

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Devonshire House, c/o Church and Ryneveld Street

Application Property Number: Erf 1260 Stellenbosch

Applicant: Emile van der Merwe Town Planning Consultants

Owner: Ziphon Trading and Investments (Pty) Ltd

Application Reference: LU/14029

Application Type: Consent Use

Detailed description of land use or development proposal, including its intent and purpose:

- Application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for Consent Use in order to accommodate a liquor store in the form of a wine shop in the existing restaurant establishment on Erf 1260 Stellenbosch.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 2 September 2022.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (0845566461/021-8865050) during normal office hours.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTERESSEERDE EN
GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.**

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Geagte Meneer/Mevrou

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Devonshire House, c/o Church and Ryneveld Street

Aansoek eiendom beskrywing: Erf 1260 Stellenbosch

Aansoeker: Emile van der Merwe Stadsbeplanningskonsultante

Eienaar: Ziphon Trading and Investments (Pty)Ltd

Aansoek Verwysing: LU/14029

Tipe Aansoek: Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning (2015) vir Vergunningsgebruik ten einde 'n drankwinkel in die vorm van 'n wynwinkel binne die bestaande restaurant te akkommodeer.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;

- o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
- o Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 2 September 2022.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 886 5050) gedurende normale kantoor ure/

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGSKONSULTANTE



EMILE VAN DER MERWE
town planning consultants

2022-04-21

My ref: Erf 1260 Stellenbosch

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR CONSENT USE (WINE SHOP): ERF 1260, STELLENBOSCH

Included hereby please find the necessary formal application in respect of the application for consent use (exclusive wine shop) on the above-mentioned property.

Your response is kindly awaited and this office awaits the formal invoice for payment in respect of the compulsory application fees.

Your assistance is appreciated.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

Divanbosch Centre | Strand Road | P.O. Box 208 | Stellenbosch 7599
Tel: (021) 886 5050 | Fax: (021) 883 0965 | Email: emilevdmerwe@cooperia.co.za

EvdM Town Planning Services CC Reg. No. 2005/162249/23
Emile van der Merwe URP(SA) B. Hon. M(URP) MSAPI

ERF 1260, STELLENBOSCH

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Section 2 of the Devonshire House Sectional Title Scheme to prepare and submit the required application to the Stellenbosch Municipality for of the following:

- **APPLICATION IN TERMS OF SECTION 15 (2) (o) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) FOR CONSENT USE IN ORDER TO ACCOMMODATE AN EXCLUSIVE WINE SHOP WITHIN A PORTION (±30M²) OF THE EXISTING WINE GLASS RESTAURANT.**

2. LOCATION – APPENDIX 1

The property is located within the Central Business Area of Stellenbosch town and more specifically on the corner of Church and Ryneveld Streets respectively. A location plan is attached as Appendix 1.

3. OWNERSHIP AND SIZE

Section 2 of the building is owned by Ziphon Trading and Investments (Pty) Ltd in accordance with Deed of Transfer T 2149/2011. A copy of the Title attached as **Appendix 2**. The required resolution and power of attorney is attached as **Appendix 3**.

The section (Section 2) forms part of the Devonshire House Sectional Title Scheme as per the diagrams attached as Appendix 4. The property is 742m² in extent.

4. ZONING

The property is zoned for Mix Use purposes in accordance with the zoning scheme attached as Appendix 5.

The property is being utilised in terms of the provisions of the zoning scheme.

5. DEVELOPMENT PROPOSAL – Appendix 6

Devonshire House (Erf 1260) is located within the historic area of the Stellenbosch CBD and more specifically on the corner of Ryneveld and Church Streets, respectively. The property accommodates a range of commercial/business related activities with specific reference to the Stellenbosch Wine Glass restaurant that opened its doors during January 2022.

The Stellenbosch Wine Glass provides for a unique food and wine offering with more than 130 wines to taste as part this experience. An important and vital concept of the Wine Glass experience relates to the selling of locally produced wines of the Stellenbosch region. The selling of wine for off consumption purposes however requires consent in terms of the current provisions of the Stellenbosch Zoning Scheme By-Law (2015). In light hereof application is made for the following:

- Consent Use in terms of Section 15 (2) (o) of the Land Use Land Use Planning By-Law (2015) to accommodate an exclusive wine shop (±30m²) within a portion of the existing wine glass restaurant.

The proposed wine shop forms part of the existing property that is zoned for Mix-Use purposes and does not require any new building work and/or infrastructure upgrades. The proposed wines shop will be huge asset to Stellenbosch given the extremely favourable location thereof in relation to offices of the Stellenbosch Wine Route, tour operating parking and surrounding tourist attractions.

6. LEGISLATIVE AND POLICY CONTEXT

6.1 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Western Cape Land Use Management Act (2014)

The afore-mentioned legislative provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

ERF 1260, STELLENBOSCH

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

The Western Cape Land Use Management Act, 2014 and the Spatial Planning and Land Use Management Act, 2013 serves as platform to guide decision-making in relation to land use and development. In this regard are the following 5 principles applicable

Spatial Justice

The proposal relates to an existing commercial building with the urban edge and historic core of Stellenbosch town. The development principles of spatial justice therefore is not relevant in evaluating the application

Spatial sustainability

The use of a small portion of the existing building not require any new construction work to accommodate the proposal. The development is consistent and gives effect to the sustainable use of infrastructure and resources in a just and efficient manner.

Spatial efficiency

The proposal relates to the optimal use of the property without impacting on the service level capacities of the Municipality. The proposal is compatible with the surrounding land uses and the scale is as such that it will not impact negatively on the aesthetic quality of the area. The building is extremely favorably located in relation to a number of tourist related attractions.

Spatial resilience

The proposals are confined to an existing approved guest house and dwelling. The proposal is compatible with the urban character of the area and is in line with the municipal IDP and spatial development framework.

