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4 June 2021

Summercourt Estates (Pty) Ltd (Portion 6 of Farm 137, Stellenbosch)

Per-email: md@banhoek.com

**NOTICE OF LAND DEVELOPMENT APPLICATION TO INTRESTED AND AFFECTED PARTIES FOR COMMENT:
CONSENT USE APPLICATION FOR WINE TASTING FACILITY ON REMAINDER FARM 136, THELEMA,
STELLENBOSCH**

Dear Madam/Sir

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

Application Property Address: Thelma Farm
Banhoek Valley
Stellenbosch
7600

Application Property Number: Remainder of the Farm Thelema No. 136, Stellenbosch

Applicant: Arch Town Planners (Pty) Ltd
Mariuske Bolz (072 480 5838)

Owner: Thelema Mountain Vineyards (Pty) Ltd
Contact Number: (021) 885 1924

Application Reference: LU/12482

Application Type: Application, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for a **consent use** to allow for a tourist facility (wine tasting facility) of 446m² within an existing building on Remainder of the Farm Thelema No 136 Stellenbosch.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>. 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:

- i. The comments must be made in writing;
- ii. The comments must refer to the Application Reference Number and Address,
- iii. The name of the person that submits the comments;
- iv. The physical address and contact details of the person submitting the comments;
- v. The interest that the person has in the subject application;
- vi. 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: Marike Bolz, Arch Town Planners (Pty) Ltd, marike@archtownplanners.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 4 July 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 072 480 5838 during normal office hours.

Yours faithfully



Marike Bolz (Director)

For Arch Town Planners (Pty) Ltd



Physical Address: Bakkershuis
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4 Junie 2021

Summercourt Estates (Pty) Ltd (Gedeelte 6 van Plaas 137, Stellenbosch)

Per e-pos: md@banhoek.com

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏTRESEERDE EN GEAFFEKTEERDE PARTYE
VIR KOMMENTAAR: VERGUNNINGSGEBRUIKS-AANSOEK VIR 'N WYNPROELOKAAL OP RESTAND PLAAS 136,
THELEMA, STELLENBOSCH**

Beste Mnr. en Me Ferguson

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

Adres van aansoek eiendom: Thelema Plaas
Banhoek Vallei
7600

Aansoek eiendom beskrywing: Restand van Plaas 136, Thelema, Stellenbosch

Aansoeker: Arch Town Planners (Pty) Ltd
MARIKE BOLZ (072 480 5838)

Eienaar: Thelema Mountain Vineyards (Pty) Ltd
Kontakbesonderhede: (021) 885 1924

Aansoek Verwysing: LU/12482

Tipe Aansoek: Die aansoek vir oorweging is 'n aansoek ingevolge artikel 15(2)(o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning vir 'n goedkeuring ingevolge artikel 13 van die Stellenbosch Sonering By-Wet **vir 'n vergunningsgebruik vir 'n toersimefasiliteit** (wynproelokaal van ongeveer 446m²) in 'n bestaande gebou op Re. Plaas 136, Thelema, Stellenbosch

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>. 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:

- i. Die kommentaar moet skriftelik wees;
- ii. Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- iii. Die naam van die persoon wat die kommentaar lewer;
- iv. Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- v. Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- vi. Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite 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: Marike Bolz, Arch Town Planners, marike@archtownplanners.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 4 Julie 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 072 480 5838 gedurende normale kantoor ure.

Die uwe



Marike Bolz (Direkteur)

Vir Arch Town Planners (Pty) Ltd

Nicole Katts

From: Nicole Katts
Sent: Monday, 15 March 2021 09:16
To: 'wilhelm@archtownplanners.co.za'; 'marike@archtownplanners.co.za'
Subject: INVOICE: APPLICATION FOR CONSENT USE - REM FARM 136 STELLENBOSCH DIVISION
Attachments: INV - REM FARM 136 SB.pdf

Good day Wilhelm/Marike

I trust that you are well.

Pre-scrutiny of your documentation as submitted on 10 March 2021 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account within the next two (2) working days. Please provide this office with a copy of your proof of payment.

Application is made for the following:

- Consent Use



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer: Customer

Interface and Administration

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd
Floor

www.stellenbosch.gov.za



PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	10/03/2021	
Erf / Erven/ Farm no	Re 136	Portion(s) if farm		Allotment Area	Stellenbosch	
Owner / Applicant	Marike Bolz Arch Town Planners		Contact number	083 262 4843		
Email address	wilhelm@archtownplanners.co.za / marike@archtownplanners.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent				✓		
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity				✓		
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65						
7. SG diagram or General Plan						
8. Locality plan						
9. Site development plan or plan showing the land development				✓		
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		
13. Conveyancer's certificate				✓		
14. Feedback on Pre-application scrutiny				✓		
15. Minutes of Pre-consultation Meeting						
16. Consolidation plan						
17. Street name and numbering plan						

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

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

CONSENT USE APPLICATION (WINE TASTING FACILITY)

REMAINDER OF THE FARM THELEMA NO. 136
STELLENBOSCH



09 March 2021

SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



Postal Address: 2nd Floor, Bakkershuis
152 Dorp Street
Stellenbosch, 7600

Mobile: +27 (0)83 262 4843
Email: wilhelm@archtownplanners.co.za
Website: www.archtownplanners.co.za

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Annexure C:	Company Resolution and Power of Attorney
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Annexure E:	Site Plan of Existing Buildings
Annexure F:	Site Development Plan of Proposed Wine Tasting Facility
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Figure 2:	Extract of the Site Layout Plan of the Farm
Figure 3:	Aerial Photograph of the Farm
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Table 1:	Assessment of the Proposal
Table 2:	Assessment of Application in terms of Section 65 of the By-law

1. INTRODUCTION

1.1 Background Information

Remainder of the Farm Thelema No. 136 Stellenbosch (hereafter referred to as 'the Farm') is a working wine farm situated north of Helshoogte Road between Stellenbosch and Kylemore. See Figure 1, below, for the Locality Map of the Farm.

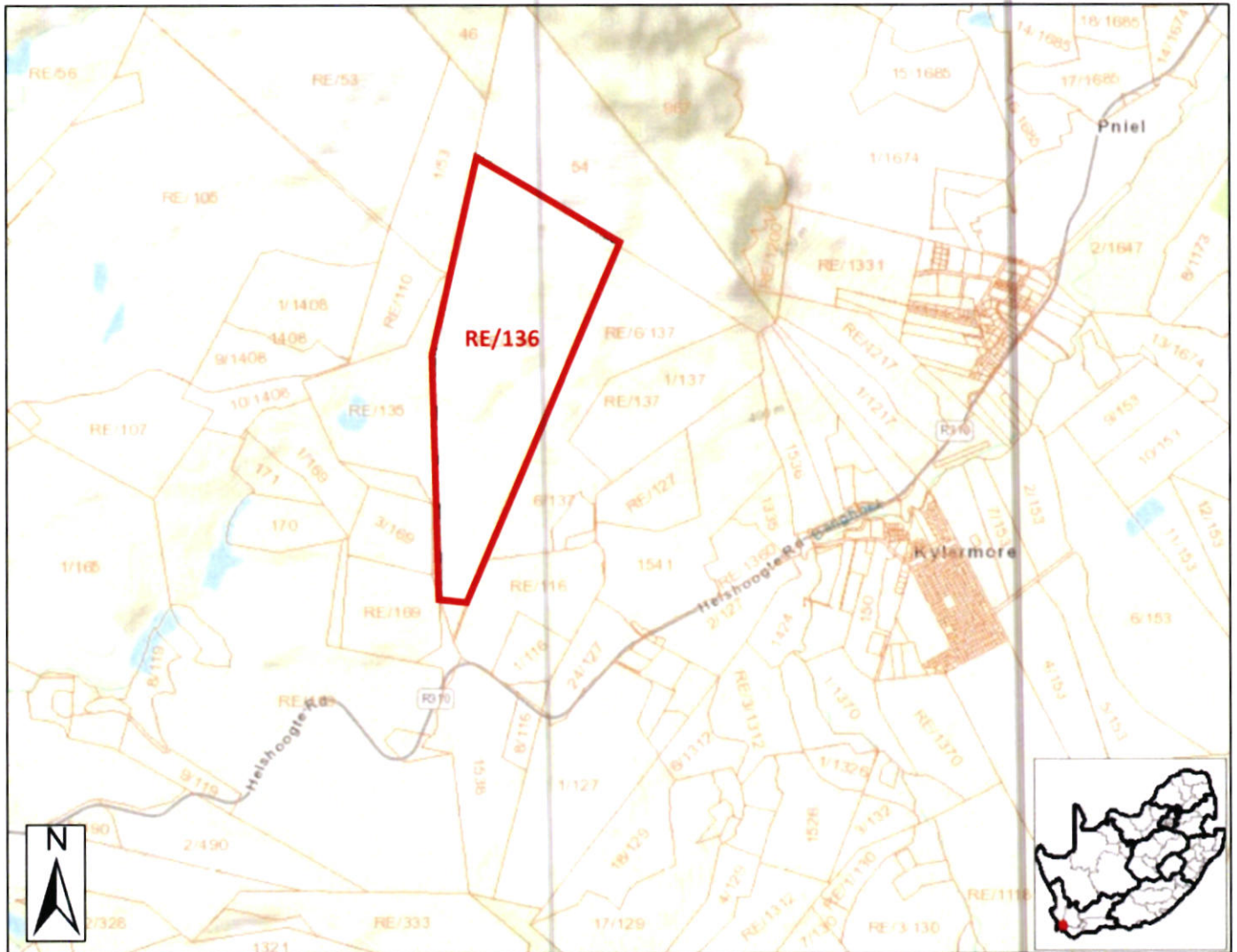


Figure 1 Locality Map of the Farm

With reference to Figure 2, below, the farm is currently developed with numerous previously approved buildings which include the following: ¹An Existing General Store, ²An Existing Winery, ⁵Existing Farm Offices, ⁶Existing Main House, ⁷Existing Sheds, ⁹Existing Manager's House, ¹⁰Existing Staff House, ¹¹Existing General Store and Barrel Store. Building no. 12, also on Figure 2 below, illustrates the existing unapproved wine tasting facility (tourist facility) within the existing approved winery.

It is now proposed to regularise the wine tasting facility within the existing winery building. The coverage of the wine tasting facility (including all external areas to be used as part thereof) measures 446m².

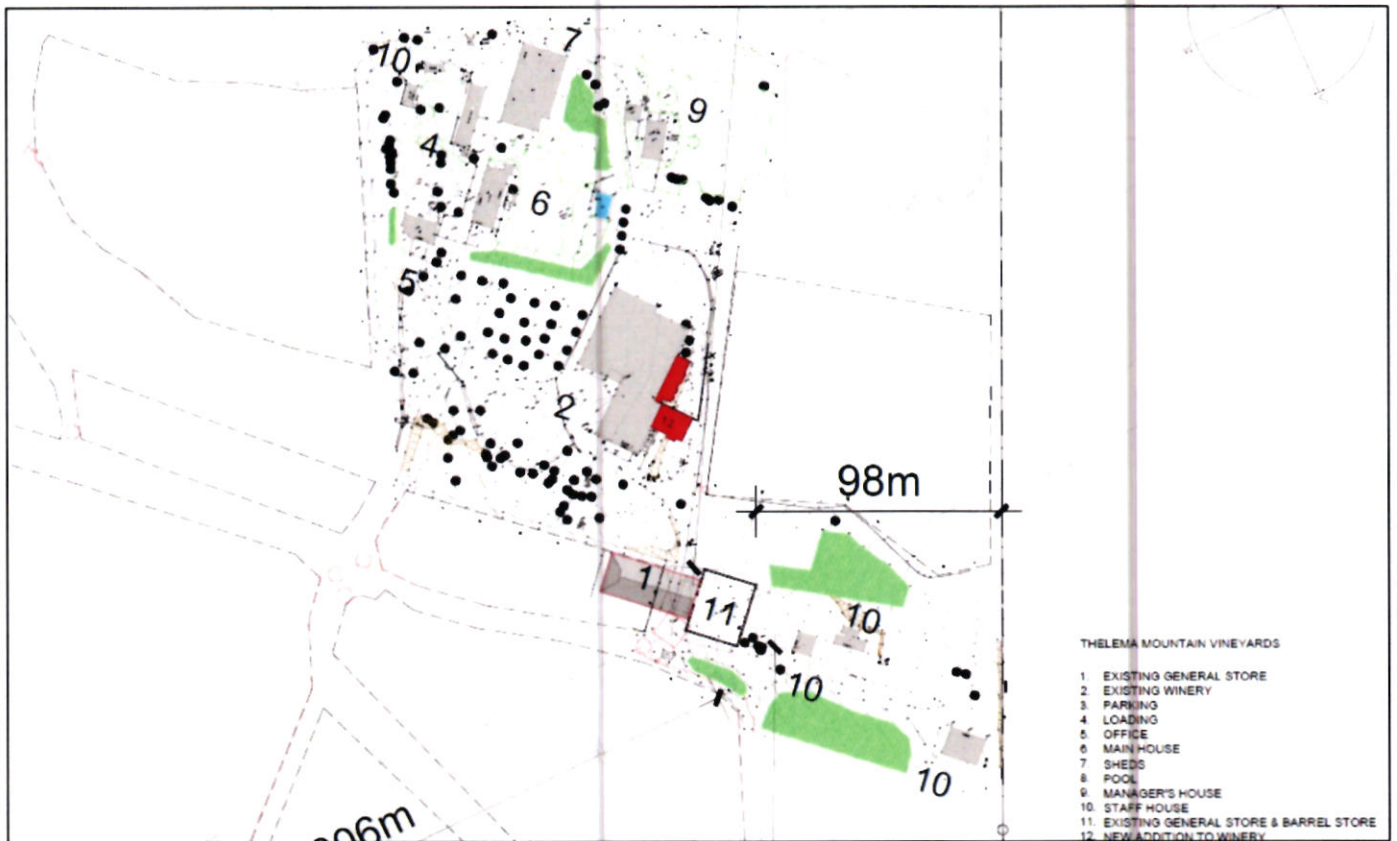


Figure 2 Extract of the Site Layout Plan of the Farm

1.2 Planning Brief

In light of the above information, *Arch Town Planners (Pty) Ltd* has been appointed by the owner of the Farm to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the wine tasting facility (tourist facility exceeding 250m² in coverage) on the Farm.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for a consent use to allow for a tourist facility (wine tasting facility) of 446m² within an existing building on Remainder of the Farm Thelema No 136 Stellenbosch.

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

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

The application site measures 165.42 Hectare in extent and is registered in the name of *Thelema Mountain Vineyards (Pty) Ltd* (hereafter referred to as 'the Company') and is held by Deed of Transfer No. T30428/1983. See **Annexure B**, attached, for a copy of the Title Deed.

The directors of the Company, in their capacity as owner, has authorised *Arch Town Planners (Pty) Ltd* by means of Company Resolution and Power of Attorney, to prepare and submit this application. Please refer to the attached Company Report and Power of Attorney (**Annexure C**).

2.2 Conveyancer Certificate

Conveyancer *Stephanus Abraham Roux from Roux Attorneys* has certified that there are no restrictive title deed conditions pertaining to this application. Refer to **Annexure D** for a copy of the conveyancer certificate.

2.3 Aerial Photograph and Context

The Farm is situated between Stellenbosch and Kylemore on the base of the Simonsberg Mountain. Access to the Farm is gained from Helshoogte Road via Thelema Country Vineyard Road. The surrounding area is characterised by various tourist attractions such as wine farms, guest houses, lodges, restaurants, and accommodation establishments. The aerial photograph, Figure 3 below, illustrates the applications site's position as well as the context of the immediate surrounding area as well as the various tourist attractions/facilities.



Figure 3 Aerial Photograph of the Farm

2.4 Current Zoning and Land Use

The zoning of properties within the Stellenbosch Municipal Area is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (hereafter referred to as "the Zoning Scheme"). According to the Zoning Scheme and as illustrated in Figure 4 below, the site is classified as **Agriculture and Rural Zone**.

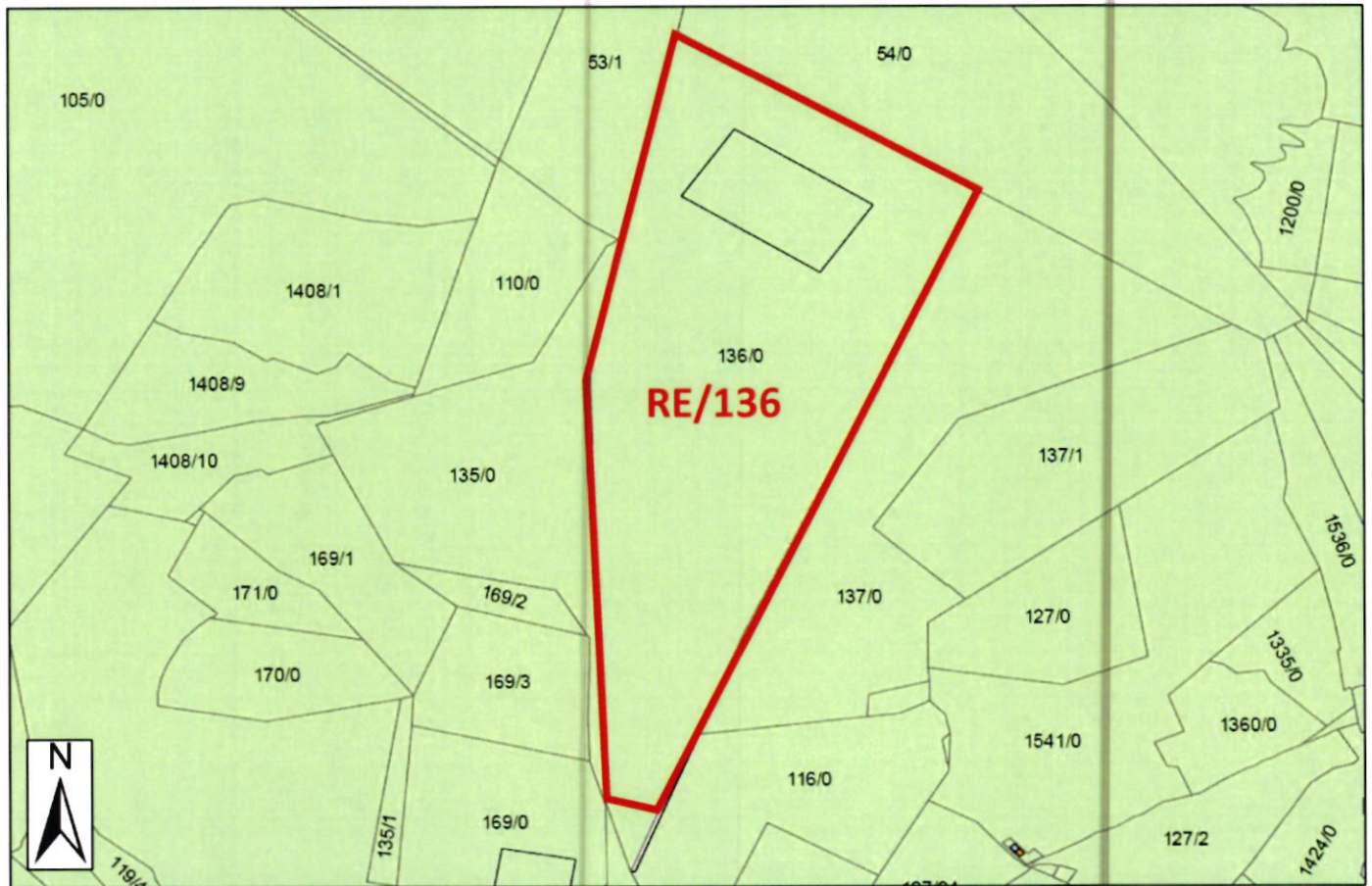


Figure 4 Extract of the Zoning Map

3. DEVELOPMENT PROPOSAL

3.1 Overview

It is proposed to regularise a portion of the existing winery on the Farm, as a wine tasting facility. With reference to the Site Plan (**Annexure E**) and the Site Development Plan (**Annexure F**) the south eastern part of the winery is currently being utilised as the wine tasting facility. Figure 5, below, illustrates the portion of the winery currently being used as the wine tasting facility (in red and annotated with no. 12).

