

NOTICE OF LAND DEVELOPMENT APPLICATION

Whom it may concern

APPLICATION TYPE: Portion 13 & 14 of Farm 1064, La Provence, Franschhoek

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw refers:

Application Property Address: Main Rd, Franschhoek, 7690

Application Property Number: Portion 13 & 14 of Farm 1064, La Provence, Franschhoek

Applicant: Olden & Associates, Contact Number: 021 762 4080

Owner: Adagio Empire PTY Ltd. Contact Number: 021 685 9994

Application Reference: LU/TP1511/2025

Description of land development proposal:

Application has been made to apply in terms of Section 15 (2)(e) consolidate portion 13 and portion 14 of Farm 1064 and subsequently rezone in terms of Section 15(2)(a) the consolidated site from Agricultural (AG) to Local Business (LB) to allow for the development of a mixed-use development called 'Groendal Gateway Development' (including a filling station, shop, office space and restaurant). Including a Section 15(2)(o) application for consent use for a filling station and in terms of Section 15(2)(g) development in a Scenic Route Overlay Zone (SR04/5). The application will include an application for all the relevant departures in terms of section 15(2)(b) associated with this development and removal of restrictive conditions in the title deed as per Section 15(2)(f) of the Stellenbosch Municipality By-Law.

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Olden and Associates michael@oldenplanners.co.za and kyate@oldenplanners.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **Thursday the 2nd of July to 3rd of August.**

The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 762 4080 during normal office hours 8:00 to 4:30.

Yours faithfully,

Olden and Associates

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Aan wie dit mag aangaan

AANSOEKTIPE: Portion 13 & 14 of Farm 1064, La Provence, Franschhoek

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning verwys:

Adres van aansoek eiendom: Main Rd, Franschhoek, 7690

Aansoek eiendom beskrywing: Portion 13 & 14 of Farm 1064, La Provence, Franschhoek

Aansoeker: Olden & Associates, Contact Number: 021 762 4080

Eienaar: Adagio Empire PTY Ltd. Contact Number: 021 685 9994

Aansoek Verwysing: LU/TP1511/2025

Besonderhede van die grondgebruiksaansoek:

Daar is aansoek gedoen om ingevolge Artikel 15(2)(e) aansoek te doen vir die konsolidasie van Gedeelte 13 en Gedeelte 14 van Plaas 1064, en daarna ingevolge Artikel 15(2)(a) die gekonsolideerde perseel te hersoneer vanaf Landbou (AG) na Plaaslike Sake (LB), ten einde die ontwikkeling van 'n gemengdegebruik-ontwikkeling, bekend as die "Groendal Gateway Development", moontlik te maak, insluitend 'n vulstasie, winkel, kantoorruimte en restaurant. Die aansoek sluit ook 'n aansoek ingevolge Artikel 15(2)(o) vir vergunningsgebruik vir 'n vulstasie in, asook 'n aansoek ingevolge Artikel 15(2)(g) vir ontwikkeling binne 'n Scenic Route Overlay Zone (SR04/5). Die aansoek sal verder alle toepaslike afwykings ingevolge Artikel 15(2)(b), wat met die ontwikkeling verband hou, insluit, asook die opheffing van beperkende voorwaardes in die titelakte ingevolge Artikel 15(2)(f) van die Stellenbosch Munisipaliteit se Verordening.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: michael@oldenplanners.co.za and kyate@oldenplanners.co.za. Deur 'n beswaar,

kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

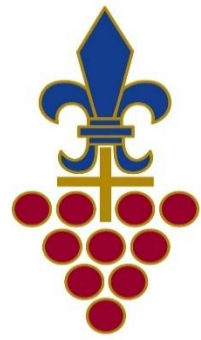
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **Donderdag 2 Julie tot Maandag 3 Augustus**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 762 4080 gedurende normale kantoor ure 08:00 – 16:30.

Die uwe

OLDEN & ASSOCIATES



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE APPLICATION

**PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za**

Application Reference: LU/TP1511/2025

**Portion 13 & 14 of Farm 1064, La Provence,
Franschhoek**

ADVERTISING PERIOD: 2 July to 3 August

**ENQUIRIES: Olden & Associates 021 762 4080
/ michael@oldenplanners.co.za
kyate@oldenplanners.co.za**

NOTICE

Application has been made to apply in terms of Section 15 (2)(e) consolidate portion 13 and portion 14 of Farm 1064 and subsequently rezone in terms of Section 15(2)(a) the consolidated site from Agricultural (AG) to Local Business (LB) to allow for the development of a mixed-use development called 'Groendal Gateway Development' (including a filling station, shop, office space and restaurant). Including a Section 15(2)(o) application for consent use for a filling station and in terms of Section 15(2)(g) development in a Scenic Route Overlay Zone (SR04/5). Permission in terms of restrictive conditions in the title deed no T59403/2021 as per Section 15(2)(f) of the Stellenbosch Municipality By-Law. The application will include an application for all the relevant departures in terms of section 15(2)(b) associated with this development, namely:

- To relax the street building line from 2m to 0m
- Provide 63 parking bays in lieu of the required 65 parking bays
- To provide 1 loading bay in lieu of the 2 loading bays required.

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. If the website or documents cannot be accessed, an electronic copy of the application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Olden and Associates michael@oldenplanners.co.za kyate@oldenplanners.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments / objection received after the closing date.

For any enquiries on the Application, or if you are unable to write and / or submit your comments as provided for, you must contact the Applicant for assistance.

Executive Summary

Application has been made to apply in terms of Section 15 (2)(e) consolidate portion 13 and portion 14 of Farm 1064 and subsequently rezone in terms of Section 15(2)(a) the consolidated site from Agricultural (AG) to Local Business (LB) to allow for the development of a mixed-use development called 'Groendal Gateway Development' (including a filling station, shop, office space and restaurant). Including a Section 15(2)(o) application for consent use for a filling station and in terms of Section 15(2)(g) development in a Scenic Route Overlay Zone (SR04/5). Permission in terms of restrictive conditions in the title deed no T59403/2021 as per Section 15(2)(f) of the Stellenbosch Municipality By-Law. The application will include an application for all the relevant departures in terms of section 15(2)(b) associated with this development, namely:

- To relax the street building line from 2m to 0m
- Provide 63 parking bays in lieu of the required 65 parking bays
- To provide 1 loading bay in lieu of the 2 loading bays required.

Daar is aansoek gedoen ingevolge Artikel 15(2)(e) vir die konsolidasie van Gedeelte 13 en Gedeelte 14 van Plaas 1064, en daarna ingevolge Artikel 15(2)(a) vir die hersonering van die gekonsolideerde perseel vanaf Landbou (AG) na Plaaslike Besigheid (LB), ten einde die ontwikkeling van 'n gemengdegebruik-ontwikkeling, bekend as die "Groendal Gateway Development", moontlik te maak. Die ontwikkeling sluit onder andere 'n vulstasie, winkel, kantoorruimte en restaurant in. Die aansoek sluit ook 'n aansoek ingevolge Artikel 15(2)(o) in vir toestemmingsgebruik vir 'n vulstasie, asook 'n aansoek ingevolge Artikel 15(2)(g) vir ontwikkeling binne 'n Skilderagtige Roete-oorlegsone (SR04/5). Toestemming word ook ingevolge die beperkende voorwaardes in titelakte nr. T59403/2021 aangevra, soos bepaal in Artikel 15(2)(f) van die Stellenbosch Munisipaliteit se Verordening. Die aansoek sal verder alle relevante afwykings ingevolge Artikel 15(2)(b) wat met hierdie ontwikkeling verband hou, insluit, naamlik:

- Om die straatboulyn vanaf 2 m na 0 m te verslap
- Om 63 parkeerplekke te voorsien in plaas van die vereiste 65 parkeerplekke
- Om 1 laaibaai te voorsien in plaas van die vereiste 2 laaibaaie

EXECUTIVE SUMMARY

Objective/Proposed Development	To apply to consolidate portion 13 and portion 14 of Farm 1064 and subsequently rezone the consolidated site from Agricultural (AG) to Local Business (LB) to allow for the development of a mixed-use development called 'Groendal Gateway Development' (including a filling station, shop, office space and restaurant). The application will include an application for all the relevant departures associated with this development and removal of restrictive conditions in the title deed.
Pre-submission Consultation	Yes, see minutes attached.
Relevant Properties	Portion 13 & 14 of Farm 1064, La Provence, Franschhoek
Registered Owners	Adagio Empire PTY Ltd.
Applicant	Olden and Associates
Current Deed of Transfer	59403/2021
Extent	Portion 13 of Farm 1064: 6066m ² Portion 14 of Farm 1064: 5 794m ²
Street Address	Main Rd, Franschhoek, 7690
Current Zoning	Agricultural Zone (AG)
By-Law Applications	<ul style="list-style-type: none"> • Section 15 (2)(e) Consolidation of Portion 13 and Portion 14 of Erf 1064 • Section 15 (2)(a) Rezoning of Portion 13 & 14 of Erf 1064 from Agricultural Zoning to Local Business • Section 15 (2) (o) Consent use contemplated in the zoning scheme to permit the use of the property as a filling/service station. • Section 15 (2) (j) approval for development in a Scenic Route Overlay Zone (SRO4/5) (addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e)) • Section 15 (2)(b) permanent departures • Section 15 (2) (f) a removal, suspension or amendment of restrictive conditions in respect of a land unit.
Other Approvals Needed	<ul style="list-style-type: none"> • Environmental Authorisation • Water Use License Application

REPORT CONTENTS

1. Background and site information/history

- 1.1. Background and site history
- 1.2. Applicant
- 1.3. Land Use applications being applied for
- 1.4. Requirements for the pre-application meeting
- 1.5. Site details
- 1.6. Locality
- 1.7. Title Deeds and diagrams

2. Specialist Studies Conducted Informing the Proposed Development

- 2.1. Urban Design Framework
- 2.2. Heritage Impact Assessment
- 2.3. Freshwater Study
- 2.4. Stormwater Management Plan
- 2.5. Traffic Impact Assessment
- 2.6. Electrical Infrastructure Service Report
- 2.7. Engineering Services Report

3. Development Proposal

- 3.1. Proposed Site Development Plan (informed by specialist studies)
- 3.2. Land Utilization and Physical Description
- 3.3. Status Quo
- 3.4. Access/ egress

4. Policy and Legislative considerations

- 4.1. Policy Considerations
 - 4.1.1. Stellenbosch Spatial Development Framework
 - 4.1.2. Stellenbosch Environmental Management Framework
 - 4.1.3. Stellenbosch Integrated Development Plan
- 4.2. Legislative Requirements
 - 4.2.1. Assessment of the proposal against the Stellenbosch zoning scheme
 - 4.2.2. Departures

Motivation

- 4.3. Application for
 - 4.3.1. Consolidation of Portion 13 and 14 of Farm 1064
 - 4.3.2. Rezoning of Portion 13 and 14 of Farm 1064
 - 4.3.3. Consent use for site as a service station
 - 4.3.4. Approval of development in a Scenic Route Overlay Zone (SRO4/5)
 - 4.3.5. Permanent departures
 - 4.3.6. Removal, suspension or amendment of restrictive conditions in respect of a land unit.
- 4.4. Compliance with Spatial Planning Policies:
 - 4.4.1. Compliance with Stellenbosch By-Law on Municipal Land Use Planning in terms of Section 65 (a)
- 4.5. Desirability in terms of section 65 (c) (linking back to Specialist Studies)
 - 4.5.1. Socioeconomic Impact
 - 4.5.2. Compatibility with surrounding land uses

4.5.3. Impact on external engineering services

4.5.4. Impact on safety, health and wellbeing of the surrounding community

4.5.5. Impact on Heritage

4.5.6. Impact on the Biophysical Environment

4.5.7. Traffic, parking access and other transport related conditions

4.5.8. Mitigation measures

4.6. Considerations Prescribed in LUPA and SPLUMA

5. Conclusion

1. Background and site information/history

1.1. Background

Portion 13 and 14 of Farm 1064, Franschhoek are the subjects of this application and shall be referred to as the subject properties going forward. The properties are currently zoned as agricultural land and are currently being used for vine cultivation and is home to a section of the Stiebeuel River. The two portions are located in the 'triangle' between the R45 and the Franschhoek Historic Tramline, just within the urban development edge of Franschhoek.

The landowner is proposing the 'Groendal Gateway Development' which will entail a mixed-use development on the site which includes a filling station, shops, office space and restaurant. As such, the purpose of this application is to apply for a consolidation of portion 13 and portion 14 of Farm 1064 and subsequently rezone the consolidated site from agricultural zoning to local business zoning to allow for the proposed development.

1.2. Applicant

Application is made on behalf of the owner of the Adagio Empire PTY Ltd., who have authorized Consulting and Regional Planners, Olden & Associates, to submit and proceed with this application, and to act as the Applicant in this and related matters on their behalf. (Refer to Annexures for a copy of Power of Attorney and Trust Resolution).