Good Administration

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law

Desirability In terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the overarching national, provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following:

6.2 Western Cape Provincial Spatial Development Framework (WCPSDFP)

The WCPSDF serves as guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The policy document is informed by the National Development Plan and related spatial policies and takes its strategic direction from the Western Cape development strategy and related policy frameworks. It also serves to guide the location and form of public investment. An important factor in this regard relates to the role which the rural economy can play in the overall economy of the greater municipal are and is of particular relevance to the Stellenbosch area. The proposed tourist accommodation establishment presents an opportunity that is aligned with the policy to allow for compatible and sustainable rural activities to the benefit of the broader good of society with positive socio-economic returns.

As far as the application is concerned, the principles contained in the WCPSDF will have to be considered to ascertain whether sustainable development is promoted. Sustainable development encompasses the integration of social, economic and ecological factors into planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

These three pillars of sustainability can be viewed as providers of the capital necessary for each subsequent pillar to function. In order to determine the desirability of a proposed development one should thus consider whether or not it is socially, economically and ecologically sustainable. The application will not have a negative impact on the 3 pillars of sustainability

6.3 Western Cape Strategic Plan 2014-2019

Vision

"We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected High Opportunity Society For All"

Provincial Strategic Goals



Western Cape Economic Drivers

PSG 1: Create opportunities for growth and jobs

PROJECT KHULISA ("to grow")

Productive Sectors:



Enablers:

- Energy
- Water
- Broadband
- Skills



Western Cape Industry: District Comparative Advantages

Table 3.6 Western Cape: Industry revealed comparative advantage by district

Cape Metro Textiles, clothing & leather Tourism Finance, BPO, ICT 'Knowledge sector' Timber & furniture	Cape Winelands Agriculture & processing Tourism Building & construction Communications & ICT	Eden Agriculture & processing Tourism Building & construction Timber & furniture
West Coast Agriculture & processing Tourism Building & construction	Overberg Agriculture & processing Tourism Building & construction Timber & furniture	Central Karoo Agriculture & processing Tourism Building & construction Electrical machinery Finance & insurance

Source: CER

From the above information it is clear that the Provincial Government Western Cape in terms of their Provincial Spatial Development Framework and Strategic Plan has placed as specific emphasis on the importance of the tourism industry as key sector in growing and sustaining the economic base of the region.

6.4 Stellenbosch Spatial Development Framework

The Stellenbosch SDF has been approved by Council during November 2019 is founded on the principles of the Spatial Planning and Land Use Management Act, the Western Cape Land Use Planning Act, the National Development Plan, the National Heritage Resources Act, the Environmental Management Act, as well as the Stellenbosch Municipal Integrated Development Plan. The SDF places a renewed and key focus on the protection of agricultural and farming land and the conservation of the natural and biodiversity areas. A key focus area relates to the densification of suitable areas that have been earmarked for development outside the urban edge.

The proposal will not jeopardize the principles and objectives of the SDF. It in fact is in support of these principles and it is consistent with the development principles of spatial justice, spatial sustainability, efficiency and spatial resilience.

7. MUNICIPAL SERVICE INFRASTRUCTURE

The proposal will not impact on the service level capacities of the Stellenbosch Municipal since the proposal is confined to the internal use of a portion of an existing commercial building. The proposal will not result in any increase of intensification of the approved land use.

8. CONCLUSION

The development proposal with reference to Chapter V of the Stellenbosch Land Use Planning By-Law (2015) is consistent and conforms to the following general criteria for considering applications;

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality
- The proposal is compatible with the surrounding land uses and does not impact on the historic and heritage quality of the area;
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan
- The LED strategy of the municipality
- The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The provision of the Stellenbosch Zoning Scheme By-Law

The development will furtherance the growth of the local economy by providing tourism facilities that has been identified as one of the key strategies of the Western Cape Government and the Stellenbosch Municipality in achieving accelerate growth and economic development. The development will not detract from the historic character and scenic quality of the area and it will not have any negative impact on the surrounding urban environment.

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Erf 1260 Stellenbosch.

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APPENDIX 1
LOCATION PLAN

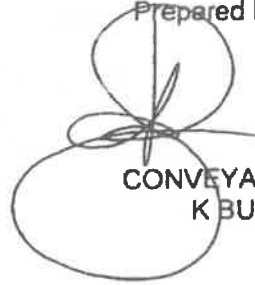
APPENDIX 2

TITLE DEED

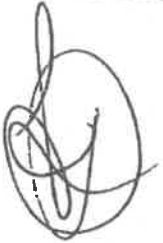
310


310
DERCKSEN & CO
P O Box 1476, STELLENBOSCH 7599

Prepared by me,


CONVEYANCER
K BURGER

FEE
R. 1250.00



VERBIND		MORTGAGED	
VIR		FOR R 12 500 000.00	
B 23 00865 / 11			
23 FEB 2011		REGISTRATEUR/REGISTRAR	

WOP

DEED OF TRANSFER NO.

T 002149 / 11

BE IT HEREBY MADE KNOWN

THAT ~~ANNEKE-LOU~~ **KARLIEN BURGER**

appeared before me, Registrar of Deeds at Cape Town

he/she, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by

CINMARK (PROPRIETARY) LIMITED
REGISTRATION NUMBER: 2000/018606/07

dated 12 October 2010

and signed at STELLENBOSCH

DATA / CAPTURE
08 MAR 2011
PIETROU J. M. ...

And the said Appearer declared that his Principal had on 7 September 2010 truly and legally sold for the sum of R12 000 000,00 (Twelve Million Rand), which amount includes the consideration payable in respect of the acquisition of the exclusive use of GARDEN 2, BALCONY 1 and VERANDA 1 and that, he/she in his capacity aforesaid did, by these presents, cede and transfer to and on behalf of

ZIPHON TRADING AND INVESTMENTS (PROPRIETARY) LIMITED
REGISTRATION NUMBER: 2010/016828/07

A unit consisting of :

- (a) Section 2 as shown and more fully described on Sectional Plan SS ^{120047/11} the scheme known as DEVONSHIRE HOUSE, in respect of the land and building or buildings situate at STELLENBOSCH, in the Municipality and Division Stellenbosch, Western Cape Province, of which section the floor area, according to the said sectional plan, is 478 (Four Hundred and Seventy Eight) square metres in extent; and
- (b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said Sectional plan.