The proposed coverage of the wine tasting facility (where liquor consumption will occur) is calculated to be 446m². This includes outside areas such as the deck, terrace and grass.

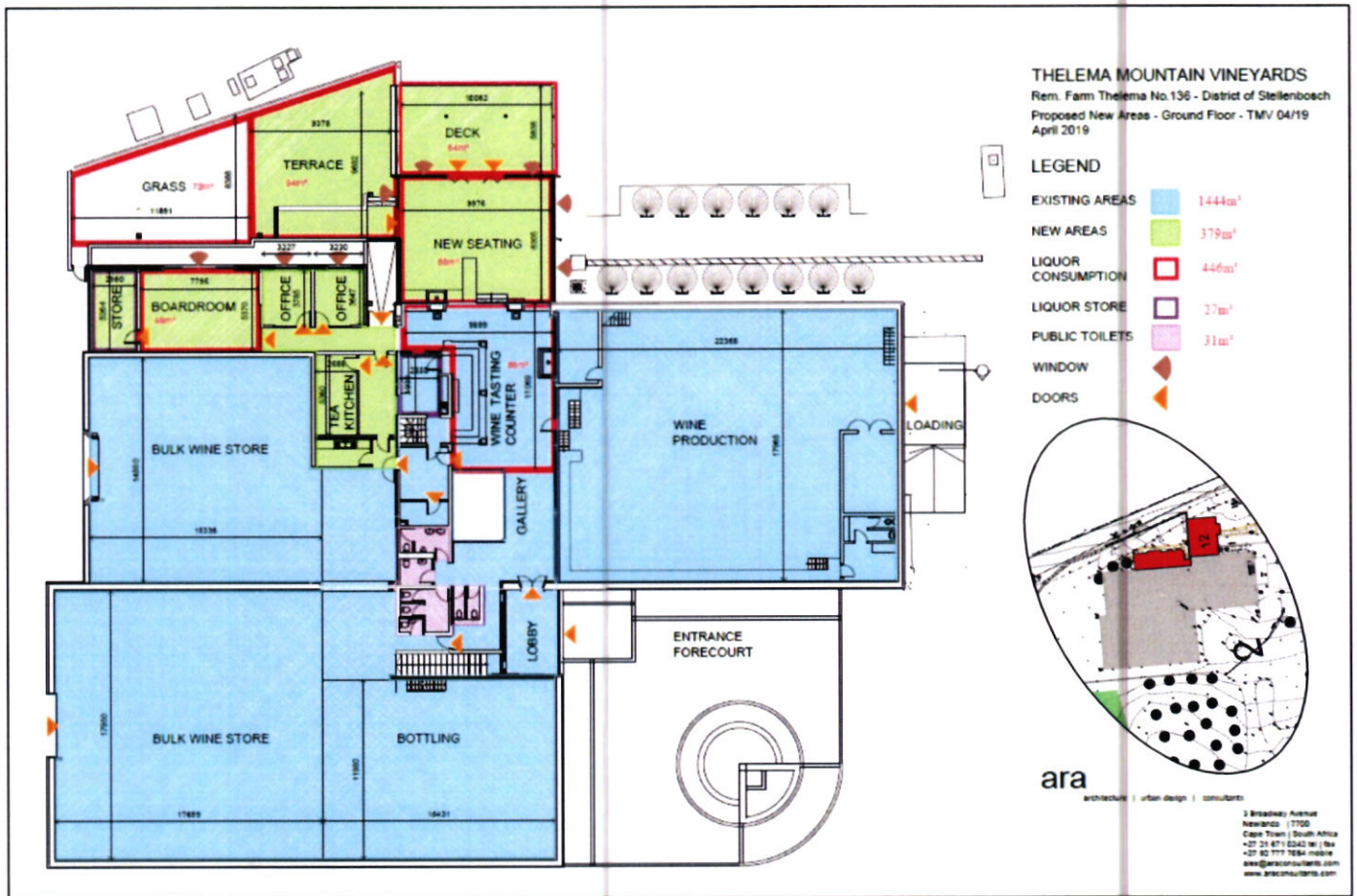


Figure 5 Location of the Wine Tasting Facility within the Existing Winery

3.2 Assessment of the Wine Tasting Facility

Relevant to this application, it should be noted that in terms of the Zoning Scheme, a **wine tasting facility** is classified as a **tourist facility**. According to the Zoning Scheme, a tourist facility is an Additional Use on properties zoned Agriculture and Rural, subject to certain conditions. The two conditions, relevant to this application, are identified in Table 1, below, and the proposed tourist accommodation establishment is assessed against the said conditions.

Tourist Facility as an Additional Use	Proposal	Compliance of Proposal / Application Required
Must be undertaken from an existing building	The wine tasting facility are proposed within the existing approved winery.	Compliant.
Coverage shall not exceed 250m ²	The proposed coverage used for liquor consumption, amounts to 446m ² .	The wine tasting facility does not qualify as an additional use and thus a consent use application is required.

Table 1 Assessment of the Wine Tasting Facility

As indicated above, the proposed wine tasting facility does not conform to the criteria for it to be classified as an additional use, since the coverage of the facility exceeds 250m². Therefore, and in accordance with Section 201(4) of the Zoning Scheme, a **consent use application** is required to allow for a tourist facility (wine tasting facility) with a coverage of 446m².

4. MOTIVATION

As set out in Section 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 2 below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation – See Annexure G , attached, for the feedback received during this process. Furthermore, all relevant and required documentation are submitted as part of this application and motivation.
c. Desirability of land use	<u>Consent Use to allow the tourist facility (wine tasting facility) with a coverage of 446m²:</u> As mentioned in this report, the wine tasting facility has been in operation for some time now and to our knowledge, no complaints have been received against this facility. The wine tasting facility will, in essence, only include a formal 'permanent' seating area with a coverage of 246m ² . This area, with reference to the site development plan, comprises of the <i>New Seating Area, Deck and Terrace</i> , rendering the facility to be an Additional Use. The <i>Grass and Boardroom</i> will be occasionally used, and the <i>Wine Tasting Counter</i> will be the service point for the facility. The occasional use of the <i>Grass and Boardroom</i> therefore triggers a coverage of more than 250m ² .

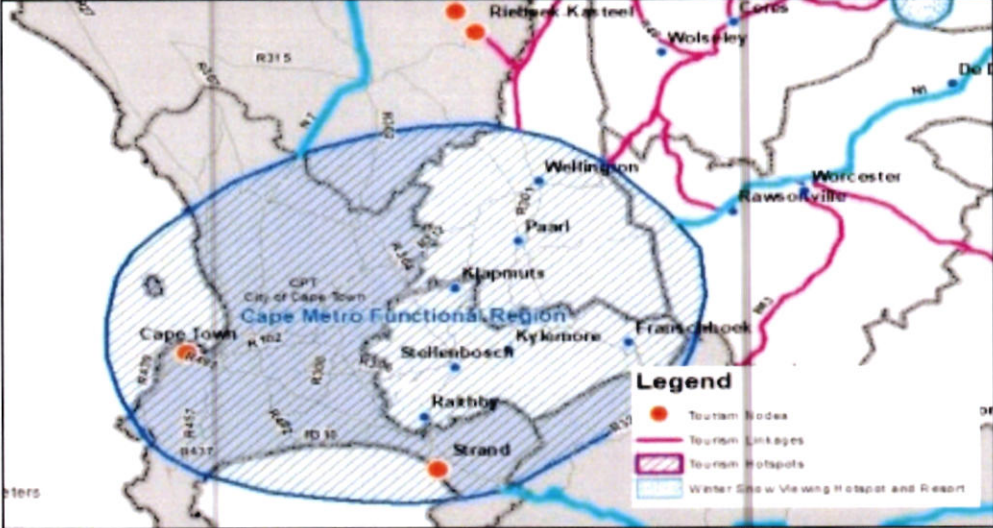
It should also be noted that the wine tasting facility is at approximately 110m from the nearest common boundary and approximately 160m from the closest building on the abutting farm – see Figure 6, below:



Figure 6 Location of the Wine Tasting Facility in relation to the abutting Farm

It is therefore argued that the approval of this application will not have an adverse impact on the surrounding farm owners to be undesirability.

d. Comment in response to public participation.	The application is to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the portfolio of evidence upon conclusion of the public participation process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	The proposed development will not result in an increase in demand on service capacity as the wine tasting facility has been operational for quite some time now. No new buildings are proposed as part of this application.
i. The IDP and SDF	The Stellenbosch Municipality Spatial Development Framework, November 2019 (hereafter referred to as "the SDF") states that tourism remain of great importance to the

	local economy and are likely to do so in the future. The approval of the wine tasting facility will thus be in line with the SDF.
j. IDP and SDF of district Municipality.	<p>The Cape Winelands District Spatial Development Implementation Framework identifies Stellenbosch as a tourism destination. Furthermore, it classifies the Stellenbosch area and immediate surroundings as a "tourism hotspot":</p>  <p>Figure 7 Extract of the Cape Winelands District Spatial Implementation Framework</p> <p>A strategy contained in this document is to optimize tourism potential of prominent tourist attractions/destinations, with specific reference to Stellenbosch. The wine tasting facility will allow for the farm to optimise it's service provision to tourists, in line with the proposal of this framework.</p>
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.

<p>r. Chapter VI of the Land Use Planning Act</p>	<p><u>Spatial Justice:</u> The application will have no impact on the spatial justice within the Stellenbosch Municipal Area.</p> <p><u>Spatial Sustainability:</u> As a result of the locality of the Farm, it may contribute to ensuring that the site is utilised to its full potential. The proximity of the Farm to various primary routes and attractions will result in the promotion of tourism.</p> <p><u>Efficiency:</u> Approval of this application will result in the more efficient use of the Farm.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality. It will also result in the regularisation of an existing use on the farm.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
<p>s. Applicable provisions of the zoning scheme</p>	<p>The Zoning Scheme makes provision for a wine tasting facility of this scale, subject to a consent use application approval. The approval of this application is desirable and will not have a material impact on the surrounding property owners, the municipal infrastructure, and the holistic functioning of the area.</p>

Table 2 Assessment of Application in terms of Section 65 of the By-law

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation.

Considering the above information, Council is respectfully requested to favourably consider the application for a **consent use** to allow for a tourist facility (wine tasting facility) of 446m², situated within an existing approved building, on the Remainder of the Farm Thelema no. 136 Stellenbosch.

Report compiled by:
Wilhelm Esterhuizen

for Arch Town Planners (Pty) Ltd
09 March 2021

**Annexure A:
Land Use Planning 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)	MARIKE					
Surname	BOLZ					
Company name <i>(if applicable)</i>	ARCH TOWN PLANNERS (PTY) LTD					
Postal Address	Bakkershuis, 152 Dorp street, Stellenbosch				Postal Code	7600
	Email					WILHELM@ARCHTOWNPLANNERS.CO.ZA MARIKE@ARCHTOWNPLANNERS.CO.ZA
Tel		Fax		Cell	0832624843	

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

Registered owner(s)	THELEMA MOUNTAIN VINEYARDS (PTY) LTD					
Physical address	HELSHOOGTE ROAD, STELLENBOSCH				Postal code	7600
	E-mail					ELAINE@THELEMA.CO.ZA
Tel	021 885 1924	Fax		Cell	082 464 1415	

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

Erf / Erven / Farm No.	136	Portion(s) if Farm	REMAINDER	Allotment area	STELLENBOSCH	
Physical Address	HELSHOOGTE ROAD, STELLENBOSCH					
Current Zoning	AGRICULTURE AND RURAL	Extent	157 / ha	Are there buildings?	existing	<input checked="" type="checkbox"/> N

Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019											
Current Land Use	VARIOUS											
Title Deed number and date	T	30428/1983										
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate									
Are the restrictive conditions in favour of a third party(ies)?	Y	<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) ¹	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)?	<input checked="" type="checkbox"/>	N	If yes, is this application to legalize the building / land use ² ?				<input checked="" type="checkbox"/>	N				
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"/>				
PART D: PRE-APPLICATION CONSULTATION												
Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	N	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: <i>Cost are obtainable from the Council Approved tariffs³</i>											
	15(2)(a) Rezoning of Land											
	15(2)(b) a permanent departure from the development parameters of the zoning scheme											
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;											
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;											
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;											

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)		

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)	
Y	<input checked="" type="checkbox"/>	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 (Full copy of the title deed)	
<input checked="" type="checkbox"/>	N	Conveyancer's certificate	<input checked="" type="checkbox"/>	N	Minutes of pre-application consultation meeting (if applicable)	
Y	N	<input checked="" type="checkbox"/> Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	<input checked="" type="checkbox"/> Street name and numbering plan (A4 or A3 only) to scale				
Y	N	<input checked="" type="checkbox"/> Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	<input checked="" type="checkbox"/>	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	<input checked="" type="checkbox"/> Abutting owner's consent	Y	N	<input checked="" type="checkbox"/>	Home Owners' Association consent
Y	N	<input checked="" type="checkbox"/> Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	<input checked="" type="checkbox"/>	Services Report or indication of all municipal services / registered servitudes
Y	N	<input checked="" type="checkbox"/> Copy of original approval and conditions of approval	Y	N	<input checked="" type="checkbox"/>	Proof of failure of Home owner's association
Y	N	<input checked="" type="checkbox"/> Proof of lawful use right	<input checked="" type="checkbox"/>	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input checked="" type="checkbox"/>	N	N/A	Y	N	N/A	Other (specify)
		Required number of documentation copies				

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)			
Y	<input checked="" type="checkbox"/>	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

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

Annexure B:
Copy of Deed of Transfer No. T30428/1983

DEED OF TRANSFER NO. T.30428/1983

in favour of

THELEMA MOUNTAIN VINEYARDS (PTY) LTD

PURDON GILMOUR

PROKUREUR, AFSLAER EN TAKSATEUR
ATTORNEY, AUCTIONEER AND APPRAISER

DORPSTRAAT 137 DORP STREET, STELLENBOSCH 7600
POSBUS / P.O. BOX 20, STELLENBOSCH 7600

TEL.: (02234) 70348 & 70398

21 88 88

669

30428

Deed of Transfer

(By virtue of a Power of Attorney)

*Ernst Strauss & Haasbroek,
EP Building,
8 Hout Street,
Cape Town 8001*

Prepared by me:

Conveyancer

Know all men whom it may concern

THAT ANDRE WILLEM THERON NEL
appeared before me, Registrar of Deeds, Cape Town, he being duly authori-
zed thereto by a Power of Attorney dated 30 May 1983
, executed at Stellenbosch
and granted to him by

JOHN GEORGE KITSON

Identity no. 150914 5035 00 1

White Group

|

6

AND

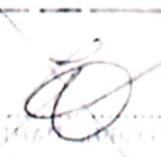
T/ferree Co.

THELEMA MOUNTAIN VINEYARDS (PTY) Ltd
60/00758/07

25342 S.


05 05 198

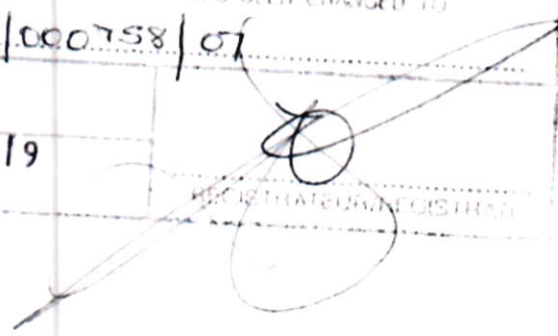


DIE BINNENGEDELDE EIENDOM IS ONDERHEWIG AAN 'N KRAAGRECHT TUUT TEN GUNSTE VAN ESKOM MET BYKOMENDE RECHT	THE WITHIN THE REGISTERED SUBJECT TO A MORTGAGE IN FAVOR OF ESKOM WITH ACCORDING RIGHTS TO
K 696 / 2000S	
2000-07-19	REGISTERED

Handwritten arrow pointing to the registration stamp

Registration

DIE IDENTIFISERNOMMER VAN DIE T/ferree IS VERANDER NA 19.60/000758/07	THE IDENTIFICATION NUMBER OF THE HAS BEEN CHANGED TO 19.60/000758/07
2000-07-19	



AND the Appearer declared that on 24 MAY 1983
his Principal as aforesaid sold the following property to the undermen-
tioned transferee

|

NOW THEREFORE the said Appearer in his capacity as aforesaid, did,
by these presents cede and transfer in full and free property, to and on
behalf of

BRIPARK (PROPRIETARY) LIMITED

No. 60/0758/07

White Group

or its ~~Heirs, Executors, Administrators or Assigns~~

REMAINDER/.....

3.

REMAINDER of the farm Thelema no. 136 in the Division of Stellenbosch;

MEASURING one hundred and fifty seven comma one five eight three (157,1583) hectares;

FIRST transferred by Deeds of Transfer nos. 4527 and 4528 both dated 5 June 1897 with a diagram annexed to Deed of Transfer no. 4527/1897 and held by Deeds of Transfer nos. 6804/1953 and 14325/1979 in respect of one-half share each.

A. SUBJECT to the conditions referred to in Deeds of Transfer nos. 4528 dated 5 June 1897 and 1545 dated 2 March 1901.

B. SUBJECT further to the special conditions contained in Deeds of Transfer nos. 4527/1897 and 4528/1897 whereby it is provided that the remaining extent of the land then owned by Hendrik Johannes Louw by Deed of Transfer no. 120 dated 10 February 1874 should be entitled to the whole of the water of the Simon's Berg River during Monday, Wednesday, Friday and Sunday of each week and that the land hereby transferred should be entitled to the whole of the said water during the other days of each week, it being further provided that the owner of the said remaining extent should by himself and his servants have free access to and upon the land hereby transferred for the purposes when necessary of maintaining undisturbed and in good order his said right of water and of repairing and maintaining the dam and any leadings, and that he should in all future times be careful to avoid damaging the land hereby transferred.

