

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

Dear Sir and/or Madam

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

**Application Property Address:** De Warenmarkt, Corner of Van Riebeeck and Ryneveld Street

**Application Property Number:** Erf 1271 Stellenbosch

**Applicant:** Marike Bolz (Arch Town Planners)

**Owner:** Die Trustees Indertyd van die Stellenbosch Erfenis Trust

**Application Reference:** LU/ 14312

**Application Type:** Application for a Consent Use

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

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for **Consent Use** to allow for a portion of the existing building to be used as a *Liquor Store* to allow for the sale of alcohol for off-site consumption.

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: **Arch Town Planners – marike@archtownplanners.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 (28 September 2022) to be received on or before the closing date of **27 October 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 **072 480 5838** during normal office hours.

Yours faithfully



Marike Bolz (Director)  
For Arch Town Planners (Pty) Ltd

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTERDE PARTYE VIR KOMMENTAAR.**

Beste Mnr. En/of Mev

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

**Adres van aansoek eiendom:** De Warenmarkt, Hoek van Van Riebeek en Ryneveld Straat

**Aansoek eiendom beskrywing:** Erf 1271 Stellenbosch

**Aansoeker:** Arch Town Planners (Pty) Ltd – Marike Bolz

**Eienaar:** Die Trustees Indertyd van die Stellenbosch Erfenis Trust

**Aansoek Verwysing:** LU/ 14312

**Tipe Aansoek:** Vergunnings gebruik aansoek

**Beskrywing van aansoek:**

Arch Town Planners (Edms) Bpk doen hiermee amptelik, ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruikverordening, 2015 (hierna na verwys as 'die Verordening') aansoek om Vergunnings gebruik om toe te laat vir 'n gedeelte van die bestaande gebou om as 'n Drankwinkel gebruik te word om voorsiening te maak vir die verkoop van alkohol vir verbruik buite die perseel.

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;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - 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: **Arch Town Planners (Pty) Ltd – Marike Bolz**. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word (28 September 2022) ontvang word voor of op die laaste dag van die sluitings datum van **28 Oktober 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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 480 5838** gedurende normale kantoor ure.

Die uwe



Marike Bolz (Direkteur)  
Arch Town Planners (Pty) Ltd



# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

March 2022

## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

Receipt: 204599

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	20/07/2022	
Erf No	1271	Town		Suburb	Stellenbosch	
Farm No	n/a	Farm Portion	n/a	Nearest Town	n/a	
Owner / Applicant	Marike Bolz – Arch Town Planners		Contact number	072 480 583 8		
Email address	<a href="mailto:marike@archtownplanners.co.za">marike@archtownplanners.co.za</a>					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY <sup>1</sup>		PLANNER TO EVALUATE <sup>2</sup>
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65				✓		✓
7. SG diagram or General Plan						
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development						
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓
13. Conveyancer's certificate				✓		✓
14. Feedback on Pre-application scrutiny						

FILE NR: \_\_\_\_\_

SCAN NR: \_\_\_\_\_

COLLABORATOR NR: \_\_\_\_\_

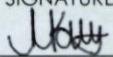
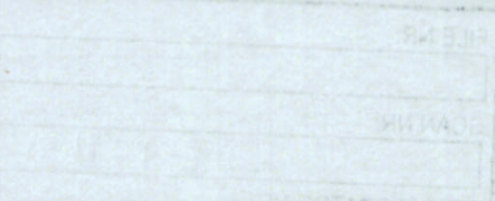

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

11 AUG 2022

**RECEIVED**

<sup>1</sup> Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

<sup>2</sup> Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
<b>INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION</b>	<b>ADMIN TO VERIFY</b>		<b>PLANNER TO EVALUATE</b>
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, <b>TIA</b> , TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
<b>VERIFIED &amp; SIGNED BY ADMIN</b>	NAME <b>Nicole Katts</b>	SIGNATURE 	DATE <b>20/07/2022</b>
<b>Outstanding information (to be completed by Planner):</b>			
			
<b>Applications to be invoiced (to be completed by Planner):</b>			
Consent Use			
<b>EVALUATED &amp; SIGNED BY PLANNER</b>	NAME <b>Bongive</b>	SIGNATURE 	DATE <b>22/07/2022</b>
<b>NOTES:</b>			
<ol style="list-style-type: none"> <li>1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.</li> <li>2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].</li> <li>3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)].</li> <li>4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].</li> </ol>			

**POWER OF ATTORNEY  
(REGISTERED OWNER'S CONSENT FORM)**

I / we, ..DIE STELLENBOSCH ERFENIS TRUST.....  
(name(s) of registered owner(s))

registered owner(s) of the following property(ies) :

Erf 1271, Stellenbosch

(property description(s))

wish to certify that authority is hereby granted to

Arch Town Planners (Pty) Ltd

(applicant's name)

in terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for \*

- removal / suspension / amendment of restrictions
- rezoning
- consent / conditional use
- departure (temporary / permanent)
- subdivision / subdivision exemption
- site development plan approval / amendment
- amendment of conditions
- township establishment
- other (please specify)

in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s) :

To allow for the selling of liquor from the Simon Wine bar for off-site consumption

(proposed purpose(s) / development)

(\* please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name .W.C. VAN DER MERWE (CHAIRMAN STELLENBOSCH ERFENIST TRUST).....

Owner's signature  Date 9 JUNE 2022



# STELLENBOSCH

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## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

[www.stellenbosch.gov.za/planning-portal/](http://www.stellenbosch.gov.za/planning-portal/)

SUBMIT COMPLETED FORM TO [landuse.applications@stellenbosch.gov.za](mailto: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)						
<b>KINDLY NOTE:</b> Please complete this form using BLOCK letters and ticking the appropriate boxes.						
<b>PART A: APPLICANT DETAILS</b>						
First name(s)	MARIKE					
Surname	BOLZ					
Company name (if applicable)	ARCH TOWN PLANNERS (PTY) LTD					
Postal Address	2ND FLOOR, BAKKERSHUIS					
	152 DORP STREET	Postal Code	7600			
Email	MARIKE@ARCHTOWNPLANNERS.CO.ZA					
Tel		Fax		Cell	0724805838	
<b>PART B: REGISTERED OWNER(S) DETAILS</b> (If different from applicant)						
Registered owner(s)	DIE TRUSTEES INDERTYD VAN DIE STELLENBOSCH ERFENIS TRUST					
Physical address	P.O. BOX 760					
	STELLENBOSCH	Postal code	7599			
E-mail	SONJA@EXCEED.CO.ZA					
Tel	0218828140	Fax		Cell		
<b>PART C: PROPERTY DETAILS</b> (in accordance with title deed)						
Erf / Erven / Farm No.	1271	Portion(s) if Farm	-	Allotment area	STELLENBOSCH	
Physical Address	C/O RYNEVELD AND VAN RIEBEEK STREET					
	STELLENBOSCH					
	7600					
Current Zoning	MIXED USE ZONE	Extent	872 m <sup>2</sup> / ha	Are there existing buildings?	<input checked="" type="checkbox"/>	N
Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019					



Current Land Use	BUSINESS ESTABLISHMENT / RESTAURANT									
Title Deed number and date	T	48156/1994								
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	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)?	Y	<input checked="" type="checkbox"/>	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	<input checked="" type="checkbox"/>	N	Is the building older than 60 years?	<input checked="" type="checkbox"/>	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/>	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)?	Y	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use <sup>2</sup> ?		Y	<input checked="" type="checkbox"/>				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?		Y	<input checked="" type="checkbox"/>				
<b>PART D: PRE-APPLICATION CONSULTATION</b>										
Has there been any pre-application consultation?	Y	<input checked="" type="checkbox"/>	If Yes, please attach the minutes of the pre-application consultation.							
Has the pre-application scrutiny form been submitted?	<input checked="" type="checkbox"/>	N	If yes, please attach the written feedback received.							
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>										
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>										
<b>Tick</b>	<b>Type of application: Cost are obtainable from the Council Approved tariffs</b>									
	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 primary rights of the zoning applicable to the land									
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement									
	15(2)(e) a consolidation of land that is not exempted in terms of section 24									
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit									
	15(2)(g) a permission required in terms of the zoning scheme									

<sup>1</sup> 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

<sup>2</sup> 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
<b>TOTAL A:</b>		<b>R</b>

**PRESCRIBED NOTICE AND FEES\*\* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; electronic communication methods	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>			<b>R</b>
<b>TOTAL APPLICATION FEES* (TOTAL A + B)</b>			<b>R</b>

\* 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.

\*\*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](mailto:indigent.office@stellenbosch.gov.za) or 021 808 8501 or 021 808 8579

\*\*\* 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.