HELD UNDER Certificate of Registered Sectional Title ST ^{16002147/11}

THE SAID UNIT IS SUBJECT TO OR SHALL BENEFIT BY :

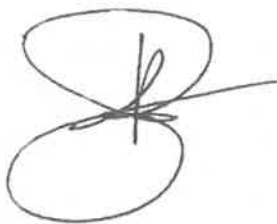
- (i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in Section 11(3)(b) and the servitudes referred to in Section 28 of the Sectional Titles Act, 1986 (Act NO. 95 of 1986);
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan



WHEREFORE all the right, title and interest which the said TRANSFEROR/S heretofore had to the unit aforesaid is renounced and, in consequence it is also acknowledged that the said TRANSFEROR/S is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the said TRANSFEREE/S, now is entitled thereto, the State however, reserving its rights.

SIGNED, EXECUTED and sealed at the Office of the Registrar of Deeds,
in Cape Town on 23 FEB 2011

q.q.

A handwritten signature consisting of several overlapping loops and a vertical line through the center.

In my presence,

A handwritten signature with a large loop and a horizontal line extending to the left.

REGISTRAR OF DEEDS

A small handwritten mark or signature consisting of a few intersecting lines.

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

RESOLUTION HELD ON 2022-03-14

ZIPHON TRADING AND INVESTMENTS (PTY) LTD : ERF 1260 STELLENBOSCH

Hennie Volschenk in his capacity as Director is hereby authorized to sign on behalf of the Company pertaining to the application for consent use on Erf 1260, Stellenbosch



DIRECTOR _____

POWER OF ATTORNEY

ZIPHON TRADING AND INVESTEMENTS (PTY) LTD, the registered owner of Erf 1260

Do hereby nominate and constitute and appoint

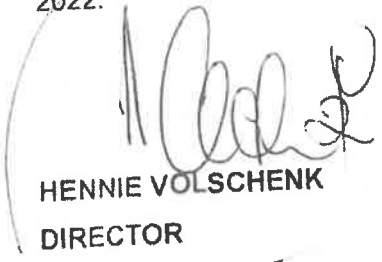
Emile van der Merwe Town Planning Consultants

With the power of substitution, to be my/our lawful Agent in my/our name, place and stead and to make the necessary applications to the Stellenbosch Municipality for the following:

- **APPLICATION FOR CONSENT USE IN TERMS OF SECTION 15 OF THE STELLENBOSCH LAND USE PLANNING BY-LAW (2015)**

On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent(s) shall lawfully do, or cause to be done ; by virtue of these present.

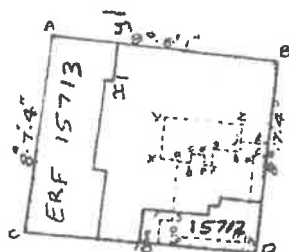
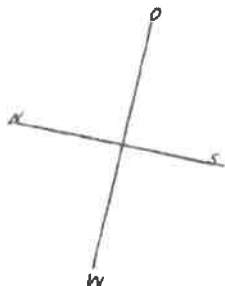
SIGNED AT STELLENBOSCH ON THIS 14TH DAY OF MARCH
2022.


HENNIE VOLSCHENK
DIRECTOR

APPENDIX 4
SG DIAGRAM

Part of this erf.
 Proclaimed a Historical Monument
 area. Vide G.N. 933 dd. 2.6.1972.
 File S/264/28 page 105.

L. G. ...
 Surv. Gen.
 14.6.1972.



* REM. SUBJECT TO
 SECTIONAL
 TITLE.



1/1200 Schaale van 15 Rynl. Roeden.

NOU ERF NR.1260 STELLENBOSCH.

Bovenstaande figuur A. B. C. D. zynde gelgen in 't Dorp van
 Stellenbosch en aldaar een Gedeele van d'oude Kerkhoff;
 groot 86 Quadt. Roeden, 52 do. Voeten en 6 gelyke Dm.

Gemeeten door my,

(Get.) G. H. Leiste.

Gezw. Landmeester.

Afskriif
 In T/A 96
 10.10.1783 (Vol. 2)
Leiste
 3.8.1959

BHDC/V. 521
 Sheet 5

M 2757
 M 2760

J.S./P.S.
 Nagesien deur...

