

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2026-09-18 FROM
10:00 - 15:00**



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2026-09-18 FROM 10:00-15:00**

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

2026-09-18

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

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

Mr J Benjamin: Senior Manager - Planning and Economic Development

Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use
Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the
**Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch on
FRIDAY, 2026-09-18 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 26 JUNE 2026

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 26th OF JUNE 2026 AT THE STELLENBOSCH COUNCIL CHAMBERS,
STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM
10H00-15H00**

**Ref. no. 3/4/5/2/40
2026-06-26**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P van Zyl

External Members

Mrs C Havenga

Mr D Leo

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr J Benjamin: Senior Manager – Development Planning

Mr A van der Merwe: Senior Manager - Community Services

Technical Advisor

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

Officials

Mrs C Kriel: Manager: Land Use Management

Mrs O Vergotine: Administrative Officer

Mr T King: Manager: Development: Infrastructure Services

Visitors

Mr Clifford Heys – Tv3

Mr Martin Lange – Abacus / Longlands

Mr Johan Oliver – Valley Collaborative

Mr Hendrik Brink - Valley Collaborative

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2026

ITEM	SUBJECT
SMPT 01/06/26	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.
SMPT 02/06/26	LEAVE OF ABSENCE
	Mr S Boshoff Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation Mr M Williams: Senior Legal Advisor Councillor - Ms T Kumm: Ward 8 and Mayoral Committee Member: Planning, Local Economic Development & Tourism Mr S Carstens: Senior Manager: Development Management
SMPT 03/06/26	DISCLOSURE OF INTERESTS
	None received
SMPT 04/06/26	MINUTES OF THE PREVIOUS MEETING DATED 29 MAY 2026
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/06/26	Discussion: <ol style="list-style-type: none"> Chairperson Crooijmans-Lemmer handed over to Mrs C Kriel to give a brief introduction of the application that served before the Tribunal. Mr Heys and Mr Lange made an oral presentation on behalf of the applicant as attached, referring to the submissions made in response to the matters previously raised by the MPT in the February and April meetings. Questions for clarity:

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2026

- i. In response to a query regarding the agricultural portions, Mr. Lange clarified that while the developer initially only purchased the middle section with development rights, they have since acquired the remaining portions. No immediate development is planned for these agricultural areas, though they may be integrated into future plans or utilised as recreational/landscaped spaces for the development.
- ii. A question was raised regarding the possibility of redesigning the layout to consolidate the two agricultural portions. Mr. Heys explained that the current approach maintains the layout from the previous decision to align access with the existing development. However, he noted that the two portions could be notarially tied.
- iii. Addressing a question on proposed community facilities, Mr. Lange suggested that a community hall might be more beneficial and preferred by the community over a recreational sports field or play park. He noted that the developer is willing to donate the steel structure for a hall. However, he raised a concern that constructing proper community facilities such as a hall is more costly and dependent on additional municipal funding, which could delay completion.
- iv. A question was asked about the possibility of consolidating the two agricultural portions of land by redesigning the layout. Mr. Heys responded, stating that the approach was to keep to the layout approved by a previous decision and align access to the existing development but that the two portions can be notarial tied.
- d. Mr. Olivier delivered an oral presentation on behalf of the objectors, Valley Collaborative (attached), focusing on the proposed development of Portion B, which is earmarked for housing.
- e. Questions for clarity:
 - i. When asked if the Valley Collaborative's interest in Portion B extended to the adjacent agricultural portion, Mr. Olivier responded affirmatively, confirming their intention to participate in any subsequent formal planning processes.
- f. Mr. van der Merwe confirmed that there is a recognised need within the broader Vloottenburg area for a community hall, stating that a multipurpose facility is preferred over a recreational sports field or "kick-about" area.
- g. Mr. Munro questioned the source of the funds for the community facility. It was confirmed that the R1.5 million allocation is a donation from the developer, not municipal funding. Mr. Munro reiterated that, legally, conditions of approval must be reasonable and directly arise from the development application under consideration. Any additional land or needs required must be acquired and funded by the Municipality. It was further noted that the donation of Portion B was agreed upon in a previous decision, and that the proposed development is not falling within a priority development area where inclusionary housing is mandatory.
- h. Unanimous support was given by the MPT members for the approval of the application, independent of the contributions offered by the applicant.

UNANIMOUSLY RESOLVED:

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2026

	<p>1. That the applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm No. 1307/2 and Farm No. 1307/3, Stellenbosch Division namely:</p> <p>1.1 The rezoning of the consolidated property from Subdivisional Area Zone as approved in 2015 to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses:</p> <p style="padding-left: 40px;">a) <i>Hundred and thirteen (113) x Conventional Residential Zone erven (erven 1 – 113) and approximately 2,93ha in extent, for dwelling houses.</i></p> <p style="padding-left: 40px;">b) <i>Six (6) x Private Open Space Zone erven (114-119) and approximately 1,79ha in extent, for open space purposes.</i></p> <p style="padding-left: 40px;">c) <i>One (1) x Private Open Space Zone erf (120) and approximately 1,40ha in extent for private road purposes.</i></p> <p style="padding-left: 40px;">d) <i>One (1) x Agriculture and Rural Zone erf (121) and approximately 2,3ha in extent for agricultural purposes.</i></p> <p style="padding-left: 40px;">e) <i>One (1) x Agriculture and Rural Zone erf (122) and approximately 1,43ha in extent for agricultural purposes and a wine cellar of 350m².</i></p> <p style="padding-left: 40px;">f) <i>One (1) x Multi-Unit Residential Zone erf (Portion B) and approximately 0,97ha in extent for group housing purposes.</i></p> <p>1.2 The subdivision of the consolidated property in terms of Section 15(2)(d) of the said Bylaw in accordance with Subdivision Zoning Plan No 1, 01 October 2024, and drawn by TV3 Architects Town Planners and Urban Designer; to allow for a residential development in accordance with the subdivisional zone above.</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>2.1 The approval only applies to the proposal under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>2.2 The development must be undertaken in accordance with the endorsed subdivision plan as referenced Subdivision & Zoning Plan No. 1, dated 01 October 2024, and drawn by TV3 Architects Town Planners and Urban Designers and attached as ANNEXURE C.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2026

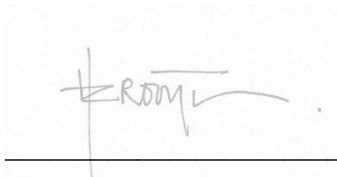
	<p>2.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>2.4 New erf diagrams or general plans for the newly created land units be submitted to this Municipality for clearance and record purposes.</p> <p>2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:</p> <ul style="list-style-type: none"> a) <i>Newly allocated Erf Numbers</i> b) <i>Co-ordinates</i> c) <i>Survey Dimensions</i> <p>2.6 A Landscaping Plan be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first, which plan must indicate the planting of mature trees to mitigate the heat island.</p> <p>2.7 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 (PN200 dated 20 November 2013) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).</p> <p>2.8 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 land unit or approval of any building plans, whichever occurs first to the satisfaction of the said department.</p> <p>2.9 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata development charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining development charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first land unit or approval of any building plans, whichever occurs first to the satisfaction of the said department.</p> <p>2.10 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 dated 11 September 2025, attached as ANNEXURE F.</p>
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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2026

	<p>2.11 The conditions imposed by the Department of Infrastructure (Transport Infrastructure Branch) in their letter dated 28 March 2025, attached as ANNEXURE G, be adhered to.</p> <p>2.12 A constitution of the owners' association which makes provision for the relevant matters in Section 29 of the subject Bylaw and Architectural Guidelines be submitted and approved by the Municipality prior to the registration of the first land unit or prior to the first building plan approval, whichever occurs first.</p> <p>2.13 Portion B (approximately 1 hectare), identified for housing purposes, be transferred to the Stellenbosch Municipality, upon registration of the first land unit of which the cost for surveying and transfer of such land unit be for the account of the applicant/developer.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 The proposal remains within the Urban Edge.</p> <p>3.2 All services could be provided and upgraded to the satisfaction of the relevant departments if needed.</p> <p>3.3 The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework.</p> <p>3.4 The proposed development will have a positive impact on the town's local economy as it indirectly will create many new employment opportunities during the construction phase.</p> <p>4. Matters to be noted</p> <p>4.1 That the approval of the naming and numbering of streets as per the proposed subdivision plan, BE DECIDED by the delegated official.</p> <p>4.2 An agreement regarding the social contribution offered by the applicant/developer to act as implementation agent for the intended housing project, as well as the provision of community facilities be entered into with the Municipality, which agreement takes into account the social contribution offered in the letter attached as ANNEXURE K.</p>
SMPT 06/06/26	OTHER MATTERS
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<p>1. A meeting with the Agricultural Society took place and the finalisation of the Draft Zoning Scheme Bylaw is underway for submission to Council.</p> <p>2. Groundwork is being done in preparation for the fourth generation IDP and a new MSDF.</p>

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 JUNE 2026

	3. The Municipality is envisaging to appoint services providers to assist with the implementation of the ATC and associated precinct planning.
6.2	APPEALS RECEIVED AGAINST MPT DECISION
	<ol style="list-style-type: none"> 1. A new appeal on Farm 468/28, Stellenbosch was received in June against a decision taken by the MPT. 2. The Appeal Authority in June decided on appeals on the following MPT decisions: <ul style="list-style-type: none"> • Erf 346, Stellenbosch • Farm 266/11, Stellenbosch • Farm 1557, Stellenbosch • The outcome of the decisions will be communicated once made public.
6.3	GENERAL

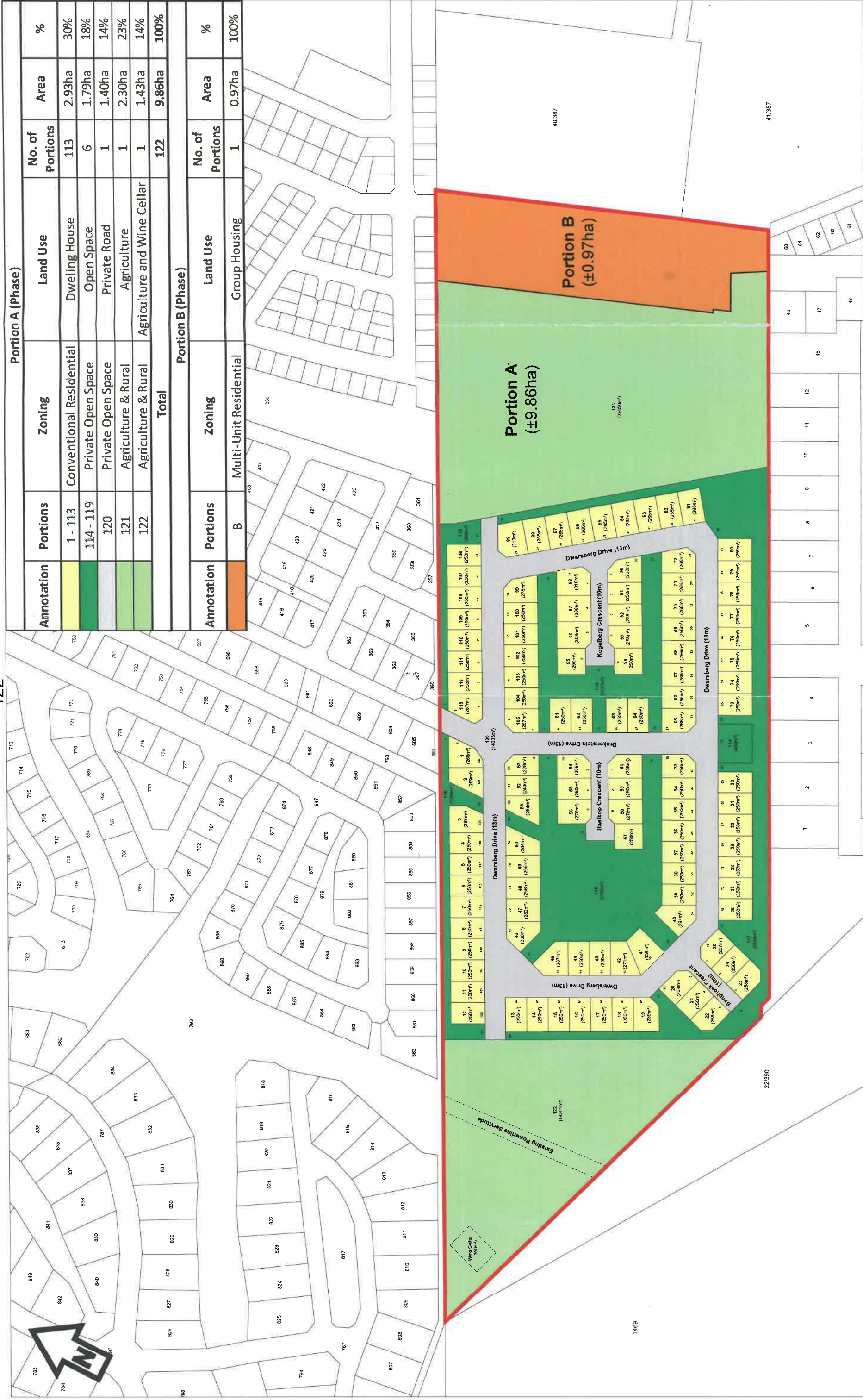

Mrs H Crooijmans-Lemmer**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

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

ANNEXURE C

**APPLICATION FOR THE AMENDMENT OF AN
APPROVED SUBDIVISIONAL PLAN AND SITE
DEVELOPMENT PLAN: FARM NO. 1307/2 AND FARM
NO. 1307/3, STELLENBOSCH DIVISION**

SUBDIVISIONAL PLAN



<div>  <div> ARCHITECTS TOWN PLANNERS URBAN DESIGNERS </div> </div>		FIRST FLOOR LA GRATITUDE OFFICE BUILDING 97 DORP STREET STELLENBOSCH 7600 TEL +27 (21) 861 3800 WWW.TV3.CO.ZA	
Property Description: <h1>Portions 2 & 3 of Farm 1307, Stellenbosch</h1>			
Drawing: <h2>Subdivision & Zoning Plan</h2>		Plan no.: <h2>1</h2>	
Date: 01/10/2024		Scale: 1:2000 (A3)	
Project no.: 4028-P		Drawn: WH	Checked: CH
Notation: Cadastral information obtained from Surveys and Mapping (DRDLR). Aerial Photography obtained on Google Earth.		* 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 F

**APPLICATION FOR THE AMENDMENT OF AN
APPROVED SUBDIVISIONAL PLAN AND SITE
DEVELOPMENT PLAN: FARM NO. 1307/2 AND FARM
NO. 1307/3, STELLENBOSCH DIVISION**

**COMMENT FROM THE DIRECTORATE:
INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	11 September 2025
Our Ref ▫ Ons Verw:	Civil LU 2853
Town Planning Ref:	LU/17766 – TP919/2024
Re ▫ Insake:	Farm 1307/2 &3, Stellenbosch: Application is made in terms of Section 15(2)(k) of the Stellenbosch Municipal Land Use Planning By-Law (2024) for the amendment of the approved subdivisional plan and site development plan to allow for the accommodation of 113 conventional residential erven (instead of the previously approved 54 erven) on Farm No. 1307/2 and Farm No. 1307/3, Stellenbosch Division. This development will form part of the Longlands Estate and access to the development will be via die Longlands Estate's main entrance on Polkadraai Road, and not via the Vloffenburg Road as originally approved.

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

- Civil Engineering Report ref 21209C/COR/CK/ck/07 by Lyners dated 8 October 2024
- Combined Services Layout Drawing No 21209-C-Fig3 Rev B by Lyners dated 2025-07-11 (**Annexure: Services**)

- TIS by UDS dated 13 Nov 2024
- Subdivision and Zoning Plan No 1 by TV3 dated 01/10/2024

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 The water connection is proposed to be to the existing private network of Longlands Estate. Therefore the water reticulation network of this development must also be linked to the bulk water meter of Longlands Estate so that the municipality only needs to read a single bulk water meter.

2. Roads

- 2.1 The following upgrades must be installed (see Annexure: Roads):

2.1.1 Signalisation of the Polkadraai Road / Access intersection.

- Must be according to municipal standards – please contact the Manager: Traffic Engineering for design input and approval.
- The cost hereof will be for the Developer.



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

3. Stormwater

- 3.1 The consent letter dated 11 July 2025 for the stormwater line across the property on which the Vloffenburg Primary School is located is acknowledged. We do however request that there be engagement with the school's management during detail design stage to ensure that they are aware of the project and to optimize the design so that all parties may benefit from the stormwater interventions. The usage of the school's sports field must not be negatively impacted by the stormwater infrastructure. The above requirements will be assessed during engineering drawing approval stage.
- 3.2 Provision must be made for stormwater from the school sports-field to tie into the proposed new pipe network.
- 3.3 The difference between the pre-and post-development run-off must be attenuated on site, as indicated on **Annexure: Services**. The detention pond, associated stormwater pipelines, inlet and outlet structures and erosion protection must be completed to municipal standards. All earthworks and trimming and shaping of the pond must also be completed. Details of the aforementioned stormwater infrastructure must be clearly indicated on the building plans and/or engineering drawings submitted for approval prior to construction.

4. Solid Waste

- 4.1 Refuse collection must be integrated with the refuse management of the Longlands Estate development.

5. Servitudes

- 5.1 All servitudes as indicated on the Combined Services Layout Drawing No 21209-C-Fig3 Rev B by Lyners dated 2025-07-11 (**Annexure: Services**), and any other servitudes identified at detail design stage, must be registered. The developer will be responsible for the registration of the required servitude(s), as well as the cost thereof.

6. Installation of Engineering Services

- 6.1 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.
- 6.2 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.

7. Development Charges (DCs)

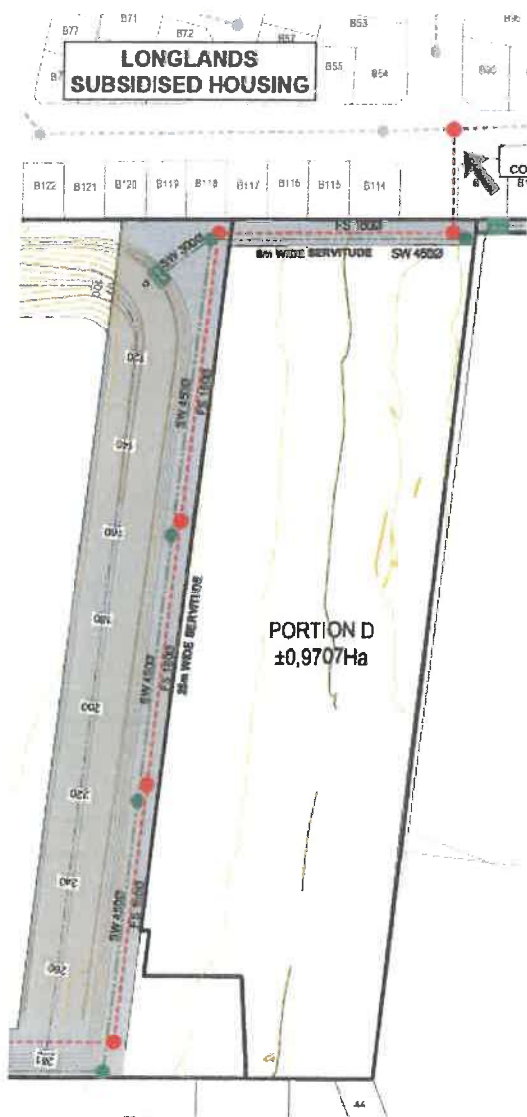
- 7.1 DCs are payable in accordance with the prevailing and applicable Council DCs Tariffs and DCs Policy at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first. The amount payable will therefore be the amount as calculated according to the approved tariff structure and according to the DCs Policy principles at the time that payment is made.
- 7.2 A DCs estimate is provided in **Annexure DC**. This calculation is purely provisional, based on the information available at this stage, and a final calculation will be provided prior to payment and based on the final/approved development parameters.
- 7.3 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.

8. As - Builts

- 8.1 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.

9. General

- 9.1 Portion D, as labelled on the Combined Services Layout Drawing, has been earmarked for social/municipal housing in future. The positioning of services and servitudes across this area must be sensitive to this and try to not sterilize potential development area on Portion D. More detail regarding the compatibility of the services with a potential cadastral layout of Portion D will be required at engineering drawing approval stage.



General Conditions

10. 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.
11. 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.
12. The internal services are private. Therefore, all internal services must be maintained by the Developer and/or Owner's Association.
13. 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\2853, 2202 (LU11601) 1024 and 1842 (TK) Farm 1307-2 and 3, Chantecler\2853 (TK) Farm 1307-2&3 Stellenbosch (LU-17766 TP919-2024), Chantecler 113 erven\2853 (TK) Farm 1307-2&3 Stellenbosch (LU-17766 TP919-2024)_2.doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2853 (TK) Farm 1307-2&3 Stellenbosch (LU-17766 TP919-2024)
Development Name:	Charlecler
Date:	11 September 2025
Financial Year:	2025/2026
Erf Location (Select from 7 Locations):	A8
School/ECD Category (Select Quintile 1-4 or 5 or N/A):	N/A
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Farm 1307 2&3
DC Parameters Reference:	Subdivision and Zoning Plan No 1 by TV3 dated 01/10/2024

SUMMARY OF DC CALCULATION								
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	l/d/day	l/d/day	ha°C	t/week	trips/day		persons	
Total Increased Services Usage:	79.1	67.8	2,599	4.52	452		452	
Total Service Usage Reduction:	0	0	0	0	0.0		0	
Total Service Usage after Reduction:	79.10	67.80	2,59900	4.520	452.0		452	
Charges before adjusting for positive only, before Deductions	R 2 401 098.69	R 2 420 874.39	R 467 208.60	R 478 660.78	R 3 055 257.17	R 8 823 099.63	R 1 887 782.52	R 10 710 882.15
Charges adjusted for positive only, before Deductions	R 2 401 098.69	R 2 420 874.39	R 467 208.60	R 478 660.78	R 3 055 257.17	R 8 823 099.63	R 1 887 782.52	R 10 710 882.15
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 2 401 098.69	R 2 420 874.39	R 467 208.60	R 478 660.78	R 3 055 257.17	R 8 823 099.63	R 1 887 782.52	R 10 710 882.15
VAT:	R 360 164.80	R 363 131.16	R 70 081.29	R 71 789.12	R 458 268.58	R 1 323 464.94	R 283 167.38	R 1 606 632.32
Total Development Charges Payable (including VAT):	R 2 761 263.49	R 2 784 005.55	R 537 289.89	R 550 459.90	R 3 513 545.74	R 10 146 564.57	R 2 170 949.90	R 12 317 514.47

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	Estimate only
Notes:	<div style="border: 1px solid black; padding: 5px;"> <p>DC calc is for the residential erven only. The Agricultural buildings DCs will be calculated at building plan stage. The Multi-Unit residential DCs will be calculated when a subdivision application is submitted.</p> </div>

A1

	Land Use Category	Land Type	Existing Land Use			Proposed Development			Priority	Development Charges (Excluding VAT)										Grand Total (incl. VAT)						
			Zone Type	Zone Code	Zone Name	Zone Code	Zone Name	Zone Description		Zone Code	Zone Name	Zone Description	Zone Code	Zone Name	Zone Description	Zone Code										
																	Yes	No	Yes		No	Yes	No	Yes	No	Yes
Residential	Single Residential >1000m2	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >500m2	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >250m2	du						113	R	2 401 068.69	R	2 420 874.39	R	487 208.60	R	478 660.78	R	3 055 257.17	R	8 823 066.83	R	1 587 782.52	R	10 710 882.15		
	Single Residential <250m2	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Second Dwelling	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Apartments	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Student Village	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Old age home	du						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Accommodation	Student Accommodation/Commune/Hostels	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Guest House	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Hotel, Residential	rooms						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Commercial	General Business	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Office	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Block/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	-
	Clubhouse/Function / Picnic Area	persons						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Farm Market	stall						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Gymnasium/Facility/Place of assembly	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Hospital/Clinic/Referral 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	-
	School/Day Care	student						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	Industrial - light	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - heavy	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Warehousing/Light Manufacturing	m2 GLA						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
New 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	-
Other	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	-
	Based on equivalent demands	n/a						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Total Area:		0						0																		
Total Area:		0						0																		
District	Charges before adjusting for positive only, before Deductions								R	2 401 068.69	R	2 420 874.39	R	487 208.60	R	478 660.78	R	3 055 257.17	R	8 823 066.83	R	1 587 782.52	R	10 710 882.15		
	Charges adjusted for positive only, before Deductions								R	2 401 068.69	R	2 420 874.39	R	487 208.60	R	478 660.78	R	3 055 257.17	R	8 823 066.83	R	1 587 782.52	R	10 710 882.15		
	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	-		
Tots	Final Total after Adjustments and Deductions (excluding VAT)								R	2 401 068.69	R	2 420 874.39	R	487 208.60	R	478 660.78	R	3 055 257.17	R	8 823 066.83	R	1 587 782.52	R	10 710 882.15		
	VAT								R	360 184.80	R	363 131.16	R	70 081.20	R	71 700.12	R	458 288.56	R	1 323 454.84	R	233 187.38	R	1 806 832.32		
	Total Development Charges								R	2 781 253.49	R	2 784 005.55	R	557 289.80	R	550 454.90	R	3 513 545.74	R	10 146 561.67	R	2 170 949.90	R	12 317 511.57		

ANNEXURE G

**APPLICATION FOR THE AMENDMENT OF AN
APPROVED SUBDIVISIONAL PLAN AND SITE
DEVELOPMENT PLAN: FARM NO. 1307/2 AND FARM
NO. 1307/3, STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT
OF INFRASTRUCTURE (TRANSPORT
INFRASTRUCTURE BRANCH)**



**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-25/520 (Application No: 2024-11-0096)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

PORTION 2 AND PORTION 3 OF FARM 1307, STELLENBOSCH: MAIN ROAD 177 AND DIVISIONAL ROAD 1065: APPLICATION FOR THE AMENDMENT OF THE PROPOSED CHANTECLER ESTATE'S SUBDIVISION PLAN

1. The following refer:
 - 1.1. The letter 4028-P from TV3 Architects, Town Planners and Urban Designers to you dated 15 October 2024 containing the Application and Motivation Report;
 - 1.2. The Subdivision and Rezoning Plan (4028-P) prepared by TV3 Architects, Town Planners and Urban Designers dated 1 October 2024;
 - 1.3. Concept Subdivision Plan (3604-P) prepared by TV3 Architects, Town Planners and Urban Designers dated 29 August 2024; and
 - 1.4. The letter UDS775/Reports/TIS from UDS Africa Consultants dated 13 November 2024 containing the Traffic Impact Statement (TIS).
2. Main Road 177 (MR177: Polkadraai Road) is affected by this application at the existing access to Longlands Manor which will also serve Portion 2 and 3 of Farm 1307 at $\pm$ km26.32 on the right-hand side (RHS). The Bonniemile Service Road has access at the same location on left-hand-side (LHS) as well as Divisional Road 1056 (DR1056: Vlottenburg Road) at $\pm$ km0.8 LHS;
3. The application entails the amendment of all previous Subdivision Plans for the subject properties to accommodate the latest proposed changes to the Chantecler residential estate (which will now consist of 113 single residential erven) for the '50-and-over' market also forming part of the Longlands Estate Homeowners' Association (HOA) and will be subject to Longlands Estate's HOA's Constitution and Design Guidelines. The details of the remainder of the development, which consists of agricultural land uses (including a wine cellar) on Portion A and social/group housing units on Portion B, will not change.