1.3. Land Use applications being applied for

An application is hereby formally made to the Stellenbosch Municipality:

- Section 15 (2) (e) Consolidation of portion 13 & 14 of Erf 1064
- Section 15 (2) (a) Rezoning of portion 13 & 14 of Erf 1064 from Agricultural Zoning (AG) to Local Business Zoning (LB).
- Section 15 (2) (o) Consent use in terms of the zoning scheme for the development of a filling/service station on local business zoned site.
- Section 15 (2) (g) approval for development in a Scenic Route Overlay Zone (SRO4/5) (addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e))
- Section 15 (2)(b) permanent departures
- Section 15 (2) (f) a removal, suspension or amendment of restrictive conditions in respect of a land unit.

1.4. Requirements for the pre-application meeting

A pre-application meeting was held with the Stellenbosch municipality on 30th July 2024. The following recommendations were made:

- **Stormwater:** proposed stormwater infrastructure to be represented on the Site Development Plan
- **Signage:** application for signage be done separately after the land use approval
- **Traffic:** provincial plan for the intersection to be considered and included in the TIA and SDP
- **Building line setbacks:** 30m building line setback required due to the rural scenic route; any departures should be motivated in terms of visual impact, heritage and with a detailed SDP

- **Urban Design:** Urban design Framework is submitted and put together in consideration with the draft urban design plan for the neighboring site
- **Title deeds:** existing conditions relating to the use of the site and the setback that require approval from the authority; application for council approval and motivation required
- **Heritage:** Heritage application must be submitted to Stellenbosch heritage committee; it should be confirmed if the site is located in a heritage graded area.
- **Engineering Services:** engineering report to be submitted ; report and motivation should include an understanding of the impact of the sewer runoff on the wastewater treatment
- **Noise impact:** It is not expected to be onerous, but the noise impact of the development should be considered and included in the motivation regarding mitigation measures
- **Zoning:** Recommended due to the location of the development that the site be rezoned to Local Business; Note this will require a consent use application for the service station

1.5. Site details

	Portion 13 of Cape Farm 1064	Portion 14 of Cape Farm 1064
Extent of Property	6 060m ²	5 794m ²
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law 2023	
Current Zoning	Agriculturally Zoned	
Current Land Use	Vineyard	
Title Deed/s Number	59402/2021	
Surveyor Generals Diagram	9324/49	
Special/Conservation Area	Rural Scenic Sensitive Route (Stellenbosch SDF 2019)	

1.6. Title Deeds and diagrams

Portion 13 and 14 of Farm 1064 are held against title deed numbered 59401/2021 which indicates the owner of the property is Adagio Empire PTY Ltd. Please see the conveyancer's certificate to illustrate there are no restrictive title deed conditions that hinder the property from being consolidated or rezoned to Local Business. However, there are conditions in the deed of transfer 59403/2021, which require council consent. Please see below:

- **Clause (A) (2)** Not more than one dwelling house shall be erected on the land except with the approval of the Controlling Authority as defined in Act 21 of 1940.
- **Clause (A) (3)** No store or place of business whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940
- **Clause (A) (4)** No building or any structure whatsoever shall be erected within a distance of 22.04 meter from the centerline of the Paarl-Franschhoek Main Road, Section 4, without written approval from the controlling authority.

Given the conditions applications are herewith made for council consent to permit more than one dwelling to be erected on site, a business to be located on site and the structures to be located closer than 22.04m from the centerline of Main Road.

Please see erf diagrams attached to these applications for reference.

2. Specialist studies conducted informing the proposed development layout

In order to design a layout that responds to cultural and physical landscape of the site, various specialist studies were necessary. The findings of these studies were used to inform the development proposal and are set out in more detail below, and are as follows:

2.1. Urban Design Framework

The framework evaluates the site within the broader Franschhoek–Groendal landscape and identifies how it can contribute positively to municipal strategic objectives, particularly those outlined in the 2019 Stellenbosch MSDF.

Contextual consideration include:

- There is a need for spatial integration between Groendal and Franschhoek
- There are significant Environmental pressures including notably severe pollution of the Stiebeuel River and stormwater channels
- The site is located in a place which provides opportunity to enhance the gateway experience along the R45 scenic route (Main Rd)
- There is a need to support local economic diversification, smaller farmer programmes, tourism and job creation.

Key Problems and Opportunities of the site

- Water quality and stormwater management
- Poor spatial quality and fragmentation (largely caused by the harsh boundaries of the R45 and Railway)
- Limited economic densification
- Land scape quality (notably protecting views, agricultural superblocks and the green corridor between Groendal and Franschhoek)

Spatial Vision for the Precinct

- Creation of a green, landscaped gateway
- Rehabilitation of the water network
- Reconfiguration of the R45 interface (from Road to Street)
- A dignified forecourt/Braak-like civic space (public anchor for Groendal)
- Retention of key viewing corridors

Development Concept for the Gateway site

- A Modest, rural-scale mixed-use cluster of buildings framing landscaped public forecourt facing the R45
- Land uses such as restaurant, filling station and smaller mixed-used buildings to be carefully positioned to:
 - Define the western gateway space
 - Screen visually intrusive elements (e.g. filling station canopy)
 - Support local economic activity and tourism flows
 - Complement adjacent institutional and commercial nodes
- Architectural guidelines emphasizing
 - Rural Cape Winelands character (barn-like forms, white vernacular, pitched roofs)
 - Low heights and limited signage
 - Downward-facing lighting only
 - Pedestrian-friendly spaces, low garden walls and tree planting
 - Sustainability measures such as rainwater capture and shaded interface zones
- Parking and circulation areas designed to support placemaking rather than vehicular dominant layouts

2.2. Heritage Report

The heritage approval process is underway and will be running concurrently with this application. It is being overseen by the heritage consultant Mike Scurr. A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2019. The officials requested a Heritage Impact Assessment (HIA) with specific reference to Visual impact on the rural cultural landscape and townscape.

This Heritage Impact Assessment process is currently underway. To date affected heritage resources have been identified and assessed in terms of their significance, and heritage indicators have been derived to inform design development. Early engagement with the design team saw revisions to the initial proposal to respond to the heritage indicators.

Once heritage impact assessment has been finalised it will be submitted to council accordingly.

2.3. Freshwater Impact Report

The Freshwater Impact Assessment was conducted by FEN Consulting in 2024. The comprehensive report concluded the following from their risk assessment that the proposed development is expected to pose a Moderate to High risk significance on the Channeled Valley Bottom Wetland (CVBW), due to the close proximity of the proposed building infrastructure to the realigned CVBW as well as the filling station being located below the 1 in 100 year flood line. The rating of moderate vs high will depend on the method chosen to manage the channel.

The freshwater ecologist put forward that the present ecological state of the reach of the CVBW could be improved given the following steps are taken:

- realigned channel be adequately sloped and reinstated with indigenous wetland vegetation,
- the implementation of a 10 m conservation buffer which is revegetated with indigenous terrestrial vegetation,
- long term management of the alien and invasive plants (AIPS)
- adherence to cogent, well- conceived and ecologically sensitive construction plans are implemented and the mitigation measures
- Site specific rehabilitation plan is compiled
- WULA approval is obtained

The expected improvement is largely due to the fact that the portion was historically realigned below the culverts, and has created unnaturally sharp turns in the channel, which has resulted in erosion and incision of the embankments.

2.4. *Stormwater Management Plan*

For this study it will be required to assess and recommend appropriate measures to protect the development from flooding. The following recommendations are made by Graeme McGill Consulting.

- Construct a Reno mattress-lined trapezoidal canal on the Stiebeuel River for a length of 80m between the R45 and rail culverts.
- Provide an opening to allow river flow which may have overtopped the R45, to re-enter at the start of the canal.
- Construct a 1.0m high wall along the length of Portion 14 up to the central access road. This will protect Portion 14 from flooding in the event of overtopping of the R45. Provide a similar wall along the boundary of Portion 13.
- Provide an overflow spillway on the northern side of the Stiebeuel River canal at the point where it enters the Stiebeuel River rail canal.
- Construct a Reno mattress-lined trapezoidal canal for a length of 63m between the two rail culverts.
- Portion 14: Provide permeable paving for the retail development in the parking areas. The total area is to be 25% of the hardened surface. Permeable paving will not be placed in loading areas and access roads.
- Portion 13: Provide permeable paving for the filling station development in the parking areas. The total area is to be 25% of the hardened surface. Permeable paving will not be placed in the forecourt and on access roads.

2.5. *Traffic study*

The traffic study was conducted by USD Africa who made the following recommendations for the proposed development. From the above it is recommended that the proposed commercial development on the subject property be approved from a traffic impact point of view, with the following to be considered. (Please note that this study will be updated to align with the new layout and submitted in early 2026

To accommodate the background traffic, upgrading of the R45/Le Roux Street intersection is considered necessary:

- Dedicated right-turn lane along the southeastern R45-approach.
- Dedicated left- and right-turn lanes along the Le Roux Street-approach.
- Traffic signals.



Diagram 8 : Schematic layout – proposed access-approach to R45/Le Roux Street intersection

To accommodate the proposed development traffic, the upgrading of the R45/Le Roux Street intersection including the following:

- Dedicated right-turn lane along the northwestern R45-approach.
- Access-approach to consist of a shared through-left lane and a dedicated right-turn lane.

That it be noted that large delivery vehicles will only be able to enter the site via the proposed left-in.

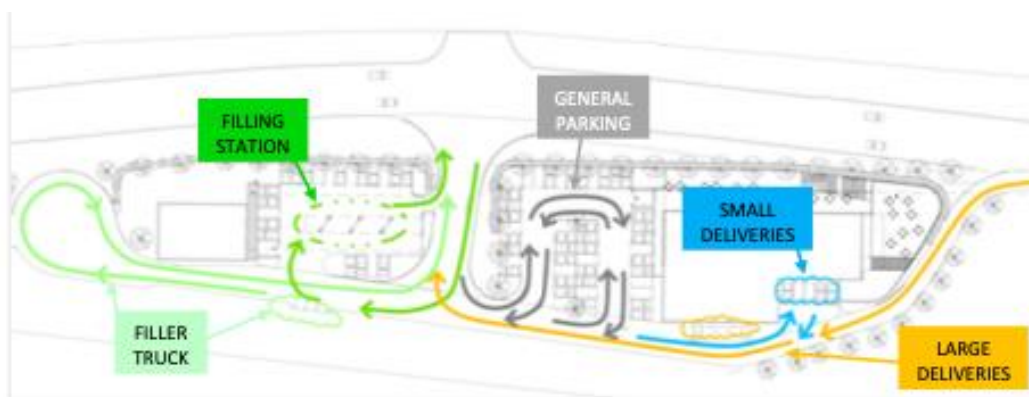


Diagram 9 : On-site circulation

2.6. Electrical Infrastructure Service Report

The electrical infrastructure report aims to provide a clear understanding of the electrical infrastructure on Portion 13 & 14 of Farm 1064 in Franschoek. Importantly the report is looking to estimate the load of the proposed development on the grid. The intension of the report is to assess the current electrical situation and provide a practical attainable solution to supply energy efficiently.

2.6.1. Currently the site is serviced by the following electrical infrastructure

- Existing Eskom 11kV distribution overhead infrastructure
- 11kV overhead infrastructure that reticulates in a South direction towards the mountain area, providing electrical supply to existing buildings (400m SW of site)
- Existing 11kV overhead infrastructure is reticulated from the Simondium district (391m SE of site)
- Various street lighting is installed adjacent to the proposed development on the R45 → may require an application to the local authority for the relocation should clashes occur between entrance roads and these existing street lighting.
- Existing underground medium voltage cable is installed via a culvert, beneath the road.

2.6.2. Estimated Electrical Load for New Development

COMMERCIAL								
Item	Building	Level	Commercial Type	Qty	Area (m ²)	VA/m ²	Total Load (VA)	Total Load (KVA)
1	Fuel station	Ground	Petrol station	1	250	85	21250	21,25
2	Woolworths	Ground	Anchor tenant	1	650	100	65000	65,00
3	Fast food	Ground	TBC	1	95	120	11400	11,40
4	Fast food	Ground	TBC	1	95	120	11400	11,40
5	Fast food	Ground	TBC	1	95	120	11400	11,40
6	Restaurant	Ground	TBC	1	250	120	30000	30,00
8	External lighting	Ground	-	1	-	-	-	1,70
					1435			
					Total Load (KVA)			152,15
					Diversity			0,90
					ADMD (KVA)			136,94

Table 1: Preliminary Load calculation

From the above load calculation, the electrical engineer recommends installing a new 200kVA miniature substation for this site, which will need to be formally applied for with Eskom.

2.6.3. Recommendation

We recommend that the report be reviewed by all parties involved in order for any further queries be raised with this office. The load calculation to be reviewed once tenant specifications have been confirmed during the detail design stage.