BH-80A/254

IMP.
 MP
 29.9.61

1260

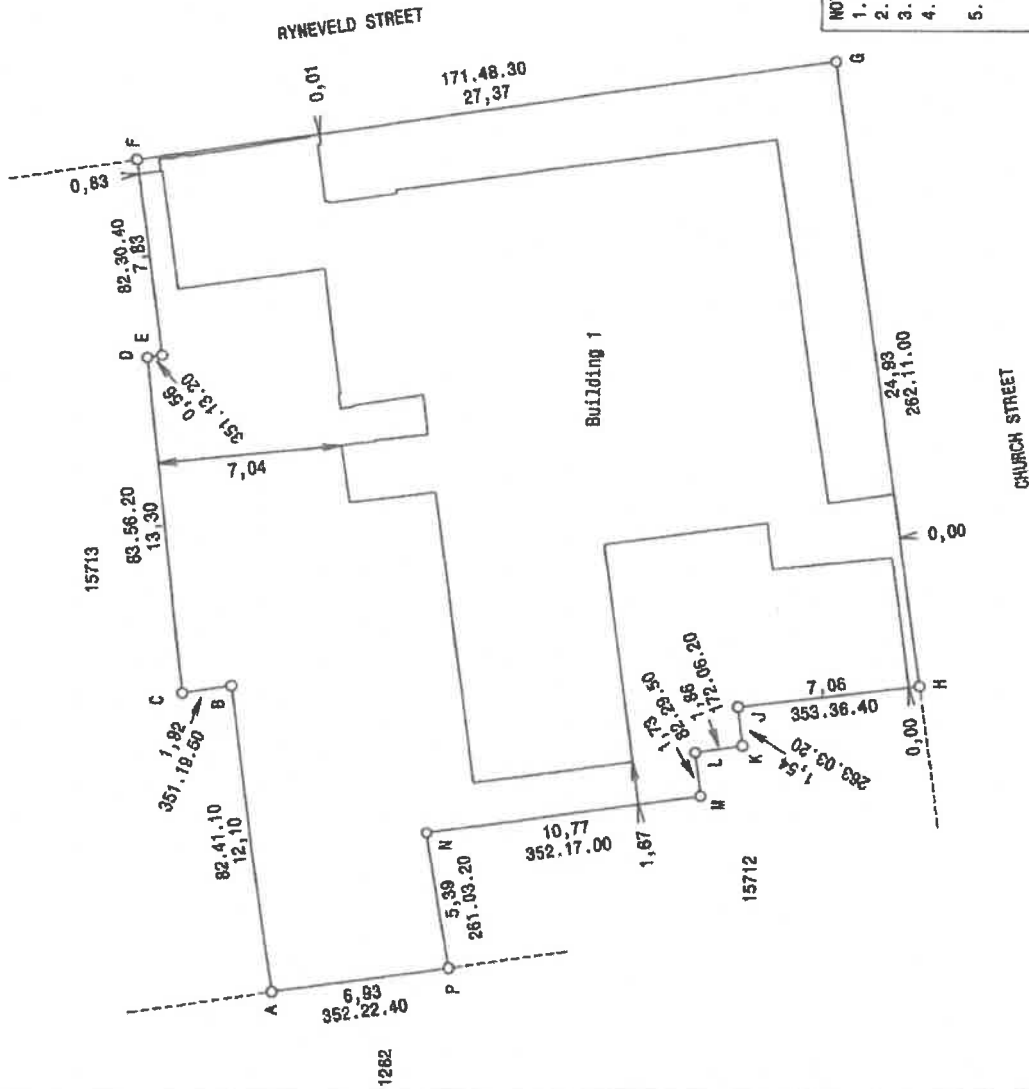
FOR ENDORSEMENTS
 SEE BACK OF DIAGRAM

SHEET 2 OF 5 SHEETS

S.G. NO. D298/2007

Approved
for Surveyor-General

Date 20/03/2017



BEACON DESCRIPTIONS

- A E P Hole in wall
- B Centre of end of wall
- C D Intersection of midwall lines
- F Hole in pavement
- G 12mm Iron peg
- H L Hole in concrete
- J K M N Corner of building

T N

NOTES :

1. The figures ABCDEFGHJKLMNP represents Remainder Erf 1280 Stellenbosch.
2. All measurements are given in metres.
3. For exclusive use areas see Sheets 3 & 4.
4. Part of this erf proclaimed a Historical Monument area.
5. Vide G.N. 983 dd 2.6.1972 File S/2841/28 page 105.
6. The line EF represents the northern boundary of a servitude passage 0,90 metre wide, vide Dgm. No. 1641/2007

LAND SURVEYOR :
DAMIEN PIETER BURGER
27 Church Street
Stellenbosch
7800

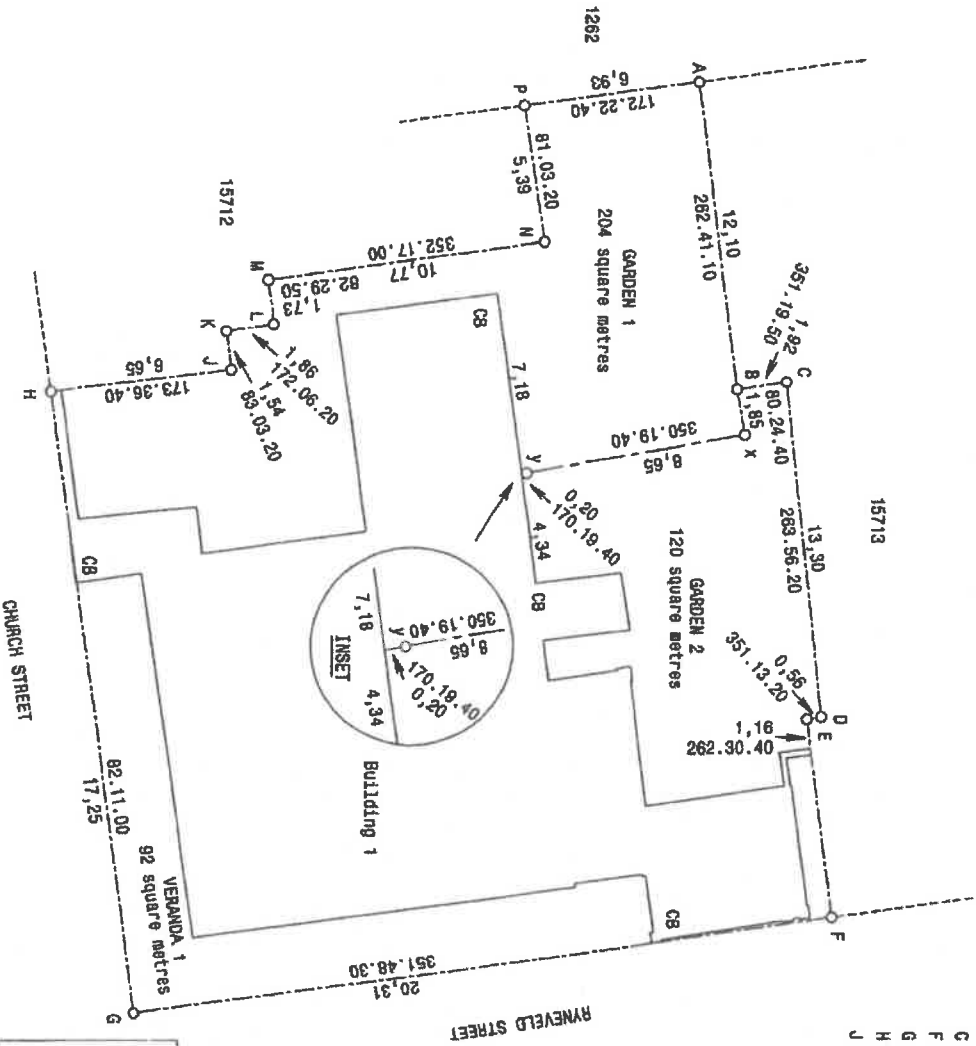
20/03/2017
Date

DEVONSHIRE HOUSE
DRAWING TITLE : BLOCK PLAN

Scale 1:200

SHEET 3 OF 5 SHEETS	S.G. NO. D238/2007
Approved <i>[Signature]</i> for Surveyor-General	Date 2007-06-09