**BANKING DETAILS**

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

**DETAILS FOR INVOICE**

Name & Surname/Company name (details of party responsible for payment)	SIMON WINE EMPORIUM
Postal Address	20 RYNEVELD STREET, STELLENBOSCH, 7600
Vat Number (where applicable)	

**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 <u>A LIQUOR STORE ON A PORTION OF THE EXISTING BUILDING</u> ..... in terms of Section.....of the.....Zoning Scheme Regulations						
Other (please specify)	_____ _____ _____					

**Brief description of proposed development / intent of application:**

CONSENT USE TO ALLOW FOR A LIQUOR STORE TO ENABLE CUSTOMERS OF THE SIMON WINE EMPORIUM TO PURCHASE THE WINE/ALCOHOLIC BEVERAGES THAT THEY HAVE TASTES AT THE ESTABLISHMENT FOR OFF-SITE CONSUMPTION)

**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.**

Information and documentation required

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

Y	N	<input checked="" type="checkbox"/>	Proof of lawful use right	Y	N	<input checked="" type="checkbox"/>	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input checked="" type="checkbox"/>	N	N/A	Required number of documentation copies	Y	N	<input checked="" type="checkbox"/>	Other (specify)

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

Y	<input checked="" type="checkbox"/>	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))
Y	<input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y <input checked="" type="checkbox"/> National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<input checked="" type="checkbox"/>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y <input checked="" type="checkbox"/> National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y <input checked="" type="checkbox"/> National Water Act, 1998 (Act 36 of 1998)
Y	<input checked="" type="checkbox"/>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y <input checked="" type="checkbox"/> Other (specify)
Y	<input checked="" type="checkbox"/>	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 :

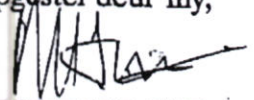
1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading 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.



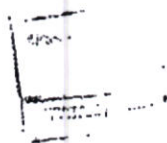
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MARAIS & MARAIS PROKUREURS  
POSBUS 15 STELLENBOSCH 7599

Opgestel deur my,



TRANSPORTBESORGER  
GOUWS N F



15/7/94  
we

48-56-94

## TRANSPORTAKTE

SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN

Dat ~~NICO FREDERIK GOUWS~~ ABRAHAM TERTIUS MAREE

verskyn het voor my, Registrateur van Aktes te KAAPSTAD, Hy die gesegde  
Komparant synde daartoe behoorlik gemagtig deur 'n volmag geteken te  
STELLENBOSCH

op die 20STE dag van APRIL 1994, aan hom verleen deur

**DIE TRUSTEES INDERTYD VAN  
DIE TRUSTEERAAD VAN DIE STELLENBOSCH MUSEUM**

welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet, my  
hede getoon is;



En die Komparant het verklaar dat voormelde TRANSPORTGEWER waarlik en wettiglik verkoop het op 18 MAART 1994 en dat Hy, in sy hoedanigheid as voormeld hiermee in volle en vrye eiendom sedeer en transporteer aan en ten behoeve van

**DIE TRUSTEES INDERTYD VAN  
DIE STELLENBOSCH ERFENIS TRUST  
T Nr T1893/1993**

Sy opvolgers in titel of regsverkrygendes

**1. RESTANT VAN ERF 1270 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

GROOT 762 (SEWE HONDERD TWEE EN SESTIG) VIERKANTE  
METER

Aanvanklik oorgedra kragtens Akte van Transport NR T122 gedateer 16 November 1787 met Kaart Nr. 16/1787 wat daarop betrekking het en gehou kragtens Akte van Transport NR T30895/1982.

- A. **ONDERHEWIG** aan sodanige voorwaardes vermeld of waarna verwys word in Transportakte Nr 172/1824 gedateer 19 Maart 1824.
- B. **ONDERHEWIG** aan die voorbehoud van alle regte op edelgesteentes edel metale, onedele minerale en aardolie, soos omskryf in die Wet op Mynregte, 1967 (Wet 20 van 1967) vir die Staat.
- C. **ONDERHEWIG** aan die volgende Aantekening gedateer 27 Augustus 1992 op gemelde Transportakte Nr T30895/1982, naamlik:

**Endossement Kragtens Artikel 13(3) van Wet 28/1969**

Kragtens Artikel 10(1) van wet 28/1969 is die eiendom tesame met die Blettermanhuis daarop synde restant van erf 1270, Stellenbosch geproklameer as 'n gedenkwaardigheid in gevolg Proklamasie 1992 gedateer 17 Julie 1992 soos aangekondig in die Staatskoerant Nr 14155/1992. Vir verdere besonderhede sien gemelde Proklamasie van die Direkteur R.N.G. in lêer 24/4/6/16.

**2. ERF 1271 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

GROOT 872 (AGTHONDERD TWEE EN SEWENTIG) VIERKANTE  
METER

Aanvanklik oorgedra kragtens GRONDBRIEF VOL 5 NR 29 gedateer 18 Maart 1874 met Kaart Nr. 352/1874 wat daarop betrekking het en gehou



kragtens Akte van Transport NR T30895/1982.

- A. **ONDERHEWIG** aan sodanige voorwaardes soos vermeld of waarna verwys word in Grondbrief geregistreer op 18 Maart 1874 Vol 5 No 29.
- B. **ONDERWORPE** aan die voorbehou soos vervat in Grondbrief Nr T21156/1981 van alle regte op edelgesteentes, edel metale, onedele minerale, en aardolie, soos omskryf in die Wet op Mynregte, 1967 (Wet 20 van 1967) vir die Staat.
- C. **ONDERHEWIG** aan die volgende Aantekening gedateer 21 Augustus 1992 op gemelde Transportakte Nr T30895/1982, naamlik:

**Endossement Kragtens Artikel 13(3) van Wet 28/1969**

Kragtens Artikel 10(1) van wet 28/1969 is die eiendom tesame met die Bletterman anneks, die ou kollege-gebou (gymnasium) en die sogenaamde arts departementgebou daarop, synde erf 1271 Stellenbosch geproklameer as 'n gedenkwaardigheid in gevolge Proklamasie 1992 gedateer 17 Julie 1992 soos aangekondig in die Staatskoerant Nr 14155/1992. Vir verdere besonderhede sien gemelde Proklamasie van die Direkteur R.N.G. in lêer 24/4/6/16.

**3. RESTANT VAN ERF 256 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

**GROOT 3059 (DRIE DUISEND NEGE EN VYFTIG) VIERKANTE  
METER**

Aanvanklik geregistreer kragtens SERTIFIKAAT VAN VERENIGDE TITEL NR T11597/56 met Kaart Nr. 712/56 wat daarop betrekking het en gehou kragtens Akte van Transport NR T27606/1977.

- A. In so far as concerns those portions of the land represented by the figures S B F G H J K L Q R; C N O P B and R Q L M on the said Diagram Number 712/56;
  - (i) SUBJECT to the conditions referred to in Deed of Transfer No. 8829 dated 17th November 1911.
  - (ii) ENTITLED to all the water rights to which the properties previously held uner Paragraphs 2,4 and 5 of Deed of Transfer No 8829 dated 17th November 1911, were entitled, as the properties transferred by Deed of Transfer No 9375 dated 30th June, 1950, were transferred without water rights, as will appear from the apportionment of water rights referred to in the Endorsement on deed of Transfer No. 8829 dated 17th November 1911.
  - (iii) Onderhewig verder aan 'n Endossement in terme van Artikel 13/3 van Wet 28(2) van 1969 soos vervat in Akte van Transport No T27606/1977, wat as volg lui:

Stellenbosch and the Grounds which are mounded as follows, viz on the Northern side of the outline of the House and its extension as far as the garden wall on the Western side and the lattice work on the Eastern side, on the Western side the Garden wall: on the Southern side the outline of the house as well as its extension as far as the garden wall on the western side and the lattice work on the Eastern side and the Eastern side the said lattice work, including the said garden wall and lattice work, situated on the property herein has been proclamation Nr 33 dd 12/1/83 published in the Government Gazette of the same date. For further particulars refer to said Proclamation Nr 33 and Minute Nr 10/2/276 dd 1/2/73 from director of Archives Pretoria filed in file 24/4/6/16

**4. ERF 3474 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

GROOT 2391 (TWEË DUISEND DRIE HONDERD EEN EN NEGENTIG) VIERKANTE METER

Aanvanklik oorgedra kragtens Akte van Transport NR T15215/62 met Kaart Nr. LG2912/62 wat daarop betrekking het en steeds gehou kragtens Akte van Transport NR T11734/90.

- A. ONDERHEWIG** aan die voorwaardes genoem in Transportakte Nr T5461/1912;
- B. GEREKTIG OP DIE VOORDEEL** van die voorwaarde waarna verwys word in die endossement gedateer 30 Oktober 1939 op Sertifikaat van Verenigde Titel No T11920/1939, welke endossement as volg lees:

**REGISTRATION OF SERVITUDE**

By Deed of Transfer No 11921/1939 dated this day a certain right of way 4,6 feet wide marked E.a.b.c on the diagram thereto annexed has been granted in favour of the Remainder held hereunder as will more fully appear on reference to the said Deed of Transfer.

- C. ONDERHEWIG VERDER** aan die volgende spesiale voorwaarde opgelê deur en ten gunste van die Administrateur kragtens die bepalings van Artikel 9 van Ordonnansie Nr 33 van 1934, soos vervat in Transportakte Nr T15215/1962, naamlik:

Dat geen gebou opgerig mag word binne 'n boubeperkingslyn van 55 voet vanaf die middellyn van Van Ryneveldstraat wat langs die grens BC op gemelde kaart no. 2912/62 loop.

**5. ERF 6194 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

GROOT 213 (TWEEHONDERD EN DERTIEN) VIERKANTE METER  
**EERSTE GETRANSPORTEER** en steeds gehou kragtens Akte van Transport T10672/1977 met Kaart No 3589/76 wat daarop betrekking het.

