVICES (CAPE
WINELANDS)

Charlene Williams

From: Nicole Katts
Sent: Friday, 31 May 2024 13:36
To: Charlene Williams
Subject: FW: LAND USE APPLICATION FOR COMMENT: FARM 266/11, STELLENBOSCH DIVISION (LU/16630) - TP589/2023 (CIRCULATION)

FILE NR:	F 266/11 S
SCAN NR:	
COLLABORATOR NR:	767870

From: Fabian van Wyk <fabian@capewinelandsgov.za>
Sent: Friday, 31 May 2024 12:44
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Joseph Joon <Joseph.Joon@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Xolani Tika (Development Technician) <Xolani.Tika@stellenbosch.gov.za>; Siyanda Sodo <Siyanda.Sodo@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@stellenbosch.gov.za>; Ferencia September <ferencia@capewinelandsgov.za>
Cc: Carli Van Wyk <Carli.VanWyk@stellenbosch.gov.za>; Rudi-Leigh Segers <Rudi-Leigh.Segers@stellenbosch.gov.za>
Subject: [EX] RE: LAND USE APPLICATION FOR COMMENT: FARM 266/11, STELLENBOSCH DIVISION (LU/16630) - TP589/2023 (CIRCULATION)

Good day

There are no objections from a Municipal Health Services point of view.

Kind regards



From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Tuesday, April 2, 2024 12:12 PM
To: Joseph Joon <Joseph.Joon@stellenbosch.gov.za>; Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>; Kurt Titus <Kurt.Titus@stellenbosch.gov.za>; Xolani Tika (Development Technician) <Xolani.Tika@stellenbosch.gov.za>; Siyanda Sodo <Siyanda.Sodo@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; Viola Anthony <Viola.Anthony@stellenbosch.gov.za>; Fabian van Wyk <fabian@capewinelandsgov.za>; Ferencia September <ferencia@capewinelandsgov.za>
Cc: Carli Van Wyk <Carli.VanWyk@stellenbosch.gov.za>; Rudi-Leigh Segers <Rudi-Leigh.Segers@stellenbosch.gov.za>
Subject: LAND USE APPLICATION FOR COMMENT: FARM 266/11, STELLENBOSCH DIVISION (LU/16630) - TP589/2023 (CIRCULATION)

Good day;

The relevant documentation regarding the abovementioned application will follow **via WeTransfer**. Kindly furnish me with your comment by email, if any, in order to enable me to submit the application to the decision making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 266/11, Stellenbosch Division (LU/16630) – TP589/2023

ANNEXURE J

DEPARTMENT OF
AGRICULTURE
(ELSENBURG)



**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 : 20/9/2/5/6/475
YOUR REFERENCE : LU/16630
ENQUIRIES : Cor van der Walt

TV3
97 Dorp Street
STELLENBOSCH
7600

Att: Thys Walters

PROPOSED CONSENT USE AND DEPARTURE: DIVISION STELLENBOSCH
PORTION 11 OF THE FARM NO 266

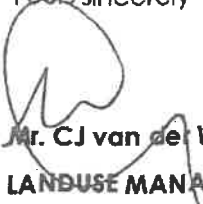
Your email of 03 May 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection from an agricultural perspective.

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

2024-07-12

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

ANNEXURE K

DIRECTORATE: **INFRASTRUCTURE** **SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

FILE NR:	OUTGOING POST
SCAN NR:	F 266/11 S
COLLABORATOR NR: 770501	

To ▫ Aan: Director: Planning + Economic Development

Att Aandag: Nicole Katts

From ▫ Van: Principal Technician: Development (Infrastructure Services)

Author ▫ Skrywer: Ilze Fillies

Date ▫ Datum: 16 July 2024

Our Ref ▫ Ons Verw: Civil LU 2690

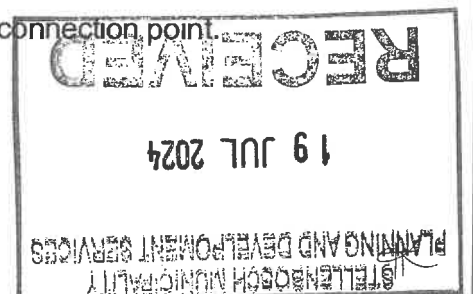
Town Planning Ref: LU/16630 - TP589/2023

Re ▫ Insake: Farm 266/11, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use to utilize an existing building (which consist of five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms on Farm No. 266/11, Stellenbosch Division. Application is made in terms of Section 15(2)(b) of the Stellenbosch Land Use Planning By-law, 2023 for a departure to relax the 5,0m common building line (adjacent to Farm No. 266/10, Stb) to 0,3m and 0,9m to accommodate the existing building on Farm No. 266/11, Stb.

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

1. Water

- 1.1 The development must use the existing municipal water connection point.



2. Sewer

- 2.1 The development must connect to existing conservancy tanks.

3. Roads

- 3.1 Access is from a provincial road – all conditions by the Provincial Roads Engineer will be applicable.

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.
- 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 the facility is put to its approved use.



Ilze Fillies

Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2690 (IF) Farm 266-11 Stellenbosch (LU-16630 TP589-2023)\2690 () Farm 266-11 Stellenbosch (LU-16630 TP589-2023).doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION

Application Number:	2590 (IF) Farm 258-11 Stellenbosch (LU-16630 TP568-2023)
Development Name:	
Date:	19 July 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 256-11
DC Parameters Reference:	Motivation report Proposed consent use and departure portion 11 Farm 256 Bloeremendal Stellenbosch dated 29 Nov 2023 Mr T Walters TV3 Architect

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:	1,1	0,9	0,02	0,075	15		5	
Total Service Usage Reduction:	0	0	0	0	7,6		0	
Total Service Usage after Reduction:	1,10	0,90	0,02000	0,075	7,6		5	
Charges before adjusting for positive only, before Deductions	R 38 229,60	R -	R 4 354,63	R 7 710,00	R 95 145,51	R 143 439,75	R 20 271,57	R 163 711,31
Charges adjusted for positive only, before Deductions	R 38 229,60	R -	R 4 354,63	R 7 710,00	R 95 145,51	R 143 439,75	R 20 271,57	R 163 711,31
Total Deductions:	R -	R -	R -	R -	R 47 572,76	R 47 572,76	R -	R 47 572,76
Total Development Charges Payable (excluding VAT):	R 38 229,60	R -	R 4 354,63	R 7 710,00	R 47 572,76	R 95 866,99	R 20 271,57	R 116 138,56
VAT:	R 5 434,44	R -	R 653,19	R 1 156,50	R 7 135,91	R 14 380,05	R 3 040,73	R 17 420,78
Total Development Charges Payable (including VAT):	R 41 664,04	R -	R 5 007,83	R 8 866,50	R 54 708,67	R 110 247,04	R 23 312,30	R 133 569,34

APPLICANT INFORMATION

Application Processed by:	Izzy Filles
Signature:	<i>Izzy Filles</i>
Notes:	

PK

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levels (incl VAT)										Sub Total (incl Eng Services)	Concessions	Total
		Description	Area (m ²)	Unit Amount	Result	Area (m ²)	Unit Amount	Result	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Yes	Yes	Yes	Yes	Yes			
Residential	Single Residential	>100m ²	du					0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Single Residential	>500m ²	du					0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Single Residential	>250m ²	du					0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Single Residential	>250m ²	du					0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Second Dwelling	du						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Less Formal Residential	du						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Cramp Residential	du						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Apartments	du						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Retirement Village	du						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Old age home	du						0	R	-	R	-	R	-	R	-	R	-	R	-	-
Accommodation	Student Accommodation/Communal/Hotels	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Guest House	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Converted Guest House	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Hotel (Residential)	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	-
Commercial	General Business	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Office	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Retail/Shop	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Restaurant	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Outdoor Function / Picnic Area	persons						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Conference Facility/Place of assembly	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Hospital/Clinic/Medical Rooms	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	University/College	student						0	R	-	R	-	R	-	R	-	R	-	R	-	-
Industrial	School/Day Care	student						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Industrial - light	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Industrial - heavy	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Warehousing/Light Manufacturing	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	-
Miscellaneous	Storage Facilities	unit						0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Open Space/Natural Environment/Utility Site	ha						0	R	-	R	-	R	-	R	-	R	-	R	-	-
Other	Roads and Parking	ha						0,0000	R	-	R	-	R	-	R	-	R	-	R	-	-
	To be calculated (Based on equivalent demands)	n/a						0,0000	R	-	R	-	R	-	R	-	R	-	R	-	-
Total Area:		0						0	R	-	R	-	R	-	R	-	R	-	R	-	-
Total Area:		0						0	R	-	R	-	R	-	R	-	R	-	R	-	-

Charges before adjusting for positive only, before Deductions									R	30 229,80	R	-	R	4 354,83	R	7 710,00	R	86 145,91	R	143 436,75	R	20 271,57	R	163 711,81
Charges adjusted for positive only, before Deductions									R	30 229,80	R	-	R	4 354,83	R	7 710,00	R	86 145,91	R	143 436,75	R	20 271,57	R	163 711,81
Deductions per service (from usage reductions)									R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Discount Deduction (%)									R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Additional Deduction per service - from Service Agreement (sum)									R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Sub Total after Adjustments and Deductions (excluding VAT)									R	30 229,80	R	-	R	4 354,83	R	7 710,00	R	86 145,91	R	143 436,75	R	20 271,57	R	163 711,81
VAT									R	5 434,44	R	-	R	853,19	R	1 158,50	R	7 135,91	R	14 390,05	R	3 040,73	R	17 425,78
Total Development Charges									R	41 854,54	R	-	R	5 007,63	R	8 868,50	R	94 156,67	R	172 263,55	R	23 312,30	R	195 575,85

ANNEXURE L

DEPARTMENT OF
TRANSPORT AND PUBLIC
WORKS (DEPARTMENT OF
INFRASTRUCTURE)



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: DOI/CFS/RN/LU/REZ/SUB-25/499 (App: 2024-05-0037)

The Municipal Manager
20 Plein Street
STELLENBOSCH
7600

Attention: landuse.enquiries@ Stellenbosch.gov.za

**PORTION 11 OF FARM BLOEMENDAL NO. 266, STELLENBOSCH: BONNIEMILE ROAD: CONSENT
USE APPLICATION**

1. The application received from Messrs TV3 (Pty) Ltd dated November 2023 refers.
2. The subject property is located 8 km west from Stellenbosch and takes access off Bonniemile Road which runs parallel to Main Road 177 (MR00177, Polkadraai Road).
3. This Application is for the following:
 - 3.1. Consent Use to use an existing building as guest accommodation (five bedrooms); and
 - 3.2. Permanent Departure for the 5m common building line.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014.

Yours Sincerely

PPSW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 12 AUGUST 2024

ANNEXURE M

MANAGER: SPATIAL PLANNING



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference : **Farm 266/11, Stellenbosch**
LU No : **LU/16630**
Date : **26 July 2024**
Re : **Application Consent Use and Departure on Farm 266/11, Bonnie Mile Road, Stellenbosch (Vlottenburg)**

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

Application is made for the following:

- **Consent Use** to utilize an existing building (which consist of five bedrooms) as an extension to the existing approved guest house to allow for a tourist accommodation establishment with a total of 18 bedrooms.
- **Departure** to relax the 5,0m common building line (adjacent to Farm No. 266/10, Stellenbosch) to 0,3m and 0,9m to accommodate the existing building.

1) Opinion/reasoning:

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

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

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

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced

disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

The application property is located approximately 8km to the West of the Stellenbosch CBD, North of the Polkadraai (M12) Route and South of the Stellenboschkloof Road. It is located outside of the urban edge in an area with a number of smallholdings. The property is currently zoned as Agricultural and Rural Zone in terms of the Stellenbosch Municipal Zoning Scheme By-Law (2023) and 1.0765ha in extent.

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

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

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

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming

operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.

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

reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

The department **does not support** the application as the proposal is not in line with the existing agricultural character of the area, as the scale of the proposal is too extensive for this small agricultural property.

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

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.

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



BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE N

APPLICANT'S COMMENT **ON OBJECTION**

Date: 29 October 2024

Our ref: Portion 11 of Farm 266

Your Ref: 16630 (TP589/2023)

Senior Manager (Development Management)
Stellenbosch Municipality
NPK Building, 20 Plein Street
Stellenbosch Municipality
7600



FIRST FLOOR
LA GRATITUDE
OFFICE BUILDING
97 DORP STREET
STELLENBOSCH 7600
TEL 021 861 3800

For attention: Mr. S. Carstens

Sir

**CONSENT USE APPLICATION PORTION 11 OF FARM WEDGEVIEW:
RESPONSE TO OBJECTION LODGED BY STELLENBOSCH INTEREST GROUP (SIG)**

We refer to the comment / objection submitted by the Stellenbosch Interest Group in the above regard, dated 16 May 2024.

Our response to comment submitted is as follows:

Portion 11 of Farm 266 constitutes a rural smallholding with a limited extent of 1,0765ha which came about because of a consolidation of Portion 4 of Farm 266 and Portion 12 of Farm 266 in 1987, approximately 36 years ago. The property because of its limited extent has never been utilised as a productive commercial agricultural entity. Instead, the property has since 1996 been utilised as rural based tourist accommodation facility, first as a Bed and Breakfast establishment and after the 2005 Residential Zone V rezoning approval, as a formal Guesthouse. Accordingly, the enterprise has been in operation for 26-years and currently provide employment on average to between 21 and 23 people.

The SIG argumentation put forward in their comment would imply that the property should in fact have been designated a different base zone with the transition to / adoption of the new Stellenbosch Integrated Zoning Scheme Regulations as the land use context described has existed at least since 1996 when the first part of the current Guest House operations was established.

In terms of the transitional arrangements which governed the adoption of the new Stellenbosch Integrated Zoning Scheme Regulations the property was however allocated a base zoning of Agricultural Zone, with the previous Residential Zone V zoning being converted to a Consent Use. Accordingly, and following from the pre-application meeting with Stellenbosch Municipality in this regard, it was agreed that the application as submitted will be framed as a Consent Use application in view of the base zoning of Agricultural Zone allocated to the property.

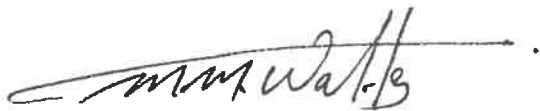
In addition to the above context the application property due to its limited extent and the fact that the property is exclusively utilised for Guesthouse / Tourist Accommodation Establishment and related ancillary purposes cannot be considered based on being subservient to any agricultural activity conducted on the application property itself, as it has never constituted an agricultural entity as such. In this regard the application property given its own limited extent, is a limited tourist node set within a surrounding agricultural context represented by several larger farms / agricultural entities as depicted on **Plan No. 1** of the application documentation submitted. As such the application property as a tourist node is considered as a subservient use to the wider abutting agricultural context, rather than being subservient to any agricultural activity conducted on-site.

In view of the above considerations, we do not agree with SIG argument that the property should be rezoned to Multi-Unit Zone, as the property is in an inherit rural setting which does not warrant the allocation of a high intensity urban use zoning. In addition, the design envelope and parameters can be duly managed by means of the approval of the accompanying Site Development Plan submitted as part of the application and there is accordingly no need for rezoning to Multi-Unit Zone to affect the latter design and development controls. It is also noted that the application was clearly submitted within the context of being a rectification on the part of the landowner as well and accordingly there are no validation to the notion put forward that the application is misleading in manner.

Kind regards

We trust that you will find the above in order. Should you have any inquiries in the above regard you are welcome to contact Mr. T. Walters.

Kind regards

A handwritten signature in black ink, appearing to read 'T. Walters', with a long horizontal stroke extending to the right.

TV3 ARCHITECTS AND TOWNPLANNERS (PTY) LTD



APPLICATION IN TERMS OF SECTION 15(2)(O) AND (G) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND TOURIST FACILITIES AND PERMISSION IN TERMS OF THE ZONING SCHEME FOR AN AGRICULTURAL INDUSTRY ON FARM NO. 1832, PAARL DIVISION (LU/16357 & TP515/2023)

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STELLENBOSCH

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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 AND TOURIST FACILITIES
AND PERMISSION IN TERMS OF THE ZONING SCHEME FOR AN AGRICULTURAL
INDUSTRY ON FARM NO. 1832, PAARL DIVISION.**

APPLICATION DETAILS

Application Reference	LU/16357 & TP515/2023	Commencement Date	16 November 2023
Applicant	Arch Town Planners (Pty) Ltd Marika Bolz	Last day for comments or additional information	29 January 2025 <u>Due date:</u> 29 May 2025
Farm nr	1832 (see ANNEXURE A for locality plan)	Place	Paarl Division
Zoning	Agriculture and Rural Zone	Other approvals	An application for a technical approval for a tourist facility for a spa (<250m ²) in a portion of the second dwelling unit; and an agricultural industry (<2000m ²) to construct an olive press , was approved on 13 June 2023. See ANNEXURE B for previous approvals.

X TYPE OF APPLICATION

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

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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose

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 and tourist facilities. The owner also seeks to increase the agricultural activity on the farm through a wine cellar.

2. Background and Application detail

The subject property is located northeast of Stellenbosch and northwest of Franschhoek on the Wemmershoek Road. Access to the subject property is off the R301.

The application property is an active farm and used for agricultural purposes, mainly olives, vines and lemons, in line with the zoning of Agricultural and Rural Zone. The built environment on the farm consist of the main dwelling, second dwelling, two workers cottages and an agricultural building and farm workshop.

An application for a technical approval for a tourist facility to operate a spa (<250m²) from the second dwelling unit and the construction of an agricultural industry building of ±1215m² for purposes of an olive press, was approved on 13 June 2023 (See **ANNEXURE B**).

The Proposal

The proposed development entails the construction of a new building that will include a **wine cellar (±287m²)**, **art gallery (±450m²)**, **a restaurant (±114m²)**, **ablutions facilities and circulation areas**. The new building will consist of a basement (±1138m²), ground floor and double volume areas. The basement will be used for wine storage purposes and for general storage. The development also entails the use of the existing farm workshop, through internal alterations, as a **wine tasting facility** with a coverage of **±224m²**. The proposed development also includes the use of the **main dwelling** as a **reception** and **farm offices**.

The proposed development also entails the extension of the existing spa to include a **wellness centre**. The spa was approved in the previous application with a coverage of ±215m² and the total area of the proposed additions for both the ground and the first floor is **±727m²** in extent. Additions were made to the existing second dwelling unit and the wellness centre is already in operation.

The applicant is also applying for the construction of ten (10) **tourist accommodation units**, consisting of eight (8) one-bedroom units of ±45m² each; one (1) two-bedroom unit of ±105m² and one (1) three-bedroom unit of ±105m². The design of the units emphasizes discretion and privacy, ensuring minimal impact on the surrounding environment and agricultural activities. The units will be constructed on a portion of the farm that is neither used for agricultural purposes nor suitable for such use, thereby preserving the current agricultural operations. Additionally, the units will be partially submerged below the natural ground level, which integrates them more seamlessly with

the landscape and reduces their visual impact. Their central location on the farm ensures they remain shielded from view by natural features and existing structures, thus avoiding disruption to the rural visual continuity.

See **ANNEXURE C** for Site Development Plan.

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

- a) There is a specific focus on avoiding agricultural areas for the development and areas that will be used is currently unproductive areas that has negligible agricultural potential. There will therefore be no notable loss of agricultural/natural land on the farm.
- b) Although there will be new buildings, the scale of the proposed development will remain in keeping with the character of buildings on the land unit and the character of the area. It is considered that the proposed land use will be subservient to the primary use of bona fide agriculture or natural environment.
- c) The proposal will create employment opportunities in the area.
- d) The development seeks to target the high-end tourist market thus focusing on a different section of the market than most current wine farms in the area.
- e) The proposed development will enable the protection of agricultural land through diversification of income.
- f) The proposed development is in line with the principles of the SDF and IDP.
- g) The zoning scheme allows for the ancillary use of the farm for tourism with the objective of sustainability and diversification of income without adversely impacting the primary use.

ASSESSMENT CHECKLIST			
CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	x		The applicant has in terms of Section IV of the Stellenbosch Municipality Planning By-Law, advertised the application by sending e-mails to the interested and affected parties as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal.

One neighbour had a concern with certain aspects of the application and requested a meeting with the applicant. See **ANNEXURE E**. The Spatial Planning Section objected to the proposal.

The application was circulated to the relevant internal & external departments and the following departments gave comment:

1. The **Manager: Electrical Services** supported the proposal subject to conditions. See **ANNEXURE F**.
2. The **Department Community & Protection Services (Environmental Planner)** supported the proposal subject to a condition. See **ANNEXURE G**.
3. The **Manager: Heritage Section** supported the proposal. See **ANNEXURE H**.
4. The **Department of Agriculture (Elsenburg)** supported the tourist facilities as it facilitates diversification and value-adding. They further state that the supply of tourist accommodation should be carefully considered with due regard to the impact thereof on the rural landscape. See **ANNEXURE I**.
5. The **Department of Transport Infrastructure** supported the proposal after a TIS was received. See **ANNEXURE J**.
6. The **Directorate Infrastructure Services** supported the proposal, subject to conditions. See **ANNEXURE K**.
7. The **Department of Environmental Affairs and Development Planning** commented on the proposal. See **ANNEXURE L**.
8. The **Manager: Spatial Planning** did not support the application. See **ANNEXURE M**.

Conditions imposed by departments	X		<p>The following departments, imposed conditions:</p> <ol style="list-style-type: none"> 1. The Manager: Electrical Services (see ANNEXURE F). 2. The Department Community & Protection Services (Environmental Planner). See ANNEXURE G. 3. The Directorate: Infrastructure Services. See ANNEXURE K.
DCs applicable	X		Yes
Objections received		x	<p>No objections have been received. The property owner of Farm No. 1646/2, Paarl Division raised concerns about noise, lighting, and water. To address these issues, a meeting was held with the neighbour and other nearby farm owners, the architects and the farm manager. During the meeting, they were assured that water pressure would not be affected and that the accommodation units are designed to be as discreet as possible. As a result, all concerns were addressed, and the neighbours were pleased with the outcome.</p>
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65			<p>1. <u>Spatial Development Framework</u></p> <p>The proposal (consent use for the tourist facilities for the wine tasting and sales facility and restaurant and the technical approval for the wine cellar) complies with the principles of the Stellenbosch Spatial Development Framework which states that land outside of existing and proposed urban settlements be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism. It is evident that the proposal for the tourist facilities (i.e wine tasting and sales facility and restaurant and wine cellar) is subservient to the agricultural activity on the farming unit and will thus not be in conflict with the guidelines. Ancillary rural activities should not detract from the farming productions and should also be of an appropriate scale.</p>

The proposal for the **art gallery (±450m²) and wellness centre (±702m²)** of this magnitude is however not seen as ancillary to the agricultural activity and should rather be located within urban areas.

The Spatial Development framework also states that consent uses should be undertaken, as far as possible, from existing buildings which are no longer utilized for their original purposes. New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of the existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural Zone. It is important to note that the proposed building will not be constructed on land currently utilized for agricultural purposes, and it will also be placed in close proximity of existing buildings.

The spatial development framework suggests 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.

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. The proposed tourist accommodation facility (10-selfcatering units), despite considering all the previously mentioned factors, 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 SDF (i.e 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)).

Given the size of the subject property (45,8ha), only four (4) dwelling units are allowed. The property already consists of a main dwelling and second dwelling unit which means that only two (2) additional dwellings are allowed (the application is for 10 dwelling units). Should the proposal be for consent to construct two (2) additional units, along with a technical approval application to operate these units as tourist dwelling units, it would not deviate from the SDF.

2. Zoning Scheme

a) Consent Use for tourist facilities and technical approval for a wine cellar"

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 these two primary land use activities on the land unit. It has been established that the subject property is an active farm and used for agricultural purposes, mainly olives, vines and lemons. 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 Municipality may approve internal alterations and additions to these building within the parameters of the zoning scheme (i.e conversion of the existing farm workshop into a wine tasting and sales facility). The proposed wine cellar; restaurant and wine tasting and sales facility is thus ancillary to the current agricultural

activities on the farm, will diversify the farm income and will not interfere with the daily running of the farming activities.

Please note that the delegation for the technical approval of the agricultural building (wine cellar under 2000m²) does not lie with the MPT, but with the Authorised Official. While this report will be submitted separately, it has been included in this application to provide the MPT with a complete overview of the proposal.

In principle, tourist facilities and wine cellars can be supported, due to the fact the Council is in favour of rural tourist attractions as it contributes substantially to regional tourism and job creation.

The proposal for the art gallery (±450m²) and wellness centre (±702m²) is however not supported due to the scale of the uses and is not seen to be subservient to the agricultural activity. These uses would be more appropriate in a business area.

The definition for a wellness centre is as follows: *"means a business where health and beauty treatments are offered, and, with the Municipality's permission in terms of the Scheme may include live-in accommodation for patrons, but may not involve medical treatment, surgery or post-operative recuperation or care"*.

It is clear from the establishment's website (Terre Paisible Medical Rejuvenation and Spa) that the proposal encompasses more than what is described in the abovementioned definition. It offers a medically supported, high-touch, personalised approach led by a dedicated team of medical and aesthetic professionals.

Approval was previously granted to utilize a portion ($\leq 250\text{m}^2$) of the existing second dwelling unit for purposes of a wellness spa and the current application is for a consent use to utilize the complete second dwelling unit for this purpose. The second dwelling has undergone significant modifications, completely converting the unit into an operational wellness center. It is important to note that there are no approved building plans for these alterations and additions.

The proposed art gallery is not directly related to the agricultural activity on the farming unit and will therefore be in conflict with the guidelines set by the Spatial Development Framework. The Zoning Scheme aims to permit certain uses on agricultural land, provided that it is determined that the specific use is desirable. The scale of proposed gallery is likely to adversely affect the rural environment.

b) Tourist accommodation establishment (10 self-catering units)

Approval must first be obtained for a second dwelling 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.