- BEACON DESCRIPTIONS**
- A E P Hole in wall
 - B Centre of end of wall
 - C D Intersection of midwall lines
 - F Hole in pavement
 - G x y 12mm Iron peg
 - H L Hole in concrete
 - J K M N CB Corner of building



- NOTES :**
1. ----- denotes not physically defined
 2. All measurements are given in metres
 3. Where exclusive use areas adjoin sections it extends to the middle of the wall.
 4. See Sheet 4 for Exclusive Use Areas (B1 and B2) on the first floor.
 5. CB denotes Corner of building

LAND SURVEYOR :
 DANIEL PIETER BURGER
 27 Church Street
 Stellenbosch
 7800

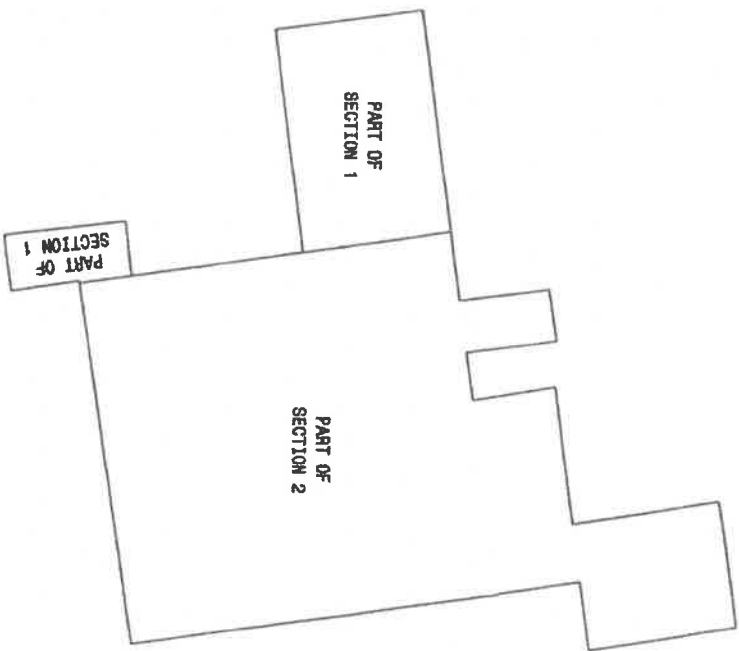
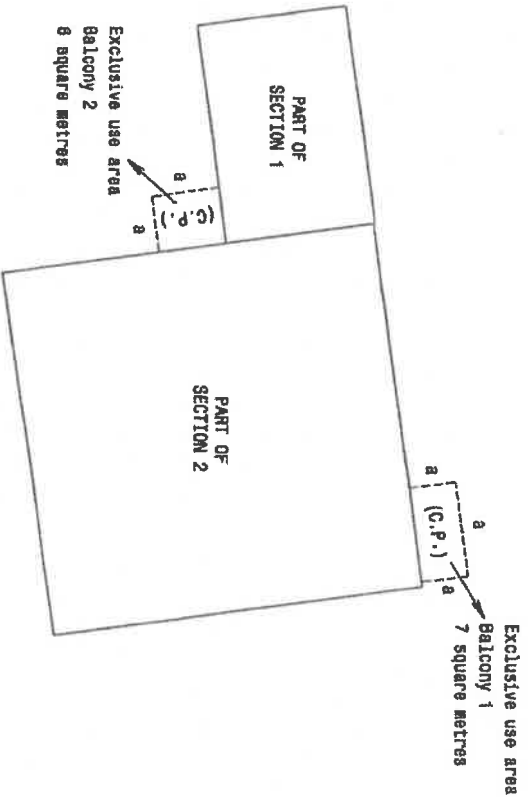
[Signature]
 Date

20/03/2007
 Date

DEVONSHIRE HOUSE

DRAWING TITLE :
 LAYOUT OF EXCLUSIVE USE AREAS ON
 THE GROUND
 Scale 1:200

SHEET 4 OF 5 SHEETS	S.G. NO. D238/2007
Approved <i>[Signature]</i> for Surveyor-General	Date: 2007.06.07



- NOTES :
1. For participation quotas see sheet 5.
 2. C.P. denotes common property.
 3. Exclusive use area boundary extends to the edge of the wooden balcony marked "a"
 4. For other Exclusive Use Areas see Sheet 3.

LAND SURVEYOR :
 DAMIEN PIETER BURGER
 27 Church Street
 Stellenbosch
 7600

20/09/2007
 Date

DEVONSHIRE HOUSE

DRAWING TITLE : BUILDING 1
 GROUND AND FIRST FLOOR PLANS AND LAYOUT
 OF EXCLUSIVE USE AREAS ON THE FIRST FLOOR
 Scale 1:200

Friedlaender, Burger & Voikmann - Land Surveyors

SHEET 5 OF 5 SHEETS		S.G. NO. D 238/2007
		Approved <i>[Signature]</i> for Surveyor-General Date <i>2009.06.09</i>
SECTION No.	FLOOR AREAS (square metres)	PARTICIPATION QUOTA PERCENTAGE
1	111	18.8455
2	478	81.1545
TOTALS	589	100.0000
NOTES		
LAND SURVEYOR : DAMIEN PIETER BURGER 27 Church Street Stellenbosch 7600	<i>[Signature]</i> ... 20/03/2007 Date	DEVONSHIRE HOUSE DRAWING TITLE : PARTICIPATION QUOTA SCHEDULE