2.7. Engineering Services Report

The engineering services report aim to assess if the area is sufficiently serviced to accommodate the addition of the proposed development to the area.

The following services were assessed, and the engineer concluded the following recommendations:

- **Water demand:** The closest water reticulation network is an existing 150mm pipe running along the northern side of the R45. It is proposed that a 110mm diameter link service is constructed in order to provide water to the development for both domestic and fire purposes. Additionally, a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Sewerage:** There is currently an existing 200mm pipeline running along Dassenberg Road, located west of the site, towards the Wemmershoek Wastewater treatment works. It is proposed that a 160mm diameter link service is constructed in order to accommodate the sewer flows from proposed development. Additionally, a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Stormwater:** Graeme McGill Consulting completed a stormwater management plan for the proposed development. Refer to attached a copy of the report. In order to achieve the calculated treatment volumes for both quantity and quality, it is proposed that permeable paving is provided on site at a minimum ratio of 25% of the hardened areas. Refer to layout plan MC422-C401. It should also be noted that watercourse is situated on the subject property only.
- **Road Network:** A full traffic impact assessment was completed by UDS Africa to model the impact of the development on the existing road network.
- **Solid Waste:** It is proposed that refuse removal will take place by private collection on specified collection days at the dedicated refuse site. Accommodation for their vehicles will have to be ensured and be in line with their relevant requirements.

From the above assessment and the letter provided from the Stellenbosch Municipality is concluded that the site can be serviced from an engineering perspective.

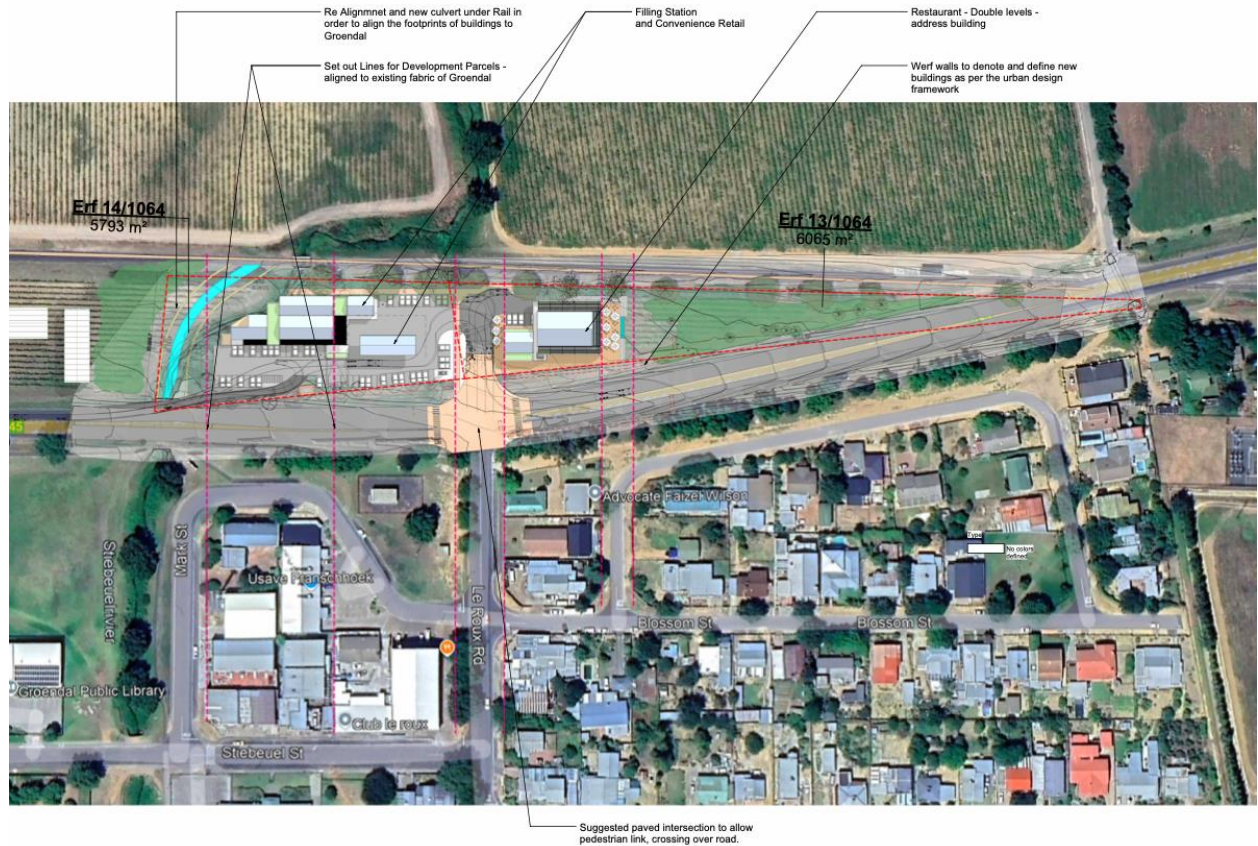
3. Development Proposal

3.1. Proposed Development and Layout

The owner wishes to develop the consolidated sites into the proposed 'Groendal Gateway Development' which will entail a mixed-use development on the site which includes a filling station, line shops and restaurant. The application will entail

- Consolidation of the two portions
- A rezoning to Local Business
- Application for council consent for a filling station on LB zoned site
- Approval of a development along a Scenic Route
- Permanent Departures
- Application for removal of restrictive title deed conditions

The gateway will aim to service the busy R45/ Main Road of Franschhoek and provide amenities ranging from petrol station to a Woolworths and restaurants to travelers and locals alike. See below the proposed layout:



The new proposed site will be 11 860m² in size, made up for portion 14 (5793m²) and portion 13 (6065m²). The right section of the site will be kept entirely open to allow for a green landscaped area to provide a positive impact on the gateway as a whole. In the middle of the site, a 2-story restaurant is proposed which will in turn screen the filling station that will be located to the left. On the left of the site there will be shops which will provide valuable amenities to tourists

and locals in Groendal. The proposed 'Groendal Gateway Development' will provide much needed services to people passing through and encourage economic activity and investment in the Franschhoek/Groendal area.

3.2. Land Utilization and Physical Description

Portion 13 and 14 of Farm 1064 are located at the gateway to Franschhoek at the intersection of the R45 and the historic Franschhoek tramline (see locality map for reference). The sties from a wedge-shape and form part of the entry approach into the Groendal settlement. The subject properties are situated in the Franschhoek River Valley. The sites fall within the rural scenic route designation due to its proximity to the R45 as designated by the Stellenbosch Spatial Development Framework of 2019.

The subject properties are located just inside the urban development edge. As such, the properties are abutted by a road and train line. Next to the road there is the largely residential area of Groendal and where in contrast next to the train line there is agricultural land.

The subject properties are currently being utilized for vine cultivation. Aligning with the agricultural zoning and some of the surrounding land uses, the valley is characterized by its largely agricultural use with its scenic routes and green farmland views being the significant attractions in the space. Therefore, there is negligible infrastructure located on the sites. Notably however, the Stienbeuel River runs through the eastern side of portion 14 of Farm 1064.

3.3. Status Quo

Portion 13 & 14 of Farm 1064			
Existing Use	Existing Zoning	Proposed Use	Proposed Zoning
Vine Cultivation	Agricultural	Service Station with shops and restaurants	Local Business

3.4. Access/ egress

The sites can currently be accessed by an informal service road which runs between portion 13 and 14 of Farm 1064 which provides access and egress to the site from the R45. As the farm portions are both being used for vine cultivation, there are no further roads on the sites.

4. Policy and Legislative considerations

4.1. Policy Considerations

4.1.1. Stellenbosch Spatial Development Framework

The sites fall under guidelines set out by the Stellenbosch Spatial Development Framework (SDF) of 2019. The subject properties are located at the entrance/exit to Franschhoek and at the intersection of the R45 and the historic tram line. The subject properties are located just within urban edge where the largely residential Groendal transitions to wide open agricultural land. Notably, the 2019 Stellenbosch Municipal Spatial Development Framework earmarks the site as 'Strategic Sites, Projects and/or Infill opportunities', as such this development will provide vital activation for this important site.

As noted in the Urban design report there is limited integration between Groendal and Franschhoek, which is a concern also raised in the MSDF, the proposal particularly the manner in which the development has been

planned with the context of the surrounding precinct will permit significant improved integration between the areas. Additionally, the development will provide economic upliftment to Groendal through job creation, tourism and mixed-used activities.

The SDF identifies Franschhoek as a district center and importantly the R45 as a Grade II scenic route. The subject properties notably fall within the 500m buffer corridor on this route and is located at the gateway of Groendal. The proposal will contribute positively to a scenic rural gateway which will allow for a cohesive sense of place and add to the heritage value of the area thus aligning with the scenic route.

In the SDF, Section 5.5 refers specifically to the proposed development plans for Franschhoek. Within this plan mixed use intensification is recommended for the sites along the R45. The properties fall just within the urban edge as indicated by the SDF. As such, the development is supported by the SDF considering the development is a mixed-use development. Additionally, the plan has earmarked the area for a proposed transit node. The mixed-use filling station could add to the character and infrastructure of the transit node providing activity and services at the suggested node.

While the SDF does maintain that the transition between agriculture and human settlement needs to be retained at the entrances of Franschhoek, much effort is being taken in ensuring development align with the landscape character and limit the visual impact. (See motivation and specialist reports for details)

4.1.2. Stellenbosch Environmental Management Framework

The Stellenbosch Environmental Management Framework was promulgated in 2018. Chapter 5 of the framework outlines clear guidelines for sustainable use of agricultural land.

The chapter sets out that the protection and appropriate use of high potential agricultural land is of critical importance. While the Stellenbosch EMF identified the sites as arable land with moderate potential, this combined with the fact that the Department of Agriculture allowed a subdivision of these two portions motivates that the subject properties while used for agricultural purposes are not high potential agricultural land and may be more useful in increasing mixed use intensification at the node.

While concerns have been raised about this property and development setting a precedent for development of agricultural land into built up land. The location of the subject properties between the trainline and R45 create a physical barrier to prevent this development to be 'expanded'.

Given the above, the applicant submits that the proposed development is entirely compatible with the Stellenbosch Environmental Management Framework, 2018.

4.1.3. Stellenbosch Integrated Development Plan (IDP) 2022-2027

The IDP aligns clearly with the SDF, however there is particular focus on the following guidelines:

1. Protect cultural landscape assets – including undeveloped ridgelines, view corridors, scenic routes, and vistas – from development.
 - a. The development has been respectfully and carefully designed to ensure that it aligns with the local area and enhances the scenic route and gateway

- i. The western gateway space is defined by permitting landscaping and greening of this area
 - ii. The filling station canopy is screen visually by the two-storey restaurant
 - iii. A modest, rural-scale mixed-use cluster of buildings framing landscaped public forecourt facing the R45, which are structured to maintain view lines
2. The spatial policies actively promote compact, dense, mixed-use development
 - a. This proposal aligns well with the above as it permits a previously underutilized piece of land to be used for a series of small scale mixed uses.
3. Ensure work and commercial opportunities are accessible
 - a. The mixed use development will provide a range of jobs to the local area in this manner stimulating the economy
 - b. The mixed use area will also include shops and restaurant as well as a filling station such providing an increase of availability of products and services
4. The application aligns with the Urban Design Framework for the precinct.

From the above it is clear that the proposal aligns well with the guideline set out by the IDP.

4.2. Legislative Requirements

4.2.1. Assessment of the proposal against the Stellenbosch zoning scheme

The table below tests the proposed application against the development controls for a Local Business site from the Stellenbosch Zoning Scheme 2023:

Column 1 Development Controls	Column 2 Stellenbosch Zoning Scheme	Column 3 Applied to the site.	Column 4 Departure
Coverage	75%	14%	No
Height	3 storeys for buildings/business	Restaurant - 2 storey Line shops and filling station – 1 storey	No No
Street Building line setback	2m 0m setback – scenic route	0m (Mini-sub) 21.7m (shops) 4.5m (restaurant) 14.5m (filling station) 0m	Yes, to permit a setback of 0m in lieu of 2m on Main Road. No Council consent required

Common boundary building line setback	1m setback for buildings 3m setback for filling station	Southern common boundary 6.4m (shops) 3.5m (restaurant) 4.8 (filling station) Eastern common boundary 25m (shops)	No No
Parking	4 bays per 100m ² GLA for restaurants for 915m GLA = 36.6 bays 4 bays per 100m ² GLA for shops for 694m GLA = 27.76 bays Total: 64.3bays required	Retail Bays: 61 Motorcycle Bays:2 Paraplegic Bay: 2 Total: 63.5 bays	Yes, to permit 63 bays in lieu of the required 65 bays.
Loading Bays	1 bay per 500m ² for 694 GLA of shops = 2 bays required	1 loading bay	Yes, to permit 1 loading bay in lieu of 2 bays.
Boundary Wall	Street: 1.8 m high Common: 3m high	1m flood wall	No No

As has been illustrated above, the proposed development is entirely compliant with the development controls set out in the Stellenbosch Municipality Zoning Scheme, 2023 for Local Business Zoning. However, there are departures from the street boundary setbacks

- Section 15 (2) (b) Application for permanent departure to permit 1 loading bay in lieu of 2
- Section 15 (2) (b) application for permanent departure to permit 63 bays of parking in lieu of the required 64 bays
- Section 15 (2)(b) application for permanent departure to permit 0m setback in lieu of the required 2m setback on Main Road.
- Section 15 (2) (g) application for council approval for development in a Scenic Route Overlay Zone (SRO4/5) (addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e))

5. Motivation

5.1. Proposed Development

To facilitate the proposed development of the following:

- Fuel/Filling station
- Line Shops
- Restaurant

The above developments will require the following applications to the Stellenbosch Municipality.

