**NOTICE OF LAND DEVELOPMENT APPLICATION**

AFFECTED PARTY WITH ADRESS

To Whom It May Concern

**APPLICATION FOR AMENDMENT OF CONDITION OF APPROVAL, PERMISSION IN TERMS OF THE ZONING SCHEME & PERMANENT DEPARTURE ON FARM 1003/8 PAARL**

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

Application Property Address: Groot Drakenstein Games Club R45

Application Property Number: Portion 8 of Farm No. 1003 Paarl

Applicant: P-J le Roux Town Planners Pty Ltd (pj@pjleroux.co.za – 0760317607)

Owner: Groot Drakenstein Games Club

Application Reference: TP1720/2026

**Description of land development proposal:**

1. *Application is made* terms of **Section 15(2)(g)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, for the Permission in terms of the Zoning Scheme By-law on Farm No. 1003/8 Paarl Division, zoned Private Open Space (consent for outdoor sport), for the following:
   :
   a) *To permit the padel courts and associated infrastructure, replacing the old tennis courts, in the Rural Conservation Overlay Zone and the Rural Scenic in accordance with the provisions of Section 246(2) & 256(1) of the Zoning Scheme By-law.*
   b) *The approval of a site development plan in accordance with the provisions of Sections 196(1) and 251(1) of the Zoning Scheme By-law.*
2. *Application is made* terms of **Section 15(2)(b)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for permanent departure to relax the 30m street building line applicable to the Rural Scenic Route Overlay Zone to ±10m

to permit the padel courts and associated infrastructure on Farm No. 1003/8 Paarl Division.

3. *Application is made* terms of **Section 15(2)(h)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for the deletion or amendment of condition 7 of the approval dated 11 January 1979 pertaining to additional building lines (60m from the centre line of the R45 Road. 10m from the western boundary and 30m from the northern and eastern boundary) applicable to Farm N0. 1003/8 Paarl Division to permit the padel courts and associated infrastructure ±30m from the centre line of the R45 Road and ±5m from the western boundary.

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: P-J le Roux Town Planners Pty Ltd pj@pjleroux.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 **(11 September 2026** – 30 day notice period must exclude the first day on which the notice was served and include the last day, save for when the last day falls on a weekend day, in which case the closing date will be considered the following Monday, or if the closing day falls on a public holiday, in which case the closing date will fall on the next normal working day).

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 (0760317607) during normal office hours.

Yours faithfully

**Pierre-Jean le Roux**
**Pr. Pln A/803/1995**
**Ba Hons, M (TRP)**
**(MSAPI)**

**Email: pj@pjleroux.co.za / Cell No: 0760317607**

P-J Le Roux
Stads-en Streekbeplanners/
Town and Regional Planners

# *Application for Amendment of Approval, Departure, Approval of Site Development Plan & Permission in Terms of Zoning Scheme By-Law Portion 8 of Farm No.1003 Paarl*

*July 2026*

*S 50-136*

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## 1. INTRODUCTION

### 1.1 Application

With this document formal application is made for the following:

**(i)** In terms of **Section 15(2)(h)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, for the **AMENDMENT /REMOVAL OF CONDITION OF APPROVAL** of condition 7 of the letter of approval dated 11 January 1979 relating to the building lines to facilitate the ***new padle courts*** on the existing tennis courts on Portion 8 of Farm Delta No. 1003 Paarl.

**(ii)** In terms of **Section 15(2)(g)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, for the **PERMISSION IN TERMS OF THE ZONING SCHEME BY-LAW FOR THE FOLLOWING**:

- ***Site Development Plan dated July 2026***
- Approval in terms of ***Chapter 25 Section 246 1(a)*** of the Stellenbosch Municipality Zoning Scheme By-Law to permit the ***Development inside the Urban & Rural Conservation Overlay Zone to facilitate the new padel courts on the subject property.***
- Approval in terms of ***Chapter 26 Section 256 1(a)*** of the Stellenbosch Municipality Zoning Scheme By-Law to permit ***Development inside the Scenic Route Overlay Zone to facilitate the new padel courts on the subject property.***

**(iii)** In terms of **Section 15(2)(b)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for the **DEPARTURE** of the ***30m building line*** imposed in terms of Section 257(1) of the Stellenbosch Municipality Zoning Scheme By-Law regarding the Rural Scenic Route Overlay Zone

*Detail regarding the proposal will be discussed in Section 5 & 6 of this report.*

## 1.2 Applicant

SEAN PETZER as Chairman and duly authorised by **GROOT DRAKENSTEIN GAMES CLUB** as registered owners of **Portion 8 of Farm Delata No. 1003 Paarl** appointed this firm *P-J Le Roux Town Planners* to prepare a formal application for amendment of approval, permission from council and departure to facilitate the new padle courts on the subject property and to submit it to the relevant authorities for formal approval. (***Power of attorney*** *and* ***Resolution*** *attached*).

## 2. PROPERTY INFORMATION

| | |
|---|---|
| Description | Portion 8 of Farm Delta No. 1003 Paarl |
| Location | Main Road 191 (R45) between Simondium & Franschhoek |
| Extent | 4,3779ha |
| Registered Owner | GROOT DRAKENSTEIN GAMES CLUB<br>*(Power of attorney & Company Resolution attached)* |
| Title Deed | T22628/1987<br>*(Copy of **Title Deed** attached)* |
| Existing Zoning | Private Open Space Zone<br>*(Copy of **Zoning Certificate** attached)* |
| Restrictive Conditions | None<br><br>(*See conveyancer certificate attached*) |
| Planning Legislation | Stellenbosch Municipality: Zoning Scheme By-Law (2023)<br>Stellenbosch Municipality: Land Use Planning By-Law (2023) |

**Table 1: Property Information**

The subject property is located inside the rural area between Simondium and Franschhoek and falls inside the jurisdiction of Stellenbosch Municipality, Western Cape Province and is more commonly known as the Groot Drakenstein Games Club and has been in operation as an outdoor sports club for many decades.

***Portion 8 of Farm Delata No. 1003 Paarl*** is a compilation of Portions 7 & 5 of the Farm Delta No. 1003 as depicted on SG Diagram No. 8725-84 illustrated in figure 1 below.