C. SUBJECT further and ENTITLED to the benefits of the servitude referred to in the following endorsement dated 15 December 1945 on Deed of Transfer no. 3122/1933:

By D/T 17950/1945 (a) the owner and his successors in title of the remainder held hereunder is entitled to a right of way 9,45 metres in width marked AC on the diagram thereto annexed over the ppty thereby conveyed (b) the owner and his successors in title of the ppty thereby conveyed shall be entitled to pump and have the use of water from a borehole marked G on the said diagram and to convey such water therefrom by means of a pipe line laid within the 1,89 metre servitude area marked GH on the

said/.....

4.

said diagram with certain ancillary rights, as will more fully appear on reference to said D. of Trf.

D. SUBJECT and ENTITLED further to the benefit of the servitude referred to in the following endorsement dated 22 February 1947 on Deed of Transfer no. 3122/1933:

By Not. Deed no. 52/47 dated 16/1/1947, the servitude endorsement dated 15/12/1945 hereon has been amended to read 6,30 metres instead of 9,45 metres, as will more fully appear in the said not. deed, vide copy annexed hereto.

WHEREFORE/.....

m

WHEREFORE the Appearer in his said Capacity, renouncing all the right and title the said transferor

heretofore had to the premises, did, in consequence also acknowledge the said transferor

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said transferee company

or its ~~Heirs, Executors, Administrators~~ or Assigns, now is and henceforth shall be entitled thereto conformably to local custom; the State, however, reserving its rights; and finally acknowledging the said transferor

to be satisfactorily paid the whole of the purchase money amounting to the sum of R1 000 000,00 (ONE MILLION RAND).

IN WITNESS whereof, I, the said Registrar, together with the Appearer q.q. 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, in Cape Town on the 5th day of August in the Year of our Lord, One Thousand Nine Hundred and eighty three (1983).

[Signature]
q.q.

In my presence,

REGISTRAR OF DEEDS.

Registered in the Farm Register Stellenbosch Folio 1341 Book Clerk-in-Charge M. Depart

[Handwritten mark]

SEELG
Special Resolution

BC 25342 98

R 50,00

Registration No. of company/Registrasienuommer van maatskappy

60/00758/07

Certificate of change
of name of company

Sertifikaat van verandering
van naam van maatskappy

DAVID F. HASMUS ROUX
KOMMISSARIS VAN DIE KOMMISSARIS VAN OORDEEL
PRAKTISEERDE PROKURER, G.A. PRACTISING ATTORNEY (S.A.)
111 VASCO BOULEVARD 111
GOODWOOD

This is to certify that/Hierby word gesertifiseer dat

BRIPARK (PTY) LIMITED

has changed its name by SPECIAL RESOLUTION and is now called
sy naam verander het by SPESIALE BESLUIT en nou genoem word

THELEMA MOUNTAIN VINEYARDS (PTY) LTD

and that the new name has this day been entered in the Register of Companies.
en dat die nuwe naam op hierdie dag in die Register van Maatskappye aangeteken is.

Signed and sealed at Pretoria, this/Geteken en geseël te Pretoria op hede die 22nd

day/of/dag van April

One Thousand Nine Hundred and/Eenduisend Negehonderd Eighty - Eight.

[Signature]
Registrar of Companies/Registraat van Maatskappye

Certificate of change of name dated 22 4 88 herewith
Hierby sertifikaat van verandering van naam gedateer

Name of Company Bripark (Pty) Limited
Naam van maatskappy

Postal Address P O Box 338
Posadres

KIMBERLEY
8300

Date stamp of Companies Registration Office
Registraat van Maatskappye
Date stamp of Registrar of Companies
Maatskappye
1988-04-22
PRETORIA 0001
REGISTRAR OF COMPANIES

TRANSFER DUTY—FORM B
DECLARATION BY PURCHASER

Deposit
Dec by Seller
incomplete
(attached)
Mark Final

TRANSFEROR (Seller) JOHN GEORGE KINSON

TRANSFeree (Purchaser) BRIFARI (PROPRIETARY) LIMITED (herein represented by
Clyes Hamilton Webb, in his capacity as Director of the Company, duly
authorised thereto - COMPANY NO.

DESCRIPTION OF PROPERTY

THE REMAINDER OF THE FARM THEIBEL
NO. 136 SITUATE IN THE DIVISION OF
STELLENBOSCH

MEASURING AS SUCH: ONE HUNDRED AND
FIFTY-SEVEN COMMA ONE FIVE EIGHT THREE
(157,1583) HECTARES;

[Signature]

Date of transaction: 24th May 1983 Consideration: R1 000 000,00

TRANSFER DUTY PAID BY PURDOL GILMOUR *E Strauss & Hoesbroek*
Postal address: P.O. BOX 20, STELLENBOSCH

FOR OFFICIAL USE
Transfer duty paid on R. 100 000,00 Being Purchase Price
Law under which duty charged Act 40/49

Steel defacing stamp of office of issue
327
SOUTH AFRICA
16/6/83

[Signature]
Receiver of Revenue

CASH REGISTER RECEIPT
308718
D. 12/10/83
16VIB3306 * 050 000 00 2

**Annexure C:
Company Resolution and Power of Attorney**

THELEMA MOUNTAIN VINEYARDS (PTY) LTD

Registration No. 1960/000758/07

("The Company")

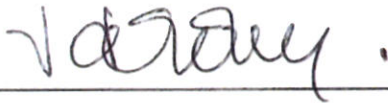
RESOLUTIONS OF THE DIRECTORS OF THE COMPANY

WHEREAS:

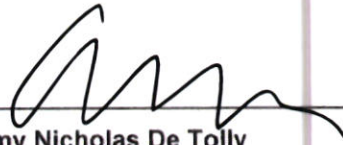
The Company, current owner of Remainder of the Farm Thelema No. 136 Stellenbosch RD, provides consent for the following resolution:

1. RESOLUTION:

Gyles Hamilton Webb....., in his/her capacity as Representative Director of The Company, is hereby authorised, in his sole and absolute discretion, on behalf of The Company to appoint Arch Town Planners (Pty) Ltd to attend to the land use applications required to allow for the Wine Tasting Facility on Remainder of the Farm Thelema No. 136 Stellenbosch RD.



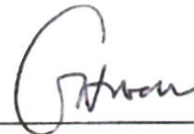
Jennifer De Tolly



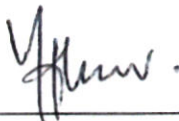
Jeremy Nicholas De Tolly



Barbara Webb



Gyles Hamilton Webb



Thomas Hamilton Webb

**Annexure D:
Conveyancer's Certificate**

Conveyancer's Certificate

I, the undersigned, MICHAEL PAUL ROSE, Conveyancer of MORTEL & DE VILLIERS INCORPORATED at 13 Drama Street, Somerset West hereby certify that

1. THELEMA MOUNTAIN VINEYARDS PROPRIETARY LIMITED, Registration number 1960/000758/07, is according to the Deeds Office records, the registered owner of the following property, namely

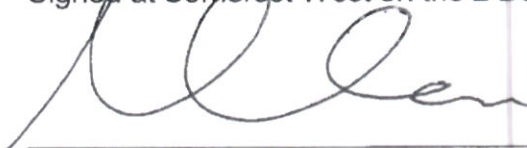
REMAINDER OF THE FARM THELEMA NO 136, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE;

EXTENT: 157,1583 HECTARES

held by Deed of Transfer no T30428/1983.

2. The said property is situate at Helshoogte Pass, Stellenbosch.
3. There are no restrictive conditions in the said Deed of Transfer.

Signed at Somerset West on the 2 December 2020.

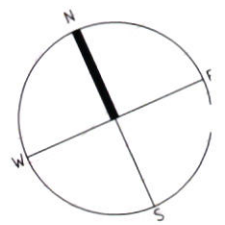


MICHAEL PAUL ROSE
CONVEYANCER

**Annexure E:
Site Plan of Existing Buildings**

1548m

Remainder of the Farm Thelema No. 136



THELEMA MOUNTAIN VINEYARDS

- 1 EXISTING GENERAL STORE
- 2 EXISTING WINERY
- 3 PARKING
- 4 LOADING
- 5 OFFICE
- 6 MAIN HOUSE
- 7 SHEDS
- 8 POOL
- 9 MANAGER'S HOUSE
- 10 STAFF HOUSE
- 11 EXISTING GENERAL STORE & BARREL STORE
- 12 NEW ADDITION TO WINERY

SCALE 1:1000
CONTOURS AT 500MM INTERVALS

ARCHITECT
ALEX ROBERTSON Pty Arch M1 Arch Reg
No. 3741

CLIENT

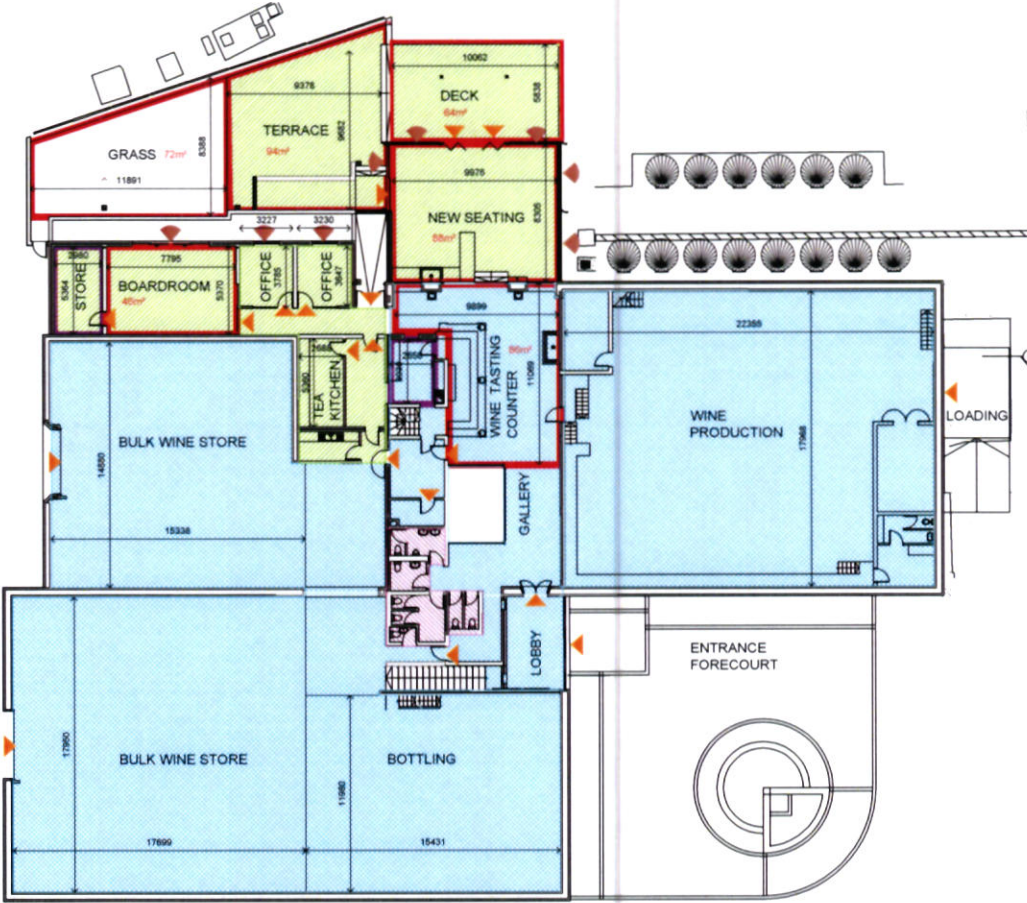
ara

ara
115-117 Stirling Street
Perth WA 6000
T: +61 8 9442 2222
F: +61 8 9442 2223
E: info@ara.com.au
www.ara.com.au

Thelema Mountain Vineyards (Pty) Ltd	
Alterations and Additions New Store	
Site Plan Remainder of the Farm Thelema No 136	
Scale	1:1000
Drawn by	my
Check by	JUL 2015
Project No	2015-106-05

n

Annexure F:
Site Development Plan of Proposed Wine Tasting Facility



THELEMA MOUNTAIN VINEYARDS
 Rem. Farm Thelema No.136 - District of Stellenbosch
 Proposed New Areas - Ground Floor - TMV 04/19
 April 2019

LEGEND

- EXISTING AREAS 1444m²
- NEW AREAS 379m²
- LIQUOR CONSUMPTION 446m²
- LIQUOR STORE 27m²
- PUBLIC TOILETS 31m²
- WINDOW
- DOORS

ara
 architecture | urban design | consultants
 3 Broadway Avenue
 Newlands | 7700
 Cape Town | South Africa
 +27 21 671 0242 tel | fax
 +27 82 771 7054 mobile
 alex@araconsultants.com
 www.araconsultants.com

**Annexure G:
Pre-Application Consultation Feedback**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Wilhelm Esterhuizen
Arch Town Planners (PTY) Ltd
Email: wilhelm@archtownplanners.co.za

04 March 2021

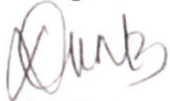
PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR CONSENT USE – FARM NO. 136, STELLENBOSCH DIVISION

1. Your pre-application scrutiny submission on the above property dated on **15 February 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application 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 ***A detailed Site Development Plan (indicating, inter alia, all existing buildings and their uses, cultivated areas, grazing areas, uncultivated areas, etc) is to be submitted.***
4. The intended land use and/ or land development application also needs to fulfil 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.Olynn@stellenbosch.gov.za



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	Wilhelm Esterhuizen for Arch Town Planners (Pty) Ltd
E-Mail	wilhelm@archtownplanners.co.za
Tel/ Cell	083 262 4843
Registered Owner:	Thelema Mountain Vineyards (Pty)Ltd
Property Description	Remainder of the Farm Thelema No. 136 Stellenbosch
Physical Address:	Helshoogte Road, Stellenbosch
Suburb & Town	Stellenbosch
Current Zoning	Agricultural and Rural Zone
Current land use	Agriculture, Wine Cellar, Wine Tasting

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 checked="" type="checkbox"/>	Consent use
<input 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 ation of approved subdivision plan
<input type="checkbox"/>	Determination of a zoning	<input type="checkbox"/>	Occasional use	<input type="checkbox"/>	Permission in terms of zoning scheme	<input type="checkbox"/>	Permission in terms of condition of approval
<input type="checkbox"/> OTHER		<input type="checkbox"/>	Technical Approval	<input type="checkbox"/>	Exemption	<input type="checkbox"/>	

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

Consent Use application required to allow for a **Tourist Facility, exceeding 250m²** in coverage on the farm to allow for the existing **Wine Tasting Facility**. The Tourist Facility is located within an existing approved building and this application will not result in the expansion of the existing operation of the Wine Tasting Facility.

2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
(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?	Yes	No
	X	
Details with reference to applicable plans/ policies/ guidelines: Section 209(6) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.		
(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?	YES	NO
		X
Details on required infrastructure:		
(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 ?	YES	NO
		X
Details on target market:		
(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?	YES	NO
		X
Details on inclusionary housing provision:		

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.

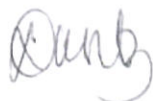
Applicant's signature:  Date: 15/02/2021

FOR OFFICE USE:

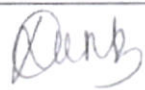
Received by: _____ Date: _____	Municipal Stamp
-----------------------------------	-----------------

DETERMINATION BY AUTHORISED OFFICIAL

Additional Information	<input checked="" type="checkbox"/>	Pre-Application Consultation		Application Ready	<input checked="" type="checkbox"/>
------------------------	-------------------------------------	------------------------------	--	-------------------	-------------------------------------

Sign: <u></u>	Date: <u>04/03/2021</u>
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APPLICANT INFORMED BY RESPONSIBLE OFFICIAL

Sign: <u></u>	Date: <u>04/03/2021</u>
--	-------------------------



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

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

DUPPLICATE RECEIPT

Receipt M/c: DIR1 Duplicate Rec.No: 176014 Date: 17/03/2021

Local Authority: Stellenbosch Municipality

1 STB N 2500.00

30111060201 05236 FaraNo:REM

DIRECT 030111060201 FaraNo:REM136-Ref:LU

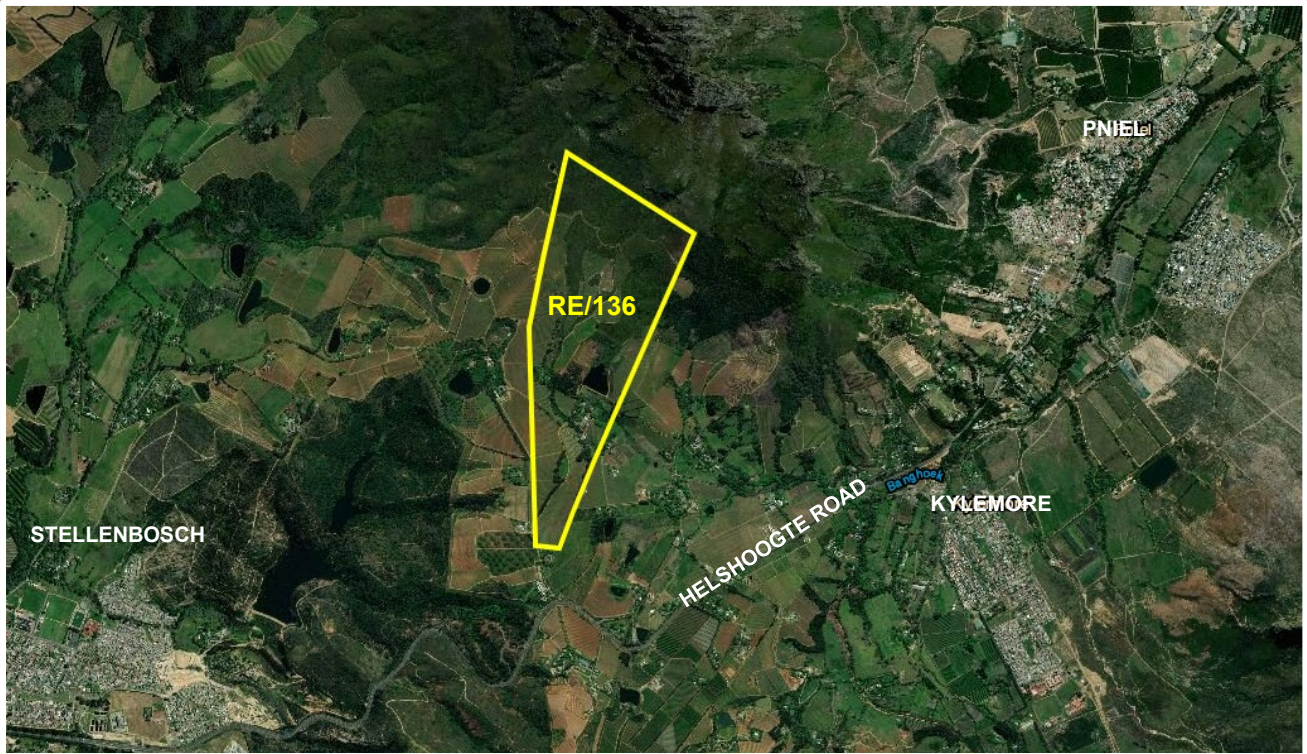
X100 Key: STB -009-20210317-00000020

X10 Key : STB 0000017601400001

SLEGS MASJIEGEDRUKTE KWITANSIES GELDIG/ONLY MACHINE PRINTED RECEIPTS VALID • ONTVANG SONDER BENADELING VAN REGTE/RECEIVED WITHOUT PREJUDICE TO RIGHTS

CONSENT USE APPLICATION (WINE TASTING FACILITY)

REMAINDER OF THE FARM THELEMA NO. 136
STELLENBOSCH



09 March 2021

SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



Postal Address: 2nd Floor, Bakkershuis
152 Dorp Street
Stellenbosch, 7600

Mobile: +27 (0)83 262 4843
Email: wilhelm@archtownplanners.co.za
Website: www.archtownplanners.co.za

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Annexures

Annexure A:	Land Use Planning Application Form
Annexure B:	Copy of Deed of Transfer No. T30428/1983
Annexure C:	Company Resolution and Power of Attorney
Annexure D:	Conveyancer's Certificate
Annexure E:	Site Plan of Existing Buildings
Annexure F:	Site Development Plan of Proposed Wine Tasting Facility
Annexure G:	Pre-Application Consultation Feedback

Figures

Figure 1:	Locality Map of the Farm
Figure 2:	Extract of the Site Layout Plan of the Farm
Figure 3:	Aerial Photograph of the Farm
Figure 4:	Extract of Zoning Map
Figure 5:	Location of the Wine Tasting Facility Within the Existing Winery
Figure 6:	Location of the Wine Tasting Facility in relation to the Abutting Farm
Figure 7:	Extract of the Cape Winelands District Spatial Implementation Framework

Tables

Table 1:	Assessment of the Proposal
Table 2:	Assessment of Application in terms of Section 65 of the By-law

1. INTRODUCTION

1.1 Background Information

Remainder of the Farm Thelema No. 136 Stellenbosch (hereafter referred to as 'the Farm') is a working wine farm situated north of Helshoogte Road between Stellenbosch and Kylemore. See Figure 1, below, for the Locality Map of the Farm.

