



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2020-02-28 FROM 10:00-15:00**

VOLUME 1



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2020-02-28 FROM 10:00-15:00**

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

2020-02-28

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delpont

Internal Members

Mr B de la Bat-Manager - Spatial Planning

Mr M Williams - Senior Legal Advisor

Mr S van der Merwe - Environmental Planner

Ms J Mowers- Senior Manager: Development, Asset Management and Systems & Project Management Unit (PMU)-Infrastructure Services

Ms M Francis - Manager: Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held in the **STELLENBOSCH LIBRARY HALL, PLEIN STREET, STELLENBOSCH** on **FRIDAY, 2020-02-28** from **10h00-15:00** to consider the items on the Agenda.*

Dr DJ Du Plessis

CHAIRPERSON:MUNICIPAL PLANNING TRIBUNAL



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- MINUTES-

OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 31 JANUARY 2020, AT THE STELLENBOSCH MUNICIPAL COUNCIL CHAMBERS, PLEIN STREET, STELLENBOSCH AT 10H00

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

2020-01-31

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

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Mrs H Crooijmans-Lemmer

Mr E Delport

Mr J Knight

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Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

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

Officials

Mr P April: Acting Manager: Land-Use Management & Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms L Guntz: Senior Town Planner

Ms L Kamineth: Senior Administrative Officer: MPT

Ms O Sims: Administrative Officer: MPT

ITEM	SUBJECT
SMPT 01/01/20	<p>OPENING AND WELCOME</p> <p>Chairperson welcomed all at the first MPT meeting for 2020.</p>
SMPT 02/01/20	<p>LEAVE OF ABSENCE</p> <p>None</p>
SMPT 03/01/20	<p>DISCLOSURE OF INTERESTS</p> <p>The chairperson enquired whether any member wanted to declare a conflict of interest regarding any item on the agenda.</p> <p>Mrs Hedwig Crooijmans –Lemmer recused herself from item 5.4</p>
SMPT 04/01/20	<p>MINUTES OF THE PREVIOUS MEETING DATED 29 NOVEMBER 2019</p> <p>The minutes were already approved and the content is noted.</p>
	<p>MATTERS FOR CONSIDERATION</p>
SMPT 05/01/20	<p>APPLICATION FOR THE REZONING AND PERMANENT DEPARTURES ON ERF 184, STELLENBOSCH(LU/7783)</p> <p>Chairperson Du Plessis handed over to Mr Khalied Jacobs from Jakupa Architects and Urban Designers who were requested by the Stellenbosch Municipality to do a presentation on the Dennesig Development Guidelines as context for considering Items 5.1 to 5.4. Mr Jacobs indicated that he will present first and will then hand over to Mr Johan Brink who will present the findings of the Transport Impact Assessment to the Tribunal. The chairperson thanked both parties after the presentations and indicated to members of the Tribunal that they can proceed with questions of clarity on the presentation.</p> <p>Mr Fooy presented a summary of the application to the Tribunal. An in-depth discussion followed between the members of the Tribunal.</p> <p>The issue of inclusionary housing was specifically addressed. As there is currently no Council Policy available in this regard, it was recommended that it be made a condition of approval that inclusionary housing should be investigated in a proposed new development to expand housing opportunity for a broader range of income groups, particularly in settlements within Stellenbosch. The Tribunal requested to be</p>

provided with future feedback on this matter. The Tribunal further requested that the formulation of a municipal inclusionary housing policy be made a priority by the Spatial Planning Section.

UNANIMOUSLY RESOLVED:

1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:

1.1 Rezoning of Erf 184 from Single Residential to Specific Business Zone, in terms of the Stellenbosch Municipality Zoning Scheme Regulations, 1996 to develop 86 m² of commercial space and 50 residential units in a 5 storey building.

1.2 Permanent departures for the following:

1.2.1 Street Building Line (Dennesig) of 0.0m in lieu of 7.6m on Floors 1 – 4;

1.2.2 Street Building Line (Hofman) of 0.0m for a portion of the building and 1.7m for the remainder of the building in lieu of 7.6m on Floors 1 – 4;

1.2.3 Common boundary (Erf 155) 0.0m for a portion of the building on Ground and Floors 1 – 4 in lieu of 3.0m on ground and 4.6m on Floors 1- 4;

1.2.4 Common boundary (Erf 4683) 0.0m on Ground Floor to allow for the stairwell and 0.0m (stairwell) and 1.7 (remainder building) on Floors 1 – 4 in lieu of 3m (ground floor) and 4.6m on Floors 1-4;

1.2.5 Coverage of 76% in lieu 50% for the residential component of the building on Floors 1-3;

1.2.6 Height of the building to be 5 storeys in lieu of 4;

1.2.7 Provision of 10.6% of the site for communal open space, in lieu of 25%;

1.2.8 Provision of 67 parking bays (which would include provision for 12

motorcycles, 56 standard motorized vehicles and 50 bicycle bays) in lieu of 74 parking bays for vehicles.

2. The approval granted in **Sections 1** above is subject to the following conditions in terms of Section 66 of the above-mentioned by-law;
 - 2.1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - 2.2 The conditions of approval as imposed by the Manager: Development (Infrastructure Services) in its memo dated 30 January 2020, condition C & D of the memo be adhered to (**Annexure H**);
 - 2.3 The development be undertaken in general accordance with the Site Development Plan as attached in **Annexure B**, drawings 3618/C/101-108 rev 8 dated 2019-10-23;
 - 2.4 Building plans be submitted to the Municipality for approval prior to any building work taking place on the property;
 - 2.5 A revised SDP and landscaping plan be submitted for approval by the Director: Planning and Economic Development with the building plans and implemented prior to an occupation certificate being issued;
 - 2.6 The commercial portion of the building only be used for convenience retail purposes;
 - 2.7 The landscaping plan for the subject property as well as the sidewalk areas within the sidewalk must tie in with the Master Landscaping Plan for the Dennesig area to ensure that the landscaping for the areas is a cohesive project and that there is continuity for all communal areas;
 - 2.8 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.

	<p>REASONS FOR APPROVAL</p> <ol style="list-style-type: none"> 1. The proposed development is in line with the Dennesig Neighbourhood Development Guidelines, September 2019 as confirmed with the Happy Letter attached as Annexure J. 2. The subject property is located in an area where high density development is promoted by Council due to its proximity to the Stellenbosch University and Central Business District. 3. Adequate provision is made for bicycle parking facilities; 4. The proposed development is not seen to be out of scale or character with its surroundings. 5. The proposal promotes Council policy as noted in the SDF of densification within the urban edge. 6. The proposal promotes Council policy as noted in the IDP of high-density developments within Dennesig. 7. The development is compatible with the surrounding land uses and built environment. 8. The applicant has followed due process for public participation; 9. The proposed development ties in with the existing character and land use of the surrounding area. 10. The proposal is seen as a form of sensible densification and will make optimal use of existing infrastructure. 11. The proposed development is in line with the Stellenbosch MSDF, IDP and other relevant planning legislation. 12. The proposed redevelopment of the subject property complies with the land use planning principles referred in Section 59 (spatial justice, spatial sustainability, spatial resilience, efficiency and good administration) of LUPA.
<p>SMPT 06/01/20</p>	<p>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSOLIDATION AND PERMANENT DEPARTURES: ERVEN 139 AND 140 STELLENBOSCH (LU/8381)</p> <p>Mr Fooy introduced the item to the Tribunal. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p>

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:

1.1 **Removal of the Title Deed Restrictions** from the Title Deed T28075/1996 for Erf 139 and Title Deed T54174/2012 for Erf 140 which reads as follows:

The Title Deed T28075/1996 for Erf 139

1.1.1 Clause B: "Not entitled as a result of condition (a) in paragraph C hereunder to the benefit of the reservation of water rights but otherwise entitled to the benefit of the conditions as referred to in the two notes dated 2 June 1939 and 5 June 1939 on deed of Transfer No T7492/1932 which reads as follows: " Deur die ondergenoemde Aktes van Transport van erwe in die Kromme Rivier C Dorp is deur die eienaar en sy opvolgers in title van die restant van die eiendomme paras. 1, 2, 3, en 4 van hierdie Akte al sy bestaande regte as oewereienaar uitgehou en die grond deur die gesegde Aktes oorgedra is onderhewig ten gunste van die gemelde eiendomme hieronder gehou en sekere rege wat betref die bedryf van sekere besighede en verkoop van sterk drank, soos meer volledig sal blyk uit transportakte Nrs. 5594 gedateer 2.6.1939; 9842 gedateer 8.9.1939; 536 gedateer 25.1.1940; Nr 4379 gedateer 9.5.1940;"

1.1.2 Clause C (a) " dat die bogenoemde erf nie geregtig sal wees op die gebruik van enige water uit die Kromme Rivier vir huishoudelike of enige ander doeleindes die Transportgewer behou vir homself as eienaar van die grond nog in sy naam geregistreer onder die gemelde Akte van Transport gedateer 10 Desember 1970 nr. 7492 en sy opvolgers in titel al sy teenwoordige bestaande regte as oewereienaar op sulke regte"

1.1.3 Clause C(b): " Geen bottelstoor, kantien of plek waar sterk drank kan verkry word sal op die hierbogemelde grond opgerig word nog sal enige hotel, slagter, algemene handelaar of andere besigheid van sulke aard gedryf of gedoen word daarop."

- 1.1.4 Clause D(a): "Die erf moet uitsluitlik vir woning doeleindes gebruik word."
- 1.1.5 Clause D(b): " Dat die erf nie verdeel sal word nie."
- 1.1.6 Cause D(c): "Dat nie meer as een woonhuis met die nodige buitegeboue en toebehoorsels op die erf gebou sal word nie en dat nie meer as een helfte van die oppervlakte van die erf op gebou word nie."
- 1.1.7 Clause D(d): " Dat geen gebou binne 5,67 meter van enige straatlyn wat die grens van die erf is, moet opgerig word nie."
- 1.1.8 Clause E(3): " Dat die eienaar van elke erf en die namalige eienare daarvan verplig sal wees om die rioleering en rioolstelsel van enige erf of erwe oor sodanige erf te laat neem indien nodig geag deur die Munisipaliteit redelik vereis word."
- Title Deed T54174/2012 for Erf 140:
- 1.1.9 Clause B (a): "dat die bogenoemde erf nie geregtig sal wees op die gebruik van enige water uit die Kromme Rivier vir huishoudelike of enige ander doeleindes die Transportgewer behou vir homself as eienaar van die grond nog op 23 Augustus 1932 in sy naam geregistreer onder die gemelde Sertifikaat van gegistreerde Titel gedateer 15 Oktober 1888 en Sertifikaat van geregistreerde Titel gedateer 16 September 1932 nr. 7492 en sy opvolgers in titel al sy teenwoordige bestaande regte as oewereienaar op sulke regte"
- 1.1.10 Clause B(b): "Geen bottelstoor, kantien of plek waar sterk drank kan verkry word sal op die hierbogemelde grond opgerig word nog sal enige hotel, slagter, algemene handelaar of andere besigheid van sulke aard gedryf of gedoen word daarop."
- 1.1.11 Clause C(a): " die erf moet uitsluitelik vir wonings doeleindes gebruik word.

Geen winkel of hotel en geen handel of industriële besigheid van enige aard sal daarop gedryf word nie."

1.1.12 Clause C(b): " dat die erf nie sal verdeel word nie".

1.1.13 Clause C(c): "Dat nie meer as een woonhuis met die nodige buitegeboue en toebehoorsels op die erf gebou sal word nie en dat nie meer as een helfte van die oppervlakte van die erf op gebou word nie."

1.1.14 Clause C(d): " Dat geen gebou binne 18 voet van enige straatlyn wat die grens van die erf is moet opgerig word nie."

1.1.15 Clause D(3): " Dat die eienaar van elke erf en die namalige eienare daarvan verplig sal wees om die rioleering en rioolstelsel van enige erf of erwe oor sodanige erf te laat neem indien nodig geag deur die Munisipaliteit redelike vereis word."

1.2 Consolidation of erf 139 and erf 140 into a single, consolidated unregistered property;

1.3 Rezoning of the consolidated unregistered property from Single Residential to General Residential;

1.4 Permanent departures to allow for the relaxation of the following building lines:

1.4.1 Street boundary building line (R44) from 7.6m to 5.0m for the basement parking;

1.4.2 Street boundary building line (R44) from 7.6m to 1.620m for the basement parking area;

1.4.3 Street boundary building line (R44) from 7.6m to 5.35m for the building;

1.4.4 Street boundary building line (Paul Kruger Road) from 7.6m to 1.62m for the basement parking area;

1.4.5 Street boundary building line (Paul Kruger Road) from 7.6m to 1.1m on

Ground Floor and 0m on Floors 1- 3;

- 1.4.6 Common boundary building line (Erf 141) from 4.6m to 0m for the parking area on ground floor and the basement parking area;
- 1.4.7 Common boundary building line (Erf 141) from 4.6m to 0m on Floors 1 – 4 (only on front 4-storey section of building);
- 1.4.8 Common boundary building line (rear -Erf 16399 and 163) from 4.6m to 4.2m on Floors 1 – 4.

1.5 Permanent departures to allow for:

- 1.5.1 Relaxation of permissible coverage from 25% to 60%;
- 1.5.2 Relaxation of permitted floor factor from 0.5 to 1.6;
- 1.5.3 Relaxation of height restrictions to allow for a five-storey building in lieu of a 3 storey building;
- 1.5.4 Relaxation of required parking bays from 99 bays to 77 bays (which would include parking provision for 66 bicycles, 66 motorized vehicles and 11 tandem bays, as result having a parking ratio of 1.29 parking bays / unit. (If the 11 tandem parking bays are not included in the parking calculation).

2. The approval granted in Sections 1 above is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law:

- 2.1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2 The conditions of approval as imposed by the Manager: Development (Infrastructure Services) in its memo dated 30 January 2020, condition C & D of the memo be adhered to (**Annexure H**);
- 2.3 The applicant submits an electronic copy (shp,dwg,dxf) of the consolidation diagram which was preliminary approved by the SG indicating the newly allocated Erf Number, Co-ordinates and Survey Dimensions;

- 2.4 The development be undertaken generally in accordance with the approved site development plan as attached in **Annexure B**, The Edge, Rev 12, dated 27 November 2019;
- 2.5 Building plans be submitted to the Municipality for approval prior to any building work taking place on the property;
- 2.6 A landscaping plan be submitted for approval and implemented prior to an occupation certificate being issued;
- 2.7 An occupation certificate only be issued once the title deed has been endorsed and registered in the deed office;
- 2.8 The landscaping plan for the subject property is to tie in with the Master Landscaping Plan for Dennesig to ensure that the Dennesig areas landscaping is a cohesive project and to ensure continuity for all communal areas located on the sidewalk of the subject property and the sidewalk area located within the road reserve;
- 2.9 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.

REASONS FOR APPROVAL

1. The proposed development is in line with the Dennesig Neighbourhood design Guidelines, September 2019 as confirmed with the Letter attached as **Annexure K**.
2. The proposed removal of the relevant restrictive title deed conditions will enable the owner to develop the property to the optimal development potential in line with the approved IDP.
3. The subject property is located in an area where high density development is being promoted by Council due to its proximity to the Stellenbosch University and Central Business District.
4. The proposed development is not seen to be out of scale or character with its

	<p>surroundings.</p> <ol style="list-style-type: none"> 5. The development is compatible with the surrounding land uses and built environment. 6. The applicant has followed due process for public participation. 7. The proposed development ties in with the existing character and land use of the surrounding area. 8. The proposal is seen as a form of sensible densification and will make optimal use of existing infrastructure. 9. The proposed development is in line with the Stellenbosch MSDF, IDP and other relevant planning legislation. 10. The proposed redevelopment of the subject property complies with the land use planning principles referred in Section 59 (spatial justice, spatial sustainability, spatial resilience, efficiency and good administration) of LUPA.
<p>SMPT 07/01/20</p>	<p>APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, REZONING, DEPARTURES AND APPROVAL OF THE SITE DEVELOPMENT PLAN FOR THE UNREGISTERED CONSOLIDATED ERVEN 143,144,145, 166, 167, 168, 169, 170, STELLENBOSCH(LU/8676)</p> <p>Mr Fooy presented a summary of the application to the Tribunal. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for: <ol style="list-style-type: none"> 1.1 Consolidation, of the following erven to create an unregistered property with an area of ± 8 383 m²; <ul style="list-style-type: none"> • Erf 143 Stellenbosch • Erf 144 Stellenbosch • Erf 145 Stellenbosch • Erf 166 Stellenbosch • Erf 167 Stellenbosch • Erf 168 Stellenbosch • Erf 169 Stellenbosch • Erf 170 Stellenbosch

- 1.2 **Rezoning** of the unregistered property from Single Residential Zone to Specific Business Zone;
- 1.3 **Permanent departure** to permit residential units on the ground floor of a Specific Business Zone.
- 1.4 **Permanent departure** to permit a building of 6 storeys, in lieu of 3 storeys, for residential units within a Specific Business Zone;
- 1.5 **Permanent departure** for the relaxation of building lines, as follows:

GROUND FLOOR

- 1.5.1 Street building line (along Dennesig Road) from 7.6m to 1.9m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.2 Street building line (along Paul Kruger Road) from 7.6m to 1.9m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.3 Street building line (along Paul Kruger Road) from 7.6m to 0m to accommodate a substation and refuse area (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.4 Lateral building line (along Erf 142 Stellenbosch) from 4.6m to 0m to accommodate a substation, generator room and refuse area (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.5 Lateral building line (along Erf 165 Stellenbosch) from 4.6m to 0m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.6 Lateral building line (along Erf 146 Stellenbosch) from 4.6m to 3.2m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.7 Lateral building line (along Erf 146 Stellenbosch) from 4.6m to 2.4m to accommodate a security room on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).

FIRST FLOOR

- 1.5.8 Street building line (along Paul Kruger, Hofman and Dennesig Roads) from 7.6m to 0m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).

- 1.5.9 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.10 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.11 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.12 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.2m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.13 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.5m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).

SECOND FLOOR

- 1.5.14 Street building line (along Paul Kruger, Hofman and Dennesig Roads) from 7.6m to 0m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.15 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.16 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.17 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.18 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.2m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.19 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.5m to accommodate residential uses on the second floor (as per Building

Line Plan No 3 dated 1 November 2019 and SDP).

THIRD FLOOR

- 1.5.20 Street building line (along Paul Kruger, Hofman and Dennesig Roads) from 4.6m to 0m to accommodate residential uses (including balconies and pergola structures above) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.21 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 0m to accommodate residential uses (including a balcony) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.22 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses (including a balcony) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.23 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.24 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.2m to accommodate residential uses (including a balcony) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.25 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.5m to accommodate residential uses (including a balcony and pergola structures above) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).

FOURTH FLOOR

- 1.5.26 Street building line (along Paul Kruger Road) from 7.6m to 1.9m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).
- 1.5.27 Street building line (along Dennesig and a portion of Hofman Road) from 7.6m to 0m to accommodate residential uses (including balconies and pergola structures above) on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).
- 1.5.28 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).

1.5.29 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).

1.5.30 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).

FIFTH FLOOR

1.5.31 Street building line (along Dennesig and a portion of Hofman Roads) from 7.6m to 1.9m to accommodate residential uses on the fifth floor (as per Building Plan No 6 dated 1 November 2019 and SDP).

1.5.32 Lateral building line (along a portion of Erf 142 Stellenbosch) from 7.6m to 2.6m to accommodate residential uses on the fifth floor (as per Building Line Plan No 6 dated 1 November 2019 and SDP).

1.5.33 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the fifth floor (as per Building Line Plan No 6 dated 1 November 2019 and SDP).

1.6 Permanent departure to permit coverage of 58% in lieu of the 50%, for residential uses above the ground storey.

1.7 Permanent departure to permit a parking ratio of 0.96 parking bays per bedroom, in lieu of 1 parking bay per bedroom.

1.8 Permanent departure to permit doors, windows, etc. on lateral or rear boundaries.

1.9 Removal of restrictive title deed conditions, as listed below:

Table 1.1: Restrictive Title Deed Conditions to be removed

Property Description	Title Deed	Removal Condition No.	Summary of Condition
Erf 143 Stellenbosch	T42945/2004	B(a)	Use of water from the Kromme River is not permitted.
		B(c)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.

				C(a)	That the property be utilised for residential purposes only.
				C(b)	That the property may not be subdivided.
				C(c)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
				C(d)	No building be erected within 5,67 m of the street boundary.
				D(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
		Erf 144 Stellenbosch	T16264/2007 &T9837/2002	B(I)(a)	Use of water from the Kromme River is not permitted.
				B(I)(b)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
				B(II)(a)	That the property will be utilised for residential purposes only.
				B(II)(b)	That the property may not be subdivided.
				B(II)(c)	That not more than one dwelling house be erected on the property, and that not more than one half of the area be built upon.
				B(II)(d)	No building be erected within 5,67 m of the street boundary.
				B(III)(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
				Clause IV	All subsequent title owners to be subjected to Condition B(I)(b).
				Clause V	All subsequent title owners to be subjected to conditions pertaining to relevant business operations.

	Erf 145 Stellenbosch	T73636/2006	B(a)	Use of water from the Kromme River is not permitted.
			B(b)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
			C(a)	That the property will be utilised for residential purposes only.
			C(b)	That the property may not be subdivided.
			C(c)	That not more than one dwelling house be erected on the property, and that not more than one half of the area be built upon.
			C(d)	No building shall be erected within a distance of 18 feet from any boundary of the said erf.
			D(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
	Erf 166 Stellenbosch	T4031/1990	B(1)	Use of water from the Kromme River is not permitted.
			B(2)	No canteen nor any hotel, butcher, general or other businesses of a likewise nature, be erected on the property.
			C(b)	That the property will be utilised for residential purposes only.
			C(c)	That the property may not be subdivided.
			C(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
	C(e)	No building be erected within 3,15 m of the street boundary.		
Erf 167 Stellenbosch	T65369/2010	B(1)	Use of water from the Kromme River is not permitted.	
		B(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise	

					nature, be operated on the property.
				C(b)	That the property will be utilised for residential purposes only.
				C(c)	That the property may not be subdivided.
				C(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
				C(f)	No building be erected within 3,15 m of the street boundary.
		Erf 168 Stellenbosch	T2509/2017	B(1)	Use of water from the Kromme River is not permitted.
				B(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
				C(b)	That the property will be utilised for residential purposes only.
				C(c)	That the property may not be subdivided.
				C(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
				C(f)	No building be erected within 3,15 m of the street boundary.
		Erf 169 Stellenbosch	T15201/1959	A(1)	Use of water from the Kromme River is not permitted.
				A(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
				B(b)	That the property will be utilised for residential purposes only.
				B(c)	That the property may not be subdivided.

			B(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
			B(f)	No building be erected within 10 feet of the street boundary.
			C(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
	Erf 170 Stellenbosch	T98235/2000	B(1)	Use of water from the Kromme River is not permitted.
			B(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
			C(b)	That the property will be utilised for residential purposes only.
			C(c)	That the property may not be subdivided.
			C(d)	That not more than one third of the area be built upon.
			C(f)	No building be erected within 3,15 m of the street boundary.

1.10 Approval of a Site Development Plan, including a Landscaping Master Plan.

2. The approval granted above in Section 1. is subject to the following conditions in terms of Section 66 of the above-mentioned by-law;

2.1 Approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 Building plans may not differ substantially from the Site Development Plan, attached as **Annexure C**; (2.3 and 2.5, 2.8 to be added from previous application-Erven 139);

2.3 The conditions imposed by the Manager: Development (Infrastructure

Services) in its memo dated 30 January 2020, condition C & D of the memo be adhered to, attached as **Annexure J**;

- 2.4 A detailed landscape plan be submitted to the Director Planning and Economic Development for approval in conjunction with the Director Community Services with the building plans for the development;
- 2.5 The landscaping plan be compiled by a specialist to ensure that any impact that the building could have on its surroundings will be mitigated where possible and to ensure that the internal garden spaces are designed to provide the tenants with a vibrant open space area;
- 2.6 The landscaping plan for the subject property is to tie in with the Master Landscaping Plan for Dennesig to ensure that the Dennesig areas landscaping is a cohesive project and to ensure continuity for all communal areas located on the sidewalk of the subject property and the sidewalk area located within the road reserve;
- 2.7 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.

REASONS FOR APPROVAL

1. The property is located inside the urban edge where densification and higher density development is encouraged.
2. The proposal promotes the initiative of the SDF and IDP of densification within the urban edge.
3. The proposed development is not regarded to be out of scale or character with its surroundings and is compatible with the surrounding land uses and built environment.
4. The proposal complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) as noted in section 59 of the Land Use Planning Act, 3 of 2014.
5. Sufficient municipal infrastructure is available for the proposed development.
6. The proposed development is consistent with the Dennesig Neighbourhood Development Guidelines (2019).

<p>SMPT 08/01/20</p>	<p>APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS, CONSOLIDATION, REZONING, DEPARTURE, SITE DEVELOPMENT PLAN : ERF 141 & 142, 163-165, STELLENBOSCH (LU/7967)</p> <p>Mr Fooy introduced the item to the MPT. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for:</p> <p>1.1 The consolidation of erven 141, 142, 163, 164 and 165, Stellenbosch.</p> <p>1.2 The removal of the restrictive title conditions applicable to each property as listed below:</p> <p>1.2.1 Erf 141, Stellenbosch</p> <p>T148892/1998 Conditions B(c) T105912/1998 Conditions B(c) T72846/1997 Condition (b)3 T16275/2017 Condition B3 T88203/2001 Condition B(3)</p> <p>No bottle store, canteen, or place for obtaining strong drink shall be erected on the above land, nor shall any hotel, butcher, general or other business of a like nature be carried on or conducted thereon.</p> <p>1.2.2 Erf 142, Stellenbosch</p> <p>T148892/1998 Conditions C(a) T105912/1998 Conditions C(a) T72846/1997 Condition (d)(b) T16275/2017 Condition C(b) T88203/2001 Condition D(b)</p> <p>That the lots be used for residential purposes only.</p>
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1.2.3 Erf 163, Stellenbosch

T148892/1998 Conditions C(b)

T105912/1998 Conditions C(b)

T72846/1997 Condition (d)(c)

T16275/2017 Condition C(c)

T88203/2001 Condition D(c)

That the lots be not subdivided without the approval of the Administrator.

1.2.4 Erf 164, Stellenbosch

T148892/1998 Conditions C(c)

T105912/1998 Conditions C(c)

T72846/1997 Condition (d)(d)

T16275/2017 Condition C(d)

T88203/2001 Condition D(d)

That not more than one dwelling house be erected on any lot, and that not more than one-third of the area of any one lot be built upon.

1.2.5 Erf 165, Stellenbosch

T148892/1998 Conditions C(d)

T105912/1998 Conditions C(d)

T72846/1997 Condition (d)(f)

T16275/2017 Condition C(f)

T88203/2001 Condition D(f)

That all buildings to be erected on this property shall stand back not less than 5.67m (T148892) / 18 feet (T105912) / 10 feet (T72846) / 3.15m (T16275 & T88203) from the line of any street or avenue on which the lots may abut.

Such spaces may be used as gardens but shall not be built upon.

1.3 Rezoning of the unregistered consolidated property from Single Residential to General Residential to develop 176 residential units within a 5 storey building;

1.4 Relaxation of the street building line (Dennesig & Paul Kruger Roads) from 7.6m to 0.0m.

- 1.5 The relaxation of the lateral building lines adjacent to erven 140, 162 & 166 from 4.6m to 0.0m for the main building;
 - 1.6 Relaxation of the lateral building line adjacent to erf 140, 143, 162 & 166 from 4.6m to 0.0m for the semi-basement and parking structure.
 - 1.7 Departure to exceed the permitted coverage from 25% to 79.4%.
 - 1.8 Departure to exceed the permitted floor factor from 0.75 to 1.6.
 - 1.9 Departure to relax the required recreational space from 25% to 20%.
 - 1.10 Departure to relax the required number of parking bays from 204 to 177.
 - 1.11 Departure to exceed the number of storeys from four storeys to five storeys.
 - 1.12 Site Development Plan.
2. That the approval(s) granted in Section 1 is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law;
- 2.1 The approval only applies to the proposed development in question, as indicated on Drawing Nos. P001 dated 15 May 2018, SDP001 dated 24 October 2018, 201-207 dated 23 October 2019 and 301 dated 23 October 2019, drawn by Dennis Moss Partnership, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - 2.2 Building plans be substantially in accordance with the approved SDP;
 - 2.3 No building plan be submitted for approval prior to the applicable conditions of approval being adhered to;
 - 2.4 All landscaping be implemented as indicated on the Site and Landscape Development Plan (Drawing No. SDP001 dated 24 October 2019) before any occupational certificates be issued.
 - 2.5 The conditions imposed by the Director: Engineering Services in its memo dated 30 January 2020 be adhered to attached as Annexure H;
 - 2.6 The conditions imposed by the Manager: Electrical Engineering in its memo dated 8 August 2018 be adhered to;
 - 2.7 The conditions imposed by the Manager: Community Services in its memo dated 6 September 2018 be adhered to;
 - 2.8 The landscaping plan for the subject property is to tie in with the Master

	<p>Landscaping Plan for Dennesig to ensure that the Dennesig areas landscaping is a cohesive project and to ensure continuity for all communal areas located on the sidewalk of the subject property and the sidewalk area located within the road reserve;</p> <p>2.9 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.</p> <p>REASONS FOR APPROVAL</p> <ol style="list-style-type: none"> 1. The subject property is located in an area where high density development is promoted by Council due to its proximity to the Central Business District and the Stellenbosch University; 2. The proposed development is not regarded to be out of scale or character with its surroundings; 3. The proposal promotes Council policy as noted in the SDF and IDP of densification within the urban edge; 4. The development is compatible with the surrounding land uses and built environment; 5. The proposed redevelopment of the subject property complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) referred to in section 59 of the Land Use Planning Act, 3 of 2014; 6. The residential development is in walking distance of the CBD and university which will reduce the number of vehicular trips generated by the development. 7. The developer has agreed to support the initiatives of the Municipality as it relates to a Transport Master Plan for the area.
<p>SMPT 09/01/20</p>	<p>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SPECIAL DEVELOPMENT AND PERMANENT DEPARTURE ON ERF 4731, STELLENBOSCH (LU/8162)</p> <p>Chairperson Du Plessis announced the item and stated an oral presentation was granted to the objector, Professor Fisher who subsequently presented his oral presentation. Chairperson handed over to Senior Town Planner Ms Louisa Guntz to provide a short summary of the application. An in-depth discussion followed between</p>

the members of the Tribunal.

UNANIMOUSLY RESOLVED:

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications on Erf 4731, Stellenbosch:

- 1.1 **Removal of the restrictive title deed conditions** (section 15(2)(f)) Clause B.6(a) and (b) as contained in Deed of Transfer No. T50865/2016;
- 1.2 **special development** (section 15(2)(o)) to permit the operation of a guesthouse (3 suites consisting of a total of 4 bedrooms);
- 1.3 **permanent departure** (section 15(2)(b)) in order to relax the street building line from 4,5m to 0m and common building line (adjacent to Erf 4732, Stellenbosch) from 2,5m to 0m to accommodate the existing planter and pool pump.

2. **That the approval(s) granted in Section 1 is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law;**

- 2.1 The approval applies only to the removal of restrictive title conditions, special development and departure in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;
- 2.3 The approval shall lapse if not exercised within 5 years from date of final

notification;

- 2.4 The property be solely used for short term accommodation purposes and comply with the definition of a guest house at all times;
- 2.5 Only four bedrooms may be used for guest accommodation;
- 2.6 The owner to permanently reside on the property and the guest house be operated by the owner;
- 2.7 A business and liquor licence be applied for should it be required;
- 2.8 Two (2) parking bays for the owner and three (3) parking bays for the guest house be provided on site;
- 2.9 No parking will be allowed in the road reserve and the operation of the guest rooms must under no circumstances lead to a parking demand in excess of the parking bays provided on the property ;
- 2.10 Should the establishment be operated in a manner which in the opinion of Council constitutes a nuisance, Council shall take legal action against the owner for contravening the provisions of the Zoning Scheme and not adhering to the conditions of approval;
- 2.11 No name or advertising sign be erected on the property, except one which complies with Council's approved policy on outdoor advertising and signage;

2.12 The conditions imposed by the **Manager: Health Services (Cape Winelands)** as contained in their memo dated 05 April 2019, be complied with (see **Appendix 10**);

2.13 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 09 May 2019, be complied with (See **Appendix 11**);

2.14 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 05 June 2019, be complied with (See **Appendix 13**);

2.15 The applicant must after the publication of a notice in the Provincial gazette apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions;

2.16 Building plans be submitted to this Municipality for consideration for any internal alterations to the existing building;

2.17 Meals prepared on the premises, to only be for the patrons of the guesthouse;

2.18 A contravention levy is communicated to the applicant as stipulated in terms of section 87(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015 and is payable within the 30 days from date of said communication.

REASONS FOR APPROVAL

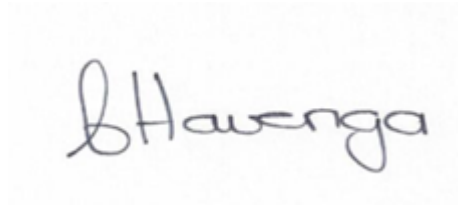
1. Limited impact on the residential character as the primary use of the property

	<p>will still be residential.</p> <ol style="list-style-type: none"> 2. Adequate onsite parking has been provided for the proposed use without impacting on the existing residential character of the property or surrounding area. 3. The proposed use is accommodated within the existing dwelling without alterations and additions being made to the existing building. 4. The fact that a guest house is to be considered as a special development in terms of the Stellenbosch Zoning Scheme Regulations on properties zoned single residential, highlights the intension of the zoning scheme to accommodate such uses after the necessary application procedure has been followed.
<p>SMPT 10/01/20</p>	<p>OTHER MATTERS</p> <p>Chairperson Du Plessis indicated due to the late time of day, he recommended that the MPT meeting continue on the 3rd of February where the other 4 items on the agenda will be finalised.</p> <p>It was announced that the venue will be the Paradyskloof Nature Area Clubhouse, Paradyskloof Road, Paradyskloof .</p> <p style="text-align: center;">Meeting Adjourned at 15h50</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

A handwritten signature in black ink, appearing to read 'C Havenga', is centered on a light-colored rectangular background.

Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

- MINUTES-

OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON MONDAY,
3 FEBRUARY 2020, AT THE PARADYSKLOOF NATURE AREA CLUBHOUSE, PARADYSKLOOF
ROAD, PARADYSKLOOF AT 10H00

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

2020-02-03

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delpport

Internal Members

Mr B de la Bat-Manager - Spatial Planning

Mr M Williams - Senior Legal Advisor

Mr S van der Merwe - Environmental Planner

Ms M Francis - Manager: Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

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

Officials

Mr Craig Alexander - Senior Manager: Development Planning

Mr P April: Acting Manager: Land-Use Management & Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms L Kamineth: Senior Administrative Officer: MPT

Ms O Sims: Administrative Officer: MPT

ITEM	SUBJECT
SMPT 11/01/20	<p>OPENING AND WELCOME</p> <p>Chairperson Du Plessis welcomed all present to the sitting. He indicated that during the MPT sitting on Friday, the members of the Tribunal requested proof of the happy letter from Jakupa relating to the Dennesig application (Erven 141 & 142, 163-165, Stellenbosch). Chairperson enquired whether the said letter was provided. It was confirmed that the letter was in the custody of the MPT Secretariat.</p> <p>The Chairperson further indicated that he had an urgent meeting to attend later the afternoon. In the event that he must leave, the Deputy Chairperson, Mrs Havenga will chair the proceedings.</p>
SMPT 12/01/20	<p>LEAVE OF ABSENCE</p> <p>Ms Jerri-Lee Mowers</p>
	<p>MATTERS FOR CONSIDERATION</p>
SMPT 13/01/20	<p>APPLICATION FOR SPECIAL CONSENT OF COUNCIL ON FARM NO. 74/37, STELLENBOSCH (LU/8791)</p> <p>Chairperson Du Plessis handed over to Mr Alexander for a short summary of the application. Members of the Tribunal posed questions to Mr Alexander in respect of the application for the purpose of clarity. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1 <u>Approval be granted</u> in terms of Section 60 of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 promulgated by notice number 354/2015, dated 20 October 2015, for:</p> <p>1.1 Consent use in terms of Section 15(2)(o) for a tourist facility in order to accommodate a restaurant of ±334m² in extent, within the existing wine cellar, as per Layout Plan, Drawing No.: 2018/09/T02, drawn by Stephan Weyers Architects, attached as Appendix C; and</p>

	<p>1.2 Consent use in terms of Section 15(2)(o) for a tourist facility to accommodate a wine shop of and curio shop of ±238m² in extent, and a restaurant of ±562m² in extent with the existing dwelling house, as per Layout Plans, Drawing No(s) 2018/09/T02; 2018/09/T100; 2018/09/T302; 2018/09/T301, drawn by Stephan Weyers Architects, attached as Appendix C.</p> <p>2. The approval(s) granted in Section 1. is subject to the following conditions in terms of Section 66 of the above-mentioned By-law;</p> <p>2.1 The approval applies only to the application in question as shown on drawing, drawn by Stephan Weyers Architects, Dated August 2018, (See APPENDIX C) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;</p> <p>2.2 The applicant to submit building plans to be approved by this municipality, prior to any building work commencing on sites;</p> <p>2.3 The condition imposed by the Director: Infrastructure Services, attached as Appendix F, be adhered to;</p> <p>2.4 The conditions imposed by the WCG: Department of Transport and Public Works (“DT&PW”) Road Network Management, attached as Appendix G be adhered to;</p> <p>2.5 A Site Development Plan and a Landscaping plan be submitted for approval to the Director Planning and Economic Development and the Director: Community Services;</p> <p>2.6 Landscaping around parking areas to be provided to ensure that these areas are shielded from their surroundings to further reduce the impact of the parking area on its surroundings;</p> <p>2.7 All outside lighting to be downlighting to reduce the impact to the</p>
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	<p>parking area on its surroundings at night;</p> <p>REASONS FOR APPROVAL</p> <ol style="list-style-type: none"> 1. Land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism. 2. Intensification of agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside of the urban settlements. 3. The proposed development will be located within existing buildings and use existing structures for its ancillary uses, i.e. parking. 4. The proposal is consistent with the Municipal IDP and SDF and its strategic objectives for the rural areas of Stellenbosch Municipality.
<p>SMPT 14/01/20</p>	<p>APPLICATION FOR THE AMENDMENT OF CONDITIONS OF APPROVAL, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND THE SUBDIVISIONAL PLAN, FARM 1307/2 AND 1307/3, STELLENBOSCH DIVISION(LU/8130)</p> <p>Chairperson Du Plessis handed over to Mr April to provide a short summary of the application. Members of the Tribunal posed questions to Mr April in respect of the application for the purpose of clarity. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>The Application for the amendment of conditions of approval, amendment of the site development plan and the subdivisional plan, Farm 1307/2 and 1307/3, Stellenbosch division be REFUSED in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015.</p> <p>REASONS FOR THE REFUSAL</p> <ol style="list-style-type: none"> 1. There is a considerable lack of spatial logic in terms of legibility, accessibility, connectivity and integration which does not conform to the planning principles referred to in Section 59 of LUPA. The proposal should support spatial justice. 2. There is no legal certainty that the existing 5 m servitude right of way over

	<p>the property owned by Digteby Home Owners Association in favour of Portion 3 of Farm 1307 Stellenbosch would constitute acceptable access to the proposed Chantecler Residential Estate. Irrespective of the legal interpretation by the different legal practitioners of the right of way servitude, the MPT is of the view that an approved public access in terms of the Stellenbosch Zoning Scheme By-law is also required for an access of this nature. Such public access application can only be initiated by the owner of the property or the municipality and should be holistically planned. In the absence of such alternate public access, the current condition which determines that access is to be provided over the Digteby Estate Development should remain in place.</p>
<p>SMPT 15/01/20</p>	<p>APPLICATION OF SUBDIVISION, CONSOLIDATION, REZONING & DEPARTURE FOR ERF NO. 1714, REMAINDER OF ERF NO. 2183 AND UNREGISTERED ERVEN 863 & 873, KAYAMANDI (LU/8633)</p> <p>Chairperson Du Plessis handed over to Mr Alexander to provide a short summary of the application. Mr Alexander posed a request to Chairperson that the maps he provided, be included as part of Appendix 5 of the application.</p> <p>Members of the Tribunal posed questions to Mr Alexander in respect of the application for the purpose of clarity. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:</p> <p>1.1 Subdivision in terms of Section 15(2)(d) of Erf 1714, Kayamandi into two (2) portions, namely Portion A and the Remainder of Erf 1714, Kayamandi, as per Proposed Subdivision Plan, Plan 3 dated 11 September 2018, drawn by NuPlan Africa attached as Appendix 2;</p> <p>1.2 Subdivision in terms of Section 15(2)(d) of the Remainder of Erf 2183, Kayamandi, into three (3) portions, namely Portion A, Portion B and the Remainder of Erf 2183, Kayamandi, as per Proposed Subdivision Plan,</p>

Plan 4 dated 11 September 2018, drawn by NuPlan Africa attached as **Appendix 3**;

1.3 **Consolidation** in terms of Section 15(2)(e) of Portion A of Erf No.1714, Portion A of Remainder of Erf No. 2183, Portion B of Remainder of Erf No. 2183, Kayamandi, Unregistered Erf No.: 863, Kayamandi, Unregistered of Erf 873, Kayamandi, as per Proposed Consolidation Plan, Plan 5 dated 11 September 2018, drawn by NuPlan Africa attached as **Appendix 4**;

1.4 Rezoning and Subdivision in terms of Section 15(2) (a) and 15(2)(d) of the consolidated property from **Agriculture, Informal Residential and Residential I** to **Subdivisional Area**. That the **Subdivisional Area** accommodate the following zonings and subdivided erven as per Site Development Plan for the southern portion and the proposed subdivision plan, plan number 3 and 8, dated 11 and 27 September 2018, respectively, drawn by Nu Plan Africa attached as **Appendix 4**:

- 532 Group housing erven
- 178 General Residential erven (row housing)
- 13 General Residential erven (communal court yards)
- 2 Public Open Space erven
- 6 Private Open Space erven
- 1 Place of Worship
- 1 Educational institution erf
- 4 Local Authority erven (mini-substations, and
- 4 Local Authority erven (public roads);

1.5 **Departure** in terms of Section 15(2)(c) for the relaxation of the **street building line** for all Group housing erven from **2m** to **1m**, common building line from **1,5m** to **1m** on one side and **0m** on the other;

1.6 **Departure** in terms of Section 15(2)(c) for the relaxation of the **street building line** for all the General Residential erven from **7,6m** to **0m**, common building line from **4,6m** to **0m**;

1.7 **Departure** in terms of Section 15(2)(c) for the relaxation of the open space requirement to provide $\pm 1\,535\text{m}^2$ in lieu of $21\,280\text{m}^2$;

1.8 **Departure** in terms of Section 15(2)(c) for relaxation of the **parking requirements** to provide **no parking bays** in lieu of **2 parking bays** per group housing dwelling unit, and **0,6 parking bays** per dwelling for **on-street parking**, and **no parking** for **on-site parking bay**, in lieu of **2 parking bays** per dwelling unit;

1.9 **Departure** in terms of 15(2)(c) from the permissible coverage of **25%** to **100%**;

1.11 **Departure** in terms of Section 15(2)(d) for the registration of the following **right-of-way servitudes** in order to access the group housing and general residential units:

- Right-of-way servitude to be registered over Portion 551 in favour of Portions 549 and 550;
- Right-of-way servitude to be registered over Portion 552 in favour of Portions 531 and 532;
- Right-of-way servitude to be registered over Portion 540 in favour of Portion 539;
- Right-of-way servitude to be registered over Portion 541 in favour of Portions 542 and 543;
- Right-of-way servitude to be registered over Portion 554 in favour of Portions 555 and 556;
- Right-of-way servitude to be registered over Portion 561 in favour of Portions 559 and 560;
- Right-of-way servitude to be registered over Portion 567 in favour of Portions 568 and 569;
- Right-of-way servitude to be registered over Portion 566 in favour of Portions 564 and 565;
- Right-of-way servitude to be registered over Portion 576 in favour of Portions 574 and 575;
- Right-of-way servitude to be registered over Portion 577 in favour of Portions 578 and 579;
- Right-of-way servitude to be registered over Portion 581 in favour of Portions 582 and 583;
- Right-of-way servitude to be registered over Portion 590 in favour of Portions 588 and 589;
- Right-of-way servitude to be registered over Portion 592 in favour of Portions 593 and 594;
- Right-of-way servitude to be registered over Portion 599 in favour of Portions 597 and 598;

- Right-of-way servitude to be registered over Portion 603 in favour of Portions 601 and 602;
- Right-of-way servitude to be registered over Portion 604 in favour of Portions 605 and 606;
- Right-of-way servitude to be registered over Portion 610 in favour of Portions 608 and 609;
- Right-of-way servitude to be registered over Portion 611 in favour of Portions 612 and 613;
- Right-of-way servitude to be registered over Portion 615 in favour of Portions 616 and 617;
- Right-of-way servitude to be registered over Portion 621 in favour of Portions 619 and 620;
- Right-of-way servitude to be registered over Portion 627 in favour of Portions 625 and 626;
- Right-of-way servitude to be registered over Portion 628 in favour of Portions 629 and 630;
- Right-of-way servitude to be registered over Portion 636 in favour of Portions 634 and 635;
- Right-of-way servitude to be registered over Portion 639 in favour of Portions 640 and 641;
- Right-of-way servitude to be registered over Portion 646 in favour of Portions 644 and 645;
- Right-of-way servitude to be registered over Portion 650 in favour of Portions 648 and 649;
- Right-of-way servitude to be registered over Portion 651 in favour of Portions 652 and 653;
- Right-of-way servitude to be registered over Portion 659 in favour of Portions 657 and 658;
- Right-of-way servitude to be registered over Portion 660 in favour of Portions 661 and 662;
- Right-of-way servitude to be registered over Portion 663 in favour of Portions 664 and 665;
- Right-of-way servitude to be registered over Portion 671 in favour of Portions 669 and 670;
- Right-of-way servitude to be registered over Portion 676 in favour of Portions 674 and 675;
- Right-of-way servitude to be registered over Portion 677 in favour of Portions 678 and 679;
- Right-of-way servitude to be registered over Portion 685 in favour of Portions 683 and 684;
- Right-of-way servitude to be registered over Portion 689 in favour of Portions 690 and 691;
- Right-of-way servitude to be registered over Portion 697 in favour of Portions 695 and 696;
- Right-of-way servitude to be registered over Portion 698 in favour of Portions 699 and 700;

2. The approval granted in Section 1 above is subject to the following conditions in terms of Section 66 of the above-mentioned by-law:

2.1 The approval applies only to the application under consideration and

shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 The conditions of approval as imposed by the Manager: Development (Infrastructure Services) in its memo dated 21 October 2019, attached as **Appendix 7** be adhered to and complied with;

2.3 The conditions of approval as imposed by the Manager: Electrical Engineering Services in its memo dated 19 February 2019, attached as **Appendix 6** be adhered to;

2.4 The conditions imposed by the Department: Water and Sanitation in their letter dated 19 March 2019, attached as **Appendix 10** be adhered to;

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the consolidation diagram which was preliminary approved by the SG indicating the newly allocated Erf Number, Co-ordinates and Survey Dimensions;

2.6 A Site Development Plan be submitted for approval to the Director: Planning and Economic Development and the development be undertaken generally in accordance with the approved site development plan.

2.7 Building plans be submitted to the Municipality for approval prior to any building work taking place on the property;

REASONS FOR APPROVAL

1. Formalise the existing informal settlement.
2. Aligned with the Municipal IDP, SDF and IHSP.
3. Proposal will result in the implementation of basic services, including the

	<p>construction of roads.</p> <p>4. Will be in character with the immediate surrounding area;</p> <p>5. The upgrading of the settlement promotes the implementation of Council's strategic objective of dignified living for all its residents;</p>
<p>SMPT 16/01/20</p>	<p>APPLICATION FOR THE AMENDMENT OF AN EXISTING APPROVAL OF A REZONING, SUBDIVISION AND DEPARTURE ON PORTION 20 OF FARM NO. 82, STELLENBOSCH DIVISION (LU/8805)</p> <p>Deputy Chairperson Havenga chaired the proceedings as Chairperson Du Plessis excused himself from the meeting due to attend and urgent meeting. Deputy Chairperson Havenga handed over to Mr Fooy to do a short summary of the application. Members of the Tribunal posed questions to Mr Fooy in respect of the application for the purpose of clarity. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted on Portion 20 of Farm 82, Stellenbosch in terms of Section 60 of the Stellenbosch Municipality Land Use Planning By-Law (2015) for the following:</p> <p>1.1 Amendment of the approved subdivision Plan, in order to subdivide Portion 20 of Farm 82 for the following:</p> <p>1.1.1 12 Residential Zone IV (Flats) erven;</p> <p>1.1.2 1 Open Space Zone II erf to accommodate the following land uses (access road/access control/ guard house, refuse area and parking purposes;</p> <p>As reflected in the Subdivision/ Zoning Plans (Plan No 3 Subdivision and Zoning; Plan No 4: Subdivision and Servitudes; Plan No 5: Subdivision and Building Lines; Plan No 7: Composite Subdivision Plan).</p> <p>1.2 Approval for the Phasing of the Development into two phases as indicated on the Subdivision Plan and Site Development Plan;</p>

- 1.3 Departures for the relaxation of the street, rear and side building lines applicable to the newly created properties as depicted on the proposed Site Development and Subdivision Plan. [Plan No 5 Building lines; Plan No 7 Composite Subdivision Plan and Site Development Plan No 1108SDP13N-Typical SDP;
- 1.4 Departures for the relaxation of the internal building and setback lines on Erven 1-13 as indicated on Plan Nr 5 (Building lines) in lieu of half the height of the building or 4m whichever is the greater;
- 1.5 Departures to relax the Street building lines along Long Street and Welgevonden Boulevard from 8m to 5m as depicted on the proposed Site Development and Subdivision Plan. [Plan No 5 Building lines; Plan No 7 Composite Subdivision Plan and Site Development Plan No 1108SDP13N-Typical SDP;
- 1.6 Departure for the under provision of 1 onsite parking bay for the proposed subdivided erven, portions 3, 8,9, 10 and 11 of the subdivision. (Provision has been made to provide these parking bays on portion 13 of the subdivision and they will be linked to the subdivided erven / buildings, located on portion 3, 8, 9,10 and 11, indicated on Plan Nr 7 (Subdivision Plan- Composite);
- 1.7 Servitudes as depicted on the proposed Subdivision (Plan Nr 4 Servitudes) and Site Development Plans. In order to permit the following servitude areas over these portions;
- 1.7.1 7.5m wide Servitude Access and Services area(s) to be registered over Erven 1 to 12 for road and services area(s) purposes in terms of Section 15(2)d of the Stellenbosch Municipality's Planning By-law (2015) of the Stellenbosch Municipality's Planning By-law (2015) to accommodate the following traffic and engineering services. {Servitude Services area, ESKOM underground 3m cable servitude

area (re-alignment of existing power line); Electricity servitude area on Erf 13 (electrical Substation));

1.7.2 A Site Development plan be submitted for approval to the Director: Planning and Economic Development and the development be undertaken generally in accordance with the approved site development plan.

2. The approval granted in Section 1 above is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015);

2.1 The approval only applies to the proposed development in question, as indicated on attached Site Development Plan (Plan Nr 1108SDP13N-Typical SDP) and Subdivision/Zoning Plan Nrs 3,4,5 and 7 respectively and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes;

2.3 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:

2.3.1 Newly allocated Erf Numbers

2.3.2 Co-ordinates

2.3.3 Survey Dimensions

2.3.4 Street names (if approved by Council)

2.4 The first AGM of the Home Owners Association be held within 12 months from approval of the said Constitution to the satisfaction of the Director Planning and Development;

2.5 Building plans be submitted for approval by the Municipality for the entrance gates and boundary walls and that these structures to be completed prior to the first property being transferred;

2.6 A detailed landscaping plan be submitted as part of the SDP with the building plans for approval and the Open Space areas within the development be landscaped in accordance with the landscaping

- plan prior to the first residential property being transferred;
- 2.7 The external sidewalk to be landscaped, constructed and maintained by the developer for 12 months after completion of construction of the complete development and that non motorised forms of transport be accommodated on the sidewalk in terms of the landscaping plan for this area to the satisfaction of the Municipality ;
- 2.8 The conditions imposed by the Director: Infrastructure Services as contained in their memo dated 18 March 2019, attached as Annexure N be complied with;
- 2.9 Building plans be approved for the residential units when all conditions of subdivision have been complied with and proof of transfer of the subject property is submitted with the building plan;
- 2.10 No building plan be submitted for approval prior to the applicable conditions of approval being adhered to in totality by the developer for each portion / property;
- 2.11 Building plans be substantially in accordance with the approved SDP;
- 2.12 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.
- 2.13 A Master Home Owners Association be established. The constitution and Architectural Design Guidelines be submitted to the Municipality for approval.