5.1.1. Consolidation of Portion 13 and 14 of Farm 1064

To allow for the proposed development, a consolidation of portion 13 and portion 14 into one property is necessary. The proposed consolidation (see consolidation plan attached with the annexures) is to allow for the proposed service station, restaurant and shops to be developed. The development will contribute to much-needed densification within the franschhoek area. The consolidated extent of the subject property, 11, 860 m², is in keeping with the character of the area, given that there are a number of properties within a radius of 100 m that are of similar extent or larger. The consolidation will also permit an upgraded access point to the site from the R45 and an upgrade to the intersection which will benefit the proposed development but also Groendal.

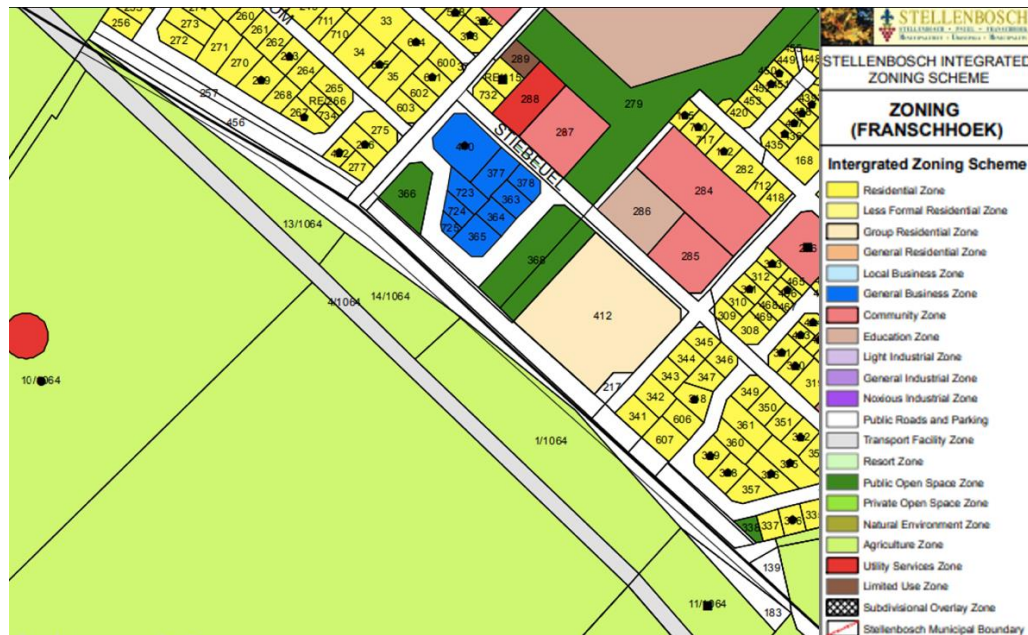


Map showing the sizes of the erven surrounding the subject properties (basemap sourced from Cape Farm Mapper)

5.1.2. Rezoning of Portion 13 and 14 of Farm 1064

The sites are both currently utilised as vineyards and zoned agriculturally. The vineyards have been underutilized for years and are of little economic and agricultural value to the owner and the area. Additionally, the properties are located between the tramline and the R45. As such, the sites are undesirable to develop for other functions such as for residential proposes such as social housing or meaningful agriculture . As illustrated in the zoning map below the subject

properties are located opposite existing business zoned properties and the area has a range of uses and zonings making proposed the local business functions of the site well within character for the area. Therefore, rezoning to a local business site, will permit an economically productive site in a well-located area which is accessible to travelers passing through the area.



Extract taken from the Stellenbosch Integrated Zoning Scheme showing the zoning of the sites and surrounds

5.1.3. Consent use for site as a service/filling station

The subject property is located at the gateway of Franschhoek at the intersection of the R45 and the tramline. This central and well-located position makes the subject properties well suited for a service station with ancillary shops and restaurants, which is supported by the future planning policy which earmarks this site for infill development. The R45 is well visited by locals, tourists and commercial trucks, as such a service station will encourage increased visitation and economic stimulation as aligned with the forward planning policies for Franschhoek. The property is additionally located opposite Groendal, which may benefit from the increase in services and job creation. Overall this development and the consent for use of the site as a filling station is desirable and will add value to the gateway of Groendal.

5.1.4. Application in a Scenic Route Overlay Zone (SRO4/5) addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e)

As the Stellenbosch Zoning Scheme portion 13 &14 of Farm 1063 fall within a Scenic Route Overlay Zone SRO4/5 due to the R45. As such any new building and construction of a parking lot requires an application as set out by section 256 (1) of the Zoning Scheme. The overlay zone sets out that a building line of 30 meters applies to all scenic routes.

Great care as been taken through a series of meetings with council by various specialist to ensure that given the location of the site the design and layout respond to the heritage and scenic value of the area. As is set out clearly in the urban design report the development has been designed appropriately for the local context

- Gateway treatment
 - Planting has been proposed at the gateway to reflect the rural character of the area
 - A Low wall at the gateway to provide a sense of arrival and lean into the gateway concept
- Building and Architectural Design
 - Restaurant towards the west of the site proposed to be double story to act as the address building
 - A two-story restaurant will permit screening of the filling station behind it
 - Building parcels set out to align with the existing fabric of Groendal
- Green space
 - Significant green space to maintain the rural Cape character
 - Buildings are not designed as big blocks but rather smaller articulations to align with rural character
 - River corridor redirected and rehabilitated to facilitate the conservation of the Steibuel river
 - The existing row of Oak Trees will be kept parallel to the rail track will be kept.

The above design efforts all come together to develop this site in a manner which aligns with the rural local area and provides amenities without causing a negative visual impact.

5.1.5. Application Permanent departures

Parking and Loading bays

The traffic impact assessment has been conducted which illustrated that the circulating, parking and loading bays provided are sufficient for the proposed site. The upgrade of the intersection will ensure that the site is visited by more pedestrians as such pressure of the demand for parking.

Regarding loading there is a designated left in for truck and deliveries which will allow for the loading to happen more efficiently and thus reduce the demand for parking bays. For the above reasons we put forward that the parking and loading bay departures will have a negligible impact and should be granted.

Street setback departures

The development is located along a scenic route which requires a 30m setback. The development has been carefully designed in collaboration with specialists to ensure it is sensitive to the local area and compatible with the Franschhoek area and gateway to Groendal. A detailed urban design framework, drafted by Piet Louw (See attached), which illustrates how the proposed development responds to the local context including the architectural narrative the view lines, the Groendal development blocks and the gateway. Therefore, we put forwards that while there is a departure from the required setbacks from the street it is merely triggered by the mini-sub. This substation has intentionally been located in this position to service the site and connect to the grid as designed by the electrical engineer. The development responds appropriately to the context and the departures will not have a negative impact on the local area or community.

5.1.6. Removal, amendment or suspension of restrictive title deed conditions

The following conditions of contained in the title deed which restrict the development:

- Clause (A) (2) Not more than one dwelling house shall be erected on the land except with the approval of the Controlling Authority as defined in Act 21 of 1940.
- Clause (A) (3) No store or place of business whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940
- Clause (A) (4) No building or any structure whatsoever shall be erected within a distance of 22.04 meter from the centerline of the Paarl-Franschhoek Main Road, Section 4, without written approval from the controlling authority.

The conditions clearly do not explicitly prohibit the number of dwellings, business and structures closer than 22.04m from the centerline rather indicate that approval from the controlling authority (Stellenbosch Municipality) is required. We hereby make application for consent to council for the above actions. The project team has followed due process and interfaced with council through a series of meetings to ensure the scale, nature and layout of the development is aligned with the departments mandates and forward planning policy. Additionally a comprehensive Urban Desing Framework has been developed to ensure the site fits into the greater preceint and responds appropriately to its local context.

Given the above we respectfully request approval by the controlling authority in granted in terms of the above conditions.

5.2. Minimum Threshold Requirements in terms

5.2.1. Consistency with the Stellenbosch Spatial Development Framework

As per section 4 of this report, it motivates the application to be congruent with the Stellenbosch By-Law on Municipal Land use Planning.

Given the above, the application does not fail to comply with the minimum requirements as stated in Section 65 (a) of the by-law and should therefore not be refused but supported by the decision marker.

5.3. Desirability in terms of Section 65 (c) the Stellenbosch Spatial Development Framework

5.3.1. Socioeconomic Impact

Portion 13 & 14 have historically been utilized for vineyard cultivation. The vineyards are not significantly productive, as such contributing minimal socioeconomic value to the broader area and owners of the property. The proposed development entails developing the properties into the 'Groendal Gateway Development' which will include a filling station, line shop, and restaurant. The development will contribute positively to the economic activity in the area by providing services to the area, along an important route and creating jobs for locals opposite Groendal. The development will in this manner convert well-located valuable land into an economically productive site which will service the booming tourism industry as well as locals in Groendal subsequently having a positive socio-economic impact. Additionally, the design of the development and upgrade of the intersection (as set out in the Urban design report and TIA) will permit a more pedestrian friendly crossing and environment on the property thus encouraging locals to come and do their shopping or visit the restaurant on site. This activation will translate to the R45 at this section feeling more like a Main Road and contribute positively to placemaking for the Groendal settlement and Franschoek Gateway. In whole, the development will for the reasons listed above have a positive socio-economic impact on the local area.

5.3.2. Compatibility with surrounding land uses

The development is compatible with the surrounding land uses in terms of erf sizes as discussed above. The development is surrounded by largely residential properties in Groendal and Agricultural sites, as it is located on the urban development edge. The property has been earmarked for mixed use intensification by Stellenbosch forward planning policies. Given the above and the property's location along the scenic route the intension to propose a mixed-use development is entirely aligned the local area and compatible in terms of use. The mixed-used development is additionally supported by specialist studies, namely the heritage report and urban design framework which set of the need for a mixed-use development to service the tourism industry and locals.

5.3.3. Impact on external engineering services

The engineering services report clearly shows that the site will be well serviced:

- **Water demand:** there is infrastructure running along the R45 and a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Sewerage:** here is an existing pipeline located west of the site. It is proposed that a 160mm diameter link service is constructed in order to accommodate the sewer flows from proposed development. Additionally, a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Stormwater:** Graeme McGill Consulting completed a stormwater management plan for the proposed development. Refer to attached copy of the report. In order to achieve the calculated treatment volumes for both quantity and quality, it is proposed that permeable paving is provided on site at a minimum ratio of 25% of the hardened areas.
- **Road Network:** A full traffic impact assessment was completed by UDS Africa to model the impact of the development on the existing road network, including significant upgrades to the intersection with the R45.
- **Solid Waste:** It is proposed that refuse removal will take place by private collection on specified collection days at the dedicated refuse site. Accommodation for their vehicles will have to be ensured and be in line with their relevant requirements.

From the above assessment and the letter provided from the Stellenbosch Municipality is concluded that the site can be serviced from an engineering perspective. The site has been assessed to be adequately serviced and the feasibility of the upgrades required to accommodate the development has been confirmed by the engineer and through capacity confirmation from the Stellenbosch municipality. Given this assessment we put forward that will be no negative impact on the engineering services in the area as a result of the proposal.

5.3.4. Impact on safety, health and wellbeing of the surrounding community

Improved pedestrian safety and road experience

Through the layout design and the intersection upgrade the development will result in a calmer R45 along this section. This will improve pedestrian safety and allow for improved permeability between Groendal and the property. The layout of the site will courage walkability of the property and local area in this manner contributing to placemaking. The streets will be aligned with the streets diagonally across the road in Groendal for the specific reason of keeping the view lines and continuity of pedestrian access to the site,

Filling station Due Process

As is required in terms of Department of Trade and Minerals the necessary application will be made to ensure the filling station is adequately licensed. All required safety measures will be taken to ensure that the filling station is safe and functional

5.3.5. Impact on Heritage

The project team includes a Heritage specialist, Mike Scurr, who is in the process of obtaining heritage approval for the proposed development. A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2019, and the Heritage Officials Meeting (HOMs) of 9 December 2019, returned a Response to NID (RNID) requiring an integrated Heritage Impact Assessment (HIA) with specific reference to a Visual impact on the rural cultural landscape and townscape. This Heritage Impact Assessment process is currently underway. To date affected heritage resources have been identified and assessed in terms of their significance, and heritage indicators have been derived to inform design development. Early engagement with the design team saw revisions to the initial proposal to respond to the heritage indicators. More recently, the compilation of an urban design framework has resulted in further refinement to the design. The heritage team is, consequently, updating the specialist reports and integrating these updates into the HIA in order to finalize it for public comment prior to submission to Heritage Western Cape. Given these processes, we submit that the proposal will not have a negative impact on heritage and recommendations set out in the process will be aimed to be complied with.