- A. **ONDERHEWIG** soos vervat in Akte van Toekenning SF 8/9 gedateer 8 Januarie 1908, naamlik:

"Subject, however, to all such Duties and Regulations as are either already or shall in future be established with regard to such Lands."

- B. **ONDERHEWIG AAN** die volgende endossemente gedateer 8 Desember 1975 en 12 Desember 1875 op Akte van Toekenning SF 8/9 gedateer 8 Januarie 1908, naamlik:

"ENDORSEMENT I.T.O SECTION 13(3) OF ACT 28 OF 1969

In terms of Section 10(1) of Act 28 of 1969 the Old Powder Magazine, Stellenbosch, situate on Remainder Erf 624 Stellenbosch, as been proclaimed a National Monument by Proclamation No. 747 dated 10th May, 1940, published in the Government Gazette of the same date. For further particulars refer to said proclamation and minute AD/1/15 dated 13/11/75 from the Director of Archives, Pretoria, filed in file 24/4/6/16.

ENDORSEMENT I.T.O. SECTION 13(3) OF ACT 28 OF 1969

In terms of Section 10(1) of Act 28 of 1969 the Braak, Stellenbosch situated on the property herein has been proclaimed a monument by proclamation No. 529 dated 6th April 1936 published in the Government Gazette of the same date. For further particulars refer to said Proclamation and Minute No. Ad/1/15 dated 5/12/1975 from the Director of Archives, Pretoria, filed in file 24/4/6/16."

- C. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaarde opgelê deur die Munisipaliteit Stellenbosch as eienaar van die restant van die eiendom gehou kragtens Akte van Toekenning SF 8/9 gedateer 8 Januarie 1908, naamlik:

Die Transportnemer of sy regsopvolger moet die grond wat hierdeur oorgedra word, gebruik vir uitsluitlik museumdoeleindes. Indien die grond te eniger tyd ophou om vir museumdoeleindes deur die transportnemer of sy regsopvolgers gebruik te word, val die grond aan die transportgewer terug sonder betaling van vergoeding van enige aard hoegenaamd, en die transportnemer of sy regsopvolger word verbind om al wat nodig is te doen en om alle stukke te teken ten einde heroordrag aan die transportgewer te bewerkstellig; die koste van heroordrag moet deur die transportnemer of sy regsopvolger gedra word.

6. **RESTANT VAN ERF 1352 STELLENBOSCH  
 IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

GROOT 3011 (DRIEDUISEND EN ELF) VIERKANTE METER

Aanvanklik oorgedra kragtens Grondbrief op 9 Oktober 1781 (Stellenbosch Eiendomsbriewe Boekdeel 3 No. 29) met vervangings kaart No 4061/54 daaraan

geheg en gehou kragtens Akte van Transport T9397/64.

- A. **ONDERHEWIG AAN** sodanige voorwaardes soos na verwys word in transportakte No 223 gedateer 15 Augustus 1885;
- B. **ONDERHEWIG AAN** die volgende voorwaardes vervat in gemelde transportakte gedateer 18 Junie 1948 No. 12945 wat opgelê is ten gunste van die Transportgewer daaronder (naamlik Die Kerkraad van die Nederduitse Gereformeerde Kerk, Stellenbosch), en sy opvolgers in titel, as eienaars van :-

SEKERE stuk grond geleë in die Munisipaliteit en Afdeling Stellenbosch, groot tweehonderd ag-en tagtig (288) vierkante roede, welke eiendom gehou word onder Grondbrief uitgereik op 3 Julie 1717, (Ou Stellenbosch Eiendomsbriewe Boekdeel 1 No 243),

n.l:-

1. Dat die eiendom gebruik sal word vir 'n museum en kunsgalery en/of kunsskool en vir geen ander doel nie met dien verstande egter dat 'n blanke persoon wat as opsigter deur die transportnemer geempooleier word oor die gebou(e) op bogemelde grond en die inhoud van gemelde gebou(e), toegelaat sal word om saam met sy familie op bogemelde eiendom te woon.
2. Dat geen kunstukke van twyfelagtige of aanstootlike aard wat beskou kan word as strydig met die Christelike moraal op die eiendom vertoon mag word nie.
3. Dat die museum en kunsgalery en/of kunsskool op bogemelde eiendom vir die hele dag op Sondag vir die publiek gesluit sal wees.
4. Dat die Museum en Kunsgalery en/of Kunsskool op Kerklike Feesdae, te wete op elke Goeie Vrydag, Hemelvaartsdag, Kersdag en Dingaansdag gedurende die voormiddag vir die publiek gesluit sal wees.
5. Dat die geboue op bogemelde eiendom nie ter enige tyd meer as tweederdes ( $\frac{2}{3}$ des) van die totale area van die gemelde eiendom sal beslaan nie."

- C. **ONDERHEWIG AAN** die volgende spesiale voorwaarde opgelê in Akte van Transport T9397/64 deur die gemelde Munisipaliteit van Stellenbosch in sy guns, naamlik:-

Dat die eiendom slegs gebruik sal word as 'n museum en indien dit nie meer langer vir daardie doel gebruik word nie, sal dit na die transportgewer terugval en die transportontvanger onderneem hiermee om alle nodige dokumente te teken ten einde die registrasie van oordrag te bewerkstellig. Indien hierdie gebeurlikheid bewaarheid word, sal die transportgewer aan die transportontvanger die koopsom van Twee Rand (R2.00) terugbetaal.

- D. **ONDERHEWIG** aan die volgende Aantekening gedateer 7 Oktober 1992 op gemelde Transportakte Nr T9397/1964 naamlik:-

**Endossement Kragtens Artikel 13(3) van Wet 28/1969**

Kragtens Artikel 10(1) van wet 28/1969 is die eiendom met die gebou bekend as Grosvenor House en Grosvenor House-anneks daarop synde die Restant van Erf 1352 Stellenbosch, geleë in die Munisipaliteit en Afdeling van Stellenbosch en groot 30 372 vierkante meter geproklameer as 'n gedenkwaardigheid in gevolg Proklamasie 1992 gedateer 17 Julie 1992 in die Staatskoerant Nr 14155/1992. Vir verdere besonderhede sien gemelde Proklamasie van die Direkteur R.N.G. in Lêer 24/4/6/16.

**7. ERF 1277 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH**

**GROOT: 639 (SESHONDERD NEGE EN DERTIG) VIERKANTE METER**

**AANVANKLIK** geregistreer kragtens Sertifikaat van Gewysigde Titel by vereniging Nr 6831/1950 met kaart Nr 10118/1948 wat daarop betrekking het en gehou kragtens Akte van Transport T21695/1972.

- A. WAT BETREF** die figuur gemerk A.B.L.M.F.G.H.J. op die gemelde Kaart Nr. 10118/48-

**ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. 6372 gedateer 10 Junie 1904;

- B. WAT BETREF** die figuur gemerk L.C.D.E.M. op die gemelde Kaart Nr. 10118/48-

**ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. 7582 gedateer 22 Oktober 1910;

- C. ONDERHEWIG** aan die volgende Aantekening gedateer 30 September 1974 op gemelde Transportakte Nr T21695/1972, naamlik:


**Endossement Kragtens Artikel 13(3) van Wet 28/1969**

Kragtens Artikel 10(1) van wet 28/1969 is die stuk grond, met die historiese woonhuis bekend as Schreuderhuis daarop, op die hieringemelde eiendom geproklameer as 'n gedenkwaardigheid in gevolg Proklamasie 1566 gedateer 6/9/1974 in die Staatskoerant van dieselfde datum. Vir verdere besonderhede sien gemelde proklamasie en diensbrief 10/2/172 gedateer 23/9/1974 van die Direkteur van Argriewe Pretoria, gebêre in Lêer 24/4/6/16.

Weshalwe die Komparant afstand doen van al die regte en titel wat die TRANSPORTGEWER voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat die TRANSPORTGEWER/S geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde TRANSPORTNEMER TRUST, Sy opvolgers in titel of regsverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom die bedrag van R1,00 (EEN RAND) bedra, wat ten volle betaal of verseker is.

Ten Bewyse waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te  
KAAPSTAD op 11 Julie 1994

  
q.q. sy Prinsipaal/ale

In my teenwoordigheid,

  
REGISTRATEUR VAN AKTES.