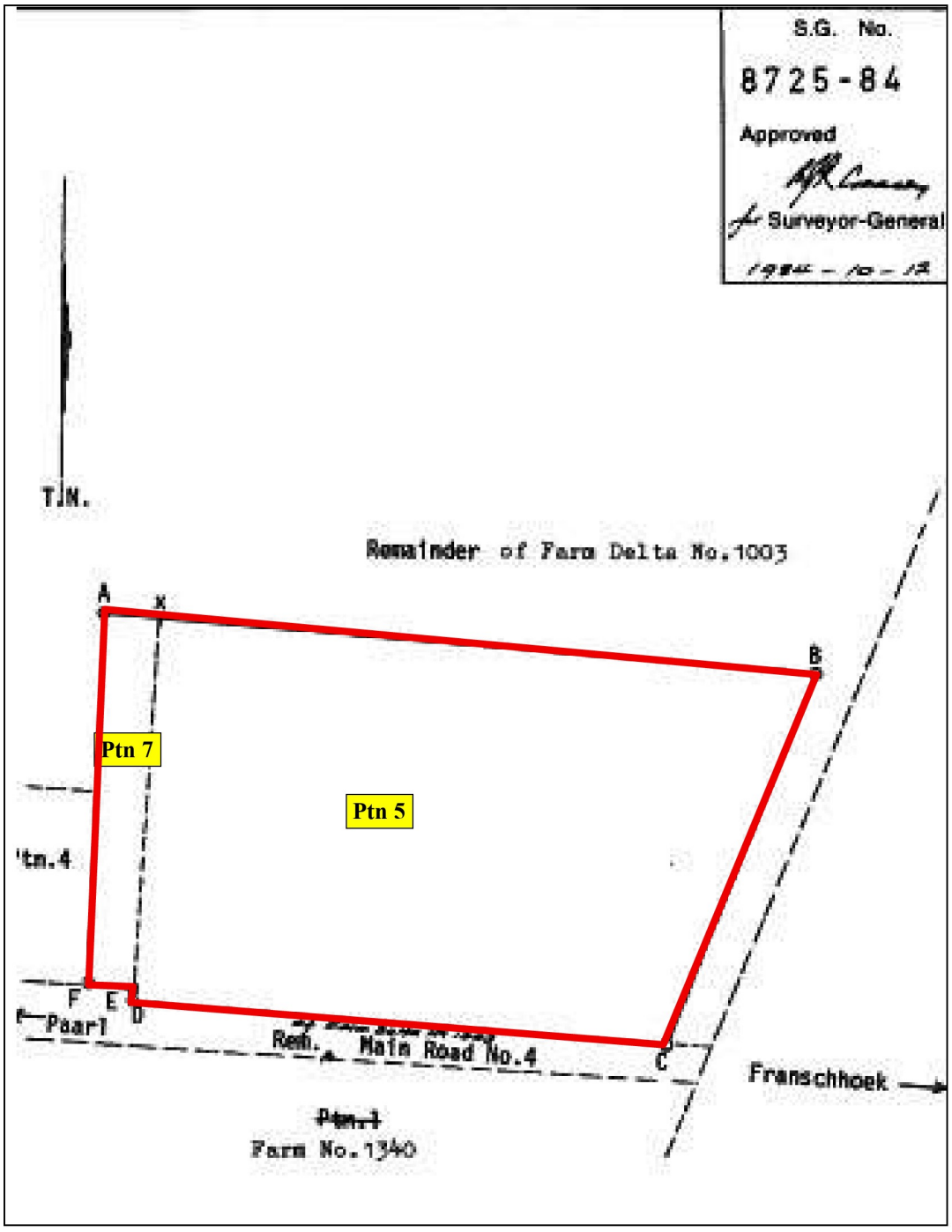


**Fig. 1: Extract from SG diagram No. 8725-84: Portion 8 of Farm No. 1003**

## 3. LOCALITY

Portion 8 of Farm Delata No. 1003 Paarl is located north along Main Road 191 (R45) between Simondium to the north and Franschhoek to the south.

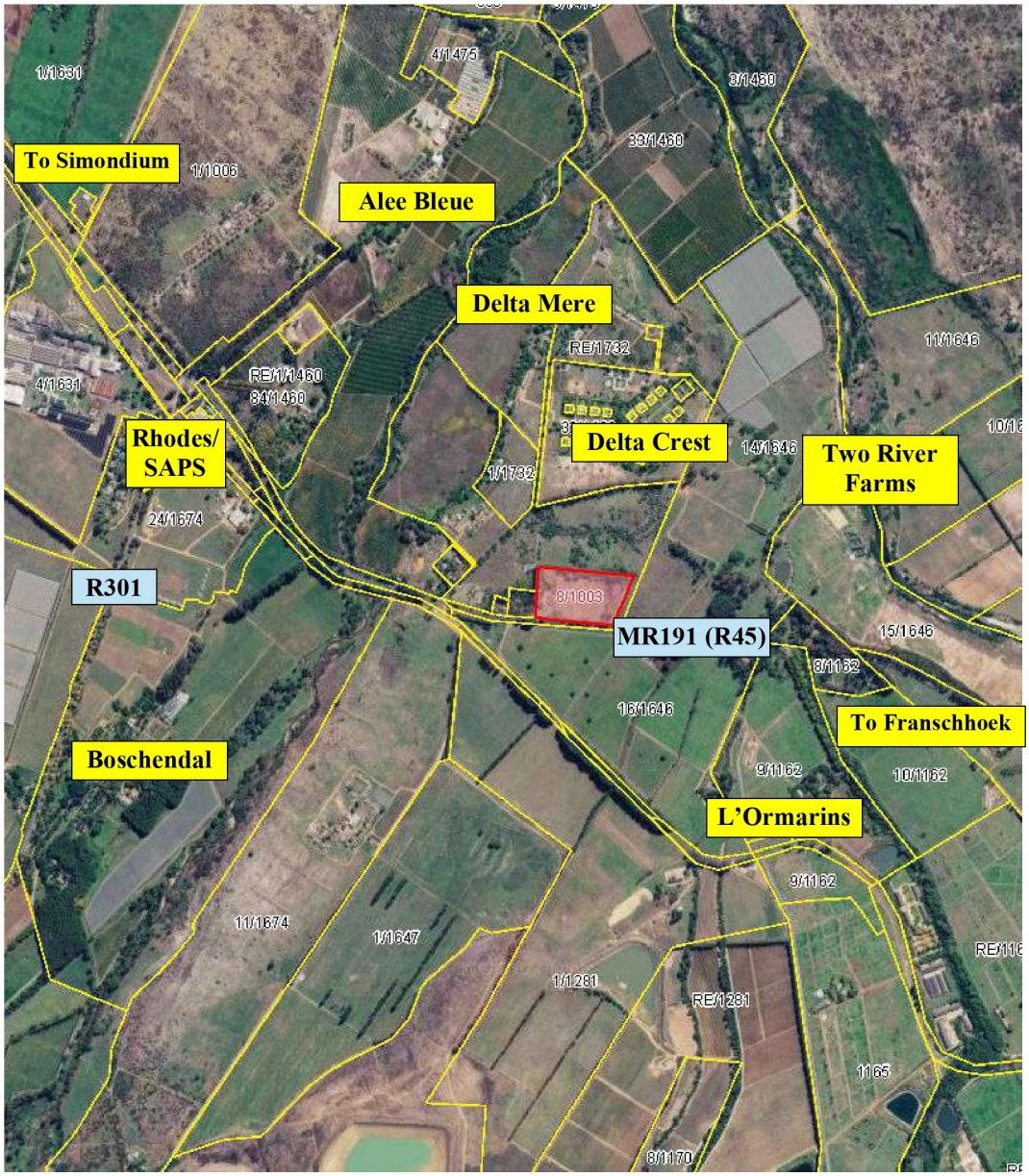


**Fig. 2: Locality**

Even though the area is primarily rural in nature and comprises small to large agricultural land units, there are also other land uses in the immediate area which include Delta Crest Equestrian Estate, St George Church, Solms Delta, Two River Farms, and the Franschhoek Motor

Museum on L'Ormarins. The subject property itself is better known as Groot Drakenstein Games Club and accommodates various outdoor sports since the late 1970's.