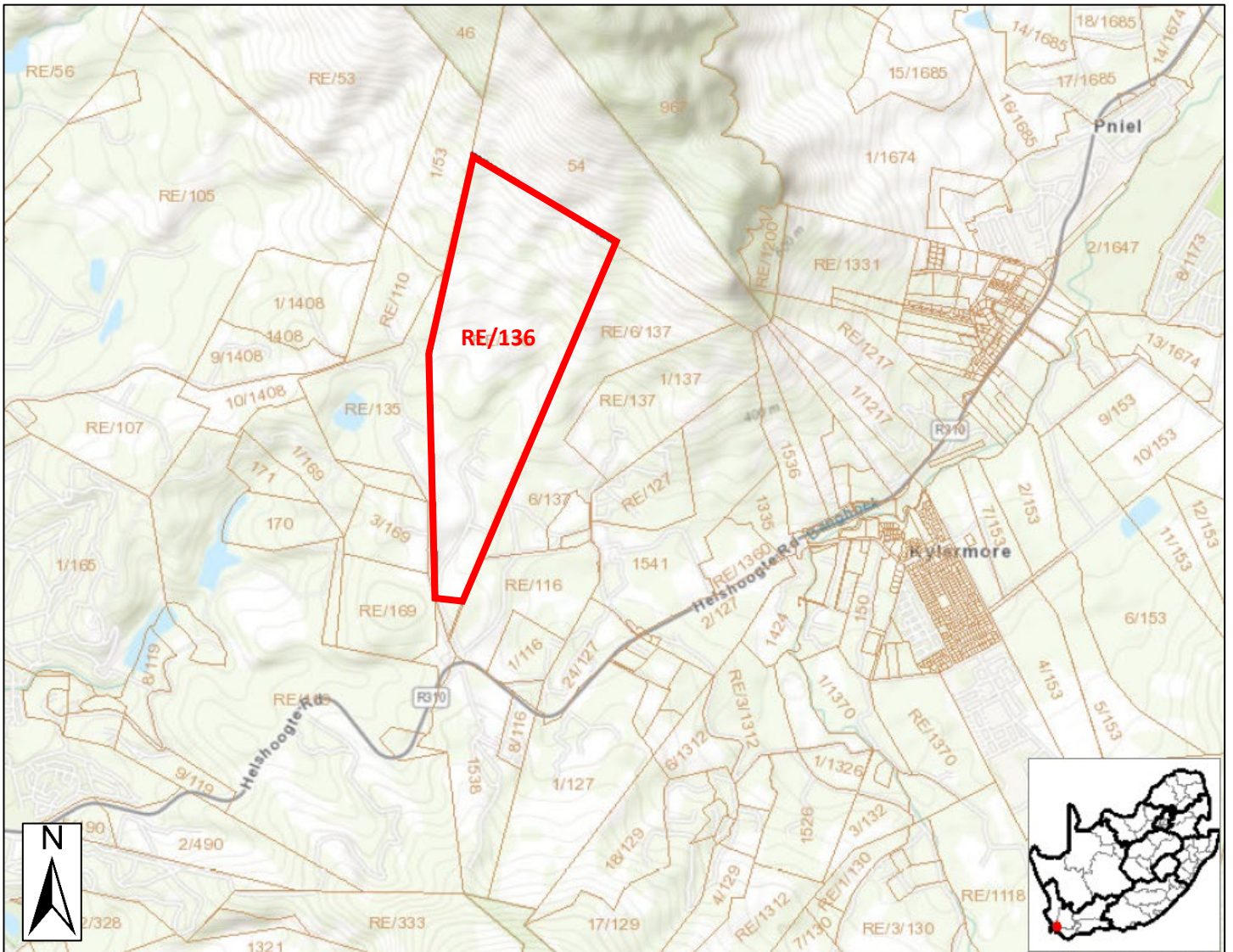


Figure 1 Locality Map of the Farm

With reference to Figure 2, below, the farm is currently developed with numerous previously approved buildings which include the following: ¹An Existing General Store, ²An Existing Winery, ⁵Existing Farm Offices, ⁶Existing Main House, ⁷Existing Sheds, ⁹Existing Manager's House, ¹⁰Existing Staff House, ¹¹Existing General Store and Barrel Store. Building no. 12, also on Figure 2 below, illustrates the existing unapproved wine tasting facility (tourist facility) within the existing approved winery.

It is now proposed to regularise the wine tasting facility within the existing winery building. The coverage of the wine tasting facility (including all external areas to be used as part thereof) measures 446m².

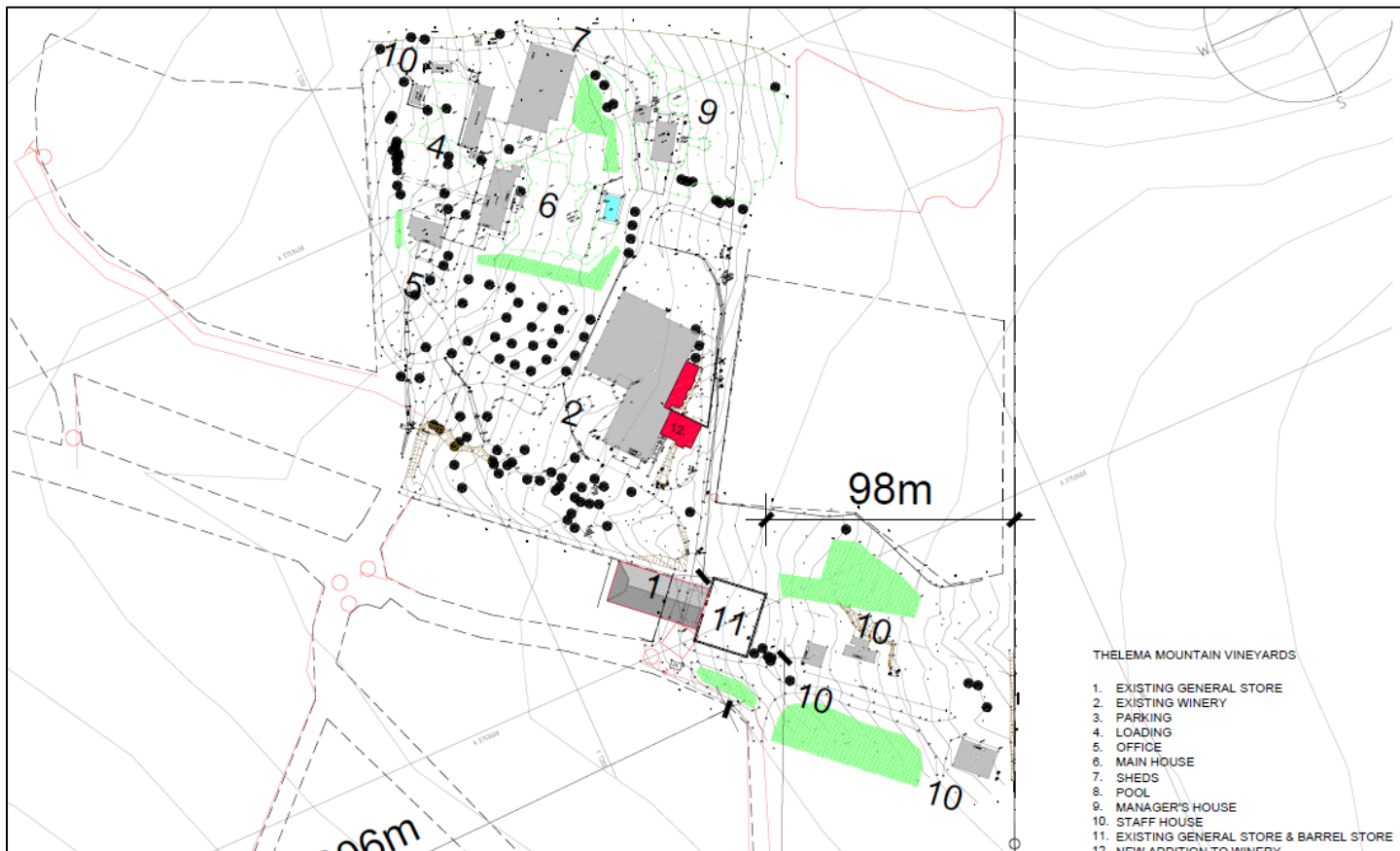


Figure 2 Extract of the Site Layout Plan of the Farm

1.2 Planning Brief

In light of the above information, *Arch Town Planners (Pty) Ltd* has been appointed by the owner of the Farm to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the wine tasting facility (tourist facility exceeding 250m² in coverage) on the Farm.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for a consent use to allow for a tourist facility (wine tasting facility) of 446m² within an existing building on Remainder of the Farm Thelema No 136 Stellenbosch.

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

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

The application site measures 165.42 Hectare in extent and is registered in the name of *Thelema Mountain Vineyards (Pty) Ltd* (hereafter referred to as 'the Company') and is held by Deed of Transfer No. T30428/1983. See **Annexure B**, attached, for a copy of the Title Deed.

The directors of the Company, in their capacity as owner, has authorised *Arch Town Planners (Pty) Ltd* by means of Company Resolution and Power of Attorney, to prepare and submit this application. Please refer to the attached Company Report and Power of Attorney (**Annexure C**).

2.2 Conveyancer Certificate

Conveyancer Stephanus Abraham Roux from Roux Attorneys has certified that there are no restrictive title deed conditions pertaining to this application. Refer to **Annexure D** for a copy of the conveyancer certificate.

2.3 Aerial Photograph and Context

The Farm is situated between Stellenbosch and Kylemore on the base of the Simonsberg Mountain. Access to the Farm is gained from Helshoogte Road via Thelema Country Vineyard Road. The surrounding area is characterised by various tourist attractions such as wine farms, guest houses, lodges, restaurants, and accommodation establishments. The aerial photograph, Figure 3 below, illustrates the applications site's position as well as the context of the immediate surrounding area as well as the various tourist attractions/facilities.

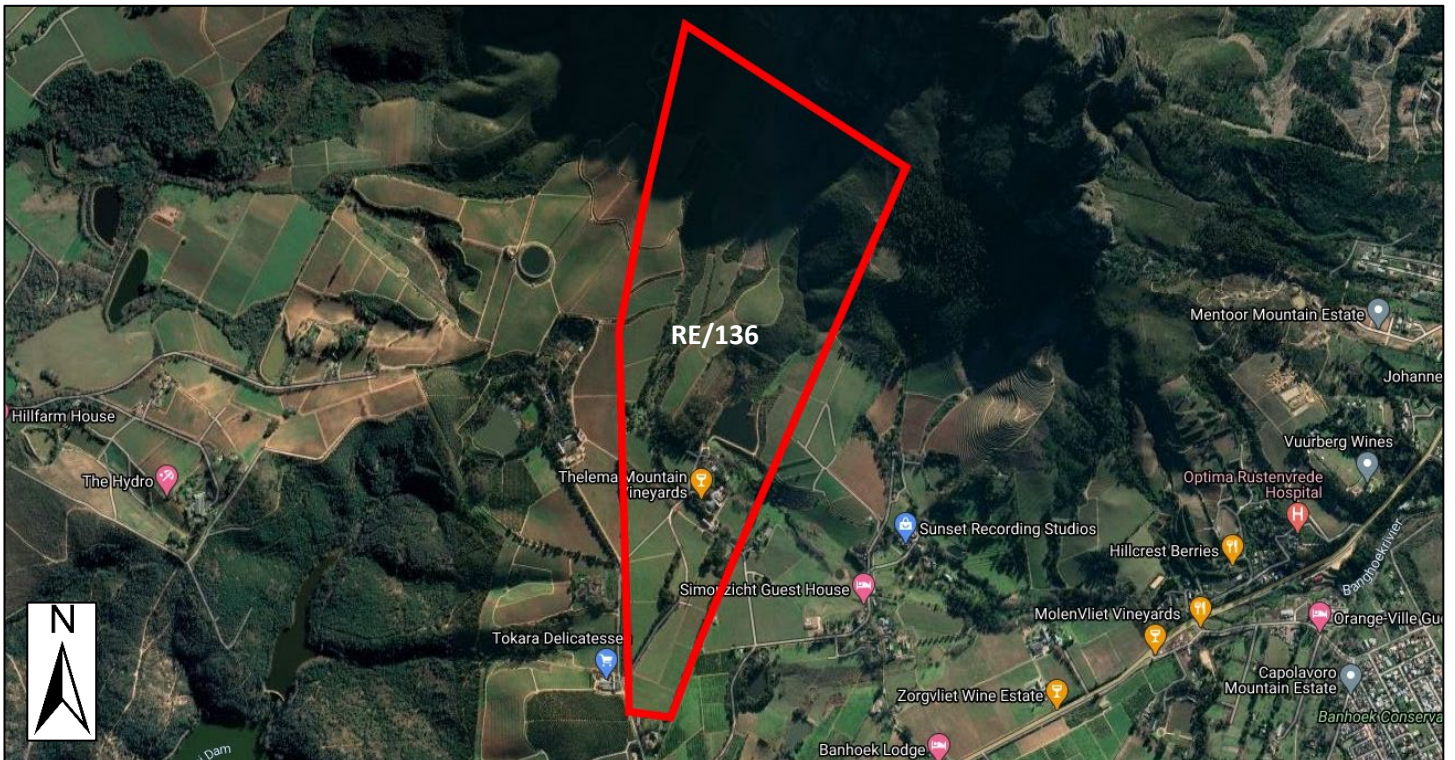


Figure 3 Aerial Photograph of the Farm

2.4 Current Zoning and Land Use

The zoning of properties within the Stellenbosch Municipal Area is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (hereafter referred to as “the Zoning Scheme”). According to the Zoning Scheme and as illustrated in Figure 4 below, the site is classified as **Agriculture and Rural Zone**.

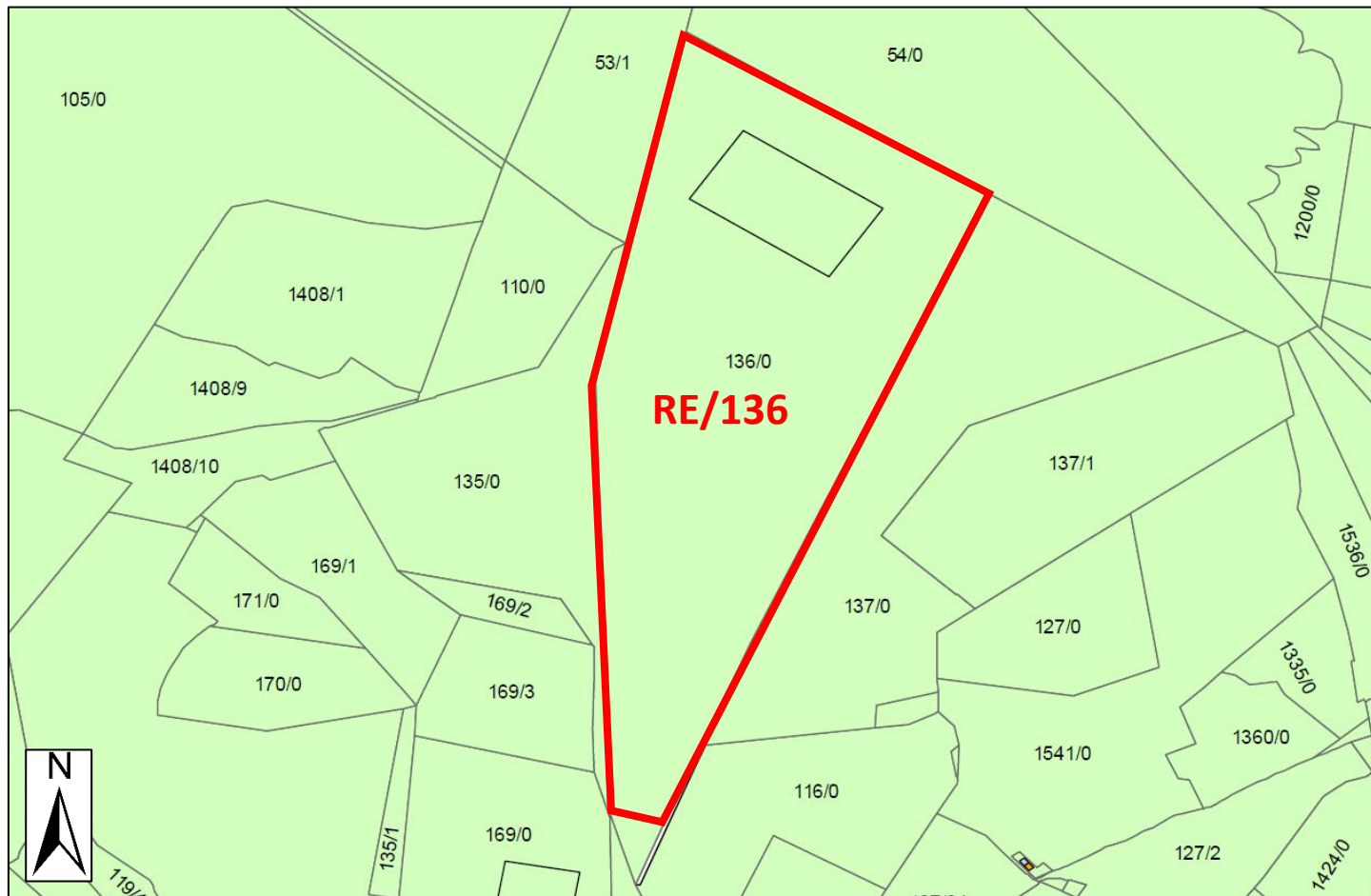


Figure 4 Extract of the Zoning Map

3. DEVELOPMENT PROPOSAL

3.1 Overview

It is proposed to regularise a portion of the existing winery on the Farm, as a wine tasting facility. With reference to the Site Plan (**Annexure E**) and the Site Development Plan (**Annexure F**) the south eastern part of the winery is currently being utilised as the wine tasting facility. Figure 5, below, illustrates the portion of the winery currently being used as the wine tasting facility (**in red and annotated with no. 12**).