20

MARAIS & MARAIS PROKUREURS  
POSBUS 15 STELLENBOSCH 7599

Opgestel deur my,

TRANSPORTBESORGER  
GOUWS N F

## PROKURASIE VIR TRANSPORT

Ek/Ons, die ondergetekende(s), MARTHINUS JAN LE ROUX behoorlik hiertoe gemagtig deur

**DIE TRUSTEES INDERTYD VAN  
DIE TRUSTEERAAD VAN DIE STELLENBOSCH MUSEUM**

benoem hiermee NICO FREDERIK GOUWS of GIDEON ANDRIES VAN DER WESTHUIZEN of ABRAHAM TERTIUS MAREE

met mag van substitusie om as my/ons ware en wettige Gemagtigde en Agent te verskyn voor die REGISTRATEUR VAN AKTES TE KAAPSTAD en daar te verklaar dat die Transportgewer/s op 18 MAART 1994, verkoop het aan

**DIE TRUSTEES INDERTYD VAN  
DIE STELLENBOSCH ERFENIS TRUST**  
T Nr T1893/1993

vir die som van R1,00 (EEN RAND)

die ondergenoemde eiendom, naamlik:

1. RESTANT VAN ERF 1270 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH  
  
GROOT 762 (SEWE HONDERD TWEE EN SESTIG) VIERKANTE  
METER  
GEHOU KRAGTENS TRANSPORTAKTE NR T30895/1982
2. ERF 1271 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH  
GROOT 872 (AGTHONDERD TWEE EN SEWENTIG) VIERKANTE  
METER  
GEHOU KRAGTENS TRANSPORTAKTE NR T30895/1982
3. RESTANT VAN ERF 256 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH  
  
GROOT 3059 (DRIE DUISEND NEGE EN VYFTIG) VIERKANTE  
METER  
GEHOU KRAGTENS TRANSPORTAKTE NR T27606/1977





HEREREGTE - VORM B  
VERKLARING DEUR KOPER

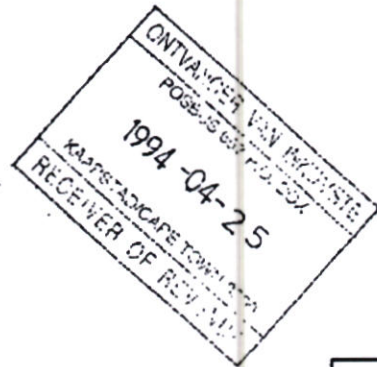
DEEL I

TRANSPORTGEWER (Verkoper)  
TRUSTEERAAD VAN DIE STELLENBOSCH MUSEUM

TRANSPORTNEMER (Koper)  
TRUSTEES VAN DIE STELLENBOSCH ERFENIS TRUST

BEREIKING VAN EIENDOM :

DEUR AANHANGSEL "A" HIERBY AANGEHEG



Poskode van gebied waar eiendom geleë is

DATUM VAN TRANSAKSIE: 18 MAART 1994

VERGOEDING : R1,00

HEREREGTE BETAAL DEUR : MARAIS & MARAIS PROKUREURS

POSADRES : POSBUS 15 STELLENBOSCH 7599

VIR AMPTELIKE GEBRUIK

Hereregte betaal op R

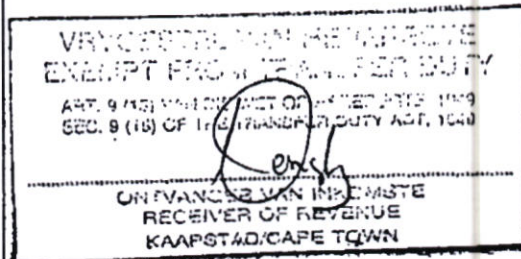
Synde

Wet waarkragtens hereregte gehef word

Staal-rojceerstempel van  
kantoor van uitreiking

Ontvanger van Inkomste

KASREGISTERKWITANSIE



AANHANGSEL "A"

- ✓ 1. RESTANT VAN ERF 1270 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH

GROOT 762 (SEWE HONDERD TWEE EN SESTIG) VIERKANTE  
METER

2. ERF 1271 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH

GROOT 872 (AGTHONDERD TWEE EN SEWENTIG) VIERKANTE  
METER

GEHOU KRAGTENS TRANSPORTAKTE NR T30895/1982

- ∠ 3. RESTANT VAN ERF 256 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH

GROOT 3059 (DRIE DUISEND NEGE EN VYFTIG) VIERKANTE  
METER

GEHOU KRAGTENS TRANSPORTAKTE NR T27606/1977

4. ERF 3474 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH

GROOT 2391 (TWEE DUISEND DRIE HONDERD EEN EN  
NEGENTIG) VIERKANTE METER

GEHOU KRAGTENS TRANSPORTAKTE NR T11734/90

ONTVANGER VAN INKOMSTE  
RECEIVER OF INCOME  
KAAPSTAD/CAPE TOWN

*[Handwritten signature]*

5. ERF 6194 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH  
GROOT 213 (TWEEHONDERD EN DERTIEN) VIERKANTE METER  
GEHOU KRAGTENS TRANSPORTAKTE NR T10672/1977
6. RESTANT VAN ERF 1352 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH  
GROOT 3011 (DRIEDUISEND EN ELF) VIERKANTE METER  
GEHOU KRAGTENS AKTE VAN TRANSPORT NO T9397/1964
7. ERF 1277 STELLENBOSCH  
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH  
GROOT 639 (SESHONDERD NEGE EN DERTIG) VIERKANTE METER  
GEHOU KRAGTENS AKTE VAN TRANSPORT NO T21695/1972

  
CHIEF VAN AFDELING VAN  
REKORD EN KONTROLE  
KANTOOR 10001, 1972



# Vervangingswaardes van eiendomme van die Stellenbosch Erfenistrust te Stellenbosch

13-Sep-0

	m <sup>2</sup>	R/m <sup>2</sup>	Nov-02	R/m <sup>2</sup>	R/m <sup>2</sup>	Sep-07
Van der Bijlhuis	655	R 5 555.73	R 3 639 000.00	R 9 500.00	R 6 222 500.00	
Smithuis	248	R 2 266.13	R 562 000.00	R 5 800.00	R 1 438 400.00	
Erfurthuis	1168	R 3 266.08	R 3 814 784.00	R 6 250.00	R 7 300 000.00	
V.O.C. Kruithuis	108	R 9 950.00	R 1 074 600.00	R 12 000.00	R 1 296 000.00	
Moedersloon	548	R 5 178.10	R 2 837 600.00	R 8 750.00	R 4 795 000.00	
A.P. Lubbe	157	R 4 391.08	R 689 400.00	R 8 250.00	R 1 295 250.00	
Schreuderhuis	184	R 6 926.09	R 1 274 400.00	R 11 500.00	R 2 116 000.00	
Grosvenor House	474	R 12 284.70	R 5 822 950.00	R 16 500.00	R 7 821 000.00	
Collins Cottage	412	R 5 203.88	R 2 144 000.00	R 9 300.00	R 3 831 600.00	
Blettersmanhuis	300	R 7 547.52	R 2 264 256.00	R 11 200.00	R 3 360 000.00	
Bletterman Buitegeboue	174	R 4 948.28	R 861 000.00	R 8 150.00	R 1 418 100.00	
Afdak	159	R 1 339.62	R 213 000.00	R 2 350.00	R 373 650.00	
Millenniumgebou (Ou Kollegegebou A)	163	R 4 844.87	R 789 714.00	R 8 850.00	R 1 442 550.00	
Ou Kollegegebou B (CTFM),	140	R 4 400.79	R 616 110.00	R 8 600.00	R 1 204 000.00	



**CONVEYANCER CERTIFICATE**

I/We YOLANDI OLIVIER

*(conveyancer's name and surname)*

**Practising at:**

OLIVIER & ASSOCIATES ATTORNEYS, 5 ACORN ROAD, NEWLANDS, CAPE TOWN

7700

*(firm and place of practice)*

**In respect of:**

ERF 1271 STELLENBOSCH, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

PROVINCE OF THE WESTERN CAPE, IN EXTENT 872 (EIGHT HUNDRED AND SEVENTY TWO) SQUARE METRES

HELD BY DEED OF TRANSFER NO T 48156/1994

*(full property description (erf / farm) as it appears in title deed of same)*

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

- 1. HELD BY DEED OF TRANSFER NO T48156/1994
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. ....
- 7. ....
- 8. ....

*(In example Deed of Transfer T48156/1994 a certificate of Registration was issued on 1994 (date) of the deed number and date)*



**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N ✓	
2.	Building lines	Y	N ✓	
3.	Height	Y	N ✓	
4.	Number of Dwellings	Y	N ✓	
5.	Bulk floor area	Y	N ✓	
6.	Coverage/built upon area	Y	N ✓	
7.	Subdivision	Y	N ✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N ✓	
9.	Other Restrictive Conditions	Y	N ✓	



**B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)**

*In respect of which it was found that there are no restrictive conditions with reference to Section 3 (4) (a) (b) or (c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purpose: (as elaborated in the accompanying application)*

a.	Organ(s) of State that might have an interest in the restrictive condition	N/A
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	N/A
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	N/A


**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

*(please tick appropriate box)* APPLICATION FOR CONSENT TO ALLOW FOR A LIQUOR STORE, SIMON WINE EMPORIUM

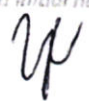
Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) <input checked="" type="checkbox"/>	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at CAPE TOWN (Place) on this 20th (Day) JUNE (Month) of 2022

Full names and Surname: YOLANDI OLIVIER

Signature: 

**OLIVIER & ASSOCIATED ATTORNEYS**  
 5 ACORN STREET  
 NEWLANDS  
 7700  
 CAPE TOWN

**OLIVIER & ASSOCIATED ATTORNEYS** Notary stamp  
 5 ACORN STREET and initial here  
 NEWLANDS  
 7700  
 CAPE TOWN 

Tel: 0216718296

Email: OLIVIERASSOC@POLKA.CO.ZA

Cell: 0824992801

# CONSENT USE APPLICATION

ERF 1271 STELLENBOSCH

CORNER OF VAN RIEBEEK AND RYNEVELD STREET



**JUNE 2022**

**SUBMITTED TO:  
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: 2<sup>ND</sup> Floor, Bakkershuis  
152 Dorp Street  
Stellenbosch, 7600

Mobile:

+27 (0)72 480 5838

Email:

[marike@archtownplanners.co.za](mailto:marike@archtownplanners.co.za)

Website:

[www.archtownplanners.co.za](http://www.archtownplanners.co.za)



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3.	DEVELOPMENT PROPOSAL .....	6
3.1	Overview .....	6
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## 1. INTRODUCTION

### 1.1 Background Information

Erf 1271 Stellenbosch (hereafter referred to as 'the application site'), measuring 872m<sup>2</sup> in extent, accommodates the well-known *De Warenmarkt commercial establishment which includes, inter alia, the Kaapse Vonkel MCC and Oyster Bar* and the *Simon Wine Emporium*. Currently, patrons of the *Simon Wine Emporium* merely taste wines at the establishment. It is required of them to leave the application site and buy the wine that they have enjoyed at either a liquor store or on the relevant wine farm itself. It is the intention of the owner of the application site to allow for patrons of the *Simon Wine Emporium* to be able to buy the wine that they have enjoyed, directly from the establishment. Therefore, the *Simon Wine Emporium* (measuring approximately 133m<sup>2</sup>) requires land use approval to allow for off-site consumption of liquor as well.

