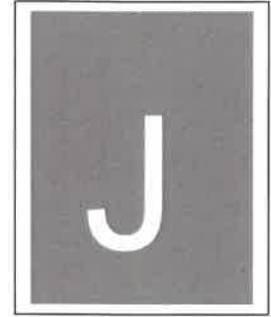


# JAN HANEKOM

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571

Celebrating 38 years in property planning and development



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

**15 March 2021**

**Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.**

Sir

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

Application Property Address: **La Manior de Brendel R45 Franschhoek**

Application Property Number: **Farm1032/11**

Applicant: **Jan Hanekom Partnership 0832618571 jan@jhp.co.**

Owner: **Brendel Property Developer No4 CC**

**Tel No 021 4398888**

**headoffice@brendel.co.za**

Application Reference: **LU/ 12159**

Application Type: **Temporary departure and consent use**

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

**Application is made in terms of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015 dated 20 October 2015 on Farm No 1032/11, Paarl Division for the following,**

- 1. Section 15(2)© for a temporary Departure to utilize the existing additional dwelling unit for the storage of niches (memorial wall) containing ashes of deceased persons**
- 2. Section 15(2)(o) for a consent Use to utilize the existing wine cellar and a portion of the garden (500m<sup>2</sup>) as a wedding function venue for up to 50 people**

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.

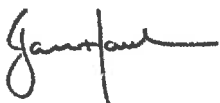
The comments must be addressed to the applicant by electronic mail as follows: **Jan Hanekom at [jan@jhp.co.za](mailto:jan@jhp.co.za)**

The comments must be submitted within 30 days from the date of this notice (**15 March 2021**) to be received on or before the closing date of **15 April 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 **0832618571 or 021-8711750** during normal office hours.

Yours faithfully

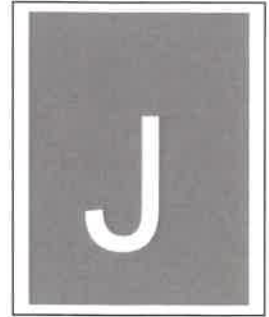


**Jan Hanekom**  
(Pr Pln. A/169/1990)

# JAN HANEKOM

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571

Celebrating 38 years in property planning and development



## **AFRIKAANSE WEERGAWE VAN ADVERTENSIE:**

**15 Maart 2021**

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

Epos [info@eikenhof.com](mailto:info@eikenhof.com)

Plaas 1038

Meneer

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

Adres van aansoek eiendom: **La Manior de Brendel R45 Franschoek**

Aansoek eiendom beskrywing: **Plaas1032/11**

Aansoeker: **Jan Hanekom / Jan Hanekom Vennootskap 0832618571 of epos by [jan@jhp.co.za](mailto:jan@jhp.co.za).**

Eienaar: **Brendel Property Developer No4 CC**

**Tel No 021 4398888**

**[headoffice@brendel.co.za](mailto:headoffice@brendel.co.za)**

Aansoek Verwysing: **LU/ 12159**

Tipe Aansoek: **Tydlike afwyking en vergunningsgebruik**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

**Aansoeke word gedoen ingevolge die Verordening op die Munisipale Grondgebruikbeplanning, afgekondig deur kennisgewing nommer 354/2015 op 20 Oktober 2015 op plaas nr 1032/11, Afdeling Paarl vir die volgende**

- 1. Artikel 15 (2) (c) vir 'n tydelike afwyking om die bestaande addisionele wooneenheid te gebruik vir die stoor van nisse (gedenkmuur) wat as van oorlede persone bevat.**
- 2. Artikel 15 (2) (o) vir Vergunnings Gebruik om die bestaande wynkelder en 'n gedeelte van die tuin (500m<sup>2</sup>) as 'n trou-onthaallokaal vir tot 50 persone**

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 tydspan van die publieke deelname proses by die volgende adres:

[\[https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-](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: **Jan Hanekom by jan@jhp.co.za**

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing (**15 Maart 2021**) gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **15 April 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 **0832618571 of 021-8711750** gedurende normale kantoor ure .

Die uwe



**Jan Hanekom**  
(Pr Pln. A/169/1990)

# Plan No 1

Client: **Brendel Property Development No 4 CC**

**Locality Plan**  
Portion 11 of the farm La Motte No. 1032

Project  
**Farm La Motte 1032/11 Memorial Hall**

Date  
**November 2020**  
Reference Number  
**VG 5000058 Brendel**



Farm No  
**Portion 11 of the farm La Motte No. 1032**



# JAN HANEKON

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571

Celebrating 38 years in property planning and development.



## Plan No 2

Approval was granted by Stellenbosch Municipality in terms of LUPO, 1985.  
Reference number Farm 1032/11, Paarl dated 2009-07-28  
Land uses approved is shown on the SDP in yellow

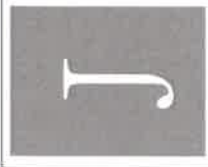
Client: **Brendel Property Development No 4 CC**

## Site Development Plan

Project  
**Farm La Motte 1032/11 Memorial Hall**

Date  
**November 2020**  
Reference Number  
**VG 5000058 Brendel**

Farm No  
Portion 11 of the farm La Motte No. 1032



**JAN HANEKOM**

**2 COORDIERSSTREE PAARL 766** [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571  
Celebrating 38 years in property planning and development

<p><b>Plan No 3</b></p>		<p><b>Site Development Plan Detail</b></p>	<p>Project <b>Farm La Motte 1032/11 Memorial Hall</b></p>	<p>Date <b>November 2020</b> Reference Number <b>VG 5000058 Brendel</b></p>
		<p>Farm No Portion 11 of the farm La Motte No. 1032</p>	<div data-bbox="1273 1003 1469 1171" style="border: 1px solid black; padding: 5px; text-align: center; font-size: 2em; font-weight: bold;">J</div> <p><b>JAN HANEKOM</b></p> <p>200DIERSSTREET PAARL 7666    <a href="mailto:jan@jhp.co.za">jan@jhp.co.za</a>    0832618571</p> <p><small>Celebrating 38 years in property planning and development</small></p>	



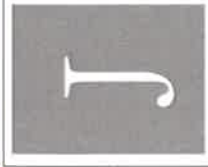
Approval was granted by Stellenbosch Municipality in terms of LUPO, 1985.  
 Reference number Farm 1032/11, Paarl dated 2009-07-28  
 Land uses approved is shown on the SDP in yellow

**Site Development Plan**

Project  
**Farm La Motte 1032/11 Memorial Hall**

Date  
**November 2020**  
 Reference Number  
**VG 5000058 Brendel**

Farm No  
**Portion 11 of the farm La Motte No. 1032**



**JAN HANEKOM**

**2 COORDIERSSTREET PAARL 7646** [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571  
 Celebrating 38 years in property planning and development





**TAX INVOICE**  
**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

<b>DATE:</b>	2020-11-12	<b>DOCUMENT NO.:</b>	697699
<b>ERF/FARM NO.:</b>	Farm 1032/11	<b>CREATED BY:</b>	Nolusindiso Momoti
<b>LOCALITY:</b>	R45, PAARL FARMS	<b>APPLICATION NO.:</b>	LU/12159
<b>OWNER'S NAME:</b>	Brendel Property Developer No 4 CC	<b>APPLICANT VAT NO.:</b>	4620204968
<b>ADDRESS:</b>	27/29 Avenue Alexandra Fresnaye CAPE TOWN - 8005	<b>VAT NO.:</b>	4700102181
		<b>APPLICANT:</b>	Johannes Hendrik Hanekom ( Jan Hanekom
		<b>TEL NO.:</b>	0218711750

<b>FEE DESCRIPTION</b>	<b>AMOUNT PER UNIT (R)</b>	<b>NUMBER OF UNITS</b>	<b>VOTE NUMBER</b>	<b>AMOUNT (R)</b>
TEMPORARY DEPARTURE / PERMISSION - Temporary Departure / Permission ito Zoning Scheme (Special Development) / Permission ito	R 2,500.00	1	20180711011476	R 2,500.00
<b>TOTAL AMOUNT PAYABLE</b>				R 2,500.00
VAT included @ 15%				R 326.09

FILE NR:	
SCAN NR:	
	F 1032/11 P

STELLENBOSCH MUNICIPALITY PLANNING & ECONOMIC DEVELOPMENT SERVICES
26 NOV 2020
RECEIVED

All Tariffs include 15% VAT  
 FROM 1 JULY 2020 TO 30 JUNE 2021

**CALCULATED BY:**  
**NAME:**  
**SIGNATURE:**  
  
**DATE:** 12/11/2020

**VERIFIED BY:**  
**NAME:**  
**SIGNATURE:**  
  
**DATE:**

**PAYMENT 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

**BANKING DETAILS FOR EFT PAYMENT:**  
 ACCOUNT HOLDER: Stellenbosch Municipality  
 BANK: First National Bank (FNB)  
 ACCOUNT NUMBER: 62869253684  
 BRANCH CODE: 210554  
 REF: 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.



## Nolusindiso Momoti

---

**From:** Nolusindiso Momoti  
**Sent:** Thursday, 26 November 2020 09:37  
**To:** 'Jan Hanekom'  
**Subject:** Farm 1032/11 Paarl : Temporary Departure  
**Attachments:** Farm 1032 ptn 11 Paarl - Receipt.pdf

Dear Jan,

Please find attached receipt for the fees paid.

Thanks



*Kind regards / Vriendelike Groete*

**Nolusindiso Momoti (Sindi)**

**Administrative Officer**

Land Use Management

**Planning & Economic Development**

---

T: +27 21 808 8673; F + 27 21 886 6899

43 Andringa Str, Eikestad Mall, 3<sup>rd</sup>

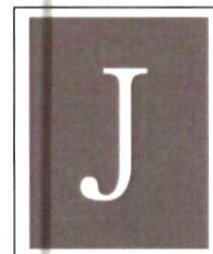
Floor

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



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:  
[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

# JAN HANEKOM



2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571

Celebrating 38 years in property planning and development

**Date: 5 November 2020**

**Our Reference No: VG500058**

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
Stellenbosch  
7620

Dear Sir,

**APPLICATION FOR TEMPORARY DEPARTURE ON FARM LA MOTTE PORTION 11 OF FARM 1032 PAARL**

The owners of the property intend to use the existing structure (wine cellar) and a part of the garden as a wedding reception venue. A further application is made for temporary departure to an existing additional dwelling for the storage of niches containing the ashes of deceased. The common term used in the zoning scheme is a "wall of remembrance"

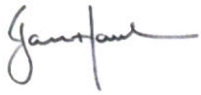
The potential of the property is well established from an agricultural point of view. The additional sources of income are currently being developed to ensure the long-term viability of the farm.

The purpose of this application is to obtain planning permission from the Stellenbosch Municipality in order to legitimize the proposed activities on the property. The following documentation is attached for your scrutiny:

- Annexure 1 – Application Form
- Annexure 2 – Power of Attorney
- Annexure 3 – Company Resolution
- Annexure 4 – Windeed Proof of ownership
- Annexure 5 – Motivation Report
- Annexure 6 – SG-Diagram
- Annexure 7 – Locality Map
- Annexure 8– Site Development Plan
- Annexure 9- pre Application Consultation
- Annexure 10- Scrutiny feedback
- Annexure 11- Previous approvals

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

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Jan Hanekom'.

Jan Hanekom

A handwritten signature in cursive script, appearing to read 'J.H.'.



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Municipality - Munisipaliteit  
Stellenbosch  
12 NOV 2020  
Office of Land Use Management  
Kantoor van Grondgebruiksbestuur

## 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)	Johannes Hendrik		
Surname	Hanekom		
Company name (if applicable)	Jan Hanekom Partnership		
Postal Address	2 Cordier street		
	Paarl	Postal Code	7646
Email	jan@jhp.co.za		
Tel	0218711750	Fax	
		Cell	0832618571

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

Registered owner(s)	Brendel Property Developer No 4 CC		
Physical address	La Manior de Brendel		
	R45 Franschhoek	Postal code	7690
E-mail	headoffice@brendel.co.za		
Tel	0214398888	Fax	
		Cell	0827766699

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

Erf / Erven / Farm No.	Farm1032	Portion(s) if Farm	11	Allotment area	Paarl Division
Physical Address	Le Manoir De Brendel				
	R45				
	Franschhoek				
Current Zoning	agriculture with consent uses	Extent	14.75 Ha m <sup>2</sup> / ha	Are there buildings?	existing <input checked="" type="checkbox"/> N

Applicable Zoning Scheme	Stellenbosch Municipality Land Use Zoning By-Laws										
Current Land Use	agriculture with consent uses Restaurant										
Title number and date	T		T40849/2003								
Attached Conveyance's Certificate	Y	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	<input checked="" type="checkbox"/>	Is the building older than 60 years?	Y	<input checked="" type="checkbox"/>	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/>	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use <sup>2</sup> ?				Y	<input checked="" type="checkbox"/>			
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?				Y	<input checked="" type="checkbox"/>			
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	N	If Yes, please attach the minutes of the pre-application consultation. <input checked="" type="checkbox"/>								
<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	Type of application: <i>Cost are obtainable from the Council Approved tariffs<sup>3</sup></i>										
	15(2)(a) Rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
<input checked="" type="checkbox"/>	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;
15(2)(o) a consent use contemplated in the zoning scheme;
15(2)(p) an occasional use of land;
15(2)(q) to disestablish a home owner's association
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
15(2)(l) Amendment of Site Development Plan
15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

**OTHER APPLICATIONS**

Deviation from Council Policies/By-laws;	R
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> <small>1a(1)(b)</small>	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>(TOTAL A + B)</b>			<b>R</b>

\* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

\*\* 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**

Name: Stellenbosch Municipality  
 Bank: NEDBANK  
 Branch no.: 198765  
 Account no.: 1152271679  
 SWIFT: NEDSZAJJ  
 Payment reference:  
 (Erf/Farm number) .....



DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Brendel Property Developer No 4 CC
Postal Address	27/29 Avenue Alexandra , Fresnaye, Cape Town , 8005
Vat Number (where applicable)	4620204968

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 A temporary departure to permit the storage of niches and to use the cellar as well as a portion of the garden as a wedding function venue							
permit.....							
in terms of Section...18(1)(b).....of the Stellenbosch Municipal Land Use Planning By-law...Zoning Scheme Regulations							
Other (please specify)	<hr/> <hr/> <hr/>						

Brief description of proposed development / intent of application:
temporary departure to permit the owners to use the old cellar (64sqm) and a portion of the garden (500sqm) as a wedding function venue. previous approval lapsed
temporary departure to permit the owners to use a additional dwelling to be used for the storage of niches ( Memorial Hall) Wall of remembrance for the storage of human ashes
see motivation report

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

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

Information and documentation required

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

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

SECTION I: DECLARATION	
I hereby wish to confirm the following :	
1.	That the information contained in this application form and accompanying documentation is complete and correct.
2.	I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3.	I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4.	Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5.	I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6.	I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7.	It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8.	The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
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: Jan Hanekom Date: 5 November 2020

Full name: Johannes Hendrik Hanekom

Professional capacity: Town Planner

**FOR OFFICE USE ONLY**

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

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





## Once-off payment notification

Date: 13/11/2020 Time: 12:04 PM

From account details:	GUESTHOUSE
My statement description:	Stellenbosch Muni plans
Beneficiary statement description:	LU/12159 ERF: Farm1032/11
To account number:	62869253684
Branch:	250655
Amount:	R 2,500.00
Payment capture date:	13/11/2020
Reference number:	20201113/NEDBANK/002795479962

Please note: Payments to other banks, including Nedbank branches outside South Africa, may take up to three business days.

234  
Hester Stewart McConnachie  
5 Greenwich Grove  
Station Road  
Rondebosch  
7700

Prepared by me

  
CONVEYANCER  
McConnachie DJ

S...  
E...  
FC...  
FEE R... 500.00

T 00040849 / 2003

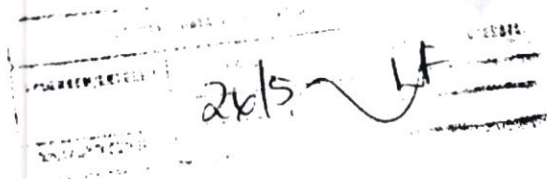
### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**Linda Anne Birch**

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said  
appearer being duly authorised thereto by a Power of Attorney which said Power  
of Attorney was signed at CAPE TOWN on 7 April 2003 granted to him by

**The Trustees for the time being of  
THE JAMB FARMING TRUST  
No. IT4611/1996**

  
26/5

For Information Only



And the appearer declared that his said principal had, on 10 February 2003, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

**BRENDEL PROPERTY DEVELOPERS NO 4 CC  
No. 2001/060988/23**

its Successors in Title or assigns, in full and free property

PORTION 11 (A PORTION OF PORTION 1) OF THE FARM LA MOTTE  
NO. 1032  
SITUATE IN THE ADMINISTRATIVE DISTRICT OF PAARL  
PROVINCE OF THE WESTERN CAPE;

IN EXTENT 14,7521 (FOURTEEN COMMA SEVEN FIVE TWO ONE)  
HECTARES

FIRST REGISTERED and still held by Certificate of Registered Title No  
T56088/99 with Diagram SG No. 7258/1998 annexed.

- A. SUBJECT to the conditions referred to in Deed of Transfer No T9164/1905.
- B. SUBJECT FURTHER to the reservation of the rights to all gold, silver and precious stones in favour of the State as mentioned in Section 4 of Sir John Cradock Proclamation dated 6 August 1813 and referred to in Section 19 of Act 47 of 1937.
- C. ....
- D. SUBJECT FURTHER to the terms of an endorsement dated 12 March 1985 reflected on Deed of Transfer T15135/1950, which reads as follows:-

"REMAINDER

ENDORSEMENT IN TERMS OF SECTION 31(6) OF ACT NO. 47 OF 1937 (AS AMENDED).

A portion of the herein-mentioned property measuring ± 1,1230 hectares has been expropriated by Paarl Divisional Council in terms of Section 27 of the Road Ordinance 19 of 1976 vide Notice of Expropriation No. RMR4/2/4 dated 26.2.1985 filed as exprop. Caveat EX 240/85 plans in duplicate filed EX 240/85."

For Information

✓

WHEREFORE the said Appearer, renouncing all right and title which the said

**The Trustees for the time being of THE JAMB FARMING TRUST  
No. 4611/96**

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

**BRENDEL PROPERTY DEVELOPERS NO 4 CC  
No. 2001/060988/23**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R11 850 000,00 (ELEVEN MILLION EIGHT 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 12 MAY 2003



q.q.

In my presence

  
REGISTRAR OF DEEDS

For Information

For Information

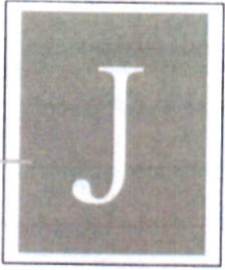




# JAN HANEKOM

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571

Celebrating 38 years in property planning and development



## SPECIAL POWER OF ATTORNEY

I/We, the undersigned,

*CHRISTIAN BRENDOL*

(FULL NAME(S) AND SURNAME IN BLOCK LETTERS)

being the registered owner of/ or duly authorized person

Farm La Motte 1032/11 Division Paarl

(FULL ADDRESS IN BLOCK LETTERS)

do hereby nominate, constitute and appoint

Johannes Hendrik Hanekom (Corporate Member SAPI)

(FULL NAME/FIRM OF TOWN PLANNER AND/OR AGENT)

with power of substitution, to be my/our lawful representative and agent in my/our name, place and stead to:

- (a) Apply in terms of the stipulations of the Stellenbosch Municipality Land use Planning By-laws for the approval of a temporary departure in respect of the property of the undersigned to allow for an existing agricultural building to be used as a Memorial Hall and for the temporary departure to allow for an existing agricultural building (chapel) as well as 500m<sup>2</sup> of the garden to be used as a Wedding Venue.
- (b) sign all documentation necessary for the approval of the application;
- (c) accept any conditions imposed by the local authority in connection with the approval of the application and give any undertaking required by the local authority in respect of the zoning application on the property of the undersigned; and

Signed at

*HAMBURG*

on this

*5* day of *11* 20*20*

witnesses.

in the presence of the undersigned

AS WITNESSES:

1.

*J. Brendol*

2.

\_\_\_\_\_

*J. Brendol*

SIGNITURE/S

## RESOLUTION LETTER:

### Company Name:

RESOLVED, that the Members of the Close Corporation does hereby authorize and direct the following person/s to sign contracts and amendments to the contracts and to enter into agreements and give instructions verbally or in writing to **Jan Hanekom** (Town planner)

Authority given to:			
	Name & Surname	Position held in company	ID Number
1	CHRISTIAN BREUDEL	DIRECTOR	581005 5209 180
2			
3			

We hereby certify the above to be a true copy of the resolution.

Signed at HAMBURG on this 5 day of NOVEMBER 2020

1. CHRISTIAN BREUDEL  
Name of Director/Member in Print

[Signature]  
Signed By: Director/Member

2. \_\_\_\_\_  
Name of Director/Member in Print

\_\_\_\_\_  
Signed By: Director/Member

3. MAREK BREUDEL  
Name of witness in Print

[Signature]  
Signed By: Witness

4. \_\_\_\_\_  
Name of witness in Print

\_\_\_\_\_  
Signed By: Witness

#### Reminders

- Person granting the authorization may not authorize himself/herself
- Original must be posted to: 2 Cordier Street Paarl 7646
- Copy to be emailed to: [jan@jhp.co.za](mailto:jan@jhp.co.za)

## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

LA MOTTE, 1032, 11 (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2020/09/29 07:50  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -

**PROPERTY INFORMATION**

Property Type FARM  
Farm Name LA MOTTE  
Farm Number 1032  
Portion Number 11  
Local Authority PAARL DC  
Registration Division PAARL RD  
Province WESTERN CAPE  
Diagram Deed T56088/1999  
Extent 14.7521H  
Previous Description -  
LPI Code C05500000000103200011

**OWNER INFORMATION****Owner 1 of 1**

Type CLOSE CORPORATION  
Name BRENDDEL PROP DEVELOPERS NO 4 C C  
ID / Reg. Number 200106098823  
Title Deed T40849/2003  
Registration Date 2003/05/12  
Purchase Price (R) 11,850,000  
Purchase Date 2003/02/10  
Share 0.00  
Microfilm 2003 0530 2450  
Multiple Properties NO  
Multiple Owners NO

**ENDORSEMENTS**

No documents to display

**HISTORIC DOCUMENTS (3)**

#	Document	Owner	Amount (R)	Microfilm
1	T56088/1999	JAMB FARMING TRUST	CRT	2003 0530 2445
2	B33431/1999	-	UNKNOWN	2003 0530 2466
3	B63074/2002	-	2,000,000	2003 0530 2463

**DISCLAIMER**

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

## APPLICATION FOR TEMPORARY DEPARTURE

To use an existing agricultural building and a portion of the garden for a

### WEDDING FUNCTION VENUE

And to use an existing additional dwelling for

### STORAGE OF NICHEs CONTAINING ASHES OF DECEASED PERSONS.

Reference No VG500058



JAN HANEKOM

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571



Celebrating 38 years in property planning and development

## Index

1. Background to the application
  2. Nature of the application
  3. Owner and applicant
  4. Location
  5. General information regarding the premises
    - a. Ownership
    - b. Title deed
    - c. Size
    - d. Current zoning
    - e. Current uses and previous approvals
  6. Pre application consultation
  7. Application for temporary departure
    - a. Suggested use
    - b. Definitions
    - c. Site development plan
    - d. Engineering services
  8. Application for extension of temporary departure
  9. Desirability
  10. Motivation
  11. Recommendation
- 

### Attachments:

- Annexure 1: Application form signed by the applicant Annexure 2
- Annexure 2: Power of attorney
- Annexure 3: Company resolution
- Annexure 4: Proof of ownership
- Annexure 5: Bond holder consent (Not applicable)
- Annexure 6: Motivation report (Attached)
- Annexure 7: Copy of the Surveyor General diagram (Attached)
- Annexure 8: Locality Plan (Attached)
- Annexure 9: Site Development Plan (Attached)
- Annexure 10: Proof of Payment (Attached)
- Annexure 11: Minutes of the Pre-application Consultation (Attached)

## **1. Background to the application**

An application was submitted in 2009 by Jan Hanekom Partnership and approved by Stellenbosch Municipality for the operation of wedding functions. At the same time, an application for a guest house, spa and gym was also approved. Approval was also granted to operate a restaurant and wine tasting on the premises and to use two cottages as additional dwellings.

All of the above uses are still in operation and form part of the success of the business venture on the property. The one cottage has since fallen into disuse and our client is now eager to use the structure for another purpose. The use identified following a need assessment that was done by the clients themselves and that will also be compatible with current uses has been identified. The customers would like the building that is currently approved as an additional dwelling to utilize the existing structure for the storage of niches containing ashes of deceased persons.

In the following paragraphs we will first give the general background regarding the property after which the site specific circumstances are outlined to further motivate the application and the compatibility of the use.

## **2. Nature of the application**

Application is made in terms of section 18(1)(b) of the Stellenbosch Municipality Land Use Planning By-Law (August 2015) to utilize land on a temporary basis for a purpose not permitted in terms of the primary rights on land zoned for agricultural purposes. Approval of this temporary departure will allow the owners to use an existing additional dwelling building for the storage of niches containing ashes of deceased persons. This correlates with the definition for a "wall of remembrance" as set out in Chapter 1; Definitions P24.

Application is also made to renew the lapsed approval to use the existing wine cellar and a portion of the garden as a wedding function venue.