The proposed coverage of the wine tasting facility (where liquor consumption will occur) is calculated to be 446m². This includes outside areas such as the deck, terrace and grass.

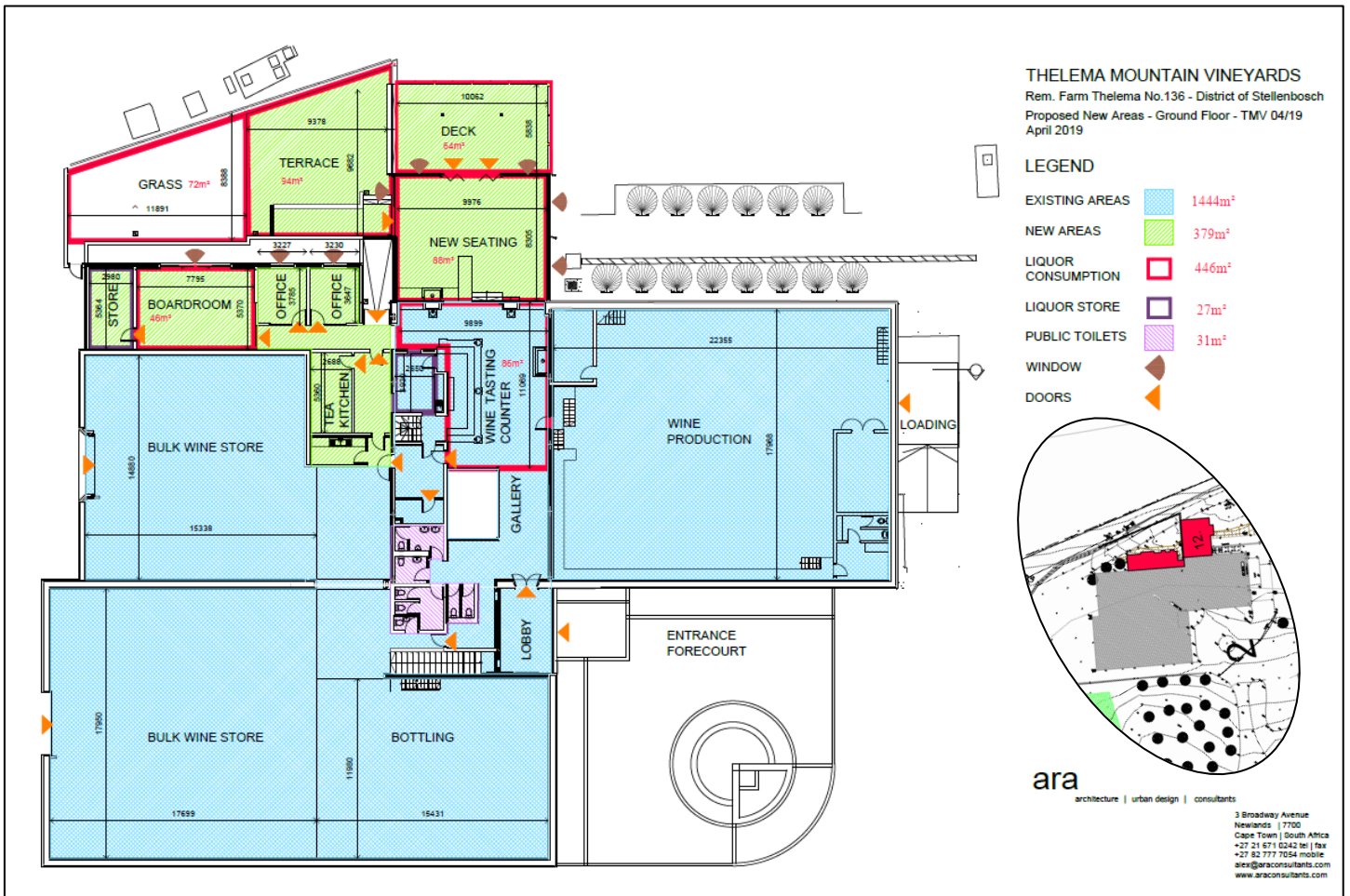


Figure 5 Location of the Wine Tasting Facility within the Existing Winery

3.2 Assessment of the Wine Tasting Facility

Relevant to this application, it should be noted that in terms of the Zoning Scheme, a **wine tasting facility** is classified as a **tourist facility**. According to the Zoning Scheme, a tourist facility is an Additional Use on properties zoned Agriculture and Rural, subject to certain conditions. The two conditions, relevant to this application, are identified in Table 1, below, and the proposed tourist accommodation establishment is assessed against the said conditions.

Tourist Facility as an Additional Use	Proposal	Compliance of Proposal / Application Required
Must be undertaken from an existing building	The wine tasting facility are proposed within the existing approved winery.	Compliant.
Coverage shall not exceed 250m ²	The proposed coverage used for liquor consumption, amounts to 446m ² .	The wine tasting facility does not qualify as an additional use and thus a consent use application is required.

Table 1 Assessment of the Wine Tasting Facility

As indicated above, the proposed wine tasting facility does not conform to the criteria for it to be classified as an additional use, since the coverage of the facility exceeds 250m². Therefore, and in accordance with Section 201(4) of the Zoning Scheme, a **consent use application** is required to allow for a tourist facility (wine tasting facility) with a coverage of 446m².

4. MOTIVATION

As set out in Section 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 2 below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation – See Annexure G , attached, for the feedback received during this process. Furthermore, all relevant and required documentation are submitted as part of this application and motivation.
c. Desirability of land use	<u>Consent Use to allow the tourist facility (wine tasting facility) with a coverage of 446m²:</u> As mentioned in this report, the wine tasting facility has been in operation for some time now and to our knowledge, no complaints have been received against this facility. The wine tasting facility will, in essence, only include a formal 'permanent' seating area with a coverage of 246m ² . This area, with reference to the site development plan, comprises of the <i>New Seating Area, Deck and Terrace</i> , rendering the facility to be an Additional Use. The <i>Grass and Boardroom</i> will be occasionally used, and the <i>Wine Tasting Counter</i> will be the service point for the facility. The occasional use of the <i>Grass and Boardroom</i> therefore triggers a coverage of more than 250m ² .


It should also be noted that the wine tasting facility is at approximately 110m from the nearest common boundary and approximately 160m from the closest building on the abutting farm – see Figure 6, below:



Figure 6 Location of the Wine Tasting Facility in relation to the abutting Farm

It is therefore argued that the approval of this application will not have an adverse impact on the surrounding farm owners to be undesirability.

d. Comment in response to public participation.	The application is to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the portfolio of evidence upon conclusion of the public participation process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	The proposed development will not result in an increase in demand on service capacity as the wine tasting facility has been operational for quite some time now. No new buildings are proposed as part of this application.
i. The IDP and SDF	The Stellenbosch Municipality Spatial Development Framework, November 2019 (hereafter referred to as "the SDF") states that tourism remain of great importance to the

	local economy and are likely to do so in the future. The approval of the wine tasting facility will thus be in line with the SDF.
j. IDP and SDF of district Municipality.	<p>The Cape Winelands District Spatial Development Implementation Framework identifies Stellenbosch as a tourism destination. Furthermore, it classifies the Stellenbosch area and immediate surroundings as a “tourism hotspot”:</p>  <p>Figure 7 Extract of the Cape Winelands District Spatial Implementation Framework</p> <p>A strategy contained in this document is to optimize tourism potential of prominent tourist attractions/destinations, with specific reference to Stellenbosch. The wine tasting facility will allow for the farm to optimise it’s service provision to tourists, in line with the proposal of this framework.</p>
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.

<p>r. Chapter VI of the Land Use Planning Act</p>	<p><u>Spatial Justice:</u> The application will have no impact on the spatial justice within the Stellenbosch Municipal Area.</p> <p><u>Spatial Sustainability:</u> As a result of the locality of the Farm, it may contribute to ensuring that the site is utilised to its full potential. The proximity of the Farm to various primary routes and attractions will result in the promotion of tourism.</p> <p><u>Efficiency:</u> Approval of this application will result in the more efficient use of the Farm.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality. It will also result in the regularisation of an existing use on the farm.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
<p>s. Applicable provisions of the zoning scheme</p>	<p>The Zoning Scheme makes provision for a wine tasting facility of this scale, subject to a consent use application approval. The approval of this application is desirable and will not have a material impact on the surrounding property owners, the municipal infrastructure, and the holistic functioning of the area.</p>

Table 2 Assessment of Application in terms of Section 65 of the By-law

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation.

Considering the above information, Council is respectfully requested to favourably consider the application for a **consent use** to allow for a tourist facility (wine tasting facility) of 446m², situated within an existing approved building, on the Remainder of the Farm Thelema no. 136 Stellenbosch.

Report compiled by:
Wilhelm Esterhuizen

for Arch Town Planners (Pty) Ltd
09 March 2021

Annexure A:
Land Use Planning Application Form



STELLENBOSCH

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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)	MARIKE					
Surname	BOLZ					
Company name (if applicable)	ARCH TOWN PLANNERS (PTY) LTD					
Postal Address	Bakkershuis, 152 Dorp street, Stellenbosch				Postal Code	7600
	WILHELM@ARCHTOWNPLANNERS.CO.ZA MARIKE@ARCHTOWNPLANNERS.CO.ZA					
Tel		Fax		Cell	0832624843	

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

Registered owner(s)	THELEMA MOUNTAIN VINEYARDS (PTY) LTD					
Physical address	HELSHOOGTE ROAD, STELLENBOSCH				Postal code	7600
	E-mail					
ELAINE@THELEMA.CO.ZA						
Tel	021 885 1924	Fax		Cell	082 464 1415	

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

Erf / Erven / Farm No.	136	Portion(s) if Farm	REMAINDER	Allotment area	STELLENBOSCH	
Physical Address	HELSHOOGTE ROAD, STELLENBOSCH					
Current Zoning	AGRICULTURE AND RURAL	Extent	157 m ² / ha	Are there existing buildings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019										
Current Land Use	VARIOUS										
Title Deed number and date	T		30428/1983								
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	<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) ¹	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)?	<input checked="" type="checkbox"/>	N	If yes, is this application to legalize the building / land use ² ?		<input checked="" type="checkbox"/>	N					
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"/>					
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	N	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;										
	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)	THELEMA MOUNTAIN VINEYARDS (PTY) LTD
Postal Address	
Vat Number (where applicable)	

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit A TOURIST FACILITY (WINE TASTING) WITH A COVERAGE OF 446SQM in terms of Section... 201(4)of the... STELLENBOSCHZoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:
THE USE OF A PORTION OF AN EXISTING APPROVED BUILDING ON THE FARM AS A TOURIST FACILITY (WINE TASTING FACILITY) WITH A COVERAGE OF 446SQM

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)	
Y	<input checked="" type="checkbox"/>	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 (Full copy of the title deed)	
<input checked="" type="checkbox"/>	N	Conveyancer's certificate		<input checked="" type="checkbox"/>	N	Minutes of pre-application consultation meeting (if applicable)	
Y	N	<input checked="" type="checkbox"/>	Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	<input checked="" type="checkbox"/>	Street name and numbering plan (A4 or A3 only) to scale				
Y	N	<input checked="" type="checkbox"/>	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	<input checked="" type="checkbox"/>	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	<input checked="" type="checkbox"/>	Abutting owner's consent	Y	N	<input checked="" type="checkbox"/>	Home Owners' Association consent
Y	N	<input checked="" type="checkbox"/>	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	<input checked="" type="checkbox"/>	Services Report or indication of all municipal services / registered servitudes
Y	N	<input checked="" type="checkbox"/>	Copy of original approval and conditions of approval	Y	N	<input checked="" type="checkbox"/>	Proof of failure of Home owner's association
Y	N	<input checked="" type="checkbox"/>	Proof of lawful use right	<input checked="" type="checkbox"/>	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input checked="" type="checkbox"/>	N	N/A	Required number of documentation copies	Y	N	N/A	Other (specify)

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

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

SECTION I: DECLARATION

I hereby wish to confirm the following :

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

Annexure B:
Copy of Deed of Transfer No. T30428/1983

DEED OF TRANSFER NO. T.30428/1983

in favour of

THELEMA MOUNTAIN VINEYARDS (PTY) LTD

PURDON GILMOUR

PROKUREUR, AFSLAER EN TAKSATEUR
ATTORNEY, AUCTIONEER AND APPRAISER

DORPSTRAAT 137 DORP STREET, STELLENBOSCH 7600
POSBUS / P.O. BOX 20, STELLENBOSCH 7600

TEL.: (02234) 70348 & 70398

88 88

669

T 30428 1983

Deed of Transfer

(By virtue of a Power of Attorney)

Ernst Strauss & Haasbroek,
EP Building,
8 Hout Street,
Cape Town 8001

Prepared by me:

Conveyancer

Know all men whom it may concern

THAT ANDRE WILLEM THERON NEL
appeared before me, Registrar of Deeds, Cape Town, he being duly authori-
zed thereto by a Power of Attorney dated 30 May 1983
, executed at Stellenbosch
and granted to him by


JOHN GEORGE KITSON

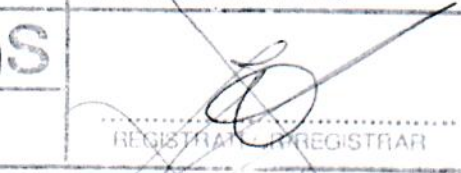
Identity no. 150914 5035 00 1

White Group


MR. THOSSEMENT ... 6 ... FT. SFO

AND

DIE NAAM VAN DIE	THE NAME OF THE
<i>T/berce Co.</i>	
IS VERANDER NA	HAS BEEN CHANGED TO
<i>THELEMA MOUNTAIN VINEYARDS (PT) Ltd</i>	<i>60/00758/07</i>
BC 25342 93	
05 05 198	
	REGISTRATEUR/REGISTRAR

DIE BINNEGEMELDE EIENDOM IS ONDERHEWIG AAN 'N KRAGLYNSERWITTOU TEN GUNSTE VAN	THE WITHINMENTIONED PROPERTY IS SUBJECT TO A POWERLINE SERVITUDE IN FAVOUR OF
ESKOM	ESKOM
MET BYKOMENDE REGTE	WITH ANCELLIARY RIGHTS
K 696 / -2000 S	
2000-07-19	
	REGISTRATEUR/REGISTRAR

Registration

DIE IDENTITEITSNUMMER VAN DIE	THE IDENTITY NUMBER OF THE
<i>Transfere</i>	
IS VERANDER NA	HAS BEEN CHANGED TO
<i>19.60/000758/07</i>	
2000-07-19	
	REGISTRATEUR/REGISTRAR

AND the Appearer declared that on 24 MAY 1983
his Principal as aforesaid sold the following property to the undermen-
tioned transferee



NOW THEREFORE the said Appearer in his capacity as aforesaid, did,
by these presents cede and transfer in full and free property, to and on
behalf of

BRIPARK (PROPRIETARY) LIMITED

No. 60/0758/07

White Group

or its ~~Heirs, Executors, Administrators or Assigns~~

REMAINDER/.....

REMAINDER of the farm Thelema no. 136 in the Division of Stellenbosch;

MEASURING one hundred and fifty seven comma one five eight three (157,1583) hectares;

FIRST transferred by Deeds of Transfer nos. 4527 and 4528 both dated 5 June 1897 with a diagram annexed to Deed of Transfer no. 4527/1897 and held by Deeds of Transfer nos. 6804/1953 and 14325/1979 in respect of one-half share each.

A. SUBJECT to the conditions referred to in Deeds of Transfer nos. 4528 dated 5 June 1897 and 1545 dated 2 March 1901.

B. SUBJECT further to the special conditions contained in Deeds of Transfer nos. 4527/1897 and 4528/1897 whereby it is provided that the remaining extent of the land then owned by Hendrik Johannes Louw by Deed of Transfer no. 120 dated 10 February 1874 should be entitled to the whole of the water of the Simon's Berg River during Monday, Wednesday, Friday and Sunday of each week and that the land hereby transferred should be entitled to the whole of the said water during the other days of each week, it being further provided that the owner of the said remaining extent should by himself and his servants have free access to and upon the land hereby transferred for the purposes when necessary of maintaining undisturbed and in good order his said right of water and of repairing and maintaining the dam and any leadings, and that he should in all future times be careful to avoid damaging the land hereby transferred.

C. SUBJECT further and ENTITLED to the benefits of the servitude referred to in the following endorsement dated 15 December 1945 on Deed of Transfer no. 3122/1933:

By D/T 17950/1945 (a) the owner and his successors in title of the remainder held hereunder is entitled to a right of way 9,45 metres in width marked AC on the diagram thereto annexed over the ppty thereby conveyed (b) the owner and his successors in title of the ppty thereby conveyed shall be entitled to pump and have the use of water from a borehole marked G on the said diagram and to convey such water therefrom by means of a pipe line laid within the 1,89 metre servitude area marked GH on the

4.

said diagram with certain ancillary rights, as will more fully appear on reference to said D. of Trf.

D. SUBJECT and ENTITLED further to the benefit of the servitude referred to in the following endorsement dated 22 February 1947 on Deed of Transfer no. 3122/1933:

By Not. Deed no. 52/47 dated 16/1/1947, the servitude endorsement dated 15/12/1945 hereon has been amended to read 6,30 metres instead of 9,45 metres, as will more fully appear in the said not. deed, vide copy annexed hereto.

WHEREFORE/.....

WHEREFORE the Appearer in his said Capacity, renouncing all the right and title the said transferor

heretofore had to the premises, did, in consequence also acknowledge the said transferor

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said transferee company

or its ~~Heirs, Executors, Administrators or~~ Assigns, now is and henceforth shall be entitled thereto conformably to local custom; the State, however, reserving its rights; and finally acknowledging the said transferor

to be satisfactorily paid the whole of the purchase money amounting to the sum of R1 000 000,00 (ONE MILLION RAND).

