



**EMILE VAN DER MERWE**  
town planning consultants

2021-07-05

My ref: Erf

Stellenbosch Municipality  
Department Planning and Development  
PO Box 17  
**STELLENBOSCH**  
7599

Dear Sir/Madam

**APPLICATION FOR CONSENT USE: ERF 7555 LANG STREET, CLOETESVILLE STELLENBOSCH**

Included hereby please find the necessary application documentation in respect of the application for consent use on the above-mentioned property.

The application follows on the pre-scrutiny application feedback that was provided to your office as per **Appendix 6** of the motivation report.

Your response is kindly awaited and this office awaits the formal invoice for payment in respect of the compulsory application fees (R2500).

Your assistance is appreciated.

Yours faithfully

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

Doornbosch Centre | Strand Road | PO Box 204 | Stellenbosch 7599  
Tel: 021 - 886 5050 | Fax: 021 - 883 8965 | Email: emilevdm@adept.co.za

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

## 1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by Weidebosch Development Trust, the registered owner of Erf 7555 Stellenbosch to prepare and submit the required town planning application to the Stellenbosch Municipality in respect of the following the following:

1. APPLICATION FOR CONSENT USE IN TERMS OF SECTION 15 (2) (O) OF THE STELLENBOSCH MUNICIPAL PLANNING BY-LAW (2015) READ WITH THE ZONING SCHEME BY-LAW (2019) TO UTILISE A PORTION (215M<sup>2</sup>) OF THE EXISTING RETAIL BUILDING FOR A LIQUOR SHOP.

The following report will indicate that the proposal will not have a negative impact on the natural and built environment that it is consistent and will practical effect to the planning policies and principles as supported by the Stellenbosch Municipality in terms of their Integrated Development and Spatial Development Framework as well as those policies adopted on National- and Provincial level.

## 2. LOCATION AND ACCESS

The application property is located in the Cloetesville neighbourhood that is situated approximately 5km to the north of Stellenbosch Town. The property forms part of the existing commercial activities to the west of Lang Street. Vehicle access to the property is obtained from Last street. Pedestrian access and on-street primarily is obtained and provided from Lang street. (Refer to **Appendix 1** – Location Plan).

## 3. OWNERSHIP

The property is owned Weidebosch Development Trust as held by Deed of Transfer T 44838/2020. A copy of the Title Deed is attached as **Appendix 2**. The resolution and power of attorney is attached as **Appendix 3**.

A copy of the Surveyor's Diagram is attached as **Appendix 4**. The property is 3155m<sup>2</sup> in extent and falls within the jurisdiction area of the Stellenbosch Municipality.

#### 4. ZONING AND LAND USE

The property in terms of the Stellenbosch Zoning Scheme Regulations (2019) is zoned Mixed-Use Zone that allows for a liquor store as a consent use.

The property is developed with a retail component to the west of Lang Street with a tarred parking area and the rear end of the existing commercial building.



#### 5. DEVELOPMENT PROPSAL IN RELATION TO THE PROVISIONS OF THE ZONING SCHEME REGULATIONS

The proposal forms part of the existing retail building that is located to the west of Lang street. The proposal in relation to the development parameters is provided below:

	Permissible	Provided
Coverage	85%	36.65%
Building lines	0m and 4.5	0m and 25m
Parking (4/100m <sup>2</sup> )	38	41

The proposal does not deviate from the development parameters and hence does not require any permanent departure application. The proposal entails the internal alterations of a portion (215m<sup>2</sup>) of the existing retail building.



## 6. LEGISLATIVE AND POLICY CONTEXT

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

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

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

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

#### **Spatial Justice**

The proposal will not lead to urban growth outside the urban edge and promotes compact towns.

#### **Spatial efficiency**

The proposal will make of use resources in a just and efficient manner.

#### **Spatial resilience**

The proposal is deemed compatible with the urban character of the area and is in line with the municipal IDP and spatial development framework.