4. Previous approvals by Stellenbosch Municipality for the subject properties are as follows:
 - 4.1. 28 January 2015: Approval of the Rezoning and Subdivision to permit the development of the Chantecler residential estate (26 single residential erven), agricultural land uses (including a wine cellar), and 20 group housing units;
 - 4.2. 17 December 2015: Approval of the amendment of the revised Subdivision Plan for 54 single residential erven; and
 - 4.3. 17 November 2020: the Stellenbosch Municipality again approved the amendment of the revised Subdivision Plan.
5. The key findings and recommendations of the TIS are summarised as follows:
 - 5.1. This application aims to increase the number of single residential erven from 54 to 113, targeting the '50-and-over' market, with access via the Longlands Estate and Longlands Manor developments to/from MR177 instead of Digteby Estate.
 - 5.2. The previous approval included 54 erven with access via Digteby Estate.
 - 5.3. Traffic counts and analyses indicate that the signalised MR177/Longlands Manor access/Bonniemile Road intersection can accommodate the additional traffic from the proposed Chantecler residential estate.
 - 5.4. Public transport embayments and non-motorised transport facilities will integrate with the overall Longlands Development.
 - 5.5. Previous approval for the subject property (54 single residential erven) was for access from DR1065 using the existing Digteby Estate access.
 - 5.6. The updated development proposal includes 113 residential erven obtaining access via the Longlands Development onto Polkadraai Road.
 - 5.7. The proposed Chantecler residential estate development has the potential to generate 113 peak hour trips (28 in, 85 out during the AM peak hour and 79 in, 34 out during the PM peak hour), whereas the previous approval had the potential to generate 54 peak hour trips, resulting in an additional 59 trips.
 - 5.8. The signalisation of the MR177/Longlands Manor access/Bonniemile Road intersection is required to accommodate the overall Longlands Development. With the addition of the proposed Chantecler residential estate development traffic via the said access, the signalised intersection is expected to continue operating acceptably.
 - 5.9. The stacking space provided between the Longlands Manor access controls and Polkadraai Road (± 60 metres from Polkadraai Road, providing two inbound lanes as well as a separate lane and boom for service providers/contractors) is considered sufficient with the addition of the proposed Chantecler residential estate development traffic.
 - 5.10. Non-motorised transport facilities would integrate with the Longlands facilities, and public transport embayments are planned along Polkadraai Road (outbound legs of access-intersection) along with the signalisation of the intersection.

6. This Branch offers no objection to the Revised Subdivision and Rezoning Plan (Dwg: 4028-P) as prepared by TV3 Architects, Town Planners and Urban Designers dated 1 October 2024 subject to the following conditions;
- 6.1. Portion B must only be accessed via Longlands subsidised development off DR1056 at $\pm$ km0.8 LHS;
- 6.2. The MR177/Longlands Manor/Bonniemile Road intersection must be signalized when warranted;
- 6.3. The traffic signal design, layout and settings must be submitted to our Design Directorate (Mr Faiz Hunter - faiz.hunter@westerncape.gov.za) for final approval;
- 6.4. All previous approvals and conditions for prior Subdivision Plans for the subject property must be cancelled; and
- 6.5. Previous approvals and conditions for the Longlands Manor development remain in effect.
- 6.6. This Branch hereby in terms of Section 11 of Act 21 of 1940 approves the Subdivision of Portions 2 and 3 of Farm 1307 in accordance with the Subdivision and Rezoning Plan (4028-P) dated 1 October 2024 as well as the Concept Subdivision Plan (3604-P) dated 29 August 2024, both prepared by TV3 Architects, Town Planners and Urban Designers.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH
DATE: 28 MARCH 2025

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: landuse.enquiries@stellenbosch.gov.za)
2. Clifford Heys
Attention: Mr C Heys (e-mail: clifford@tv3.co.za)
3. UDS Africa
Attention: Me Y Obermeyer (e-mail: yolandi@udsafrika.co.za)
4. Mr DD Fortuin (e-mail)
5. Mr B du Preez (e-mail)
6. Mr E Smith (e-mail)
7. Ms R Beukes (e-mail)

ANNEXURE K

APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION: FARM NO.
1307/2 AND FARM NO. 1307/3 (TO BE CONSOLIDATED), STELLENBOSCH DIVISION

APPLICANT'S 2ND SUBMISSION ON
THE MPT'S REQUEST

Our Reference: 4028-P

Application No: LU/17766

10 June 2026

Directorate: Planning and Economic Development
Stellenbosch Municipality
Town House
7600 STELLENBOSCH

Attention: Ms. Chrizelle Kriel

Madam

RE: CHANTECLER: DEVELOPMENT OF FARMS 1307/2 AND 1307/3, STELLENBOSCH

1. We refer to the meeting held on Monday, 18 May 2026, with the applicant, yourself, Mr. Stiaan Carstens and Ms. Louisa Engelbrecht to discuss the reasons why the MPT did not take a decision on the Chantecler land use planning application.
2. The Chantecler land use planning application was considered by the MPT on 27 February 2026. At that meeting, the MPT referred the application back to Planning and Economic Development to address additional matters and concerns raised during its deliberations.
3. On 18 March 2026, the applicant submitted a written response to the MPT's queries. A copy of that letter is attached for ease of reference.
4. The application, together with the applicant's response, was again considered by the MPT on 24 April 2026. At that meeting, the MPT referred the application back to Planning and Economic Development for further clarity from the applicant, specifically regarding the two remaining agricultural portions of land, being portions 121 and 122.

- 5.1 The MPT wishes to know what is going to happen to portion 121 – see image below of the proposed subdivision plan.

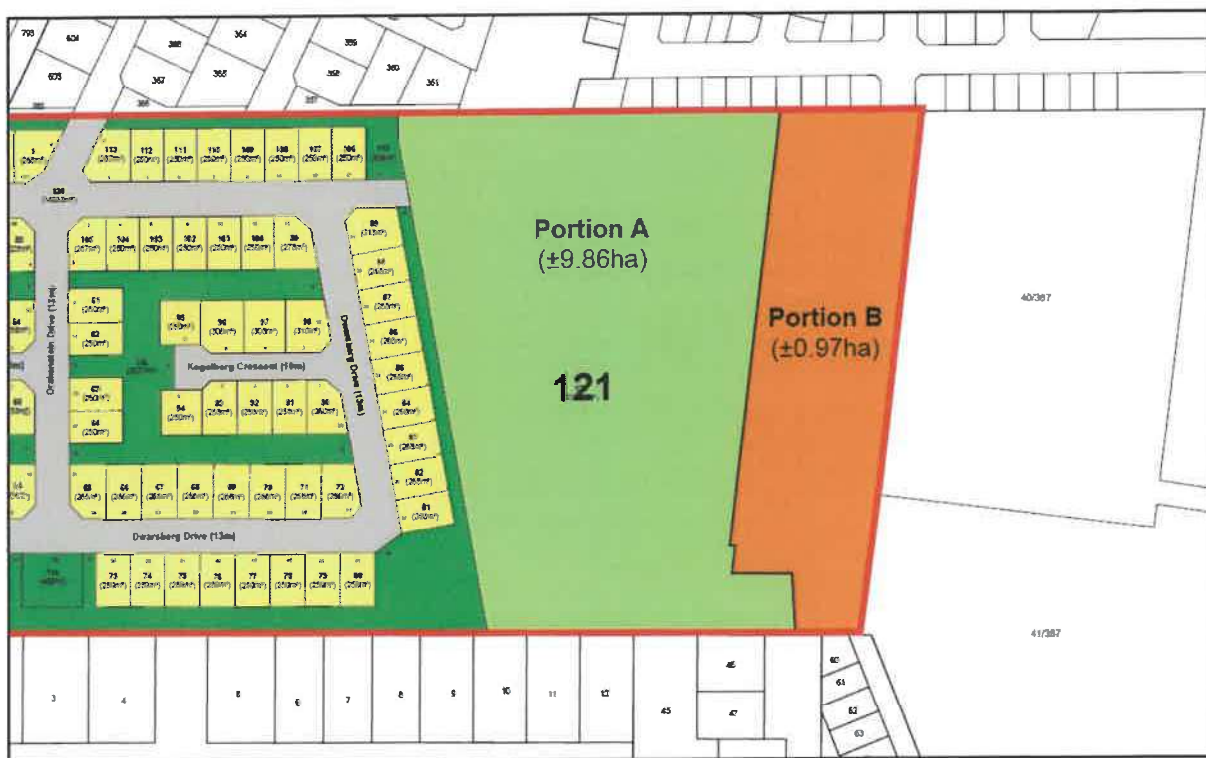


Figure 1: Extract of the proposed Subdivision Plan

In the short term, portion 121 will retain its current agriculture zoning and use as approved by the Stellenbosch Municipality on 17 November 2020 – see image below of the approved subdivision plan.

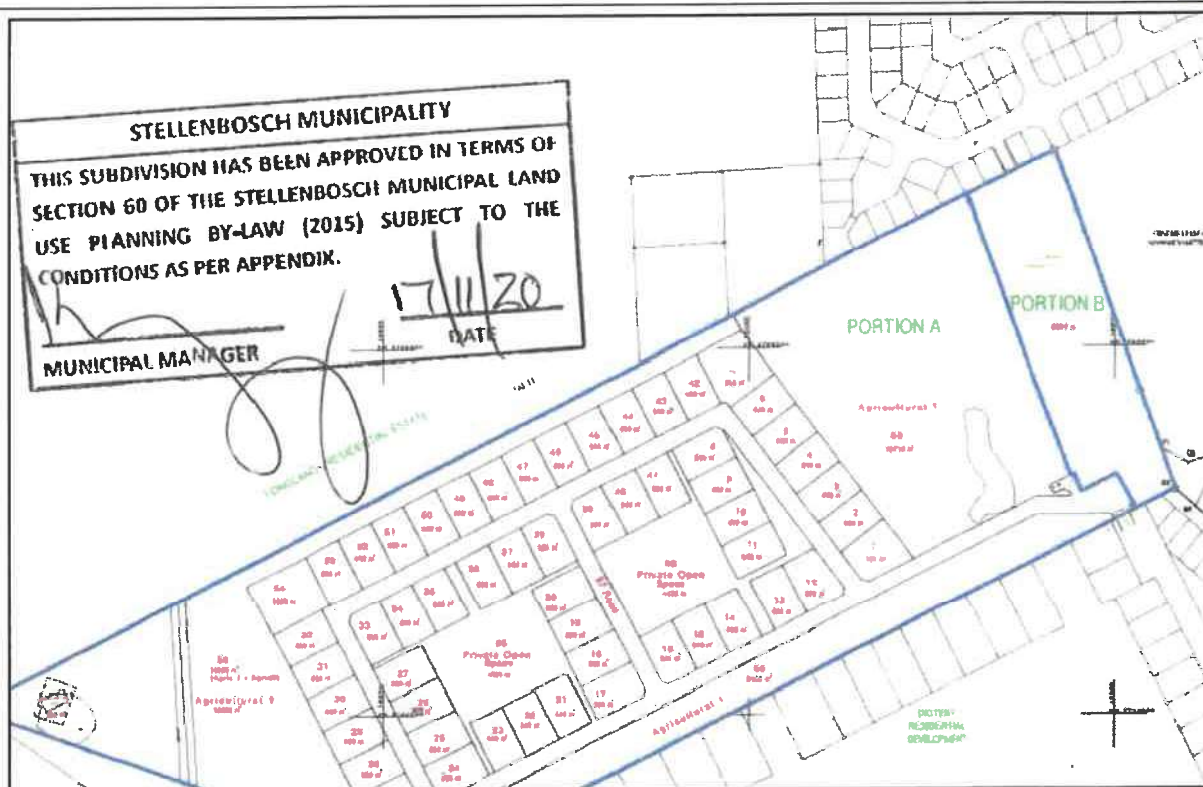


Figure 2: Extract of the approved Subdivision Plan

This application proposes no changes for portion 121. However, in the future, the applicant may investigate the possible development of portion 121 as an extension to Longlands Life. If it is a viable development option, then the applicant will submit the necessary land use planning applications to the Stellenbosch Municipality for assessment and a decision.

5.2 The MPT wishes to know how the proposed development will benefit the broader community.

The broader community will benefit in the following ways:

- **Provision of land for social housing**: The applicant will transfer a ± 1 ha land parcel free of charge to the Stellenbosch Municipality, to be used for social housing. The value of this land parcel is estimated to be $\pm R3$ million (un-serviced land).
- **Implementation support for social housing**: The applicant has offered to be the implementing agent for the social housing development project at no cost, following confirmation from the Stellenbosch Municipality that the project has been added to

the projected social housing runway and earmarked for development. Further to this, their service will commence following confirmation from Provincial Department of Informal Settlements that the project funding is available. The value of this service is estimated to be ±R500 000.

- **Delivery of a community, multi-purpose, recreational field as an extension to the pre-existing playground:** The developer had a meeting on 9 June 2026 with Albert van der Merwe, Garth Abrahams (Manager: Sport, Recreation & Halls) & Nazeema Mohamed, wherein the Developers proposal was discussed.

The Developer is willing to provide a recreational multi-purpose field as an extension to the existing playground area on Erf 346, Longlands – see image below. This will be a grass field with irrigation and some seating on the periphery. The value of this facility is estimated to be ±R1.5million.

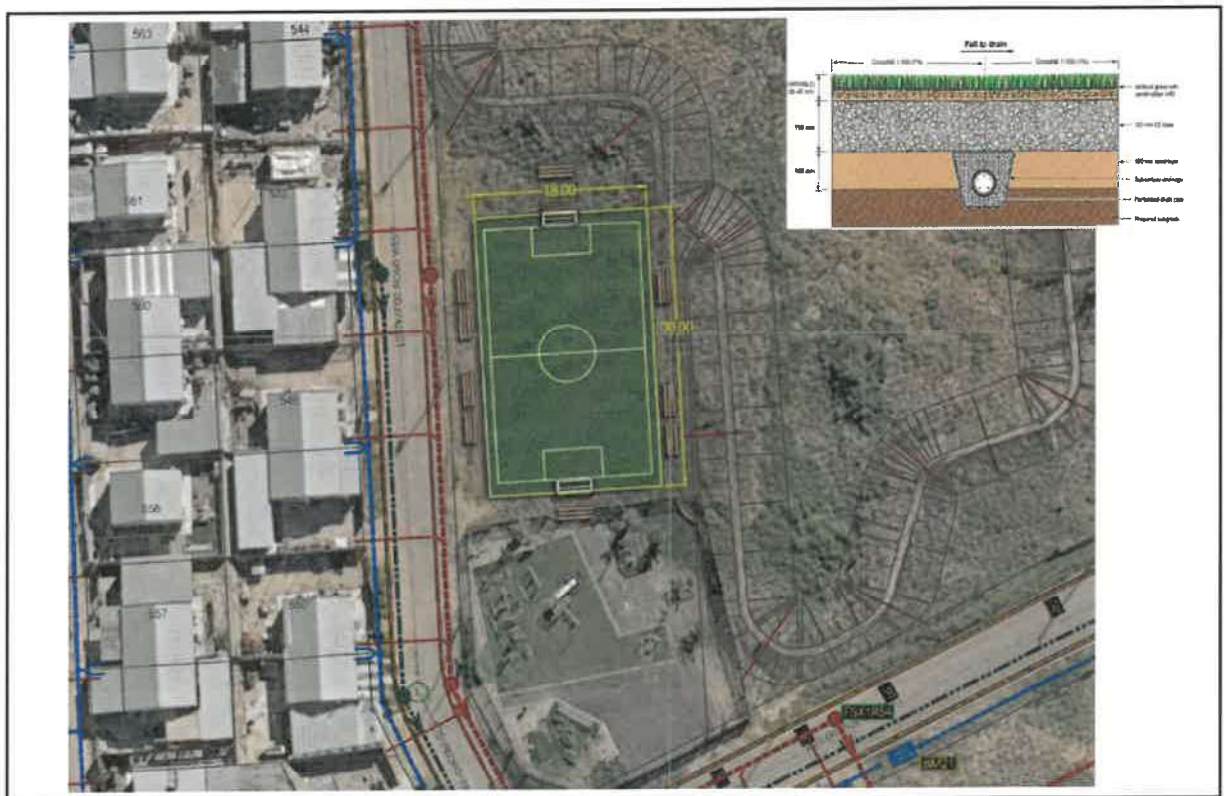


Figure 3: Proposed sporting facility on Erf 346, Longlands

In the event that the Municipality and or MPT are not in agreement with the above proposal, the Developer would be willing to donate these funds (±R1.5million) to the local community to assist with the construction of a new community hall, on the

identified erf. This would be done on the proviso that the funds are ring fenced for this specific end use. Further to this, the Developer has also retained the steel structure from the now demolished structure that the community used previously as their community hall.

- **Significant Development Charge contribution:** The applicant will pay Development Charges (in line with the Stellenbosch Municipality DC-policy) to the amount ±R12.3 million. It will be a once off payment to the Municipality which can be used by the Municipality for upgrades and improvements of municipal infrastructure and services in Vlootenburg to the benefit of the broader community.

6. We trust that the information set out above adequately addresses the MPT's outstanding questions and will assist in finalising the application for resubmission to the MPT for decision. The applicant respectfully requests an opportunity to attend the next MPT meeting to respond to any further questions the MPT may have

Yours faithfully



CLIFFORD HEYS

TV3 PROJECTS (PTY) LTD



**APPLICATION FOR CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT
 AND A DEPARTURE ON FARM NO. 90/20, STELLENBOSCH DIVISION**

CONTENT	
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STELLENBOSCH

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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 A DEPARTURE ON FARM NO.
90/20, STELLENBOSCH DIVISION.**

APPLICATION DETAILS

Application Reference	LU/18897 & TP1175/2025	Commencement Date	06 May 2025
Applicant	Andre Roux ARoux Town Planning	Last day for comments or additional information	12 June 2026 <u>Due date:</u> 12 October 2026
Farm nr	90/20 (see ANNEXURE A for locality plan)	Place	Devonvalley, Stellenbosch
Zoning	Agriculture and Rural Zone	Other approvals	Consent Use for tourist facility for a restaurant, wine tasting and sales facility and second dwelling unit. 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

Application is made for a Consent Use to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms) on Farm No. 90/20, Stellenbosch Division. The proposal also includes a departure to exceed the height and the coverage of some of the additional dwelling units.

The proposal entails the closure of the existing wine-tasting and wine sales facility and restaurant, and the conversion of the existing restaurant building to accommodate three (3) tourist accommodation units as part of the proposed tourist accommodation establishment. The proposal further includes the conversion of the existing approved second dwelling unit into three (3) guest accommodation units, as well as the conversion of the existing outbuilding into one (1) guest accommodation unit. See **APPENDIX C** for Site Development Plan.

2. Background and Application detail

a) Property Description and Development Context:

The subject property, also known as Kunjani Wines, is situated approximately 12km north-west of Stellenbosch and forms part of the Devon Vale Smallholding Area. The property is located south of the Devonvale Golf and Wine Estate and is accessed via Blumberg Drive. It has an extent of approximately 3.33 hectares.

The Devon Vale Smallholding Area is characterised by agricultural smallholdings generally ranging between approximately 3 and 8 hectares in extent. The properties are predominantly utilised for agricultural purposes, including vineyard cultivation and olive orchards. Some properties have diversified their agricultural operations through tourism-related land uses, including guest accommodation establishments, wine-tasting facilities and restaurants.

The subject property is predominantly utilised for vineyard cultivation and is developed with a primary dwelling occupied by the owners, an outbuilding containing one guest accommodation unit, a separate residential building comprising three guest accommodation units, and a tourism facility currently accommodating the Kunjani Wines Restaurant and wine-tasting facility.

b) Land Use Approval History:

Between 2016 and 2025, Stellenbosch Municipality granted a series of land use approvals relating to the establishment and operation of the wine-tasting facility and restaurant on the subject property. These approvals included the removal of restrictive title deed conditions and the granting of the Municipality's consent for a tourist facility. The most recent approval, granted in 2025, provided for amendments to the conditions of approval applicable to the restaurant.

The restaurant and wine-tasting facility have operated on the property for several years. The owners have now elected to discontinue these operations due to the operational demands associated with running the business..

c) Proposed Development:

In response to the demand for tourist accommodation and with the objective of supporting the continued economic sustainability of the farming enterprise, it is proposed to repurpose the existing restaurant building for tourist accommodation purposes.

The property currently accommodates four guest accommodation units for which municipal approval has not yet been obtained and which are therefore regarded as unauthorised. The application accordingly seeks to regularise these four existing units and obtain approval for three additional guest accommodation units within the existing restaurant building.

Following approval of the application, the property will accommodate a total of seven (7) guest accommodation units, all contained within existing buildings. The proposal will therefore not require the construction of any new buildings or external building additions. Only minor internal alterations to the existing restaurant building will be undertaken to facilitate the additional accommodation units.

Operation and Management:

All seven (7) guest accommodation units will operate on a self-catering basis. Breakfast will be made available exclusively to overnight guests and served within the balcony area of the existing restaurant building. A small kitchen will be retained within the building solely for the preparation of breakfast for guests staying on the property.

No restaurant or wine-tasting facility serving the general public is proposed as part of the application.

The primary dwelling will remain the permanent residence of the owners, who will continue to reside on the property and be responsible for the management and operation of the guest accommodation establishment.

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

- a) The proposal involves the conversion of an existing restaurant building to accommodate guest accommodation units. Combined with the existing (unauthorised) guest units on the property, the proposed establishment will have a total of 7 self-catering accommodation units, providing for a total of 10 bedrooms. All units will be established within existing buildings, with only minor alterations being required to accommodate the new units.
- b) The proposal aligns with SPLUMA and LUPA's development principles by sustainably reusing existing buildings, supporting rural tourism, and protecting agricultural land.
- c) The proposal is largely aligned with the policies and strategies of the Western Cape PSDF and the Stellenbosch SDF. While the number of tourist dwelling units exceed the guidelines in these documents, the deviation is justified due to site-specific circumstances. The establishment

remains small-scale, reuses existing buildings, and has no additional environmental or visual impact. It continues to support tourism without affecting agriculture.

- d) The proposal complies with the Zoning Scheme By-Law's provisions for a tourist accommodation establishment as a consent in the Agriculture and Rural Zone.
- e) The proposed tourist accommodation establishment supports the local tourism industry and will create several employment opportunities, thereby positively impact the local economy and support economic growth.
- f) The proposal is compatible with the area's rural tourism character, with many properties in the surrounding area containing existing guest accommodation facilities. It fits well within the existing landscape as a low-impact, small-scale use, without affecting the surrounding agricultural setting.
- g) The proposal will have no impact on existing agricultural operations, as existing vineyards will be retained and no productive land will be lost. The guest accommodation will provide an additional income stream for the property, thereby increasing its economic viability. The farm's dominant use will however remain agriculture.
- h) The proposal will have a positive traffic impact as guest accommodation generally generates fewer vehicular trips than restaurants.
- i) Adequate parking is provided on-site, with 14 surplus bays.
- j) As the accommodation units are within existing buildings, there will be no visual or environmental impact. The proposal does not affect the area's landscape character or heritage.