5.3.6. Impact on the Biophysical Environment

Vineyards

The vineyards are not of significant value and not agriculturally productive. The clearing of the vineyards will allow for the proposed mixed-used development which includes significant planting of vegetation as per the landscaping plan which will be submitted soonest. The development will include greening towards the gateway at the west of the site. In this manner, the development will have a positive impact on the biophysical environment.

Water Systems

The Steinbeul River runs through the site. As the river runs through Groendal there is extensive pollution in the water network, contributing negatively to water quality of the riverine corridor systems. A freshwater ecologist and stormwater engineer have been working together to ensure that the section of the Steinbeul river located on site is maintained and rehabilitated to the best of the owners' abilities. The measures proposed include the realigned channel being adequately sloped and reinstated with indigenous wetland vegetation and the implementation of a 10 m conservation buffer which is revegetated with indigenous terrestrial vegetation. The intention is to

rehabilitate the section of the Steinbeul river while ensuring the development does not impact the watercourse.

Oak Trees

There are a number of established Oak Trees located along the boundary with the railway line along the two portions. These trees will be maintained, and the development has been planned to ensure that it will not impact on the trees or their root systems. Please see attached the tree report completed by Krieger Trees.

Given the above we put forward that there will be no negative impact on the biophysical environment.

5.3.7. Traffic, parking access and other transport related conditions

The submission includes a detail TIA submitted to ensure that the proposed access, egress and parking are adequate for the proposed development. The main access will entail an upgrade where it intersects with the R45 including traffic calming measures, in this manner having a positive impact on the intersection and improving pedestrian safety in the area. Additionally, the proposal includes a left into the site which will be utilised by the trucks which service and visit the filling station. This left-in will ensure that the main access point is not negatively impacted and the commercial functioning of the line shops and restaurant. Lastly, the parking provided on site will adequately serve the restaurant and shops as well as the filling station. Therefore, the proposed development will have a positive impact on traffic in the area.

5.4. Considerations Prescribed in LUPA and SPLUMA

Spatial Justice: The proposal does not directly address and contribute towards spatial justice in addressing the imbalance of the past. However, the development does not further entrench the imbalances, as the land utilized is located between the R45 and Tramline which is an undesirable location for residential units. As follows the development is not using land that could have been utilized for social housing but rather promoting the continued and intensified efficient mixed use of the property. The proposal promotes spatial justice in this manner.

Spatial Sustainability: Significant effort has been made to ensure the development is sustainable. The development includes a mix of land uses and the conservation of the watercourse. The above illustrates that this development is spatially sustainable.

Efficiency: The development is located in a well service and accessible location along R45. The necessary upgrades to services will be made to ensure the site is adequately serviced. As such the development aligns with the principle of efficiency by not adding significant pressure on resources/services while providing a mixed-use development

Spatial Resilience: The proposal promotes resilience as it will provide further employment opportunities during the construction phase and continue to provide employment during the running phase (retail, restaurants, service station) and as such contribute to locals' livelihoods.

Good Administration: The proposed development aligns with the various spatial forward planning policies for the Stellenbosch Municipality Area and as follows complies with the principle of good administration.

6. Conclusion

The proposal is to apply to consolidate and rezoning of the subject properties Portion 13 & 14 of Farm 1064 from Agricultural to Local Business Zoning. This will permit the development of the Groendal Gateway Development with ancillary shops and restaurants. Application for consent for use of the property as a service station is made as well as application approval for development along a scenic route.

The proposed development is in line with the Stellenbosch Spatial Development Framework. The proposal will allow for the La Provence Service Station to be development and is entirely compatible with the development controls set out for a Mixed use property in the Stellenbosch By-Law.

The proposal is desirable for the following additional reasons:

- The proposed is compatible with the surrounding land uses.
- The proposed development is desirable from an economic perspective as it will stimulate the local economy and job creation.
- The Stellenbosch Municipality has confirmed that there is service capacity to accommodate the proposed development
- The subject property is located within the urban development edge and will strengthen the R45 scenic route through increased economic activity.
- The location of the property between the R45 and tram line make it unsuitable for other developments such as residential developments.
- The proposal is desirable from an urban design standpoint

Based on the consideration set out herein, the Applicant therefore concludes that the authority sought is sound and reasonable and it is accordingly requested that the Stellenbosch Municipality grant their approval to the application at hand.

Olden and Associates

December 2025

EXECUTIVE SUMMARY

Objective/Proposed Development	To apply to consolidate portion 13 and portion 14 of Farm 1064 and subsequently rezone the consolidated site from Agricultural (AG) to Local Business (LB) to allow for the development of a mixed-use development called 'Groendal Gateway Development' (including a filling station, shop, office space and restaurant). The application will include an application for all the relevant departures associated with this development and removal of restrictive conditions in the title deed.
Pre-submission Consultation	Yes, see minutes attached.
Relevant Properties	Portion 13 & 14 of Farm 1064, La Provence, Franschhoek
Registered Owners	Adagio Empire PTY Ltd.
Applicant	Olden and Associates
Current Deed of Transfer	59403/2021
Extent	Portion 13 of Farm 1064: 6066m ² Portion 14 of Farm 1064: 5 794m ²
Street Address	Main Rd, Franschhoek, 7690
Current Zoning	Agricultural Zone (AG)
By-Law Applications	<ul style="list-style-type: none"> • Section 15 (2)(e) Consolidation of Portion 13 and Portion 14 of Erf 1064 • Section 15 (2)(a) Rezoning of Portion 13 & 14 of Erf 1064 from Agricultural Zoning to Local Business • Section 15 (2) (o) Consent use contemplated in the zoning scheme to permit the use of the property as a filling/service station. • Section 15 (2) (j) approval for development in a Scenic Route Overlay Zone (SRO4/5) (addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e)) • Section 15 (2)(b) permanent departures • Section 15 (2) (f) a removal, suspension or amendment of restrictive conditions in respect of a land unit.
Other Approvals Needed	<ul style="list-style-type: none"> • Environmental Authorisation • Water Use License Application

REPORT CONTENTS

1. Background and site information/history

- 1.1. Background and site history
- 1.2. Applicant
- 1.3. Land Use applications being applied for
- 1.4. Requirements for the pre-application meeting
- 1.5. Site details
- 1.6. Locality
- 1.7. Title Deeds and diagrams

2. Specialist Studies Conducted Informing the Proposed Development

- 2.1. Urban Design Framework
- 2.2. Heritage Impact Assessment
- 2.3. Freshwater Study
- 2.4. Stormwater Management Plan
- 2.5. Traffic Impact Assessment
- 2.6. Electrical Infrastructure Service Report
- 2.7. Engineering Services Report

3. Development Proposal

- 3.1. Proposed Site Development Plan (informed by specialist studies)
- 3.2. Land Utilization and Physical Description
- 3.3. Status Quo
- 3.4. Access/ egress

4. Policy and Legislative considerations

- 4.1. Policy Considerations
 - 4.1.1. Stellenbosch Spatial Development Framework
 - 4.1.2. Stellenbosch Environmental Management Framework
 - 4.1.3. Stellenbosch Integrated Development Plan
- 4.2. Legislative Requirements
 - 4.2.1. Assessment of the proposal against the Stellenbosch zoning scheme
 - 4.2.2. Departures

Motivation

- 4.3. Application for
 - 4.3.1. Consolidation of Portion 13 and 14 of Farm 1064
 - 4.3.2. Rezoning of Portion 13 and 14 of Farm 1064
 - 4.3.3. Consent use for site as a service station
 - 4.3.4. Approval of development in a Scenic Route Overlay Zone (SRO4/5)
 - 4.3.5. Permanent departures
 - 4.3.6. Removal, suspension or amendment of restrictive conditions in respect of a land unit.
- 4.4. Compliance with Spatial Planning Policies:
 - 4.4.1. Compliance with Stellenbosch By-Law on Municipal Land Use Planning in terms of Section 65 (a)
- 4.5. Desirability in terms of section 65 (c) (linking back to Specialist Studies)
 - 4.5.1. Socioeconomic Impact
 - 4.5.2. Compatibility with surrounding land uses

- 4.5.3. Impact on external engineering services
- 4.5.4. Impact on safety, health and wellbeing of the surrounding community
- 4.5.5. Impact on Heritage
- 4.5.6. Impact on the Biophysical Environment
- 4.5.7. Traffic, parking access and other transport related conditions
- 4.5.8. Mitigation measures

4.6. Considerations Prescribed in LUPA and SPLUMA

5. Conclusion

1. Background and site information/history

1.1. Background

Portion 13 and 14 of Farm 1064, Franschhoek are the subjects of this application and shall be referred to as the subject properties going forward. The properties are currently zoned as agricultural land and are currently being used for vine cultivation and is home to a section of the Stiebeuel River. The two portions are located in the 'triangle' between the R45 and the Franschhoek Historic Tramline, just within the urban development edge of Franschhoek.

The landowner is proposing the 'Groendal Gateway Development' which will entail a mixed-use development on the site which includes a filling station, shops, office space and restaurant. As such, the purpose of this application is to apply for a consolidation of portion 13 and portion 14 of Farm 1064 and subsequently rezone the consolidated site from agricultural zoning to local business zoning to allow for the proposed development.

1.2. Applicant

Application is made on behalf of the owner of the Adagio Empire PTY Ltd., who have authorized Consulting and Regional Planners, Olden & Associates, to submit and proceed with this application, and to act as the Applicant in this and related matters on their behalf. (Refer to Annexures for a copy of Power of Attorney and Trust Resolution).

1.3. Land Use applications being applied for

An application is hereby formally made to the Stellenbosch Municipality:

- Section 15 (2) (e) Consolidation of portion 13 & 14 of Erf 1064
- Section 15 (2) (a) Rezoning of portion 13 & 14 of Erf 1064 from Agricultural Zoning (AG) to Local Business Zoning (LB).
- Section 15 (2) (o) Consent use in terms of the zoning scheme for the development of a filling/service station on local business zoned site.
- Section 15 (2) (g) approval for development in a Scenic Route Overlay Zone (SRO4/5) (addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e))
- Section 15 (2)(b) permanent departures
- Section 15 (2) (f) a removal, suspension or amendment of restrictive conditions in respect of a land unit.

1.4. Requirements for the pre-application meeting

A pre-application meeting was held with the Stellenbosch municipality on 30th July 2024. The following recommendations were made:

- **Stormwater:** proposed stormwater infrastructure to be represented on the Site Development Plan
- **Signage:** application for signage be done separately after the land use approval
- **Traffic:** provincial plan for the intersection to be considered and included in the TIA and SDP
- **Building line setbacks:** 30m building line setback required due to the rural scenic route; any departures should be motivated in terms of visual impact, heritage and with a detailed SDP

- **Urban Design:** Urban design Framework is submitted and put together in consideration with the draft urban design plan for the neighboring site
- **Title deeds:** existing conditions relating to the use of the site and the setback that require approval from the authority; application for council approval and motivation required
- **Heritage:** Heritage application must be submitted to Stellenbosch heritage committee; it should be confirmed if the site is located in a heritage graded area.
- **Engineering Services:** engineering report to be submitted ; report and motivation should include an understanding of the impact of the sewer runoff on the wastewater treatment
- **Noise impact:** It is not expected to be onerous, but the noise impact of the development should be considered and included in the motivation regarding mitigation measures
- **Zoning:** Recommended due to the location of the development that the site be rezoned to Local Business; Note this will require a consent use application for the service station

1.5. Site details

	Portion 13 of Cape Farm 1064	Portion 14 of Cape Farm 1064
Extent of Property	6 060m ²	5 794m ²
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law 2023	
Current Zoning	Agriculturally Zoned	
Current Land Use	Vineyard	
Title Deed/s Number	59402/2021	
Surveyor Generals Diagram	9324/49	
Special/Conservation Area	Rural Scenic Sensitive Route (Stellenbosch SDF 2019)	

1.6. Title Deeds and diagrams

Portion 13 and 14 of Farm 1064 are held against title deed numbered 59401/2021 which indicates the owner of the property is Adagio Empire PTY Ltd. Please see the conveyancer's certificate to illustrate there are no restrictive title deed conditions that hinder the property from being consolidated or rezoned to Local Business. However, there are conditions in the deed of transfer 59403/2021, which require council consent. Please see below:

- **Clause (A) (2)** Not more than one dwelling house shall be erected on the land except with the approval of the Controlling Authority as defined in Act 21 of 1940.
- **Clause (A) (3)** No store or place of business whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940
- **Clause (A) (4)** No building or any structure whatsoever shall be erected within a distance of 22.04 meter from the centerline of the Paarl-Franschhoek Main Road, Section 4, without written approval from the controlling authority.

