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28 September 2023

To whom it may concern

Dear Sir / Madam            Geagte Heer / Dame

**NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA**

**Locality:** Erf 3298, La Provence, La Provence Road, Franschhoek

**Applicant:** Dupré Lombaard, Virdus Works (Pty) Ltd, 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com).

**Owner:** Vrede Trust, Phone: +27 21 876 2370, E-mail: [haumannfarm@gmail.com](mailto:haumannfarm@gmail.com), Address: PO Box 242, Franschhoek, 7690

**Stellenbosch Municipality reference number:** LU 15945 / TP435/2023

**Application type:** Application in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 for: Section 15(2)(o): a consent use contemplated in the zoning scheme in order to accommodate the new proposed cottages (tourist dwelling units) as a Tourist Accommodation Establishment.

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: Dupré Lombaard, Virdus Works, [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com). The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 30 October 2023**.

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 +27 82 895 6362 (WhatsApp only) during normal office hours.

## KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

**Ligging:** Erf 3298, La Provence, La Provence Weg, Franschhoek

**Aansoeker:** Dupré Lombaard, Viridus Works (Pty) Ltd, 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com).

**Eienaar:** Vrede Trust, Foon: +27 21 876 2370, Epos: [haumannfarm@gmail.com](mailto:haumannfarm@gmail.com), Adres: Posbus 242, Franschhoek, 7690

**Stellenbosch Munisipaliteit Verwysing:** LU 15945 / TP435/2023

**Tipe aansoek:** Aansoek ingevolge Artikel 15 van die Stellenbosch Munisipaliteit Grondgebruik Verordening, 2023 vir: Artikel 15(2)(o): 'n vergunningsgebruik soos uiteengesit in die soneringskema verordening om nuwe toeriste wooneenhede toe te laat as 'n Toeriste Akkommodasie Fasiliteit.

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-notice/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.

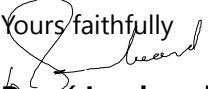
Kommentaar en/ of besware kan vervolgens gedien word op die aansoek ingevolge Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- 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 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: Dupré Lombaard, Viridus Works, [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com). Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **30 Oktober 2023**.

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 +27 82 895 6362 (slegs WhatsApp) gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Yours faithfully  
  
**Dupré Lombaard**

**LAND DEVELOPMENT APPLICATION FOR:**

**CONSENT USES ON**

**ERF 3298, FRANSCHHOEK**



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**ANNEXURE****ANNEXURE A: LOCALITY****ANNEXURE B: APPLICATION AUTHORISATION****ANNEXURE C: APPLICATION FORM****ANNEXURE D: SITE DEVELOPMENT PLAN****ANNEXURE E: CONVEYANCER'S CERTIFICATE****ANNEXURE F: TITLE DEED****ANNEXURE G: DIAGRAMS**

**EXECUTIVE SUMMARY**

<b>MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 3298, FRANSCHHOEK</b>	
<b>SG Code: C05500030000329800000 / Location: Lat: 33° 54' 17.395'' S   Lon: 19° 06' 23.979'' E</b>	
<p><b><u>Owner:</u></b></p> <p><b>HAUMANN FAMILIE TRUST</b></p> <p>Reg. No. 1707/1995</p> <p>Telephone: +27 21 876 2370</p> <p>Mobile: +27 83 231 0557</p> <p>E-mail: <a href="mailto:haumannfarm@gmail.com">haumannfarm@gmail.com</a></p> <p>Address: PO Box 242, Franschhoek, 7690</p>	<p><b><u>Project Consultant:</u></b></p> <p><b>Mr Dupré Lombaard</b></p> <p><b>(SACPLAN B/8076/1998 / EAPASA 2019/304)</b></p> <p>Viridus Works (Pty) Ltd Reg. No. 2018/585747/07</p> <p>Cellular phone: +27 82 895 6362</p> <p>E-mail: <a href="mailto:dupre.lombaard@viridus.com">dupre.lombaard@viridus.com</a></p> <p>Address: 5 Vygeboom Close, Vygeboom, Durbanville, 7550, South Africa</p>

Application is made for the development of six self-catering tourist dwelling units for a tourist accommodation establishment on the property as a consent use. The application is for consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB) for a consent use as contemplated in the zoning scheme, Section 208 and read with Section 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB).

Although registered as an erf and within the old Franschhoek Municipal area boundary, the property, La Provence farm, has an Agricultural and Rural Zone. It has an area of 35,8099ha and it is located between the Franschhoek River, the R45 and La Provence Road. The farm is primarily used for agricultural purposes, with roughly 12ha of plums, and 2,5ha of vineyards. There are however roughly 12,5ha of land lying fallow. This land was previously used for cultivation of plums, but it is no longer cultivated due to low yields and market conditions. A consent use for a tourist accommodation establishment on another portion of the farm that is partially cultivated with vineyards that are not economically viable, and partially fallow, roughly 1,8ha in extent is therefore made to better utilise the land resources to generate revenue, while considering the future use of the large tract of fallow land previously used for the cultivation of fruit.

There are no title deed restrictions preventing the proposed land developments in Title Deed T9448/2012.

## MOTIVATION REPORT

### 1. BACKGROUND

#### 1.1 Introduction

This application is for consideration of a tourist accommodation establishment, consisting of six self-catering units on Erf 3298, Franschhoek, in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB). The application is for a consent use as permitted in terms of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019. Erf 3298 (35,8099ha in extent) is located abutting the urban edge in Franschhoek, next to the Franschhoek Wine Cellar and Artisan Village and zoned for Agricultural and Rural use.

The property is an active farm, producing plums on roughly 12ha, and 2,5ha of vineyards. Roughly 12,5ha of land on the farm, previously used for the cultivation of plums lie fallow, and are no longer cultivated due to low yields and market conditions. Another portion of the farm that is partially cultivated with vineyards which are not economically viable, roughly 1,8ha in extent, is therefore considered for better utilisation to generate revenue for the farm, while considering the future use of the large tract of fallow land previously used for the cultivation of fruit.



Figure 1: Erf 3298 context

The location of the property and the natural assets of the area create a good setting for a tourist accommodation establishment that is located in proximity of the town,

and in a rural environment surrounded by similar tourist accommodation establishments and facilities.

Access to the property is off the La Provence Road (Minor Road 5615). The property abuts the Franschhoek Railway line and is crossed by a municipal sewer servitude. It abuts the Franschhoek River on the southwestern side.

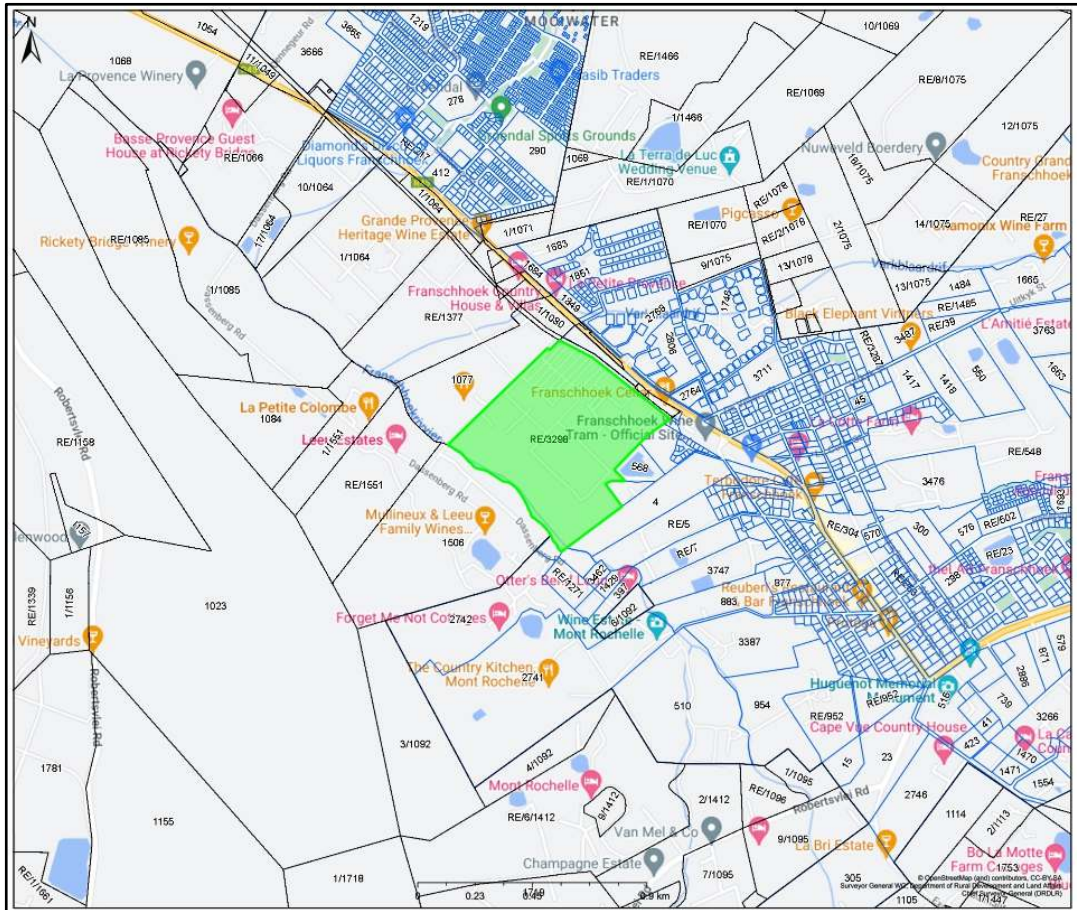


Figure 2: Erf 3298 locality

## 1.2 Context

The development of tourist facilities and accommodation establishments in the Stellenbosch municipal area is promoted in the Integrated Development Plan (IDP) 2021. Erf 3298, which is zoned Agricultural and Rural Use is a viable farm, but a large portion thereof is currently not productively used. In view thereof, the owner wishes to use part of the uncultivated land for a tourist accommodation establishment and thus create an additional revenue stream for the farm.

It is located on a minor road (La Provence Road / Minor Road 5615) that creates a circular link to the Franschhoek centre and serves numerous other tourist facilities and accommodation establishments. The farm does not abut the R45 main road and the proposed tourist dwelling units are located away from any visible portion of the property.

The proposed units are designed to fit the existing agricultural use of the property, utilising only land that is not cultivated and where future cultivation is not envisaged.





Figure 3: Erf 3298 situation looking north (Google Earth)

## 2. LAND DEVELOPMENT APPLICATION AND MOTIVATION

### 2.1 Proposed use

The design and placement of the proposed tourist dwelling units to create a tourist accommodation establishment is done to create the feeling of accommodation in farmworkers' cottages or converted outbuildings. The proposed units are placed in the surrounding agricultural landscape without limiting the existing agricultural use or negatively affecting any feasible future use.

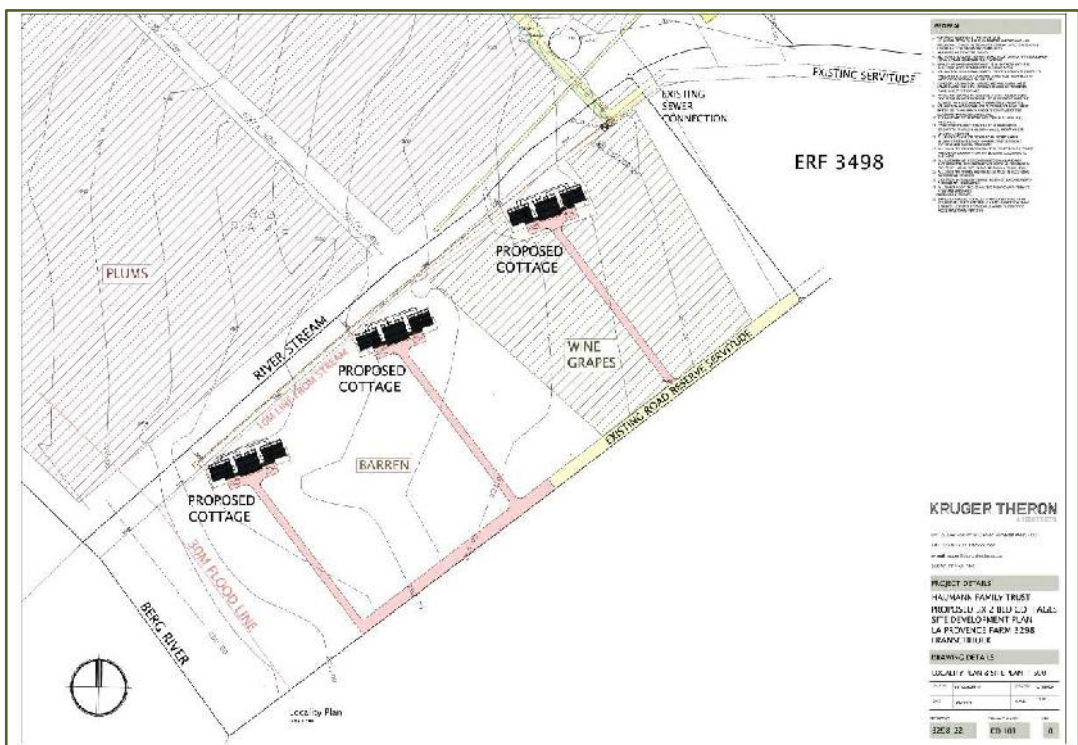


Figure 4: Erf 3298 proposed unit layout

Each unit has a floor area of approximately 90m<sup>2</sup> and consists of a two-bedroom unit with en-suite bathrooms, living area with incorporated kitchen, and a pergola. Each unit also has two rainwater conservation tank that provides water for the unit, which can be supplemented by borehole water from the farm. Each two-bedroom unit is proposed to be connected to a conservancy tank, from where the sewerage will be pumped and disposed of at the municipal wastewater treatment works.

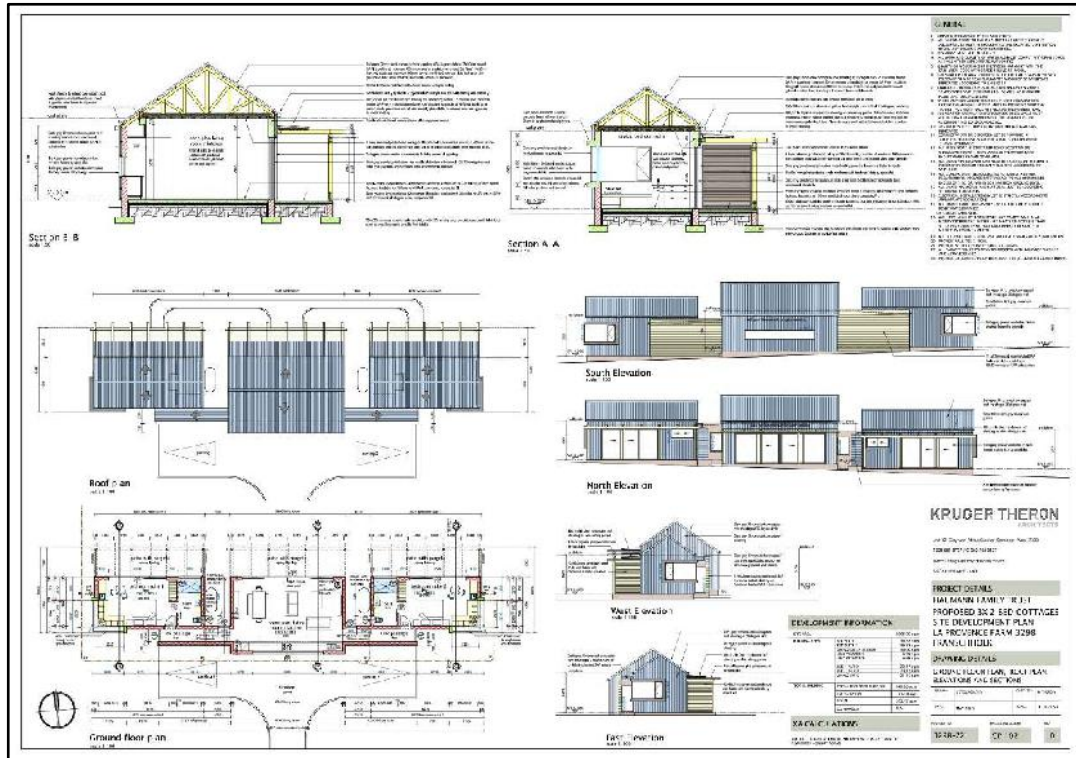


Figure 5: Proposed tourist accommodation unit model

The site has an existing servitude access registered in its favour through the abutting Erf 3498, the Franschhoek Artisan Village and the Franschhoek Cellar.

## 2.2 Title deed restrictions

There are no restrictive title conditions that prevent the proposed land use. The title deed (T9448/2012) of the property is attached in Annexure F. A conveyancer's certificate is also included, confirming that there are no restrictive title conditions that would prevent the proposed development of a tourist accommodation establishment.

## 2.3 Zoning scheme requirements

The guest accommodation establishment consisting of six bedrooms in three cottages (tourist dwelling units) of approximately 90 m<sup>2</sup> each, will create three additional employment opportunities for the farm. The land development parameters, uses and provisions of Sections 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 have been considered.

A site development plan in accordance with the requirements in Section 216 of the ZSB is annexed hereto (Annexure D). The layout of the tourist dwelling units has

been done with cognisance of the objectives of the zone, namely the preservation of agricultural land and the continued use of farmland for agriculture. One of the proposed units is placed in the vineyard, but on land that has not been cultivated due to pre-existing disturbed soil conditions. The units are all accessible off an existing servitude access road and do not require fresh infrastructure development.

The scale of the proposed tourist dwelling units are in keeping with the character of buildings on the abutting land unit (Erf 3498) and the farm buildings in general, as well as the character of the surrounding area, where many such facilities exist.

The proposed tourist accommodation establishment consent use is subservient to the primary use of bona fide agriculture as indicated in paragraph 1.1 above and intended to supplement the farm revenue generated by the primary uses while not consuming any resources required for the primary use.

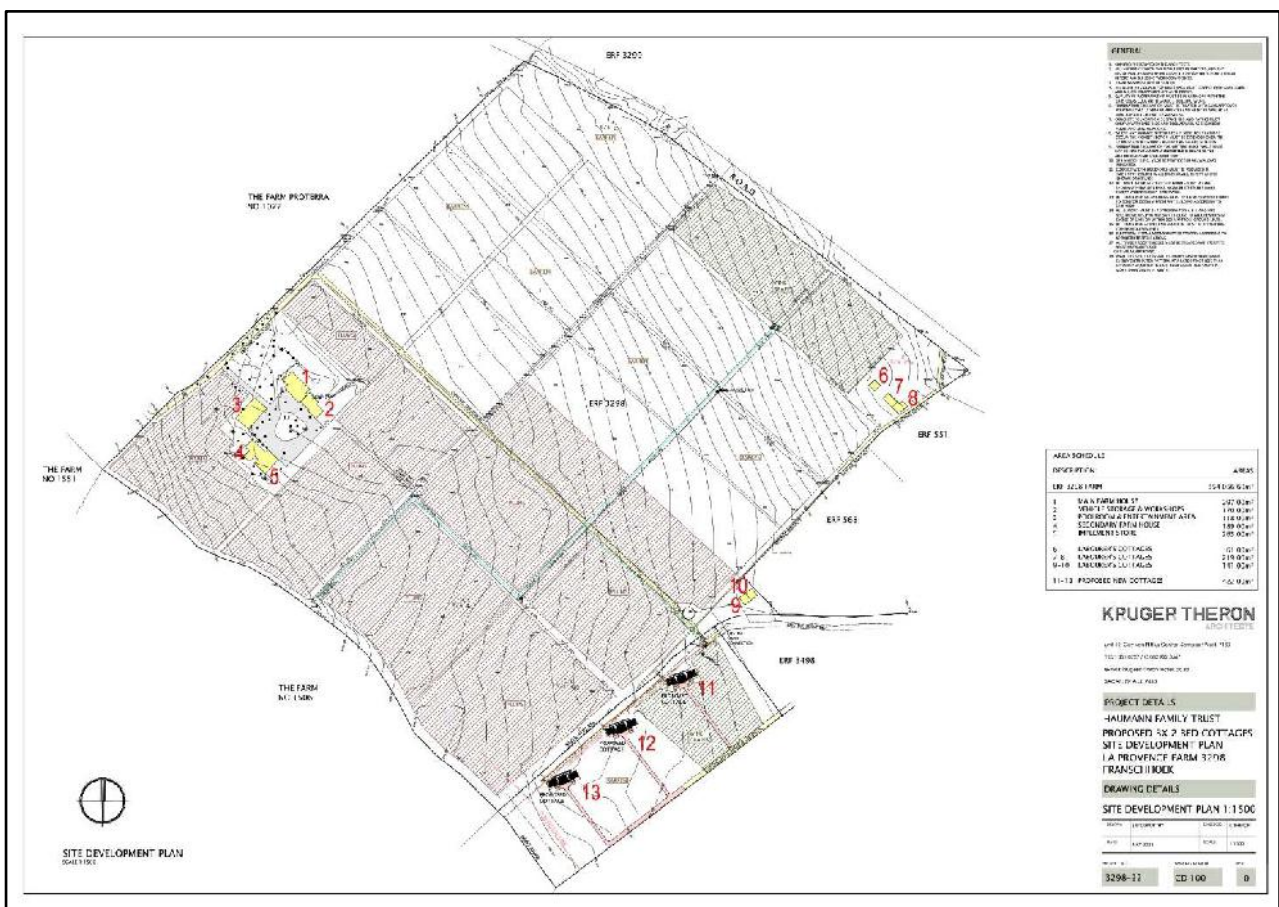


Figure 6: Erf 3298 Franschhoek SDP

There are no existing buildings on the farm from which the consent use can be undertaken, as all existing buildings are utilised for their original purpose as part of the agricultural activities. It is therefore essential to construct new buildings for the tourist accommodation establishment, for which purpose the buildings are proposed on fallow land that has access to the town via an existing servitude road.

The total coverage proposed for the consent use is 90m² / unit each with a stoep and pergola: 20m², or then 330m² for the three proposed tourist dwelling units. Non-agricultural land uses thus take up less than 500m² of the area of the property and do not dominate the agricultural activities.

### 3. MOTIVATION

#### 3.1 Stellenbosch Municipality IDP

The Integrated Development Plan 2023 (IDP), including the approved 2019 Municipal Spatial Development Framework (SDF) make specific provision for the establishment of tourist facilities and accommodation on farms and the diversification of agricultural activities to enhance their economic sustainability. It confirms that tourism, linked to the natural environment and agriculture, is one of the largest creators of employment and that it makes substantial contribution to the economic sustainability of the agricultural sector. This application is in line with the provisions of both said documents. The owners wish to utilise unused land for a tourist accommodation establishment in an attempt to increase the feasibility and sustainability of the farm.

Strategic Focus Area 2 of the approved IDP (2023) makes specific provision for tourist development in the agricultural sector, including the need for spatial planning policy to grow the assets available to the community.

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of agricultural output are core to the sustainability of Stellenbosch. Without diversification Erf 3298 is marginally sustainable, like many farms in the region.

The SDF continues to indicate that the Municipality supports compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are "*of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate*". The proposed tourist dwelling units comply in every respect with these criteria, as the attraction will have positive socio-economic effect, amongst others by creating employment opportunities and drawing tourists to the area, while the agricultural activities on the property will not be affected by the proposed use.

The location and positioning of the proposed units are such that they will not be visible from the R45. Their scale, design, and size are in keeping with units on the abutting land and that of farm worker dwelling units. The units will therefore not detract from the character of the area.

#### 3.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for tourism related uses in the area. Nothing proposed in this application contradicts any of the said principles or guidelines.

The Western Cape Rural Development Guidelines indicate that: "*The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g. agri-processing) underpin the Province's industrial sector; and its natural capital (i.e. biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture.*"

Chapters 10 and 11 of the Rural Development Guidelines determine the following sustainability principles and management guidelines for tourism and tourist accommodation in rural and agricultural areas:

- *To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g. animal sanctuary, paintball, shooting ranges, and conference facilities).*
- *Rural tourism and recreation facilities and activities should not compromise farm production, and must be placed to reinforce the farmstead precinct.*
- *To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.*
- *To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.*
- *To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.*
- *To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.*
- *To diversify farm income.*

An assessment of the proposals show that they meet all of the aforementioned principles and criteria.

- ✓ To offer a range of appropriate facilities. When considering the main attractions of the Cape Winelands District (wine tasting, culture/heritage, culinary, and outdoor activities), it is obvious that Erf 3298 will support the product ranges, by offering new accommodation within the vicinity of the attractions such as the Franschhoek Cellar immediately to the north and Leeu Estate to the south. An added advantage is that the proposal will create new tourist accommodation opportunities on the edge of the urban area where walking to attractions via the existing servitude road, instead of vehicle use, is possible.
- ✓ No compromise to agricultural activities. The location of the proposed units and related development activities were chosen in relation to the cultivated areas, servitudes, and natural drainage. The tourist dwelling units are located more or less in line with the existing units on the abutting property (Erf 3498) and the municipal pipeline servitude. There is no loss of vineyards or production capacity due to the proposed units.