## **3. Owner and applicant**

The land is owned by Brendel Property Developer No 4 CC with registration number 200106098823. The owners appointed Jan Hanekom (Town Planner) to prepare an application to seek for planning permission from Stellenbosch Municipality that would allow them to (a) create a "memorial hall" in an existing building presently approved to be used as a second dwelling but now in disuse.

(b) to use the old cellar and a portion of the garden for purposes of a wedding function venue.

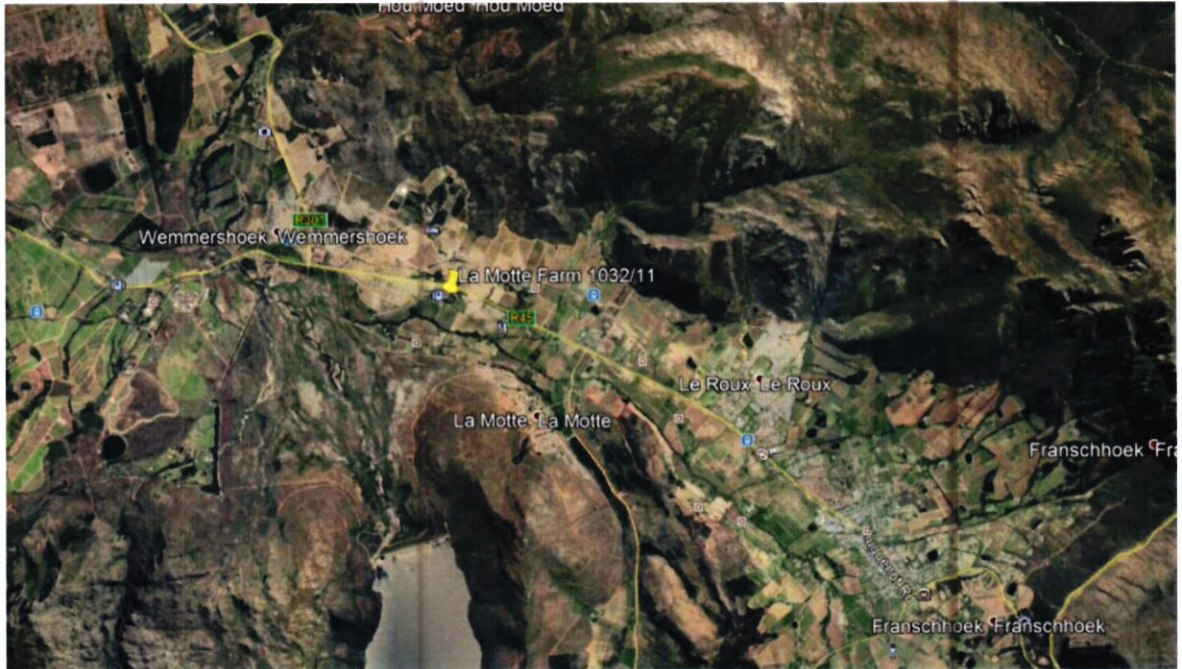
A Power of Attorney was signed by the owner see copy attached.

Detail of applicant	Jan Hanekom
Address	Unit 13 Urban Growth Park 15 Jan Van Riebeeck Drive Paarl
Cell No	0832618571
Email address	<a href="mailto:jan@jhp.co.za">jan@jhp.co.za</a>
Reference number	VG 500058

#### **4. Location**

The farm La Motte 1032 portion 11 is situated 6,5 Km from Franschoek central business district (CBD) and 1,6Km east of the junction of the R301 with the R45. Access to the property is from the R45. The location is at 33°52'54.77"S and 19°3'44.81"E.

See Plan 1 Locality Plan below for a regional perspective of the location of the sites.



Plan 1 Locality Plan

## 5. General information regarding the premises

### a. Ownership

Farm 1032/11 is owned by Brendel Property Developer No 4 CC with registration number CK 2016/390566/07.

The physical address is:

Le Manoir de Brendel  
R45  
Franschhoek  
7690

Contact details: 021 439888

Email address: [headoffice@brendel.co.za](mailto:headoffice@brendel.co.za) or [Christian@brendel.co.za](mailto:Christian@brendel.co.za)

### b. Title deed

The property is kept under title deed number T40849/2003. A copy of the title deed is attached.



**c. Size**

The property is shown on the title deed to be 14.752 Ha

**d. Current zoning**

The farm is currently zoned for Agriculture and Rural Zone. The larger extend of the farm is planted with vineyards

**e. Current uses and previous approvals**

Approval was granted in 2009 in terms of section 15(1) (b) of the Land Use Planning Ordinance for the following:

1	A <b>temporary departure</b> to allow the use of an agricultural building to be used for conducting weddings as well as 500m <sup>2</sup> of the garden area for hosting wedding functions
2	<b>Rezoning</b> of 128m <sup>2</sup> to Residential zone 5 in order to establish a gym, spa and guesthouse
3	<b>Consent use</b> for a tourist facility to allow the use of a portion of the main house as a restaurant and a portion of an outbuilding for wine tasting and sales, curio shop
4	A <b>consent use</b> was approved to allow the use of two existing cottages as additional dwellings

The property is currently being farmed with vineyards and a guesthouse facility with a restaurant and spa as a form of additional income on the property. Wedding ceremonies are still occasionally being held on the farm. **The approval was valid for only 5 years. Our client seeks an extension for another 5 years for this approval.**

**6. Pre application consultation**

A pre application Scrutiny consultation is required in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, 2015 (SMPB). Due to the Covid-19 situation this process was dealt with on line. The completed prescribed form and required documentation was submitted on 29 September 2020.

The feedback from Stellenbosch Municipality was sent by email on the 2 October 2020. A copy of the full document is attached for information. In summary it was proposed that an

application for rezoning of a portion of the subject farm from Agricultural Zone to Private Open Space Zone with a consent use for a cemetery be submitted or alternatively submit an application for a temporary Departure to utilize the existing structure for the storage of niches filed with ashes from deceased persons. This application, should it be approved, will only be valid for 5 years.

After the pre application consultation was completed and upon further investigation regarding the approvals already in place, it appeared that the temporary departure with respect to the wedding venue had already expired. This part of the application was therefore not discussed again during the pre-application consultation.

## **7. Application for temporary departure**

This application consists of a temporary departure application to gain the rights for (i) a Memorial Hall (Wall of remembrance) and (ii) a Wedding Venue.

### **a. Suggested uses: storage of niches (Memorial Hall) and wedding venue.**

The property is currently **zoned for Agricultural** purposes. The **purpose** of this zone is defined in section 200(1) of the Stellenbosch Municipality Zoning Scheme by-laws

- the **protection and preservation of agricultural land, rural landscapes and biodiversity;**
- use of land for purposes of bona fide agricultural production or conservation,
- buildings and structures which may be erected for reasonable and normal agricultural purposes
- a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes. Source SMPB

The above mentioned elements are relevant with regards to the evaluation of the application. With this document we will illustrate the compatibility of the proposed land uses with these aspects.

It is important to note that the proposed uses are compatible with all the above mentioned goals. No provision is made within the agricultural zones primary uses or neither additional use, nor the consent uses mentioned in the land use table shown in section 201(1) of the Scheme Regulations for the proposed memorial hall facility. It was

therefor decided during the pre-application consultation to either rezone a portion of the land or to apply for a temporary departure.

The proposed wedding venue consists of two elements namely the use of an agricultural building (cellar) as a chapel and secondly the use of the section of the garden. The previous approval (temporary departure) for the wedding function venue lapsed and therefore a new application is made to continue with the activities.

### **b. Definitions**

The proposed use or "memorial hall" falls within the guidelines of a cemetery as contained in the definition of a cemetery. *"Cemetery means a place for burial of human remains and may include an office, chapel, a garden and/or a wall of remembrance, but not a crematorium."* (Source : Chapter 1 : Definitions: Zoning scheme by-laws.)

These uses are permitted in terms of the Zoning Scheme By-laws as a consent use on property zoned for Private Open Space. As the area that will be used for the storage of niches is limited to the inside of an existing additional dwelling unit, it was decided not to rezone the land at this stage but rather to treat the activity as a temporary departure. If the land use is still compatible after 5 years with the guest house facilities and agricultural environment then a new application will be launched

**c. Site development plan**

On the plan below labeled as **Plan No2 Site Development Plan** we show all the approved activities on the farm in relation with the access road, neighbouring farms and the location of the werf on the farm.

<b>Plan No 2</b>	
Approval was granted by Stellenbosch Municipality in terms of LUPO, 1985. Reference number Farm 1032/11 Paarl dated 2009-07-28. Land uses approved is shown on the SDP in yellow.	
Client: Brendel Property Development No 4 CC	
<b>Site Development Plan</b>	
Project: Farm La Motte 1032/11 Memorial Hall	
Date: November 2020 Reference Number: VG 500058 Brendel	

**Plan 2 Site Development Plan**

From the plan above the following aspects are very clear.

- This is an **existing residential building** that is being used (see photo below)
- **No agricultural land is seized.**
- Due to the nature of the proposed use, it will have **no impact** with regard to noise or any other disturbances to the neighbors or the existing activities on the property.
- The activities are practiced on a **small scale** and are not visible from the R45.

- The proposed use is also highly compatible with existing activities

From the plan below labeled as **Plan No 3 Site development Plan (Detail)** the relationship of the building relative to each other is more clearly visible. The plan shows the existing site and the uses in more detail. The only **amendment to the approved SDP** is the use of the additional dwelling for the storage of niches (memorial hall). The parking areas are informally displayed on the site under tree cover which provides the necessary shade cover.



The adjacent photo shows the additional dwelling in question here. The house is not currently in use and the need to convert it and use it as a memorial hall has been identified by the client.

The sewage, water and electricity are sufficient for what is intended with the premises. No further expansion in this regard is required.



The garden will be upgraded to compliment the house.

This photo shows the part of the garden that is used as a wedding venue. This section of the garden is located south of the restaurant shown in the photo below. As is clear from the photos the area to be used is extremely limited and only suitable for small functions or up to 50 people.



The typical wedding held here is a small wedding in the late morning/ lunch time that does not have more than 50 guests. From the experience and understanding our client has gained in this regard over the past 11 years, it is clear that weddings are becoming much smaller and more intimate. It was found that the venue mainly attract the overseas market with limited guests.

#### **d. Engineering services**

Due to the nature of the activities (small wedding venue and memorial hall), and the experience gained over the last 10 years we are of the opinion that no additional traffic will be generated. Therefore, no additional parking is provided.

The existing toilet, water and electricity facilities are adequate and no change to the services is provided.

## 8. Application for renewal of temporary departure

An application (temporary departure) to enable the owners to use an existing agricultural building (the old wine cellar) and 500m<sup>2</sup> of the garden area for the hosting of **wedding functions** was approved (2009) in terms of section 15(1)(b) of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

The approval reads as follow;

**“EXTEND OF APPROVAL:**

*Approval in terms of section 15(1)(b) of the Land Use Planning Ordinance 1985 (15 of 1985), for a temporary departure to allow an existing agricultural building on Farm 1032/11, Paarl Division to be used for conducting weddings, as well as ± 500m<sup>2</sup> of the garden area for hosting of wedding functions, as indicated on Drawing Nr. VG 028-07 dated February 2005 and drawn by Jan Hanekom Partnership (see APPENDIX3)”*

**“VALIDITY OF APPROVAL:**

*The temporary departure shall be valid for 5 years and the rezoning for 2 years (unless the rezoning is acted on within 2 years) from date of final notification.”*

**“CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:**

*(11) The temporary departure will be valid for five years after the date of the registered letter of approval, after which a new application should be submitted for consideration.”*



**Source:** Minutes Planning and Development Services Committee Meeting 2009-06-23 APPENDIX 1 File No: Farm 1032/11, Paarl Division.

In terms of the time frames linked to the previous approval, this approval has already expired and therefore a **new application and motivation** is submitted to legalize the use.

The old wine cellar currently being used as a wedding chapel is shown in the photo above. The 64m<sup>2</sup> chapel can seat no more than 50 guests. The number of guests that can sit in the chapel also determines to a large extent the scale of the functions that can be offered here. Over the years it has become apparent that the venue is suitable for as many as 50 guests after which it becomes inconvenient. Most weddings offered here are for less than 50 guests.

The further aspect in question here is the number of parking spaces available. There are about 30 parking spaces available that are in line with the needs for such events. The parking spaces were informally spaced on the site under the oak trees.

### **9. Need and Desirability of the proposed utilization of land**

**“Desirability:** is defined as 'worth having or wishing for'. However, town planners agree that in the land use planning context, 'need' may rightly be regarded as reference to the supply of, or demand for, a land use in the open market.” “Desirability' relates to compatibility of a proposed land use with the intent of a plan ( or policy) depicting an acceptable spatial development pattern for the future.”