Given the conditions applications are herewith made for council consent to permit more than one dwelling to be erected on site, a business to be located on site and the structures to be located closer than 22.04m from the centerline of Main Road.

Please see erf diagrams attached to these applications for reference.

2. Specialist studies conducted informing the proposed development layout

In order to design a layout that responds to cultural and physical landscape of the site, various specialist studies were necessary. The findings of these studies were used to inform the development proposal and are set out in more detail below, and are as follows:

2.1. Urban Design Framework

The framework evaluates the site within the broader Franschhoek–Groendal landscape and identifies how it can contribute positively to municipal strategic objectives, particularly those outlined in the 2019 Stellenbosch MSDF.

Contextual consideration include:

- There is a need for spatial integration between Groendal and Franschhoek
- There are significant Environmental pressures including notably severe pollution of the Stiebeuel River and stormwater channels
- The site is located in a place which provides opportunity to enhance the gateway experience along the R45 scenic route (Main Rd)
- There is a need to support local economic diversification, smaller farmer programmes, tourism and job creation.

Key Problems and Opportunities of the site

- Water quality and stormwater management
- Poor spatial quality and fragmentation (largely caused by the harsh boundaries of the R45 and Railway)
- Limited economic densification
- Land scape quality (notably protecting views, agricultural superblocks and the green corridor between Groendal and Franschhoek)

Spatial Vision for the Precinct

- Creation of a green, landscaped gateway
- Rehabilitation of the water network
- Reconfiguration of the R45 interface (from Road to Street)
- A dignified forecourt/Braak-like civic space (public anchor for Groendal)
- Retention of key viewing corridors

Development Concept for the Gateway site

- A Modest, rural-scale mixed-use cluster of buildings framing landscaped public forecourt facing the R45
- Land uses such as restaurant, filling station and smaller mixed-used buildings to be carefully positioned to:
 - Define the western gateway space
 - Screen visually intrusive elements (e.g. filling station canopy)
 - Support local economic activity and tourism flows
 - Complement adjacent institutional and commercial nodes
- Architectural guidelines emphasizing
 - Rural Cape Winelands character (barn-like forms, white vernacular, pitched roofs)
 - Low heights and limited signage
 - Downward-facing lighting only
 - Pedestrian-friendly spaces, low garden walls and tree planting
 - Sustainability measures such as rainwater capture and shaded interface zones
- Parking and circulation areas designed to support placemaking rather than vehicular dominant layouts

2.2. Heritage Report

The heritage approval process is underway and will be running concurrently with this application. It is being overseen by the heritage consultant Mike Scurr. A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2019. The officials requested a Heritage Impact Assessment (HIA) with specific reference to Visual impact on the rural cultural landscape and townscape.

This Heritage Impact Assessment process is currently underway. To date affected heritage resources have been identified and assessed in terms of their significance, and heritage indicators have been derived to inform design development. Early engagement with the design team saw revisions to the initial proposal to respond to the heritage indicators.

Once heritage impact assessment has been finalised it will be submitted to council accordingly.

2.3. Freshwater Impact Report

The Freshwater Impact Assessment was conducted by FEN Consulting in 2024. The comprehensive report concluded the following from their risk assessment that the proposed development is expected to pose a Moderate to High risk significance on the Channeled Valley Bottom Wetland (CVBW), due to the close proximity of the proposed building infrastructure to the realigned CVBW as well as the filling station being located below the 1 in 100 year flood line. The rating of moderate vs high will depend on the method chosen to manage the channel.

The freshwater ecologist put forward that the present ecological state of the reach of the CVBW could be improved given the following steps are taken:

- realigned channel be adequately sloped and reinstated with indigenous wetland vegetation,
- the implementation of a 10 m conservation buffer which is revegetated with indigenous terrestrial vegetation,
- long term management of the alien and invasive plants (AIPS)
- adherence to cogent, well- conceived and ecologically sensitive construction plans are implemented and the mitigation measures
- Site specific rehabilitation plan is compiled
- WULA approval is obtained

The expected improvement is largely due to the fact that the portion was historically realigned below the culverts, and has created unnaturally sharp turns in the channel, which has resulted in erosion and incision of the embankments.

2.4. *Stormwater Management Plan*

For this study it will be required to assess and recommend appropriate measures to protect the development from flooding. The following recommendations are made by Graeme McGill Consulting.

- Construct a Reno mattress-lined trapezoidal canal on the Stiebeuel River for a length of 80m between the R45 and rail culverts.
- Provide an opening to allow river flow which may have overtopped the R45, to re-enter at the start of the canal.
- Construct a 1.0m high wall along the length of Portion 14 up to the central access road. This will protect Portion 14 from flooding in the event of overtopping of the R45. Provide a similar wall along the boundary of Portion 13.
- Provide an overflow spillway on the northern side of the Stiebeuel River canal at the point where it enters the Stiebeuel River rail canal.
- Construct a Reno mattress-lined trapezoidal canal for a length of 63m between the two rail culverts.
- Portion 14: Provide permeable paving for the retail development in the parking areas. The total area is to be 25% of the hardened surface. Permeable paving will not be placed in loading areas and access roads.
- Portion 13: Provide permeable paving for the filling station development in the parking areas. The total area is to be 25% of the hardened surface. Permeable paving will not be placed in the forecourt and on access roads.

2.5. *Traffic study*

The traffic study was conducted by USD Africa who made the following recommendations for the proposed development. From the above it is recommended that the proposed commercial development on the subject property be approved from a traffic impact point of view, with the following to be considered. (Please note that this study will be updated to align with the new layout and submitted in early 2026

To accommodate the background traffic, upgrading of the R45/Le Roux Street intersection is considered necessary:

- Dedicated right-turn lane along the southeastern R45-approach.
- Dedicated left- and right-turn lanes along the Le Roux Street-approach.
- Traffic signals.



Diagram 8 : Schematic layout – proposed access-approach to R45/Le Roux Street intersection

To accommodate the proposed development traffic, the upgrading of the R45/Le Roux Street intersection including the following:

- Dedicated right-turn lane along the northwestern R45-approach.
- Access-approach to consist of a shared through-left lane and a dedicated right-turn lane.

That it be noted that large delivery vehicles will only be able to enter the site via the proposed left-in.

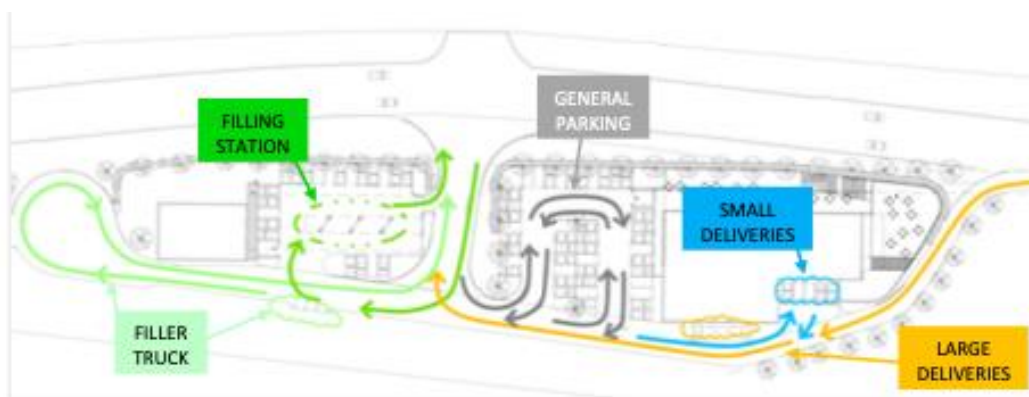


Diagram 9 : On-site circulation

2.6. Electrical Infrastructure Service Report

The electrical infrastructure report aims to provide a clear understanding of the electrical infrastructure on Portion 13 & 14 of Farm 1064 in Franschhoek. Importantly the report is looking to estimate the load of the proposed development on the grid. The intension of the report is to assess the current electrical situation and provide a practical attainable solution to supply energy efficiently.

2.6.1. Currently the site is serviced by the following electrical infrastructure

- Existing Eskom 11kV distribution overhead infrastructure
- 11kV overhead infrastructure that reticulates in a South direction towards the mountain area, providing electrical supply to existing buildings (400m SW of site)
- Existing 11kV overhead infrastructure is reticulated from the Simondium district (391m SE of site)
- Various street lighting is installed adjacent to the proposed development on the R45 → may require an application to the local authority for the relocation should clashes occur between entrance roads and these existing street lighting.
- Existing underground medium voltage cable is installed via a culvert, beneath the road.

2.6.2. Estimated Electrical Load for New Development

COMMERCIAL								
Item	Building	Level	Commercial Type	Qty	Area (m ²)	VA/m ²	Total Load (VA)	Total Load (KVA)
1	Fuel station	Ground	Petrol station	1	250	85	21250	21,25
2	Woolworths	Ground	Anchor tenant	1	650	100	65000	65,00
3	Fast food	Ground	TBC	1	95	120	11400	11,40
4	Fast food	Ground	TBC	1	95	120	11400	11,40
5	Fast food	Ground	TBC	1	95	120	11400	11,40
6	Restaurant	Ground	TBC	1	250	120	30000	30,00
8	External lighting	Ground	-	1	-	-	-	1,70
					1435			
					Total Load (KVA)		152,15	
					Diversity		0,90	
					ADMD (KVA)		136,94	

Table 1: Preliminary Load calculation

From the above load calculation, the electrical engineer recommends installing a new 200kVA miniature substation for this site, which will need to be formally applied for with Eskom.

2.6.3. Recommendation

We recommend that the report be reviewed by all parties involved in order for any further queries be raised with this office. The load calculation to be reviewed once tenant specifications have been confirmed during the detail design stage.

2.7. Engineering Services Report

The engineering services report aim to assess if the area is sufficiently serviced to accommodate the addition of the proposed development to the area.

The following services were assessed, and the engineer concluded the following recommendations:

- **Water demand:** The closest water reticulation network is an existing 150mm pipe running along the northern side of the R45. It is proposed that a 110mm diameter link service is constructed in order to provide water to the development for both domestic and fire purposes. Additionally, a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Sewerage:** There is currently an existing 200mm pipeline running along Dassenberg Road, located west of the site, towards the Wemmershoek Wastewater treatment works. It is proposed that a 160mm diameter link service is constructed in order to accommodate the sewer flows from proposed development. Additionally, a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Stormwater:** Graeme McGill Consulting completed a stormwater management plan for the proposed development. Refer to attached a copy of the report. In order to achieve the calculated treatment volumes for both quantity and quality, it is proposed that permeable paving is provided on site at a minimum ratio of 25% of the hardened areas. Refer to layout plan MC422-C401. It should also be noted that watercourse is situated on the subject property only.
- **Road Network:** A full traffic impact assessment was completed by UDS Africa to model the impact of the development on the existing road network.
- **Solid Waste:** It is proposed that refuse removal will take place by private collection on specified collection days at the dedicated refuse site. Accommodation for their vehicles will have to be ensured and be in line with their relevant requirements.

From the above assessment and the letter provided from the Stellenbosch Municipality is concluded that the site can be serviced from an engineering perspective.