### 1.2 Planning Brief

In light of the above information, *Arch Town Planners (Pty) Ltd* has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality - Please refer to the attached Power of Attorney (**Annexure A**).

### 1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for **Consent Use** to allow for a portion of the existing building to be used as a *Liquor Store* to allow for the sale of alcohol for off-site consumption.

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure B**.

## 2. APPLICATION SITE DESCRIPTION

### 2.1 Ownership Details and Title Deed

Application Site Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions Applicable
Erf 1271 Stellenbosch	Die Trustees Indertyd van die Stellenbosch Erfenis Trust	872m <sup>2</sup>	T.48156/1994 See attached as <b>Annexure C</b>	N/A

Table 1 Application Site Details

## 2.2 Conveyancer Certificate

Conveyancer *Yolandi Olivier* from *Olivier & Associates Attorneys* has certified that there are no restrictive title deed conditions relevant to this application – See **Annexure D** for a copy of the Conveyancer Certificate.

## 2.3 Locality and Context

Please refer to Figures 1 and 2 for the locality and aerial view of the application site. The site is situated on the corner of Ryneveld and Van Riebeeck Street, within the historical core of Stellenbosch and forms part of the Central Business District.

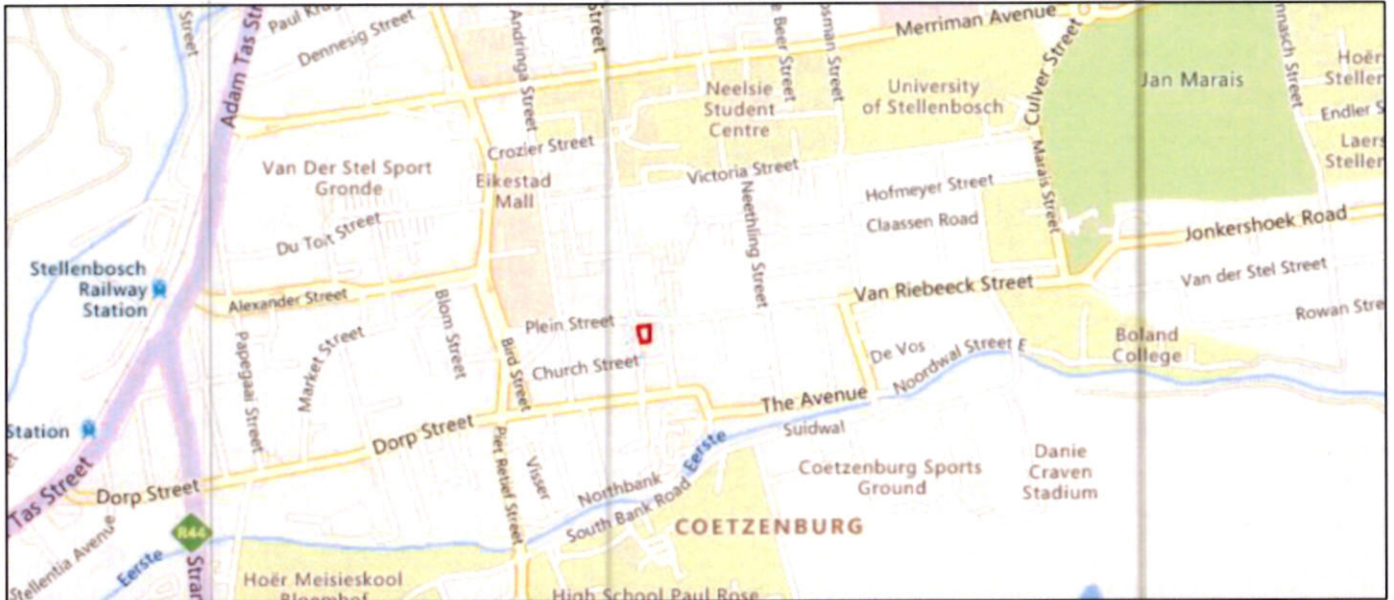


Figure 1 Locality of Application Site



Figure 2 Aerial view

With further reference to Figure 2, above, it should be noted that this application is only relevant to the *Simon Wine Emporium*, illustrated in yellow.

## 2.4 Current Land Uses

As mentioned, the application site accommodates the well-known *De Warenmarkt* **business establishment** which includes uses such as a butchery, restaurant, deli, bar, shop and market.

## 2.5 Zoning

The zoning of application site is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Mixed-Use Zone**. Figure 3, below, is an extract of the Stellenbosch Municipality Zoning Scheme Map, confirming the zoning of the application site.

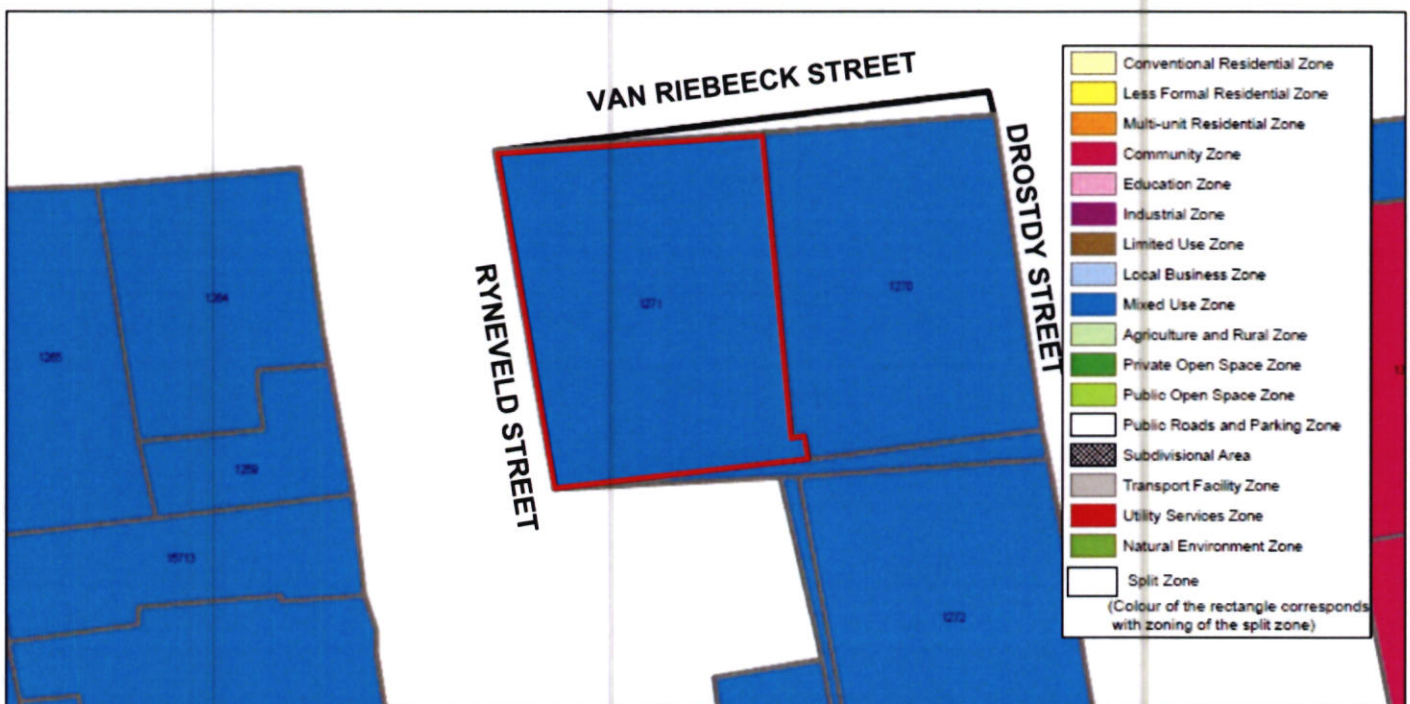


Figure 3 Extract of the Zoning Map

**Mixed-Use Zoned** properties is subject to the land use rights, as identified in Table 2 below, in terms of the Zoning Scheme.