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 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."*

3. The Western Cape PSDF Rural Land Use Planning & Management Guidelines, May 2009

The Western Cape Land Use Planning Guidelines, Rural Areas, March 2019 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.

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 should be restricted to a building height of 6,5m and maximum floor area of 175m².

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.

The proposal is for ten (10) self-catering units and deviates from the Zoning Scheme, MSDF as well as the Rural Guidelines. The property already consists of a main dwelling and second dwelling unit, and based on the size of the property (45,8ha) only two (2) additional dwelling units can be applied for.

4. Site-specific motivation

Since the application deviates from 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:

a) Unique Circumstances

The proposed development is uniquely suited to Farm No. 1832, Paarl Division due to its existing infrastructure, tourism potential, and no impact on agricultural use as well as having no visual impact. The development utilized existing infrastructure and strategically located new buildings, ensuring the rural character and agricultural viability remain intact.

b) No significant impact on spatial planning

The proposed development ensures no significant impact on the overall spatial planning principles. The development remains consistent with sustainable tourism objectives, using areas of the property where there are unproductive areas that has negligible agricultural potential with very limited (if any) visibility

			<p>from the surrounding farms and roads, thereby not negatively impact the agriculture potential of the farm and the rural character of the area.</p> <p>c) <u>Contribution to local economy</u></p> <p>The proposed tourist accommodation units will boost the local economy by attracting high-end tourists and creating employment opportunities. This aligns with the MSDF's objectives of rural economic stimulation and sustainable land use.</p>
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DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	<p>The proposed facilities, i.e winery, wellness centre, restaurant, wine tasting facility, gallery and tourist accommodation establishment will create employment opportunities in the area.</p>
Compatibility with surrounding uses	<p>The subject property is located in an area that predominantly comprises agricultural activities and associated infrastructure. The surrounding area accommodates wineries, restaurant and guest houses.</p> <p>Tourist facilities within this area are not contradicting the character of the area and the provision of tourist facilities (i.e restaurants; wine tasting and sales facilities) will however further increase the tourist potential of the area. Tourist facilities are forms of economic generators that lure tourist to the farm to invest more capital into the property in a manner that does not destroy the agricultural character of the property and surrounding area.</p> <p>It is evident that the proposed use of the property will not be out of character with its surroundings and will not have a negative impact on the character of the area with regards to the proposed use.</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>
Impact on the external engineering services	<p>The property is currently duly provided with engineering services.</p>

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. The facility diversifies the economic base of the local area.</p> <p>The scale and extent of the facility is such that it will not have any detrimental impact on the built- and natural environment. An olive press has been approved on the property and a wine cellar with ancillary tourist facilities is therefore not foreign to the wine industry.</p> <p>There is no evidence that negative impacts have in the past or 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	<p>The application is considered not to be subject to the provisions of Section 38 of the Heritage Resources Act (Act 25 of 1998) as no rezoning is intended, and the application does not implicate a building structure older than 60 years.</p>
Impact on the biophysical environment	<p>None of note</p>
Traffic impacts, parking, access and other transport related considerations	<p>Access to subject property will be via the R301 (Wemmershoek Road (MR201)) which is a Class 2 major road. The main access to the proposed facilities will be through an access-controlled gate. A stacking distance of 25m will be provided and is greater than the minimum required length and will therefore be sufficient. Parking is provided according to the Stellenbosch Municipality Zoning Scheme By-Law. A total of 53 parking bays will be provided on site. Based on the impact evaluation as discussed in the TIS it is evident that the transport impact associated with the proposed development will be of low significance.</p>

See parking calculations below:

Use	Extent	Zoning Scheme
Restaurant	±114m ²	4 bays/100m ² = 5 bays
Art gallery	±450m ²	4 bays/100m ² = 18bays
Wine tasting & sales facility	±244m ²	4 bays/100m ² = 9,7bays
Wellness Spa	±433m ²	4 bays/100m ² = 17,3 bays
Tourist accommodati on units	10 units	1 bay per self-catering unit = 10bays
Office	±190m ²	4 bays/100m ² = 7,6 bays

A total of 68 parking bays are required for the development while 53 parking bays have been allocated. The applicant has determined the parking requirement for the wellness centre based on one parking bay per treatment room, given that there are 8 rooms available, rather than the standard of 4 parking bays per 100m², resulting in a shortage. Adequate parking space is available on site for the assignment of parking should there be a need for extra parking bays. Since some of the land uses are not supported, the demand for parking bays will be considerably reduced, ensuring that there will be adequate on-site parking available for the proposed uses.

Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land

Conditions which limits the size of the tourist facilities will be imposed. An amended Site Development Plan will also be required.

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 and tourist facilities. The owner also seeks to increase the agricultural activity on the farm through a wine cellar.
2. The proposed development entails the establishment of a wine cellar, art gallery, a restaurant; a wellness centre, wine tasting and sales facility and tourist accommodation establishment.
3. The owner of Farm No. 1646/2, Paarl Division expressed concerns regarding noise, lighting, and water issues. In response to these matters, a meeting was convened with the neighboring property owner, other local farm proprietors, architects, and the farm manager. During this discussion, assurances were provided that the water pressure would remain unaffected and that the accommodation units would be designed to minimize visibility. Consequently, all concerns were satisfactorily resolved, leading to a positive response from the neighbors.
4. The proposal for the tourist facilities (i.e wine tasting and sales facility and restaurant) and wine cellar is directly related to the agricultural activity on the farming unit and will thus not be in conflict with the guidelines of the Spatial Development Framework.
5. The proposed tourist facility will not be constructed on land currently utilized for agricultural purposes and will therefore not have a negative impact on the agricultural activities on the farming unit. It will also be placed in close proximity of existing buildings.
6. Tourist facilities can be supported, due to the fact the Council is in favour of rural tourist attractions as it contributes substantially to regional tourism and job creation.
7. The proposed use (i.e restaurant, wine cellar, wine tasting and sales facilities) will not be out of character with its surroundings and will not have a negative impact on the character of the area with regards to the proposed use.
8. The proposed facility is currently duly provided with engineering services.
9. The proposal will generate employment opportunities in the area.
10. Adequate parking space is available on site for the assignment of parking should there be a need for extra parking bays.

11. The establishment of an art gallery ($\pm 450\text{m}^2$ in extent), alongside a wellness center ($\pm 702\text{m}^2$ in extent), is not regarded as supplementary to agricultural operations. Instead, it is recommended that these facilities be situated within urban environments.
12. Due to the extent of the subject property, which spans 45.8 hectares, a maximum of four dwelling units is permitted. Currently, the property includes a primary dwelling and a secondary dwelling unit, indicating that the addition of only two more units is allowable, despite the application proposing a total of ten units. Should the proposal be for consent to construct two (2) additional units, along with a technical approval application to operate these units as tourist dwelling units, it would not deviate from the SDF.
13. 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 Rural Guidelines.
14. The proposal for the tourist accommodation establishment deviates from 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 not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units.

The subject land use and land development application (tourist facility for wine tasting and sales facility; restaurant and wine cellar) is, having regard to the conclusions above, viewed as in Compliance with the Zoning Scheme By-Law and Spatial Development Framework and consequently grounds for the support of the subject land use and land development application.

The subject land use and land development application (i.e tourist accommodation establishment; tourist facility for art gallery and wellness center) 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.

List relevant plan numbers	<p>Site Plan No. AFDB/01/AR/0001/REV1, undated, drawn by Boogertman and Partners</p> <p>SDP-Basement No. AFDB/01/AR/1050/REV A, Undated, drawn by Boogertman and Partners</p> <p>SDP-Ground Floor No. AFDB/01/AR/1051/REV A, Undated, drawn by Boogertman and Partners</p> <p>SDP-Double Volume Areas No. AFDB/01/AR/1052/A, Undated, drawn by Boogertman and Partners</p> <p>SDP-General Elevations No. AFDB/01/AR/3001/REV A, Undated, drawn by Boogertman and Partners</p>
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	<p>SDP-Ground Floor Wellness Centre No. AFDB/01/AR/1001/REVC, Undated, drawn by Boogertman and Partners</p> <p>SDP-First Floor Wellness Centre No. AFDB/01/AR/1002/REVC, Undated, drawn by Boogertman and Partners</p> <p>SDP Sections and Elevations Wellness Centre No. AFDB/01/AR/2001/C, undated, drawn by Boogertman and Partners.</p> <p>Unit Type 01 No. ABDF-01/01/AR/1051/REVA, Undated, drawn by Boogertman and Partners</p> <p>Unit Type 02 No. ABDF-01/01/AR/1053/REVA, Undated, drawn by Boogertman and Partners</p> <p>Unit Type 03 No. ABDF-01/01/AR/1054/REVA, Undated, drawn by Boogertman and Partners</p> <p>Unit Type 04 No. ABDF-01/01/AR/1054/REVA, Undated, drawn by Boogerman and Partners</p>
List annexures	<p>ANNEXURE A: LOCALITY PLAN</p> <p>ANNEXURE B: PREVIOUS APPROVALS</p> <p>ANNEXURE C: SITE DEVELOPMENT PLAN/SITE PLAN</p> <p>ANNEXURE D: APPLICANT'S MOTIVATION</p> <p>ANNEXURE E: COMMENT RECEIVED FROM ADJACENT PROPERTY OWNER</p> <p>ANNEXURE F: COMMENT FROM THE MANAGER: ELECTRICAL SERVICES</p> <p>ANNEXURE G: COMMENT FROM THE DEPARTMENT COMMUNITY AND PROTECTION SERVICES (ENVIRONMENTAL PLANNER)</p> <p>ANNEXURE H: COMMENT FROM THE MANAGER HERITAGE SECTION</p> <p>ANNEXURE I: COMMENT FROM THE DEPARTMENT OF AGRICULTURE (ELSENBURG)</p> <p>ANNEXURE J: COMMENT FROM THE DEPARTMENT OF TRANSPORT INFRASTRUCTURE</p> <p>ANNEXURE K: COMMENT FROM THE DIRECTORE INFRASTRUCTURE SERVICES</p> <p>ANNEXURE L: COMMENT FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING</p> <p>ANNEXURE M: COMMENT FROM THE MANAGER: SPATIAL PLANNING.</p>

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1832, Paarl Division to establish ten (10) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

- 1.1 The proposal exceeds the number of dwelling units permitted on a property to the extent of 45,8ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.

2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1832, Paarl Division to establish ten (10) new tourist accommodation units does not warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

- 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. 1832, Paarl Division:

- 3.1 Application in terms of Section 15(2)(o) of the said Bylaw for **Consent Use** to construct and establish ten (10) new **tourist accommodation units**;
- 3.2 Application in terms of Section 15(2)(o) of the said Bylaw for **Consent Use** for a **tourist facility for purposes of an art gallery**;
- 3.3 Application in terms of Section 15(2)(o) of the said Bylaw for **Consent Use** for a **tourist facility** to utilize the existing second dwelling unit for a **wellness center**;

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 uses is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA and consequently deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDF as contemplated in terms of Section 19 of LUPA and there are no site-specific circumstances as

contemplated in terms of section 22(2) of SPLUMA that warrant justifiable grounds to deviate from the MSDF.

- 4.2 The tourist accommodation establishment exceeds the number of dwelling units permitted on a property which is 45,8ha in extent and there are no exceptional or unique considerations that would warrant to deviate from the prescribed provisions on the number of additional dwelling units.
- 4.3 The proposed art gallery and wellness center are not land uses that are associated with agricultural zoning and the agricultural activities in general and tourist related uses in the rural context in particular as it is deemed as pure commercial undertakings and urban uses.
- 4.4 The extent and nature to which the subject property will be commercialized if these developments are permitted will result therein that these non-agricultural uses will not be deemed as subservient to the agricultural activity and result in an undesirable development in terms of the impact on the agricultural resource and rural context.

5. That the following application in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1832, Paarl Division:

- 5.1 Application in terms of Section 15 (2)(o) of the said Bylaw for **Consent Use** to allow for a **tourist facility** for purposes of a **restaurant and wine tasting and sales facility**;

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

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

- 6.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 6.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity.
- 6.3 An amended Site Development Plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2023 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development

parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

- a) *The Site Development Plan must reflect the accurate extent of the development rights in accordance with the approvals granted.*
- b) *All structures/buildings must comply with the parameters for Zoning Scheme Bylaw (i.e height; coverage, etc).*
- c) *Elevations and sections of proposed structures (as well as for basement level showing access to the basement)*
- d) *A stacking space of 25m must be provided for access to the development on the Site Development Plan.*

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

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

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

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

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

6.9 The proposed facilities be restricted to:

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

6.10 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.

6.11 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.

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

7.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.

7.2 The primary use of the farm should still remain agricultural with all the other proposed uses remaining subservient to the primary bono fide agricultural activities on the farm.

7.3 The extended facilities will further enhance the tourism potential of the region and contribute to the extension of the secondary agricultural activities.

7.4 The proposal also complies with the principles of the Stellenbosch Spatial Development Framework which states that agri-tourism should be promoted in farming areas outside of urban settlements.

8. Matters to be noted

8.1 That the approval for permission required in terms of the zoning scheme to allow for an agricultural industry (wine cellar), be obtained from the Authorized Official.

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

8.3 The necessary approval be obtained in terms of the applicable liquor act, liquor by-laws or regulations;

8.4 An application for a business licence must be submitted.

8.5 Should, after following due process –

- 8.5.1 *The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or*
- 8.5.2 *The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or*
- 8.5.3 *The property be used for any unauthorised uses not permitted in terms of this approval,*
authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

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

Name: Louisa Engelbrecht
Capacity: Senior Town Planner
SACPLAN Registration: —
Signature: [Signature]
Date: 14/03/2025

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: O(c)4

Decision Making Authority: MPT

Rational: Application is inconsistent and deviates with MSDF

Name: C. Kriel
Capacity: MUMM
SACPLAN Registration: A212/110
Signature: [Signature]
Date: 14-03-2025

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: C. Kriel
Capacity: MUMM
Signature: [Signature]
Date: 14-03-2025

ANNEXURE A

LOCALITY PLAN

Stellenbosch GIS Map

SCALE
1:9 027,98

SCALE
1:9 027,98

Legend

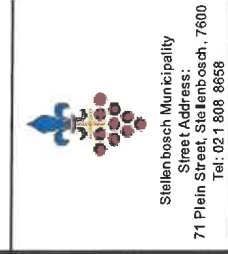


Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2025/03/03

Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2025/03/03



Author: Stellenbosch Municipality





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



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



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



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



ANNEXURE B

PREVIOUS APPROVAL



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14391 (TP68/2022)

Our File Reference Number: Farm 1832, Paarl Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: Marike@archtownplanners.co.za

Madam,

APPLICATION FOR TECHNICAL APPROVAL ON FARM 1832, PAARL DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No.1832 Paarl Division, namely:

2.1.1 Permission required in terms of the zoning scheme for a technical approval in terms of Section 15(2)(g) of the said Bylaw in order to allow :

- (i) A tourist facility for a spa (smaller than $\pm 250\text{m}^2$) in a portion of an existing second dwelling house.
- (ii) An agricultural industry(<2000m²) to construct a new olive press with a footprint of $\pm 1215\text{m}^2$ for the processing of olives.

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

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

- 3.1 The approval will lapse if not implemented/confirmed within five years from the date of final notification of approval of the application.

- 3.2 The approval only applies to the proposed technical approval under consideration, as indicated on the referenced Drawing number; AFDB-01, Drawn by; BCS, Undated plan attached as **Annexure B**, 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.
 - 3.3 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.
 - 3.4 Building plans be generally in accordance with the site plan/floor layout plan as referenced in Drawing number; AFDB-01, Drawn by; BCS, Undated plan attached as **Annexure B**.
 - 3.5 Building plans be submitted for all changes of use in the existing buildings and building plans must be approved and related occupancy certificates be issued prior to the vesting of the related approvals.
 - 3.6 No event, function, conference, restaurant, etc to be operated or hosted on the property without the prior written approval of the Council
 - 3.7 The tourist facility (wellness spa) be limited to a total floor area of $\pm 250\text{m}^2$ and the agricultural industry (olive press) to a total footprint of $\pm 1215\text{m}^2$.
 - 3.8 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 23 June, attached as **Annexure D**, be complied with.
 - 3.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payments prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director of Infrastructure Services.
 - 3.10 The conditions imposed by the **Manager: Electrical Services** as contained in their email dated 28 November 2022, attached as **ANNEXURE E**, be complied with.
4. The reasons for the above decision are as follows:
 - 4.1 The development proposal will have no impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

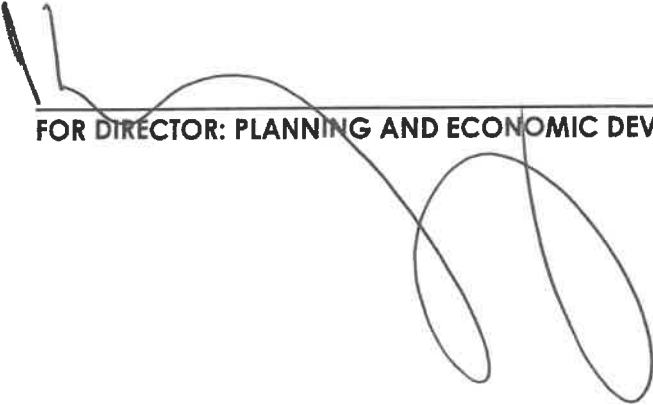
- 4.2 The proposed tourist facility will not have an intrusive impact on the visual landscape and it will not be detrimental to the scenic quality and rural character as it is operated from an existing structure.
- 4.3 The proposed use (olive press) will not have a negative impact on the character of the area as it is ancillary to the activities and buildings on the subject property.
- 4.4 The proposed use (olive press) will help to diversify the land uses on the farm without impacting on the existing agricultural activities.
- 4.5 The primary use of the property will remain agricultural with no cultivated agricultural land being taken out.

5. Matters to be noted:

- 5.1 Building plans be approved by the Municipality before any building work commences.
- 5.2 A business license and liquor license be applied for if required.
- 5.3 The conditions imposed by the **Manager: Health Services (Cape Winelands Health District)** as contained in their letter dated 15 November 2022 attached as **ANNEXURE F**, be complied with

6. You may now act on the above decision subject to compliance with the conditions of approval.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

13/6/2023
DATE:

Under purlin insulation - selected approved 50mm Isoboard thermal insulation or equally approved ($k=0.03 \text{ W/(m.k)}$) as per rational xa assessment by specialist consultant.

[illegible]



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Bulehwa Mdoda
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	23 Nov 2022
Our Ref ▫ Ons Verw:	Civil LU 2420
Your Ref:	LU/14391
Re ▫ Insake:	<p>Farm 1832, Paarl: Detailed description of land use or development proposal, including its intent and purpose:</p> <p>Application in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 for permission in terms of the 2019 Stellenbosch Zoning Scheme By-Law to allow an additional use (technical approval) on Farm 1832 Paarl Division, for the following: Technical approval to allow for a tourist facility for a spa (smaller than 250m²) on a portion of an existing second dwelling house. Technical approval for the purposes of the agricultural industry to construct a new olive press with a footprint of 1250m² for the processing of olives.</p>

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

- 1. Civil Engineering Services**
 - 1.1 Owner will be responsible for own service provision to water and sewer as the Municipality does not have service networks in this area.
 - 1.2 Potable water must comply with SANS 241.
 - 1.3 Conservancy tanks are allowed for sewer, septic tanks are not allowed.

- 1.4 Details of water and sewer infrastructure must be indicated on building plans for approval.

2. Roads

- 2.1 Access is from a provincial road (R301) – please obtain approval from Provincial Roads Engineer.

3. Development Charges (DCs)

- 3.1 DCs are payable for the 250m2 spa which will create an additional demand on infrastructure its trip generation and solid waste.
- 3.2 The following DC's are payable: See **Development Charge Calculation** attached.
- 3.3 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 3.4 The appropriate DC's are payable before building plan approval or the facility being put to its intended use.

4. Electrical Engineering

- 4.1 Refer to **Annexure: Electrical**



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

[illegible]

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	2420 (J) Farm 1832 Paarl (LU-14391)
Development Name:	
Date:	23-November-2022
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Franschhoek
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Rural
Erf No:	1832
DC Parameters Reference:	Page 5 Motivation report

SUMMARY OF DC CALCULATION						
Services:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community
Unit(s):	k/day	k/day	ha°C	t/week	trips/day	persons
Total Increased Services Usage:	1	0.875	0.0375	0.05	12.5	2.5
Total Service Usage Reduction:	0	0	0	0	6.3	0
Total Service Usage after Reduction:	1.00	0.88	0.03750	0.050	6.3	3
Total Development Charges before Deductions:	R -	R -	R -	R 4 380.20	R 96 475.00	R -
Total Deductions:	R -	R -	R -	R -	R 48 237.50	R -
Total Payable (excluding VAT):	R -	R -	R -	R 4 380.20	R 48 237.50	R -
VAT:	R -	R -	R -	R 657.03	R 7 235.63	R -
Total Payable (including VAT):	R -	R -	R -	R 5 037.23	R 55 473.13	R -
						R 100 855.20
						R 48 237.50
						R 52 617.70
						R 7 892.66
						R 60 510.36

APPLICATION INFORMATION	
Application Processed by:	T King
Signature:	
Notes:	<p>The intention is to convert a portion of the existing second dwelling (2250m²) to a g.p. which will have 4 x bedrooms room on the ground floor and a manure and pedicure room in the loft area. The proposed conversion will include minor internal alterations.</p> <p>The remainder of the house will be kept as is, with an en-suite bedroom on first floor with the living/dining and kitchen areas on ground floor.</p>

Development Admin

From: Martin Slabber
Sent: Monday, 28 November 2022 08:09
To: Development Admin
Subject: RE: COMMENT ON LAND USE APPLICATION: FARM 1832 PÅARL

GENERAL: NONE

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

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

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

TX

Groete:
Martin Slabber
Supt. Dwarsrivier Elect.
 Engineering Services



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



www.facebook.com/stellenboschmunicipality

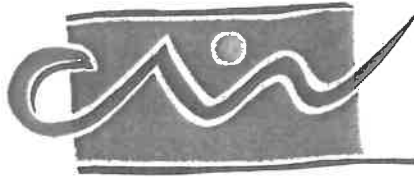


twitter.com/StellMun

Hugenoet Road 23 Franschhoek 7690
 PO Box 18, Franschhoek, 7690
 PO Box 17, Stellenbosch, 7599

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

From: Development Admin <Development.Admin@ Stellenbosch.gov.za>
Sent: Friday, 25 November 2022 11:53



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMNKEBA:
FAX/FAX/IFEKSI:
E-POS/E-MAIL/IE-MAIL:
U VERW/OUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
Farm 1832, Paarl (LU/14391)
Plaas No. 1832

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

15 November 2022

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Dear Sir

COMMENT ON LAND USE APPLICATION: FARM 1832, PAARL

Your email dated 11 November 2022, refers.

From an environmental health perspective, the above-mentioned application (to allow a spa and a new olive press) is recommended for approval on condition that the following are complied with:

1. Environmental Pollution

No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operation of this facility.

2. Sewerage/Sanitary facilities

Sewage and/or effluent disposal on the premises must at all-time take place in a nuisance-free manner and shall be the owner's responsibility.

3. Potable Water

The quality of the potable water on the premises must comply at all times with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

4. Solid Waste Disposal

Refuse collection and storage must not cause a health nuisance.

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@capewinelands.gov.za • Faks/Fax/IFeksi: 023 342 8442

5. **Food Handling**

The olive press facility 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 Act (Act 54 of 1972).

The olive press facility may not be operated without prior application being made to the Municipall Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only issued after inspection and if the premises meets the requirements of Regulation R638.

6. **Spa Facility**

The spa must be kept in a safe, clean and sanitary condition and in good repair at all time.

The water quality of the spa must be frequently monitored to meet statutory compliance levels at all time. Records must be kept on the premises of the water quality results.

People suspected of suffering from a communicable disease shall not be permitted to use a spa bath/swimming pool.

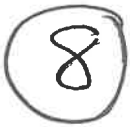
7. **General Conditions**

The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.

Yours faithfully



M. MATTHEE
(ENVIRONMENTAL HEALTH PRACTITIONER)
for MUNICIPAL MANAGER



Daniel Meyer

From: Nolusindiso Momoti
Sent: Wednesday, 31 January 2024 08:04
To: marike@archtownplanners.co.za
Cc: Daniel Meyer
Subject: FW: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

Good day Marike,

Please find below comment from electrical department.