- ✓ Provide a range of opportunities. By adding new tourist accommodation units in proximity of the urban area, the owners create more and a wider range of opportunities for tourists and for job seekers within a short walking and commuting distance just off of a major transport route (R45). The property is further located between the place of residence of most job seekers in the Franschhoek area and the town, thus increasing its accessibility for job seekers and suppliers.
- ✓ Offer access to more people. The locality of and connectivity to the Erf 3298 proposed tourist dwelling units in relation to the edge of the town will improve its accessibility. It is within walking distance of the majority of the attractions in the town and the local Wine Tram transport node, which conveys visitors to the surrounding wineries and tourist attractions.
- ✓ Improve the economic viability and sustainability of farms. The property is a viable and fully operational farm, with more than 15ha of cultivated land producing fruit and wine. There is however a large portion of the land that cannot be productively used under current conditions. The owner therefore wishes to develop the tourist accommodation establishment on land not intended for agricultural use to generate additional revenue for the farm while the future agricultural uses are being considered.
- ✓ Align scale and form of facilities with character of area. The surrounding area has a diverse character, with urban development on the northern boundary and with similar scaled agri-tourism related facilities and accommodation on adjacent farms. The proposed tourist dwelling units are of design, scale, and form of agricultural buildings and do not require any departures.
- ✓ Diversify farm income. The farm relies primarily on the production of plums as the main source of revenue. The viticultural activities on the farm are not financially sustainable. Hence a tourist accommodation establishment is proposed to increase the revenue of the farm.

There is therefore a good match between the relevant policies and the proposed development of a tourist accommodation establishment on Erf 3298 by the diversification of the product offering on the property and in the surrounding area.

### 3.3 SPLUMA principles

The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered in making this application.

- ✓ **Spatial Justice.** It refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poor to access opportunities. In a spatially just settlement,

opportunities and access are provided to those whose historical access and opportunities have been impeded by past spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

The proposed use of the land does not have any negative effect on the spatial development framework and policies for such redress. It rather opens up opportunities for those who live in the area and do not have access to employment opportunities.

It does not prevent or hinder access to additional land for the poor for settlement purposes and it does not add to the cost of land acquisition to the state, as it is outside of the urban edge and not identified as settlement land or land for land reform purposes, for which it would in any event be useless due to the soil and water situation. The economic opportunities created by the construction of new buildings and use of fallow land as envisaged in this application results in a significantly better situation than where the property becomes an unsustainable farm due to its mono-functional focus on the production of plums.

- ✓ Spatial Sustainability. According to this principle, a sustainable form of development must be pursued. Amongst others it means promoting less resource consuming development typologies that promote compaction and mixed-use urban environments. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Spatial sustainability, although primarily focused on urban development, has been considered. The proposed use of the land for a tourist accommodation establishment does not have any negative effect on the urban area and fits with the uses in the surrounding rural area. As a tourist accommodation establishment, it will contribute to the municipal and local economic revenue base, without requiring public expenditure to occur. In its current state it makes limited and a diminishing contribution to the local economy. Moreover, it is located along the R45 corridor in an area where many tourist attractions are located, and it supplements these. Land earmarked for agriculture, conservation, or urban development, is not negatively affected, or restricted by the proposed use of the farm.

The proposed land use ensures a more efficient and sustainable use of the land for a diversified use in terms of all policy documents. The new buildings will fit the surrounding character, where tourist related activities occur and will use only land that has not been used productively for cultivation for a few decades. The proposed consent use is unlikely to cause the lowering of the service levels in municipal or other public infrastructure.

- ✓ Efficiency. It refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote densification and compact urban development typologies.

This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities, and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic, or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

Efficiency (optimising the use of existing resources and infrastructure) has been addressed and the better use of the agricultural land resource to diversify the farm income will contribute to increased efficiencies. The tourist accommodation establishment will further improve efficiency in the area, as it is located in an area where many tourist facilities are located, adding to the attraction and product offerings in proximity of the town, where there is a significant labour market. Moreover, it utilises the same servitude access road as the tourist dwelling units on the abutting property and is within walking distance of the town.

- ✓ Spatial Resilience. In the context of land use management and planning, it refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). It also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

The applicant cannot dictate the SDF and other spatial planning policies and strategies. At best, the applicant can work with the relevant authorities to assist with the implementation of the relevant policies and strategies, as is the case with this application. Spatial resilience has thus been addressed, as the SDF and other policies allow for flexibility to ensure sustainable development, amongst others by determining policy to assess the application in terms of the SDF and IDP strategies, both of which promote the better and diversified use of agricultural resources, the expansion of tourist attractions on appropriate land outside of the urban areas, and the conservation of the rural environment.

The application needs a flexible approach, by taking cognisance of the entire spectrum of relevant considerations. By better utilisation of the land, the applicant makes a significant contribution to the sustainability of the farm, the broader agricultural environment and resource use in general.

- ✓ Good administration. In the context of land development planning, it refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Land development decisions should seek to minimise the negative



financial, social, economic, and environmental impacts of a development in an efficient process where all statutory requirements are adhered to.

Good administration is primarily a function of the authorities, not affected by the proposed use of the land. A flexible approach to the application and agreement on the achievement of the desired outcomes in the most economic and administratively justifiable and lawful manner is critically important. The applicant has taken the necessary actions to ensure that the decision-maker is provided with the required information to be able to take a decision based on the relevant considerations.

### 3.4 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) have all been considered. The LUPA considerations and development principles require:

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the expansion of tourist facilities and accommodation establishments on appropriate land outside of the urban areas without negatively affecting the agricultural use.
- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new economic opportunities in proximity of the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the economic sustainability of the farm will be improved by the use of fallow land for the generation of revenue by the development of a tourist accommodation establishment as permitted in the Agriculture and Rural Zone and that it would create the basis for future upgrading of the productive capacity of the farm.
- ✓ The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues.
- ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of economic activities without requiring additional infrastructure services. The proposed use of the land for a tourist accommodation establishment allows for the improved use of the land resource.

### 3.5 National Development Plan

The National Development Plan, 2030 (NDP) is extensively quoted in the Stellenbosch SDF 2021. *It serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities, and capabilities conducive to sustainable and inclusive economic growth. The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030.* The recently released Tourism Transformation Strategy (2018) goes to detail about the matter: *The tourism sector is one of the few sectors in South Africa that continues to grow economically and globally despite the recent economic challenges. The tourism sector is one of the six core pillars of growth in the country according to the New Growth Path and the Industrial Policy Action Plan (IPAP2) identified the sector as one of the areas that contributes to the development of areas of potential such as rural areas and cultural industries amongst others.*

### 3.6 Zoning scheme

The proposed development of the consent uses must be considered in terms of Section 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, read with the relevant considerations as set out in the Stellenbosch Municipality Land Use Planning Bylaw, 2015. Said ZSB determines that " *When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture. The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form. These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.*" .

Given that the envisaged consent use is not in conflict with the primary use of the property (plum production and limited viticulture) and intended to supplement the agricultural activities of Erf 3298, there is no threat of diminishing the agricultural capacity or resource.

### 3.7 Environmental Management

The proposed development of the consent uses does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

### 3.8 Heritage

The proposed guest accommodation units will not require authorisation in terms of Section 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the character of the farm will not change over an area larger than 5 000m<sup>2</sup>.

### 3.9 Architecture

Attached hereto as Annexure D, are proposals for the establishment of the above consent use applicable to the farm. Separate building plans will be submitted to the Municipality for the guest units. The existing buildings are all approved, and the SDP shows the full extent of the farm and the use thereof.

### 3.10 Engineering

A traffic statement (TIS) is not required, as the maximum additional traffic that could be generated regularly in relation to the proposed expansions, are less than 6 trips per day.

Electricity is supplied by Eskom, through an existing service, which does not require any upgrading.

A borehole on the property provides potable water which will be used to supplement rainwater harvesting systems provided to each unit. The units will be connected to conservancy tanks which can be emptied by contract in the municipal sewerage system. The additional demand generated by the consent use does not justify any upgrading of municipal services.

Solid waste is removed by the Municipality, which service will continue with insignificant increase in volume.

### 3.11 Chapter V evaluation

In Section 65 of the SMLUPB, the following criteria for deciding applications are prescribed. While all of the matters referred to in Section 65 have been addressed in broad above, this section summarises and highlights the relevant matters which the Municipality must consider.

<b>Criterion in Section 65</b>	<b>Applicability</b>	<b>Compliance of application</b>
<i>(a) the application submitted in terms of this By-law;</i>	Application must comply with the processes of the LUPB.	Application covers all the relevant aspects, i.e., consent, departures and permissions and is supported by the required documents and reports.
<i>(b) the procedure followed in processing the application;</i>	Application must be consistent with the LUPB.	Process still has to be concluded. Preparation and submission followed prescribed process.
<i>(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;</i>	Desirability test according in terms of Section 208 and 213 of the Zoning Scheme Bylaw, read with the provincial Rural Development Guidelines.	See paragraphs 2.3, 3.2, and 3.6 above. <ul style="list-style-type: none"> <li>• Uses are not likely to cause nuisances and therefore desirable.</li> </ul>

Criterion in Section 65	Applicability	Compliance of application
		<ul style="list-style-type: none"> <li>Guidelines indicate better use of agricultural resources necessary to diversify economy.</li> <li>Guidelines require least impact on agricultural capacity.</li> <li>Guidelines promote the addition of new and a wider range of attractions and opportunities on farms.</li> </ul>
<i>(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(e) the response by the applicant, if any, to the comments referred to in paragraph (d);</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;</i>	NEMA Act 107/1998 NHRA Act 25/1999	See paragraphs 3.7 and 3.8 above. <ul style="list-style-type: none"> <li>No authorisations required.</li> </ul>
<i>(h) the impact of the proposed land development on municipal engineering services;</i>	No assessments and reports done, due to the low scale and limited extent of the proposed uses.	See paragraph 3.10 above. <ul style="list-style-type: none"> <li>Insignificant additional traffic.</li> <li>Eskom electricity supply network has capacity.</li> <li>Existing water supply from municipal system.</li> <li>Sewerage connected for disposal into municipal system.</li> <li>Solid waste removed by Municipality.</li> </ul>
<i>(i) the integrated development plan, including the municipal spatial development framework;</i>	Aligned to: IDP 2022, Tourism Development Strategy; and SDF Agricultural Sector Policy	See paragraph 3.1 above. <ul style="list-style-type: none"> <li>Tourism important economic contributor.</li> <li>New guest accommodation outside of existing nodes promoted, i.e., on farms and natural areas.</li> <li>Agricultural sector to be strengthened through appropriate diversification.</li> </ul>
<i>(j) the integrated development plan and spatial development framework of the district municipality, where applicable;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate diversification of use on farms is desirable.</li> <li>Location, scale, and form of development complies with the development principles.</li> </ul>
<i>(k) the applicable local spatial development frameworks adopted by the Municipality;</i>	None identified.	None.
<i>(l) the applicable structure plans;</i>	Not applicable.	Not applicable.

<b>Criterion in Section 65</b>	<b>Applicability</b>	<b>Compliance of application</b>
<i>(m) the applicable policies of the Municipality that guide decision-making;</i>	None identified.	None.
<i>(n) the provincial spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate diversification of use on farms is desirable.</li> <li>Location, scale, and form of development complies with the development principles.</li> </ul>
<i>(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate diversification of use on farms is desirable.</li> </ul>
<i>(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;</i>	Compliant with principles and criteria.	See paragraphs 3.2, 3.3, and 3.4 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> <li>Criteria and principles for development of tourist accommodation in rural areas applied to development.</li> </ul>
<i>(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;</i>	Compliant with principles and criteria.	See paragraph 3.3 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(r) the principles referred to in Chapter VI of the Land Use Planning Act; and</i>	Compliant with principles and criteria.	See paragraph 3.4 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(s) the applicable provisions of the zoning scheme.</i>	SM Zoning Scheme Bylaw, 2019 considered	See paragraphs 2.3 and 3.6 above. <ul style="list-style-type: none"> <li>Consent evaluated against Section 208 and 213.</li> </ul>

#### 4. CONCLUSION

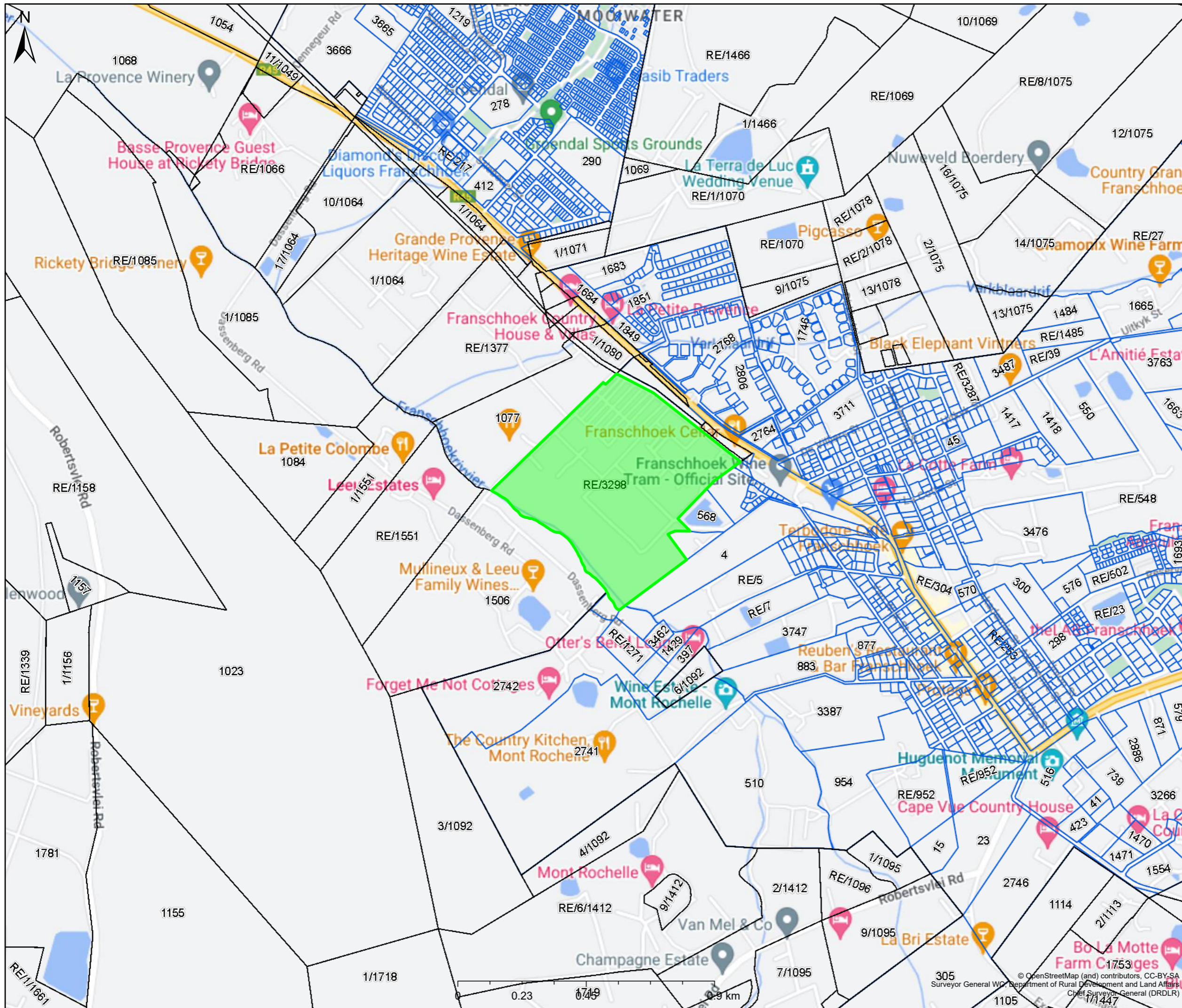
The application for approval of the proposed consent use, being a tourist accommodation establishment consisting of three tourist dwelling units with a total coverage of 330m<sup>2</sup> clustered on fallow land not used for cultivation on Erf 3298, Franschhoek, in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, can be approved in view of the positive effects the use would have on the economic sustainability of the farm and the lack of any negative effects. The units blend into the environment and are within walking distance of the tourist attractions in the town.

## **ANNEXURE A: LOCALITY**

# Erf 3298, Franschhoek locality

## Legend

- Farm Portions
- Erf

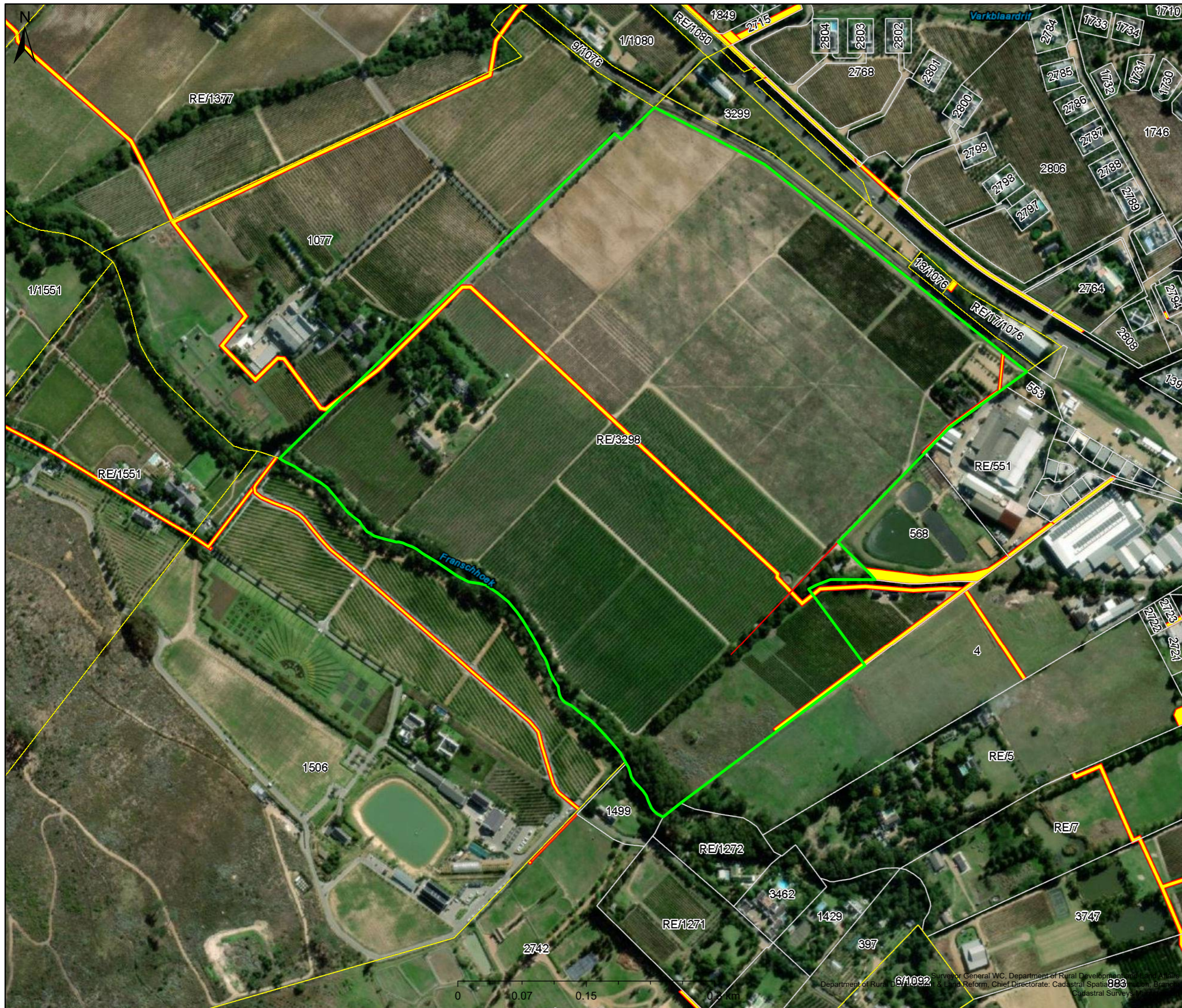


Map Center: Lon: 19°6'22.2"E  
Lat: 33°54'23.2"S  
Scale: 1:15 000  
Date created: December 20, 2022

# Erf 3298, Franschhoek locality

## Legend

- Farm Portions
- Erf
- Servitude Area




Map Center: Lon: 19°6'22.2"E  
Lat: 33°54'23.2"S  
Scale: 1:5 000  
Date created: December 20, 2022



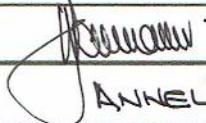



# **ANNEXURE B: APPLICATION AUTHORISATION**


## LETTER OF AUTHORISATION / POWER OF ATTORNEY

(Requirement in terms of the Municipal Planning Bylaw and other relevant legislation)

Herewith the undersigned representative of:	
Company / Trust:	Haumann Familie Trust
Reg. No.:	IT 1707/1995
Full name:	Pierre Nicolaas Haumann
ID. No.:	7206025085081
Property:	Erf 3298, Franschoek
Located at:	La Provence Road, Franschoek
confirms that permission and special power of attorney has been granted to Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) and Dupré Lombaard to act on the behalf of the land owner(s) to perform any act which he / she / it may be legally entitled to undertake to accomplish the following objectives and goals in terms of the Municipal Planning Bylaw and any other applicable legislation, including but not limited to: the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970, Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, National Environmental Management Act, 1998, Act 107 of 1998, National Heritage Resources Act, 1999, Act 25 of 1999 and National Building Regulations and Building Standards Act, 1977, Act 103 of 1977.	
Application for the establishment of guest cottages on the farm	
<b>Contact details (physical address / phone / fax):</b>	
Physical address:	La Provence Road, La Provence, Franschoek
Postal address:	PO Box 242, Franschoek, 7690
Telephone:	0832310557
Facsimile:	
Cellular:	0832310557
Email:	haumannfarm@gmail.com
VAT no.:	4380149882
Signed:	
Date:	15/12/2022
By my signature(s) I confirm that I have been fully authorised to act on behalf the above landowner (annex the applicable resolution or other proof of authorisation to act on behalf of a juristic person hereto).	

## RESOLUTION BY THE TRUSTEES OF

Trust name:	Haumann Familie Trust	
Registration number:	IT 1707/1995	
<b>IT WAS RESOLVED THAT:</b>	The Trustees of the Trust hereby authorise	
Full name:	Pierre Nicolaas Haumann	
ID. No.	7206025085081	
as representative of the Board, the owner of		
Property description:	Erf 3928, Franschhoek	
located at (address):	La Provence Road, Franschhoek	
to sign all documents, appointments and agreements, as may be required for the day to day management of the land development and related applications for the property.		
The permitted actions include the appointment of and Power of Attorney to Dupré Lombaard of Virtus Works (Pty) Ltd (Reg. No. 2018/585747/07) as development management consultant to sign and submit all applications for approval and authorisation required for the achievement of the envisaged land development outcomes, namely:		
<b>Applications for the establishment of guest cottages on the property</b>		
inclusive of authorisations and applications in terms of any applicable legislation, including but not limited to the:		
• Land Use Planning Bylaw / Zoning Scheme		✓
• Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940		✓
• National Environmental Management Act, 1998, Act 107 of 1998		
• National Heritage Resources Act, 1999, Act 25 of 1999		
• Other		
Signed in:	Franschhoek	
Date:	15/12/2022	
Signature:		
Trustee name:	ANNELIE HAUMANN	
Signature:		
Trustee name:	MARIA ELIZABETH HAUMANN	
Signature:		
Trustee name:	PIETER EDUARD HAUMANN	
Signature:		
Trustee name:	EDUARD CHRISTIAAN HAUMANN	

  
Pierre Haumann (Nicolaas)

# **ANNEXURE C: APPLICATION FORM**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## 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)	Dupré						
Surname	Lombaard						
Company name (if applicable)	Virdus Works						
Postal Address	5 Vygeboom Close, Vygeboom, Durbanville					Postal Code	7550
	Email: dupre.lombaard@virdus.com						
Tel		Fax		Cell	+27 82 895 6362		
<b>PART B: REGISTERED OWNER(S) DETAILS</b> (If different from applicant)							
Registered owner(s)	Haumann Familie Trust, Reg. No. 1707/1995						
Physical address	La Provence, La Provence Road, Franschhoek					Postal code	7690
	E-mail: haumannfarm@gmail.com						
Tel	021 876 2370	Fax		Cell	+27 83 231 0557		
<b>PART C: PROPERTY DETAILS</b> (in accordance with title deed)							
Erf / Erven / Farm No.	3298	Portion(s) if Farm		Allotment area	Franschhoek		
Physical Address	La Provence Farm, La Provence Road, Franschhoek						
Current Zoning	Agriculture and Rural Zone	Extent	35,8099 ha	Are there existing buildings?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Bylaw, 2019						
Current Land Use	Agriculture						
Title Deed number and date	T	T 9448/2012					
Attached Conveyance's Certificate	<input checked="" type="checkbox"/> Y	<input 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	N	If Yes, list the party(ies):						
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	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	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	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)?			Y	N	If yes, is this application to legalize the building / land use <sup>2</sup> ?			Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?			Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N

#### PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.						
Has the pre-application scrutiny form been submitted?	Y	N	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 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
	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

<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)(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.