REASONS FOR APPROVAL

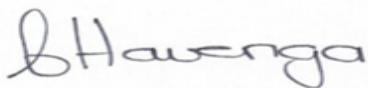
1. The subject property is located in an area where high density development is promoted by Council.
2. The proposed development is not seen to be out of scale or character with its surroundings.
3. The proposal promotes Council policy as noted in the SDF of densification within the urban edge.
4. The proposal will contribute to the provision to allow for residential opportunities for middle to upper middle-income groups.
5. The development will be compatible with the surrounding land uses and built environment.

	<p>6. The applicant has followed due process for public participation.</p> <p>7. The proposal will make optimal use of existing infrastructure.</p> <p>8. The proposal is in line with the Stellenbosch MSDF, IDP and other relevant planning legislation.</p> <p>9. The proposed development of the subject property complies with the land use planning principles referred to in section 59 (spatial justice, spatial sustainability, spatial resilience, efficiency and good administration) of LUPA.</p>
<p>SMPT 17/01/20</p>	<p>OTHER MATTERS</p> <p>Deputy Chairperson Havenga thanked all role-players for attending the meeting.</p> <p style="text-align: right;">Meeting Adjourned at 15h05.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

LAND USE PLANNING REPORT TO THE MUNICIPAL PLANNING TRIBUNAL

APPLICATION FOR REZONING, SUBDIVISION, PHASING OF THE DEVELOPMENT, ESTABLISHMENT OF A HOMEOWNERS ASSOCIATION, APPROVAL OF A SITE DEVELOPMENT PLAN AND ARCHITECTURAL GUIDELINES, AND APPROVAL OF THE DEVELOPMENT NAME, STREET NAMES AND NUMBERS ON ERF NO. 445, KYLEMORE

Reference number	LU/7355	Application submission date	January 2018	Date report finalized	2020-02-12
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PURPOSE OF REPORT

To provide the Municipal Planning Tribunal with the pertinent facts to consider the subject application on Erf No. 445, Kylemore

PART A: AUTHOR DETAILS

First name(s) and Surname	Craig Alexander				
Job title	Senior Manager: Development Planning				
SACPLAN registration number	Professional Planner A/1749/2013				
Department	Planning and Economic Development				
Contact details	021 808 8691 / Craig.alexander@stellenbosch.gov.za				

PART B: APPLICANT DETAILS

First name(s) and Surname	Cornelia van Zyl				
SACPLAN registration number	n/a				
Company name	IC@Plan	Is the applicant authorized to submit this application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Registered owner(s)	JM Petersen & T Hawtrey				

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Remainder of Portion 86 (a portion of Portion 44 of Farm Rust en Vrede No. 124				
Physical address	Kerk Street, Kylemore. See Appendix 1 for Locality Map.	Town / City	Kylemore		
Current zoning	Agricultural Zone I	Extent (ha)	1,7874ha	Are there existing buildings on the property?	<input checked="" type="checkbox"/> <input type="checkbox"/>
Applicable Zoning	Zoning Scheme Regulations promulgated in terms of Section 8 of LUPO				

Scheme			
Current Land Use	Dwelling house with outbuildings	Title Deed number & date	T63628/2003. See Appendix 13.
Any restrictive title conditions applicable?	N	If Yes, list condition number(s)	Not applicable.
Any third party conditions applicable?	N	If Yes, specify	Not applicable
Any unauthorised land use/building work?	N	If Yes, explain	Not applicable
Heritage Compliant?	Y	If No, specify	Not applicable
NEMA Compliant?	Y	If No, specify	Not applicable

PART D: APPLICATION DESCRIPTION

Application is made in terms of the Stellenbosch Municipality: Land Use Planning Bylaw, 2015 promulgated by Notice Number 354/2015, dated 20 October 2015, for the following on Erf No. 445, Kylemore:

- a) **Rezoning** in terms of Section 15(2)(a) of Erf No. 445, Kylemore from Agricultural Zone I to **Subdivisional Area** to accommodate the zonings of Residential Zone II (Town houses erven); Residential Zone II (Group housing erven); and Open Space Zone II (private open space), as per Proposed Subdivision Plan, Plan No. ERF445KYLEMORE dated October 2017, attached as **Appendix 2.**
- b) **Subdivision** in terms of Section 15(2)(d) of Erf No. 445, Kylemore into 35 erven to establish twelve (12) Residential Zone III (Town housing) erven, 21 Residential Zone II (Group housing) erven and 2 Open Space Zone II (private road and private open space) erven, as per Proposed Subdivision Plan, Plan No. ERF445KYLEMORE dated October 2017, attached as **Appendix 2;**
- c) **Subdivision** in terms of Section 15(2)(d) of Erf No.445, Kylemore to enable the phasing of the proposed development into two (2) phases, namely Phase 1 consisting of erven 1-6 and 28-33 with a portion of the private road, and the Phase 2 consisting of the Remaining proposed erven, as per Phasing Plan, Plan No. ERF445KYLEMORE dated October 2018, attached as **Appendix 3;**
- d) **Establishment of a Homeowners Association** ("HOA") in terms of Section 29(1) for the proposed Mountain Whisper Estate;
- e) **Approval of Site Development and Architectural Guidelines** for the Mountain Whisper Estate Development, as per Site Development Plan, Drawing No. 1373/03, Compiled by Bart Senekel Civil & Structural Engineering Consultants, attached as **Appendix 4.**
- f) Application in terms of the Stellenbosch Municipality's Policy on Place Naming, Street Naming & Renaming & Numbering to approve the Development Name of Mountain Whisper Estate; and the street names of Mountain Whisper Avenue, Botmaskop -, Duiwelskloof-, Simonsberg-, Dwarsrivier Close & The Circle with the street numberings on Erf No. 445, Kylemore, as per the Plan Showing Street names and Numbers with Plan No. ERF445KYLEMORE dated October 2018, attached as **Appendix 5.**

PART E: SUMMARY OF APPLICANTS MOTIVATION

The proposal entails the development of Mountain Whisper Estate which will consist of twelve (12) town houses and twenty-one (21) group housing erven. The development will obtain access from Church Street through private road system and will be provided with a combined private open space adjacent to the Banghoek River. The intention is to create a lifestyle estate with a unique architectural aesthetic and accordingly in-depth thought was given to the internal layout and streetscape.

Kylemore is a previously disadvantaged community with little access to work opportunities inside the town. The integration of higher income developments in the town have not resulted in integration, but also in job opportunities which will assist in lowering the unemployment rate through creating opportunities – not only for construction and domestic workers, but also for entrepreneurs, e.g. starting garden services, etc. Development within Kylemore will also have a spin-off effect for existing business owners and can cause the increase in property values, which will have a long-term benefit for the community.

The proposal promotes infill densification within the urban edge and is consistent with the principle of the Spatial Development Framework ("SDF"). The proposal is situated within the urban edge of Stellenbosch Municipality's nodes and therefore proposes the use of underutilized land and incorporation into an existing infrastructure network. The development contributes to the upgrade of certain services in the town.

The proposal is in line with the prescripts of the Western Cape Land Use Planning Act, Act 3 of 2014 ("LUPA") in so far as it promotes densification within the urban edge and therefore limiting urban sprawl, protecting the unique and high potential agricultural land surrounding Kylemore. The proposed development will furthermore utilize existing infrastructure and contribute to probable future infrastructure upgrades.

The proposal is sensitive to the surrounding environment, and special care was taken in the approach and proposed treatment of the interface with the Banghoek River which forms the north-western boundary of the property. The river corridor will be landscaped and maintained by the HOA which will ensure that this valuable ecological corridor with its natural feature is protected.

The proposed development is seen as infill development which will make use of existing municipal resources and infrastructure through densification within the urban edge. It will furthermore accumulate development contributions which will assist the municipality in the upgrade and maintenance of services in the area.

The application furthermore propose densification with a combination of group houses and town houses and will accordingly cater for a wider target market.

PART F: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	29-11-2018	29-01-2019
Notices	Y	N	N/A	29-11-2018	29-01-2019
Ward councillor	Y	N	N/A	29-11-2018	29-01-2019
On-site display	Y	N	N/A	29-11-2018	29-01-2019
Community organisation(s)	Y	N	N/A	29-11-2018	29-01-2019
Other	Y	N	If yes,	WCG: DT&PW	Not Applicable

		specify			
<u>Y</u>	N	If yes, Specify	WCG: DEA&DP	DEA&DP confirmed in their letter dated 09 November 2017 that the proposed development does not constitute any listed activity. See Appendix 6 .	
Y	N	If yes, specify	Heritage Western Cape	HWC confirmed in their letter dated 19 September 2017 that no further action under Section 38 of the National Heritage Resources Act, Act 25 of 1999 is required. See Appendix 7 .	
Y	N	If yes, specify	ESKOM	29-11-2018	29-01-2019

Was public participation undertaken in accordance with sections 44-49 of the Stellenbosch Land Use Planning By-law, October 2015

Y

N

A petition was signed with 26 signatories; an additional letter of objections was also submitted by the Kylemore VGK Church with 6 signatories claiming to form the church council, See **Appendix 8** and a meeting was held at the home of ward councillor, Pauline van Wyk on 24 January 2019. Minutes of the meeting is attached as **Appendix 9**.

Y

N

PART G: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)

Organisation	ISSUES RAISED	APPLICANT'S RESPONSE (See Appendix 10)	DEPARTMENTAL RESPONSE
Kylemore VGK Church	The development is not in the best interest of the residents of Kylemore, as it is out of character of a small town such as Kylemore.	The Site Development Plan clearly indicate the development proposal and the impact on the character of the town can be accordingly determined through the evaluation of building plans.	The proposal involves the establishment of gated village at the northern border of the town. The proposal also promotes densification through infill development that prevents urban sprawl. These are all factors which are supported by the Municipal SDF. The proposal is this consistent with the SDF and not out of character of the vision for nodes and towns within the municipal boundaries.
	The 2 approved gated developments has resulted in an increase in municipal rates and taxes, which has become unaffordable for the marginalised groups in Kylemore.	It is unclear how a development of this nature can hinder people from living a dignified existence.	The increase in property values has been experienced within other towns in the Stellenbosch Municipal Area, i.e. Jamestown with De Zalze, Aan De Weber, and La Clemence. It should however be noted that the increase in property value did not necessarily result in an increase of property taxes, as the municipality has a formula which calculated property taxes, based on the land usage and size of the development on a

		<p>property.</p> <p>The property rates would not necessarily increase as the applicant is responsible to pay the required development contributions to enable the servicing of the development, and such cost for the additional bulk is not set-off onto the residents of Kylemore, but for the developers account.</p> <p>In both instances the development would only be beneficial for the immediately surrounding property owners due to the increase in market value of their properties.</p>
Development exclusively for the rich who can afford it	<p>The town houses that are incorporated in the development makes provision for middle income product, unlike previous developments, and the developer is willing to include a section in the sales agreement that Kylemore residents should have the first option to buy at market related value, should the residents be interested.</p>	<p>The current properties for Capolovaro Estate ranges from R2,8 million to R3,5million for a 3-bedroom dwelling house, as determined on a property website. Other dwelling houses in Kylemore are not listed for sale on the same website.</p> <p>At this stage it is unclear what the intended price for the proposed development would be as architectural guidelines suggest a green building design for the units, that are initial more expensive, but would be less expensive to maintain in the long-term. It should also be noted that the initial development rights which lapsed did propose public roads and a much lower density of dwelling houses, which were did not lure investors as the development was not financially feasible in relation to the construction of the required engineering infrastructure.</p>
The community was not consulted by the developers beforehand.	<p>Part of the legal requirements of an application is to advertise the application to I &AP's for comment and / or objection, and this has been complied with.</p>	<p>The applicant duly complied to Section 44 – 49 of the Stellenbosch Municipality's Land Use Planning Bylaw regarding the legislative public participation process. The applicant even went above the requirements by attending a public meeting on 24 January 2019 at the ward councillor's residence.</p>

	The developer has no clear plans i.r.o. the provision of affordable housing for the middle-income groups of Kylemore.	The nature of a private development is dictated by several external factors, including market demand and the value of the land which is earmarked for development. These factors need to be considered or else a development will not be economically viable.	The current properties for Capolovaro Estate ranges from R2,8 million to R3,5million for a 3-bedroom dwelling house, as determined on a property website. Other dwelling houses in Kylemore are not listed for sale on the same website. At this stage it is unclear what the intended price for the proposed development would be as architectural guidelines suggest a green building design for the units, that are initial more expensive, but would be less expensive to maintain in the long-term. It should also be noted that the initial development rights which lapsed did propose public roads and a much lower density of dwelling houses, which were did not lure investors as the development was not financially feasible in relation to the construction of the required engineering infrastructure.
Petition signed which is claimed to be coordinated by the Anglican Church of Kylemore	Although the developer mentioned the creation of job opportunities, usually contractors and workers from outside Kylemore is used.	No comment provided.	Council does not have the mandate to instruct any developer to use any particular workforce. Council's constitutional mandate is to create an enabling environment for job opportunities through the approval of land use applications for development.

PART H: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE AND/OR COMMUNITY ORGANISATIONS AND/OR WARD COUNCILLOR

NAME OF DEPARTMENT	DATE	SUMMARY OF COMMENTS	RECOMMENDATION		
Spatial Planning, Heritage and Environment	19-02-2019	Supported the proposed development, as it is consistent with the principles contained within the approved Stellenbosch Municipality Spatial Development Framework ("SDF") for property's located inside of the approved urban edge. The development is also supported as it aims to achieve the principles of densification and infill development. The proposal however proposes a gated community and will be excluded from	Positive	Negative	No Comment

		the community of Kylemore. It is thus requested that the developer consider the provision of a proportion inclusionary housing as part of the proposed development.			
Directorate Engineering & Electrical Services	23-09-2019	The application is recommended for approval subject to conditions contained in the memorandum attached as Appendix 11 . The conditions include the conditions as submitted from the Electrical Engineering Department. The engineering requirements resulted in the amendment of the Site Development Plan ("SDP") with details to be provided within the background.	Positive	Negative	No Comment
Cape Winelands District Municipality (Health)	24-01-2019	The application is recommended for approval.	Positive	Negative	No comment
Manager: Fire Services	19-12-2018	In order. Fire requirements will be given when building plans are submitted.	Positive	Negative	No comment
Manager: Local Economic Development	04-03-2019	Application is supported.	Positive	Negative	No comment

PART I: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Background

The subject property is located within the Kylemore node and is accessed through a public road from Kerk Street. The property is bordered on its northern side by the Banghoek River and the Helshoogte Road, and on southern side by the existing dwelling houses of Kylemore. The property is bordered by a farm on the eastern portion and the St John's Anglican Church on the western side with a graveyard at the rear of the church property. This property is thus located on boundaries of the urban edge defined for Kylemore.

The property did obtain land use rights to develop seventeen (17) dwelling houses with a public road and public open space. These rights have however lapsed, as only three (3) properties were developed and serviced and the public road portion known as Erf 98, was registered as public road. The remainder of the land use rights lapsed.

The applicant is proposing to develop an enclosed group housing and town housing development which consists of 35 erven, which include a private road, and private open space,

55
the latter adjacent to the river. All developed is proposed to be located outside the 1:100 year floodline and will not be located within 32m of the middle of the Banghoek River.

Initially, the engineering department did not support the application due to unavailable bulk engineering capacity shortage. The applicant subsequently provided a detailed site development plan which is attached as Appendix 4 and on 23 September 2019, the Engineering Department of Stellenbosch Municipality recommended the application for approval subject to conditions, which included the conditions of the Electrical Services Department.

The objection which were raised were duly responded to by the applicant, and raised issues in respect of the increase in property rates and taxes that existing residents will be accountable to pay, as a result of the expected prices of the dwelling units; as well as the development being out of character and not integrated with Kylemore. These matters were duly responded to in Part G of this report.

The Spatial Planning Section, although supporting the proposed development as it is consistent with the Municipal SDF in respect of promoting densification and infill development, did comment that the proposal is concerning as it is a gated development which will not be integrated within the existing Kylemore node, and that the developer must consider a proportion of inclusionary housing. The comments in both instances, although ideal, does not necessarily take into account the current location of the property in question, nor the economically and financial implications on the or any other developer in the absence of clear Council Policy of how these concerns need to be addressed throughout the entire municipal area. The property in question is at the boundary of the urban edge, and is bordered by a farm, a river and a graveyard. The property is also bordered by existing previously Residential Zone I (dwelling houses) erven. The surrounding area in itself and the proposed development is of such a nature that integrated it with the existing town in lieu of possible further development is limited. The proposed road structure which was supported by the engineering department is not compliant to the engineering standards for public roads, thus the need for private roads which will be maintained by the developer and later the HOA. The financial feasibility of the proposed development suggests that an enclosed development within the Kylemore node is more marketable, i.e. Capolovaro Mountain Estate, which in turn will provide the developer with the needed funding to implement and comply with the engineering requirements and pay the required development contributions, whilst still being able to have a profitable development. It should be noted that although it is an enclosed development, the development or units must still be accessed from the public roads within Kylemore, and that even if it was single residential houses, each house still had the option to construct boundary walls. The proposal is thus aimed at constructing a perimeter wall with a village like urban design within these walls. This urban design concept is in fact in this Department more characteristic of rural nodes, than the the current character of the existing Kylemore node. Council is currently in the process of developing an Inclusionary Housing Policy in conjunction with Western Cape Government: DEA&DP and Development Action Group ("DAG") which will be applicable to the extent it is relevant for the entire municipal area. It is however a complex process, as the "one size fits all" is not necessarily realistic with the varying contexts within the Stellenbosch Municipal Area. Ad hoc request for implementation without proper guidance of the expectations on the developer(s) is this not practical and thus this comment cannot be substantiated or enforced at this stage.

ESKOM did support the application but noted that their approval for the wayleave application is only valid for 12 months, where after a new application must be submitted. This approval thus lapsed on 10 January 2020, and the applicant is thus required to re-submit such application to ESKOM. See copy attached as **Appendix 12**.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The proposal complies with Section 42 of the Spatial Planning and Land Use Management Act, Act 16 of 2013 ("SPLUMA") and Section 49 of the Land Use Planning Act, 2014 (Act 3 of 2014) as the application property complies and are guided by the Development Principles stipulated in Section 7 of SPLUMA. These principles are as follows:

- Spatial Justice (Although the proposal does not promote physical integration of the development with Kylemore, as does integrate various income groups within the town, and

regarding the concerns raised by the Spatial Planning Section and the objectors have been duly addressed throughout this assessment report.

56

The development proposes higher densities which are not in line with the character of the existing residential properties but due to its location lends itself to being an enclosed development for safety purposes, as well as for the marketability of the development. Enclosed developments have been developed within Kylemore, although the location of those development within the centre of the node is concerning, whereas this development is located on the periphery of the node, and it is argued that this location lends to the proposal being supported.

PART J: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Financial or other value of the rights affected

Not applicable to this application.

Benefits to the holder of such rights in terms of the restrictive condition

Not applicable to this application.

Personal benefits which will accrue to the applicant

Not applicable to this application.

Social benefit of the restriction remaining in place

Not applicable to this application.

Social benefit of the proposal and whether the application will completely remove all rights enjoyed by the beneficiary or only some of those rights

Not applicable to this application.

PART K: SUMMARY OF EVALUATION

The proposed development is consistent with Council's policies and the development trends for the within the nodes in the Stellenbosch Municipal Area and is also supported by the Municipal IDP and SDF and should thus be approved, accordingly.

PART L: RECOMMENDATION

1 **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 promulgated by notice number 354/2015, dated 20 October 2015, for:

1.1 **Rezoning** in terms of Section 15(2)(a) of Erf No. 445, Kylemore from Agricultural Zone I to **Subdivisional Area** to accommodate the zonings of Residential Zone II (Town houses erven); Residential Zone II (Group housing erven); and Open Space Zone II (private open space), as per Proposed Subdivision Plan, Plan No. ERF445KYLEMORE dated October 2017, attached as **Appendix 2**.

1.2 **Subdivision** in terms of Section 15(2)(d) of Erf No. 445, Kylemore into 35 erven to establish twelve (12) Residential Zone III (Town housing) erven, 21 Residential Zone II (Group housing) erven and 2 Open Space Zone II (private road and private open space) erven, as per Proposed Subdivision Plan, Plan No. ERF445KYLEMORE dated October 2017, attached as **Appendix 2**;

1.3 **Subdivision** in terms of Section 15(2)(d) of Erf No.445, Kylemore to enable the phasing of the proposed development into two (2) phases, namely Phase 1 consisting of erven 1-6 and 28-33 with a portion of the private road, and the Phase 2 consisting of

also has the result that job opportunities within the estate is promoted during construction and after construction)

- Spatial Sustainability (The proposal in itself will result in the increase of the property values within Kylemore, specifically the immediate surrounding properties, without resulted in the increase of rates and taxes, which is beneficial should any property owner wish to sell their properties in future.)
- Efficiency (Optimal usage of land which is promoted in the Municipal SDF through densification and infill development, which in turn prevents urban sprawl.)
- Spatial Resilience (The increase in property values of the surrounding existing dwelling houses will provide the owners if such houses to market their properties at higher values.)
- Good Administration (All the consulted municipal and provincial departments provided their input and comments on the application, and the land use application duly compiled with Section 3 of the Promotion of Administration of Justice Act, 2000 as all the interested and affected parties was offered the opportunity to comment on the application)

(In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

The proposal is consistent with the forward planning vision for the area and it complies with the development principles contained in the Integrated Development Plan (IDP) and Spatial Development Framework (SDF), which aim to promote infill development and densification.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

The proposal is consistent with the principles contained in the IDP and SDF. The application also does not contradict the strategic objectives of the Municipal IDP and the SDF, specifically with regards to development inside of the urban edges, and preventing urban sprawl.

(In)consistency with guidelines prepared by the Provincial Minister

The Provincial Spatial Development Framework (PSDF), adopted in 2014, provides broad overarching development principles and guidelines for the Western Cape Province. The PSDF has been informed by the need to adapt to an ever changing economic climate.

Outcomes of investigations/applications i.t.o other laws

Not applicable.

Existing and proposed zoning comparisons and considerations

The subject property although zoned as Agricultural Zone I is located within the existing urban area of the Kylemore node and did consist of developable rights for dwelling houses, which subsequently lapsed.

The property itself is located on the periphery of the built-up area, and is bordered by the Banghoek River, a farm and a graveyard with the Klappmuts town to the south. The proposal for group housing and town housing is consistent with the Municipal SDF as it provides for higher densities that is promoted.

Although, the proposal promotes high densities, it is still for residential usage, which is the predominantly land use with Kylemore.

The need and desirability of the proposal

The proposal is consistent with the aims for development within existing nodes as prescribed within the Municipal SDF, as it promotes densification and infill development. The matters

the Remaining proposed erven, as per Phasing Plan, Plan No. ERF445KYLEMORE dated October 2018, attached as **Appendix 3**;

- 1.4 **Establishment of a Homeowners Association** ("HOA") in terms of Section 29(1) for the proposed Mountain Whisper Estate;
 - 1.5 **Approval of Site Development and Architectural Guidelines** for the Mountain Whisper Estate Development, as per Site Development Plan, Drawing No. 1373/03, Compiled by Bart Senekel Civil & Structural Engineering Consultants, attached as **Appendix 4**.
- 2 That the application in terms of the Stellenbosch Municipality's Policy on Place Naming, Street Naming & Renaming & Numbering to approve the Development Name of Mountain Whisper Estate; and the street names of Mountain Whisper Avenue, Botmaskop -, Duiwelskloof-, Simonsberg-, Dwarsrivier Close & The Circle with the street numberings on Erf No. 445, Kylemore, as per the Plan Showing Street names and Numbers with Plan No. ERF445KYLEMORE dated October 2018, attached as **Appendix 5, BE SUPPORTED** for approval to the Executive Mayor, in the capacity as decision-making authority.
3. **That the approval(s) granted in Section 1. is subject to the following conditions in terms of Section 66 of the above-mentioned by-law;**
- 3.1 The approval applies only to the application in and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - 3.2 The applicant must submit building plans to be approved by this municipality, prior to any building work commencing on sites;
 - 3.3 The condition imposed by the Director: Infrastructure Services, attached as Appendix 10, must be adhered to;
 - 3.4 That the perimeter fence must comply to Council's Bylaw relating to Boundary walls and fences;
 - 3.5 That the applicant submits an electronic copy (shp,dwg,dxf) of the consolidation diagram which was preliminary approved by the SG indicating the newly allocated Erf Number, Co-ordinates and Survey Dimensions;
 - 3.6 That rates clearances will only be granted once all the conditions of approval for the development have been complied with;
 - 3.7 The development be undertaken in accordance with the approved site development plan attached as Appendix 4, Drawing No. 1373/03, Compiled by Bart Senekel Civil & Structural Engineering Consultants;
 - 3.8 That the Constitution for the Home Owners' Association must be submitted to the Authorized Official for endorsement.

PART M: REASONS FOR RECOMMENDATION

The approval as noted above is supported for the following reasons:

- Land inside of existing and proposed urban settlements should developed to promote densification and infill development to prevent urban sprawl;
- The location of the subject property lends itself to be developed as an enclosed development;

- That the absence of an inclusionary housing policy, Council cannot on an ad hoc basis place requirements on developers to consider the initiative without providing the necessary guidance; and
- The proposal is consistent with the Municipal IDP and SDF and its strategic objectives for the development of existing nodes within Stellenbosch Municipality.

PART N: ANNEXURES

- Appendix 1 - Locality map
- Appendix 2 - Proposed Subdivision Plan
- Appendix 3 - Proposed Phasing Plan
- Appendix 4 - Proposed Site Development Plan & Architectural Guidelines
- Appendix 5 - Proposed Street Naming and Numbering Plan
- Appendix 6 - Letter from WCG: DEA&DP
- Appendix 7 - Letter from HWC
- Appendix 8 - Objections
- Appendix 9 - Meeting held with ward councillor minutes
- Appendix 10 - Applicant's comments in respect of objections
- Appendix 11 - Comments and conditions of the Directorate: Technical Services
- Appendix 12 - Letter from ESKOM
- Appendix 13 - Title Deed

PART T P: SIGNATURES

REPORT COMPILED AND RECOMMENDED BY:

RECOMMENDED BY:



CRAIG ALEXANDER PR PLN
SENIOR MANAGER: DEVELOPMENT PLANNING
 (Pr Pln A/1749/2013)

13/02/2020
DATE

PART U: MUNICIPAL PLANNING TRIBUNAL DECISION IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, OCTOBER 2015:

APPROVE		APPROVE IN PART		REFUSE	
----------------	--	------------------------	--	---------------	--

Tick the appropriate box:

SIGNATURE: _____

DATE: _____

CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL
DR D J DU PLESSIS

ADDITIONAL COMMENTS IF ANY:

APPENDIX 1



PROPOSED DEVELOPMENT OF ERF 445, KYLEMORE

LOCALITY PLAN

Scale	Paper Size
N.T.S.	A3
Drawing No.	
1373/01	

BART SENEKAL INC.
 Civil & Structural Consulting
 Engineers
 P.O. Box 1195
 Stellenbosch
 7869
 TEL: 021 863 9710

12 Alwynsdrift street
 Stellenbosch
 7800

APPENDIX 2



POSTNET SUITE 176
PRIVATE BAG X15
SOMERSET WEST
7129
info@captaur.co.za
TEL: (021) 6520400

25 De Beas Avenue
Unit 2A CrossThe House
Paardeval
SOMERSET WEST
7130
FAC: 086 614 0447

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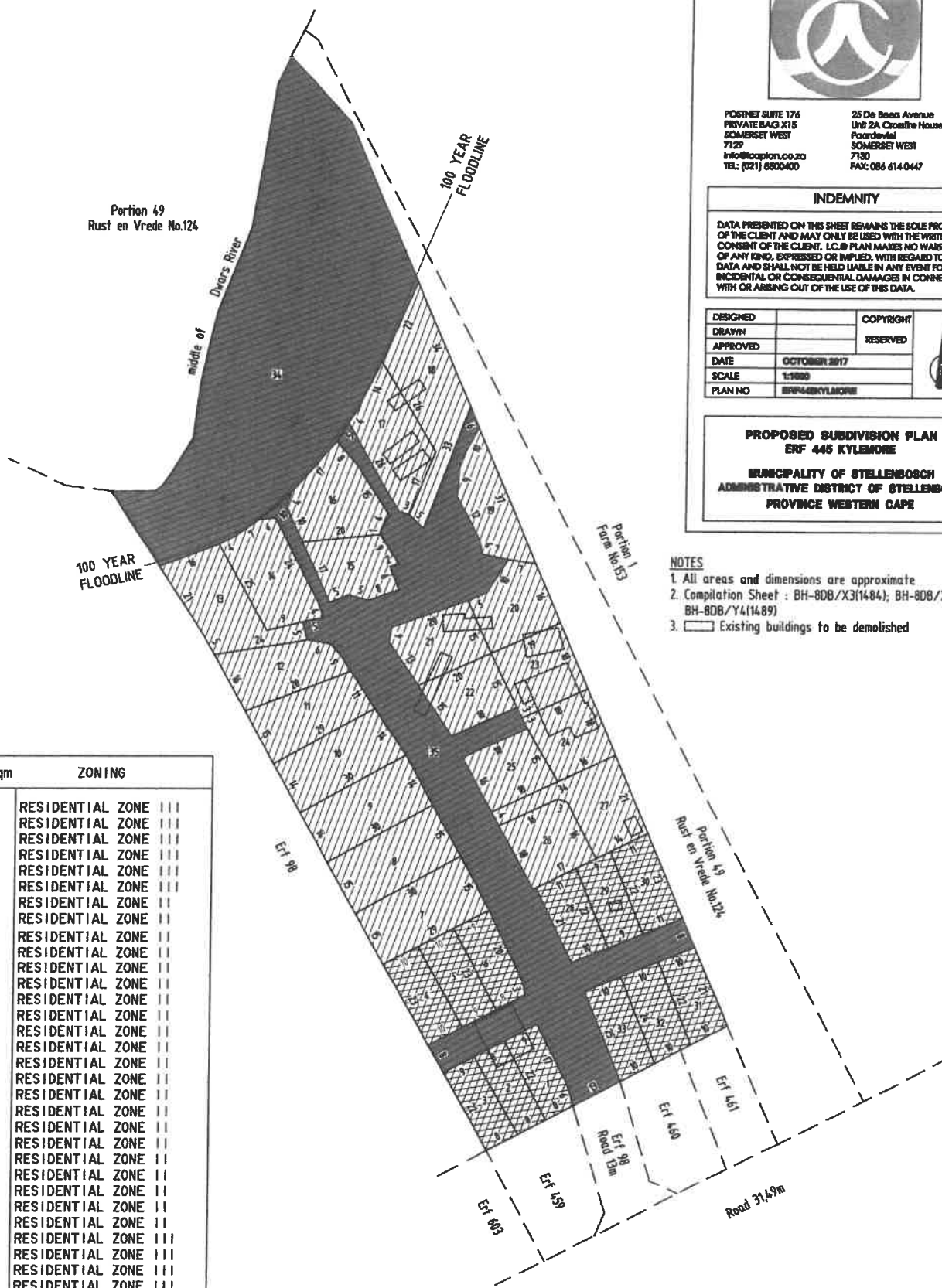
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APPROVED			
DATE	OCTOBER 2017		
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PROPOSED SUBDIVISION PLAN
ERF 445 KYLEMORE
MUNICIPALITY OF STELLENBOSCH
ADMINISTRATIVE DISTRICT OF STELLENBOSCH
PROVINCE WESTERN CAPE

NOTES

- All areas and dimensions are approximate
- Compilation Sheet : BH-8DB/X3(1484); BH-8DB/X4(1485)
BH-8DB/Y4(1489)
- Existing buildings to be demolished



PTN No.	AREA	sqm	ZONING
1	197		RESIDENTIAL ZONE III
2	183		RESIDENTIAL ZONE III
3	193		RESIDENTIAL ZONE III
4	223		RESIDENTIAL ZONE III
5	224		RESIDENTIAL ZONE III
6	215		RESIDENTIAL ZONE III
7	441		RESIDENTIAL ZONE II
8	435		RESIDENTIAL ZONE II
9	425		RESIDENTIAL ZONE II
10	412		RESIDENTIAL ZONE II
11	371		RESIDENTIAL ZONE II
12	359		RESIDENTIAL ZONE II
13	448		RESIDENTIAL ZONE II
14	405		RESIDENTIAL ZONE II
15	291		RESIDENTIAL ZONE II
16	401		RESIDENTIAL ZONE II
17	408		RESIDENTIAL ZONE II
18	546		RESIDENTIAL ZONE II
19	317		RESIDENTIAL ZONE II
20	318		RESIDENTIAL ZONE II
21	320		RESIDENTIAL ZONE II
22	281		RESIDENTIAL ZONE II
23	330		RESIDENTIAL ZONE II
24	309		RESIDENTIAL ZONE II
25	275		RESIDENTIAL ZONE II
26	314		RESIDENTIAL ZONE II
27	399		RESIDENTIAL ZONE II
28	223		RESIDENTIAL ZONE III
29	208		RESIDENTIAL ZONE III
30	241		RESIDENTIAL ZONE III
31	220		RESIDENTIAL ZONE III
32	236		RESIDENTIAL ZONE III
33	233		RESIDENTIAL ZONE III
34	4236		OPEN SPACE ZONE II (PRIVATE OPEN SPACE)
35	3237		OPEN SPACE ZONE II (PRIVATE ROAD)

APPENDIX 3



POSTNET SUITE
176
PRIVATE BAG X15
SOMERSET WEST
7129
info@icaplan.co.za
TEL: (021) 8500400

25 De Beers Avenue
Unit 2A Crossfire House
Paardevlei
SOMERSET WEST
7130
FAX: 086 514 0447

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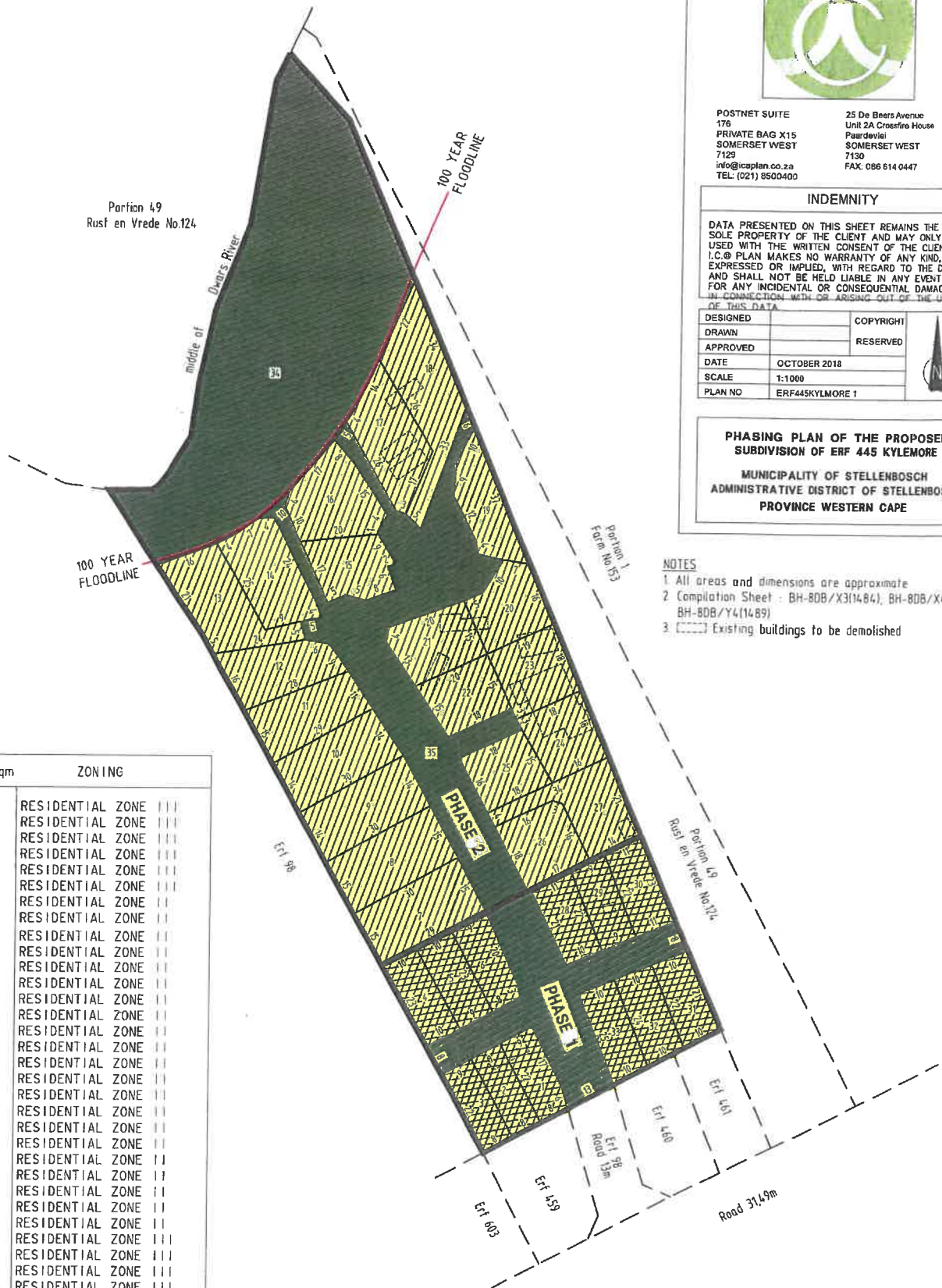
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APPROVED			
DATE	OCTOBER 2018		
SCALE	1:1000		
PLAN NO	ERF445KYLEMORE 1		

PHASING PLAN OF THE PROPOSED SUBDIVISION OF ERF 445 KYLEMORE
MUNICIPALITY OF STELLENBOSCH
ADMINISTRATIVE DISTRICT OF STELLENBOSCH
PROVINCE WESTERN CAPE

NOTES

- 1 All areas and dimensions are approximate
- 2 Compilation Sheet - BH-80B/X3(1484), BH-80B/X4(1485), BH-80B/Y4(1489)
- 3 [Hatched Area] Existing buildings to be demolished



PTN No.	AREA sqm	ZONING
1	197	RESIDENTIAL ZONE III
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4	223	RESIDENTIAL ZONE III
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35	3237	OPEN SPACE ZONE II (PRIVATE ROAD)

APPENDIX 4

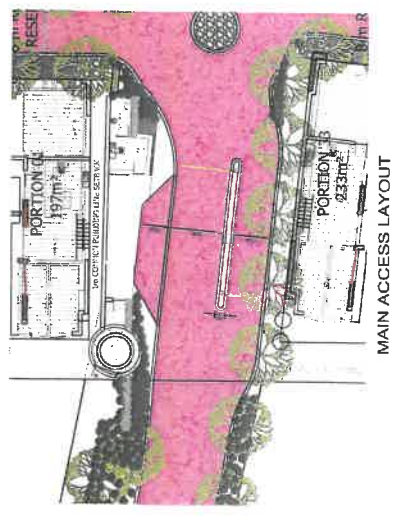
NOTES:

*THE POSITION OF HOUSES INDICATED ON ERVEN 7 TO 27 ARE PRELIMINARY AND IS SUBJECT TO CHANGES BUT WILL BE COMPLIANT TO THE SETBACKS INDICATED.

BART SENEKAL INC.
 Civil & Structural Consulting
 1711 12th Street
 Cape Town 7700
 T: +27 (0)21 462 1111
 F: +27 (0)21 462 1112
 www.bartsenekal.com

MR. J. PETERSEN
 DEVELOPMENT OF
 ERF 445, KYLEMORE
 SITE DEVELOPMENT PLAN

SCALE	N.T.S.
PAPER	A1
SHEET 1 OF 1 SHEETS	



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ARCHITECTS & URBAN PLANNERS

MOUNTAIN WISPER ESTATE

ARCHITECTURAL, CONTRACTUAL, URBAN DESIGN AND LANDSCAPE GUIDELINES

STATUTORY ASSOCIATION DOCUMENTATION

This Guideline and Manual is subject to change and must be read with the Mountain Wisper Estate Homeowners Association's Constitution and Rules, and Environmental Management Plan. All words and phrases used in this Guideline and Manual shall be defined in terms of the said constitution and Rules unless the context clearly indicates the contrary.

All users of this guideline and manual must satisfy themselves that they are in possession of the current issue as well as the Constitution and Rules before the submission of sketch plans and/ or working drawings.

Current Revision:

Revision 01

October 2017

KOBUS DU PREEZ

ARCHITECTS & URBAN PLANNERS

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A. INTRODUCTION TO THE ESTATE

1. These rules and regulations are designed to ensure a high quality, secure and harmonious environment and lifestyle for the Owners and residents of Mountain Wisper Estate. In order to attain these objectives, it is necessary for each Owner and resident to honor and abide by these rules.
2. The rules and regulations have been established in terms of the Memorandum and Articles of Association of Mountain Wisper Estate Home Owners Association (MWHOA). They are binding upon all Owners, residents and occupants of the Estate, as is any decision taken by the Directors in interpreting these rules.
3. It is the obligation of all Owners of any property in the Estate to ensure that these rules are complied with by the Owner, resident or occupant of the Owner's property or present on the Estate whether such be as family members, employees, tenants, visitors or friends.
4. These rules may be changed by the Directors of the MWHOA from time to time and are binding on each Owner and resident of the Estate.
5. The conditions stipulated in any of the individual documents that comprise the overall rules and regulations of the MWHOA, such as these individual fines & penalties rules, shall be regarded as having been incorporated in the rules and regulations and will be similarly binding on all Owners and residents of the Estate.

B. ARCHITECTURE AND THE BUILDING CONTROL

1. Mountain Wisper Estate is being developed with a unique cohesive architectural character as an appropriate response to its sensitive environment and location. To this end, the developer has earmarked the architects and urban planners for the estate to execute and design all houses within the estate.
2. Each site is unique and represents its own distinct set of criteria. Sites on the Estate are zoned Residential zone 111 and Residential zone 11.
3. Erven 1 to 6 and erven 30 to 35 are zoned RES 111. The remainder of the erven are zoned RES 11.
4. The professional team responsible for the design of each of the houses is the team that was responsible for the creation of the estate from rezoning through to implementation.
5. The fees for the professional team must be paid by each home owner and have been set at 17% of the total construction costs as per the accepted tender for the house.
6. Individual agreements between each homeowner and the professional team must be signed prior to the transfer of the erf into the owner's name.

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7. The above forms part of the offer to purchase as a condition by the developer.

C. THE MOUNTAIN WISPER EASTHETIC COMMITTEE AND THE PROCESS OF ARCHITECTURAL APPROVAL.

1. In instances where home owners choose to modify the existing designs provided, the following process must be followed:
 - i. Once the revised design has been completed, three (3) sets of colour A1 size drawings of the sketch plans must be submitted to the *Architectural Review Committee* for their approval. A standard scrutiny fee of R 550.00 is charged for this service.
 - ii. Prior to the drawings being submitted to the local authorities (Stellenbosch Municipality) three (3) sets of those drawings must be submitted to the *Architectural Review Committee* for approval. A standard scrutiny fee of R 550.00 is charged for this service.
 - iii. Upon approval by the local authorities, a copy of the approved application drawings must be submitted to the *Architectural Review Committee* for the record and future site visits.
 - iv. NO building work will be allowed to proceed on site without an approved building plan application.

D. PREAMBLE

These conduct rules and regulations are applicable to all members, building contractors, sub-contractors and suppliers operating within the Estate.

As the building within the Estate will be conducted over a period, the following rules and regulations have been formulated for the benefit of the residents.

Any contravention of the Estate security and access control rules and protocols will be severely dealt with by the Estate Home Owners Association. Depending on the nature of the circumstances, such contravention could lead to the suspension of the building works and a barring of access onto the Estate.

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ARCHITECTS & URBAN PLANNERS

E. CONTRACTORS

To ensure that all construction activity at Mountain Wisper proceeds in an orderly manner, with the least possible disruption to other property owners, certain conditions have been adopted:

- i. Only accredited building contractors will be permitted to contract at Mountain Wisper Estate.
- ii. All builders must be members of M.B.A., N.F.B.A.S.A or B.I.F.S.A. All building contractors must submit references and proof of memberships, etc., to the Association together with their application for registration.
- iii. Contractors who wish to engage in any construction on the estate must submit a full company resume to the satisfaction of the architects for review by the MWHO. Once the contractor has been approved, they will be issued with a registration number and be placed on the list of accredited contractors.
- iv. No contractor may undertake, carry out or complete any construction works or portion thereof in the estate, unless he or she is registered with the MWHO and holds a valid registration certificate issued by the MWHO.
- v. Liaison and communication formalities must be established by the builder with the MWHO management prior to commencing of work.
- vi. The builder's staff may only enter MWE (Mountain Wisper Estate) after 06h30 and vacate by no later than 18h00.
- vii. No building staff may sleep overnight on site and no staff may remain on site, even if to guard, after this time.
- viii. Construction work is limited to 07h00 to 18h00 Monday through Friday. No work is permitted on Saturdays or Sundays and Public Holidays.
- ix. Deliveries to site may only take place from 07h00 to 17h00 on weekdays.
- x. The Estate security staff will monitor builders' staff and vehicles and may from time to time subject these to searches.
- xi. All laborer's must be South African citizens with a valid Identity Document or passport or alternatively, hold a valid work permit and must be employed by the builder. The contractor shall register all laborers with MWE security who will issue identifications, which must be available always.
- xii. Builders' staff and laborers may not change or wash on site, unless adequately screened.
- xiii. All vehicles shall only use designated roads and access routes and no traversing of other sites will be permitted.
- xiv. The contractor is responsible for all his sub-contractors as well as the deliveries, and any damages caused by his own employees, sub-contractors employed by him or delivery vehicles delivering materials to the site, and he is liable to pay for any damages that may occur on site.

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ARCHITECTS & URBAN PLANNERS

- xv. These damages also include damage to kerbs, roads, plants, irrigation and/or damage to private property and existing structures. The MWHO A will have the sole discretion as to the nature, extent and value of these damages, and the identification of respective vehicles and persons.
- xvi. The site is to be kept as secure and as clean as possible of building rubble and general cleaning and good housekeeping practice must take place during building operations. A builder's skip is to be kept on site during all phases of the building operation and must not be allowed to overflow.
- xvii. Prior to commencement of any construction work on the site, the main contractor must erect a 1,8-meter-high shade net screen on the boundaries of the site. The contractor's method of constructing such a fence must be submitted to the Estate architects prior to the acceptance of any tender for their approval.
- xviii. The contractor shall maintain his building operations, delivery of materials, and any related activities to his work, behind such screen and shall ensure that the screen is maintained and kept in good shape for the duration of the construction period. This screen shall be removed on the date for *PRACTICAL COMPLETION* as defined in the preambles of the *JBCC*.
- xix. The Contractor is to ensure that the roads and the vicinity of his house site is ALWAYS kept neat and tidy, including materials or mud or spoil being driven or dropped onto the road or sidewalk by employees or sub-contractors.
- xx. The Contractor shall provide adequate facilities for his employees for rubbish disposal on a regular basis and will ensure that the workers use the provided facilities. No rubbish may be burnt or buried on site. No form of paper, cement bags, tile off cuts, ceiling boards, roof tiles, rubble, or the like is to be lying around, nor be allowed to blow off the site or be dumped on unused sites.
- xxi. The Contractor shall provide approved portable chemical toilet facilities for the workers. Toilets and changing facilities shall be positioned and screened with approved fence and kept hygienic. These are to be replaced regularly according to supplier's specifications.
- xxii. Should MWHO A have any concern with the conduct of any Contractor, his sub-contractor or his suppliers and any of their employees, the MWHO A may rectify as deemed necessary and/or reserve the right to suspend building activity either indefinitely or such undesirable conduct is rectified, which it may do so at any time and without any notice, and without recourse from the owner and/or Contractor and/or sub-contractor, and/or supplier.

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F. ARCHITECTS TO THE ESTATE

1. These Architectural Guidelines, read in conjunction with the *SITE DEVELOPMENT PLAN* in Annexure C, should be an instrument to create and maintain an overall design sensitivity and acts as a reference for all potential homeowners when considering Mountain Wisper Estate. These guidelines allow flexibility for individual expression, whilst creating a “pattern language”, resulting in diverse designs. No stylistic architecture (Colonial, Victorian, Tuscan, Tudor, Cape Dutch or the like) will be permitted.
2. It is the intention to create an Estate lifestyle and a unique architectural aesthetic within the Estate. To ensure that each individual site/home are executed and designed within this realm, the MWHOA has decided that the architects and urban planners that created the Estate, will be responsible for the design of each of the individual houses of each stands as a prototype.
3. All building plans will be prepared by these registered architects for the Estate and submitted for approval to the Architectural Review Committee of the Home Owners Association. Only after this approval has been obtained in writing may plans be submitted to the Local Authority.
4. It is the owner’s responsibility to ensure that all plans are submitted and approved by the Local Authority prior to construction as no work on site will be allowed unless a copy of the approved drawings from the Stellenbosch municipality has been submitted to the MWHOA.
5. These guidelines set out for prospective homeowners are the design criteria, philosophy and language they will have to comply with if they wish to build at Mountain Wisper Estate. The guidelines have furthermore been developed to protect and maintain the unique environmental and physical attributes of the property.
6. This is the underlying vision for the architecture of MWE.
7. A once off building control fee of R 500.00 will be charged for the duration of the construction of the dwelling. The purpose of the fee is to ensure that the architectural integrity of the Estate is protected by regular on-site visits to ensure that houses are built according to the approved plans.
8. This manual is supplementary to all relevant acts and statutory regulations.

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G. BUILDING ENVELOPE

A. General Guidelines

- i. Only one dwelling will be permitted per single residential erf.
- ii. An 'outbuilding' no larger than 5% of the erf's area will be allowed.
- iii. The maximum coverage will be 50%.
- iv. The minimum area of the house will be 120m², excluding the area of any "external spaces".
- v. The garage may be detached from the main building.
- vi. "Main Building" refers to the entire building, including single and double story portions and excludes the garage.
- vii. "Double Story" refers to where the wall plate height is greater than 1.5m above the first-floor finished level.
- viii. "A Loft" refers to where the wall plate height is less than 1.5m above the first-floor finish level.
- ix. "Coverage" refers to the footprint of building, (excluding pergolas and unroofed patios) and including verandas, covered patios, garages and outbuildings.
- x. "Basements" are defined as where the ceiling height, (or soffit height), of the ground floor slab is less than 1m above the average adjoining ground level.

H. BUILDING LINES FOR RESIDENTIAL SITES

A. RESIDENTIAL ZONING R II

(ALL ERVEN ZONED RES II ARE INDICATED ON THE SITE DEVELOPMENT PLAN)

All building lines to the erven are indicated on the overall site development plan.

- i. Adjoining building line setbacks are 2,0m and 3,0m to the neighboring land.
- ii. Street building lines of 4,5m applies.
- iii. Rear building lines are as for side building lines with a 2m setback requirement.
- iv. Any external pergolas, and landscaping features could be constructed on a 0m side and rear building line setback. The street setback for these elements are reduced to 2m from the front boundary.
- v. For swimming pools, the setbacks are:
 - ✓ Street 5m
 - ✓ Side/common boundaries 1,5m
 - ✓ Rear boundary 3m

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B. RESIDENTIAL ZONE R III

(ALL ERVEN ZONED RES III ARE INDICATED ON THE SITE DEVELOPMENT PLAN)

- i. Adjoining building line setbacks are 1,0m where no windows are present. 3,0m setbacks from adjoining land outside the estate. Where windows are present in any façade, a minimum of 1,5m setback is required.
- ii. Street building lines of 0m applies.
- iii. Rear building lines are as for side building lines.
- iv. Any external pergolas, and landscaping features could be constructed on a 0m side and rear building line setback. The street setback for these elements are 0m from the front boundary.

I. COMPLIANCE AND BUILDING REGULATIONS

This manual is an addition to the National Building Regulations and the regulations and by-laws of the ruling Local Authority Namely the Stellenbosch local municipality.

All designs are to adhere to the Building Regulations for Energy Efficiency in Buildings namely the SANS 10 400 X & XA and SANS 204.

i. HEIGHT CONTROL

Note: All height calculations within, 100mm of the allowed height must be checked & confirmed by a qualified surveyor and must conform to the final approved plans.

