

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

Affected person's Name

Affected persons Physical Address

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

Property address	:	Corner of Helshoogte Road and Swart Street, Kylemore
Property number	:	Farm 1359 and Farm 147/5 Stellenbosch Division
Applicant	:	Emile van der Merwe Town Planning Consultants
Owner	:	Banhoek Chilli Farm (Pty) Ltd
Application reference	:	LU/11544
Application type	:	Consolidation and Consent Use

Detailed description of land use or development proposal:

Application is made in terms of Stellenbosch Municipal Land Use Planning By-Law promulgated by notice number 354/2015 dated 20 October 2015 for the following on Farm No 1359 and Farm No 147/5 Stellenbosch Division:

- Consolidation in terms of Section 15 (2) (e) of the said by-law to form a land unit of 1.1ha
- Consent use in terms of Section 15(2)(o) of the said by-law to utilise a portion ($\pm 145.1\text{m}^2$) of the farm shed as a tourist facility to permit a chilli oil tasting facility ($\pm 31.6\text{m}^2$) a wine tasting facility ($\pm 33.3\text{m}^2$), ablution facility ($\pm 25\text{m}^2$) as well as an outside seating area ($\pm 55.2\text{sqm}$) to accommodate the serving of light lunches to patrons visiting the tourist facility
- Consent use in terms of Section 15 (2) (o) of the said by-law for a tourist facility to permit the erection of container structures to accommodate a farm shop ($\pm 120\text{m}^2$) that includes a chilli product sales area ($\pm 35.5\text{sqm}$), coffee/deil serving area ($\pm 27\text{m}^2$), outside seating deck ($\pm 42.5\text{m}^2$) and ablution facility ($\pm 15\text{m}^2$).

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

- o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **(Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za**

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **14 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 (021-8865050/0845566461) during normal office hours.

Yours faithfully

EMILE VAN DER MERWE

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

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

Adres van aansoek eiendom : h/v Helshoogte Pad en Swart straat Kylemore
Aansoek eiendom beskrywing: Plaas 1359 en Plaas 147/5, Afdeling Stellenbosch
Aansoeker : Emile van der Merwe Stadsbeplannings konsultante
Eienaar : Banhoek Chilli Farm (Edms) Bpk
Aansoek verwysing : LU/11544
Tipe aansoek : Konsolidasie en Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek

Aansoek in terme van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning afgekondig by kennisgewing nommer 354/2015 gedateer 20 Oktober 2015 vir die volgende op Plaas 1359 en Plaas 147/5, Afdeling Stellenbosch:

- Konsolidasie in terms of Artikel 15 (2) (e) van genoemde by-wet om een grondeenheid van 1.1ha te vorm.
- Vergunningsgebruik in terme van Artikel 15(2)(o) van genoemde by-wet om 'n gedeelte ($\pm 145.1m^2$) van die bestaande stoor as 'n toeristefasiliteit aan te wend wat bestaan uit 'n chilli-olie proe-lokaal ($\pm 31.6m^2$) 'n wynproe fasiliteit ($\pm 33.3m^2$), ablusiegeriewe ($\pm 25m^2$) en 'n buitearea ($\pm 55.2sqm$) vir die bediening van ligte maaltye aan toeriste wat die fasiliteit besoek.
- Vergunningsgebruik in terme van Artikel 15 (2) (o) van genoemde by-wet vir 'n toeristefasiliteit ten einde die oprigting van container strukture moontlik te maak om voorsiening te maak vir 'n plaaswinkel ($\pm 120m^2$) wat bestaan 'n chilli produk verkooparea ($\pm 35.5m^2$), 'n koffie/deli area ($\pm 27m^2$), buite area ($\pm 42.5m^2$) en ablusiegeriewe ($\pm 15m^2$)

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 tydskedule van die publieke deelname proses by die volgende adres: [\[https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements\]](https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements). Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;

- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanning Konsultante/emilevdm@adept.co.za.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **14 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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (021-8865050/0845566461 gedurende normale kantoorure.

Die uwe

EMILE VAN DER MERWE



EMILE VAN DER MERWE
town planning consultants

2020-11-23

My ref: Farm 1359 Stellenbosch

LU/11544

Stellenbosch Municipality

Department Planning and Development

PO Box 17

STELLENBOSCH

7599

For attention: Louisa Olyyn

Dear Madam

AMENDED APPLICATION: APPLICATION FOR CONSOLIDATION AND CONSENT USE: FARM 1359 AND PORTION 5 OF FARM 147 STELLENBOSCH.

This application that was submitted in respect of the above has reference. The application is hereby amended to allow for the following:

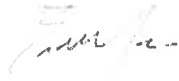
- Application in terms of Section of 15 (2) (E) of the Stellenbosch Municipal Land Use Planning By-Law(2015) for the consolidation of Farm 1359 and Portion 5 of Farm 147 Stellenbosch
- Application for consent use to utilise a portion (145.1m²) of the farm shed as a tourist facility to permit a chilli oil tasting facility (31.6m²) a wine tasting facility (33.3m²), ablution facility (25m²) as well as an outside seating area (55.2sqm) to accommodate the serving of light lunches for patrons visiting the tourist facility
- Application for consent use (tourist facility) to permit the erection of container structures to accommodate a farm shop (120m²) that includes a chilli product sales area (35.5sqm), coffee/deil serving area (27m²), outside seating deck (42.5m m²) and ablution facility (15m²).

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

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

Your assistance is appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Emile van der Merwe', written in a cursive style.

EMILE VAN DER MERWE

EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Farm 1359 and Portion 5 of Farm 147 Stellenbosch Division, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- Application in terms of Section of 15 (2) (E) of the Stellenbosch Municipal Land Use Planning By-Law(2015) for the consolidation of Farm 1359 and Portion 5 of Farm 147 Stellenbosch
- Application for consent use to utilise a portion (145.1m²) of the farm shed as a tourist facility to permit a chilli oil tasting facility (31.6m²) a wine tasting facility (33.3m²), ablution facility (25m²) as well as an outside seating area (55.2sqm) to accommodate the serving of light lunches to patrons visiting the tourist facility ;and
- Application for consent use (tourist facility) to permit the erection of container structures to accommodate a farm shop (120m²) that includes a chilli product sales area (35.5sqm), coffee/deil serving area (27m²), outside seating deck (42.5m m²) and ablution facility (15m²).

The following report will endeavour to show that the proposal is desirable from an integrated planning point of view and that it is line with the planning policies of National- and Provincial Government as well as the planning directives endorsed in terms of the Stellenbosch Municipal Integrated Development Plan and the Stellenbosch Spatial Development Framework.

2. LOCATION

The property is located approximately 8m to the east of Stellenbosch in the Banhoek Valley. The property gains access from the Kylemore road. A location plan is attached as **Appendix 1**.

3. OWNERSHIP AND SIZE

The properties are owned by Banhoek Chilli Farm (Pty) Ltd. A copy of the title deed is attached as Appendix 2. The Company Resolution and Power of Attorney in favour of the applicant is attached as **Appendix 3**. The Surveyor General Diagram is attached as **Appendix 4**.

4. PROPOSED LAND USE AND MOTIVATION



In early 2020 Banhoek Chilli Farm acquired Farms 1359 and Portion 5 of Farm 147 in the Banhoek Valley. The reason was broadly twofold: first was to grow, dry chillies and produce chilli oil, while the second was to utilise the excellent location on the Helshoogte rd to promote the chilli oil brand to the passing local and foreign tourists. Banhoek Chilli Oil is a fast growing company in over 500 shops in South Africa as well as in the UK and US.

The owner has appointed S- Design Architects to design a barn structure that is in keeping with rural character of the area and to retain the natural features of the site whilst creating sufficient space for the planting of new chill fields. The building plan for the barn has been approved by the Municipality.

Apart from the natural features (mature oak trees) the agricultural potential of the property is further limited due to the Helshoogte and Old Banhoek Roads that crosses the properties in an east/west direction. Notwithstanding these limitations can a total number of total number of 3630sqm be planted with the chillies to produce approximately 5 tons. The production capacity will be increased a result of the emerging farmer programme assisted by Wesgro on Little Bethlehem Farm to the immediate east of Kylemore. An additional 3-4 tons will be produced through the emerging farmer programme.