\*\* 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)	Virdus Works (Pty) Ltd
Postal Address	5 Vygeboom Close, Vygeboom, Durbanville, 7550
Vat Number (where applicable)	4530303074

**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		To	
	Exceeding maximum storey height			From	m	To	m
Consent/Conditional Use/Special Development  To permit a tourist accommodation establishment as defined in the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, three two-bedroom units separate from the main dwelling.							
	Other (please specify)	_____ _____ _____					

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

Application is made for the development of three self-catering tourist dwelling units for a tourist accommodation establishment on the property as a consent use. The application is for consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB) for a consent use as contemplated in the zoning scheme, Section 208 and read with Section 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB).

Although registered as an erf and within the old Franschoek Municipal area boundary, the property, La Provence farm, has an Agricultural and Rural Zone. It has an area of 35,8099ha and it is located between the Franschoek River, the R45 and La Provence Road. The farm is primarily used for agricultural purposes, with roughly 12ha of plums, and 2,5ha of vineyards. There are however roughly 12,5ha of land lying fallow. This land was previously used for cultivation of plums, but it is no longer cultivated due to low yields and market conditions. A consent use for a tourist accommodation establishment on another portion of the farm that is partially cultivated with vineyards that are not economically viable, and partially fallow, roughly 1,8ha in extent is therefore made to better utilise the land resources to generate revenue, while considering the future use of the large tract of fallow land previously used for the cultivation of fruit.

**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



Y	✗		Power of attorney / Owner's consent if applicant is not owner		Y	N	Bondholder's consent (if applicable)
Y	✗		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		Y	N	Proof of any other relevant right held in the land concerned
Y	✗		Written motivation pertaining to the need and desirability of the proposal		Y	✗	S.G. diagram / General plan extract (A4 or A3 only)
Y	✗		Locality plan (A4 or A3 only) to scale		Y	✗	Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	N		Proposed subdivision plan (A4 or A3 only) to scale		Y	N	Proof of agreement or permission for required servitude
Y	N		Proof of payment of application fees		Y	✗	Proof of registered ownership (Full copy of the title deed)
Y	✗		Conveyancer's certificate		Y	N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	N	N/A	Consolidation plan (A4 or A3 only) to scale		Y	N	N/A
Y	N	N/A	Street name and numbering plan (A4 or A3 only) to scale		Y	N	N/A
Y	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale		Y	N	N/A
Y	N	N/A	Abutting owner's consent		Y	N	N/A
Y	✗	N/A	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)		Y	N	N/A
Y	✗	N/A	Copy of original approval and conditions of approval		Y	N	N/A
Y	N	N/A	Proof of lawful use right		Y	N	N/A
Y	✗	N/A	Required number of documentation copies		Y	✗	N/A
<b>PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION</b>							
Y	N		If required, has application for EIA / HIA / TIA / TIS / MHIA approval been		Y	N	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))

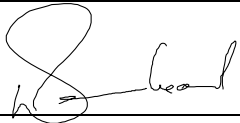
		made? If yes, attach documents / plans / proof of submission etc.		¥	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
¥	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		¥	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
¥	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		¥	N/A	National Water Act, 1998 (Act 36 of 1998)
¥	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		¥	N/A	Other (specify)
¥	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)				
¥	N	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.

Applicant's signature:  Date: 2023/07/10

Full name: Dupré Lombaard, (SACPLAN B/8076/1998 / EAPASA 2019/304)  
Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Professional capacity: Registered Planner and Environmental Assessment Practitioner

**FOR OFFICE USE ONLY**

<p>Date received: _____</p> <p>Received By: _____</p>	<div style="border: 1px solid black; width: 80%; margin: auto; height: 100px; display: flex; align-items: center; justify-content: center;"> <p>Municipal Stamp</p> </div>
--	--

# ANNEXURE D: SITE DEVELOPMENT PLAN

ERF 3299

THE FARM PROTERRA  
NO 1077

THE FARM  
NO 1551

THE FARM  
NO 1506

ERF 3298

ERF 551

ERF 568

ERF 3498

GENERAL

1. COPYRIGHT RESERVED BY THE ARCHITECTS.
2. ALL INFORMATION ON THE PLAN MUST BE CHECKED AND ANY DISCREPANCIES MUST BE BROUGHT TO THE ARCHITECTS ATTENTION BEFORE ANY BUILDING WORK COMMENCES.
3. DRAWINGS MUST NOT BE SCALED.
4. ALL WORK AND QUALITY OF MATERIALS MUST COMPLY WITH SANS 10400 AND ALL OTHER APPROPRIATE AUTHORITIES.
5. QUALITY OF WORKMANSHIP MUST BE IN HARMONY WITH THE SABS USERS CODE WITH GRADE 1 BUILDING WORK.
6. FOUNDATION EXCAVATION MUST BE TREATED WITH SABS APPROVED POISON WITH A 10 YEAR GUARANTEE AND MUST BE APPLIED AS INDICATED ACCORDING TO SABS 0124.
7. CONCRETE FOUNDATION, SURFACE BED AND PAVING MUST COMPLY WITH SABS 0100 AND 0161 AS WELL AS ENGINEERS PLANS AND SPECIFICATIONS.
8. WHERE ANY SURFACE DIFFERENCES IN STRIP FOUNDATIONS OCCUR THE HIGHEST SECTION MUST BE EXTENDED OVER THE LOWEST FOR A DISTANCE AS THICK AS THE FOUNDATION.
9. FOUNDATION EXCAVATION FOR OUTSIDE BRICK WALLS MUST NOT BE LESS THAN 400MM UNDER THE SURFACE OF THE ADDJONING FINISHED GROUND LEVEL.
10. 375 MICRON D.P.C. MUST BE PROVIDED IN ALL WALLS AS INDICATED.
11. CORRECT WIDTH BRICKFORCE MUST BE PROVIDED IN EACH FIFTH COURSE IN ALL BRICK WALLS, EXCEPT WHERE SHOWN OTHERWISE.
12. ALL BRICK WORK IN STRETCHER BOND EXCEPT WHERE SHOWN OTHERWISE L BRICK WORK IN STRETCHER BOND EXCEPT WHERE SHOWN OTHERWISE.
13. ALL DRAIN PIPE EXCAVATIONS MUST BE TREATED WITH TERMITE POISON FOR 1500MM FROM ANY BUILDING ACCORDING TO SABS 0124.
14. ALL GLAZING MUST BE ACCORDING TO S.A.S. AND NBR REQUIREMENTS, PROVIDE SAFETY GLASS TO ALL OPENINGS IN EXCESS OF 1 M<sup>2</sup> OR WITHIN 300 MM FROM GROUND LEVEL.
15. ALL DRAIN PIPE WORKS AND MATERIAL MUST BE ACCORDING TO NBR REQUIREMENTS.
16. ELECTRICAL INSTALLATIONS MUST BE STRICTLY ACCORDING TO APPROPRIATE REGULATIONS.
17. ALL TIMBER ROOF TRUSSES MUST BE TREATED WITH TERMITE RESISTANT SUBSTANCE OR SIMILAR APPROVED.
18. WALL TIES SHALL BE INSTALLED IN ANY CAVITY WALL IN AN EVENLY DISTRIBUTED PATTERN AT A RATE OF NOT LESS THAN 5 TIES PER SQ METER OF FACE AREA WHERE THE CAVITY IS MORE THAN 75MM IN WIDTH.

AREA SCHEDULE		
DESCRIPTION:	AREAS	
ERF 3298 FARM	354 056.60m <sup>2</sup>	
1	MAIN FARM HOUSE	297.00m <sup>2</sup>
2	VEHICLE STORAGE & WORKSHOPS	170.00m <sup>2</sup>
3	POOLROOM & ENTERTAINMENT AREA	118.00m <sup>2</sup>
4	SECONDARY FARM HOUSE	189.00m <sup>2</sup>
5	IMPLEMENT STORE	265.00m <sup>2</sup>
6	LABOURER'S COTTAGES	61.00m <sup>2</sup>
7-8	LABOURER'S COTTAGES	219.00m <sup>2</sup>
9-10	LABOURER'S COTTAGES	141.00m <sup>2</sup>
11-13	PROPOSED NEW COTTAGES	422.00m <sup>2</sup>

KRUGER THERON  
ARCHITECTS

unit 12, Gey van Pittius Center, Somerset West, 7130

T 021 851 8727 / C 082 922 3567

e-mail: kruger@ktarchitectes.co.za

SACAP: PR Arch 7440

PROJECT DETAILS

HAUMANN FAMILY TRUST  
PROPOSED 3X 2 BED COTTAGES  
SITE DEVELOPMENT PLAN  
LA PROVENCE FARM 3298  
FRANSCHHOEK

DRAWING DETAILS

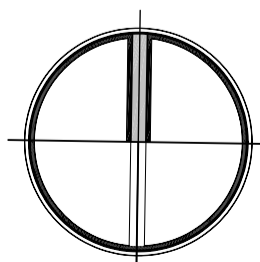
SITE DEVELOPMENT PLAN 1:1500

DRAWN: J STOLWORTHY CHECKED: K.THERON

DATE: MAY 2023 SCALE: 1:1500

PROJECT NO DRAWING NUMBER REV

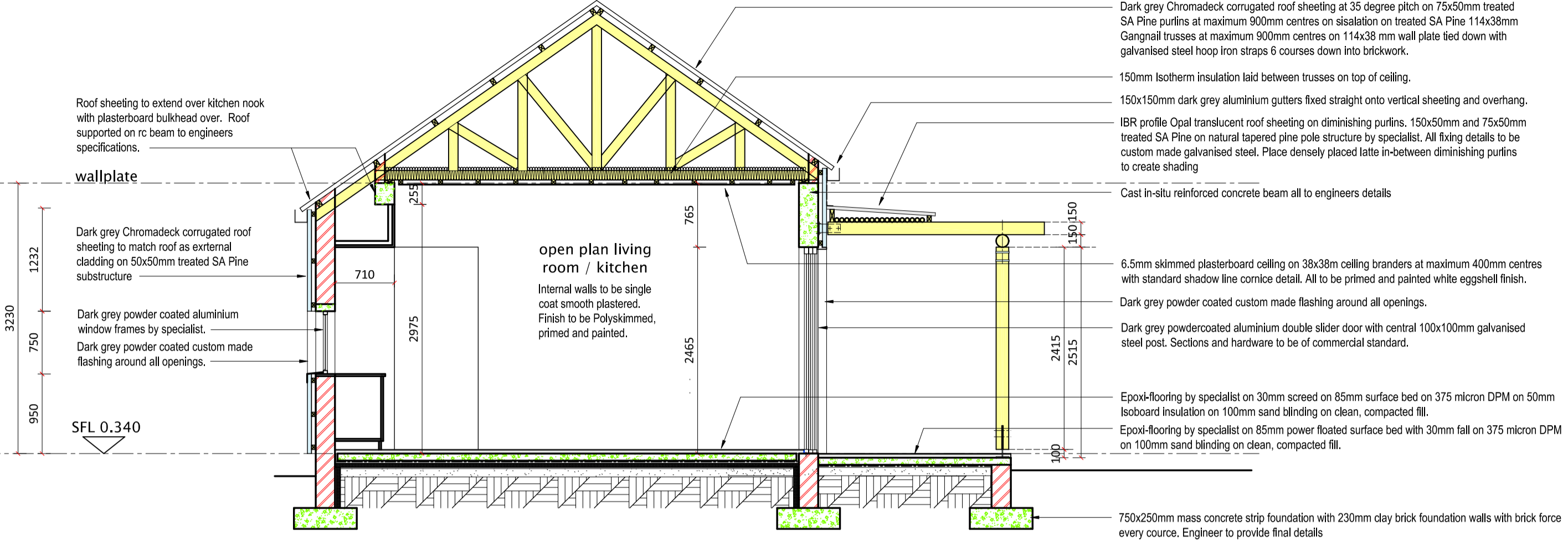
3298-22 CD 100 0



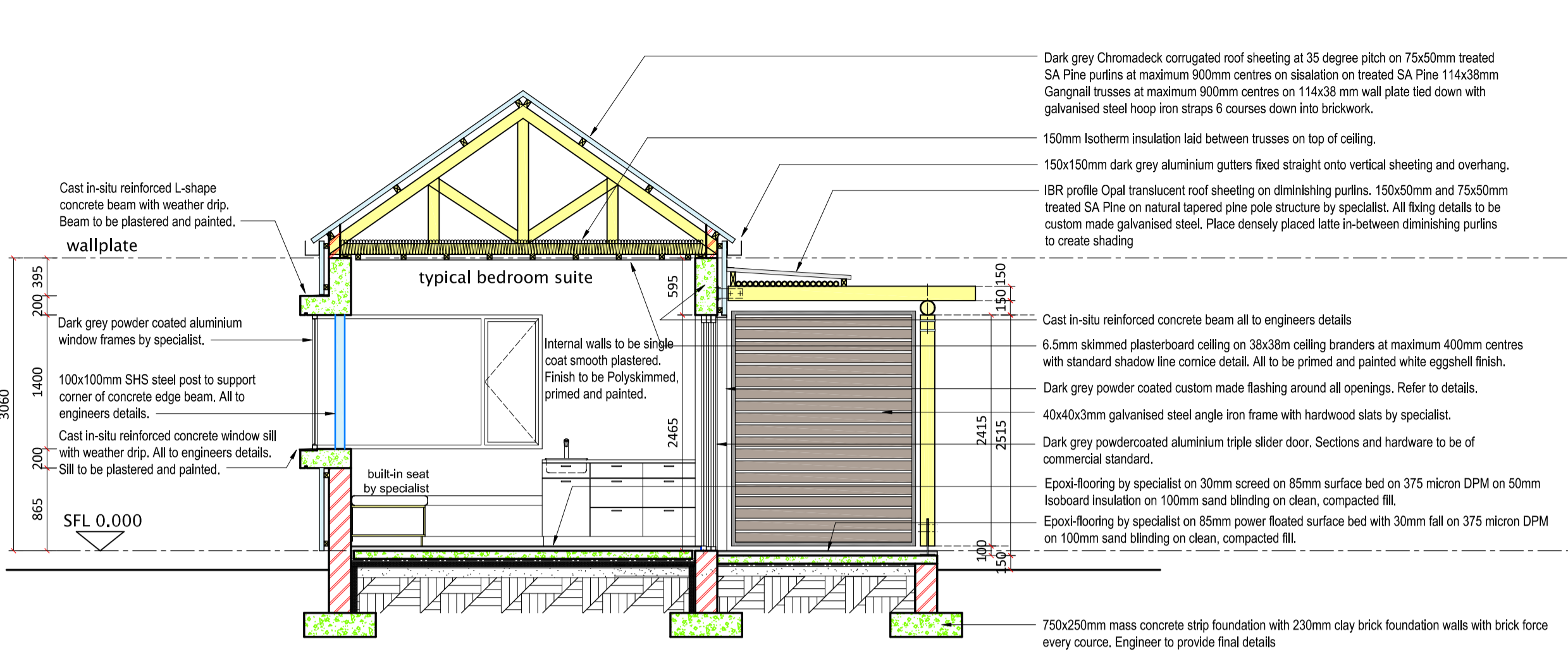
SITE DEVELOPMENT PLAN  
SCALE 1:1500

**GENERAL**

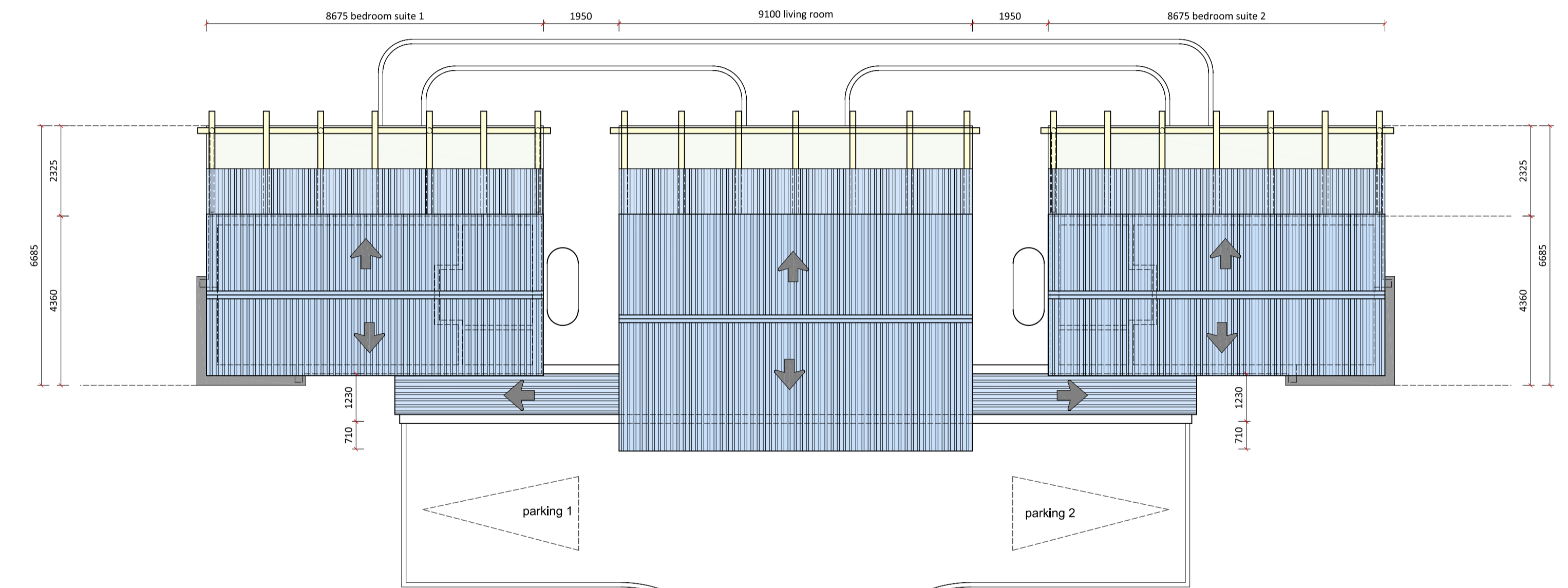
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9. FOUNDATION EXCAVATION FOR OUTSIDE BRICK WALLS MUST NOT BE LESS THAN 400MM UNDER THE SURFACE OF THE ADJOINING FINISHED GROUND LEVEL.
10. 375 MICRON D.P.C. MUST BE PROVIDED IN ALL WALLS AS INDICATED.
11. CORRECT WIDTH BRICKWORK MUST BE PROVIDED IN EACH FIFTH COURSE IN ALL BRICK WALLS, EXCEPT WHERE SHOWN OTHERWISE.
12. ALL BRICK WORK IN STRETCHER BOND EXCEPT WHERE SHOWN OTHERWISE L BRICK WORK IN STRETCHER BOND EXCEPT WHERE SHOWN OTHERWISE.
13. ALL DRAIN PIPE EXCAVATIONS MUST BE TREATED WITH TERMITE POISON FOR 1500MM FROM ANY BUILDING ACCORDING TO SABS 0124
14. ALL GLAZING MUST BE ACCORDING TO S.A.B.S. AND NBR REQUIREMENTS. PROVIDE SAFETY GLASS TO ALL OPENINGS IN EXCESS OF 1 M2 OR WITHIN 300 MM FROM GROUND LEVEL.
15. ALL DRAIN PIPE WORKS AND MATERIAL MUST BE ACCORDING TO NBR REQUIREMENTS
16. ELECTRICAL INSTALLATIONS MUST BE STRICTLY ACCORDING TO APPROPRIATE REGULATIONS.
17. ALL TIMBER ROOF TRUSSES MUST BE TREATED WITH TERMITE RESISTANT SUBSTANCE OR SIMILAR APPROVED.
18. WALL TIES SHALL BE INSTALLED IN ANY CAVITY WALL IN AN EVENLY DISTRIBUTED PATTERN AT A RATE OF NOT LESS THAN 5 TIES PER SQ METER OF FACE AREA WHERE THE CAVITY IS MORE THAN 75MM IN WIDTH.
19. ALL EXTERNAL WALLS TO BE 280 MM CAVITY WALLS WITH 50MM SPACING.
20. PROVIDE WALL TIES 3 SQM.
21. PROVIDE WEEPHOLES EVERY 6 BRICK COURSES.
22. ALL PARAPET WALLS TO BE WATERPROOFED WITH BANDAGE FLASHING AND ACRYLIC SEALED.
23. PROVIDE GALVANISED HOOP IRON ROOF TIES AT LEAST 6 COURSES DOWN.