**“Need:** is defined as 'circumstances requiring some course of action”.

Source: Desirability: now the primary basis for considering changes of land use. OB Binnedell

The approval of the proposed wedding and function venue as well as the memorial hall has no bearing on the policy plans and the zoning scheme. The fact that both activities are of small scale and that existing agricultural buildings are used, contributes to the fact that the proposed uses are very compatible with the existing restaurant and guest house activities on the premises. The activities are also very compatible with the surrounding tourist facilities and agricultural activities.

Wedding venues are a generally accepted land use on farms in the area. Each has a unique aspect that makes it attractive to the user. All these facilities together have the potential to develop the Boland region as a tourist destination. Tourism is a very important alternative used to develop income and create jobs for the inhabitants of the region.

The Memorial Hall is a new concept and is not found anywhere else in the area. The use of the area is by appointment only and in small groups. There is no big inflow at any one time. It is a land use that has no impact on civil engineering services. The use will not contribute to any form of pollution or noise pollution. The proposed uses depend on the



beauty of the environment. The site contains beautiful streams and mountainous backdrop that make the natural environment very attractive.

Access to the premises has been well established and is strictly controlled. Access is direct from the R45, which means that traffic visiting the site has no impact on the surrounding farms.

## **10. Motivation**

The motivation for this application is based on the objectives set out in the land use policy documents, such as the Western Cape Rural Development Guidelines.

The proposed activities will contribute to the creation of a more **sustainable farming / guest farm** entity which in turn contributes to the **sustainability of the region**. Activities of this nature further create the opportunities to **address imbalances by improving access to land and employment**. The proposed use of existing buildings **optimizes the use of existing resources / infrastructure**, while **minimizing the negative social, environmental and economic impact** on the area. **No agricultural land** will be used for the purpose of this application. The proposed use will have **no impact on the heritage resources** of the property or any adjoining properties. The scope and nature of the proposed activities are limited and in line with the existing “werf image”.

The owners of the property have made a major contribution to the community over the past few years in addressing wellness, safety and other social ills.

## **11. Recommendation**

By approving this application, a **greater variety of compatible land use** and activities on the farm will be achieved, and the **larger rural community will share in the growth** of the **rural economy**.

These activities will **not endanger the biodiversity, farming activities, cultural and scenic landscapes and are of a suitable scale** and form to fit in with their context in the rural landscape. The **integrity and authenticity** of the farm will be preserved.

It is recommended from a planning point of view to approve the temporary departure application to enable the owners of the property to use:

- The existing wine cellar and a portion of the garden for the use of a wedding function venue and
- To approve the temporary departure to enable the owners of the property to use an existing additional dwelling as a memorial hall (wall of remembrance).

**12. Information required**

- a. Application form signed by the applicant (attached)
- b. Power of attorney (Attached)
- c. Company resolution (Attached)
- d. Proof of ownership (Title deed attached)
- e. Bond holder consent (Not applicable)
- f. Motivation report (Attached)
- g. Copy of the Surveyor General diagram (Attached)
- h. Locality Plan (Attached)
- i. Site Development Plan (Attached)
- j. Proof of Payment (Attached)
- k. Minutes of the Pre-application Consultation (Attached)

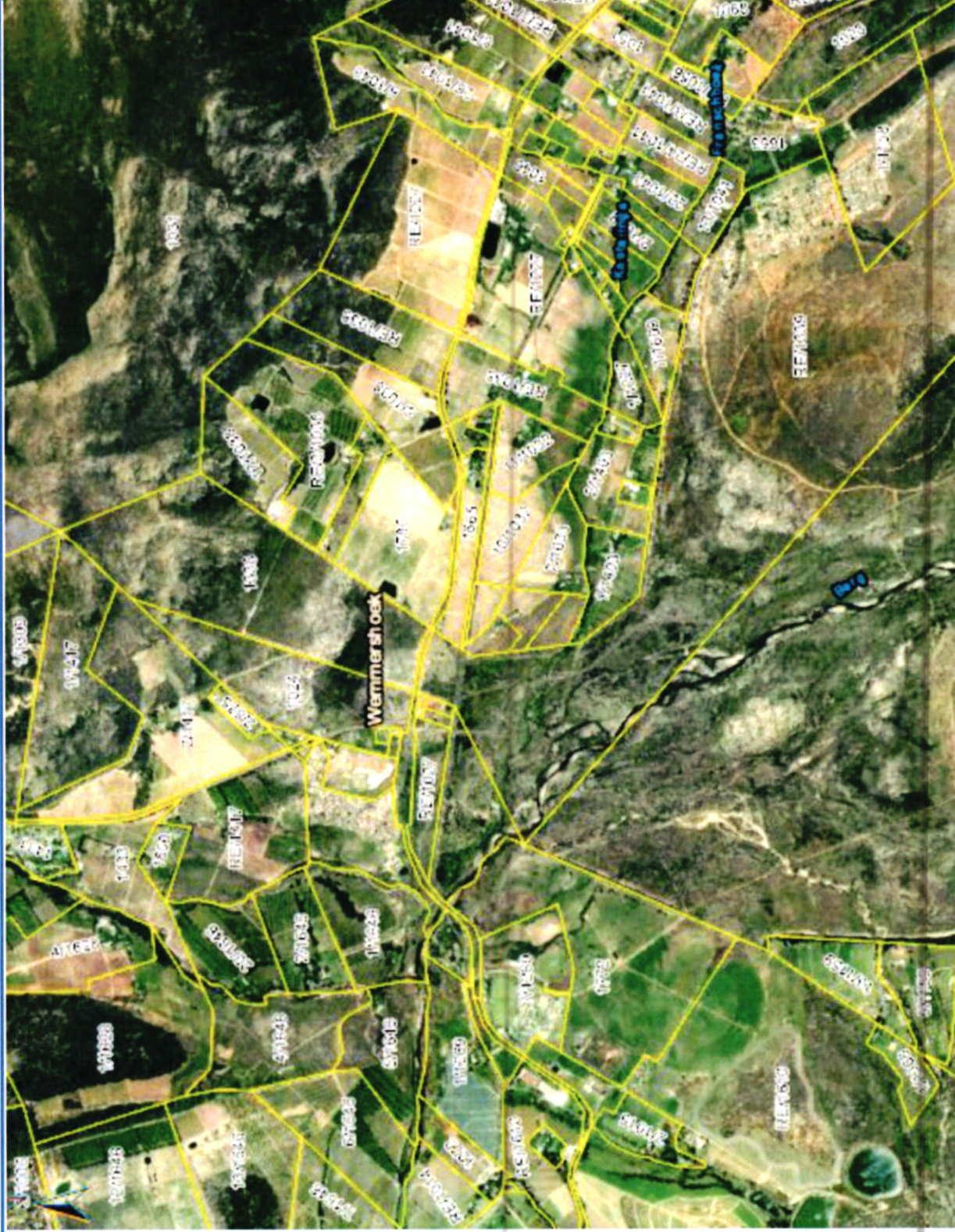
# Plan No 1

Client: **Brendel Property  
Development No 4 CC**

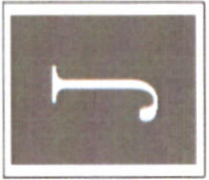
**Locality Plan**  
Portion 11 of the farm La  
Motte No. 1032

Project  
**Farm La Motte  
1032/11  
Memorial Hall**

Date  
**November 2020**  
Reference Number  
**VG 5000058  
Brendel**



Farm No  
Portion 11 of  
the farm La  
Motte No.  
1032



## JAN HANEKOM

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571  
Celebrating 38 years in property planning and development.



Approval was granted by Stellenbosch Municipality in terms of LUP0, 1985.  
 Reference number Farm 1032/11, Paarl dated 2009-07-28  
 Land uses approved is shown on the SDP in yellow

**Site Development Plan**

Project  
**Farm La Motte 1032/11 Memorial Hall**

Date  
 November 2020

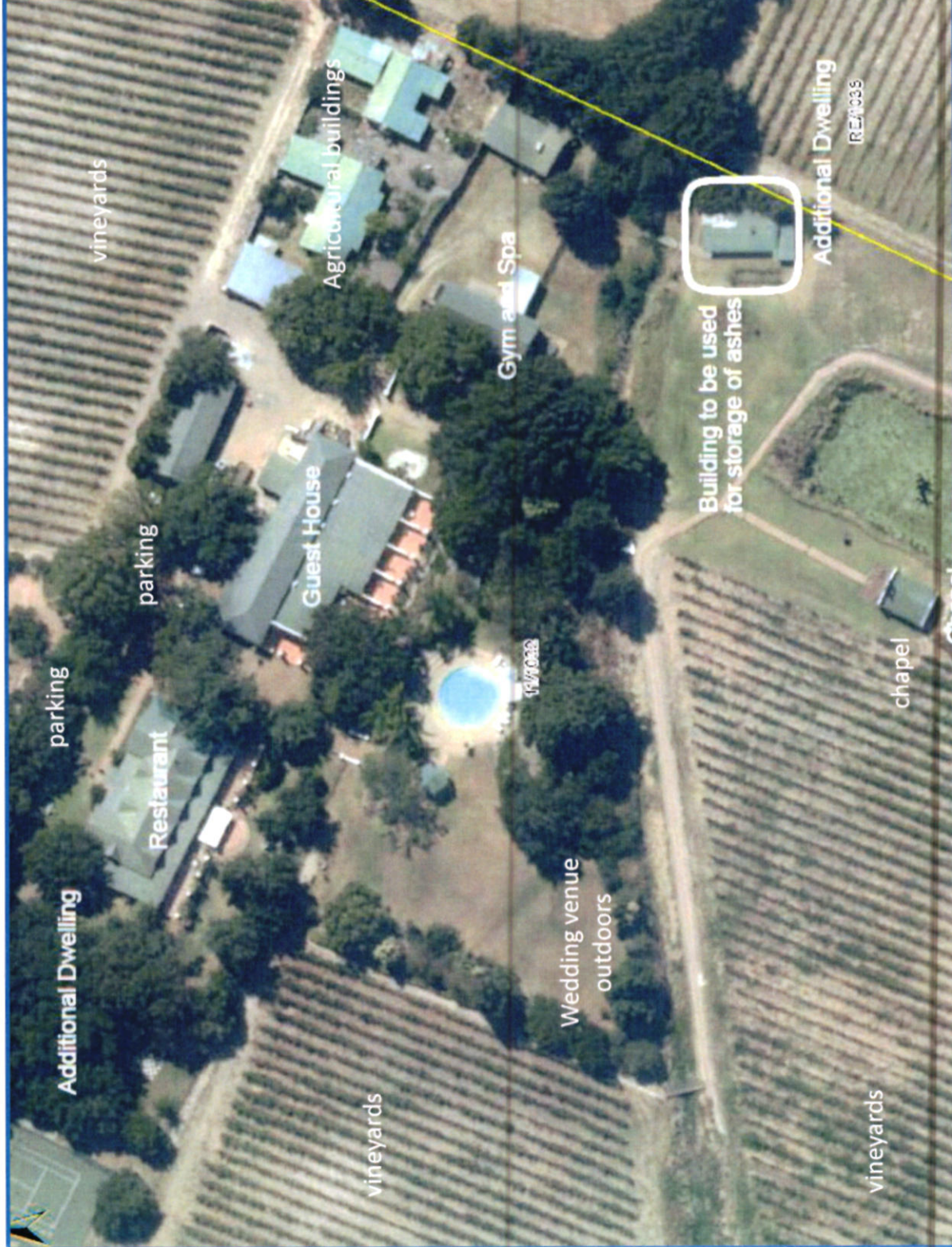
Reference Number  
 VG 5000058 Brendel

Farm No  
 Portion 11 of the farm La Motte No. 1032



**JAN HANEKOM**

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571  
 Celebrating 38 years in property planning and development



**Plan No 3**

**Site  
Development  
Plan  
Detail**

Project  
**Farm La Motte  
1032/11  
Memorial Hall**

Date  
**November 2020**  
Reference Number  
**VG 5000058  
Brendel**

Farm No  
Portion 11 of  
the farm La  
Motte No.  
1032



**JAN HANEKOM**

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571  
Celebrating 38 years in property planning and development

## Plan No 2

Approval was granted by Stellenbosch Municipality in terms of LUPO, 1985.  
Reference number Farm 1032/11, Paarl dated 2009-07-28  
Land uses approved is shown on the SDP in yellow

Client: **Brendel Property Development No 4 CC**

## Site Development Plan

Project  
**Farm La Motte 1032/11 Memorial Hall**

Date  
**November 2020**  
Reference Number  
**VG 5000058 Brendel**



Farm No  
Portion 11 of  
the farm La  
Motte No.  
1032



# JAN HANEKOM

2 CORDIER STREET PAARL 7646 [jan@jhp.co.za](mailto:jan@jhp.co.za) 0832618571  
Celebrating 38 years in property planning and development



## LAND USE PRE-APPLICATION SCRUTINY FORM

### KINDLY NOTE:

1. This Pre-Application Scrutiny form must be submitted prior to the submission of any Land Use and Land Development application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015. (SLUPB)
2. Relevant documents can be accessed at:  
<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal/legislation/3116-stellenbosch-municipality-land-use-planning-by-law-2015/file>
3. The applicant will receive feedback per e-mail following a weekly internal technical discussion on the pre-application scrutiny submission.
4. A pre-application consultation meeting may be required in terms of Section 37 of the said Bylaw on receipt and consideration of this Pre-Application Scrutiny.

### PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	Johannes Hendrik Hanekom
E-Mail	Jan@jhp.co.za
Tel/ Cell	0832618571
Registered Owner:	Brendel Prop Developers No 4 CC
Property Description	Farm 1032/11 Deed no. T40849/2003
Physical Address:	R45 Franschoek
Suburb & Town	Franschoek
Current Zoning	Agriculture
Current land use	Farming and guesthouse

Are there existing buildings on the subject property(ies)?	Yes	No
Are there any existing unauthorized buildings and/or land use on the subject property(ies)?	Yes	No
If yes, is this application to legalize the building/ land use?	Yes	No
Are there any pending court case(s)/ order(s) relating to the subject property(ies)?	Yes	No
Is the property located in a heritage area or contains any heritage significant buildings?	Yes	No
Does the property fall inside the urban edge ?	Yes	No

## PART B: APPLICATION

### 1. WHAT LAND USE PLANNING APPLICATIONS ARE REQUIRED IN TERMS OF SECTION 15(2) OF THE SLUPB?

<input type="checkbox"/>	Rezoning	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>	Removal/Suspension Amendment of restrictive conditions	<input type="checkbox"/>	Consent use
<input checked="" type="checkbox"/>	Permanent Departure	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Rectification/ disestablishment of HOA
<input type="checkbox"/>	Temporary Departure	<input type="checkbox"/>	Amendment of condition(s) of approval	<input type="checkbox"/>	Extension of validity period of approval	<input type="checkbox"/>	Amendment/cancel lation of approved subdivision plan
<input type="checkbox"/>	Determination of a zoning	<input type="checkbox"/>	Occasional use	<input checked="" type="checkbox"/>	Permission in terms of zoning scheme	<input type="checkbox"/>	Permission in terms of condition of approval
<b>OTHER</b>		<input type="checkbox"/>	Technical Approval	<input type="checkbox"/>	Exemption	<input type="checkbox"/>	

**Details of the Proposal:** (Brief description of proposal (not a full motivation))

Our client intends to use an existing structure (old cottage) for "storage "of niches containing ashes of deceased persons. The Cottage is currently used as an Additional dwelling.

There will be no traffic impact or any other form of negative environmental impact from the proposed use. A need for this kind of facility was identified by our client. Love ones visit the "grave" of the deceased in privacy and in an appropriate safe environment.

We have studied the Stellenbosch Municipality Burial Parks/ cemeteries by-law as well as the Zoning Scheme By-laws 2019 and would please seek your advice on the proses to be followed to obtain the necessary planning permission. From our research it appears that the proposed use should be treated as a Permanent Departure.



--

**2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS**

<b>RELEVANT PLANNING CONSIDERATIONS</b>		
<b>(a) Are any Municipal plans/policies/guidelines, or any restrictive title conditions, or other legislation / authorizations applicable to the application, and if yes, is the proposal consistent/ compliant with such?</b>	<b>Yes</b>	<b>No</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Details with reference to applicable plans/ policies/ guidelines: <b>The proposals are not in conflict with the Burial Parks/Cemeteries By-laws. We are not sure how compatible the proposal are with the Agriculture Zoning as set out in the scheme regulations. We are of the opinion that the application should be treated as a Permanent Departure application. The use itself is highly compatible with the current uses on the property</b></p>		
<b>(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?</b>	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Details on required infrastructure:</p>		
<b>(c) Does the development proposal include the provision of residential units, and if so, what is the target market re: range in income bracket/ selling price or rental for the units ?</b>	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Details on target market:</p>		
<b>(d) In addressing the SPLUMA principle of Spatial Justice and as it relates to prescripts on the provision of inclusionary housing, how will this development proposal target affordable market segments?</b>	<b>YES</b>	<b>NO</b>
	<input type="checkbox"/>	<input type="checkbox"/>
<p>Details on inclusionary housing provision: <b>N/A</b></p>		

**PART C: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF PRE-APPLICATION SCRUTINY**

The following minimum documentation **must** be attached to this pre-application scrutiny form:

1. **Locality plan**
2. **Layout Plan of proposal** (e.g. copy of existing building plan, indicating proposal on site plan, etc.)
3. **Full copy of the title deed or Conveyance Certificate**

**Please Note:**

- The Municipality may request any other information deemed necessary for the purpose of this pre-application scrutiny.
- If an incomplete pre-application scrutiny form or the required minimum supporting documents are not submitted the pre-application scrutiny form will not be accepted by the Municipality.

---

**DECLARATION:** I hereby confirm that the information contained in this pre-application scrutiny form and accompanying documentation is complete and accurate.

Applicant's signature: 

Date: 29 September 2020

**FOR OFFICE USE:**

Municipal Stamp
Received by: _____
Date: _____

**DETERMINATION BY AUTHORISED OFFICIAL**

Additional Information	Pre-Application Consultation	Application Ready
Sign: _____	Date: _____	

**APPLICANT INFORMED BY RESPONSIBLE OFFICIAL**

Sign: _____	Date: _____
-------------	-------------



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Johannes Hendrik Hanekom  
Jan@jhp.co.za

02 October 2020

## **SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK**

### **FARM LA MOTTE NO. 1032/11, PAARL DIVISION.**

1. Your pre-application scrutiny submission on the above property dated **29 September 2020**, 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 needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:

#### **3.1 One of the following applications can be submitted to the Municipality:**

- a) An application for a **Temporary Departure** to utilize the existing structure for the storage of niches containing ashes of deceased persons. It is important to note that a temporary departure, should it be approved, will only be valid for a period of five (5) years where after the owner must relocate his business to an area with a suitable zoning.

OR

- b) An application for a **Rezoning** of a portion of the subject property from Agriculture and Rural Zone to Private Open Space Zone with a consent use for a cemetery.

*A cemetery means "a place for burial of human or domestic animal remains and may include an office, chapel a garden and/or wall of remembrance, but not a crematorium".*

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.

Page 1 of 2

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)



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Navrae / Enquiries	P April / U Von Molendorff
U verwysing / Your ref.	-
Ons verwysing / Our Ref.	Farm 1032/11, Paarl
Datum / Date	2009-07-28
Telefoon / Telephone	021-808 8683 / 8682
Faks / Fax	021-808 8651

## REGISTERED POST

Jan Hanekom Partnership  
60 Mill Street  
Paarl  
7646

Sir

## APPLICATION FOR TEMPORARY DEPARTURE, REZONING, AMENDMENT OF A CONDITION OF APPROVAL AND CONSENT USE: FARM NO. 1032/11, PAARL DIVISION

Your application dated 23 February 2005, refers.

The Planning and Development Services Committee at a meeting held on 23 June 2009 resolved as follows:

1. That **approval be granted** in terms of section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for a **temporary departure** to allow an existing agricultural building on Farm No. 1032/11, Paarl Division to be used for conducting weddings, as well as to use  $\pm 500\text{m}^2$  of the garden area for hosting of wedding functions, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**), subject to the conditions contained in the attached **APPENDIX 1**;
2. That **approval be granted** in terms of section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the **rezoning** of  $\pm 128\text{m}^2$  of Farm No. 1032/11, Paarl Division from Agricultural Zone I to Residential Zone V in order to establish a gym and spa for the guests to the guesthouse, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**), subject to the conditions contained in the attached **APPENDIX 1**;
3. That **approval be granted** in terms of section 42(3) of the Land Use Planning Ordinance, 1985 (No 15 of 1985) to **waive a previous condition of approval** (condition 3g of letter of approval dated 14/12/2001, prohibiting the extension of the Residential Zone V zoning) to allow the establishment of the gym and spa for the guest of the existing guesthouse activities, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**), subject to the conditions contained in the attached **APPENDIX 1**;
4. That **approval be granted** in terms of regulation 4.6 of the Scheme Regulations made in terms of section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) and promulgated by PN 1048/1988 for a **consent use for a tourist facility**, to

P 18-08-09

allow the use of a portion of the existing main dwelling as a restaurant and a portion of an existing agricultural outbuilding for wine tasting & sales and curio shop activities, as indicated on Drawing Nr. VG 028 - 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**), subject to the conditions contained in the attached **APPENDIX 1**; and

5. That **approval be granted** in terms of regulation 4.6 of the Scheme Regulations made in terms of section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) and promulgated by PN 1048/1988 for **consent use**, to use two existing cottages as additional dwellings, as indicated on Drawing Nr. VG 028 - 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**), subject to the conditions contained in the attached **APPENDIX 1**.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R291,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plein Street, Stellenbosch, within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you (as well as any objectors, if any) will be advised of a further right of appeal in terms of Section 44 of Land Use Planning Ordinance, No 15 of 1985 in due course.

Kindly note the above Council decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



for **DIRECTOR: PLANNING AND DEVELOPMENT SERVICES**

## APPENDIX 1

FILE NO: FARM NO. 1032/11, PAARL DIVISION.

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **FARM NO. 1032/11, PAARL DIVISION.**

"scheme regulation" has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

**EXTENT OF APPROVAL:** **Approval** in terms of section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for a **temporary departure** to allow an existing agricultural building on Farm No. 1032/11, Paarl Division to be used for conducting weddings, as well as to use  $\pm 500\text{m}^2$  of the garden area for hosting of wedding functions, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**).

**Approval** in terms of section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the **rezoning** of  $\pm 128\text{m}^2$  of Farm No. 1032/11, Paarl Division from Agricultural Zone I to Residential Zone V in order to establish a gym and spa for the guest to the guesthouse, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**).

**Approval** in terms of section 42(3) of the Land Use Planning Ordinance, 1985 (No 15 of 1985) **to waive a previous condition of approval** (condition 3g of letter of approval dated 14/12/2001, prohibiting the extension of the Residential Zone V zoning) to allow the establishment of the gym and spa for the guest of the existing guesthouse activities, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**).

**Approval** in terms of regulation 4.6 of the Scheme Regulations made in terms of section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) and promulgated by PN 1048/1988 for a **consent use for a tourist facility**, to allow the use of a portion of the existing main dwelling as a restaurant and a portion of an existing agricultural outbuilding for wine tasting & sales and curio shop activities, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**).

---

**Approval** in terms of regulation 4.6 of the Scheme Regulations made in terms of section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) and promulgated by PN 1048/1988 for **consent use**, to use two existing cottages as additional dwellings, as indicated on Drawing Nr. VG 028 – 07, dated Feb 2005 and drawn by Jan Hanekom Partnership (See **APPENDIX 3**)

**VALIDITY OF APPROVAL:** The temporary departure shall be valid for 5 years and the rezoning for 2 years (unless the rezoning is acted on within 2 years) from the date of final notification.

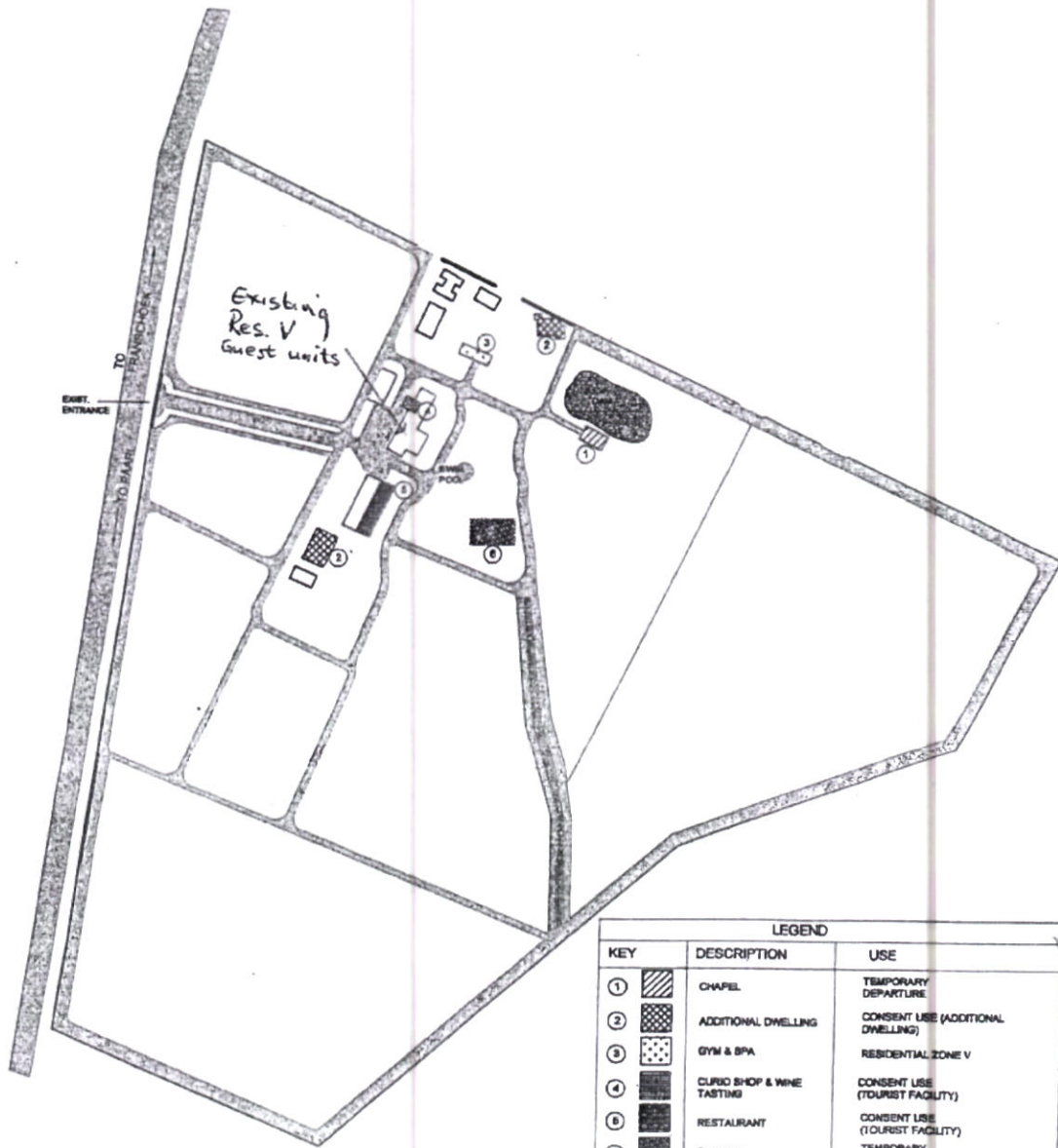
**CONDITIONS IMPOSED:** Rezoning, Consent Use and Temporary departure conditions

**CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:**

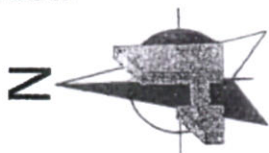
- (10) The approval applies only to the rezoning, consent use and temporary departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements.
- (11) The temporary departure will be valid for five years after the date of the registered letter of approval, after which a new application should be submitted for consideration.
- (12) That the required on-site parking is at all times provided on a ratio of 1 parking bay per 4 seats.
- (13) The owner of the property or operator of the facility must apply for the applicable business licenses in terms of the Business Act, No 71 of 1991, prior to operation of the facility.
- (14) The necessary licenses must be obtained in terms of the Liquor Act, 1989 (Act 27 of 1989), prior to commencement of any activity requiring such license.
- (15) That no pollution, including noise pollution, may take place on the property and that all other health regulations must be complied with. Where noise is concerned the applicant comply with the Noise Control Regulations made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act 73 of 1989) and promulgated at P.N. 627/1998. The SABS code of conduct 0103-1994, must be used as a guideline and will be the owner's responsibility.
- (16) That the conditions as set out in **APPENDIX 8** by the Chief: Health Officer (Cape Winelands District Municipality), be complied with.
- (17) That the conditions as set out in **APPENDIX 9** from the District Roads Engineer be adhered to.
- (18) That Council reserves the right to impose further conditions if needed.



# APPENDIX 3



LEGEND		
KEY	DESCRIPTION	USE
①	CHAPEL	TEMPORARY DEPARTURE
②	ADDITIONAL DWELLING	CONSENT USE (ADDITIONAL DWELLING)
③	GYM & SPA	RESIDENTIAL ZONE V
④	CURIO SHOP & WINE TASTING	CONSENT USE (TOURIST FACILITY)
⑤	RESTAURANT	CONSENT USE (TOURIST FACILITY)
⑥	GARDEN	TEMPORARY DEPARTURE



PROJECT  
**LE MANOIR DE BRENDEL**

DESCRIPTION  
**PROPOSED ZONING, CONSENT USE & TEMPORARY DEPARTURES**

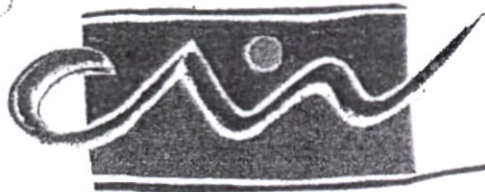
FILE	VG 500 028	SCALE	N.T.S.
DESIGN	DRAWN	CHECKED	DATE
			FEB 2005
JOB NO	REVISION		
DRAWING	VG 028 - 07		

**ITEM 5.2.5**

**APPENDIX 8**

**APPLICATION FOR TEMPORARY  
DEPARTURE, REZONING, AMENDMENT  
OF A CONDITION OF APPROVAL AND  
CONSENT USE: FARM NO. 1032/11, PAARL  
DIVISION.**

**PLANNING AND  
DEVELOPMENT SERVICES  
COMMITTEE MEETING:  
2009-06-23**



CAPE WINELANDS DISTRICT  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

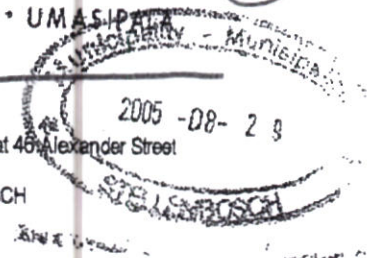
APPENDIX 8 1032/11

31

NAVRAE/ENQUIRIES/IMIBUZO:  
TELEFOON/TELEPHONE/UMNXEBA:  
FAKS/FAX/FEKSI:  
E-POS/E-MAIL/E-MAIL:  
U VERW/ YOUR REF/ REF YAKHO:  
ONS VERW/ OUR REF/ REF YETHU:

Mnr. M. Matthee  
021-8711001  
021-8721277  
matthee@bolanddm.co.za  
Plaas 1032/11, Paarl  
Plaas Nr. 1032/11

Alexanderstraat 45, Alexander Street  
100  
STELLENBOSCH  
7599



Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/  
All correspondence to be addressed to the Municipal Manager/Yonke imbaletwano mayithunyelwe kuMlawuli kaMasipala

24 Augustus 2005

Die Munisipale Bestuurder  
Stellenbosch Munisipaliteit  
Posbus 17  
STELLENBOSCH  
7599

FILE NR:  
1514/2005/8  
SCAN NR:  
COLLABORATOR NR:

Geagte Meneer

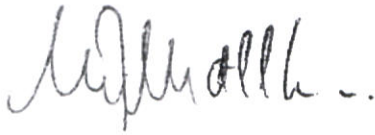
**Voorgestelde Wysiging van Voorwaardes: Hersonering, Tydelike Afwyking en Vergunningsgebruik: Le Manoir de Brendel, La Motte – Plaas Nr. 1032/11**

U skrywe, gedateer 29 Junie 2005, het betrekking.

Bogenoemde aansoek om wysiging kan vanuit 'n gesondheidsoogpunt aanbeveel word vir goedkeuring mits daar aan die volgende voorwaardes voldoen sal word:

- 1) Alle vullis-en rioolbeskikking op die perseel sal op 'n oorlasvrye wyse geskied en is die verantwoordelikheid van die eienaar.
- 2) Drinkwaterkwaliteit op die perseel sal ten alle tye moet voldoen aan die minimum bakteriologiese en chemiese standaarde vir drinkwater, soos bepaal deur SABS Kode 241 – 2001.
- 3) Alle areas waar voedsel gehanteer word, sal moet voldoen aan die minimum vereistes vir voedselhanteringspersele soos bepaal deur Regulasie R918 (Regulasies m.b.t. die Algemene Higiënevereistes vir Voedselpersele) in terme van die Wet op Gesondheid (Wet 63 van 1977).
- 4) Genoemde voedselhanteringsareas mag onder geen omstandighede bedryf word nie, alvorens daar nie eers aansoek gedoen is by die Omgewingsgesondheidsdepartement van die Kaapse Wynland Distriksmunisipaliteit, om 'n Geskikheidsertifikaat nie. Hierdie sertifikaat sal uitgereik word na inspeksie en indien die perseel sou voldoen aan die vereistes van Regulasie R918.
- 5) Die beoogde gastekamers sal verder ook moet voldoen aan die bepalings van die Standaardverordening insake Verblyfondememings (PK 167 van 1988).

Die uwe

A handwritten signature in black ink, appearing to be 'M. Mollh...'.

nms Munisipale Bestuurder

**ITEM 5.2.5**

**APPENDIX 9**

APPLICATION FOR TEMPORARY  
DEPARTURE, REZONING, AMENDMENT  
OF A CONDITION OF APPROVAL AND  
CONSENT USE: FARM NO. 1032/11, PAARL  
DIVISION.

**PLANNING AND  
DEVELOPMENT SERVICES  
COMMITTEE MEETING:  
2009-06-23**

Verwysing  
Reference : PR22/29/1081/05  
Isalathiso

Navrae  
Enquiries : H F Hendriks  
Imibuzo

Telefoon  
Telephone : 021-863 2020  
Ifowuni

The Municipal Manager  
Stellenbosch Municipality  
P. O. Box 17  
**STELLENBOSCH**  
7599


Attention : Ms Sonita Matthee

Dear Ms Matthee

**APPLICATION IN TERMS OF ACT 21/1940 (as amended) : PROPOSED AMENDMENT OF SPOT ZONING CONDITIONS, REZONING, SPECIAL CONSENT AND TEMPORARY DEPARTURE ON FARM 1032, PORTION 11 LE MANOIR DE BRENDEL, DIVISION PAARL, STELLENBOSCH MUNICIPAL AREA**

1. In terms of abovementioned Act, there is no objection to the amendment of spot zoning, special consent and temporary departure requested by Jan Hanekom Partnership on behalf of Brendel Prop. Dev. No 4, provided that ;
  - 1.1 the existing access off the R45 (Paarl / Ou Tol) Main Road 191 to be condoned for the present use, but may have to be re-evaluated should traffic volumes increase to unacceptably high values in future ;
  - 1.2 no advertisement signs or any other signs visible from the proclaimed road may be erected without prior written approval of the District Roads Engineer : Paarl ; and
  - 1.3 adequate parking to be developed on the property to accommodate the visiting guests to the proposed rezoned area as well as the existing public facilities on the property. The owner to submit an updated development plan indicating the proposed parking area as well as on-site manoeuvrability.
2. The aforementioned approval is only valid for this application and does not imply exemption from any other Act, Ordinance or Regulation.

Yours truly,

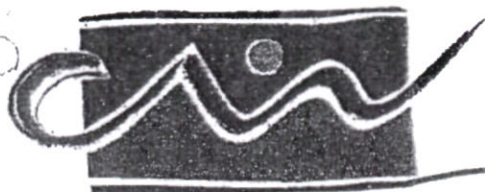
  
For C.J. de Villiers  
**DISTRICT ROADS ENGINEER**  
mvn

Date : 2005-11-05



Distrikspadingenieur, Privaatsak X6003, Suider-Paarl, 7624  
District Roads Engineer, Private Bag X6003, Suider-Paarl, 7624  
InJinell Yeandiele Zesthill, Private Bag X6003, Suider-Paarl, 7624  
Telefoon/Telephone/Ifowuni: (021) 863-2020  
Faks/Fax/Faks: (021) 863-3623





CAPE WINELANDS DISTRICT  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

1032/14 9

(35)

NAVRAE/ENQUIRIES/IMIBUZO:  
TELEFOON/TELEPHONE/UMNXEBA:  
FAKS/FAX/IFEKSI:  
E-POS/E-MAIL/E-MAIL:  
U VERW/OUR REF/REF YAKHO:  
ONS VERW/OUR REF/REF YETHU:

M van Niekerk  
021-888 5108  
021-882-9931  
malan@bolanddm.co.za  
Farm 1032/11 (FH), Division Stellenbosch  
15/3/1

Alexanderstraat 46 Alexander Street  
100  
STELLENBOSCH  
7599

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/  
All correspondence to be addressed to the Municipal Manager/Yonke Imbelehwanu mayithunyelwe kuMlawuli kaMasipala

2005-11-10

The Municipal Manager  
Stellenbosch Municipality  
P O Box 17  
STELLENBOSCH  
7599



FILE NR:	15/14/PAARL/8
SCAN NR:	
COLLABORATOR NR:	

Attention : Ms Sonita Mathee

Dear Ms Mathee

**APPLICATION IN TERMS OF ACT 21/1940 (as amended) : PROPOSED AMENDMENT OF SPOT ZONING CONDITIONS, REZONING, SPECIAL CONSENT AND TEMPORARY DEPARTURE ON FARM 1032, PORTION 11 LE MANOIR DE BRENDÉL, DIVISION PAARL, STELLENBOSCH MUNICIPAL AREA**

1. Your letter dated 29 June 2005 acts as reference.
2. The Deputy Director : Roads comments as follows :
  - 2.1 the existing access off the R45 (Paarl / Ou Tol) Main Road 191 to be condoned for the present use, but may have to be re-evaluated should traffic volumes increase to unacceptably high values in future ;
  - 2.2 as indicated in the attached letter of the District Roads Engineer, this Directorate has from a traffic impact point of view no objection to the subdivision and consolidation application, provided that all the conditions as stipulated by the District Roads Engineer are adhered to ; and
  - 2.3 adequate parking must be developed on the property to accommodate the visiting guests to the proposed rezoned area as well as the existing public facilities on the property. The owner must submit an updated development plan indicating the proposed parking area as well as on-site manoeuvrability.