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. No objections were received from the interested and affected parties.</p> <p><u>The application was circulated to the relevant internal & external departments and the following departments gave comment:</u></p>

			<ol style="list-style-type: none"> 1. The Directorate: Infrastructure Services supported the proposal subject to conditions of approval. See ANNEXURE E for memo dated 15 September 2025. 2. The Department of Agriculture (Elsenburg) supported the proposal. The department however emphasized that the property is only 3ha in extent, which is very limited in terms of agricultural viability. The scale and intensity of the proposal exceed the provision of the Western Cape Land Use Provincial Guidelines for Rural Areas (2019), which requires that non-agricultural uses remain subservient to and supportive of bona fide farming activities. On a property with this limited size, the establishment of seven accommodation units represents a primary tourism use rather than an ancillary agricultural activity raising concerns about long-term precedent and gradual erosion of the rural land use base. See ANNEXURE F for letter dated 21 August 2025. 3. The Department of Transport Infrastructure supported the proposal. See ANNEXURE G for letter dated 01 December 2025. 4. The Manager: Spatial Planning's assessment is attached as ANNEXURE H, memo dated 12 June 2026.
Conditions imposed by departments	X		The Director: Infrastructure Services (see ANNEXURE E)
DCs applicable	X		Yes
Objections received		x	No

<p>Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65</p>		<p>1. <u>Spatial Development Framework</u></p> <p>The subject property is situated outside the urban edge and comprises high-potential agricultural. The area is intended to retain its rural and agricultural character, with agricultural production remaining the primary land use. Agri-tourism and farm-based tourism may be supported as supplementary uses where appropriately scaled, compatible with the agricultural function of the land, and supportive of the rural character and agricultural economy.</p> <p>The proposal entails the discontinuation of the approved wine-tasting facility and restaurant and the adaptive reuse of the existing restaurant building for three tourist accommodation units. Together with the four existing guest accommodation units to be regularised, this will result in a total of seven (7) accommodation units, all located within the established farmstead precinct on the southern portion of the property.</p> <p>A significant benefit of the proposal is that it is contained entirely within the existing developed footprint. No new buildings or extensions are proposed, and the existing structures are situated within an already disturbed farmstead area. The proposal will therefore not result in the loss of productive agricultural land or encroach upon the cultivated portions of the property, including the existing vineyards. The adaptive reuse of existing structures accordingly limits development-related impacts on the agricultural resource and makes more efficient use of existing infrastructure.</p> <p>Notwithstanding these site-specific benefits, the cumulative provision of seven accommodation units on a property of approximately 3.3 hectares represents a relatively intensive tourism use within the rural agricultural context. The scale and intensity of the proposed non-agricultural use therefore</p>
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		<p>raise concerns regarding its compatibility with the policy objective of maintaining agriculture as the primary function of the land. These concerns are further relevant in the context of the cumulative transformation of small agricultural properties towards lifestyle and tourism-oriented uses, which could, over time, undermine the broader rural and agricultural character of the Stellenbosch Farms area.</p> <p>Overall, although the proposal does not strictly conform to all applicable policy provisions relating to the scale of tourist accommodation on agricultural land, the site-specific circumstances provide merit in support of the proposed departure. In addition to retaining the property's productive agricultural activities and established development footprint, the proposal will replace the existing restaurant and wine-tasting operation with a less operationally intensive accommodation use. It will also contribute to the local tourism economy without requiring further development of the property. On balance, the proposal can therefore be regarded as a contained, low-impact and contextually appropriate form of tourism development within the established farmstead, while maintaining the property's primary agricultural function.</p> <p>Accordingly, the proposal is considered to be only partially aligned with the intent and objectives of the applicable MSDF, Heritage Survey and Western Cape Land Use Planning Guidelines, particularly in respect of the scale of the proposed tourism use. However, the limited physical and agricultural impact, continued agricultural use of the property, adaptive reuse of existing buildings and absence of any additional development footprint are considered to mitigate the policy concerns associated with the intensity of the proposed accommodation use.</p>
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2. Stellenbosch Municipality Zoning Scheme Bylaw

a) Dwelling units; second dwellings; additional dwelling units:

Given the size of the subject property (3,3ha) only a dwelling house, second dwelling unit and employee housing unit is allowed as a primary right.

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

The proposal constitutes the establishment of a total of seven (7) accommodation units; up and above the main dwelling.

Dwelling Units as primary use (except for main dwelling) as per approved building plans	Proposal
Second dwelling unit (indicated as cottages 4-6 on site development plan). Approved as second dwelling unit as per building plan nr's BP/98/0180 & BP/2005/956	Existing Cottage 1 = 90m ² (previously approved as manager's cottage)

			Employee housing unit Indicated as Cottage 1 on site development plan). Approved as a manager's cottage/employee housing unit as per building plan nr. BP/16/321	Cottage 2 = 65m ² (conversion of a portion of the existing tourist facility)
				Cottage 3 = 166m ² (conversion of a portion of the existing tourist facility)
				Cottage 4 = 158m ² (unauthorize conversion of a portion of the approved second dwelling unit)
				Cottage 5 = 74m ² (unauthorize conversion of a portion of the approved second dwelling unit)
				Cottage 6 = 76m ² (unauthorize conversion of a portion of the approved second dwelling unit)
				Cottage 7 = 72m ² (unauthorised conversion of an outbuilding)
<p>The Zoning Scheme further stipulates a maximum height of one storey for additional dwelling units, as well as a maximum coverage of 120m². Although Cottages 3 and 4 deviate from these prescribed requirements, the resultant impact is considered negligible, given that both structures are contained within existing buildings.</p> <p>The departures relating to the proposed height of the two accommodation units and the exceedance of the permissible coverage were not separately</p>				

			<p>advertised. However, all surrounding affected landowners were formally notified of the proposed development and afforded an opportunity to review and familiarise themselves with the proposed consent use for the tourist accommodation establishment and to submit any comments, representations or objections in respect of the application. The resultant impact of the departures is considered negligible, as the proposed accommodation units are contained within existing buildings and do not result in an increase in the existing building footprint or materially alter the established built form of the property.</p> <p>The establishment of the additional six (6) dwelling units cannot be justified solely in terms of the applicable development parameters, given the limited extent of the property and the definition and provisions applicable to additional dwelling units. Although a total of seven (7) units is proposed, one unit may be classified as a second dwelling unit. The proposal therefore requires site-specific justification for a departure from the applicable provisions of the MSDF.</p> <p>b) <u>Tourist dwellings/Tourist accommodation establishment</u></p> <p>Approval is required for the establishment of a second dwelling or additional dwelling units before such structures may be utilised for guest accommodation, tourist dwelling units or as part of a tourist accommodation establishment. In this instance, six (6) dwelling units were constructed without the requisite land use and building plan approvals. The current application accordingly seeks to regularise these structures and authorise their use as part of a tourist accommodation establishment.</p>
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			<p>Where the number or scale of buildings used for transient guest accommodation exceeds that ordinarily permitted for dwelling houses and additional dwelling units on a land unit, or where buildings other than the approved primary dwelling, second dwelling or additional dwelling units are utilised for transient accommodation, the use is required to be classified as a tourist accommodation establishment or hotel, depending on the nature of the accommodation and associated ancillary uses.</p> <p>The applicable policy guidelines, however, limit the establishment of such tourism-related uses in agricultural areas to properties exceeding 50 hectares. Given that the subject property is approximately 3.33 hectares in extent, the proposal does not comply with this policy provision and consequently requires site-specific consideration and justification.</p> <p>Notwithstanding this policy constraint, the proposal remains subservient to the primary agricultural use of the property, as required by the applicable Zoning Scheme Bylaw. The property continues to function as an active agricultural enterprise, predominantly used for vineyard cultivation, with the owner confirming that the grapes produced on the property are transported to a nearby winery for processing. The proposed accommodation use will therefore supplement, rather than displace, the property's established agricultural function.</p> <p>From an environmental perspective, the proposal does not fully comply with the applicable NEMA threshold, as the establishment may accommodate up to 20 guests, exceeding the threshold of fewer than 15 persons per land unit for guest accommodation outside the urban edge. This threshold is, however,</p>
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intended to identify developments that may warrant further environmental consideration and does not, in itself, establish that the proposed use will result in unacceptable environmental impacts.

In this instance, the potential environmental impacts are substantially mitigated by the fact that the proposal relies exclusively on existing buildings, with no new structures, extensions or additional development footprint proposed. The application will therefore not result in additional land disturbance or significant construction activity and will not encroach upon the productive agricultural areas of the property. The adaptive reuse of the existing structures consequently provides for a contained, low-impact form of tourism development that remains compatible with the established agricultural use and character of the property.

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 six (6) additional 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 is as follow (See **ANNEXURE D**):

- a) *The property currently has land use rights for a tourist facility, which includes a wine-tasting facility and a*

			<p>restaurant, following the approval of Council's consent applications. The property is therefore an established tourist facility and destination. The proposed guest accommodation facility ensures that an existing tourist facility is converted in use but will still support the local tourism industry without affecting existing agricultural operations.</p> <p>b) Compared to the existing tourist facility, the proposed guest accommodation will have a lesser impact on the environment and surrounding properties in terms of traffic and noise.</p> <p>c) The proposal ensures that existing buildings are repurposed and does not involve any additional structures. It will therefore not result in any additional visual impact or in existing agricultural land or natural area to be lost. It will be established in an area that has already been disturbed.</p> <p>d) Although the total number of dwelling units exceeds the maximum provision, the establishment is still considered to be small-scale with minimal impact on the surrounding environment.</p> <p>Notwithstanding the proposal's partial departure from the applicable Zoning Scheme, SDF and Rural Guidelines, consideration should be given to the specific site context and limited physical impact of the development. The application entails the adaptive reuse of existing buildings within the established farmstead, with no new structures, extensions or increase in the existing development footprint proposed. The associated alterations will be limited to internal changes, thereby substantially retaining the existing built form, architectural character and visual appearance of the property.</p>
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		<p>The proposal further entails the replacement of the existing restaurant and wine-tasting and sales use with tourist accommodation. This represents a less intensive use, with a reduced anticipated level of noise, visitor activity and vehicular movement. The change in use will therefore not materially increase the physical or environmental impact of development on the property.</p> <p>Importantly, the proposal will not compromise the continued agricultural use of the property or result in the loss of productive agricultural land. Instead, it makes efficient use of existing buildings and infrastructure while providing a supplementary tourism-related use within the established farmstead.</p> <p>In light of these site-specific circumstances, the proposal represents a contained and low-impact form of tourism development. The absence of additional physical development, retention of the agricultural function of the property and anticipated reduction in operational impacts collectively provide a reasonable basis for considering the departure, notwithstanding the applicable policy limitations.</p>
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DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	<p>The establishment will enhance local tourism by attracting visitors who contribute to the rural economy through their support of nearby wineries, restaurants and businesses. Additionally, it will create employment opportunities in hospitality services, housekeeping and maintenance. As a result, the proposal will have a positive impact on both the local economy and the broader community.</p>
Compatibility with surrounding uses	<p>The proposed tourist accommodation establishment is compatible with the surrounding land uses as the surrounding area is well known for its concentration of wine farms, restaurants and tourist accommodation facilities. The proposal aligns with the existing rural tourism character of the area and complements the broader tourism offering by providing additional overnight accommodation in close proximity to nearby</p>

	attractions. As a low-impact use within existing buildings, the proposed land use fits comfortably into this setting and reinforces the area's role without detracting from the agricultural function of the area.
Impact on the external engineering services	The tourist accommodation establishment will utilize the existing services on the property, ensuring no additional strain on existing infrastructure. The demand for services will likely be lower compared to the existing tourist facility land uses. With sufficient capacity available, the proposed accommodation can be easily accommodated without requiring any upgrades or additional service connections.
Impact on safety, health and wellbeing of the surrounding community	Noise levels will be reduced, as guest accommodation typically generates less noise than restaurants. Vehicular traffic will also decrease due to less frequent trips. This reduction in operational intensity will result in a more peaceful, low-impact use of the property, thereby preserving the rural ambiance. Furthermore, no additional infrastructure demands will be placed on municipal services, ensuring no negative impact on surrounding properties. The proposal will not accommodate any activities that could affect surrounding property owners' rights to use and enjoy their properties.
Impact on heritage	<p>The subject property forms part of the broader Stellenbosch Farms cultural landscape, characterised by long-established agricultural traditions, viticulture and a cohesive rural setting. More specifically, it falls within the locally identified "Vale" landscape, which comprises relatively small land parcels, generally between 3 and 5 hectares, with a mix of agricultural and residential development.</p> <p>Although this landscape differs in character from the adjacent Devon Valley, it forms part of the broader cultural identity of Stellenbosch, with agriculture remaining an important component of its sense of place and heritage significance.</p> <p>The potential cumulative impact of increasing non-agricultural land uses within this sensitive rural landscape is recognised, particularly where such uses result in additional development or visual intrusion. In this instance, however, the proposal involves the adaptive reuse of existing buildings, with no new structures, extensions or additional visual intrusion. The established built form and agricultural setting will therefore be retained, limiting the proposal's potential impact on the scenic</p>

	quality, rural character and heritage significance of the surrounding landscape.
Impact on the biophysical environment	<p>The subject property is situated on elevated ground in the upper Devon Valley, with east-facing slopes and extensive views across the Bottelary area and Devon Valley towards the Hottentots Holland mountain range. These views contribute to the scenic character of the area and the significance of Blumberg Drive as a Grade II scenic route.</p> <p>The surrounding area comprises a mix of agricultural and lifestyle properties, reflecting the evolving rural character of the Stellenbosch Farms landscape. The subject property remains actively used for agricultural purposes, including vineyard cultivation.</p> <p>The proposed development is well contained within the existing farmstead and involves the adaptive reuse of existing buildings. No new buildings, extensions or additional development footprint are proposed, and the cultivated areas of the property will remain unaffected. Consequently, the proposal will not result in additional land disturbance or significant changes to the existing topography, vegetation or landscape character.</p> <p>Given the limited physical intervention and retention of the existing built form, the proposal is expected to have a negligible additional impact on the biophysical environment. The continued agricultural use of the property, together with the reuse of existing infrastructure, further supports a low-impact approach that is compatible with the established rural landscape.</p>
Traffic impacts, parking, access and other transport related considerations	<p>Due to the previously approved wine-tasting facility and restaurant, a total of 23 parking bays is available for the proposed tourist accommodation establishment. This exceeds the required number of parking bays, ensuring efficient onsite parking. Furthermore, the proposal will not generate additional traffic impact. Instead, it will like result in a reduction in traffic compared to the current land uses, as restaurant typically attract mor frequent visitors than a tourist accommodation establishment.</p>
Whether the imposition of conditions can mitigate an	<p>Conditions will be imposed to mitigate possible adverse impact that the proposal might have on the surrounding area.</p>

adverse impact of the proposed use or development of land	
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KEY FINDINGS OF PLANNING EVALUATION

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

1. The application seeks consent use approval for a tourist accommodation establishment already in operation comprising seven guest accommodation units (10 bedrooms) on the approximately 3.33 ha property in the Devonvale. The proposal also includes departures relating to the height and coverage of Units 3 and 4. The existing wine-tasting, wine-sales and restaurant operations will be discontinued, with the existing restaurant building converted to accommodate three additional tourist accommodation units.
2. The proposal will result in a total of seven accommodation units, all contained within existing buildings. No new buildings, extensions or external additions are proposed, and only minor internal alterations to the existing restaurant building have been undertaken. The primary dwelling will remain the permanent residence of the owners, who will also manage the accommodation establishment.
3. The tourist accommodation as applied for will operate primarily on a self-catering basis, with breakfast provided exclusively to overnight guests. The existing kitchen will be retained for breakfast preparation, and no restaurant or wine-tasting facility serving the general public will form part of the proposed development. The change from the existing restaurant and wine-tasting use to tourist accommodation is expected to result in a lower-intensity use, with reduced noise, visitor activity and vehicular movement. Existing municipal services and infrastructure are considered sufficient to accommodate the proposal without requiring upgrades.
4. The property is situated outside the urban edge and within an area classified as high-potential agricultural land. The surrounding area is predominantly agricultural, with vineyards and olive orchards, although a number of properties have introduced tourism-related activities. Agricultural production remains the primary function of the area, while agri-tourism and farm-based tourism are recognised as potentially appropriate supplementary uses where they remain compatible with agriculture, are rural in scale and do not compromise agricultural production.
5. The principal concern with the proposal relates to the scale and intensity of the accommodation use rather than its physical development. Given the relatively small size (about 3.3ha) of the

property, only a dwelling house, second dwelling and employee housing are permitted as primary rights. The applicable zoning provisions and Rural Guidelines place significant restrictions on additional dwelling units in agricultural areas. The proposal effectively introduces six additional dwelling units over and above the primary dwelling and second dwelling and therefore exceeds the applicable provisions relating to the number and scale of additional units. It consequently requires site-specific justification for departure from the relevant spatial and land-use policies.

6. From a policy perspective, the proposal is therefore considered to represent over-intensification of the agricultural property. The MSDF and related rural planning policies seek to protect the agricultural function and rural character of the Stellenbosch Farms area, particularly in areas prioritised for maintenance rather than further development. The increasing conversion of small agricultural properties to tourism and lifestyle uses is regarded as potentially inconsistent with this objective. The proposal is consequently only partially aligned with the MSDF, Heritage Survey and Western Cape Land Use Planning Guidelines, particularly in relation to maintaining agricultural land and preventing incremental urbanisation of the rural landscape.
7. Notwithstanding these policy concerns, the proposal has several site-specific characteristics that reduce its potential impact. All accommodation units are located within existing buildings in the established farmstead precinct, and there will be no loss of vineyards or additional agricultural land. The adaptive reuse of the existing restaurant building avoids additional construction, land disturbance and visual intrusion. The tourist accommodation is also expected to be less intensive than the approved restaurant and wine-tasting operation, particularly in terms of traffic, noise and the frequency of visitors. These factors support the argument that the actual impact of the proposal may be considerably lower than suggested by the technical departures from the applicable policy provisions.
8. Given the limited physical intervention and retention of the existing built form, the proposal is expected to have a negligible additional impact on the biophysical environment. The continued agricultural use of the property, together with the reuse of existing infrastructure, further supports a low-impact approach that is compatible with the established rural landscape.
9. From an environmental perspective, the proposed establishment may accommodate up to 20 guests, which exceeds the applicable NEMA threshold of fewer than 15 persons per land unit for guest accommodation outside the urban edge. While this warrants consideration in the assessment of the application, the threshold is intended to identify activities that may require further environmental consideration and does not, in itself, indicate that significant environmental impacts will occur. In this instance, the use of existing buildings, with no new structures, extensions

or additional development footprint proposed, substantially limits the potential for additional environmental disturbance.

10. The proposal also offers economic and tourism benefits. It would retain a tourism-related use on a property that has historically operated as an established tourism destination, while replacing the more intensive restaurant and wine-tasting operation with accommodation. The establishment could attract visitors who contribute to the local economy through expenditure at surrounding wineries, restaurants and other businesses, while also creating employment opportunities in hospitality, housekeeping and maintenance. The proposed accommodation is considered compatible with the existing tourism character of the broader area, which already contains numerous wine farms, restaurants and accommodation establishments.

11. In terms of traffic and parking, the property already has 23 parking bays associated with the previously approved tourism uses, which exceeds the parking requirement for the accommodation establishment. The proposal is therefore not expected to create parking pressure or additional traffic impacts. On the contrary, the change from a restaurant to tourist accommodation is anticipated to reduce the frequency and intensity of vehicle movements to and from the property.

12. The adaptive reuse of existing buildings avoids additional land disturbance, construction and visual intrusion, while the replacement of the existing restaurant and wine-tasting use with tourist accommodation is expected to reduce traffic, noise and visitor activity. On balance, the proposal provides an appropriate opportunity to retain a complementary tourism use on the property while maintaining its primary agricultural function and making efficient use of existing infrastructure. The limited physical and environmental impact continued agricultural use and site-specific characteristics are considered sufficient to address the applicable policy considerations and support approval of the proposed departure.

During a site visit it was confirmed that all accommodation units have already been constructed as indicated on the floor plans and are operational. A contravention penalty will be payable upon approval of the application.

Having regard to the conclusions set out above, the proposed land use and development is considered to depart from certain provisions of the MSDP and the objectives of the Zoning Scheme By-law. However, the site-specific circumstances and merits of the proposal provide sufficient justification for the departure and support the approval of the application.

List relevant plan numbers

DRAWING NO. 100, 200, 300, 201_DATED 17 APRIL 2025 AND 05 MARCH 2025, AND DRAWN BY RCD DESIGNS,

List annexures to report	ANNEXURE A: LOCALITY PLAN ANNEXURE B: PREVIOUS APPROVALS ANNEXURE C: SITE DEVELOPMENT PLAN/SITE PLAN ANNEXURE D: APPLICANT'S MOTIVATION, PHOTOS AND SITE-SPECIFIC MOTIVATION ANNEXURE E: COMMENT FROM THE DIRECTORATE: INFRASTRUCTURE SERVICES ANNEXURE F: COMMENT FROM THE DEPARTMENT OF AGRICULTURE (ELSENBURG) ANNEXURE G: COMMENT FROM THE DEPARTMENT OF TRANSPORT INFRASTRUCUTRE ANNEXURE H: ASSESSMENT FROM THE MANAGER: SPATIAL PLANNING
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RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use and Departure on Farm No. 90/20, Stellenbosch Division to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 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 permitted on a property of 3.3ha 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. 90/20, Stellenbosch Division to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms) does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 The proposed development involves the adaptive reuse of existing buildings, with no new structures, extensions or external additions proposed.

3. That the applications in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-Law, 2024 on Farm No. 90/20, Stellenbosch Division for:

- 3.1 **Consent Use** in terms of section 15(2)(o) of said bylaw to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms), replacing the existing restaurant and wine-tasting and sales facility; and
- 3.2 **Departure** in terms of section 15(2)(b) to exceed the height of two dwelling units (Cottage 3 and 4) to two storeys in lieu of one storey, and the coverage of one dwelling unit (Cottage 3) from 120m² to 166m²,

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 proposal 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 development be implemented substantially in accordance with the **DRAWING NO. 100, 200, 300, 201_DATED 17 APRIL 2025 AND 05 MARCH 2025, AND DRAWN BY RCD DESIGNS**, and attached as **ANNEXURE C**.
- 4.3 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.
- 4.4 The tourist accommodation establishment must be confined within the footprint of existing buildings converted to seven (7) self-catering units, and no new buildings must be constructed.
- 4.5 The tourist accommodation units hereby approved shall be used exclusively for transient guest occupancy on a short-term basis. No long-term leases or permanent residential agreements shall be entered into for any unit. The units are strictly restricted to self-catering tourist use; they may not be utilised as "additional dwelling units" or primary residences for permanent occupants
- 4.6 The conditions imposed by the **Directorate: Infrastructure Services** as contained in their memo dated 15 September 2025, attached as **ANNEXURE E**, be complied with.

- 4.7. The tourist accommodation establishment be subservient to the dominant agricultural use of the property.
- 4.8 No employee housing for farm workers may be developed in the place of the former employee housing units that are converted to tourist dwelling units / tourist accommodation establishment approved in this application, and should the need arise for such employee housing units for farm workers in future, the existing tourist dwelling units be converted back to its original use as employee housing units.
- 4.9 The tourist accommodation establishment for the use of existing buildings is restricted to the said buildings and no extension in the number of units or the size of its footprints are permitted, and the land use right for the tourist accommodation establishment may not be repurposed into any newly build or redeveloped structures, and the existing structures may also not be repurposed for any other non-agricultural use.
- 4.10 The tourist accommodation establishment and its associated facilities are reserved for the exclusive use of overnight transient guests. The site may not be used as a function venue or for the hosting of events, including but not limited to weddings, receptions, conferences, or training sessions. Use of the facilities by day visitors or any persons other than registered overnight guests is strictly prohibited. No self-catering unit may be utilised for any purpose other than guest lodging; specifically, no organised group activities or gatherings are permitted within the units.
- 4.11 A landscaping plan be submitted to and approved by the Municipality with the submission of building plans for approval. The landscaping plan shall provide for appropriate indigenous landscaping and tree planting to reinforce and complement the existing werf character of the property. The plan shall also incorporate measures to adequately screen parking areas and built form from public and neighbouring views.
- 4.12 The land use to 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 Western Cape Noise Control Regulations, 2013, PN. 200/2013 made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 4.13 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification that the approval comes into operation and prior to the approval of any building plan.

- 4.14 Building plans for all existing unauthorised structures or uses be submitted to and approved by the Municipality and no land uses associated with any unauthorised structures may commence operating before building plan approval.
- 4.15 The approval of any building plan is subject to full compliance with all relevant and qualified conditions of land use rights to be indicated on the *Town Planning Compliance Checklist for Building Plans* to be submitted with an application for the approval of the building plan.

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

- 5.1 The proposal is contained entirely within the established farmstead and makes use of existing buildings. No new buildings, extensions or additional development footprint are proposed.
- 5.2 The property will continue to operate as an active agricultural holding, including vineyard cultivation. The tourism accommodation will therefore function as a supplementary use and will not displace the primary agricultural activity.
- 5.3 The accommodation establishment replaces the existing restaurant and wine-tasting and sales operation. It is anticipated to generate less traffic, noise, visitor activity and associated disturbance than the previous public-oriented tourism use.
- 5.4 The accommodation is located within the existing buildings and will not encroach upon or require the conversion of vineyard areas or other productive agricultural land.
- 5.5 The proposal will retain the existing buildings and will not introduce new structures or significant visual changes. This limits its potential impact on the Stellenbosch Farms cultural landscape and scenic qualities.

6. Matters to be noted

- 6.1 The approved land use rights only come into effect once all suspensive conditions or relevant legislative provisions, including the payment of the contravention penalty, have been complied with.
- 6.2 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 Spatial Planning Department: Heritage Resource Management [be in line with the signage policy of the Municipality].

- 6.3 No directional signage be erected without the prior approval of the Provincial Roads Engineer and/or the Municipality.
- 6.4 The applicant shall obtain written confirmation from the competent environmental authority as to whether the proposed development triggers any listed or specified activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the applicable Environmental Impact Assessment Regulations.
- 6.5 A liquor license be obtained from the relevant authority, if required.
- 6.6 Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc, then application be made for the relevant business license. Should food be prepared or handled, then application also be made in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability (COA) for food premises in terms Regulation 638 of 22 June 2018 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.
- 6.7 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 be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or*
 - c) The property be used for any unauthorised uses not permitted in terms of this approval,*
the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

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

Name: Louisa Engelbrecht
Capacity: Senior Town Planner
Signature: [Signature]
Date: 04/09/2026

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: [Signature] Carstens

Capacity: [Signature]
SACPLAN Registration: A/1551

Signature:

Date: [Signature] 4/9/2026

CONDONATIONS OF ERRORS OR OMISSIONS DURING THE PROCESSING OF THE PLANNING APPLICATION

Authorised Official to condone errors or omissions

As the duly authorised official the error in the processing of the land use and land development application to not advertise the application for departure as prescribed

BE CONDONED in terms of section 63(2) of the said Bylaw.