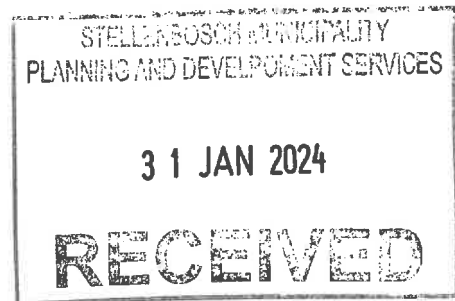


Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
 Land Use Management
 Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899
 NPK Building, 1st Floor, C/O Plein & Ryneveld
 Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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



FILE NR:	F 1832 P
SCAN NR:	
COLLABORATOR NR:	762 686

From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Sent: Tuesday, January 30, 2024 4:50 PM
To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>
Subject: RE: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

GENERAL: NONE

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

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

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

TX

1

ANNEXURE C

SITE PLAN



SCHEDULE OF RIGHTS

PROPERTY DESCRIPTION

ERF 1832

SITE AREA 458255m²

ZONING INFORMATION

TOWN PLANING SCHEME

STELLENBOSCH MUNICIPALITY-ZONING SCHEME 2019

USE ZONE

AGRICULTURAL AND RURAL ZONE

DEVELOPMENT CONTROL MEASURES

HEIGHT OF BUILDINGS

PERMISSIBLE

2 STOREYS

ACTUAL

2 STOREYS

COVERAGE

PERMISSIBLE

ACTUAL

EXISTING BUILDINGS

860m²

MAIN DWELLING

250m²

SECOND DWELLING

410m²

FARM WORKER UNITS

200m²

APPROVED BUILDINGS (PHASE 1)

COVERAGE

1489m²

SPA WELLNESS CENTRE

184m²

OLIVE PRESS & STORE

1215m²

GUARDHOUSE

90m²

PROPOSED NEW BUILDINGS (PHASE 2)

COVERAGE

BULK

NEW GALLERY/ WINE CELLAR

1004m²

2058m²

NEW OFFICES/ RECEPTION BUILDING

190m²

190m²

NEW TASTING ROOM

244m²

244m²

8 ONE BEDROOM UNITS - 45m² PER UNIT

450m²

1000m²

1 TWO BEDROOM UNITS - 105m² PER UNIT

105m²

210m²

1 THREE BEDROOM UNITS - 105m² PER UNIT

105m²

210m²

TOTAL PHASE 2 PROPOSED

2098m²

3912m²

PARKING

PARKING REQUIRED

SECOND DWELLING BUILDING

1

1 BAY / TREATMENT ROOM

6

ADDITIONAL PARKING

2

TOTAL BAYS REQUIRED

9

TOTAL BAYS PROVIDED

11

PARKING (PHASE 2)

PARKING REQUIRED

LUXURY UNITS (1 PER UNIT)

10

ART GALLERY @ 1/100

8.9

OFFICE @ 4/100

7.6

TASTING ROOM @ 4/100

9.8

RESTAURANT @ 4/100

5

TOTAL BAYS REQUIRED

41.3

TOTAL BAYS PROVIDED

42

GENERAL

1. All work is to be done in accordance with the National Building Regulations.

2. All materials and workmanship are to comply with the relevant SANS 10400, 10401, 10402, 10403, 10404, 10405, 10406, 10407, 10408, 10409, 10410, 10411, 10412, 10413, 10414, 10415, 10416, 10417, 10418, 10419, 10420, 10421, 10422, 10423, 10424, 10425, 10426, 10427, 10428, 10429, 10430, 10431, 10432, 10433, 10434, 10435, 10436, 10437, 10438, 10439, 10440, 10441, 10442, 10443, 10444, 10445, 10446, 10447, 10448, 10449, 10450, 10451, 10452, 10453, 10454, 10455, 10456, 10457, 10458, 10459, 10460, 10461, 10462, 10463, 10464, 10465, 10466, 10467, 10468, 10469, 10470, 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479, 10480, 10481, 10482, 10483, 10484, 10485, 10486, 10487, 10488, 10489, 10490, 10491, 10492, 10493, 10494, 10495, 10496, 10497, 10498, 10499, 10500, 10501, 10502, 10503, 10504, 10505, 10506, 10507, 10508, 10509, 10510, 10511, 10512, 10513, 10514, 10515, 10516, 10517, 10518, 10519, 10520, 10521, 10522, 10523, 10524, 10525, 10526, 10527, 10528, 10529, 10530, 10531, 10532, 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DRAWN BY: _____ CHECKED BY: _____
Author Checker

Room	Area	Level
BASEMENT	1138.45 m ²	B01 Basement
B01 Basement	1138.45 m ²	
WINE CELLAR	266.70 m ²	L00 Ground Floor
CIRCULATION	22.42 m ²	L00 Ground Floor
CALCULATIONS	22.56 m ²	L00 Ground Floor
ART GALLERY	450.51 m ²	L00 Ground Floor
RESTAURANT	113.63 m ²	L00 Ground Floor
TOILET PASSAGE	8.85 m ²	L00 Ground Floor
FEMALE TOILETS	21.09 m ²	L00 Ground Floor
MALE TOILETS	12.06 m ²	L00 Ground Floor
24 HOURS WC	2.86 m ²	L00 Ground Floor
L00 Ground Floor	420.18 m ²	
Grand total	2056.82 m ²	

COVERRAGE = 100M²



NOTES:

- GROUND FLOOR SURFACE BED:
Selected approved floor tiles on 25mm screed on 120mm 193 mesh reinforced concrete surface bed on 250 micron USB Green Hyperlastic sheeting with sealed laps on 25mm sand bed on selected sand fill compacted in layers not exceeding 150mm all in accordance with Engineers details and specifications.

- SUSPENDED SLABS:
Engineer approved precast concrete flooring system with 80mm mesh reinforced screed as "ECHO" flooring laid and installed in accordance with manufacturer and prepared for tiling specification.

- BRICK WALL:
Brick work, ties and brickforce built in to Engineer Specifications. All cavity walls below DPC to be concrete filled. Provide a min distance of 150mm between lip of stepped DPC.

- DRIP:
PVC Drip angle to soffit slab and or beam where concrete passes over both skins of brickwork.

- WATERPROOFING:
Torch on stepped DPC to cavity walls at slab, surface bed, windows and cills. Provide a min distance of 150mm between lip of stepped DCP.

- CONCRETE WORK:
All foundations, columns, beams and lintols to Engineers details and specification.

WATER CONSERVATION:

- All bathroom taps to be installed with Aerators to reduce water flow
- All installed toilets are to be low water usage dual flush toilets
- Laundry equipment and dishwasher for the kitchen are water efficient makes
- Water submetering is applied in the different functions of the clubhouse- ie the kitchen, spa, laundry and toilets are separately metered,
- The development has a borehole, the water quality is currently being tested for landscaping use around the spa area and is intended to be used for landscaping.

-GLAZING/WINDOWS/SHOPFRONTS:
All glazing to windows & doors in excess of 1sqm or less than 500mm above FFL to be safety glazed in accordance with of SANS 10137 & SANS 10400 Part N

-CEILINGS:
Selected approved ceiling boards where required as gypsum Rynoboard fixed in accordance with manufacturers specifications to 38x38mm brandering at 450mm max centers both directions fixed to underside tie beams and all prepared for skimming and painting to paint manufacturers specification.

Under purlin insulation- selected approved 50mm isoboard thermal insulation or equally approved ($k=0.03 \text{ w/(m.k)}$) as per rational xa assessment by specialist consultant.

-ROOFS:
Selected approved corrugated concealed fix profiled metal roof sheeting
Laid in accordance with manufacturers specifications for high wind conditions on steel purlins at sheeting manufacturer specified centres on engineer approved prefabricated steel roof portal frame at centres to engineers specification on reinforced concrete ringbeam to engineers detail and specification.

All trim, flashing and finishing pieces to match and tie into roof system. counter flashing / water proofing to be carried up inside and over top of parapet walls where applicable. selected nufitec fibre cement facia boards prepared for painting fixed to roof structure for selected pattern approved seamless gutter system as water tight aluminium 75x100 with matching 75mmrwp or equal approved.

-POOL PUMP: Pool pump to specialist-Pump to discharge directly to sewer, Overflow to discharge to stormwater system

GENERAL

REVISION

CLIENT

TITLE	PROJECT

1. All work is to be done in accordance with the National Building Regulations.
2. All materials and workmanship are to comply with the relevant South African National Standards, British Standards, BS codes of practice and any other international codes where relevant applicable in the - Architectural specifications. Where relevant South African National Standards, British Standards, BS codes of practice and any other international codes are not applicable to the design, the recommendations and requirements of such documents to be considered a minimum standard for the works.
3. The Contractor shall comply with the provisions of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and any regulations promulgated in terms of that Act and the Occupational Health and Safety Regulations, 1995.
4. The Contractor shall set up, implement and maintain a quality assurance and quality control system, in accordance with SANS 9001:2001, able to be checked to the satisfaction of the Client and the relevant authorities.
5. The Contractor shall ensure that all personnel and subcontractors meet the requirements of the Specifier. Should the Contractor or any of his sub-contractors be certified to the SANS 9001:2001 standard, this shall be stated on the contract documents.
6. This drawing must be read in conjunction with all the relevant drawings, schedules and specifications from B+P and all other contract documents.
7. All portions of the works related to any service or consultants' information is to be done in accordance with the National Building Regulations.
8. The drawing is not to be scaled. Figured dimensions to be used. All dimensions are in millimetres unless otherwise stated.
9. All dimensions and levels must be checked on site by the contractor before putting work in hand.
10. All work to be executed by competent personnel qualified for the specific trade.
11. The drawing is copyright reserved and remains the property of Boegerman & Partners Architects

[illegible]

Terre Paisible

FRANSCHHOEK



Boogertman
Partners

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SPA WELLNESS CENTRE
FOR
VIGNE D'OR
REM ERF 1832
VIGNE D'OR
FRANSCHHOEK
SDP PLAN - GROUND FLOOR

SCALE: As indicated @ A1				
PROJECT	PHASE	DISCIPLINE	BLOCK / SERIES / SUFFIX	REVISION
AFDB	01	AR	1001	C

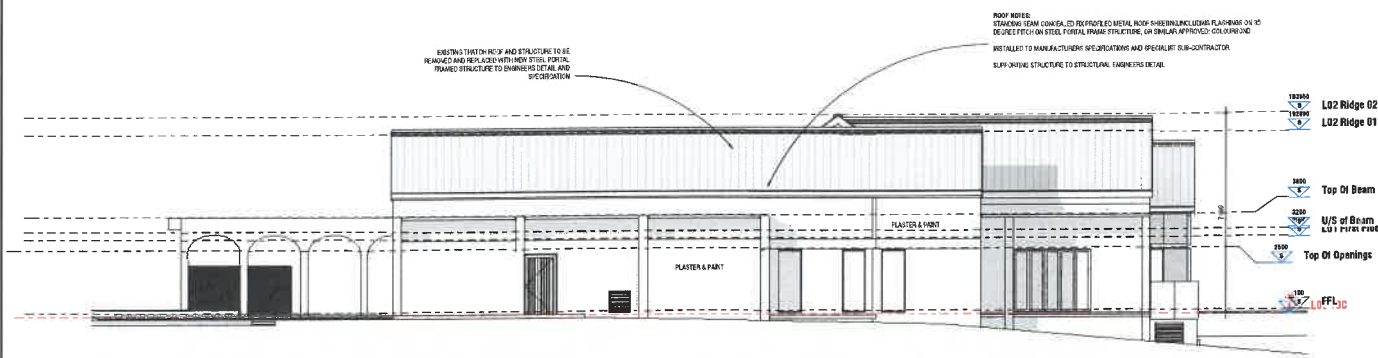
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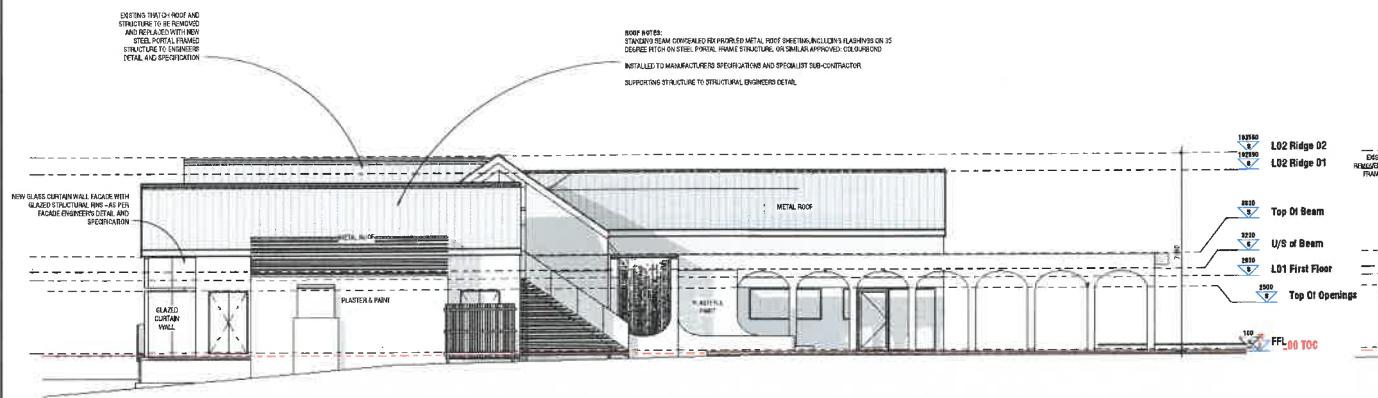
-POOL PUMP: Pool pump to specialist-Pump to discharge directly to sewer, Overflow to discharge to stormwater system

TITLE

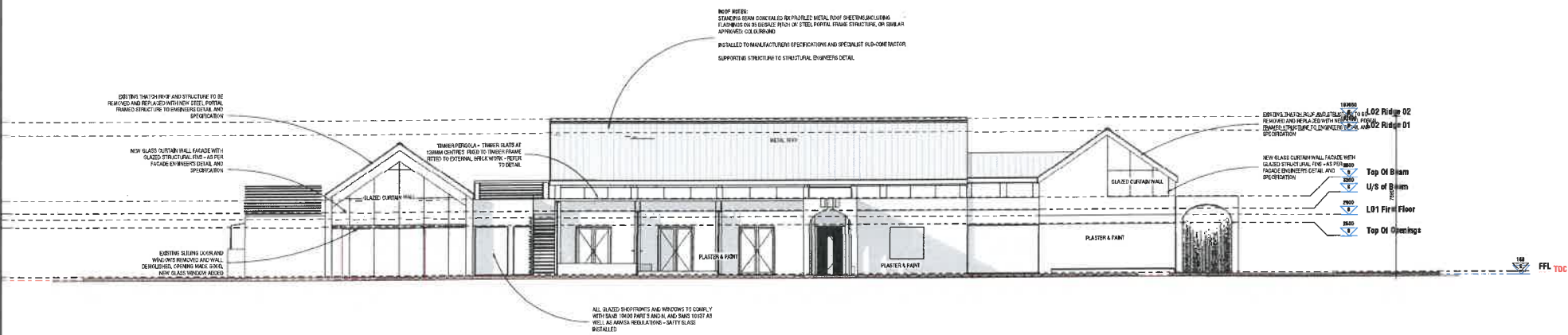
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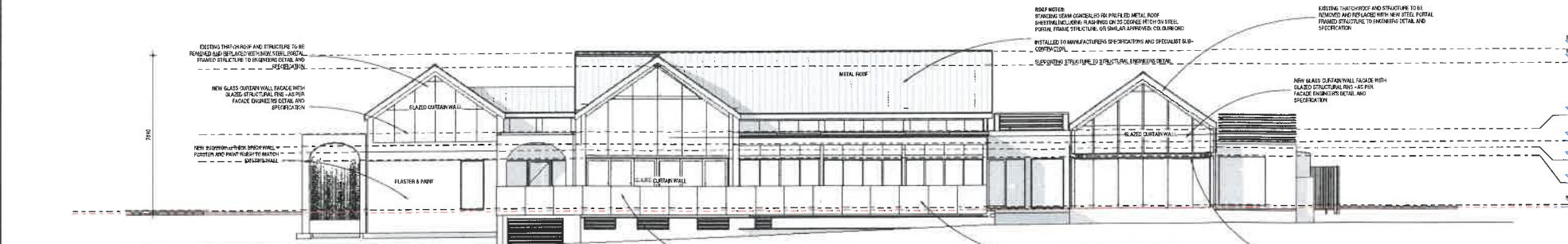
4 | SDP - EAST ELEVATION
1 : 100



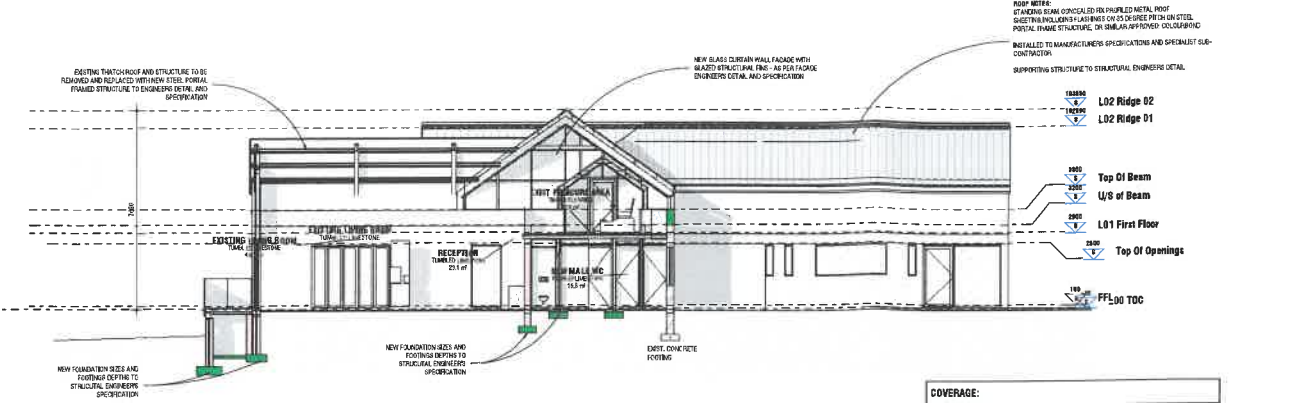
1 | SDP - WEST ELEVATION
1 : 100



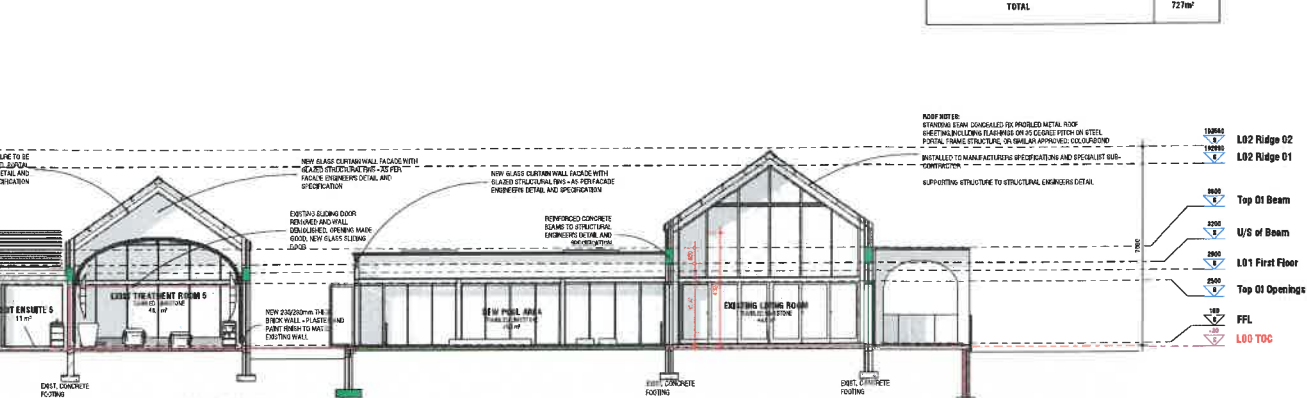
2 | SDP - SOUTH ELEVATION
1 : 100



3 | SDP - NORTH ELEVATION
1 : 100



6 | SDP - SECTION B-B
1 : 100



5 | SDP - SECTION A-A
1 : 100

COVERAGE:		
EXISTING APPROVED: 03/25/2012	10.4m²	
EXISTING SECOND DWELLING	20.0m²	
PROPOSED NEW ADDITIONS	23.0m²	
PROPOSED NEW COVERED WALKWAY	50.0m²	
TOTAL	72.7m²	

NOTES:

- **GROUND FLOOR SURFACE BED:**
Selected approved floor tiles on 25mm screed on 120mm 193 mesh reinforced concrete surface bed on 250 micron USB Green Hyperlastic sheeting with sealed laps on 25mm sand bed on selected sand fill compacted in layers not exceeding 150mm at in accordance with Engineers details and specifications.
- **SUSPENDED SLABS:**
Engineer approved precast concrete flooring system with 80mm mesh reinforced screed as "ECHO" flooring laid and installed in accordance with manufacturer and prepared for tiling specification.
- **BRICK WALL:**
Brick work, ties and brickwork built in to Engineer Specifications. All cavity walls below DPC to be concrete filled. Provide a min distance of 150mm between lip of stepped DCP.
- **DRAIN:**
PVC Drip angle to soffit slab and or beam where concrete passes over both skins of brickwork.
- **WATERPROOFING:**
Torch on stepped DPC to cavity walls at slab, surface bed, windows and eills. Provide a min distance of 150mm between lip of stepped DCP.
- **CONCRETE WORK:**
All foundations, columns, beams and lintels to Engineers details and specification.
- **WATER CONSERVATION:**
• Bathroom taps to be installed with Aerators to reduce water flow
• Installed toilets are to be low water usage dual flush
• Laundry equipment and dishwasher for the kitchen are water efficient makes
• Water submetering is applied in the different functions of the clubhouse- ie the kitchen, spa, laundry and toilets are separately metered.
• The development has a borehole, the water quality is currently being tested for landscaping use around the spa area and is intended to be used for landscaping.

- **GLAZING/WINDOWS/SHOPFRONTS:**
All glazing to windows & doors in excess of 1sqm or less than 500mm above FFL to be safety glazed in accordance with SANS 10137 & SANS 10400 Part N

- **CEILINGS:**
Selected approved ceiling boards where required as gypsum Rynoboard fixed in accordance with manufacturers specifications to 38x38mm brandering at 450mm max centers both directions fixed to underside tie beams and all prepared for skimming and painting to paint manufacturers specification.

Under purlin insulation- selected approved 50mm isoboard thermal insulation or equally approved (K=0.03 w/(m.k)) as per rational xa assessment by specialist consultant.

- **ROOFS:**
Selected approved STANDING SEAM concealed fix profiled metal roof sheeting
Laid in accordance with manufacturers specifications for high wind conditions on steel purlins at sheeting manufacturer specified centres on engineer approved prefabricated steel roof portal frame at centres to engineers specification on reinforced concrete ringbeam to engineers detail and specification.

All trim, flashing and finishing pieces to match and tie into roof system, counter flashing / water proofing to be carried up inside and over top of parapet walls where applicable, selected nutec fibre cement facia boards prepared for painting fixed to roof structure for selected pattern approved seamless gutter system as water tight aluminium 75x100 with matching 75mmrwp or equal approved.

- **POOL:**
Fully enclosed by fencing-Fencing-Clear View - 1200mm high fence line welded wiremesh w/ 50mm square post all around pool area with 900mm wide, 1200mm high Clear-Vu access gate self closing installed.

- **POOL PUMP:** Pool pump to specialist-Pump to discharge directly to sewer, Overflow to discharge to stormwater system

1. All work is to be done in accordance with the National Building Regulations.
2. All work and workmanship are to comply with the relevant SANS 10137, 10400 and or the specified International Codes where applicable in the Architectural Specifications. Where relevant South African National Standards, South African SANS 10137, 10400 and or the specified International Codes where applicable in the Architectural Specifications. Where relevant the recommendations and requirements of such documents to be considered as minimum standards for the work.
3. The contractor shall in all aspects of the work comply with the provisions of the Occupational Health and Safety Act, 1993 (Act No. 95 of 1993) and any regulations promulgated in terms of that Act and the Factories Act and the Building Regulations Act of 1971.
4. The contractor shall use any, document and maintain a quality assurance and quality control system, in accordance with SANS 10000 Series, able to be checked to the satisfaction of the architect, that all materials and workmanship, wherever their source, meet the requirements of the Specification. Should the contractor or any of its sub-contractors be notified in writing by the architect of any non-compliance with the Specification, the contractor shall immediately rectify the non-compliance within 1000 hours of notification and shall be responsible for all the relevant drawings, schedules and specifications from that date and all other documents related to the project.
5. All portions of the work related to any service or condition of equipment is to be done in accordance with the National Building Regulations.
6. The drawings are not to be scaled. Figured dimensions to be used in all instances are in millimetres unless otherwise stated.
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2	14/01/2014	15	ISSUED FOR PERMITS
3	10/01/2014	15	ISSUED FOR PERMITS

REVISIONS

KEY PLAN

CLIENT

PROJECT

TITLE

DATE

REVISIONS

KEY PLAN

CLIENT

PROJECT

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KEY PLAN

CLIENT

Regulations.

2. All materials and workmanship are to comply fully with the relevant S.A.B. standards and international codes where applicable in the . Architectural specifications. Where relevant South African National Standards, British Standards, BS codes or provisions of the Regulations applicable to the design adopt the recommendations and requirements of such documents to be considered a minimum standard for the works.
3. The Contractor shall ensure full compliance with the provisions of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and any regulations promulgated in terms of that Act or the Factories Machinery and Building Works Act of 1947, 4. The Contractor shall ensure that all measures for personal assurance and quality control system, in accordance with SANS 9001/ISO 9001, able to be checked to the satisfaction of the Architect and approved by the Employer.
5. The Contractor must meet the requirements of the Specification. Should the Contractor or any of his sub-contractors be certified to the SANS 9001/ISO 9001 certification scheme, the Contractor shall provide evidence thereof.
5. This drawing must be read in conjunction with all the relevant drawings, schedules and specifications from BxP and all other contracts related to this project.
6. All portions of the works stipulated in any service and/or consultant information is to be done in accordance with the National Building Regulations.
7. This drawing is not to scaled. Figured dimensions to be as indicated in millimeters unless otherwise stated.
8. All dimensions and levels must be checked on site by the contractor before putting work in hand.
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PROJECT

VIGNE D' OR
FOR
VIGNE D'OR

REM ERF 1832
VIGNE D'OR

FRANSCHHOEK

UNIT TYPE 01				
SCALE: 1 : 100 @ A1				
PROJECT	PHASE	DISCIPLINE	BLOCK / SERIES / SUFFIX	REVISION
ABDF-01	01	AR	1050	A

DRAWN BY: _____ CHECKED BY: _____
Author Checker

[illegible]

Reinforced concrete vaulted roof structure to engineers detail and specification - finish tbc

Texture plaster and painted wall. Color tbc.

PLANTED SCREEN WALL PRIVACY

1055
2885
6735
2805
-3000
-5785

FIRST FLOOR UNIT
GROUND FLOOR UNIT

[illegible]

All glazed shopfronts and windows to comply with sams 10400 part 5 and 6, and sams 10132 as well as sams - regulations
safety glass installed

Reinforced concrete vaulted roof structure to engineers detail and specification - finish lbc

Services bulkhead - finish lbc

Texture plaster and painted wall. Color lbc.

Texture plaster and painted wall. Color lbc.

Texture plaster and painted wall. Color lbc.