**Fig.3: Site Locality: Portion 8 of Farm No. 1003**

Access to the subject property is taken directly from Main Road 191 (R45) via an existing and approved entrance. This entrance is located along the eastern side of the subject property and leads to the clubhouse building and sport facilities on the subject property. Since the objective of this application is to permit padle courts on the old tennis court footprints, no changes to the entrance to the subject property are proposed. Since the padle courts will replace the tennis courts, no additional traffic is expected to the subject property.

## 4. LEGAL LAND USE RIGHTS

### 4.1 Existing Zoning

The Stellenbosch Municipality has confirmed via a zoning certificate dated 8 May 2026 that **Portion 8 of Farm No. 1003 Paarl** is in terms of Stellenbosch Municipality: Zoning Scheme By-Law, 2023, zoned ***"Private Open Space Zone*** with a ***deemed use*** for ***outdoor sport*** and **consent use** for ***freestanding telecommunication station***. According to this By-Law, the land uses permitted within "*Private Open Space Zone"* is tabulated below:

| Primary Uses | Additional Uses (not exceeding the threshold in this chapter and subject to technical approval | Consent Uses (Application required) |
|---|---|---|
| • Open space<br>• Natural environment<br>• Occasional use/one event/year<br>• Private road | • Rooftop base telecommunication station | • Camping site<br>• Cemetery<br>• Freestanding base telecommunication station<br>• Guest house<br>• Helicopter landing pad<br>• Hotel<br>• Indoor sport<br>• Occasional use >one event/year<br>• Outdoor sport<br>• Place of assembly<br>• Tourist dwelling unit<br>• Tourist facilities<br>• Tourist accommodation establishment |

**Table 2: Extract from Stellenbosch Municipality: Zoning Scheme By-Law (2023)**

### 4.2 Existing Land Use

The subject property has been used as an outdoor sport precinct for many decades and continues to this day. The original objective to create a sport facility for the community has not changed. It is however necessary that the precinct modernises and respond to changing recreational trends to provide in the demand from the public.

The existing activities and improvements on the subject property comprise the following:

- Formal security entrance gate
- Internal gravel road
- Cricket oval
- Clubhouse
- Swimming pool
- ***Tennis courts (replaced by padel courts)***
- Employee house
- Garages
- Parking area
- Reservoir
- New detention pond (under construction)

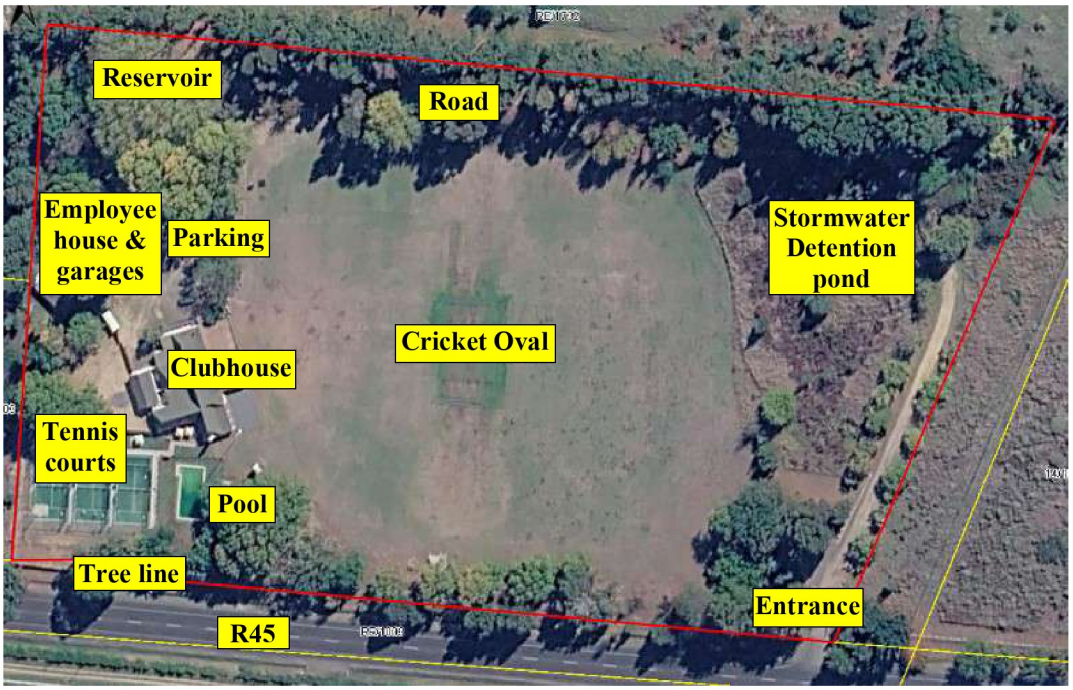


**Fig.4: Existing activities and structures**

Existing entrance

Internal road

Cricket Oval

Clubhouse building

Swimming pool

Padel courts on tennis court footprint

Employee house

Garages

**Existing parking area near clubhouse**

**Detention pond under construction northeast of cricket oval**

**Existing trees and fence along southern erf boundary**

## 5. PROPOSED DEVELOPMENT

The objective of this application is to enable the applicant to optimise the existing outdoor sport facility by replacing the existing tennis courts with padle courts as part of an established and approved outdoor sports precinct on the subject property. The development does not introduce a new land use but rather modernises and enhances an existing sports facility to meet changing community preferences and recreational trends. It is a general observation that tennis is no longer a popular recreational sport as it used to be in the past and that padle has become much more in demand. The padle courts represent a more efficient socially beneficial and sustainable use of the recreational infrastructure without fundamentally altering the land use. The replacement represents a more efficient utilisation of existing infrastructure without increasing the footprint thereof because padle courts are in fact smaller than conventional tennis courts. This means that the site can continue to be used effectively, while maintaining the primary objective of providing popular outdoor sports facilities for the communities. Even though padle courts require glass walls, it is in fact more transparent as the fences of conventional tennis courts, which means that no visual intrusion is expected.

**Fig.5: Position of new padle courts**

**Padel courts on footprint of tennis courts**

Where necessary, potential impacts such as lighting and noise can be effectively mitigated through appropriate conditions of approval, including restricting operating hours, directional LED lighting and acoustic screening where required. Since there are no dwellings in the immediate surrounds

that will be negatively impacted upon, the only potential impact is towards the R45.