ZONING	PRIMARY USE RIGHT	ADDITIONAL USE RIGHT	CONSENT USE RIGHT
MIXED USE ZONING	Commune; <b>Business premises (including shops, markets, restaurants, office)</b> ; Clinic; Community residential building; Extramural facility; Flats; Guest house; Hostel; Hotel; Occasional	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; <b>Liquor Store</b> ; Motor vehicle fitment centre; Motor showroom;

use (one event/year); Plant nursery; Public institution; Public parking area; Private Road; Tourist dwelling unit; Tourist accommodation establishment; Welfare institution		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
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Table 2 Summary of Land Uses

### 3. DEVELOPMENT PROPOSAL

#### 3.1 Overview

As mentioned under Section 1.1 of this report, patrons of the *Simon Wine Emporium* are required to leave the establishment and buy the wine at either a conventional liquor store or the relevant wine farm itself. As per Figure 4, below, it is proposed to allow for the sale of alcoholic beverages for off-site consumption within the space on the application site demarcated for the *Simon Wine Emporium*. This will allow for patrons of the *Simon Wine Emporium* to buy the liquor that they have enjoyed at the wine bar for home consumption. According to the provisions and definitions of the Zoning Scheme, it is required for this space to be classified as a *Liquor Store*.



Figure 4 Identification of Extent of Consent Use for a Liquor Store

It is important to note that the use of this space identified, although classified in terms of the Zoning Scheme as a Liquor Store, will not be a conventional liquor store. This classification of the space is required to enable customers to purchase alcoholic beverages that they have enjoyed during a tasting at the Simon Wine Emporium. The proposed use lends itself more towards that of a tourist facility, but due to the fact that the wines will not be produced on the application site, it needs to be classified as a liquor store.



Figure 5 The Simon Wine Emporium

In terms of development rules, the application site will remain for the use of a Business Premises. Therefore, the parking provisions currently applicable to the application site, will remain in place.

No further applications, other than the consent use application, is therefor required.

## 4. MOTIVATION

### 4.1 Motivation for Consent Use Application

As mentioned under Section 3.1 of this report, the applied for *Liquor Store* will not be a conventional liquor store. The proposed use will allow for the existing customers of the *Simon Wine Emporium* to buy the alcoholic beverages that they have tasted at the establishment. The approval of this application will not result in the establishment to be run as a conventional liquor store for everyday alcoholic purchases. This will not necessarily result in an increase in the number of costumers for the establishment, but rather increase the services/products available to a very specific target market (existing costumers).

It is therefore argued that the approval of the proposed application will have no material effect on the existing status quo for the application site. This includes traffic to and from the application site, parking requirements and municipal services.

### 4.2 Motivation in terms of Section 65(1) of the By-Law

Section 65(1) of the By-law sets out certain criteria which needs be met in consideration of an application by the decision-making authorities. In line with this section, Table 3, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in terms of processing the application	To be decided. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>It is argued that the proposed use will not have a significant impact on the surrounding property owners. The proposal will only allow for the sale of alcohol for off-site consumption whereas the current approvals allow only for on-site consumption.</p> <p>It is further argued that in providing patrons the opportunity to purchase the alcohol that they have experienced at the Simon Wine Emporium, it will stimulate economic activity on the property.</p>
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	None

i. The IDP and SDF	<p>The Stellenbosch Municipality Spatial Development Framework, 2019, states that Stellenbosch is one of South Africa's premier tourist destinations. Situated in the heart of the Cape Winelands, it is no coincidence that Stellenbosch is the home of exceptional wines and liquors. The production, distribution and selling of these wines and liquors contribute largely to work opportunities and economic growth within the Municipal Area. According to the SDF, 20% of the Stellenbosch Municipality's GDP comprises of wholesale, retail, catering and accommodation sectors. These sectors also contribute 24.4% to the workforce (in 2016).</p> <p>It is argued that the approval of this application will contribute to ensuring growth and economic sustainability within this sector.</p>
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes densification. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Act	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><b><u>Spatial Justice:</u></b> Aligned. The proposal includes an opportunity economic activation on the application site which is situated within the Stellenbosch Central Business District.</p> <p><b><u>Spatial Sustainability:</u></b> Aligned. The proposal complies with this principle by ensuring that the proposed use will create a more diverse land use on the application site.</p> <p><b><u>Efficiency:</u></b> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><b><u>Good Administration:</u></b> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><b><u>Spatial Resilience:</u></b> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the Zoning Scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme.

**Table 3** Assessment of Application in terms of Section 65 of the By-law



## 5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

In terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for **Consent Use** to allow for a portion of the existing building to be used as a *Liquor Store* to allow for the sale of alcohol for off-site consumption.

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Report compiled by:



Marike Bolz (Director)

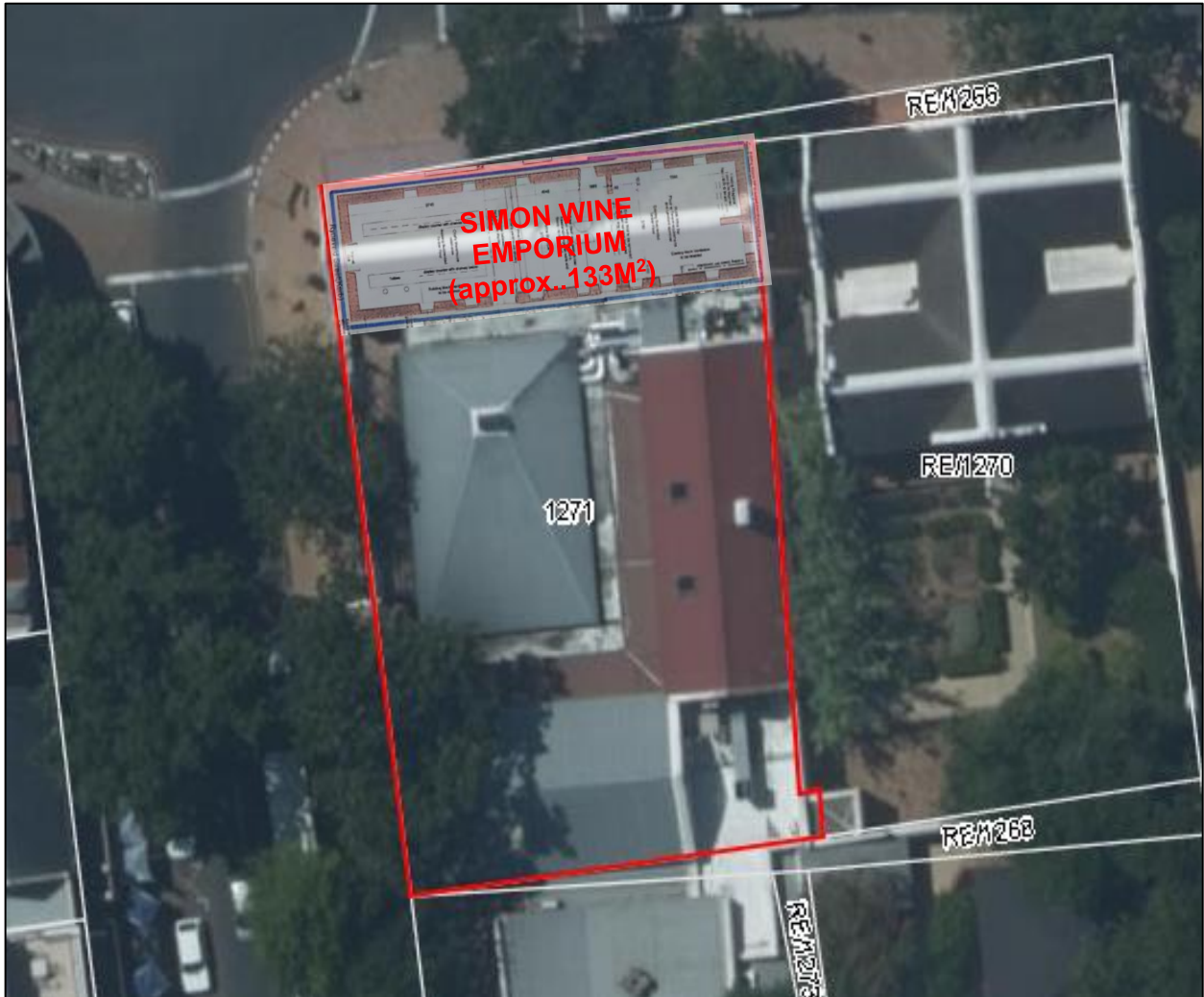
for Arch Town Planners (Pty) Ltd

June 2022

# CONSENT USE APPLICATION

ERF 1271 STELLENBOSCH

CORNER OF VAN RIEBEEK AND RYNEVELD STREET



**JUNE 2022**

**SUBMITTED TO:  
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: 2<sup>ND</sup> Floor, Bakkershuis  
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Stellenbosch, 7600

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Email:  
Website:

+27 (0)72 480 5838  
[marike@archtownplanners.co.za](mailto:marike@archtownplanners.co.za)  
[www.archtownplanners.co.za](http://www.archtownplanners.co.za)

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## 1. INTRODUCTION

### 1.1 Background Information

Erf 1271 Stellenbosch (hereafter referred to as 'the application site'), measuring 872m<sup>2</sup> in extent, accommodates the well-known *De Warenmarkt commercial establishment which includes, inter alia, the Kaapse Vonkel MCC and Oyster Bar and the Simon Wine Emporium*. Currently, patrons of the *Simon Wine Emporium* merely taste wines at the establishment. It is required of them to leave the application site and buy the wine that they have enjoyed at either a liquor store or on the relevant wine farm itself. It is the intention of the owner of the application site to allow for patrons of the *Simon Wine Emporium* to be able to buy the wine that they have enjoyed, directly from the establishment. Therefore, the *Simon Wine Emporium* (measuring approximately 133m<sup>2</sup>) requires land use approval to allow for off-site consumption of liquor as well.