APPENDIX 5
ZONING CERTIFICATE



STELLENBOSCH
STELLENBOSCH • FRUIT • TRANSCUROK

MUNICIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref: 1260
Contact number: (021) 808 8683
Contact Person: P April
Date: 29 October 2021

ZONING CERTIFICATE - ERF 1260, STELLENBOSCH

It is hereby certified that the zoning of Erf 1260, Stellenbosch in terms of the Stellenbosch Municipality Zoning Scheme By-Law, November 2019 is:

MIXED-USE ZONE

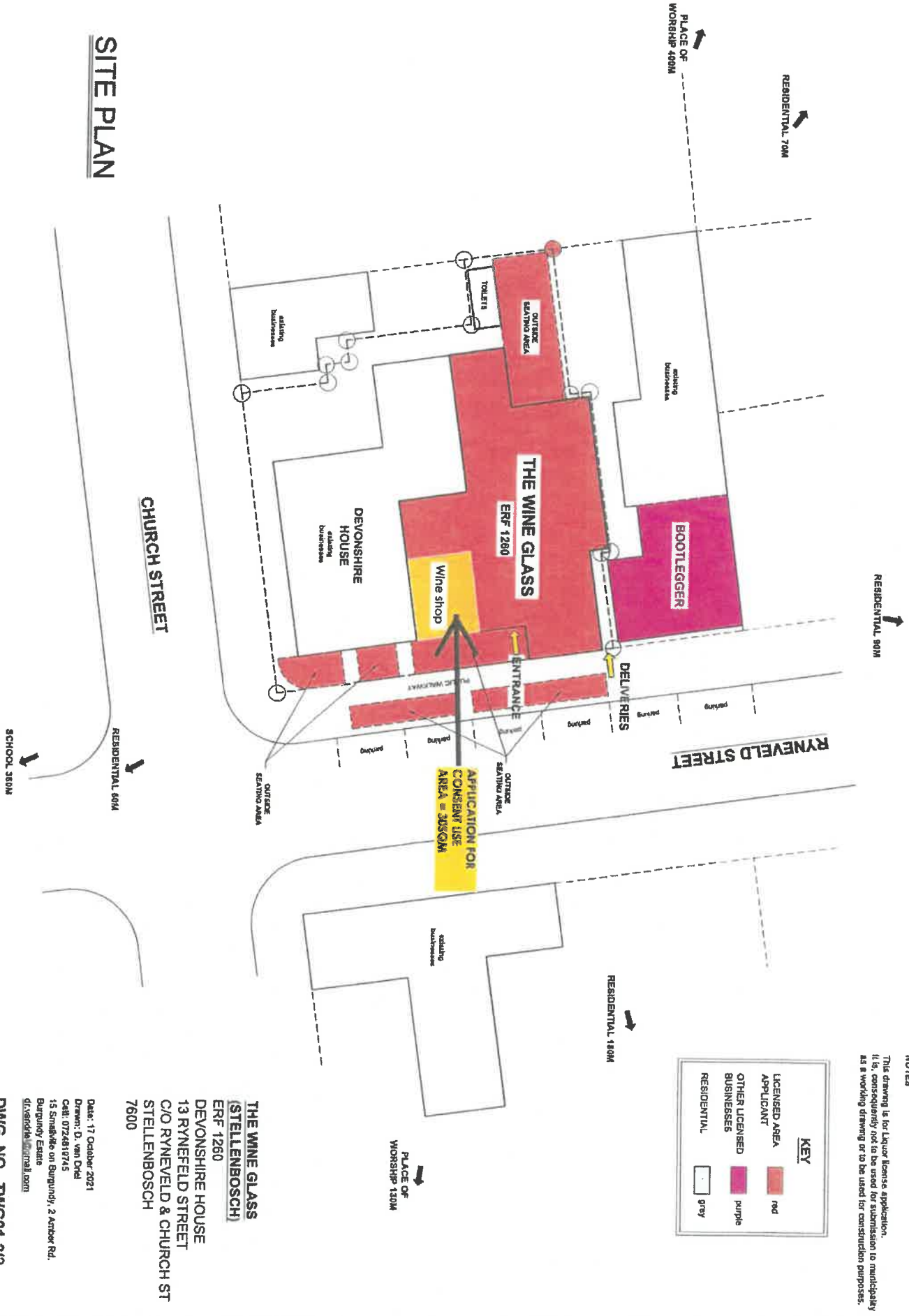
PRIMARY USES	ADDITIONAL USES (Not exceeding threshold in this chapter and subject to technical approval)	CONSENT USES (Application required).
<ul style="list-style-type: none">• Commune• Business premises (including shops, markets, restaurants, office)• Clinic• Community residential building• Extramural facility• Flats• Guest house• Hostel• Hotel• Occasional use (one event/year)• Plant nursery• Public institution• Public parking area• Private road• Tourist dwelling unit• Tourist accommodation establishment• Welfare institution	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• Adult Entertainment• Builders yard• Commercial gymnasium• Conference facility• Day care• Filling station• Freestanding base telecommunication station• Funeral parlour• Gambling place• Helicopter landing pad• Hospital• Indoor sport• Liquor Store• Motor vehicle fitment centre• Motor showroom• Occasional use (> one event/year)• Parking garage• Place of assembly• Place of education• Place of entertainment• Renewable energy structure• Rooftop base telecommunication station• Tertiary educational institution• Warehouse

Director: Planning and Economic Development

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

APPENDIX 6
PLANS

SITE PLAN



KEY	
Red box	LICENSED AREA APPLICANT
Purple box	OTHER LICENSED BUSINESSES
Grey box	RESIDENTIAL