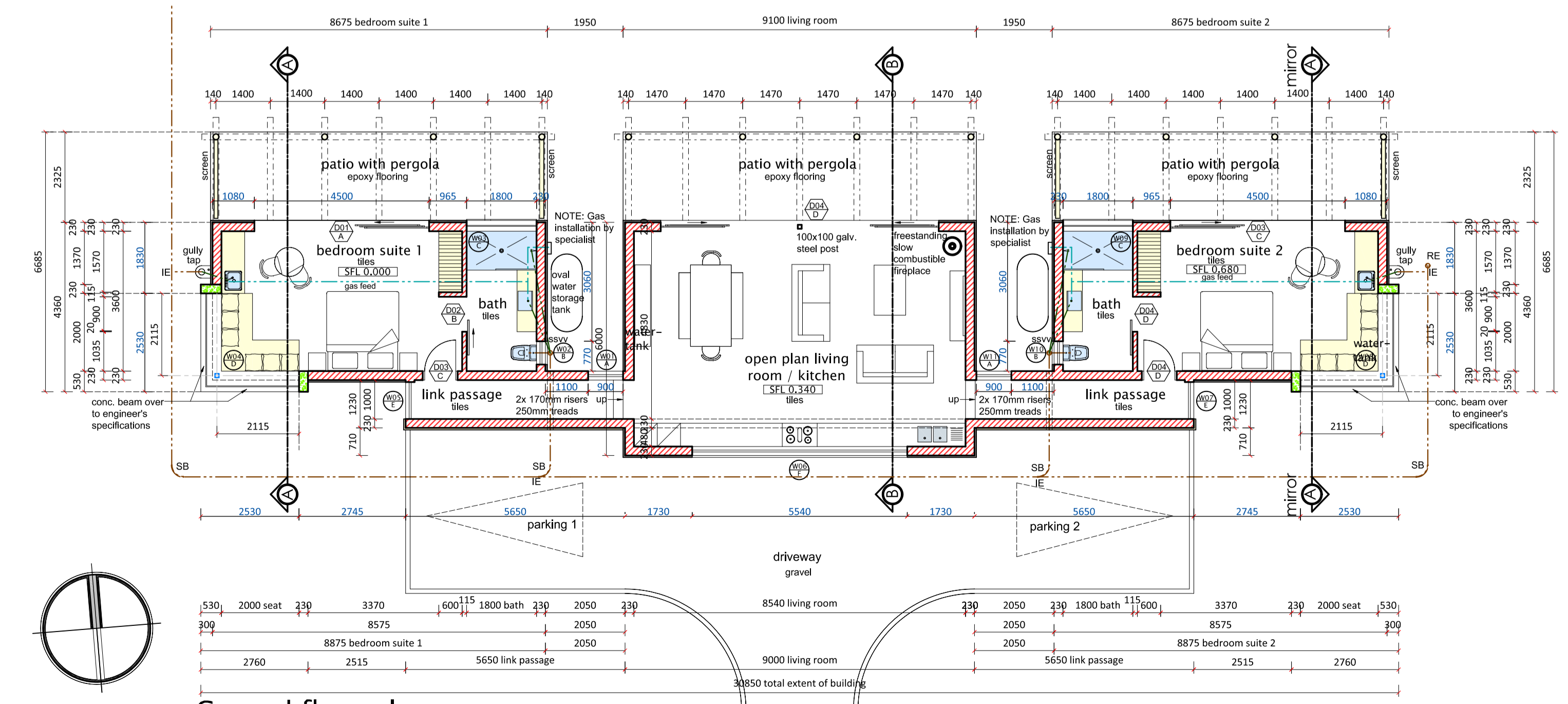
**Section B-B**  
scale 1:50



**Section A-A**  
scale 1:50



**Roof plan**  
scale 1:100

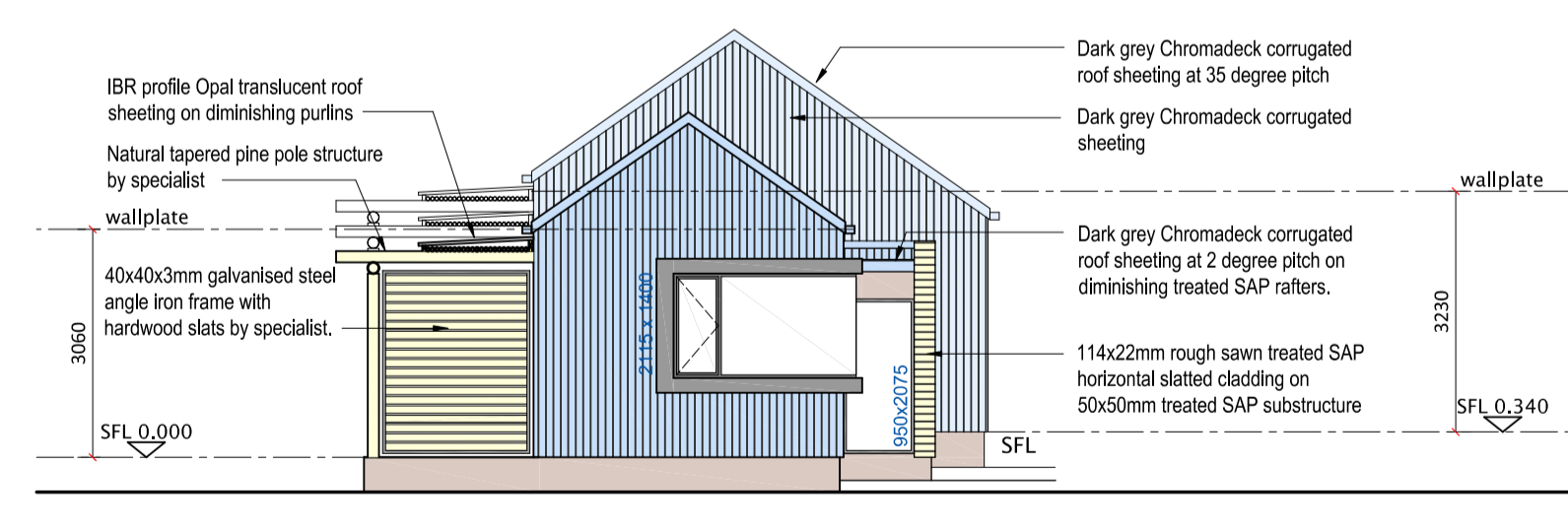


**Ground floor plan**  
scale 1:100

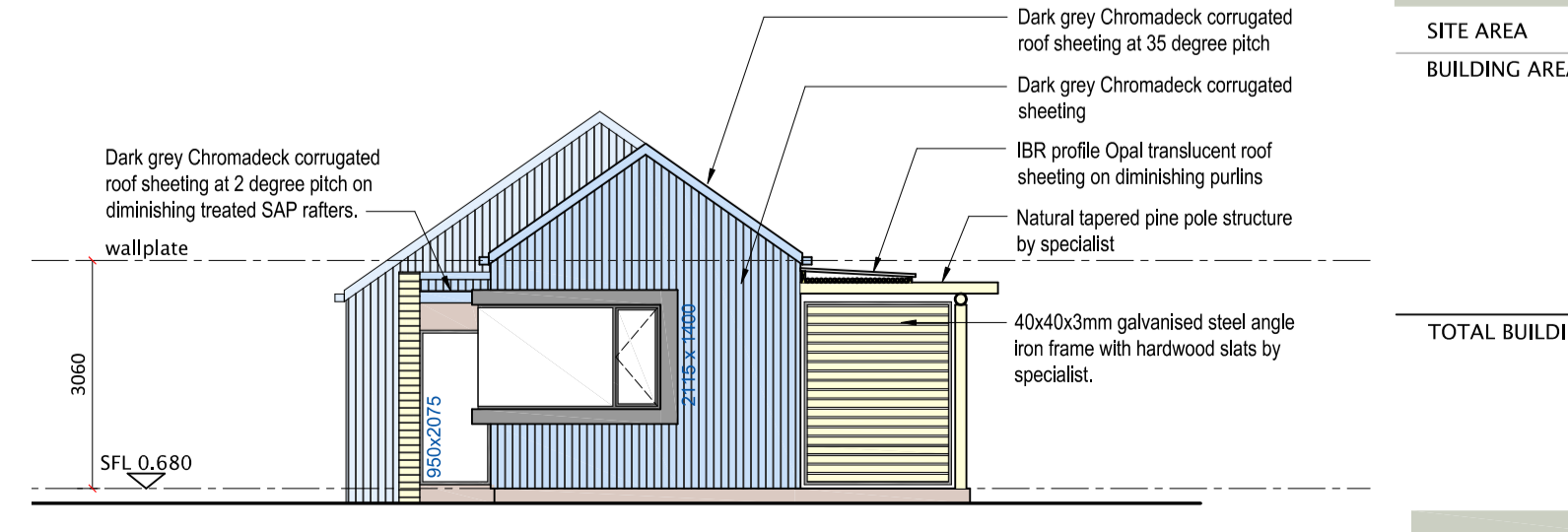


**South Elevation**  
scale 1:100

**North Elevation**  
scale 1:100



**West Elevation**  
scale 1:100



**East Elevation**  
scale 1:100

**DEVELOPMENT INFORMATION**

SITE AREA	9965.00 sqm
BUILDING AREA	36.38 sqm
BED SUITE 1	36.38 sqm
BED SUITE 2	36.38 sqm
LIVING / KITCHEN AREA	54.00 sqm
LINK PASSAGE 1	6.95 sqm
LINK PASSAGE 2	6.95 sqm
BED 1 PATIO	20.17 sqm
BED 2 PATIO	20.17 sqm
LIVING PATIO	21.15 sqm
TOTAL BUILDING	TOTAL ENCLOSED BUILDING
	140.66 sqm
	TOTAL PATIOS
	61.49 sqm
	TOTAL
	202.15 sqm
	COVERAGE %
	N.A

**XA CALCULATIONS**

ALL XA - CALCULATIONS AS PER REFERENCE MODEL DONE BY NEW EARTH - SANDY ADAMS

**KRUGER THERON ARCHITECTS**

unit 12, Gey van Pliu Center, Somerset West, 7130  
 T 021 851 8727 / C 082 922 3567  
 e-mail: kruger@karchitectes.co.za  
 SACAP: PR Arch 7440

**PROJECT DETAILS**  
**HAUMANN FAMILY TRUST**  
**PROPOSED 3X 2 BED COTTAGES**  
**SITE DEVELOPMENT PLAN**  
**LA PROVENCE FARM 3298**  
**FRANSCHHOEK**

**DRAWING DETAILS**

**GROUND FLOOR PLAN, ROOF PLAN, ELEVATIONS AND SECTIONS**

DRAWN:	J STOLWORTHY	CHECKED:	K.THERON
DATE:	MAY 2023	SCALE:	1:100/1:50

PROJECT NO	DRAWING NUMBER	REV
3298-22	CD 102	0

## **ANNEXURE E: CONVEYANCER'S CERTIFICATE**



CONVEYANCER CERTIFICATE

1/We Rocco Johannas Feenstra a conveyances  
of FEENSTRA INC Attorneys  
 (conveyancer's name and surname)

Practising at:  
No 6 Dorpstraat Stellenbosch 7600  
 (firm and place of practice)

In respect of:  
THE REMAINDER OF Erf 3298 Franschhoek  
in the Stellenbosch Municipality Division  
PARIEL Province of the Western Cape  
MEASURING 35,8099 hectares  
 (full property description (erf / farm) as it appear 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. T 9448/2012
2. T 10736/1903 & T 10734/1903
3. T 60861/1942
4. T 857/1946
5. T 1770/1905
6. T 10844/1952
7. ....
8. ....

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title 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	<input checked="" type="radio"/> N	
2.	Building lines	Y	<input checked="" type="radio"/> N	
3.	Height	Y	<input checked="" type="radio"/> N	
4.	Number of Dwellings	Y	<input checked="" type="radio"/> N	
5.	Bulk floor area	Y	<input checked="" type="radio"/> N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	<input checked="" type="radio"/> N	
8.	Servitudes that may be registered over or in favour of the property	<input checked="" type="radio"/> Y	N	See servitude pipeline shown on the attached diagram A-B
9.	Other Restrictive Conditions	<input checked="" type="radio"/> Y	N	See condition V2 in Title Deed T 9448/2012 - restriction of building dwellings on this portion shown on the attached diagram $\Delta$



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

In respect of which it was found that there *are/are no* restrictive conditions with reference to Section 33(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 purposes (as elaborated in the accompanying application):

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	See condition V2 .
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	Owner of the farm Dassen (T10861/1942)

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

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	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 Stellenbosch (Place) on this 7th (Day) February (Month) of 2023.

Full names and Surname: Roelof Johannes Feenstra

Signature: [Handwritten Signature]

**FEENSTRA INC.**  
 PO Box 1029  
Post Office Address  
 Stellenbosch  
 7599

**ROELOF FEENSTRA INC.**  
 Prokureurs, Transportbesorgers en Nolarisse  
 Attorneys, Conveyancers and Notaries  
 Tel: 021 883 8012 / 083 630 0561  
Official stamp

Tel: 021 883 8012

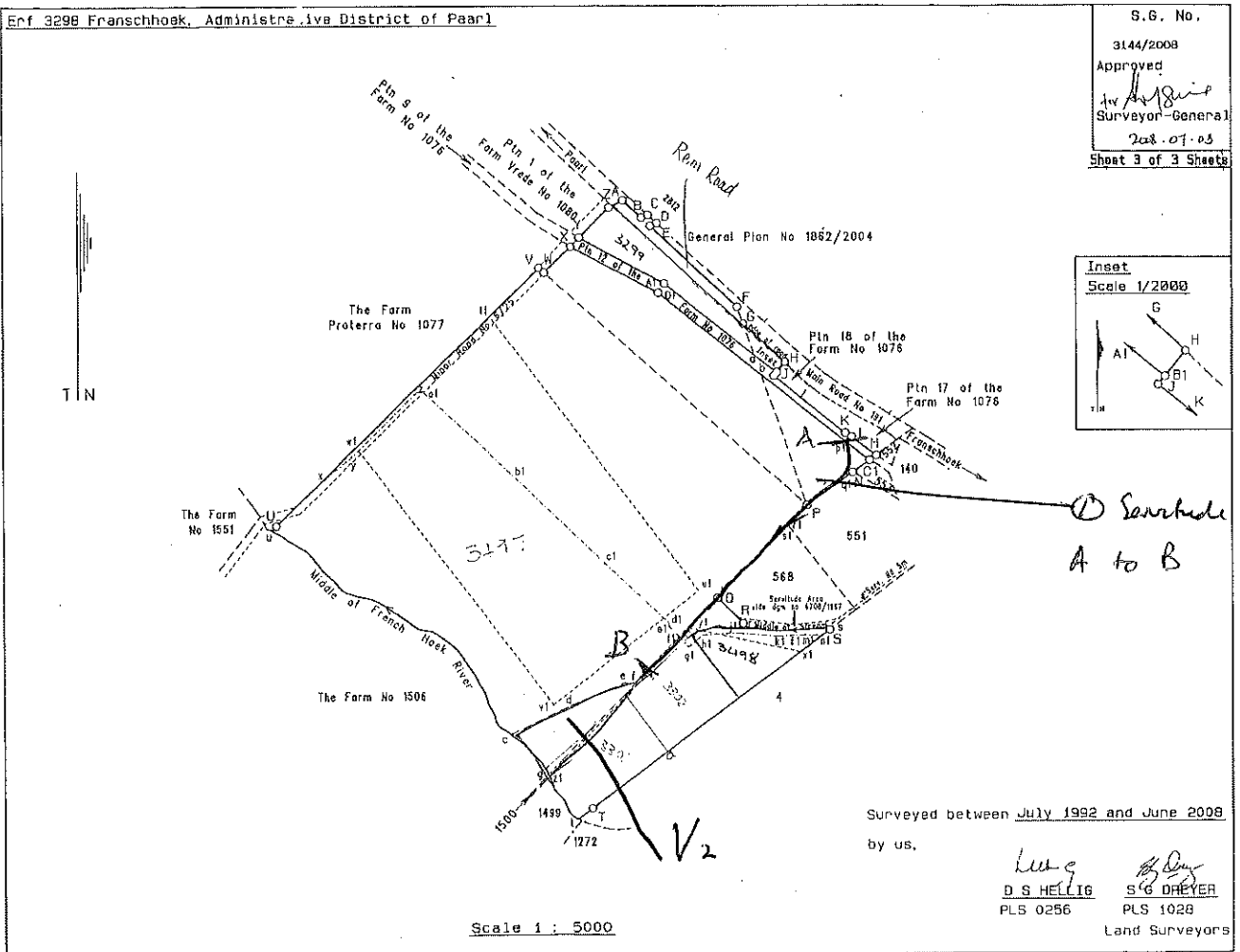
Email: roelof@feenstrainc.co.za

Cell: 083 630 0561

OFFICE COPY

Erf 3298 Franschook, Administrativa District of Paarl

S.G. No.  
3144/2008  
Approved  
*[Signature]*  
Surveyor-General  
208.07.03  
Sheet 3 of 3 Sheets



Surveyed between July 1992 and June 2008 by us.

*[Signature]*  
**D S HELLIG** *[Signature]*  
PLS 0256 PLS 1028  
Land Surveyors

FOR ENDORSEMENTS SEE BACK OF DOM. Erf 3298 Franschook

## **ANNEXURE F: TITLE DEED**

## **ANNEXURE G: DIAGRAMS**

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No. 471/2014
		Constant		± 0,00	+3 700 000,00	Approved <i>Stow Abang</i> for Surveyor-General 12 MAR 2014
AB	145,05	297 22 20	A	- 9 887,31	+ 52 825,32	
BC	389,38	308 16 10	B	-10 016,12	+ 52 892,01	
CD	29,48	54 20 30	C	-10 321,83	+ 53 133,17	
DE	81,31	54 24 30	D	-10 297,87	+ 53 150,36	
EF	186,67	44 22 10	E	-10 231,75	+ 53 197,68	
FG	52,47	314 46 10	F	-10 101,22	+ 53 331,12	
GH	358,30	54 32 30	G	-10 138,47	+ 53 368,07	
HJ	524,57	131 50 20	H	- 9 846,62	+ 53 575,92	
JK	533,90	226 06 15	J	- 9 455,81	+ 53 226,00	
KL	10,43	309 45 00	K	- 9 840,54	+ 52 855,82	
LA	53,70	226 11 30	L	- 9 848,56	+ 52 862,49	
Gg		314 46 10				
Jj		46 06 15				
		272 Du Toitskop	Δ	-13 868,02	+ 50 664,68	
		274 Robert	Δ	- 9 159,39	+ 54 252,31	

**Beacon Description:**

- A D 16 mm iron peg
- B iron rail beacon in ditch
- C F 12 mm iron peg
- E 20 mm iron peg next to pillar
- G angle iron standard
- H not beacons
- J 12 mm iron peg near iron rail fence post
- K L iron standard in concrete

**Servitude Notes:**

- 1) The line p1 q1 represents the middle and the lines q1 E, E r1 s1 represent the South Eastern Boundary of a Pipeline Servitude 3,14m wide, vide dgm no 3200/1949 D/S 529/1949
- 2) The line r1 f represents the Southern Boundary of a Pipeline Servitude 0,63m wide, vide dgm no 8012/1950 D/T 1952. 217 .10844 (Erf 3295 Franschoek)

The figure **A B C D E F g Middle of Stream H Middle of French Hoek River i K L** represents **32,4664 hectares** of land, being **Erf 3497 a portion of Erf 3298 Franschoek** situate in **the Stellenbosch Municipality**

Administrative District of **Paarl**

Province of the Western Cape

Surveyed between **July 1992 and June 2008**

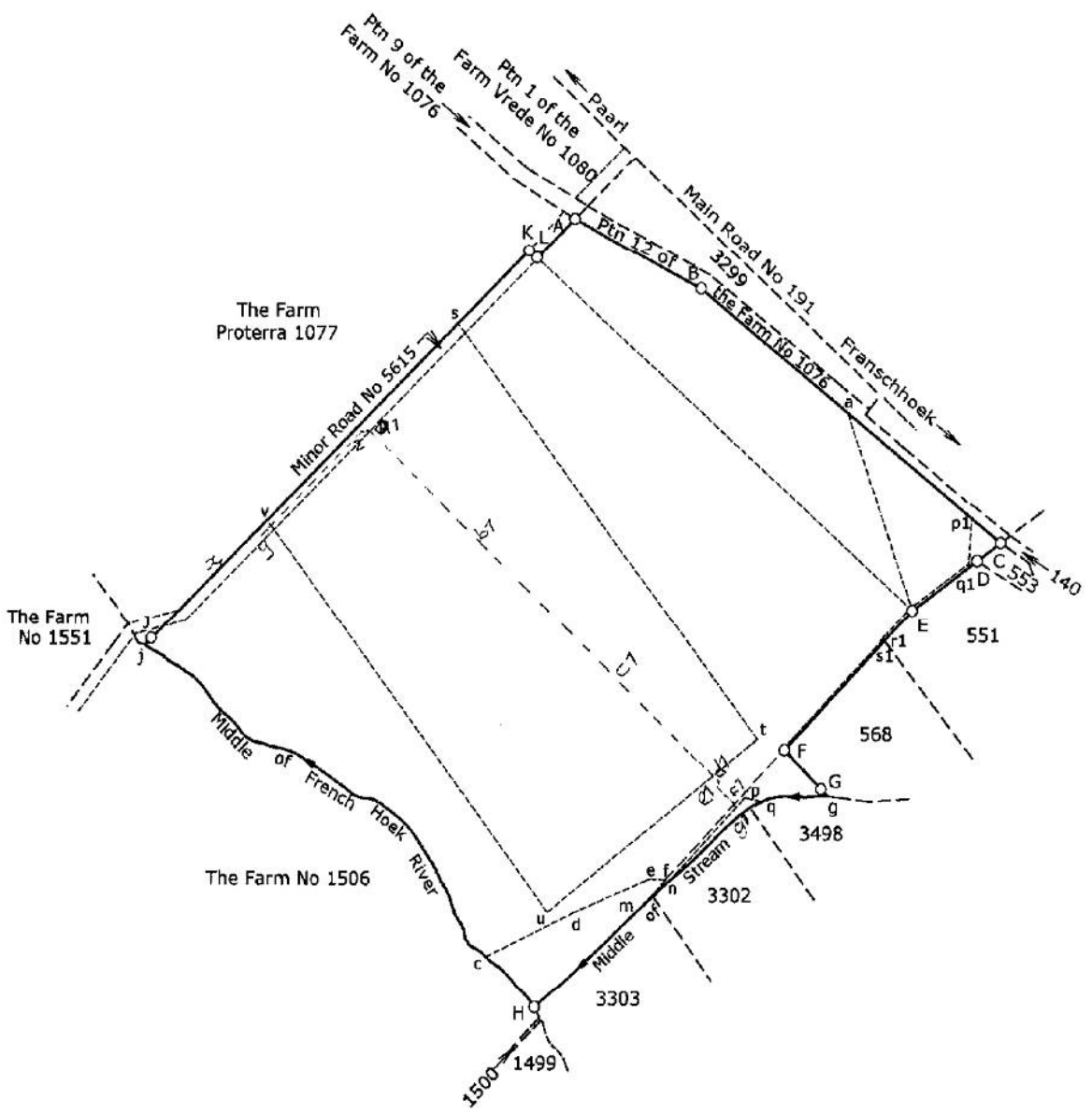
*D S Hellig* *S G Dreyer*  
**D S HELLIG S G DREYER**  
(PLS0256) (PLS1028)  
Professional Land Surveyors

by us

This diagram is annexed to No. dated i.f.o. Registrar of Deeds	The original diagram is No. 3144/2008 annexed to Transfer No. 2012. .9448	File No. Part.1062 & 1076 S.R. No. 1387/2002 1445/2008 Comp. BH-7CA/X51 (1599) BH-7CA/X53 (1601) LPI C0550003
--	---	--

S.G. No.  
471/2014  
Approved  
for *Stou Abang*  
Surveyor-General  
12 MAR 2014

Sheet No 2 of  
2 Sheets



APPROVED IN TERMS OF SECT. 4  
OF ACT 70/1970  
REF. *13013*  
DATE *10/02/2008*

APPROVED IN TERMS OF SECT. 25  
OF ACT 15/1996  
REF. *Farm 1067, Paarl*  
DATE *08/05/2008*

Scale 1: 5000

Surveyed between **July 1992 and June 2008** by us  
*D S Hellig* *S G Dreyer*  
**D S HELBIG** **S G DREYER**  
(PLS0256) (PLS1028)  
Professional Land Surveyors

S

9/9/2014

SERVITUDES/LEAS.				
DEED RECORDED	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
1445/2008	1109/2001	The line xyg1b1c1d1e1f1g1 represents the centre line pipeline servitude 5m wide		





TAX INVOICE

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
PLANNING & ECONOMIC DEVELOPMENT: PLANNING

Table with 4 columns: Field Name, Value, Field Name, Value. Includes DATE, ERF / FARM NO, LOCALITY, OWNER'S NAME, ADDRESS, DOCUMENT NO, CREATED BY, APPLICATION NO, APPLICATION VAT NO, VAT NO, APPLICANT, TEL NO.

Table with 5 columns: FEE DESCRIPTION, AMOUNT PER UNIT (R), NUMBER OF UNITS, VOTE NUMBER, AMOUNT (R). Includes row for TEMPORARY DEPARTURE, CONSENT USE, PERMISSION IN TERMS OF ZONING SCHEME...

TOTAL AMOUNT PAYABLE 2600.00

VAT INCLUDED @ 15% 339.13

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY

E 3298 FH

CALCULATED BY

NAME: Nicole Katts
SIGNATURE

[Handwritten signature]

DATE: 15.08.2023

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

VERIFIED BY STELLENBOSCH MUNICIPALITY
NAME: PLANNING AND ECONOMIC DEVELOPMENT SERVICES
SIGNATURE

17 AUG 2023

DATE:

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/ and ERF/FARM

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

0.00

0



<b>Enquiries</b>	<b>Phone Number</b>	<b>E-mail</b>
Nicole Katts	021808 8111	Nicole.Katts@stellenbosch.gov.za

**BTW/VAT Invoice No:** 14291

**Invoice VAT Reference:** 4700102181

**Name:** Dupré Lombaard

**Invoice Date:** 2023/8/3

**Reference No:** TP435/2023

**Payment Due Date:** 2023/9/2

**Client Street address:** La Provence Franschoek  
Franschoek Western Cape South Africa 7690

**Municipality street address:** PLEIN STREET  
STELLENBOSCH STELLENBOSCH Western Cape 7600

**Client Postal address:** La Provence Franschoek  
Franschoek Western Cape South Africa 7690

**Municipality postal address:** PLEIN STREET  
STELLENBOSCH STELLENBOSCH Western Cape 7600

**Client VAT No:** 4530303074

### Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Consent Use ito Zoning	1	2 600.00	Per application per property	2 600.00
				Total Excl VAT	2 260.87
				VAT	339.13
				<b>Invoice Total</b>	<b>2 600.00</b>

\*VAT Exempt

**Created By:** Petersen, Nicole

**Signature:** \_\_\_\_\_ 

**Verified By:** Petersen, Nicole

**Signature:** \_\_\_\_\_

**Please note** that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

**Bank Details:** First National Bank Acc# 62869253684 Branch Code 250655

**Please use the following as reference number:** TP435/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.

**Nicole Katts**

**From:** Sharise De Klerk  
**Sent:** Tuesday, 15 August 2023 12:33  
**To:** Bulelwa Mdoda  
**Cc:** Nicole Katts; Nolusindiso Momoti  
**Subject:** RE: receipts

Local Authority : STE Stellenbosch Municipality LIVE UKEY : 20220630081392  
Financial Year : 2023  
Period : 2

Tr Post	Date	TC	LV	Reference	Amount	Shadow	Amount	Comment
2	01 08 2023	11	1000233353		478.27-		0.00	A:DIR1 4331 LU/15839 LAN
2	01 08 2023	11	0000375721		2260.87-		0.00	A:CASH1 1691B202308030016
2	05 08 2023	11	1000233822		521.74-		0.00	A:DIR1 4331 BP3892/2023
2	05 08 2023	11	1000233824		478.27-		0.00	A:DIR1 4331 LU/15921-157
2	07 08 2023	11	1000233872		7260.87-		0.00	A:DIR1 4331 TP440/2023
2	07 08 2023	11	1000233903		478.27-		0.00	A:DIR1 4331 LU/15906 ERF
2	07 08 2023	11	1000233959		2260.87-		0.00	A:DIR1 4331 LU/10189
2	08 08 2023	11	1000234025		478.27-		0.00	A:DIR1 4331 LU/15921 ERF
2	08 08 2023	11	1000234045		478.27-		0.00	A:DIR1 4331 LU/15933 ERF
2	08 08 2023	11	1000234046		478.27-		0.00	A:DIR1 4331 LU/15931 ERF
2	08 08 2023	11	1000234047		478.27-		0.00	A:DIR1 4331 LU/15927 ERF
2	08 08 2023	11	1000234048		478.27-		0.00	A:DIR1 4331 LU/15929 ERF
2	10 08 2023	11	1000234099		478.27-		0.00	A:DIR1 4331 LU/15935 ERF
2	10 08 2023	11	1000234156		4521.74-		0.00	A:DIR1 4331 TP351/2023 L
2	11 08 2023	11	1000234220		2260.87-		0.00	A:DIR1 4331 TP444/2023 L
2	11 08 2023	11	1000234221		2260.87-		0.00	A:DIR1 4331 TP450/2023 B
2	14 08 2023	11	1000234264		2260.87-		0.00	A:DIR1 4331 TP435/2023 L
2	14 08 2023	11	1000234273		478.27-		0.00	A:DIR1 4331 LU/15941 ERF
Total for Period 2 :					28391.40-		0.00	
Total:					28391.40-		0.00	

**From:** Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>  
**Sent:** Tuesday, August 15, 2023 12:25 PM  
**To:** Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>  
**Cc:** Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>  
**Subject:** receipts

Hi Sharise;

Can we please have the receipts.