- a) A maximum height of 8.5m above the Natural Ground Level will be allowed. The allowed 8.5m "envelope" is parallel to the Natural Ground Level.
- b) Three storey buildings are not permitted.
- c) It is imperative that the building should fit comfortably into the natural contours and orientation of the site, steps and terraces are encouraged. The estate topographic survey will be utilized to determine all building heights to ensure no conflicts.
- d) Double storey floor area, (including double volume), will be limited to 75% of the footprint of the ground floor structure excluding open patios.
- e) No portion of garage walls occurring on the erf boundary will be higher than 3.5m above natural ground level.
- f) The ground floor finished floor level may not be raised higher than 1,2m above the natural ground level. In the case of steeply sloping sites only, a higher floor level subject to the approval of all adjoining neighbors.

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J. BUILDING ELEMENTS:

a) Boundary and Retaining Walls:

Attempts must be made by all home owners to reduce the use of boundary walls since this is a secure environment, boundary walls are mainly for privacy and to contain any pets home owners may have.

Street frontage boundary wall heights will be limited to a maximum of 1,5m height. Adjoining boundary walls at a maximum height of 1800 mm will be permitted 6 meters from the front boundary.

In the interest of public safety, it has become evident that the sites below street level need to be allowed to build a barrier on the street boundary when the plot level is more than 1 meter below the pavement level to comply with National Building Regulations. This barrier may consist of GABIONS or stone wall or dense planting that is in place upon occupation and that is maintained at all times. Walls or barriers are not to be higher than 1 meter above the pavement level, unless it is screening a drying yard immediately behind the street boundary. When screening the drying yard, that portion of wall is to be at 1.8 meter above pavement level for that portion to screen off the yard from the street.

- a) No precast post and slat (Vibacrete) walling will be permitted.
- b) The preferred construction method for common boundary walls, is that they are to be built with masonry piers to a height of maximum 1.8 m, with masonry infill panels to a height of maximum 1.8 m – other wall types will be considered on submission of the plans.
- c) All kitchen yards and private utility courtyards are to be screened off with walls to a height no lower than 1.8 m and are to obscure views of any washing and bins from all neighbors. Yard walls should be constructed from brickwork.
- d) Masonry to all boundary walls to be in coursed natural sandstone or brickwork, plastered and painted or a combination of both may be used. No painted concrete blocks, clinker or “creative plastering will be permitted in the development.
- e) Retaining walls for terracing to be sensitive to the site and must be planted over with approved vegetation. Materials of preference will be; GABION construction, natural sandstone or masonry walls.
- f) Terraforce precast retaining systems and railway sleepers will not be permitted.

b) Walls:

- a) Plastered masonry walls, sections of red face brick, natural stone masonry, glass and green walls forms the basis of all walls to the individual houses that will be permitted.
- b) Where plinth walls are required the use of coursed natural stone for plinths is encouraged. Plinth walls to a maximum height of 2.0 m above natural ground level or to the lowest ground floor level –

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whichever occurs first. The use of pre-manufactured stonewalling or random rubble stonework will not be permitted; only coursed natural sandstone plinth walls (available from approved suppliers) will be permitted, all walls are subject to approval by MWHO A.

- c) Uninterrupted lengths of walls greater than 4.0 m in length with no openings will not be permitted. Where no windows are desired apses or deep recesses may be implemented in place of windows – this should be limited and kept to areas not visible from the street.

c) Windows and Doors:

- a) The use of precast concrete frames will not be permitted.
- b) Windows and doors are to form individual openings in the walls; larger windows up to 6.0 m will be permitted on the façades where there are views as for stack away doors.
- c) Finishes to windows and doors to be any of the following; - Hardwood frames varnished, UPVC Windows and doors as per REHAU – no natural anodized aluminum or steel windows will be permitted.
- d) Deep reveals and external shutters are encouraged to enhance the theme.
- e) Fold away / sliding doors, may be used to courtyards, terraces and verandahs, these will be permitted to exceed the window proportions, since these have the purpose of linking the interior spaces with the terraces and other external spaces, generally the verandah posts and columns will provide the desired articulation of the facades, up to a maximum opening size not exceeding 6.0 m in any one opening.
- f) Garage doors to be single or double doors out of fiberglass or timber segmented panels.

d) Burglar Bars and Security Gates and Alarm Systems:

This is a secure environment but allowance has been made for nominal security measures for insurance purposes and should complement the architectural theme.

All metal work to security bars and gates to be galvanized and painted and should not be highly visible from the street side.

- a) No external burglar bars will be permitted.
- b) Architectural devices like shutters are encouraged to provide security to openings in place of burglar proofing.
- c) Any alarm system installed is to be a silent alarm, linked to a response unit.

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e) Rainwater Goods and Plumbing:

This architectural theme calls for the gutters and down pipes to be concealed, where possible. With the use of flat concrete type roofing, main roofs can flow onto the eyebrow type roof via spreaders, thus eliminating long down pipes. The down pipes can be taken down the inside of the posts to the flat eyebrow roof and be less obtrusive.

If gutters are omitted entirely the treatment of the eaves must be given attention, overhangs are to be sufficient to allow rainwater to fall clear of the walls onto a hard surface apron along the entire length. A storm water management proposal must be submitted with the design.

- a) Where exposed gutters and down pipes are used, prepainted Ogee aluminum seamless gutters are preferred. The use of UPVC gutters will not be allowed. All colors of gutters and fascias to compliment dominant wall colour or the colour of the material it is fixed to.
- b) All plumbing pipes are to be recessed and/or concealed in ducts.
- c) At least 1 X 5000 L Rain water tank is to be installed per site, to supplement and conserve water.
- d) The "GREY WATER" from each house is to be separated and stored in a water tank buried below the ground. Solar in-line pumps is to be installed from these tanks. The specialist design for each system must be submitted to the MWHOA with each building application.

f) Chimneys, Fireplaces and Braai's:

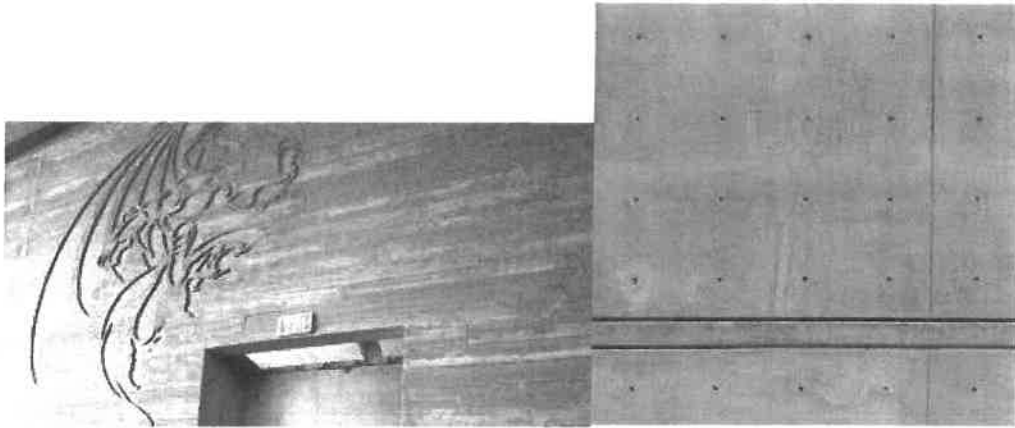
- a) Wood burning fireplaces and braai's will be permitted.
- b) All chimneys to be built to a height that exceeds the highest roof within the limits of the height restriction (chimneys to comply with NBR).
- c) Any steel flues that accompany pre-manufactured fireplaces are to be used as flue linings to the masonry chimney, unless using exposed specialist stainless steel flues.

g) Colors and Textures:

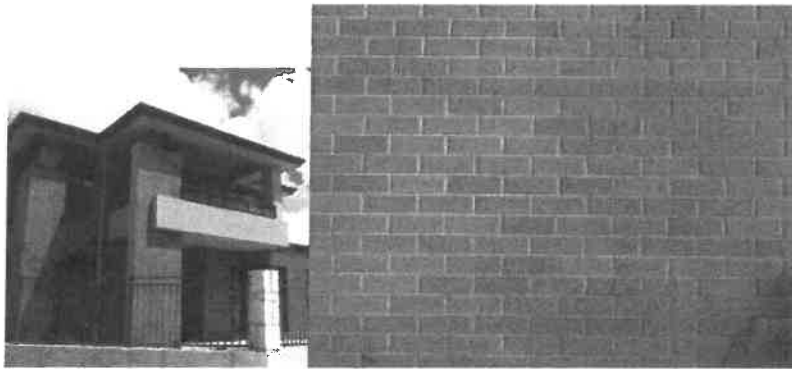
- a) Plastered walls to be in keeping with the overall theme and may have a textured and or a smooth finish. No rudimentary rough plasters or fish scale scallops of plaster will be permitted.
- b) Natural muted earthy tones to be predominantly used – no bright or primary colors will be approved.
- c) Plastered surrounds painted different colours to openings will not be permitted.
- d) The Estate encourages the use of all building materials in as close to their natural colour as possible.
- e) **TO THIS END, THE FOLLOWING WALLS COLORS/TYPES WILL BE PERMITTED IN COMBINATIONS:**

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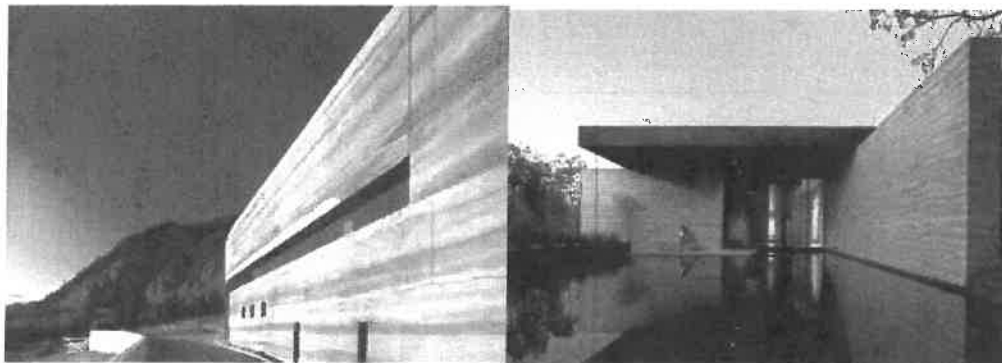
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- ✓ **NATURAL SMOOTH (OFF-SHUTTER) CONCRETE WALLS** with or without an embossed artist pattern.



- ✓ **FACE BRICK** wall components in natural sundried red brick.



- ✓ **RAMMED EARTH**, (also known as taipa in Portuguese, tapial in Spanish, pisé (de terre) in French, is a technique for constructing foundations, floors, and walls using

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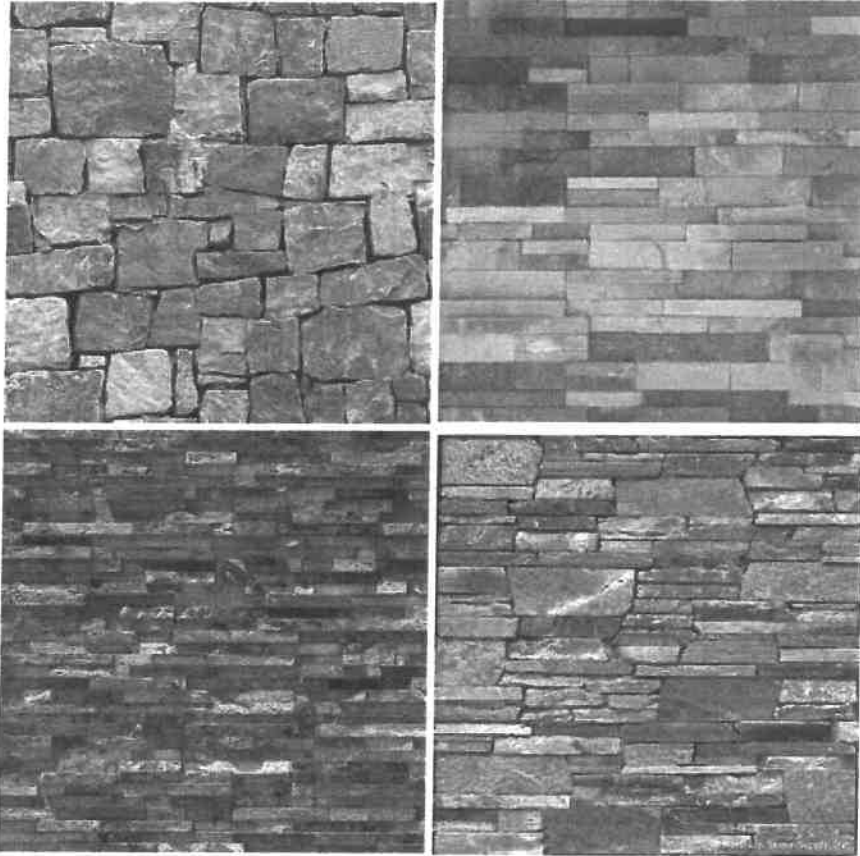
natural raw materials such as earth, chalk, lime, or gravel. It is an ancient method that has been revived recently as a sustainable building material used in a technique of natural building. Rammed earth is simple to manufacture, non-combustible, thermally massive, strong, and durable.



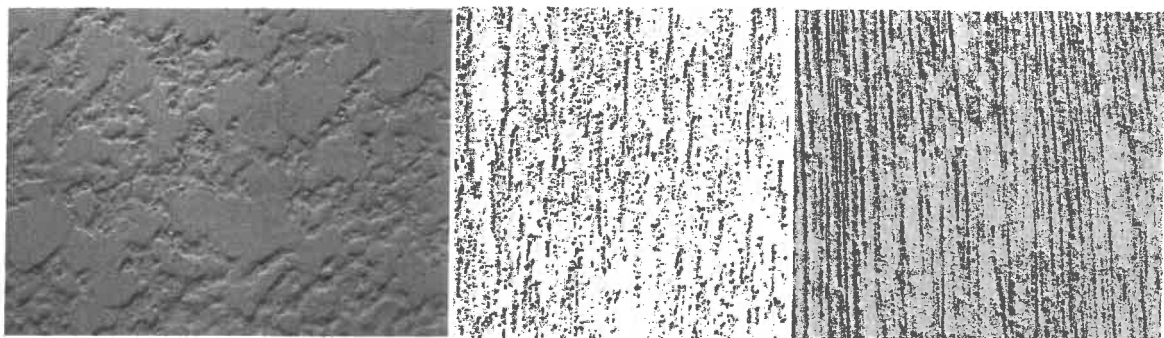
- ✓ **GREEN WALL CONSTRUCTION** *(A green wall is a wall partially or completely covered with greenery that includes a growing medium, such as soil or a substrate. Most green walls also feature an integrated water delivery system. Green walls are also known as living walls or vertical gardens. These give insulation to keep the house/building warm.)*

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✓ **NATURAL DRESSED STONE**



✓ **PLASTERED WALLS**

External walls must be of one coat smooth cement plaster with a natural sand coating such as “Midas Earthcote” or equally approved.

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h) Decks and Terraces:

- a) Hardwood Decks supported on concealed columns will be permitted but should not exceed heights in excess of 1.0 m above natural finished ground level measured at the lowest point.
- b) First floor verandahs are to be supported on masonry/steel or concrete peers or simple by approval of MWHO. A.
- c) Balustrading to decks, terraces and verandahs to be stainless steel or FRAMELESS glass.

i) Driveways:

- a) Driveways may be finished as follows:
 - Cobble paving – colours to generally match the internal road ways in the development. The use of patterns and panels is not encouraged.
 - All kerbs to conform to the specifications of the roads in the development.
- b) All driveways to maintain the general level of the sidewalk up to the individual boundary, only then may the incline up or down begin – this to provide a level and consistent sidewalk to all roads.

j) Pools:

- a) Pools will be permitted; the Committee will determine the final design and positioning of all pools.
- b) Temporary plastic / Pvc lined lattice pools will not be permitted.
- c) Pools that are above ground level will not be accepted, the pool may project above ground level where the topography dictates, but must be surrounded by a terrace or a deck at those points.
- d) Pool fencing to be unobtrusive and to tie in with any other balustrading or walling. The use of pool nets and covers in place of fencing is encouraged – all safety regulations relating to pools are to be adhered to at all times.

k) Exterior Lighting:

- a) All exterior lighting to be unobtrusive and confined to the limits of each individual property, with no lighting directed onto any neighboring properties.
- b) Street lighting will be by means of low-level light fittings placed on the street boundaries of the estate, the position will depend on the urban design.

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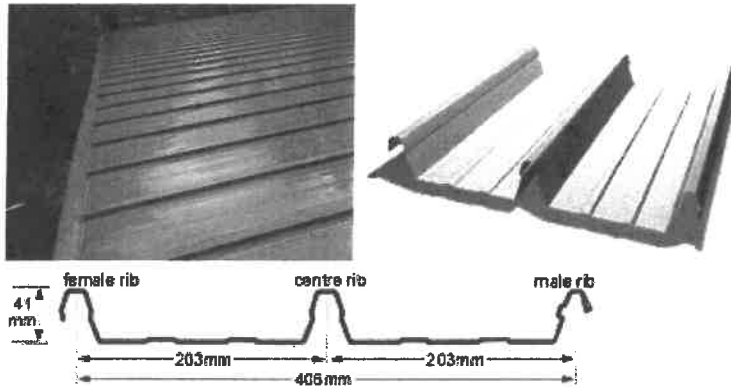
I) ROOFS

It is encouraged that major plan forms are roofed individually and connected with a linking element i.e. a lean-to or a concrete flat roof.

- Double pitched roofs at a minimum of 10° and a maximum of 35° symmetrical about their ridges are permitted on major plan forms.
- Mono-pitched roof are permitted at a minimum of 10° and a maximum of 25° on major plan forms.
- Major plan roof elements may have eaves that extend no more than or 300mm measured horizontally between wall finish and eaves plate / fascia board but may extend 600mm horizontally for open eaves.
- Garage Roofs may form part of the main building's roof, where the garage lies within the major plan form. If a garage utilizes a pitched roof it must conform to the same building lines, and plan shape requirements as the main house. Garages may have mono-pitched roofs. The gutter should not be visible from the street. Garage roofs are encouraged to be concrete.
- Roof colours to be **shades of grey**.

MATERIALS AND COLOUR

- TO THIS END, THE FOLLOWING ROOF COLORS/TYPES WILL BE PERMITTED IN COMBINATIONS:



BROWNBUILT KLIPLOCK' Saflok, or similar products with a standing seam profile

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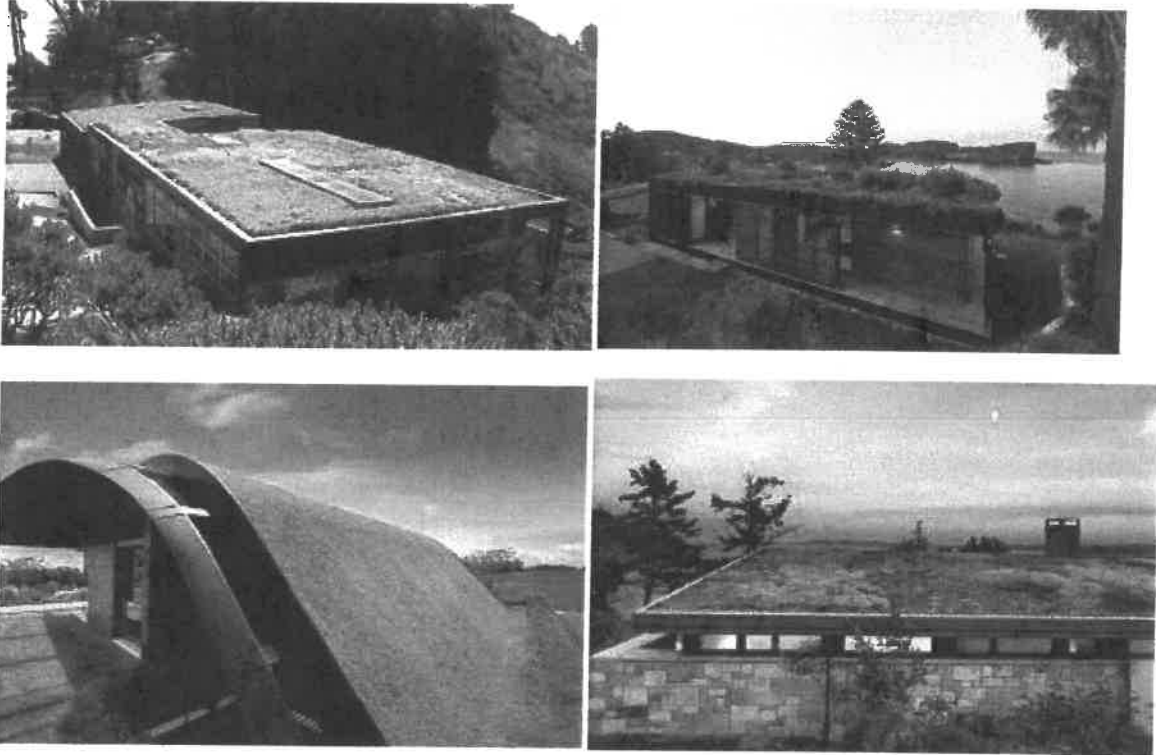
MONO-PITCHED ROOFS



DOUBLE PITCHED ROOFS

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LIVING/GREEN ROOFS

Overview

Green roofs serve several purposes for a building, such as absorbing rainwater, providing insulation, creating a habitat for wildlife, increasing benevolence and decreasing stress of the people around the roof by providing a more aesthetically pleasing landscape, and helping to lower urban air temperatures and mitigate the heat island effect. They effectively utilize the natural functions of plants to filter water and treat air in urban and suburban landscapes. There are two types of green roof: intensive roofs, which are thicker, with a minimum depth of 12.8 cm, and can support a wider variety of plants but are heavier and require more maintenance, and extensive roofs, which are shallow, ranging in depth from 2 cm to 12.7 cm, lighter than intensive green roofs, and require minimal maintenance.

Costs and financial benefits

With the initial cost of installing a green roof in mind, there are many financial benefits that accompany green roofing.

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Green roofing can extend the lifespan of a roof by over 200% by covering the waterproofing membrane with growing medium and vegetation, this shields the membrane from ultra-violet radiation and physical damage. Further, research expects the lifespan of a roof to increase by as much as three times after greening the roof.

It is estimated that the installation of a green roof could increase the real estate value of an average house by about 7%.

Reduction in energy use is an important property of green roofing. By improving the thermal performance of a roof, green roofing allows buildings to better retain their heat during the cooler winter months while reflecting and absorbing solar radiation during the hotter summer months, allowing buildings to remain cooler.

A study conducted found a 26% reduction in summer cooling needs and a 26% reduction in winter heat losses when a green roof is used. With respect to hotter summer weather, green roofing is able to reduce the solar heating of a building by reflecting 27% of solar radiation, absorbing 60% by the vegetation through photosynthesis and evapotranspiration, and absorbing the remaining 13% into the growing medium. Such mitigation of solar radiation has been found to reduce building temperatures by up to 20 °C and reduce energy needs for air-conditioning by 25% to 80%. This reduction in energy required to cool a building in the summer is accompanied by a reduction in energy required to heat a building in the winter, thus reducing the energy requirements of the building year-round which allows the building temperature to be controlled at a lower cost.



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K. THE ARCHITECTURE AS A "PATTERN LANGUAGE"

These architectural guidelines are intended as a tool by the architects for homeowners to create a language for their individual homes/themselves which defines a community. The guidelines attempt to illustrate the approach by the Estate architects towards buildings in the estate rather than a hard and fast rule of law.

Mountain Wisper Estate will be, for the purpose of this manual, considered the "town" and "community". The architecture for the estate can be summarized and described as follows:

The pavilion style for the architecture injects contemporary houses with mid-century character to create homes perfectly suited to the South African environment. Pavilion-style houses make use of simple volumes, linear geometries and an honest use of materials.

Architects design rectangular, box-like volumes that are located in the context of the local environment, and angled to frame views of local surroundings. On pavilion-style houses, low pitched roofs provide for drainage and allow more light to enter interior spaces (as opposed to a flat roof). Inside, the simplicity, clean lines and contemporary style of a skillion roof foster a sense of spaciousness; outside, the sense of the house sitting lightly on, and of being one with, the land is enhanced. The pavilion-style house is well-suited to the South African climate and lifestyle and has laid the foundation for much of the contemporary architecture in recent decades. The design is simple: box-like volumes with expansive glass in consideration of the local landscape and environment, along with open-plan interiors for modern living and an informal lifestyle.

Buildings will be designed as a complex: a building cannot be a human building unless it is a complex of still smaller buildings or smaller parts which manifest its own internal social facts. No large monolithic buildings will be built. Rather a *building complex*, whose parts manifest the actual social facts of the situation will be created. The building complex will take the form of a *collection of smaller buildings* connected by arcades, paths, bridges, shared gardens and walls. For each house, the most important space (living area) will be identified as the soul of the building complex. This building will be the main building in the group of buildings and will be higher and in a central position to draw the attention to this most important building.

Large parking structures full of cars are inhuman and dead buildings. At the same time, the entrance to a parking structure is essentially the main entrance to the house-and needs to be visible. Parking externally will be shielded away from the entrance and main streets.

The simple social intercourse created when people rub shoulders in public is one of the most essential kinds of social "glue" in society. Buildings in the complex will be arranged so that they form pedestrian streets with many entrances and open stairs directly from the upper stories to these "streets" so that even movement between rooms is outdoors, not just movement between buildings.

Buildings will always be placed to the south of the outdoor spaces that go with them, and keep the outdoor spaces to the north.

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Positive outdoor spaces which are merely “left over” between buildings will, in general, not be used. All outdoor spaces which surround and lie between the complex of buildings, will be treated as positive spaces: each one will be given some degree of enclosure; surround each space with wings of buildings, trees, hedges, fences, arcades and trellised walks, until it becomes an entity with positive quality and does not spill out indefinitely around corners.

Closely aligned with the idea of openness is visual and physical flow. Open plan allows uninterrupted sight and movement through spaces, as does the integration of indoor and outdoor areas. Patios, balconies, decks, courtyards and gardens – linked by sliding and bi-fold glass doors – become outdoor living spaces, and are oriented towards the local environment.

Each building in the building complex will be placed so that it breaks down into wings which will be as narrow as they can be within the complex. The shapes of the roofs will be arranged in such a manner as to promote south high-level light. The concept of openness was vital to modernist architecture and remains so for pavilion-style houses.

Open-plan interior layouts feel more spacious and luxurious, in contrast to small rooms and cramped spaces. They allow more flexibility and versatility in living patterns as spaces can become multi-functional, more efficient, and changeable over time.

Expansive glass walls – sometimes known as glass curtain walls – capture natural light and promote ventilation. The windows foster spaciousness, airiness and views of local surroundings

Green design is not always about cutting-edge technology that minimizes energy consumption and a multitude of gadgets that monitor your every move. The best sustainable home designs are those that cause minimal damage to the landscape in which they sit.

APPENDIX 5



POSTNET SUITE
176
PRIVATE BAG X15
SOMERSET WEST
7129
info@caplan.co.za
TEL: (021) 8500400

25 De Beers Avenue
Unit 2A Crossfire House
Paardevlei
SOMERSET WEST
7130
FAX: 086 614 0447

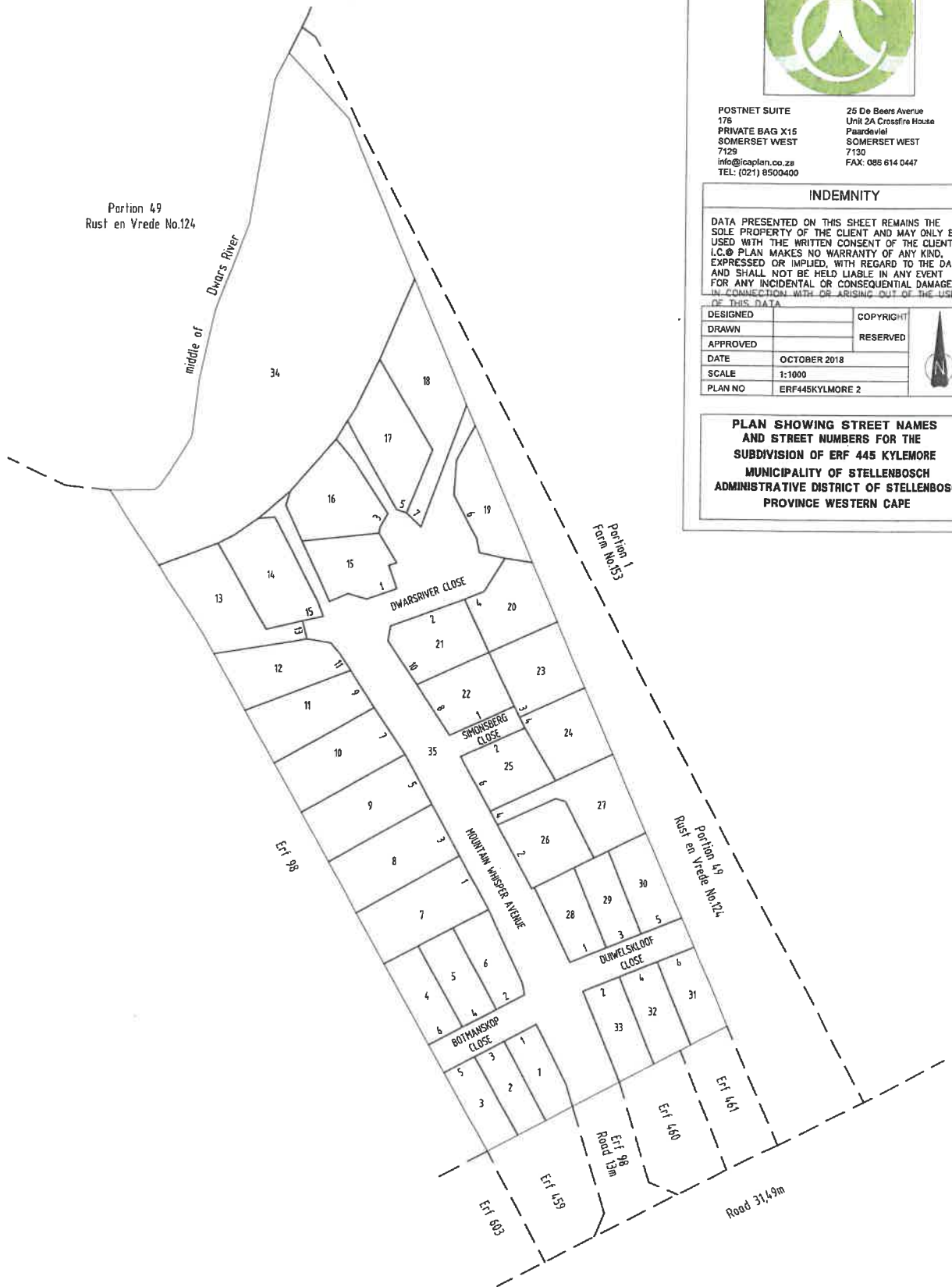
INDEMNITY

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APPROVED			
DATE	OCTOBER 2018		
SCALE	1:1000		
PLAN NO	ERF445KYLMORE 2		



**PLAN SHOWING STREET NAMES
AND STREET NUMBERS FOR THE
SUBDIVISION OF ERF 445 KYLMORE
MUNICIPALITY OF STELLENBOSCH
ADMINISTRATIVE DISTRICT OF STELLENBOSCH
PROVINCE WESTERN CAPE**



APPENDIX 6



Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/6/1/B4/28/1296/17
ENQUIRIES: Samornay Smidt
DATE: 2017 -11- 0 9

Jerome Petersen & Terry-Lynn Hawtrey
PO Box 34
Simonsberg
STELLENBOSCH
7608

Cel: (083) 462 9089
Email: Jerome@karate-jutsu.co.za

Dear Sir/Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) TO THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 445, RUST EN VREDE, KYLEMORE

1. The document dated 14 September 2017, as received by this Department on the same day, refers.
2. Following review of the information submitted to this Department, the following is noted:
 - 2.1. The proposal is for the establishment of 35 residential erven and associated infrastructure.
 - 2.2. The development footprint is approximately 1.25ha.
 - 2.3. Although the site was rezoned and subdivided in 1994, the approval has since lapsed and the zoning has reverted back to agricultural.
 - 2.4. According to SANBI's BGIS, the site contained Swartland Alluvium Fynbos, but the site is transformed and has been used for residential purposes for a number of years.
 - 2.5. The northern boundary of the site abuts the Dwars River and portions of certain erven will be located within the 32 metre buffer area.
 - 2.6. The property is currently serviced by the Stellenbosch Municipality.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in GN No. 327, 325 and 324 of 7 April 2017. Be advised that, based on the information provided, the Eco-Estate residential development **does not** constitute any listed activities as defined in terms of GN No. 327, 325 and 324 of 7 April 2017.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
Email: Samornay.Smidt@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

4. The above is based on the following:
 - 4.1 Although the site is zoned for agricultural purposes, a number of residences and storage facilities are located on the site.
 - 4.2 The site is serviced by the local municipality and is considered to be inside the urban area.
5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in GN No. 327, 325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
6. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*
7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully



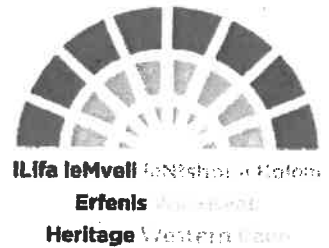
**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Dietmar de Klerk (GNEC)

Fax: (021) 870 1873

APPENDIX 7

Our Ref: HM/ CAPE WINELANDS/ STELLENBOSCH/ KYLEMORE/ ERF 445
 Case No.: 17081505WD0818E
 Enquiries: Waseefa Dhansay
 E-mail: waseefa.dhansay@westerncape.gov.za
 Tel: 021 483 9533
 Date: 19 September 2017



GUILLAUME NEL ENVIRONMENTAL CONSULTANTS
 PO BOX 2632
 PAARL
 7620

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT
 In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
 Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 445, RUST EN VREDE, KYLEMORE, STELLENBOSCH: SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 17081505WD0818E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 18 August 2017. This matter was discussed at the at Heritage Officers meeting held on 18 September 2017.

Since there is no reason to believe that proposed residential development on Erf 445, Rust En Vrede, Kylemore, Stellenbosch, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number

Yours faithfully

.....
 Mr. Mxolisi Dlamuka
 Chief Executive Officer, Heritage Western Cape

APPENDIX 8

VERENIGENDE
GEREFORMEERDE
KERK IN
SUIDER-AFRIKA



KYLEMORE

7601

Skriba:

Mev M.Y Fourie

Kantoor: 021 8852805

Maandae: 17h00 - 18 h00

Donderdae: 17h00 - 19h00

Kassier:

Mnr J. Williams kantoor: 021- 8852805;

Dinsdae: 17h00-19h00

Leraar:

Ds W. Koopstad (021) 8851272,

Adamsstr. 19, Kylemore;

Epos: kylemorepastorie@snowisp.com

send to 17
1c@plan

FILE NR:	Die Kerkraad VGKerk Kylemore
SCAN NR:	E 445 KY
Aansoekno: LU/7355	Munisipale Leer verwysings no. Erf 445, Kylemore
Geagte mnr/mev	COLLABORATOR NR. 628160



HERSONERING, ONDERVERDELING, FASERING, STRAAT - EN ONTWIKKELING
NAME, TERREINONTWIKKELINGSPLAN EN ARGITEKTONIESE RIGLYNE EN
HUISEIENAARSVERENIGING: ERF 445, KERKSTRAAT, KYLEMORE

Die kerkraad van die Verenigde Gereformeerde Kerk neem met sorg kennis van die
beplande ontwikkeling. Ons maak beswaar teen die ontwikkeling in die lig van die volgende:

- Ons kerk bedien 'n gemeenskap met 'n ryk geskiedenis van voorgeslagte wat hard gewerk het aan die opbou van die dorpie met sy eiesoortige karakter.
- Die voorgeslagte het gedroom dat die dorpie altyd 'n veilige hawe vir hul nageslag sal wees met voorsiening van die basiese behoeftes, onder ander behuising.
- Die gemeenskap ly egter omdat ontwikkelings sogenaamd in die beste belang van Kylemore se gemeenskap is, maar die teendeel word ervaar.
- Sedert die oprigting van die vorige twee ontwikkelings, kry die gemeenskap se mees weerlose, die bejaardes en ontvangers van maatskaplike toelae, dit al hoe moeiliker om hul basiese dienste rekeninge te betaal en 'n menswaardige bestaan te voer.
- Die nageslagte kan nie behuising in Kylemore bekom omdat die ontwikkelings nie 'n gemengde model voorstel wat ook die laer en middel inkomste groepe van die dorp self insluit nie.
- Die beoogde ontwikkeling is dus nog 'n eksklusiewe ontwikkeling wat slegs voorsiening maak vir die rykes wat dit kan bekostig.
- Die gemeenskap word nie betrek deur ontwikkelaars om hul mening te lug nie.
- Die kerk het 'n roeping om te staan by die mees verontregte en armes, die stemloses van ons gemeenskap.

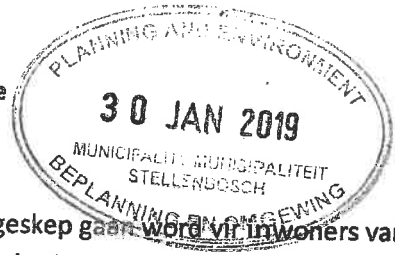
Ons verneem graag wat die ontwikkelaar se plan is met betrekking tot bekostigbare behuising vir die sogenaamde middelinkomste groep van die dorp self?
Wat is die ontwikkelaar se beleid rondom sosiale verantwoordelikheid?



"...die oog gevestig op Jesus, die Leidsman en Voleinder van die geloof." - Heb 12:2

Anglikaanse Kerk
Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore



Die ontwikkeling noem dat daar baie meer werksgeleenthede geskep gaan word vir inwoners van die dorp. Daar word verwys na ekonomiese groei en ook geleenthede vir nuwe en huidige entrepreneurs om hul besighede te bemark en so nuwe geleenthede te verseker.

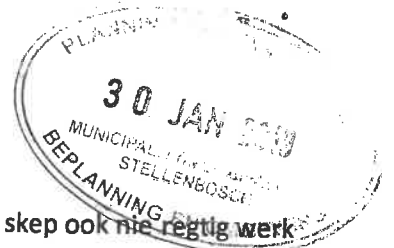
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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

De Meeus

*Aanglikoense Kerk
Kylemore*

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore



Die ontwikkeling vorm nie deel van Kylemore se ekonomiese groei nie en skep ook nie regtig werk geleentheid vir inwoners nie. Om ekonomiese groei te bepaal vir 'n gemeenskap, moet die ekonomiese groei op die vlak van die gemeenskap plaasvind. Ongelukkig doen hierdie ontwikkeling dit nie.

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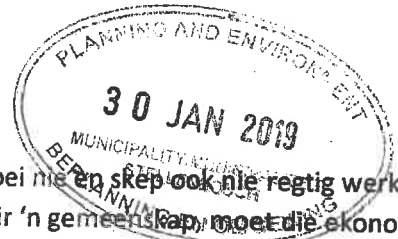
Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

M. Jacobs



Anglikaanse Kerk
Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore



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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

JHendriks

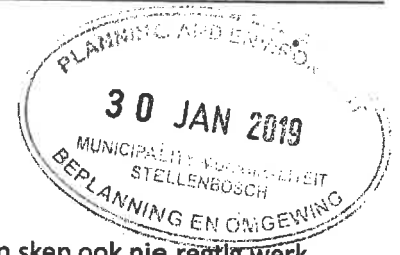
PLANNING AND ENVIRONMENT
 MUNICIPALITY OF STELLENBOSCH
 ADVISORY OFFICE

20 JAN 2019

PLANNING AND ENVIRONMENT
 MUNICIPALITY/MUNICIPALITEIT
 STELLENBOSCH

Anglikaanse Kerb
Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore



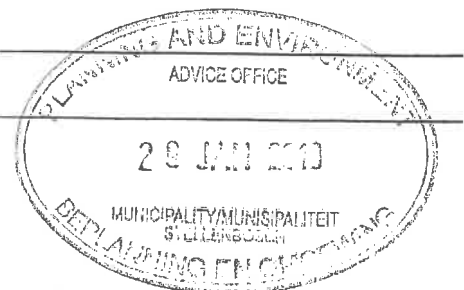
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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

Jackson

28 JANUARIE 2019



Anglikaanse Kerk
Kylemore



Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

27/01/2019



Anglikaanse Kerk
 Kylemore

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Anglikaense Meerk
 Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

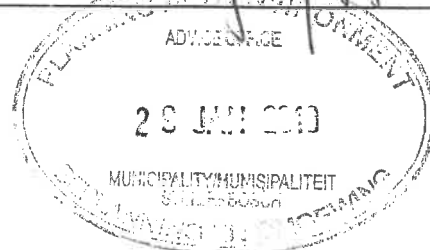


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 27/1/19



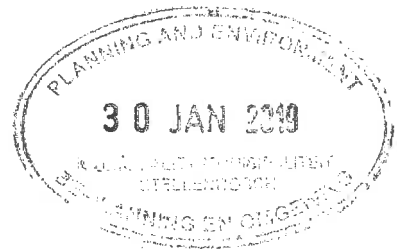
Anglikaanse Kerk
 Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

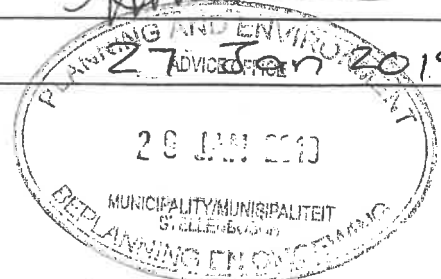
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Allen J.



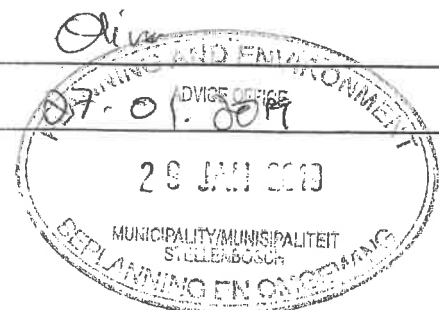
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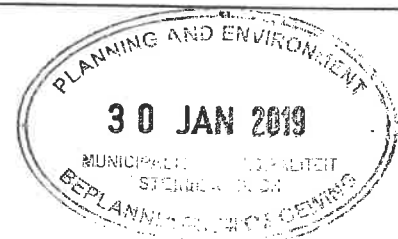
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Anglikaanse Kerk
Kylmore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore



Die ontwikkeling maak dit moeilik vir inwoners van die gemeenskap om die kostes van hul munisipale belasting en tariewe te betaal. Ontwikkeling soos hierdie stoot belasting en munisipale tariewe op en die munisipaliteit vergeet dat Kylemore 'n agtergeblewende gemeenskap is.

Ons as inwoners van Kylemore trek maar swaar onder die hoë munisipale belasting en tariewe. Ons kon die groot verskil in die rekening sien vanaf die Capalovaro kompleks ontwikkel is. Ons erf nommers het ook verander sonder kennis van die munisipaliteit end it het sekerlik ook 'n invloed op die tariewe. Ons weet alles in die lewe word duurder en rekeninge hoër maar die styging was nie as gevolg van die ekonomie nie maar wel die luukse komplekse in die area. Hierdie kompleks kan nog stygings in tariewe vir ons mense verseker en baie van ons mense sal dit nie kan BEKOSTIG nie.

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Lily Beerwinkel
27.01.2019



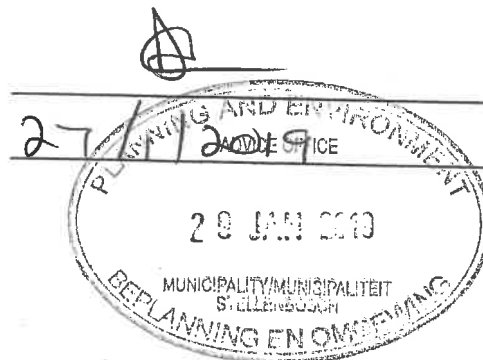
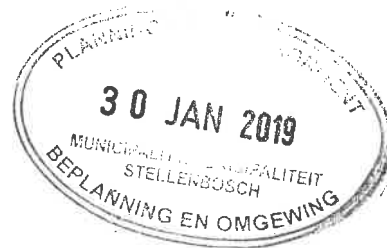
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Anglikaanse Keel
Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

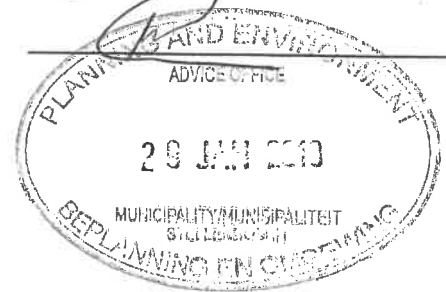


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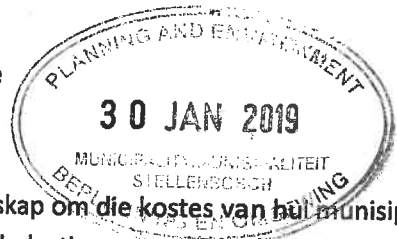
Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

27/1/2019



Anglikaanse Keak
 Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

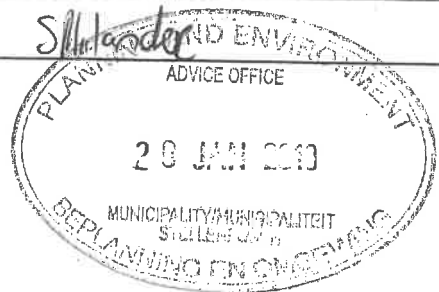


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27 / 01 / 2019



Anglikaanse Kerk
Kylemore

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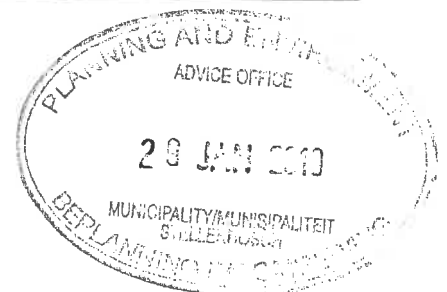
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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.



M. Micheals

21/01/2019



Anglikaanse Kerk
Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

Die ontwikkeling vorm nie deel van Kylemore se ekonomiese groei nie en skep ook nie regtig werk geleenthede vir inwoners nie. Om ekonomiese groei te bepaal vir 'n gemeenskap, moet die ekonomiese groei op die vlak van die gemeenskap plaasvind. Ongelukkig doen hierdie ontwikkeling dit nie.

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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.



Jackson

27 Jan 2019

29 JAN 2019
MUNICIPALITY/MUNICIPALITEIT
STELLENBOSCH
BEPLANNING EN ONWIKKELING

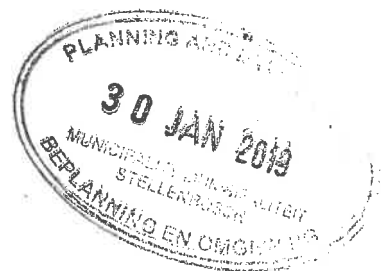
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Kylemore

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Ry



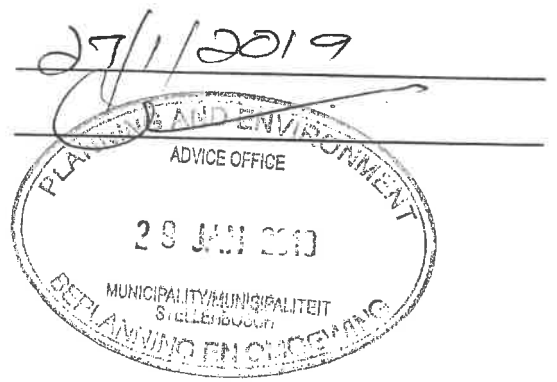
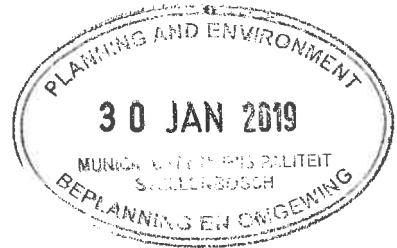
*Anglikaanse Kenk
Kylemore*

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Anglikaanse Kerk
 Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

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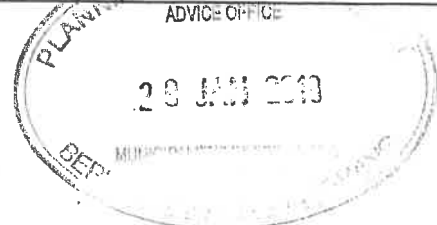
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27/01/2019



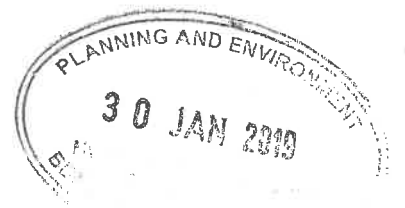
Anglicanise Keel
Kylmore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

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Anglikaanse Kerk
Kylmore

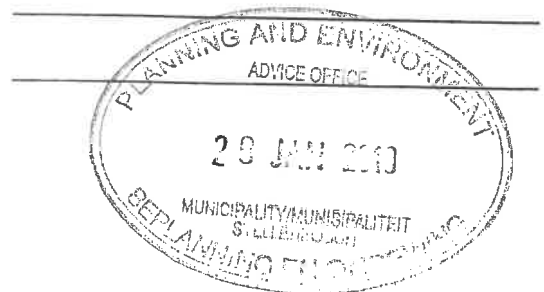
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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

Blukhans
27/1/19



Andriksaarse Kerl
 Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

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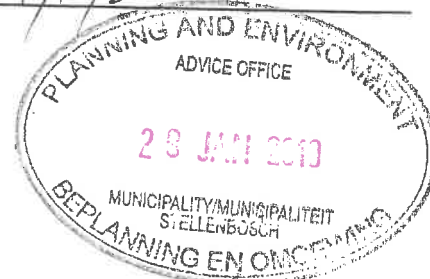
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Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.



[Signature]

 27/1/2019



Anglikaanse Kant
 Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore



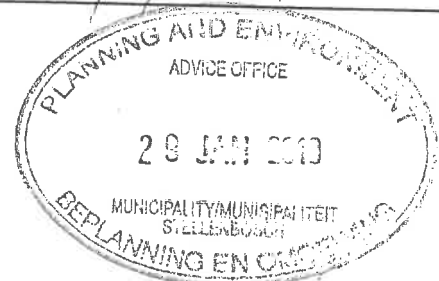
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EOilms

27/1/2019



Anglibaarse Keur.
 Kylemore



Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

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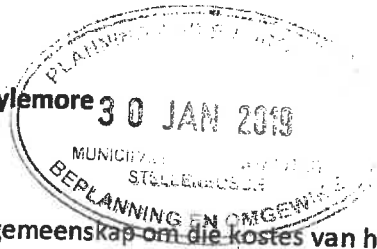
Ek voel sterk teen die nuwe ontwikkeling op erf 445, Kylemore.

S. van Graan



Anglikaanse Kerk
Kylmore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore 30 JAN 2019



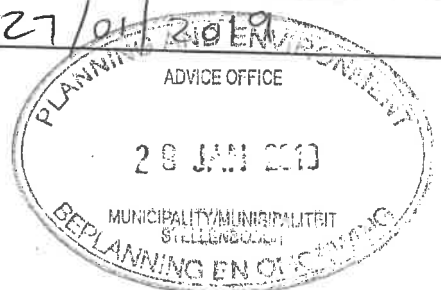
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L. Caroli

27/01/2019



Anglikaanse kerb
Kylemore

Teenstandingsbrief oor die ontwikkeling op erf 445, Kylemore

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27 '01 '2019

Edmunds



Anglikaanse Keek
 Kylemore



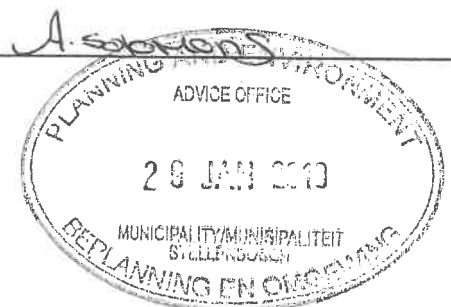
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27/01/2019.



APPENDIX 9

Cornelia van Zyl

From: Cornelia van Zyl
Sent: 29 January 2019 10:59 AM
To: 'Van Wyk, BJ, Mr [bvw@sun.ac.za]'
Subject: RE: Ontwikkeling in Kylemore

Goeie middag Basil & Pauline,

Baie dankie vir die vergadering verlede week en dat julle julle huis vir ons oopgemaak het om te ontmoet. Jerome en Terry-Lynn het ook gevra dat ek ook net namens hulle ook dankie sê en dat hulle dit waardeer.