Reason for the decision:

- (i) The surrounding affected landowners were formally notified of the intent of the proposal and were afforded an opportunity to familiarise themselves with the proposed consent use for the tourist accommodation establishment and to raise any comments or objections.
- (ii) The nature and extent of the proposal were communicated and therefore the public participation process achieved its intended purpose.
- (iii) The resultant impact of the proposed departure is considered negligible given that the structures are contained within existing building.

Name:

Steenie Castens

Capacity:

SMAM

Signature:

[Signature]

Date:

4/9/2026.

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: *Chrizele Kriel*

Capacity: *MLM*

Signature: *[Signature]*

Date: *04-09-2026*

ANNEXURE A

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

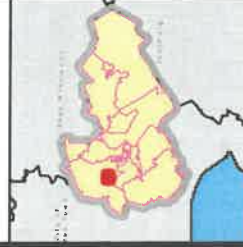
LOCALITY PLAN

Locality Map - Erf 90/20, Stellenbosch

SCALE

1:9 027,98

Legend

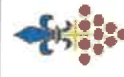


Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2025/12/01



Author: Stellenbosch Municipality



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

This map is a representation of the information currently held by the Stellenbosch Municipality. It is not a legal document and should not be used for legal purposes. The map is provided for information only and the user assumes all responsibility for any errors or omissions. The map is not a guarantee of accuracy and the user should verify the information before using it for any purpose.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NKGAN, GeoBasis, IGN, Kasaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community.

ANNEXURE B

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

PREVIOUS APPROVAL

Enquiries	L Ramakuwela / U von Molendorff
Your ref	-
Our ref	Portion 20 of Farm 90, Stellenbosch
Application No	LU/4062
Date	2015-12-28
Telephone	021-808 8645 / 8682
Fax	021-886 6899

REGISTERED MAIL

Emile van der Merwe Town Planning Consultants
P O Box 204
Stellenbosch
7599

Sir

FILE NR:	OUTGOING POST
90/20	LU/4062
SCAN NR:	
COLLABORATOR NR:	
402011	

APPLICATION FOR CONSENT USE: PORTION 20 OF FARM NO 90, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Director: Planning and Economic Development at a recent meeting resolved as follows:

1. That **approval be granted** in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance (Ordinance 15 of 1985) and promulgated under P.N. 1048/1988, for a consent use for a tourist facility in order to establish a wine tasting and sales facility on the property (305.7m²) as indicated on Drawing No. 001 dated 06-02-2015 drawn by Dennis Moss Partnership, attached as **Appendix 3**, subject to conditions set out in **Appendix 1**.
2. That **approval be granted** in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance (Ordinance 15 of 1985) and promulgated under P.N. 1048/1988, for a consent use for a second dwelling unit on the property (245m²) as indicated on Drawing No.2005/URS/01, dated 06-02-2015, drawn by AP KOK, attached as **Appendix 4**, subject to conditions set out in **Appendix 1**.

Kindly note that the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Kindly also note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

Kindly be advised that 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 terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

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 R 800,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality,

25/1/16

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

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter are heard.

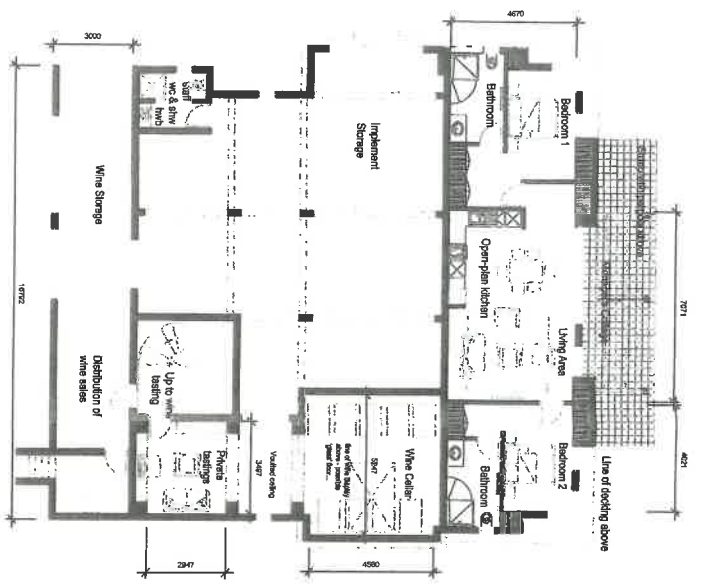
Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 **no longer exist**, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared **unconstitutional** by the Constitutional Court in its unanimous judgment* on **4 April 2014**, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.

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.

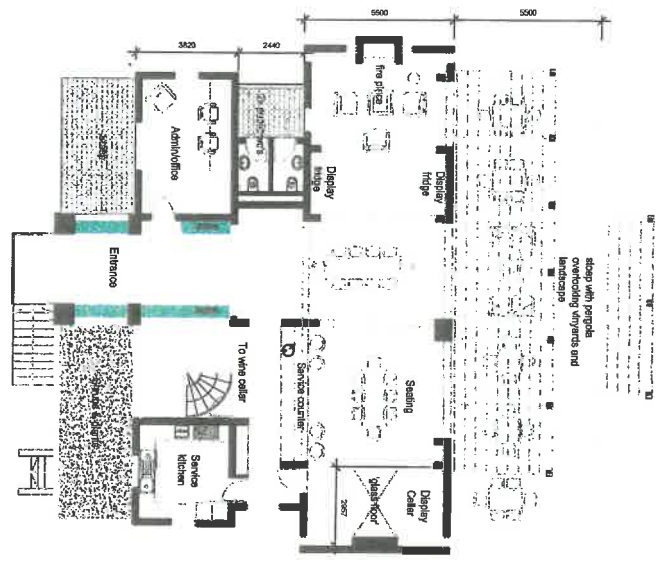
Yours faithfully

for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

REGISTERED LETTER SBP 90/2014 GEREGISTREERDE BRIEF Post Office (with an insurance option/met 'n versekeringsopsie)		Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____	
Full tracking and tracing/Volledige volg en spoor Addressed to/Geadresseer aan E. v. d Merwe Town Planning Consultants PO Box 204 Stellenbosch 7599 Postcode/Postkode		Insured value of contents Versekerde waarde van inhoud R _____ C Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregisteerde briewe van toepassing.		Initial of accepting officer 	Date stamp FOLIO 704281
REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC 069 381 290 ZA CUSTOMER COPY 301028R kliëntafskrif		Paraaf van aanneem-beampte Datumstempel	



66 Ground Floor Plan - scale 1:100



First Floor Plan - scale 1:100



South elevation - scale 1:100

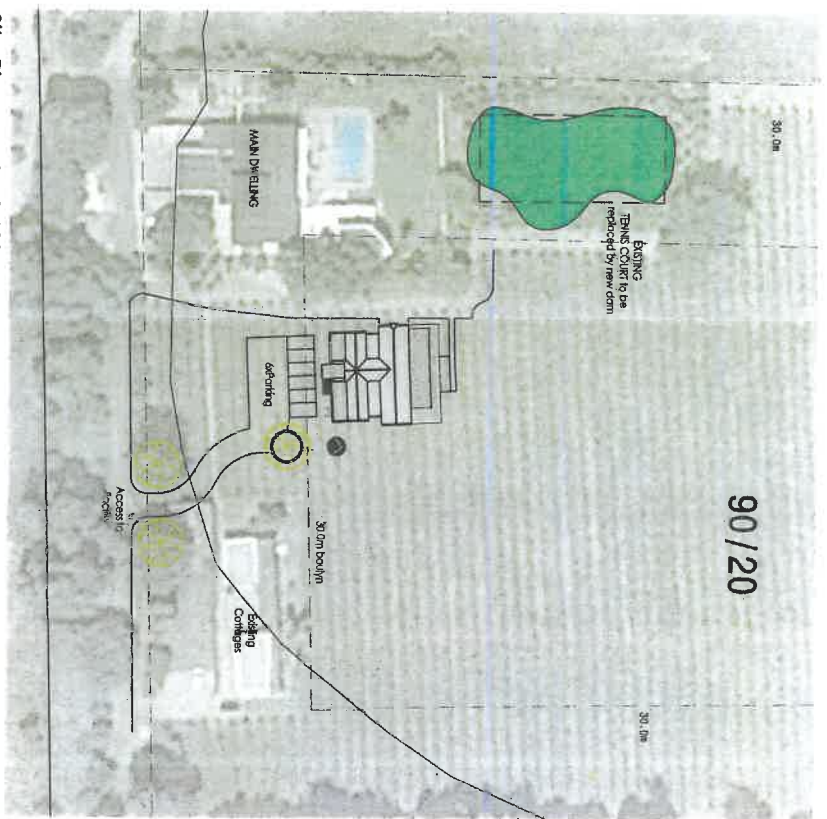


West elevation - scale 1:100



North elevation - scale 1:100

Site Plan - scale 1:500



CONSTRUCTION AREAS:

Wine tasting facilities	- 112 m ²
Display cellar	- 17.5 m ²
Kitchen, admin, wc's & stairs to cellar	- 61.9 m ²
Implement storage	- 133.7 m ²
Wine cellar & private tasting	- 53.3 m ²
Wine store	- 50.4 m ²
Covered entrance	- 13.3 m ²
TOTAL	- 442.1 m ²

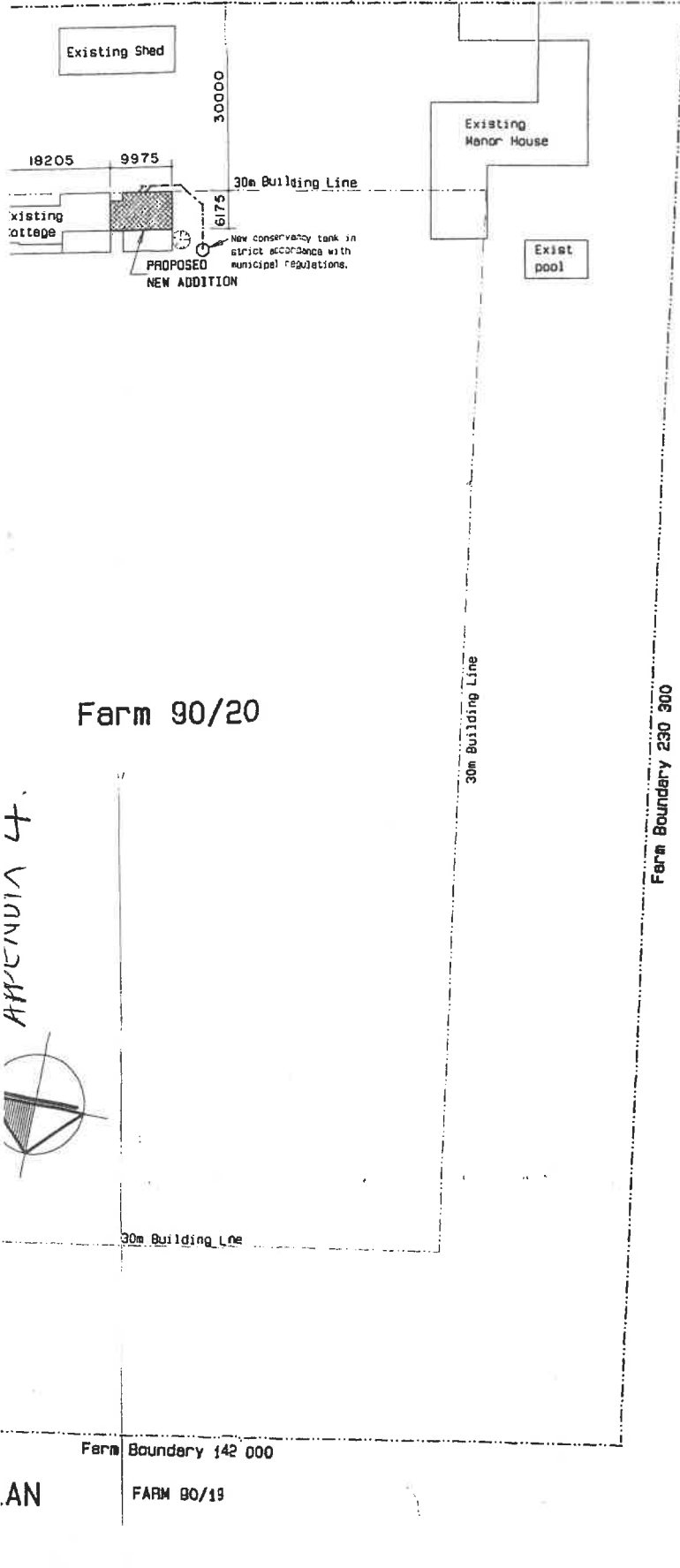
Kap Vino Estate, Wine tasting Facility
Client: Pica Watermeyer

H 4053 - 6..2015 - CONCLPT 3 Dwg.001

Plans, Elevations and Site Plan - scale as shown

ROAD 80

Farm Boundary 144 800



ALLE TEKENINGE EN AFMETINGS MOET NAGESIEN EN VERGELYK WORD VOOR MATERIAAL BESTEL EN ENIGE BOUWERK BEGIN WORD. VERSKILLE MOET DADELIK ONDER DIE AANDAG VAN ARGITEK GEBRING WORD. KOPIEREG WORD VOORBEHOU OP ALLE TEKENINGE EN ONTWERP

ALL DRAWINGS AND DIMENSIONS MUST BE CORRELATED BEFORE ANY MATERIALS ARE ORDERED OR BUILDING WORK COMMENCES. ANY DIFFERENCES MUST BE BROUGHT UNDER THE ATTENTION OF THE ARCHITECT IMMEDIATELY. COPYRIGHT IS RESERVED ON ALL DRAWINGS AND DESIGNS

REVISIONS:

rev. no.	date	name	description

CLIENT:

ARCHITECT:



ARNO KOK

ARCHITECTURAL DESIGN
AND DRAUGHTING

P.O. BOX 7088 STELLENBOSCH 7599
CELL: 082 783 0756

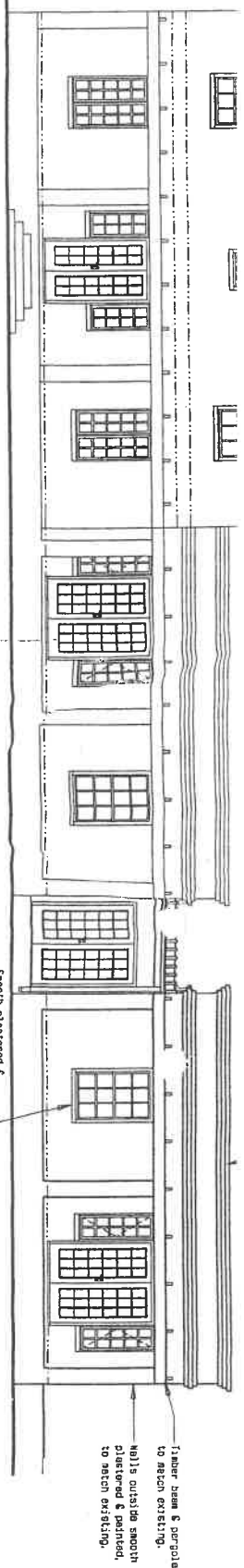
SKEMA / PROJECT

**ADDITIONS TO EXISTING COTTAGE
FOR MR. & MRS. URS ALLEMANN ON
FARM 90/20, DEVON VALLEY ROAD
STELLENBOSCH**

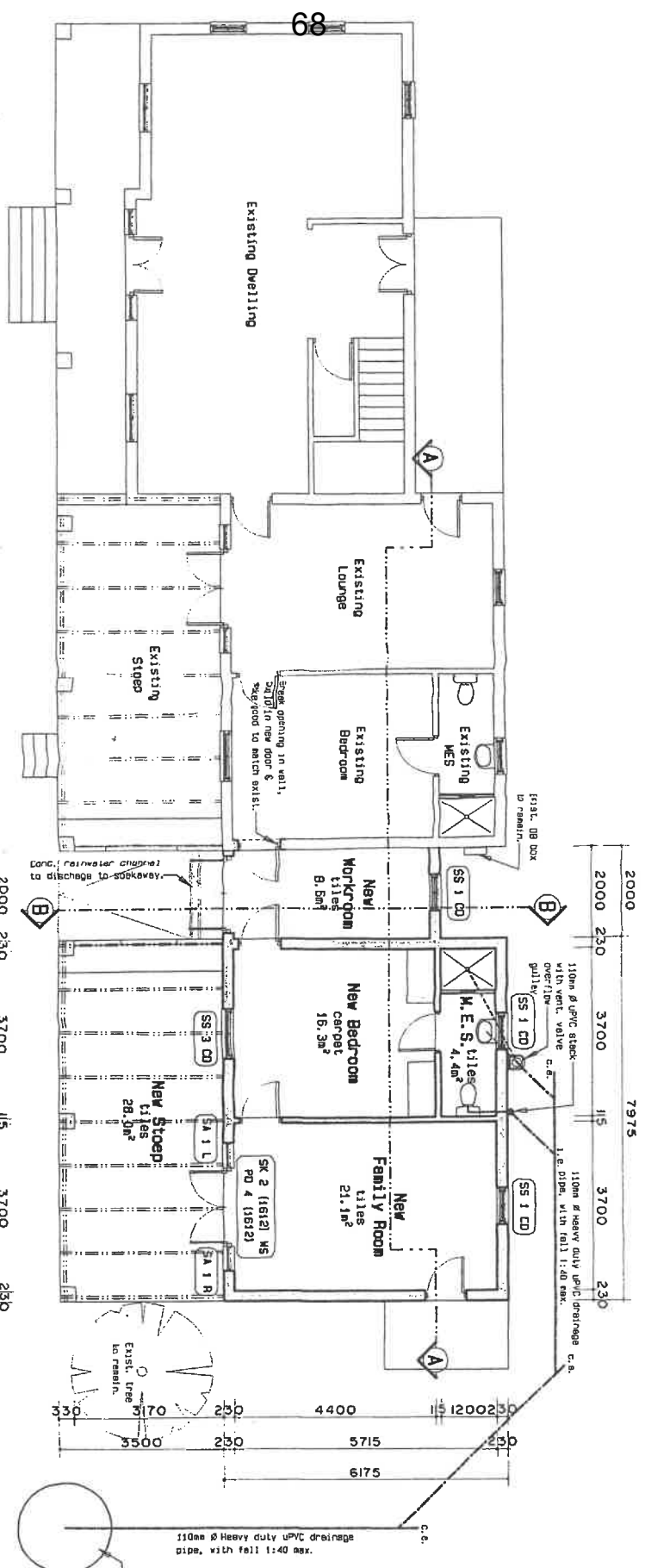
TEKENING / DRAWING

**WORKING DRAWINGS:
SITE PLAN, FLOOR PLANS,
SECTIONS & ELEVATIONS**

GETEKEN / DRAWN	DATUM / DATE	TEKENING Nr.
AP KOK	SEPT. 2005	DRAWING No.
SKAAL / SCALE	NYS./REV.	2005/URS/01
AS SHOWN		



1:100 NORTH ELEVATION



1:100 GROUND FLOOR PLAN



1. ALL TIMBER WINDOWS AND DOORS AS BY SHAPTLA OR OTHER SIMILAR APPROVED.
- DRAINAGE NOTES:
1. A) (drainage) Pipes under building to be cast in 200mm of concrete.
 2. A) (sewer) pipes to be 100mm Ø heavy duty UPVC (drainage) pipes, (P) 1:40 min. -
 3. A) (waste) pipes to be 40mm Ø heavy duty UPVC (drainage) pipes.



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9046

Our File Reference Number: Farm 90/20, Stellenbosch Division

Enquiries: Lenacia Kamineth / Pedro April

Contact No: 021 – 808 8697

E-mail address: Landuse.Appeals@stellenbosch.gov.za / Pedro.April@stellenbosch.gov.za

PER E-MAIL: andre@arouxplanning.co.za

Dear Mr Roux

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, CONSENT USE FOR A TOURIST FACILITY (RESTAURANT) AND DEPARTURE (UNDER PROVISION OF PARKING) IN TERMS OF THE ZONING SCHEME BY-LAW: FARM NO. 90/20, STELLENBOSCH

1. This Municipality's decision letter dated 18 May 2021, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 15 November 2022 that the appeal submitted against the condition 2.4.8 of the subject application by the Authorised Official on 18 May 2021, BE DISMISSED and that the subject decision BE VARIED in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
 - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 90/20, Stellenbosch Division, namely:
 - 2.1.1 The application made in terms of Section 15(2)(b) of the Stellenbosch Municipal Zoning Scheme By-law (2015) for a departure to allow an under-provision of parking for the proposed restaurant and the approved wine tasting and sales facility ($\pm 586\text{m}^2$ GLA in total), 20 parking bays in lieu of 24 parking bays.

NOT BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

- (a) Sufficient onsite space exists to provide the required amount of parking bays.
 - (b) If an overflow of parking will occur on this site due to a lack of sufficient onsite parking, it is envisaged that unauthorized parking will be obtained from an area already cleared outside the properties access gate, which may influence traffic movement to adjacent properties.
3. The applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 90/20, Stellenbosch Division, namely:
- 3.1 The application made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law (2015) for the removal of paragraph one of the Title Deed condition IIIB1 as contained in title deed T94448/1998 which limits the use of the property for agricultural and residential use only to allow the operation of a restaurant on Farm No. 90/20, Stellenbosch Division,
 - 3.2 The application made in terms of Section 15(2)(o) of the Stellenbosch Municipal Zoning Scheme By-law (2015) for a tourist facility to operate a restaurant on Farm No. 90/20, Stellenbosch Division from the ground floor of an approved building.

BE APPROVED in terms of Section 60 of the said Bylaw. and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

- 4. That such approval be subject to the following conditions in terms of Section 66 of the said Bylaw:
 - 4.1 The approval applies only to the removal of the restrictive title deed condition and the consent use for a restaurant in question (See **APPENDIX B**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
 - 4.2 The approval will lapse if not implemented within 5 years from the date of final notification.

- 4.3 The floor area of the restaurant and wine tasting and sales area be restricted $\pm 587\text{m}^2$ (See **APPENDIX B** for building plan).
- 4.4 That a site development plan be submitted, which indicated the required onsite parking layout, all existing buildings, floor area of the restaurant and its uses and landscaping proposals that will assist with the mitigation of views onto the adjacent property, Farm No. 90/21, Stellenbosch Division for approval by the Authorized Employee.
- 4.5 Parking for the restaurant and wine tasting and sales facilities must at all times be provided on site, at the required ratio of 4 bays/100m² gross leasable area, which amounts to 23 parking bays for 587m².
- 4.6 Building Plans be submitted for approval for the proposed conversion and alteration to the existing building to also accommodate a restaurant.
- 4.7 The floor area of the restaurant area must be clearly indicated on the final building plan to enable the municipal engineering department to calculate the revised development contributions, excluding the existing wine tasting and sales area.
- 4.8 The owners hire the services of a registered Acoustics Engineer to design and calculate the required noise barriers and implement it before occupation certificates is issued for the operation of a restaurant on Farm No. 90/20, Stellenbosch, in order for the venue to reduce its overall noise emissions.
- 4.9 The operating hours of the restaurant for the preparation of food and refreshments to be served to seated patrons, will be restricted from 08h30 till 22h00 seven days a week. The kitchen must be closed by 21h00 and the restaurant must be vacated by all patrons by 22h00.
- 4.10 That no audio equipment is set-up outside on the open deck of the facility and background music only be allowed within the building, to prevent any negative impacts on the closest domestic dwelling.
- 4.11 No special events and functions may be hosted in the building and on the property without the prior approval of the local authority, unless it is a primary right on the subject property.
- 4.12 All electrical requirements must be directed to Eskom, considering that the property is outside the Stellenbosch area of supply.

5. The above decision were made for the following reason(s) in terms of Section 81(7)(c) of the said By-law:

- 5.1. Notwithstanding the objection received, mitigating measures could be implemented as conditions of approval to minimize the impact of the restaurant activities on surrounding property owner's rights.
- 5.2. Sufficient parking could be provided onsite and addressed by the submission of revised parking layout plans.
- 5.3. The operation timeframes of the restaurant could be regulated by conditions of approval or the liquor licence to be approved.
- 5.4. The proposed restaurant land use on an agricultural property is not prohibit but encourage by the principles of the Municipal Spatial Development Framework.
- 5.5. Similar tourist related activities exist in the area and this application should add to the tourist industry, without impacting negatively on the cultural landscape of the area if in compliance with conditions of approval.
- 5.6. No municipal services will be impacted.
- 5.7. Sufficient landscaping exists and could be implemented to screen the adjacent properties private space viewed from the restaurant deck.

6. Matters to be noted.

After the publication of a notice by the municipality in the Provincial Gazette in terms of section 33(7) of the Stellenbosch Municipal Land Use Planning By-law (2015), the owners must apply to the Register of Deeds to make the appropriate entries in, and endorsement on, any relevant register or title deed to reflect the removal of the restrictive condition IIIB1 as contained in title deed T94448/1998.

7. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 25/11/2022

Copy to:**1. BDP Attorneys**

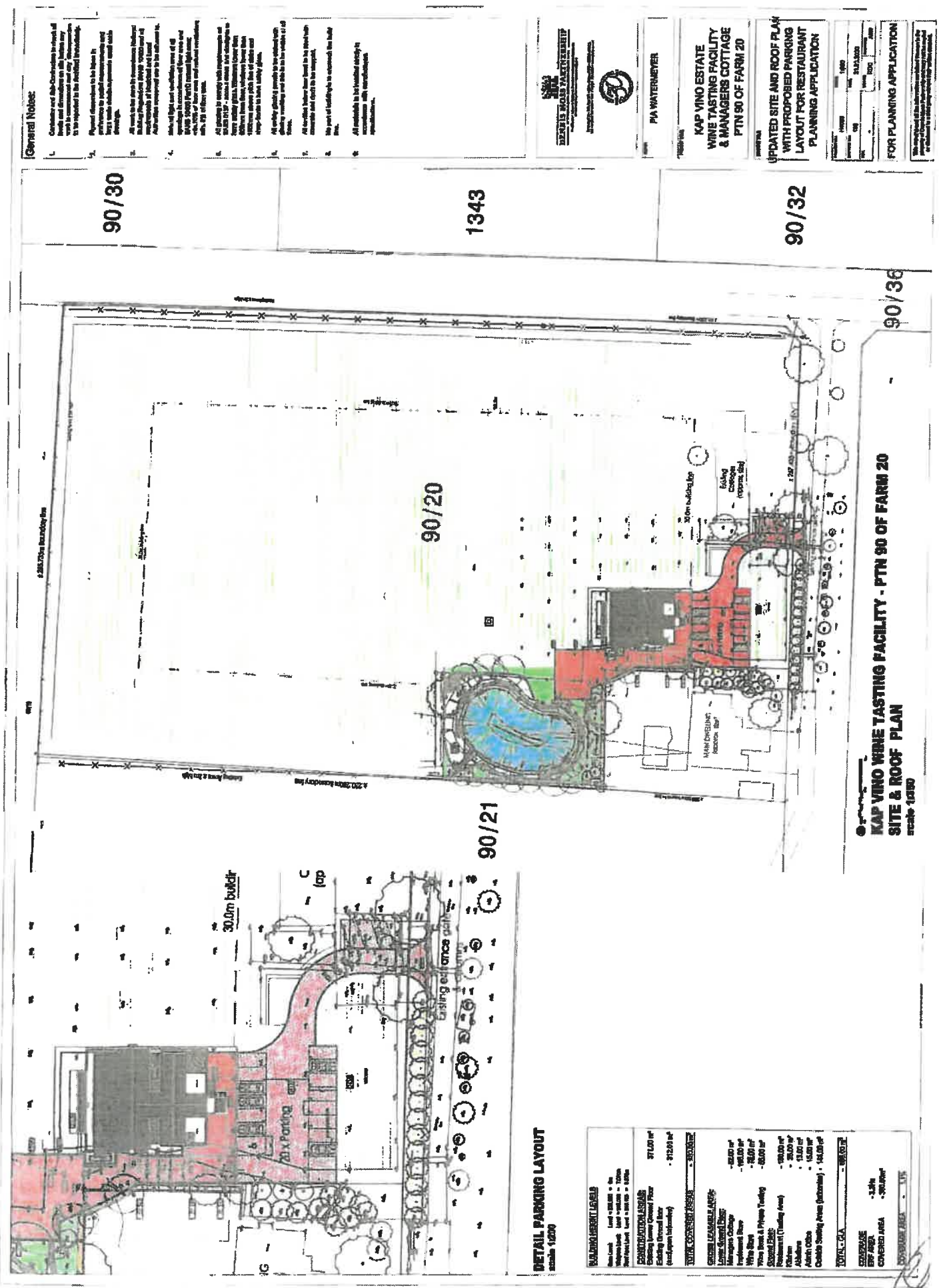
PO Box 3835

Tyger Valley 7536

Docex 5 Tygerberg

E-mail: fred@bdplaw.co.za

APPENDIX B**Site and Building Plan**



General Notes:

1. Consideration of the Applicant is to be made in accordance with the provisions of the Building Regulations 1997 and all other relevant legislation.
2. The proposed development is to be made in accordance with the provisions of the Building Regulations 1997 and all other relevant legislation.
3. All work to be done in accordance with the Building Regulations 1997 and all other relevant legislation.
4. The proposed development is to be made in accordance with the provisions of the Building Regulations 1997 and all other relevant legislation.
5. All work to be done in accordance with the Building Regulations 1997 and all other relevant legislation.
6. The proposed development is to be made in accordance with the provisions of the Building Regulations 1997 and all other relevant legislation.
7. All work to be done in accordance with the Building Regulations 1997 and all other relevant legislation.
8. The proposed development is to be made in accordance with the provisions of the Building Regulations 1997 and all other relevant legislation.
9. All work to be done in accordance with the Building Regulations 1997 and all other relevant legislation.



PA WATERMEYER

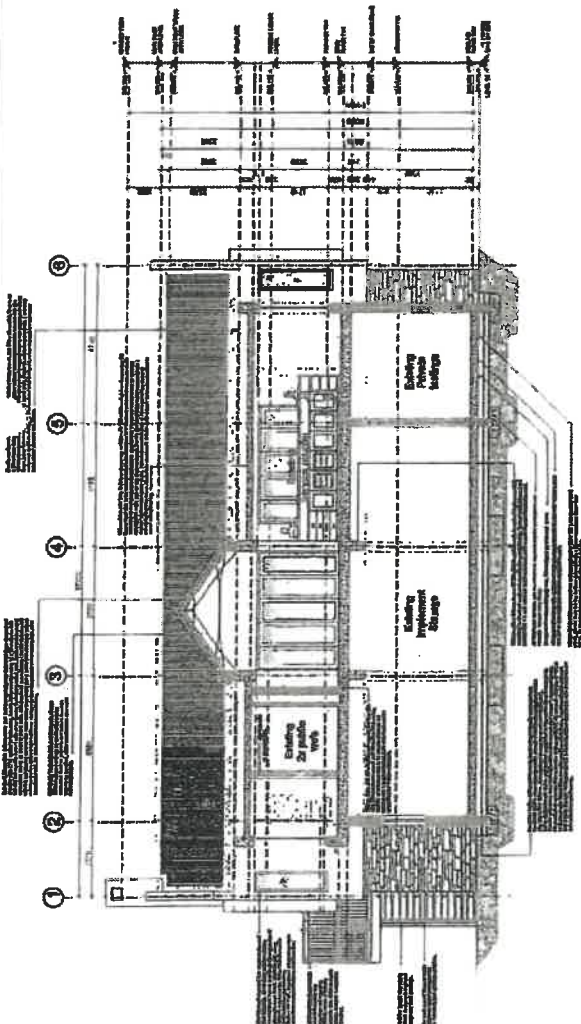
**NEW SERVICE KITCHEN EXT.
TO EXISTING WINE TASTING
FACILITY KAP VINO ESTATE
PTN 90 OF FARM 20**

**SECTIONS
& ELEVATIONS**

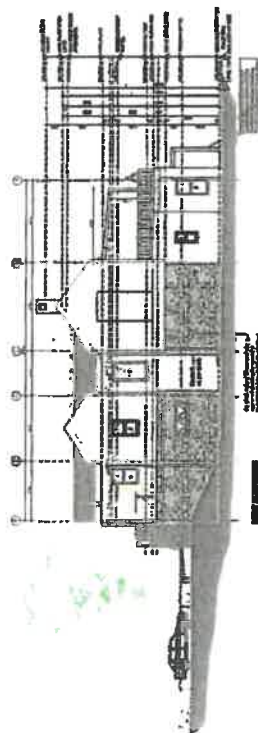
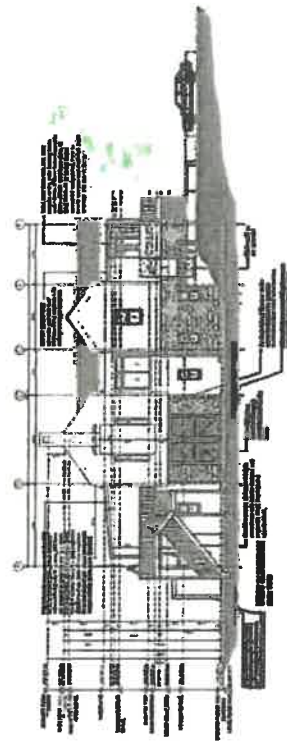
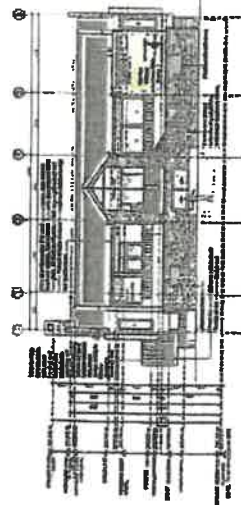
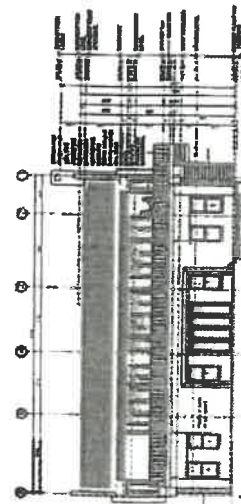
Project	14-009	Drawn	TJG
Client	DAK	Date	05.10.2017
Scale	1:50	Rev	001
Sheet	01	Of	02

FOR COUNCIL APPROVAL

This drawing is issued for the purpose of obtaining Council approval for the proposed development. It is not to be used for any other purpose without the written consent of the author.



SECTION C-C
scale 1/20



[Handwritten signature]

**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16237 (TP473/2023)

Our File Reference Number: Farm 90/20, Stellenbosch Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: andre@arouxplanning.co.za

Sir / Madam

APPLICATION FOR REMOVAL/AMENDMENT OF CONDITION: FARM 90/20, STELLENBOSCH

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)(h) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm No. 90/20, Stellenbosch for:
 - 2.1.1 Remove condition 4.8 of the appeal outcome letter dated 25/11/2022 in order not to hire a registered Acoustics Engineer to design and calculate the required noise barriers in order for the venue to reduce its overall noise emissions.
 - 2.1.2 to amend condition 4.9 of the appeal outcome letter dated 25/11/2022 in order to amend the condition of approval to read as follows.

"4.9 The operating hours of the restaurant for the preparation of food and refreshments to be served to seated patrons, will be restricted from **08:30 till 18h00** seven days a week. The operating hours may be extended to 22h00 for two days per month. On these days, the kitchen must be closed by 21h00 and the restaurant must be vacated by all patrons by 22h00.

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

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

- 3.1 The approval only applies to the proposed removal and amendment of an approval condition 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.
- 3.2 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.
- 3.3 The conditions listed from the Cape Winelands District Municipalities Health Section in their memorandum dated 16/11/2023, attached as APPENDIX 1, be adhered to.

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

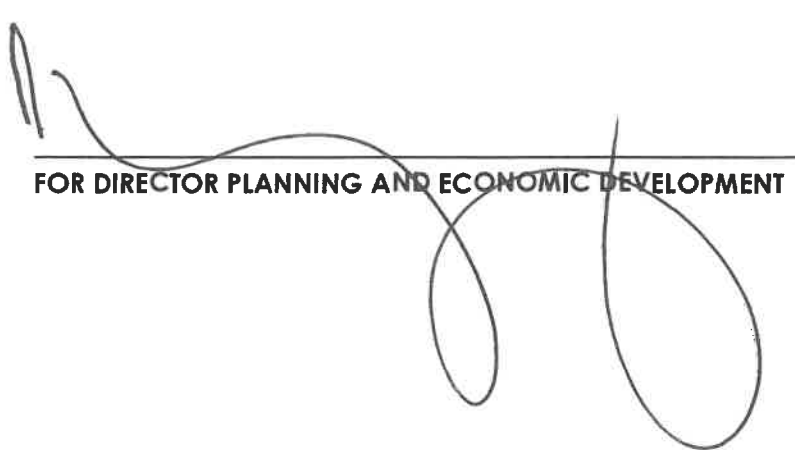
- 4.1 The approved building will be retained and the none provision of noise barriers, will not alter the aesthetic appearance of the site and surrounding environment and will not have a negative visual impact from the nearby scenic routes or surrounding properties.
- 4.2 The proposed agri-tourism activities are still in line with the municipal vision and objectives as set out in terms of the relevant municipal and provincial policy provisions.
- 4.3 Should any noise nuisances occur at any time, it could still be reported to the competent municipal department dealing with Air Quality & Noise Control for investigation, compliance measurement and implementation for required action against the owner/operator of the restaurant.

5. Matters to be noted:

- 5.1 All previous conditions of approval not removed or amended by this application remains applicable and needs to be complied with.
6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

7. Appeals must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.
8. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
10. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021 – 808 8684.
11. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

9/9/2024
DATE

ANNEXURE C

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

SITE DEVELOPMENT PLAN

90/19

± 265.735m Boundary line

5.0m building line

Existing fence ± 2m high

90/30

18,89

1343

90/20

90/21

Existing fence ± 2m high

± 230.280m Boundary line

5.0m building line

5.0m

EXISTING
DOMNOTE: ALL STORMWATER
DRAINAGE TO BE DIRECTED TO
THE DAM BY MEANS OF
STORMWATER CHANNELS AS
PER CIVIL ENGINEERS DESIGN
AND SPECIFICATIONSEXISTING & RADIATOR
CONSERVANCY PANSExisting Building 727sqm
Proposed Cottages 1-3
(approx. size 155sqm)Existing
Cottages 4-6
(approx. size 237sqm)

16 x Parking

MAIN DWELLING
(approx. size 420sqm)4 x
ParkingExisting
Cottage 7
(approx. size 44sqm)Existing
entrance
gate
& columnsAccess to
Facility

± 267.435m Boundary line

5.0m building line

± 7m Boundary line

90/36

90/32

KAP VINO WINE TASTING FACILITY - PTN 90 OF FARM 20
SITE & ROOF PLAN
scale 1:350



General Notes:

- Contractor and Sub-Contractors to check all levels and dimensions on site before any work is commenced and any discrepancies to be reported to the Architect immediately.
- Figured dimensions to be taken in preference to scaled measurements and large scale details supercede small scale drawings.
- All work to be done in accordance National Building Regulations SANS 10400 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
- Natural light and ventilation area of all openings in accordance of floor area and SANS 10400 Part O natural light area: min.10% of floor area and natural ventilation: min. 5% of floor area.
- All glazing to comply with requirements of SABS 0137 - access doors and sidelights to have safety glass. Windows lower than 500mm from floor, windows lower than 1800mm above pitch line of stairs and shop-fronts to have safety glass.
- All safety glazing panels to be etched with glazing marking and this is to be visible at all times.
- All cavities below floor level to be filled with concrete and dpc's to be stepped.
- No part of building is to encroach the build line.
- All materials to be installed strictly in accordance with manufacturers specifications.

RDC designs
ARCHITECTURAL DESIGNS/BUILDING PLANS

CLIENT: PIA WATERMEYER

PROJECT TITLE:
**PROPOSED ALTERATIONS
TO EXISTING WINE TASTING
FACILITY KUNJANI WINES
PTN 90 OF FARM 20**

DRAWING TITLE:
SITE PLAN

PROJECT NO:	JA 1525	SCALE:	1:350 ON A0
DRAWING NO:	100	DATE:	17.04.2025
REV:	-	DRAWN:	RDC
		CHECKED:	RDC

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AREA TABLE:

KUNJANI MAIN BUILDING:
GROUND FLOOR:
Implement Store - 109.00 m²
Wine Storage, Laundry & stairs - 97.00 m²
Cottage 1 - 90.00 m²
Cottage 2 - 65.00 m²
Total Ground floor - 361.00 m²

FIRST FLOOR:
Kitchen - 18.00 m²
Office, lobby, Guest WC - 42.00 m²
Covered Entrance & Balcony 1 - 40.00 m²
Covered Balcony 2 - 100.00 m²
Cottage 3 - 166.00 m²
Total First floor - 366.00 m²

TOTAL MAIN BUILDING - 727.00 m²

MAIN DWELLING - 420.00 m²
COTTAGES 4 - 6 - 237.00 m²
COTTAGE 7 - 44.00 m²
TOTAL BUILDINGS ON SITE - 1428.00 m²

COVERAGE
ERF AREA - 3.3Ha
COVERED AREA - 1067.00m²

COVERAGE AREA - 3.2%

PARKING BAYS PROVIDED - 23 BAYS

SECTION C - C
scale 1:50

EAST ELEVATION
scale 1:100

WEST ELEVATION
scale 1:100

SOUTH ELEVATION
scale 1:100

NORTH ELEVATION
scale 1:100

General Notes:

1. Contractor and Sub-Contractors to check all levels and dimensions on site before any work is commenced and any discrepancies to be reported to the Architect immediately.
2. Figured dimensions to be taken in preference to scaled measurements and large scale details supercede small scale drawings.
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6. All safety glazing panels to be etched with glazing marking and this is to be visible at all times.
7. All cavities below floor level to be filled with concrete and dp/c's to be stepped.
8. No part of building is to encroach the build line.
9. All materials to be installed strictly in accordance with manufacturers specifications.

RDC *designs* CC
ARCHITECTURAL DESIGNS/BUILDING PLANS

CLIENT: **PIA WATERMEYER**

PROJECT TITLE:

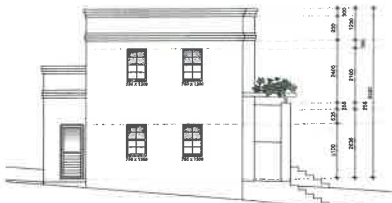
**PROPOSED ALTERATIONS
TO EXISTING WINE TASTING
FACILITY KUNJANI WINES
PTN 90 OF FARM 20**

SECTIONS
& ELEVATIONS
KUNJANI WINES MAIN
BUILDING

PROJECT No.:	JA 1525	SCALE:	1:100
DRAWING No.:	300	DATE:	17.04.2025
REV.	09	DRAWN:	CHECKED:
		RDC	RDC

FOR INFORMATION

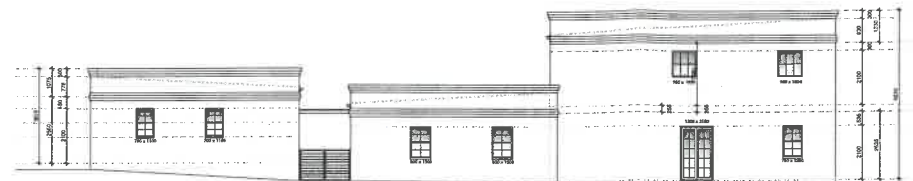
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COTTAGES - EAST ELEVATION
scale 1:100



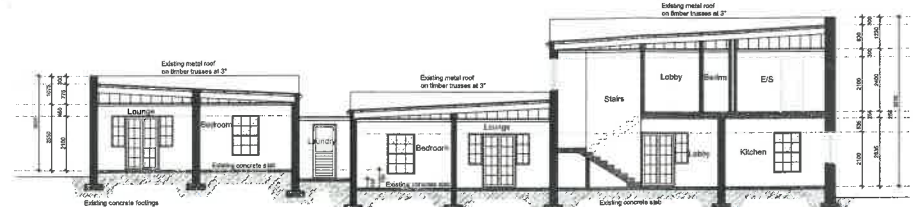
COTTAGES - NORTH ELEVATION
scale 1:100



COTTAGES - SOUTH ELEVATION
scale 1:100



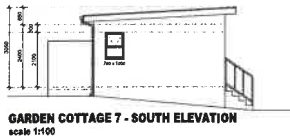
COTTAGES - SOUTH ELEVATION
scale 1:100



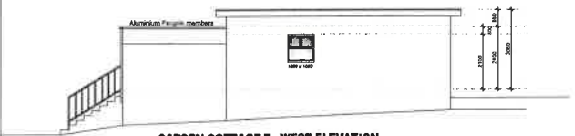
COTTAGES - SECTION 4 - 6 A
scale 1:100



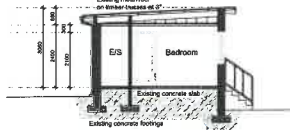
GARDEN COTTAGE 7 - EAST ELEVATION
scale 1:100



GARDEN COTTAGE 7 - SOUTH ELEVATION
scale 1:100



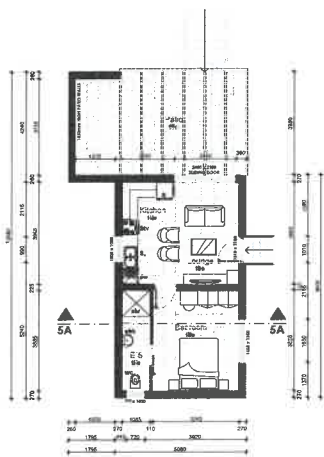
GARDEN COTTAGE 7 - WEST ELEVATION
scale 1:100



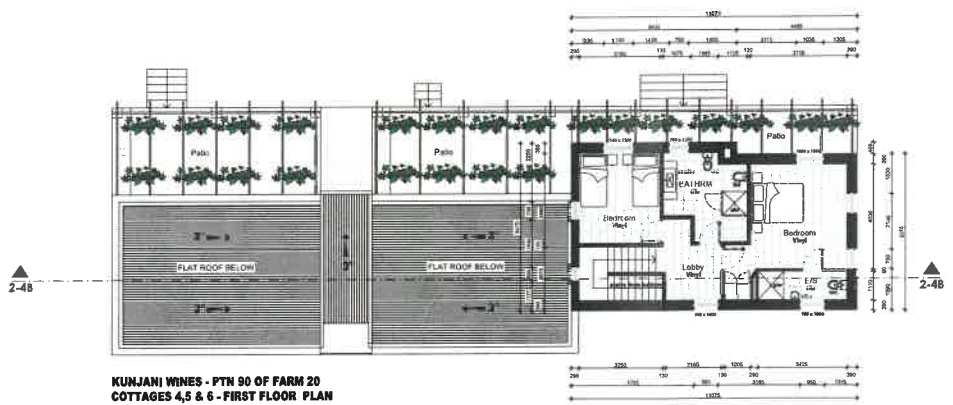
GARDEN COTTAGE 7 - SECTION 5A
scale 1:100



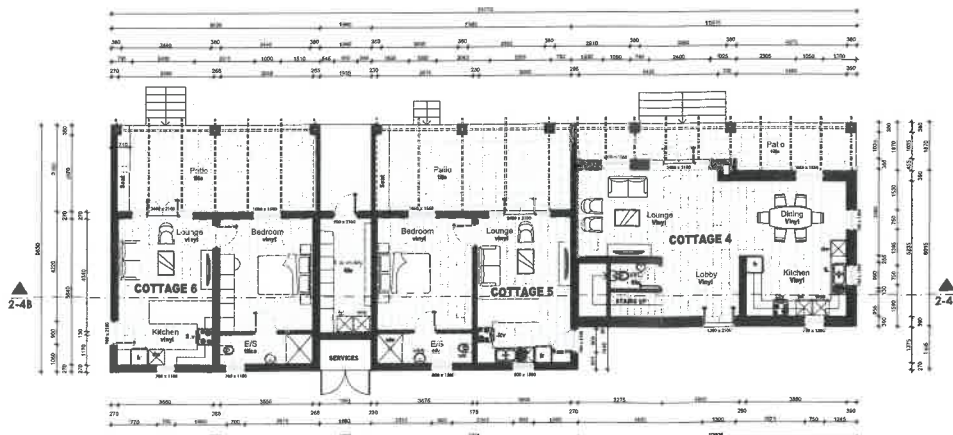
GARDEN COTTAGE 7 - SOUTH ELEVATION
scale 1:100



KUNJANI WINES - PTN 90 OF FARM 20
GARDEN COTTAGE 7 - GROUND FLOOR PLAN
COTTAGE = 44m² - PERGOLA PATIO = 28m² - TOTAL = 72m²
scale 1:100



KUNJANI WINES - PTN 90 OF FARM 20
COTTAGES 4, 5 & 6 - FIRST FLOOR PLAN
scale 1:100



KUNJANI WINES - PTN 90 OF FARM 20
COTTAGES 4, 5 & 6 - GROUND FLOOR PLAN
scale 1:100

COTTAGE 4 GROUND FLOOR = 70m² - PERGOLA PATIO = 18m²
COTTAGE 4 FIRST FLOOR = 70m² - TOTAL COTTAGE 4 = 158m²
COTTAGE 5 = 48m² - PERGOLA PATIO = 28m²
TOTAL COTTAGE 5 = 76m²
COTTAGE 6 = 40m² - PERGOLA PATIO = 27m²
TOTAL COTTAGE 6 = 76m²
LAUNDRY = 10m²
TOTAL BUILDING = 318m²

General Notes:

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2. Figured dimensions to be taken in preference to scaled measurements and large scale details supercede small scale drawings.
3. All work to be done in accordance National Building Regulations SANS 10400 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
4. Natural light and ventilation area of all openings in accordance of floor area and SANS 10400 Part O natural light area: min.10% of floor area and natural ventilation: min. 5% of floor area.
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7. All cavities below floor level to be filled with concrete and dpc's to be stepped.
8. No part of building is to encroach the build line.
9. All materials to be installed strictly in accordance with manufacturers specifications.