IN WITNESS whereof, I, the said Registrar, together with the Appearer q.q. 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, in Cape Town on the 5th day of August in the Year of our Lord, One Thousand Nine Hundred and eighty three (1983).

[Signature]
q.q.

In my presence,

REGISTRAR OF DEEDS.

Registered in the Farm Register Stellenbosch Folio 13611 Book Clerk-in-Charge M. Depart

[Handwritten mark]

SEËLS
Special resolution
SKEUR
DUTY

BC 25342 98

FUOI R 50,00
FEE

Registration No. of company/Registrasienuommer van maatskappy

60/00758/07

Certificate of change
of name of company

Sertifikaat van verandering
van naam van maatskappy

DAVID ERASMUS ROUX
KOMMISSARIS VAN DIE KOMMISSARISSE VAN OORDEEL
PRAKTISERENDE PROKURIEUR, S.A. PRACTISING ATTORNEY, R.S.A.
181 VASCO BOULEVARD 111
GOODWOOD

This is to certify that/Hierby word gesertifiseer dat

BRIPARK (PTY) LIMITED

has changed its name by SPECIAL RESOLUTION and is now called
sy naam verander het by SPESIALE BESLUIT en nou genoem word

THELEMA MOUNTAIN VINEYARDS (PTY) LTD

and that the new name has this day been entered in the Register of Companies.
en dat die nuwe naam op hierdie dag in die Register van Maatskappye aangeteken is.

Signed and sealed at Pretoria, this/Geteken en geseël te Pretoria op hede die 22nd

day of/dag van April

One Thousand Nine Hundred and/Eenduisend Negehonderd Eighty-Eight.

[Signature]
Registrar of Companies/Registrateur van Maatskappye

Certificate of change of name dated 22.4.88 herewith
Hierby sertifikaat van verandering van naam gedateer

Name of Company Bripark (Pty) Limited
Naam van maatskappy

Postal Address P O Box 338
Posadres KIMBERLEY

8300

Date stamp of Companies Registration Office
Registrars of Companies
REGISTRATEUR VAN MAATSKAPPE
Datumstempel van Registrasiekantoor vir
Maatskappye.
Registrateur van Maatskappye
1988-04-22
PRETORIA 0001
REGISTRAR OF COMPANIES

PART I

TRANSFER DUTY - FORM B
DECLARATION BY PURCHASER

Deposit
Dec by Seller
incomplete
(attached)
Made Final

TRANSFEROR (Seller) JOHN GEORGE KITSON

TRANSFeree (Purchaser) BRIPARK (PROPRIETARY) LIMITED (herein represented by Giles Hamilton Webb, in his capacity as Director of the Company, duly authorised thereto - COMPANY NO.

DESCRIPTION OF PROPERTY

THE REMAINDER OF THE FARM THELEMA NO. 136 SITUATE IN THE DIVISION OF STELLENBOSCH

MEASURING AS SUCH: ONE HUNDRED AND FIFTY-SEVEN COMMA ONE FIVE EIGHT THREE (157,1583) HECTARES;

ONTVANGSTREKINGSKOMSTE
RECEIVED INLAND REVENUE
KAAPSTADT/TOWN

ONTVANGER VAN INKOMSTE
POSD 757 P.O. BOX
3000 -
KAAPSTADT/TOWN
RECEIVED INLAND REVENUE

Date of transaction: 24th May 1983

Consideration: R1 000 000,00

TRANSFER DUTY PAID BY..... PURDON GILMOUR *E. Strauss + Hoosbroek*

Postal address: P.O. BOX 20, STELLENBOSCH

FOR OFFICIAL USE

Transfer duty paid on R. *100 000,00*

Being *Purchase Price*

Law under which duty charged

Act 104/49

Steel defacing stamp of office of issue

[Signature]
Receiver of Revenue

CASH REGISTER RECEIPT

308718

16 VI 3306 * 050 000.00 2

321
SUID-AFRIKA
16 6-83

D. 12/102

Annexure C:
Company Resolution and Power of Attorney

THELEMA MOUNTAIN VINEYARDS (PTY) LTD

Registration No. 1960/000758/07

("The Company")


RESOLUTIONS OF THE DIRECTORS OF THE COMPANY

WHEREAS:

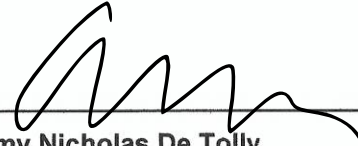
The Company, current owner of Remainder of the Farm Thelema No. 136 Stellenbosch RD, provides consent for the following resolution:

1. RESOLUTION:


Gyles Hamilton Webb....., in his/her capacity as Representative Director of The Company, is hereby authorised, in his sole and absolute discretion, on behalf of The Company to appoint Arch Town Planners (Pty) Ltd to attend to the land use applications required to allow for the Wine Tasting Facility on Remainder of the Farm Thelema No. 136 Stellenbosch RD.



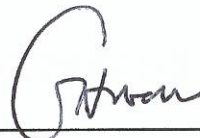
Jennifer De Tolly



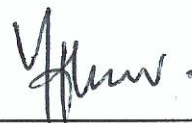
Jeremy Nicholas De Tolly



Barbara Webb



Gyles Hamilton Webb



Thomas Hamilton Webb

**Annexure D:
Conveyancer's Certificate**

Conveyancer's Certificate

I, the undersigned, MICHAEL PAUL ROSE, Conveyancer of MORKEL & DE VILLIERS INCORPORATED at 13 Drama Street, Somerset West hereby certify that

1. THELEMA MOUNTAIN VINEYARDS PROPRIETARY LIMITED, Registration number 1960/000758/07, is according to the Deeds Office records, the registered owner of the following property, namely

REMAINDER OF THE FARM THELEMA NO 136, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE;

EXTENT: 157,1583 HECTARES

held by Deed of Transfer no T30428/1983.

2. The said property is situate at Helshoogte Pass, Stellenbosch.
3. There are no restrictive conditions in the said Deed of Transfer.

Signed at Somerset West on the 2 December 2020.

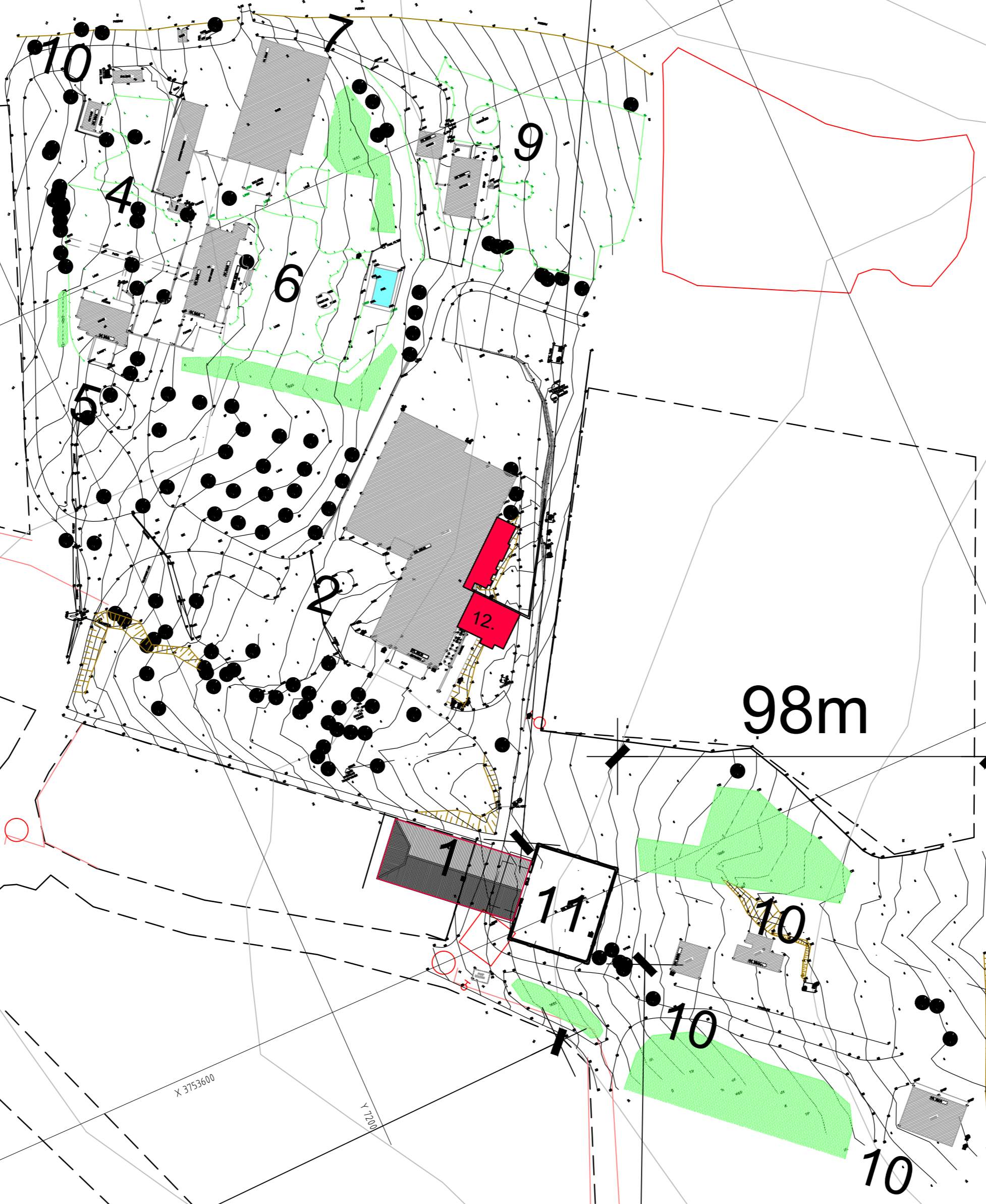
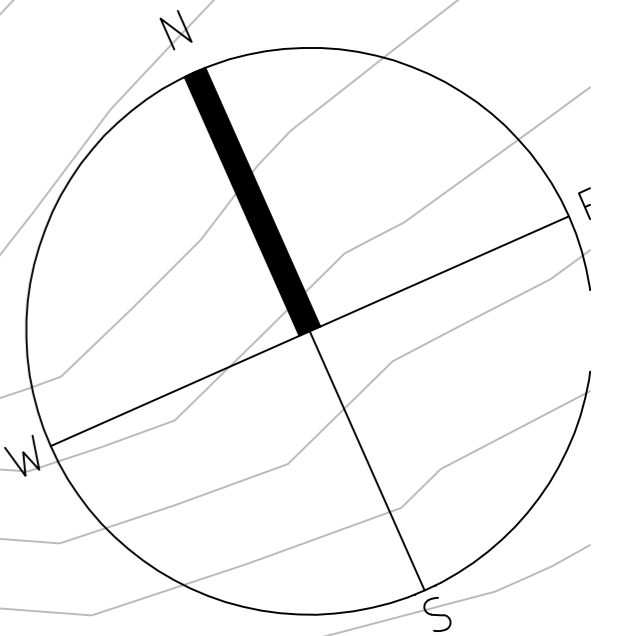


MICHAEL PAUL ROSE
CONVEYANCER

**Annexure E:
Site Plan of Existing Buildings**

1548m

Remainder of the Farm Thelema No. 136



306m

98m

THELEMA MOUNTAIN VINEYARDS

- 1. EXISTING GENERAL STORE
- 2. EXISTING WINERY
- 3. PARKING
- 4. LOADING
- 5. OFFICE
- 6. MAIN HOUSE
- 7. SHEDS
- 8. POOL
- 9. MANAGER'S HOUSE
- 10. STAFF HOUSE
- 11. EXISTING GENERAL STORE & BARREL STORE
- 12. NEW ADDITION TO WINERY

SCALE 1:1000
CONTOURS AT 500MM INTERVALS

ARCHITECT.....
ALEX ROBERTSON Pr.Arch M.I.Arch Reg
No. 3141.

CLIENT.....

ara
architecture | urban design | consultants

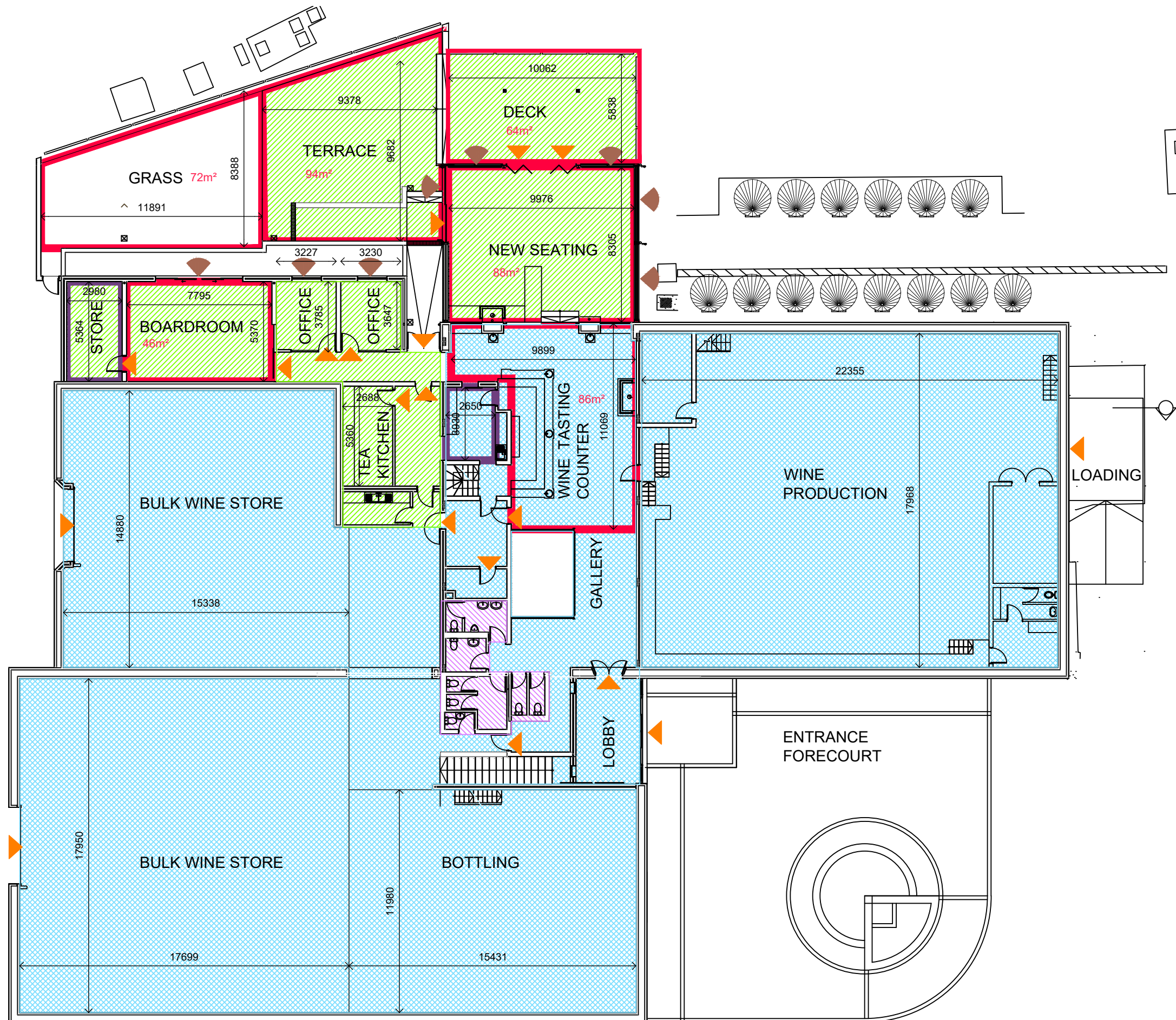
3 Broadway Avenue
Newlands | 7700
Cape Town | South Africa
+27 21 671 0242 tel | fax
+27 82 777 7054 mobile
alex@araconsultants.com
www.araconsultants.com

CLIENT	Thelema Mountain Vineyards (Pty) Ltd		
PROJECT	Alterations and Additions New Store		
DRAWING	Site Plan Remainder of the Farm Thelema No 136		
SCALE	1:1000	DRAWN	DATE
		rmj	JUL 2015
DRAWING NUMBER	2015.106.05	REVISION	

n

Annexure F:
Site Development Plan of Proposed Wine Tasting Facility

THELEMA MOUNTAIN VINEYARDS
 Rem. Farm Thelema No.136 - District of Stellenbosch
 Proposed New Areas - Ground Floor - TMV 04/19
 April 2019



LEGEND

- EXISTING AREAS ▨ 1444m²
- NEW AREAS ▨ 379m²
- LIQUOR CONSUMPTION □ 446m²
- LIQUOR STORE □ 27m²
- PUBLIC TOILETS ▨ 31m²
- WINDOW ◀
- DOORS ▶

ara

architecture | urban design | consultants

3 Broadway Avenue
 Newlands | 7700
 Cape Town | South Africa
 +27 21 671 0242 tel | fax
 +27 82 777 7054 mobile
 alex@araconsultants.com
 www.araconsultants.com

Annexure G:
Pre-Application Consultation Feedback



Wilhelm Esterhuizen
Arch Town Planners (PTY) Ltd
Email: wilhelm@archtownplanners.co.za

04 March 2021

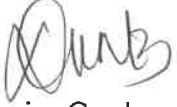
PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR CONSENT USE – FARM NO. 136, STELLENBOSCH DIVISION

1. Your pre-application scrutiny submission on the above property dated on **15 February 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application 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 ***A detailed Site Development Plan (indicating, inter alia, all existing buildings and their uses, cultivated areas, grazing areas, uncultivated areas, etc) is to be submitted.***
4. The intended land use and/ or land development application also needs to fulfil 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.Olyyn@stellenbosch.gov.za



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	Wilhelm Esterhuizen for Arch Town Planners (Pty) Ltd
E-Mail	wilhelm@archtownplanners.co.za
Tel/ Cell	083 262 4843
Registered Owner:	Thelema Mountain Vineyards (Pty)Ltd
Property Description	Remainder of the Farm Thelema No. 136 Stellenbosch
Physical Address:	Helshoogte Road, Stellenbosch
Suburb & Town	Stellenbosch
Current Zoning	Agricultural and Rural Zone
Current land use	Agriculture, Wine Cellar, Wine Tasting

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 checked="" type="checkbox"/>	Consent use
<input 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 ation of approved subdivision plan
<input type="checkbox"/>	Determination of a zoning	<input type="checkbox"/>	Occasional use	<input type="checkbox"/>	Permission in terms of zoning scheme	<input type="checkbox"/>	Permission in terms of condition of approval

OTHER

Technical
Approval

Exemption

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

Consent Use application required to allow for a **Tourist Facility, exceeding 250m²** in coverage on the farm to allow for the existing **Wine Tasting Facility**. The Tourist Facility is located within an existing approved building and this application will not result in the expansion of the existing operation of the Wine Tasting Facility.