Skies ek kom nou eers terug na julle, was platgetrek deur 'n virus en begin vandag eers weer op kom vir asem.

Hiermee net kortliks 'n opsomming van die vergadering en die items wat bespreek is.

Teenwoordig:	Kontak Besonderhede:
Mnr. Winston Hendricks	Kerkstaat 24 / 0826108580
Mnr. H.B. De Wet	Rooi Straat 16 / 0218852458 / 0828219046
Mnr. August Carolissen	Kerkstraat 17 / 0218851056 / 0833632924
Wykskomitee lid Pauline van Wyk	Kerkstraat 22 / 0730960475
Mnr. Basil van Wyk	Kerkstraat 22 / bvw@sun.ac.za / 0218084580 / 084 605 7907
Mnr. Jerome Petersen & Mev. Terry-Lynn Hawtrey	
Mev. Cornelia van Zyl	Applikant / 0218500400 / 0829787151

- Mev. van Wyk het die vergadering geopen met 'n inleiding oor die rede waarom hulle 'n afspraak versoek het en het 'n kort agenda voorsien as 'n vertrekpunt.
- Mnr. B van Wyk het genoem dat hy gehoor het dat hulle die eiendom wil verkoop, waarna Mnr. Petersen 'n agtergrond gegee het van hulle persoonlike geskiedenis, sowel as hulle geskiedenis met die eiendom waar hulle die laaste 18 jaar woon.
- Die hoof rede vir die verkoop van die eiendom en die voorstel van ontwikkeling van die eiendom is soos volg:
 - Sekuriteit het 'n baie groot probleem geword en daar word – veral die laaste paar jaar - op 'n gereelde basis by die eiendom ingebreek. Dit het 'n enorme impak die hele gesin se stres vlakke en kwaliteit van lewe.
 - Toe die eiendom in die mark geplaas was, was die enigste belangstelling vanaf eiendoms ontwikkelaars wat na hoër digtheid ontwikkeling wou kyk. Jerome en Terry-Lynn het toe die besluit gemaak om eerder self deur 'n aansoek proses te gaan en seker te maak dat hulle – as Kylemore inwoners wat die karakter van die omgewing ken en waardeer – self besluit oor die eindproduk (digtheid, argitektuur, hoogtes, ens. Hulle het dus voortgegaan om 'n professionele span aan te stel wat die aansoek tot gevolg gehad het.
- Die vraag oor 'n toegang na die kerk op die aangrensende eiendom word geopper. Cornelia verduidelik dat hulle voor indiening met die ingenieurs gesels het om enige toekomstige paaie uit te klaar, maar dat sy weer ondersoek sal instel.
- Daar word gevra of die populier bome uitgehaal gaan word, aangesien dit 'n gesondheidsrisiko vir die omliggende eienaars inhou. Jerome bevestig dat dit uitgehaal gaan word, maar dat ander groot bome op terein egter behoue sal bly.
- Daar is gevra wie die ontwerp van die ontwikkeling gedoen het/wie opdrag gegee het vir die spesifieke ontwerp en Jerome bevestig dat dit hulle was en dat daar nie ontwikkelaars betrokke was vir insette nie. Die voorgestelde hoër digtheid dorpshuise was ingebring aangesien die Raad gevra het dat daar 'n meer bekostigbare eenheid tipe ook moet wees. Die gemeenskap is tevrede.
- Die vraag rondom werkseleenthede ontstaan en Jerome onderneem om 'n voorwaarde in die (toekomstige) koop kontrak in te sluit wat aandui dat die mense van Kylemore geleentheid moet kry om deel van die konstruksie span te wees. Die medium en langtermyn skepping van werk word ook kortliks bespreek, i.e. sekuriteit, tuin dienste, ens.

- Daar word gevra of die gemeenskap van Kylemore 'first option to buy' sal kry om van die eiendom/eenhede (teen die bemarkte prys) te koop en Jerome bevestig dat hulle dit so in die (toekomstige) verkoopskontrak sal stipuleer.

'n Ander item wat bespreek is wat nie betrekking op die aansoek het nie, is die pad wat op die aangrensende plaas loop tussen Kylemore en Lynedoch. Dit word deur verkeerde elemente gebruik en het gevolglik 'n baie negatiewe impak op die Kylemore inwoners se veiligheid en sekuriteit. Hierdie aangeleentheid gaan verder deur die gemeenskap gedryf word om 'n oplossing te kry.

U is welkom om asseblief enige addisionele kommentare by te voeg of om my te korrigeer indien iets verkeerd gestel is.

Kind Regards/Vriendelike Groete,

Cornelia van Zyl
Partner



Unit 2A Crossfire House
25 De Beers Avenue
Paardevlei
Somerset West
7130

Telephone: +27 21 850 0400 | Cellphone: 082 978 7151
Facsimile: +27 866140447 | Website: www.icaplan.co.za

From: Van Wyk, BJ, Mr [bvw@sun.ac.za] <bvw@sun.ac.za>
Sent: 16 January 2019 12:01 PM
To: Cornelia van Zyl <cornelia@icaplan.co.za>
Subject: RE: Ontwikkeling in Kylemore

Beste Conelia

Ek sal die boodskap so deurgee vir die Raadslede.

Kind Regards/Vriendelike Groete

Basil

Mnr BJ Van Wyk
Adm. Beampte & Gebou Bestuurder
Wilcocks Gebou
Universiteit van Stellenbosch
bvw@sun.ac.za
Tel: 021-8084580
Sel: 084 605 7907

VISION 2040 | VISIE 2040 | UMBONO 2040

Stellenbosch University has launched its Vision 2040 and Strategic Framework 2019-2024. Click here to find out more.



Vergadering - Donderdag 24 Januarie 2019
Insake : Beoogde Ontwikkeling : Erf - 445



- ✓1. Wat is die moontlikheid vir werksgeleenhede vir die gemeenskap
2. Wat behels die ontwikkeling. Is dit oop vir enige persoon wat dit kan bekostig om n' huis te koop.
- ✓3. Wat is die prys klas van die eiendomme
- ✓4. Die populier bome: Gesondheids risiko vir aangrensende eienaars - Gaan dit verwyder word??

APPENDIX 10



Our Reference: Erf 445, Kylemore

Your Reference: Erf 445, Kylemore

Application No: LU/7355

1 April 2019

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

ATTENTION: MR. PEDRO APRIL

Dear Sir

COMMENTS ON OBJECTIONS: ERF 445, KYLEMORE

The e-mail correspondence from Council dated 15 February 2019 regarding the objections received against the proposed development on the abovementioned property have reference.

A. Background:

The owners of the property bought the property approximately 17 years ago, as they appreciated the rural setting and beautiful natural scenery surrounding the town – from which the name of the property was derived.

Over the past few years, however, the crime in the area has increased to a level where there have been many continues break ins and attempted break ins at the premises. The owners were accordingly forced to go into debt to erect electrical fences to secure the property. However, this has not stopped

Members: I.K. Germishuys, A.C. van Zyl
Physical Address: 25 De Beers Avenue, Unit 2A Crossfire House, Paardevlei, 7130
Postal Address: Postnet Suite 176, Private Bag X15, Somerset West, 7129
Tel: 021 850 0400 / Fax: 086 614 0447 / E-mail: info@icaplan.co.za
CK Nr. 2004/078584/23, VAT Nr. 4750218135

the attempts of break ins and the owners came to point where they did not feel safe on the property anymore. Due to the fear for their family's safety the owners decided to put the property in the market and to sell it.

After the property was put on the market, the only interest which was shown, was from property developers. After consultation with them, it was established that they were driven by high profit margins and accordingly high density development.

As the owners have been living in the community for many years, they felt that this would not benefit the town in the long-term and they accordingly made the decision to (borrow money and) appoint their own consultant team so that they can give input into the development proposal and establish a product which they feel comfortable with. Only after decision making will the property then be sold off to a developer.

B. Comments & Objections Received in Accordance with the Legislative Requirements:

The applicant received two e-mail correspondence from interested parties within the prescribed timeframe which adheres to the requirements of the Stellenbosch Municipality: Land Use Planning By-Law:

1. Mrs. Pauline van Wyk:

- a. A letter of concern regarding the development proposal was received from Mrs. Pauline van Wyk, ward representative for Ward 4 in Kylemore on 15 January 2019. In the letter (herewith attached) she requested a meeting to discuss possible objections which they are considering submitting to Council.
- b. A meeting was accordingly scheduled at her home for Thursday 24 January 2019. This meeting was attended by the owners of the subject property, the applicant and other representatives of the community, who included surrounding property owners as well as a representative for the St John's Anglican Church.
- c. The outcome of the meeting was positive and, as a result, Mrs. Van Wyk did not submit a formal objection to the application.
- d. A copy of the minutes of the meeting which contains the points of discussion is attached herewith for your information.

2. The “Verenigende Gereformeerde Kerk in Suider-Afrika”, represented by Ds. Wille Koopman.

Ds. Koopman submitted the church’s objection to the applicant via e-mail on 29 January 2019. The applicant accordingly approached Ds. Koopman in an attempt to set up a meeting to discuss the issues which was raised. Unfortunately, a date and time could not be organised, as the owners work during the week and the church representatives cannot meet over weekends. The correspondence was concluded with a standing invitation from the applicant to the church.

The objections raised are summarised below:

- a. The community's most vulnerable, the elderly and the receivers of social grants have been struggling to pay their basic service accounts and to live a dignified existence ever since the previous two development was constructed.
 - It is unclear how development of this nature can hinder people from living a dignified existence. This comment can therefore not be seen as a valid objection.
- b. The descendants can not obtain housing in Kylemore because the developments do not make provision for a mixed model which can include the lower- and middle-income groups in Kylemore. The proposed development is therefore an exclusive development which only makes provision for the rich who can afford it.
 - The nature of a private development is dictated by a number of external factors, including market demand and the value of the land which is earmarked for development. For a private development to be successful, these factors must be considered, or else a development will not be economically viable.
 - The owners have included 12 town houses in the development to allow opportunities for middle income buyers.
 - It is not the obligation of a private developer to provide low income housing, but this responsibility lies with the government.
- c. Developers do not involve the community or ask for their opinions.
 - Part of the legal requirements during an application process is to advertise the application to surrounding property owners, on-site and in the press. These legal requirements have been adhered to.
 - As the property is private ownership, and will remain as such, it is unclear how the community feel that the owners were obliged to ask for their opinion in deciding what they want to do with their property.

The letter finally listed a number of questions which we hoped to address at the proposed meeting which, unfortunately, did not realise. They include:

- a. What does the developer plan with regards to affordable housing for the middle income group in town?
 - The proposed town houses which are incorporated in the development does make provision for a middle income product, unlike previous developments.
 - The owners are also willing to include a section in the sales agreement (with a developer) that Kylemore residents should have the first option to buy a unit or erf/dwelling at market related value, should they be interested.
- b. What is the developer's policy around social responsibility?
 - It should firstly be noted that the owners are not the developers and they can therefore not speak on behalf of prospective purchasers/developers.
 - That said, social responsibility can be defined as "*... an ethical theory, in which individuals are accountable for fulfilling their civic duty; the actions of an individual must benefit the whole of society. In this way, there must be a balance between economic growth and the welfare of society and the environment*". The application proposes economic growth through residential development which will not negatively impact on the society's welfare. It will furthermore be advantageous towards the environment, as the river corridor – which is currently being neglected - will be rehabilitated and maintained by a home owners' association.
 - In terms of the above, a developer's social responsibility is mainly focused on the quality of the end product and the environment which he creates within a development and, accordingly, the impact it can have on the surrounding area. The general social responsibility of a community, however, lies with the different spheres of government, whether on local, provincial or national level.
- c. How can the developer guarantee that the distinctive character of the town will be promoted and not harmed? E.g. Capalovaro residents have complained about the music of the AME church, whilst they knew that they are purchasing property across the road from a church which has – for many years – brought hope to the community.
 - The proposed SDP clearly indicate the development proposal and the impact on the character on the town can accordingly be determined through evaluating the plans. Unlike e.g. Capalovaro, the development is situated on the edge of the town, in a cul de sac and the visual impact from Church Street will accordingly be minimal.

- It is unclear how the complaints of other residents in the town relate to the character of the town and this reason is therefore invalid.

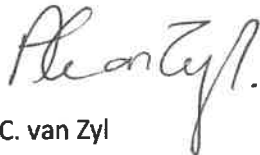
C. Invalid Objections Received which Contradicts the Legislative Requirements:

- a. A third 'objection' was submitted at the Stellenbosch Municipal Office by the "Kylemore Gemeenskaps Ontwikkelings Forum". The submission is, however, in contravention with Section 50 (2) of the Stellenbosch Municipality: Land Use Planning By-Law which states that *"Any comments made as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the period stated in the notice and in the manner set out in this section."*
 - i. As per Council's requirements, the notice to the surrounding property owners, the site notice as well as the press notice clearly stated that any comments and/or objections should be submitted to the applicant. The objection was, however, submitted directly to the Municipality and is not addressed to the applicant, which is a direct contravention of the By-Law.
 - ii. There are two date stamps on the cover letter and other pages of the objection, which indicate that the application was either submitted on the closing date – 29 January 2019 – or one day late – 30 January 2019. As the correct procedure for submission of objections was not followed, the applicant cannot confirm whether the objection was submitted within the prescribed timeframe.

In terms of the above this objection is not valid and the documentation submitted should be disregarded.

We trust that you will find the above in order.

Yours faithfully



A.C. van Zyl

APPENDIX 11



137
MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : **The Director: Planning and Development**
FOR ATTENTION : **A Hardouin**
FROM : **Manager: Development (Infrastructure Services)**
AUTHOR : **Tyrone King**
DATE : **23 September 2019**
RE. : **Erf 445, Kylemore Rezoning and subdivision for 33 residential erven**
YOUR REF : **LU/7355**
OUR REF : **Civil LU 1755**

Details, specifications and information reflected in the following documents refer:

- The abovementioned application dated 6 February 2018 and motivation report by IC @ Plan Dennis Moss Partnership, dated January 2018;
- Proposed Subdivision Plan No Erf445 Kylemore, dated October 2017
- Proposed Site Development Plan No. 1373/03, by Bart Senekal (**Annexure A**);
- Transport Statement by Deca Consulting Engineers dated 25 June 2019;
- Report on Civil Engineering Services, by Bart Senekal, ref 1373 / A3, dated 27 Nov 2017;
- GLS capacity analysis of the bulk water and sewer services e-mail dated 20 June 2019.

Comments from the Directorate: Infrastructure Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

These comments and conditions are based on the following proposed development parameters:

- Total Units: 12 townhouses + 21 group housing erven = 33 No total

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";

Background: Information required for decision authority to make a decision

3. the infrastructure capacity status and any upgrades required to create sufficient capacity for the development is discussed below:
 - a. **Pniel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Pniel WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The estimated completion date for the project is July 2021.
 - b. **Water Network:** See **Annexure B:**

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- i. Reservoir storage: There is sufficient reservoir storage capacity for the proposed development. The municipality has recently completed the construction of two new reservoirs in Kylemore to augment capacity.
- ii. The development can connect to the new 250mm water main (master plan item SDW2.3). The final position will be confirmed at engineering drawing approval stage. The existing 75mm line between the development and item SDW2.3 will have to be upgraded to at least a 110mm line. This detail will be confirmed at engineering drawing approval stage.
Funding: For Developer's cost

c. Sewer Network:

- i. The development will connect to the existing 355mm dia outfall sewer, which has sufficient capacity. The link pipeline between the development and the 355mm outfall sewer will be for the Developer's cost.

- d. **Roads Network:** There is sufficient capacity in the roads network to accommodate the proposed development. No upgrades to the bulk road network is required.

a. Devon Valley landfill site:

- i. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal.

Recommendation:

4. **The development is recommended for approval, subject to the conditions as stated below.**

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Conditions specific to this Development:

5. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:
- a. **Priel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Priel WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The estimated completion date for the project is July 2021. No clearance certificates will be issued before capacity at the WWTW is confirmed by the Municipality.
 - b. **Water Network:** The items as indicated in the GLS capacity analysis of the bulk water and sewer services e-mail dated 20 June 2019:
 - i. The development can connect to the new 250mm water main (master plan item SDW2.3). The final position will be confirmed at engineering drawing approval stage. The existing 75mm line between the development and item SDW2.3 will have to be upgraded to at least a 110mm line. This detail will be confirmed at engineering drawing approval stage.
Funding: For Developer's cost
 - c. **Sewer Network:** The items as indicated in the GLS capacity analysis of the bulk water and sewer services dated 25 August 2016:
 - i. The development will connect to the existing 355mm dia outfall sewer, which has sufficient capacity. The link pipeline between the development and the 355mm outfall sewer will be for the Developer's cost.

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE**d. Road Network:**

- i. there is sufficient capacity in the external roads network to accommodate the proposed development.
- ii. the Developer must ensure that the layout and design of the access to the development ensures that no inconvenience and or obstruction are caused to the current accesses of erven 459 and 460. The design proposals including adequate stacking distance based on minimum stacking distance analysis, entrance/exit lane widths etc must be clearly indicated on the engineering services drawings when submitted for approval;

e. Stormwater Network:

- iii. The Developer's Consulting Engineer is encouraged to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management, since this river is located so close to the Dwarsriver. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The designer should also consider designing the detention pond in such a way as to create a functional space that can be used by the public during dry periods. Any interventions to adhere to these principles will be welcomed and can be further discussed at engineering drawing approval stage;

f. Devon Valley landfill site:

- iv. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal.

6. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate:

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

Infrastructure Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;

Development Charges

7. that the Development Charges levy to the amount of R 1 929 356. 10 (Excluding VAT) as reflected on the DC calculation sheet, dated 20 August 2019, and attached herewith as **Annexure DC**, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Based on the 2019/2020 tariff structure and the proposed lay-out, the following amounts are payable:

Water	:	R 449 273. 80
Sewer	:	R 543 932. 45
Stormwater	:	R 32 116. 45
Solid Waste	:	R 58 478. 45
Roads	:	R 418 602. 17
Community Facilities	:	R 426 952. 79
Total exclusive of VAT:		R 1 929 356. 10
VAT:		R 289 403. 41
Total inclusive of VAT:		R 2 218 759. 51

Site Development Plan

8. that stacking distance be generally in accordance with the Proposed Site Development Plan No. 1373/03, by Bart Senekal: +/- 16m measured from erf boundary to entrance gate;
9. that sufficient entrance and exit widths will be created and shall be generally in accordance with the Proposed Site Development Plan No. 1373/03, by Bart Senekal: 4.0m entrance and 2.7m exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
10. the proposed refuse embayment can double as a visitor's parking bay, for vehicles not granted access to the development;

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11. vehicles not allowed entry should be allowed to enter the gate and turn around at the first roundabout in order to exit the development safely;
12. that provision be made for a refuse room as indicated on the Proposed Site Development Plan No. 1373/03, by Bart Senekal and as per the specification of the standard development conditions below;
13. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for space to construct a refuse room in future, should this function in future revert back to the "Municipality";
14. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). Position to be generally in accordance with the Proposed Site Development Plan No. 1373/03, by Bart Senekal. The specifications of such embayment shall be as per the standard development conditions below;
15. that the layout be amended to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 11 m radius turning circle, to ensure continuous forward movement;
16. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "*Developer*" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

17. that it be noted that as per Subdivisional Plan No Erf 445 Kylemore, dated October 2017, the roads are reflected as private roads. Therefor all internal services will be regarded as private services and will be maintained by the "*Developer*" and or Owner's Association;

Bulk Water Meter

18. that the "*Developer*" shall install a bulk water meter conforming to the specifications of the Directorate: Infrastructure Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE**Solid Waste**

19. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (Mr Saliem Haider; 021 808 8241; saliem.haider@stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

Servitudes

20. A 3m wide servitude must be registered to accommodate outflow for the storm water collection pond on the subject property, as indicated on the Proposed Site Development Plan No. 1373/03, by Bart Senekal;

Floodplain Management

21. that the 1:50 and 1:100 year flood lines of the Dwars River be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "Developer" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;
22. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
23. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;
24. Poor maintenance of the detention pond and river bank will lead to stormwater problems for the municipality. The Developer's Consulting Engineer shall provide to the HOA a maintenance and operation schedule for the SW detention pond and river banks for which the HOA will be responsible. Such schedule should include as a minimum:
- Maintenance activities

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

- Frequency of activities
- Time/s of year (months) when activities must occur

Roads

25. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Statement by Deca Consulting Engineers dated 25 June 2019 and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "Developer", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;
26. that access to the property concerned shall be via Kerk Street and the 13m road reserve between Kerk Street and the development as depicted on the proposed Subdivisional Plan No Erf445 Kylemore, dated October 2017;
27. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;
28. that on-site parking be provided by the owner of the property in the ratio as prescribed by the zoning scheme;

Electricity

29. Please refer to the conditions attached as **Annexure: Electrical Engineering**;

Avoidance of waste, nuisance and risk

30. that the Developer shall take all necessary measures to prevent any undue nuisance, health, safety or other risk to the public, especially erven 459 and 460 immediately adjacent to the proposed development and sharing an access road with it. Where in the opinion of the "Municipality" a nuisance, health, safety or other risk to the public is caused due to construction activities, the "Municipality" may give the "Developer" written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer".

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

Standard development conditions:

(if there is a contradiction between the specific and standard development conditions, the specific conditions shall govern):

31. that if applicable the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of the infrastructure to be implemented in lieu of DCs as above;
32. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
33. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
34. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
35. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

36. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
37. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
38. Should the "*Developer*" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "*Engineer*" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "*Developer*" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "*Developer*" to programme the construction of his/her development and make necessary adjustments if and when required. The *Developer* is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;
39. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;

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- f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "Developer" obtains the approval mentioned in **Condition 38** (for construction work of his development parallel with the provision of the bulk services).

Site Development Plan

40. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
41. that even if a Site Development Plan is approved by this letter of approval, a further **fully detailed** site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
42. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
43. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE**Internal- and Link Services**

44. that the "*Developer*", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
45. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
46. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
47. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
48. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";
49. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
50. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
51. that engineering design drawings will only be approved once approval in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

52. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
53. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
54. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
55. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
56. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
57. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
58. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
59. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
60. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
61. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

62. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

63. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
64. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
65. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

66. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
67. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
68. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

69. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
70. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
71. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
72. that the approved management plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
73. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
74. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "*Developer*" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

75. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;
76. that no access control will be allowed in public roads;

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77. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
78. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
79. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the “*Developer*”, at his/her cost, to the standards of the Directorate: Infrastructure Services;
80. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
81. that each erf has its own access (drive-way), constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
82. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
83. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
84. that no parking be allowed in the road reserve;

Development Charges

85. that the “*Developer*” hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council’s Policy;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

86. that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "*Municipality*" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
87. that the "*Developer*" immediately familiarise himself with the latest Development Charges applicable to his/her development;
88. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
89. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
90. that the Development Charges levy be paid by the "*Developer*" per phase –
- prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
 - prior to the erf or portion thereof being put to the approved use;
91. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units, or which might lead to an increase in the Gross Leasable Area, will result in the recalculation of the Development Charges;
92. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Wayleaves

93. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

94. that wayleaves will only be issued after approval of relevant engineering design drawings;
95. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Owner's Association (Home Owner's Association or Body Corporate)

96. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
97. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
98. that in addition to the responsibilities set out in **section 29** of the Stellenbosch Municipal Land Use Planning By-law, the Owner's Association also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
99. that the Constitution of the Owner's Association specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;
100. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

Solid Waste

101. The reduction, reuse and recycle approach should be considered to waste management:

- Households to reduce waste produced
- Re-use resources wherever possible
- Recycle appropriately

To give effect to the above, the following are some typical waste minimization measures that should be implemented by the Developer, to the satisfaction of the Stellenbosch Municipality:

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;
- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

Where an Owner's Association is to be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law, the Constitution of the Owner's Association shall incorporate the above in the Constitution and:

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
- A set of penalties for non-compliance should be stipulated in the Constitution

102. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
103. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; saliem.haider@stellenbosch.gov.za;
104. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
105. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";

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106. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
107. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
108. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
109. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
110. Road foundation shall be designed to carry a single axle load of 8.2 tons;
111. Refuse storage areas are to be provided for all premises other than single residential erven;
112. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
113. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
114. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;
115. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;

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116. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
117. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:
- Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high
118. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
119. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224

120. Building specifications for refuse storage area:

Floor

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

Walls and Roof

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

Ventilation and Lighting

The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

Water Supply and Drainage

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

121. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
122. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
123. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;
124. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
125. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
126. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

127. The "*Developer*" shall provide the "*Municipality*" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the compositization of municipal services installed as part of the development. The Asset Verification Sheet

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;

- d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
128. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";
129. The Consulting Civil Engineer of the "Developer" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
130. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
131. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law

132. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
133. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

"Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

134. that clearance will only be given per phase and the onus is on the *"Developer"* to phase his development accordingly;
135. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**
136. that any application for Certificate of Clearance will only be supported by the *"Engineer"* once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the *"Engineer"* and approved by the *"Engineer"*.

Avoidance of waste, nuisance and risk

137. Where in the opinion of the *"Municipality"* a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the *"Municipality"* may give the *"Developer"* and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the *"Municipality"* may carry out the work itself or have it carried out, at the cost of the *"Developer"* and or OWNER'S ASSOCIATION.

Streetlighting

138. The *"Developer"* will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the *"Developer"*;
139. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the *"Developer"* must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

140. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
141. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
142. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.

**TYRONE KING Pr Tech Eng****MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

INTERDEPARTMENTAL CIRCULATION FORM

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Annexure: Electrical Engineering

LêER VERW/ FILE REF Erf 445, Kylemore DATUM
DATE 18 December 2018

AANSOEKNOEMER/APPLICATION NUMBER LU/7355

MEMO AAN/ TO :

- X Director : Engineering Services
- X Manager : Electrical Department Elect 1755
- Manager : Building Development Management
- X Manager : Fire Services 18/12/2018
- Director : Corporate Services
- X Manager: Spatial Planning / Heritage / Environment / Signage
- X Manager: Health Department (Winelands Health)
- X Manager: Parks
- X Manager : Local Economic Development

Application Application is made in terms of the Stellenbosch Municipal Land Use Planning By Law, 20 October 2015, for:

1.1. Rezoning of erf 445, Kylemore from Agricultural Zone I to Subdivisional area for Residential Zone III (Town Houses) erven, Residential Zone II (Grouphousing) and Open Space II erven in terms of Section 15(2)(a)

1.2. Subdivision of Erf 445, Kylemore into 35 erven, namely 2 Residential Zone III (Town houses) erven, 21 Residential Zone II (Grouphousing) and 2 Open Space Zone II erven (1 private road and 1 private open space) in terms of Section 15(2)(d),

2. Application is also made for:

2.1 the phasing of the development
 2.2 the establishment of a Home Owners Association
 2.3 the approval of a Site Development Plan and Architectural Guidelines
 2.4 the approval of the development name; Mountain Whisper Estate, and the street names, Mountain Whisper Avenue, Botmanskop Close, Duiwelskloof Close, Simonsberg Close, Dwarsriver Close & The Circle and the allocation of street Numbers.

Adres / Address Church Street

Aansoek Datum / Application Date 06 February 2018

Aansoeker / Applicant I C @ Plan

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 25 Januarie 2019
 Please hand deliver the memorandum to me on or before : 25 January 2019

A. Hardouin
 For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

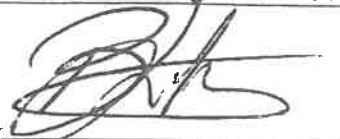
**ELETRICITY SERVICES: CONDITIONS OF APPROVAL
KY 445**

GENERAL COMMENT:

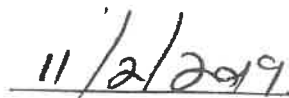
1. Development Bulk Levy Contributions are payable.
2. Please note that the Stellenbosch Municipality Electrical Department is the supply authority for the new development.

CONDITIONS

1. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
2. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.
 - a) The design of the electrical distribution system
 - b) The location of substations(s) and related equipment.
3. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.
4. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)
5. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
6. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
7. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.
8. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in Dwellings
 - Energy efficient lighting systems
 - Roof insulation with right R-value calculations.
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hot water with alternative energy saving sources
 - All hot water pipes to be clad with insulation with R-value of 1
 - *Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
9. All electrical wiring should be accordance with SANS 10142 and Municipal by-laws.



Signature



Date

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from_street and to_street where applicable

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

as well as the start and end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter

APPENDIX 12



I.C.@ PLAN

Date:
10.01.2019
Enquiries
Mr. Marshall Diergaardt
Tel: 053 830 5942

WAYLEAVE APPLICATION: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 445, KYLEMORE.

YOUR REF: LU/7355

OUR REF: 04606/18

Your application received 05 DEC 2018 refers.

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

1. **THIS IS NOT AN APPROVAL TO START CONSTRUCTION**
2. **Eskom services are affected by your proposed works however the following must be noted:.**
 - (i) Eskom has no objection to the proposed work and include the following drawing indicating Eskom 11kV/LV underground services in close proximity.
 - (ii) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
 - (iii) There may be LV overhead services / connections not indicated on this drawing.
 - (iv) The successful contractor must be notified to apply (**BY APPOINTMENT**) for the necessary agreement forms and additional cable information not indicated on included drawing from Eskom Customer Network Centres before construction commences at **KRAAIFONTEIN** Customer Network Centre, **KOBUS LAMPRECHT**, Tel: **083 390 4522**
 - (v) **Note: Included Eskom as built drawings and all documentation to be Submitted by contractor on application for a permit.**
 - (vi) Should it be necessary to move / relocate or support any existing services for possible future needs then it will be at the developer's cost and applicant can be made to Sabelo Potela on 084 745 8990.

Distribution Division – Western Region
Eskom Road, Brackenfell, 7560
P.O.Box 222, Brackenfell, 7561
Tel +27 86 003 7566 Fax +27 916 2867 www.eskom.co.za

3. Underground Services

The following conditions to be adhered to at all times.

- (i) Works will be carried out as indicated on plans.
- (ii) No mechanical plant to be used within 3,0m of Eskom underground cables.
- (iii) All services to be verified on site.
- (iv) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- (v) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates then all work is to be stopped and Esack Daware from the Land Development Office to be contacted on 021 980 3404 to arrange the capturing of such services.
- (vi) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- (vii) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- (viii) No manholes; catch- pits or any structure to be built on top of existing underground services.
- (ix) Only walk behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- (x) If underground services cannot be located then the CNC should be consulted before commencement of any work.

3. O.H. Line Services:

- (i)(a) No mechanical plant to be used within 3m of Eskom 11kV/LV Overhead Power lines.
- (b) Safety meeting to be held every morning before working in close proximity of power line.

4. NOTE

- (i) To enable Eskom to meet all the wayleave requests within a reasonable time, a minimum of 21 working days are required to process applications from date received.
- (ii) Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully



PP
MARSHALL DIERGAARDT
LAND DEVELOPMENT (BRACKENFELL)

APPENDIX 13

PLANNING AND BUILDING
DEVELOPMENT MANAGEMENT

CONVEYANCER'S CERTIFICATE

I/we,

GERHARD JOHANNES SMIT

(Conveyancer's name)

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town, regarding the following property(ies)
(including both current and earlier title deeds/pivot deed/deeds of transfer:

ERF 445 KYLEMORE
In the Stellenbosch Municipality
Division Stellenbosch
Province of the Western Cape

MEASURING: 1.7874 (ONE COMMA SEVEN EIGHT SEVEN FOUR) Hectares
(erf number/s and description/s as it appears in the title deed)

In respect of which it was found that there are no restrictive conditions preventing Subdivision of the Property and Development.

Holding Deed – T 63628/2003 / Pivot Deed – T 6013/1971 / Prior Deeds – T 11259/1999

(proposed use/development/zoning of the property)

(*delete whichever is not applicable)

LIST OF RESTRICTIVE CONDITIONS (if any)

Categories	Are there title deed restrictions (indicate below)		Title Deed and Clause Number if restrictive conditions are found (see Annexure A if more space is required)
Use of Land	Y	<input checked="" type="checkbox"/>	
Building Lines	Y	<input checked="" type="checkbox"/>	
Height	Y	<input checked="" type="checkbox"/>	
Number of dwellings	Y	<input checked="" type="checkbox"/>	
Bulk floor area	Y	<input checked="" type="checkbox"/>	
Coverage/built upon area	Y	<input checked="" type="checkbox"/>	
Subdivision	Y	<input checked="" type="checkbox"/>	
Servitudes that may be registered over or in favor of the property	Y	<input checked="" type="checkbox"/>	
Other restrictive conditions	Y	<input checked="" type="checkbox"/>	



PROCESS BY WHICH CONDITIONS WILL BE ADDRESSED (please tick appropriate box)

Application in terms of the City of Cape Town's Municipal Planning By-Law (application type 42(g) or (h))	Notarial Deed of Cancellation (Submit copy of signed agreement)	Expungement by means of 'rule nisi' application to the High Court (Submit copy of court order)	If other, please specify:
---	---	--	---------------------------

Signed at on this day of 20

Signature 

Kindly endorse certificate by affixing firm's Official stamp here and initialing it

Postal address

P.O. Box 880
SOMERSET MALL
7137
021 / 840-8000



Tel.

Email

Va der Spuy and
Partners
Tel: 419-3622
TR/

enged by me,
Conveyancer
DE-WAABESTERHUYSE
JB ROBERTSON

SEFLREG
DUTY R.....

FOOI
FEE R 340,00

VERBIND MORTGAGED	
VR FOR R 340 000,00	
B 000037717 / 2003	
10 JUL 2003	

Further end: Pg 6 .

T 000063620 / 2003

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

~~ANDRE GERHARD VAN DER SPUY~~

Conveyancer,

appeared before me, Registrar of Deeds at Cape Town, he/she being duly authorised thereto by a Power of Attorney executed at **MELKBOSCH STRAND** on the 28th day of **MAY 2003** by

THE TRUSTEES FOR THE TIME BEING OF HEESE FAMILIE TRUST
No. IT4308/1998

AND THE APPEARER THUS AUTHORISED DECLARED THAT:

WHEREAS his Principal aforesaid sold the hereinaftermentioned property to the hereinaftermentioned Transferee/s on **22 MAY 2003**

NOW THEREFORE the Appearer in his capacity as aforesaid do hereby cede and transfer in full and free property to and on behalf of:-

JEROME MARTIN PETERSEN
Identity Number: 710324 5235 08 5
and
TERRY-LYNN HAWTREY
Identity Number: 720729 0042 08 8
Married in community of property to each other

their Heirs, Executors, Administrators or Assigns;

**REMAINDER OF PORTION 86 (a portion of Portion 44) OF THE FARM
 RUST EN VREDE NO. 124
 in the Municipality and Division of Stellenbosch
 Western Cape Province**

IN EXTENT: 1,7874 (One comma Seven Eight Seven Four) hectares

FIRST TRANSFERRED by Deed of Transfer No. T6013/1971 with Diagram No. 5143/69 annexed thereto and

HELD by Deed of Transfer No T11259/1999.

- A. SUBJECT** to the conditions referred to in Deed of Transfer No T6013/1971.
- B. SUBJECT FURTHER** to the provisions of Section 4 of Sir John Cradock's Proclamation dated the 6th August, 1813, reserving in favour of the State of Rights to Mines of Gold, Silver and Precious Stones as also the right to make and repair public roads and to remove materials for that purpose, the original Grant being Stellenbosch Qutrents Volume 8 No. 53.
- C. ENTITLED** to the benefit of the servitude referred to in the endorsement dated the 21st February, 1929 on Deed of Transfer No. T4622/1928 dated the 16th

May, 1928, which endorsement reads as follows:-

"By Deed of Transfer No. T1578 dated 21 February 1929 the road 15ft. Wide along the boundary c - d on Diagram thereto annexed is made common to the remainder of the property held under paragraph 5 of Transfer No. T4622/1928 as will more fully appear on reference to the copy filed with the said Transfer (No. T1578/1929)".

D. SUBJECT FURTHER to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope when approving this subdivision in terms of Section 9 of ordinance No. 33 of 1934, as substituted by Section 4 of Ordinance No. 19 of 1959, and in terms of Section 196 of Ordinance No. 15 of 1952, as amended, as will more fully appear from No. T6013/1971, namely:-

(a) The owner of this erf shall without compensation be obliged to allow electricity cables, and/or wires and main and/or other water pipes and the sewage and drainage, including stormwater of any other erf or even to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

(b) The owner of this erf shall be obliged, without compensation to receive such materials or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

E. SUBJECT FURTHER to the following condition imposed by the ADMINISTRATOR OF THE PROVINCE OF THE CAPE OF GOOD HOPE

4

when approving of the subdivision of Portion 86 of Portion 44 of Rust en Vrede No. 124, in terms of section of Ordinance No. 33 of 1934, as will more fully appear from Deed of Transfer No. T57454/1988, namely:-

"The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or even to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above."

9

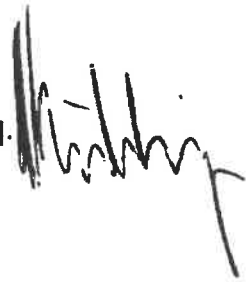
WHEREFORE the Appearer, renouncing all the right and title the said Transferor(s)

heretofore had to the premises, did, in consequence also acknowledge him/her/them to be entirely dispossessed of and disentitled to the same; and that, by virtue of these presents, the said Transferee(s)

their Heirs, Executors, Administrators or Assigns, now is/are and henceforth shall be entitled thereto, conformably to local custom. The State, however, reserving its rights, and finally acknowledging the Purchase Price of **R350 000-00 (THREE HUNDRED AND FIFTY THOUSAND RAND)** being paid in full or duly secured.

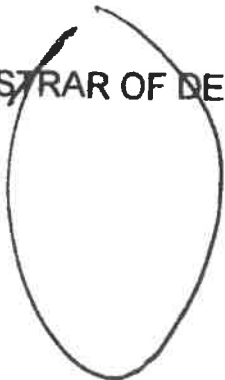
IN WITNESS WHEREOF I, the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, at Cape Town on this 10th day of July 2003.

q.q. 

In my presence

REGISTRAR OF DEEDS



9

VA 10 00102 1

Certifies a true copy of the original
 Gesertifiseer 'n ware afskrif van die oorspronklike
 record in this Register to serve in
 oorspronklike in bewaring gemaak hierdie Regi-
 place of the original thereof under the provisions
 strasiekantoor uitgereik om te dien te plek van
 of Deeds Registries Regulation No. 18 of 1981
 die oorspronklike daarvan onder die bepalings van
 the Regulations under the Deeds Registries Act No. 47 of 1981
 Deeds Registry (Reg. strasiekantoor)
 22 AUG 2005
 22 AUG 2005

T63628/2003


BETAAL
 2005 07 14
PAID

Z. SACTE

VERBIND	MORTGAGED
VIR FOR R 450 000,00	
B 000088676 / 2005	
	REGISTRATEUR/REGISTRAR

VERBIND	MORTGAGED
VIR FOR R 600 000,00	
B 000059111 / 2006	
20 JUN 2006	REGISTRATEUR/REGISTRAR

7

VERIFIED		MORTGAGED	
FOR		R 200,000.00	
000132103 / 2006			
18 DEC 06			



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LAND USE PLANNING REPORT TO:

THE AUTHORISED EMPLOYEE

THE MUNICIPAL PLANNING TRIBUNAL

X

APPLICATION FOR THE CONSENT USE: FARM 571/6, STELLENBOSCH DIVISION.

Reference number	LU/5680	Application submission date	06 June 2017	Date report finalized	Feb 2020
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WARD COUNCILLOR	Cllr Ansaaf Crombie	Ward	20
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PART A: AUTHOR DETAILS

First name(s) and Surname	Pedro April		
Job title	Senior Town Planner		
SACPLAN registration number			
Directorate	Planning & Economic Development		
Contact details	021 808 8683		

PART B: APPLICANT DETAILS

First name(s) and Surname	James Marais		
SACPLAN registration number			
Company name	Jan Hanekom Partnership	Is the applicant authorized to submit this application?	Y N
Registered owner(s)	Ernie Else Vineyards (Pty) Ltd		

PART C: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Portion 6 of Farm No. 571, in the Division of Stellenbosch (see APPENDIX 1)		
Physical address	Stellenbosch Farms, Annandale Road (see APPENDIX 1)	Town/City	Stellenbosch



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Current zoning	Agricultural Zone I, Agricultural Zone II with consent use for a tourist facility	Extent (m ² /ha)	72,1275ha	Are there existing buildings on the property?	Y	N
Applicable Zoning Scheme	Initially approved in terms of the Zoning Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). Allocated zoning now needs to be converted to the zoning categories in terms of the Stellenbosch Zoning Scheme By-law.					
Current Land Use	Agriculture and tourist related facilities			Title Deed number & date	T51 148/2004	
Any restrictive title conditions applicable?	Y	<u>N</u>	If Yes, list condition number(s)	N/A		
Any third party conditions applicable?	Y	<u>N</u>	If Yes, specify	n/a		
Any unauthorised land use/building work?	Y	<u>N</u>	If Yes, explain	n/a		
Heritage compliant?	<u>Y</u>	N	If No, explain	n/a		
NEMA compliant?	<u>Y</u>	N	If No, explain	n/a		
PART D: APPLICATION DESCRIPTION						
Application is made in terms of Section 15(2)(0) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for a consent use for a tourist facility (Restaurant of ±702m ²) and to extend the existing wine tasting and sales facility from 100m ² to ±500m ² on Farm no 571/6, Stellenbosch Division.						
PART E: SUMMARY OF APPLICANTS MOTIVATION						
In the past a section of the property was rezoned to Agricultural Zone II to allow for the maturation cellar and consent use was obtained for wine tasting facility and sales. The owners now wish to make alterations and additions to the existing cellar and wine tasting facility and to establish a restaurant on the property. Additions to the property will only affect the tasting facilities, offices, cellars and proprietor's apartment. It is proposed that the packing rooms inside of the existing building be converted into a restaurant. The proposed restaurant will have approximately 21 tables and will consist out of the restaurant, kitchen, storage and cleaning facilities, pantry and chef's office.						



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PART F: SUMMARY OF PUBLIC PARTICIPATION							
Methods of advertising				Date published	Closing date for objections		
Press	Y	N	N/A	N/A	N/A		
Notices	<u>Y</u>	N	N/A	05 September 2017	05 October 2017		
Ward councillor	<u>Y</u>	N	N/A	05 September 2017	05 November 2017		
On-site display	<u>Y</u>	N	N/A	05 September 2017	05 October 2017		
Community organisation(s)	<u>Y</u>	N	N/A	05 September 2017	05 October 2017		
Oth- er	<u>Y</u>	N	If yes, specify	Stellenbosch Interest Group & Stellenbosch Rate Payers Association			
Was public participation undertaken in accordance with sections 44-49 of the Stellenbosch Land Use Planning By-law, October 2015						<u>Y</u>	N
PART G: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)							
<p>Three objections were received from the Stellenbosch Interest Group, Stellenbosch Ratepayers Association and Niel Du Toit on behalf of the Danmarel Pty Ltd (Owner of Farm No. 1430, Stellenbosch).</p> <p>See Appendix 6 for copies of the objections received and Appendix 7 for the comments on the objections from the applicant.</p>							
NO.	ISSUES RAISED			APPLICANT'S RESPONSE	DEPARTMENTAL REPOSE		
1	Access is over a reasonably small tar road over Farm No. 1430 and the activities departures planned will definitely have an increase in traffic.			No comment	It's an existing road which serves other tourist related activities on the same road. Servitude access agreements and maintenance of the road service needs to be discussed and agree upon between the private owners who have legal rights to the use of the road. Its therefore possible that the existing servitude		



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			area could be increased to the satisfaction of all owners, but nothing prohibit the use of the existing road.
1	The traffic that some cars generate on the servitude is high and we would like to know what the applicant is going to do to bring the speed down to the agreed 40km/h.	No comment.	The objector does not necessarily objection to the use of the road, but request that measures be put in place to increase safety on the road. The could be regulated by conditions of approval, should the decision maker consider the application favourable.
1	The last part of the 305,35m of the servitude is partially (3m wide) over Farm No. 1430, while no such servitude exist and the owner just wants to know whether the applicant is going to move the alignment of the road to the correct alignment.	No comment	Once again no objection has been raised over the use of the servitude road, just that the alignment needs to be altered to the approved servitude alignment.
1	The Stellenbosch Ratepayers Association (SRA) recognises the need to promote Tourism related development, but the location and extent of the proposed additional parking area of 80 vehicles is of concern. Onsite parking for 30 vehicles are already provided, the question arises as to whether 80 parking bays will not result in an an over-provision of parking. Further consideration should be given to the extent and location of the new parking area to reduce the loss of existing trees and thereby also reduce any negative impact on the	See comments below.	After correspondence between the applicant and the owners, SRA accepted a revised proposal of 58 parking bays to be provided in two phases of 38 bays and as a second phase 20 bays if the need arise. A site inspection



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	environment.		revealed that construction with the provision of parking bays behind the building has been completed and that the visual impact of the parking bay is partially mitigated by low walls surrounding the parking area, existing mature trees and surrounding vineyards.
1	<p>The existing application is not supported and need to be scale down in order to reduce the impact on the environment. Especially with regards to the provision of extensive parking and the increase in vehicles on the small rural road.</p> <p>The proposed parking area is also higher than the proposed buildings and is currently densely vegetated and trees needs to be removed to make provision for parking. This will subsequent make the development visually intrusive if these trees are removed to make provision for parking.</p> <p>The proposed big development and the increase in traffic will lead to the degrading of the unique character of the landscape.</p>	<p>It should be noted that the Stellenbosch Interest Group also raised their concerns in 2001 to the proposed building and the record illustrated that the Ernie Else Building is likely the noteworthy example amongst all buildings in the Webersburg Valley. This mentioned particularly with reference to the manner in which its impact is mitigated by subtle design in lieu of extravagant architectural design.</p> <p>The proposed extension will not alter the front elevation of the building and will have no effect on its visual impact. The proposed parking is designed to be constructed behind the existing building and existing tree line. Every</p>	<p>The parking area remains in the same position, but as previously mentioned are mitigation measures in place to reduce the visual impact of the proposed parking bays. The location of the behind the existing building and trees although a little higher up, is from the site inspection perceived to be the best location in order to reduce the visual impact on the surrounding area.</p> <p>The efforts of the applicant to reduce the parking bays have also been supported by the objector in a follow-up letter although the objection was not</p>



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		effort and expense will go towards preventing visual impact by retaining all possible natural aspects and the implementation of additional landscaping between and around the vehicles. (See APPENDIX 7 for photo illustrations of the actual visual impact of the buildings and parking as explained by the applicant in response on the objections)	withdrawn.
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PART H: SUMMARY OF COMMENTS FROM INTERNAL AND/OR ORGANS OF STATE AND/OR COMMUNITY ORGANISATIONS AND/OR WARD COUNCILLOR

NAME OF DEPARTMENT	DATE	SUMMARY OF COMMENTS	RECOMMENDATION		
			<u>Positive</u>	Negative	No Comment
Cape Wine lands Health department	09/11/2017	No objection, on condition that the premises at all times comply with Regulations 962; The general hygiene regulations for a food premises and the transport of food.	<u>Positive</u>	Negative	No Comment
Provincial Department of Agriculture	23/01/2018	Has no objection against the application.	<u>Positive</u>	Negative	No Comment
Engineering Services	17/07/2018	Recommended for approval, subject to certain conditions. See Appendix 8.	<u>Positive</u>	Negative	No Comment
Department of Transport and Public Works	14/06/2018	No objection. See Appendix 9.	<u>Positive</u>	Negative	No Comment
Spatial	No Comment	No Comment	Positive	Negative	No Comment



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Planning, Heritage & environment					
Department of Water and Sanitation	19/09/2017	No objection was raised subject to certain conditions. See Appendix 10.	Positive	Negative	No Comment

PART I: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Back ground (Application history)

All buildings to be used exists and approved buildings for agricultural purposes. The application is for the extension of existing rights (wine tasting and sales) and the establishment of new tourist right (restaurant) in these existing buildings.

The initial application for a tourist facility was approved on 2004 for $\pm 100\text{m}^2$ wine tasting and sales facility as part of the Agricultural Zone II maturation cellar. The size of the wine tasting facility was unfortunately limited in terms of the actual approval for the land use and not imposed as a condition of approval. In order to increase the size of the wine tasting and sales facility, a new application needs to be considering in order enabling the increase in size of the facility, hence the application for a new consent use application and not an amendment of a condition.

Application is therefore simultaneously made for a new consent use for a tourist facility in order to establish a new restaurant and to extend the existing 100m^2 wine tasting and sales facility.

(In) consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

(In)consistency with guidelines prepared by the Provincial Minister

The above-mentioned guidelines and policies are generally in support of tourist related activities and buildings as an additional source of income within the rural area. The location, extent and impact needs to be assessed by the local decision making authorities in consideration of all applicable legislation.

The Stellenbosch Municipal SDF further promotes tourism that reinforces the municipality's sense of place and attractions should be developed that remain appropriate to the regions well established themes. Wine tasting and restaurant represents such attractions for tourist and is not foreign to the subject region.



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Outcomes of investigations/applications i.f.o other laws

No other set of laws has been triggered by this application, but should the extent of the facility change to such a nature that it need other approvals in terms of other legislation, the owners are not exempt from submitting such application.

Existing and proposed zoning comparisons and considerations

Provision is made in the applicable regulations to apply for the subject secondary use, under the parameters of the primary agricultural zoning of the property. Hence the application for evaluation and a decision.

The need and desirability of the proposal

The form, quality, location and appearance of the proposed development are promoted by the SDF principles in order to preserve the beauty and sense of place that is valued by the people of Stellenbosch and visitors from around the world. The facility could be become another world renowned tourist attraction, which is not prohibited by the municipal SDF principles.

As mentioned the proposal only entails the extension of the existing wine tasting and sales facility and new parking area.

Conveyances Certificate:

The applicant submitted a conveyances certificate confirming that the proposed applications are not prohibited by the title deed conditions, although conditions are listed relating to the use rights over servitude roads (See **Appendix 3**).

Access and onsite parking:

Access is currently obtained from the Annandale Road over servitude road. No new accesses are proposed and the existing and proposed parking is deemed sufficient for the proposed wine tasting facility extensions and new restaurant. The parking and accesses arrangements was regarded as sufficient from the engineering report and the comments from the Provincial roads authority.

The proposed development will have a very low traffic impact, considering that these land uses exist on the property, although an increase in the amount of traffic is envisaged.

Onsite building work:

The onsite buildings comply with the parameters for the use applied for. The proposals will be accommodated within existing and proposed agricultural buildings currently under construction.

Services:

All existing services will be used or upgraded to the satisfaction on the Municipal Engineering Department to provide in the need of the proposal. It will be the responsibility of the owners to obtain the approval or comply with any other law or regulation from external departments. Development



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Charges calculated by the engineering department, if applicable, will be payable in this regard.

Desirability of the application:

The proposed access to the property and widths required to provide adequate and safe access to the property is in place or could be private agreements between all owners. The existing road could however be used for the proposed uses and any alterations to it will be a private arrangement between all affected owners. The engineering departments therefore recommended the application for approval, subject to certain conditions.

The proposed consent use adequately provide for the current land uses and the extension therefor. The tourist related land uses are also accommodated within the Municipal Spatial Development Framework principles. The aesthetic appearance of the extensions will complement existing buildings on the property, and will therefore not alter the aesthetic appearance of the property from the Winery Road.

The actual build form on the property on the subject portion will consists of agricultural industry buildings, store rooms, restaurant inside and outside seating arrangements, wine-tasting venues and ancillary building structures. All the activities and buildings will however be clustered and would therefore not have an adverse impact on the existing aesthetic appearance of the property and buildings, considering that the existing buildings has already been built on a higher slope of the property. How to mitigate the visual impact of the propose structures and parking area will therefore be the challenge to the owner. In the applicant's response in **Appendix 7** on the objections, they illustrated the actual visual impact of the structures and parking areas from surrounding roads and properties. The impact on surrounding neighbours has been and could be mitigated through sufficient landscaping proposals if needed.

The wine industry and related tourism facilities as proposed contributed millions to the annual GDP and supported the local employment opportunities. Household incomes are being generated by the wine industry of which millions was earned by lower-income groups over years. A significantly large portion of this money is spent in the Western Cape region and Stellenbosch specifically where it was earned. By combining the annual expenditure of farmers on production inputs and household incomes earned through the wine and wine tourism industry it is easy to see that this industry forms the backbone of the economy of many districts in the Western Cape and specifically Stellenbosch. Hence the importance of the wine industry to the people and the economy of the Western Cape and specifically Stellenbosch cannot be denied. The proposed agri-tourism facility will therefore contribute to the economic base of the region and these factors should be considered when evaluating the desirability of the proposed used in the context of its impact on the region's economy.