#### **Good Administration**



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

## **6.2 Western Cape Provincial Spatial Development Framework (WCPSDFP)**

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

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

- Ecological integrity
- Social Justice
- Economic efficiency

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

## 6.3 Western Cape Strategic Plan 2014-2019

### Vision

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

### Provincial Strategic Goals



### Western Cape Economic Drivers

#### PSG 1: Create opportunities for growth and jobs

#### PROJECT KHULISA ("to grow")

##### Productive Sectors:



##### Enablers:

- Energy
- Water
- Broadband
- Skills



© Western Cape Government 2012

### Western Cape Industry: District Comparative Advantages

**Table 3.5 Western Cape: Industry revealed comparative advantage by district**

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

Source: CER



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

#### **6.4 Stellenbosch Spatial Development Framework**

The Stellenbosch SDF that has been approved by Council during November 2019 recognises that the spatial decisions and actions of many make what settlements are. In terms of this approved document seven principles are considered. They are:

Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas

- Respect and grow cultural heritage
- Direct growth to areas of lesser natural and cultural significance as well as movement opportunity
- Clarify and respect the different roles and potential of existing settlements
- Clarify and respect the roles and functions of different elements of movement structure
- Ensure balanced sustainable communities
- Focus collective energy on a few catalytic lead projects

Chapter 2 of the Spatial Planning and Land Use Management Act sets out the development principles that guided the Municipal SDF and by-laws concerning spatial planning and development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property in terms of the approved MSDF is located within the approved edge of the Stellenbosch node and within Cloeteville neighbourhood with access from Last street. Pedstrian access is obtained from Lang Street. The development is compatible and consistent with the approved MSDF as it is located within an existing urban area in support of compact towns with access to municipal services.



## 7. MUNICIPAL SERVICE INFRASTRUCTURE

The proposal will not impact on the service level capacities of the Stellenbosch Municipality. No additional building work and extensions to the existing retail/commercial building will be required. The internal areas will be refurbished to accommodate the land use.

## 8. OTHER STATUTORY REQUIREMENTS

### **TITLE DEED CONDITIONS:**

No restrictive title deed conditions have been found that limits the proposed utilisation of the property.

### **NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA):**

There are no triggers which require a Basic Assessment or a full Environmental Impact Assessment in terms of NEMA Environmental Impact Assessment Regulations 2010, or as amended in 2014.

### **NATIONAL HERITAGE RESOURCES ACT (NHRA):**

The provisions of Section 38 of the National Heritage Resources Act No 25 of 1999 are not triggered.

## 9. CONCLUSION

The development proposal is consistent and complies with the criteria set out in Chapter V of the Stellenbosch Land Use Planning By-Law (2015) with reference to the following:

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;
- The proposal conforms to the requirements of the Zoning Scheme By-Law and does deviate from the development parameters of the zoning.
- The proposals will improve the general appearance of the building
- Sufficient parking is provided at the rear end of the building.
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan with reference to growing the local economy by means of local economic development

- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Erf 7555 Stellenbosch.

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**APPENDIX 1**  
**LOCATION PLAN**



# Location Plan: Erf 7555 Cloetesville



## Legend

0 0.25 0.5 1 km

Scale: 1:24 866

Date created: May 24, 2021

Compiled with CapeFarmMapper



**APPENDIX 2**

**TITLE DEED**

11

Madelein Williams Attorneys  
Somerset West Tel: 072 404 3003  
c/o STBB Helderberg

Prepared by me

CONVEYANCER  
MADELEIN WILLIAMS  
(17913)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 7 250 000,00	R. 244,2,00
Reason for Exemption	Category Exemption	Exemption i to. Sec/Reg. Act/Proc.

**VERBOD** **MORTGAGES**

R. 5 000 000,00

000025335 / 2020

18 DEC 2020

DATA / CAPTURE  
12 -01- 2021  
LINDA NCAPAI

T 000044838 / 2020

### DEED OF TRANSFER

DATA / VERIFY  
13 -01- 2021  
LITHA VUYO MADAMA

BE IT HEREBY MADE KNOWN THAT

HEIN CONRAD NAUSCHUTZ  
LPCM NUMBER 93485

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to him by

D R D INVESTMENTS PROPRIETARY LIMITED  
Registration Number 1980/008938/07

signed at Stellenbosch on 29 October 2020

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 15 September 2020 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

The Trustees for the time being of  
WEIDEBOSCH DEVELOPMENT TRUST  
Registration Number IT3425/1998



its successors in office or assigns, in full and free property

REMAINDER OF ERF 7555 STELLENBOSCH  
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH  
PROVINCE OF THE WESTERN CAPE