### 1.2 Planning Brief

In light of the above information, *Arch Town Planners (Pty) Ltd* has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality - Please refer to the attached Power of Attorney (**Annexure A**).

### 1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for **Consent Use** to allow for a portion of the existing building to be used as a *Liquor Store* to allow for the sale of alcohol for off-site consumption.

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure B**.

## 2. APPLICATION SITE DESCRIPTION

### 2.1 Ownership Details and Title Deed

Application Site Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions Applicable
Erf 1271 Stellenbosch	Die Trustees Indertyd van die Stellenbosch Erfenis Trust	872m <sup>2</sup>	T.48156/1994 See attached as <b>Annexure C</b>	N/A

Table 1 Application Site Details

## 2.2 Conveyancer Certificate

Conveyancer *Yolandi Olivier* from *Olivier & Associates Attorneys* has certified that there are no restrictive title deed conditions relevant to this application – See **Annexure D** for a copy of the Conveyancer Certificate.

## 2.3 Locality and Context

Please refer to Figures 1 and 2 for the locality and aerial view of the application site. The site is situated on the corner of Ryneveld and Van Riebeeck Street, within the historical core of Stellenbosch and forms part of the Central Business District.



Figure 1 Locality of Application Site



Figure 2 Aerial view

With further reference to Figure 2, above, it should be noted that this application is only relevant to the *Simon Wine Emporium*, illustrated in yellow.

## 2.4 Current Land Uses

As mentioned, the application site accommodates the well-known *De Warenmarkt* **business establishment** which includes uses such as a butchery, restaurant, deli, bar, shop and market.

## 2.5 Zoning

The zoning of application site is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Mixed-Use Zone**. Figure 3, below, is an extract of the Stellenbosch Municipality Zoning Scheme Map, confirming the zoning of the application site.

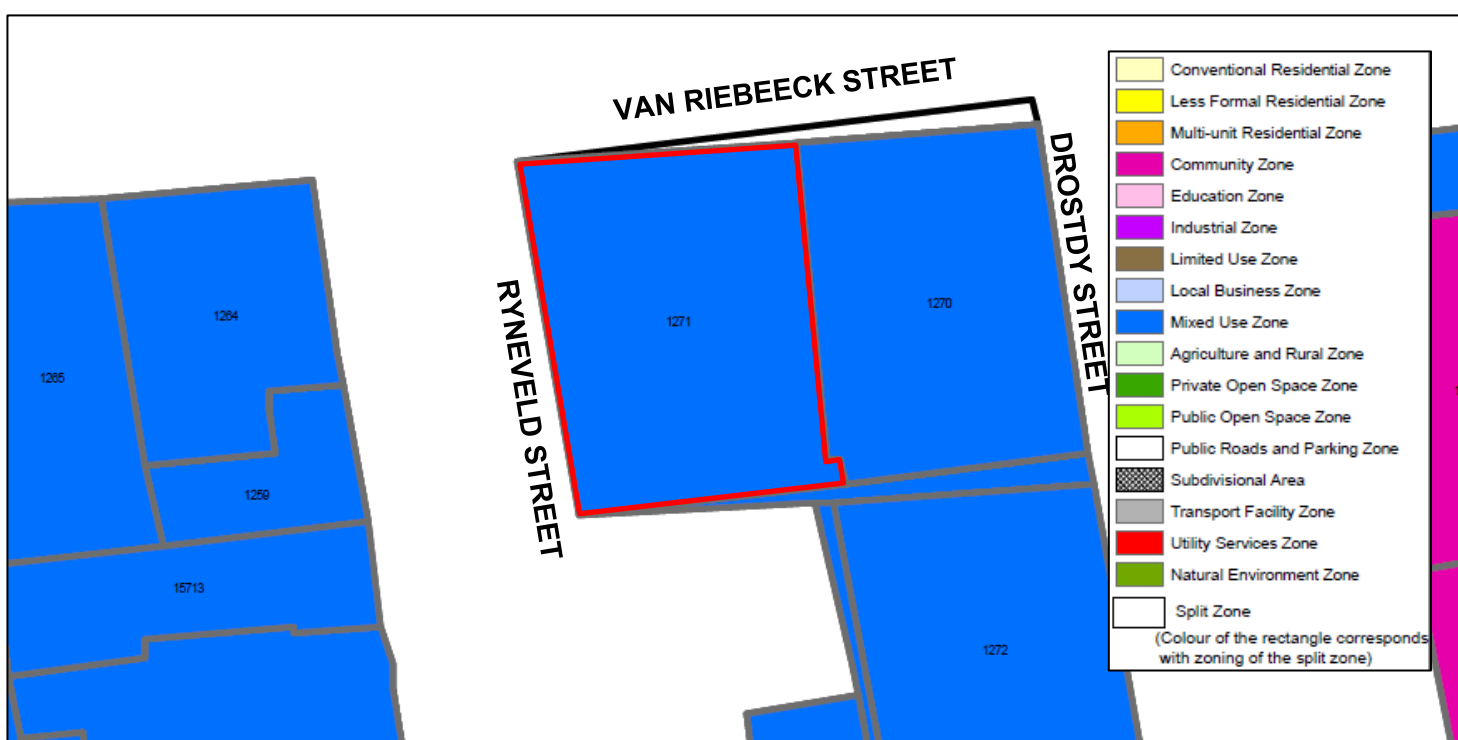


Figure 3 Extract of the Zoning Map

**Mixed-Use Zoned** properties is subject to the land use rights, as identified in Table 2 below, in terms of the Zoning Scheme.

ZONING	PRIMARY USE RIGHT	ADDITIONAL USE RIGHT	CONSENT USE RIGHT
MIXED USE ZONING	Commune; <b>Business premises (including shops, markets, restaurants, office)</b> ; Clinic; Community residential building; Extramural facility; Flats; Guest house; Hostel; Hotel; Occasional	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; <b>Liquor Store</b> ; Motor vehicle fitment centre; Motor showroom;

	use (one event/year); Plant nursery; Public institution; Public parking area; Private Road; Tourist dwelling unit; Tourist accommodation establishment; Welfare institution		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
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Table 2 Summary of Land Uses

### 3. DEVELOPMENT PROPOSAL

#### 3.1 Overview

As mentioned under Section 1.1 of this report, patrons of the *Simon Wine Emporium* are required to leave the establishment and buy the wine at either a conventional liquor store or the relevant wine farm itself. As per Figure 4, below, it is proposed to allow for the sale of alcoholic beverages for off-site consumption within the space on the application site demarcated for the *Simon Wine Emporium*. This will allow for patrons of the *Simon Wine Emporium* to buy the liquor that they have enjoyed at the wine bar for home consumption. According to the provisions and definitions of the Zoning Scheme, it is required for this space to be classified as a *Liquor Store*.