Foundation sizes and bearing depths to structural engineers specification

Surface bed and DPC below to structural engineers specification to Sams 10400 - refer to notes

2950
1500
2830
2800
2685

NOTES:

• **GROUND FLOOR SURFACE BED**
Selected approved floor slab on 25mm screed on 120mm 193 mesh reinforced concrete surface bed on 250 mmx100 mm Green Polyester Shearable mesh ceiling on 25mm sand bed on selected sand fill compacted in layers not exceeding 150mm at in accordance with Engineers details and specifications.

• **SUSPENDED SLAB**
Engineer approved precast concrete flooring system with 80mm mesh reinforced steel as TCHW flooring laid and installed in accordance with manufacturer and prepared for floor specification.

• **BRICK WALL**
Brick work, tie and infillcrete built in to Engineer Specifications. All cavity walls below DPG to be concrete filled. Provide a min distance of 150mm between top of DPG to concrete fill.

• **DRIP**
PVC or Brass Drip angle in soffits and/or beams where concrete passes over both sides of beam.

• **WATERPROOFING**
Types on placed DPG to cavity walls at slab, surface, bed, windows and cills. Provide a min distance of 150mm between lip of DPG to DPG.

• **CONCRETE WORK**
All foundations, columns, beams and lintels to Engineers details and specification.

• **GLAZING/WINDOWS/HOODS/FRONTS:**
All glazing to windows & doors in excess of 1sqm or less than 500mm above P/L to be safety glazing in accordance with SANS 10137 & SANS 10400 Part N

• **CEILINGS:**
Selected approved ceiling boards where required as gypsum Riboboard fixed in accordance with manufacturers specifications to 32x80mm brundering at 450mm x centers both directions fixed to underside tie beams and all prepared for skimming and painting to paint manufacturers specification.

Under perfin insulation - selected approved 50mm isoboard thermal insulation to be applied (p=0.03 w/m.k) as per national assessment by assessment consultant.

• **ROOFING:**
Reinforced concrete slab/railed roof structure as per structural engineers detail and specification.
Purl waterproofing by specification on selected sand.

WATER CONSERVATION:

- All bathroom taps to be installed with Aerators to reduce water flow
- All installed toilets are to be low water usage dual flush toilets
- Laundry equipment and dishwasher for the kitchen are water efficient max 12 litres per minute
- All plumbing is to be installed in accordance with the different functions of the clubhouse - in the kitchen, apt, laundry and toilets are separately metered
- The development has a borehole, the water quality is currently being tested for water quality around the use area and is intended to be used for landscaping.

GLAZING NOTES:
Glazing to windows & doors in excess of 1sqm or less than 500mm above FFL to be safety glazed in accordance with of SANS 10137 & SANS 10400 Part N

MECHANICAL VENTILATION:
For rooms without natural ventilation - extractor fans to be fitted. Each delivering extraction of minimum 25L per second and to be connected to delayed switch

DRAFT

2. : : GROUND FLOOR SURFACE BED
Selected approved floor tiles on 25mm screed on 120mm 193 mesh reinforced concrete surface bed on 250 micron USB Green Hypertastic sheeting with sealed laps on 25mm sand bed on selected sand fill compacted in layers not exceeding 150mm at in accordance with Engineers details and specifications,

:: SUSPENDED SLAB
Engineer approved precast concrete flooring system with 80mm mesh reinforced screed as "ECHO" flooring laid and installed in accordance with manufacturer and prepared for tiling specification.

:- **BRICK WALL.**
Brick work, ties and brickforce built in to Engineer Specifications. All cavity walls below DPC to be concrete filled. Provide a min distance of 150mm between lip of stepped

:: DRIP
PVC Or Brass Drip angle to soffit slab and or beam where concrete passes over both sides of brickwork.

:: WATERPROOFING
Torch on stepped DPC to cavity walls at slab, surface bed, windows and eills.
Provide a min distance of 150mm between lip of stepped DCP.

:: CONCRETE WORK
All foundations, columns, beams and lintels to Engineers details and specification.

-GLAZING/WINDOWS/SHOPFRONTS:
All glazing to windows & doors in excess of 1sqm or less than 500mm above FFL to be safety glazed in accordance with of SANS 10137 & SANS 10400 Part N

-CEILINGS:
Selected approved ceiling boards where required as gypsum Rynoboard fixed in accordance with manufacturers specifications to 38x38mm brundering at 450mm max centres both directions fixed to underside tie beams and all prepared for skimming and painting to paint manufacturers specification.

Under putlin insulation- selected approved 50mm isoboard thermal insulation or equally approved ($k=0.03 \text{ w/(m.k)}$) as per rational xa assessment by specialist consultant.

-ROOFS:
Reinforced concrete slab/ vaulted roof structure as per structural engineer's detail and specification.
Flat roof waterproofing by specialist on screed to fall.

WATER CONSERVATION:

- All bathroom taps to be installed with Aerators to reduce water flow
- All installed toilets are to be low water usage dual flush toilets
- Laundry equipment and dishwasher for the kitchen are water efficient makes
- Water submetering is applied in the different functions of the clubhouse- the kitchen, spa, laundry and toilets are separately metered.
- The development has a borehole, the water quality is currently being tested for landscaping use around the spa area and is intended to be used for landscaping.

Architectural floor plan of a house, oriented vertically. The plan features a central hall with a staircase and two wings. The left wing contains a King Bed, a Bath, and a Formal Garden. The right wing contains a King Bed, a Bath, and a Formal Garden. A Private Patio is located between the wings. The Back Entrance is at the top. Dimensions are provided for various sections and overall measurements.

Overall dimensions (top to bottom): 14271, 5590, 401, 5590, 15813.

Room labels and dimensions:

- FORMAL GARDEN (top left)
- PRIVATE PATIO (top center)
- KING BED (top right)
- BATH (top right)
- BACK ENTRANCE (top right)
- FORMAL GARDEN (bottom left)
- KING BED (bottom left)
- BATH (bottom left)
- FORMAL GARDEN (bottom right)
- BACK ENTRANCE (bottom right)
- FORMAL GARDEN (bottom right)

Other labels include: 1803, 4710, 3749, 15813, 1840, 3260, 15813, 1803, 4710, 3749, 15813, 1840, 3260.

Reinforced concrete vaulted roof structure to engineer's detail and specification - finish tbc

Reinforced concrete vaulted roof structure to engineer's detail and specification. Screed to fall and water outlet to architect's detail. Waterproofing to specification and specialist subcontractor.

Texture plaster and painted wall. Color tbc.

Foundation sizes and founding depths to structural engineers specification

All glazed shopfronts and windows to comply with sans 10409 part a and n, and sans 10137 as well as same regulations - safety glass installed

Curbin wall with glazing mullion system.

Reinforced concrete vaulted roof structure to engineer's detail and specification - finish tbc

Frameless glass sliding and stacking door.

Surface bed and DPC below to structural engineers specification to Sans 10400- refer to notes

1000
6549
2105

5 | SECTION BB . UNIT TYPE 03

1 : 100

All glazed shopfronts and windows to comply with zone 10400 part s and n, and zone 10137 as well as access regulations
- safety glass installed

Reinforced concrete vaulted roof structure to engineer's detail and specification - Finish tbc

Curtain wall with glassless mullion system

Curtain wall with glassless mullion system

Texture plaster and painted wall. Color tbc.

5500 1000 4558 6355 2925 7085

LOWER FIRST FLOOR

LOWER GROUND

MECHANICAL VENTILATION:
For rooms without natural ventilation - extractor fans to be fitted. Each delivering extraction of minimum 25L per second and to be connected to delayed switch

GLAZING NOTES:
Glazing to windows & doors in excess of 1sqm or less than 500mm above FFL to be safety glazed in accordance with of SANS 10137 & SANS 10400 Part N

TITLE

2. All materials and workmanship are to comply with the relevant S.A.B.S. codes and or the specified international codes where applicable. The Contractor shall ensure that the materials and workmanship comply with the relevant standards of the South African National Standards, British Standards, BS codes or practice, or Agreement Certificates applicable to the design exist and that the materials and workmanship are of the quality and quantities of the materials and workmanship as shown on the drawings and specifications.
3. The Contractor shall in all aspects of the works comply with the provisions of the Occupational Health and Safety Act, 1993 (Act 231 of 1993) and the Regulations made thereunder, and the Act of the Factories Machinery and Building Works Act of 1941.
4. The contractor shall set up, document and maintain a quality assurance and quality control system, in accordance with SANS 9000 and the relevant standards. The Contractor shall ensure that the Architect, that all materials and workmanship, wherever their sources, meet the requirements of the Specification. Should the Contractor be unable to source materials and workmanship to the 9000 family of standards then monitor these works accordingly.
5. This drawing must be read in conjunction with all the relevant drawings, schedules and specifications from B+P and all other documents forming part of the contract.
6. All portions of the works related to any service or consultant's information is to be done in accordance with the National Building Regulations and Building Standards Act of 1977.
7. This drawing is not to be scaled. Figured dimensions to be used. All dimensions are in millimetres unless otherwise stated.
8. The Contractor shall ensure that the work is checked on site by the contractor before putting work in hand.
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VIGNE D'OR
FOR
VIGNE D'OR

REM ERF 1832
VIGNE D'OR
FRANSCHHOEK

UNIT TYPE 03

SCALE: 1 : 100 @ A1

PROJECT	PHASE	DISCIPLINE	BLOCK / SERIES / SUFFIX	REVISION
ABDF-01	01	AR	1054	A

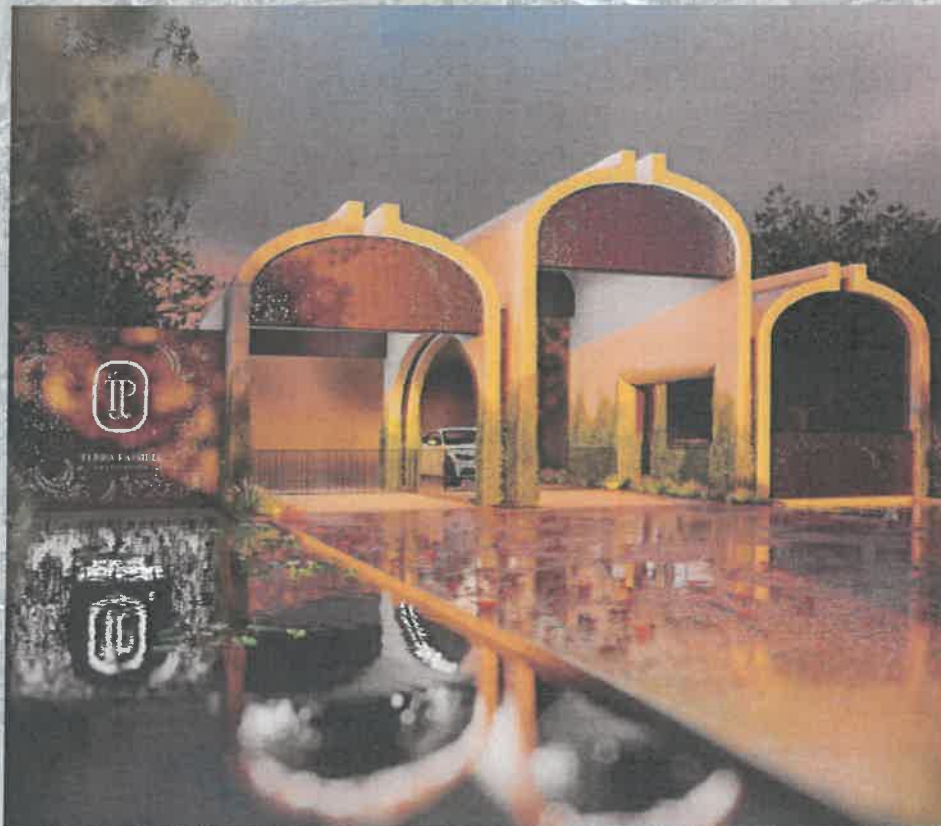
DRAWN BY:
Author

CHECKED BY:
Checker

ANNEXURE D

APPLICANT'S MOTIVATION

**CONSENT USE APPLICATION FOR:
TOURIST FACILITIES (WINE TASTING FACILITY; ART
GALLERY; RESTAURANT; WELLNESS CENTRE)
TOURIST ACCOMMODATION ESTABLISHMENT (10 SELF
CATERING UNITS)
AGRICULTURAL INDUSTRY (WINE CELLAR)
FARM 1832 PAARL (VIGNE D'OR)**



**SEPTEMBER 2023
SUBMITTED TO:
Stellenbosch Municipality**

PREPARED AND SUBMITTED BY: Renaldo Muller



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Stellenbosch, 7600
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ANNEXURES

ANNEXURE A:	POWER OF ATTORNEY
ANNEXURE B:	APPLICATION FORM
ANNEXURE C:	TITLE DEED
ANNEXURE E:	SITE DEVELOPMENT PLAN
ANNEXURE E1-E13:	FLOOR PLANS AND ELEVATIONS
ANNEXURE F:	PRE-APPLICATION
ANNEXURE G:	HERITAGE NID
ANNEXURE H:	CIVIL ENGINEERING SERVICES REPORT
ANNEXURE I:	ELECTRICAL ENGINEERING SERVICES REPORT

1. Introduction

1.1 Background information

Farm 1832 Paarl, hereafter referred to as the application site, is situated in the Stellenbosch Municipality northeast of Stellenbosch and northwest of the Franschhoek, on the Wemmershoek Road. The owner of the farm seeks to diversify the income on the farm by creating a high-end tourist destination that will serve the luxury market for tourist accommodation and tourist facilities. The owner also seeks to increase the agricultural activity on the farm through a wine cellar.

The application site has a recent permission approval to allow for a Spa of less than 250m².

1.2 Planning Brief

In light of the above-mentioned background information, Arch Town Planners (Pty) Ltd has been appointed by the owner of Farm 1832, Paarl (hereafter referred to as the application site) to prepare and submit the required land use applications to the Stellenbosch Municipality to allow for a **tourist facility**, art gallery (450m²) and restaurant (110m²) (within a proposed new building), a wine tasting facility (244m²) (in the existing workshop) and wellness centre (540m²) (addition to spa / second dwelling); **tourist accommodation establishment** 10 self-catering units (13 bedrooms) coverage (660m²) (in a proposed new buildings); and **agricultural industry**, wine cellar (380m²) (in new building).

1.3 Application

Arch Town Planners hereby officially submits an application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023) to allow for the following on Farm 1832, Paarl.

- i) Consent for tourist accommodation establishment 10 units, 13 bedrooms coverage ±660m².
- ii) Consent to allow for tourist facilities (art gallery ±450m², restaurant ±110m²; wine tasting facility ±244m²; and wellness centre ±540m²)
- iii) Consent to allow for agricultural industry, wine cellar ±380m².

This report serves as motivation for the above-mentioned application. The official application form is attached as **Annexure B**.

2. Property details

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Farm 1832, Paarl	Skyline Investments (Pty) Ltd	±45.8ha	T60579/2021	None

Table 1: Property Details

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

2.2 Locality

The farm is situated between Stellenbosch, Paarl and Franschhoek, directly north of Wemmershoek, north of the R45 and directly west of the R301, which forms the eastern boundary of the farm. The farm takes direct access of the R301.

Please refer to Figures 1 – 3 below for the locality plans.

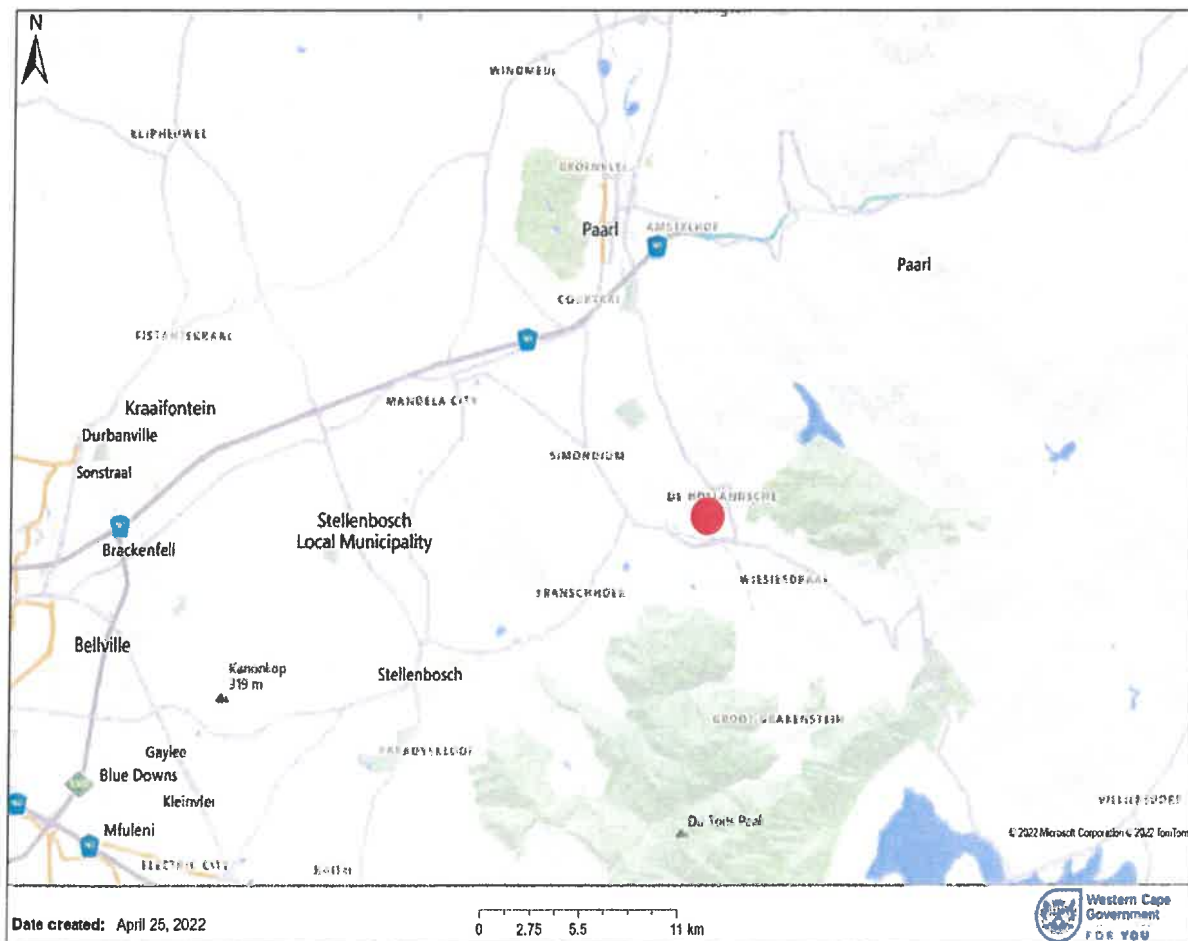


Figure 1: Locality Plan Regional

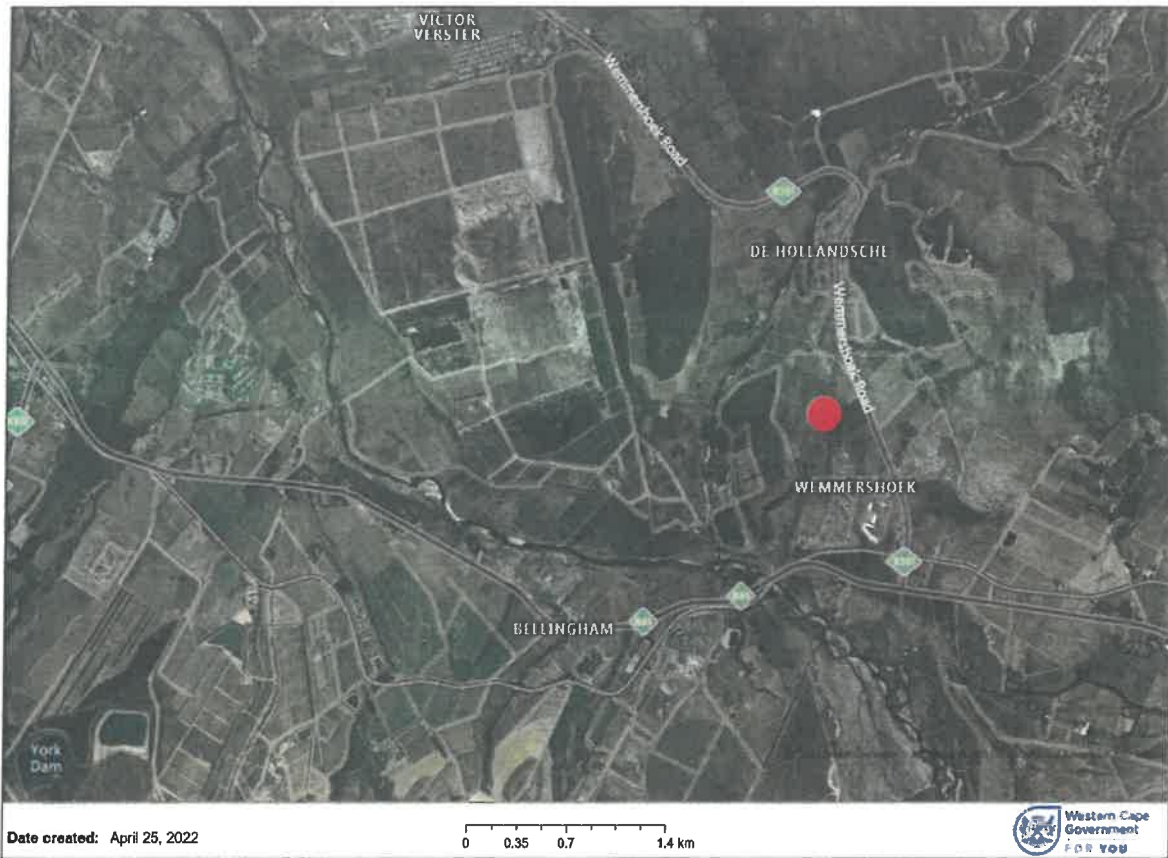


Figure 2: Locality Plan Local



Figure 3: Aerial view of Farm 1832

2.3 Physical characteristics, existing and surrounding land uses

The application site is an active farm and used for agricultural purposes, mainly olives, vines, and lemons, in line with the zoning of Agriculture and Rural. There are various existing structures on the farm the main dwelling, second dwelling/spa, two workers cottages and an agricultural building, farm workshop. The zoning of Farm is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. Refer to figure 4 the previous SDP for the location of the existing structures.

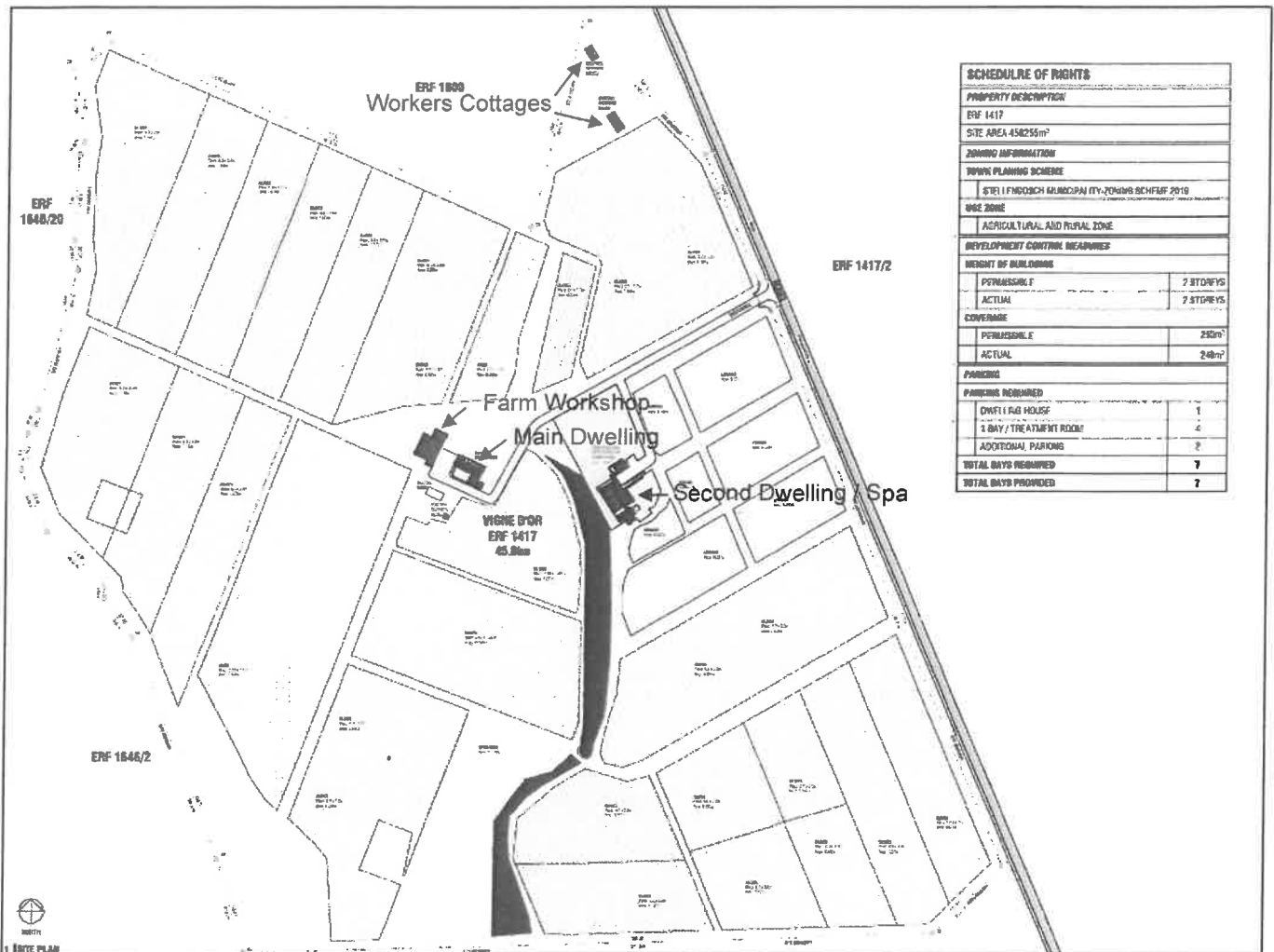


Figure 4: Previous SDP

Access to the application site is taken directly from the Wemmershoek Road on the southern boundary of the site. The figures below identify the position of the proposed new access gate and the 3 access points on the Wemmershoek Road.