Kind regards,  
Bulelwa Mdoda  
Land Use Management



T: +27 21 808 8690  
1<sup>st</sup> Floor, NPK Building  
Cnr Plein and Ryneveld Street  
Stellenbosch  
7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of the communication is governed by the terms and conditions published at the following link: <http://www.stellenbosch.gov.za/2014/04/24/2014-04-24-139>



## **NOTIFICATION OF PAYMENT**

To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

---

Date Actioned	: 2023/08/14
Time Actioned	: 11:25:41
Trace ID	: TQNKV72K

### **Payer Details**

Payment From	: Viridus Works
Cur/Amount	: ZAR2,600.00

### **Payee Details**

Name	: Stellenbosch Mun Primary
Bank	:
Branch Code	:
Reference	: Tp435/2023

*END OF NOTIFICATION*

---

To authenticate this Payment Notification, please visit the First National Bank website at [fnb.co.za](http://fnb.co.za), select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

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**DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT**

<b>LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015</b>				<b>Date of Submission of Application</b>	10 July 2023	
<b>Erf No</b>	3298	<b>Town</b>		<b>Suburb</b>	Franschhoek	
<b>Farm No</b>	N/A	<b>Farm Portion</b>	N/A	<b>Nearest Town</b>	N/A	
<b>Owner / Applicant</b>	Dupré Lombaard		<b>Contact number</b>		082 895 6362	
<b>Email address</b>	<a href="mailto:dupre.lombaard@virdus.com">dupre.lombaard@virdus.com</a>					
<b>INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION</b>				<b>ADMIN TO VERIFY<sup>1</sup></b>		<b>PLANNER TO EVALUATE<sup>2</sup></b>
				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				✓		✓

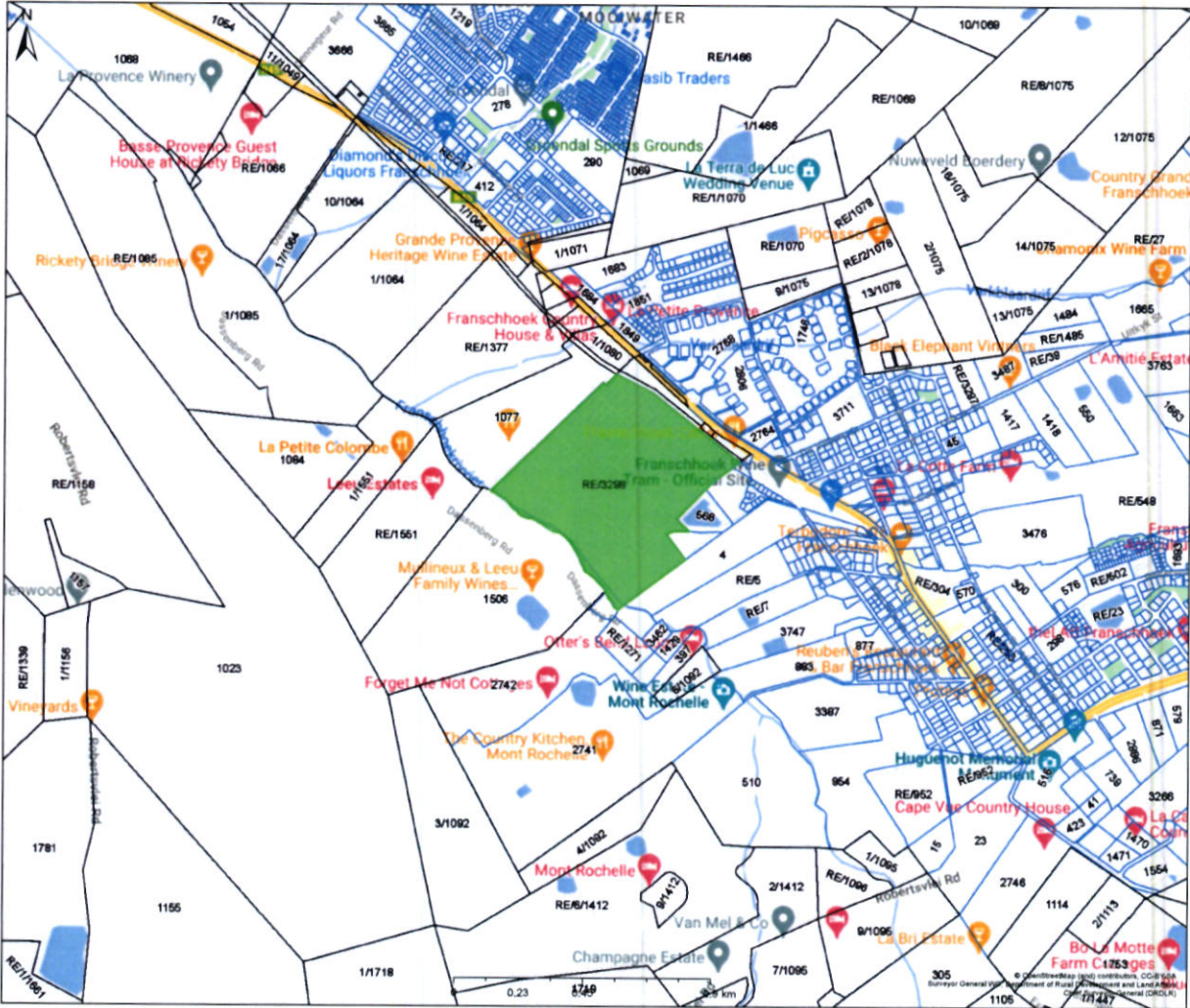
<sup>1</sup> Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

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

13. Conveyancer's certificate		✓	✓
14. Feedback on Pre-application scrutiny			
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>14/07/2023</b>
<i>Outstanding information (to be completed by Planner):</i>			
<i>Applications to be invoiced (to be completed by Planner):</i>			
<b>EVALUATED &amp; SIGNED BY PLANNER</b>	NAME <b>Pengwei Zeng</b> (01.08.2023)	SIGNATURE 	DATE <b>03/08/2023</b>
<b>NOTES:</b>			
<ol style="list-style-type: none"> <li>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>Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].</li> <li>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>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>			

## ANNEXURE A: LOCALITY





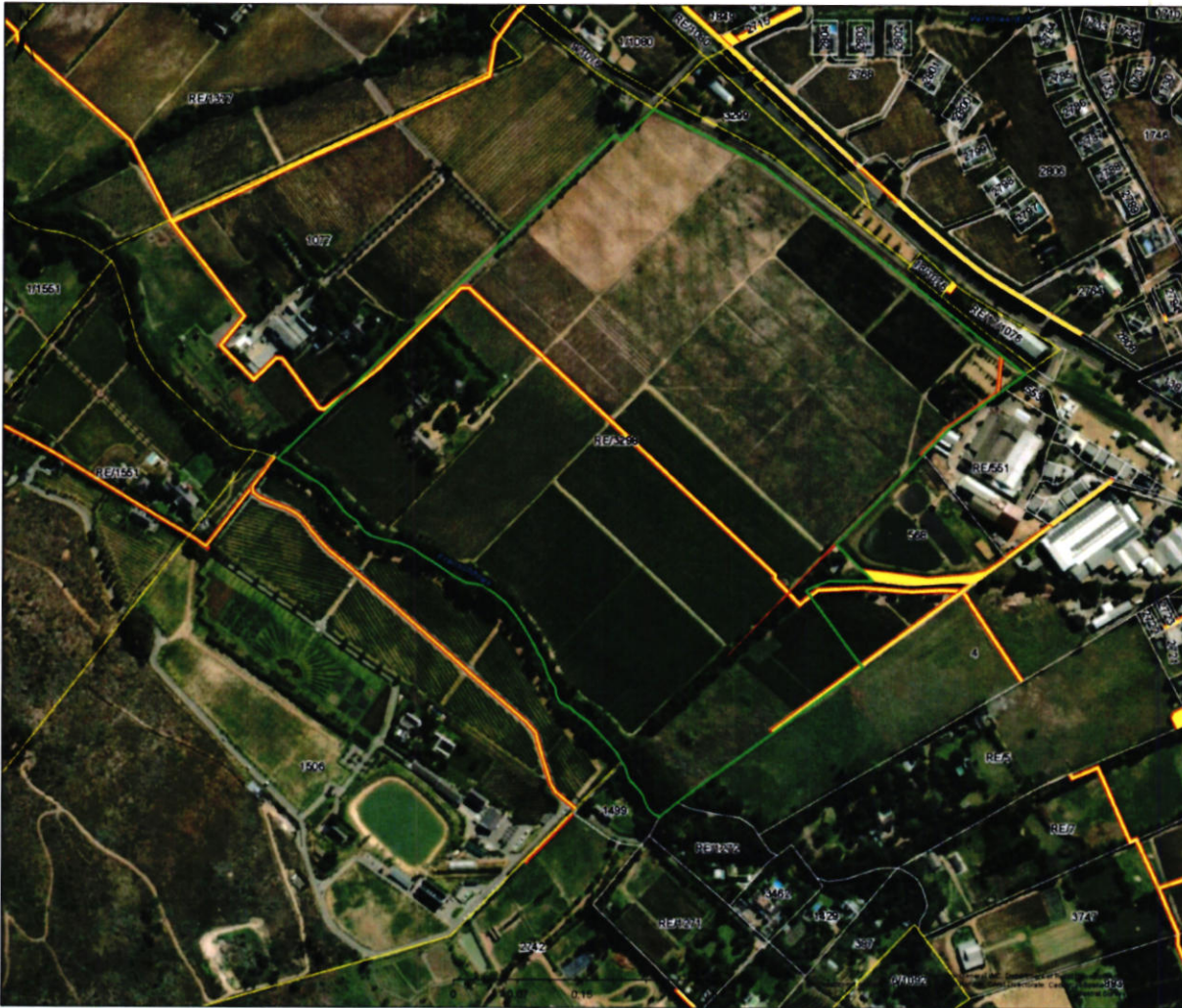
**Erf 3298, Franschhoek locality**

- Legend**
- Farm Portions
  - Erf

Map Center: Lon: 19°6'22.2"E  
 Lat: 33°54'23.2"S  
 Scale: 1:15 000  
 Date created: December 20, 2022



© GeoInfoMap (Pty) Ltd. CC BY-SA  
 Surveyors General's Department and Land Affairs  
 Cape Town, South Africa (DRC/LA)



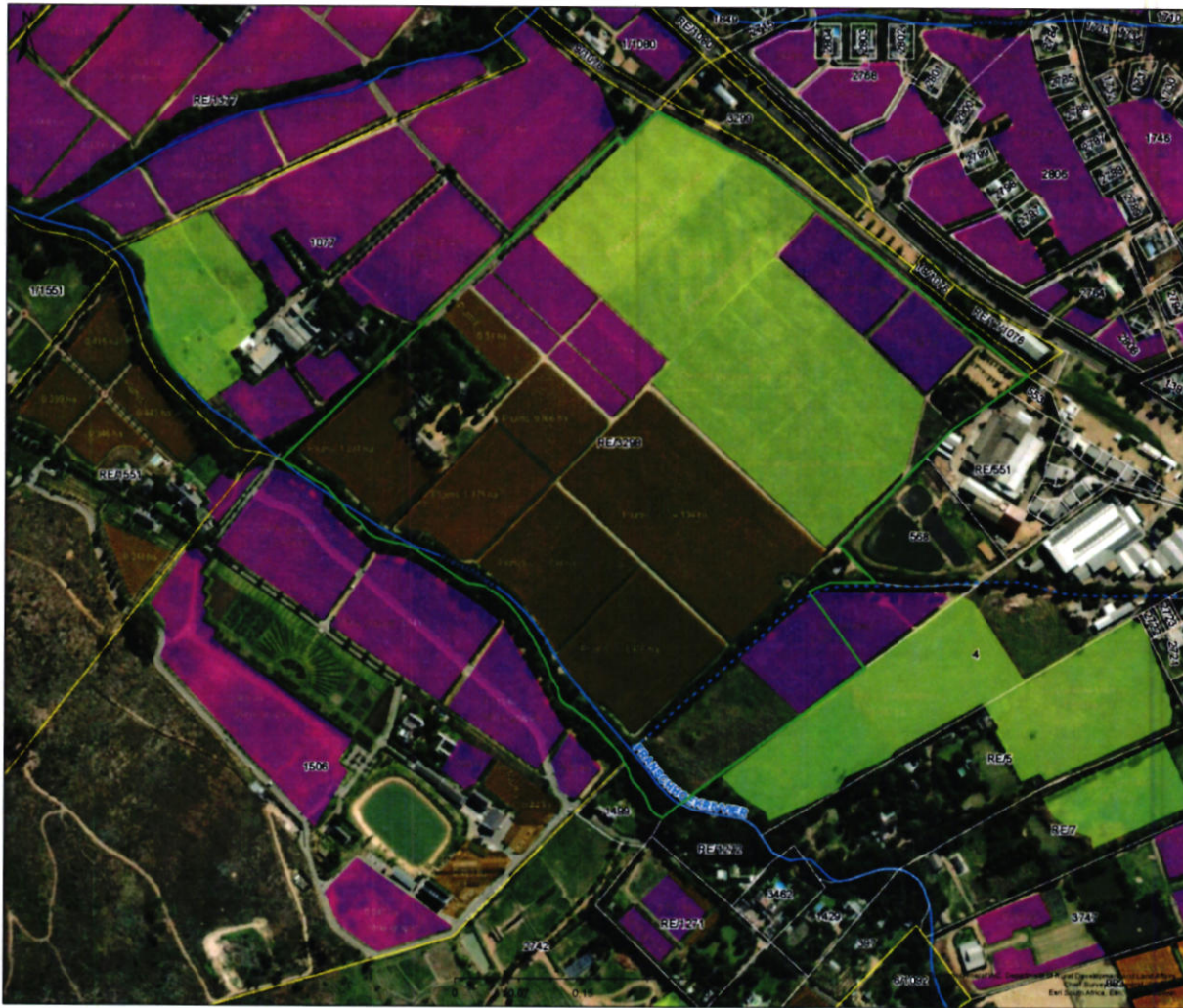
**Erf 3298, Franschhoek locality**

**Legend**

-  Farm Portions
-  Erf
-  Servitude Area

**Map Center:** Lon: 19°6'22.2"E  
Lat: 33°54'23.2"S  
**Scale:** 1:5 000  
**Date created:** December 20, 2022





**Erf 3298, Franschhoek situation**

- Legend**
- Farm Portions
  - Erf
  - Winter Crops 2017
  - Citrus fruits
  - Grapes
  - Planted pastures
  - Stone fruit
  - Other crops
  - Rivers
  - Perennial
  - Non-Perennial

**Map Center:** Lon: 19°6'22.2"E  
 Lat: 33°54'23.2"S  
**Scale:** 1:5 000  
**Date created:** December 20, 2022




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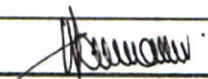
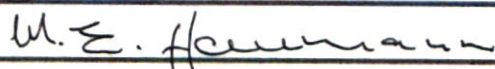
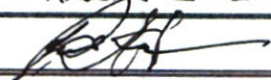

## **ANNEXURE B: APPLICATION AUTHORISATION**


## LETTER OF AUTHORISATION / POWER OF ATTORNEY

(Requirement in terms of the Municipal Planning Bylaw and other relevant legislation)

Herewith the undersigned representative of:	
Company / Trust:	Haumann Familie Trust
Reg. No.:	IT 1707/1995
Full name:	Pierre Nicolaas Haumann
ID. No.:	7206025085081
Property:	Erf 3298, Franschoek
Located at:	La Provence Road, Franschoek
confirms that permission and special power of attorney has been granted to Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) and Dupré Lombaard to act on the behalf of the land owner(s) to perform any act which he / she / it may be legally entitled to undertake to accomplish the following objectives and goals in terms of the Municipal Planning Bylaw and any other applicable legislation, including but not limited to: the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970, Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, National Environmental Management Act, 1998, Act 107 of 1998, National Heritage Resources Act, 1999, Act 25 of 1999 and National Building Regulations and Building Standards Act, 1977, Act 103 of 1977.	
Application for the establishment of guest cottages on the farm	
<b>Contact details (physical address / phone / fax):</b>	
Physical address:	La Provence Road, La Provence, Franschoek
Postal address:	PO Box 242, Franschoek, 7690
Telephone:	0832310557
Facsimile:	
Cellular:	0832310557
Email:	haumannfarm@gmail.com
VAT no.:	4380149882
Signed:	
Date:	15/12/2022
By my signature(s) I confirm that I have been fully authorised to act on behalf the above landowner (annex the applicable resolution or other proof of authorisation to act on behalf of a juristic person hereto).	

## RESOLUTION BY THE TRUSTEES OF

Trust name:	Haumann Familie Trust	
Registration number:	IT 1707/1995	
<b>IT WAS RESOLVED THAT:</b>	The Trustees of the Trust hereby authorise	
Full name:	Pierre Nicolaas Haumann	
ID. No.	7206025085081	
as representative of the Board, the owner of		
Property description:	Erf 3928, Franschoek	
located at (address):	La Provence Road, Franschoek	
to sign all documents, appointments and agreements, as may be required for the day to day management of the land development and related applications for the property.		
The permitted actions include the appointment of and Power of Attorney to Dupré Lombaard of Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) as development management consultant to sign and submit all applications for approval and authorisation required for the achievement of the envisaged land development outcomes, namely:		
<b>Applications for the establishment of guest cottages on the property</b>		
inclusive of authorisations and applications in terms of any applicable legislation, including but not limited to the:		
• Land Use Planning Bylaw / Zoning Scheme		✓
• Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940		✓
• National Environmental Management Act, 1998, Act 107 of 1998		
• National Heritage Resources Act, 1999, Act 25 of 1999		
• Other		
Signed in:	Franschoek	
Date:	15/12/2022	
Signature:		
Trustee name:	ANNELIE HAUMANN	
Signature:		
Trustee name:	MARIA ELIZABETH HAUMANN	
Signature:		
Trustee name:	PIETER EDUARD HAUMANN	
Signature:		
Trustee name:	EDUARD CHRISTIAAN HAUMANN	

  
Pierre Haumann (Nicolaas)

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## ANNEXURE C: APPLICATION FORM



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## 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)

<b>LAND USE PLANNING APPLICATION FORM</b>										
(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)	Dupré									
Surname	Lombaard									
Company name (if applicable)	Virdus Works									
Postal Address	5 Vygeboom Close, Vygeboom, Durbanville						Postal Code	7550		
	Email: dupre.lombaard@virdus.com									
Tel				Fax				Cell	+27 82 895 6362	
<b>PART B: REGISTERED OWNER(S) DETAILS</b> (If different from applicant)										
Registered owner(s)	Haumann Familie Trust, Reg. No. 1707/1995									
Physical address	La Provence, La Provence Road, Franschhoek						Postal code	7690		
	E-mail: haumannfarm@gmail.com									
Tel	021 876 2370			Fax				Cell	+27 83 231 0557	
<b>PART C: PROPERTY DETAILS</b> (in accordance with title deed)										
Erf / Erven / Farm No.	3298	Portion(s) if Farm		Allotment area	Franschhoek					
Physical Address	La Provence Farm, La Provence Road, Franschhoek									
Current Zoning	Agriculture and Rural Zone		Extent	35,8099 ha	Are there existing buildings?		Y	N		
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Bylaw, 2019									
Current Land Use	Agriculture									
Title Deed number and date	T	T 9448/2012								
Attached Conveyance's Certificate	¥	N	Any Restrictions into 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	N	If Yes, list the party(ies):						
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	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	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	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)?			Y	N	If yes, is this application to legalize the building / land use <sup>2</sup> ?			Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?			Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N

**PART D: PRE-APPLICATION CONSULTATION**

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.	
Has the pre-application scrutiny form been submitted?	Y	N	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: Cost are obtainable from the Council Approved tariffs
	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
	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

<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)(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.

\*\* 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)	Virdus Works (Pty) Ltd
Postal Address	5 Vygeboom Close, Vygeboom, Durbanville, 7550
Vat Number (where applicable)	4530303074

**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		To		
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development  To permit a tourist accommodation establishment as defined in the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, three two-bedroom units separate from the main dwelling.						
Other (please specify)	_____ _____ _____					

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

Application is made for the development of three self-catering tourist dwelling units for a tourist accommodation establishment on the property as a consent use. The application is for consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB) for a consent use as contemplated in the zoning scheme, Section 208 and read with Section 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB).

Although registered as an erf and within the old Franschhoek Municipal area boundary, the property, La Provence farm, has an Agricultural and Rural Zone. It has an area of 35,8099ha and it is located between the Franschhoek River, the R45 and La Provence Road. The farm is primarily used for agricultural purposes, with roughly 12ha of plums, and 2,5ha of vineyards. There are however roughly 12,5ha of land lying fallow. This land was previously used for cultivation of plums, but it is no longer cultivated due to low yields and market conditions. A consent use for a tourist accommodation establishment on another portion of the farm that is partially cultivated with vineyards that are not economically viable, and partially fallow, roughly 1,8ha in extent is therefore made to better utilise the land resources to generate revenue, while considering the future use of the large tract of fallow land previously used for the cultivation of fruit.

**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

Y	⌘		Power of attorney / Owner's consent if applicant is not owner	Y	⌘		Bondholder's consent (if applicable)
Y	⌘		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	⌘		Proof of any other relevant right held in the land concerned
Y	⌘		Written motivation pertaining to the need and desirability of the proposal	Y	⌘		S.G. diagram / General plan extract (A4 or A3 only)
Y	⌘		Locality plan (A4 or A3 only) to scale	Y	⌘		Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	⌘		Proposed subdivision plan (A4 or A3 only) to scale	Y	⌘		Proof of agreement or permission for required servitude
Y	⌘		Proof of payment of application fees	Y	⌘		Proof of registered ownership (Full copy of the title deed)
Y	⌘		Conveyancer's certificate	Y	⌘		Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	⌘	N/A	Consolidation plan (A4 or A3 only) to scale	Y	⌘	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	⌘	N/A	Street name and numbering plan (A4 or A3 only) to scale	Y	⌘	N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	⌘	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	⌘	N/A	Home Owners' Association consent
Y	⌘	N/A	Abutting owner's consent	Y	⌘	N/A	Services Report or indication of all municipal services / registered servitudes
Y	⌘	N/A	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)	Y	⌘	N/A	Proof of failure of Home owner's association
Y	⌘	N/A	Copy of original approval and conditions of approval	Y	⌘	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	⌘	N/A	Proof of lawful use right	Y	⌘	N/A	Other (specify) Traffic Impact Statement
Y	⌘	N/A	Required number of documentation copies				
<b>PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION</b>							
Y	⌘		If required, has application for EIA / HIA / TIA / TIS / MHIA approval been	Y	⌘		Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)


		made? If yes, attach documents / plans / proof of submission etc.	¥	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
¥	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	¥	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
¥	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	¥	N/A	National Water Act, 1998 (Act 36 of 1998)
¥	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	¥	N/A	Other (specify)
¥	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
¥	N	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.

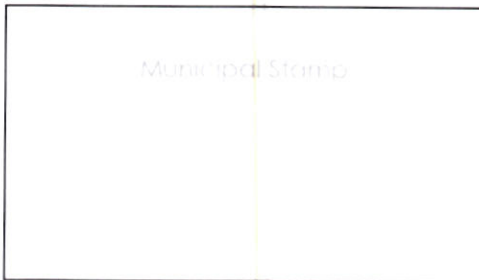
- 13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
- 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.

Applicant's signature:  Date: 2023/07/10

Full name: Dupré Lombaard, (SACPLAN B/8076/1998 / EAPASA 2019/304)  
Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Professional capacity: Registered Planner and Environmental Assessment Practitioner

**FOR OFFICE USE ONLY**

Date received: _____  Received By: _____	
--	---

## **ANNEXURE D: SITE DEVELOPMENT PLAN**



- GENERAL**
1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
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  14. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  15. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  16. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
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  18. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  19. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.
  20. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT DEPARTMENTS.