The property is favourably located and the owner has been requested by several people (both local and international) to establish a chilli related tourist facility where people can enjoy the stunning views and to appreciate the beauty of the mountains under the trees.

After clearing a substantial number of aliens on our southern border the owner discovered several beautiful mature trees under which a farm shop can be implemented to compliment and further enhance the experience offered within the pristine and beautiful environment. Kylemore has become the meeting point for cyclists in the Banhoek valley and this would be an ideal cycling tourist stop.

As part of the community outreach programme, Banhoek Chilli Farm , as far as possible, will employ people from the Banhoek valley. It is anticipated that approximately 40-50 people can be employed that will bring welcome relief in the valley especially after the devastating effects of the lockdown.

4. PROPOSAL AND ZONING REQUIREMENTS

The land use proposal makes provision for the following:



EXISTING BUILDING

- Wine tasting and sales = 33.3m²
- Chilli and chilli oil tasting = 31.6m²
- Outside seating area = 55.2m² to accommodate the serving of light lunches
- Ablution facility = 25m²

TOTAL = 145.1m²

The wine tasting area includes a pizza oven in order to enable the serving of light lunches to patrons. The pizza oven linked with the outside seating area will provide an additional facility that is directly related to the chilli oil and wine tasting area. It is complimentary in nature and will provide an interrelated use that is limited to the business hours of the chilli and wine tasting area.

NEW CONTAINER STRUCTURE

The proposed use will function in relation to the main building facilities and comprises the following:

- Chilli finished produce shop – 35.5m²
- Deli/Coffee shop – 27m²
- Outside seating – 42m²
- Ablution – 15m²

Total area – 120m²

The total area of the tourist facilities is of small scale (265m²) and will be subservient to the planned agricultural activity (new chill fields). Sufficient parking will be provided on site.

The Stellenbosch Municipality Zoning Scheme By-Law as adopted by Council on 29 May 2019 has come into effect from 1 November 2019.

Farm 1359 and Portion 5 of Farm 147 Stellenbosch, in terms of Chapter 20 of the aforementioned By-Law is zoned "**Agricultural Rural Zone**". A tourist facility (exceeding 250m²) is classified as a consent use in accordance as per Table 201 (1) provided below.



Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> one event/year$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

A tourist facility is defined as follows:

“**tourist facilities**” (**toerisme fasiliteite**) describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmer’s markets, farm deli’s, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels;

The development parameters are provided in the table below.

Development parameters

Tourist facilities					
Tourist facilities: overall max limit including outdoor areas used but excluding parking.	5m	1 storey		250m ²	As approved by Municipality
-Shop in tourist facility sub-limit				120m ²	
-Manufacture and craft workshop sub-limit				50m ²	
Other Agricultural buildings					
Employee housing unit (excluding outbuildings, carport or garage)	5m	1 storey	120m ²	As approved by Municipality	
Agricultural buildings	5m	3 storeys	No overall limit on land unit	Any one building $> 2000\text{m}^2$	
Agricultural industry, including outdoor parking and loading areas	5m	3 storeys	n/a	$< 2000\text{m}^2$	$\geq 2000\text{m}^2$
Polytunnels; including shade netting	5m	1 storey	$\leq 2000\text{m}^2$	$\leq 2001\text{m}^2$ to 5000m^2	$> 5000\text{m}^2$

The proposal is small in scale and complies with the parameters of the zoning scheme. The property is located adjacent to the road that provides entrance to Kylemore and will not detract from the rural and scenic quality of the area. The application will give practical execution of current municipal policy with reference to the IDP and SDF.

6. LEGISLATIVE AND POLICY CONTEXT

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

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

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

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

Spatial Justice

The proposal will optimize the use of the property in accordance with the current zoning and approved planning policies. The proposal will the associated emerging farmer programme will provide approximately 40-50 employment opportunities mainly to the local community

Spatial sustainability

The development will enable the sustainable use of land, infrastructure and resources in a just and efficient manner.

Spatial efficiency

The proposal relates to the optimal use of the property without impacting on the service level capacities of the Municipality. Sufficient parking has been implemented on site.

Spatial resilience

The proposal is compatible with the rural character of the area and is in line with the municipal IDP and Spatial development framework.



Good Administration

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

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

6.2 Western Cape Provincial Spatial Development Framework (WCPSDFP)

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

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

- Ecological integrity
- Social Justice
- Economic efficiency

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



ecologically sustainable. The application will not have a negative impact on the 3 pillars of sustainability

6.3 Western Cape Strategic Plan 2014-2019

Vision

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

Provincial Strategic Goals



Western Cape Economic Drivers

PSG 1: Create opportunities for growth and jobs

PROJECT KHULISA ("to grow")

Productive Sectors:



Enablers:

- Energy
- Water
- Broadband
- Skills



Western Cape Industry: District Comparative Advantages

Table 3.5 Western Cape: Industry revealed comparative advantage by district

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

Source: CER



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

6.4 Stellenbosch Spatial Development Framework

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

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

7. CONCLUSION

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

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan
- The LED strategy of the municipality
- The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The provision of the Stellenbosch Zoning Scheme By-Law

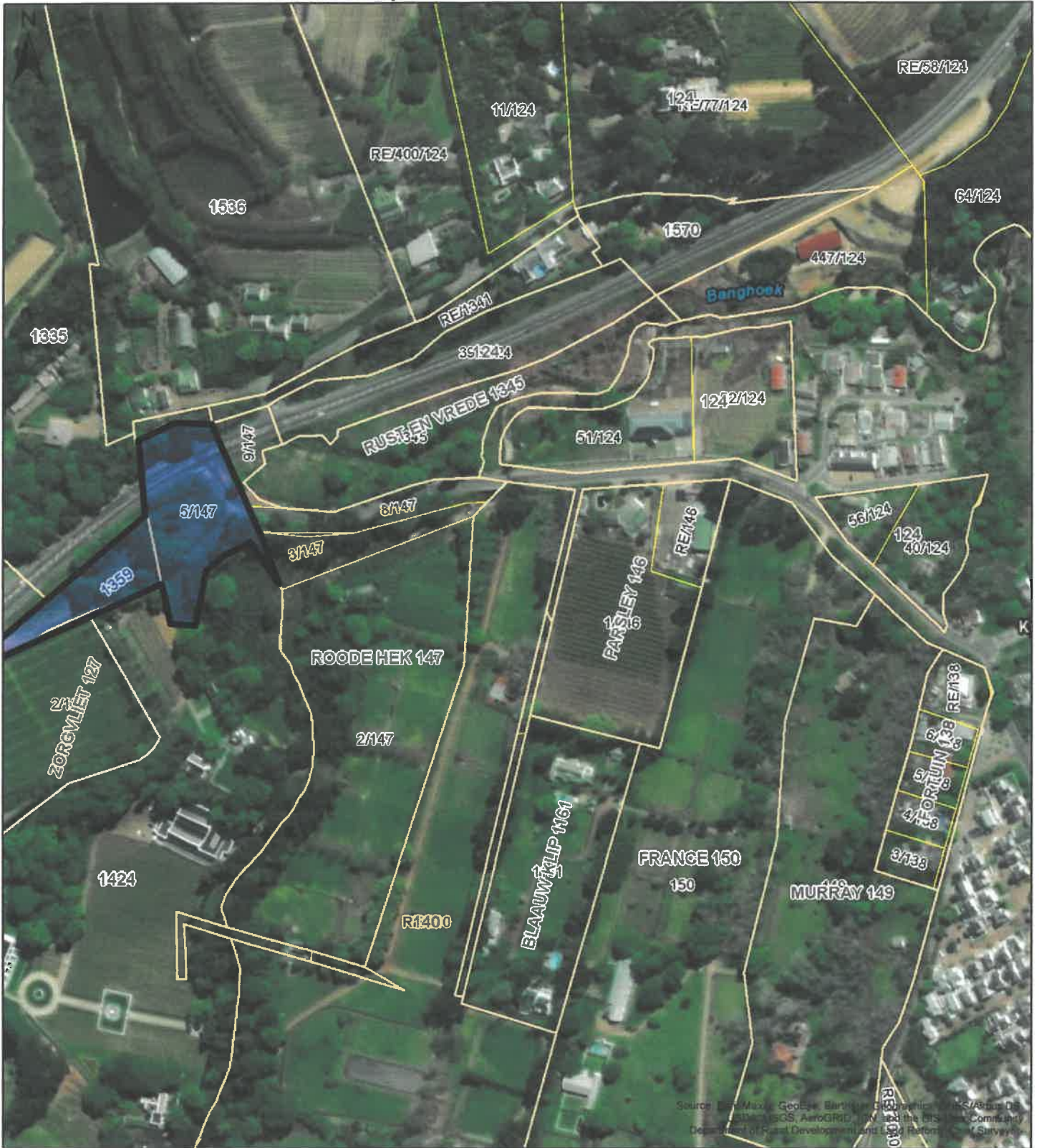
In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on consolidated farms 1359 and 147/5 Stellenbosch Division.