The existing large trees and wooden palisade fence already screen most of the tennis courts from the R45 and additional planting of trees can be introduced to mitigate any potential impact on the passing traffic, should it be required. It is worth noting that even tennis courts do have lighting, which means that the padle courts will not be materially different to those associated with the existing tennis courts.

**Padel courts set back 10m from erf boundary with large trees and wooden fence**

The lighting of the padel courts will be directed onto the courts and will not have any impact on the larger area. The padle courts remain entirely compatible with the surrounding area and strengthen the existing outdoor sports facilities already on the subject property. No new land use is proposed by this application. Historically the subject property's function as an outdoor sporting destination will continue uninterrupted and the new padle courts will complement the existing precinct.

**Padel courts with directional lighting**

The application is to permit three (3) padle courts on the footprint of the existing conventional tennis courts. The dimensions of the padle courts will be 10m wide by 20m long and spaced 1m apart as depicted in figure 6 below.

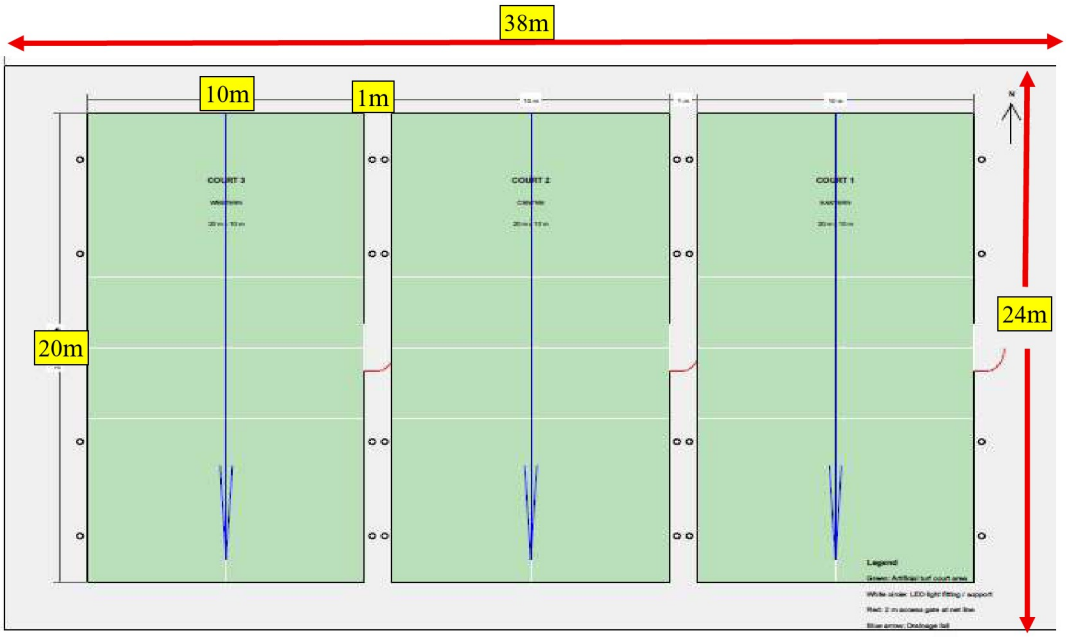


**Fig. 6: Extract from footprint of padle courts**

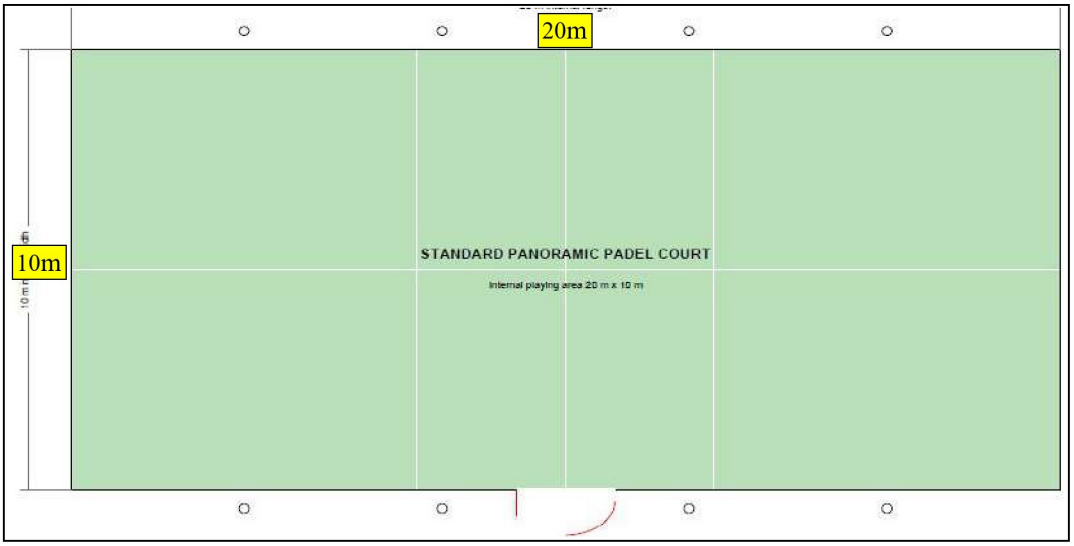


**Fig. 7: Footprint of a typical padle court**

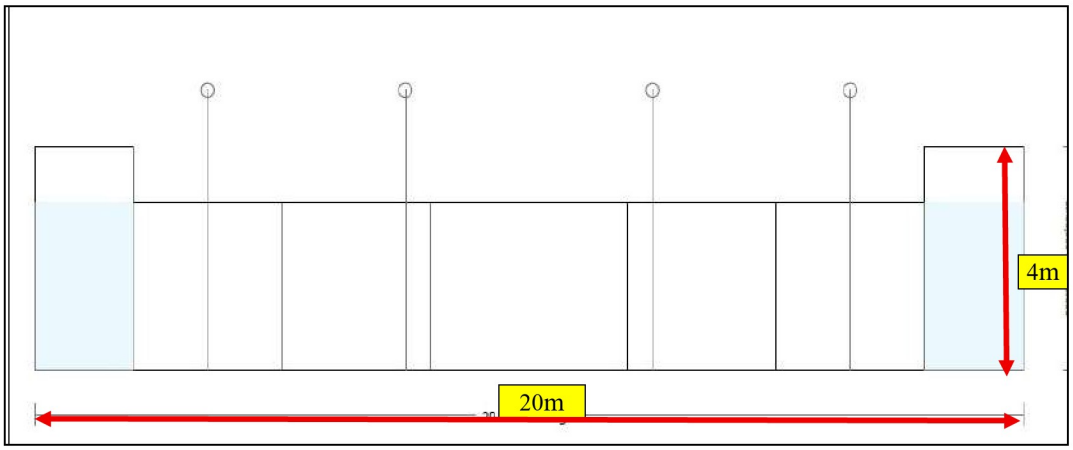


**Fig. 8: Side elevation of tempered glass solid transparent panels**

It is worth noting and clearly visible on the pictures below that because of the existing treeline and wooden fence the padel courts will not be visually intrusive from the R45. In fact, because the glass walls are fully transparent no obstruction is proposed that will change the visual appearance of the subject property from the R45.