IN EXTENT 3155 (THREE THOUSAND ONE HUNDRED AND FIFTY FIVE) SQUARE  
METRES

FIRST REGISTERED BY CERTIFICATE OF CONSOLIDATED TITLE NUMBER  
T46448/1988 WITH DIAGRAM NUMBER 8622/1981 RELATING THERETO AND HELD  
BY DEED OF TRANSFER NUMBER T27215/2007

1. In respect of the figure **A B C G** on the Diagram Number LG 8622/1981 attached to the Certificate of Consolidated Title Number T 46448/1988.
  - A. SUBJECT to the conditions referred to in Certificate of Registered Title Number 46447/1988.
  - B. ENTITLED to the benefits of the conditions marked (d) and (e) contained in Deed of Transfer Number 3112 dated 5 April 1927, which read as follows:

“(d) the Transferee, and his successors in title, shall be entitled to use the 40 ft road shown on the diagram of Lot A annexed to the Deed of Transfer this day to be passed by Gelb & LM Stella, trading as Gelb & Stella, as running from the Railway to the road marked on the diagram of Lot A as Stellenbosch A Road.

“(e) the transferee, and his successors in title, shall have the right of watering their stock in the Plankenberg River on the said Lot A, where it crosses the 40ft right of way as indicated on the diagram of the said Lot A.”
  - C. SUBJECT FURTHER to the following conditions contained in the Certificate of Consolidated Title Number 11746 dated 19 November 1926 WITHOUT ANY RIGHTS to water in terms thereof, which conditions read as follows:

“(1) the terms and conditions of the Order of the Water Court District No. 1 dated 4<sup>th</sup> April, 1922 annexed to the Deed of Transfer No's 9199 and 9201 dated 29 December, 1900 and endorsed thereon on 2<sup>nd</sup> May, 1922 relative to a division of certain water rights.

(2) the terms and conditions of such Notarial Deed of Servitude dated 23<sup>rd</sup> March, 1926, annexed to the said two Deeds of transfer No's 9199 and 9201 dated 29 December, 1900 and endorsed thereon on the 16<sup>th</sup> August, 1926 relative to a division of certain water rights.”
2. In respect of the figure **C D E n q s r p m** on the Diagram Number LG 8622/1981 attached to the Certificate of Consolidated Title Number T 46448/1988.
  - A. SUBJECT to the conditions referred to in Certificate of Registered Title Number 46447/1988.
  - B. ENTITLED to the benefits of the conditions marked (d) and (e) contained in Deed of Transfer Number 3112 dated 5 April 1927, as will more fully appear in Clause 1 B above.
  - C. SUBJECT FURTHER to the following conditions contained in the Certificate of Consolidated Title Number 11746 dated 19 November 1926 WITHOUT ANY RIGHTS to water in terms thereof, as will more fully appear in Clause 1 C above.

D. SUBJECT FURTHER to the following conditions imposed by the Administrator when approving the establishment of the Cloetesville Township and in terms of Ordinance 33 of 1934, as contained in Certificate of Registered Title Number 46447/1988, namely:

- “1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing No 383 van 13 Junie 1958.
2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepaling daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is, voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepaling van artikel 146 van Ordonnansie Nr 15 van 1952, soos gewysig, vervang nie.
3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabel of -drade, hoof- en ander waterpipe en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat an tyd tot tyd redelikewys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
4. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgraving toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.

3. In respect of the whole of the property:

A. SUBJECT to the conditions imposed and contained in Certificate of Consolidated Title Nr 46448/1988 by the Administrator when approving the establishment of Cloetesville Township in terms of the provisions of Ordinance 33 of 1934, namely:

- “1. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat hoofgasleidings, elektrisiteits-, telefoon- en televisiekabels en/of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat an tyd tot tyd redelikewys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.”



WHEREFORE the appearer, renouncing all the right and title the said

D R D INVESTMENTS PROPRIETARY LIMITED

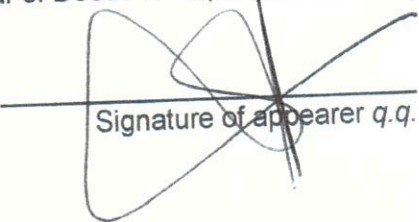
heretofore had to the premises, did, in consequence also acknowledge them to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said

The Trustees for the time being of  
WEIDEBOSCH DEVELOPMENT TRUST

its successors in office or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R7 250 000,00 (Seven Million Two Hundred and Fifty Thousand Rand).

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

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds at Cape Town on 18 DEC 2020

  
Signature of appearer q.q.