**AREA SCHEDULE**

DESCRIPTION	AREA
ERF 3298 FARM	354 056,60m <sup>2</sup>
1 MAIN FARM HOUSE	297,00m <sup>2</sup>
2 VEHICLE STORAGE & WORKSHOPS	170,00m <sup>2</sup>
3 POOLROOM & ENTERTAINMENT AREA	118,00m <sup>2</sup>
4 SECONDARY FARM HOUSE	189,00m <sup>2</sup>
5 IMPLEMENT STORE	265,00m <sup>2</sup>
6 LABOURER'S COTTAGES	61,00m <sup>2</sup>
7-8 LABOURER'S COTTAGES	219,00m <sup>2</sup>
9-10 LABOURER'S COTTAGES	141,00m <sup>2</sup>
11-13 PROPOSED NEW COTTAGES	422,00m <sup>2</sup>

**KPUGER THERON**

10th Floor, 10th Floor, 10th Floor, 10th Floor  
 10th Floor, 10th Floor, 10th Floor, 10th Floor  
 10th Floor, 10th Floor, 10th Floor, 10th Floor  
 10th Floor, 10th Floor, 10th Floor, 10th Floor

**PROJECT DETAILS**  
 HAUMANN FAMILY TRUST  
 PROPOSED 3X 2 BED COTTAGES  
 SITE DEVELOPMENT PLAN  
 LA PROVENCE FARM 3298  
 FRANSCHHOEK

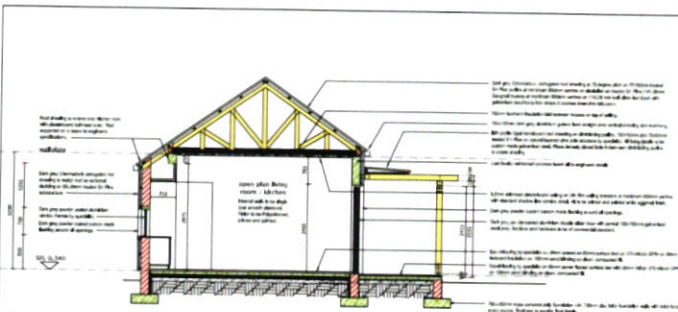
**DRAWING DETAILS**

**SITE DEVELOPMENT PLAN 1:1500**

DATE	BY	CHKD BY	APP'D BY
2024-01-15	J. van der Merwe	M. van der Merwe	J. van der Merwe

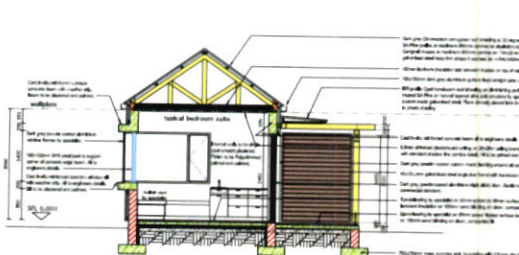
PROJECT NO: 3298-22      CD 100      0





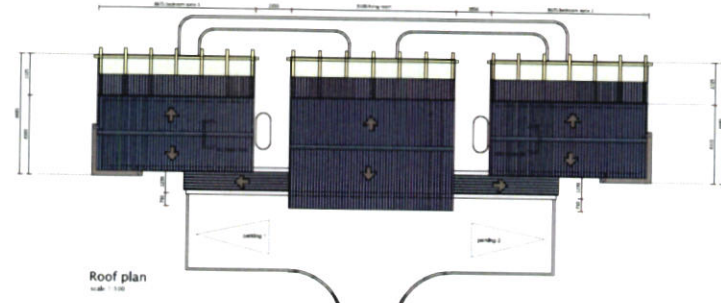
Section B-B

scale 1:10



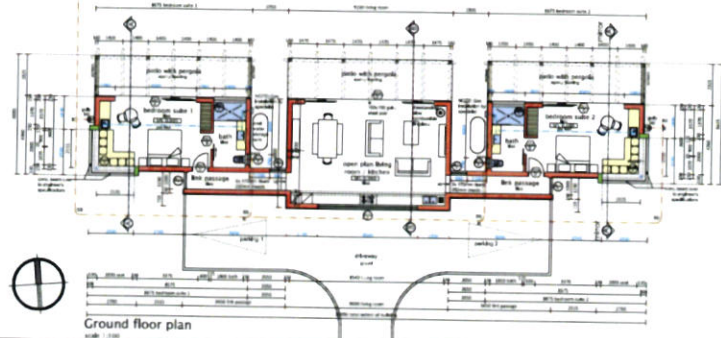
Section A-A

scale 1:10



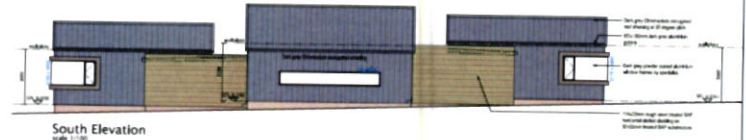
Roof plan

scale 1:10



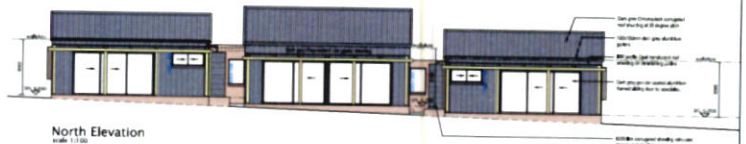
Ground floor plan

scale 1:10



South Elevation

scale 1:10



North Elevation

scale 1:10



West Elevation

scale 1:10



East Elevation

scale 1:10

- GENERAL**
1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND DETAILS OF THE NATIONAL BUILDING REGULATIONS, 1985 AND THE NATIONAL CONSTRUCTION STANDARDS.
  2. ALL DIMENSIONS ON THE PLAN SHALL BE IN METERS AND MILLIMETERS UNLESS OTHERWISE SPECIFIED.
  3. ALL MATERIALS TO BE USED SHALL BE OF THE BEST QUALITY AND SHALL BE SUBJECT TO APPROVAL BY THE ARCHITECT.
  4. ALL WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  5. ALL ROOFING SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  6. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  7. ALL PAINTING SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  8. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  9. ALL FLOORING SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  10. ALL CEILING SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  11. ALL WALLS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  12. ALL DOORS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  13. ALL WINDOWS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  14. ALL STAIRS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  15. ALL BALCONIES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  16. ALL TERRACES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  17. ALL PATIOS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  18. ALL GARDENS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  19. ALL POOLS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  20. ALL SPAS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  21. ALL HOT TUBS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  22. ALL SAUNAS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  23. ALL GYMNASIUMS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  24. ALL OFFICES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  25. ALL STORES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  26. ALL GARAGES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  27. ALL PORCHES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  28. ALL PATIOS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  29. ALL TERRACES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  30. ALL GARDENS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  31. ALL POOLS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  32. ALL SPAS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  33. ALL HOT TUBS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  34. ALL SAUNAS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  35. ALL GYMNASIUMS SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
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  49. ALL STORES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.
  50. ALL GARAGES SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION STANDARDS.

**KPUGEP THERON**  
ARCHITECTS

100-1100 11th Street, Suite 100  
Pasadena, CA 91106  
Tel: 626-799-1100  
Fax: 626-799-1101  
www.kpugeptheron.com

**PROJECT DETAILS**

HAUMANN FAMILY TRUST  
PROPOSED 3X 2-BED COTTAGES  
SITE DEVELOPMENT PLAN  
LA PROVENCE FARM 3298  
FRANSCHHOEK

**DRAWING DETAILS**

GROUND FLOOR PLAN, ROOF PLAN,  
ELEVATIONS AND SECTIONS

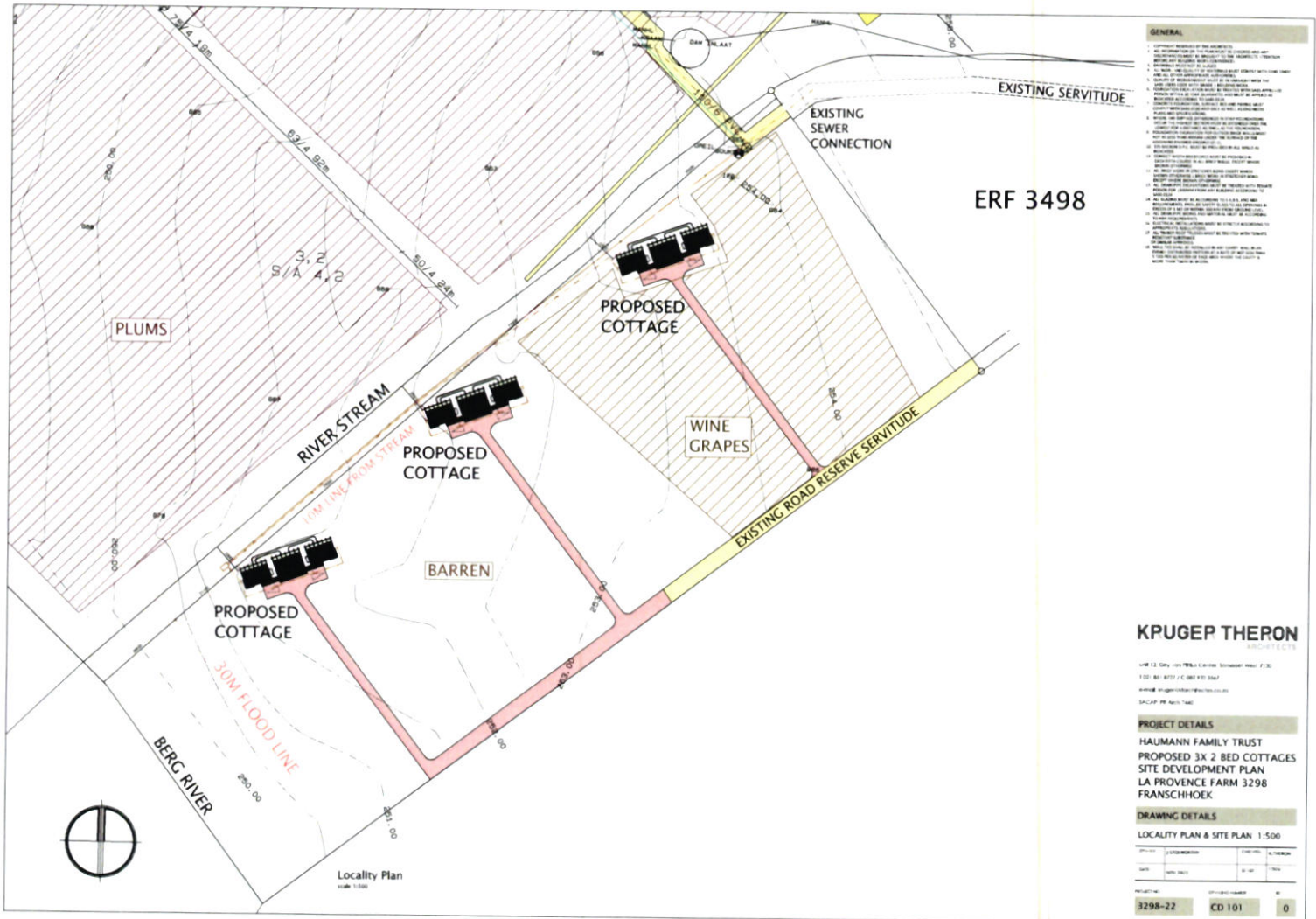
NO.	DATE	REVISION	BY	CHKD BY	APP. BY
1	01/10/2023	ISSUED FOR PERMIT	KT	KT	KT

**DEVELOPMENT INFORMATION**

NO.	DATE	REVISION	BY	CHKD BY	APP. BY
1	01/10/2023	ISSUED FOR PERMIT	KT	KT	KT

**XA CALCULATIONS**

NO. 101 - CALCULATIONS FOR REMEDIATION WORK - DONE BY  
MR. RICHARD J. THOMPSON, REGISTERED CIVIL ENGINEER



- GENERAL**
1. THESE PLANS ARE TO BE USED IN CONJUNCTION WITH THE SITE DEVELOPMENT PLAN AND LOCALITY PLAN.
  2. THESE PLANS ARE TO BE USED IN CONJUNCTION WITH THE SITE DEVELOPMENT PLAN AND LOCALITY PLAN.
  3. THESE PLANS ARE TO BE USED IN CONJUNCTION WITH THE SITE DEVELOPMENT PLAN AND LOCALITY PLAN.
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  20. THESE PLANS ARE TO BE USED IN CONJUNCTION WITH THE SITE DEVELOPMENT PLAN AND LOCALITY PLAN.

**KRUGER THERON**  
ARCHITECTS

108 12, Greyton, 7975  
 T: 021 851 8777 / F: 021 851 8787  
 www.krugertheron.com  
 SACAP No. 1460

**PROJECT DETAILS**  
 HAUMANN FAMILY TRUST  
 PROPOSED 3x 2 BED COTTAGES  
 SITE DEVELOPMENT PLAN  
 LA PROVENCE FARM 3298  
 FRANSCHHOEK

**DRAWING DETAILS**

LOCALITY PLAN & SITE PLAN 1:500

NO.	DESCRIPTION	DATE	BY	CHKD.
01	ISSUED FOR TENDERS	15/08/2022	MT	MT
02	ISSUED FOR PERMITS	15/08/2022	MT	MT
03	ISSUED FOR CONSTRUCTION	15/08/2022	MT	MT

PROJECT NO. 3298-22      CD 101      0

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## ANNEXURE E: CONVEYANCER'S CERTIFICATE



CONVEYANCER CERTIFICATE

I/We Rodolf Johannes Feenstra a conveyances  
of FEENSTRA Inc Attorneys

(conveyancer's name and surname)

Practising at:

No 6 Dorpsteet Stellenbosch 7600

(firm and place of practice)

In respect of:

THE REMAINDER OF Erf 3298 Franschhoek  
in the Stellenbosch Municipality Division  
PARAG Province of the Western Cape  
MEASURING 35,8099 hectares

(full property description (erf / farm) as it appear 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. T 9448/2012
2. T 10736/1903 + T 10734/1903
3. T 60861/1942
4. T 857/1946
5. T 1170/1905
6. T 10844/1952
7. ....
8. ....

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title 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	<input checked="" type="radio"/> N	
2.	Building lines	Y	<input checked="" type="radio"/> N	
3.	Height	Y	<input checked="" type="radio"/> N	
4.	Number of Dwellings	Y	<input checked="" type="radio"/> N	
5.	Bulk floor area	Y	<input checked="" type="radio"/> N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	<input checked="" type="radio"/> N	
8.	Servitudes that may be registered over or in favour of the property	<input checked="" type="radio"/> Y	N	See servitude pipeline shown on the attached diagram A-B
9.	Other Restrictive Conditions	<input checked="" type="radio"/> Y	N	See condition V2 in Title Deed T 9448/2012 - restriction of building dwellings on this portion shown on the attached diagram $\Delta$



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

In respect of which it was found that there *are/are no* restrictive conditions with reference to Section 33(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 purposes (as elaborated in the accompanying application):

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	See condition V2 .
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	Owner of the farm Dassen (T10861/1942)

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

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	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 Stellenbosch (Place) on this 7th (Day) February (Month) of 2023.

Full names and surname: Roelof Johannes Feenstra

Signature: [Handwritten Signature]

**FEENSTRA INC.**  
 PO Box 1029  
Post Office Address:  
 Stellenbosch  
 7599

**ROELOF FEENSTRA INC.**  
 Prokureurs, Transportbeoorgers en Notariesse  
 Attorneys, Conveyancers and Notaries  
 Tel. 021 883 8012 (083 630 0561) Official stamp.

Tel: 021 883 8012

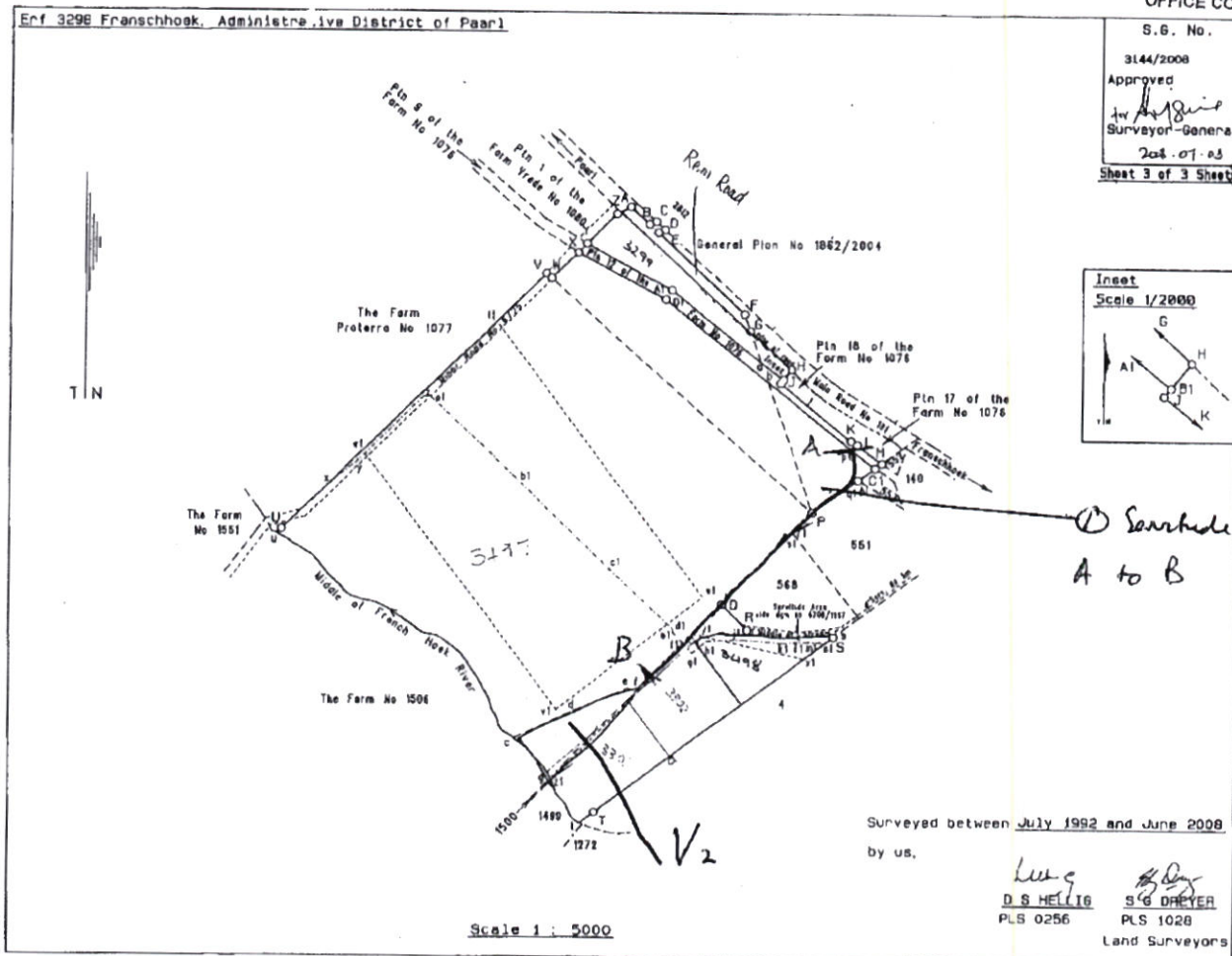
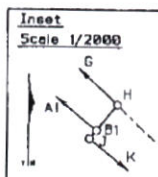
Email: roelof@feenstrainc.co.za

Cell: 083 630 0561

OFFICE COPY

Erf 3298 Franschhoek, Administrative District of Paarl

S.G. No.  
3144/2008  
Approved  
in *[Signature]*  
Surveyor-General  
2008.07.03  
Sheet 3 of 3 Sheets



Surveyed between July 1992 and June 2008  
by us,

*[Signature]* *[Signature]*  
**D.S. HELLIG** **S.G. DRYER**  
PLS 0256 PLS 1028  
Land Surveyors

FOR ENDORSEMENTS SEE BACK OF DDM Erf 3298 Franschhoek

---

## ANNEXURE F: TITLE DEED



40

VAN DYKS  
(021) 914 5000

Opgestel deur my,

TRANSPORTBESORGER  
VAN DYK'EDA

**FEE**

R. 160,00

*For releases(s)  
See bond*

*WOP*

40(5) a W. ET VAN 1937 SECTION		ACT 4 OF 19
VERBIND		MORTGAGED
B 26517/2000 1		
VIR FOR R 800 000,00 1		
<del>DO</del> FILED WITH	T 9448/2012	
2012-03-01	REGISTERED	

VIR ENDOSSEMENTE KYK BLADSY  
OR ENDORSEMENTS SEE PAGE 9

0P0009448/2012

### SERTIFIKAAT VAN VERENIGDE TITEL

Uitgereik kragtens die bepalings van Artikel Veertig van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937)

NADEMAAL

Die Trustees indertyd van  
DIE HAUMANN FAMILIE TRUST  
Registrasienommer: IT 1707/1995

aansoek gedoen het om die uitreiking van 'n Sertifikaat van Verenigde Titel kragtens Artikel Veertig van die Registrasie van Aktes Wet, 1937;

DATA / VERIFY  
15 MAR 2012  
LARNEY FATGEYAH

14 MAR 2012

pg 9

For Release(s)  
See Bond

wop

WET 40 (S19) WET 14 (B3) SECTION		ACTS OF 11
VERBIND		MORTGAGED
B. 33923/2007		
VIR FOR R 1 400 000 00		
CONSENT FILED WITH		
T 9448/2012		
2012-03-01		

For Release(s)  
See Bond

wop

WET 40 (S19) WET 14 (B3) SECTION		ACTS OF 11
VERBIND		MORTGAGED
B. 35634/2010		
VIR FOR R 700 000 00		
CONSENT FILED WITH		
T 9448/2012		
2012-03-01		

SERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK	
CERTIFICATE OF REGISTERED TITLE ISSUED	
TEW OPGICTE VAN IN RESPECT OF	Eit 3299 = 1,1693 ha
	RESTANT REMAINDER 36,8064 ha
T 000041342/2013	
2013-08-21	
REGISTRARIEUR/REGISTRAR	

VIR ENDOSSEMENTE EYK BLADSY  
FOR ENDORSEMENTS SEE PAGE 10 ET SEQ

EN NADEMAAL die Trust die geregistreerde eienaar is van :-

1. ERF 3296 FRANSCHHOEK, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap;
2. ERF 3297 FRANSCHHOEK, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap;
3. ERF 3294 FRANSCHHOEK, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap;
4. DIE RESTANT VAN ERF 3 FRANSCHHOEK, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap;

GEHOU kragtens Transportakte Nr. T 63186/1995;

5. ERF 3295 FRANSCHHOEK, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap;

GEHOU kragtens Transportakte Nr. T 000009447/2012

wat verenig is tot die grond hieronder beskryf;

SO IS DIT DAT ingevolge die bepalings van genoemde Wet, ek die Registrateur van Aktes te Kaapstad, hierby sertifiseer dat voornoemde:-

Trustees indertyd van  
A DIE HAUMANN FAMILIE TRUST  
Registrasienommer: IT 1707 / 1995 / 1

Administrateurs of gemagtigdes, die geregistreerde eienaar is van:-

Remainder  
1

ERF 3298 FRANSCHHOEK, in die Stellenbosch Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap;

GROOT: 37,9757 (Sewe en Dertig komma Nege Sewe Vyf Sewe) hektaar;

SOOS meer volledig sal blyk uit die aangehegte Kaart Nr. 3144/2008;

Q

10

WOP

For release(s)  
see bond.

<b>VERBIND</b>		<b>MORTGAGED</b>	
NR. FOR R 1 900 000,00			
<b>B</b> 000030703/2017			
17 NOV 2017	REGISTRATEUR/REGISTRAR		



ERF 3498 = 9965 m<sup>2</sup> 1

GETRANSPORTEER AAN	TRANSFERRED TO
The Trustees for the time being of VREDE Trust.	
RESTANT/REMAINDER	35,8099 HA.
000009092/2019 1	
07 MAR 2019	REGISTRATEUR/REGISTAR

1

VIR ENDOBBERINGE KYP BLADS  
FOR ENDORSEMENTS SEE PASS

FOR INFORMATION ONLY

Komponent IV (D):

Kragtens wysiging van Servituut No. K 000171/22 8

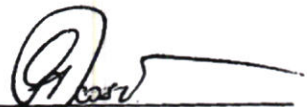
gedateer 6 Oktober 2021 word die binnegemelde Servituut  
no K 646/2005S gewysig deur die Skrapping van  
paragraaf 5.1.8 daarin ivb reg van weg

Soos meer volledig sal blyk uit geregde Akte

Aktekantor

Kaapstad

15 MAR 2022

  
Registateur v. Aktes

For Information

I. **WAT BETREF** die figuur **AB C D E F P W X Y Z** uitgesluit die figuur **YA1 a b D1 X** aangedui op genoemde Kaart Nr. 3144/2008:-

A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. T 10736/1903.

B. **ONDERHEWIG VERDER** aan die serwituut waarna verwys word in die endossement gedateer 13 Desember 1949 aangebring op Transportakte Nr. T 10861/1942, welke endossement soos volg lui:-

"Registration of Servitude

By Notarial Deed No. 529/1949 dated 6/12/1949, the owner of the properties held under paras 1, 2 & 3 hereunder and for his successors in title of the property held under Deed of Transfer No. T 3648/1931, a 3,15 metres pipeline servitude (shown on the diagram annexed to the said Not Deed) for the purpose of conveying waste water and other effluent from the property thereby conveyed to the property conveyed under Deed of Transfer No. T 19994 dated 13.12.1949, subject to conditions as will more fully appear on reference to the said Not. Deed, a copy of which is hereunto annexed."

(die middellyn van welke pyplyn serwituut aangedui word deur die lyn p1 q1, en die Suid Oostelike grens van welke pyplyn serwituut aangedui word deur die lyne q1 P en P r1s1, op Kaart Nr. 3144/2008).