2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
(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?	Yes	No
	X	
<p>Details with reference to applicable plans/ policies/ guidelines:</p> <p>Section 209(6) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.</p>		
(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?	YES	NO
		X
<p>Details on required infrastructure:</p>		
(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 ?	YES	NO
		X
<p>Details on target market:</p>		
(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?	YES	NO
		X
<p>Details on inclusionary housing provision:</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: 15/02/2021

FOR OFFICE USE:

Municipal Stamp
Received by: _____
Date: _____

DETERMINATION BY AUTHORISED OFFICIAL

Additional Information	<input checked="" type="checkbox"/>	Pre-Application Consultation		Application Ready	<input checked="" type="checkbox"/>
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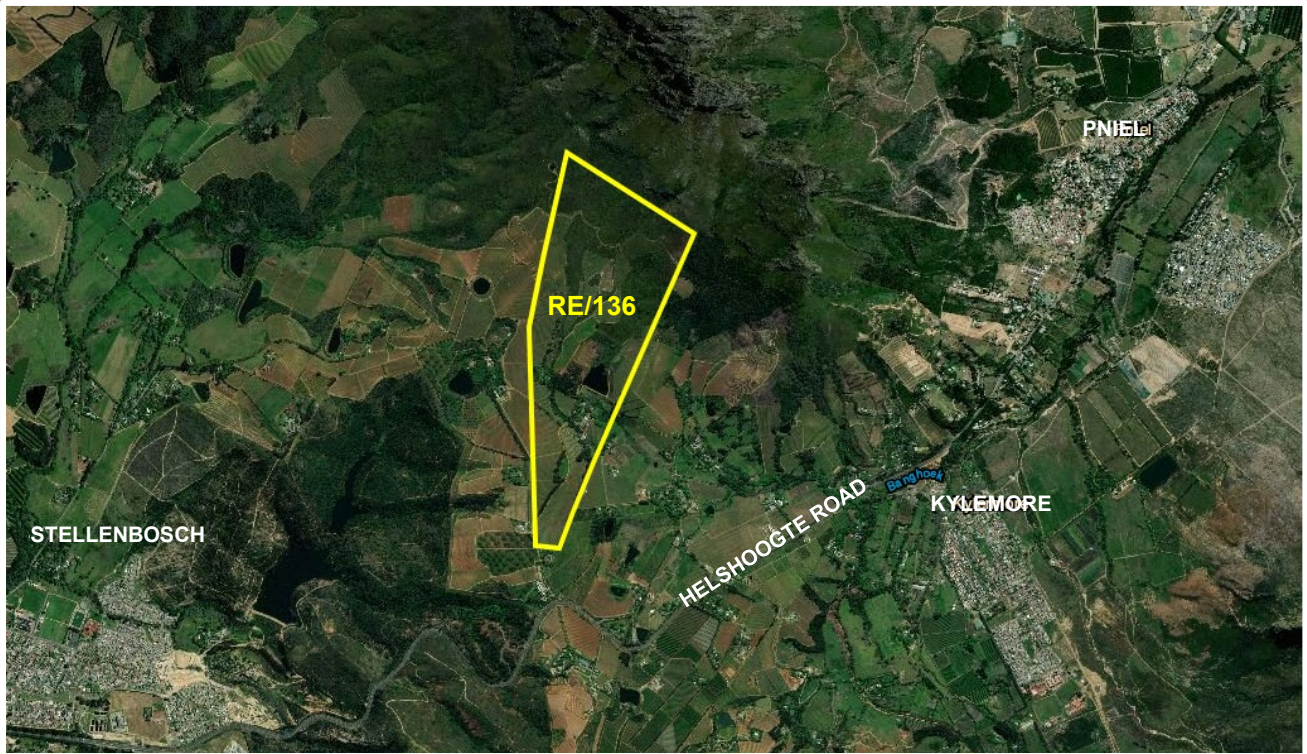
Sign:  Date: 04/03/2021

APPLICANT INFORMED BY RESPONSIBLE OFFICIAL

Sign:  Date: 04/03/2021

CONSENT USE APPLICATION (WINE TASTING FACILITY)

REMAINDER OF THE FARM THELEMA NO. 136
STELLENBOSCH



09 March 2021

SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



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Stellenbosch, 7600

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Annexures

Annexure A:	Land Use Planning Application Form
Annexure B:	Copy of Deed of Transfer No. T30428/1983
Annexure C:	Company Resolution and Power of Attorney
Annexure D:	Conveyancer's Certificate
Annexure E:	Site Plan of Existing Buildings
Annexure F:	Site Development Plan of Proposed Wine Tasting Facility
Annexure G:	Pre-Application Consultation Feedback

Figures

Figure 1:	Locality Map of the Farm
Figure 2:	Extract of the Site Layout Plan of the Farm
Figure 3:	Aerial Photograph of the Farm
Figure 4:	Extract of Zoning Map
Figure 5:	Location of the Wine Tasting Facility Within the Existing Winery
Figure 6:	Location of the Wine Tasting Facility in relation to the Abutting Farm
Figure 7:	Extract of the Cape Winelands District Spatial Implementation Framework

Tables

Table 1:	Assessment of the Proposal
Table 2:	Assessment of Application in terms of Section 65 of the By-law

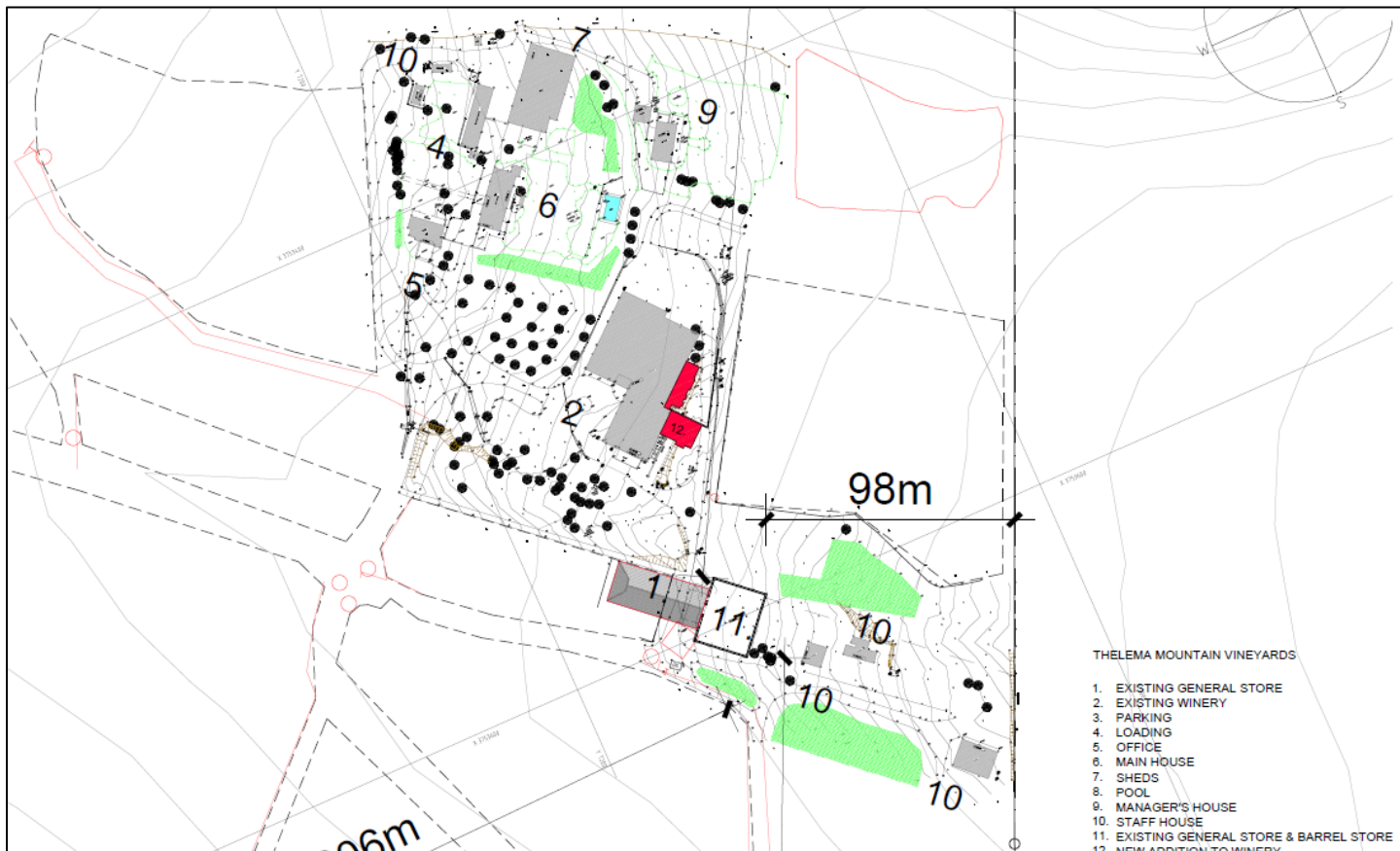


Figure 2 Extract of the Site Layout Plan of the Farm

1.2 Planning Brief

In light of the above information, *Arch Town Planners (Pty) Ltd* has been appointed by the owner of the Farm to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the wine tasting facility (tourist facility exceeding 250m² in coverage) on the Farm.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for a consent use to allow for a tourist facility (wine tasting facility) of 446m² within an existing building on Remainder of the Farm Thelema No 136 Stellenbosch.

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

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

The application site measures 165.42 Hectare in extent and is registered in the name of *Thelema Mountain Vineyards (Pty) Ltd* (hereafter referred to as 'the Company') and is held by Deed of Transfer No. T30428/1983. See **Annexure B**, attached, for a copy of the Title Deed.

The directors of the Company, in their capacity as owner, has authorised *Arch Town Planners (Pty) Ltd* by means of Company Resolution and Power of Attorney, to prepare and submit this application. Please refer to the attached Company Report and Power of Attorney (**Annexure C**).

2.2 Conveyancer Certificate

Conveyancer Stephanus Abraham Roux from Roux Attorneys has certified that there are no restrictive title deed conditions pertaining to this application. Refer to **Annexure D** for a copy of the conveyancer certificate.

2.3 Aerial Photograph and Context

The Farm is situated between Stellenbosch and Kylemore on the base of the Simonsberg Mountain. Access to the Farm is gained from Helshoogte Road via Thelema Country Vineyard Road. The surrounding area is characterised by various tourist attractions such as wine farms, guest houses, lodges, restaurants, and accommodation establishments. The aerial photograph, Figure 3 below, illustrates the applications site's position as well as the context of the immediate surrounding area as well as the various tourist attractions/facilities.

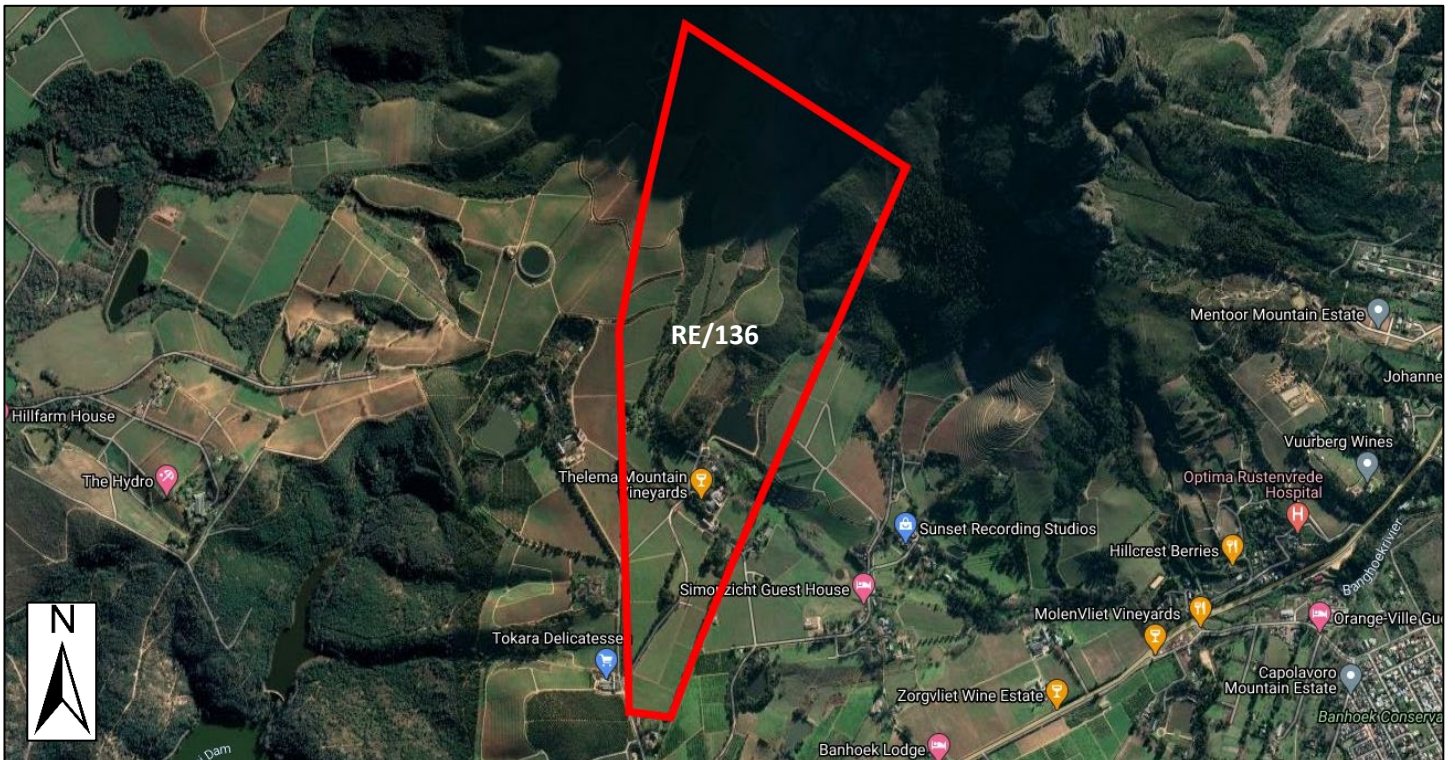


Figure 3 Aerial Photograph of the Farm

2.4 Current Zoning and Land Use

The zoning of properties within the Stellenbosch Municipal Area is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (hereafter referred to as “the Zoning Scheme”). According to the Zoning Scheme and as illustrated in Figure 4 below, the site is classified as **Agriculture and Rural Zone**.

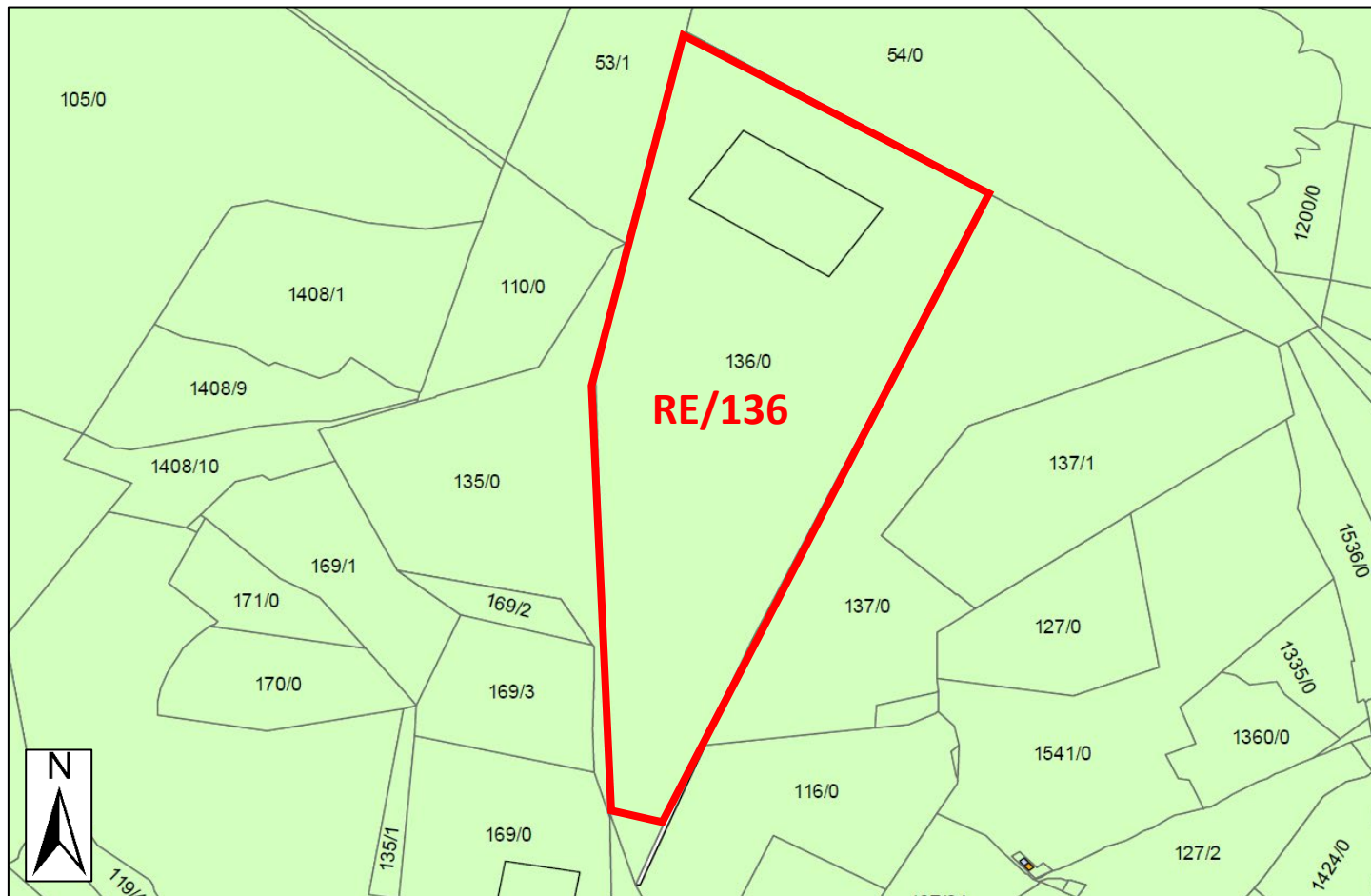


Figure 4 Extract of the Zoning Map

3. DEVELOPMENT PROPOSAL

3.1 Overview

It is proposed to regularise a portion of the existing winery on the Farm, as a wine tasting facility. With reference to the Site Plan (**Annexure E**) and the Site Development Plan (**Annexure F**) the south eastern part of the winery is currently being utilised as the wine tasting facility. Figure 5, below, illustrates the portion of the winery currently being used as the wine tasting facility (**in red and annotated with no. 12**).

The proposed coverage of the wine tasting facility (where liquor consumption will occur) is calculated to be 446m². This includes outside areas such as the deck, terrace and grass.