**View onto the padel courts from R45 moving in a westerly direction**

**View onto the padel courts from R45 moving in a easterly direction**

## 6. APPLICATIONS

To achieve the objective of this report, it is necessary that a formal land use planning application be submitted to ensure that the proposal complies with the requirements of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, and the Stellenbosch Municipality: Zoning Scheme By-Law, 2023, respectively. Although no changes to the existing zoning are proposed, the paddle courts do require formal approval from the Stellenbosch Municipality.

In terms of Section 201(1) of the Stellenbosch Municipality Zoning Scheme By-Law, the subject land unit is zoned *"Private Open Space"* with Consent for "o*utdoor sport" (see zoning certificate attached).* Even though the existing conventional tennis courts are an approved right, the use of this space for the paddle courts is deemed not in line with the existing rights.

During a formal pre-application meeting with officials from the Stellenbosch Municipality dated 14 May 2026, it was confirmed that the following land use applications are required (*copy of pre-application minutes attached).*

### 6.1 Amendment of Condition of Approval

The then Department of Local Government of the Provincial Administration of the Cape vide their letter AF 87/7/0/8 dated 11 January 1979 granted approval for the Departure from the town planning scheme to permit the subject property to be used as a games club on Portion 5 of Farm Delata No. 1003 Paarl (*copy of approval attached*). This approval was subject to certain conditions.

Condition 7 of approval refers to the building lines that are applicable on the subject property and reads as follows:

7 *"That the following building lines be introduced: -*

*(a) 60m from the centre line of main road 4.*

*(b) 10m from its western boundary where the clubhouse (sic) is situated.*

*(c) 30m from the northern and eastern boundary".*

It is worth noting that the existing tennis courts and swimming pool are already constructed approximately 10m from the southern boundary of the subject property. The erf boundary is 20m from the centre of the R45 (proclaimed 40m road reserve), which means that the ***existing tennis courts are approximately 30m from the centre of the R45*** and historically been ***inside the 60m*** from the centre line of Main Road 191 (R45) as per condition of approval.

It is also worth noting that the existing tennis courts are approximately ***5m from the western erf boundary***. This historical situation is also not in line with the condition of approval that imposed a building line of ***10m along the western erf boundary.***

Since the padel courts are positioned on the footprint of the tennis courts, ***condition 7 (a) & (b) respectively will therefore need to be amended to facilitate the padle courts 30m encroachment from the centre line of R45 as well as 5m from the western erf boundary***

To facilitate the padel courts on the existing tennis court footprints, formal application is made in terms of **Section 15(2)(h)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, for the **AMENDMENT OF CONDITION OF APPROVAL** of condition 7 of the letter of approval dated 11 January 1979 to amend condition ***7(a)&(b)*** to facilitate the ***position of the new padle courts 30m from the centre line of the R45 and 5m from the western erf boundary*** on the footprint of the existing tennis courts on Portion 8 of Farm Delta No. 1003 Paarl.

## 6.2 Permission from Council

To facilitate the padel courts on the subject property it is necessary that an updated Site Development Plan be submitted for approval. From the previous approvals attached it is evident that no formal Site Development Plan was filed, which makes this an ideal opportunity to submit the attached ***Site Development Plan dated July 2026*** for approval.

It is worth noting that apart from the padel courts ***no changes or additions*** to the existing infrastructure are proposed. The primary purpose of the subject property as an ***outdoor sport precinct*** will remain unchanged with the existing ***cricket oval with clubhouse*** as the main focal point. The other activities and amenities on the subject property include the ***swimming pool, staff housing unit, garages, parking area and the tennis courts (to be replaced by the padel courts)***. The access road will remain unchanged, while a ***new detention pond*** is being constructed on the northeastern side of the cricket oval. Formal consent

was granted by the Breede Olifants Catchment Management Agency (BOCMA) for this construction (*copy of consent attached*).

Since the subject property is included into the ***Urban & Rural Conservation Overlay Zone*** as well as in the ***Scenic Route Overlay Zone***, Chapters 25 & 26 of the Stellenbosch Municipality Zoning Scheme By-Law respectively, formal permission is required from Council to facilitate the paddle courts on the footprint of the existing conventional tennis courts on the subject property. Both these overlay zones will be discussed in detail in Section 8.4 of this report.

Formal application is therefore made in terms of **Section 15(2)(g)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023, for the **PERMISSION FROM COUNCIL FOR THE FOLLOWING**:

- ***Site Development Plan dated July 2026***
- Approval in terms of ***Chapter 25 Section 246 1(a)*** of the Stellenbosch Municipality Zoning Scheme By-Law to permit the ***Development inside the Urban & Rural Conservation Overlay Zone to facilitate the new padel courts on the subject property.***
- Approval in terms of ***Chapter 26 Section 256 1(a)*** of the Stellenbosch Municipality Zoning Scheme By-Law to permit ***Development inside the Scenic Route Overlay Zone to facilitate the new padel courts on the subject property.***

### 6.3 Departure

In terms of ***Section 257 (1)*** of the Stellenbosch Municipality Zoning Scheme By-Law, a ***30m building line*** is imposed along all ***Rural Scenic Routes***. This building line can be relaxed with permission from Council if they are satisfied that the purpose of the scenic route is adhered to.

The objective of this 30m building line is to protect, conserve and enhance the environmental and scenic resources adjacent to important tourist routes. Main Roads 191 (R45) that winds through the Drakenstein and Franschhoek Valleys, is one of these important tourist routes and the subject property is located along this route. Any development within the 30m must be scrutinized to ensure that it has no visual or other negative impact on the scenic route. Mitigation measures should be implemented to ensure that the integrity of the tourist route remains.

Since the existing tennis courts on the subject property are historically positioned 10m from the southern erf boundary of the subject property, it already encroaches the 30m building line imposed along all Rural Scenic Routes. We, however, believe that because of the glass walls of the padel courts that are fully transparent there will be no changes to the visual appearance of these courts, especially since there are already an existing wooden fence and large trees screening it from the R45.