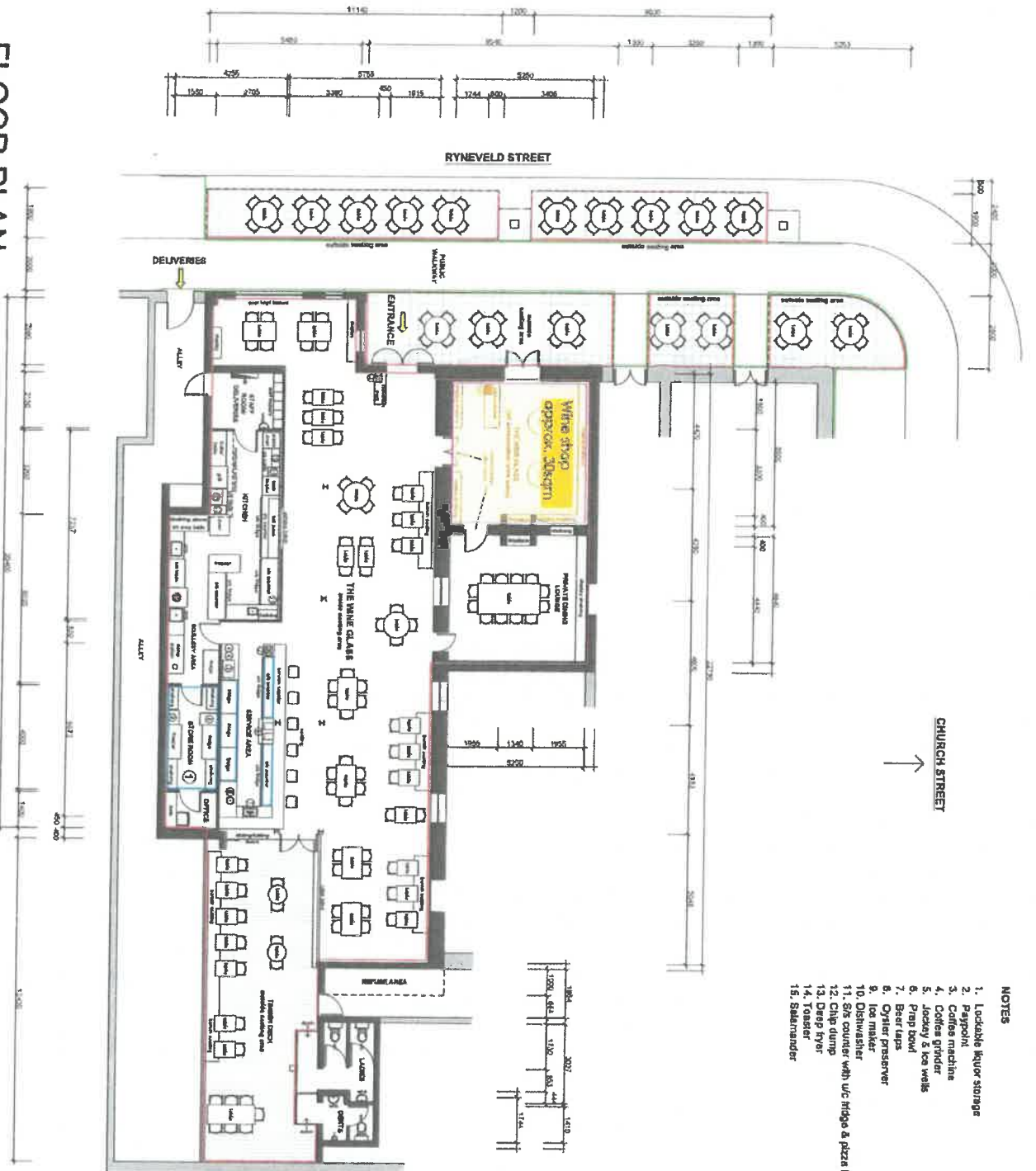
NOTES
 This drawing is for Liquor license application. It is, consequently not to be used for submission to municipality as a working drawing or to be used for construction purposes.

THE WINE GLASS (STELLENBOSCH)
 ERF 1280
 DEVONSHIRE HOUSE
 13 RYNEVELD STREET
 C/O RYNEVELD & CHURCH ST
 STELLENBOSCH
 7600

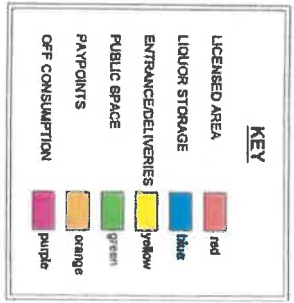
Date: 17 October 2021
 Drawn: D. van Diek
 Cell: 0724810745
 13 Smakke on Burgundy, 2 Ardor Rd.
 Burgundy Estate
 GLENDALE 7701

DWG. NO. TWG01-2/3

FLOOR PLAN



- NOTES**
1. Lockable liquor storage
 2. Paypoint
 3. Coffee machine
 4. Coffee grinder
 5. Jockey / ice walls
 6. Prep table
 7. Bar tops
 8. Oyster presser
 9. Ice maker
 10. Dishwasher
 11. Six counters with w/c fridge & pizza bank
 12. Deep dump
 13. Deep fryer
 14. Towel
 15. Salsander



NOTES

This drawing is for Liquor license application. It is, consequently not to be used for submission to municipalities as a working drawing or to be used for construction purposes.