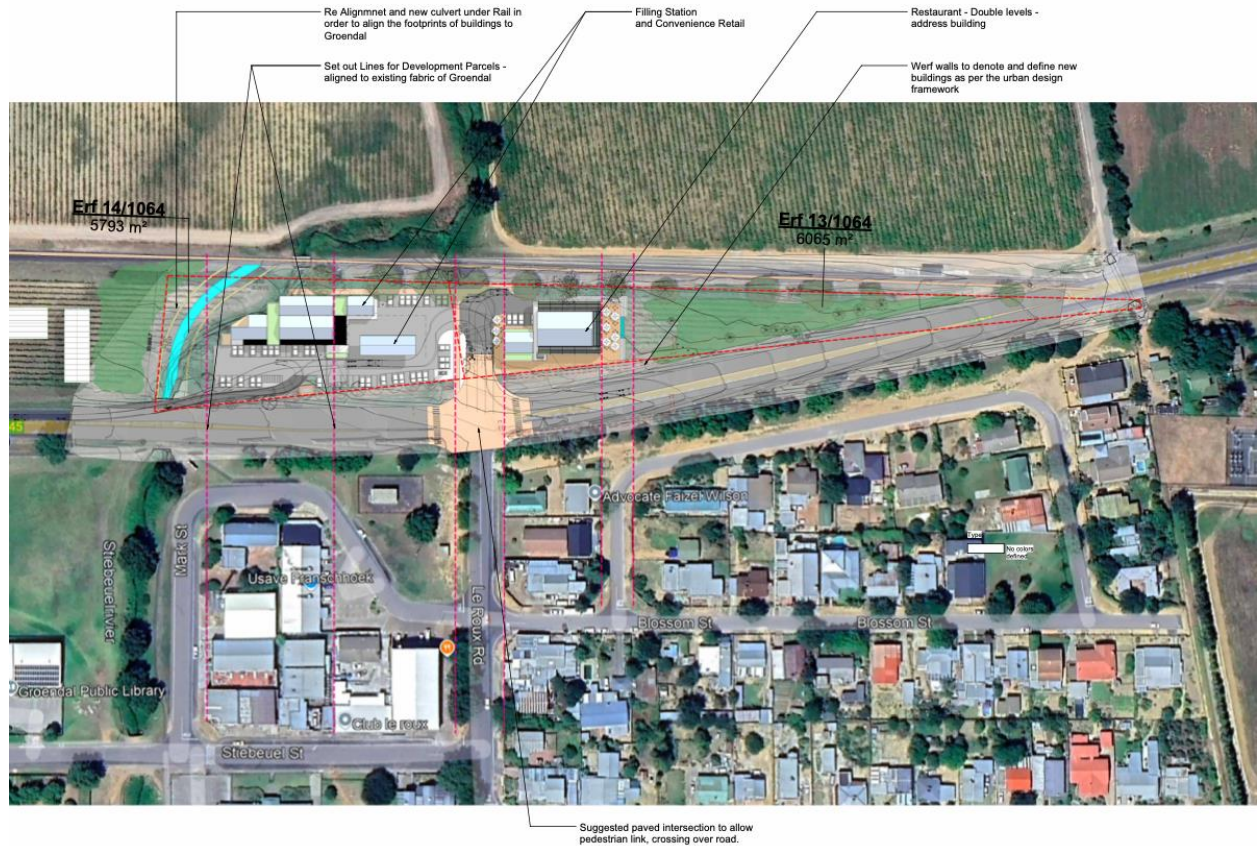
3. Development Proposal

3.1. Proposed Development and Layout

The owner wishes to develop the consolidated sites into the proposed 'Groendal Gateway Development' which will entail a mixed-use development on the site which includes a filling station, line shops and restaurant. The application will entail

- Consolidation of the two portions
- A rezoning to Local Business
- Application for council consent for a filling station on LB zoned site
- Approval of a development along a Scenic Route
- Permanent Departures
- Application for removal of restrictive title deed conditions

The gateway will aim to service the busy R45/ Main Road of Franschhoek and provide amenities ranging from petrol station to a Woolworths and restaurants to travelers and locals alike. See below the proposed layout:



The new proposed site will be 11 860m² in size, made up for portion 14 (5793m²) and portion 13 (6065m²). The right section of the site will be kept entirely open to allow for a green landscaped area to provide a positive impact on the gateway as a whole. In the middle of the site, a 2-story restaurant is proposed which will in turn screen the filling station that will be located to the left. On the left of the site there will be shops which will provide valuable amenities to tourists

and locals in Groendal. The proposed 'Groendal Gateway Development' will provide much needed services to people passing through and encourage economic activity and investment in the Franschhoek/Groendal area.

3.2. Land Utilization and Physical Description

Portion 13 and 14 of Farm 1064 are located at the gateway to Franschhoek at the intersection of the R45 and the historic Franschhoek tramline (see locality map for reference). The sties from a wedge-shape and form part of the entry approach into the Groendal settlement. The subject properties are situated in the Franschhoek River Valley. The sites fall within the rural scenic route designation due to its proximity to the R45 as designated by the Stellenbosch Spatial Development Framework of 2019.

The subject properties are located just inside the urban development edge. As such, the properties are abutted by a road and train line. Next to the road there is the largely residential area of Groendal and where in contrast next to the train line there is agricultural land.

The subject properties are currently being utilized for vine cultivation. Aligning with the agricultural zoning and some of the surrounding land uses, the valley is characterized by its largely agricultural use with its scenic routes and green farmland views being the significant attractions in the space. Therefore, there is negligible infrastructure located on the sites. Notably however, the Stienbeuel River runs through the eastern side of portion 14 of Farm 1064.

3.3. Status Quo

Portion 13 & 14 of Farm 1064			
Existing Use	Existing Zoning	Proposed Use	Proposed Zoning
Vine Cultivation	Agricultural	Service Station with shops and restaurants	Local Business

3.4. Access/ egress

The sites can currently be accessed by an informal service road which runs between portion 13 and 14 of Farm 1064 which provides access and egress to the site from the R45. As the farm portions are both being used for vine cultivation, there are no further roads on the sites.

4. Policy and Legislative considerations

4.1. Policy Considerations

4.1.1. Stellenbosch Spatial Development Framework

The sites fall under guidelines set out by the Stellenbosch Spatial Development Framework (SDF) of 2019. The subject properties are located at the entrance/exit to Franschhoek and at the intersection of the R45 and the historic tram line. The subject properties are located just within urban edge where the largely residential Groendal transitions to wide open agricultural land. Notably, the 2019 Stellenbosch Municipal Spatial Development Framework earmarks the site as 'Strategic Sites, Projects and/or Infill opportunities', as such this development will provide vital activation for this important site.

As noted in the Urban design report there is limited integration between Groendal and Franschhoek, which is a concern also raised in the MSDF, the proposal particularly the manner in which the development has been

planned with the context of the surrounding precinct will permit significant improved integration between the areas. Additionally, the development will provide economic upliftment to Groendal through job creation, tourism and mixed-used activities.

The SDF identifies Franschhoek as a district center and importantly the R45 as a Grade II scenic route. The subject properties notably fall within the 500m buffer corridor on this route and is located at the gateway of Groendal. The proposal will contribute positively to a scenic rural gateway which will allow for a cohesive sense of place and add to the heritage value of the area thus aligning with the scenic route.

In the SDF, Section 5.5 refers specifically to the proposed development plans for Franschhoek. Within this plan mixed use intensification is recommended for the sites along the R45. The properties fall just within the urban edge as indicated by the SDF. As such, the development is supported by the SDF considering the development is a mixed-use development. Additionally, the plan has earmarked the area for a proposed transit node. The mixed-use filling station could add to the character and infrastructure of the transit node providing activity and services at the suggested node.

While the SDF does maintain that the transition between agriculture and human settlement needs to be retained at the entrances of Franschhoek, much effort is being taken in ensuring development align with the landscape character and limit the visual impact. (See motivation and specialist reports for details)

4.1.2. Stellenbosch Environmental Management Framework

The Stellenbosch Environmental Management Framework was promulgated in 2018. Chapter 5 of the framework outlines clear guidelines for sustainable use of agricultural land.

The chapter sets out that the protection and appropriate use of high potential agricultural land is of critical importance. While the Stellenbosch EMF identified the sites as arable land with moderate potential, this combined with the fact that the Department of Agriculture allowed a subdivision of these two portions motivates that the subject properties while used for agricultural purposes are not high potential agricultural land and may be more useful in increasing mixed use intensification at the node.

While concerns have been raised about this property and development setting a precedent for development of agricultural land into built up land. The location of the subject properties between the trainline and R45 create a physical barrier to prevent this development to be 'expanded'.

Given the above, the applicant submits that the proposed development is entirely compatible with the Stellenbosch Environmental Management Framework, 2018.

4.1.3. Stellenbosch Integrated Development Plan (IDP) 2022-2027

The IDP aligns clearly with the SDF, however there is particular focus on the following guidelines:

1. Protect cultural landscape assets – including undeveloped ridgelines, view corridors, scenic routes, and vistas – from development.
 - a. The development has been respectfully and carefully designed to ensure that it aligns with the local area and enhances the scenic route and gateway

- i. The western gateway space is defined by permitting landscaping and greening of this area
 - ii. The filling station canopy is screen visually by the two-storey restaurant
 - iii. A modest, rural-scale mixed-use cluster of buildings framing landscaped public forecourt facing the R45, which are structured to maintain view lines
2. The spatial policies actively promote compact, dense, mixed-use development
 - a. This proposal aligns well with the above as it permits a previously underutilized piece of land to be used for a series of small scale mixed uses.
3. Ensure work and commercial opportunities are accessible
 - a. The mixed use development will provide a range of jobs to the local area in this manner stimulating the economy
 - b. The mixed use area will also include shops and restaurant as well as a filling station such providing an increase of availability of products and services
4. The application aligns with the Urban Design Framework for the precinct.

From the above it is clear that the proposal aligns well with the guideline set out by the IDP.

4.2. Legislative Requirements

4.2.1. Assessment of the proposal against the Stellenbosch zoning scheme

The table below tests the proposed application against the development controls for a Local Business site from the Stellenbosch Zoning Scheme 2023:

Column 1 Development Controls	Column 2 Stellenbosch Zoning Scheme	Column 3 Applied to the site.	Column 4 Departure
Coverage	75%	14%	No
Height	3 storeys for buildings/business	Restaurant - 2 storey Line shops and filling station – 1 storey	No No
Street Building line setback	2m 0m setback – scenic route	0m (Mini-sub) 21.7m (shops) 4.5m (restaurant) 14.5m (filling station) 0m	Yes, to permit a setback of 0m in lieu of 2m on Main Road. No Council consent required

Common boundary building line setback	1m setback for buildings	Southern common boundary	No
	3m setback for filling station	6.4m (shops) 3.5m (restaurant) 4.8 (filling station) Eastern common boundary 25m (shops)	No
Parking	4 bays per 100m ² GLA for restaurants for 915m GLA = 36.6 bays 4 bays per 100m ² GLA for shops for 694m GLA = 27.76 bays Total: 64.3bays required	Retail Bays: 61 Motorcycle Bays:2 Paraplegic Bay: 2 Total: 63.5 bays	Yes, to permit 63 bays in lieu of the required 65 bays.
Loading Bays	1 bay per 500m ² for 694 GLA of shops = 2 bays required	1 loading bay	Yes, to permit 1 loading bay in lieu of 2 bays.
Boundary Wall	Street: 1.8 m high Common: 3m high	1m flood wall	No No

As has been illustrated above, the proposed development is entirely compliant with the development controls set out in the Stellenbosch Municipality Zoning Scheme, 2023 for Local Business Zoning. However, there are departures from the street boundary setbacks

- Section 15 (2) (b) Application for permanent departure to permit 1 loading bay in lieu of 2
- Section 15 (2) (b) application for permanent departure to permit 63 bays of parking in lieu of the required 64 bays
- Section 15 (2)(b) application for permanent departure to permit 0m setback in lieu of the required 2m setback on Main Road.
- Section 15 (2) (g) application for council approval for development in a Scenic Route Overlay Zone (SRO4/5) (addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e))

5. Motivation

5.1. Proposed Development

To facilitate the proposed development of the following:

- Fuel/Filling station
- Line Shops
- Restaurant

The above developments will require the following applications to the Stellenbosch Municipality.

5.1.1. Consolidation of Portion 13 and 14 of Farm 1064

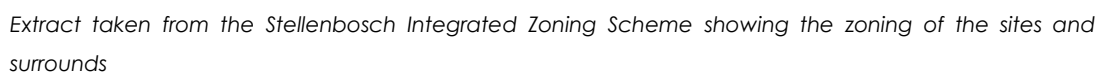
To allow for the proposed development, a consolidation of portion 13 and portion 14 into one property is necessary. The proposed consolidation (see consolidation plan attached with the annexures) is to allow for the proposed service station, restaurant and shops to be developed. The development will contribute to much-needed densification within the franschhoek area. The consolidated extent of the subject property, 11, 860 m², is in keeping with the character of the area, given that there are a number of properties within a radius of 100 m that are of similar extent or larger. The consolidation will also permit an upgraded access point to the site from the R45 and an upgrade to the intersection which will benefit the proposed development but also Groendal.



Map showing the sizes of the erven surrounding the subject properties (basemap sourced from Cape Farm Mapper)

5.1.2. Rezoning of Portion 13 and 14 of Farm 1064

The sites are both currently utilised as vineyards and zoned agriculturally. The vineyards have been underutilized for years and are of little economic and agricultural value to the owner and the area. Additionally, the properties are located between the tramline and the R45. As such, the sites are undesirable to develop for other functions such as for residential proposes such as social housing or meaningful agriculture . As illustrated in the zoning map below the subject



The subject property is located at the gateway of Franschoek at the intersection of the R45

5.1.4. Application in a Scenic Route Overlay Zone (SRO4/5) addition of new buildings Section 256 (1)(a) and parking lots Section 256 (1)(e)

As the Stellenbosch Zoning Scheme portion 13 &14 of Farm 1063 fall within a Scenic Route Overlay Zone SRO4/5 due to the R45. As such any new building and construction of a parking lot requires an application as set out by section 256 (1) of the Zoning Scheme. The overlay zone sets out that a building line of 30 meters applies to all scenic routes.