The location and siting of the proposal is not under consideration, considering that only existing buildings will be altered and extended. The site photos in **Appendix 11**, clearly illustrate that buildings in the immediate surroundings has also been sited on prominent hills, which will make it very difficult for the existing and proposed structures to un noticed from these immediate surrounding properties. It however clearly illustrated that measures has been put in place to mitigate the visual intrusiveness of the proposal on the surrounding properties. These uses of the buildings for restaurant and wine tasting



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facilities has therefore not been objected to, but only its impact on traffic and views from surrounding properties. Which this department is of the view, has been sufficiently addressed in the proposal.

The proposal is consistent with the planning principles of Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good administration; is deemed to be desirable on its proposed location and can be recommended for approval from a land use management perspective.

PART J: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

This section is not applicable to the application. There are no restrictive title deed conditions applicable to this property that may prohibit the applications at hand and the use of the existing servitude roads. Agreements must just be concluded between all owners who have legal use rights over these servitudes relating to its maintenance and alignment.

PART K: SUMMARY OF EVALUATION

The consent use applied for and resultant land use does not lack desirability as the resultant land use will be of a nature that would not impact negatively on the character of the area and that the applicable zoning scheme regulations makes provision for such secondary uses on farms.

The proposal is in keeping with the relevant prescriptions, policies and guidelines of the municipality and provincial department. All services could be provided and upgraded to the satisfaction of the relevant departments if needed. The proposed extensions of an existing wine tasting and sales facility and establishment of a new restaurant will have minimal impact on the surrounding interested and affected parties and properties.

The application is therefore deemed desirable, and the impact on surrounding interested and affected parties could be mitigated by imposing and complying with conditions of approval.

PART L: RECOMMENDATION

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by PN 354/2015, dated 20 October 2015, for consent use for a tourist facility (Restaurant) and to extend the existing wine tasting and sales facility on Farm no 571/6, Stellenbosch Division.
2. That the approvals granted is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law;
 - 2.1 The approval applies only to the applications for consent use in question for a tourist facility (Restaurant of $\pm 702\text{m}^2$) and to extend the existing wine tasting and sales facility from 100m^2 to $\pm 500\text{m}^2$ on Farm no 571/6, Stellenbosch Division, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;



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- 2.2 The following municipality engineering services conditions be adhere to;
- 2.2.1 It is the owner's responsibility to ensure that potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.
 - 2.2.2 No buildings plans will be approved if a formal engineering drawing, indicating the sewer reticulation layout including positioning of treatment facilities and outlet of treated water is not submitted simultaneously with the building plan.
 - 2.2.3 Proof is provided of approval from the Department of Water and Sanitation for disposal of treated effluent by irrigation/discharge of treated effluent into a water course.
 - 2.2.4 A maintenance agreement must be entered into between the owner and the Clarus Fusion waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department.
 - 2.2.5 Details of additional conservancy tanks must be provided and it should be noted that only Stellenbosch Municipality is allowed to empty conservancy tanks.
 - 2.2.6 A services contract has to be entered into with the Stellenbosch Municipality to service the conservancy tanks on a regular basis.
 - 2.2.7 Wastewater and sewage may not pollute any groundwater, storm water or surface water.
 - 2.2.8 No new septic tanks and soak-aways are permitted to be built and the use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.
 - 2.2.9 Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirement of section 26 of the National Environment Management Waste Act 2008 (Act 59 of 2008).
 - 2.2.10 Sufficient parking must be provided and indicated on the site plan at the building plan submission stage.
 - 2.2.11 Development contributions will be payable and calculate in terms of the municipal Development Contribution policy for the applicable financial years tariffs.
 - 2.2.12 Development Contribution are payable prior to the erf or portion thereof being put to the approved use or building plan approval whichever comes first.
- 2.3 All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
- 2.4 Building plans for all alterations and extensions be submitted to this municipality for approval;
- 2.5 Any proposed extension, maintenance and traffic calming measure on the servitude access road be discussed and agree with the owners over which properties these servitudes is aligned as per the title deed conditions.
- 2.6 Application is made for a certificate of acceptability from the Cape Winelands District



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Municipalities Health Department for all food preparation premises, if not already obtained.

- 2.7 The existing and proposed buildings must at all times comply with SANS 10400 - Part S "Facilities for disable persons" and to the satisfaction of the municipal building management department.
- 2.8 All electrical requirements should be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply.
- 2.9 All proposed landscaping be implemented and should additional landscaping be required in future to soften the visual impact of the proposed structures from the surrounding properties and roads, it must be implemented at the cost of the owners.

PART M: REASONS FOR RECOMMENDATION

- The proposed land use is in conformance with the principles of the Stellenbosch Municipal Spatial Development Framework in relation to agri-tourism activities.
- The intended facilities and its location on the property will be of a nature that should not be detrimental to the immediate and surrounding areas, if all conditions of approval are complied with.
- No significant heritage and environmental impacts are envisaged by the development.
- Existing access point and access road to the property will be use.
- All parking to be provided will be onsite.
- Existing services will be used, upgraded or newly built to the satisfaction of the engineering department for the development.
- There are no restrictive title deed conditions registered against the title deed that prohibit the proposed development of the property.
- The proposed land uses are low intensity tourist activities which would not impact negatively on the property and area.

PART N: APPENDICES

- APPENDIX 1: Locality map
 APPENDIX 2: Site Development Plan
 APPENDIX 3: Copy of Title Deed and Conveyances Certificate
 APPENDIX 4: Applicant's motivation
 APPENDIX 5: Affidavit & POE
 APPENDIX 6: Objection received
 APPENDIX 7: Applicant's response on objections
 APPENDIX 8: Comments from the Municipal Engineering Services
 APPENDIX 9: Comments from the Department of Transport and Public Works
 APPENDIX 10: Comments from the Department of Water and Sanitation



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APPENDIX 11: Site inspection photos

PART O: SIGNATURES

REPORT COMPILED BY:

P. APRIL
SENIOR TOWN PLANNER

14/02/2020
DATE

ASSESSED AND RECOMMENDED BY:

S. CARSTENS
SENIOR MANAGER: DEVELOPMENT MANAGEMENT

14/2/2020.
DATE

PART P: MUNICIPAL PLANNING TRIBUNAL'S DECISION IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, OCTOBER 2015:

APPROVE

APPROVE IN PART

REFUSE

Tick the appropriate box:

SIGNATURE: _____
CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL

DATE: _____

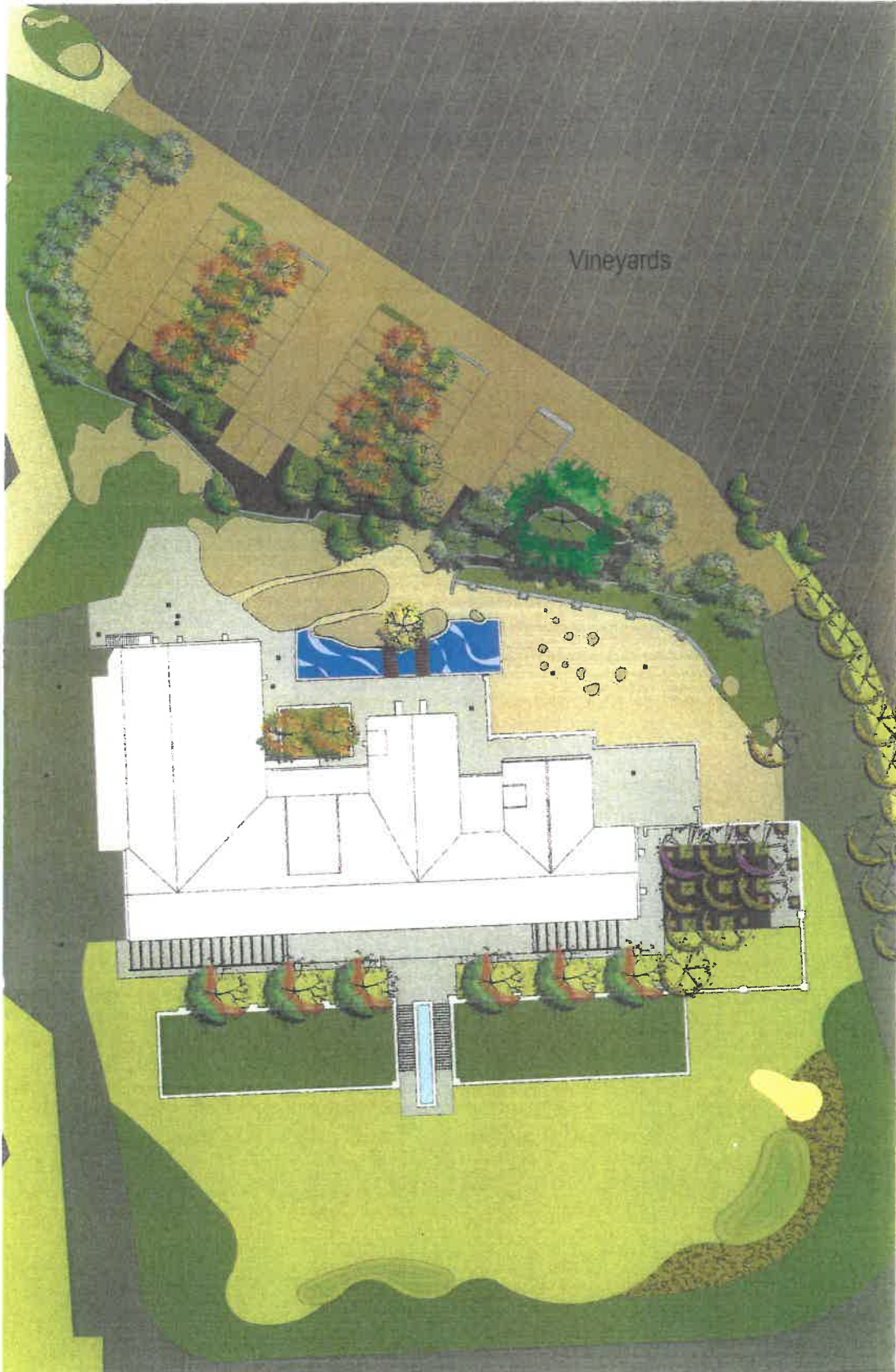
ADDITIONAL COMMENTS IF ANY:

APPENDIX 1

Locality map





APPENDIX 2

Site Development Plan



Soft Landscape Legend

Indicative New Tree Species

-  *Combretum erythrophyllum*
River Bushwillow
-  *Syzygium guineense*
Woodland waterberry
-  *Harpephyllum caffrum*
Wild Plum
-  *Senegalia galpinii*
Monke-thorn

Existing Tree Positions

-  *Pinus pinea*
Stone Pine
-  *Quercus nigra*
Water Oak
-  *Populus simonii*
Chinese Poplar
-  *Quercus palustris*
Pin Oaks
-  *Vachellia xanthophloea*
Fever Tree

Indicative Under Tree Planting

- Agapanthus spp*
- Coleonema spp*
- Diosperma spp*
- Dierama spp*
- Pelargonium cucullatum*
- Strelitzia reginae*
- Chondropetalum tectorum*
- Agathosma spp*
- Metastasia muricata*
- Portulacaria afra*
- Eriosephalus africanus*

-  Mixed indigenous planting (Fynbos)
-  Lawn
-  Indigenous veld grass mix

Hard Landscape Legend

-  Gravel
-  Parking area
-  Walkway

NOTES:

- THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF Keith Kirsten Horticulture International.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE N.S.R. SABS 0400 AND LOCAL AUTHORITY REGULATIONS.
- ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND.
- ANY DISCREPANCIES ARE TO BE REPORTED TO Raymond E. Hudson IMMEDIATELY.
- THE DRAWING MAY NOT BE SCALED.

APPENDIX 3

Copy of Title Deed and Conveyances Certificate

136 VAN NIEKERK GROENEWOU
& VAN ZYL

Opgestel deur my

[Handwritten Signature]

AKTEBESORGER
VAN ZYL HL
PH WEHMEYER

REG-REG- DUTY	R.
FOOI FEE	R. 500,00

FOR INFORMATION ONLY

OPC/WAEMSETERED	BATHWAT	OPER/LEUROPERATOR
REGSTAARWENSHID	<i>[Handwritten]</i>	<i>[Handwritten]</i>

Vir verdere endosementie sien
 For further endosementie see:

[Handwritten]

AKTE VAN TRANSPORT

T 000051148 / 2004

VAN NIEKERK GROENEWOU & VAN ZYL
 201 TYGER FORUM B
 53 WILLIE VAN SCHOOR
 BELLVILLE
 POSBUS 3888 TYGER VALLEI 7536
 (021) 915-4900

HIERMEE WORD BEKEND GEMAAK

PIETER JAN GROENEWOU

DAT
 voor my REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, die genoemde
 komparant, synde (behoorlik daartoe gemagtig deur 'n Volmag aan hom/haar
 verleen deur:

LOUWFUT 1081 BELEGGINGS (EIENDOMS) BEPERK
 Registrasie Nr. 1995/005258/07

gedateer die 16de April 2004 en geteken te BELLVILLE

VERBOD

[Handwritten]

[Handwritten]

- II -

DIE NAAM VAN DIE	THE NAME OF THE
<i>Tinemer</i>	
IS VERANDER NA	HAS BEEN CHANGED TO
<i>Engelbrecht Els Vineyards (Proprietary) Limited</i>	
BC	<i>000028165 / 2005</i>
28 APR 2005	REGISTRATEUR/REGISTRAR

2003/023227/07

VERBIND	MORTGAGED
VIR FOR R	<i>34 000 000,00</i>
B	<i>000047044 / 2005</i>
	REGISTRATEUR/REGISTRAR

28 APR 2005

VR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

2

VERBIND	MORTGAGED
VIR FOR R	<i>12 000 000,00</i>
B	<i>071622 / 07</i>
2007-07-30	REGISTRATEUR/REGISTRAR

BC	<i>000026134 / 2012</i>
GEKANSELLEER CANCELLED	
REGISTRATEUR/REGISTRAR	
20 JUN 2012	

Bladsy 2

EN die genoemde Komparant het verklaar dat LOUWET 1081 BELEGGINGS (EIENDOMS) BEPERK die ondergemelde eiendom op 3 April 2004 waarlik en wettiglik per PRIVAAT OOREENKOMS verkoop het en dat hy/sy in sy/haar voormelde hoedanigheid hierby sedeer en transporteer aan en ten gunste van:

WILD BREAK 273 (EIENDOMS) BEPERK
 Registrasie Nr. 2003/023227/07

die se opvolgers in titel of regverkrygendes, in volkome en vrye eiendom,

GEDEELTE 6 VAN DIE PLAAS GROENE RIVIER NR 571
 IN DIE STELLENBOSCH MUNISIPALITEIT
 IN DIE AFDELING STELLENBOSCH
 PROVINSIE WES-KAAP

GROOT: 72,1275 (TWEË EN SEWENTIG KOMMA EEN TWEE SEWE VYF) Hektaar

EERSTE GETRANSPORTEER en steeds gehou kragtens TRANSPORTAKTE Nr T 26765/1996 met aangehegte Kaart Nr LG 11340/1995 wat daarop betrekking het.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in transportakte Nr. T10595/91.
- B. NIE ONDERHEWIG, kragtens die bepalinge van Notariële Akte van Kansellasië Nr. K1201/93S gedateer 20 September 1993, aan die volgende voorwaarde vervat in Transportakte Nr. T4119/1919, naamlik:

"The Seller reserves to himself and his successors in title of the remainder of the farm Groene Rivier held under Transfer No 2921 dates 19th May 1909:-

- (a) the full right to so much of the water arising on the aforementioned property being the portion of the farm Groene Rivier, A transferred with other property to W S Gouws on the 28th November 1905 hereby transferred and held by the Seller under Deed of Transfer No 2921 dated 19th May 1909 as will ensure him and his aforesaid by means of pipes to be laid a continuous full flow at the dwelling house of one inch of water as also the right to construct the necessary intake dam to lay the necessary pipes and the right of access to and egress from the said dam and pipeline for the purposes of repairing and maintaining same."

12

For Information Only

DIE NAAM VAN DIE	THE NAME OF THE
TRANSFEREE	
IS VERANDER NA. HAS BEEN CHANGED TO	
ERNIE ELS VINEYARDS (PTY) LTD.	
BC 00052031 / 2031	
2014 -10- 28	REGISTRAR

Bladsy 3

- C. **ONDERHEWIG** verder aan die volgende voorwaarde vervat in Transportakte Nr. T6490/1917, naamlik:

"That the Appearer's Constituent and his successors in title as owner of the Remainder of the property described in Transfer No 213 dated 23rd February 1889 shall be intitled to a road along the Western boundary of the said Lot E hereby transferred such road to be 21 feet in width."

- D. **GEREGTIG**, in gelyke dele met die Transportgewer en sy opvolgers in titel synde die eienaars van die Restant van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, groot 51,0555 Hektaar, gehou kragtens Transportakte Nr. T98507/93, soos ooreengekom is in die koopkontrak van hierdie eiendom gedateer 29 Februarie 1996, op die bestaande ondergrondse waterpyplyn en serwituurpad, 6 (SES) meter wyd, die suidwestelike grens waarvan voorgestel word deur die lyn a b J H G op Kaart L.G. No. 12106/92 aangeheg by Sertifikaat van Geregistreerde Titel Nr. T73609/93 oor Gedeelte 2 (Overgroen) van die Plaas Groene Rivier Nr. 571 in die Afdeling Stellenbosch, Groot 88,8732 Hektaar, gehou kragtens Transportakte Nr. T73612/93, welke serwituur onderhewig sal wees aan die volgende terme en voorwaardes soos vervat in Transportakte Nr. T73610/1993:

1. Die Waterpyplyn sal altyd ondergronds wees:
2. Die Transportgewer sal geregtig wees om die waterpyplyn en serwituurpad te inspekteer, te herstel of te vervang, indien nodig, en sal saam met die ander reghebbendes en hul opvolgers in titel verplig wees om by te dra tot die onderhoud en bekamping van gronderosie in verhouding met gebruikmaking daarvan.
3. Die Transportnemer sal geregtig wees om ook van gemelde serwituurpad gebruik te maak, maar die waterpyplyn sal as drinkwaterpyplyn slegs deur die Transportgewer gebruik word.
4. Die Transportnemer sal nie geregtig wees om die water op die eiendom wat hiermee getransporeer word, aan ander persone en/of instansies te verkoop, te skenk, te leen en/of te verskaf of die water te besoedel sonder die skriftelike toestemming van die Transportgewer nie. Die Transportnemer sal egter geregtig wees om soveel water as wat hy op die eiendom wat hiermee getransporeer word, benodig, te gebruik.
5. Die Transportgewer sal geregtig wees om die eiendom wat hiermee getransporeer word, gedurende besigheidsure te betree ten einde na die aard, omvang en toestand van die drinkwaterfontein en die water wat daaruit voortvloei asoek

d

Bladsy 4

die pad en waterleidingspype om te sien en dit te inspekteer."

E. **ONDERHEWIG**, kragtens Transportaktes Nr. T73610/93, aan 'n serwituutpad, 3 (drie) meter wyd, ten gunste van:

1. GEDEELTE 1 van die Plaas GROENE RIVIER Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, groot 80,3468 (TAGTIG KOMMA DRIE VIER SES AGT) Hektaar, Gehou kragtens Transportakte Nr. 73610/93,
2. GEDEELTE 2 (Overgroen) van die Plaas GROENE RIVIER Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 88,8732 (AGT EN TAGTIG KOMMA AGT SEWE DRIE TWEE) Hektaar, Gehou kragtens Transportakte Nr. 73612/93,
3. Die Plaas DRIE WAGTE Nr. 1325, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 23,1712 (DRIE EN TWINTIG KOMMA EEN SEWE EEN TWEE) Hektaar, Gehou kragtens Transportakte Nr. 73613/93, die suidwestelike grens waarvan deur die lyn A P op Kaart L.G. Nr. T340/95 hierby aangeheg voorgestel word. Die gemelde serwituutpad sal gesamentlik deur die reghebbendes en hul opvolgers in titel in stand gehou word in verhouding met gebruikmaking daarvan.

F. **GEREGTIG**, in gelyke dele met die Transportgewere en sy opvolgers in titel synde die eienaars van die Restant van die Plaas Groene-Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 51,0555 Hektaar, gehou kragtens Transportakte Nr. T98507/93, soos ooreengekom is in die koopkontrak van hierdie eiendom gedateer 29 Februarie 1996, op die volgende serwitute soos vervat in Transportakte Nr. T73613/93:

1. 'n waterpyplyn en serwituut reg-van-weg, 6 (ses meter wyd) oor die Plaas DRIE WAGTE Nr. 1325, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 23,1712 Hektaar, Gehou kragtens Transportakte Nr. T73613/93, welke serwituut onderhewig sal wees aan die volgende terme en voorwaardes:
 - 1.1 Die roete van die waterpyplyn kan by ooreenkoms tussen die partye bepaal word en kan gewysig word indien permanente geboue deur die eienaar op Gedeelte 2 (Overgroen) van die Plaas GROENE RIVIER Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 88,8732 (AGT EN TAGTIG KOMMA AGT SEWE DRIE TWEE) Hektaar, opgerig word en sodanige oprigting of verskuiwing van die waterpyplyn sal vir die rekening van die persoon wat sodanige verskuiwing verlang, wees.

Bladsy 5

- 1.2 Die Transportgewer sal geregtig wees om die waterpylyn en serwituutpad te gebruik, te inspekteer, te herstel of te vervang, indien nodig, en sal saam met die ander reghebbendes en hul opvolgers in titel verplig wees om by te dra tot die onderhoud en bekamping van gronderosie in verhouding met gebruikmaking daarvan.
2. die reg op toevoer, opvangs en verskaffing van water wat met die ondergrondse waterpylyn vervoer word oor Die Plaas DRIE WAGTE Nr. 1325, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 23,1712 Hektaar, Gehep kragtens Transportakte Nr. T73613/93, welke serwituut onderhewig sal wees aan die volgende terme en voorwaardes:
- 2.1 Die serwituutgebied sal nie groter as 1 (een) Hektaar wees nie en sal insluit 'n gronddammetjie noord van die drinkwaterfontein (fontein) op die eiendom wat hiermee getranspoteer staan te word tot nie meer as 100 (EEN HONDERD) meter suid en 50 (VYFTIG) meter in breedte vanaf gemelde drinkwaterfontein nie.
- 2.2 Die Transportnemer sal toesien dat geen steurnis in en op die grond tot die opvanggebied van gemelde drinkwaterfontein plaasvind nie.
- 2.3 Indien sodanige steurnis, van welke aard ookal, wel in gemelde opvanggebied plaasvind, sal die partye onderling ooreenkom waar en hoe die gebied rondom die drinkwaterfontein deur die Transportgewer omhein kan word.
- 2.4 Indien die partye nie tot sodanige ooreenkoms rakende die omheining kan kom nie, sal die Transportgewer geregtig wees om 'n gebied binne die serwituutgrense soos hierbo beskryf, op sy koste te laat omhein met doringdraad wat die hoër as 1,50 meter sal wees nie op voorwaarde dat sodanige gebied suidwaarts sal strek vanaf 'n punt 20 (twintig) meter noord van die oog van gemelde drinkwaterfontein en nie breër as 50 meter nie.
- 2.5 Die Transportgewer sa alleenreg hê en onbelemmerde toegang tot die fontein, die fontein se opvanggebied en die water wat daaruit voortspruit op die eiendom wat hiemeer getranspoteer word.
- 2.6 Die Transportgewer sal geregtig wees om die eiendom wat hiermee getranspoteer word, gedurende besigheidsure te betree ten einde na die aard, omvang en toestand van die drinkwaterfontein en die water wat daaruit voortvloei asook die pad en waterleidingspype om te sien en dit te inspekteer.

For Information

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Bladsy 6

2.7 Die Transportgewer sal gerêgtig wees om hierdie serwituit deur 'n landmeter te laat opmeet en die nodige serwituitdiagramme te laat voorberei sodat hierdie serwituit deur middel van 'n notariële serwituitakte teen beide die Transportgewer en Transportnemer se titelaktes geregistreer kan word.

G. **ONDERHEWIG**, gesamentlik met die ander reghebbende, synde die Transportgewer en sy opvolgers in titel as die geregistreerde eienaar van die Restant van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 51,0555 Hektaar, gehou kragtens Transportakte Nr. T98507/93, aan die voorwaarde opgelê kragtens Transportakte Nr. T73610/93 ten gunste van die eienaar van Gedeelte 1 van die Plaas GROENE RIVIER Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 80,3468 (TAGTIG KOMMA DRIE VIER SES AGT) Hektaar, gehou kragtens Transportakte Nr. 73610/93, dat die eienaar van die Restant van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 123,1830 Hektaar, gehou kragtens Transportakte Nr. T10595/91 en sy opvolgers-in-titel nie die regte ten opsigte van die opgaar en gebruik van water wat by die verkoping van Gedeelte 3 van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 10,5945 (TIEN KOMMA VYF NEGE VIER VYF) Hektaar, voorbehou is, waarna in voorwaarde F hierbo volledig verwys word, sonder die skriftelike toestemming van die eienaar van Gedeelte 1 van die Plaas GROENE RIVIER Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 80,3468 (TAGTIG KOMMA DRIE VIER SES AGT) Hektaar, gehou kragtens Transportakte Nr. 73610/93, of sy opvolgers-in-titel aan ander persone en/of instansies mag verkoop, skenk, lewer of op welke ander wyse ookal vervreem nie (Gedeelte 3 waarna hierbo verwys word, is nou gekonsolideer en staan bekend as Die Plaas DRIE WAGTE Nr. 1325, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Groot 23,1712 (DRIE EN TWINTIG KOMMA EEN SEWE EEN TWEE) Hektaar, gehou kragtens Transportakte Nr. 73613/93

H. **ONDERHEWIG**, kragtens die bepalinge van die Koopkontrak gedateer 29 Februarie 1996, aan 'n ewigdurende serwituit van die reg op die opvang van die water ten gunste van die Restant van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 51,0555 (EEN EN VYFTIG KOMMA NUL VYF VYF VYF) Hektaar, Gehou kragtens Transportakte Nr. T98507/1993 (hierina genoem die "Restant")

welke reg deur die Transportgewer voorbehou is ten gunste van homself en sy opvolgers in titel onderhewig aan die volgende voorwaardes, naamlik:

1. Weens die feit dat 'n dam op die Restant geleë is binne die area aangedui deur die Figuur C D E F G Q op Diagram L.G.

Bladsy 7

Nr. 11340/1995 hieby aangehoë, welke dam se natuurlike opvanggebied tans grotendeels geleë is op die eiendom wat hiermee getranspoteer word, behou die Transportgewer 'n ewigdurende serwituut van die reg op die opvang van die water uit die area wat tans die natuurlike opvanggebied uitmaak en wat geleë is aan die oostelike kant van die eiendom wat hiermee getranspoteer word, aahliggend tot die grenslyne F-G en G-H op die gemelde Diagram L.G. Nr. 11340/95 ten gunste van homself en opvolgers in titel.

2. Die Transportnemer en sy opvolgers in titel sal nie geregtig wees om op enige wyse inbreuk te maak op die natuurlike vloei van die water in die bestaande natuurlike opvanggebiede en riviertjies wat die dam, soos in 1 hierbo beskryf, van water voorsien nie.
3. Die Transportgewer en sy opvolgers in titel sal geregtig wees om te enige tyd die kapasiteit van die gemelde dam te vergroot en sal steeds die eerste en uitsluitlike reg tot die opvang van water uit die opvanggebied hierbo beskryf, hê.
4. Die Transportnemer en sy opvolgers in titel sal slegs geregtig wees om nadat voorsien is aan die behoeftes van die Transportgewers en sy opvolgers in titel water op te gaan en te gebruik uit die opvanggebiede en riviertjies waarna hierbo verwys is.

Die Transportnemer of Transportgewer of hul opvolgers in titel sal geregtig wees om in die toekomst die serwituutgebied waarna bo verwys word, by wyse van 'n serwituutkaart te laat identifiseer en dit daarna by wyse van 'n notariële akte teen die onderskeie titelaktes te laat registreer.

ONDERHEWIG, kragtens die bepalinge van die Koopkontrak gedateer 29 Februarie 1996 vervat in Transportakte Nr T 26765/96 aan die serwituut van waterleiding oor die eiendom wat hiermee getranspoteer word ten gunste van die Restant van die Plaas Groëne Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 51,0555 Hektaar, gehou kragtens Transportakte Nr. T98507/93, welke reg deur die Transportgewer ten gunste van homself en sy opvolgers in titel voorbehou is onderhewig aan die volgende voorwaardes:

1. Die roete van die waterpypserwituut sal die bestaande pyplyn se roete of langs die roete soos mettertyd tussen die partye ooreengekom mag word, wees.
2. Die Transportgewer en sy opvolgers in titel sal geregtig wees om op 'n redelike wyse die serwituutpypleiding te kan inspekteer en indien nodig herstelwerk met betrekking tot die pypleiding te verrig.

For Information

A

Bladsy 8

3. Die Transportnemer of Transportgewer of hul opvolgers in titel sal geregtig wees om in die toekoms die serwituutgebied waarna hierbo verwys word, by wyse van 'n serwituutkaart te laat identifiseer en dit daarna by wyse van 'n notariële akte teen die onderskeie titelaktes te laat registreer.

J. **GEREGTIG** op 'n serwituut, vervat in Transportakte Nr T 26765/96, van kragleiding oor die Restant van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 51,0555 Hektaar, Gehou kragtens Transportakte Nr. T98507/1993, kragtens die bepalinge van die koopkontrak gedateer 29 Februarie 1996, welke serwituut deur die Transportnemer of sy opvolgers in titel geïmplementeer kan word wanneer dit deur hulle benodig sou word en welke serwituut van kragleiding onderhewig sal wees aan die voorwaardes wat normaalweg op so 'n serwituut van toepassing is en spesifiek onderhewig aan die voorwaarde dat die Transportgewer of sy opvolgers in titel geregtig sal wees om die roete en ligging van die serwituutgebied binne redelike perke te bepaal. Die Transportnemer of Transportgewer of hul opvolgers in titel sal geregtig wees om in die toekoms hierdie serwituut van kragleiding by wyse van 'n serwituutkaart te laat identifiseer en dit daarna by wyse van 'n notariële akte teen die onderskeie titelaktes te laat registreer.

K. **GEREGTIG** op 'n serwituut, vervat in Transportakte Nr T 26765/96, reg van weg oor die Restant van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, Provinsie Wes-Kaap, Groot 51,0555 Hektaar, gehou kragtens Transportakte Nr. T98507/1993, (hierinafter na verwys as die "Restant"), kragtens die bepalinge van die koopkontrak gedateer 29 Februarie 1996, op die volgende voorwaardes:

1. Ten einde aan die Transportnemer en sy opvolgers in titel toegang te verleen tot die publieke paaie, sal hy geregtig wees op 'n Serwituut Reg van Weg, oor die Restant, welke Serwituut Reg van Weg 5 (VYF) meter wyd sal wees en ten opsigte waarvan die presiese roete onderling tussen die partye ooreengekom sal word.
2. Indien die reg deur die transportnemer verkry word om die bestaande pad op die grens van die plaas bekend as Gedeelte 1 van die Plaas Groene Rivier Nr. 571, in die Stellenbosch Munisipaliteit, in die Afdeling Stellenbosch, te gebruik, sal die serwituut oor die Restant verder beperk wees tot die volgende gebiede:
 - 2.1 'n serwituutpad, 3 (DRIE) meter wyd, waarvan die suidwestelike grens aangedui word deur die lyn A B C D op die diagram L.G. 12105/92 aangeheg by T73610/93.
 - 2.2 'n serwituutpad, 5 (VYF) meter wyd, vanaf die serwituutpad waarna hierbo in 2.1 verwys is, welke affit sal wees op die

Bladsy 9

gedeelte van die pad langs die lyn C D op gemelde diagram oor die Restant op 'n roete soos ooreengekom tussen die partye om aan te sluit by 'n pad op 'n punt op die grenslyn tussen die bakens B en C op Diagram L.G. Nr. 11340/95 hierby aangeheg.

3. Indien die Transportnemer nie daarin slaag om by wyse van onderhandelinge die reg te verkry om die bestaande pad en serwituut waarna in 2 hierbo verwys word, te gebruik nie, sal die serwituut reg van weg uiteengesit in 1 hierbo steeds onderhewig wees aan die beperkinge uiteengesit in 2.1 en 2.2 hierbo met die voorbehoud dat die serwituutpad waarna in 2.1 hierbo verwys word, vyf (5) meter wyd sal wees en nie drie (3) meter wyd nie.
4. Indien die Transportgewer en sy opvolgers in titel en die Transportnemer en sy opvolgers in titel asook ander reghebbendes daartoe, in die toekoms saam gebruik sou maak van die serwituutpaaie waarna hierbo verwys word, sal die onderhoudskoste van genoemde serwituutpaaie gesamentlik deur sodanige persone gedra word op 'n basis waartoe onderling ooreengekom sal word.
5. Die Transportnemer en Transportgewer sal geregtig wees op in die toekoms enige van die serwituutgebiede waarna hierbo verwys word, by wyse van 'n serwituutkaart te laat identifiseer en dit daarna by wyse van 'n notariële akte te laat registreer teen die onderskeie titelaktes.

L. ONDERHEWIG VERDER aan die volgende endossement vervat in Transportakte Nr T 26765/96, wat as volg lees:

Kragtens Notariële Akte van Omskrywing Nr K 570/1999 is die roete van die serwituut waarna verwys word in voorwaarde D bl 3 hierin opgemeet.

Soos meer volledig sal blyk uit voormelde Notariële Akte en Serwituutkaart LG Nr 447/98."

ONDERHEWIG VERDER aan die volgende endossement vervat in Transportakte Nr T 26765/96, wat as volg lees:

"Kragtens Notariële Akte van Omskrywing Nr K 570/1999 is die roete van die serwituut waarna verwys word in voorwaarde F.1 bl 5 opgemeet (bepaal) (nou bl 4 in akte).

Soos meer volledig sal blyk uit voormelde Notariële Akte en Serwituutkaart LG Nr 448/98."

Bladsy 10

N. ONDERHÉWIG VERDER aan die volgende endossement vervat in Transportakte Nr T26765/96, wat as volg lees:

"Kragtens Notariële Akte van Omskrywing Nr K 571/1999 is die roete van die serwituut waarna verwys word in voorwaarde (*F.2.1.bl 6) hierin opgemeet/bepaal.

Soos meer volledig sal blyk uit voormelde Notariële Akte en Serwituutkaart LG Nr 448/98 (nou bladsy 5 in akte).

WESHALWE die Komparant afstand doen van al die reg en titel wat die gesegde LOUWFUT 1081 BELEGGINGS (EIENDOMS) BEPERK Registrasiernr. 1995/005258/07 voorheen in die genoemde eiendom gehad het en gevolglik ook erken dat dit geheel en al in die besit daarvan onthef is en nie meer daartoe geregtig is en dat kragtens hierdie akte, die genoemde

WILD BREAK 273 (EIENDOMS) BEPERK

die se opvolgers in titel of regverkrygendes tans en voortaan daartoe geregtig is; ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat en erken dit ten slotte dat die koopprys van die eiendom wat hiermee getranspoteer word die bedrag van R40 000 000,00 (VEERTIG MILJOEN RAND) is.

IN GETUIGENIS WAARVAN EK, die genoemde REGISTRATEUR VAN AKTES tesame met die Komparant, q.q. hierdie Akte onderteken het en met my Ampseël bekragtig het.

ALDUS GEDOEN EN GETEKEN op die kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op 2 Junie 2007

In my teenwoordigheid

q.q.

KANTOORAFSKRIF

Friedlaender, Burger & Volkmann Landmeters

Bakenbeskrywing :

- A, B, C, D, E, F, G, J, K, L, M, N, P --- Ysterdraadpaal
- H ----- Ingeplante granietklip
- Q ----- Ligte spoorstaafseksie

L.G. No.

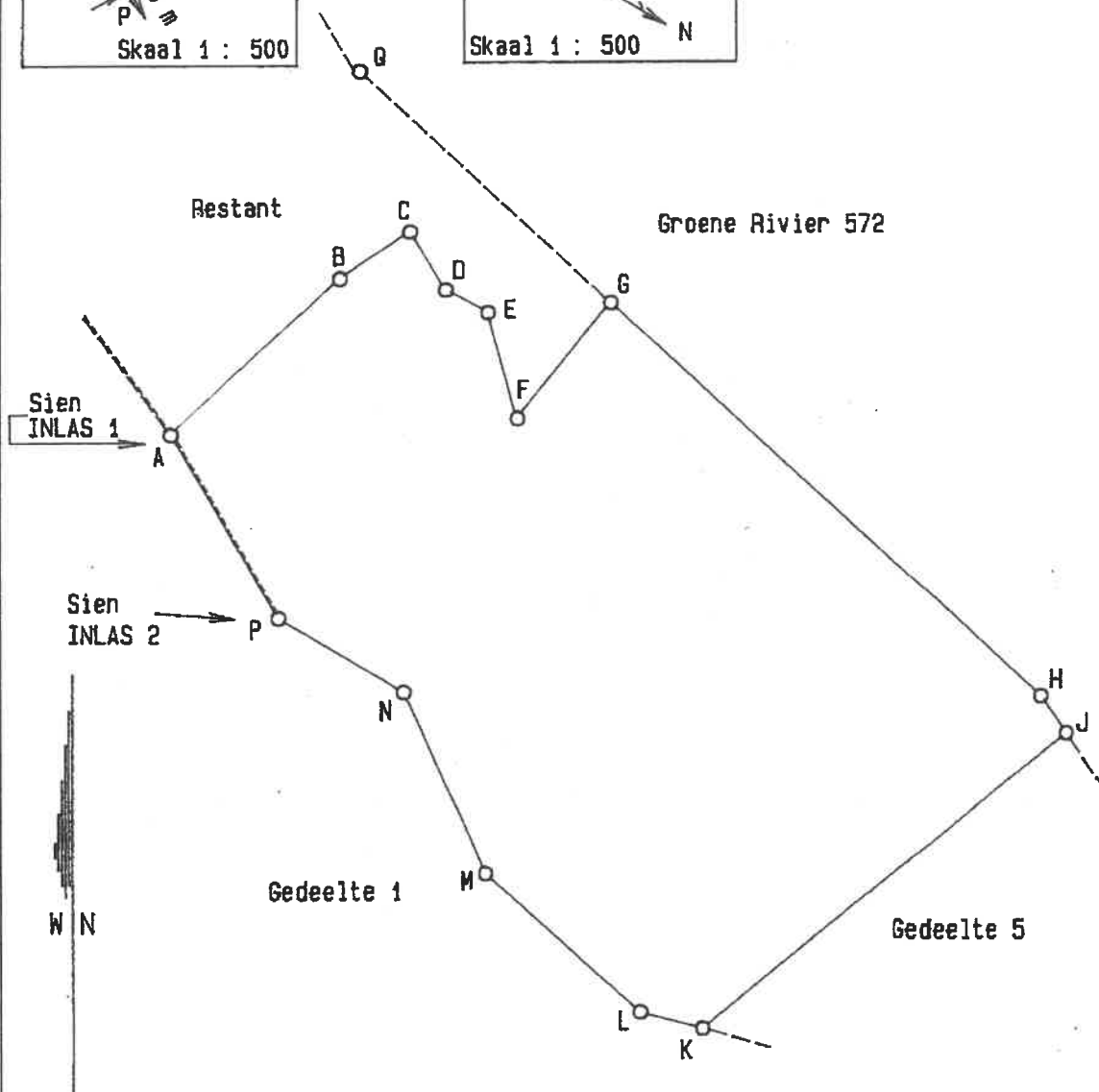
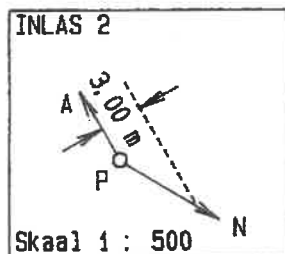
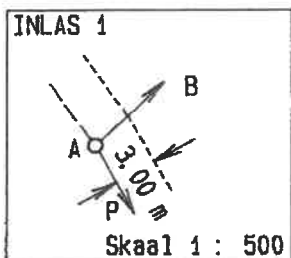
11340/1995

Goedgekeur

M.R. Cassie

1996-02-07
Landmeter-generaal

VEL 2 VAN 2 VELLE



GEDEELTE 6 van die plaas GROENE RIVIER 571 - STELLENBOSCH

Opgemeet in Oktober, November 1995;
deur my

Hans J. Volkmann
Hans J Volkmann
Pr Landmeter PLS0695

SKAAL 1 : 10 000

CITY OF CAPE TOWN
 ISIXEKO SASEKAPA
 STAD KAAPSTAD

PLANNING AND BUILDING
 DEVELOPMENT MANAGEMENT

CONVEYANCER'S CERTIFICATE

I/we,

GRANT ALASTAIR GREGORY HILL
 (Conveyancer's name)

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town, regarding the following property(ties) (including both current and earlier title deeds/pivot deed/deeds of transfer:

REMAINDER OF THE FARM GROENE RIVER NO 571
 Situate in the Stellenbosch Municipality
 Division of Stellenbosch
 Province of the Western Cape

MEASURING: 51,0555 (FIFTY ONE COMMA ZERO FIVE FIVE FIVE) hectares
 (erf number/s and description/s as it appears in the title deed)

In respect of which it was found that there *are/are no restrictive conditions registered against such property(ies) prohibiting it from being utilized/ developed for the following purposes (as elaborated on in the accompanying application):

Holding Deed – T 62171/2004 / Pivot Deed - T 98507/1993 / Prior Deeds – T 4119/1919 & T 3372/1978 & T 10595/1991

The proposed consent for the use of a tourist facility (restaurant) and the extension of the wine tasting and sales facility.

(proposed use/development/zoning of the property)

(*delete whichever is not applicable)

LIST OF RESTRICTIVE CONDITIONS (if any)

Categories	Are there title deed restrictions (indicate below)		Title Deed and Clause Number if restrictive conditions are found (see Annexure A if more space is required)
Use of Land	Y	(N)	
Building Lines	Y	(N)	
Height	Y	(N)	
Number of dwellings	Y	(N)	
Bulk floor area	Y	(N)	
Coverage/built upon area	Y	(N)	
Subdivision	Y	(N)	
Servitudes that may be registered over or in favour of the property	(Y)	N	a B C D E F G H H I
Other restrictive conditions	Y	(N)	

PROCESS BY WHICH CONDITIONS WILL BE ADDRESSED (please tick appropriate box)

Application in terms of the City of Cape Town's Municipal Planning By-Law (application type 42(g) or (h))	Notarial Deed of Cancellation (Submit copy of signed agreement)	Expungement by means of 'rule nisi' application to the High Court (Submit copy of court order)	If other, please specify:
---	---	--	---------------------------

Signed at on this day of 20

Signature 

Kindly endorse certificate by affixing firm's Official stamp here and initialing it

Postal address

 Tel.
 Email

GRANT ALASTAIR GREGORY HILL
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY, RSA
 PARC DU LINKS
 NIBLICK WAY / WEG
 SOMERSET WEST

WinDeed Property Report

windeed

information is our business

Name **GROENE RIVIER**, Number **571**, Portion **6**

REGISTERED PROPERTY DETAILS

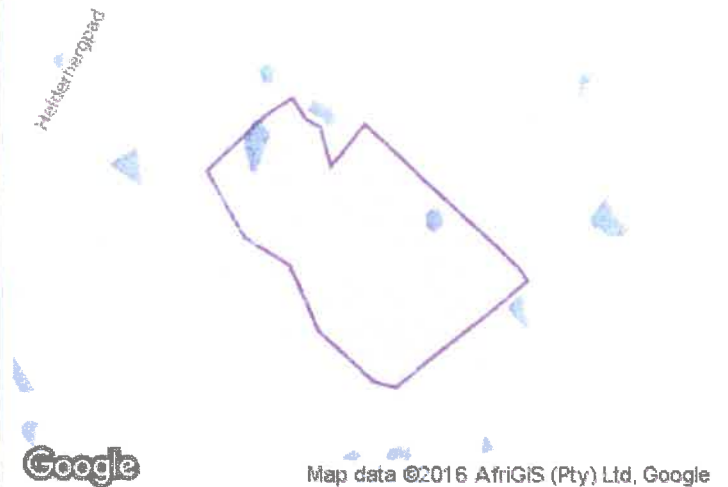
Property Type	FARM	Diagram Deed	T26765/1996
Farm Number	571	Registered Size	72.1275H
Portion Number	6	Municipality	-
Farm Name	GROENE RIVIER	Province	WESTERN CAPE
Registration Division	STELLENBOSCH RD	Coordinates (Lat/Long)	-34.012886 / 18.848992
Deeds Office	CAPE TOWN		

OWNER DETAILS

Owner 1 of 1

Person Type	COMPANY	Title Deed	T51148/2004
Name	ERNIE ELS VINEYARDS PTY LTD	Purchase Date	2004/04/03
Registration Number	200302322707	Purchase Price (R)	40,000,000
Share (%)	-	Registration Date	2004/06/02

MAPS



Map data ©2016 AfriGIS (Pty) Ltd, Google

PROPERTY INFORMATION

Address	-
Primary Use	-
Estate	-

Room Configuration

Bedrooms	1	Reception Areas	-
Bathrooms	1	Study/Office	-
Kitchens	1		
Internal Finishes	-		

General Information

Door Number	-	Roof Type	-
Floor Size (m ²)	-	Wall Type	-
Storeys	-	Construction Year	-

Other Features

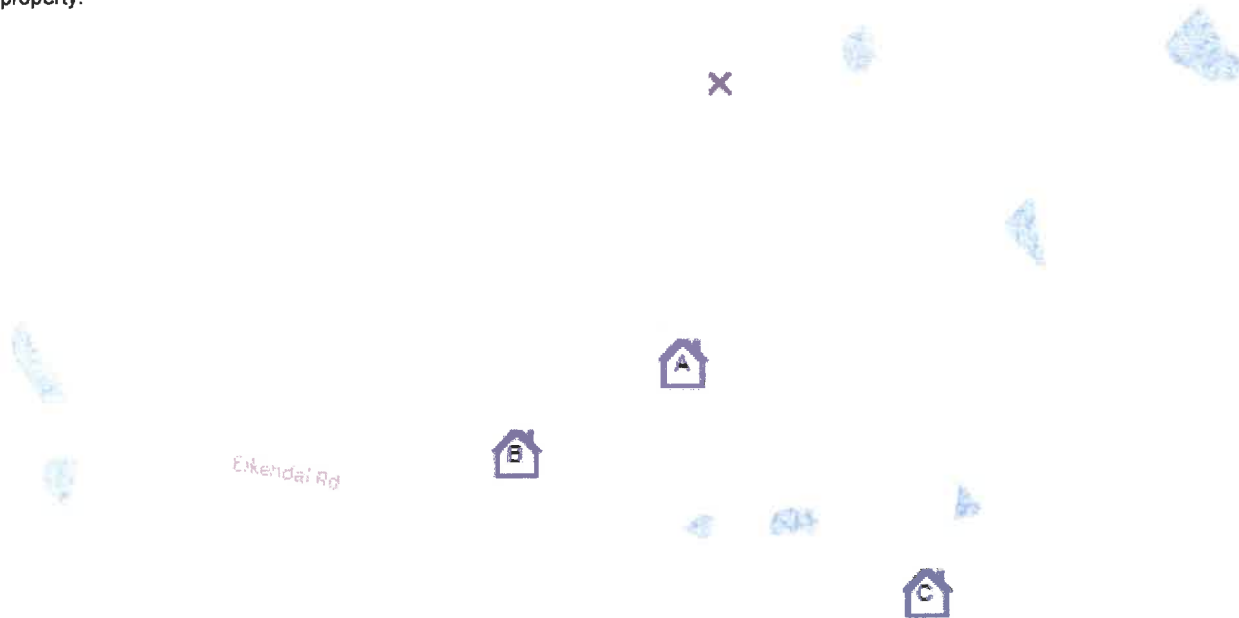
Garages	-	Additional Dwellings	-
Garden	-		
Pool	-		

MUNICIPAL VALUATION

Municipal Valuation	-	Valuation Year	-
Zoning Usage	-		

SALES

Sales shows the details of the most recent transfers, sales pending registration and properties for sale in close proximity to the specified property.



Google

Map data ©2016 AfriGIS (Pty) Ltd

Recently Registered Transfers

Address / Property Description	Size (m ²)	Sales Price (R)	Distance (m)	Sold	Transferred
A GROENE RIVIER/STELLENBOSCH RD, 571, 8	170 000	51,300,000	587	2014/12/10	2015/02/27
B EIKENDAL/STELLENBOSCH RD, 578, 2	140 000	18,000,000	861	2015/06/01	2015/09/10
C SERCOR DRIVE STRAND	280 000	54,500,000	1 116	2015/04/30	2015/06/15

Properties For Sale

Address / Property Description	Size (m ²)	Listing Price (R)	Distance (m)	Listed	Property24 Listing
GROEN RIVIER ANNEX/STELLENBOSCH RD (DETAILS WITHHELD *)	-	60,000,000	1 308	2015/07/07	103031754

* The property location has been withheld at the estate agent's request and is not visible in the Sales Map.

Sales Analysis

4 properties used in the analysis.

Note: Where there is no monetary value or extent it has been ignored.

	Price (R)	R/m ²	Extent (m ²)
Highest Priced Property	54,500,000	195	280 000
Average Priced Property	41,266,667	210	196 667
Lowest Priced Property	18,000,000	129	140 000

BONDS AND OTHER DOCUMENTS

Document Number	Amount (R)	Holder
K570/1999S	-	-
K571/1999S	-	-
B47044/2005	34,000	A B S A BANK LTD

PROPERTY HISTORY

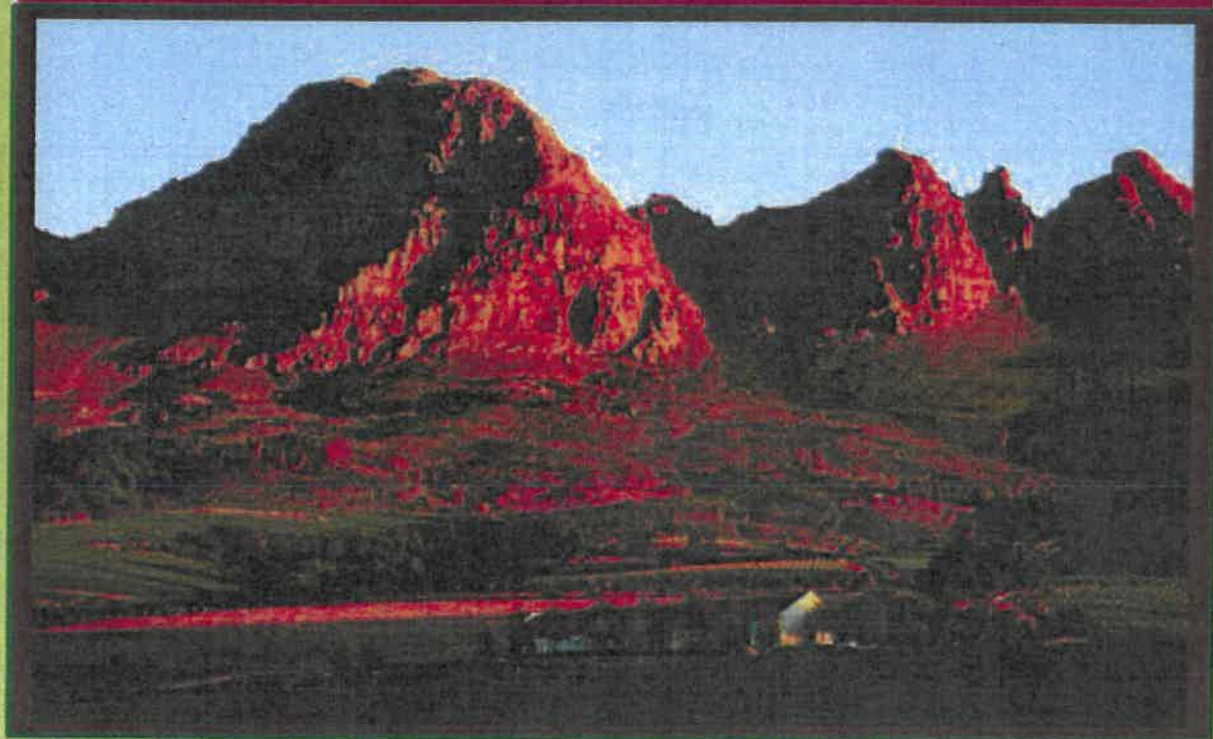
Document Number	Amount (R)	Holder
B71622/2007	12,000,000	-
T51148/2004	40,000,000	WILD BREAK 273 PTY LTD
T51148/2004	40,000,000	ENGELBRECHT ELS VINEYARDS PTY LTD
T26765/1996	4,604,620	LOUWFUT 1081 BELEGGINGS PTY LTD

APPENDIX 4

Applicant's motivation

APPLICATION FOR CONSENT USE

**Farm 571/6 STELLENBOSCH
FOR
TOURIST FACILITIES
AND
RESTAURANT**



jan hanekom partnership

ARCHITECTS / TOWN AND REGIONAL PLANNERS

jan hanekom & medewerkers bk. 09/29933/23

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za
Project Management • Property Development • Market Research

Reference No

HS 100 393

January

2017



**ERNIE ELS
WINES**

Prepared by
Jan Hanekom Partnership

60 Mill Street
PAARL

Tel 021 8711750/1
jan@jhp.co.za

For

Ernie Els Wines

Stellenbosch



jan hanekom partnership

ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za
Project Management • Property Development • Market Research

Our Reference Number HS 100 393

02/02/2017

The Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Sir

APPLICATION FOR CONSENT USE FOR A RESTAURANT AND EXTENSION OF THE VALIDITY PERIOD OF AN APPROVAL FOR THE EXISTING CONSENT USE ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH

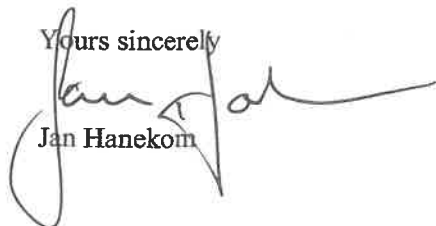
Hereby we formally apply in terms of Section 19 of the Stellenbosch Municipality Land Use Planning By-laws for consent use a restaurant and extension of the validity period of an approval for the existing consent use on Portion 6 of the Farm Groene Rivier 571 Stellenbosch.