Formal application is made in terms of **Section 15(2)(b)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for the **DEPARTURE** of the ***30m building line*** imposed in terms of ***Section 257(1)*** of the Stellenbosch Municipality Zoning Scheme By-Law regarding the ***Rural Scenic Route Overlay Zone.***

## 7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management.

The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The proposed application for **Amendment/deletion of condition of approval, permission from council and departure on Portion 8 of Farm No. 1003 Paarl** will be evaluated as follows against the five development principles:

**(a) Principle of spatial justice**

- The spatial justice principle requires that the past spatial and development imbalances should be redressed through improved access to and utilization of land. We are of the opinion that the **proposed development broadens public access to modern recreational opportunities by providing a sport that is suitable for participants of all ages and skill levels. The development proposal will optimise existing infrastructure without compromising the integrity of the sport site.**

**(b) Principle of spatial sustainability**

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. The

**proposal embodies this principle with the more efficient utilization of existing recreational infrastructure.** Since this application is directed to the footprint of the existing conventional tennis courts, we believe that it will not compromise the objective of the property as an outdoor sports club. **No additional pressure is placed on any natural or man-made resources.**

- The proposal promotes land uses that are **spatially compact and resource-frugal** as the padel courts is positioned on the same footprint as the conventional tennis courts.

- The proposal promotes activities in a **location that is sustainable from an environmental and socio-economic point** of view.

- No additional buildings are proposed with this application.

- Since the intention is to optimize the footprint of the tennis courts with the paddle courts, no negative impact is expected on the built environment, **no safety hazards are anticipated** through this proposal.

- The intended land use will **not have any detrimental impact on the surrounds and are not in conflict with the primary land use.**

- The economic potential of the subject property will be extended even further by the padle courts through the creation of **new modern sporting facilities near Franschhoek**, which will benefit the local communities and the local economy.

- There is **existing infrastructure** i.e. parking, ablution facilities as well as the existing clubhouse.

**(c) Principle of efficiency**

- The proposed renovations and conversions inside existing buildings will **optimize the use of existing resources, infrastructure, and land** on the existing outdoor sport club precinct.

- We are of the opinion that due to the size and scale of the proposed land use it **will not compromise** the existing sporting facilities. In fact, we believe the alternative sporting facilities will regenerate and strengthen the existing historical sports precinct.

- The proposed activities will fit in with the **original intent** of the subject property as an outdoor sports club.

- No changes to the **existing character** are expected.

- Because padle courts have glass walls that it **fully transparent**, no visual impact is expected from the abutting R45.

- There are already a **wooden fence and large trees** screening most of the courts from the R45.

- The proposal will **optimize the use of existing resources and infrastructure** while respecting the existing character of the subject property.

**(d) Principle of spatial resilience**

- The proposal **enhances the long-term viability** of the recreational facility by responding to changing recreational trends and community demand.
- Modernising the sporting facilities contributes to the **long-term economic sustainability** of the club, while ensuring that the facility remains relevant for future generations.

**(e) Principle of good administration**

- A formal pre-application meeting was held with officials from the Stellenbosch Municipality to ensure the correct application process (copy of pre-application minutes attached).

- The formal application is submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the Stellenbosch Municipality's Land Use Planning By-Law.

## 8. DESIRABILITY

In terms of **Section 65 (b)** of the Stellenbosch Municipality: Municipal Land Use Planning By-Law, 2023, the proposed utilization of the land must be desirable.

The concept of *"desirability"* in a land use planning context and as contemplated in Section 65 (b) of the Stellenbosch Municipality: Municipal Land Use Planning By-Laws can be described as the:

> *"degree of acceptability" of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability or based on its effect on existing rights and the biophysical environment concerned.*

The desirability of this application for **Amendment of Condition of Approval, Permission from Council and Departure on Portion 8 of Farm No. 1003 Paarl** will be discussed with regards to the following aspects:

- Physical characteristics
- Character of the area
- Accessibility
- Spatial Planning
- Provision of services

### 8.1 Physical Characteristics

The subject property is an existing land unit that has been used as an outdoor sports club for many decades. The subject property is already established with primarily a cricket oval with clubhouse, swimming pool and tennis courts. This application aims to replace the tennis courts with more modern padel courts.

The subject property has a levelled surface which makes it ideal for the outdoor sports facilities. Since the proposed padel courts will be placed on the footprint of the conventional tennis courts, no changes to the physical appearance of the property are proposed. There are also no topographical features, or any ecological habitats present where the tennis courts are that will be affected, or which will prevent or restrict the proposed development thereon.

## 8.2 Character of the area

Even though the subject property is not an agricultural land unit but an outdoor sports precinct, it is located in a primarily agricultural area with larger land units that surrounds it. There are however other land uses in the immediate surrounds that include inter alia Delta Crest Equestrian Estate, St George Church, Solms Delta Farm to the north, Two River Farms to the east and L'Ormarins and Franschhoek Car Museum to the south. Other activities in the larger surrounds include Alee Bleue wine estate, Groot Drakenstein Terminal, Meerlust Forest housing complex, and Boschendal Wine Estate.

Since the subject property has been used for an outdoor sport precinct for many decades and the conventional tennis courts formed an integral part

thereof, the replacement of the tennis courts with the more contemporary padel courts will have no impact on the character of the area. The precinct will continue to serve a specific purpose to the community, and no changes thereto are proposed. The glass wall panels of the padel courts will also have no negative impact on the visual appearance from the R45 because it is transparent and already screened by large trees and wooden fence.

**View onto Two River Farms to the east**

**Entrance to Solms Delta and Delta Crest to the west**

## 8.3 Accessibility

Access to the subject property is taken directly from R45 via an existing and approved entrance. This security-controlled access is positioned along the eastern boundary of the subject property and lead via an internal gravel road to the existing parking area and clubhouse building. Due to the

strategic location, the subject property is easily accessible from all directions via R45 and R310 respectively.

**Existing entrance**

**Western view onto the R45 from entrance**

**Eastern view onto the R45 from entrance**

No material traffic impact is expected, and the existing access and internal road have more than sufficient capacity with no changes proposed to the existing entrance.

## 8.4 Spatial Planning

The subject land unit is situated in a predominantly agricultural area within the area of jurisdiction of the Stellenbosch Municipality. The existing spatial planning policy, which is applicable to this area, the Stellenbosch Municipal Spatial Development Framework (SMSDF), was adopted by Council in November 2019 and provides guidelines for spatial developments within the municipal area.

The Stellenbosch MSDF promotes inter alia the following:

- The efficient use and intensification of existing developed land.
- The optimising of existing infrastructure and public investments before extending services to new areas.
- Creation of sustainable recreational and tourism opportunities that contribute to quality of life.
- Encourage investments that strengthens the local economy
- Developments and activities that enhances community living and that improve quality of life

Although the subject land unit is not specifically mentioned in the existing spatial documentation, we believe that with the history of the subject property as a community outdoor sports precinct, the padel courts are in line with these objectives and that it does not conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable.

The subject property is included into the ***Urban & Rural Conservation Overlay Zone*** as well as in the ***Scenic Route Overlay Zone***, Chapters 25 & 26 of the Stellenbosch Municipality Zoning Scheme By-Law.

***Urban & Rural Conservation Overlay Zone:***

The objective of this overlay zone it to control development to protect and enhance the character of an area which has special historical, heritage, cultural, environmental, amenity or architectural value.