Great care as been taken through a series of meetings with council by various specialist to ensure that given the location of the site the design and layout respond to the heritage and scenic value of the area. As is set out clearly in the urban design report the development has been designed appropriately for the local context

- Gateway treatment
 - Planting has been proposed at the gateway to reflect the rural character of the area
 - A Low wall at the gateway to provide a sense of arrival and lean into the gateway concept
- Building and Architectural Design
 - Restaurant towards the west of the site proposed to be double story to act as the address building
 - A two-story restaurant will permit screening of the filling station behind it
 - Building parcels set out to align with the existing fabric of Groendal
- Green space
 - Significant green space to maintain the rural Cape character
 - Buildings are not designed as big blocks but rather smaller articulations to align with rural character
 - River corridor redirected and rehabilitated to facilitate the conservation of the Steibuel river
 - The existing row of Oak Trees will be kept parallel to the rail track will be kept.

The above design efforts all come together to develop this site in a manner which aligns with the rural local area and provides amenities without causing a negative visual impact.

5.1.5. Application Permanent departures

Parking and Loading bays

The traffic impact assessment has been conducted which illustrated that the circulating, parking and loading bays provided are sufficient for the proposed site. The upgrade of the intersection will ensure that the site is visited by more pedestrians as such pressure of the demand for parking.

Regarding loading there is a designated left in for truck and deliveries which will allow for the loading to happen more efficiently and thus reduce the demand for parking bays. For the above reasons we put forward that the parking and loading bay departures will have a negligible impact and should be granted.

Street setback departures

The development is located along a scenic route which requires a 30m setback. The development has been carefully designed in collaboration with specialists to ensure it is sensitive to the local area and compatible with the Franschhoek area and gateway to Groendal. A detailed urban design framework, drafted by Piet Louw (See attached), which illustrates how the proposed development responds to the local context including the architectural narrative the view lines, the Groendal development blocks and the gateway. Therefore, we put forwards that while there is a departure from the required setbacks from the street it is merely triggered by the mini-sub. This substation has intentionally been located in this position to service the site and connect to the grid as designed by the electrical engineer. The development responds appropriately to the context and the departures will not have a negative impact on the local area or community.

5.1.6. Removal, amendment or suspension of restrictive title deed conditions

The following conditions of contained in the title deed which restrict the development:

- Clause (A) (2) Not more than one dwelling house shall be erected on the land except with the approval of the Controlling Authority as defined in Act 21 of 1940.
- Clause (A) (3) No store or place of business whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940
- Clause (A) (4) No building or any structure whatsoever shall be erected within a distance of 22.04 meter from the centerline of the Paarl-Franschhoek Main Road, Section 4, without written approval from the controlling authority.

The conditions clearly do not explicitly prohibit the number of dwellings, business and structures closer than 22.04m from the centerline rather indicate that approval from the controlling authority (Stellenbosch Municipality) is required. We hereby make application for consent to council for the above actions. The project team has followed due process and interfaced with council through a series of meetings to ensure the scale, nature and layout of the development is aligned with the departments mandates and forward planning policy. Additionally a comprehensive Urban Desing Framework has been developed to ensure the site fits into the greater preceint and responds appropriately to its local context.

Given the above we respectfully request approval by the controlling authority in granted in terms of the above conditions.

5.2. Minimum Threshold Requirements in terms

5.2.1. Consistency with the Stellenbosch Spatial Development Framework

As per section 4 of this report, it motivates the application to be congruent with the Stellenbosch By-Law on Municipal Land use Planning.

Given the above, the application does not fail to comply with the minimum requirements as stated in Section 65 (a) of the by-law and should therefore not be refused but supported by the decision marker.

5.3. Desirability in terms of Section 65 (c) the Stellenbosch Spatial Development Framework

5.3.1. Socioeconomic Impact

Portion 13 & 14 have historically been utilized for vineyard cultivation. The vineyards are not significantly productive, as such contributing minimal socioeconomic value to the broader area and owners of the property. The proposed development entails developing the properties into the 'Groendal Gateway Development' which will include a filling station, line shop, and restaurant. The development will contribute positively to the economic activity in the area by providing services to the area, along an important route and creating jobs for locals opposite Groendal. The development will in this manner convert well-located valuable land into an economically productive site which will service the booming tourism industry as well as locals in Groendal subsequently having a positive socio-economic impact. Additionally, the design of the development and upgrade of the intersection (as set out in the Urban design report and TIA) will permit a more pedestrian friendly crossing and environment on the property thus encouraging locals to come and do their shopping or visit the restaurant on site. This activation will translate to the R45 at this section feeling more like a Main Road and contribute positively to placemaking for the Groendal settlement and Franschoek Gateway. In whole, the development will for the reasons listed above have a positive socio-economic impact on the local area.

5.3.2. Compatibility with surrounding land uses

The development is compatible with the surrounding land uses in terms of erf sizes as discussed above. The development is surrounded by largely residential properties in Groendal and Agricultural sites, as it is located on the urban development edge. The property has been earmarked for mixed use intensification by Stellenbosch forward planning policies. Given the above and the property's location along the scenic route the intension to propose a mixed-use development is entirely aligned the local area and compatible in terms of use. The mixed-used development is additionally supported by specialist studies, namely the heritage report and urban design framework which set of the need for a mixed-use development to service the tourism industry and locals.

5.3.3. Impact on external engineering services

The engineering services report clearly shows that the site will be well serviced:

- **Water demand:** there is infrastructure running along the R45 and a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Sewerage:** here is an existing pipeline located west of the site. It is proposed that a 160mm diameter link service is constructed in order to accommodate the sewer flows from proposed development. Additionally, a confirmation of capacity letter has been received by the client from the Stellenbosch Municipality
- **Stormwater:** Graeme McGill Consulting completed a stormwater management plan for the proposed development. Refer to attached copy of the report. In order to achieve the calculated treatment volumes for both quantity and quality, it is proposed that permeable paving is provided on site at a minimum ratio of 25% of the hardened areas.
- **Road Network:** A full traffic impact assessment was completed by UDS Africa to model the impact of the development on the existing road network, including significant upgrades to the intersection with the R45.
- **Solid Waste:** It is proposed that refuse removal will take place by private collection on specified collection days at the dedicated refuse site. Accommodation for their vehicles will have to be ensured and be in line with their relevant requirements.

From the above assessment and the letter provided from the Stellenbosch Municipality is concluded that the site can be serviced from an engineering perspective. The site has been assessed to be adequately serviced and the feasibility of the upgrades required to accommodate the development has been confirmed by the engineer and through capacity confirmation from the Stellenbosch municipality. Given this assessment we put forward that will be no negative impact on the engineering services in the area as a result of the proposal.

5.3.4. Impact on safety, health and wellbeing of the surrounding community

Improved pedestrian safety and road experience

Through the layout design and the intersection upgrade the development will result in a calmer R45 along this section. This will improve pedestrian safety and allow for improved permeability between Groendal and the property. The layout of the site will courage walkability of the property and local area in this manner contributing to placemaking. The streets will be aligned with the streets diagonally across the road in Groendal for the specific reason of keeping the view lines and continuity of pedestrian access to the site,

Filling station Due Process

As is required in terms of Department of Trade and Minerals the necessary application will be made to ensure the filling station is adequately licensed. All required safety measures will be taken to ensure that the filling station is safe and functional

5.3.5. Impact on Heritage

The project team includes a Heritage specialist, Mike Scurr, who is in the process of obtaining heritage approval for the proposed development. A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2019, and the Heritage Officials Meeting (HOMs) of 9 December 2019, returned a Response to NID (RNID) requiring an integrated Heritage Impact Assessment (HIA) with specific reference to a Visual impact on the rural cultural landscape and townscape. This Heritage Impact Assessment process is currently underway. To date affected heritage resources have been identified and assessed in terms of their significance, and heritage indicators have been derived to inform design development. Early engagement with the design team saw revisions to the initial proposal to respond to the heritage indicators. More recently, the compilation of an urban design framework has resulted in further refinement to the design. The heritage team is, consequently, updating the specialist reports and integrating these updates into the HIA in order to finalize it for public comment prior to submission to Heritage Western Cape. Given these processes, we submit that the proposal will not have a negative impact on heritage and recommendations set out in the process will be aimed to be complied with.

5.3.6. Impact on the Biophysical Environment

Vineyards

The vineyards are not of significant value and not agriculturally productive. The clearing of the vineyards will allow for the proposed mixed-used development which includes significant planting of vegetation as per the landscaping plan which will be submitted soonest. The development will include greening towards the gateway at the west of the site. In this manner, the development will have a positive impact on the biophysical environment.

Water Systems

The Steinbeul River runs through the site. As the river runs through Groendal there is extensive pollution in the water network, contributing negatively to water quality of the riverine corridor systems. A freshwater ecologist and stormwater engineer have been working together to ensure that the section of the Steinbeul river located on site is maintained and rehabilitated to the best of the owners' abilities. The measures proposed include the realigned channel being adequately sloped and reinstated with indigenous wetland vegetation and the implementation of a 10 m conservation buffer which is revegetated with indigenous terrestrial vegetation. The intention is to

rehabilitate the section of the Steinbeul river while ensuring the development does not impact the watercourse.

Oak Trees

There are a number of established Oak Trees located along the boundary with the railway line along the two portions. These trees will be maintained, and the development has been planned to ensure that it will not impact on the trees or their root systems. Please see attached the tree report completed by Krieger Trees.

Given the above we put forward that there will be no negative impact on the biophysical environment.

5.3.7. Traffic, parking access and other transport related conditions

The submission includes a detail TIA submitted to ensure that the proposed access, egress and parking are adequate for the proposed development. The main access will entail an upgrade where it intersects with the R45 including traffic calming measures, in this manner having a positive impact on the intersection and improving pedestrian safety in the area. Additionally, the proposal includes a left into the site which will be utilised by the trucks which service and visit the filling station. This left-in will ensure that the main access point is not negatively impacted and the commercial functioning of the line shops and restaurant. Lastly, the parking provided on site will adequately serve the restaurant and shops as well as the filling station. Therefore, the proposed development will have a positive impact on traffic in the area.

5.4. Considerations Prescribed in LUPA and SPLUMA

Spatial Justice: The proposal does not directly address and contribute towards spatial justice in addressing the imbalance of the past. However, the development does not further entrench the imbalances, as the land utilized is located between the R45 and Tramline which is undesirable location for residential units. As follows the development is not using land that could have been utilized for social housing but rather promoting the continued and intensified efficient mixed use of the property. The proposal promotes spatial justice in this manner.

Spatial Sustainability: Significant effort has been made to ensure the development is sustainable. The development includes a mix of land uses and the conservation of the watercourse. The above illustrates that this development is spatially sustainable.

Efficiency: The development is located in a well service and accessible location along R45. The necessary upgrades to services will be made to ensure the site is adequately serviced. As such the development aligns with the principle of efficiency by not adding significant pressure on resources/services while providing a mixed-use development

Spatial Resilience: The proposal promotes resilience as it will provide further employment opportunities during the construction phase and continue to provide employment during the running phase (retail, restaurants, service station) and as such contribute to locals' livelihoods.

Good Administration: The proposed development aligns with the various spatial forward planning policies for the Stellenbosch Municipality Area and as follows complies with the principle of good administration.

6. Conclusion

The proposal is to apply to consolidate and rezoning of the subject properties Portion 13 & 14 of Farm 1064 from Agricultural to Local Business Zoning. This will permit the development of the Groendal Gateway Development with ancillary shops and restaurants. Application for consent for use of the property as a service station is made as well as application approval for development along a scenic route.

The proposed development is in line with the Stellenbosch Spatial Development Framework. The proposal will allow for the La Provence Service Station to be development and is entirely compatible with the development controls set out for a Mixed use property in the Stellenbosch By-Law.

The proposal is desirable for the following additional reasons:

- The proposed is compatible with the surrounding land uses.
- The proposed development is desirable from an economic perspective as it will stimulate the local economy and job creation.
- The Stellenbosch Municipality has confirmed that there is service capacity to accommodate the proposed development
- The subject property is located within the urban development edge and will strengthen the R45 scenic route through increased economic activity.
- The location of the property between the R45 and tram line make it unsuitable for other developments such as residential developments.
- The proposal is desirable from an urban design standpoint

Based on the consideration set out herein, the Applicant therefore concludes that the authority sought is sound and reasonable and it is accordingly requested that the Stellenbosch Municipality grant their approval to the application at hand.

Olden and Associates

December 2025



Le Roux

Groendal
Primary School

10/1064
13/1064
14/1064
1/1064

R45

Blossom Street
Le Roux Road
Stiebeul Street
Keerom Street
Hermitage Street

RE/232
RE/217
RE/233
RE/287

253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500