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APPENDIX 1
LOCATION PLAN

Location map: Farm 1359 and Farm 147/5



Legend

- Parent Farms
- Farm Portions

0 0.04 0.09 0.18 km

Scale: 1:4 514

Date created: November 23, 2020

Compiled with CapeFarmMapper



Western Cape
Government

Agriculture

Source: GeoMax, GeoEye, Earthstar, GeoEye, AeroGRID, IGN, and the GIS User Community
Department of Rural Development and Land Reform, Survey

329

CTN 1107
LUCILLE GELDENHUYS ATTORNEYS,
NOTARIES AND CONVEYANCERS
1 ST FLOOR, MERLOT HOUSE
BRANDWACHT OFFICE PARK
TRUMALI STREET, STELLENBOSCH, 7600
TEL NO: 021 887 9149

Prepared by me

Helene Meyer
CONVEYANCER
HELENE MEYER

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 700 000,00	R. 1588,00
Reason for exemption	Category Exemption	Exemption i.o. Sec/Reg. Act/Proc.

DATA / VERIFY
09-12-2019
LITHA VUYO MADAMA

DATA / CAPTURE
06-12-2019
NOLUVO MTYATYAMBA

T000051779 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT
LYNNE BOTHA

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to her by

FRANZ FISCHER
Born on 12 February 1940
Unmarried

which said Power of Attorney was signed at the South African Embassy at Berne on 11th of October 2019

M

6

And the appearer declared that her said principal had, on 3 October 2019, truly and legally sold by Private Treaty, and that she, the said Appearer, in her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

BANHOEK CHILLI FARM PROPRIETARY LIMITED
REGISTRATION NUMBER: 2005/025345/07

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

1. **FARM NUMBER 1359**
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE

IN EXTENT 3967 (THREE THOUSAND NINE HUNDRED AND SIXTY SEVEN) Square metres

FIRST REGISTERED by Certificate of Consolidated Title Number T6241/1996 with Diagram Number SG7441/1995 annexed thereto and held by Deed of Transfer Number T62631/2005

- I. **In respect of the figure AFE Middle of Road on diagram number SG7441/1995:**
- A. **SUBJECT** to the conditions referred to in Deed of Transfer Number T9908/1924.
- B. **ENTITLED** to the benefit of the following special conditions contained in said Deed of Transfer Number T9908/1924, namely:
- "(a) Entitled to all water arising in "Silwermyrn Kloof" on the remaining extent of the said farm "Zorgvliet" held by the Appearer's Constituent under Deed of Transfer dated 9th October 1899 No 8127, nearest to the Eastern Boundary of the land hereby transferred and to conduct same along a furrow over the said remaining extent to the Eastern Boundary of the said land hereby transferred.
- (b) Entitled to such amount of water arising on the remaining extent held under Deed of Transfer dated 9th October 1899 No 8127 in Kastanjekloof, situate to the north of the land hereby transferred, as will flow through a one-inch pipe, with the right to construct an intake dam in the said kloof, and from time to time to transfer the site thereof, and to lay pipes from such dam over the said remaining extent to the boundary of the land hereby transferred.
- (c) Entitled to the right of free access to and egress from the said remaining extent along the pipe line and the furrow to the kloof referred to in paragraphs (a) and (b) above for the purpose of maintaining in proper repair the said pipe line, furrow and intake dam."

6 2

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- C. **SUBJECT FURTHER** to the conditions referred to in an endorsement dated 9 March 1936 on Deed of Transfer Number T9908/1924, which endorsement reads as follows:

"Registration of Servitude

By Not Deed d.d. 20.12.1935 the owner of the land held hereunder has granted to the Electricity Supply Commission the right in perpetuity to convey electricity by underground cable or overhead transmission line across the said land along the line of route shown on Diagram 5602/1935 annexed thereto. Subject to conditions as will more fully appear on reference to the said Not Deed annexed hereto", which servitude is indicated by figures XYZ on Diagram No. SG7439/95 annexed hereto."

- D. **SUBJECT FURTHER** to the conditions referred to in an endorsement dated 7 May 1986 on Deed of Transfer Number T11525/1978, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937 (SOOS GEWYSIG)

'n Gedeelte van die eiendom hierin vermeld Groot +/- 7142 vierkante meter (0,7142 Ha) is onteien deur die Afdelingsraad Stellenbosch kragtens Art.27 Van Die Ord Op Paaie Ord 19 van 1976 Vide onteieningskenningsgewing Nr. 9/1/2/1/5/1/21 d.d. 30-4-86 geliaseer as onteienings caveat EX158/86 planne in tweevoud geliaseer EX156/86".

- E. **SUBJECT FURTHER** to the conditions referred to in an endorsement dated 23 March 1988 on said Deed of Transfer Number T11525/1978, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937 (SOOS GEWYSIG)

'n Gedeelte van die eiendom hierin vermeld Groot +/- 93 vierkante meter is onteien deur die Wes-Kaapse Streekdiensteraad kragtens Art. 27 Van Die Ord Op Paaie nr 19/77 Vide onteieningskenningsgewing Nr. 9/1/2/1/5/1/27 - THCCS d.d. 14-03-88 geliaseer as onteienings caveat EX179/88 planne in tweevoud geliaseer EX179/88".

- F. **SUBJECT FURTHER AND ENTITLED** to the conditions referred to in an endorsement dated 15 February 1995 on said Deed of Transfer Number T11525/1978, which endorsement reads as follows:

"RESTANT: SERWITUUT

Kragtens T10784/95 is die Plaas Nr 1335 groot 9, 7058 HA daardeur gehou onderhewig aan 'n serwituut van pyplyn 5 meter wyd ten gunste van die Restant van die binnegemelde eiendom. Die serwituut is aangrensend die lyn A.Q. op Kaart 11178/93 geheg aan T10782/1995. Onderhewig aan en geregtig op sekere bykomende voorwaardes soos meer volledig sal blyk uit die gesegde T10784/95.

Onderhewig aan en geregtig op sekere bykomende voorwaardes soos meer volledig sal blyk uit die gesegde T10784/95."

AM

II. In respect of the figure FBCD Middle of Road E on Diagram No. SG7441/1995:

A. SUBJECT to the conditions referred to in Deed of Transfer Number T9908/1924.

B. ENTITLED to the benefit of the following special conditions contained in said Deed of Transfer Number T9908/1924, namely:

"(a) Entitled to all water arising in "Sikwermyn Kloof" on the remaining extent of the said farm "Zorgvliet" held by the Appearer's Constituent under Deed of Transfer dated 9th October 1899 No 8127, nearest to the Eastern Boundary of the land hereby transferred and to conduct same along a furrow over the said remaining extent to the Eastern Boundary of the said land hereby transferred.

(b) Entitled to such amount of water arising on the remaining extent held under Deed of Transfer dated 9th October 1899 No 8127 in Kastanjekloof, situate to the north of the land hereby transferred, as will flow through a one-inch pipe, with the right to construct an intake dam in the said kloof, and from time to time to transfer the site thereof, and to lay pipes from such dam over the said remaining extent to the boundary of the land thereby transferred.