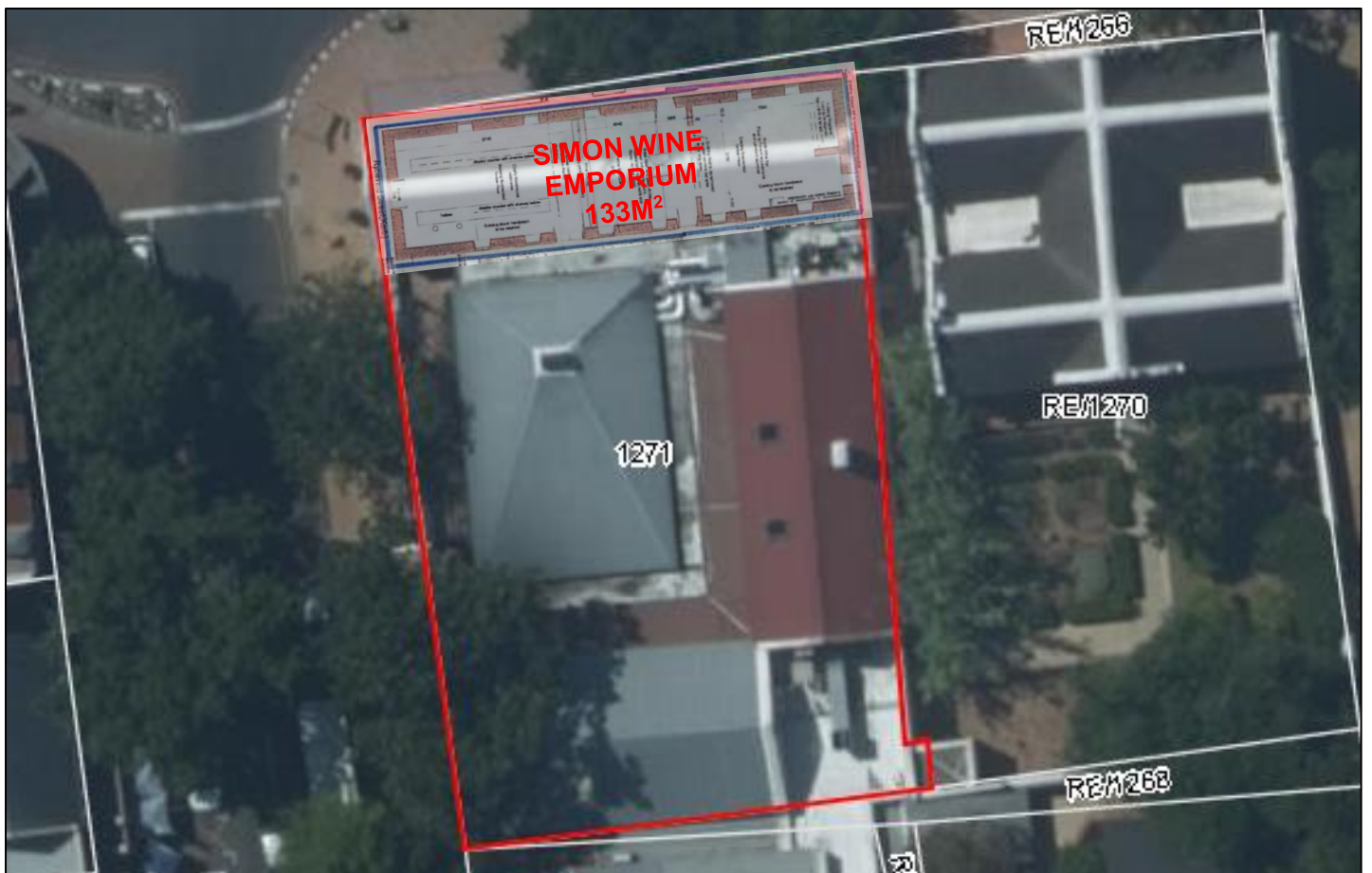


Figure 4 Identification of Extent of Consent Use for a Liquor Store

It is important to note that the use of this space identified, although classified in terms of the Zoning Scheme as a Liquor Store, will not be a conventional liquor store. This classification of the space is required to enable customers to purchase alcoholic beverages that they have enjoyed during a tasting at the Simon Wine Emporium. The proposed use lends itself more towards that of a tourist facility, but due to the fact that the wines will not be produced on the application site, it needs to be classified as a liquor store.

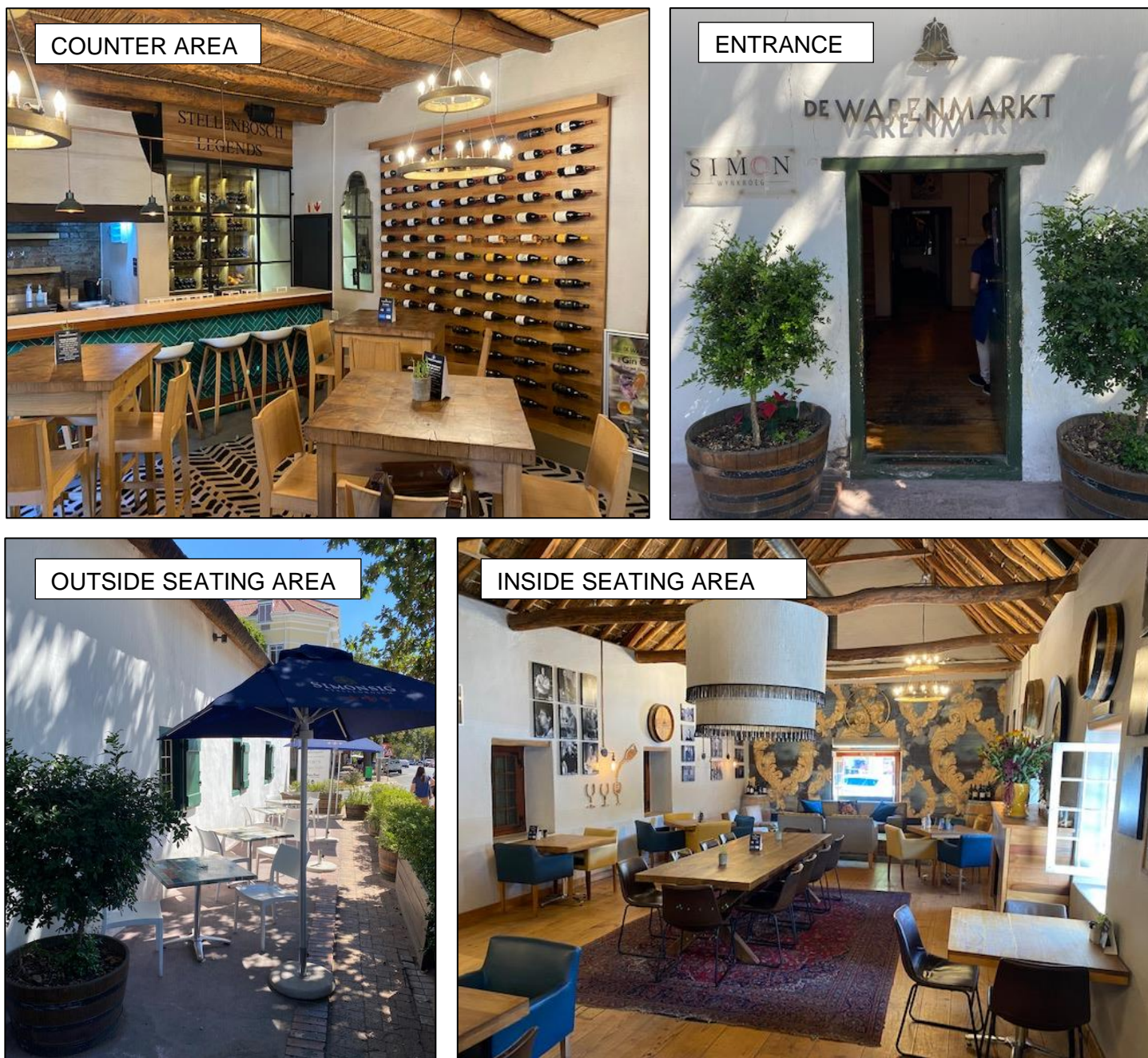


Figure 5 The Simon Wine Emporium

In terms of development rules, the application site will remain for the use of a Business Premises. Therefore, the parking provisions currently applicable to the application site, will remain in place.

No further applications, other than the consent use application, is therefore required.



## 4. MOTIVATION

### 4.1 Motivation for Consent Use Application

As mentioned under Section 3.1 of this report, the applied for *Liquor Store* will not be a conventional liquor store. The proposed use will allow for the existing customers of the *Simon Wine Emporium* to buy the alcoholic beverages that they have tasted at the establishment. The approval of this application will not result in the establishment to be run as a conventional liquor store for everyday alcoholic purchases. This will not necessarily result in an increase in the number of costumers for the establishment, but rather increase the services/products available to a very specific target market (existing costumers).

It is therefore argued that the approval of the proposed application will have no material effect on the existing status quo for the application site. This includes traffic to and from the application site, parking requirements and municipal services.

### 4.2 Motivation in terms of Section 65(1) of the By-Law

Section 65(1) of the By-law sets out certain criteria which needs be met in consideration of an application by the decision-making authorities. In line with this section, Table 3, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in terms of processing the application	To be decided. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	It is argued that the proposed use will not have a significant impact on the surrounding property owners. The proposal will only allow for the sale of alcohol for off-site consumption whereas the current approvals allow only for on-site consumption.  It is further argued that in providing patrons the opportunity to purchase the alcohol that they have experienced at the Simon Wine Emporium, it will stimulate economic activity on the property.
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	None

i. The IDP and SDF	<p>The Stellenbosch Municipality Spatial Development Framework, 2019, states that Stellenbosch is one of South Africa's premier tourist destinations. Situated in the heart of the Cape Winelands, it is no coincidence that Stellenbosch is the home of exceptional wines and liquors. The production, distribution and selling of these wines and liquors contribute largely to work opportunities and economic growth within the Municipal Area. According to the SDF, 20% of the Stellenbosch Municipality's GDP comprises of wholesale, retail, catering and accommodation sectors. These sectors also contribute 24.4% to the workforce (in 2016).</p> <p>It is argued that the approval of this application will contribute to ensuring growth and economic sustainability within this sector.</p>
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes densification. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Act	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><b><u>Spatial Justice:</u></b> Aligned. The proposal includes an opportunity economic activation on the application site which is situated within the Stellenbosch Central Business District.</p> <p><b><u>Spatial Sustainability:</u></b> Aligned. The proposal complies with this principle by ensuring that the proposed use will create a more diverse land use on the application site.</p> <p><b><u>Efficiency:</u></b> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><b><u>Good Administration:</u></b> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><b><u>Spatial Resilience:</u></b> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the Zoning Scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme.

**Table 3** Assessment of Application in terms of Section 65 of the By-law

## 5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

In terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for **Consent Use** to allow for a portion of the existing building to be used as a *Liquor Store* to allow for the sale of alcohol for off-site consumption.

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Report compiled by:



Marike Bolz (Director)

for Arch Town Planners (Pty) Ltd

June 2022

# Locality - Erf 1271

Legend



Map Center: Lon: 18°51'44.8"E  
Lat: 33°56'14.8"S

Scale: 1:4 514

Date created: September 28, 2022



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