3. The aforementioned approval is only valid for this application and does not imply exemption from any other Act, Ordinance or Regulation.

Yours truly,



**M SAULS**  
For **MUNICIPAL MANAGER**





**Endorsements :**

Cape Winelands District  
Municipality

For Information: Mr. A. Stevens

Fax nr. 021- 882 9931

9.4

Navrae / Enquiries            A van der Merwe  
U verwysing / Your ref.       -  
Ons verwysing / Our Ref .    15/3/2/9/13  
Datum / Date                    14 December 2001

Messrs Jan Hanekom Partnership  
P O Box 472  
**PAARL**  
7620

## REGISTERED POST

Sirs

### APPLICATION FOR REZONING AND CONSENT USE: THE FARM DAGBREEK NO FARM 1032/11, PAARL DIVISION

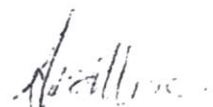
Your application in the above-mentioned regard refers.

The Head Planning and Development in terms of delegated powers resolved as follows:

1. That approval be granted in terms of section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a portion of Farm 1032/11, Paarl Division, from Agricultural Zone I to Residential Zone V in order to convert ±345m<sup>2</sup> of an existing shed into 6 guestrooms with a reception area.
2. That approval be granted in terms of Section 4.7 of the Scheme Regulations for a consent use (tourist facility) to allow for the use of the lounge and dining room (±93m<sup>2</sup>) of the existing main house by the guests of the 6 guestrooms only.
3. The approval will be subject to the following conditions in terms of section 42 of the Land Use Planning Ordinance, 1985 (No. 15 of 1985):
  - (a) That the conditions as set out in **Annexure 4** of the report of the Chief Engineer and endorsed by the District Roads Engineer be adhered to.
  - (b) That the conditions as set out in **Annexure 5** of the report of the Chief Environmental Health Officer be adhered to.
  - (c) The conditions as set out in the attached **Annexure 6** of the Department Environmental and Cultural Affairs and Sport be complied with.

- (d) That the conditions as set out in **Annexure 7** of the report of the Aesthetics Committee be adhered to.
- (e) The conditions / requirements of the Department: Water Affairs and Forestry as set out in the attached **Annexure 8**, be adhered to;
- (f) No new bona fide agricultural buildings as well as guest related buildings may be erected on the farm.
- (g) Since the maximum area stipulated for guest house purposes will be utilised no extension of the spot zoning for Residential Zone V will be allowed.
- (h) No labourers cottages on the farm may be utilized for guest accommodation
- (i) The tourist facility may only be used as a dining area for the guests of the guesthouse and existing Bed and Breakfast facility and may not be utilized as a restaurant open to the general public.
- (j) If liquor is to be served the necessary approval be obtained in terms of the Liquor Act, 1989 (Act 27 of 1989).
- (k) The owner of the property must register for the payment of levies, as prescribed in the Regional Services Council Act, No 109 of 1985.
- (l) The owner of the property must apply for a business license in terms of the Business Act, No 71 of 1991.
- (m) Building plans for the proposed conversions must be submitted to Council for approval.
- (n) The aforementioned plans must also be presented to the Franschhoek Aesthetics Committee as well as SAHRA for their acceptance and written approval.
- (o) The approvals apply only to the rezoning and consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- (p) The owner must confirm in writing that the aforementioned conditions are understood and will be adhered to at all times.

Yours faithfully



**for MUNICIPAL MANAGER**

**BOLAND DISTRIKSMUNISIPALITEIT**  
**BOLAND DISTRICT MUNICIPALITY**  
**UMASIPALA WESITHILI SASEBOLAND**

**ANNEXURE 4**

NAVRAE/ENQUIRIES/IMIBUZO:	B B Kurtz	Alexanderstraat/46 Alexander Street
TELEFOON/TELEPHONE/UMNXEBA:	(021) 887-2900	☒ 100
FAKS/FAX/IFEKSI:	(021) 887-2271	STELLENBOSCH
E-POS/E-MAIL/E-MAIL:	<a href="mailto:bevan@bolanddm.co.za">bevan@bolanddm.co.za</a>	7599
U VERW/YOUR REF/REF YAKHO	15/3/2/9/13	
ONS VERW/OUR REF/REF YETHU:	<b>15/3/2/9/13 (IP/01/09/00171)</b>	

Alle korrespondensie moet aan die Waarnemende Munisipale Bestuurder gerig word  
All correspondence to be addressed to the Acting Municipal Manager / Yonke imbalelwano mayithunyelwe kuMlawuli obambeleyo kaMasipala

2001-10-15

The Acting Municipal Manager  
Stellenbosch Municipality  
P O Box 17  
**STELLENBOSCH**  
7599

**Attention: Me A van der Merwe**

Madam

**APPLICATION FOR REZONING AND CONSENT USE: FARM 1032/11, PAARL DIVISION**

1. The abovementioned application as submitted by Jan Hanekom Partners on behalf of Jamb Farming Trust as well as your letter dated 14 September 2001, have reference.
2. The Chief Engineer reports as follows :

**2.1 Roads**

Access to the farm 1032/11 is taken off Main Road 191 (R 45). The existing access, approved in terms of Act 21/1940 as the only access to the abovementioned property, has acceptable geometric layout and satisfies the minimum shoulder sight distances of 300 metres in both directions.

From a proclaimed road point of view there is no objection to the application subject to:

- 2.1.1 the existing upgraded access off main road 191 is to be used to access the proposed rezoned area on the farm. No additional access may be taken off main road 191 without the prior written approval of the road authority;
- 2.1.2 no advertisement or any other signs visible from the proclaimed road may be erected without the prior written approval of the Chief Engineer;
- 2.1.3 adequate parking to be developed on the property to accommodate the visiting guests to the proposed rezoned area as well as the existing public facilities on the property. The owner to submit a development plan indicating the proposed parking area as well as on-site manoeuvrability.

## **2.2 Water**

Potable water is available off the Greater Franschhoek water pipeline subject to the applicable council regulations and tariffs.

## **2.3 Sewerage**

The disposal of all waste-water and sewerage generated on the property is to be implemented to the satisfaction of the Chief Engineer. The use of septic tanks and soak-aways, as a method of disposal, is not acceptable.

## **3. RECOMMENDATION**

***That approval be granted for the rezoning from Agricultural Zone I to Residential Zone V in order to convert ± 345 m<sup>2</sup> of an existing shed into 6 guestrooms and a consent use to allow the use of the existing lounge and dining room (± 93 m<sup>2</sup>) of the main house by the guests subject to :***

- 3.1 the existing upgraded access off main road 191 is to be used to access the proposed rezoned area as well the existing public facilities on the property. The owner to submit a development plan with his building plans indicating the parking requirements as well as on-site manoeuvrability;***
- 3.2 no advertisement or any other signs visible from the proclaimed road may be erected without the prior written approval of the Chief Engineer;***
- 3.3 potable water is available off the Greater Franschhoek water pipeline subject to the applicable council regulations and tariffs ;***
- 3.6 The disposal of all waste-water and sewerage generated on the property is to be implemented to the satisfaction of the Chief Engineer. The use of septic tanks and soak-aways, as a method of disposal, is not acceptable.***

Yours faithfully



for Acting Municipal Manager

**SKAKELKOMITEEVERGADERING: DISTRIKSPADINGENIEUR  
LIAISON COMMITTEE MEETING: DISTRICT ROADS ENGINEER**

VERWYSING / REFERENCE:

15/3/2/9/13

APPLIKANT:  
APPLICANT:

*Jan Hanekom Partners*

DATUM:  
DATE:

2/11/2001

PLAAS / ERF:  
FARM / ERF:

*1032/11, Paarl Division*

BESKRYWING VAN AANSOEK / GEBOU(E):  
DESCRIPTION OF APPLICATION / BUILDING(S):

*Application for rezoning & consent use.*

**KOMMENTAAR / COMMENTS:**

Die kommentaar en aanbeveling van die Boland Distriksmunisipaliteit (Hoofingenieur) aangaande die paaie en toegang word ondersteun.

The comments and recommendation of the Boland District Municipality (Chief Engineer) with regard to roads and access is supported.

JA / YES

NEE / NO



*2001-11-02*

**DISTRIKSPADINGENIEUR  
DISTRICT ROADS ENGINEER  
ENGINEER**

**DATUM  
DATE**

**DISTRIKSPADINGENIEUR  
DISTRICT ROADS**

**ADDISIONELE KOMMENTAAR / ADDITIONAL COMMENT:**

.....  
.....  
.....

**BOLAND DISTRIKSMUNISIPALITEIT**  
**BOLAND DISTRICT MUNICIPALITY**  
**UMASIPALA WESITHILI SASEBOLAND**

NAVRAE/ENQUIRIES/IMIBUZO:	Mnr. M.J. Matthee	Alexanderstraat 46 Alexander Street
TELEFOON/TELEPHONE/UMNXEBA:	021 - 8711001 X 208	☒ 100
FAKS/FAX/IFEKSI:	021 - 8721277	STELLENBOSCH
E-POS/E-MAIL/E-MAIL:	<a href="mailto:wynperel@adept.co.za">wynperel@adept.co.za</a>	7599
U VERW/YOUR REF/REF YAKHO:		
ONS VERW/OUR REF/REF YETHU:	Plaas No. 1032/11	

Alle korrespondensie moet aan die Waarnemende Munisipale Bestuurder gerig word/  
All correspondence to be addressed to the Acting Municipal Manager  
Yonke imbalelwano mayithunyelwe kuMlawuli obambeleyo kaMasipala

03 Oktober 2001

Die Waarnemende Bestuurder  
Stellenbosch Munisipaliteit  
Departement Bepanning en Ontwikkeling  
Posbus 100  
STELLENBOSCH  
7599

Meneer

**AANSOEK OM HERSONERING EN VERGUNNINGSGEBRUIK (PLAAS NO. 1032/11),  
LA MOTTE- AFDELING: PAARL**

Vanuit 'n gesondheidsoogpunt is daar geen beswaar teen die omskepping van 'n bestaande skuur in ses (6) gastekamers nie, mits daar aan die volgende voorwaardes voldoen sal word:

- Vullis- en rioolbeskikking is die verantwoordelikheid van die eienaar en moet sodanig geskied dat dit nie 'n gesondheidsoorlas tot gevolg sal hê nie.
- Drinkwater wat aan die gastekamers voorsien word moet ten alle tye voldoen aan die bakteriologiese en chemiese standaarde vir drinkwater.
- Indien voedsel op die perseel voorberei en aan gaste bedien gaan word, sal aansoek gedoen moet word by die gesondheidsdepartement van Boland Distriksmunisipaliteit, om 'n geskikheidsertifikaat vir die betrokke voedselhanteringsperseel.
- Die area van voedselvoorbereiding sal ook moet voldoen aan die neergelegde standaarde van Regulasie R 918 (Regulasie met betrekking tot algemene higiënevereistes vir voedselpersele en die vervoer van voedsel), ingevolge die Wet op Gesondheid - Wet 63 van 1977.

Die uwe.

  
nms WAARNEMENDE MUNISIPALE BESTUURDER

→ P. APRIL



## ANNEXURE 6

Verwysing  
Reference  
Isalathleco AN 87/25/4 Farm 1032/11

Navrac  
Enquiries  
Imibuzo Morgan Griffiths

Datum  
Date  
Umhla of Issue: 28/11/01

Departement van Omgewing- en Kultuursake en Sport  
Department of Environmental and Cultural Affairs and Sport  
Isebe IemiCimbi yeNdalo esiNgqongileyo neNkcubeko nezemiDlalo

Jamb Farming Trust  
% Jan Hanekom Partnership  
PO Box 472  
Paarl  
7620  
**Attention: Mr P-J. le Roux**

Tel: (021) 871-1750  
Fax: (021) 872-4379

Dear Sir / Madam

**APPLICATION: ADDITIONAL GUEST HOUSES ON OUDE JONGH GUEST FARM IN FRANSCHHOEK (REMAINDER OF FARM LA MOTTE NO. 1032/11, PAARL) AN IDENTIFIED ACTIVITY IN TERMS OF SECTION 21 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT NO. 73 OF 1989).**

With reference to your application, find below the Record of Decision in respect of this application.

#### RECORD OF DECISION

##### A. DESCRIPTION OF ACTIVITY:

The construction of a private resort (Identified activity 1(m) as listed in Schedule I of Government Notice No. R. 1182 of 5 September 1997), namely the conversion of an existing packing shed into six (Resort) guest rooms and reception area on Oude Jongh Guest Farm in Franschhoek (Remainder of Farm La Motte No. 1032/11, Paarl), herein after referred to as the 'activity'.