CLIENT: PIA WATERMEYER

PROJECT TITLE:
PROPOSED ALTERATIONS
TO EXISTING WINE TASTING
FACILITY KAP VINO ESTATE
PTN 90 OF FARM 20

DRAWING TITLE:
FLOOR PLANS
SECTIONS
ELEVATIONS
COTTAGES 4,5,6 & 7

PROJECT No:	JA 1525	SCALE:	1:100
DRAWING No:	201	DATE:	05.03.2025
REV:		DRAWN:	RDC
		CHECKED:	RDC

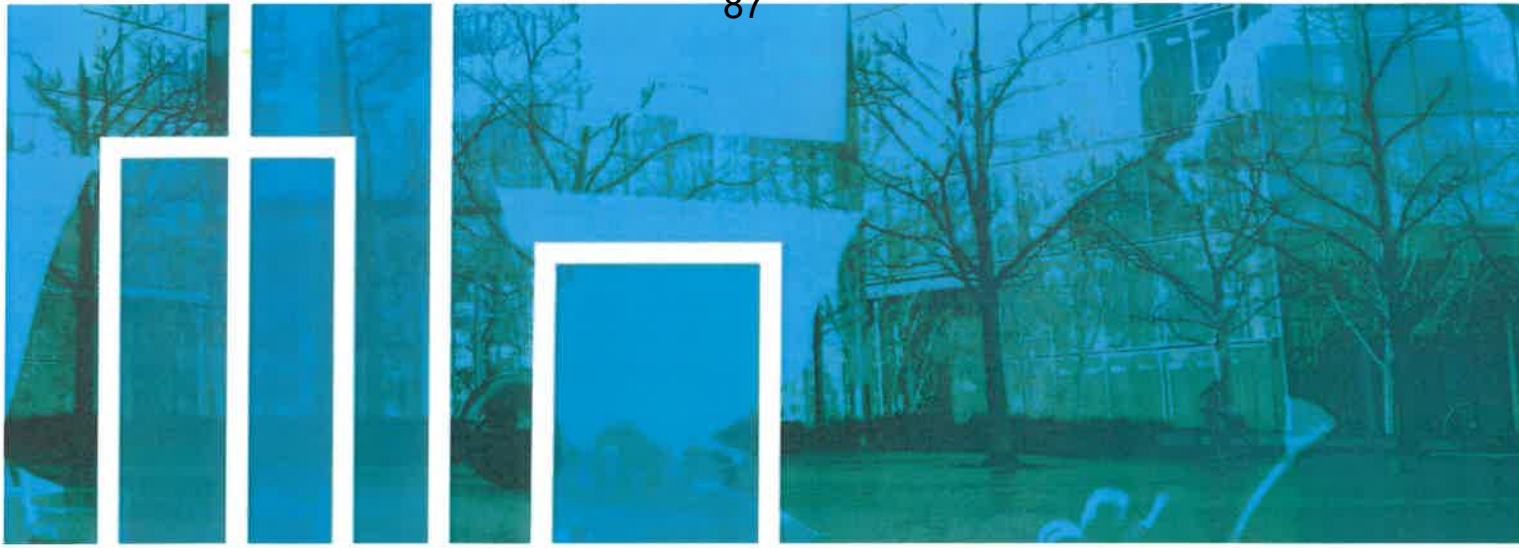
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ANNEXURE D

CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION

APPLICANT'S MOTIVATION



PORTION 20 OF THE FARM DEVON VALE NO.90, STELLENBOSCH DIVISION

APPLICATION FOR COUNCIL'S CONSENT (TOURIST ACCOMMODATION ESTABLISHMENT)

SUBMITTED TO THE STELLENBOSCH MUNICIPALITY

ON BEHALF OF KAP VINO ESTATE CC

MAY 2025

(Revision 2)



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Annexure E	Copies of Previous Land Use Approvals
Annexure F	Locality Map
Annexure G	Proposed Site Development Plan

1.0 INTRODUCTION

1.1 PROPERTY AND APPLICATION DETAILS

Table 1 below provides a summary of the property and application details (the land use application form is attached as **Annexure A**):

Table 1 – Property and Application Details	
Applicant	ARoux Town Planning
Property Description	Portion 20 of the Farm Devon Vale No.90, Stellenbosch
Property Address	20 Blumberg Drive, Stellenbosch
Registered Owner	Kap Vino Estate CC
Property Extent	3,3281 ha
Municipality	Stellenbosch Municipality
Current Zoning	Agriculture & Rural Zone (with consent for a tourist facility)
Current Land Use	Agriculture (vineyards), restaurant and wine tasting facility, guest accommodation cottages (4 units)
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law (2019)
Title Deeds	T94448/1998 (registered on 6 October 1988)
Title Deed Restrictions	None (removal of restrictive title deed conditions approved in 2021)
Proposed Development / Land Use	The conversion of existing buildings to accommodate guest accommodation, i.e. a tourist accommodation establishment, with a total of 7 guest accommodation units (10 bedrooms).
Application Components	Council's Consent for a Tourist Accommodation Establishment
Subject to PHRA / SAHRA	No
Subject to NEMA	No
Policy Compliant	Yes

The Application

Application is hereby made for **Council's Consent** to permit a tourist accommodation establishment on **Portion 20 of the Farm Devon Vale No.90, Stellenbosch Division** in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023), read with Section 201(1) of the Stellenbosch Municipality Zoning Scheme By-Law (2019).

The application is made by **ARoux Town Planning** on behalf of **Kap Vino Estate CC** who is the registered property owner. A power of attorney and resolution are attached as **Annexure B**.

1.2 BACKGROUND

Portion 20 of the Farm Devon Vale No. 90, Stellenbosch (hereinafter referred to as "*the property*") is located in the Devon Valley smallholdings area, northwest of Stellenbosch. Also known as *Kunjani Wines*, the property measures approximately 3.33 hectares in extent and comprises a main dwelling (occupied by the owners), an outbuilding with a guest accommodation unit, a residential building with 3 guest accommodation units, and a tourist facility building

accommodating the *Kunjani Wines Restaurant* (refer to **Figure 1**). Most of the property is however under vineyard cultivation.

Between 2016 and 2025, a series of land use approvals were granted by the Stellenbosch Municipality to permit a wine tasting facility and restaurant on the property. These approvals included the removal of restrictive title deed conditions and Council's Consent for a Tourist Facility. The most recent approval in 2025 involved amendments to conditions related to the restaurant.



Figure 1 -The existing Kunjani Wines restaurant building

In light of the operational intensity and personal toll of running the restaurant, the owners have opted to discontinue the existing restaurant and wine tasting facility.

In response to the growing demand for tourist accommodation, and to support the continued economic viability of the farm, it is proposed to repurpose the existing restaurant building to create three additional guest accommodation units. These will be provided in addition to the four guest units already present on the property (it must be noted that, although the zoning scheme permits up to four tourist dwelling units within existing buildings as an “additional use right,” formal technical approval from the Municipality has not yet been obtained for the existing units. As a result, these units are currently considered unauthorized). The proposal will therefore result in a total of seven (7) guest accommodation units on the property, all accommodated within existing structures. Only minor internal alterations are required, and no new buildings are proposed.

The property is zoned Agriculture and Rural Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019). In this zoning, “tourist dwelling units” are permitted as an additional use right, limited to a maximum of four units per property. Where more than four units are proposed, the use is classified as a “tourist accommodation establishment”, which requires Council's Consent. Accordingly, application is hereby made to the Stellenbosch Municipality for Council's Consent to permit a Tourist Accommodation Establishment on the property.

ARoux Town Planning has been appointed by the owners to prepare and submit the required land use application. This motivation report, together with the accompanying annexures, sets out the

details of the proposal and provides all relevant information to assist the decision-making authority in evaluating the application.

1.3 STATUTORY INFORMATION OF THE PROPERTY

1.3.1 Property Ownership and Registration

The property is formally registered as Portion 20 of the Farm Devon Vale No.90, Stellenbosch Division, and is owned by Kap Vino Estate CC, as confirmed in title deed with number T94448/1998 (registered on 6 October 1998 – refer to **Annexure C**).

The property's title deed does not contain restrictive conditions that may hinder the proposal. An application for the removal of restrictive title deed conditions which limited the use of the property for agricultural and residential purposes only was approved as part of the 2022 land use approval and has been deleted from the title deed.

1.3.2 Servitudes

There are no servitudes registered on the property. Refer to the General Plan attached as **Annexure D**.

1.3.3 Zoning

The Property is zoned Agriculture and Rural Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019). Council's Consent has also been granted for a tourist facility to permit a restaurant on the property. Copies of the previous land use approvals, including the consent for the restaurant are attached as **Annexure E**.

2.0 CONTEXTUAL ANALYSIS & SITE DESCRIPTION

2.1 LOCALITY

The property is located approximately 12km north-west of Stellenbosch. The property forms part of the Devon Vale Smallholding Area, to the south of the Devonvale Golf and Wine Estate, and gains access from Blumberg Drive (refer to **Figure 1**).

A Locality Map is attached as **Annexure F**.

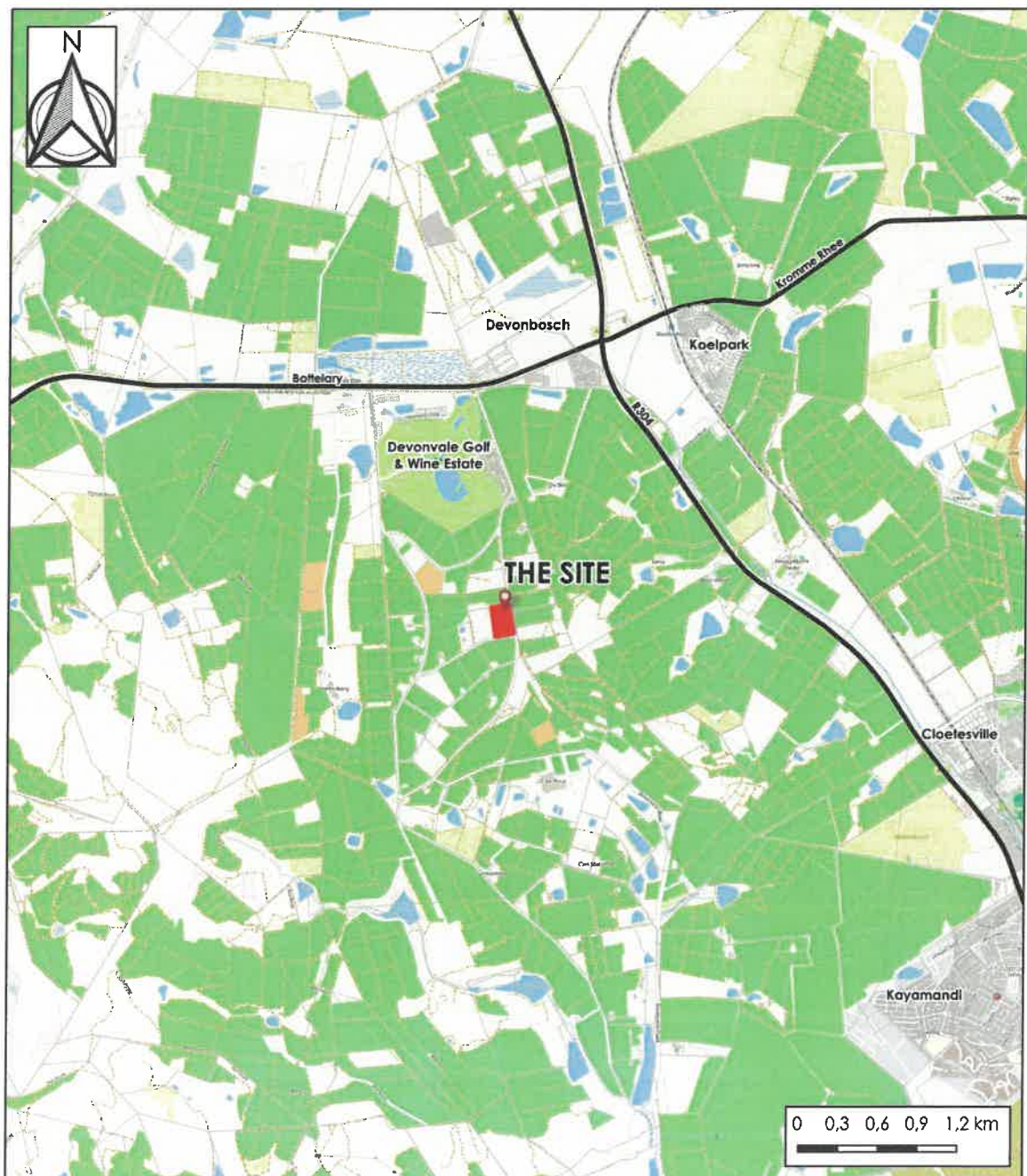


Figure 2 – Regional Context

2.2 CHARACTER OF THE AREA

The Devon Vale area consist of agricultural smallholdings, with property sizes ranging between 3ha and 8ha in size. Most of these properties contain vineyards or olive orchards. Many smallholding properties also contain tourist facilities such as guest houses, wine tasting facilities, restaurants, etc.

All properties within the Devon Vale smallholding area are zoned Agricultural & Rural Zone, with many properties also having additional land use rights in the form of departures and consent uses, mostly for tourist facilities and accommodation (refer to **Figure 3**).



Figure 3 – Local Context

2.3 PROPERTY DESCRIPTION

The property has a total extent of 3,33 ha. Access is obtained from Blumberg Drive on the southern boundary.

All structures are situated on the southern portion of the property. This includes the main dwelling house with associated outbuildings adjacent to the western boundary (including a guest unit), the main restaurant building adjacent to the dwelling house and the residential building to the east of the restaurant, accommodating three existing guest accommodation units. Space for on-site parking is provided in front of the restaurant building. The remaining property area is covered by vineyards (refer to **Figure 4**).



Figure 4 – Aerial Image of the Property (existing)

3.0 THE PROPOSAL

3.1 THE PROPOSED TOURIST ACCOMMODATION ESTABLISHMENT

The proposal involves the closure of the existing wine tasting facility and restaurant, and the conversion of the existing restaurant building to accommodate tourist accommodation units, as part of a tourist accommodation establishment. The four existing tourist accommodation units will also be regularised as part of the tourist accommodation establishment.

As previously mentioned, the property currently accommodates four guest accommodation units, namely the three units in the residential building east of the main restaurant building, and a guest unit within the outbuilding adjacent to the main dwelling house that was converted to function as guest accommodation.

The proposed conversion of the existing restaurant building to tourist accommodation, and the regularisation of the existing tourist accommodation units, will result in the establishment of a tourist accommodation establishment with a total of **seven (7)** guest accommodation units.

A Site Development Plan is attached as **Annexure G** and depicts the proposed tourist accommodation establishment, which include the following (also refer to **Figure 5**):

- The conversion of the existing restaurant building to accommodate three tourist accommodation units (**Units 1 – 3**). This includes two units on ground floor and a third unit on the first floor. Note that the existing wine storage area on the ground floor will be retained for the storage of wine produced for the farm. Wine tasting will however not be provided for.
- The three existing tourist accommodation units to the east of the existing restaurant building, which is being retained (**Units 4 – 6**).
- The existing guest accommodation unit in the outbuilding adjacent to the main dwelling house, which is being retained (**Unit 7**).

Combined, the seven tourist accommodation units provide for a total of 10 guest bedrooms.

It is important to note that all tourist accommodation units will be established within existing buildings, with only minor internal alterations where required. No additional structures are proposed.

All units are entirely self-catering. Provision is however made for the serving of breakfasts on the balcony area of the existing restaurant building. A small kitchen area will be retained for the preparation of breakfasts to guests of the tourist accommodation units only.

The main dwelling house will remain the residence of the property owners, who will also manage the guest accommodation units. The existing vineyards on the property will also be retained.

3.2 ACCESS AND PARKING

The existing site access off Bloomberg Drive and the on-site circulation area will be retained.

Provision is made for 16 parking bays in a parking area in front of the existing restaurant building. An additional three parking bays is provided adjacent to the residential building containing units 4 – 6. Two parking bays are also proposed adjacent to the main dwelling house, for Unit 7. The two existing parking bays for the main dwelling house is retained. A total of 23 parking bays are therefore provided for the tourist accommodation units.



Figure 5 – Proposed Site Plan

4.0 MOTIVATION

Section 65 of the Stellenbosch Municipality Land Use Planning By-Law (2015) stipulates that the Municipality must have regard to a set of prescribed criteria when it considers a land use application. The following sections are an assessment of the application in terms of said criteria and serves as the motivation for the approval of this application.

4.1 COMPLIANCE WITH ZONING REGULATIONS

4.1.1 Land Use Classification

The following forms of tourist accommodation land uses are permitted in the Agricultural and Rural Zone:

- **Additional Uses:**
 - Bed and breakfast establishment
 - Guest house
 - Tourist dwelling units
- **Consent Uses:**
 - Tourist accommodation establishment

The Stellenbosch Municipality Zoning Scheme By-Law's definitions for both a "**bed and breakfast establishment**" and "**guest house**" refers to the use of furnished rooms in a dwelling house or second dwelling for the accommodation of transient guests. The proposed tourist accommodation units each consist of separate dwelling units and not rooms that are made available separately. The establishment can therefore not be classified as a "bed and breakfast establishment" or "guest house".

"Tourist dwelling units" is defined as *"the use of a furnished dwelling house and/or second dwelling and/or a dwelling unit in flats, where the entire dwelling unit is rented out for the accommodation of transient guests and where accommodation is only provided on a self catering basis, provided that if more than 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterprise it is deemed to be a tourist accommodation establishment"*. The proposed establishment consists of more than 4 units (7 in total) and therefor exceeds the threshold of "tourist dwelling units".

A "**tourist accommodation establishment**" is defined 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 cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;*
- ii) *may consist of self-catering units;*
- iii) *and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;*
- iv) *where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:*

- a) additional facilities for day visitors;
- b) wellness centres and meeting rooms which serve resident guests;
- c) camping sites with ancillary facilities;
- d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used;

The proposed tourist accommodation units provide accommodation for transient guests, exceeds the scale and extent of tourist dwelling units and a guest house, is not a hotel with ancillary public facilities and consist of self-catering units. It therefore conforms with the definition of a "tourist accommodation establishment", which is permitted in this zoning with Council's Consent.

4.1.2 The Provisions for Tourist Accommodation Establishment

Table 2 below provides a summary of the zoning provisions applicable to a Tourist Accommodation Establishment as a consent use in the Agriculture and Rural Zone, and the proposal's compliance with these provisions, as contained in Section 213 of the Stellenbosch Municipality Zoning Scheme By-Law.

Table 2 – Zoning Scheme Provisions for Tourist Accommodation Establishment as a consent use in the in Agricultural & Rural Zone		
Section No.	Summary of Provision	Compliance
213(1)	The Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.	A site development plan is submitted with this application, detailing the layout and scale and is in accordance with Section 216 of the Zoning Scheme By-law.
213(2)	The Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture.	The proposal does not involve the conversion of productive agricultural land for non-agricultural purposes. The existing vineyards on the farm are retained, with the property's dominant use still being agriculture.
213(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.	The proposed tourist accommodation will be housed within existing structures only, ensuring that the scale and character of the buildings remain consistent with the surrounding rural landscape.
213(4)	A consent use for a tourist accommodation establishment 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.	The farm's dominant use will remain as agriculture as all existing vineyards will be retained. The proposed tourist accommodation is therefore subservient to the primary use of the farm (agriculture), with these units providing an additional income stream, thereby ensuring that the farm is economically viable.
213(5)	The consent use may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.	The farm is actively used for agriculture, with existing vineyards being maintained for winemaking purposes. The proposed tourist accommodation will remain subservient to the primary agricultural use of the land.

213(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.	Agricultural activities will continue on the property, ensuring that rezoning is not required.
213(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.	The proposed tourist accommodation will be established within existing buildings. Minor internal and external alterations will be made to accommodate the new use, in line with municipal requirements.
213(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.	No new buildings are proposed.
213(9)	The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm's 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.	The site development plan indicates the total floor area and coverage of the proposed tourist accommodation.

It is therefore evident that the proposed tourist accommodation establishment is fully compliant with the provisions of the Zoning Scheme By-Law.

4.1.3 Building Development Parameters

The Zoning Scheme By-Law does not provide specific building development parameters for a tourist accommodation establishment. However, as no new structures are proposed with all accommodation to be provided within existing buildings, subject to minor alterations, all buildings on the property will remain compliant with the general building line, height and coverage restrictions.

4.1.4 Parking

According to Section 33 of the Stellenbosch Municipality Zoning Scheme By-Law, off-street parking for a tourist accommodation establishment must be provided *"to the Municipality's satisfaction – between 0,7 bays per bedroom and 1 bay per self-catering unit"*. Two additional parking bays must also be provided for the existing main dwelling house.

The property's parking requirement is therefore calculated as follows:

- **Tourist accommodation establishment:**
0,7 bays per bedroom (10 bedrooms) / 1 bay per self-catering unit (7 units) = **7 bays**
- **Dwelling house:**
Two bays per dwelling house with more 2 or more bedrooms = **2 bays**
- **Total off-street bays required = 9 bays**

A total of 23 parking bays are provided on the property. This provision complies with the minimum parking requirement, with 14 bays in surplus.

4.2 CONSISTENCY WITH PLANNING LEGISLATION (SPLUMA & LUPA)

In terms of Section 7 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and Section 59 of the Western Cape Land Use Planning Act, 2014 (LUPA), land development applications must promote the core development principles. The proposed tourist accommodation establishment complies with these principles as follows:

- **Spatial Justice:** The proposed conversion of existing buildings into guest accommodation supports spatial justice by promoting more inclusive and equitable use of land in the Devon Valley area. The proposed land use facilitates rural economic diversification, which can provide new local employment and service opportunities for surrounding communities, including historically disadvantaged groups. The repurposing of existing infrastructure avoids exclusive or underutilised land use patterns and contributes to a more balanced rural economy.
- **Spatial Sustainability:** The proposal aligns with the principle of spatial sustainability by utilising existing structures on an already-developed portion of the property. No additional buildings or land disturbance are proposed, thereby protecting the remaining agricultural land and vineyard operations. This approach minimises the ecological footprint and supports the long-term productive use of agricultural land. The conversion to guest accommodation also diversifies income streams for the landowners, which contributes to the long-term viability and sustainability of rural landholdings.
- **Efficiency:** The development promotes efficient land use through the adaptive re-use of existing buildings. By making use of existing services, infrastructure, and structures, the proposal avoids unnecessary capital investment and reduces the demand on municipal resources. The consolidation of activities within a defined footprint also limits spatial sprawl and makes optimal use of the property's development potential.
- **Spatial Resilience:** The establishment of guest accommodation enhances the spatial resilience of the property and local area by diversifying land use and economic activity. With the planned closure of the restaurant and wine tasting facility, the proposal allows the property to remain economically active and adaptable to changing circumstances and market conditions, thereby contributing to the resilience of the local rural economy.
- **Good Administration:** The application process will be undertaken in accordance with the procedural requirements of SPLUMA and LUPA, and in collaboration with the applicant. All necessary supporting information is submitted to enable transparent and informed decision-making by the Municipality. The proposal reflects the landowners' intent to formalise land use rights in line with the applicable planning frameworks and statutory requirements.

4.3 CONSISTENCY WITH SPATIAL DEVELOPMENT FRAMEWORKS AND PLANNING POLICIES

4.3.1 Western Cape Provincial Spatial Development Framework (PSDF)

The PSDF's policy framework covers Provincial spatial planning's three interrelated themes, namely (1) Sustainable use of the Western Cape's spatial assets, (2) Opening-up opportunities in the Provincial space-economy, and (3) Developing integrated and sustainable settlements. The proposed land use relates to these themes in the following manners:

- ***Sustainable Use of Spatial Assets:*** The PSDF recognises that the Western Cape as a world class tourism destination, given the attraction and authenticity of rural landscapes of scenic, cultural and natural splendour and emphasises that the Province's biodiversity and agricultural resources should be protected.

The proposed guest accommodation facilities support the existing tourism industry of the Stellenbosch region. The proposed guest accommodation will be established within existing tourist facility and accommodation buildings and will not compromise existing agricultural operations.

- ***Opening-up opportunities in Space-economy:*** According to the PSDF, compatible and sustainable activities (i.e. 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 its mandate) and of an appropriate scale and form can be accommodated outside of the urban edge.

The proposed guest accommodation remains within the surrounding rural context and complements the existing wine and agri-tourism industry. By repurposing an existing facility, the proposal supports positive socio-economic return by promoting rural tourism and creating local employment opportunities.

- ***Developing Integrated and Sustainable Settlements:*** The PSDF promotes the use of heritage resources to enhance the character of the area, stimulate urban regeneration, encourage investment and create tourism opportunities while ensuring that interventions in these heritage contexts are consistent with local building and landscape typologies, scale, massing and form.

The proposed guest accommodation is accommodated within existing structures, which thus preserves the built environment and contributes to the area's rural and agricultural heritage. The conversion of the facility into tourist accommodation creates new opportunities for visitors to experience the area's heritage, landscape, and local economy.

It is evident from the above that the proposed tourist accommodation establishment will enhance the local tourism industry and contribute positively to the local space-economy without impacting negatively on agricultural activities or biodiversity. The proposal is therefore aligned with the policies of the PSDF.

4.3.2 Western Cape Land Use Planning Guidelines – Rural Areas

The Western Cape Land Use Planning Guidelines for Rural Areas (“Rural Areas Guideline”) was prepared in 2019 and supports the roll-out of the implementation of the PSDF and its call to open up opportunities in the rural space-economy.

According to the Rural Areas Guideline, development in the rural area should not:

- Have a significant negative impact on biodiversity, ecological system services or the coastal environment;
- 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;
- Lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;
- Impose real costs or risks to the municipality delivering on their mandate; and
- Infringe on the authenticity of the rural landscape.

Tourist Accommodation

Given the Western Cape’s unique rural communities and landscapes, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the WCG approach to Rural Accommodation, is to facilitate the provision of a variety of short-term tourism accommodation across the rural landscape, that is in keeping with the local character.

The following implementation guidelines are provided for tourist accommodation:

- 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 spatial planning category.
- Tourist accommodation in the rural landscape should be clustered in visually discreet nodes.
- Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated.
- Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in transit visitors.
- Units in resorts should primarily be allowed to facilitate access to the conservation areas, coastal resources or leisure facilities of the Province on the basis of temporary or short term accommodation.
- The form and scale of tourist accommodation should reinforce rural landscape qualities. Information on the architectural design must be provided, for the purposes of heritage and visual assessments.
- Buildings should include appropriate buffers, landscaping and screening to reduce their visual impact on the rural landscape.
- 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.
- 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.