(c) Entitled to the right of free access to and egress from the said remaining extent along the pipe line and the furrow to the kloof referred to in paragraphs (a) and (b) above for the purpose of maintaining in proper repair the said pipe line, furrow and intake dam."

C. SUBJECT FURTHER to the conditions referred to in an endorsement dated 9 March 1986 on said Deed of Transfer Number T9908/1924, which endorsement reads as follows:

"Registration of Servitude

By Not Deed d.d. 20.12.1935 the owner of the land held hereunder has granted to the Electricity Supply Commission the right in perpetuity to convey electricity by underground cable or overhead transmission line across the said land along the line of route shown on Diagram 5602/1935 annexed thereto. Subject to conditions as will more fully appear on reference to the said Not Deed annexed hereto."

D. SUBJECT AND ENTITLED TO the following special conditions contained in Deed of Transfer Number T10784/1995, namely:

"(a) **SUBJECT** to a reservation in favour of the transferor or her successors in title as owner of the property described as The Remainder of Portion 7 (Silvermyn) of the Farm Zorgvliet No 127 held by Deed of Transfer No T11525/1978, of a pipeline servitude 5 metres wide contiguous to the line A Q on diagram No 11178/93 annexed to Certificate of Consolidated Title No T10782/95, along with the right of free access and egress to the said servitude area for the purposes of maintaining and repairing or replacing any components of any pipeline therein situated, whether existing or to be installed in future.

- (b) **ENTITLED** to the right to extract up to a maximum of 10 000 (Ten Thousand) litres of water per day for household purposes from the pipeline whether existing or to be installed in future referred to in D(a) above, at such extraction point or points as the transferee or his successors in title may freely indicate from time to time, provided that such extraction shall in no way damage the existing or future pipeline and that the transferee or his successors in title or their agents shall at all times exercise due diligence in the care and maintenance appertaining to the said extraction point or points in order to avoid waste or loss of water detrimental to the transferor or her successors in title. The extraction rate shall not exceed 420 litres per hour and in order to enable the transferor or her successors in title to monitor such extraction rate, the transferee or her successors in title shall install and maintain an appropriate flow meter in the immediate and accessible vicinity of the aforesaid point or points of extraction. The transferee and his successors in title shall be entitled to the aforesaid right of extraction subject only to the natural availability of water."

III. In respect of the whole of the property

SUBJECT FURTHER to the following conditions imposed by the Winelands Regional Services Council upon approval of the subdivisions of the farm no. 1335, Administrative District of Stellenbosch and the Remainder of Portion 7 (Silvermyn) of the farm Zorgvliet nr. 127, Administrative District of Stellenbosch, in terms of section 25(1) of Ordonnance nr 15 of 1985, namely that the herein mentioned property may only be utilized for agricultural purposes and that the Winelands Regional Services Council will not be responsible to provide any services.

**2. PORTION 5 OF THE FARM ROODE HEK NUMBER 147
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE**

**IN EXTENT 7435 (SEVEN THOUSAND FOUR HUNDRED AND THIRTY
FIVE) Square metres**

FIRST TRANSFERRED by Deed of Transfer Number T6628/1930 with Diagram relating thereto and held by Deed of Transfer Number T62631/2005

- A. SUBJECT** to the conditions referred to in Deed of Transfer Number T558/1904.
- B. SUBJECT FURTHER** to an expropriation referred to in the endorsement dated 4 June 1965 on Deed of Transfer Number T2278/1951, which endorsement reads as follows:

"Endorsement in terms of Section 31(6) of Act Nr 47 of 1937 (as amended) Two portions of the herein-mentioned property meas. together approx. 62 square metres have been expropriated by Divisional Council of Stellenbosch in terms of Section 130 of Ord. 15/1952 as amended Vide Notice of Expropriation No. H/1/19 d.d. 28/4/1965 filed as exprop. caveat 214/65 plans filed herewith."

C. **SUBJECT FURTHER** to the following endorsement dated 7 May 1986 on Deed of Transfer Number T12675/1979, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET NO 47 VAN 1937 (SOOS GEWYSIG)

"n Gedeelte van die eiendom hierin vermeld groot ongeveer 2 639 vierkante meter (0,2639 ha) is onteien deur die Afdelingsraad Stellenbosch kragtens Artikel 27 van die Ordonnansie op Paaie Ord. 19 van 1976. Vide onteieningskennisgewing No 9/1/2/1/5/1/19 gedateer 30 April 1986 geliasseer as onteienings caveat Ex 154/86 planne in tweevoud geliasseer Ex 154/86."

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

FRANZ FISCHER, Unmarried

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

**BANHOEK CHILLI FARM PROPRIETARY LIMITED
REGISTRATION NUMBER: 2005/025345/07**

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 R3 700 000,00 (THREE MILLION SEVEN HUNDRED 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

3 December 2019.



q.q.

In my presence



REGISTRAR OF DEEDS



APPENDIX 2
COPY OF TITLE DEED

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

RESOLUTION

PASSED AT THE MEETING OF THE BANHOEK CHILLI FARM

REG NO 2005/025345/07

HELD AT STELLENBOSCH ON 13 MARCH 2020

KEN KINSEY-QUICK as Director is hereby authorized to sign on behalf of
the Company pertaining to the land use applications on Farm 1359

Stellenbosch

A handwritten signature in black ink, appearing to read 'Ken Kinsey-Quick', with a horizontal line extending to the right.

KEN KINSEY-QUICK

POWER OF ATTORNEY

Banhoek Chilli Farm (Pty) Ltd the registered owner of Farm 1359 and Portion 5 of Farm 147 Stellenbosch, do hereby nominate and appoint

EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

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

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

SIGNED AT STELLENBOSCH ON THIS 19TH DAY OF NOVEMBER 2020



**KEN KINSEY –QUICK
DIRECTOR**

APPENDIX 4
SG DIAGRAMS

Friedlaender, Burger & Volkmann Land Surveyors

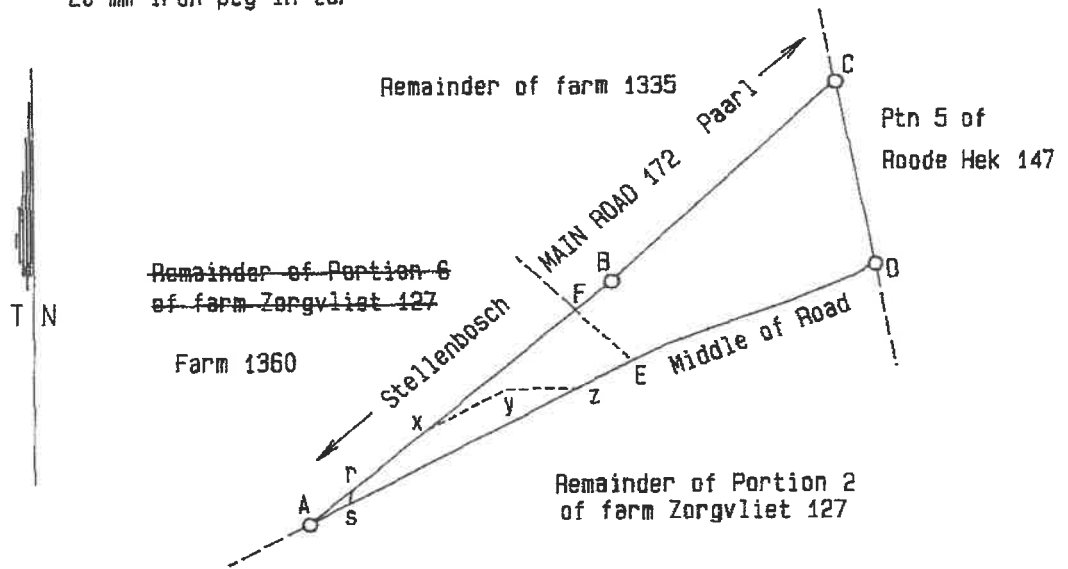
SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System Lo 19°		S.G. No.	
		Y	X		
Constants :		0.00	+ 3700000,00	7441/95 Approved. <i>[Signature]</i> Surveyor - General 1995.10.09	
AB	109,45	230 22 30	A + 5520,34		+ 53789,26
BC	84,28	226 55 20	B + 5436,04		+ 53719,45
CD	53,93	348 28 50	C + 5374,48		+ 53661,89
DA	173,45	64 33 20	D + 5363,71		+ 53714,74
493 Joubert		Δ	+ 5681,17	+ 51659,98	
66 Stel 8		Δ	+ 6958,78	+ 56242,25	