The subject property has a long-established sporting heritage, with formal planning approval for4 games-club use dating to 1979. The property however has been used for such purposes since 1895 and has a specific setting inside the rural area that should be respected. We believe that the size and scale of the proposal is negligible and no direct or indirect impact on this overlay zone is expected, especially since the objective is to replace the conventional tennis courts with modern padel courts. No additional structures apart from those required for the padel courts are proposed. Because the padel courts use glass wall panels, the conventional tennis court fences will be replaced by the glass panels, which is even more transparent than the fences. The padel courts will have no visual impact on the R45 or surrounding area and the impact of the proposed development on the overlay zone will be insignificant, because of the existing large trees and wooden fence screening the courts from the R45. The padel courts are sensitively placed on the footprints of the tennis courts, which confirms the limited impact it will have on the subject property or environment. The lighting required for the padel courts will also be directed onto the court and will not have any potential impact on the passing traffic on the R45 or any of the abutting properties.

**View from R45 onto the padel courts**

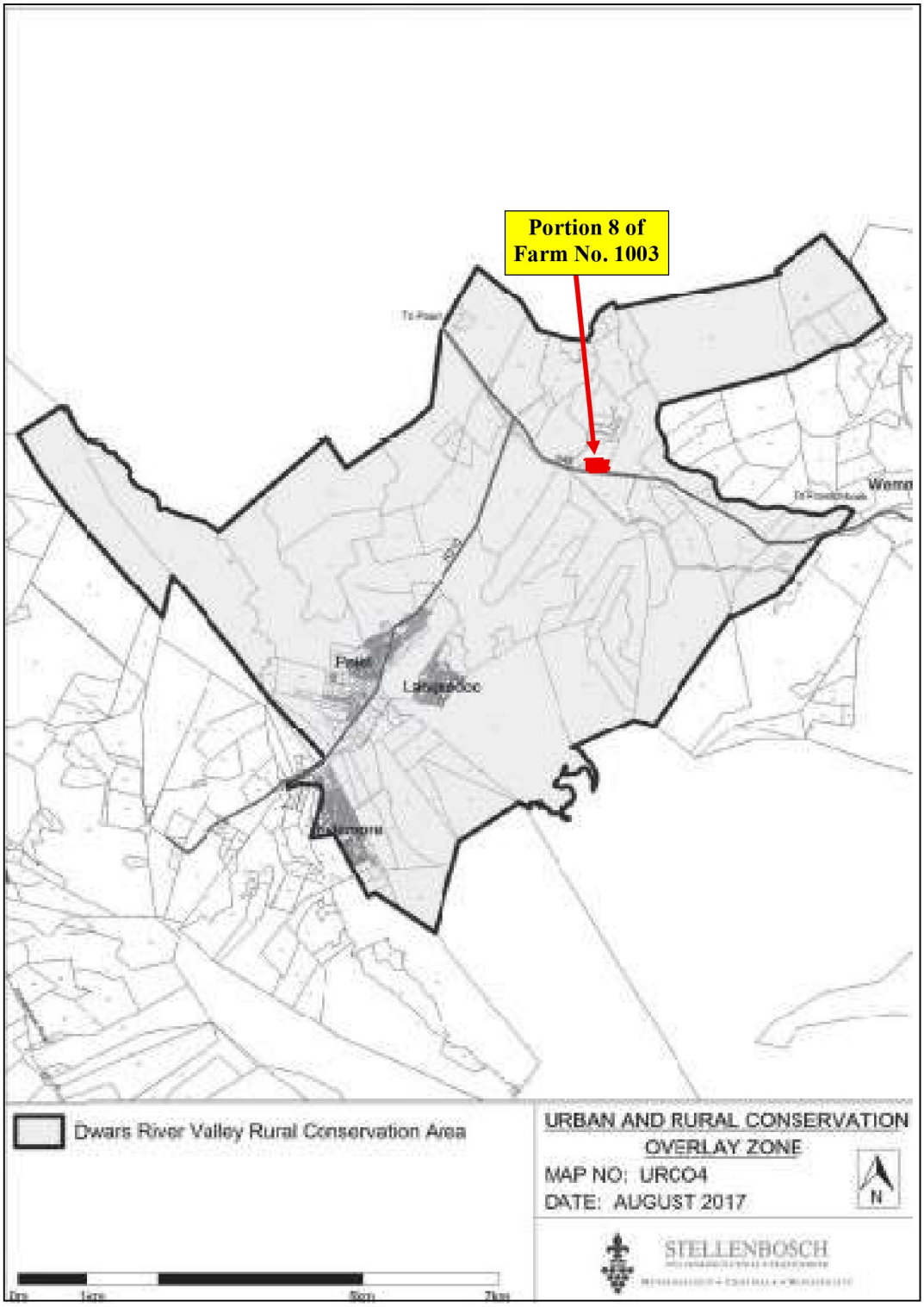


**Fig. 9: Urban and Rural conservation overlay zone**

***Scenic Route Overlay Zone:***

The purpose of this overlay zone it to protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist routes within the municipal area.

Main Road 191(R45) is an important tourist route that winds through the Drakenstein and Franschhoek Valleys and links the towns in these valleys with each other. Since the subject property is situated north along the R45, it is included into this scenic route overlay zone, which means that permission from Council is required for any development on the subject property. Since the objective of this overlay zone is not to reduce development rights or to hinder development within existing development parameters, but to ensure that developments do not have an adverse impact on the scenic resources, we believe that the padel courts positioned on the footprint of the conventional tennis courts will have no negative impact on the scenic route as clearly illustrated in the picture above. It is worth noting that there are already large trees and a wooden fence that screen the courts from the R45. No changes to the trees or fence are proposed, which means that the padel courts will also not be visibly intrusive onto the scenic route. The glass panels of the padel courts are fully transparent, which means that no visual obstruction is expected that will negatively impact on the integrity of the scenic route.