- Tourist accommodation facilities where appropriate, should be located within or peripheral to the farmstead. Their buildings should complement the farm's vernacular.
- It should be recognized that surrounding farming activities (e.g. noise, odour, and spray drift) may impact negatively on on-farm tourist accommodation.
- 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.
- Land development proposals must avoid negative impacts on coastal resources and be responsive towards coastal risk zones.
- 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).
- 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.
- Camp sites of multiple free standing or linked structures of a temporary nature may include motorhomes, caravans and tents, but excludes mobile homes and are conventionally seen as being part of resort developments, but can also be permitted on agricultural land, dependant on scale.
- Camping establishments should be restricted to a low impact scale and intensity in keeping with the context of the area and its surrounding character. Permanent tents are regarded to be additional dwelling units.
- Tourist accommodation should be located appropriately, avoiding high risk areas (e.g. fire, flooding, coastal processes) and conflict with productive farming areas.
- Development applications should include a locality plan to indicate how it contributes to the clustering of nodal areas.
- A site development plan must be submitted to the municipality for consideration.

The proposed tourist accommodation establishment complies with the Rural Areas Guideline's implementation guidelines for tourist accommodation, as:

- The proposed tourist accommodation establishment consists of 7 units only. This is considered a small-scale tourist accommodation establishment which is deemed acceptable in rural areas.
- The tourist accommodation establishment will cater exclusively for the temporary accommodation for transient guests.
- The guest accommodation units will be established within existing buildings on the property and will therefore not impact on the rural landscape qualities of the surrounding environment.
- The tourist accommodation establishment does not result in a negative impact on natural resources. The proposed units are situated in an area that is already disturbed.
- The tourist accommodation establishment is not in conflict with the existing agricultural activities.

However, the Rural Areas Guideline stipulate that additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units. The property is approximately 3ha in size and therefore only one additional dwelling unit is permitted. Although the proposed tourist accommodation establishment consist of tourist dwelling units only (for temporary

accommodation on short-term basis), these units are still deemed as dwelling units. The number of units being provided is more than permitted by the Rural Areas Guideline and is therefore considered to be a deviation of these guidelines.

The above deviation is motivated in terms of site-specific circumstances in Section 4.3.4 of this report.

4.3.3 Stellenbosch Municipality Spatial Development Framework (SSDF)

The Stellenbosch Municipality Spatial Development Framework (SSDF), approved by Council in 2023, identifies seven key principles for spatial development and management within the municipality, namely:

1. Maintain and grow natural assets;
2. Respect and grow our 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 functions of 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 critical lead projects;

This application supports the above principles in the following ways:

- **“Maintain and grow natural assets”**: The proposed tourist accommodation establishment supports compatible and sustainable rural activities outside the urban edge as these activities are deemed appropriate in a rural context, generate positive socio-economic returns and does not compromise the environment or agricultural sustainability.
- **“Respect and grow our cultural heritage”**: The proposed accommodation does not impede on the local environment’s cultural landscape assets. The proposed units will be accommodated within existing buildings and includes only minor internal and external additions.
- **“Clarify and respect the different roles and functions of settlements”**: Stellenbosch is identified as a centre for tourism and culture with limited growth potential. The proposal supports the tourism function of this settlement.

According to the Overall Stellenbosch Framework Plan, the property is situated within an area designated as "Agriculture" and within a “low value agriculture landscape” (refer to **Figure 6**).

The SSDF highlights the importance of nature and agricultural areas in providing essential ecological and economic services. In designated agricultural zones, associated building structures are permitted, along with dwelling units that support rural tourism and ancillary rural activities aimed at diversifying farm income.

The proposed tourist accommodation establishment will contribute to economic diversification through rural tourism while preserving the agricultural and ecological integrity of the land. By utilizing existing infrastructure, the proposed establishment will maintain the agricultural landscape, ensuring that the rural character of the area remains intact. The proposal is therefore aligned with the key principles of the SSDF and the spatial proposals for Stellenbosch as a whole.

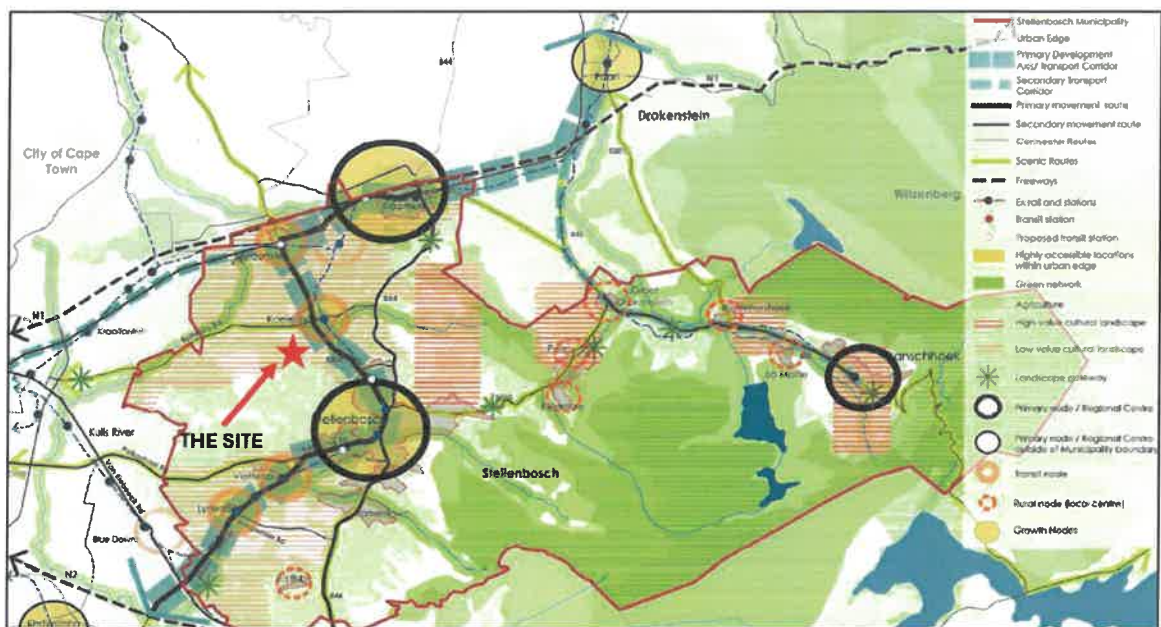


Figure 6 - The Stellenbosch Spatial Development Framework Plan

Rural Accommodation

The SDF includes the following guidelines for tourist accommodation:

- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- 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.
- Whilst it is preferable that they be located within the farmstead, dispersed rental units should be on existing farm roads, in visually unobtrusive locations, and be self-sufficient in terms of servicing.
- Additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6,5m).
- Additional dwelling units should be non-alienable, whether individual erf, sectional title, share block or other.

The proposed tourist accommodation establishment largely complies with the above guidelines for tourist accommodation as it is established within existing buildings, small-scale, visually discreet and short-term self-servicing in nature. However, as with the PSDF Rural Areas Guideline, additional dwelling units are restricted to 1 unit per 10ha, to a maximum of five units.

As the proposed establishment consists of 7 units, it is considered to be inconsistent with this aspect of the guidelines.

4.3.4 Motivation for Deviation from PSDF and Stellenbosch SDF

As outlined above, the proposed tourist accommodation establishment is largely aligned with the PSDF and Stellenbosch SDF as it supports the tourism industry, is established within existing non-agricultural buildings, is small-scale in size and is appropriately located. However, both SDF's limit dwelling units on rural properties to one unit per 10 ha, to a maximum of five units. Since the proposed tourist accommodation units are classified as dwelling units, and the property is only 3ha in size, the provision of seven accommodation units does not align with this guideline.

The following is provided as motivation for deviation of the PSDF and Stellenbosch SDF in terms of site-specific circumstances:

- The property currently has land use rights for a tourist facility, which includes a wine-tasting facility and a restaurant, following the approval of Council's consent applications. The property is therefore an established tourist facility and destination. The proposed guest accommodation facility ensures that an existing tourist facility is converted in use, but will still support the local tourism industry without affecting existing agricultural operations.
- Compared to the existing tourist facility, the proposed guest accommodation will have a lesser impact on the environment and surrounding properties in terms of traffic and noise.
- The proposal ensures that existing buildings are repurposed and does not involve any additional structures. It will therefore not result in any additional visual impact or in existing agricultural land or natural area to be lost. It will be established in an area that has already been disturbed.
- Although the total number of dwelling units exceeds the maximum provision, the establishment is still considered to be small-scale with minimal impact on the surrounding environment.

4.4 DESIRABILITY OF THE PROPOSED LAND USE

The proposed tourist accommodation establishment is deemed desirable for the following reasons:

4.4.1 Socio-Economic Impact

The establishment will enhance local tourism by attracting visitors who contribute to the rural economy through their support of nearby wineries, restaurants, and businesses. Additionally, it will create employment opportunities in hospitality services, housekeeping, and maintenance. As a result, the proposal will have a positive impact on both the local economy and the broader community.

4.4.2 Compatibility with Surrounding Land Uses

The proposed tourist accommodation establishment is compatible with the surrounding land uses as the surrounding area is well known for its concentration of wine farms, restaurants, and

tourist accommodation facilities. The proposal aligns with the existing rural tourism character of the area and complements the broader tourism offering by providing additional overnight accommodation in close proximity to nearby attractions. As a low-impact, small-scale use within existing buildings, the proposed land use fits comfortably into this setting and reinforces the area's role without detracting from the agricultural function of the area.

4.4.3 Agricultural Impact

The proposal does not involve the conversion of productive agricultural land for non-agricultural purposes, as the existing vineyards on the property will be retained. It is also important to note that many farms, particularly those with vineyards, often include function venues, guest accommodation, and other tourist facilities. These uses are widely recognized as complementary to agricultural operations, providing additional income streams that enhance the financial viability of farms without negatively impacting their primary agricultural activities.

4.4.4 Traffic Impact

Due to the previously approved wine-tasting facility and restaurant, a total of 23 parking bays are available for the proposed tourist accommodation establishment. This exceeds the required number of parking bays, ensuring sufficient on-site parking. Furthermore, the proposal will not generate additional traffic impact. Instead, it will likely result in a reduction in traffic compared to the current land uses, as a restaurant typically attract more frequent visitors than a tourist accommodation establishment.

4.4.5 Environmental Impact

The property does not fall within a critical biodiversity area. The tourist accommodation establishment will in any event be established within existing buildings, with only minor alterations required to accommodate the conversion of the buildings into guest accommodation. As a result, the proposal will not have a significant environmental impact, as it makes use of existing infrastructure with minimal alterations to the site. The proposal will therefore not have any impact on sensitive environmental resources.

4.4.6 Heritage Impact

As only existing buildings will be utilised, the proposal will not affect the landscape character of the area. The property itself is not of heritage significance and does not contain any proclaimed heritage elements. The proposed land use will not have an impact on any heritage resources.

4.5 IMPACT ON MUNICIPAL ENGINEERING SERVICES

The tourist accommodation establishment will utilize the existing services on the property, ensuring no additional strain on existing infrastructure. The demand for services will likely be lower compared to the existing tourist facility land uses. With sufficient capacity available, the proposed accommodation can be easily accommodated without requiring any upgrades or additional service connections.

4.6 IMPACT ON EXISTING RIGHTS

The proposed tourist accommodation establishment will not have any impact on the existing rights of surrounding property owners, due to the following:

- Noise levels will be reduced, as guest accommodation typically results in less noise than restaurants.
- Traffic will decrease as vehicular trips are less frequent.
- The reduction in operational intensity will create a more peaceful, low-impact use of the property, preserving the rural ambiance.
- No additional infrastructure demands will be placed on municipal services, ensuring no negative impact on surrounding properties.
- The proposal will not accommodate any activities that will impact on the surrounding property owners' rights to use and enjoy their properties.
- The property's title deed does not contain restrictive conditions that are being contravened and that will affect the surrounding owners' rights.

5.0 CONCLUSION & RECOMMENDATION

It has been demonstrated that the proposed tourist accommodation establishment is desirable and positively contributes to the local tourism industry, with no negative impact on the surrounding environment or landscape. The following is highlighted in conclusion:

- The proposal involves the conversion of an existing restaurant building to accommodate guest accommodation units. Combined with the existing guest units on the property, the proposed establishment will have a total of 7 self-catering guest accommodation units, providing for a total of 10 bedrooms. All units will be established within existing buildings, with only minor alterations being required to accommodate the new units.
- The proposal aligns with SPLUMA and LUPA's development principles by sustainably reusing existing buildings, supporting rural tourism, and protecting agricultural land.
- The proposal is largely aligned with the policies and strategies of the Western Cape PSDF and the Stellenbosch SDF. While the number of tourist dwelling units exceed the guidelines in these documents, the deviation is justified due to site-specific circumstances. The establishment remains small-scale, reuses existing buildings, and has no additional environmental or visual impact. It continues to support tourism without affecting agriculture.
- The proposal complies with the Zoning Scheme By-Law's provisions for a tourist accommodation establishment as a consent in the Agriculture and Rural Zone.
- The proposed tourist accommodation establishment supports the local tourism industry and will create a number of employment opportunities, thereby positively impacting the local economy and supporting economic growth.
- The proposal is compatible with the area's rural tourism character, with many properties in the surrounding area containing existing guest accommodation facilities. It fits well within the existing landscape as a low-impact, small-scale use, without affecting the surrounding agricultural setting.
- The proposal will have no impact on existing agricultural operations, as existing vineyards will be retained and no productive land will be lost. The guest accommodation will provide an additional income stream for the property, thereby increasing its economic viability. The farm's dominant use will however remain agricultural.
- The proposal will have a positive traffic impact as guest accommodation generally generates fewer vehicular trips than restaurants.
- Adequate parking is provided on-site, with 14 surplus bays.
- As the accommodation units are within existing buildings, there will be no visual or environmental impact. The proposal does not affect the area's landscape character or heritage.

ARoux Town Planning recommends approval of this application for Council's Consent to permit a tourist accommodation establishment on Portion 20 of the Farm Devon Vale No. 90, Stellenbosch, based on the above merits.

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Miller Gruss Katz & Traub
26th Floor, Trust Bank Centre
HEERENGRACHT

Prepared by me

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	B 58895198	<i>Banih</i> REGISTRATEUR/REGISTRAR
	1998-10-06	

T 94448 98

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT:

KATHERINE MARY COLMAN

appeared before me, Registrar of Deeds at Cape Town, she the said Appearer, being duly authorised thereto by a Power of Attorney executed at CAPE TOWN on the 6 JULY 1998 granted to her by

LASUR PARK PROPERTY HOLDINGS CC
NO. CK 94/09790/23

FOR FURTHER ENDORSEMENTS
SEE PAGE.....10.....

(10)

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IS VERANDER NA		HAS BEEN CHANGED TO	
KAP. VINO ESTATE CL. No. 1998		032395/23	
BC	000004888/2018	REGISTRATEUR/REGISTRAR	
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VIR FOR R 1 000 000 00			
B	000014078/2019	REGISTRATEUR/REGISTRAR	
03 JUL 2019			

AND the said Appearer declared that his principal/s had, on 4 MAY 1998, truly and legally sold, and that she, the said Appearer, in her capacity aforesaid, did, by these presents, cede and transfer in full and free property to and on behalf of:

ALLEMANN PROPERTIES CC
NO.CK 98/32395/23

For its Assigns, the following property namely:

PORTION 20 OF THE FARM DEVON VALE NO.90, Division of Stellenbosch, Province of Western Cape

IN EXTENT 3,3281 (THREE COMMA THREE TWO EIGHT ONE) Hectares

FIRST TRANSFERRED by Deed of Transfer No.T9555/1960 and diagram No.11466/52 relating thereto and held by Deed of Transfer NO.T33248/1994.

I. INsofar AS the figure A.B.y.x.on Diagram No.11466/52:-

A. SUBJECT to such conditions as are referred to in Certificate of Uniform Title No.3582 dated 17 March 1955.

B. SUBJECT FURTHER and ENTITLED to the benefit of the following conditions contained in Deed of Transfer No.T3922/1922, namely:-

"1. That the purchaser and his successors in title of the above property shall have the right of road 11,33 metres wide over the remaining extent of the aforesaid properties held under diagram attached to transfer dated 1 November 1876 in favour of J P Bosman and 29 February 1692 in favour of H Rutgerroost to the Main Road from Cape Town to Stellenbosch as indicated on Diagram of "Hartenberg", such road to be a direct extension of the existing road.

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N

2. That the sellers and their successors in title as owners of the remaining extent of the properties held under said Transfers No.1903 dated 30 October 1890 and 16 October 1880, No.339 undertake to erect no building on that portion of the remaining extent situate to the south of the Main Road held under diagram dated 1 November 1876 and 29 February 1692 except a dwelling house and such outbuildings as may be required in connection with the farming operations on the remaining extent.
 3. That on the said piece of ground portion of the remaining extent situate to the South of the said Main Road, as referred to in paragraphs 1 and 2 above, no labourers' cottages over the servitude road referred to in paragraph 1 above, nor over the said Main Road.
 4. That the owners of the remaining extent as set out in paragraph 2 above and their successors in title shall not place any gates over the servitude road referred to in paragraph 1 above , nor over the said Main Road.
 5. That the purchaser or his successors in title of the above property, shall be responsible for payment in respect of any fencing erected by him, in so far as such fence runs alongside of the said Main Road.
 6. That the owners of the remaining extent as set out in paragraph 2 above, waive any claim which they may have to any water arising on the property to be transferred to the purchaser, and in so far as they the Sellers may be entitled to do so as Owners of the said remaining extent they hereby grant to the Purchaser the right to store and impound surface and flood water for use by the purchaser and his successors in title on the above property hereunder transferred."
- C. ENTITLED to the benefit of the servitude which is referred to in the Endorsement dated 22 June 1949 on Deed of Transfer No.T10222/1949, namely:-

"By Deed of Transfer No.10224/49 registered this day the remaining extent of the property hereby transferred is entitled to a right of way 12,59 metres wide over portion 31 of the within property conveyed by Deed of Transfer as will more fully appear on reference to the said Deed of Transfer."

- D. ENTITLED to the benefit of the servitude which is referred to in the Endorsement dated 17 March 1955 on Deed of Transfer No.T10225/1949, namely:-

"By Deed of Transfer No.3580/1955 dated this day the owner and its successors in title of the remainder of the property held hereunder measuring 117,9230 Hectares is entitled to a servitude road over Portion 4 measuring 4,1607 Hectares held thereunder which servitude road is represented by the figure A.f.g on the Diagram No.8274/51 of the said Portion 4 held under the said Deed of Transfer; as will more fully appear on reference thereto."

II. INSOFAR AS the figure x y C E on Diagram No.11466/52:-

- A. SUBJECT to such conditions as are referred to in Certificate of Uniform Title No.3582 dated 17 March 1955.
- B. SUBJECT FURTHER to the conditions as are referred to in the Endorsement dated 8 May 1950 on Deed of Transfer No.T10223/1949, namely:-

"By Deed of Transfer No.6315/1950 dated 8.5.90 the property thereby transferred is entitled to the benefit of a 9,45 metres wide right of way over the Remainder (in extent 85,3677 Hectares) or the property herein described. The line A.C. on SG diagram No.8717/48 represents the N.E. side of the said Servitude of right of way. As will more fully appear on reference to the said Deed of Transfer."

- C. SUBJECT FURTHER and ENTITLED to the benefit of the following conditions contained in Deed of Transfer No.T3922/1922, namely:-

1. That the purchaser and his successors in title of the property shall have the right of road 11,33 metres wide over the remaining extent of the aforesaid properties held under diagram attached to transfer dated 1 November 1876 in favour of J P Bosman and 29 February 1692 in favour of H Rutgerroost to the Main Road from Cape Town to Stellenbosch as indicated on Diagram of "Hartenberg", such road to be a direct extension of the existing road:
2. That the sellers and their successors in title as owners of the remaining extent of the properties held under said Transfers No.1903 dated 20 October 1890 and 16 October 1880, No.339 undertake to erect no buildings on that portion of the remaining extent situate to the south of the Main Road held under diagram dated 1 November 1876 and 29 February 1692 except a dwelling house and such outbuildings as may be required in connection with the farming operations on the remaining extent.
3. That on the said piece of ground portion of the remaining extent situate to the South of the said Main Road, as referred to in paragraphs 1 and 2 above, no labourers' cottages shall be erected and any other building or buildings shall at least be distant 7,87 metres from the servitude road referred to in paragraph 1 above.
4. That the owners of the remaining extent as set out in paragraph 2 above and their successors in title shall not place nay gates over the servitude road referred to in paragraph 1 above, nor over the said Main Road.
5. That the purchaser of his successors in title of the above property, shall be responsible for payment in respect of any fencing erected by him, in so far as such fence runs alongside of the said Main Road.

6. That the owners of the remaining extent as set out in paragraph 2 above, waive any claim which they may have to any water arising on the property to be transferred to the purchaser, and in so far as they the Sellers may be entitled to do so as Owners of the said remaining extent they hereby grant to the Purchaser the right to store and impound surface and flood water for use by the purchaser and his successors in title on the above property hereby transferred."

- D. ENTITLED to the benefit of the following conditions contained in Deed of Transfer No.T10223/1949, namely:-

"Further entitled to the benefit of a servitude right of way 18,89 metres wide over the remaining extent of the farm HARTENBERG, held by the Transferor by said Deed of Transfer No.10222 dated this day as will more fully appear from servitude diagram No.19855/48 hereunto annexed; the transferor and his successors in title as owners of that portion of the remaining extent on which the said right of way is situate being responsible for the making and maintenance thereof."

III. INSOFAR AS the whole property:-

- A. SUBJECT, as mentioned in Certificate of Uniform Title No.3582/1955, to the following reservation of rights in favour of the State:-

"(a) all rights to gold, silver and precious stones in or under the land;

(b) the right to take land and to remove the material for making and repairing public roads;

in respect whereof Certificate of Mineral Rights No.29/55 was issued on the 17 March 1955.

B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No.T9555/1960 and imposed by and in favour of the Transferor therein, DEVON VALLEY CORPORATION (PROPRIETARY) LIMITED, namely:-

"1. The land hereby conveyed shall be used for residential and/or agricultural purposes only.

In connection with the agricultural operations no pig- or poultry-farming shall be conducted or permitted on the property hereby conveyed or any portion thereof except for domestic purposes of the Transferee, except with the written consent of the Transferor.

No building or structure shall be erected on the land hereby conveyed unless plans for such proposed buildings or structures shall have been submitted to the Transferor and by it approved, which approval shall, however, not be unreasonably withheld. The following stipulations, in particular, shall apply in regard to all buildings or structures:-

- (i) No building or structure whatsoever may be erected nearer than 15,74 metres from the road boundary or 6,30 metres from a side or back boundary.
 - (ii) No corrugated iron or corrugated asbestos as roofing, walling or fencing material may be used.
 - (iii) Positions of all tanks and other foul drains must be shown to and approved by the Transferor.
 - (iv) No discharge may be permitted from septic or French drains into the storm water channels or storm water drains.
- 5

The Transferee and his successors in title shall be obliged to allow electricity and water mains and/or pipes and the sewage and drainage including storm water of any other portion or portions of the farm Devon Vale to be conveyed across the land hereby conveyed if deemed necessary by the Devon Valley Corporation Limited or any local authority and in such manner and in such position as may from time to time be reasonably required. This shall include the rights of access to the land hereby conveyed at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

No cesspit or other sewerage arrangements may be constructed within 31,49 metres of the nearest borehole unless such cesspit or other sewerage arrangements are constructed prior to the sinking of such borehole.

The Transferee and his successors in title shall be obliged to accept and/or permit the passage over the land hereby conveyed of stormwater from the adjoining portion.

h

WHEREFORE the said Appearer, renouncing all right and title which the said TRANSFEROR heretofore had to the premises, did in consequence also acknowledge TRANSFEROR to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said TRANSFEREE its Successors or Assigns now and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging that the whole of the Purchase Price amounting to R2 000 000.00 (TWO MILLION RAND) has been satisfactorily paid or secured.

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 6 October 1998.



q.q.

In my presence



REGISTRAR OF DEEDS

TOILET ACCOMMODATION ESTABLISHMENT



ACCESS TO SITE



ACCESS TO SUBJECT PROPERTY



△ PREVIOUSLY APPROVED RESTAURANT
& WINE TASTING AND SALES FACILITY
PORTION OF THIS BUILDING IS NOW
CONVERTED INTO 3 RESIDENTIAL UNITS

→ SECOND DWELLING
UNIT CONVERTED INTO 3 UNITS



→ VINEYARDS



DIFFERENT ROOMS OF SOME OF THE UNITS

ANNEXURE E

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

**COMMENT FROM THE 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:	Bulelwa Mdoda
From ▫ Van:	Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Xolani Tika
Date ▫ Datum:	15 September 2025
Our Ref ▫ Ons Verw:	Civil LU 2913
Town Planning Ref:	LU/18897
Re ▫ Insake:	Farm 90/20, 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 permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms) on Farm No. 90/20, Stellenbosch Division.

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

1. Sewer

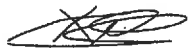
- 1.1 The existing conservancy tank must be used for the proposed tourist accommodation establishment.

2. Water

- 2.1 The existing municipal water connection point must be used for the proposed tourist accommodation establishment.