The following documentation is attached for your scrutiny:

- Motivational Memorandum
- Completed standard Land Use Planning Application Form
- Proof of Payment of Application Fees
- Procuration
- Property Report and Title Deed
- Surveyor General's Diagram
- Conveyancer's Certificate
- Bondholders Consent
- Locality Plans: Regional and Local
- Site Plan
- Traffic impact Statement

We trust that the information will be sufficient to effectively motivate the application. If there are any queries, please contact the writer.

Yours sincerely



Jan Hanekom

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Appendix 2	Proof of Payment of Application Fees
Appendix 3	Procurement
Appendix 4	Company Resolution
Appendix 5	Title Deed
Appendix 6	Surveyor General's Diagram
Appendix 7	Conveyancer's Certificate
Appendix 8	Bondholder's Consent
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Appendix 10	Locality Plan: Local
Appendix 11	Site Plan
Appendix 12	Traffic Impact Statement

1. Introduction

1.1 Application

Herewith application for the following:

- (i) In terms of Section 19 of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **consent use** for a restaurant of 702 m² on Portion 6 of Farm 571, Stellenbosch.
- (ii) In terms of Section 19 of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for an **extension of the existing consent use** for tourist facilities (wine tasting and sales area) from ±100 m² to ±500 m² in order to allow for the wine tasting facilities to be extended.

1.2 Purpose of Memorandum

- (i) To gather all relevant information regarding the proposed consent use into one document;
- (ii) To analyse all relevant information regarding the natural and manmade environment, and
- (iii) To motivate the need and desirability of the proposed consent use of Portion 6 of Farm 571, Stellenbosch, in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015, in order to enable the relevant governing bodies to make an informed decision.

1.3 Pre-Application Consultation

In terms of section 37 of the Stellenbosch Municipality Land Use Planning By-Law, 2015, a pre-application consultation between the applicant and/or his agent and an authorised employee/employees of the Municipality, is required before an application is submitted in the early planning stages in order to determine the information and documents that have to be submitted with an application.

Mr Jan Hanekom of Jan Hanekom Partnership contacted Mr Pedro April of Stellenbosch Municipality to discuss the proposed application and arrange for a pre-application consultation. He was informed via email on 27/07/ 2016 that a pre-application consultation was not necessary for this application.

Attached please find an abstract from the email.

“ 2. Restaurant at Ernie Els Wines; Pedro April: Tel: 021 808 8683

- Please note that **no pre-consultation meeting is needed**. A fully motivated and complete application must only be submitted at our Town Planning Advice centre.

The application form is self-explanatory relating to all required documentation that must accompany the application."

1.4 Information Required in terms of Section 38 of the By-Law

Information Required	Location	Yes	No
Application from, completed and signed by applicant	Appendix 1	X	
Power of Attorney (Procuration)	Appendix 3	X	
Proof that the person is authorised to act on behalf of Ernie Els Vineyards (Pty) Ltd	Appendix 4: Company Resolution	X	
Proof of Registered Ownership/ Title Deed	Appendix 5	X	
Written motivation for the application based on the criteria referred to in Section 65	See Report	X	
Copy of the Surveyor-General's diagram	Appendix 6	X	
Locality Plan and Site Development Plan **	Appendix 9 Appendix 10	X X	
Proof of Payment of Application Fees	Appendix 2	X	
Conveyancer's Certificate indicating that the application is not restricted by any condition contained in the title deed.	Appendix 7	X	

Table 1 Information needed in terms of Section 38 of the By-Law

2. Property Detail

2.1 General Information

Property Number	Portion 6 of Farm 571	
Extent	72,1275 Ha	
Jurisdiction	Stellenbosch Municipality	
Registered Owner		Attached please find: <ul style="list-style-type: none"> • A copy of the Title Deed, T51148/2004 • Procuration • Company Resolution • Bondholder's Consent
Restrictive Conditions	None	Attached please find Conveyancer's Certificate
Applicable Zoning Scheme	Section 8 Zoning Scheme Regulations	
Current Zoning	Agriculture I & II Consent for maturation cellars and wine tasting facilities.	
Current Land Use	Agricultural (vineyards) with cellars and wine tasting facilities.	
Applicant	Jan Hanekom Partnership	Attached please find Procuration

Table 2 General Information**2.2 Locality**

Portion 6 of Farm 571, Stellenbosch, is located approximately 9 km to the south east of Stellenbosch on the western foothills of the Helderberg Mountains.

Access to the property is gained via an existing paved servitude road that connects with Annandale Road. Access to Annandale Road is gained via the R44, which links Stellenbosch with Somerset West.



Picture 1 Tarred Servitude Road



**Picture 2 Access to property
(Tarred servitude road)**



**Picture 3 Paved road providing
access to cellars and
Wine tasting facilities**



Figure 1 **Locality Plan**

2.3 Current Zoning and Land Use

Portion 6 of Farm 571, Stellenbosch, is currently zoned:

Agriculture II:	Maturation Cellar (2 000m ²)
Agriculture I:	Remainder of the property
Consent Use:	Tourist Facilities: Wine tasting and sales area of ± 100 m ² within the rezoned building (maturation cellar building).

In terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015, general scheme regulations adopted in terms of Section 8 of LUPO are still relevant. In terms of Section 8 Zoning Scheme Regulations, agriculture is defined as follows:

Agriculture means the cultivation of land for crops and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land, and includes only such activities and buildings as are reasonably connected with the main farming activities on the farm, but does not include the consent uses applicable to agricultural zone I.

Current land uses on the property include vineyards, a maturation cellar, a production cellar, wine storage, wine tasting facilities and a small store.

3. Applicant Detail

The company Ernie Els Vineyards (Pty) Ltd is the lawful owner of the property. Attached please find a copy of the Title Deed **T51148/2004**.

Mr Louis Strydom, in his capacity as a director of East Ridge Wines (Pty) Ltd, was authorised by the directors of the company to sign any and all relevant documentation which may be necessary for the proposed planning application on behalf of the company. Attached please find a copy of the Company Resolution.

A procuration was signed by Mr Louis Strydom, appointing Jan Hanekom Partnership as his lawful agent to prepare and compile the documentation required for the change in land use rights for Portion 6 of Farm 571, Stellenbosch. Attached please find a copy of the Procuration.

Applicant, full name and title	Jan Hanekom Partnership CC Registration Number CK 89/29933/23
Contact Person	Jan Hanekom
Street Address	Picard House 60 Mill Street Paarl 7646
Telephone Number	(021)8711750
Cell Number	083 261 8561
Email Address	jan@jhp.co.za
Registration Number	619
Reference Number	HS 100 393

Table 3 Applicant Details

4. Site Analysis

Site Analysis	
Topography	<ul style="list-style-type: none"> • Portion 6 of Farm 571, Stellenbosch, is located at the western foothills of the Helderberg Mountains. • The property has a descending incline towards the north west. • The site of the cellars and tasting facilities is level. • Attached please find contour plan.
Vegetation	<ul style="list-style-type: none"> • The property has been used for agricultural purposes and vegetation mainly consists of vineyards. • Olive trees are found on the proposed new parking area site to the south east of the building. These will remain.
Floodplains and flood lines	<ul style="list-style-type: none"> • No streams, rivers or dams are found on the property. • The property is located outside of floodplains and no flood lines apply.
Unique ecological habitats and sensitive areas	N/A
Unstable soil formations	N/A
Existing buildings and structures	<ul style="list-style-type: none"> • Maturation cellar building with production cellar, storage, wine tasting facilities and sales area. • Farm store room • Farm manager's house • 5 Labourer's cottages
Surrounding Architecture	<ul style="list-style-type: none"> • Portion 6 of Farm 571, Stellenbosch, is located in a rural setting and surrounding architecture in the area is mainly Cape Vernacular. • Architecture of existing buildings on the property fit well with that of the surrounding area. • The proposed alterations and additions to the existing building will not involve changes to the architectural character of the building.
Access routes	<ul style="list-style-type: none"> • Portion 6 of Farm 571 is located approximately 9 km south east of Stellenbosch. • Access to the property is gained via an existing paved servitude road that connects with Annandale Road. • Access to Annandale Road is gained via the R44, which links Stellenbosch and Somerset West.
Urban Edge	Property located outside of the Stellenbosch Urban Edge

Table 4

Site Analysis



Picture 4 View towards the north



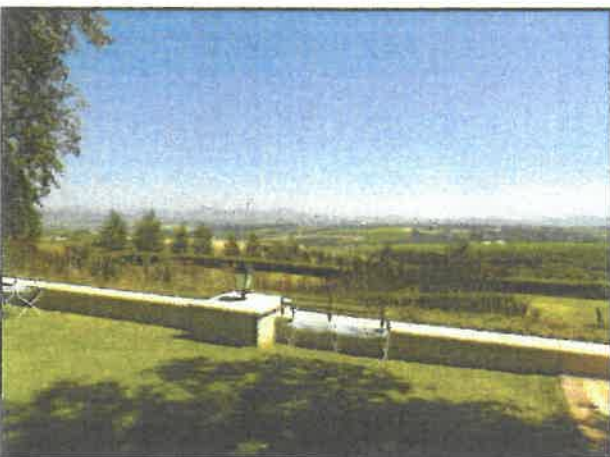
Picture 5 View towards the west



**Picture 6 View towards the south
(Area behind existing building)**



**Picture 7 View towards south east
(existing cellars and wine tasting facilities)**



Picture 8 View towards the North West



**Picture 9 View towards the east
(existing cellars and tasting facilities)**

5.1 Proposed Zoning

In the past a section of the property was rezoned to Agriculture II to allow for the maturation cellar and consent was obtained for wine tasting facilities and sales area.

The owners now wish to make alterations and additions to the existing cellars and wine tasting facilities and to establish a restaurant on the property. Additions to the property will only affect the tasting facilities, offices, cellars and proprietor's apartment. It is proposed that the packing rooms inside of the existing building be converted into a restaurant. The proposed restaurant will have approximately 21 tables and will consist out of the restaurant, kitchen, storage and cleaning facilities, pantry and chef's office.

Consent is applied for in order to accommodate the development of a restaurant within the existing building on the property. The proposed consent use will not prevent the property from being used for the primary uses permitted in terms of the zoning of the land.

5.2 Proposed Development Parameters

The owners wish to establish a restaurant within the packing rooms in the north western corner of the existing building.

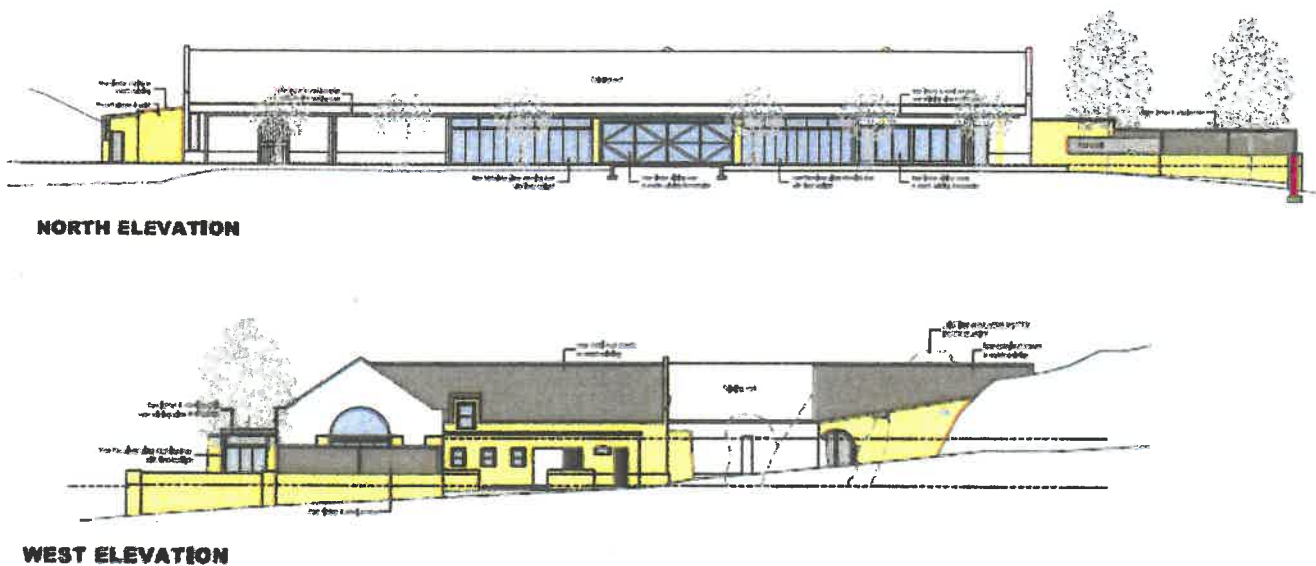


Figure 4 Proposed alterations and additions: North and West Elevations

Proposed Development Parameters	
Current Zoning	Agriculture I Agriculture II: Maturation Cellar (2 000 m ²) and a production cellar of 400 m ² Consent Use: Tourist Facilities: Wine Tasting & Sales Area (± 100 m ²)
Proposed Zoning	Existing Agriculture I and Agriculture II with consent to accommodate extension of the wine tasting facilities and consent for a restaurant inside of the existing building.
Land Use	Current: Vineyards, maturation and production cellars, wine tasting facilities and sales area. Proposed: Alterations to existing building in order to accommodate a new restaurant, and additions to enlarge existing tasting facilities, offices and cellars, as well as the addition of proprietor's apartment.
Property Size	72,1275 Ha
Access	Existing access via paved servitude road that connects with Annandale Road and the R44.
Coverage	N/A
Floor Factor	N/A
Density	N/A
Building Lines	30 m
Height	No changes to the height of the building are proposed in order to accommodate the proposed restaurant.
Minimum Street Width	N/A
Parking	Informal parking already exists. An additional 80 parking bays will be provided in a new paved parking area to the south east of the existing building.
Architectural Design	Alterations and additions to existing cellars and tasting facilities on the farm as shown in attached architectural drawings. No changes in the existing architectural character of the building are proposed.

Table 5 Proposed Development Parameters



Picture 12 Existing Parking Area



Picture 13 Area for new paved parking (directly to south of existing cellars and tasting facilities)

The restaurant will be located directly behind the proposed new timber and steel pergola (currently an open veranda), which forms part of the wine tasting facilities (north elevation). Plans to convert the existing packing facilities within the north western corner of the building into a restaurant will include the addition of windows and a new terrace. The terrace will be screened off by a new timber and steel screen.

The existing screen wall to the south of the building will be demolished and a new kitchen, chef's office, pantry, cold room and store rooms will be added to the south of the building, adjacent to the new restaurant.

6. Civil Services

Land uses on Portion 6 of Farm 571, Stellenbosch, are well established and the external engineering services including access roads, storm water, sewer, water and electrical engineering services are operational and sufficient. No additional external service provision will be required to accommodate the proposed consent use for a restaurant within the existing cellar and wine tasting building.

Internal engineering services to the building already exist and the internal access road leading to the maturation cellar building is paved.

The proposed consent use and alterations and additions to the existing building, will not have an impact on service provision.

7. Main Transport Routes

Stellenbosch is located approximately 50 km to the north east of Cape Town. In a regional and national context both the N1 and N2 national roads provide accessibility. Stellenbosch and the surrounding area gain access to the N1 (to the north) via the R44, the R304 and the R45 (via the R310). Access to the N2 (to the south) is gained via the R44 and the R310.

Portion 6 of Farm 571, Stellenbosch, is located approximately 9 km to the south east of Stellenbosch, to the east of the R44.

Access to the property is provided via the following routes:

- The **R44** which are the main transport route between the towns of Stellenbosch and Somerset West.
- **Annandale Road** (Divisional Road 1650) to the east of the R44. This is a road with an asphalt surface providing access to farms in the surrounding area.
- A 6 metre wide **servitude road** provides access from Annandale Road to Portion 6 of Farm 571, Stellenbosch.

8. Physical Constraints

There are no physical or other constraints preventing the proposed consent use for a restaurant on the property.

The restaurant is to be accommodated within the existing maturation cellar building. The restaurant will form part of the proposed alterations to the buildings and not the proposed additions. Engineering services are existing and no additional service provision will be required.

Attached please find conveyancer's certificate.

9. Desirability of Proposed Development

The desirability of the proposed consent use of Portion 6 of Farm 571, Stellenbosch, will be motivated in terms of the following:

9.1 Economic Impact

Portion 6 of Farm 571, Stellenbosch, is located in a part of the Boland that is known for its picturesque vineyards and wine routes. Tourism plays a vital part in the economy of the area. The property already has established cellars and wine tasting facilities.

It is expected that the proposed consent use to accommodate a restaurant within the existing building, will generate additional income from tourism and will provide additional job opportunities. This will contribute towards creating an economic enabling environment in which investment can grow and more jobs can be created.

9.2 Social Impact

Over past years Stellenbosch has experienced an increase in unemployment and related social and economic problems. Portion 6 of Farm 571, Stellenbosch, is located in an area that attracts many tourists. The proposed establishment of a restaurant will fit well with the existing tourist facilities on the property and in the surrounding area. It is expected that the restaurant will create new job opportunities and an economic enabling environment that will benefit the local community.

9.3 Scale of Capital Investments

The establishment of a restaurant on the property will create job opportunities and generate additional income that can be allocated towards further job creation. In addition to this, the property will potentially attract more local and international visitors to the area. This will also benefit surrounding tourist facilities and have a wider economic benefit.

9.4 Compatibility with Surrounding Land Uses

Portion 6 of Farm 571, Stellenbosch, is located in the Boland, part of the Western Cape Province. This area has a rural character and is home to many of the country's best known wine farms. The wine industry and tourism play an important role in the area and this is reflected in the land use such as tasting venues, restaurants and farm stalls.

Portion 6 of Farm 571, Stellenbosch, is located in one of the most picturesque areas of the Boland, and cellars, wine tasting facilities, restaurants and tourist accommodation have been established on many farms in the area. Some of the existing vineyards and wine tasting venues in the immediate surrounding area are Eikendal Wines, Longridge Wines, Dieu Donne Wines, Hidden Valley Wines and Alto Vineyards. Rosenview Guest Farm, Eikendal Lodge, Dieu Donne Boutique Self Catering, Webersburg and Alto Estate in the immediate surrounding area provide guest accommodation. Also in close vicinity is the Guardian Peak Restaurant, as well as restaurants on Eikendal, Hidden Valley and Haskell Wine Estate.

The proposed addition of a restaurant and enlargement of the tasting facilities on Portion 6 of Farm 571, Stellenbosch, are compatible with surrounding land uses and will fit in with established land use in the area.



Picture 17 Webersburg



Picture 18 Guardian Peak Restaurant



Figure 6 Surrounding Land Use

9.5 Impact on External Engineering Services

The proposed consent use will have no impact on external engineering services. All services are available and operational and the proposed consent use will not require additional external engineering services.

9.6 Impact on Safety, Health and Well-Being of the Surrounding Community

The vineyards, cellars and wine tasting facilities already exist on the property. It is expected that the proposed alterations and additions to the existing building, including the proposed consent use for a restaurant on Portion 6 of Farm 571, Stellenbosch, will not have any significant impact on the safety, health or well-being of the surrounding community.

9.7 Impact on Heritage

No new buildings or development is proposed with this application and the character of the existing building and surrounding area will not be changed by the proposed consent use. The building does not have any historical or heritage value. The proposed consent use will therefore not have an impact on heritage.

9.8 Impact on Biophysical Environment

Portion 6 of Farm 571, Stellenbosch, is a well established farm with vineyards, wine cellars and wine tasting facilities. The natural landscape has been permanently altered by agricultural activities. There are no streams, rivers or dams on the property that may be influenced by the proposed consent use in any way.

The proposed alterations and additions to the existing building will not have an impact on the biophysical environment.

9.9 Traffic Impacts, Parking, Access and other Transport Related Considerations

According to the Traffic Impact Statement the proposed restaurant will generate 56 – 83 peak hour trips (two way) and parking provision requirements were calculated at a rate of 6 bays per 100 m². The proposed parking provision (to the south of the maturation cellar building) as indicated on the architectural drawings is considered to be sufficient.

Access to the property is via surfaced and paved roads from Annandale Road. The paved road measures a width of $\pm 5,0$ m and the surfaces road thereafter, $\pm 3,3$ m. The first section of the paved access road is $\pm 4,5$ wide and the remaining road towards the restaurant is ± 3.3 m wide. Narrower roads are provided with parking bays and there are speed humps along the roads. These roads service surrounding wine farms (with restaurants) as well.

In view of the existing passing bays and the peak hour traffic expected, the existin access road should suffice with the addition of a restaurant. Attached please find a copy of the Traffic Impact Statement.

10. Planning Principles

Along with the Stellenbosch Municipality Land Use Planning By-Law, 2015, which came into operation on 1 July 2015, the Spatial Planning and Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA), both came into operation on 1 July 2015. According to new legislation, the following planning principles should be considered for all new developments:

- i. **Spatial justice:** To address past spatial imbalances through improved access to and use of land, with particular focus on equitable access to those who were previously excluded.

The proposed consent use only involves alterations to an existing building and not new development. Spatial imbalances or access to land are not applicable to this consent use application.

- ii. **Spatial sustainability:** Protecting agriculturally and environmentally valuable land whilst ensuring that the land markets are well-functioning. Current and future costs of infrastructure for development as well as limiting urban sprawl, have to be considered in terms of spatial sustainability.

With the addition of a restaurant to the existing cellars and tasting facilities on the property, the owners wish to extend the tourist facilities on the property which form part of the Ernie Els brand.

The proposed consent use for a restaurant within the existing packing facilities will have no negative impact on agricultural and environmentally valuable land. No additional infrastructure provision is needed in order to establish a restaurant on the property.

- iii. **Efficiency:** Optimum use of existing resources and infrastructure and minimising negative financial, social, economic and environmental impacts.

The proposed consent use for a restaurant does not involve rezoning or new development and will have no impact on integrated land development. The proposed consent for a restaurant will optimise the use of an existing building and create additional job opportunities by doing so. This supports the principles of efficiency.

- iv. **Good governance:** An integrated approach to development and efficient streamlined application procedures with timeframes being adhered to by all parties, are supported.

- v. **Spatial resilience:** Flexibility in spatial plans, policy and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The provision of additional job opportunities will contribute towards ensuring sustainable livelihoods in the community.

11. Forward Planning Documents

The proposed consent use is in keeping with the objectives of all relevant forward planning documents.

11.1 Stellenbosch Integrated Development Plan

The five strategic objectives of the Stellenbosch Integrated Development Plan focus on the following:

1. Striving to make Stellenbosch the preferred town for investment and business, where investment inflows and new enterprise translate into jobs and prosperity.

2. Establishing the greenest municipality which will not only make Stellenbosch attractive for visitors and tourists, but will also provide a desirable environment for new industries.
3. Ensuring a dignified living for all Stellenbosch citizens, who feel that they own their town, take pride in it and have a sense of self-worth and belonging.
4. Creating a safer Stellenbosch valley, where civic pride and responsibility supplant crime and destructive behaviour.
5. Entrenching good governance, which implies compliance with and adherence to mandatory policies and procedures and is the hallmark of a well-run municipality.

The proposed consent use for a restaurant will create job opportunities and optimise the use of existing resources on the property. This fits with the municipal council's long term development vision and land use management guidelines.

11.2 Stellenbosch Spatial Development Framework

Portion 6 of Farm 571, Stellenbosch, is located outside of the urban edge to the south east of Stellenbosch. The area in which the property is located has advantages in terms of the rural character and that it attracts tourists. It is located close to the R44 that provides access to Stellenbosch and Somerset West.

External engineering services and infrastructure to the property already exists and the proposed consent use for a restaurant will not require additional external engineering service or infrastructure provision.

11.3 Western Cape Spatial Development Framework

The proposed consent use for a restaurant on Portion 6 of Farm 571, Stellenbosch, will generate additional income for the farm and will provide additional job opportunities.

Economic development and employment creation are important objectives of the Western Cape Spatial Development Framework and the proposed consent use support these objectives.

12. Advertising

The proposed consent use on Portion 6 of Farm 571, Stellenbosch, does not require advertising in terms of Section 45 of the Stellenbosch Municipality Land Use Planning By-Law, 2015.

13. Recommendation

The following should be taken into account when considering the proposed consent use of Portion 6 of Farm 571, Stellenbosch, for approval:

- Consent use for tourist facilities are permitted within both the existing Agricultural I and Agricultural II zonings on the property.
- There are no restrictions or physical constraints preventing the proposed consent use.
- The proposed restaurant will form part of plans to refurbish the existing maturation cellar building and will be constructed within the existing building.
- The proposed restaurant will complement existing tourist facilities (wine tasting facilities and sales area) on the property.
- The proposed consent use for a restaurant will also fit well with existing land use in the surrounding area.
- The proposed consent use will not prevent the property from being used for the primary uses permitted in terms of the existing zoning.
- The establishment of a restaurant will create an economic enabling environment by providing additional job opportunities and generating additional income.
- Access roads to property are sufficient and suitable for the proposed land use.
- The property is already fully serviced and operational and no additional external engineering services will be required in order to accommodate the proposed restaurant.
- The proposed consent use supports the objectives of relevant forward planning documents.

In view of the above, it is recommended that Council will look favourably upon this application.

APPENDIX 5

Affidavit & POE



jan hanekom partnership

ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za
 Project Management • Property Development • Market Research

Our Reference Number HS100393
Municipality Reference LU/LU5680

02/02/2018

Pedro April
 Senior Town Planner
 Land Use Management Section
 Stellenbosch Municipality
 PO Box 17
 Stellenbosch
 7600



Dear Pedro April,

ADVERTISEMENT CHECKLIST FOR APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION TO THE EXISTING WINE TASTING AND SALES FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH (LU/LU/5680)

Hereby we formally submit the **advertisement checklist** for application in terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-laws to establish a new restaurant and extension to the existing wine tasting and sales facility on Portion 6 of the Farm Groene Rivier 571 Stellenbosch.

The following documentation is attached for your scrutiny:

- Advertisement Checklist
- Signed Affidavit
- Advertising Period Notification Email
- Proof of Registered Letters
- Proof of Notices
- Proof of Newspaper Adds
- Water and Sanitation Correspondence
- Department of Agriculture Correspondence
- Stellenbosch Interest Group Correspondence
- Stellenbosch Rate Payers Association Correspondence
- Farm 1430 Objection Correspondence

FILE NR:	
SCAN NR:	F571/65
COLLABORATOR NR:	567090

We trust that the information will be sufficient to effectively motivate the application. If there are any queries, please contact the writer.

Yours sincerely,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

Meulstraat 60 Mill Street | Tel: 021 871 1750 |




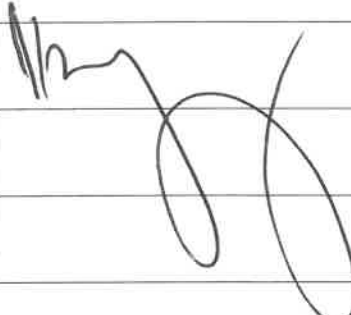
Annexure 1 Application Advertised Application Form



PLANNING & ECONOMIC DEVELOPMENT

PORTFOLIO OF EVIDENCE Applicant advertised CHECKLIST				Date	2 February 2018	
Erf/Erven Farm no	Farm 571	Portion(s) if farm	6	Allotment Area	72.1275 H	
Owner/ Applicant	Jan Hannekom Partnership			LU/number	LU/LU100393	
INDICATE WHICH OF THE FOLLOWING DOCUMENTATION (WHERE APPLICABLE) IS ATTACHED TO THE PORTFOLIO OF EVIDENCE				OWNER/APPLICANT TO INDICATE		
				YES	NO	
				ADMIN OFFICER/ PLANNER VERIFY <input checked="" type="checkbox"/>		
Affidavit (TEMPLATE ATTACHED)						
1. Is the affidavit signed by a Commissioner of Oaths				x		✓
2. Does the affidavit confirm that the advertising was undertaken in accordance with the said prescriptions?				x		✓
3. Does the affidavit confirm that the notice was placed and kept on site for the duration of the advertising period (from which date to which date)?				x		✓
Proof of publication						
4. In one local newspaper in two official languages (or in those cases where Council has indicated two local newspapers)				x		✓
5. Extract from the newspaper attached (date of publication visible)				x		✓
6. Does the wording fully address the description of the application?				x		✓
7. <u>If no, define differences :</u>						
8. Advertising period	From	7 September 2017	To	5 October 2017		
9. Does the Advertising period comply with the required 30 days?				x		✓
10. Was Council informed of the commencement date and closure date?				x		✓
The registered slips in respect of all the registered letters addressed to						
11. A copy of the registered letter addressed to the affected parties				x		✓
12. Are the dates concurring				x		✓
13. A copy of the registered letter addressed to the external departments (where required)				N/A	x	only register from external dept
14. Affected interested and affected parties (registered property owners) (original registered slips)				x		✓
15. Community organizations (original registered slips)				x		✓
16. Ward Councilor (original registered slip)				x		✓
17. External Departments (where required) (original registered slip)				N/A		✓
18. Unclaimed registered mail				N/A		none

19. <u>If no to any of the above, define differences :</u>			
20. Were the external departments granted 60 days for comment?	x		?
Notices placed on the property			
21. Were the notices placed on the property on the same day as the notice in press?	x		✓
22. Have photos been attached? (one close up and one from across the street)	x		✓
23. Was the notice clearly visible on site?	x		✓
24. Were the notices kept on site for the duration of the advertising period?	x		✓
Objections/Comments			
25. From organs of state/external departments must be on a formal letterhead?	x		?
26. All objections/comments received attached?	x		✓
27. All emails sent or received in respect of this application attached?	x		✓
28. Applicant's comments on the objections attached?	x		✓
SIGNED BY APPLICANT/OWNER			

<i>For office use only</i>	
SIGNED BY ADMINISTRATIVE OFFICER	 6/24/18
VERIFIED & SIGNED BY TOWN PLANNER	
DATE VERIFIED	



Annexure 2 Signed Affidavit

SWORN AFFIDAVIT


I, the undersigned **James Marais (910 111 5987080)**, on behalf of **Jan Hanekom Partnership** in my capacity, as authorized person through power of attorney and resolution do hereby declare under oath that:

Application for the following:


- (i) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **consent use for a restaurant** of 702 m² on Portion 6 of Farm 571, Stellenbosch.
- (ii) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a **consent use for the extension for existing tourist facilities** (wine tasting and sales area) from ±100 m² to ±500 m² in order to allow for the wine tasting facilities to be extended.

1. Was advertised in at least two of the official languages of the Province in the **Eikestad Nuus Newspaper** on **7 September 2017 to 5 October 2017**.
2. The public notices were prominently displayed and maintained in a legible condition on the property for a continuous period of thirty (30) days from the date of the advertisement as indicated in (2) above;
3. A notice containing the requirements as set out in Section 47 of the Stellenbosch Land Use Planning By-Law (2015) was posted per registered post" to all adjoining property owners/occupants/ interested and affected parties as instructed by Stellenbosch Municipality during the same advertising period in section (2) above;
4. A notice of the application was sent to the Intergovernmental State Departments, per registered letters", as instructed by Stellenbosch Municipality indicating a commenting period commencing the same date as in (2) above with an additional 30 days;
5. All comments and objections were forwarded to Stellenbosch Municipality as contemplated in sections 1 –5.

The Deponent acknowledges that he / she knows and understands the contents of this Affidavit.

Signature: 
 at Paarl Police Station
 this 9 day of October 2017.

Commissioner of Oath's Stamp & Signature



06370181
 W/O
 N.L. GELDERBLOEM

SUID-AFRIKAANSE POLISIEDIENS
 COMMUNITY SERVICE CENTRE
 2017 -10- 09
 PAARL
 SOUTH AFRICAN POLICE SERVICE



Annexure 3 Advertising Period Notification Email

james@jhp.co.za

From: james@jhp.co.za
Sent: Tuesday, 19 September 2017 10:52 AM
To: 'Pedro April'
Subject: FW: Farm 571/6, Stellenbosch

More Pedro,

In verband met die epos hieronder wil ek jou in kennis stel dat ons publieke deelname begin het vir die aansoek op **7 September 2017**.

Die publieke deelname duur 30 dae en tyd vir besware eindig **5 Oktober 2017**.

Daar is drie departemente wat 60 dae beswaartydperk het wat **2 November 2017** eindig.

Vriendelike groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za



jan hanekom partnership

ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel: (021) 8711750 • Fax: (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za

Project Management • Property Development • Master Planning

From: james@jhp.co.za [mailto:james@jhp.co.za]
Sent: Monday, 28 August 2017 10:57 AM
To: 'Salome Newman' <Salome.Newman@stellenbosch.gov.za>; 'Pedro April' <Pedro.April@stellenbosch.gov.za>
Subject: RE: Farm 571/6, Stellenbosch

Jis Salome en Pedro,

Ek hoop dit gaan goed end at julle 'n lekker naweek gehad het.

Ek het die epos en inligting ontvang aangaande die publieke deelname van Ernie Els Wines

Ek wil julle in kennis stel dat ek gaan die publieke deelname proses begin en adverteer op **7 September 2017**.

Groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner



jan hanekom partnership
 ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel: 021 871 1750 • Fax: 021 872 4379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za

From: Salome Newman [<mailto:Salome.Newman@stellenbosch.gov.za>]
Sent: Monday, 21 August 2017 10:17 AM
To: james@jhp.co.za
Subject: FW: Farm 571/6, Stellenbosch

Jammer om te verneem dat jy nog nie die e-mail ontvang het nie maar ek het dit al die 14de Augustus gestuur

-----Original Message-----

From: Salome Newman
Sent: 14 August 2017 12:01 PM
To: jan@jhp.co.za
Subject: Farm 571/6, Stellenbosch

Dear Jan

Please find the temples to advertise the application

Regards / Groete,
 Salome Newman
 Admin Officer
 Planning and Economic Development

T: +27 21 808 8659 | F: +27 21 886 6899
 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za/planning

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

Disclaimer

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james@jhp.co.za

From: james@jhp.co.za
Sent: Friday, 03 November 2017 10:56 AM
To: 'Pedro April'; 'Ulrich Vonmolendorff'
Subject: LU/LU5680 - Potefeulje van Bewys

Goeie more Pedro en Ulrich,

Ek hoop dit gaan goed.

Ek wil julle graag in kennis stel dat die publieke deelname vir die aansoek op Ernie Els Wines verstryk het.

Die 30 dae beswaartydperk het verstryk, asook die 60 dae staatsdepartement beswaartydperk het ook verstryk.

Ons het 'n beswaar van die buurplaas (Niel Du Toit) aangaande die padservituut en ons het tot 'n vergelyking gekom en die registrasieproses is aan die gang.

Ons aanvaar Water en Sanitasie se goedkeuringsvoorwaardes.

Ons het verdere besware ontvang van Stellenbosch Belangegroep en die Belastingbetalers Vereniging aangaande die voorgestelde parkeering. Ons is besig met die proses om die besware te hanteer aangaande die parkeering en om planne op te trek.

Ek wil graag voorstel dat ek eers die besware beantwoord en tot 'n vergelyking kom met die Stellenbosch Belangegroep en Belastingbetalers Vereeniging en hulle terugvoer kry op die alternatief voordat ek die Portefeulje van Bewys (Checklist) indien by die Munisipaliteit.

Vriendelike groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za




jan hanekom partnership
ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel: (021) 8711750 • Fax: (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za


• www.jhp.co.za • www.jhp.co.za • www.jhp.co.za • www.jhp.co.za




Annexure 4 Proof of Registered Letters and Letter Example

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>	 Post Office	Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
	Full tracking and tracing/Volledige volg en spoor	Insured value of contents Versekerde waarde van inhoud R _____ C
Addressed to/Geadresseer aan HlaGarn Investors (Pty) Ltd P/A Alto Wynlandgoed P.O. Box 104 Stellenbosch	Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer Date stamp Paarl 7620 Post Office 05 SEP 2017 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.	Afik Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746473ZA CUSTOMER COPY 3010289 Klientaanskryf	Paraaf van aaneem-beampte

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>	 Post Office	Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
	Full tracking and tracing/Volledige volg en spoor	Insured value of contents Versekerde waarde van inhoud R _____ C
Addressed to/Geadresseer aan Van Marrel (Pty) Ltd P/A Dr B Du Toit P.O. Box 91 Stellenbosch	Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer Date stamp Paarl 7620 Post Office 05 SEP 2017 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.	Afik Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746544ZA CUSTOMER COPY 3010289 Klientaanskryf	Paraaf van aaneem-beampte

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>	 Post Office	Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
	Full tracking and tracing/Volledige volg en spoor	Insured value of contents Versekerde waarde van inhoud R _____ C
Addressed to/Geadresseer aan VVA MIRA Vineyards (Pty) Ltd P.O. Box 1511 Stellenbosch	Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer Date stamp Paarl 7620 Post Office 05 SEP 2017 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.	Afik Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746535ZA CUSTOMER COPY 3010289 Klientaanskryf	Paraaf van aaneem-beampte

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>	 Post Office	Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
	Full tracking and tracing/Volledige volg en spoor	Insured value of contents Versekerde waarde van inhoud R _____ C
Addressed to/Geadresseer aan Hidden Valley Properties (Pty) Ltd P.O. Box 12334 Die Baard	Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer Date stamp Paarl 7620 Post Office 05 SEP 2017 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.	Afik Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746527ZA CUSTOMER COPY 3010289 Klientaanskryf	Paraaf van aaneem-beampte

REGISTERED LETTER
GEREGISTREERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)

Post Office

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
 Department of Agriculture
 Private Bag x1
 Ficksburg

Postcode
 7607

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.

Postage paid R _____ c
 Service fee/Diensgeld R _____ c
 Insurance/Versekering R _____ c
Total/Totaal R _____ c

Insured value of contents
 Versekerde waarde van inhoud R _____ c

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
0800 111 502

Initial of accepting officer _____

Date stamp
 05 SEP 2011
 Paarl 7620
 Post Office
 Postal
 Datumstempel

Affix Track and Trace
REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0800 111 502 www.sapo.co.za
RC283746500ZA
 CUSTOMER COPY 301028R
 KIENIETATKRIII

Paraaf van aaneem-beampte _____

REGISTERED LETTER
GEREGISTREERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)

Post Office

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
 Cllr: Aunsaaf Crombie (Ward 20)
 07 Pool Street
 Clarensville
 Stellenbosch

Postcode
 7600

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.

Postage paid R _____ c
 Service fee/Diensgeld R _____ c
 Insurance/Versekering R _____ c
Total/Totaal R _____ c

Insured value of contents
 Versekerde waarde van inhoud R _____ c

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
0800 111 502

Initial of accepting officer _____

Date stamp
 05 SEP 2011
 Paarl 7620
 Post Office
 Postal
 Datumstempel

Affix Track and Trace
REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0800 111 502 www.sapo.co.za
RC283746513ZA
 CUSTOMER COPY 301028R
 KIENIETATKRIII

Paraaf van aaneem-beampte _____

REGISTERED LETTER
GEREGISTREERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)

Post Office

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
 Department of Agriculture
 Directorate: Land Use Management
 Private Bag x120
 Pretoria

Postcode
 0001

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.

Postage paid R _____ c
 Service fee/Diensgeld R _____ c
 Insurance/Versekering R _____ c
Total/Totaal R _____ c

Insured value of contents
 Versekerde waarde van inhoud R _____ c

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
0800 111 502

Initial of accepting officer _____

Date stamp
 05 SEP 2011
 Paarl 7620
 Post Office
 Postal
 Datumstempel

Affix Track and Trace
REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0800 111 502 www.sapo.co.za
RC283746495ZA
 CUSTOMER COPY 301028R
 KIENIETATKRIII

Paraaf van aaneem-beampte _____

REGISTERED LETTER
GEREGISTREERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)

Post Office

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
 Department of Water
 Affairs and Forestry
 Private bag x16
 SANLAMHOF

Postcode
 7532

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.

Postage paid R _____ c
 Service fee/Diensgeld R _____ c
 Insurance/Versekering R _____ c
Total/Totaal R _____ c

Insured value of contents
 Versekerde waarde van inhoud R _____ c

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
0800 111 502

Initial of accepting officer _____

Date stamp
 05 SEP 2011
 Paarl 7620
 Post Office
 Postal
 Datumstempel

Affix Track and Trace
REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0800 111 502 www.sapo.co.za
RC283746487ZA
 CUSTOMER COPY 301028R
 KIENIETATKRIII

Paraaf van aaneem-beampte _____

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>		 Post Office		Postage paid R _____ c Service fee/Diensgeld R _____ c Insurance/Versekering R _____ c Total/Totaal R _____ c
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ c		
Addressed to/Geadresseer aan Oshana Invest 98 (Pty) Ltd Helderberg Groenrivier Stellenbosch		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer _____	Date stamp 05 SEP 2011 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746447ZA CUSTOMER COPY 3010288 KIEMATSKRIJ		Paraaf van aaneem-beampte _____


REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>		 Post Office		Postage paid R _____ c Service fee/Diensgeld R _____ c Insurance/Versekering R _____ c Total/Totaal R _____ c
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ c		
Addressed to/Geadresseer aan Houwvut 1081 Bolognys (Pty) Ltd P.O. Box 3428 Somerset West		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer _____	Date stamp 05 SEP 2011 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746456ZA CUSTOMER COPY 3010288 KIEMATSKRIJ		Paraaf van aaneem-beampte _____

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>		 Post Office		Postage paid R _____ c Service fee/Diensgeld R _____ c Insurance/Versekering R _____ c Total/Totaal R _____ c
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ c		
Addressed to/Geadresseer aan Stellenbosch Agriculture Society P.O. Box 204 Stellenbosch		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer _____	Date stamp 05 SEP 2011 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746460ZA CUSTOMER COPY 3010288 KIEMATSKRIJ		Paraaf van aaneem-beampte _____

REGISTERED LETTER GEREGISTREERDE BRIEF <i>(with an insurance option/met 'n versekeringsopsie)</i>		 Post Office		Postage paid R _____ c Service fee/Diensgeld R _____ c Insurance/Versekering R _____ c Total/Totaal R _____ c
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ c		
Addressed to/Geadresseer aan Stellenbosch Interest Group P.O. Box 2217 Dennisig		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer _____	Date stamp 05 SEP 2011 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace REGISTERED LETTER (with a domestic insurance option) ShareCall 0860 111 502 www.sapo.co.za RC283746587ZA CUSTOMER COPY 3010288 KIEMATSKRIJ		Paraaf van aaneem-beampte _____

REGISTERED LETTER GEREGISTREERDE BRIEF (with an insurance option/met 'n versekeringsopsie)		 Post Office		Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ C		
Addressed to/Geadresseer aan Stellenbosch Ratepayers Assocn P.O. Box 399 Stellenbosch		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer	Date stamp Paarl 7520 Post Office 15 SEP 2011 Postal Datumstempel
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace REGISTERED LETTER (with a domestic insurance option) SherCall 0800 111 502 www.saps.co.za RC283746561ZA CUSTOMER COPY 301028R		Paraaf van aaneem-beampte
[7599] Postcode Postkode		701281		

REGISTERED LETTER GEREGISTREERDE BRIEF (with an insurance option/met 'n versekeringsopsie)		 Post Office		Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ C		
Addressed to/Geadresseer aan		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer	Date stamp 701281
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace customer copy 3 Plate Volg-en-Spoor-klantafskrif		Paraaf van aaneem-beampte Datumstempel
[] [] [] [] Postcode Postkode		701281		

REGISTERED LETTER GEREGISTREERDE BRIEF (with an insurance option/met 'n versekeringsopsie)		 Post Office		Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ C		
Addressed to/Geadresseer aan		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer	Date stamp 701281
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace customer copy Plate Volg-en-Spoor-klantafskrif		Paraaf van aaneem-beampte Datumstempel
[] [] [] [] Postcode Postkode		701281		

REGISTERED LETTER GEREGISTREERDE BRIEF (with an insurance option/met 'n versekeringsopsie)		 Post Office		Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C
Full tracking and tracing/Volledige volg en spoor		Insured value of contents Versekerde waarde van inhoud R _____ C		
Addressed to/Geadresseer aan		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	Initial of accepting officer	Date stamp 701281
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace customer copy Plate Volg-en-Spoor-klantafskrif		Paraaf van aaneem-beampte Datumstempel
[] [] [] [] Postcode Postkode		701281		



jan hanekom
partnership

ARCHITECTS • TOWN AND REGIONAL PLANNERS

Application Number: LU/LU/5680

Our File Reference Number: Farm 571/6, Stellenbosch

Your Reference Number: HS100393

Enquiries: James Marais (Jan Hanekom Partnership)

Contact No: (+21) 871 1750

Email address: james@jhp.co.za

Date: xxxxx

REGISTERED MAIL

Affected person's name & Postal address

Affected person's Title

Consent Use to establish a new Restaurant and Extension of the Existing Wine Tasting and Sales Facility on Portion 6 of the Farm Groene Rivier 571, Stellenbosch.

Applicant:	James Marais (Jan Hanekom Partnership), james@jhp.co.za
Owner:	Ernie Els Winery Pty Ltd
Application number:	LU/LU/5680
Reference number:	LU/LU5680
Property Description:	Portion 6 of the Farm Groene Rivier 571, Stellenbosch
Physical Address:	Annandale Road, Stellenbosch, 7600

Herewith application for the following:


- (i) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **consent use for a restaurant** of 702 m² on Portion 6 of Farm 571, Stellenbosch.
- (ii) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a **consent use for the extension for existing tourist facilities** (wine tasting and sales area) from ±100 m² to ±500 m² in order to allow for the wine tasting facilities to be extended.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above-mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

APPLICANT
Registered mail or normal mail
Jan Hanekom Partnership 60 Mill Street Paarl 7646
Or faxed to
(+21) 872 4379
Or hand delivered to
Jan Hanekom Partnership 60 Mill Street Paarl 7646
Or e-mailed to
James Marais (Jan Hanekom Partnership) James@jhp.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, James Marais (Jan Hanekom Partnership) at (+21) 871 1750. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully



James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

**REGISTERED LETTER
GEREGISTREERDE BRIEF**
(with an insurance option/me 'n versekeringsopsie)

No **FINAL/FINAAL**

Date stamp of delivery Date stamp received

Datumstempel aflewering Datumstempel ontvang

Addressed to/Geadresseerde aan Signature of recipient
Handtekening van ontvanger

Initials of delivery officer
Paraat van afleweringseemple Track and Trace Reference No
Volg-ter-Spoor-verwysingsno

Postcode Postkodes Post Office, counter No
Postkantoor, toelagingsno

Please collect at
Haal asseblief af by Post Office, counter No
Postkantoor, toelagingsno

within 30 days of date received at delivery office/
binne 30 dae vanaf datum ontvang by afleweringkantoor

Official proof of identification essential
Amptelike bewys van identifikasie noodsaaklik

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South African Post Office Limited
Paarl

05-SEP-2017 11:09:03
 Session Id: 710-78375-3-605632-1
 Txn No : 00505
 Teller Id: SONJA VD WESTHUIZEN
 TAX INVOICE VAT #4650101142
 ALL PRICES VAT INCLUSIVE
 VAT DOES NOT APPLY TO ITEMS MARKED *

Receipt For SA Post Office
Products Or Services

PRODUCT	QTY	UNIT PRICE	VAT	R AMOUNT
*STAMP/REG LET MEDIUM RATE/8t	13 x	R31.20	14%	R405.60
VAT TOTAL @14%				R49.81
Sub Total				R405.60
VAT TOTAL @14%				R49.81
Total				R405.60
Debit Card				R405.60

-----EFTPOS-----
 *****6345 DEBIT 2103 CHQ
 05/09/17 11:09:01 TERM 2431602
 TRANS NO 113607 AUTH CODE 403901
 PURCHASE R405.60

ACCEPTED

* Refunds are only allowed within 7 days of purchase.

We deliver, whatever it takes.

www.postoffice.co.za
 Customer Care Number 0860 111 502
 Crime Buster HotLine 0800 033 554



Annexure 5 Site Notice Example and Proof of Notices



Aansoeknommer: LU/LU/5680
 Munisipale Lêerverwysingsnommer: Plaas 571/6, Stellenbosch
 Aansoeker Verwysingsnommer: HS100393
 Navrae: James Marais (Jan Hanekom Vennootskap)
 Kontaknommer: (+21) 871 1750
 E-pos adres: james@jhp.co.za
 Datum: 7 September 2017

Aansoek vir 'n Vergunningsgebruik om 'n nuwe Restaurant en Uitbreiding van die Bestaande Wynproe en Verkoopfasiliteit op Gedeelte 6 van die Plaas Groene Rivier 571, Stellenbosch te vestig.

Aansoeker: James Marais (Jan Hanekom Vennootskap), james@jhp.co.za
 Eienaar: Ernie Els Wingerde (Edms) Bpk
 Aansoeknommer: Lu/Lu/5680
 Verwysingsnommer: Lu/Lu/5680
 Eiendomsbeskrywing: Gedeelte 6 van die Plaas Groene Rivier 571, Stellenbosch
 Fisiese Adres: Annandale Straat, Stellenbosch, 7600

Hiermee aansoek vir die volgende:

- (i) Ingevolge Artikel 15 (2) (0) van die Munisipaliteit Stellenbosch Grondgebruikbeplanning, 2015, vir vergunningsgebruik vir 'n restaurant van 702 m² op Gedeelte 6 van Plaas 571, Stellenbosch.
- (ii) Ingevolge Artikel 15 (2) (0) van die Munisipaliteit Stellenbosch Grondgebruikbeplanning, 2015, vir 'n vergunningsgebruik vir die uitbreiding van bestaande toeriste fasiliteite (wynproe en verkoopsarea) vanaf ± 100 m² na ± 500 m² ten einde die wynproeffasiliteite te verleng.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadreseer word:

AANSOEKER
Geregistreerde of gewone pos
Jan Hanekom Vennootskap 60 Meulstraat Paarl 7646
Of gefaks aan
(+21) 872 4379
Of per hand afgelewer aan
Jan Hanekom Vennootskap 60 Meulstraat Paarl 7646
Of per e-pos gelewer aan
James Marais (Jan Hanekom Vennootskap) james@jhp.co.za

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, James Marais (Jan Hanekom Vennootskap) by tel (+21) 871 1750gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.



ARCHITECTS • TOWN AND REGIONAL PLANNERS

Application Number: LU/LU/5680

Municipal File Reference: Farm 571/6, Stellenbosch

Applicant Reference: HS100393

Objections: James Marais (Jan Hanekom Partnership)

Contact Number: (+21) 871 1750

E-mail Address: james@jhp.co.za

Date: 7 September 2017

Application for a Consent Use to establish a new Restaurant and Extension of the Existing Wine Tasting and Sales Facility on Portion 6 of the Farm Groene Rivier 571, Stellenbosch.