Figure 5: Access

2.4 Current zoning

The application site is zoned Agriculture and Rural Zone. From a previous application it is identified that there are currently additional land use rights in place of the application site. These rights as confirmed by the zoning scheme include a permission for a spa of less than 250m² in the second dwelling.

Table 2 below lists all the Primary Uses (In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019) allowed on the site. The land uses listed as Additional Uses and Consent Uses (including a tourist accommodation establishment and tourist facilities) require formal approval from the Stellenbosch Municipality.

Primary Uses	Additional Uses (not exceeding threshold and subject to technical approval)	Consent Uses (Application Required)
Agricultural building ($\leq 2000\text{m}^2$) Agriculture Dwelling house Forestry Natural environment	Agricultural building ($> 2000\text{m}^2$) Agricultural industry ($< 2000\text{m}^2$) Bed and breakfast establishment Employee housing (exceeding one unit)	Abattoir Additional dwelling units (max 4) Airfield Airstrip

Occasional use (one event / year)	Guest house	Agricultural industry
Private road	Home day care centre	(≥2000m²)
Polytunnel (≤2000m²)	Home occupation practice	Camping site
Second dwelling	Polytunnel (≥2001m ² and	Day care centre
Employee housing (one unit)	≤5000m ²)	Freestanding base
	Rooftop base telecommunication	telecommunication station
	station	Helicopter landing pad
	Tourist dwelling units	Intensive feed farming
	Tourist facility (existing buildings)	Kennel
		Market
		Occasional use (> one
		event/year)
		Plant nursery
		Polytunnel (>5000m ²)
		Renewable energy structure
		Service trade
		Tourist accommodation
		establishment
		Tourist facility (new buildings
		or exceeding threshold)
		Any additional use exceeding
		the threshold set out in this
		chapter

Table 2 Permitted Land Uses

As the combined total number of bedrooms to be used for tourist accommodation exceeds 7 bedrooms, it is classified as a Tourist Accommodation establishment, which with the proposed wine tasting, and gallery and wine cellar requires approval from the Stellenbosch Municipality for a Consent Use.

When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements as set out in Section 213 of the By-Law which are listed below:

- (1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.
- (2) When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farmland for agriculture.
- (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.
- (4) A consent use application for an abattoir, airstrip, meeting facilities associated with a guest house, day care centre, helicopter landing pad, hotel, outdoor sport, **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.

- (5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.
- (6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.
- (7) As far as possible, the consent uses should be undertaken from **existing buildings** on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.
- (8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.
- (9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.

Definitions

Tourist Accommodation Establishment ;Toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;
- ii) may consist of **self-catering units**.
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the 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;

Tourist Facilities ;(Toerisme Fasiliteite) describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, **restaurants** and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, **wellness centres** and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmers markets, farm deli, wine sales, **wine tasting facilities**, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels.

Agricultural industry (landbou nywerheid) is an industry for the processing of fresh agricultural products, and where the agricultural industry activity is subservient to the dominant agricultural production on the land unit or farm, and may include ancillary buildings such as storage, a point of sale, tasting facilities, staff facilities and/or administrative offices and examples thereof include a winery, **wine cellar**, distillery, cheese making industry, cannery, juice factory or fruit ripening plant facility.

3. Development Proposal

3.1 Proposed development

- The proposed development entails the construction of a new building that will include a **wine cellar**, **art gallery** and **restaurant** with a coverage of $\pm 890\text{m}^2$ and a bulk of $\pm 2015\text{m}^2$ consisting of a basement ground and first floor. The area used for the various uses are: art gallery $\pm 450\text{m}^2$, restaurant $\pm 110\text{m}^2$ and wine cellar $\pm 380\text{m}^2$. Refer to **Annexure E5 – E9** and figures 6-8 below.

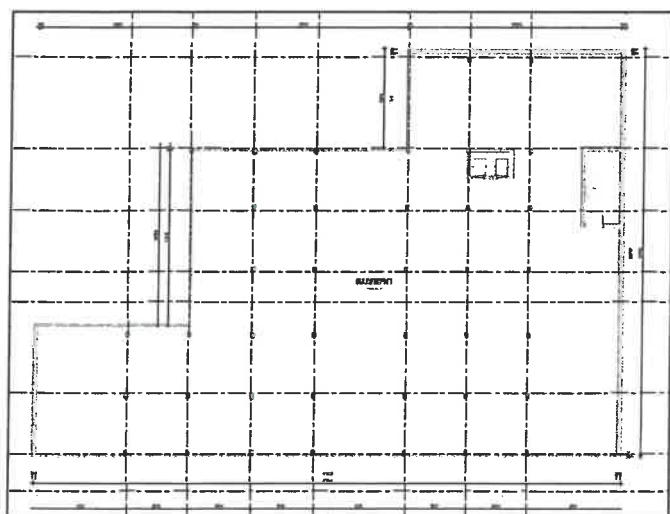


Figure 6: Proposed wine cellar, art gallery & restaurant (basement)



Figure 7: Proposed wine cellar, art gallery & restaurant (ground floor)

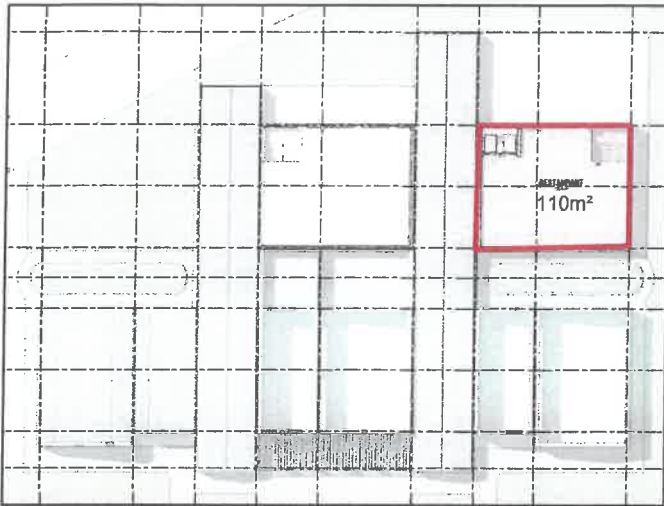


Figure 8: Proposed wine cellar, art gallery & restaurant (first floor)

- The proposed development entails the use of the existing farm workshop through internal alterations as a **wine tasting facility** with a coverage of $\pm 224\text{m}^2$.
- The proposed development entails the construction of 10 tourist accommodation units, 8 one-bedroom 45m^2 units 1 two-bedroom 105m^2 unit and 1 three-bedroom 105m^2 unit. With a coverage of $\pm 660\text{m}^2$. Refer to **Annexure E1 – E4** and an extract of the floor plan for the various types of units Figure 9-12 below.

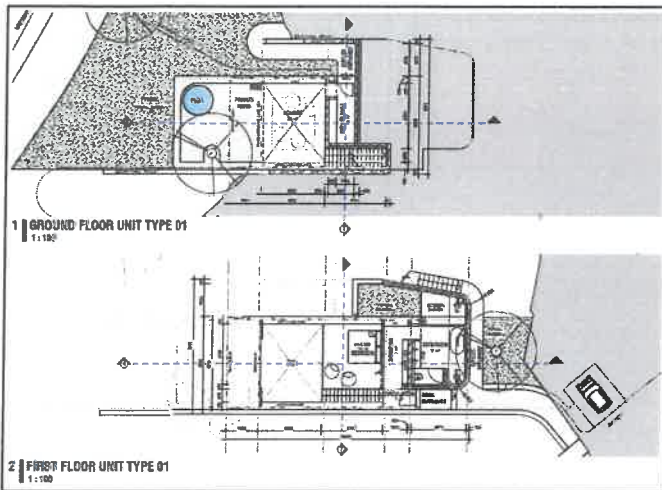


Figure 9: Proposed 1 bedroom tourist accommodation unit (type 01)

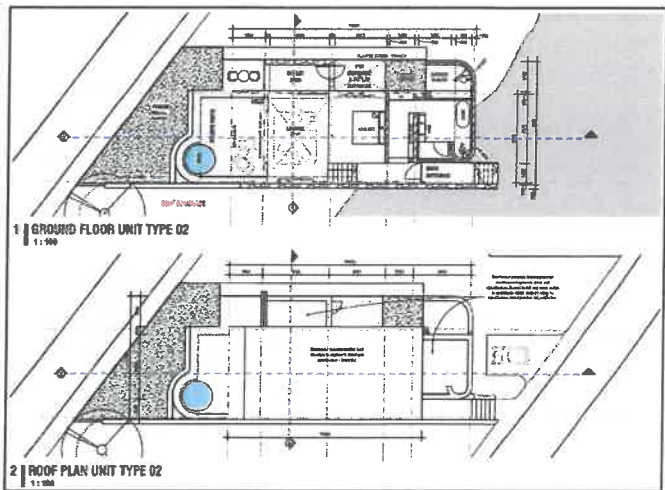


Figure 10: Proposed 1 bedroom tourist accommodation unit (type 02)

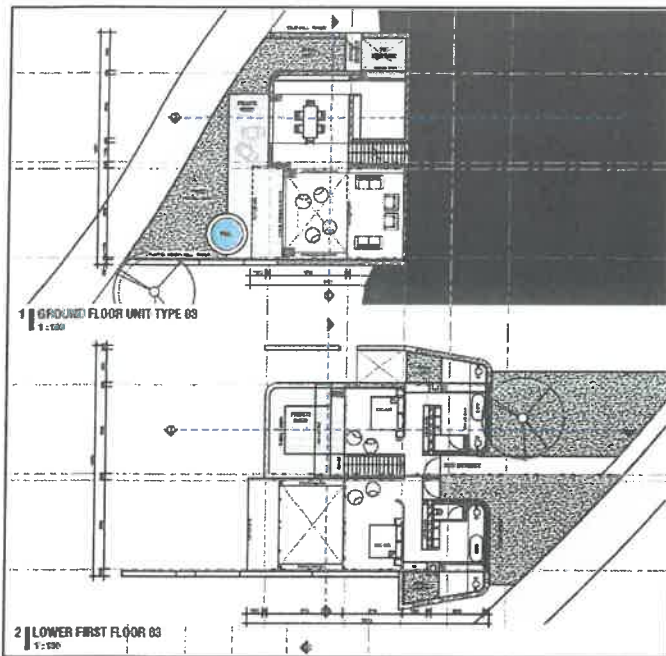


Figure 11: Proposed 2-bedroom tourist accommodation unit (type 03)

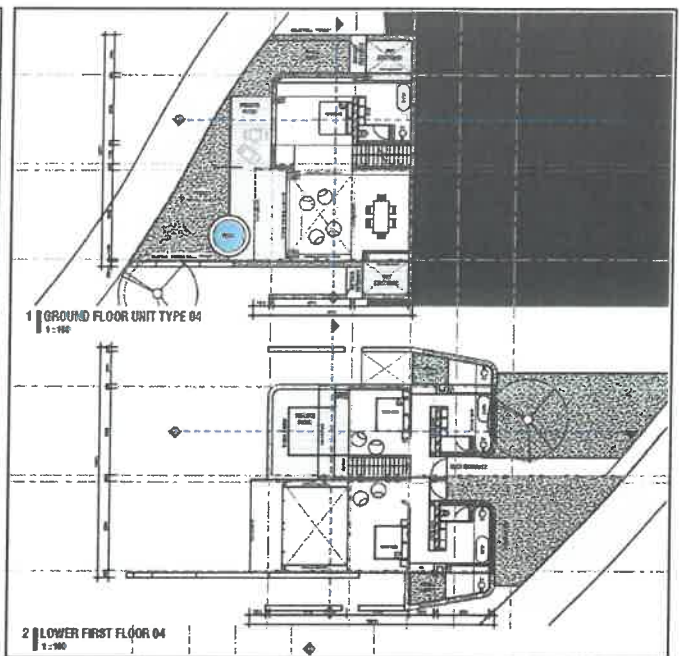


Figure 12: Proposed 3-bedroom tourist accommodation unit (type 04)

- The proposed development entails the extension of the spa / second dwelling to include a **wellness centre**. The spa was approved in the previous application and has current coverage of $\pm 215\text{m}^2$ the extension seeks to add an additional coverage of $\pm 380\text{m}^2$. The total area of the proposed addition for both the ground and first floor is $\pm 540\text{m}^2$. Note the area circled by red and hatched green is the previously approved spa. Refer to Figure 13 and 14 below and **Annexure E10 – E13**

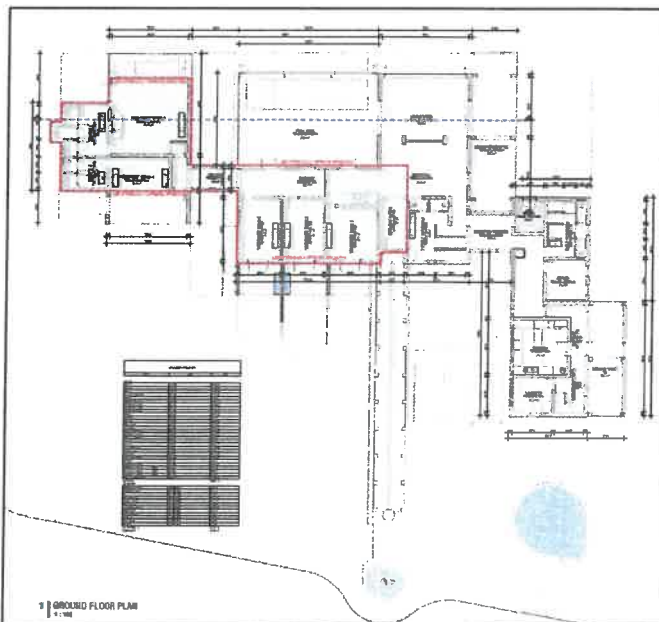


Figure 13: Proposed wellness centre (ground floor plan)

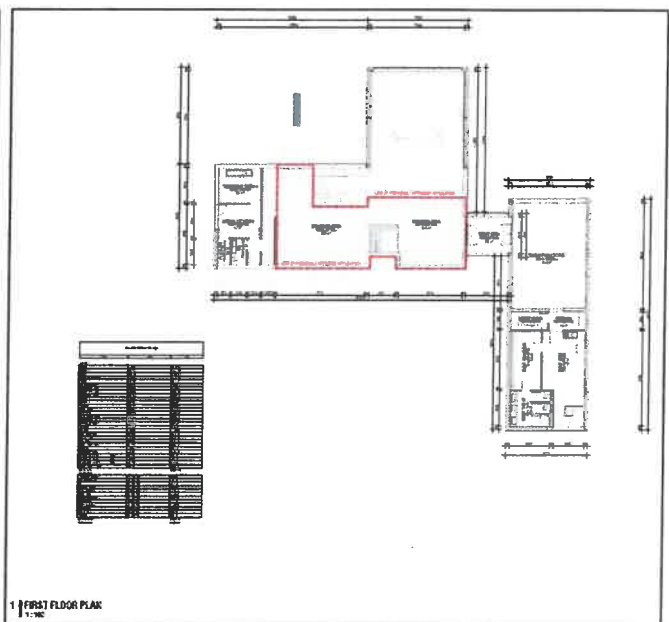


Figure 14: Proposed wellness centre (first floor plan)

- The proposed development also includes on the SDP the use of the main dwelling as a **reception** and **farm offices**. This is a primary right and does not require a formal application. And a new gate house.

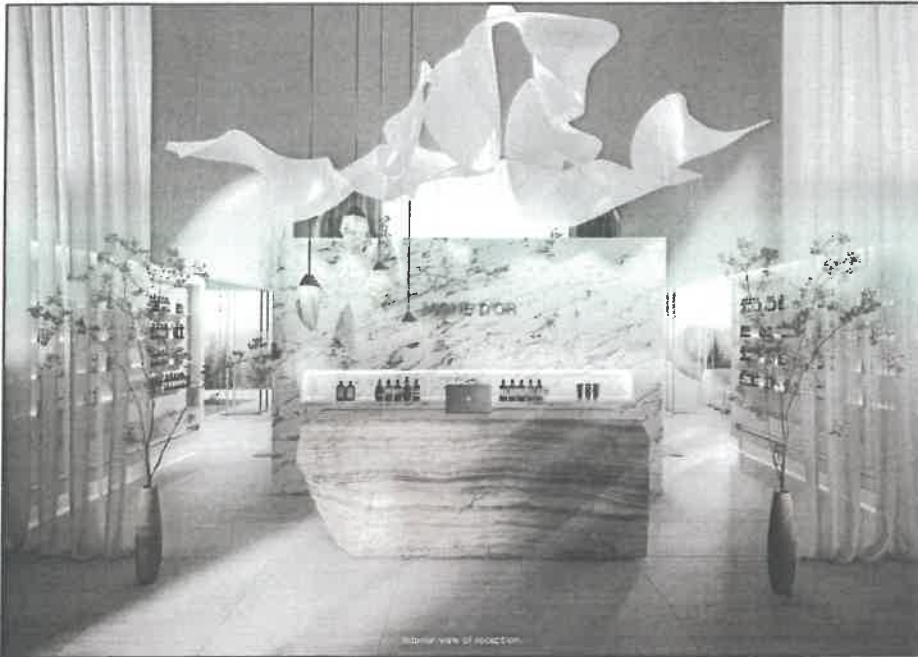


Figure 15: Proposed reception.

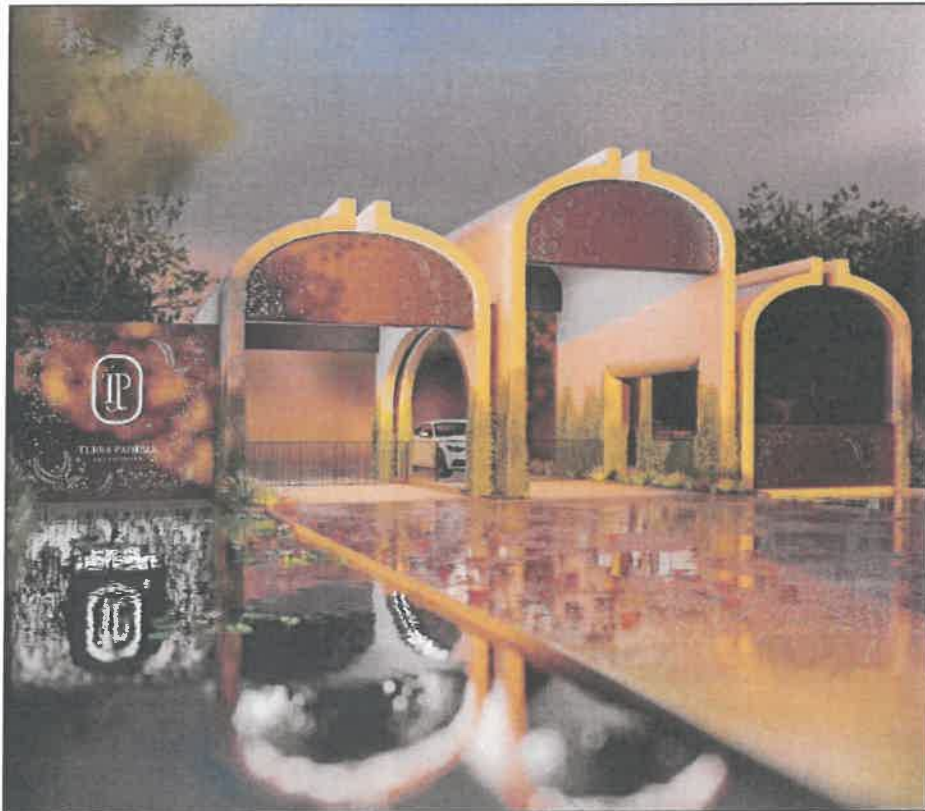


Figure 16: Gate House / Entrance

3.2 Services

3.2.1 Civil Services

A civil services report was prepared by H van Renssen and R du Plooy for inani (Pty) Ltd. The following section serves as a summary of the civil engineering services report included in the application as **Annexure H**.

Existing Civil Services

The farm has an existing municipal water connection for water supply to the farm and also uses a borehole for irrigation. Potable and irrigation water networks are available on the farm as separate networks. A dam is located in the south-western corner of the site. The dam water is also used for irrigation purposes.

Sewerage

The sewer effluent of the existing operations on the farm are treated in septic tanks at different locations on the farm. The sewer from the new structures will be collected via a gravity pipe system that will slope towards the lower end of the site. This proposed system will end in a conservancy tank that will be emptied by the municipal or a private service when required.

The development can potentially connect to the Wemmershoek Waste-Water Treatment Works (WWTW). The WWTW does currently not have spare capacity, but upgrades are being planned. The availability of additional capacity is roughly estimated for the end of 2024. The development intends to link into the WWTW once capacity becomes available but the possibility of re-use of water and the separation of grey water will be investigated for all water effluent on the farm. Further treatment of effluent for irrigation is also being investigated.

Water Provision

The bulk supply main is located in the R301 reserve on the eastern side of the road. The main provides potable water to the properties in the area. The supply authority is the City of Cape Town and the water allowance to the farm is 103 000 kilolitre per annum.

The farm connection main to the bulk main is a 150mm diameter asbestos cement pipe. The connection point and the meter are located on the northern end of the site. There is one registered borehole on the farm and possible further boreholes are planned. The borehole is located in the lemon grove and has a yield of about 8 000 litres/hour and is mostly used for lemon tree irrigation.

Roads and Access

There are three access points to the Farm from the R301. Due to the small number of additional trips generated by the development, the existing entrances seem to be sufficient to accommodate the additional traffic. If required a Traffic Impact Statement will be prepared to address the additional traffic volumes. The existing roads on the farm are all gravel or sandy roads. Water is ponding on some of the roads after rain events. The access road at the southern entrance is very sandy and will need to be upgraded to become usable.

Stormwater

The site generally slopes down to the south-western corner of the property where the farm dam is located. The geotechnical report indicates that the site is generally sandy and has good draining qualities. The existing stormwater handling on the farm is mostly informal and via surface flow and in open channels in some areas. Stormwater from the R301 main road is handled with open grassed channels on both sides of the road. Pipe culverts are installed at the three entrances to convey the stormwater across the entrances. The open channels run down stream in both directions and does not discharge onto the farm. The proposed roads on the farm will have a cross fall with edges flush to the surrounding areas to allow all stormwater to drain of the roads directly and not being accumulated. In areas where the roads will block the overland stormwater flow and may create ponding, piped road crossings will be provided.

Solid Waste

All domestic solid waste is carted away on a weekly or two weekly basis, or when required. Other waste such as cuttings from pruning and other plant cuttings are shredded and re-used on the farm. Further waste reduction measures should be incorporated where possible to reduce the volume of waste. This could include the following:

- Recycling of glass, paper, plastics and other material
- Re-use of materials as far as possible
- Composting of organic and food waste

3.2.2 Electrical Services

An electrical engineering services report was prepared by Darren Curry for Lyners (Pty) Ltd. The following section serves as a summary of the electrical engineering services report included in the application as **Annexure I**.

Existing Electrical Services

Medium Voltage Services

The development area falls under the electrical supply area of Stellenbosch Municipality and there is an existing, functional Stellenbosch Municipal medium voltage service network in the Farm and its surrounding area. The local network is fed on the 11kV Victor Vester line and comprises of the end-of-line pole-mounted transformer TRF Moddervlei (PTRF-729). The transformer has a 160kVA capacity and is supplied with a Gopher overhead line from TRF Lusthof (PTRF-730).

Low Voltage Services

TRF Moddervlei is currently solely responsible for supplying the existing Vigne d'Or farm via a private LV network. The current development is LV metered at the meter box underneath the transformer.



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Proposed Electrical Services

Lyners proposes that the municipal point of supply (TFR Moddervlei) be upgraded to accommodate the entire final scheme development. This would require a 500kVA miniature substation to be installed to account for the 365kVA anticipated load. The existing point of supply position is in a centralised position to the entire development and is proposed to remain as such for the upgrade. Due to the 3.0m required clearance between the overhead lines and

buildings (Electrical Machinery Regulations), the current proposed position of the olive press (9.41m elevation) clashes with the existing municipal lines' 9m poles. Because of this, it is also proposed the overhead lines be substituted with an appropriately sized, municipal-specified underground cable routed from the nearest overhead pole external to the development along R301 Wemmershoek Road within Farm 1832's boundary and terminating in the proposed miniature substation.

The municipality will be wholly responsible for the procurement and installation of these external works (miniature substation, underground cable with terminations and drop-out fuses / overhead-to-underground terminations).

Low Voltage Services

The low voltage network will remain a private network. The municipality is to provide a 600A circuit breaker inside the miniature substation set to 88% rated current (528A). The developer will provide a bulk metering kiosk for the housing of the municipal bulk meter as well as the private network circuit breaker as well as 2 x 185mm² cables between it and the miniature substation – the municipality will be responsible for the termination of these cables onto the miniature substation. The municipal metering of the development will henceforth continue to commence as LV metering.

The total estimated new load for the development is 365kVA;

The proposed cable routes are shown in Figure 18.