**Existing tree line with wooden fence**

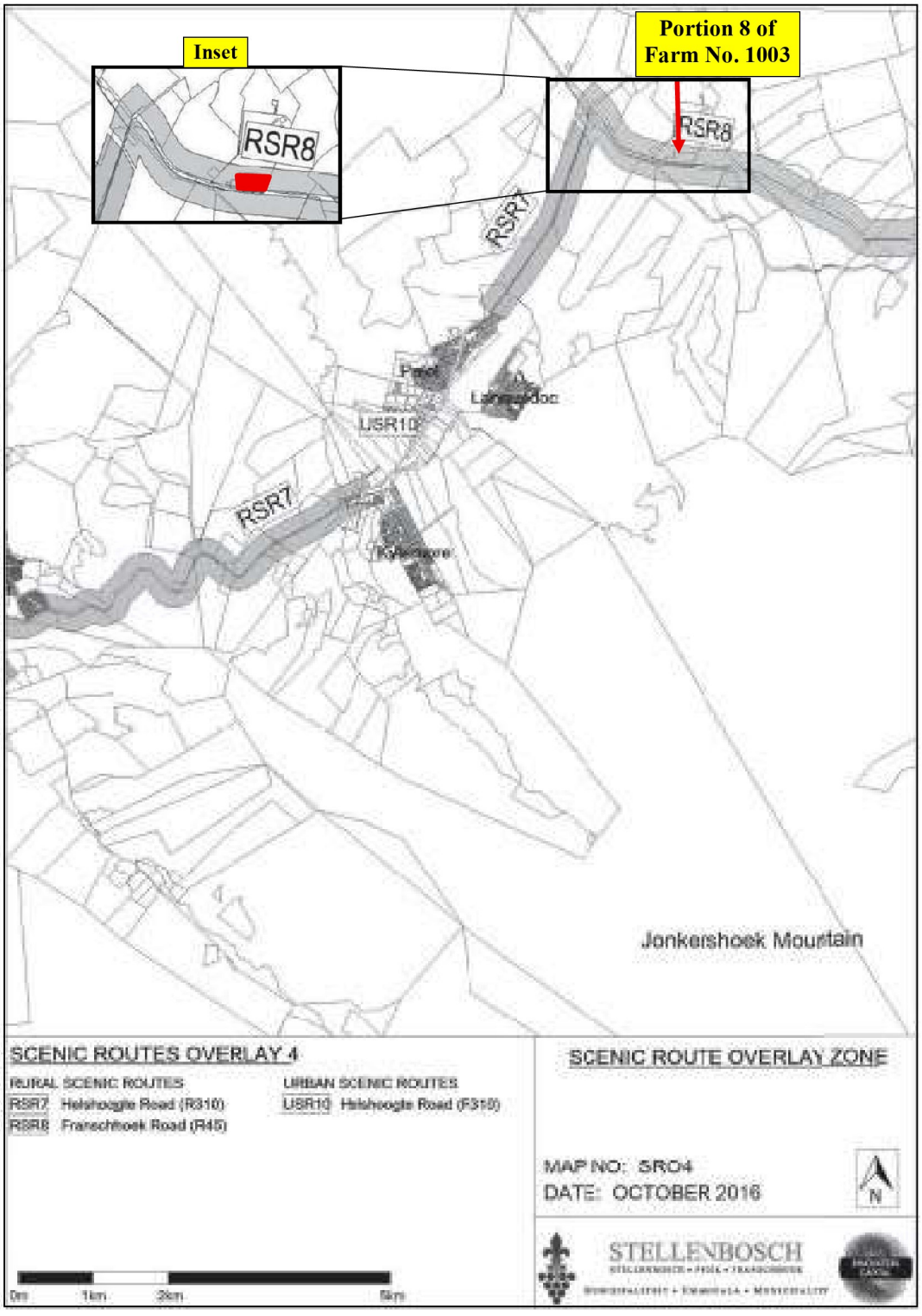


**Fig. 10: Scenic Route Overlay Zone**

## 8.5 Provision of Services

Since there are existing services present on the subject property and no additional facilities are proposed other than the padel courts replacing the tennis courts, no extra services will be required. The following services are already existing on the subject property:

- Potable Water
  Domestic wate is supplied from the existing borehole with filtration in place and water-quality testing records available, while drinking water for members and guests is managed separately and drinking from taps is not permitted
- Sewage/wastewater
  There is an existing conservancy system in place, which is pumped out and disposed of by a private service provider (*proof of service attached*).
- Electricity *(see account attached)*
  Electricity is supplied by Eskom/Stellenbosch Municipality connection (*copy of municipal account attached*).
- Stormwater
  A new detention pond is currently under construction northeast of the cricket oval (*copy of consent attached).*

## 9. SUMMARY AND CONCLUSION

From the aforementioned it is evident that the application for **Amendment of Condition of approval, Approval and permission from Council and Departure** on Portion 8 of Farm No. 1003 Paarl to facilitate three (3) padel courts on the footprint of the tennis courts, is in line with Section 65(1)(c) of the Stellenbosch Municipality Lan Use Planning By-Law. The motivation for the proposed land uses can be summarized as follows:

**Economic impact**

- From a business point of view, the proposed padel courts will support the local economy and community in that a more modern facility is proposed.
- The padel courts will extend the lifespan of the sport precinct.
- Support new employment during construction and maintenance.
- Generate additional income to ensure financial sustainability of the precinct.
- The utilization of the footprint of the tennis courts will be economically viable and will optimize existing infrastructure and services.

**Social impact**

- The proposed land uses will have a positive social impact since the proposed activity will ultimately create new employment opportunities.
- The proposal encourages active lifestyle and improves public health.
- The padel courts will attract people of all ages and abilities.
- The proposal encourages social interaction and community cohesion.
- The modern padel activity will support youth participation in organised sport.
- The subject property as an outdoor sport precinct has proven to be an important activity that ties the community together and the padel courts will strengthen those ties.

**Compatibility with surrounding land uses**

- Even though the area in which the subject property is located is primarily agriculture, the historical nature of the outdoor precinct has established the existing rights onto the property.
- No changes are proposed to the original intent of the subject property as an outdoor sport precinct.
- Because the padel courts are positioned on the footprint of the tennis courts, no additional impact is expected on any of the abutting properties.
- All activities will be confined onto the footprint of the padel courts, which limits any potential impact on the abutting properties.
- There are no dwellings or other occupied buildings in the immediate surrounds that can be impacted upon.

**Impact on external engineering services**

- The necessary engineering services already exist on the subject property and can accommodate the proposal without any additional services or infrastructure.

**Impact on safety, health, and wellbeing of the surrounding community**

- There is no reason to believe that the padel courts will result in any changes to the safety and security in the area, especially since access to the subject property is via a security gate.
- The proposed land use will have no impact (visual, health and safety) on any of the surrounding properties especially since it is well screened by large trees and a wooden fence.

**Traffic impacts, parking, access and other transport related considerations**

- Due to the size and scale of the proposal, the existing and approved entrance is more than sufficient to accommodate additional traffic to and from the subject property.
- There is more than sufficient onsite parking available on the property to easily accommodate the vehicles expected because of this application.
- The existing internal roads have more than sufficient capacity to accommodate the expected traffic.

**Whether the imposition of conditions can mitigate and adverse impact of the proposed land use**

- It is our view that the proposed land use on the subject property will not have any detrimental impact on the surrounding area. Specific mitigating measures is already inherent in the design/location, with further conditions acceptable if required by the Municipality.

From the aforementioned it is evident that the application for **Amendment of Condition of approval, Approval and permission in terms of the Zoning Scheme By-Law and Departure** on Portion 8 of Farm No. 1003 Paarl to facilitate three (3) padel courts on the footprint of the tennis courts as depicted on the attached ***Site Development Plan,*** is therefore regarded as highly desirable and can be approved.

**PIERRE-JEAN LE ROUX**
**Pr. Pln. A./803/1995**