Applicant: James Marais (Jan Hanekom Partnership), james@jhp.co.za
 Owner: Ernie Els Wineyards Pty Ltd
 Application number: LU/LU/5680
 Reference number: LU/LU5680
 Property Description: Portion 6 of the Farm Groene Rivier 571, Stellenbosch
 Physical Address: Annandale Road, Stellenbosch, 7600

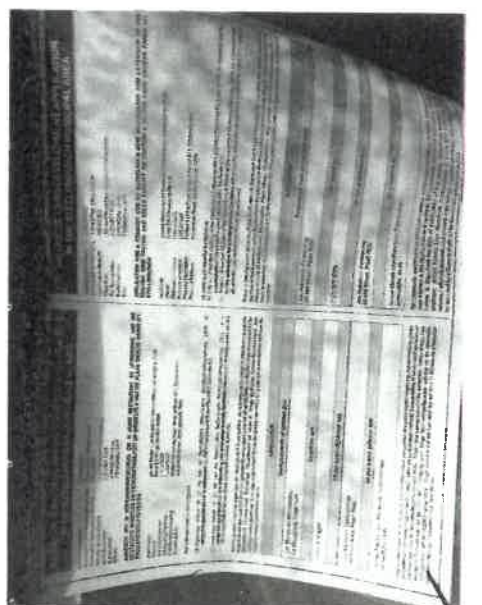
Herewith application for the following:

- (i) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for consent use for a restaurant of 702 m² on Portion 6 of Farm 571, Stellenbosch.
- (ii) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a consent use for the extension for existing tourist facilities (wine tasting and sales area) from ±100 m² to ±500 m² in order to allow for the wine tasting facilities to be extended.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above-mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

APPLICANT
Registered mail or normal mail
Jan Hanekom Partnership 60 Mill Street Paarl 7646
Or faxed to
(+21) 872 4379
Or hand delivered to
Jan Hanekom Partnership 60 Mill Street Paarl 7646
Or e-mailed to
James Marais (Jan Hanekom Partnership) James@jhp.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, James Marais (Jan Hanekom Partnership) at (+21) 871 1750 Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.



KENNISGEWING VAN GRONDONTWIKKELINGSANSOEKER IN DIE STELLENBOSCH MUNISIPALE GEBIED

Aansoeknommer: LUL/LU/5680
 Aansoeker: James Marais (Jan Hanekom Vennootskap)
 Aansoeknommer: HS100393
 Aansoeker: James Marais (Jan Hanekom Vennootskap)
 Kontaktnommer: (+21) 871 1750
 E-pos adres: james@jhp.co.za
 Datum: 7 September 2017

ANSOEK VIR 'N VERGUNNINGSGEBRUIK OM 'N NUWE RESTAURANT EN UITBREIDING VAN DIE BESTAANDE WYNPAD EN VERKOOPFASILITEIT OP GEEDELTJE 6 VAN DIE PLAAS GROENE RIVER 571, STELLENBOSCH TE VESTIG.

Aansoeker: James Marais (Jan Hanekom Vennootskap), james@jhp.co.za
 Elensaar: Ernie Els Wineyards (Edrne) Bpk
 Aansoeknommer: LUL/LU/5680
 Vennootskapsnommer: LUL/LU/5680
 Elensaar: Gedeelte 6 van die Plaas Groene River 571, Stellenbosch
 Fisiese Adres: Amundale Straat, Stellenbosch, 7600

Hiermee aansoek vir die volgende:

(1) Ingevoegde Artikel 15 (2) (a) van die Munisipaliteit Stellenbosch Grondgebruikbeplanning, 2015, vir vergoedingsgebruik vir 'n restaurant van 702 m² op Gedeelte 6 van Plaas 571, Stellenbosch.

(b) Ingevoegde Artikel 15 (2) (a) van die Munisipaliteit Stellenbosch Grondgebruikbeplanning, 2015, vir 'n vergoedingsgebruik vir die uitbreiding van bestaande toeristiese fasiliteite (wynproeëse verkoopsaai) vanaf 'n 100 m² na 'n 500 m² ten einde die wynproeëse fasiliteite te versterk.

Kennis gegee dat hiermee ingevolge die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek omvang is en gedurende wechdae tussen 08:30 en 13:30 by die Beplanningsekskusoor by Stellenbosch Munisipaliteit, Planstraat, Stellenbosch, kan tress lê. Enige geskrewe kommentariefolles, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoek op een van die volgende wyse geskedersaer word:

AANSOEKER	
Geregistreerde of gewone pos	
Jan Hanekom Vennootskap 60 Meulstraat, Paarl 7646	Of gefaks aan
(+21) 872 4379	Of per hand afgelower aan
Jan Hanekom Vennootskap 60 Meulstraat, Paarl 7646	Of per e-pos gelower aan
James Marais (Jan Hanekom Vennootskap) james@jhp.co.za	

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, versuysigstuur, in reën, adres en kontakdesonderdele, belangstelling in die aansoek en redes vir kommentaar, deur die bogenoemde party, ontvang word. Telefoniese navrae kan aan die aansoeker, James Marais (Jan Hanekom Vennootskap) by tel (+21) 871 1750 ontvang word. Enige kommentariefolles moet na die voornemde e-posadres aan die aansoeker, James Marais (Jan Hanekom Vennootskap) by tel (+21) 871 1750 of per e-pos, afgelewer word. Enige persoon wat nie aan hierdie kennisgewing voldoen, word amptlik kennisgegee dat die aansoek nie aanvaar sal word nie. Enige persoon wat nie aan hierdie kennisgewing voldoen, word amptlik kennisgegee dat die aansoek nie aanvaar sal word nie.

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Application Number: LUL/LU/5680
 Municipal File Reference: Farm 571/6, Stellenbosch
 Applicant Reference: HS100393
 Applicant: James Marais (Jan Hanekom Partnership)
 Objections: James Marais (Jan Hanekom Partnership)
 Contact Number: (+21) 871 1750
 E-mail/Address: james@jhp.co.za
 Date: 7 September 2017

APPLICATION FOR A CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF THE EXISTING WINE TASTING AND SALES FACILITY ON PORTION 6 OF THE FARM GROENE RIVER 571, STELLENBOSCH.

Applicant: James Marais (Jan Hanekom Partnership), james@jhp.co.za
 Owner: Ernie Els Wineyards Pty Ltd
 Application number: LUL/LU/5680
 Reference number: LUL/LU/5680
 Property Description: Portion 6 of the Farm Groene River 571, Stellenbosch
 Physical Address: Amundale Road, Stellenbosch, 7600

Herewith application for the following:

(1) In terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a consent use of a restaurant of 702 m² on Portion 6 of Farm 571, Stellenbosch.

(b) In terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a consent use of a wine tasting and sales facility (wine tasting and sales area) from 100 m² to 500 m² in order to allow for the wine tasting facilities to be extended.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-Law that the above-mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning and Development Office at Stellenbosch Municipality, Plan Street, Stellenbosch. Any written comments/objections, with full reasons therefor, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

APPLICANT	
Registered mail or normal mail	
Jan Hanekom Partnership 60 Mill Street, Paarl 7646	Or faxed to
(+21) 872 4379	Or hand delivered to
Jan Hanekom Partnership 60 Mill Street, Paarl 7646	Or e-mailed to
James Marais (Jan Hanekom Partnership) james@jhp.co.za	

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made for the applicant, James Marais (Jan Hanekom Partnership) at (+21) 871 1750. Any comments/objections received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

x Cable Ties

y Kousigowing

Lamineer



PRINT RIGHT



MASSTORES (PTY) LTD
TRADING AS GAME
PAARL
the future of retail
Store G084
21 FABRIEK STREET

PAARL 7646
Phone 0861426071

AUTH BATCH 150
15531 0157#0095
4167682b-4101 4017 9347
203356h52704
-----6345
VAT 011
AID A0000000001010

PRESENT THIS SLIP
TO VALIDATE
YOUR GUARANTEE

TAX INVOICE
VAT REGISTRATION NUMBER: 4300119155
000G084/01092017/1004/109/0474

Art/EAN 6001865143806
MOTOQUIP CABLE TIES 25.00
Art/EAN 6001865143806
MOTOQUIP CABLE TIES 25.00

Total (2) R 50.00
Terminal Payment R 50.00

**** Customer Receipt ****

01/09/2017 03:29 PM
MERCHANT ID:000010001023084
OPERATOR:00171004
TRN:152929
BILL ID:109
AUTH NO:005587

TAX INVOICE
PAPIRO T/A
PRINT RIGHT
VAT REG NO 4390114850
PO BOX 318
PAARL 7620

01/09/2017 16:58 0001
000000#7744 CASHIER01

LAMINEER *55.00
KOPIE *18.00

CASH *73.00



TAX INVOICE

Invoice No.: 6051933436	Date: 13/10/2017
-----------------------------------	----------------------------

ERNIE ELS VINEYARDS (PTY) LTD
PO BOX 7595
STELLENBOSCH
7599

Reg. No: 1950/038385/07

Media24 is a Level 3 BBBEE supplier
PO Box 692, Cape Town 8000

VAT No: 4150102228

Naspers Centre, 40 Heerengracht,
Cape Town 8001

Account Enquiries: Cyril Joseph

Tel: 0214063349

Fax:

Email: Cyril.Joseph@media24.com

Order number / reference:	Account No: 300018397203
Client Reg No: 200302322707	Client VAT No: 4630211581
Page 1 of 1	

Date	Description	Rate	Amount	Discount	Nett	VAT	Total (R)	
12/10/2017	EikestadNuus - CLASSDSP Jan Hanekom Partners - 07.09.2017, Size: 20 CM X 8 CO, Color: BW	0.00	8,500.00	0.00	8,500.00	1,190.00	9,690.00	
Terms: Pay Immediately						Total(ZAR)	1,190.00	9,690.00

PAYMENT ADVICE

Important: This advice must always accompany your remittance



BANK TRANSFER DETAILS:

Account Name: Media24 Advertensies
Bank: ABSA
Account Number: 0550000059
Branch Code: 506009
Branch: HEERENGRACHT

Reg. No: 1950/038385/07

VAT No: 4150102228

PO Box 692, Cape Town 8000

Naspers Centre, 40 Heerengracht, Cape Town 8001

OTHER PAYMENT OPTIONS: Card Payments

Date	Account Ref	Account Rendered
13/10/2017	300018397203	9,690.00



Payments must always indicate your Account Reference

KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK IN DIE STELLENBOSCH MUNISIPALE GEBIED

Aansoeknommer:
Munisipale Lêerwysingsnommer:
Aansoeker Verwysingsnommer:
Navrae: James Marais
(Jan Hanekom Vennootskap)
Kontaknommer:
E-pos adres:
Datum:

LU/LU/5680
Plaas 571/6, Stellenbosch
HS100393
(+21) 871 1750
james@jhp.co.za
7 September 2017

AANSOEK VIR 'N VERGUNNINGSGEBRUIK OM 'N NUWE RESTAURANT EN UITBREIDING VAN DIE BESTAANDE WYNPROE EN VERKOOPFASILITEIT OP GEDEELTE 6 VAN DIE PLAAS GROENE RIVIER 571, STELLENBOSCH TE VESTIG.

Aansoeker:
Eiensaar:
Aansoeknommer:
Verwysingsnommer:
Eiendomsbeskrywing:
Fisiese Adres:

James Marais (Jan Hanekom Vennootskap), james@jhp.co.za
Ernie Els Wingerde (Edms) Bpk
Lu/Lu/5680
Lu/Lu/5680
Gedeelte 6 van die Plaas Groene Rivier 571, Stellenbosch
Annandale Straat, Stellenbosch, 7600

Hiermee aansoek vir die volgende:

- (i) Ingevolge Artikel 15 (2) (0) van die Munisipaliteit Stellenbosch Grondgebruikbeplanning, 2015, vir **vergunningsgebruik vir 'n restaurant** van 702 m² op Gedeelte 6 van Plaas 571, Stellenbosch.
- (ii) Ingevolge Artikel 15 (2) (0) van die Munisipaliteit Stellenbosch Grondgebruikbeplanning, 2015, vir 'n **vergunningsgebruik vir die uitbreiding van bestaande toeriste fasiliteite** (wynproe en verkooparea) vanaf ± 100 m² na ± 500 m² ten einde die wynproefasiliteite te versterk.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit. Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch, ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadresseer word:

AANSOEKER
Geregistreerde of gewone pos
Jan Hanekom Vennootskap 60 Meulstraat, Paarl 7646
Of gefaks aan
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Of per hand afgelewer aan
Jan Hanekom Vennootskap 60 Meulstraat, Paarl 7646
Of per e-pos gelewer aan
James Marais (Jan Hanekom Vennootskap) james@jhp.co.za

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar deur die bogenoemde party ontvang word. Telefoniese navrae kan aan die aansoeker, James Marais (Jan Hanekom Vennootskap) by tel (+21) 871 1750 gerig word. Enige kommentaar/besware ontvang na die voormelde sluitingsdatum sal as ongedig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-ampenaar bygestaan word om hul kommentaar op skrifte stel.

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Application Number: LU/LU/5680
Municipal File Reference: Farm 571/6, Stellenbosch
Applicant Reference: HS100393
Objectors: James Marais (Jan Hanekom Partnership)
Contact Number: (+21) 871 1750
E-mail Address: james@jhp.co.za
Date: 7 September 2017

APPLICATION FOR A CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF THE EXISTING WINE TASTING AND SALES FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH.

Applicant: James Marais (Jan Hanekom Partnership), james@jhp.co.za
Owner: Ernie Els Wineyards Pty Ltd
Application number: LU/LU/5680
Reference number: LU/LU/5680
Property Description: Portion 6 of the Farm Groene Rivier 571, Stellenbosch
Physical Address: Annandale Road, Stellenbosch, 7600

Herewith application for the following:

- (i) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **consent use for a restaurant** of 702 m² on Portion 6 of Farm 571, Stellenbosch.
- (ii) In terms of Section 15(2)(0) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a **consent use for the extension for existing tourist facilities** (wine tasting and sales area) from ±100 m² to ±500 m² in order to allow for the wine tasting facilities to be extended.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above-mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

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Or faxed to
(+21) 872 4379
Or hand delivered to
Jan Hanekom Partnership 60 Mill Street, Paarl 7646
Or e-mailed to
James Marais (Jan Hanekom Partnership) James@jhp.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, James Marais (Jan Hanekom Partnership) at (+21) 871 1750. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.



Annexure 7 – Water and Sanitation Correspondence



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCIAL OPERATIONS

Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

☎	021 941 6039	✉	Mr. Nkosinathi Mkonto
☎	021 941 6082	📁	16/2/7/G200/A/8
☎	060 521 6850	✉	mkonton@dws.gov.za

Attention: James Marais

Jan Hanekom Partnership
60 Mill Street
PAARL
7646

Dear Sir

APPLICATION FOR CONSENT USE: TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF THE EXISTING WINE TASTING AND SALES FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH

The Department acknowledges receipt of your report dated 07 September 2017 for the above mentioned activity.

After evaluating the abovementioned application; the Department has the following comments:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) must be adhered to.
3. The current water use registration for the water uses contemplated in Section 21 and registered in terms of Section 39 of the National Water Act (Act 36 of 1998) pertaining to the undivided/non-consolidated properties must be amended with this Department within 30 days upon obtaining new title deed descriptions, extent of the property and registered property owner(s) to reflect the registered water uses applicable to the new sub-divisions and/or consolidations.



NATIONAL DEVELOPMENT PLAN
Our Future - make it work



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2)

4. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a licence in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 399 dated 26 March 2004) or if the activity is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).
5. No activities may take place within a buffer area of 500m upstream and downstream any wetland system without formal authorisation obtained from this Department.
6. No permanent structures may be constructed within the 1:100 year flood line of a watercourse and/or wetland.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

MLintnaar - Strauss

PROVINCIAL HEAD: WESTERN CAPE

Signed by: Melissa Lintnaar-Strauss

Designation: Control Environmental Officer

Date: 19 September 2017



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

james@jhp.co.za

From: james@jhp.co.za
Sent: Thursday, 19 October 2017 1:49 PM
To: 'mkonton@dws.gov.za'
Subject: 16/2/7/G200/A/8 - Portion 6 Farm Groene Rivier 571
Attachments: Water and Sanitation Letter.pdf

Dear Mr. Mkonto,

Referring to the attached letter regarding the Department of Water and Sanitation.

I would like to confirm that we accept the Department of Water and Sanitation approval conditions as stated in the attached letter concerning the proposed development on Portion 6 of the Farm Groene Rivier 571.

Kind regards,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za



jan hanekom partnership

ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel: (021) 8711750 • Fax: (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za

Project Management • Property Development • Market Research



Annexure 8 – Department of Agriculture Correspondence



Western Cape
Government

Agriculture

Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/210
YOUR REFERENCE : Farm 571/6, Stellenbosch
ENQUIRIES : Cor van der Walt

Jan Hanekom Partnership
60 Mill Street
PAARL
7646

Att: J Marais

**APPLICATION FOR CONSENT USE: DIVISION STELLENBOSCH
PORTION 6 OF THE FARM GROENE RIVIER NO 571**

Your application of 07 September 2017 has reference.

The Western Cape Department of Agriculture has no objection on condition it is aligned with the Land Use Planning principles of the Stellenbosch Municipality.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

A. Petersen
Ms. A Petersen

Copies:

Department of Environmental Affairs & Development Planning
1 Dorp Street
Cape Town
8000

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT
2018-01-08



Annexure 9 – Stellenbosch Interest Group Correspondence

james@jhp.co.za

From: james@jhp.co.za
Sent: Thursday, 26 October 2017 11:54 AM
To: 'SIG Info'
Cc: 'bothapatricia'; 'bertahayes'
Subject: RE: Groenerivier Aansoek

Goeie more Bertha,

Ek hoop dit gaan goed.

Ek wil net bevestig da tons het die epos en aanhegself ontvang van julle kommentaar op die aansoek vir Ernie Els Wines.

Ek wil julle ook in kennis stel ons is besig om die kommentaar in ag te neem en aan 'n oplossing te werk om julle beswaar in ag te neem. Ons beplan om in die nabye toekoms weer aan julle terugvoer te gee met 'n paar voorstelle n parkeeringuitlegplanne.

Vriendelike groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za



jan hanekom partnership
ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail info@jhp.co.za • Web www.jhp.co.za
 Oopgestel 1 Maatskappij • Proprietarier: Die Groenepartners • Maatskappij: Kerskens 1

From: SIG Info [mailto:info@stellenboschinterestgroup.org]
Sent: Friday, 06 October 2017 8:16 PM
To: james@jhp.co.za
Cc: bothapatricia <bothapatricia@gmail.com>; bertahayes <bertahayes@mweb.co.za>
Subject: Groenerivier Aansoek

Geagte mnr Marais

Die Stellenbosch Belangegroep se kommentaar op die aansoek met betrekking tot Gedeelte 6 van Plaas Groenerivier no. 571 is aangeheg, en ook 'n kopie van figuur 6 waarna in die brief verwys word.

Erkenning van ontvangs van albei aangehegte dokumente sal waardeer word.

Albei dokumente word ook aan u gefaks.

Vriendelike groete

Berta Hayes (Sekretäresse)

james@jhp.co.za

From: SIG Info <info@stellenboschinterestgroup.org>
Sent: Friday, 19 January 2018 10:45 AM
To: james@jhp.co.za
Subject: Re: Ernie Els Wines - Parkeeruitleg Kommentaar
Attachments: Ernie Els Wines - Kommentaar Januarie 2018.pdf

Goeie more James

Die Belangegroep se kommentaar nadat die parkering aangepas is, is aangeheg, en sal ook na jou gefaks word.

Ek sal dit waardeer as jy asseblief ontvangs erken.

Vriendelike groete
Berta Hayes



Virus-free. www.avq.com

2018-01-15 9:29 GMT+02:00 <james@jhp.co.za>:

More Bertha,

Ek hoop dit gaan goed.

Voorspoedige nuwe jaar! 2018 gaan 'n groot enetjie wees!

Ek wil graag opvolg op die epos hieronder wat handel oor Stellenbos Belangegroep aangaande die parkeering.

Dit sal gaaf wees as ek julle terugvoering kan kry op die nuwe landskapeeringsplan wat ek vir julle einde laas jaar gestuur het aangaande die parkeering.

Vriendelike groete,

James Marais (C/8318/2016)

SACPLAN Candidate Planner

Junior Town Planner

Meulstraat **60 Mill Street** | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za



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ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail info@jhp.co.za • Web www.jhp.co.za
Planning • Management • Property Development • Construction Services

From: james@jhp.co.za [mailto:james@jhp.co.za]

Sent: Tuesday, 12 December 2017 1:46 PM

To: 'SIG Info' <info@stellenboschinterestgroup.org>

Cc: 'bothapatricia' <bothapatricia@gmail.com>; 'bertahayes' <bertahayes@mweb.co.za>

Subject: RE: Groenerivier Aansoek

Goeie more Bertha,

Ek hoop dat alles goed gaan.

In terme van aansoek **LU/LU/5680** verwys die aangehegte brief gedateer 6 Oktober 2017:

Hier vind u die nuwe voorgestelde landskapargitektuur parkering uitleg vir Ernie Els Wines aangeheg om die kommentaar in ag te neem:

- Verminder die aantal parkeerplekke soos versoek en voldoen aan die behoeftes van die voorgestelde fasiliteit.
- As die Munisipaliteit van Stellenbosch vereis, kan die voorgestelde parkeerarea in fases gebou word.
- Die meeste van die bestaande struik en bome sal bewaar of herplant word.
- Addisionele pogings sal aangewend word om die groot bome te bewaar of herplant.

- Die gekose plek vir die parkeerarea is om Ernie Els Wines se kliënte se voertuie van die restaurant en proe fasiliteit weg te steek vanuit 'n visuele oogpunt.

Ek vertrou dat die bogenoemde julle kommentaar in ag neem.

Bevestig asseblief of die bogenoemde voldoende is of nie en julle kommentaar beantwoord. Asook of julle goedkuring gee op die voorstel.

Vir verdere navrae, kontak my asseblief.

Vriendelike groete,

James Marais (C/8318/2016)

SACPLAN Candidate Planner

Junior Town Planner

Meulstraat **60 Mill** Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za



jan hanekom partnership

ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail: info@jhp.co.za • Web: www.jhp.co.za

Project Management • Property Development • Market Research

From: james@jhp.co.za [<mailto:james@jhp.co.za>]

Sent: Thursday, 26 October 2017 11:54 AM

To: 'SIG Info' <info@stellenboschinterestgroup.org>

Cc: 'bothapatricia' <bothapatricia@gmail.com>; 'bertahayes' <bertahayes@mweb.co.za>

Subject: RE: Groenerivier Aansoek

Goeie more Bertha,

Ek hoop dit gaan goed.

Ek wil net bevestig da tons het die epos en aanhegels ontvang van julle kommentaar op die aansoek vir Ernie Els Wines.

Ek wil julle ook in kennis stel ons is besig om die kommentaar in ag te neem en aan 'n oplossing te werk om julle beswaar in ag te neem. Ons beplan om in die nabye toekoms weer aan julle terugvoer te gee met 'n paar voorstell. en parkeeringuitlegplanne.

Vriendelike groete,

James Marais (C/8318/2016)

SACPLAN Candidate Planner

Junior Town Planner

Meulstraat **60 Mill** Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za



jan hanekom partnership
ARCHITECTS / TOWN AND REGIONAL PLANNERS

Meulstraat 60 Mill Street Paarl 7646 • Tel (021) 8711750 • Fax (021) 8724379 • E-mail info@jhp.co.za • Web www.jhp.co.za
Project Management • Property Development • Market Research

From: SIG Info [<mailto:info@stellenboschinterestgroup.org>]
Sent: Friday, 06 October 2017 8:16 PM
To: james@jhp.co.za
Cc: bothapatria <bothapatria@gmail.com>; bertahayes <bertahayes@mweb.co.za>
Subject: Groenerivier Aansoek

Geagte mnr Marais

Die Stellenbosch Belangegroep se kommentaar op die aansoek met betrekking tot Gedeelte 6 van Plaas Groenerivier no. 571 is aangeheg, en ook 'n kopie van figuur 6 waarna in die brief verwys word.

Erkenning van ontvangs van albei aangehegte dokumente sal waardeer word.

Albei dokumente word ook aan u gefaks.

Vriendelike groete

Berta Hayes (Sekretaresse)



Belangegroep Stellenbosch Interest Group

19 Januarie 2018

Jan Hanekom Partnership
Millstraat 60
Paarl

Aansoek no: LU/LU/5680
U verw no: Farm 571/6
Belangegroep verw. no: HS100393

james@jhp.co.za
Faks: 021 872 4379

KOMMENTAAR NADAT DIE UITLEGPLAN VAN DIE PARKEERAREA AANGEPAS IS:

GEDEELTE 6 VAN DIE PLAAS GROENERIVIER NO. 571, STELLENBOSCH: AANSOEK OM VERGUNNINGSGEBRUIK TEN EINDE 'N NUWE RESTAURANT TE VESTIG, EN DIE BESTAANDE WYNPROE EN VERKOPE FASILITEIT UIT TE BREI

Die vermindering van die aantal parkeerplekke (60 in plaas van 80) is visueel uiteraard 'n verbetering op die vorige voorstel, maar dit sal steeds 'n groot impak maak op die groen area agter die gebouekompleks. Dit is verder te betwyfel of die 60 parkeerplekke voldoende sal wees vir die parkeervereistes vir 'n restaurant van 702m² plus 'n wynproe en verkope area van 500m². (Soos in die vorige aansoek, word parkeerplek vir die groot toeristebusse wat die plaas besoek nie aangedui nie.)

Die impak van die ontwikkeling is egter nie beperk tot dié van die parkeerterrein alleen nie, soos voorheen aangedui. Die Stellenbosch Belangegroep bly by sy standpunt dat die huidige aansoek afgeskaal behoort te word vanweë die impak (visueel en andersins) op 'n baie waardevolle kulturele landskap. Plaas 571/6 word spesifiek in die studie onder leiding van Prof Todeschini waarna in die vorige kommentaar verwys is, gelys as een van die plase wat binne hierdie landskap (of *very high significance*) val. Tot tyd en wyl riglyne vir ontwikkeling vir hierdie landskap nie gefinaliseer is nie, behoort toestemming vir groot ontwikkelings soos die huidige nie deur die Munisipaliteit oorweeg te word nie.

Vriendelike groete

A. Haney

pp

Patricia Botha
(Voorsitter)

Jan Hanekom Partnership
 Millstraat 60
 Paarl
 For Attention: James@jhp.co.za

Application No: LU/LU/5680
 Your Reference: Farm 571/6
 Interest Group Ref. No: HS100393

PORTION 6 OF THE FARM GROENERIVIER NO 571 STELLENBOSCH

Dear Mr Marais

We refer to the commentary from the Stellenbosch Interest Group (dated 19 January 2018) on mentioned application and we respond to their concerns on the visual impact of the proposed application.

As the Architects who designed the Ernie Els building initially in 2001, we have again prepared the latest proposals. We feel compelled to illustrate at the hand of the accompanying photographs that our approach some 15 years ago, and again now, is with extreme sensitivity. It should be noted that the Stellenbosch Interest Group also raised their concerns in 2001 to the proposed building and the record illustrated that the Ernie Els Building is likely the noteworthy example amongst all the buildings in the Webersburg Valley. This mentioned particularly with reference to the manner in which its impact is mitigated by subtle design in lieu of extravagant architectural design.

The proposed extensions will not alter the front elevation of the building and will have no effect on its visual impact. The proposed parking is designed to be constructed behind the existing building and existing tree line. Every effort and expense will go towards preventing visual impact by retaining all possible natural aspects and the implementation of additional landscaping between and around the vehicles. All this will be done with the competent design and implementation of Mr Keith Kirsten who is well known for his approach towards sustainability and environmental impact.

The 5 photographs attached here were taken from various positions along the road to the Webersburg Valley and will illustrate that the commentary from the Stellenbosch Interest Group is an emotional and unsubstantiated concern.

Yours faithfully

Wilhelm Louw
 for 2AD Space Architects Inc.

2AD
 space

Inc.

ARCHITECTS
 INTERIOR DESIGN

PO Box 5272, Heidelberg, Somerset West, 7135, SOUTH AFRICA

info@2adspace.co.za

F: (27) 021 855 0785

T: (27) 021 855 0787

Photograph 1



From the intersection of Annandale road and R44 the Ernie Els building is completely concealed unlike many other buildings in the valley. All attempts to mitigate visual impact is noteworthy and the proposed new interventions will not have any influence on this.

Photograph 2



From the boundary of Webersburg (closest and parallel to the R44) the Ernie Els Building is entirely concealed from view. Similarly will new parking area and additions be invisible as they are positioned behind the existing.

PO Box 5272, Heideberg, Somerset West, 7135, SOUTH AFRICA
info@2space.co.za
F: (27) 021 855 0785
T: (27) 021 855 0787

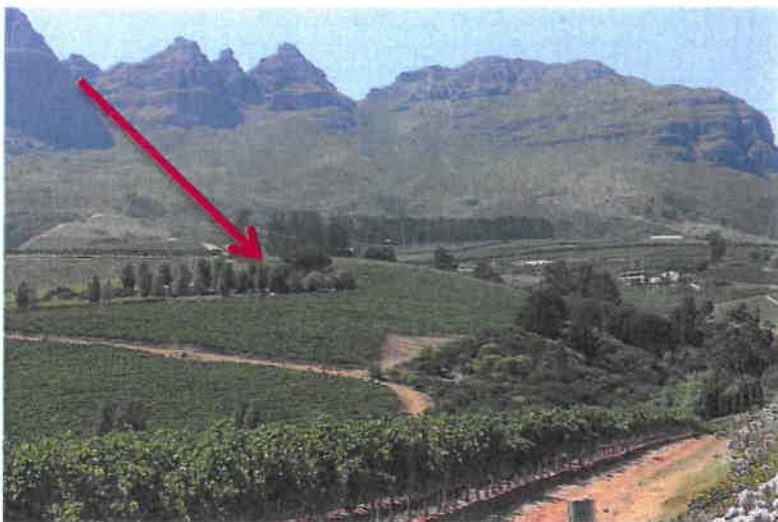


Photograph 3



From the corner of Webersburg leading up to Guardian Peak, the Ernie Els Building is still concealed and similarly will the proposed additions and parking behind the existing have no impact.

Photograph 4



From the road in front of Guardian Peak existing buildings are completely concealed and so will all new additions and parking area behind the existing.

PO Box 5272, Helderberg, Somerset West, 7135, SOUTH AFRICA

Info@2space.co.za

F: (27) 021 855 0785

T: (27) 021 855 0787



Photograph 5



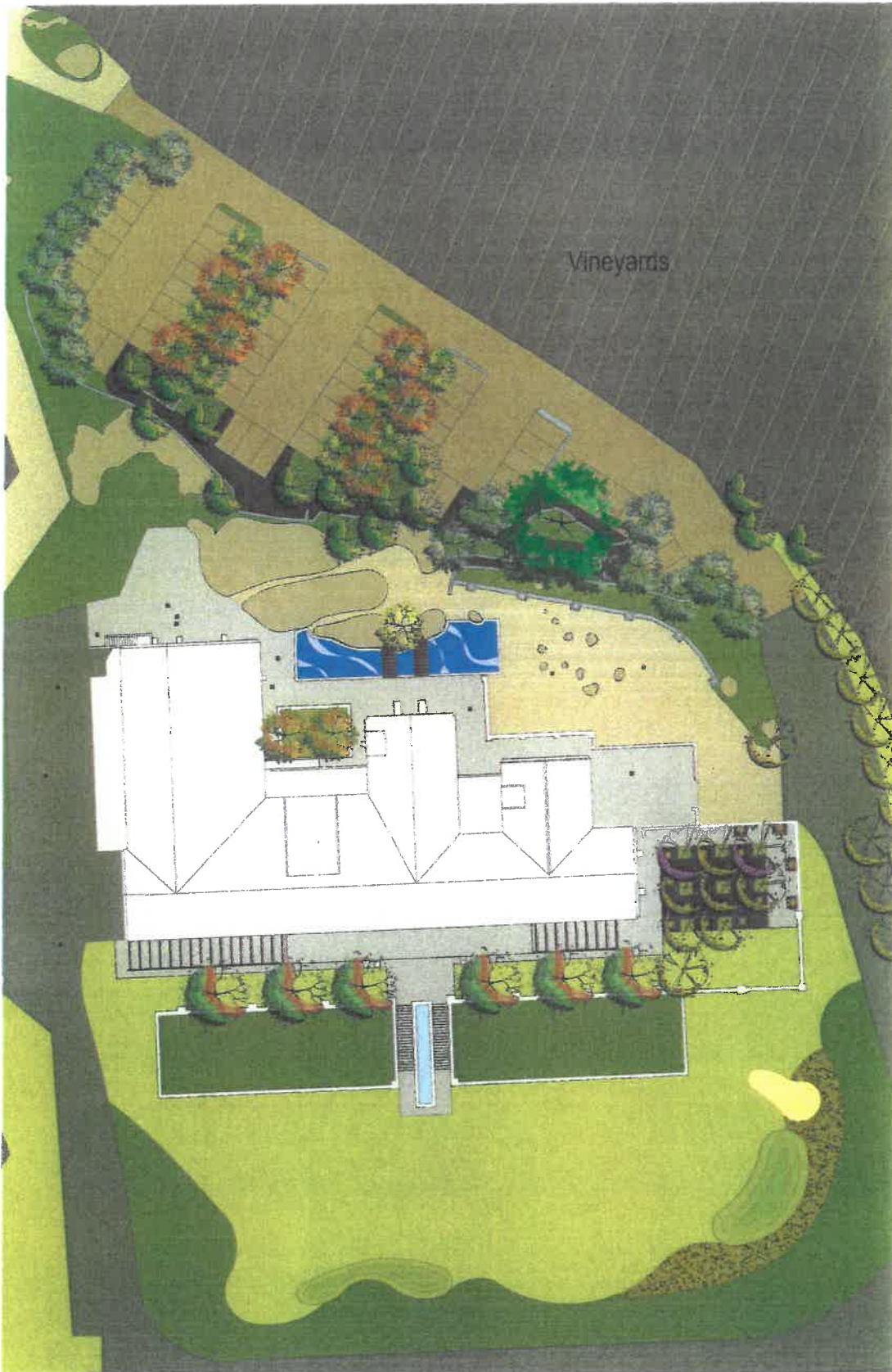
From the road in front of the Ernie Els main gate, the buildings are completely concealed. The small edge of one gable is entirely mitigated by subtle colour and roof texture. All proposed additions and parking area will be completely concealed from this view line.

PO Box 5272, Heiderberg, Somerset West, 7135, SOUTH AFRICA

info@2adspace.co.za





F: (27) 021 855 0785

T: (27) 021 855 0787



Soft Landscape Legend

Indicative New Tree Species




-  *Combretum erythrophyllum*
River Bushwillow
-  *Syzygium guineense*
Woodland waterberry
-  *Harpaphyllum caffrum*
Wild Plum
-  *Senegalia galpinii*
Monke-thorn

Existing Tree Positions

-  *Pinus pinea*
Stone Pine
-  *Quercus nigra*
Water Oak
-  *Populus simonii*
Chinese Poplar
-  *Quercus palustris*
Pin Oaks
-  *Vachellia xanthophloea*
Fever Tree

Indicative Under Tree Planting

- Agapanthus* spp
- Coleonema* spp
- Delosperma* spp
- Dierama* spp
- Petargonium cucullatum*
- Strelitzia reginae*
- Chondropetalum tectorum*
- Agathosma* spp
- Melalasia muricata*
- Portulacaria afra*
- Erocephalus africanus*

-  Mixed indigenous planting (Fynbos)
-  Lawn
-  Indigenous veld grass mix

Hard Landscape Legend

-  Gravel
-  Parking area
-  Walkway



Keith Kirsten Horticulture International (Pty) Ltd
 Olive Lodge Farm, Leeseers
 Johannesburg, Gauteng
 Tel: +27 (0) 11 537 2905
 Email: akk@kathkirsten.com
 Reg No: 2074/011582/07

NOTES:

- THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF Keith Kirsten Horticulture International.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE N.B.S. SABS 0400 AND LOCAL AUTHORITY REGULATIONS.
- ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND.
- ANY DISCREPANCIES ARE TO BE REPORTED TO Raymond E. Huelson IMMEDIATELY.
- THE DRAWING MAY NOT BE SCALED.

Ernie Els Wines, New Parking Area
 Scale: 1:500
 Date: 11 December 2017
 Size: A3

ERNIE ELS
 WINE



Annexure 10 – Stellenbosch Ratepayers Association Correspondence

Stellenbosse Belastingbetalersvereniging
Stellenbosch Ratepayers' Association

☒ 399 Stellenbosch 7599 • info@stellenboschratedpayers.org

6 October 2017

Mr J Marais
Jan Hanekom Partnership
P O Box 472
Paarl james@jhp.co.za

Director: Planning & Economic Development
Stellenbosch Municipality
P O Box 17
Stellenbosch
7599 Dupre.Lombaard@stellenbosch.gov.za

Dear Mr Marais

**COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A
NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING
FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571,
STELLENBOSCH: CONCERN ABOUT THE NATURE AND EXTENT OF THE
PROPOSED ADDITIONAL PARKING AREA**

1. I refer to your letter with Application Number LU/LU/5680 (under your reference Farm 571/6, Stellenbosch) dated 7 September 2017.
2. The Stellenbosch Ratepayers' Association (SRA) recognises the need to promote tourism related development in the Stellenbosch Municipal Area. In doing so, however, careful consideration needs to be given to the environmental impact of any new development. In this respect the location and extent of the proposed additional parking area for 80 vehicles is of concern.
3. It appears that there is already on-site parking for at least 30 vehicles and the question arises as to whether 80 additional parking bays will not result in an over-provision of parking in relation to the proposed wine tasting and dining facilities. The SRA believes further consideration should be given to the extent and location of the new parking area to reduce the loss of existing trees and thereby also reduce any negative impact on the environment. The SRA would welcome feedback from you on this issue.

Kind regards,

Andre Pelsler (Chairman)
(Electronically sent: not signed)

Stellenbosse Belastingbetalersvereniging
Stellenbosch Ratepayers' Association

✉ 399 Stellenbosch 7599 • info@stellenboschratedpayers.org

13 December 2017

Mr J Marais
Jan Hanekom Partnership
P O Box 472
Paarl james@jhp.co.za

Director: Planning & Economic Development
Stellenbosch Municipality
P O Box 17
Stellenbosch
7599

Dear Mr Marais

COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENERIVIER 571, STELLENBOSCH: AMENDED PARKING AREA LAYOUT PROVIDING FOR 58 BAYS AS INDICATED ON THE PLAN DATED 11 DECEMBER 2017, IS SUPPORTED

1. I refer to your e-mail of 12 December 2017 and copy of the revised parking layout concerning the above and to your letter with Application Number LU/LU/5680 (under your reference Farm 571/6, Stellenbosch) dated 7 September 2017.

2. The Stellenbosch Ratepayers' Association (SRA) appreciates the trouble you have taken to re-design the proposed parking area and to reduce the number of bays to be provided from 80 to 58. Your willingness to consider phasing the construction of the new parking area is also welcomed. In this respect it may be expedient to commence with a first phase of 38 bays. Depending on demand, the construction of a further 20 bays could be proceeded with at a later stage, if necessary. Retaining as much as possible of the indigenous vegetation will also be welcomed.

Kind regards,

Andre Pelser (Chairman)

james@jhp.co.za

From: Tania Vergnani <tania.vergnani@gmail.com>
Sent: Thursday, 26 October 2017 1:18 PM
To: james@jhp.co.za
Subject: Re: COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH: CONCERN ABOUT THE NATURE AND EXTENT OF THE PROPOSED ADDITIONAL PARKING

Dear James

Many thanks for keeping us informed - we really appreciate your cooperation in this regard.

kind regards

Tania

On 26 Oct 2017, at 11:58 AM, <james@jhp.co.za> <james@jhp.co.za> wrote:

Afternoon Tania,

I hope all is well.

I confirm hereby that we have received your email and attached letter from the Stellenbosch Ratepayers Association.

I would like to inform you that we are working on a proposal to take your objection into account. I will reply on your letter in the near future with a few proposals and parking layout map to address your comments.

Kind regards,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

<image001.png>

Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za

<image003.png>

From: SRA Info [<mailto:info@stellenboschratedpayers.org>]
Sent: Friday, 06 October 2017 11:23 AM
To: james@jhp.co.za; Dupre Lombaard <dupre.lombaard@stellenbosch.gov.za>; Veronique Meyer <veejanem@gmail.com>; Andre Pelser <andre_p@mweb.co.za>; Pieter Schaafsma <schaafsma@adept.co.za>
Subject: COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT

AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH: CONCERN ABOUT THE NATURE AND EXTENT OF THE PROPOSED ADDITIONAL PARKING ARE

Please find attached a letter relating to the above matter from the Stellenbosch Ratepayers Association

Yours sincerely

Tania Vergnani
Secretary

james@jhp.co.za

From: SRA Info <info@stellenboschratedpayers.org>
Sent: Wednesday, 13 December 2017 11:33 PM
To: james@jhp.co.za
Subject: COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENERIVIER 571, STELLENBOSCH: AMENDED PARKING AREA LAYOUT PROVIDING FOR 58 BAYS AS INDICATED ON THE PLAN FARM GROENERIVIER, STELLENBOSCH, 13 DECEMBER 2017.pdf
Attachments:

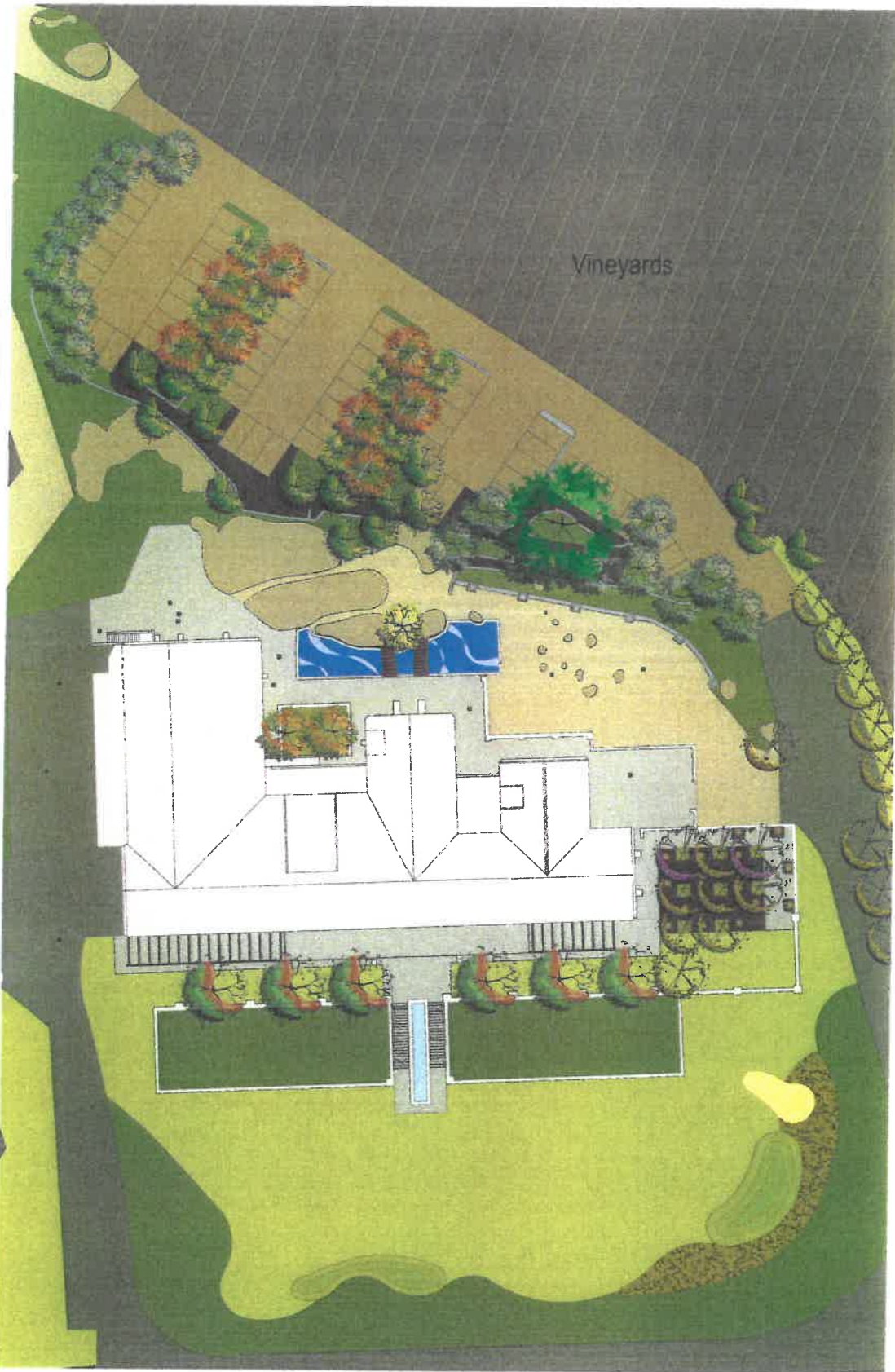
Dear James

Attached please find our comment on the revised parking submission for Groenerivier Farm. We appreciate your cooperation in this regard.

Hope you have a good Christmas break and all of the very best for 2018.

--

Tania Vergnani
Secretary
Stellenbosch Ratepayers Association








Soft Landscape Legend

Indicative New Tree Species

-  *Combretum erythrophyllum*
River Bushwillow
-  *Syzygium guineense*
Woodland waterberry
-  *Harpephyllum caffrum*
Wild Plum
-  *Senegalia galpinii*
Monke-thorn

Existing Tree Positions

-  *Pinus pinea*
Stone Pine
-  *Quercus nigra*
Water Oak
-  *Populus simonii*
Chinese Poplar
-  *Quercus palustris*
Pin Oaks
-  *Vachellia xanthophloea*
Fever Tree

Indicative Under Tree Planting

- Agapanthus spp*
- Coleonema spp*
- Delosperma spp*
- Dierama spp*
- Pelargonium cucullatum*
- Strelitzia reginae*
- Chondropetalum tectorum*
- Agathosma spp*
- Metalsia mucicata*
- Portulacaria afra*
- Eriosephalus africanus*

-  Mixed indigenous planting (Fynbos)
-  Lawn
-  Indigenous veld grass mix

Hard Landscape Legend

-  Gravel
-  Parking area
-  Walkway

keith kirsten
gardening. naturally!

Keith Kirsten Horticulture International (Pty) Ltd
Silver Lodge Farm, Lissassas
Johnsburg, Eastern
Tel: +27 (0) 11 317 0908
Email: office@keithkirsten.com
Reg No: 1974/001582/07

NOTES:

- THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF Keith Kirsten Horticulture International.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE N.B.R. SABS 0400 AND LOCAL AUTHORITY REGULATIONS.
- ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND.
- ANY DISCREPANCIES ARE TO BE REPORTED TO Raymond E. Hudson IMMEDIATELY.
- THE DRAWING MAY NOT BE SCALED.

Ernie Els Wines: New Parking Area
Scale: 1:500
Date: 11 December 2017
Size: A3

ERNIE ELS
WINES

Annexure 11 – Farm 1430 Objection Correspondence

james@jhp.co.za

From: Louis Strydom <louis@ernieelswines.com>
Sent: Friday, 13 October 2017 11:21 AM
To: james@jhp.co.za; Letitia Matthee
Subject: RE: Application no:LU/LU5680

James,

I have spoken to Neil and we will plan a extension to the current road.

He is fine with the use of the road.

Thanks

LOUIS STRYDOM
MANAGING DIRECTOR / WINEMAKER

TEL: +27 (0)21 881 3588 FAX: +27 (0)21 881 3688 CELL: +27 82 829 7518
E-mail: louis@ernieelswines.com WEB: www.ernieelswines.com ERNIE ELS WINES, ANNANDALE RD,
STELLENBOSCH P.O. BOX 7595, STELLENBOSCH 7599, SOUTH AFRICA

-----Original Message-----

From: james@jhp.co.za [mailto:james@jhp.co.za]
Sent: 13 October 2017 10:25 AM
To: Letitia Matthee; Louis Strydom
Subject: FW: Application no:LU/LU5680

More Louis en Letitia,

Ek hoop dit gaan goed.

In verband met die eposse hieronder wat handel oor Niel Du Toit se beswaar aangaande die servituut pad wat nie geregistreer is nie.

Dit sal gaaf wees as julle ook van julle kan af kan bevestig dat julle bewus is van die probleem en besig is met die proses om die servituut te registreer op die probleem op te los.

Vriendelike groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

-----Original Message-----

From: james@jhp.co.za [mailto:james@jhp.co.za]
Sent: Monday, 02 October 2017 2:23 PM
To: 'Niel du Toit' <djdutoit@iafrica.com>
Cc: 'jan@jhp.co.za' <jan@jhp.co.za>
Subject: RE: Application no:LU/LU5680

Middag Niel,

Baie dankie vir vanoggend se vergadering om meer duidelikheid te kry oor die probleem.

Ons sal dit ondersoek en verder hanteer en jou op hoogte hou.

Vriendelike groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
Junior Town Planner

Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za

-----Original Message-----

From: Niel du Toit [mailto:djdutoit@iafrica.com]
Sent: Monday, 02 October 2017 8:28 AM
To: james@jhp.co.za
Subject: Re: Application no:LU/LU5680

My nr is 083 226 9858

On 2017-09-28 04:13 PM, james@jhp.co.za wrote:

> Middag Niel,

>

> Dit sal gaaf wees as ek jou selfoon nommer kan kry om jou te kontak om meer duidelikheid te kry oor die saak.

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> Vriendelike groete,

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> James Marais (C/8318/2016)

> SACPLAN Candidate Planner

> Junior Town Planner

>

> Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za

>

>

>

>

< . . . >

>

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> From: Niel du Toit [mailto:djdutoit@iafrica.com]

> Sent: Thursday, 28 September 2017 3:58 PM

> To: james@jhp.co.za

> Subject: Re: Application no:LU/LU5680

>

> James

>

> 1)Ek dink nie jy verstaan my probleem nie-die toegangspad na Ernie Els Wines is nie op sy regte belyning gebou nie,die res van die plase se toegang is op die regte belyning gebou.

>

> 2)daar is n reuse uitbreiding wat beoog word op Ernie Els met die

> restaurant/proelokaal uitbreiding-definitief gaan dit baie meer

> verkeer opwek

>

> 3)daar moet met n haalbare voorstel kom ivm met spoedhoppels en

> verkeerstekens

>

> Ek voel ook dat almal wat die pad gebruik moet bydrae tot die

> spoedhoppels/verkeerstekens

>

> Dankie

>

> Niel du Toit

>

>

> On 2017-09-28 11:07 AM, james@jhp.co.za wrote:

>> More Niel,

>>

>> Ek hoop dit gaan goed.

>>

>> Baie dankie vir jou vrae oor die voorgestelde restaurant en uitbreiding van die bestaande proe fasiliteit.

>>

>> Ek sal jou vrae beantwoord tot die beste van my vermoë.

>>

> 1. Jy bevestig dat jy nie direkte beswaar maak teen die voorgestelde restaurant en uitbreiding van die wynproe fasiliteit nie, maar dat jou beswaar handel oor die drie meter toegangspad en verkeerd wat strek oor die omliggende plase.

>>

>> 2.a. Om die verkeer se spoed te verminder kan ons meer padtekens en spoedhobbels voorstel op die toegangspad.

>>

>> b. Ek gaan 'n paar punte bespreek om jou vraag te beantwoord:

>>

>> Ons is bewus van die toegangspad wat 3 meter breed is en die probleme wat daarmee gepaard gaan. Die applikant sien die pad as 'n "country road" wat oor buurplase strek vir toegang. Volgens die aangehegte SG-Diagram dien die 305.35m toegangspad as 'n inlas en is volgens geregistreer. Wanneer ons die plaas opsoek op die webtuiste "Cape Farm Mapper" dui die geel lyn aan dat die drie meter toegangspad geregistreer is as 'n servituut oor die plase (Sien foto aangeheg).

>>

>> Die drie meter toegangspad verskaf ook toegang tot die omliggende plase en dien as 'n algemene toegangspad. Die buurplase in die onmiddellike omgewing het ook restaurant en wynproe fasiliteite wat alklair tans funksioneer. Indien die voorgestelde uitbreiding 'n probleem gaan veroorsaak op die huidige toegangspad dan gaan dit 'n gemeenskaplike verkeers en toegangsprobleem wees vir al die omliggende plase en hulle fasiliteite. Dit impliseer dat

die drie meter toegangspad 'n gemeenskaplike opgradering sal ondergaan indien die Stellenbosch Munisipaliteit dit sou voorstel.