BEACON DESCRIPTION

- A ---- 20 mm iron peg
- B ---- Iron fencing standard
- C ---- 20 mm iron peg in concrete
- D ---- 20 mm iron peg in tar

Servitude Note :

The line x-y-z represents the route of the ESCOM Transmission line.
See Diagram 5602/1935 D/S No 9908/1924 (Farm 127 / 7)



Components :

1. Figure AFE middle of Road represents Portion 33 (a portion of Portion 7) (Silvermyn) of the farm Zorgvliet 127;
See diagram 7439/1995, D/T 1996 . 6240
2. Figure FBCD middle of Road E represents Portion 1 of the farm 1335;
See diagram 7347/1995, D/T 1996 . 6238
7437

SCALE 1 : 2 000

The figure A B C D middle of Road represents 3967 square metres of land, being FARM No 1359 and comprises figures 1. and 2. listed above

Situate in the Administrative District of Stellenbosch
Surveyed in August 1995
by me

Province of the Western Cape

[Signature]
Hans J Volkmann
Pr Land Surveyor PLS0695

This diagram is annexed to No. 6241/96
Dated i.f.o.

The original diagrams are as quoted above

File No. 9/stel 127
S.A. No. E2351/95
Comp. BH-8DB/X3 (1484)
BH-8DB/Y3 (1488)

Registrar of Deeds

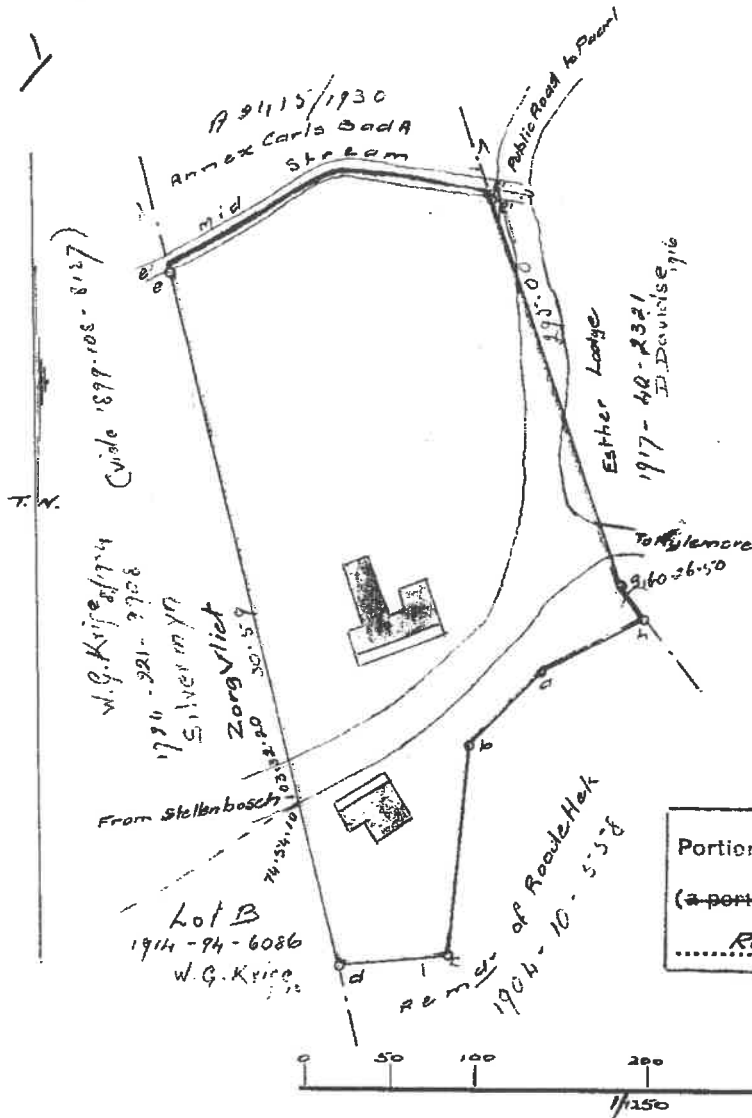
A2416, 1930.

Rma

J. J. J. J. J.
Surveyor-General
2. 7. 1930

SIDES Cape Feet	ANGLES
ab / 61.65	a / 198.15.30
bc / 124.37	b / 218.25.40
cd / 65.08 64.08	c / 110.2.57.20
de / 425.00	d / 96.51.20
ef / 191.52	e / 89.35.10
fg / 194.58	f / 89.22.30
gh / 241.74	g / 95.2.40
hi / 24.43	h / 199.33.10
he' / 67.62	
ee' / 5.00	
ff' / 6.00	

Area Fig. abcdefgh = $\frac{70506}{7523}$ Sq. Feet.



BEACONS c,d,h.....
 REPLACED, VIDE E. 611/84.....

Portion... 5..... (.....)
 (a portion of Portion.....) of the farm
 ROODE HEK..... No. 147.....

The figure abcde' mid Sheam f' gh represents Morgen $\frac{75000}{75468}$ Square Feet of land, called "Lot Shop" portion of Roode Hek being that portion of "Rusten Vrede" & "Zorg Vliet" which is referred to hereunder, situate in the DIVISION of Stellenbosch PROVINCE of CAPE of GOOD HOPE.

Surveyed in April & May 1930 by me

A. J. J. J. J.
Land Surveyor.

This diagram is annexed to Transfer Deed No. 6628 dated 7-8-1930 in favour of *G. Heviaohn*

Registrar of Deeds

The original diagram is No. ~~7041~~⁷⁰⁴¹/₁₉₀₃ annexed to Transfer Deed No. 558 in favour of C. O. Roode dated 15 January 1904.

E. 544/1970

C.
S.

APPENDIX 5
PLANS

APPENDIX 6
PRE-SCRUNITY FEEDBACK



Emile Van Der Merwe Town Planning Consultants
PO Box 204
STELLENBOSCH
7599

23 November 2020

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR CONSOLIDATION AND CONSENT USE – FARM NO. 147/5 AND FARM NO. 1359, OFF HELSHOOGTE ROAD, STELLENBOSCH DIVISION.

1. Your pre-application scrutiny submission on the above property dated **17 November 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 **Clarify the use of the “pizza oven” and “outside seating area”.**
 - 3.2 **If it is the intention of the applicant to serve meals on the premises, include in motivation and amend application accordingly.**
 - 3.3 **Please note that an additional application fee may be applicable once the amended land use application is submitted.**
4. The intended land use and/ or land development application also needs to fulfill the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.