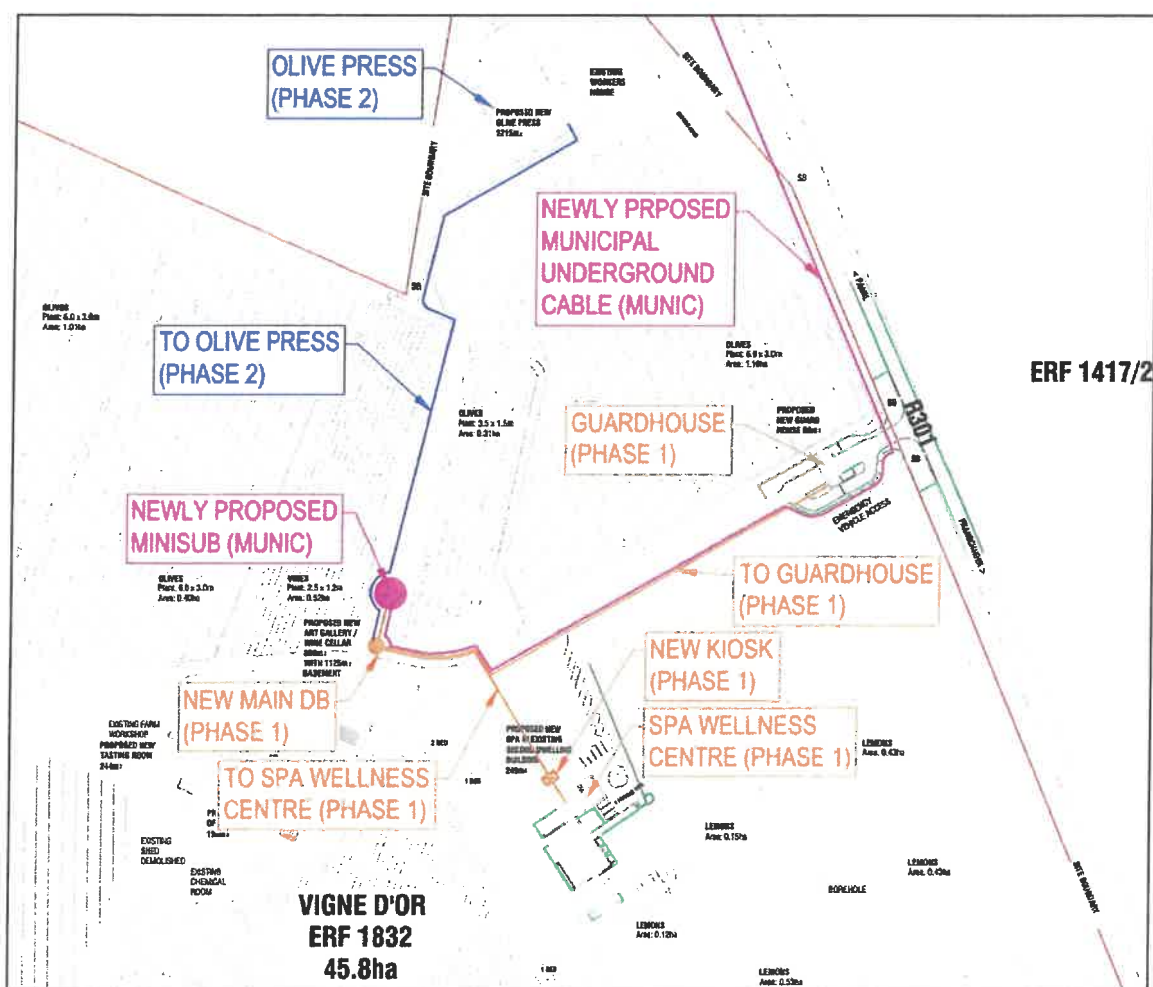


Figure 18: Proposed Cable Routes

The provision for backup power is set to be extended to the remaining phases of the development. The current generator is just large enough to supply the entirety of what is currently approved with the aid of a proposed solar backup solution. Solar panels are set to be mounted on the roof of the proposed Spa Wellness Centre – the remaining portion of the PV design is set to be handled by the PV contractor.

The existing cable from the generator will be extended directly into the Spa Wellness DB and a new cable to a new kiosk (in the same position as the existing) will be installed to account for future phases.

The current application is set to have its own backup solution – likely another combined generator / PV solution. The design is yet to commence however a suggested generator position is indicated in Figure 19.

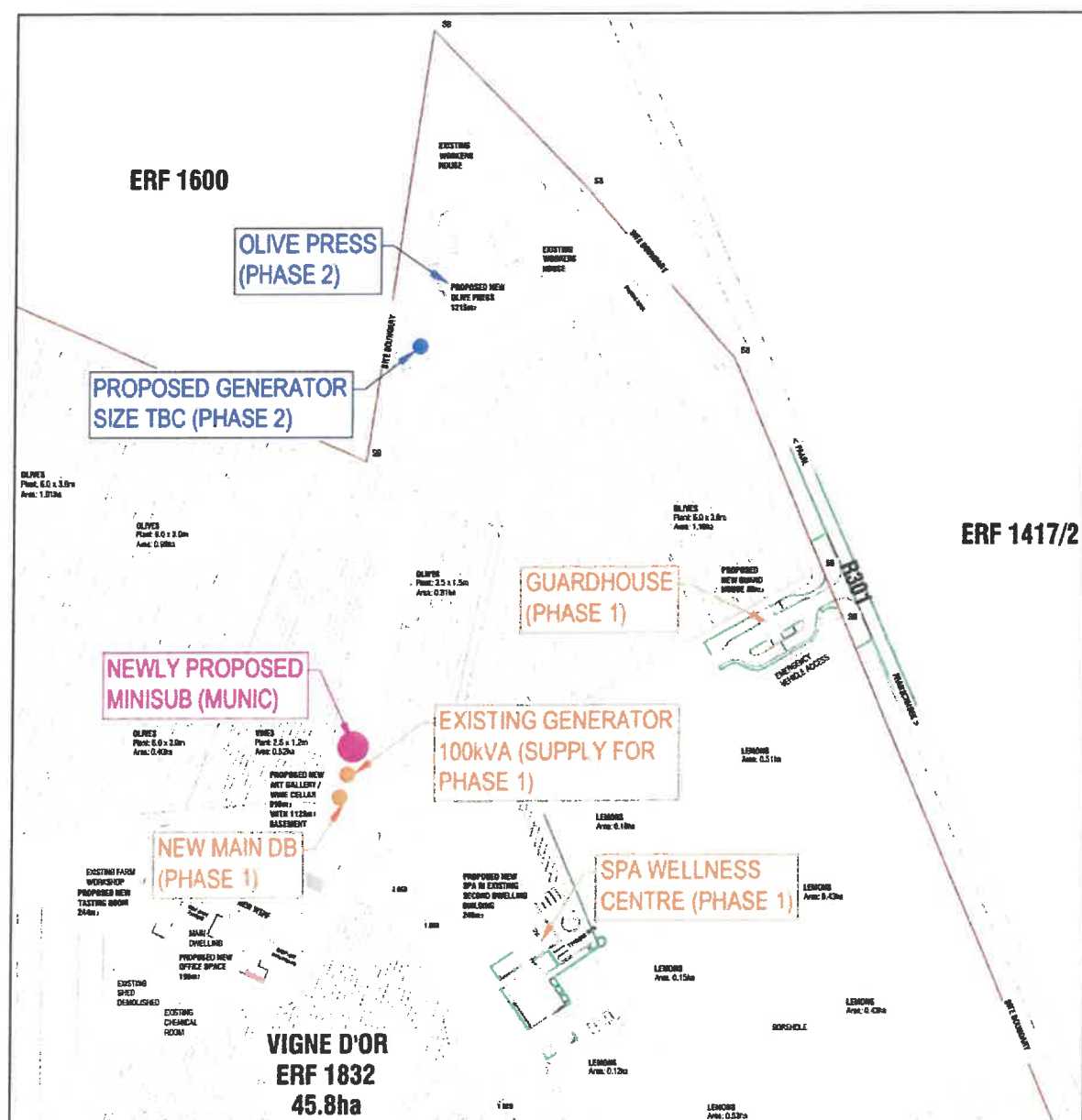


Figure 19: Existing and Proposed Generator Positions

Area Lighting

While there is currently no area lighting for the development, a series of bollards or post top lights is expected to be proposed by the appointed landscape architect, to be installed for internal road and open area lighting to and around the Spa Wellness Centre and Olive Press.

Proposed Electrical Services Summary

The municipal services portion of the project calls on the following:

- Removal of existing overhead line and end-of-line transformer
- Installation of new miniature substation
- Installation of underground medium voltage / 11 kV supply cables
- Termination of new underground cables to existing overhead line
- Installation of a bulk metering kiosk

The internal low voltage works for the project calls on the following:

- Procurement and installation of new site main distribution board
- Supply and installation of underground low voltage cables between private and municipal services
- Procurement and installation of new Spa Wellness Centre distribution board
- Supply and installation of underground low voltage cables to Spa Wellness Centre
- Procurement and installation of new Olive Press distribution board
- Supply and installation of underground low voltage cables to Olive Press

3.3 Heritage

A heritage NID was submitted in May 2023 and is attached as **Annexure G**.

4. Motivation

Section 65(1) of the By-law, sets out certain criteria which needs be met in consideration of an application by the decision- making authorities. In line with this section, Table 4, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided by the municipality.

<p>c. Desirability of land use</p>	<p>The approval of the application will not negatively affect the surrounding area, as motivated for below:</p> <ul style="list-style-type: none"> • There is a specific focus on avoiding agricultural areas for the development and areas that will be used is currently unproductive areas of natural areas that has negligible agricultural potential. • There will therefore be no notable loss of agricultural/natural land on the farm. • New footprints will be focused to the existing werf area and the natural area between agricultural land. A large portion of the proposed development will be in existing buildings or will be an extension of an existing building using the current infrastructure to its full potential. • Although there will be new buildings, the scale of the proposed development will remain in keeping with the character of buildings on the land unit and the character of the area. It is considered that the proposed land use will be subservient to the primary use of bona fide agriculture or natural environment. • The proposed development wellness centre, restaurant, wine tasting gallery and tourist accommodation will create employment opportunities in the area. • The area is known as a popular tourist attraction in the Stellenbosch Municipal area. Numerous tourists visit the area and the need for tourist facilities and accommodation is on the rise. The development seeks to target the high end tourist market thus focusing on a different section of the market than most current wine farms in the area. • The various tourist uses will be mutually beneficial and guests to the tourist facilities will predominantly be guests at the tourist accommodation units, although day visitors will also be accommodated. • The natural beauty of the site combined by the beauty of the rural character of the farm and surrounding area will create disability from customers. • The proposed development will enable the protection of agricultural land. Through diversification of income.
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	<ul style="list-style-type: none"> The proposed development is a generally accepted land use on agricultural land. And the zoning scheme does allow for the proposed development through a consent use application.
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.
h. Impact on municipal engineering services.	Refer to section 3.
i. The IDP and SDF	<p>Stellenbosch Municipality MSDF is used to guide land use decisions in both the short and long term. The section below indicates how the proposed land use will comply with these proposals:</p> <ul style="list-style-type: none"> The proposed development will not result in the loss of agricultural land or will not negatively affect the scenic character of the area. The proposed development will attract tourists to the area to the benefit of the wider community. The proposed development will enable the protection of agricultural land through diversification of income. The proposed development will make optimal use of existing services.
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes additional uses on Agricultural land to provide additional income. Thus, the application is in line with the provincial SDF.

o. Regional spatial development framework.	N/A
p. National policies, norms and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed land use will have most of the additional development on non-agricultural land and focused in and around the werf area and the natural area between agricultural plots. It does not result in urban sprawl.</p> <p><u>Efficiency:</u> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	<p>The purpose of Agriculture and Rural zone is to make provision for:</p> <p>The protection and preservation of agricultural land, rural landscapes, and biodiversity.</p> <ul style="list-style-type: none"> • The development seeks to protect the agricultural activity by focusing on tourism on the property and in doing so reducing the financial pressure to sell or subdivide the farm. The tourism on the farm is also dependent of the rural character of the area and thus protecting the agriculture on the farm is in the best interest of the developer. <p>Use of land for purposes of bona fide agricultural production or conservation.</p> <ul style="list-style-type: none"> • The application includes the construction of a wine cellar, and a recent application also included a olive press emphasising the intention of the owner to continue the use of the farm as an agricultural entity. The additional uses are used to diversify the income of the farm. <p>Buildings and structures which may be erected for reasonable and normal agricultural purposes.</p> <ul style="list-style-type: none"> • The wine cellar is in a building constructed for agricultural purposes. <p>a Limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability, and providing diversified income to landowners, without adversely impacting on the primary use of the land unit for agricultural purposes.</p>

	<ul style="list-style-type: none"> The zoning scheme allows for the ancillary use of the farm for tourism with the objective of sustainability and diversification of income without adversely impacting the primary use. <p>As discussed, the proposed development is in line with the provisions of the Zoning Scheme.</p>
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Table 3 Assessment of Application in terms of Section 65 of the By-law

5. Conclusion

In light of the above information, Council is respectfully requested to favourably consider the application for the following:

- i) Consent for tourist accommodation establishment 10 units, 13 bedrooms coverage $\pm 660\text{m}^2$.
- ii) Consent to allow for tourist facilities (art gallery $\pm 450\text{m}^2$, restaurant $\pm 110\text{m}^2$; wine tasting facility $\pm 244\text{m}^2$; and wellness centre $\pm 540\text{m}^2$)
- iii) Consent to allow for agricultural industry, wine cellar $\pm 380\text{m}^2$.

Report compiled by:

Renaldo Muller



Report reviewed by:

Marika Bolz (Pr. Plan A/060/2008)



For Arch Town Planners (Pty) Ltd
September 2023

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1 BACKGROUND

Inani Infrastructure has been appointed by the client, Terre Paisible, as the civil engineering consultants for the planning, design and implementation phases of earthworks, roads and services on Erf 1832, Franschhoek, located in the Stellenbosch area.

The purpose of this report is to evaluate the existing roads and civil services to the farm and the proposed improvements on the farm.

1.1. LOCATION

The site is Erf 1832 and is known as the Vigne D'or Farm, located next to the Wemmershoek Village. Vigne D'or is an existing farm under the jurisdiction of Stellenbosch Municipality and is located along the R301, approximately 1.4km from the intersection with R45. The site lies to the west of the R301 as indicated below in figure 1-1.

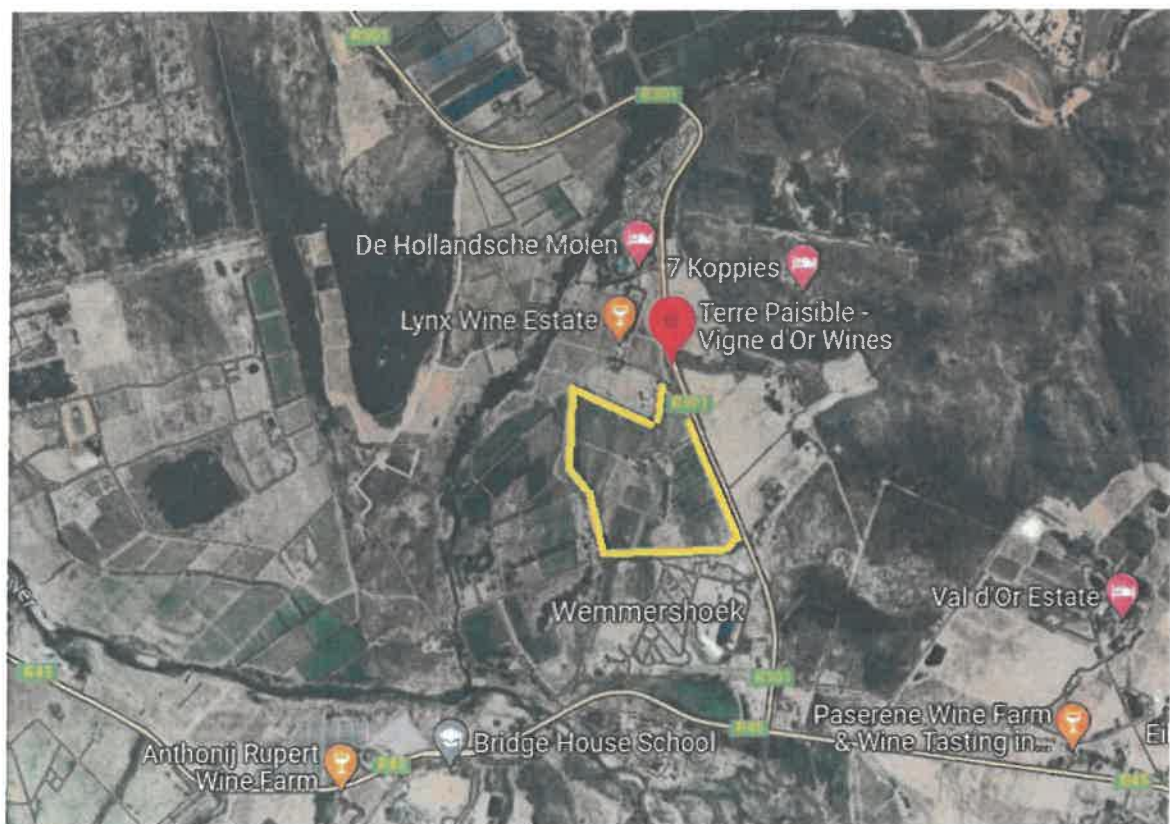


Figure 1-1 Site Location

1.2. EXISTING STRUCTURES, SERVICES AND PROPOSED DEVELOPMENT

There are three existing building areas on the Vigne D'or farm. The main residence is centrally located on the farm and has a number of outbuildings such as barns and offices. The irrigation tanks and pump are also located here. The second residence is next to the lemon grooves and there are two farm workers cottages located on the northern end of the farm. Refer to **Annexure A** for the **Site Development Plan**.

The farm has an existing municipal water connection for water supply to the farm and also uses a borehole for irrigation. Potable and irrigation water networks are available on the farm as separate networks. A dam is located in the south-western corner of the site. The dam water is also used for irrigation purposes. Refer to **Annexure B** for the **Existing Water Networks Layout**.

The proposed development is anticipated to be rolled out in two phases. During the first phase the entrance building, the wellness centre and the olive press building will be constructed. The second phase will include the boutique hotel units, the restaurant and wine tasting facility, the reception and office building and the proposed art gallery. The roads and services will be constructed as required per phase to provide access and services to the new buildings and facilities. Refer to **Annexure A** for the **Site Development Plan**.

1.3. DESIGN GUIDELINES

The following documents and guidelines were referenced for calculations and design considerations:

The Stellenbosch Municipality design requirements - Minimum Standards for Civil Engineering Services in Townships.

The Red Book – Guidelines for Human Settlement Planning and Design.

SANS 10272-1:2004 – Water Supply and Drainage for Buildings

SANS 10400-A:2010 – General Principles and Requirements

SANS 10400-P:2010 – Drainage

2. SEWERAGE

The sewer effluent of the existing operations on the farm are treated in septic tanks at different locations on the farm.

The sewer from the new structures will be collected via a gravity pipe system that will slope towards the lower end of the site. This proposed system will end in a conservancy tank that will be emptied by the municipal or a private services when required.

Demand calculations for expected water use and sewer effluent flow have been done to determine the anticipated sewer volume to be handled. Refer to **Annexure C** for the **Calculation Table**.

In discussions with Paul Joubert from the services planning department at Stellenbosch Municipality, it was determined that the development can potentially connect to the Wemmershoek Waste Water Treatment Works (WWTW). The WWTW does currently not have spare capacity, but upgrades are being planned. The availability of additional capacity is roughly estimated for the end of 2024.

The development intends to link into the WWTW once capacity becomes available but the possibility of re-use of water and the separation of grey water will be investigated for all water effluent on the farm. Further treatment of effluent for irrigation is also being investigated.

3. WATER PROVISION

The bulk supply main is located in the R301 reserve on the eastern side of the road. The main provides potable water to the properties in the area. The supply authority is the City of Cape Town and the water allowance to the farm is 103 000 kilolitre per annum.

The farm connection main to the bulk main is a 150mm diameter asbestos cement pipe. The connection point and the meter are located on the northern end of the site.

There is one registered borehole on the farm and possible further boreholes are planned. The borehole is located in the lemon grove and has a yield of about 8 000 litres/hour and is mostly used for lemon tree irrigation.

An existing irrigation and water network layout plan is available. Refer to **Annexure B** for the **Existing Services Layout**.

4. ROADS AND ACCESS

There are three access points to the Farm from the R301. See Figure 1-2, 1-3 and 1-4 below. Figure 1-2 is the northern entrance and is a services entrance to the farm labourer's cottages. Figure 1-3 is the central and main entrance to the farm and Figure 1-4 is a service entrance at the southern end of the farm.



Figure 1-2 Northern Service Entrance from the R301



Figure 1-2 Central and Main Entrance from the R301



Figure 1-3 Southern Service Entrance from the R301

Due to the small number of additional trips generated by the development, the existing entrances seems to be sufficient to accommodate the additional traffic. If required a Traffic Impact Statement will be prepared to address the additional traffic volumes.

The existing roads on the farm are all gravel or sandy roads. Water is ponding on some of the roads after rain events. The access road at the southern entrance is very sandy and will need to be upgraded to become usable.

The internal roads to the proposed new buildings will be paved with brick paving in accordance with the Site Development Plan. Refer to **Annexure A** for the **Site Development Plan**. The service roads may remain unpaved.

5. STORMWATER

The site generally slopes down to the south-western corner of the property where the farm dam is located. The geotechnical report indicates that the site is generally sandy and has good draining qualities.

The existing stormwater handling on the farm is mostly informal and via surface flow and in open channels in some areas.

Stormwater from the R301 main road is handled with open grassed channels on both sides of the road. Pipe culverts are installed at the three entrances to convey the stormwater across the entrances. The open channels run down stream in both directions and does not discharge onto the farm.

The proposed roads on the farm will have a cross fall with edges flush to the surrounding areas to allow all stormwater to drain of the roads directly and not being accumulated. In areas where the roads will block the overland stormwater flow and may create ponding, piped road crossings will be provided.

6. SOLID WASTE

According to farm manager, Mr Waldo Kellerman, all domestic solid waste is carted away on a weekly or two weekly basis, or when required.

Other waste such as cuttings from pruning and other plant cuttings are shredded and re-used on the farm.

Further waste reduction measures should be incorporated where possible to reduce the volume of waste. This could include the following:

- Recycling of glass, paper, plastics and other material
- Re-use of materials as far as possible
- Composting of organic and food waste

These measures could result in a reduction in waste volume if implemented efficiently.

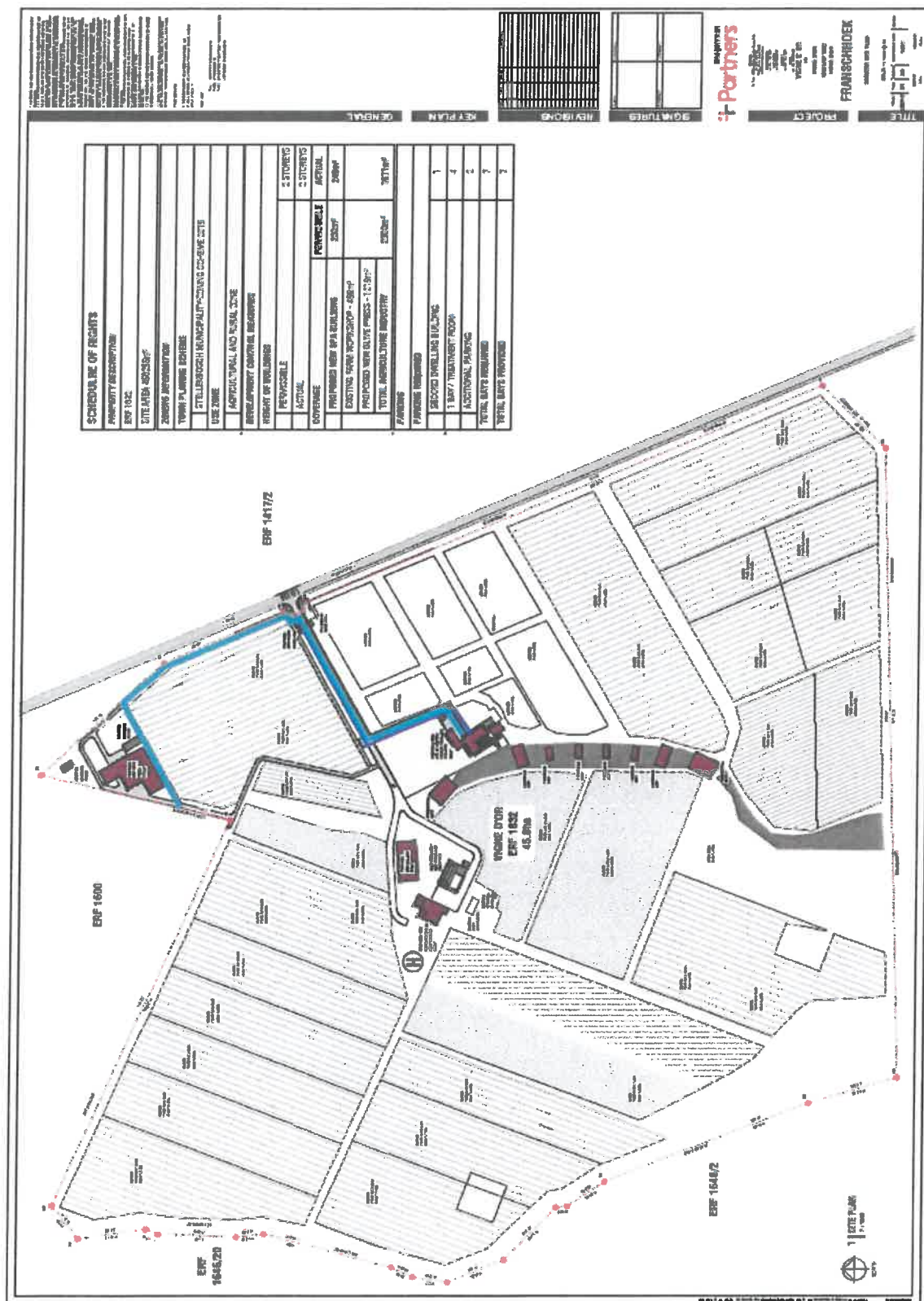
7. CONCLUSION

Based on the assessment of the current available civil engineering services and the proposed new services, sufficient services seem to be available for the proposed development on the farm.