>>

>> Die huidige toegangspad wat nou drie meter wyd is het al klaar 'n opgradering ondergaan. Die voorgestelde restaurant en uitbreiding van die wynproe fasiliteit is van toepassing om die bestaande drie meter toegangspad se padwydte en verkeer te akkommodeer. Ons vertrou daar sal ook nie 'n versiklike toename van voertuie op die toegangspad wees wanneer die fasiliteite in werking is nie.

>>

>> Indien daar enige onsekerhede of verdere vrae is, is jy welkom om my te kontak.

>>

>> Vriendelike groete,

>>

>> James Marais (C/8318/2016)

>> SACPLAN Candidate Planner

>> Junior Town Planner

>>

>> Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za

>>

>>

>>

>>

>>

>> -----Original Message-----

>> From: Niel du Toit [mailto:djdutoit@iafrica.com]

>> Sent: Wednesday, 20 September 2017 9:42 AM

>> To: James@jhp.co.za

>> Subject: Application no:LU/LU5680

>>

>> Mnr James Marais

>>

>> U bg aansoek verwys.

>>

>> Die toegangspad na bg beoogde fasiliteite kry toegang via n serwituut oor plaas 1430, die eienaar van plaas 1430 is Danmarel Edms Bpk en ek is die enigste direkteur van Danmarel Edms Bpk en as dus behoorlik gemagtig om kommentaar te lewer.

>>

>> 1) ek is nie in beginsel teen die beoogde veranderinge en afwykings

>> wat beplan word in terme van die aansoek nie maar

>>

>> 2) my probleem is die verkeer en wel die volgende;

>>

>> a) toegang is via n redelike "klein" teerpad oor plaas 1430 en die afwykings wat beplan word gaan definitief die verkeersdruk baie verhoog. Die spoed wat sommige voertuie handhaaf op die serwituutpad is baie hoog en ek wil weet wat gaan die applikant doen om die verkeer se spoed af te bring na die ooreengekome 40km per uur.

>>

>> b) die laaste 305.35m van die toegangspad is gedeeltelik (3 meter breed) oor plaas 1430, terwyl daar nie so n serwituut bestaan nie en die applikant ook nie geregtig is op so n serwituut nie, gaan die applikant die toegangspad skuif na die korrekte belyning?

>>

>> By voorbaat dank

>>

>> DJ du Toit

>>

>> Direkteur: Danmarel Edms Bpk

>>

>

APPENDIX 6

Objection received

Plaas Groenerivier no 571/6

308

22

Kommentaar nadat
die parkeerarea
verklein is.



Belangegroep Stellenbosch Interest Group

19 Januarie 2018

Jan Hanekom Partnership
Millstraat 60
Paarl

Aansoek no: LU/LU/5680
U verw. no: Farm 571/6
Belangegroep verw. no: HS100393

james@jhp.co.za
Faks: 021 872 4379



KOMMENTAAR NADAT DIE UITLEGPLAN VAN DIE PARKEERAREA AANGEPAS IS:

GEDEELTE 6 VAN DIE PLAAS GROENERIVIER NO. 571, STELLENBOSCH: AANSOEK OM VERGUNNINGSGEBRUIK TEN EINDE 'N NUWE RESTAURANT TE VESTIG, EN DIE BESTAANDE WYNPROE EN VERKOPE FASILITEIT UIT TE BREI

Die vermindering van die aantal parkeerplekke (60 in plaas van 80) is visueel uiteraard 'n verbetering op die vorige voorstel, maar dit sal steeds 'n groot impak maak op die groen area agter die gebouekompleks. Dit is verder te betwyfel of die 60 parkeerplekke voldoende sal wees vir die parkeervereistes vir 'n restaurant van 702m² plus 'n wynproe en verkope area van 500m². (Soos in die vorige aansoek, word parkeerplek vir die groot toeristebusse wat die plaas besoek nie aangedui nie.)

Die impak van die ontwikkeling is egter nie beperk tot dié van die parkeerterrein alleen nie, soos voorheen aangedui. Die Stellenbosch Belangegroep bly by sy standpunt dat die huidige aansoek afgeskaal behoort te word vanweë die impak (visueel en andersins) op 'n baie waardevolle kulturele landskap. Plaas 571/6 word spesifiek in die studie onder leiding van Prof Todeschini waarna in die vorige kommentaar verwys is, gelys as een van die plase wat binne hierdie landskap (*of very high significance*) val. Tot tyd en wyl riglyne vir ontwikkeling vir hierdie landskap nie gefinaliseer is nie, behoort toestemming vir groot ontwikkelings soos die huidige nie deur die Munisipaliteit oorweeg te word nie.

Vriendelike groete

A. Hay

pp
Patricia Botha
(Voorsitter)

FILE NR:	
SCAN NR:	F 571/6
COLLABORATOR NR:	564908

suksesvol aan
 die konsultant
 gestuur op 6/10/2017
 Beurs aangeleg.

Kopie



Belangegroep Stellenbosch Interest Group

6 Oktober 2017

Jan Hanekom Partnership
 Millstraat 60
 Paarl

james@jhp.co.za
 Faks: 021 872 4379

FILE NR:	Aansoek no: LU/LU/5680
	U verw. no: Farm 571/6
SCAN NR:	Belangegroep verw. no: HS100393
COLLABORATOR NR:	

Handwritten entries in the form:
 SCAN NR: F571/6S
 COLLABORATOR NR: 547484



GEDEELTE 6 VAN DIE PLAAS GROENERIVIER NO. 571, STELLENBOSCH: AANSOEK OM VERGUNNINGSGEBRUIK TEN EINDE 'N NUWE RESTAURANT TE VESTIG, EN DIE BESTAANDE WYNPROE EN VERKOPE FASILITEIT UIT TE BREI

Die Stellenbosch Belangegroep is as erfenisliggaam by Erfenis Wes-Kaap geregistreer en stel hom ten doel om ons kulturele en natuurlike erfenis binne dorpe en in die landelike gebied te bevorder en te bewaar.

Volgens 'n onlangse verslag wat in opdrag van die Munisipaliteit van Stellenbosch onder leiding van Prof. Fabio Todeschini opgestel is, word die area waarbinne Plaas 571/6 geleë is, geklassifiseer as 'n waardevolle kulturele landskap (*of very high significance*). Sien aangehegte kopie van figuur 6 uit die verslag, PRELIMINARY DRAFT HERITAGE INVENTORY OF LARGE-SCALE LANDSCAPE AREAS IN THE RURAL DOMAIN OF THE STELLENBOSCH MUNICIPALITY INFORMING PROPOSED HERITAGE AREAS (Phase 2a Report, 26 January 2017) Hierdie verslag is op 16 Februarie 2017 aan Erfenis Wes-Kaap voorgelê en is aanvaar.

Die huidige aansoek kan nie ondersteun word nie. Dit behoort afgeskaal te word ten einde die verwagte impak op die omgewing te verminder, veral weens die voorsiening van grootskaalse parkering en die verhoogte aantal voertuie op die smal, landelike paaie.

Op die terreinplan word 'n 'new revamped parking area' suid van die gebouekompleks aangedui. Tydens 'n terreinbesoek is egter vasgestel dat hierdie area nie tans vir parkering gebruik word nie, maar dig begroei is met bome en struike. Dit is reg agter en hoog geleë (bokant die groot rotse agter die gebouekompleks) en dien as 'n welige groen agtergrond vir die bestaande ontwikkeling. Indien die bome en struike met 'n parkeerterrein op hierdie hoë vlak vervang word, sal dit vanaf verskeie punte in die landskap opvallend sigbaar wees. Dit is ook te betwyfel of die area groot genoeg is om 76 voertuie te akkommodeer.

Groot ontwikkelings op eiendomme, plus die gepaardgaande verhoogte verkeer op die paaie, sal onafwendbaar lei tot die degradering van die unieke karakter van die landskap waarbinne plaas 571/6 geleë is – uitgestrekte heuwels met wingerdplase teen die agtergrond van majestieuse berghange; 'n groot en onvervangbare bate vir Stellenbosch.

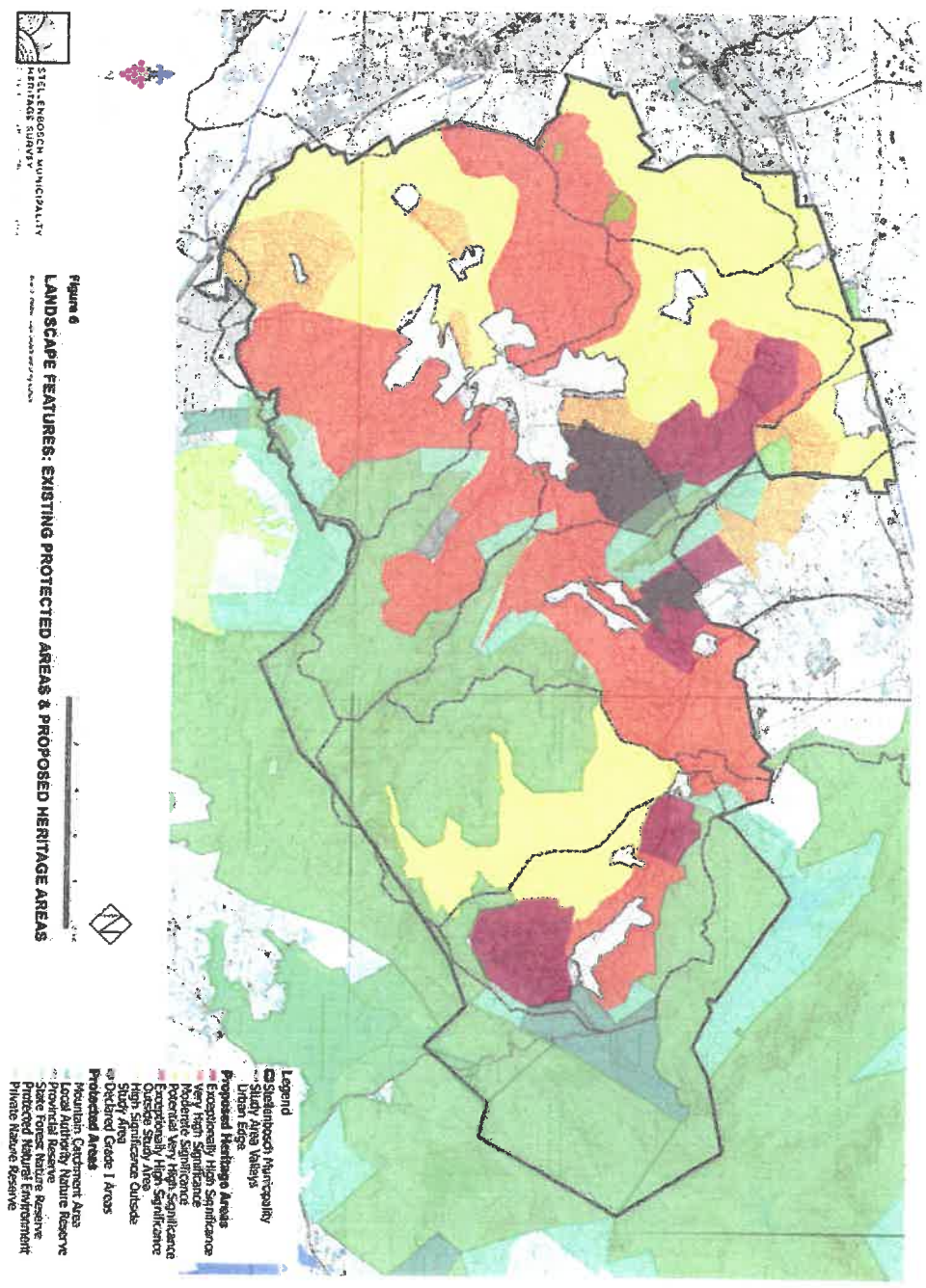
Daar mag voorgehou word dat die verhoogte gebruiksregte sal aanleiding gee tot groter werkskepping, wat op die kort termyn wel waar mag wees, maar nie volhoubaar is nie aangesien sulke ontwikkelings nie bevorderlik vir die omgewing is nie.

Die Belangegroep versoek dus dat die Munisipaliteit nie die aansoek in sy huidige vorm sal goedkeur nie. Goedkeuring vir 'n kleiner restaurant (daar word reeds middagetes aangebied) en 'n matiger verhoging van die area om wynproe fasiliteite te akkommodeer behoort oorweeg te word. Daar behoort ook gekyk te word na ander opsies vir parkeergeriewe op 'n minder opvallende plek as die voorgestelde. (Dit moet ook in gedagte gehou word dat daar tans reeds heelwat parkeerplekke vir besoekers ingerig is.)

Vriendelike groete



Patricia Botha (Voorsitter)



Daniel Meyer

From: Dupre Lombaard
Sent: 09 October 2017 03:26 PM
To: Daniel Meyer
Cc: Hedre Dednam
Subject: FW: [EX] COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH: CONCERN ABOUT THE NATURE AND EXTENT OF THE PROPOSED ADDITIONAL PA FARM GROENE RIVIER, STELLENBOSCH, 6 OCTOBER 2017.pdf

Attachments:

FYR



Regards / Groete
Dupré Lombaard
 Director: Planning and Economic
 Development / Direkteur: Beplanning
 en Ekonomiese Ontwikkeling

T: +27 21 808 8676 | C: +27 82 895 6362
 3rd Floor, Eikestad Mall, Andringa Street,
 Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



FILE NR:	
SCAN NR:	FS71/65
COLLABORATOR NR:	545805

From: SRA Info [mailto:info@stellenboschratespayers.org]

Sent: 06 October 2017 11:23

To: james@jhp.co.za; Dupre Lombaard; Veronique Meyer; Andre Pelser; Pieter Schaafsma

Subject: [EX] COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH: CONCERN ABOUT THE NATURE AND EXTENT OF THE PROPOSED ADDITIONAL PAR...

Please find attached a letter relating to the above matter from the Stellenbosch Ratepayers Association

Yours sincerely

Tania Vergnani
 Secretary

Stellenbosse Belastingbetalersvereniging
Stellenbosch Ratepayers' Association

☒ 399 Stellenbosch 7599 • info@stellenboschratedpayers.org

6 October 2017

Mr J Marais
Jan Hanekom Partnership
P O Box 472
Paarl james@jhp.co.za

Director: Planning & Economic Development
Stellenbosch Municipality
P O Box 17
Stellenbosch
7599 Dupre.Lombaard@stellenbosch.gov.za

Dear Mr Marais

**COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A
NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING
FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571,
STELLENBOSCH: CONCERN ABOUT THE NATURE AND EXTENT OF THE
PROPOSED ADDITIONAL PARKING AREA**

1. I refer to your letter with Application Number LU/LU/5680 (under your reference Farm 571/6, Stellenbosch) dated 7 September 2017.
2. The Stellenbosch Ratepayers' Association (SRA) recognises the need to promote tourism related development in the Stellenbosch Municipal Area. In doing so, however, careful consideration needs to be given to the environmental impact of any new development. In this respect the location and extent of the proposed additional parking area for 80 vehicles is of concern.
3. It appears that there is already on-site parking for at least 30 vehicles and the question arises as to whether 80 additional parking bays will not result in an over-provision of parking in relation to the proposed wine tasting and dining facilities. The SRA believes further consideration should be given to the extent and location of the new parking area to reduce the loss of existing trees and thereby also reduce any negative impact on the environment. The SRA would welcome feedback from you on this issue.

Kind regards,

Andre Pelsner (Chairman)
(Electronically sent: not signed)

Stellenbosse Belastingbetalersvereniging
Stellenbosch Ratepayers' Association

✉ 399 Stellenbosch 7599 • info@stellenboschratedpayers.org

13 December 2017

Mr J Marais
 Jan Hanekom Partnership
 P O Box 472
 Paarl james@jhp.co.za

Director: Planning & Economic Development
 Stellenbosch Municipality
 P O Box 17
 Stellenbosch
 7599

Dear Mr Marais

COMMENT ON AN APPLICATION FOR CONSENT USE TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF AN EXISTING WINE TASTING FACILITY ON PORTION 6 OF THE FARM GROENERIVIER 571, STELLENBOSCH: AMENDED PARKING AREA LAYOUT PROVIDING FOR 58 BAYS AS INDICATED ON THE PLAN DATED 11 DECEMBER 2017, IS SUPPORTED

1. I refer to your e-mail of 12 December 2017 and copy of the revised parking layout concerning the above and to your letter with Application Number LU/LU/5680 (under your reference Farm 571/6, Stellenbosch) dated 7 September 2017.

2. The Stellenbosch Ratepayers' Association (SRA) appreciates the trouble you have taken to re-design the proposed parking area and to reduce the number of bays to be provided from 80 to 58. Your willingness to consider phasing the construction of the new parking area is also welcomed. In this respect it may be expedient to commence with a first phase of 38 bays. Depending on demand, the construction of a further 20 bays could be proceeded with at a later stage, if necessary. Retaining as much as possible of the indigenous vegetation will also be welcomed.

Kind regards,

Andre Pelsler (Chairman)

james@jhp.co.za

From: Louis Strydom <louis@ernieelswines.com>
Sent: Friday, 13 October 2017 11:21 AM
To: james@jhp.co.za; Letitia Matthee
Subject: RE: Application no:LU/LU5680

James,

I have spoken to Neil and we will plan a extension to the current road.

He is fine with the use of the road.

Thanks

LOUIS STRYDOM
MANAGING DIRECTOR / WINEMAKER

TEL: +27 (0)21 881 3588 FAX: +27 (0)21 881 3688 CELL: +27 82 829 7518
E-mail: louis@ernieelswines.com WEB: www.ernieelswines.com ERNIE ELS WINES, ANNANDALE RD,
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More Louis en Letitia,

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Dit sal gaaf wees as julle ook van julle kan af kan bevestig dat julle bewus is van die probleem en besig is met die proses om die servituut te registreer op die probleem op te los.

Vriendelike groete,

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Junior Town Planner

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Baie dankie vir vanoggend se vergadering om meer duidelikheid te kry oor die probleem.

Ons sal dit ondersoek en verder hanteer en jou op hoogte hou.

Vriendelike groete,

James Marais (C/8318/2016)
SACPLAN Candidate Planner
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Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za

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>

> James Marais (C/8318/2016)

> SACPLAN Candidate Planner

> Junior Town Planner

>

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>

>

>

>

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 > To: james@jhp.co.za
 > Subject: Re: Application no:LU/LU5680
 >
 > James
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 >
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 >
 > Ek voel ook dat almal wat die pad gebruik moet bydrae tot die
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 >
 > Dankie
 >
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 >>
 >> Ek hoop dit gaan goed.
 >>
 >> Baie dankie vir jou vrae oor die voorgestelde restaurant en uitbreiding van die bestaande proe fasiliteit.
 >>
 >> Ek sal jou vrae beantwoord tot die beste van my vermoë.
 >>
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 plase.
 >>
 >> 2.a. Om die verkeer se spoed te verminder kan ons meer padtekens en spoedhobbels voorstel op die
 toegangspad.
 >>
 >> b. Ek gaan 'n paar punte bespreek om jou vraag te beantwoord:
 >>
 >> Ons is bewus van die toegangspad wat 3 meter breed is en die probleme wat daarmee gepaard gaan. Die
 applikant sien die pad as 'n "country road" wat oor buurplase strek vir toegang. Volgens die aangehegte SG-Diagram
 dien die 305.35m toegangspad as 'n inlas en is volgens geregistreer. Wanneer ons die plaas opsoek op die webtuiste
 "Cape Farm Mapper" dui die geel lyn aan dat die drie meter toegangspad geregistreer is as 'n servituut oor die plase
 (Sien foto aangeheg).
 >>
 >> Die drie meter toegangspad verskaf ook toegang tot die omliggende plase en dien as 'n algemene toegangspad.
 Die buurplase in die onmiddellike omgewing het ook restaurant en wynproe fasiliteite wat alklair tans funksioneer.
 Indien die voorgestelde uitbreiding 'n probleem gaan veroorsaak op die huidige toegangspad dan gaan dit 'n
 gemeenskaplike verkeers en toegangsprobleem wees vir al die omliggende plase en hulle fasiliteite. Dit impliseer dat

die drie meter toegangspad 'n gemeenskaplike opgradering sal ondergaan indien die Stellenbosch Munisipaliteit dit sou voorstel.

>>

>> Die huidige toegangspad wat nou drie meter wyd is het al klaar 'n opgradering ondergaan. Die voorgestelde restaurant en uitbreiding van die wynproe fasiliteit is van toepassing om die bestaande drie meter toegangspad se padwydte en verkeer te akkommodeer. Ons vertrou daar sal ook nie 'n verskriklike toename van voertuie op die toegangspad wees wanneer die fasiliteite in werking is nie.

>>

>> Indien daar enige onsekerhede of verdere vrae is, is jy welkom om my te kontak.

>>

>> Vriendelike groete,

>>

>> James Marais (C/8318/2016)

>> SACPLAN Candidate Planner

>> Junior Town Planner

>>

>> Meulstraat 60 Mill Street | Tel: 021 871 1750 | Cell: 082 304 9840 | Email: James@jhp.co.za

>>

>>

>>

>>

>>

>> -----Original Message-----

>> From: Niel du Toit [mailto:djdutoit@iafrica.com]

>> Sent: Wednesday, 20 September 2017 9:42 AM

>> To: James@jhp.co.za

>> Subject: Application no:LU/LU5680

>>

>> Mnr James Marais

>>

>> U bg aansoek verwys.

>>

>> Die toegangspad na bg beoogde fasiliteite kry toegang via n serwituut oor plaas 1430, die eienaar van plaas 1430 is Danmarel Edms Bpk en ek is die enigste direkteur van Danmarel Edms Bpk en as dus behoorlik gemagtig om kommentaar te lewer.

>>

>> 1) ek is nie in beginsel teen die beoogde veranderinge en afwykings

>> wat beplan word in terme van die aansoek nie maar

>>

>> 2) my probleem is die verkeer en wel die volgende;

>>

>> a) toegang is via n redelike "klein" teerpad oor plaas 1430 en die afwykings wat beplan word gaan definitief die verkeersdruk baie verhoog. Die spoed wat sommige voertuie handhaaf op die serwituutpad is baie hoog en ek wil weet wat gaan die applikant doen om die verkeer se spoed af te bring na die ooreengekome 40km per uur.

>>

>> b) die laaste 305.35m van die toegangspad is gedeeltelik (3 meter breed) oor plaas 1430, terwyl daar nie so n serwituut bestaan nie en die applikant ook nie geregtig is op so n serwituut nie, gaan die applikant die toegangspad skuif na die korrekte belyning?

>>

>> By voorbaat dank

>>

>> DJ du Toit

>>

>> Direkteur: Danmarel Edms Bpk

>>

>

APPENDIX 7

Applicant's response on objections

Jan Hanekom Partnership
 Millstraat 60
 Paarl
 For Attention: James@jhp.co.za

Application No: LU/LU/5680
 Your Reference: Farm 571/6
 Interest Group Ref. No: HS100393

PORTION 6 OF THE FARM GROENERIVIER NO 571 STELLENBOSCH

Dear Mr Marais

We refer to the commentary from the Stellenbosch Interest Group (dated 19 January 2018) on mentioned application and we respond to their concerns on the visual impact of the proposed application.

As the Architects who designed the Ernie Els building initially in 2001, we have again prepared the latest proposals. We feel compelled to illustrate at the hand of the accompanying photographs that our approach some 15 years ago, and again now, is with extreme sensitivity. It should be noted that the Stellenbosch Interest Group also raised their concerns in 2001 to the proposed building and the record illustrated that the Ernie Els Building is likely the noteworthy example amongst all the buildings in the Webersburg Valley. This mentioned particularly with reference to the manner in which its impact is mitigated by subtle design in lieu of extravagant architectural design.

The proposed extensions will not alter the front elevation of the building and will have no effect on its visual impact. The proposed parking is designed to be constructed behind the existing building and existing tree line. Every effort and expense will go towards preventing visual impact by retaining all possible natural aspects and the implementation of additional landscaping between and around the vehicles. All this will be done with the competent design and implementation of Mr Keith Kirsten who is well known for his approach towards sustainability and environmental impact.

The 5 photographs attached here were taken from various positions along the road to the Webersburg Valley and will illustrate that the commentary from the Stellenbosch Interest Group is an emotional and unsubstantiated concern.

Yours faithfully

Wilhelm Louw
 for 2AD Space Architects Inc.

2ad
 space

Inc.
 ARCHITECTS
 INTERIOR DESIGN

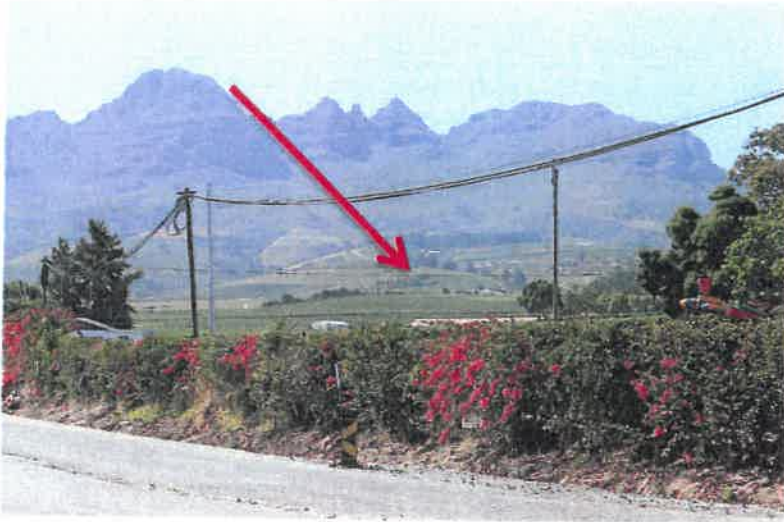
PO Box 5272, Helderberg, Somerset West, 7135, SOUTH AFRICA

info@2adspace.co.za

F: (27) 021 855 0785

T: (27) 021 855 0787

Photograph 1



From the intersection of Annandale road and R44 the Ernie Els building is completely concealed unlike many other buildings in the valley. All attempts to mitigate visual impact is noteworthy and the proposed new interventions will not have any influence on this.

Photograph 2



From the boundary of Webersburg (closest and parallel to the R44) the Ernie Els Building is entirely concealed from view. Similarly will new parking area and additions be invisible as they are positioned behind the existing.

PO Box 5272, Helderberg, Somerset West, 7135, SOUTH AFRICA
 info@2adspace.co.za
 T: (27) 021 855 0787 F: (27) 021 855 0785

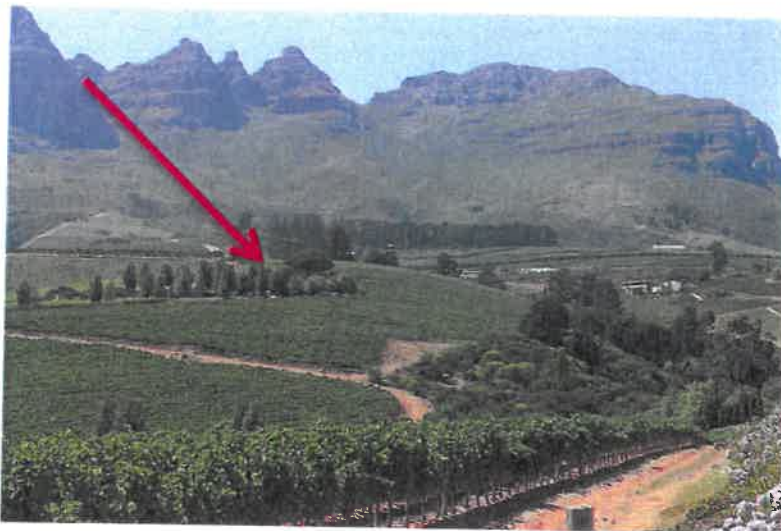


Photograph 3



From the corner of Webersburg leading up to Guardian Peak, the Ernie Els Building is still concealed and similarly will the proposed additions and parking behind the existing have no impact.

Photograph 4



From the road in front of Guardian Peak existing buildings are completely concealed and so will all new additions and parking area behind the existing.

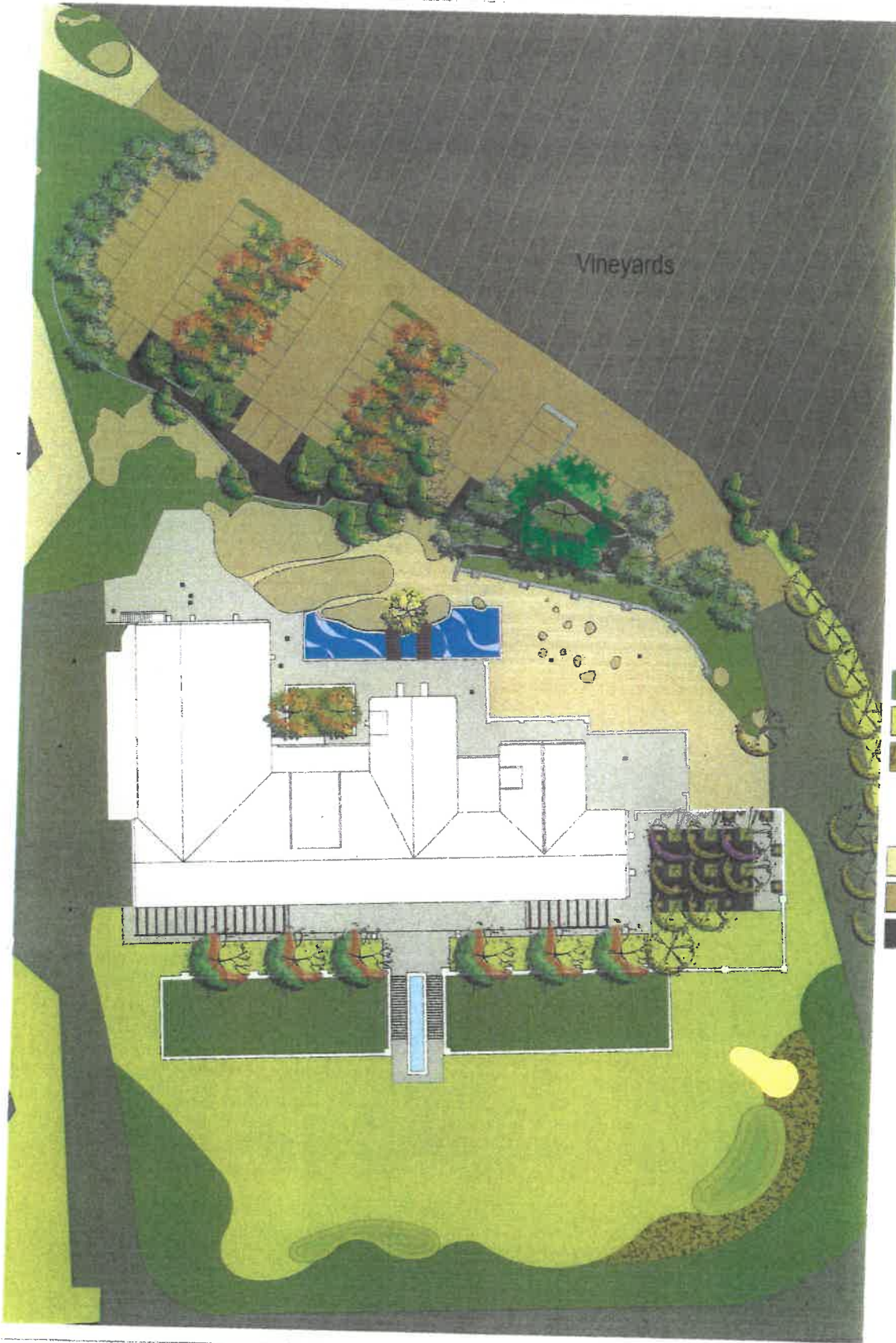
P.O. Box 5272, Heiderberg, Somerset West, 7135, SOUTH AFRICA

info@2outspace.co.za

F: (27) 021 855 0785





T: (27) 021 855 0787







Soft Landscape Legend

Indicative New Tree Species

-  *Combretum erythrophyllum*
River Bushwillow
-  *Syzygium guineense*
Woodland waterberry
-  *Harpophyllum caffrum*
Wild Plum
-  *Senegalia galpurni*
Monke-thorn

Existing Tree Positions

-  *Pinus pinea*
Stone Pine
-  *Quercus nigra*
Water Oak
-  *Populus simonii*
Chinese Poplar
-  *Quercus palustris*
Pin Oaks
-  *Vachellia xanthophloea*
Fever Tree

Indicative Under Tree Planting

- Agapanthus* spp
- Coleonema* spp
- Delosperma* spp
- Dierama* spp
- Pelargonium cucullatum*
- Strelitzia reginae*
- Chondropetalum tectorum*
- Agathosma* spp
- Metastasia mucicata*
- Portulacaria alfa*
- Eriocapalus africanus*

-  Mixed indigenous planting (Fynbos)
-  Lawn
-  Indigenous veld grass mix

Hard Landscape Legend

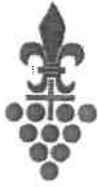
-  Gravel
-  Parking area
-  Walkway

NOTES:

- THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF Keith Kirsten Horticulture International.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE M.B.R. SABS 0400 AND LOCAL AUTHORITY REGULATIONS.
- ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND.
- ANY DISCREPANCIES ARE TO BE REPORTED TO Raymond E. Hudson IMMEDIATELY.
- THE DRAWING MAY NOT BE SCALED.

APPENDIX 8

Comments from the Municipal Engineering Services



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag S Newman
From ▫ Van: Colin Taylor (Development Services and Project Management)
Date ▫ Datum: 17 July 2018
Our Ref ▫ Ons Verw: Civil LU: 1571
Re ▫ Insake: Farm 571/6, Stellenbosch Division: Consent Use

This Memo supersedes the one dated 1 December 2017.

Details, specifications and information reflected in the following documentation refer:

- Application i.t.o. Stellenbosch Municipality Land Use Planning By-law, dated 6 June 2017, and
- Services Report by STAC Consulting Engineers dated April 2018

The application is for the following items:

- i. Proposed consent use for a tourist facility (Restaurant of 702m²) and to extend the existing wine tasting and sales area from 100m² to 500m².

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

1. Water

- 1.1 It has been indicated that the water source is borehole water.
- 1.2 It is the owner's responsibility to ensure that potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

2. Waste Water and Sewage

- 2.1 The following information will be required at building plan submission stage. No building plans will be approved if any information is outstanding or non-compliant:
 - 2.1.1 A formal engineering drawing, indicating the sewer reticulation layout including positioning of treatment facility and outlet of treated water;
 - 2.1.2 Provide proof of approval from the Department of Water and Sanitation for disposal of treated effluent by irrigation / discharge of treated effluent into a water course.
 - 2.1.3 A maintenance agreement must be entered into between the owner and the Clarus Fusion waste water treatment system service provider and proof thereof be

furnished to the Municipality's Water Services Department (for the attention of Mr Bradley Dyers (t) 021 808 8267; email: bradley.dyers@stellenbosch.gov.za).

- 2.1.4 Details of additional conservancy tanks.
- 2.2 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.
- 2.3 No new septic tanks and soak-aways are permitted to be built.
- 2.4 Use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.
- 2.5 Note that only Stellenbosch Municipality is allowed to empty conservancy tanks.
- 2.6 A service contract has to be entered into with the Stellenbosch Municipality to service the conservancy tanks on a regular basis.

3. Solid Waste

- 3.1 Please note: Solid waste must be removed from the site to lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

4. Roads

- 4.1 The application has to be referred to the District Roads Engineer for comments and conditions.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.
- 4.3 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.

5. Development Charges (DCs)

- 5.1 Based on the information provided in the application the Development Charges payable by the developer is R 767 680.66 (Vat incl.) as per attached Development Charge calculation (Annexure A)
- 5.2 The DC's were calculated for the 2018/2019 financial year. If the account is paid after 30 June 2019 it has to be recalculated using the then applicable tariffs.
- 5.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval whichever come first.



Colin Taylor

PRINCIPAL TECHNICIAN: PROJECT MANAGEMENT (ENGINEERING SERVICES)

Q:\AAUSERS\Colin\DS\Dev Applications\1571 - Farm 571-6 Stellenbosch\Final comment\1571 - Farm 571-6, Stellenbosch final comment.doc

Annexure A

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Thursday, 12 July 2018
Financial Year	2018-2019
Erf Location	Stellenbosch Town
Erf No	Farm 571/6
Erf Size (m ²)	
Suburb	
Applicant	Jan Hanekom Partnership
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Units	Water k/day	Sewer k/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	4,488	3,857	0,088	0,441	99,18	99,2	
Total Development Charges before Deductions					R 632 577,84	R 14 419,09	R 667 548,40
Total Deductions				R 20 551,47			
Total Payable (excluding VAT)							
VAT							
Total Payable (including VAT)				R 20 551,47	R 632 577,84	R 14 419,09	R 687 548,40
				R 3 082,72	R 94 886,68	R 2 162,86	R 100 132,26
				R 23 634,19	R 727 464,52	R 16 581,95	R 767 680,66

APPLICANT INFORMATION

Application Processed by:	C. Taylor
Signature	
Date	12 July 2018
Amount Paid:	
Date Payment Received	
Receipt Number	

APPENDIX 9

Comments from the Department of Transport and Public Works



Western Cape
Government

Transport and Public Works



ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/257 (Job 26082)

ENQUIRIES: Ms GD Swanepoel

DATE: 14 June 2018

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

Attention: Mr P April & Ms S Newman

Dear Sir & Madam

FILE NR:	25 JUN 2018
SCAN NR:	F 571 / 6 85
COLLABORATOR NR:	5916502

Stamp: MUNICIPALITEIT VAN STELLENBOSCH
CENTRAL RECORDS STELLENBOSCH

PORTION 6 OF FARM GROENERIVIER 571 STELLENBOSCH: DIVISIONAL ROAD 1050 ANNANDALE ROAD: APPLICATION FOR CONSENT USE

1. Your letter of 18 April 2018, ref. Farm 571/6 Stellenbosch, Stellenbosch Municipality Application no. LU/5680, refers.
2. Portion 6 of the Farm Groenerivier 571, Stellenbosch is accessed by way of a servitude road serving several properties, which joins Divisional Road 1050 Annandale Road at \pm km7.0. The subject property is located \pm 2km south of Annandale Road and \pm 9km south-east of Stellenbosch. Annandale Road links with Main Road 27 (the R44 Somerset West – Stellenbosch).
3. This application is for:
 - 3.1 A consent use for a \pm 702 m² restaurant and
 - 3.2 A consent use for the extension of the existing tourist facilities (wine tasting and sales area) from \pm 100 m² to \pm 500 m².
4. Peak traffic generation of the additional uses would be 83 vph (in + out movements).
5. A site visit was carried out to the point at which the servitude road accesses Divisional Road 1050 Annandale Road. The only concern of this Branch would be the access from the servitude road to/from Divisional Road 1050 Annandale Road. Visibility to the right is good, but to the left it appears to be \pm 140m (construction work is currently ongoing, making it difficult to determine the sight distance more precisely). This is slightly less than the 160m recommended shoulder sight distance

for cars where a road has an 80 km/h speed limit. However, given the low traffic volume on this road, the likely increase in generated traffic (maybe 50 vph turning right off Annandale Road and 83 vph two way on the servitude road) and the fact that few vehicles will be making a right turn from the side road into Annandale Road, this Branch considers the proposal acceptable.

5. This Branch offers no objection to the proposed consent use detailed above for Farm 571/6.

Yours faithfully



ML WATTERS
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

APPENDIX 10

Comments from the Department of Water and Sanitation



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCIAL OPERATIONS

Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

☎ 021 941 6039
📠 021 941 6082
📞 060 521 6850

✉ Mr. Nkosinathi Mkonto
📁 16/2/7/G200/A/8
💻 mkonton@dws.gov.za

Attention: James Marais

Jan Hanekom Partnership
60 Mill Street
PAARL
7646

Dear Sir

APPLICATION FOR CONSENT USE: TO ESTABLISH A NEW RESTAURANT AND EXTENSION OF THE EXISTING WINE TASTING AND SALES FACILITY ON PORTION 6 OF THE FARM GROENE RIVIER 571, STELLENBOSCH

The Department acknowledges receipt of your report dated 07 September 2017 for the above mentioned activity.

After evaluating the abovementioned application; the Department has the following comments:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) must be adhered to.
3. The current water use registration for the water uses contemplated in Section 21 and registered in terms of Section 39 of the National Water Act (Act 36 of 1998) pertaining to the undivided/non-consolidated properties must be amended with this Department within 30 days upon obtaining new title deed descriptions, extent of the property and registered property owner(s) to reflect the registered water uses applicable to the new sub-divisions and/or consolidations.



NATIONAL DEVELOPMENT PLAN
Our Future - make it work



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2)

4. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a licence in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 399 dated 26 March 2004) or if the activity is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).
5. No activities may take place within a buffer area of 500m upstream and downstream any wetland system without formal authorisation obtained from this Department.
6. No permanent structures may be constructed within the 1:100 year flood line of a watercourse and/or wetland.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

in 

PROVINCIAL HEAD: WESTERN CAPE

Signed by: Melissa Lintnaar-Strauss

Designation: Control Environmental Officer

Date: 19 September 2017



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

APPENDIX 11

Site inspection photos



Picture 4 View towards the north



Picture 5 View towards the west



**Picture 6 View towards the south
(Area behind existing building)**



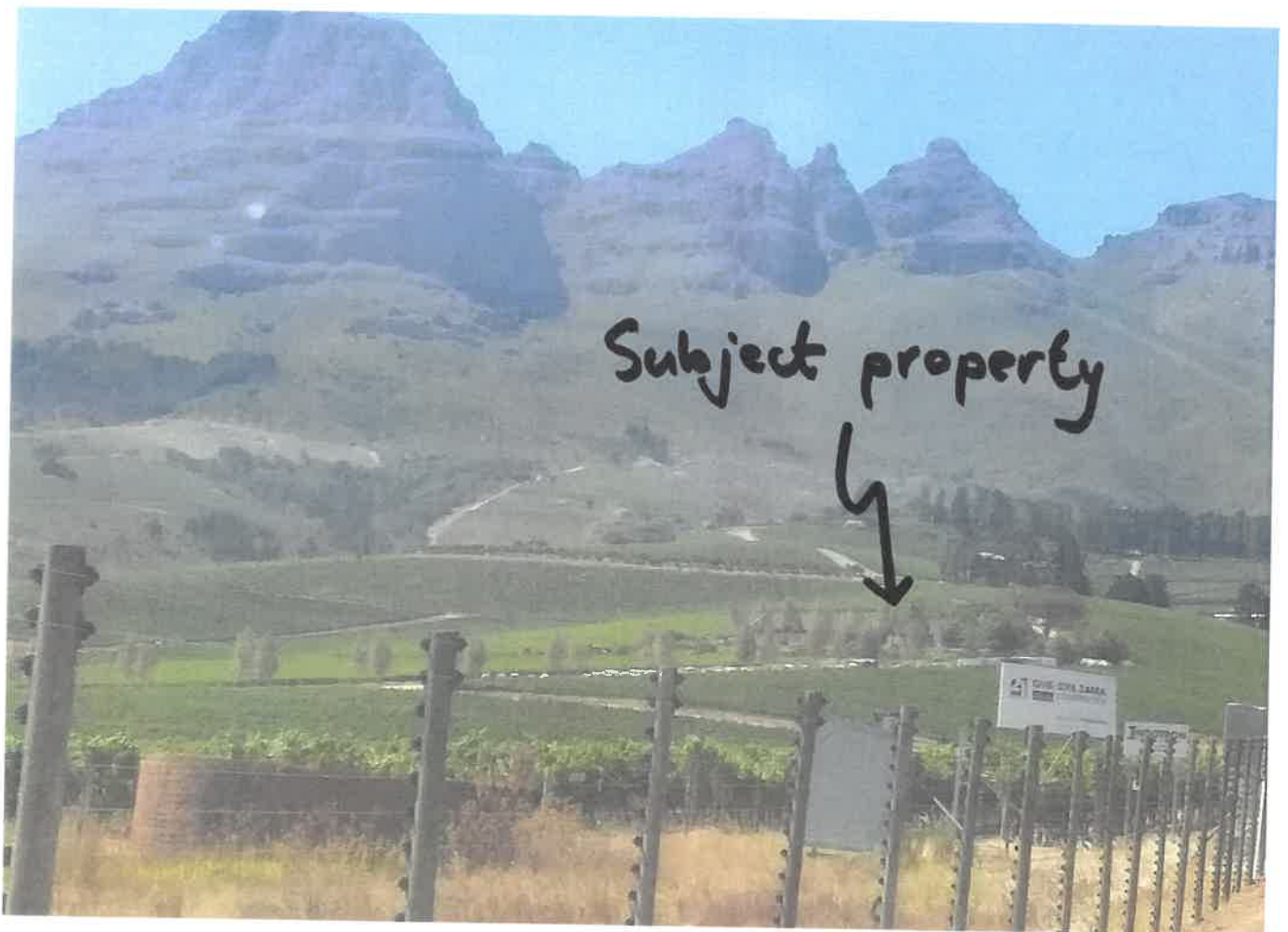
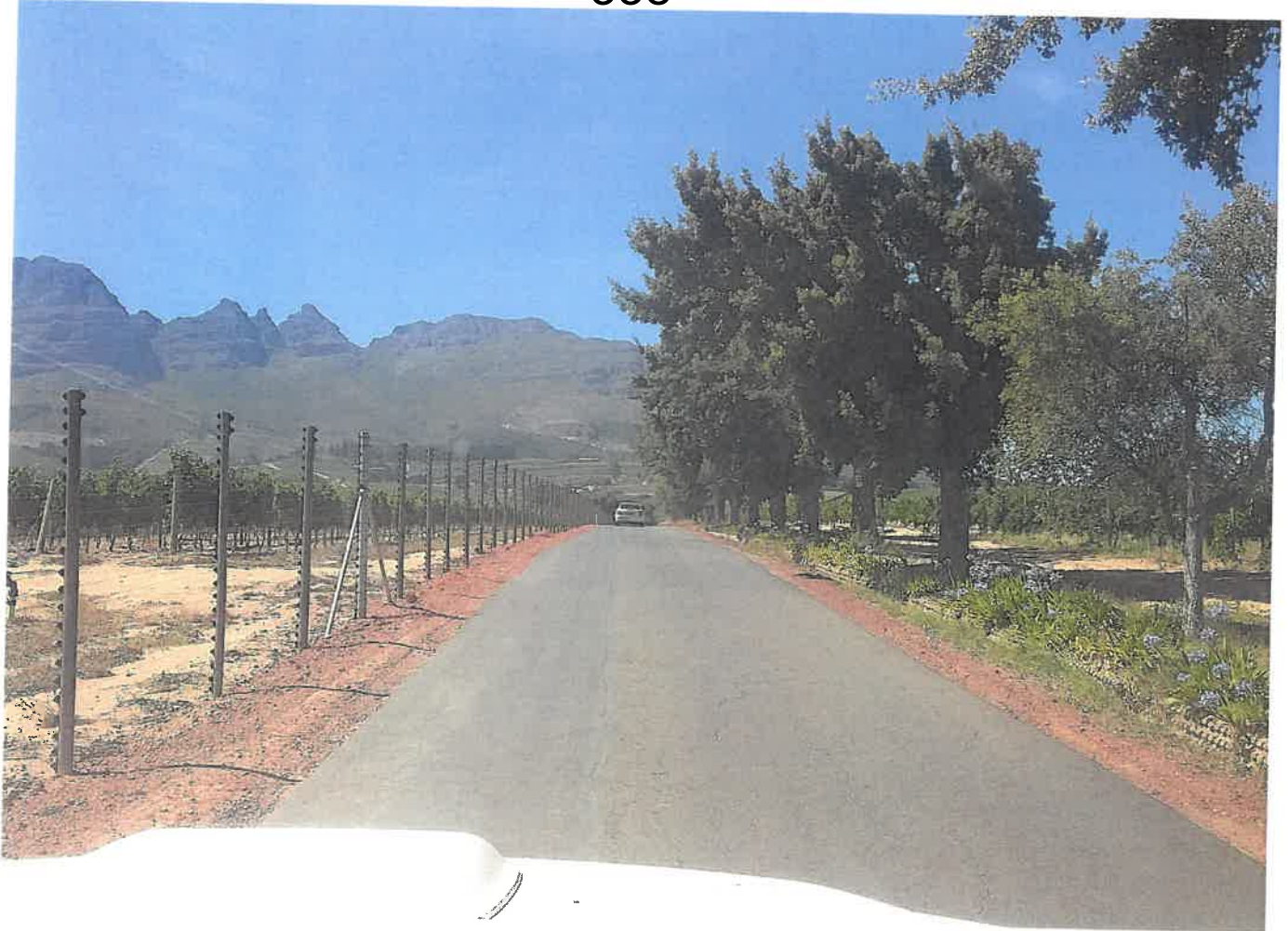
**Picture 7 View towards south east
(existing cellars and wine tasting facilities)**

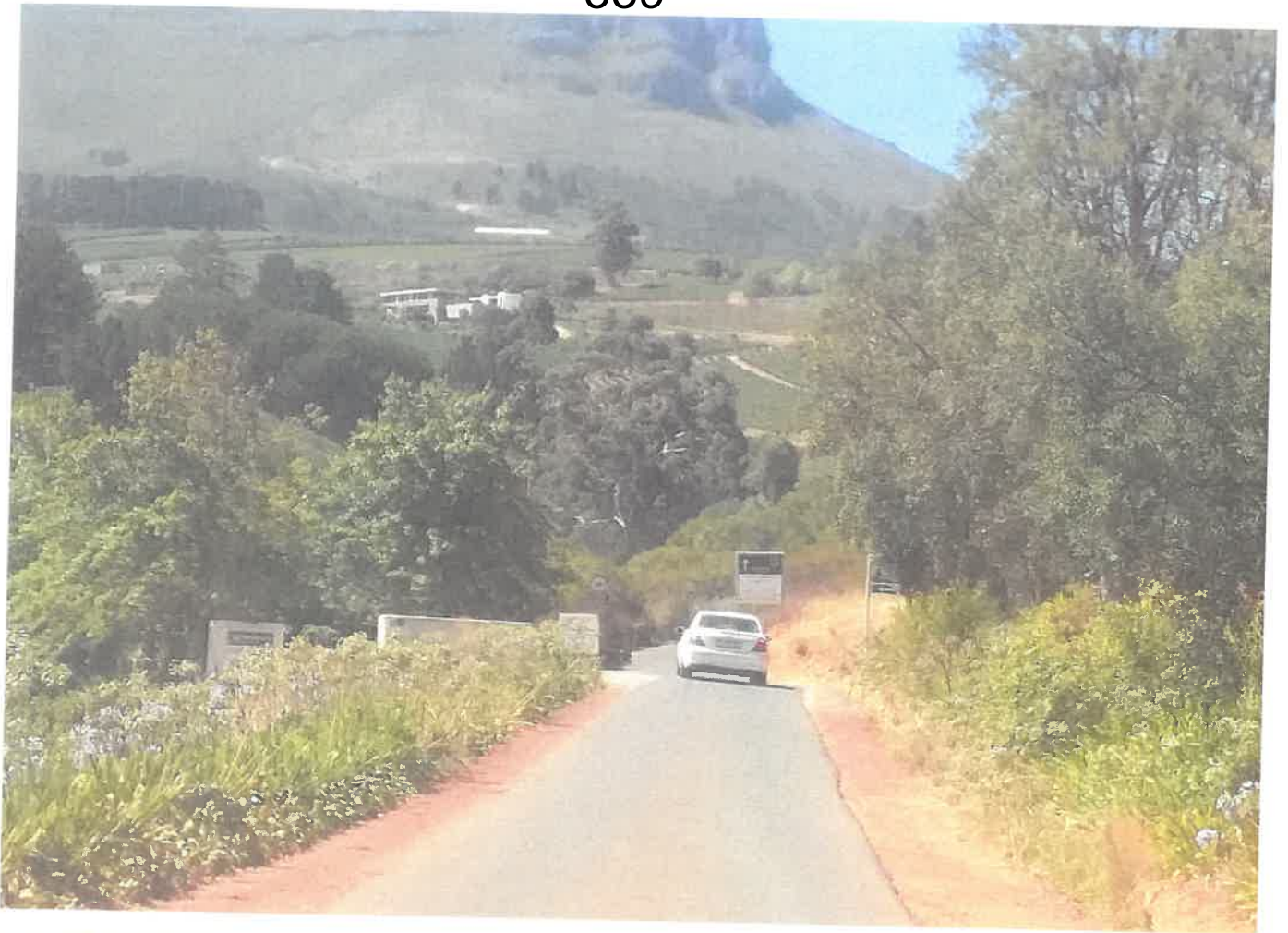


Picture 8 View towards the North West



**Picture 9 View towards the east
(existing cellars and tasting facilities)**









View from Farm No. 571/6