C. **ONDERHEWIG VERDER**, soos vervat in genoemde Transportakte Nr. T 63186/1995, aan 'n onteiening van 'n gedeelte groot 0,277 hektaar, deur die Paarl Afdelingsraad, kragtens Artikel 27 van Ordonnansie Nr. 19 van 1976, soos blyk uit Onteieningskennisgewing Nr. RMR 4/2/12 gedateer 26.2.1985 geliasseer as Onteieningscaveat EX 260/85 planne in tweevoud.

Eg 32 99  
NOT woud  
Ligg

Q

**II. WAT BETREF die figuur G binnerand van pad H J K L M N P uitgesluit die figuur a B1 J K L M C1 b aangedui op genoemde Kaart Nr. 3144/2008:-**

**A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. T 10734/1903.

**B. ONDERHEWIG VERDER** aan die serwituut waarna verwys word in die endossement gedateer 15 Maart 1920, aangebring op Transportakte Nr. T 10734.1903, wat soos volg lui:-

"Registration of Servitude. ~~387~~ <sup>3187</sup>  
By Deed of Transfer No. ~~387~~ of 10 Mach 1920 the exclusive right to the water arising out of a certain spring on the remainder of this property has been conceded in favour of the ppty thereby conveyed, subject to conditions as will more fully appear on reference to the said Transfer."

**C. ONDERHEWIG VERDER** aan die serwituut waarna verwys word in die endossement gedateer 13 Desember 1949 aangebring op Transportakte Nr. T 10861/1942, welke endossement soos volg lui:-

"Registration of Servitude  
By Notarial Deed No. 529/1949 dated 6/12/1949, the owner of the properties held under paras 1, 2 & 3 hereunder and for his successors in title of the property held under Deed of Transfer No. T 3648/1931, a 3,15 metres pipeline servitude (shown on the diagram annexed to the said Not Deed) for the purpose of conveying waste water and other effluent from the property thereby conveyed to the property conveyed under Deed of Transfer No. T 19994 dated 13.12.1949, subject to conditions as will more fully appear on reference to the said Not. Deed, a copy of which is hereunto annexed."

(die middellyn van welke pyplyn serwituut aangedui word deur die lyn p1 q1, en die Suid Oostelike grens van welke pyplyn serwituut aangedui word deur die lyne q1 P en P r1s1, op Kaart Nr. 3144/2008).

**D. ONDERHEWIG VERDER**, soos vervat in genoemde Transportakte Nr. T 63186/1995, aan 'n onteiening van 'n gedeelte groot 0,224 hektaar, deur die Paarl Afdelingsraad, kragtens Artikel 27 van Ordonnansie Nr. 19 van 1976, soos blyk uit Onteieningskennisgewing Nr. RMR 4/2/12 gedateer 26.2.1985 geliasseer as Onteieningscaveat EX 260/85 planne in tweevoud.

22/2/99  
not wavy  
10/8/0

Q

3294

**III. WAT BETREF die figuur V P f e d c Middel van Franschhoek Rivier u, aangedui op genoemde Kaart Nr. 3144/2008:-**

~ **A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. T 10736/1903.

**B. ONDERHEWIG VERDER** aan die serwituuat waarna verwys word in die endossement gedateer 13 Desember 1949 aangebring op Transportakte Nr. T 10861/1942, welke endossement soos volg lui:-

**"Registration of Servitude**

By Notarial Deed No. 529/1949 dated 6/12/1949, the owner of the properties held under paras 1, 2 & 3 hereunder and for his successors in title of the property held under Deed of Transfer No. T 3648/1931, a 3,15 metres pipeline servitude (shown on the diagram annexed to the said Not Deed) for the purpose of conveying waste water and other effluent from the property thereby conveyed to the property conveyed under Deed of Transfer No. T 19994 dated 13.12.1949, subject to conditions as will more fully appear on reference to the said Not. Deed, a copy of which is hereunto annexed."

(die middellyn van welke pyplyn serwituuat aangedui word deur die lyn p1 q1, en die Suid Ostelike grens van welke pyplyn serwituuat aangedui word deur die lyne q1 P en P r1s1, op Kaart Nr. 3144/2008).

**C. ONDERHEWIG VERDER**, aan die serwituuat waarna verwys word in die endossement gedateer 3 Julie 1952 aangebring op Transportakte Nr. T 10861/1942, wat soos volg lui:-

**"Registration of Servitude.**

By Deed of Transfer No. 10844 dd 3/7/52 the remdr of the property held under para 2 hereof, is subject to:

- (a) 0,63 metres servitude pipe line represented by the figure XD on diagram 8012/50 in favour of portion 1 thereby conveyed;
- (b) Certain ancillary rights thereto.

The erection of buildings on portion 1 must be approved by the owners of the said remaining extent.

As will more fully appear on reference to the said Deed of Transfer."

(die Suidelike grens van welke pyplyn serwituuat aangedui word deur die lyn r1 f, aangedui op genoemde kaart Nr. 3144/2008).

0



*Rest 4*

**N. WAT BETREFF die figuur Q r middel van stroom s t middel van Franschhoek Rivier g, aangedui op kaart Nr. 3144/2008:-**

**A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. T 857/1946.

**B. GEREKTIG** op die voordeel van die spesiale voorwaardes genoem in Aanhangel A aan Transportakte Nr. T 1770/1905, Nrs. II en III waarvan soos volg lees:-

"II. That a 6,30 metres passage shown on the diagram hereunto annexed shall be common to the land hereby conveyed and Lot 2 of the said farm Cabriere transferred this day.

III. That the transferee and her aforesaid shall be entitled to the use of the 9,45 metres road shown on the diagram of Lot No. 1 of the said farm Cabriere this day transferred to Chrisman Joel Ackerman in common with the owners of the said Lot 1 as transferred this day."

**C. GEREKTIG** soos vervat in Transportakte Nr. T28570/1967, op 'n serwituutarea aangedui deur die figuur a b c' middel van stroom d' e f g h op serwituutkaart Nr. 4708/67 daaraan geheg, om as toegang te dien tot seker pyplyne oor Erf 568, Groot: 1,7289 hektaar getranspoteer kragtens genoemde Transportakte Nr. T 28570/1967, waarvolgens die Restant van Erf 3 Franschhoek, Groot: 3,9613 hektaar, gehou kragtens Transportakte nr. T 18364/1960 gerektig is op gemelde serwituutarea, soos meer volledig sal blyk uit die verwysing op die genoemde transportakte en serwituutkaart daaraan geheg.

**D. KRAGTENS** Notariële Ate en Serwituut Nr. (K E 146/2005) gedateer 7/6/2005 is de Restant van Erf 3 Franschhoek, Groot: 3,9613 hektaar, Gehou kragtens Transportakte Nr. T 63186/95, **GEREKTIG** op 'n serwituut reg van weg 5 (vyf) meter wyd, oor Erf 551 Franschhoek, Groot: 2,563 ha, waarvan die suid-oostelike grens voorgestel word deur die lyn A B op diagram LG No. 3139/2002, sowel as 'n serwituut reg van Weg 5 (vyf) meter wyd, oor erf 568 Franschhoek, Groot: 1,7289 hektaar, waarvan die Suid-oostelike grens voorgestel word deur die lyne A b op Kaart LG Nr. 3140/2002, tesame met bykomende regte. Soos meer volledig sal blyk uit genoemde Notariële Akte.

*e*

**V. WAT BETREF die figuur c d e f g Middel van Franschoek Rivier aangedui op genoemde Kaart Nr. 3144/2008:-**

**A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr. T 10736/1903 gedateer 30 Julie 1903.

**B. ONDERHEWIG VERDER** aan en **GEREGTIG** op die serwituut voordele van, soos die geval mag wees, die volgende spesiale voorwaardes vervat in genoemde Transportakte Nr. T 10844 gedateer 3 Julie 1952, naamlik:-

"1.(a) The transferee, as owner of the said Portion 1 and his successors in title thereto, shall for the purpose of Conveyancing waste water and effluent, be entitled to a pipe line servitude 0,63 metres wide, along the southern boundary of the remaining extent of the said farm Dassen, Measuring 28,1335 hectares, formerly the remaining extent of portions of the farm "La Provence" and adjoining land held by the Appearer's Constituent under paragraph 2 of the said Deed of Transfer No. 10861/1942. The said pipeline as to its southern side, is represented by the line marked XD on subdivisional diagram No. 8012/1950 hereunto annexed.

(b) The Transferee, as owner of the said Portion 1, and his successors in title thereto, shall furthermore be entitled from time to time to repair, renew, and/or to remove such pipeline as also to inspect it, and for this purpose the Transferee shall be entitled to enter on to the said remaining extent all along the said pipeline.

2. The land hereby transferred shall not be used for the erection of any building or structures without the written permission and consent of the Appearer's Constituent, which conditions is imposed by the Appearer's Constituent as owner of the remaining extent of the said farm Dassen held by him under paragraph 2 of the said deed of transfer No. T 10861/1942, for his benefit and the benefit of his successors in title."

(die suidelike grens van welke pyplynserwituut (vermeld in V.B.1.(a) hierbo) aangedui word deur die lyn r1 fop genoemde Kaart Nr. 3144/2008).'

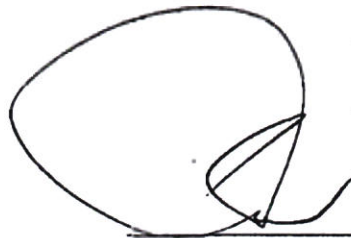
**EN DAT KRAGTENS** hierdie Sertifikaat voornoemde

**DIE HAUMANN FAMILIE TRUST**

Hulle administrateurs of gemagtigdes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudens die Regte van die Staat.

**TEN BEWYSE** waarvan ek, voornoemde Registrateur van Aktes, hierdie Akte onderteken en met die ampseel bekragtig het.

**ALDUS GEDOEN en GETEKEN** op die kantoor van die Registrateur van Aktes te Kaapstad, hede die / <sup>ste</sup> dag van **MAART** in die jaar van Ons Heer Tweeduisend en Een (2012).



REGISTRATEUR VAN AKTES



REMAINDER

PAGE 11.

T 9448/2012.

BY DEED OF TRANSFER T 000009092 / 2019 / 2019,

THE REMAINDER IS ENTITLED TO A PIPELINE SERVITUDE 5 METRES WIDE THE CENTRE LINE OF WHICH IS REPRESENTED BY THE LINED H1 J1 K1 L1 M1 N1 ON DIAGRAM SG No. 472/2014 OVER ERF 3498 FRANSCHHOEK MEAS; 9965 SQUARE METRES, HELD BY THE ABOVE DEED OF TRANSFER IN FAVOUR OF STELLENBOSCH MUNICIPALITY.

AS WILL MORE FULLY APPEAR FROM SAID TRANSFER.

CAPE TOWN

DEEDS OFFICE

07 MAR 2019

REGISTRAR OF DEEDS

VIR ENDOSSEMENTE JOX BLADBY  
FOR ENDORSEMENTS SEE PAGE

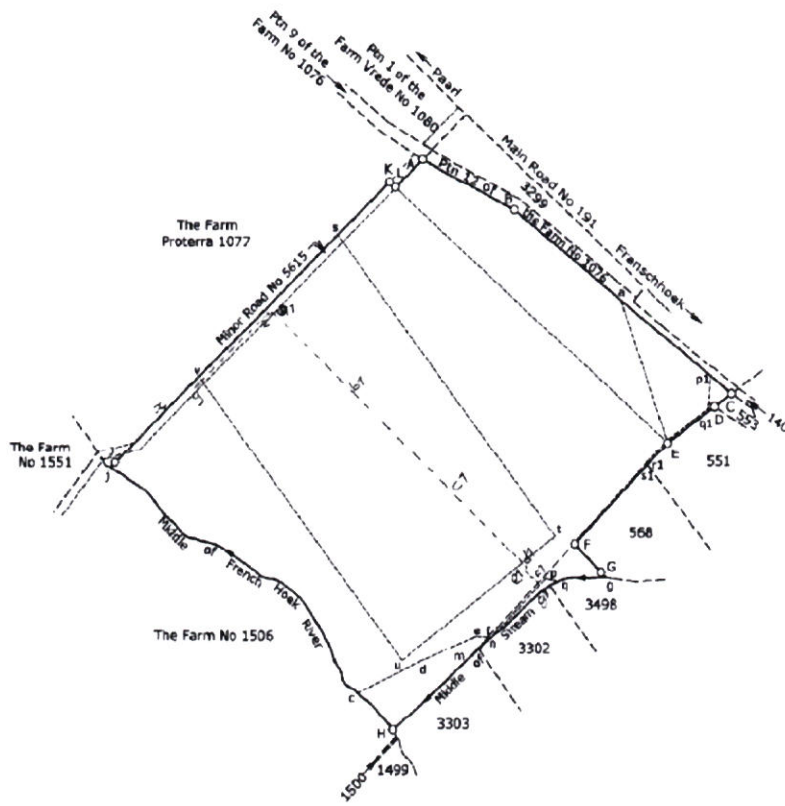
12)

## ANNEXURE G: DIAGRAMS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No. 471/2014
		Constant		± 0,00	+3 700 000,00	Approved <i>Stow Abong</i> for Surveyor-General 12 MAR 2014  <b>Sheet No 1 of 2 Sheets</b>
AB	145,05	297 22 20	A	- 9 887,31	+ 52 825,32	
BC	389,38	308 16 10	B	-10 016,12	+ 52 892,01	
CD	29,48	54 20 30	C	-10 321,83	+ 53 133,17	
DE	81,31	54 24 30	D	-10 297,87	+ 53 150,36	
EF	186,67	44 22 10	E	-10 231,75	+ 53 197,68	
FG	52,47	314 46 10	F	-10 101,22	+ 53 331,12	
GH	358,30	54 32 30	G	-10 138,47	+ 53 368,07	
HJ	524,57	131 50 20	H	- 9 846,62	+ 53 575,92	
JK	533,90	226 06 15	J	- 9 455,81	+ 53 226,00	
KL	10,43	309 45 00	K	- 9 840,54	+ 52 855,82	
LA	53,70	226 11 30	L	- 9 848,56	+ 52 862,49	
Gg		314 46 10				
Jj		46 06 15				
		272 Du Toitskop	Δ	-13 868,02	+ 50 664,68	
		274 Robert	Δ	- 9 159,39	+ 54 252,31	
<b>Beacon Description:</b>						
A D	16 mm iron peg					
B	iron rail beacon in ditch					
C F	12 mm iron peg					
E	20 mm iron peg next to pillar					
G	angle iron standard					
H	not beacons					
J	12 mm iron peg near iron rail fence post					
K L	iron standard in concrete					
<b>Servitude Notes:</b>						
1) The line p1 q1 represents the middle and the lines q1 E, E r1 s1 represent the South Eastern Boundary of a Pipeline Servitude 3,14m wide, vide dgm no 3200/1949 D/S 529/1949						
2) The line r1 f represents the Southern Boundary of a Pipeline Servitude 0,63m wide, vide dgm no 8012/1950 D/T 1952. 217 .10844 (Erf 3295 Franschoek)						
The figure <b><u>A B C D E F g Middle of Stream H Middle of French Hoek River i K L</u></b>						
represents <b><u>32.4664 hectares</u></b> of land, being						
<b><u>Erf 3497 a portion of Erf 3298 Franschoek</u></b>						
situate in <b><u>the Stellenbosch Municipality</u></b>						
Administrative District of <b><u>Paarl</u></b> Province of the Western Cape						
Surveyed between <b><u>July 1992 and June 2008</u></b>						
by us <b><u>D S HELDIG S G DREYER</u></b>						
<b>(PLS0256) (PLS1028)</b>						
Professional Land Surveyors						
This diagram is annexed to No. dated i.f.o.	The original diagram is No. 3144/2008 annexed to Transfer No. 2012. .9448		File No. Parl.1062 & 1076 S.R. No. 1387/2002 1445/2008 Comp. BH-7CA/X51 (1599) BH-7CA/X53 (1601) LPI C0550003			
Registrar of Deeds	Erf 3497 Franschoek					

**Erf 3497 Franschoek**

S.G. No.  
671/2014  
Approved  
*E. Roux*  
for  
Surveyor-General  
12 MAR 2014  
  
Sheet No 2 of  
2 Sheets



APPROVED IN TERMS OF SECTION 4  
OF ACT 70/1976  
REF. 43013  
DATE: 27/02/2008

APPROVED IN TERMS OF SECTION 4  
OF ACT 70/1976  
REF. 1500/1499  
DATE: 02/02/2008

Surveyed between July 1992 and June 2008 by us

*D. S. Melling* *S. G. Dreyer*  
**D. S. MELLING** **S. G. DREYER**  
(PLS0256) (PLS1028)  
Professional Land Surveyors

Scale 1: 5000

Erf 3497 Franschoek

S

4/1/2019

REVISED				
DATE	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
11-4-2008	1109/2001	The line symbol (dashed line) represents the Centre line Pipeline Serranade 2m wide		



**LAND DEVELOPMENT APPLICATION FOR:  
CONSENT USES ON  
ERF 3298, FRANSCHHOEK**



July 2023

## CONTENT

### Executive Summary

### Motivation Report

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2.2	Title deed restrictions.....	8
2.3	Zoning scheme requirements .....	8
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**ANNEXURE****ANNEXURE A: LOCALITY****ANNEXURE B: APPLICATION AUTHORISATION****ANNEXURE C: APPLICATION FORM****ANNEXURE D: SITE DEVELOPMENT PLAN****ANNEXURE E: CONVEYANCER'S CERTIFICATE****ANNEXURE F: TITLE DEED****ANNEXURE G: DIAGRAMS**

**EXECUTIVE SUMMARY**

<b>MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 3298, FRANSCHHOEK</b>	
<b>SG Code: C05500030000329800000 / Location: Lat: 33° 54' 17.395" S   Lon: 19° 06' 23.979" E</b>	
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Application is made for the development of six self-catering tourist dwelling units for a tourist accommodation establishment on the property as a consent use. The application is for consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB) for a consent use as contemplated in the zoning scheme, Section 208 and read with Section 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB).

Although registered as an erf and within the old Franschhoek Municipal area boundary, the property, La Provence farm, has an Agricultural and Rural Zone. It has an area of 35,8099ha and it is located between the Franschhoek River, the R45 and La Provence Road. The farm is primarily used for agricultural purposes, with roughly 12ha of plums, and 2,5ha of vineyards. There are however roughly 12,5ha of land lying fallow. This land was previously used for cultivation of plums, but it is no longer cultivated due to low yields and market conditions. A consent use for a tourist accommodation establishment on another portion of the farm that is partially cultivated with vineyards that are not economically viable, and partially fallow, roughly 1,8ha in extent is therefore made to better utilise the land resources to generate revenue, while considering the future use of the large tract of fallow land previously used for the cultivation of fruit.

There are no title deed restrictions preventing the proposed land developments in Title Deed T9448/2012.

## MOTIVATION REPORT

### 1. BACKGROUND

#### 1.1 Introduction

This application is for consideration of a tourist accommodation establishment, consisting of six self-catering units on Erf 3298, Franschhoek, in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB). The application is for a consent use as permitted in terms of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019. Erf 3298 (35,8099ha in extent) is located abutting the urban edge in Franschhoek, next to the Franschhoek Wine Cellar and Artisan Village and zoned for Agricultural and Rural use.

The property is an active farm, producing plums on roughly 12ha, and 2,5ha of vineyards. Roughly 12,5ha of land on the farm, previously used for the cultivation of plums lie fallow, and are no longer cultivated due to low yields and market conditions. Another portion of the farm that is partially cultivated with vineyards which are not economically viable, roughly 1,8ha in extent, is therefore considered for better utilisation to generate revenue for the farm, while considering the future use of the large tract of fallow land previously used for the cultivation of fruit.



Figure 1: Erf 3298 context

The location of the property and the natural assets of the area create a good setting for a tourist accommodation establishment that is located in proximity of the town,

and in a rural environment surrounded by similar tourist accommodation establishments and facilities.

Access to the property is off the La Provence Road (Minor Road 5615). The property abuts the Franschhoek Railway line and is crossed by a municipal sewer servitude. It abuts the Franschhoek River on the southwestern side.

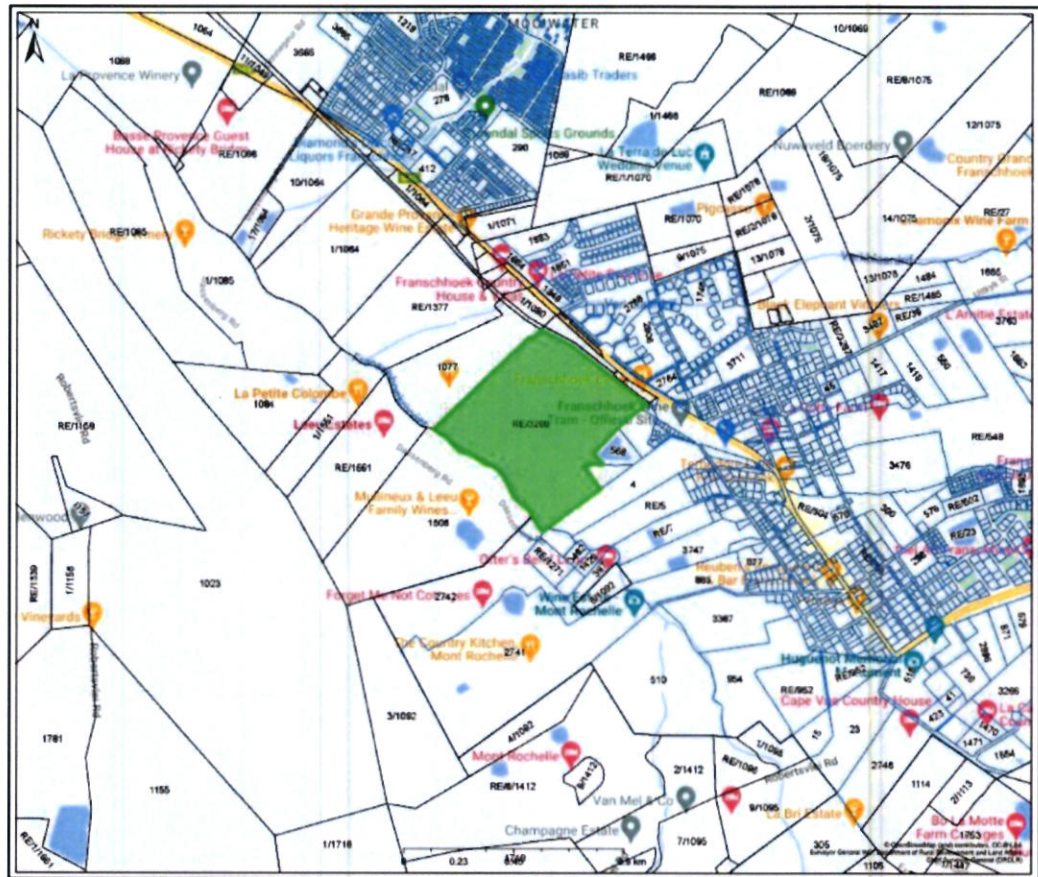


Figure 2: Erf 3298 locality

## 1.2 Context

The development of tourist facilities and accommodation establishments in the Stellenbosch municipal area is promoted in the Integrated Development Plan (IDP) 2021. Erf 3298, which is zoned Agricultural and Rural Use is a viable farm, but a large portion thereof is currently not productively used. In view thereof, the owner wishes to use part of the uncultivated land for a tourist accommodation establishment and thus create an additional revenue stream for the farm.

It is located on a minor road (La Provence Road / Minor Road 5615) that creates a circular link to the Franschhoek centre and serves numerous other tourist facilities and accommodation establishments. The farm does not abut the R45 main road and the proposed tourist dwelling units are located away from any visible portion of the property.

The proposed units are designed to fit the existing agricultural use of the property, utilising only land that is not cultivated and where future cultivation is not envisaged.



Figure 3: Erf 3298 situation looking north (Google Earth)

## 2. LAND DEVELOPMENT APPLICATION AND MOTIVATION

### 2.1 Proposed use

The design and placement of the proposed tourist dwelling units to create a tourist accommodation establishment is done to create the feeling of accommodation in farmworkers' cottages or converted outbuildings. The proposed units are placed in the surrounding agricultural landscape without limiting the existing agricultural use or negatively affecting any feasible future use.