In my presence



Registrar of Deeds







**APPENDIX 3**  
**RESOLUTION AND POWER OF ATTORNEY**

**RESOLUTION**

**PASSED AT THE MEETING OF THE WEIDEBOSCH DEVELOPMENT TRUST**

**(REG 3425/1998)**

**HELD AT STELLENBOSCH ON 24 MAY 2021**

Daan Dercksen in his capacity as Trustee is hereby authorized to sign on behalf of the Trust pertaining to the land use application (Consent Use on Erf 7555 Stellenbosch



**TRUSTEE**

**TRUSTEE**



## POWER OF ATTORNEY

Weidebosch Development Trust, the registered owner of Erf 7555 Stellenbosch, do hereby nominate and appoint

### **EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

- **APPLICATION FOR CONSENT USE IN TERMS OF SECTION 15 (2) (O) OF THE STELLENBOSCH MUNICIPAL PLANNING BY-LAW (2015)**

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

SIGNED AT STELLENBOSCH ON THIS 24<sup>TH</sup> DAY OF MAY 2021



TRUSTEE

**APPENDIX 4**  
**SG DIAGRAM**





THE FOLLOWING CONDITIONS HAVE BEEN OBTAINED FROM THIS DIAGRAM

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	ACRES HOLDING	TRANSFER NO.	INITIALED	MEMOR.
E 2983/84	10617/84	EPF 5354	739	46449/88	} <i>W/C</i>	
F 1207/87	4045/87	EPF 9049	400	46450/88		

*1861/0098*

**APPENDIX 5**  
**SITE AN FLOOR PLAN**





**APPENDIX 6**  
**PRE-SCRUTINY FEEDBACK**



Emile Van Der Merwe Town Planning Consultants  
**STELLENBOSCH**  
7600

Email: [emilevdm@adept.co.za](mailto:emilevdm@adept.co.za)

21 June 2021

**SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK**

**APPLICATION FOR CONSENT USE – ERF 7555, CLOETESVILLE, STELLENBOSCH**

1. Your pre-application scrutiny submission on the above property dated **25 May 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB] and you may proceed to submit for consideration a corresponding application.
4. The intended land use and/ or land development application also needs to fulfill the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that 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. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.



7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards



Louisa Guntz  
Senior Town Planner

[Louisa.Ollyn@stellenbosch.gov.za](mailto:Louisa.Ollyn@stellenbosch.gov.za)

**APPENDIX 7**  
**APPLICATION FORM**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

**KINDLY NOTE:** Please complete this form using BLOCK letters and ticking the appropriate boxes.

### PART A: APPLICANT DETAILS

First name(s)	Emile				
Surname	van der Merwe				
Company name (if applicable)	Emile van der Merwe Town Planning Consultants				
Postal Address	PO Box 204				
	Stellenbosch	Postal Code	7599		
Email	emilevdm@adept.co.za				
Tel	021 886 5050	Fax	021 8838965	Cell	0845566461

### PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	Wiedenbosch Developoment Trust				
Physical address	1 Koetsiershuis				
	Ryneveld Street, Stellenbosch	Postal code	7600		
E-mail	daand@adept.co.za				
Tel		Fax		Cell	083 301 7076

### PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Erf 7555	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	As above						
Current Zoning	Multi-use zone	Extent	3155m <sup>2</sup> / ha	Are there existing buildings?	existing	y	N



Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law (2019)										
Current Land Use	Retail/commercial										
Title Deed number and date	T		44838/2020								
Attached Conveyance's Certificate	Y	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			
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.								
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>											
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>											
Tick	<b>Type of application: Cost are obtainable from the Council Approved tariffs<sup>3</sup></b>										
	15(2)(a) Rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;										
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;										
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;										

<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 have 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)

<sup>3</sup> <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>



	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;		
	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		
<b>OTHER APPLICATIONS</b>			
	Deviation from Council Policies/By-laws; R		
	Other (specify) : _____ R		
<b>TOTAL A:</b>			
<b>R</b>			
<b>PRESCRIBED NOTICE AND FEES** (for completion and use by official)</b>			
<b>Tick</b>	<b>Notification of application in media</b>	<b>Type of application</b>	<b>Cost</b>
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; data messages	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*</b>			<b>R 2500</b>
<b>(TOTAL A + B)</b>			
* <i>Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.</i>			
** <i>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.</i>			
<b>BANKING DETAILS</b>			
Name:	Stellenbosch Municipality		
Bank:	NEDBANK		
Branch no.:	198765		
Account no.:	1152271679		
SWIFT	NEDSZAJJ		
<b>Payment reference:</b>			
(Erf/Farm number)	.....		