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage. The final calculations will be determined at the building plan stage submission.
- 3.2 The DC's were calculated by using the 2025/2026 tariff structure. If DC's are paid after 30 June 2026 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 3.3 The appropriate DC's are payable before building plan approval

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

T:\2.0 DEVELOPMENT\01 Land Use applications\2913 (XT) Farm 90-20 Stellenbosch (LU-18897)\2913 () Farm 90-20 Stellenbosch (LU-18897).doc

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	DC 2913 (XT) Farm 90 - 20 Stellenbosch (LU-18897)
Development Name:	
Date:	15 September 2025
Financial Year:	2025/2026
Erf Location (Select from 7 Locations):	Stellenbosch Town
School/ECD Category (Select Quintile 1-4 or 5 or N/A)	N/A
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	90/20
DC Parameters Reference:	Convert existing wine tasting and restaurant to 10 bedrooms tourist accommodation establishment_SDP drawing no: 201 dated 2025/03/05 by RDC designs Architectural Designs/Building Plans

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:	1,504	1,191	0,0139	0,1152	21,3		8,26		
Total Service Usage Reduction:	0	0	0	0	10,7		0		
Total Service Usage after Reduction:	1,50	1,19	0,01390	0,115	10,7		8		
Charges before adjusting for positive only, before Deductions	R 51 028,75	R -	R -	R 12 199,50	R 132 862,34	R 196 090,59	R 38 536,32	R 234 626,90	
Charges adjusted for positive only, before Deductions	R 51 028,75	R -	R -	R 12 199,50	R 132 862,34	R 196 090,59	R 38 536,32	R 234 626,90	
Total Deductions:	R -	R -	R -	R -	R 66 431,17	R 66 431,17	R -	R 66 431,17	
Total Development Charges Payable (excluding VAT):	R 51 028,75	R -	R -	R 12 199,50	R 66 431,17	R 129 659,42	R 38 536,32	R 168 195,73	
VAT:	R 7 654,31	R -	R -	R 1 829,92	R 9 964,68	R 19 448,91	R 5 780,45	R 25 229,36	
Total Development Charges Payable (including VAT):	R 58 683,06	R -	R -	R 14 029,42	R 76 395,84	R 149 108,33	R 44 316,76	R 193 425,09	

APPLICANT INFORMATION	
Application Processed by:	Xolani Tika
Signature:	
Notes:	<p>See the attached SDP</p> <p>The DC calculations are based on the proposed 10 bedrooms and credit to the existing wine testing facility GLA=173,9m2 (DC calculation dated 1 Feb 2018 and proof of payment dated 09/02/2018).</p>

ANNEXURE F

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT
OF AGRICULTURE (ELSENBURG)**



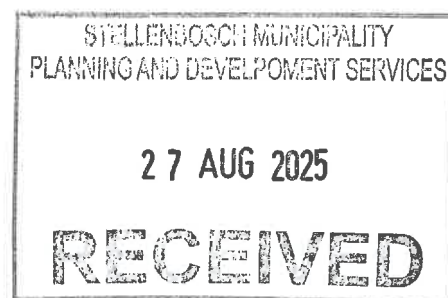
**Western Cape
Government**

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

OUR REFERENCE : 20/9/2/5/6/827
YOUR REFERENCE : LU/18897 (TP1175/2025)
ENQUIRIES : Cor van der Walt

A Roux Town Planning
Email: andre@arouxplanning.co.za

Att: Andre Roux



APPLICATION FOR CONSENT USE: DIVISION STELLENBOSCH
PORTION 20 OF THE FARM NO 90

Your email of 06 June 2025 has reference.

From an agricultural perspective, no objection is raised, provided that the proposed twelve (12) guest accommodation units are entirely contained within the existing buildings on the property.

It must be emphasized, however, that the property measures only 3ha in extent, which is very limited in terms of agricultural viability. The scale and intensity of the proposal exceeds the provisions of the Western Cape Land Use Provincial Guidelines for Rural Areas (2019), which requires that non-agricultural uses remain subservient to, and supportive of bona fide farming activities.

On a property of this limited size, the establishment of seven (7) accommodation units represents a primary tourism use rather than an ancillary agricultural activity, raising concerns about long-term precedent and gradual erosion of the rural land use base.

Please note:

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

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

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2025-08-21

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

ANNEXURE G

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT
OF TRANSPORT 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-25/547 (Application No: 2025-07-0036)

The Municipal Manager
Stellenbosch Municipality
PO Box 17

STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

FILE NR:	F 90/20 S
SCAN NR:	
COLLABORATOR NR:	8 00080



PORTION 20 OF FARM DEVON VALE 90, STELLENBOSCH: MAIN ROAD 187: APPLICATION FOR CONSENT USE (TOURIST ACCOMMODATION)

1. The following refer:
 - 1.1. The undated Notice of Land Development Application LU/18897 ((TP1175/2025) for a Consent Use application;
 - 1.2. Your letter LU/16237 (TP473/2023) dated 9 September 2024 approving the Application for Removal/Amendment of Condition;
 - 1.3. The Application Motivation Report prepared by ARoux Town Planning dated May 2025; and
 - 1.4. The Site Development Plan, Drawing No 100, prepared by RDC Designs dated 17 April 2025.
2. Portion 20 of Farm Devonvale 90 in Stellenbosch has direct access to Blumberg Drive, which connects to Main Road 187 (MR187/Bottelary Road). This connection will be indirectly affected by this application at the MR187/Blumberg Drive roundabout.
3. The application entails the following:
 - 3.1. Closure of the existing restaurant and wine tasting facility.
 - 3.2. Conversion of the restaurant building to house three additional tourist accommodation units.
 - 3.3. Retention of four existing guest accommodation units, resulting in a total of seven units.
 - 3.4. Collectively, these seven units will offer ten guest bedrooms.

4. From a traffic perspective, the proposed changes are expected to generate fewer trips than the current restaurant and wine tasting facility and are anticipated to have an insignificant impact on the MR187/Blumberg Drive roundabout.
5. Hereby, this Branch offers unconditional no objection to the proposed consent use for tourist accommodation on Portion 20 of Farm Devonvale 90, Stellenbosch.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 1 DECEMBER 2025

ANNEXURE H

**CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO.
90/20, STELLENBOSCH DIVISION**

ASSESSMENT FROM THE MANAGER:
SPATIAL PLANNING



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To : Manager - Land Use Planning
From : Senior Manager - Development Planning
Reference : Spatial Planning - Spatial Planning Assessment Memo
Date : 12 June 2026
Land Use/TPAMS no : LU/18897 (TP1175/2025)

Dear Colleagues,

The Spatial Planning Office has conducted a comprehensive assessment of the above application against the Municipal Spatial Development Framework (MSDF) 2023, relevant spatial policies, and the requirements of Sections 38 and 65 of the Stellenbosch Land Use Planning By-law (2023).

This memorandum refers to the following application:

Application Reference: LU/18897 (TP1175/2025)
Applicant: André Loux - Aroux Town Planning (Pty) Ltd
Property: Farm 90/20, Stellenbosch Farms
Application/s Description: – Consent use contemplated in the zone.
Preliminary Assessment
Additional Requirements: – None.

1. BACKGROUND AND CONTEXT

Farm 90/20, also known as Kunjani Wines, is situated approximately 12km northwest of Stellenbosch Town, within the Devon Vale smallholding area and outside the established urban edge. The property lies to the west of Plumberg Drive, which connects Bottelary Road to the north and Devon Valley Road to the south. Vehicular access to the site is obtained via these routes. The farm forms part of the Stellenbosch Farms area characterised by a traditional agricultural smallholding landscape.

The broader area is defined by a diverse mix of rural and agricultural land uses, including:

- Agricultural farms with intensive production activities, such as grains and wine grapes;
- Irrigation dams supporting agricultural operations;
- Natural drainage lines traversing the landscape;
- Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) that remain largely in a natural state;
- Rural accommodation; and
- A range of tourism and agri-tourism facilities.

Farm 90/20 measures 3.33 hectares in extent and comprises vineyards, a main dwelling (occupied by the owners), an outbuilding with a guest accommodation unit, a residential

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 PLANNING AND DEVELOPMENT SERVICES

12 JUN 2026

FILE NR. F 90/20 S

SCAN NR: 1

COLLABORATOR NR: 807371



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building with 3 guest accommodation units, and a tourist facility building. Between 2016 and 2025, a series of land use approvals were granted by the Stellenbosch Municipality to permit a wine tasting facility and restaurant on the property. These approvals included the removal of restrictive title deed conditions and Council's consent for a tourist facility. The most recent approval in 2025 involved amendments to conditions related to the restaurant. Due to operational constraints, the restaurant has since been discontinued. The applicant now proposes to repurpose the existing restaurant building to accommodate three additional guest accommodation units. This would supplement the four existing units currently operating on the property without formal approval. Accordingly, the application seeks consent use approval for a total of seven (7) guest accommodation units, all of which are to be accommodated within existing structures.

The property is situated within a rural environment of notable agricultural, scenic, and heritage significance within the Stellenbosch Farms landscape. It is classified as a Grade IIIb heritage resource and falls within a Scenic Route Conservation Area, with views from Blumberg Drive towards the Hottentots Holland and Helderberg mountain ranges. This land unit is divided into smaller plots ranging from 3 to 5 hectares and mainly used as 'lifestyle' farms with limited economic viability to support the high cost of land. Existing enterprises include small-scale wineries, equestrian operations, vegetable production, and protea farming. The area occupies an elevated position within Devon Valley and, in contrast to the broader valley landscape, displays a fragmented pattern of smaller holdings. Without appropriate landscaping, particularly screening through mature tree planting, such fragmentation may detract from the cultural landscape.

The property is located outside the urban edge and is classified as high-potential agricultural land. In terms of applicable policy guidelines and zoning controls, properties within the Agricultural and Rural Zone may accommodate up to five additional dwelling units, subject to property size. Tourist accommodation is regulated based on capacity thresholds, limited to either seven bedrooms or accommodation for a maximum of 14 guests. The proposal exceeds both the allowable number of additional dwelling units and the prescribed accommodation threshold. The submitted floor plans indicate a total of 11 bedrooms, suggesting a potential occupancy of up to 22 guests. Accordingly, the proposal triggers the requirement for consent use approval. Furthermore, in terms of the National Environmental Management Act (NEMA) Environmental Impact Assessment Regulations, Activity 6 of Listing Notice 3 is triggered, necessitating the submission of a NEMA Applicability Checklist to the Western Cape Department of Environmental Affairs and Development Planning (DEADP).

From a policy perspective, the Stellenbosch Municipal Spatial Development Framework (MSDF) adopts a conservative approach to development within the Stellenbosch Farms area. This approach prioritises the protection of agricultural land, biodiversity resources, and the rural landscape, while supporting carefully managed development that enhances agri-rural sustainability. The proposal represents a departure from spatial policy guidelines. Key considerations in the assessment of this application therefore include:

- Contextual sensitivity and integration with the surrounding rural environment;
- Protection of rural character, scenic quality, and amenity; and



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- The management of cumulative spatial impacts associated with incremental intensification of non-agricultural land uses and dispersed development within the rural landscape.

2. ENVIRONMENTAL AND AGRICULTURAL CONSIDERATIONS

MSDF Principle 1 emphasises safeguarding natural systems, biodiversity assets, watercourses, and agricultural land, while directing urban growth inward toward already-established areas. The subject farms fall squarely within this strategic environmental management approach.

Farm 90/20 is zoned Agricultural and Rural Zone and is situated outside the urban edge, where the overarching policy direction is the preservation of agricultural, rural, and natural environmental assets. The farm forms part of a high-value agricultural landscape and retaining strong potential for sustained agricultural use. Approximately 71% of the site is currently under active wine grape cultivation, reinforcing its role as a productive agricultural holding within the Devon Valley area. The Agriculture Spatial Planning Category (SPC) provides the following key principles for land within productive agricultural landscapes:

- Promote consolidation of farming landscapes and prevent their fragmentation;
- Provide for land and agrarian reform;
- Improve the viability of farming by facilitating diversification of the farm economy; and
- Promote enterprise opportunities within the food system and promote sustainable farming practises.

In line with these principles, agri-tourism and farm-based tourism activities are recognised as appropriate supplementary land uses in rural areas. However, such uses must remain compatible with the primary agricultural function of the land, be of an appropriate rural scale, contribute to value-adding of farm products, and not compromise agricultural production. The following are guidelines for the implementation of non-agricultural land uses:

- Agriculture ancillary use buildings should be located within the farmstead precinct, preferably using existing structures.
- New buildings should be on previously disturbed footprints within, or adjacent, to the farm homestead and not on cultivated land and should include appropriate buffers, landscaping and screening measures.
- Buildings accommodating land uses ancillary to or associated with agriculture, should not detract from the functionality and integrity of farming practices and landscapes and be of an appropriate scale and form.
- Dispersed rental units should be on existing farm roads, in visually unobtrusive locations, and be self-sufficient in terms of servicing.
- 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).

In this context, the current proposal entails the termination of the approved wine tasting facility and restaurant, and the conversion of the existing building into three tourist accommodation



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units. This is in addition to four existing guest accommodation units already operating on the property without formal approval, all of which are located within the established farmstead precinct in the southern portion of the site. While it is acknowledged that the proposed development is confined to existing buildings within a disturbed farmstead area thereby aligning with preferred spatial and environmental siting principles and limiting physical environmental impact, the scale and intensity of the proposed use remain a concern.

Tourism-related uses in agricultural areas are expected to remain low-impact and subordinate to the primary farming activity. In this instance, the cumulative number of accommodation units and associated guest capacity exceeds the recommended thresholds for properties of this size within the rural zone. As such, the proposal represents an over-intensification of land use and deviates from established policy guidelines aimed at protecting the rural landscape and maintaining the balance between agricultural production and ancillary activities.

3. CULTURAL HERITAGE AND SCENIC VALUE

MSDF Principle 2 emphasises the protection, enhancement, and celebration of cultural landscapes, heritage assets, and scenic environments.

3.1. Cultural and Heritage Value

The subject property forms part of the broader Stellenbosch Farms cultural landscape, which is characterised by long-established agricultural traditions, high-value viticulture, and a visually cohesive rural setting. More specifically, it falls within a landscape unit locally referred to as the 'Vale' side. This landscape is distinguished by a pattern of development comprising relatively small land parcels (typically 3-5 hectares), often accommodating oversized residential buildings that lack reference to the traditional Cape rural vernacular. This development pattern has had a progressively detrimental effect on the cultural landscape, which is otherwise defined by:

- Actively cultivated vineyards and agricultural fields;
- Historic and contemporary farmsteads;
- A rural settlement pattern shaped by long-term agricultural use; and
- Scenic vistas associated with the Stellenbosch wine region.

Although this land unit differs in character from the adjacent Devon Valley (B04) landscape, it nonetheless contributes to the broader cultural identity of Stellenbosch. This identity is strongly rooted in its agricultural heritage, which remains central to the area's sense of place and heritage significance.

3.2. Scenic and Landscape Value

The site is situated on elevated terrain at the upper reaches of Devon Valley, with a dominant eastward slope. This topographical positioning affords expansive views over the lower Bottelary area, as well as panoramic vistas across Devon Valley towards the Hottentots Holland



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mountain range, extending from Simonsberg to the Helderberg. These visual qualities contribute to the designation of Blumberg Drive as a Grade II scenic route.

The landscape character of this area is, however, influenced by the subdivision into smaller "lifestyle" farms, typically ranging from 3 to 5 hectares. Land uses include small-scale wineries, equestrian activities, vegetable farming, and protea cultivation. The built form within this landscape is often contrasting with the traditional rural context, including architectural styles such as castle-like dwellings and Tuscan villas, which detract from the visual coherence of the area. From a broader landscape perspective, the fragmentation of land parcels and the lack of consistent tree management contribute to a visually disjointed pattern. The absence of adequate screening, such as mature tree planting, further exacerbates the perceived degradation of the cultural landscape when viewed from surrounding scenic routes.

While the current proposal does not entail the construction of new buildings or introduce additional visual intrusions, it reinforces an ongoing pattern of land use intensification within the rural area. The proliferation of non-agricultural activities, particularly those more characteristic of urban environments, contributes incrementally to the erosion of rural character. Over time, such cumulative impacts undermine both the scenic quality and heritage value of the Stellenbosch Farms landscape. The continued intensification of tourism-related uses on smallholdings risks further weakening the visual integrity, sense of place, and agricultural identity that define this sensitive rural environment.

4. SETTLEMENT INTEGRATION AND HIERARCHY

The MSDF Principle 4 emphasises maintaining the established roles, structure and character of settlements while enabling targeted and context appropriate growth. This principle recognises that not all areas within an urban settlement are intended to accommodate the same level or intensity of development. Instead, growth should be strategically directed in a manner that reinforces rather than undermines the existing spatial structure, hierarchy, and identity of place.

Within this framework, the Stellenbosch Farms area is classified as a rural landscape, with a primary function centred on agricultural production and the preservation of agri-rural character. The area is designated as a Functional Area 3, which is prioritised for maintenance rather than expansion due to its association with:

- Predominantly rural land uses;
- Active and intensive agricultural activities;
- Environmental constraints and landscape sensitivity; and
- Its extent as the largest functional area within the municipal context.

Although the landscape has undergone gradual transformation, largely through the introduction of suburban-style lifestyle dwellings, it continues to function as part of a broader agricultural system and ecological network. The prevailing pattern of low-density smallholdings interspersed with suburban-type development represents a deviation from the intended



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spatial form, function, as well as the scenic and architectural character associated with the greater Stellenbosch area. The continued introduction of such development patterns risks entrenching an undesirable precedent, further undermining long-term spatial planning objectives for the rural hinterland.

The municipality's policies require that rural areas:

- Remain predominantly rural in character, with built form and activity levels aligned to agricultural land use;
- Support productive agricultural systems, including viticulture as a key economic driver in the Stellenbosch region- this area included; and
- Accommodate only opportunity-driven, low-impact development that enhances local agricultural and rural economic resilience, without displacing or undermining primary agricultural activities.

Importantly, urban expansion, densification, and the introduction of large-scale non-agricultural land uses are explicitly discouraged within the landscape. The proposal contributes to the proliferation of non-agricultural land uses which weaken the core functions associated with the agri-rural landscape cumulatively altering the associated sense of place. The MSDF and Heritage Survey emphasise the importance of maintaining the balance of Urban, Rural and Wilderness areas. It is the interplay and relationship between these that reinforces the unique character of the areas.

These patterns have collectively contributed to the erosion of agricultural integrity, the dilution of the rural settlement hierarchy, and the degradation of the area's characteristic landscape features. This incremental shift away from productive agriculture toward lifestyle-driven development represents a key challenge identified in municipal policy. From a settlement hierarchy perspective, the proposed seven (7) tourist dwelling units are overwhelming:

- Embed a degraded rural character which redefines the sense of place associated with agri-rural landscape;
- Threatens long-term agricultural productivity and regional food security, by reducing the extent of cohesive agricultural land;
- Undermines the policy intent of containing non-agricultural growth within established settlement boundaries and maintaining the unique character of areas; and
- Contributes to incremental rural sprawl, which is incompatible with the MSDF's directives for rural landscape protection.

5. POLICY ALIGNMENT SUMMARY

5.1. MSDF Compliance

The Stellenbosch Municipal Spatial Development Framework (MSDF), through Principle 4, emphasises the importance of maintaining the established roles, structure, and character of settlements, while enabling carefully targeted, context-appropriate growth. This principle recognises that different areas within the municipal area serve distinct functions and should



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therefore not accommodate the same scale or intensity of development. Growth must be spatially directed in a manner that reinforces, rather than undermines, the existing settlement hierarchy and sense of place.

Within this framework, the Stellenbosch Farms area is firmly classified as a rural landscape, with its primary function centred on agricultural production and the protection of its agri-rural character. The area is identified as Functional Area 3, which is prioritised for maintenance rather than expansion, based on its association with:

- Predominantly rural and agricultural land uses;
- Active and often intensive farming activities;
- Environmental sensitivity and landscape constraints; and
- Its extent as the largest functional landscape within the municipality.

Although the area has experienced gradual transformation primarily through the introduction of suburban style "lifestyle" developments it continues to function as part of a broader agricultural and ecological system. The prevailing pattern of low-density smallholdings interspersed with non-contextual residential typologies represents a deviation from the intended spatial form, rural function, and traditional scenic and architectural character of Stellenbosch farms. The continued introduction and intensification of such development patterns risk entrenching an undesirable precedent, further undermining long-term spatial planning objectives for the rural hinterland. Municipal policy explicitly requires that rural areas:

- Retain a predominantly rural character, with development scale and intensity aligned to agricultural land use;
- Support productive agricultural systems, including viticulture as a key economic driver within the Stellenbosch region; and
- Accommodate only opportunity-driven, low-impact development that enhances agricultural viability and rural economic resilience, without displacing or competing with primary agricultural activities.

Importantly, urban expansion, densification, and the proliferation of non-agricultural land uses are strongly discouraged within these areas. In this context, the proposal contributes to the incremental proliferation of non-agricultural activities within the rural landscape, thereby weakening the core agricultural function and altering the established sense of place. Both the MSDP and the Stellenbosch Heritage Survey underscore the importance of maintaining a balanced relationship between urban, rural, and wilderness areas. It is this interrelationship that underpins the unique spatial identity and landscape character of Stellenbosch. The gradual erosion of this balance through incremental and dispersed development has already been identified as a key planning challenge. These patterns have contributed to the erosion of agricultural integrity, the dilution of the rural settlement hierarchy and the degradation of characteristic landscape and scenic qualities.

This incremental shift away from productive agricultural use toward lifestyle- and tourism-driven development is inconsistent with the municipality's spatial vision for the area. From a settlement hierarchy perspective, the proposed seven (7) tourist accommodation units represent an over-intensification of land use on a property of this size. The proposal:



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- Reinforces a degraded rural character and redefines the sense of place associated with the agri-rural landscape;
- Introduces a scale of activity more consistent with urban or peri-urban development patterns;
- Risks undermining long-term agricultural productivity and regional food system resilience by incrementally reducing the cohesion of agricultural land;
- Conflicts with the policy intent of containing non-agricultural growth within established settlement boundaries; and
- Contributes to incremental rural sprawl, which is fundamentally incompatible with the MSDF's directives for rural landscape protection and spatial containment.

In summary, while the proposed land use is, in principle, appropriate, the proposal must be assessed in terms of its contextual fit, scale and cumulative impact within the broader landscape. In this regard, it represents a significant intensification not appropriate in the rural landscape and a continuation of a development trajectory that is misaligned with the intended role, structure, and long-term sustainability of the Stellenbosch Farms rural area. Accordingly, the proposal is considered partially aligned with the intent of the MSDF, the Heritage Survey and the Western Cape Land Use Planning Guidelines, as it threatens the objective to protect the agricultural function of the land nor preserves the cultural and scenic landscape character of the Stellenbosch rural environment.

6. SPATIAL PLANNING RECOMMENDATION

Based on the comprehensive spatial assessment outlined above, the Spatial Planning Office **partially supports** the application. Support is granted for a reduced scale consent use to permit a tourist accommodation establishment on Farm 90/20, limited to Units 1-3 within the existing Tourist Facility building only. The proposal demonstrates partial alignment with the principles of the Municipal Spatial Development Framework (MSDF) and partial compliance with the general spatial criteria set out in Sections 38 and 65 of the Stellenbosch Land Use Planning By-law (2023).

Key reasons for partial support:

- The proposed land use (tourist accommodation establishment) is generally recognised as an appropriate supplementary use in rural areas, if it remains compatible with the primary agricultural function, is of an appropriate rural scale, contribute to value-adding of farm products, and does not compromise agricultural production.
- The proposal is confined to existing buildings within an established and disturbed farmstead precinct, thereby aligning with preferred spatial and environmental siting principles and minimising additional physical environmental impact.
- Notwithstanding the above, the proposal for seven (7) accommodation units constitutes an over-intensification of a non-agricultural land use on a small rural farm unit.



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- While the proposal supports the principle of diversification of farm income, the scale and intensity exceed policy thresholds applicable to properties of this size. Spatial guidelines generally limit additional dwelling units to one unit per 10 hectares, up to a maximum of five units on larger farms, which is not applicable in this instance.
- The submitted plans reflect 11 bedrooms with an estimated occupancy of 22 persons, exceeding the generally accepted rural threshold of 7 bedrooms or 14 guests, thereby reinforcing the excessive scale of the proposal.
- The application triggers Activity 6 of Listing Notice 3 in terms of the NEMA EIA Regulations, requiring submission of a NEMA Applicability Checklist to DEADP, which has not been provided.
- The cumulative intensification of tourism-related uses on smallholdings contributes to the erosion of rural character, visual integrity, and sense of place, particularly within an already pressured and compromised landscape.
- The MSDF does not identify this area as a smallholding area and instead emphasises maintaining agriculture as the dominant land use. The proposal risks shifting the functional role of the site and the broader rural area away from agriculture.
- Approval of the full proposal may establish an undesirable precedent, encouraging further incremental transformation of the rural landscape into an urbanised pattern of development.

7. CONCLUSION

While tourism-related uses within agricultural areas are supported in principle, they are required to remain low-impact and clearly subordinate to the primary agricultural activity. In this instance, the proposed number of accommodation units (7) and associated guest capacity significantly exceed acceptable thresholds for a property of this size within a rural zone. The proposal therefore constitutes an over-intensification of land use and deviates from established municipal and provincial policy frameworks aimed at protecting agricultural resources and maintaining rural landscape integrity.

The Spatial Planning Office therefore supports the nature of the land use but does not support the proposed scale and intensity. Accordingly, partial approval is recommended, limited to a reduced development scenario as outlined above. Furthermore, the proposal in its full extent is inconsistent with the intent of the MSDF, which seeks to protect and sustain agricultural land, maintain rural character and landscape quality and prevent incremental urbanisation of the rural hinterland. An unmitigated approval would contribute to the erosion of agricultural function, the degradation of scenic and heritage resources, and the entrenchment of undesirable spatial patterns.

Approval is recommended subject to the following conditions:

- Approval is strictly limited to the use of the existing Tourist Facility building, with an extent of approximately 727m², for tourist accommodation purposes.



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- The tourist accommodation establishment shall remain clearly subservient to the primary agricultural use of the property and shall not exceed a maximum of 14 occupants, unless otherwise approved by the Municipality.
- No expansion of the approved building footprint or further non-agricultural land uses shall be permitted without prior approval.
- Appropriate indigenous landscaping and tree planting shall be implemented and maintained to reinforce the existing werf character, including the screening of parking areas and built form.

Chantel Hauptfleisch (A/1484/2011)

Senior Planner: Spatial Planning

Date: 12/06/2026

SUPPORT / NOT SUPPORT

Jeremy Benjamin

Senior Manager: Development Planning

Date: 12/06/2026

INTERNAL MEMO