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

Kind regards



Louisa Guntz
Senior Town Planner
Louisa.Ollyn@stellenbosch.gov.za

APPENDIX 7
APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE PLANNING APPLICATION FORM 2017

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

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

PART A: APPLICANT DETAILS

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

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

Registered owner(s)	Banhoek Chilli Farm (Pty) Ltd				
Physical address	Old Banhoek Road			Postal code	7600
	Stellenbosch				
E-mail	ken@banhoekchillioil.co.za				
Tel		Fax		Cell	0825204939

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

Erf / Erven / Farm No.	Farm 1359 Farm 147/5	Portion(s) if Farm		Allotment area	Stellenbosch	
Physical Address	As above					
Current Zoning	Agricultural and Rural Zone	Extent	3967sqm 7435sqm	m ² / ha	Are there existing buildings?	y N

Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law (2019)														
Current Land Use	Agriculture														
Title number and date	Deed and		T		51779/2019										
Attached Conveyance's Certificate	Y	N	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate												
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):												
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):												
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management												
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.						
Any existing unauthorized buildings and/or land use on the subject property(ies)?												If yes, is this application to legalize the building / land use??	Y	N	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?												Are there any land claim(s) registered on the subject property(ies)?	Y	N	
PART D: PRE-APPLICATION CONSULTATION															
Has there been any pre-application consultation?															If Yes, please attach the minutes of the pre-application consultation.
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE															
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)															
Tick	Type of application: Cost are obtainable from the Council Approved tariffs³														
	15(2)(a) Rezoning of Land														
	15(2)(b) a permanent departure from the development parameters of the zoning scheme														
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;														
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;														
X	15(2)(e) a consolidation of land that is not exempted in terms of section 24;														

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

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice 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)

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

	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		
	15(2)(g) a permission required in terms of the zoning scheme;		
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;		
	15(2)(i) an extension of the validity period of an approval		
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;		
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;		
	15(2)(l) a permission required in terms of a condition of approval;		
	15(2)(m) a determination of a zoning;		
	15(2)(n) a closure of a public place or part thereof;		
X	15(2)(o) a consent use contemplated in the zoning scheme;		
	15(2)(p) an occasional use of land;		
	15(2)(q) to disestablish a home owner's association		
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;		
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.		
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity		
	15(2)(l) Amendment of Site Development Plan		
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines		
OTHER APPLICATIONS			
	Deviation from Council Policies/By-laws; R		
	Other (specify) : _____ R		
	TOTAL A: R		
PRESCRIBED NOTICE AND FEES** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
		TOTAL B:	R
		TOTAL APPLICATION FEES* (TOTAL A + B)	R
* 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)	EVDM Town Planning Services
Postal Address	PO Box 204
Vat Number (where applicable)	4740239944

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit..... in terms of Section.....of the.....Zoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:

See motivation attached

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

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

Information and documentation required

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

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

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

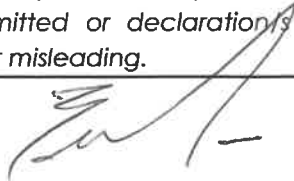
SECTION I: DECLARATION

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

declarations made as to his or her qualification as a Competent person and/or registration as a professional.

- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
- 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:



Date:

2020-11-23

Full name:

EMILE VAN DER MERWE

Professional capacity:

PROFESSIONAL PLANNER A1149/1996

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



1335

REV	DATE	DESCRIPTION
1	2020-07-06	ISSUED FOR COMMENT
2	2020-07-06	CHANGED AND APPROVED
3	2020-07-06	REMOVED RAMP MOVED, NEW STAIRS ADDED TO YARD AREA

TASTING AREAS:

CHILLI TASTING = 31,6m²

WINE TASTING = 33,3m²

EXTERNAL SEATING = 55,2m²

TOTAL AREA = 120,1m²

ABLUTION 25m²

SECURITY 20m²

CONTAINER STRUCTURES

- CHILLI OIL PRODUCTS SHOP (35,5m²)
- DELI/COFFEE (27m²)
- Ablution (15m²)
- Outside Seating (42,5m²)

Total area: 120m²

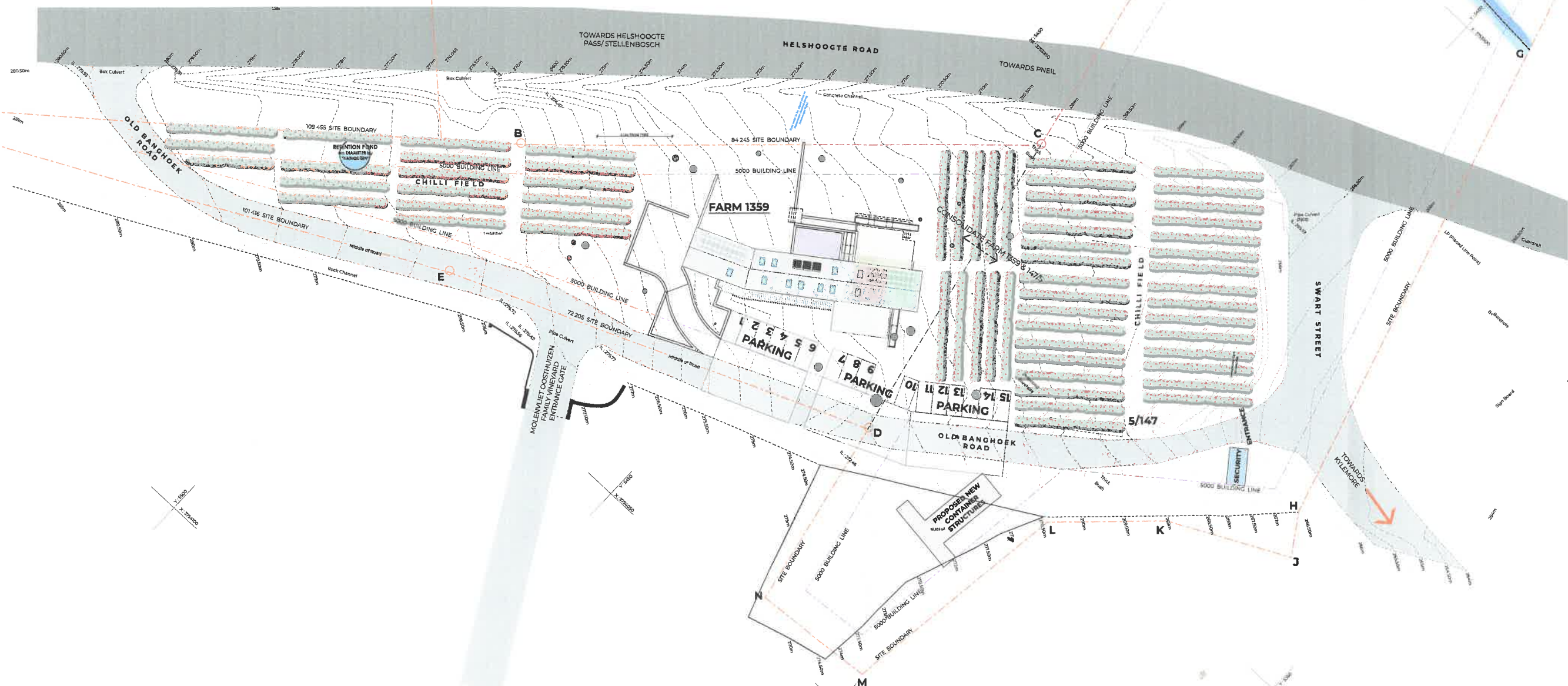
PARKING:

FARMSHED - Required 4/100m² = 5 bays

CONTAINERS - Required 4/100m² = 5 bays

Total bays required = 10

Total bays Provided = 15 bays



SITE PLAN

Scale 1:350

FARM 1359 AND FARM 147/5 TO BE CONSOLIDATED

ARCHITECT'S SIGNATURE: [Signature]

CLIENT'S SIGNATURE: [Signature]