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

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street		From	m	To	m	
	Street		From	m	To	m	
	Side		From	m	To	m	
	Side		From	m	To	m	
	Aggregate side		From	m	To	m	
	Rear		From	m	To	m	
Exceeding permissible site coverage		From	%	To	%		
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To			
Exceeding height restriction		From	m	To	m		
Exceeding maximum storey height		From	m	To	m		
Consent/Conditional Use/Special Development							
To permit..... the use of a portion of the existing building as a liquor shop ..... \							
in terms of Section.....105.....of the..... Stellenbosch zoning scheme by-law.....Zoning Scheme Regulations							
Other (please specify)	<hr/> <hr/> <hr/>						

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

See motivation attached

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**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	N	Power of attorney / Owner's consent if applicant is not owner		Y	N	Bondholder's consent (if applicable)	
Y	N	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	N	Written motivation pertaining to the need and desirability of the proposal		Y	N	S.G. diagram / General plan extract (A4 or A3 only)	
Y	N	Locality plan (A4 or A3 only) to scale		Y	N	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	N	Proof of registered ownership ( <b>Full copy of the title deed</b> )	
Y	N	Conveyancer's certificate		Y	N	Minutes of pre-application consultation meeting (if applicable)	
Y	N	N/A	Consolidation plan (A4 or A3 only) to scale	Y	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	N/A	Street name and numbering plan (A4 or A3 only) to scale	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	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	Proof of failure of Home owner's association
Y	N	N/A	Copy of original approval and conditions of approval	Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Proof of lawful use right	Y	N	N/A	Other (specify)
Y	N	N/A	Required number of documentation copies	Y	N	N/A	

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

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A	National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	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: 2021-07-05

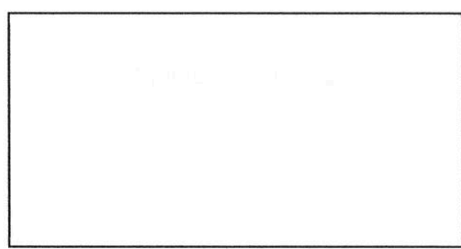
Full name: EMILE VAN DER MERWE

Professional capacity: PROFESSIONAL PLANNER A1149/1996

**FOR OFFICE USE ONLY**

Date received: \_\_\_\_\_

Received By: \_\_\_\_\_





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

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

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

Application Property Address: Lang Street Cloetesville, Stellenbosch

Application Property Number: Erf 7555 Stellenbosch

Applicant: Emile van der Merwe Town Planning Consultants

Owner: Weidebosch Development Trust

Application Reference: LU/12920

Application Type: Consent Use

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

Application is has been in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law (2015) promulgated by notice number 354/2015, dated 20 October 2015 for a Consent Use to utilise a portion ( $\pm 215\text{m}^2$ ) of the existing building for purposes of a liquor shop on Erf 7555, Stellenbosch.

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

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

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

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: [emilevdm@adept.co.za](mailto:emilevdm@adept.co.za)). By lodging an objection,

comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 12 October 2021.

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

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

Yours faithfully

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

**Naam van geaffekteerde persoon**  
**Fisiese adres van geaffekteerde persoon**

Geagte Meneer/Mevrou

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

Adres van aansoek eiendom: Lang straat, Cloetesville, Stellenbosch

Aansoek eiendom beskrywing: Erf 7555 Stellenbosch

Aansoeker: Emile van der Merwe Stadsbeplanningskonsultante, Posbus 204 Stellenbosch, 7599

Eienaar: Weidebosch Development Trust

Aansoek Verwysing: LU/12920

Tipe Aansoek: Vergunningsgebruik

**Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:**

Aansoek word gedoen in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning (2015) afgekondig by kennisgewing nommer 345/2015, gedateer 20 Oktober 2015 vir 'n Vergunningsgebruik ten einde 'n (215m<sup>2</sup>) van die bestaande gebou as 'n drankwinkel aan te wend

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

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

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

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



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

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

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 12 Oktober 2021.

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

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

Die uwe

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE STADSBEPLANNINGSKONSULTANTE**