Annexures

ANNEXURE A: SITE DEVELOPMENT PLAN

Vigne D'or Civil Services Report



ANNEXURE B: WATER SERVICES LAYOUT

Vigne D'or Civil Services Report



ANNEXURE C: FLOW CALCULATIONS

**Terre Plaisible - Vigne D'Or
Water and Sewer Tables**

29 August 2023

Water Usage						
No	Building	Unit	Quantity	Litre per person	Total Water Use (l/d)	Notes
1	Entrance Building	Persons per day	2	150	300	Two guards on duty, SANS 10252-1 Section 4.2.1.2 Table 1 (100 to 200 l/capita)
2	Spa Building	Beds	12	250	3000	SANS 10252-1 Section 4.2.1.2 Table 1 (200 to 300 l/bed)
3	Olive Press	Persons per day	6	150	900	SANS 10252-1 Section 4.2.1.2 Table 1 (100 to 200 l/capita)
4	Olive Press Process Water	Volume	1500	1	1500	Usage information from supplier (1000 to 2000 l/day)
5	Hotel Residential Units	Beds	24	250	6000	SANS 10252-1 Section 4.2.1.2 Table 1 (200 to 300 l/bed)
6	Restaurant	Seats	60	25	1500	SANS 10400-A Section A20 Table 1&2 (A1 occupancy = 1 person/1m ² or seat) and SANS 10400-P Table C6 (20 l/person/day sewer flow)
7	Wine Tasting	Floor Area (m ²)	156	18	281	SANS 10252-1 Section 4.2.1.2 Table 1 (14 to 18 l/10m ²)
8	Gallery	Floor Area (m ²)	670	18	1 206	SANS 10252-1 Section 4.2.1.2 Table 1 (14 to 18 l/10m ²)
9	Admin and Reception	Floor Area (m ²)	300	12.5	375	SANS 10252-1 Section 4.2.1.2 Table 1 (10 to 15 l/10m ²)
10	Farm facilities - staff	Persons per day	22	150	3300	SANS 10252-1 Section 4.2.1.2 Table 1 (100 to 200 l/capita)
Total Water Requirement per Day (l/day)					18 362	
Total Sewer Flow per Day at 80% of Water Requirement (l/day)					14 689	

Alternative Calculation						
Sewer Flow						
No	Building	Unit	Quantity	Litre per person	Total Sewer Flow (l/d)	Notes
1	Entrance Building	Persons per day	2	270	540	Two guards on duty, SANS 10400-P Table C6 (90 l/person/shift)
2	Spa Building	Persons per day	24	140	3 360	SANS 10400-P Table C6 (140 l/person/day)
3	Olive Press	Persons per day	6	140	840	SANS 10400-P Table C6 (140 l/person/day)
4	Olive Press Process Water	Volume	1500	0.8	1200	Usage information from supplier (1000 to 2000 l/day) @ 80% of water use
5	Hotel Residential Units	Beds	24	110	2 640	SANS 10400-P Table C6 (110 l/person/day)
6	Restaurant	Seats	60	20	1 200	SANS 10400-A Section A20 Table 1&2 (A1 occupancy = 1 person/1m ² or seat) and SANS 10400-P Table C6 (20 l/person/day)
7	Wine Tasting	Floor Area (m ²)	156	20	156	SANS 10400-A Section A20 Table 1&2 (C2 occupancy = 1 person/20m ²) and SANS 10400-P Table C6 (20 l/person/day)
8	Gallery	Floor Area (m ²)	670	20	670	SANS 10400-A Section A20 Table 1&2 (C2 occupancy = 1 person/20m ²) and SANS 10400-P Table C6 (20 l/person/day)
9	Admin and Reception	Persons per day	5	90	450	SANS 10400-P Table C6 (90 l/person/day)
10	Farm facilities - staff	Persons per day	22	140	3 080	SANS 10400-P Table C6 (140 l/person/day)
Total Sewer Flow per Day (l/day)					14 136	

Conservancy Tank	Design	SANS 10400-P Section 4.8.3 Pg 18	
	Sizing	SANS 10400-P Annex C Pg 57	
	Tank size should have a 3 day capacity.	42 408	Litre

**Caring
Innovative
Focussed**

Neil

LYNERS

and Associates (RF) (Pty) Ltd

Our reference : E22123/COR/DC/dc/03
Your reference : Elec Eng Services Report

Postal Address : P O Box 4901 TYGERVALLEY 7536
Street Address : South Gate Building, Ground Floor
South Gate Entrance, Carl Cronjé Drive
Tyger Valley Waterfront BELLVILLE 7530

Tel: +27 (0) 21 914 0300 | **Fax:** +27 (0) 21 914 0437
E-mail: bellville@lyniers.co.za | **Website:** www.lyniers.co.za

11 August 2023

Stellenbosch Municipality
P.O. Box 18
Franschhoek
7690

Attention: Mr Kurt Titus

Dear Sir

ELECTRICAL ENGINEERING SERVICES FOR UPGRADE OF VIGNE D'OR DEVELOPMENT, R301 WEMMERSHOEK ROAD – ELECTRICAL ENGINEERING SERVICES REPORT FOR NEW SPA WELLNESS CENTRE (PHASE 1) AND OLIVE PRESS (PHASE 2)

1. SITE DESCRIPTION AND LOCALITY

Neil Lyners and Associates (RF) (Pty) Ltd (hereafter in the report referred to as “Lyners”) has been appointed by Terre Paisible (Pty) Ltd to provide the electrical engineering consulting services for the proposed Vigne d’Or mixed use development along R301 Wemmershoek Road, Franschhoek.

The development is proposed to be mixture of industrial (olive pressing) and commercial (spa wellness centre) initiatives which is set to be implemented on Farm 1832, Franschhoek alongside R301 Wemmershoek Road (**Figure 1**). The development is set to be constructed in 4 x phases, namely:

- Phase 1 : Spa Wellness Centre and Entrance Guardhouse
- Phase 2 : Industrial Olive Press
- Phase 3 : Gallery and Wine Cellar
- Phase 4 : 12 x Guesthouse Cottages

The anticipated final scheme load is 365kVA / 528A.

This report focuses on the proposed electrical requirements for the development of Phase 1 - Spa Wellness Centre and Phase 2 - Olive Press.



Neil Lyners & Associates (RF) (Pty) Ltd (2015/438525/07)

DIRECTORS: Neil Lyners Pr Eng FSAICE • Mario Filippi Pr Eng MSAICE • Fred Laker Pr Tech Eng MSAICE • Ermelinde Lyners



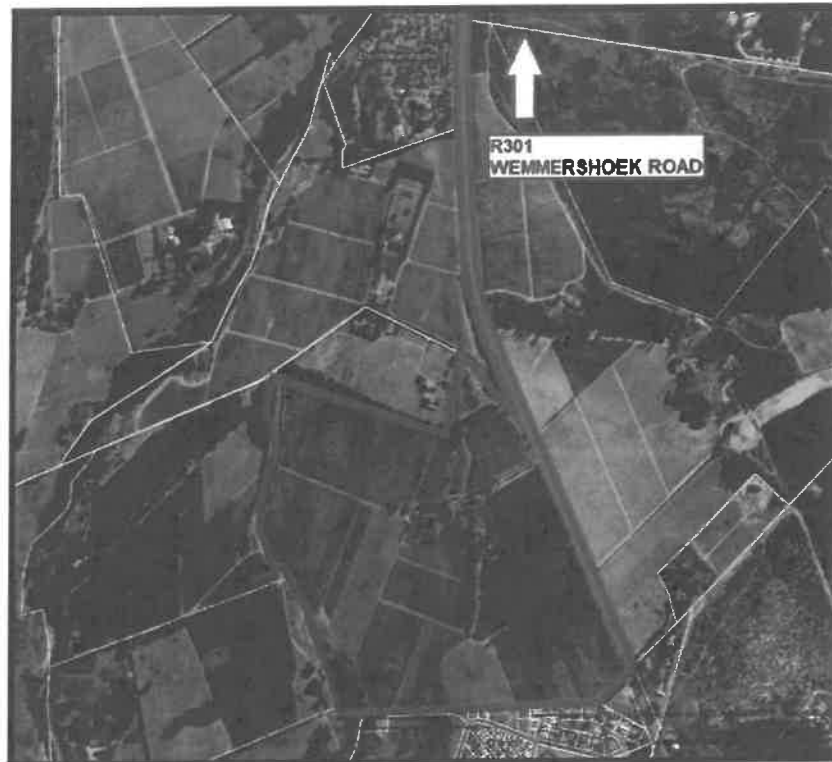


Figure 1: Vigne d'Or Locality

2. EXISTING ELECTRICAL SERVICES

2.1 Medium Voltage Services

The development area falls under the electrical supply area of Stellenbosch Municipality and there is an existing, functional Stellenbosch Municipal medium voltage service network in the Farm and its surrounding area. The local network is fed on the 11kV Victor Vester line and comprises of the end-of-line pole-mounted transformer TRF Moddervlei (PTRF-729). The transformer has a 160kVA capacity and is supplied with a Gopher overhead line from TRF Lusthof (PTRF-730). The approximate position of the overhead line is shown in **Figure 2**.

2.2 Low Voltage Services

TRF Moddervlei is currently solely responsible for supplying the existing Vigne d'Or farm via a private LV network. The current development is LV metered at the meter box underneath the transformer.

A municipal / private split meter board is installed underneath TRF Moddervlei. The private outgoing breaker is sized at 150A and supplies a main distribution board that reticulates to the entire farm – the municipal breaker size is currently unknown but can be assuredly considered to be less than 250A (maximum supply for 160kVA transformer). From municipal metering information, there are currently 2 x metering points (0011691299 and 0002018759) for the site.

The main site distribution board is installed in a brick enclosure nearby TRF Moddervlei. The DB has 3 x main outgoing, metered feeds (corresponding outgoing circuit breaker sizes identified):

1. Rent House - 80A 3-phase
2. Manor House - 80A 3-phase
3. Truck Store - 80A 3-phase

Previously an additional feeder supplied a cottage – the building has since been demolished. A further 2 x (unmetered) supplies feed a local DB (in the enclosure) and the main gate DB.

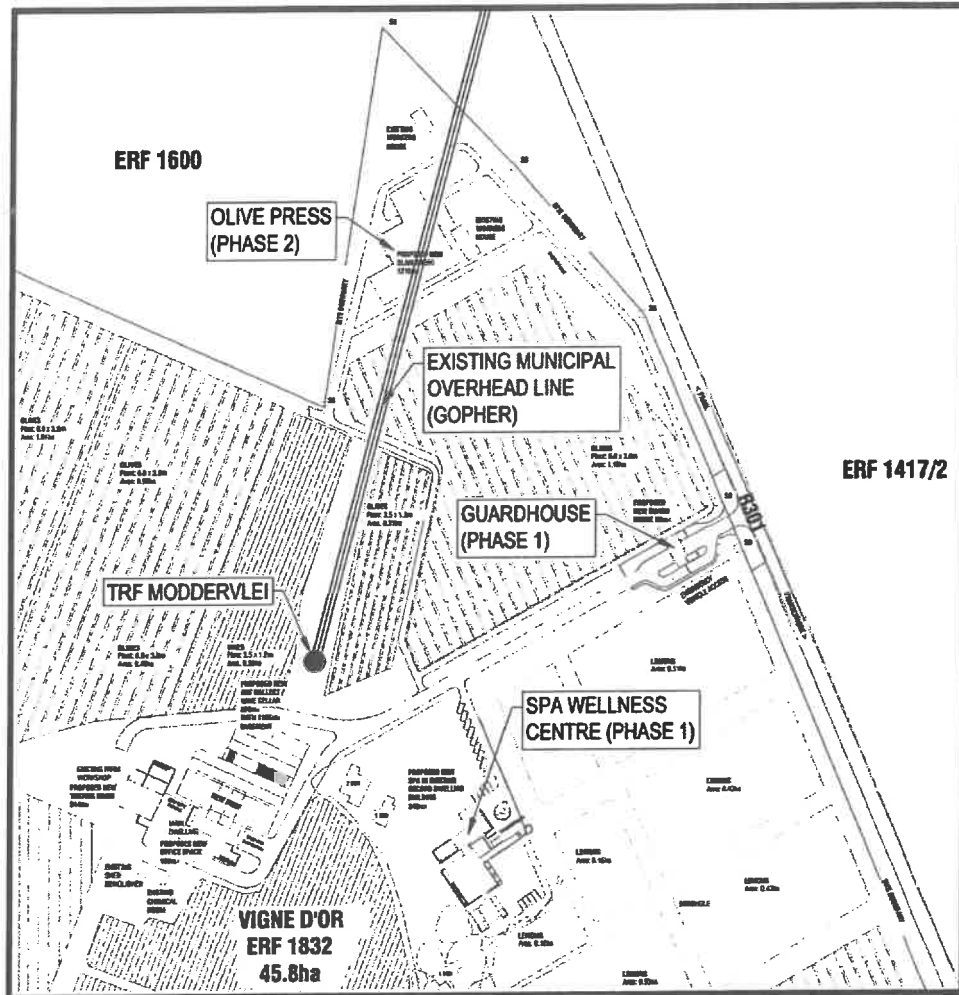


Figure 2: Approximate Position of Existing Municipal Overhead Line

There is additionally a 100kVA generator on site, situated nearby the main site DB. This is currently supplied via the 25mm² x 4C Cu "Manor House" feed (set to become the supply to the Spa Wellness Centre in Phase 1 of the development) to an exhibition / events kiosk. The generator itself holds the changeover panel.

3. PROPOSED ELECTRICAL SERVICES

3.1 Medium Voltage Services

Lyners proposes that the municipal point of supply (TFR Moddervlei) be upgraded to accommodate the entire final scheme development. This would require a 500kVA miniature substation to be installed to account for the 365kVA anticipated load. The existing point of supply position is in a centralised position to the entire development and is proposed to remain as such for the upgrade.

Due to the 3.0m required clearance between the overhead lines and buildings (Electrical Machinery Regulations), the current proposed position of the olive press (9.41m elevation) clashes with the existing municipal lines' 9m poles. Because of this, it is also proposed the overhead lines be substituted with an appropriately sized, municipal-specified underground cable routed from the nearest overhead pole external to the development along R301 Wemmershoek Road within Farm 1832's boundary and terminating in the proposed miniature substation.

The municipality will be wholly responsible for the procurement and installation of these external works (miniature substation, underground cable with terminations and drop-out fuses / overhead-to-underground terminations).

3.2 Low Voltage Services

The low voltage network will remain a private network.

The municipality is to provide a 600A circuit breaker inside the miniature substation set to 88% rated current (528A).

The developer will provide a bulk metering kiosk for the housing of the municipal bulk meter as well as the private network circuit breaker as well as 2 x 185mm² cables between it and the miniature substation – the municipality will be responsible for the termination of these cables onto the miniature substation. The municipal metering of the development will henceforth continue to commence as LV metering.

The private network portion will then be divided into 5 x sections according to the four phases with estimated associated loads alongside:

1. Existing Truck Store / Farm Operations – 35kVA
2. Spa Wellness and Guardhouse – 130kVA
3. Olive Press – 100kVA
4. Gallery – 50kVA
5. Guest Cottages – 50kVA

The total estimated new load for the development is therefore 365kVA; the estimated load for Phase 1 and Phase 2 being 265kVA.

The proposed cable routes for Phase 1 and Phase 2 are shown in Figure 3.

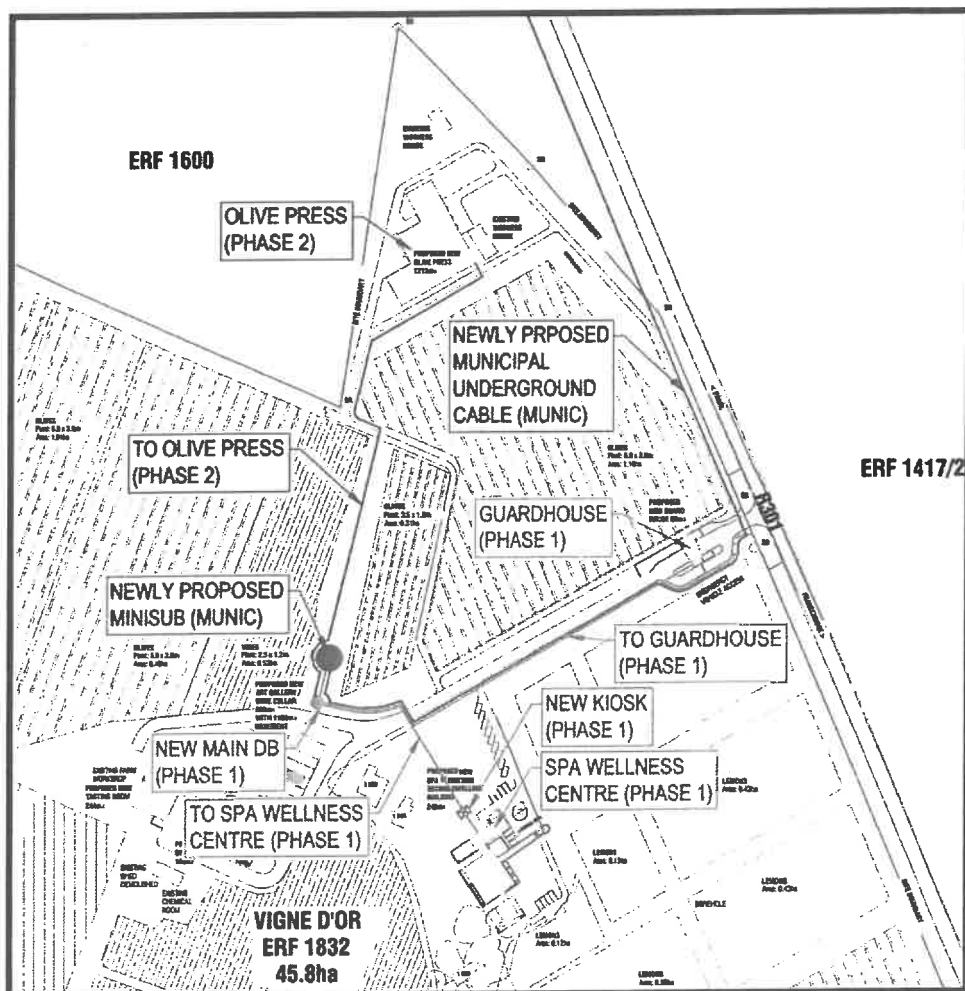


Figure 3: Proposed Cable Routes for Phase 1 and Phase 2

The provision for backup power is set to be extended to the remaining phases of the development. The current generator is just large enough to supply the entirety of Phase 1 with the aid of a proposed solar backup solution. The solar panels for Phase 1 are set to be mounted on the roof of the proposed Spa Wellness Centre – the remaining portion of the PV design is set to be handled by the PV contractor.

The existing cable from the generator will be extended directly into the Spa Wellness DB and a new cable to a new kiosk (in the same position as the existing) will be installed to account for future phases.

Phase 2 is set to have its own backup solution – likely another combined generator / PV solution. The design for Phase 2's backup power is yet to commence however a suggested generator position is indicated in **Figure 4**.

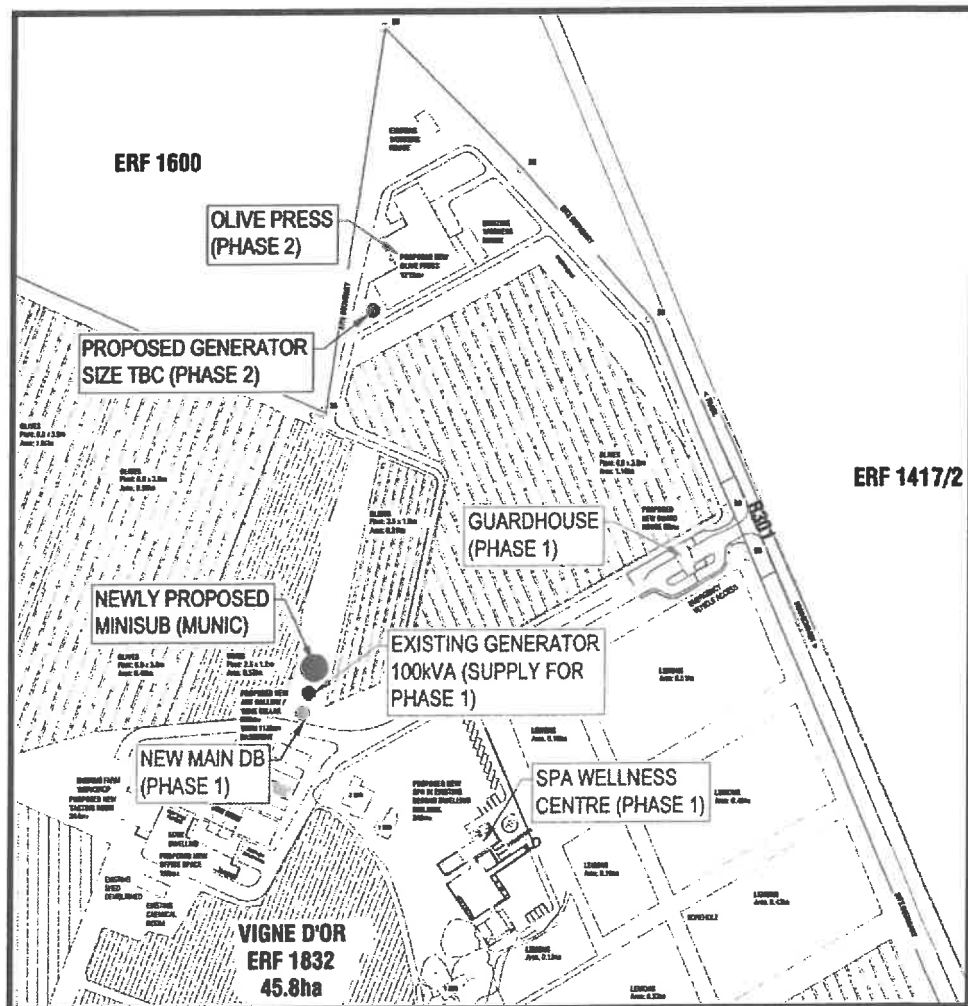


Figure 4: Existing and Proposed Generator Positions for Phase 1 and Phase 2

3.3 Area Lighting

While there is currently no area lighting for the development, a series of bollards or post top lights is expected to be proposed by the appointed landscape architect, to be installed for internal road and open area lighting to and around the Spa Wellness Centre and Olive Press.

4. SUMMARY OF SCOPE OF EXTERNAL AND INTERNAL WORKS

The municipal services portion of the project calls on the following:

- Removal of existing overhead line and end-of-line transformer
- Installation of new miniature substation
- Installation of underground medium voltage / 11 kV supply cables
- Termination of new underground cables to existing overhead line
- Installation of a bulk metering kiosk

The internal low voltage works for Phase 1 and Phase 2 of the project calls on the following:

- Procurement and installation of new site main distribution board
- Supply and installation of underground low voltage cables between private and municipal services
- Procurement and installation of new Spa Wellness Centre distribution board
- Supply and installation of underground low voltage cables to Spa Wellness Centre
- Procurement and installation of new Olive Press distribution board
- Supply and installation of underground low voltage cables to Olive Press

5. BULK ELECTRICITY INFRASTRUCTURE CONTRIBUTION

Bulk Infrastructure Contributions and Levies (BICLs) known as development Contributions (DCs) and a Connection Fee will be payable to Stellenbosch Municipality for the total development. The Connection Fee will cover the municipal supervision and switching cost for the supply and install of the new proposed miniature and medium voltage cable as well as the removal of the existing overhead line and pole-mounted transformer.

The total cost of the electrical engineering for the supply up to and including the main distribution boards at Vigne d'Or for Phase 1 and Phase 2 is summarised as follows:

Description	Phase 1		Phase 2		Amount
Low Voltage Networks	R	485 000	R	215 000	R 700 000
Area Lighting	R	250 000	R	200 000	R 450 000
Trenching and Excavations	R	295 000	R	120 000	R 415 000
Contractor P+Gs	R	120 000	R	65 000	R 185 000
Sub-Total 1	R	1 150 000	R	600 000	R 1 750 000
Contingency Amount	R	115 000	R	60 000	R 175 000
Sub-Total 2	R	1 265 000	R	660 000	R 1 925 000
Proposed Professional Fees	R	130 000	R	70 000	R 200 000
Estimated Municipal DCs	R	1 450 000	R	-	R 1 450 000
Estimated Municipal Connection Fee	R	15 000	R	-	R 15 000
Sub-Total 3	R	2 860 000	R	730 000	R 3 590 000
VAT (15%)	R	430 000	R	110 000	R 540 000
TOTAL ESTIMATED COST	R	3 290 000	R	840 000	R 4 130 000

Should you require further information, please do not hesitate to contact the undersigned.

Yours sincerely


Darren Curry
 for LYNERS



Physical Address: Bakkershuis
152 Dorp Street

Stellenbosch, 7600

M: +27 (0)72 480 5838

E: marike@archtownplanners.co.za

W: www.archtownplanners.co.za

29 January 2025

ADDENDUM TO LAND USE APPLICATION: FARM 1832, PAARL (VINGE D'OR) – TP515/2023

1. INTRODUCTION

This motivation addresses the site-specific deviation for the proposed tourist accommodation units on Farm 1832, Paarl (Vigne D'Or), from the Stellenbosch Municipal Spatial Development Framework (MSDF) as outlined in the "Information Guideline on Tourist Accommodation for Agricultural and Rural Zone Properties" (IG Tourist Accommodation 2024). This application proposes the establishment of 10 self-catering tourist accommodation units, which exceeds the number of additional dwelling units typically permitted under the MSDF.

2. SITE-SPECIFIC JUSTIFICATION

The subject property, Farm 1832, Paarl, is an active agricultural property with substantial agricultural (being an active olive farm) and scenic value, located in the Stellenbosch Municipality northeast of Stellenbosch and northwest of Franschhoek. The property currently comprises olive groves, vineyards, and lemon orchards, with existing structures including a main dwelling, a second dwelling/spa, workers' cottages (which will be demolished), and agricultural buildings.