SCALE: 1:350 DATE: 2020/11/16

DRAWING NUMBER: SD-3456-M101 DRAWN BY: AM REVISION: 3

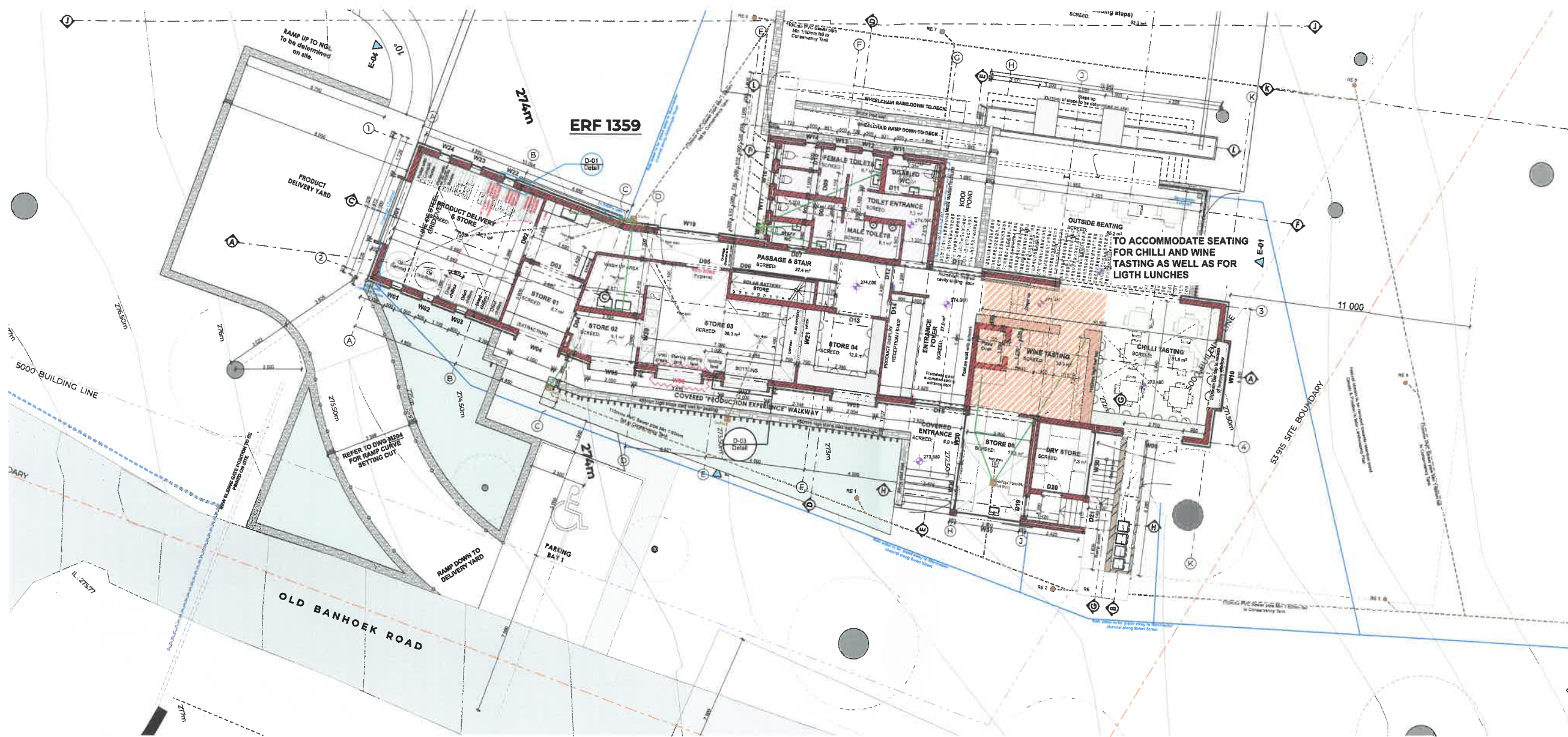
DRAWING: SITE PLAN

PROJECT: BANHOEK CHILLI OIL ERF 1359, KYLEMORE, STELLENBOSCH

PLANNING APPLICATION

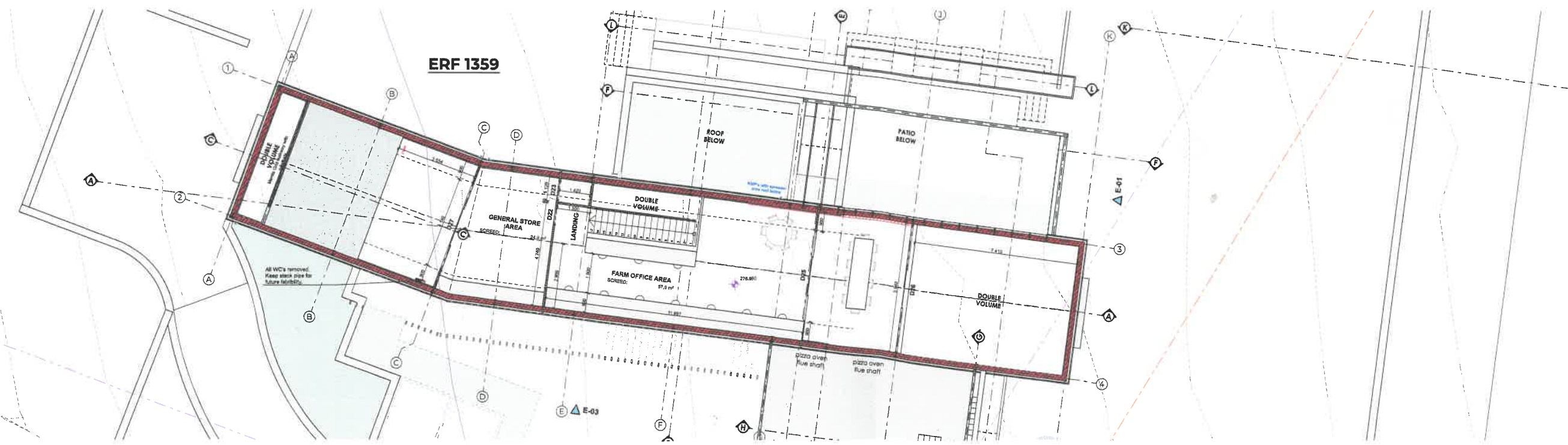


REV	DATE	DESCRIPTION
01	2020/10/12	FOR COMMENT
02	2020/10/12	CHANGED AND POSITION MOVED
03	2020/10/12	AREA INCREASED RAMP MOVED: NEW STAIR ADDED TO YARD AREA