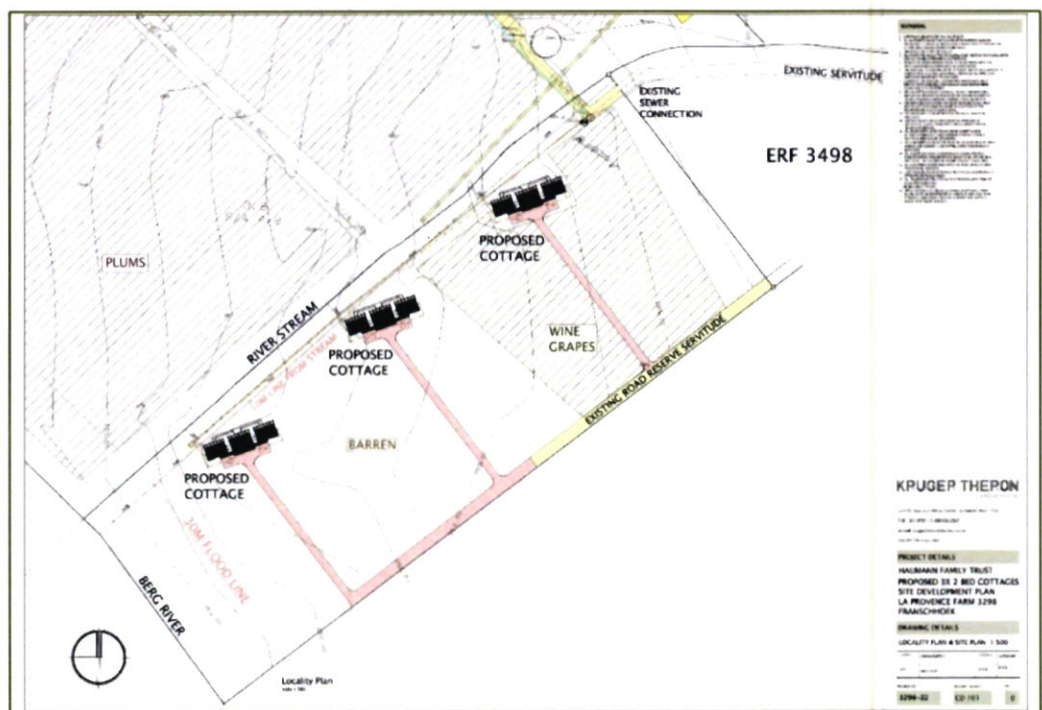


Figure 4: Erf 3298 proposed unit layout

Each unit has a floor area of approximately 90m<sup>2</sup> and consists of a two-bedroom unit with en-suite bathrooms, living area with incorporated kitchen, and a pergola. Each unit also has two rainwater conservation tank that provides water for the unit, which can be supplemented by borehole water from the farm. Each two-bedroom unit is proposed to be connected to a conservancy tank, from where the sewerage will be pumped and disposed of at the municipal wastewater treatment works.

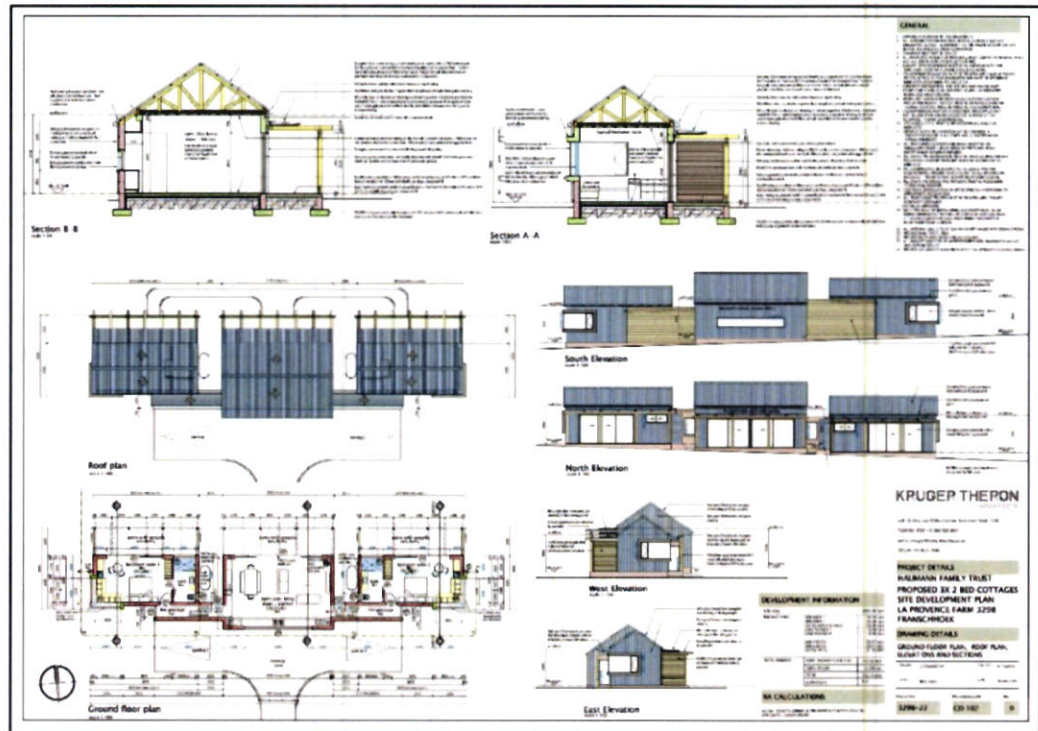


Figure 5: Proposed tourist accommodation unit model

The site has an existing servitude access registered in its favour through the abutting Erf 3498, the Franschhoek Artisan Village and the Franschhoek Cellar.

## 2.2 Title deed restrictions

There are no restrictive title conditions that prevent the proposed land use. The title deed (T9448/2012) of the property is attached in Annexure F. A conveyancer's certificate is also included, confirming that there are no restrictive title conditions that would prevent the proposed development of a tourist accommodation establishment.

## 2.3 Zoning scheme requirements

The guest accommodation establishment consisting of six bedrooms in three cottages (tourist dwelling units) of approximately 90 m<sup>2</sup> each, will create three additional employment opportunities for the farm. The land development parameters, uses and provisions of Sections 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 have been considered.

A site development plan in accordance with the requirements in Section 216 of the ZSB is annexed hereto (Annexure D). The layout of the tourist dwelling units has



been done with cognisance of the objectives of the zone, namely the preservation of agricultural land and the continued use of farmland for agriculture. One of the proposed units is placed in the vineyard, but on land that has not been cultivated due to pre-existing disturbed soil conditions. The units are all accessible off an existing servitude access road and do not require fresh infrastructure development.

The scale of the proposed tourist dwelling units are in keeping with the character of buildings on the abutting land unit (Erf 3498) and the farm buildings in general, as well as the character of the surrounding area, where many such facilities exist.

The proposed tourist accommodation establishment consent use is subservient to the primary use of bona fide agriculture as indicated in paragraph 1.1 above and intended to supplement the farm revenue generated by the primary uses while not consuming any resources required for the primary use.

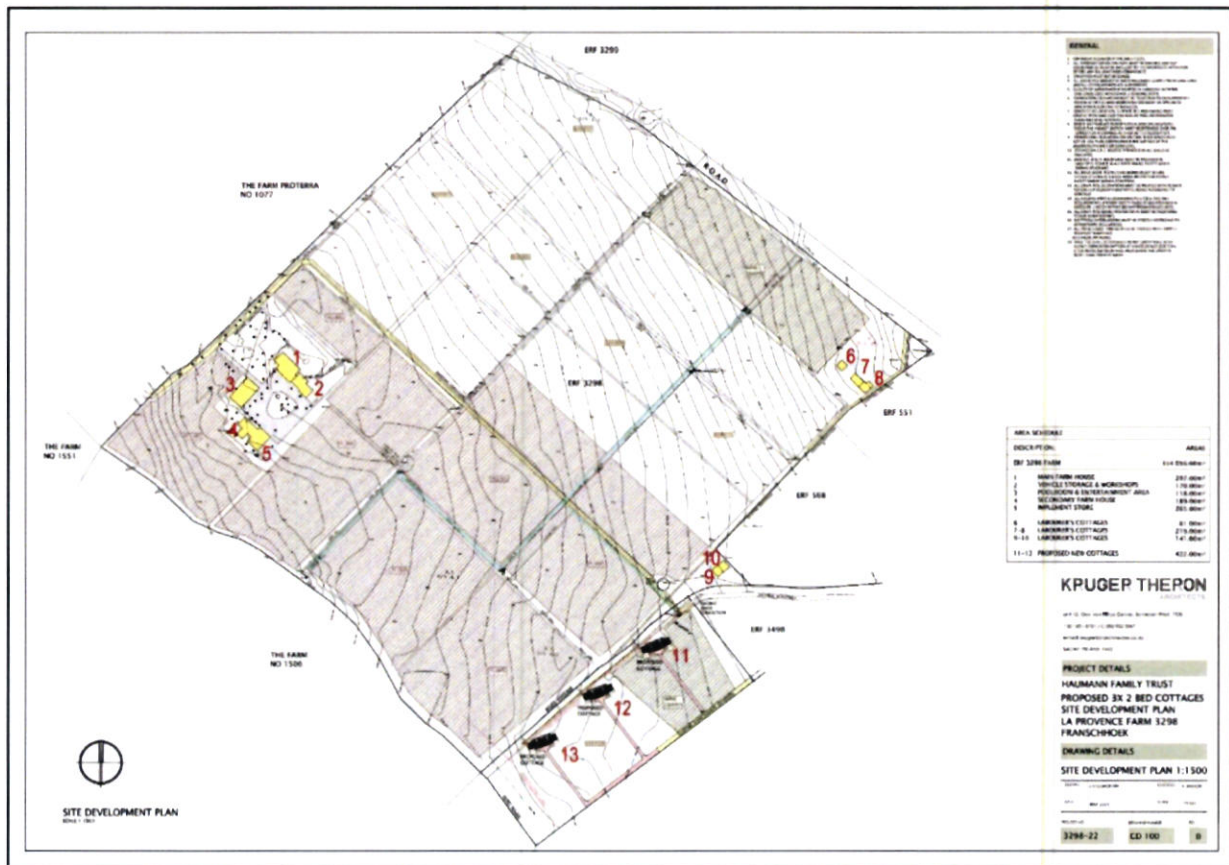


Figure 6: Erf 3298 Franschhoek SDP

There are no existing buildings on the farm from which the consent use can be undertaken, as all existing buildings are utilised for their original purpose as part of the agricultural activities. It is therefore essential to construct new buildings for the tourist accommodation establishment, for which purpose the buildings are proposed on fallow land that has access to the town via an existing servitude road.

The total coverage proposed for the consent use is 90m<sup>2</sup> / unit each with a stoep and pergola: 20m<sup>2</sup>, or then 330m<sup>2</sup> for the three proposed tourist dwelling units. Non-agricultural land uses thus take up less than 500m<sup>2</sup> of the area of the property and do not dominate the agricultural activities.

### 3. MOTIVATION

#### 3.1 Stellenbosch Municipality IDP

The Integrated Development Plan 2023 (IDP), including the approved 2019 Municipal Spatial Development Framework (SDF) make specific provision for the establishment of tourist facilities and accommodation on farms and the diversification of agricultural activities to enhance their economic sustainability. It confirms that tourism, linked to the natural environment and agriculture, is one of the largest creators of employment and that it makes substantial contribution to the economic sustainability of the agricultural sector. This application is in line with the provisions of both said documents. The owners wish to utilise unused land for a tourist accommodation establishment in an attempt to increase the feasibility and sustainability of the farm.

Strategic Focus Area 2 of the approved IDP (2023) makes specific provision for tourist development in the agricultural sector, including the need for spatial planning policy to grow the assets available to the community.

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of agricultural output are core to the sustainability of Stellenbosch. Without diversification Erf 3298 is marginally sustainable, like many farms in the region.

The SDF continues to indicate that the Municipality supports compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are "*of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate*". The proposed tourist dwelling units comply in every respect with these criteria, as the attraction will have positive socio-economic effect, amongst others by creating employment opportunities and drawing tourists to the area, while the agricultural activities on the property will not be affected by the proposed use.

The location and positioning of the proposed units are such that they will not be visible from the R45. Their scale, design, and size are in keeping with units on the abutting land and that of farm worker dwelling units. The units will therefore not detract from the character of the area.

#### 3.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for tourism related uses in the area. Nothing proposed in this application contradicts any of the said principles or guidelines.

The Western Cape Rural Development Guidelines indicate that: "*The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g. agri-processing) underpin the Province's industrial sector; and its natural capital (i.e. biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture.*"

Chapters 10 and 11 of the Rural Development Guidelines determine the following sustainability principles and management guidelines for tourism and tourist accommodation in rural and agricultural areas:

- *To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g. animal sanctuary, paintball, shooting ranges, and conference facilities).*
- *Rural tourism and recreation facilities and activities should not compromise farm production, and must be placed to reinforce the farmstead precinct.*
- *To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.*
- *To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.*
- *To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.*
- *To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.*
- *To diversify farm income.*

An assessment of the proposals show that they meet all of the aforementioned principles and criteria.

- ✓ To offer a range of appropriate facilities. When considering the main attractions of the Cape Winelands District (wine tasting, culture/heritage, culinary, and outdoor activities), it is obvious that Erf 3298 will support the product ranges, by offering new accommodation within the vicinity of the attractions such as the Franschhoek Cellar immediately to the north and Leeu Estate to the south. An added advantage is that the proposal will create new tourist accommodation opportunities on the edge of the urban area where walking to attractions via the existing servitude road, instead of vehicle use, is possible.
- ✓ No compromise to agricultural activities. The location of the proposed units and related development activities were chosen in relation to the cultivated areas, servitudes, and natural drainage. The tourist dwelling units are located more or less in line with the existing units on the abutting property (Erf 3498) and the municipal pipeline servitude. There is no loss of vineyards or production capacity due to the proposed units.

- ✓ Provide a range of opportunities. By adding new tourist accommodation units in proximity of the urban area, the owners create more and a wider range of opportunities for tourists and for job seekers within a short walking and commuting distance just off of a major transport route (R45). The property is further located between the place of residence of most job seekers in the Franschhoek area and the town, thus increasing its accessibility for job seekers and suppliers.
- ✓ Offer access to more people. The locality of and connectivity to the Erf 3298 proposed tourist dwelling units in relation to the edge of the town will improve its accessibility. It is within walking distance of the majority of the attractions in the town and the local Wine Tram transport node, which conveys visitors to the surrounding wineries and tourist attractions.
- ✓ Improve the economic viability and sustainability of farms. The property is a viable and fully operational farm, with more than 15ha of cultivated land producing fruit and wine. There is however a large portion of the land that cannot be productively used under current conditions. The owner therefore wishes to develop the tourist accommodation establishment on land not intended for agricultural use to generate additional revenue for the farm while the future agricultural uses are being considered.
- ✓ Align scale and form of facilities with character of area. The surrounding area has a diverse character, with urban development on the northern boundary and with similar scaled agri-tourism related facilities and accommodation on adjacent farms. The proposed tourist dwelling units are of design, scale, and form of agricultural buildings and do not require any departures.
- ✓ Diversify farm income. The farm relies primarily on the production of plums as the main source of revenue. The viticultural activities on the farm are not financially sustainable. Hence a tourist accommodation establishment is proposed to increase the revenue of the farm.

There is therefore a good match between the relevant policies and the proposed development of a tourist accommodation establishment on Erf 3298 by the diversification of the product offering on the property and in the surrounding area.

### 3.3 SPLUMA principles

The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered in making this application.

- ✓ **Spatial Justice.** It refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poor to access opportunities. In a spatially just settlement,

opportunities and access are provided to those whose historical access and opportunities have been impeded by past spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

The proposed use of the land does not have any negative effect on the spatial development framework and policies for such redress. It rather opens up opportunities for those who live in the area and do not have access to employment opportunities.

It does not prevent or hinder access to additional land for the poor for settlement purposes and it does not add to the cost of land acquisition to the state, as it is outside of the urban edge and not identified as settlement land or land for land reform purposes, for which it would in any event be useless due to the soil and water situation. The economic opportunities created by the construction of new buildings and use of fallow land as envisaged in this application results in a significantly better situation than where the property becomes an unsustainable farm due to its mono-functional focus on the production of plums.

- ✓ Spatial Sustainability. According to this principle, a sustainable form of development must be pursued. Amongst others it means promoting less resource consuming development typologies that promote compaction and mixed-use urban environments. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Spatial sustainability, although primarily focused on urban development, has been considered. The proposed use of the land for a tourist accommodation establishment does not have any negative effect on the urban area and fits with the uses in the surrounding rural area. As a tourist accommodation establishment, it will contribute to the municipal and local economic revenue base, without requiring public expenditure to occur. In its current state it makes limited and a diminishing contribution to the local economy. Moreover, it is located along the R45 corridor in an area where many tourist attractions are located, and it supplements these. Land earmarked for agriculture, conservation, or urban development, is not negatively affected, or restricted by the proposed use of the farm.

The proposed land use ensures a more efficient and sustainable use of the land for a diversified use in terms of all policy documents. The new buildings will fit the surrounding character, where tourist related activities occur and will use only land that has not been used productively for cultivation for a few decades. The proposed consent use is unlikely to cause the lowering of the service levels in municipal or other public infrastructure.

- ✓ Efficiency. It refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote densification and compact urban development typologies.

This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities, and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic, or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

Efficiency (optimising the use of existing resources and infrastructure) has been addressed and the better use of the agricultural land resource to diversify the farm income will contribute to increased efficiencies. The tourist accommodation establishment will further improve efficiency in the area, as it is located in an area where many tourist facilities are located, adding to the attraction and product offerings in proximity of the town, where there is a significant labour market. Moreover, it utilises the same servitude access road as the tourist dwelling units on the abutting property and is within walking distance of the town.

- ✓ Spatial Resilience. In the context of land use management and planning, it refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). It also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

The applicant cannot dictate the SDF and other spatial planning policies and strategies. At best, the applicant can work with the relevant authorities to assist with the implementation of the relevant policies and strategies, as is the case with this application. Spatial resilience has thus been addressed, as the SDF and other policies allow for flexibility to ensure sustainable development, amongst others by determining policy to assess the application in terms of the SDF and IDP strategies, both of which promote the better and diversified use of agricultural resources, the expansion of tourist attractions on appropriate land outside of the urban areas, and the conservation of the rural environment.

The application needs a flexible approach, by taking cognisance of the entire spectrum of relevant considerations. By better utilisation of the land, the applicant makes a significant contribution to the sustainability of the farm, the broader agricultural environment and resource use in general.

- ✓ Good administration. In the context of land development planning, it refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Land development decisions should seek to minimise the negative

financial, social, economic, and environmental impacts of a development in an efficient process where all statutory requirements are adhered to.

Good administration is primarily a function of the authorities, not affected by the proposed use of the land. A flexible approach to the application and agreement on the achievement of the desired outcomes in the most economic and administratively justifiable and lawful manner is critically important. The applicant has taken the necessary actions to ensure that the decision-maker is provided with the required information to be able to take a decision based on the relevant considerations.

### 3.4 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) have all been considered. The LUPA considerations and development principles require:

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the expansion of tourist facilities and accommodation establishments on appropriate land outside of the urban areas without negatively affecting the agricultural use.
- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new economic opportunities in proximity of the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the economic sustainability of the farm will be improved by the use of fallow land for the generation of revenue by the development of a tourist accommodation establishment as permitted in the Agriculture and Rural Zone and that it would create the basis for future upgrading of the productive capacity of the farm.
- ✓ The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues.
- ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of economic activities without requiring additional infrastructure services. The proposed use of the land for a tourist accommodation establishment allows for the improved use of the land resource.

### 3.5 National Development Plan

The National Development Plan, 2030 (NDP) is extensively quoted in the Stellenbosch SDF 2021. *It serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities, and capabilities conducive to sustainable and inclusive economic growth. The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030.* The recently released Tourism Transformation Strategy (2018) goes to detail about the matter: *The tourism sector is one of the few sectors in South Africa that continues to grow economically and globally despite the recent economic challenges. The tourism sector is one of the six core pillars of growth in the country according to the New Growth Path and the Industrial Policy Action Plan (IPAP2) identified the sector as one of the areas that contributes to the development of areas of potential such as rural areas and cultural industries amongst others.*

### 3.6 Zoning scheme

The proposed development of the consent uses must be considered in terms of Section 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, read with the relevant considerations as set out in the Stellenbosch Municipality Land Use Planning Bylaw, 2015. Said ZSB determines that "*When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture. The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form. These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.*".

Given that the envisaged consent use is not in conflict with the primary use of the property (plum production and limited viticulture) and intended to supplement the agricultural activities of Erf 3298, there is no threat of diminishing the agricultural capacity or resource.

### 3.7 Environmental Management

The proposed development of the consent uses does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

### 3.8 Heritage



The proposed guest accommodation units will not require authorisation in terms of Section 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the character of the farm will not change over an area larger than 5 000m<sup>2</sup>.

### 3.9 Architecture

Attached hereto as Annexure D, are proposals for the establishment of the above consent use applicable to the farm. Separate building plans will be submitted to the Municipality for the guest units. The existing buildings are all approved, and the SDP shows the full extent of the farm and the use thereof.

### 3.10 Engineering

A traffic statement (TIS) is not required, as the maximum additional traffic that could be generated regularly in relation to the proposed expansions, are less than 6 trips per day.

Electricity is supplied by Eskom, through an existing service, which does not require any upgrading.

A borehole on the property provides potable water which will be used to supplement rainwater harvesting systems provided to each unit. The units will be connected to conservancy tanks which can be emptied by contract in the municipal sewerage system. The additional demand generated by the consent use does not justify any upgrading of municipal services.

Solid waste is removed by the Municipality, which service will continue with insignificant increase in volume.

### 3.11 Chapter V evaluation

In Section 65 of the SMLUPB, the following criteria for deciding applications are prescribed. While all of the matters referred to in Section 65 have been addressed in broad above, this section summarises and highlights the relevant matters which the Municipality must consider.

<b>Criterion in Section 65</b>	<b>Applicability</b>	<b>Compliance of application</b>
<i>(a) the application submitted in terms of this By-law;</i>	Application must comply with the processes of the LUPB.	Application covers all the relevant aspects, i.e., consent, departures and permissions and is supported by the required documents and reports.
<i>(b) the procedure followed in processing the application;</i>	Application must be consistent with the LUPB.	Process still has to be concluded. Preparation and submission followed prescribed process.
<i>(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;</i>	Desirability test according in terms of Section 208 and 213 of the Zoning Scheme Bylaw, read with the provincial Rural Development Guidelines.	See paragraphs 2.3, 3.2, and 3.6 above. <ul style="list-style-type: none"> <li>• Uses are not likely to cause nuisances and therefore desirable.</li> </ul>

Criterion in Section 65	Applicability	Compliance of application
		<ul style="list-style-type: none"> <li>Guidelines indicate better use of agricultural resources necessary to diversify economy.</li> <li>Guidelines require least impact on agricultural capacity.</li> <li>Guidelines promote the addition of new and a wider range of attractions and opportunities on farms.</li> </ul>
<i>(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(e) the response by the applicant, if any, to the comments referred to in paragraph (d);</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;</i>	NEMA Act 107/1998 NHRA Act 25/1999	See paragraphs 3.7 and 3.8 above. <ul style="list-style-type: none"> <li>No authorisations required.</li> </ul>
<i>(h) the impact of the proposed land development on municipal engineering services;</i>	No assessments and reports done, due to the low scale and limited extent of the proposed uses.	See paragraph 3.10 above. <ul style="list-style-type: none"> <li>Insignificant additional traffic.</li> <li>Eskom electricity supply network has capacity.</li> <li>Existing water supply from municipal system.</li> <li>Sewerage connected for disposal into municipal system.</li> <li>Solid waste removed by Municipality.</li> </ul>
<i>(i) the integrated development plan, including the municipal spatial development framework;</i>	Aligned to: IDP 2022, Tourism Development Strategy; and SDF Agricultural Sector Policy	See paragraph 3.1 above. <ul style="list-style-type: none"> <li>Tourism important economic contributor.</li> <li>New guest accommodation outside of existing nodes promoted, i.e., on farms and natural areas.</li> <li>Agricultural sector to be strengthened through appropriate diversification.</li> </ul>
<i>(j) the integrated development plan and spatial development framework of the district municipality, where applicable;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate diversification of use on farms is desirable.</li> <li>Location, scale, and form of development complies with the development principles.</li> </ul>
<i>(k) the applicable local spatial development frameworks adopted by the Municipality;</i>	None identified.	None.
<i>(l) the applicable structure plans;</i>	Not applicable.	Not applicable.

<b>Criterion in Section 65</b>	<b>Applicability</b>	<b>Compliance of application</b>
<i>(m) the applicable policies of the Municipality that guide decision-making;</i>	None identified.	None.
<i>(n) the provincial spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate diversification of use on farms is desirable.</li> <li>Location, scale, and form of development complies with the development principles.</li> </ul>
<i>(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate diversification of use on farms is desirable.</li> </ul>
<i>(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;</i>	Compliant with principles and criteria.	See paragraphs 3.2, 3.3, and 3.4 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> <li>Criteria and principles for development of tourist accommodation in rural areas applied to development.</li> </ul>
<i>(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;</i>	Compliant with principles and criteria.	See paragraph 3.3 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(r) the principles referred to in Chapter VI of the Land Use Planning Act; and</i>	Compliant with principles and criteria.	See paragraph 3.4 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(s) the applicable provisions of the zoning scheme.</i>	SM Zoning Scheme Bylaw, 2019 considered	See paragraphs 2.3 and 3.6 above. <ul style="list-style-type: none"> <li>Consent evaluated against Section 208 and 213.</li> </ul>

#### 4. CONCLUSION

The application for approval of the proposed consent use, being a tourist accommodation establishment consisting of three tourist dwelling units with a total coverage of 330m<sup>2</sup> clustered on fallow land not used for cultivation on Erf 3298, Franschhoek, in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, can be approved in view of the positive effects the use would have on the economic sustainability of the farm and the lack of any negative effects. The units blend into the environment and are within walking distance of the tourist attractions in the town.