**THE WINE GLASS
(STELLENBOSCH)**
 ERF 1260
 DEVONSHIRE HOUSE
 13 RYNEVELD STREET
 C/O RYNEVELD & CHURCH ST
 STELLENBOSCH
 7800

Date: 17 October 2021
 Scale: 1:150 @ A3
 Drawn: D. van Dijk
 Call: 0724818745
 15 Smalke on Burgundy, 2 Amber Rd.
 Burgundy Estate
 rcvanderdijk@gmail.com

DWG. NO. TWG01-1/3

APPENDIX 7
COMPLETED APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

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

LAND USE PLANNING APPLICATION FORM							
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)							
KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.							
PART A: APPLICANT DETAILS							
First name(s)	Emile						
Surname	van der Merwe						
Company name (if applicable)	Emile van der Merwe Town Planning						
Postal Address	PO Box 204						
	Stellenbosch				Postal Code	7599	
Email	emilevdm@adept.co.za						
Tel	021 886 5050		Fax	021 8838965		Cell	0845566461
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)							
Registered owner(s)	Ziphon Trading and Investments Pty Ltd						
Physical address	13 Ryneveld Street						
	Stellenbosch				Postal code	7600	
E-mail	jacques@chillguru.com						
Tel	021876800		Fax			Cell	0834002004
PART C: PROPERTY DETAILS (in accordance with title deed)							
Erf / Erven / Farm No.	Erf 1260	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	As above						
Current Zoning	Mix use zone	Extent	742m ² / ha	Are there existing buildings?	Y		
Applicable Zoning Scheme	Stellenbosch zoning scheme by-law						

Current Land Use	Mix use	
Title Deed number and date	T	2149/2011
Attached Conveyance's Certificate	N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate
Are the restrictive conditions in favour of a third party(ies)?	N	If Yes, list the party(ies):
Is the property encumbered by a bond?	N	If Yes, list the bondholder(s):
Is the property owned by Council?	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management
Is the building located within the historical core?	Y	Is the building older than 60 years?
	Y	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹
	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?	N	If yes, is this application to legalize the building / land use ² ?
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	N	Are there any land claim(s) registered on the subject property(ies)?
PART D: PRE-APPLICATION CONSULTATION		
Has there been any pre-application consultation?	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	If yes, please attach the written feedback received.
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE		
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)		
Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>	
	15(2)(a) rezoning of Land	
	15(2)(b) a permanent departure from the development parameters of the zoning scheme	
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the <u>primary rights</u> of the zoning applicable to the land	
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement	
	15(2)(e) a consolidation of land that is not exempted in terms of section 24	
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit	
	15(2)(g) a permission required in terms of the zoning scheme	

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval		
	15(2)(i) an extension of the validity period of an approval		
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme		
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram		
	15(2)(l) a permission required in terms of a condition of approval		
	15(2)(m) a determination of a zoning		
	15(2)(n) a closure of a public place or part thereof		
X	15(2)(o) a consent use contemplated in the zoning scheme		
	15(2)(p) an occasional use of land		
	15(2)(q) to disestablish a home owner's association		
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services		
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building		
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity		
	15(2)(l) amendment of Site Development Plan		
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines		
OTHER APPLICATIONS			
	Deviation from Council Policies/By-laws R		
	Consent / Permission required in terms of a title deed R		
	Technical approval in terms of the Zoning Scheme Bylaw, 2019 R		
	Other (specify): _____ R		
TOTAL A:		R	
PRESCRIBED NOTICE AND FEES** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R2500
<p>* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.</p> <p>**All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579</p> <p>*** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.</p>			

BANKING DETAILS	
Account Holder Name:	Stellenbosch Municipality
Bank:	FIRST NATIONAL BANK (FNB)
Branch no.:	210554
Account no.:	62869253684
Payment reference:	LU/_____ and ERF/FARM _____
<i>Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment</i>	

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	EVDM Town Planning Services
Postal Address	PO Box 204, Stellenbosch, 7599
Vat Number (where applicable)	4740239944

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit the use of a portion (30sqm) of the exiting Wine Glass restaurant as an exclusive wine shop..... in terms of Section.....of the.....Zoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:
See motivation attached

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

<input checked="" type="checkbox"/>		Power of attorney / Owner's consent if applicant is not owner			Bondholder's consent (if applicable)
<input checked="" type="checkbox"/>		Resolution or other proof that applicant is authorised to act on behalf of a juristic person			Proof of any other relevant right held in the land concerned
<input checked="" type="checkbox"/>		Written motivation pertaining to the need and desirability of the proposal	<input checked="" type="checkbox"/>		S.G. diagram / General plan extract (A4 or A3 only)
<input checked="" type="checkbox"/>		Locality plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>		Site development plan or conceptual layout plan (A4 or A3 only) to scale
		Proposed subdivision plan (A4 or A3 only) to scale			Proof of agreement or permission for required servitude
		Proof of payment of application fees	<input checked="" type="checkbox"/>		Proof of registered ownership (Full copy of the title deed)
	<input checked="" type="checkbox"/>	Conveyancer's certificate		<input checked="" type="checkbox"/>	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
	<input checked="" type="checkbox"/>	Consolidation plan (A4 or A3 only) to scale		<input checked="" type="checkbox"/>	Land use plan / Zoning plan (A4 or A3 only) to scale
	<input checked="" type="checkbox"/>	Street name and numbering plan (A4 or A3 only) to scale			
	<input checked="" type="checkbox"/>	Landscaping / Tree plan (A4 or A3 only) to scale		<input checked="" type="checkbox"/>	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
	<input checked="" type="checkbox"/>	Abutting owner's consent		<input checked="" type="checkbox"/>	Home Owners' Association consent
	<input checked="" type="checkbox"/>	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)		<input checked="" type="checkbox"/>	Services Report or indication of all municipal services / registered servitudes
	<input checked="" type="checkbox"/>	Copy of original approval and conditions of approval		<input checked="" type="checkbox"/>	Proof of failure of Home owner's association

		Proof of lawful use right			Any additional documents or information required as listed in the pre-application consultation form / minutes
●		Required number of documentation copies			Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

		If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.		Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
	●	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		● National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
	●	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		● National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	●	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		● National Water Act, 1998 (Act 36 of 1998)
	●	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		Other (specify)
	●	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.		

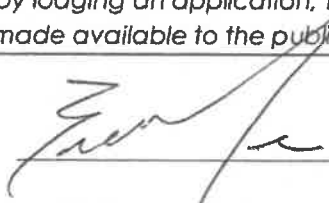
SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.

9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature: _____



Date: _____

2022-04-21

Full name: _____

Emile van der Merwe

Professional capacity: _____

PROFESSIONAL PLANNER (REG 1149/1996)

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