Ground Floor

Scale 1:100



First Floor

Scale 1:100

CLIENT'S SIGNATURE: _____

SCALE: 1:100 DATE: 2020/10/12

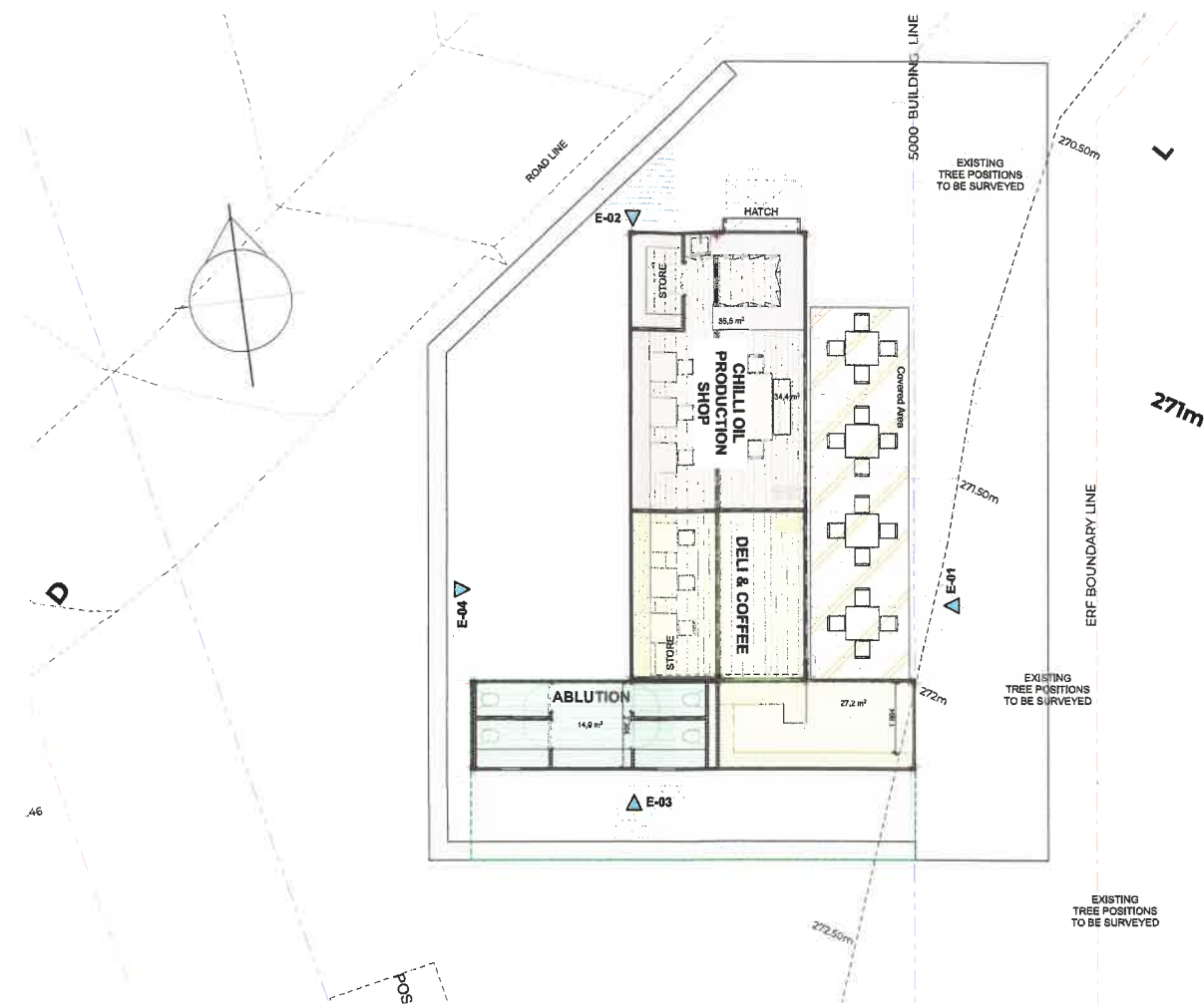
DRAWING NUMBER: SD-3456-M209 DRAWN BY: AM REVISION: 1

DRAWING: Townplanning Application

PROJECT: BANHOEK CHILLI OIL
ERF 1359, KYLEMORE,
STELLENBOSCH

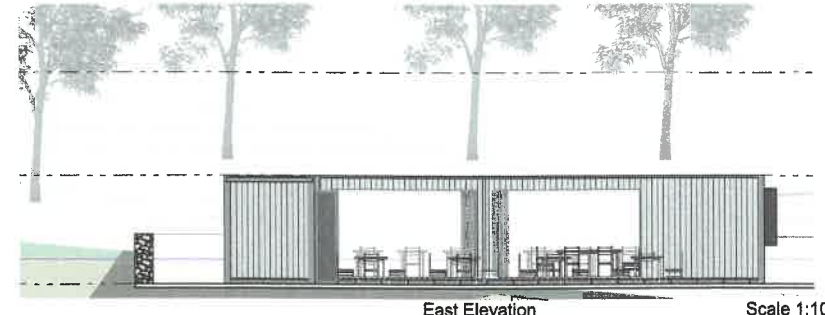
PLANNING APPLICATION

S-DESIGN ARCHITECTS



Ground Floor Scale 1:100

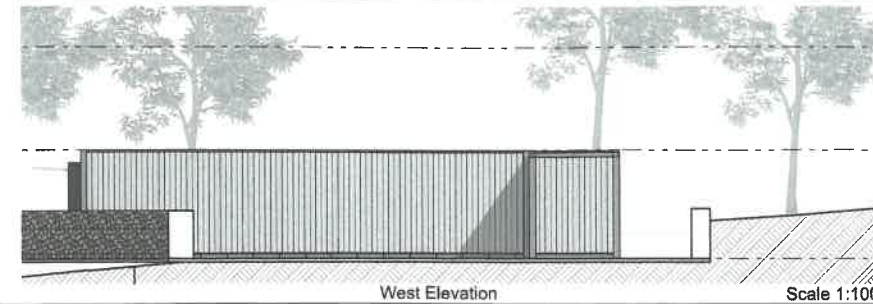
- DELI & COFFEE = 27m²
 - CHILLI PRODUCTION SHOP = 35,5m²
 - ABLUTION = 15m²
 - Outside Seating = 42,5m²
- TOTAL AREA = 120m²**
- Parking required @ 4/100m² = 5 BAYS**



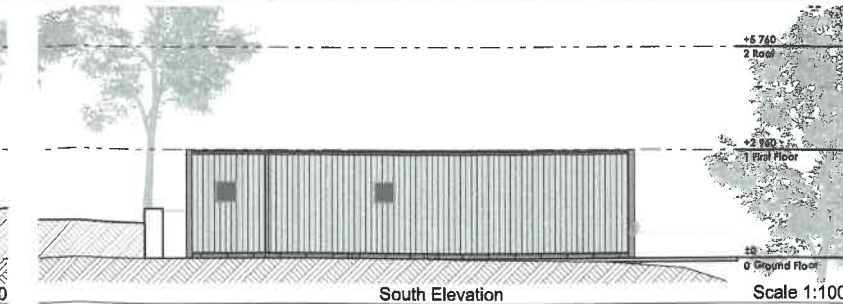
East Elevation Scale 1:100



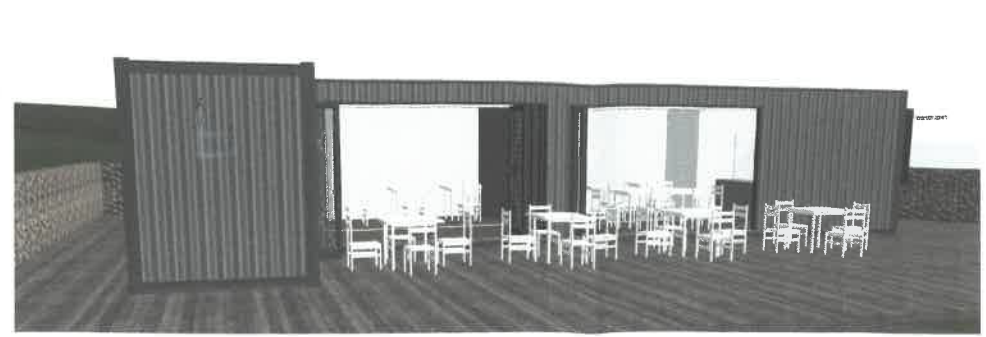
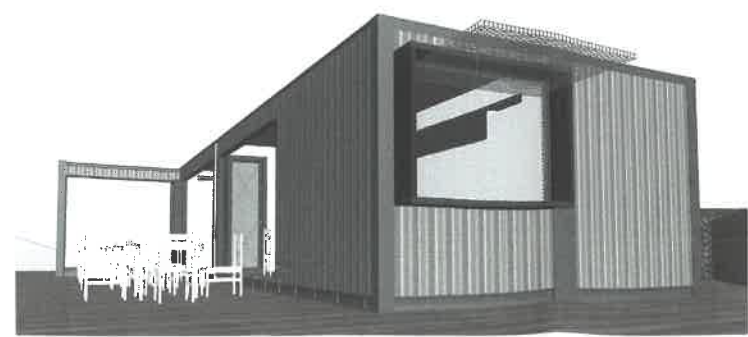
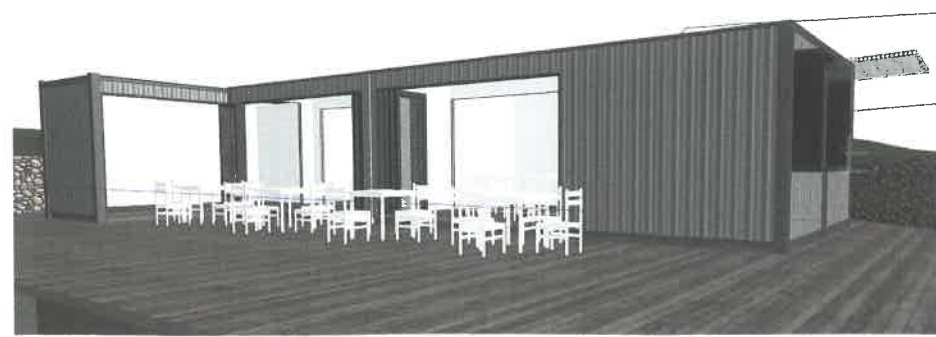
North Elevation Scale 1:100



West Elevation Scale 1:100



South Elevation Scale 1:100



ARCHITECTS SIGNATURE:
 A. WIND | P. FAY | 3101 | 079 535345

CLIENT'S SIGNATURE

SCALE: DATE: 2020/11/16

DRAWING NUMBER: SD-SDA3490-M102 DRAWN BY: REVISION: 1

PROJECT: CHILLI PRODUCE SHOP & DELI

PROJECT: BCO - CONTAINER PROJECT

FARM 5147, Kylemore, STELLENBOSCH

PLANNING APPLICATION