##### B. LOCATION:

The Guestrooms and reception room are proposed in a disused packing shed on the farm, the total area to be upgraded to be 345m<sup>2</sup>. The guest farm is located off the R45 Divisional Road near the junction of the Wemmershoek-Paarl Road, Franschhoek.

##### C. APPLICANT:

Jamb Farming Trust  
% Jan Hanekom Partnership  
PO Box 472, Paarl, 7620  
Tel: (021) 871-1750  
Fax: (021) 872-4379

##### D. CONSULTANT:

No independent environmental consultant was appointed by the applicant.



*Department of Environmental and Cultural Affairs and Sport*  
*Directorate: Environmental Management*

2

**E. SITE VISIT(S):**

No site visits were held between the applicant, or his/her representatives, and this Directorate.

**F. DECISION:**

In terms of sections 22 and by virtue of powers delegated by the Minister in terms of sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Director: Environmental Management of the Department of Environmental and Cultural Affairs and Sport hereby grants authorisation for the execution of the activity described above, subject to the conditions of approval contained in this Record of Decision.

In addition to the above authorisation, exemption from compliance with the following regulation/s of Regulation No. 1183, dated 5 September 1997 is hereby granted by the Director: Environmental Management in terms of section 28A and by virtue of powers delegated by the Minister in terms of sections 28 & 33 of the said Act:

Regulation 3 (1): The applicant –

- (a) **must appoint an independent consultant who must on behalf of the applicant comply with these regulations;**
- (c) must ensure that the consultant has no financial or other interest in the undertaking of the proposed activity, except with regard to the compliance with these regulations;
- (d) must ensure that the consultant, while complying with these regulations has -
  - (i) expertise in the area of environmental concern being dealt with in the specific application;
  - (ii) the ability to perform all the relevant tasks contemplated in these regulations;
  - (iii) the ability to manage the public participation process contemplated in paragraph (f);
  - (iv) the ability to timeously produce thorough, readable and informative documents;
  - (v) adequate recording and reporting systems to ensure the preservation of all data gathered; and
  - (vi) a good working knowledge of all relevant policies, legislation, guidelines, norms and standards.
- (e) must ensure that the consultant\* provides to the relevant authority access to, and opportunity for review of, all procedures, underlying data, reports and interviews with interested parties, whether or not such information may be reflected in a report required in terms of these regulations;  
(\*in so far as where no consultant is appointed, the applicant must ensure access to the above information)

Regulation 6 (1): "..., the applicant must submit a Scoping Report to the relevant authority, which must include -

- (d) **a description of all alternatives identified**
- (e) **an appendix containing a description of the public participation process followed, including a list of interested parties and their comments.**

**G. CONDITIONS OF APPROVAL:  
SPECIFIC:**

1. This authorisation has been granted solely for the purposes of undertaking the specified activity referred to above, and detailed in the Report dated June 2001 (Ref.: Hs1000 172) compiled by *Jan Hanekon Partnership*.

*Department of Environmental and Cultural Affairs and Sport  
Directorate: Environmental Management*

3

2. No septic tanks are permitted.
3. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
4. The activity may not be used for permanent or temporary residential use.
5. This Directorate's (draft) Construction Phase Environmental Management Plan ('EMP', attached) must be adopted and complied with. The EMP must be included in all contract documentation for the construction phase of the development.

#### GENERAL CONDITIONS:

The following general conditions must be complied with:

6. This Authorisation is granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other relevant legislation.
7. The authorised activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
8. One week's notice, in writing, must be given to the relevant authority before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
9. The Directorate: Environmental Management must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
10. The Directorate: Environmental Management must be notified of any change of address of the owner and/or developer.
11. The applicant must, within five calendar days of receipt of this Record of Decision:
  - Inform all interested and affected parties registered during the Scoping and Impact Assessment processes, of the outcome of this application and, if requested, provide copies of this Record of Decision, including all the conditions attached thereto;
  - Include in such information the explicit provisions of Regulations 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R 1182 and 1183 of 5 September 1997) which reads as follows:
    - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
    - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them that are certified as true by a commissioner of oaths.
  - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
  - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483-4350, URL [http://westcape.wcape.gov.za/environmental\\_cultural\\_affairs/default.asp](http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp), or email [Sesterhu@pawc.wcape.gov.za](mailto:Sesterhu@pawc.wcape.gov.za) must accompany the appeal.

*Department of Environmental and Cultural Affairs and Sport  
Directorate: Environmental Management*

4

12. The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
13. All outdoor advertising associated with this activity, whether on or off the property concerned, shall comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:  

The Director: Environmental Impact Management  
Department of Environmental Affairs and Tourism  
Private Bag X447, Pretoria, 0001.
14. The owner and/or developer must notify the relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
15. Records relating to the compliance/non-compliance with the conditions of the authorisation must be kept in good order. Such records must be made available to the relevant authority within seven days of receipt of a written request by the relevant authority for such records.
16. If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4). Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.
17. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

Provincial Government, Local Authority, or committees appointed in terms of the conditions of the application, or any other public authority or organisation, shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.

In terms of section 28A(4) of the aforesaid Act, the Minister may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.

**H. RECOMMENDATIONS:**

This Directorate recommends that:

- Only indigenous, water-wise vegetation is used in the landscaping of the activity, and
- That the plumbing and water fixtures of the activity make use of flow-reduction/water saving technology.

**I. KEY FACTORS AFFECTING THE DECISION:**

The applicant currently runs the Oude Jongh Guest Farm, with the main farmhouse containing a number of guestrooms, dining and lounging facilities. The applicant wishes to expand this business through the conversion of an existing, disused shed into additional accommodation units. The applicant's planners have suggested that the environmental impacts of this expansion of an existing tourism venture will not result in significant environmental impacts or risk.

*Department of Environmental and Cultural Affairs and Sport*  
*Directorate: Environmental Management*

5

Franschhoek is a popular resort destination, with a significant number of such guesthouse/hotel enterprises in the area to cater for the tourists to the Western Cape. The Department of Economic Affairs, Agriculture and Tourism encourages such resorts as a means to uplifting rural economies; this Department having approved this proposal. The application would also not appear to be in conflict with the Winelands/Stellenbosch draft Spatial Development Framework, and has been supported by the Boland District Municipality, the Franschhoek Aesthetics Committee and the Franschhoek Trust. None of the neighbouring landowners objected to the proposal, nor were any negative comments received by the closing date of the planning advert done in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

From a biophysical viewpoint, there would not appear to be any factors or potential impacts that might preclude this development. The shed is within a farm 'werf', with an existing parking lot, an access road to a divisional road and is fully serviced by the local authority. The activity will make use of conservancy tanks, so the pollution risk to groundwater is avoided. From the photographs in the report, it appears that the shed is well screened by trees, so the visual impact of the renovated shed is very likely to be adequately mitigated.

The applicant provided sufficient information in terms of Regulation 6 of Regulation No. 1183 for this Directorate to base a decision on.

**J. DURATION AND DATE OF EXPIRY:**

This authorisation shall lapse if the activity does not commence within (two) years of the date of issue of this authorisation.

**K. APPEAL:**

In terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals can be directed within 30 days of the date of the issuing of this Record of Decision, to:

The Minister of Environmental and Cultural Affairs  
Western Cape Province  
PO Box 15653, Vlaeberg, 8018  
Fax: (021) 483-3885

Appeals must comply with the provisions of regulation 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997) which reads as follows:

- (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

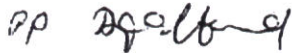
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. 483 4350, URL [http://westcape.wcape.gov.za/environmental\\_cultural\\_affairs/default.asp](http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp) or email [Sesterhu@pawc.wcape.gov.za](mailto:Sesterhu@pawc.wcape.gov.za) must accompany the appeal.

*Department of Environmental and Cultural Affairs and Sport*  
*Directorate: Environmental Management*

6

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



INGRID COETZEE  
**DIRECTOR: ENVIRONMENTAL MANAGEMENT**

DATE OF DECISION: 28/11/01

Copies to: Pedro April (Stellenbosch Municipality)  
Zane Erasmus (WCNCB, South West Region)

Fax: (021) 887-2271  
Fax: (021) 945-3457

ANNEXURE 7

NOTULE

FRANSCHHOEK ESTETIESE KOMITEE

2001-10-19

4.7 FARM LA MOTTE 1032/11: APPLICATION FOR REZONING AND CONSENT USE

Jan Hanekom & Partners' application on behalf of the owner, Jamb Farming Trust located approximately 7 km north-west of Franschhoek in the vicinity of Wemmershoek, with access off Main Road 191 (R45 - Paarl/Franschhoek), in extent 14,7521 ha.

Application for rezoning from Agricultural Zone 1 to Residential Zone V, in order to convert approximately 345 m<sup>2</sup> of an existing shed into 6 guestrooms with a reception area. Application for a consent use (tourist facility) to allow for the use of the lounge and dining room (± 93 m<sup>2</sup>) of the existing main house by the guests of the 6 guest rooms only.

Kindly furnish Acting Municipal Manager with any comments you may wish to offer on the proposal, within 60 days from the date of this letter (2001-09-14), as prescribed by the Land Use Planning Ordinance 15/1985. In the case of comments not received in time, processing of the application will be proceeded with and late comments can be ignored.

Me A van der Merwe, Town Planner of Stellenbosch, will be present at the meeting to address the Committee regarding this matter.

FOR CONSIDERATION

*Aesthetics Committee Meeting 2001-10-19*

RECOMMENDATION

- a) Recommended for approval as a Spot Zoning Residential Zone 5 provided that spot zoning is only in the present residential werf/yard and that no further labourers or housing should be allowed, because the Committee wants to see the basic usage of the piece of ground as agricultural zone one. The reason is that it is on the R45 which has to have a rural feeling.

FOR CONSIDERATION

*Acting Head: Planning & Development 2001-10-31*

RESOLVED

	Designed	Approved	Administering
M. Esterhuysen			
M. Esterhuysen			
M. Esterhuysen			
M. Esterhuysen			
M. Esterhuysen			

ROLAND DM.  
ONTVAANG  
2001-11-09



15/11/11  
ANNEXURE 8

**REPUBLIC OF SOUTH AFRICA : REPUBLIEK VAN SUID AFRIKA**  
**DEPARTMENT OF WATER AFFAIRS AND FORESTRY : DEPARTEMENT VAN WATERWESE EN BOSBOU**  
**WESTERN CAPE REGION : WES-KAAPSTREEK**  
Private Bag / Privaatsak X16, Sanlamhof, 7532  
17 Strand Street / Strandweg 17, Bellville, 7530  
Tel: (021) 950 7100 Fax: (021) 946 3666

Email/Epos: marie@dwaf-wcp.wcape.gov.za  
Cell/Sel: 082 809-5469

Enquiries/Navrae: Marlé Kunneke  
Reference/Verwysing: (021) 950-7143  
Date/Datum: 16/27/G100/A/8  
30 October 2001

Acting Municipal Manager  
Stellenbosch Municipality  
PO Box 100  
STELLENBOSH  
7599

BOLAND D.M.  
ONTVANG  
2001 -11- 0 2  
RECEIVED

	SEARCHED	SERIALIZED	INDEXED
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			
MR. DE VRIES			

Attention: Mr P. April

Sir  
**RE: APPLICATION FOR REZONING AND SUBDIVISION: FARM LA MOTTE NR 1032/11, PAARL DIVISION**

Your correspondence with reference number, 15/3/2/9/13, refers.

This Department has no objection to the above application, provided the applicant complies with the following conditions.

1. No pollution of surface water or groundwater resources may occur as a result of any activities on the farm.
2. The requirements of the National Water Act, 1998 (Act 36 of 1998) must be adhered to at all times.

3. **No new septic tanks and soakaway systems are permitted** to dispose of domestic effluent due to the geology and drainage of the area, as well as the concentration of units. Conservancy tanks (as a minimum requirement) are to be installed and permission must be obtained from the local authority for the servicing of these tanks.
4. Solid waste must be removed to an acceptable solid waste disposal site in accordance with the requirements of Section 20 of the Environmental Conservation Act, 1989 (Act 73 of 1989).

Please do not hesitate to contact this office if you have any further queries.

Yours faithfully



REGIONAL DIRECTOR: WESTERN CAPE





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

✉ 17, STELLENBOSCH 7599  
 ☎ 021 808-8578 / 8547 / 8546  
 📠 021 886 7318

## DUPLICATE RECEIPT

Receipt M/c: DIRI Duplicate Rec.No: 170770 Date: 13/11/2020

Local Authority: Stellenbosch Municipality

1 STB N 2500.00

12200103450000 05236 LU/12159 E

DIRECT 200103450000 LU/12159 ERF: Farm10 LU/12159 FARM1032/11 BRENDALL

X100 Key: STB -009-20201113-00000001

X10 Key : STB 0000017077000001