2.1 Existing Infrastructure

The farm already has existing infrastructure, including a main dwelling, a second dwelling/spa, workers' cottages (to be demolished), and agricultural related buildings. The proposed development entails the construction of 10 new tourist accommodation units. It will be 8 x one-bedroom 45m² units, 1 x two-bedroom 105m² unit, and 1 x three-bedroom 105m² unit, with a total coverage of ±660m². The focus will be on integrating these new units within areas of the property where there is unproductive areas that has no agricultural potential, ensuring minimal impact on the rural character of the property.

2.2 Economic Viability

Tourism is a significant land use within the Stellenbosch area, and the demand for high-end tourist accommodation has grown post-COVID. The proposed tourist units will diversify the farm's income, enhancing financial sustainability while

maintaining agricultural activities. This aligns with the broader objectives of the MSDF and the Western Cape Rural Guidelines to stimulate rural economies and support sustainable land use, without compromising on the agricultural activities or the rural landscape/character.

2.3 Environmental and Agricultural Considerations

The proposed development respects the agricultural zoning and environmental integrity of the site. The proposed development supports the conservation of agricultural land by diversifying income sources without compromising primary agricultural activities.

As mentioned in the portfolio of evidence, the design of the planned accommodation units emphasizes discretion and privacy, ensuring minimal impact on the surrounding environment and agricultural activities. To start, the units will be constructed on a portion of the farm that is neither used for agricultural purposes nor suitable for such use, thereby preserving the current agricultural operations. Additionally, the units will be partially submerged below the natural ground level, which integrates them more seamlessly with the landscape and reduces their visual impact. Their central location on the farm ensures they remain shielded from view by natural features and existing structures, thus avoiding disruption to the rural visual continuity. Figure 1 illustrates their strategic placement, highlighting their minimal visibility from both the street and neighbouring properties. Furthermore, Figure 2 demonstrates that the accommodation units will not be visible from the R301, further reinforcing their unobtrusive nature.

Overall, this thoughtful design approach ensures that the accommodation units will have no negative impact on the rural landscape, maintaining both the functionality of agricultural activities and the area's visual appeal.

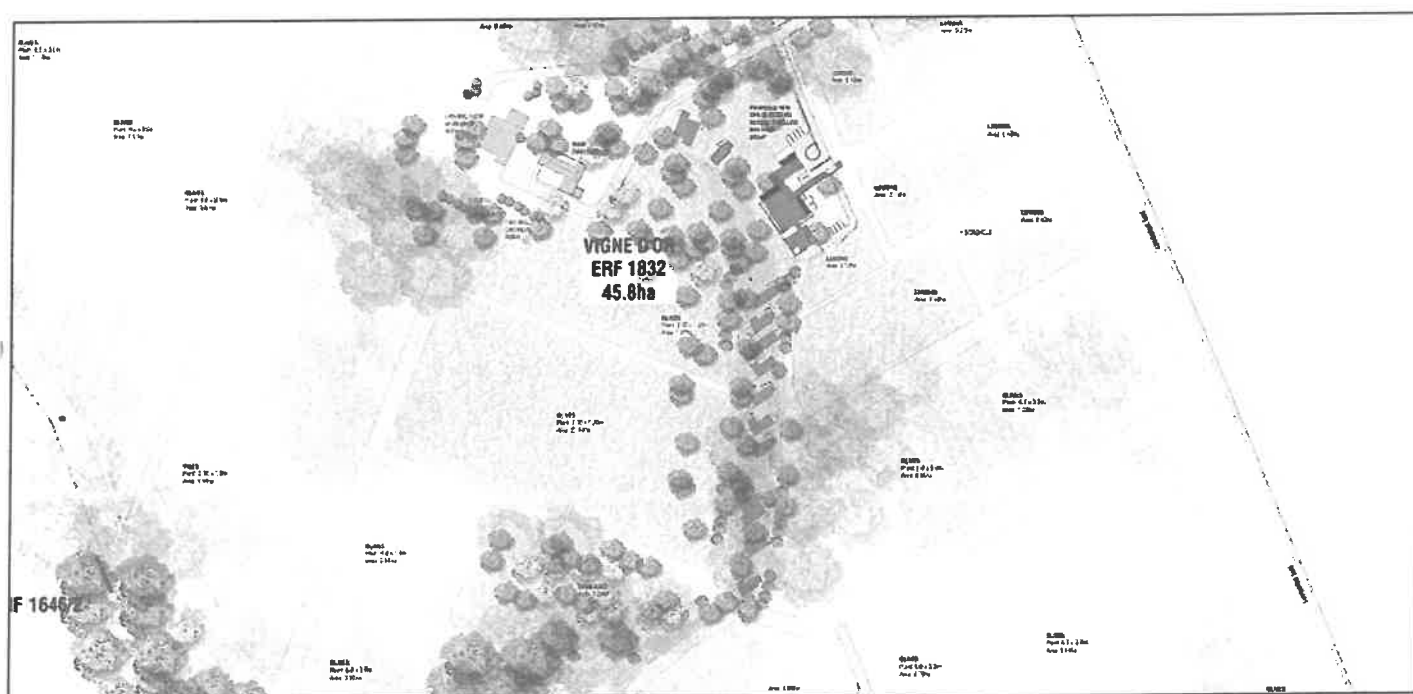


Figure 1 - Locality of Accommodation Units



Figure 2 - Street View towards Farm

2.4 Tourism Appeal

Farm 1832's picturesque setting, surrounded by vineyards and natural beauty, makes it a prime location for high-end tourism. The proposed tourist units will enhance the region's tourism offering, contributing to regional development and aligning with the MSDF's goals of promoting sustainable tourism and rural development.

3. COMPLIANCE WITH SPLUMA AND DRDLR GUIDELINES

3.1 Unique Circumstances

The proposed development is uniquely suited to Farm 1832 due to its existing infrastructure, tourism potential, and no on agricultural use as well as having no visual impact. The development utilizes existing infrastructure and strategically located new buildings, ensuring the rural character and agricultural viability remain intact.

3.2 No Significant Impact on Spatial Planning

The proposed development ensures no significant impact on the overall spatial planning. The development remains consistent with sustainable tourism objectives, using areas of the property where there is unproductive areas that has negligible agricultural potential with very limited (if any) visibility from the surrounding farms and roads, thereby not negatively impact the agriculture potential of the farm and the rural character of the area.

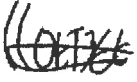
3.3 Contribution to Local Economy

The proposed tourist accommodation units will boost the local economy by attracting high-end tourists and creating employment opportunities. This aligns with the MSDF's objectives of rural economic stimulation and sustainable land use.

4. CONCLUSION

In light of the unique site-specific circumstances outlined above, the proposed deviation from the MSDF for the development of 10 self-catering tourist accommodation units on Farm 1832, Paarl, is justified. The proposed development will enhance the economic viability of the farm, support local tourism, and maintain the integrity of the agricultural landscape. We respectfully request that this application be considered favourably.

Your Sincerely



Carlien Coetzee (C/9982/2024)
For Arch Town Planners (Pty) Ltd

ANNEXURE E

COMMENT FROM THE AFFECTED PROPERTY OWNER

From: Laurelin_CC
To: carlien@archtownplanners.co.za
Cc: nicole.katts@stellenbosch.gov.za; marike@archtownplanners.co.za
Subject: Re: Notice Farm 1832 Franschhoek (Vinge D'Or)
Date: Sunday, 11 February 2024 12:30:20

Good day Carlien

My name is Irmela Alberts and we are the eastern adjacent neighbour (farm 1646/2).

We have three questions relating to noise, lighting and water we would like to discuss with you. Would it be possible to set up a short meeting please?

Our neighbour on farm 1646/20 would also like to join if in order for you?

Thanking you

Kind regards

Irmela

082 445 3116

On Wed, 7 Feb 2024 at 16:11, <carlien@archtownplanners.co.za> wrote:

Dear Sir/Madam

TP515/2023: CONSENT USE APPLICATION FOR TOURIST FACILITIES, TOURIST ACCOMODATION AND PERMISSION FOR A WINE CELLAR ON FARM 1832, FRANSCHHOEK

It is required by the Stellenbosch By-Law, that notice of this land use applications be served to interested and/or effected parties . As an interested and/or effected party, please find attached the following relevant documents pertaining to this application:

1. Notice to Interested and Affected Parties (English and Afrikaans)
2. The Motivation Report. Please note that not all Annexures are included as it is too large to send via e- mail. Kindly contact us directly if you would like to view any of the Annexures.
3. Proposed Floor Plans and SDP (annexures E1, E6, and E10)
4. Locality Plan

Kindly let us know if you require any additional information.

If you would like to comment on the application, please do so on or before **8 March 2024**.

Kindly direct all comments to **Carlien Coetzee** carlien@archtownplanners.co.za as indicated in the notice.

Kind regards

ANNEXURE F

COMMENT FROM THE MANAGER: ELECTRICAL SERVICES

Daniel Meyer

From: Nolusindiso Momoti
Sent: Wednesday, 31 January 2024 08:04
To: marike@archtownplanners.co.za
Cc: Daniel Meyer
Subject: FW: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

Good day Marike,

Please find below comment from electrical department.

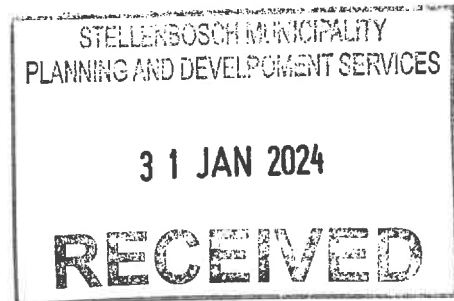


Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
 Land Use Management
 Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899
 NPK Building, 1st Floor, C/O Plein & Ryneveld
 Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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



FILE NR:	F 1832 P
SCAN NR:	
COLLABORATOR NR:	762 686

From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Sent: Tuesday, January 30, 2024 4:50 PM
To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>
Subject: RE: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

GENERAL: NONE

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

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

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

TX

1

Groete:

Martin Slabber

Sin. Supt. Dwarsrivier Elect.

Engineering Services



Martin.slabber@stellenbosch.gov.za

C: +27 83603 3431

T: + 27 21 808 8338

www.stellenbosch.gov.za



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twitter.com/StellMun

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PO Box 18, Franschhoek, 7690

PO Box 17, Stellenbosch, 7599

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Published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

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

Sent: Tuesday, 30 January 2024 09:32

To: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>

Subject: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME:
COMMENT

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

Good day Martin,

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish your comment by email, if any, in order to enable to submit the application to the decision-making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 1832, Paarl (LU/16357) (TP515/2023)

DESCRIPTION OF THE PROPOSAL

1. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use for a tourist accommodation establishment (10 units consisting of 13 bedrooms) on Farm No. 1832, Paarl Division.
2. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use for a tourist facility (art gallery of $\pm 450\text{m}^2$; restaurant of $\pm 110\text{m}^2$; wine tasting and sales facility of $\pm 244\text{m}^2$; and wellness centre of $\pm 540\text{m}^2$) on Farm No. 1832, Paarl Division.
3. Application is made in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for permission required in terms of the zoning scheme to allow for and agricultural industry (wine cellar) of $\pm 380\text{m}^2$.

ANNEXURE G

COMMENT FROM THE
DEPARTMENT
COMMUNITY &
PROTECTION SERVICES
(ENVIRONMENTAL
PLANNER)

INTEROFFICE MEMORANDUM

632



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Nolusindiso Momoti	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Air Quality- / Noise Control Officer: Martin van As	Date:	7 February 2024
Re:	CONSENT USE APPLICATION, FARM 1832, PAARL - LU/16357		

The above application to allow for a tourist facility, art gallery, restaurant, wine tasting facility, wellness center, tourist accommodation and wine cellar on the Remainder of Farm 1832, refers.

From an environmental planning point of view this department has no objection to the approval of the application subject to the following:

1. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

ANNEXURE H

COMMENT FROM THE MANAGER: HERITAGE PLANNING

Daniel Meyer

From: Nolusindiso Momoti
Sent: Friday, 08 March 2024 13:29
To: marike@archtownplanners.co.za
Cc: carlien@archtownplanners.co.za; Daniel Meyer
Subject: FW: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

Good ay Marike,

Please find below comment from Heritage department.



Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
 Land Use Management
 Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899
 NPK Building, 1st Floor, C/O Plein & Ryneveld
 Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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



FILE NR:	F 1832 P
SCAN NR:	
COLLABORATOR NR:	764 098

From: Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>
Sent: Friday, March 8, 2024 11:58 AM
To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>
Subject: RE: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

Dear Nolusindiso.

Heritage section does not have any objection for the consent use on the above-mentioned application.

From: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>
Sent: Friday, March 8, 2024 11:19 AM
To: Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>
Subject: FW: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

ANNEXURE I

COMMENT FROM THE
DEPARTMENT OF
AGRICULTURE
(ELSENBURG)



**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 : 20/9/2/5/4/1233
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Arch Town Planners
152 Dorp Street
STELLENBOSCH
7600

Att: Marike Bolz

APPLICATION FOR CONSENT USE: DIVISION PAARL
FARM NO 1832

Your application of 05 March 2024 has reference.

FILE NR:	F 1832 P
SCAN NR:	
COLLABORATOR NR:	766 495

The Western Cape Department of Agriculture: Land Use Management has no objection to the provision of tourist facilities that facilitate diversification and value-adding although the supply of tourist accommodation should be carefully considered with due regard to the impact thereof on the rural landscape.

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.

In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, a maximum of five (5) additional dwelling units may be permitted on land zoned for agricultural purposes, at a ratio of one (1) additional unit per 10ha. Additional dwelling units should be restricted to a building height of 6,5m and a maximum floor area of 175m².

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

2024-04-23

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

ANNEXURE J

COMMENT FROM THE THE
DEPARTMENT OF
TRANSPORT AND
INFRASTRUCTURE



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-10/512 (Job 30026-2)

The Municipal Manager
20 Plein Street
STELLENBOSCH
7600

Attention: Ms N Katts

Dear Madam

**FARM NO 1832, PAARL: MAIN ROAD 201: CONSENT USE APPLICATION FOR TOURIST FACILITIES,
TOURIST ACCOMMODATION AND PERMISSION FOR A WINE CELLAR**

1. The following refer:
 - 1.1. The application received from Messrs Arch Town Planners dated 7 February 2024;
 - 1.2. This Branch's even numbered letter dated 6 March 2024; and
 - 1.3. Traffic Impact Statement by Messrs ITS (Pty) Ltd dated 7 June 2024.
2. The subject property is located 9 km north west from Franschhoek and takes access off Main Road 201 (MR201, R301) at ± km 73.2.
3. This Application is for the following:
 - 3.1. Consent Use for tourist accommodation (13 bedrooms)
 - 3.2. Consent Use for tourist facilities (art gallery, restaurant, wine tasting and sales, and wellness centre)
 - 3.3. Permission for a wine cellar.
4. Due to the existing and proposed land uses, this Branch's letter referenced in 1.2) required that a TIS be undertaken.
5. The TIS submitted by ITS (Pty) Ltd concluded that the setback to the security gates is adequate; that a right turn lane is not warranted, and that the SDP makes adequate provision for parking.
6. Accordingly, this Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 2 AUGUST 2024



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-10/512 (Job 30026)

The Municipal Manager
20 Plein Street
STELLENBOSCH
7600

Attention: Ms N Katts

Dear Madam

**FARM NO 1832, PAARL: MAIN ROAD 201: CONSENT USE APPLICATION FOR TOURIST FACILITIES,
TOURIST ACCOMMODATION AND PERMISSION FOR A WINE CELLAR**

1. The application received from Messrs Arch Town Planners dated 7 February 2024 refers.
2. The subject property is located 9 km north west from Franschhoek and takes access off Main Road 201 (MR201, R301) at ± km 73.2.
3. This Application is for the following:
 - 3.1. Consent Use for tourist accommodation (13 bedrooms)
 - 3.2. Consent Use for tourist facilities (art gallery, restaurant, wine tasting and sales, and wellness centre)
 - 3.3. Permission for a wine cellar.
4. It is noted that amongst other activities, the farm already has a Technical Approval to accommodate a spa and olive pressing facility.
5. In the light of the proposed facilities and approved uses, at minimum a Traffic Impact Statement is necessary. The TIS should investigate the need for a right turn lane, recommend a suitable setback for the guardhouse boom, and any other improvements deemed necessary.
6. Upon receipt of the TIS, the Branch will comment on the land use application.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 6 MARCH 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Ms N Katts (e-mail: nicole.katts@stellenbosch.gov.za)
2. Consultant: ArchTown Planners
Attention: Ms M Bolz (e-mail: marike@archtownplanners.co.za)
3. District Roads Engineer
Paarl
4. Mr E Smith (e-mail)
5. Mr F Fakier (e-mail)
6. Mr S Carstens (e-mail)

ANNEXURE K

COMMENT FROM THE DEPARTMENT OF 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:	Nolusindiso Momoti
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	05 November 2024
Our Ref ▫ Ons Verw:	Civil LU 2647
Town Planning Ref:	LU/16357 - TP515/2023
Re ▫ Insake:	<p>Farm 1832, Paarl: 1. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use for a tourist accommodation establishment (10 units consisting of 13 bedrooms) on Farm No. 1832, Paarl Division. 2. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use for a tourist facility (art gallery of $\pm 450\text{m}^2$; restaurant of $\pm 110\text{m}^2$; wine tasting and sales facility of $\pm 244\text{m}^2$; and wellness Centre of $\pm 540\text{m}^2$) on Farm No. 1832, Paarl Division. 3. Application is made in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for permission required in terms of the zoning scheme to allow for and agricultural industry (wine cellar) of $\pm 380\text{m}^2$.</p>

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

1. Roads

- 2.1** A stacking space of 25m must be provided for access to the development.

2. Development Charges (DCs)

- 2.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on the building plans. A final calculation will be provided prior to payment.
- 2.2 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.
- 2.3 The appropriate DC's are payable before building plan approval.

Ktitus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

Z:\2.0 DEVELOPMENT\01 Land Use applications\2647 (Ku) Farm 1832 Paarl (LU-16357 TP515-2023)\2647 () Farm 1832 Paarl (LU-16357 TP515-2023).doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2647
Development Name:	Franschoek Vigne D Or
Date:	05 November 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Franschoek
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 1832
DC Parameters Reference:	DC Land Use_ Ref: Site Plan_ Boogertman Partners_ Draw no: 1053_ Rev A

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Totals
Unit(s):	k/day	k/day	ha°C	l/week	trips/day		
Total Increased Services Usage:	12.656	10.9115	0.41935	0.6848	92.5375		
Total Service Usage Reduction:	0	0	0	0	46.3		
Total Service Usage after Reduction:	12.66	10.91	0.41935	0.685	46.3		
Charges before adjusting for positive only, before Deductions	R -	R -	R 66 607.13	R 70 397.45	R 871 205.99	R 1 008 210.57	R 1 105 031.24
Charges adjusted for positive only, before Deductions	R -	R -	R 66 607.13	R 70 397.45	R 871 205.99	R 1 008 210.57	R 1 105 031.24
Total Deductions:	R -	R -	R -	R -	R 435 602.99	R 435 602.99	R 435 602.99
Total Development Charges Payable (excluding VAT):	R -	R -	R 66 607.13	R 70 397.45	R 435 602.99	R 572 607.58	R 669 428.25
VAT:	R -	R -	R 9 991.07	R 10 559.62	R 65 340.45	R 85 891.14	R 100 414.24
Total Development Charges Payable (including VAT):	R -	R -	R 76 598.20	R 80 957.06	R 500 943.44	R 658 498.71	R 769 842.49

APPLICANT INFORMATION	
Application Processed by:	Kurt Titus
Signature:	<i>K Titus</i>
Notes:	

PK

Franchisehook																									
Land Use Category	Unit type	Existing Usage			Proposed New Usage			Permitted Use/Type	Development Charge Levied (excl VAT)										Community	Total					
		Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount		Result	Amount	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (incl VAT)									
									No	R	No	R	Yes	Yes	Yes	R	-	R	-	R	-	R	-		
Residential	Single Residential	>100m2	du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Single Residential	>500m2	du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Single Residential	>250m2	du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Single Residential	<250m2	du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Second Dwelling		du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Less Formal Residential		du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
Accommodation	Group Residential		du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Apartments		du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Retirement Village		du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Old age home		du					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Student Accommodation/Commune/Hostels	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Guest House	rooms					13	R	-	R	-	R	-	8 259.38	R	20 046.00	R	317 893.11	R	346 198.49	R	52 706.07	R	398 904.56	
Commercial	Converted Guest House	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	Hotel, Residential	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-			
	General Business	m2 GLA					244	R	-	R	-	R	-	5 913.33	R	5 016.64	R	110 492.76	R	121 322.73	R	4 395.25	R	125 717.98	
	Office	m2 GLA					190	R	-	R	-	R	-	4 526.78	R	3 906.40	R	146 267.06	R	154 700.23	R	3 422.53	R	168 122.76	
	Retail/Shop	m2 GLA					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Restaurant	m2 GLA					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Outdoor Function / Picnic Area	persons					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Conference Facility/Place of assembly	m2 GLA					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Hospital/Clinic/Medical Rooms	m2 GLA					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	University/College	student					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	School/Day Care	student					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - light	m2 GLA					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - heavy	m2 GLA					2015	R	-	R	-	R	-	48 007.64	R	41 428.40	R	296 553.06	R	385 989.11	R	35 296.83	R	422 285.94	
	Warehouse/Light Manufacturing	m2 GLA					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Non demand	Storage Facilities	unit					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Open Space/Natural Environment/Utility Site	ha					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Roads and Parking	ha					0.0000	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	To be calculated	n/a					0.0000	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Other	(Based on equivalent demands)	n/a					0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Total Area:		0				0	Total Area:																	
Charges before adjusting for positive only, before Deductions																									
Charges adjusted for positive only, before Deductions																									
Deduct	Deductions per service (from usage reductions)																								
	Discount Deduction (%)																								
	Percentage: 0.00%																								
Additional Deduction per service - from Service Agreement (sum)																									
Totals	Sub Total after Adjustments and Deductions (excluding VAT)																								
	VAT																								
	Total Development Charges																								

ANNEXURE L

COMMENT FROM DEADP



**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

ARCH TOWN PLANNERS
152 Dorp Street
Stellenbosch
7600

FOR ATTENTION: CARLIEN COETZEE

**REQUEST FOR PROVINCIAL PLANNING COMMENT: CONSENT USE FOR TOURIST FACILITIES,
TOURIST ACCOMMODATION AND PERMISSION FOR A WINE CELLAR: FARM 1832,
FRANSCHHOEK**

1. Your request for comment, dated 07 February 2024, has reference.
2. The application property is approximately 45,8ha in extent and is zoned "Agriculture and Rural Zone" in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2019.
3. The development as proposed is for the following:
 - Consent use for a tourist accommodation establishment comprising 10 units (13 bedrooms).
 - Consent use for tourist facilities (art gallery of $\pm 450\text{m}^2$, restaurant of $\pm 110\text{m}^2$, wine tasting and sales facility of $\pm 244\text{m}^2$ and a wellness centre of $\pm 540\text{m}^2$).
 - Permission in terms of the zoning scheme to allow an agricultural industry (wine cellar) of $\pm 380\text{m}^2$.
4. Whilst this Directorate has no objection to the provision of tourist facilities that facilitate diversification and value-adding, the supply of tourist accommodation should be carefully considered with due regard to the impact thereof on the rural landscape.
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. The Guidelines further recommends 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 separate resort zoning category, a tourist accommodation establishment comprising 10 units is equivalent to a small resort development as per the Rural Guidelines.
8. 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: 2024.02.28 15:31:13 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



ANNEXURE M

COMMNET FROM THE MANAGER: SPATIAL PLANNING



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Farm 1832, Paarl
LU No : LU/16357
Date : 10 May 2024
Re : Application for Consent Use and permission On Farm 1832, Paarl
 (Vigne D'Or Franschhoek)

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

Application is made for the following:

- **Consent Use** for a tourist accommodation establishment (10 units consisting of 13 bedrooms)
- **Consent Use** for a tourist facility (art gallery of $\pm 450\text{m}^2$; restaurant of $\pm 110\text{m}^2$; wine tasting and sales facility of $\pm 244\text{m}^2$; and wellness centre of $\pm 540\text{m}^2$)
- **Permission** required in terms of the zoning scheme to allow for and agricultural industry (wine cellar) of $\pm 380\text{m}^2$.

1) Opinion/reasoning:

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

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

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

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced

disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

The farm is situated between Stellenbosch, Paarl and Franschhoek, directly north of the Wemmershoek node, north of the R45 and directly west of the R301, which forms the eastern boundary of the farm. The farm takes direct access of the R301.

The application site is 145.8ha in extent and currently zoned Agriculture and Rural Zone. From a previous application it is identified that there are currently additional land use rights in place of the application site. These rights as confirmed by the zoning scheme include a permission for a spa of less than 250m² in the second dwelling.

The owner of the farm seeks to diversify the income on the farm by creating a high-end tourist destination that will serve the luxury market for tourist accommodation and tourist facilities. The owner also seeks to increase the agricultural activity on the farm through a wine cellar.

The proposal is to allow for a tourist facility, art gallery and restaurant (within a proposed new building), a wine tasting facility (in the existing workshop) and wellness centre (addition to spa / second dwelling); tourist accommodation establishment with 10 self-catering units (13 bedrooms) (in proposed new buildings); and agricultural industry, wine cellar (in new building).

As the combined total number of bedrooms to be used for tourist accommodation exceeds 7 bedrooms it is classified as a Tourist Accommodation establishment, which with the proposed wine tasting, and gallery and wine cellar requires approval from the Stellenbosch Municipality for a Consent Use.

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

- The protection and preservation of agricultural land, rural landscapes and biodiversity;
- Use of land for purposes of bona fide agricultural production or conservation;

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

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

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.

- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

This department did a site visit on 25 April 2024 and does not support the application for the proposed development as the new building consisting of the new art gallery, restaurant, wine tasting and sales facility and wellness centre has already been built without approval.

It is important to note that when approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farmland for agriculture. The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.

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

If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.