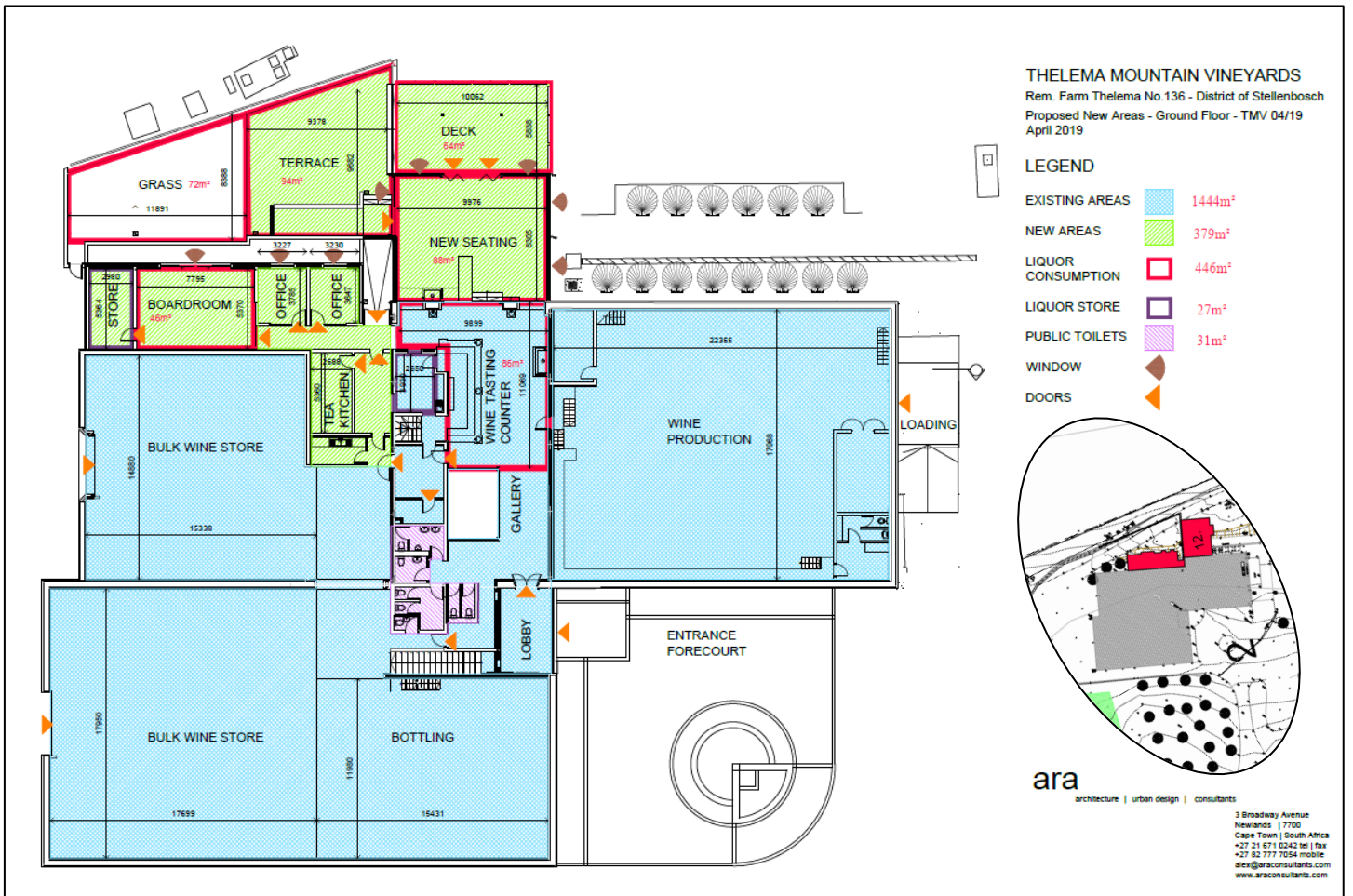


Figure 5 Location of the Wine Tasting Facility within the Existing Winery

3.2 Assessment of the Wine Tasting Facility

Relevant to this application, it should be noted that in terms of the Zoning Scheme, a **wine tasting facility** is classified as a **tourist facility**. According to the Zoning Scheme, a tourist facility is an Additional Use on properties zoned Agriculture and Rural, subject to certain conditions. The two conditions, relevant to this application, are identified in Table 1, below, and the proposed tourist accommodation establishment is assessed against the said conditions.

Tourist Facility as an Additional Use	Proposal	Compliance of Proposal / Application Required
Must be undertaken from an existing building	The wine tasting facility are proposed within the existing approved winery.	Compliant.
Coverage shall not exceed 250m ²	The proposed coverage used for liquor consumption, amounts to 446m ² .	The wine tasting facility does not qualify as an additional use and thus a consent use application is required.

Table 1 Assessment of the Wine Tasting Facility

As indicated above, the proposed wine tasting facility does not conform to the criteria for it to be classified as an additional use, since the coverage of the facility exceeds 250m². Therefore, and in accordance with Section 201(4) of the Zoning Scheme, a **consent use application** is required to allow for a tourist facility (wine tasting facility) with a coverage of 446m².

4. MOTIVATION

As set out in Section 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 2 below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation – See Annexure G , attached, for the feedback received during this process. Furthermore, all relevant and required documentation are submitted as part of this application and motivation.
c. Desirability of land use	<u>Consent Use to allow the tourist facility (wine tasting facility) with a coverage of 446m²:</u> As mentioned in this report, the wine tasting facility has been in operation for some time now and to our knowledge, no complaints have been received against this facility. The wine tasting facility will, in essence, only include a formal 'permanent' seating area with a coverage of 246m ² . This area, with reference to the site development plan, comprises of the <i>New Seating Area, Deck and Terrace</i> , rendering the facility to be an Additional Use. The <i>Grass and Boardroom</i> will be occasionally used, and the <i>Wine Tasting Counter</i> will be the service point for the facility. The occasional use of the <i>Grass and Boardroom</i> therefore triggers a coverage of more than 250m ² .


It should also be noted that the wine tasting facility is at approximately 110m from the nearest common boundary and approximately 160m from the closest building on the abutting farm – see Figure 6, below:



Figure 6 Location of the Wine Tasting Facility in relation to the abutting Farm

It is therefore argued that the approval of this application will not have an adverse impact on the surrounding farm owners to be undesirability.

d. Comment in response to public participation.	The application is to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the portfolio of evidence upon conclusion of the public participation process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	The proposed development will not result in an increase in demand on service capacity as the wine tasting facility has been operational for quite some time now. No new buildings are proposed as part of this application.
i. The IDP and SDF	The Stellenbosch Municipality Spatial Development Framework, November 2019 (hereafter referred to as "the SDF") states that tourism remain of great importance to the

	local economy and are likely to do so in the future. The approval of the wine tasting facility will thus be in line with the SDF.
j. IDP and SDF of district Municipality.	<p>The Cape Winelands District Spatial Development Implementation Framework identifies Stellenbosch as a tourism destination. Furthermore, it classifies the Stellenbosch area and immediate surroundings as a “tourism hotspot”:</p>  <p>Figure 7 Extract of the Cape Winelands District Spatial Implementation Framework</p> <p>A strategy contained in this document is to optimize tourism potential of prominent tourist attractions/destinations, with specific reference to Stellenbosch. The wine tasting facility will allow for the farm to optimise it’s service provision to tourists, in line with the proposal of this framework.</p>
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.

<p>r. Chapter VI of the Land Use Planning Act</p>	<p><u>Spatial Justice:</u> The application will have no impact on the spatial justice within the Stellenbosch Municipal Area.</p> <p><u>Spatial Sustainability:</u> As a result of the locality of the Farm, it may contribute to ensuring that the site is utilised to its full potential. The proximity of the Farm to various primary routes and attractions will result in the promotion of tourism.</p> <p><u>Efficiency:</u> Approval of this application will result in the more efficient use of the Farm.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality. It will also result in the regularisation of an existing use on the farm.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
<p>s. Applicable provisions of the zoning scheme</p>	<p>The Zoning Scheme makes provision for a wine tasting facility of this scale, subject to a consent use application approval. The approval of this application is desirable and will not have a material impact on the surrounding property owners, the municipal infrastructure, and the holistic functioning of the area.</p>

Table 2 Assessment of Application in terms of Section 65 of the By-law

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation.

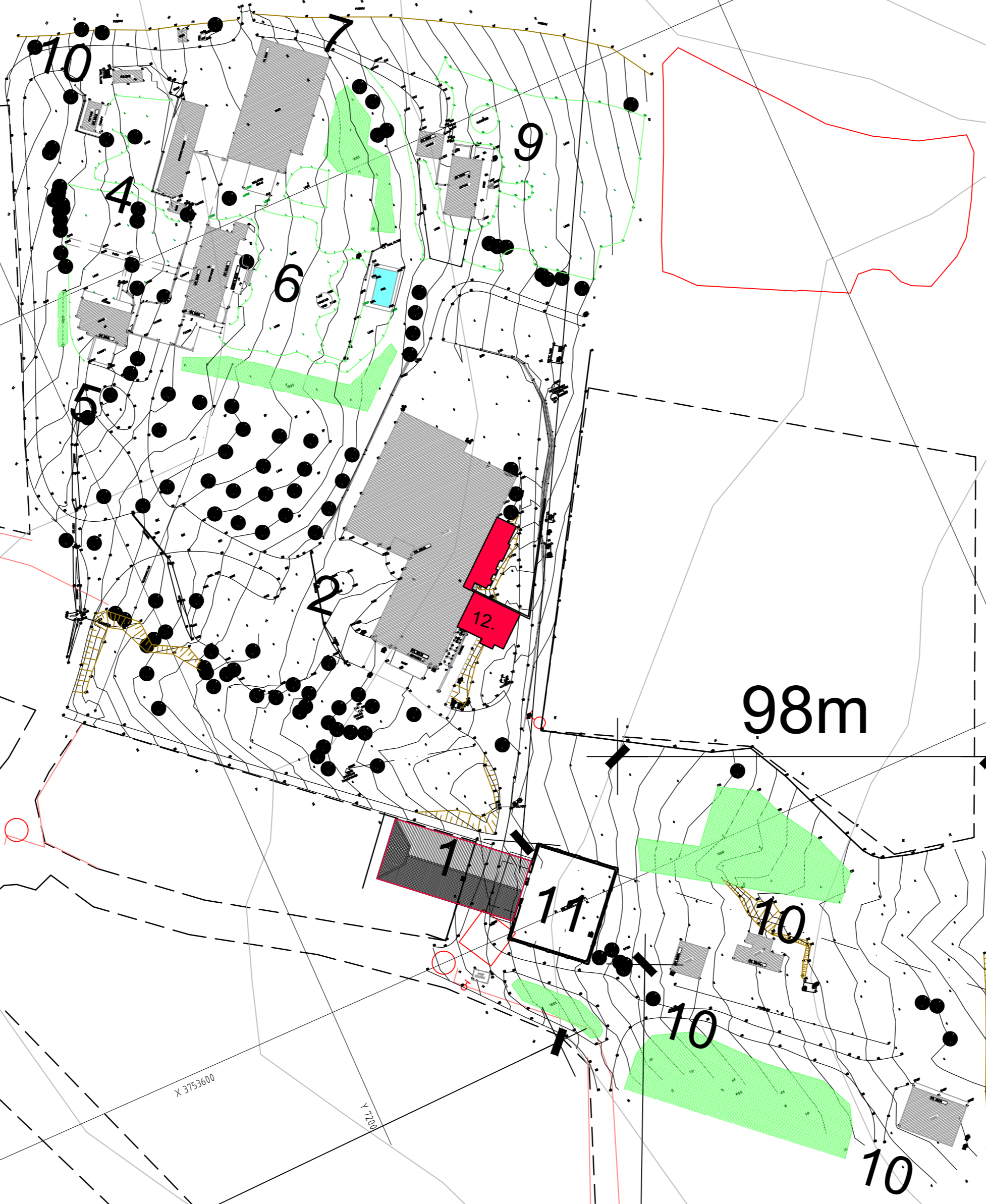
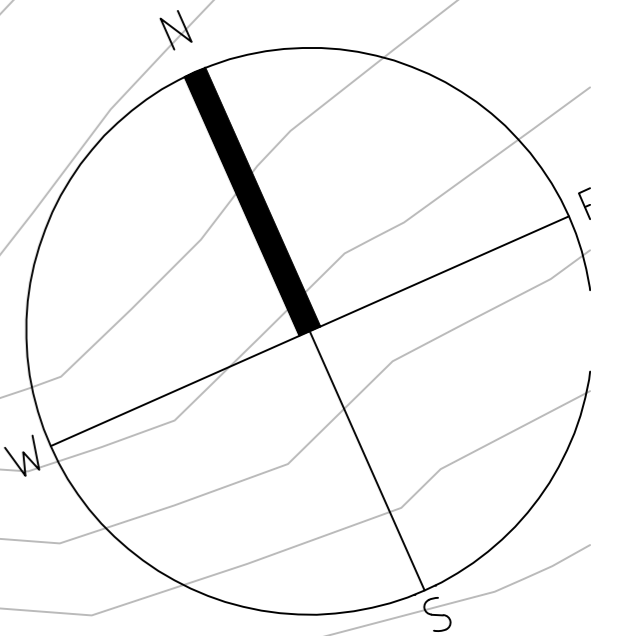
Considering the above information, Council is respectfully requested to favourably consider the application for a **consent use** to allow for a tourist facility (wine tasting facility) of 446m², situated within an existing approved building, on the Remainder of the Farm Thelema no. 136 Stellenbosch.

Report compiled by:
Wilhelm Esterhuizen

for Arch Town Planners (Pty) Ltd
09 March 2021

1548m

Remainder of the Farm Thelema No. 136



98m

306m

THELEMA MOUNTAIN VINEYARDS

- 1. EXISTING GENERAL STORE
- 2. EXISTING WINERY
- 3. PARKING
- 4. LOADING
- 5. OFFICE
- 6. MAIN HOUSE
- 7. SHEDS
- 8. POOL
- 9. MANAGER'S HOUSE
- 10. STAFF HOUSE
- 11. EXISTING GENERAL STORE & BARREL STORE
- 12. NEW ADDITION TO WINERY

SCALE 1:1000
CONTOURS AT 500MM INTERVALS

ARCHITECT.....
ALEX ROBERTSON Pr.Arch M.I.Arch Reg No. 3141.

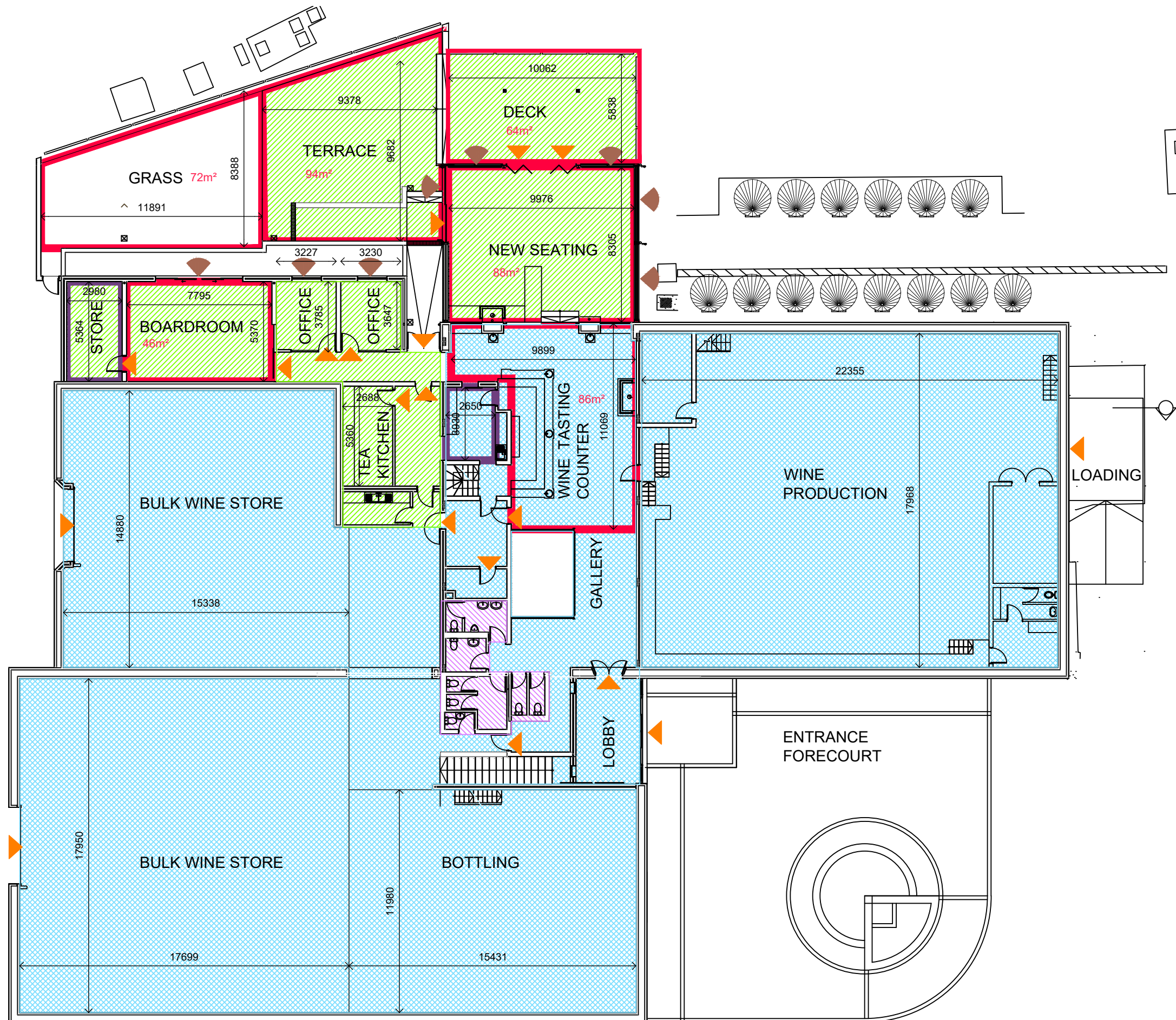
CLIENT.....

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CLIENT	Thelema Mountain Vineyards (Pty) Ltd		
PROJECT	Alterations and Additions New Store		
DRAWING	Site Plan Remainder of the Farm Thelema No 136		
SCALE	1:1000	DRAWN	DATE
		rmj	JUL 2015
DRAWING NUMBER	2015.106.05	REVISION	

n

THELEMA MOUNTAIN VINEYARDS
 Rem. Farm Thelema No.136 - District of Stellenbosch
 Proposed New Areas - Ground Floor - TMV 04/19
 April 2019



LEGEND

- EXISTING AREAS ■ 1444m²
- NEW AREAS ■ 379m²
- LIQUOR CONSUMPTION □ 446m²
- LIQUOR STORE □ 27m²
- PUBLIC TOILETS ■ 31m²
- WINDOW ◀
- DOORS ▶

ara

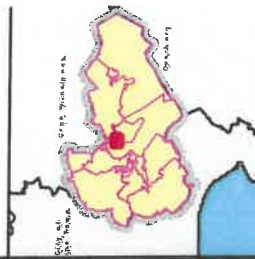
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Stellenbosch GIS Map

SCALE
1:9 027,98

- Legend**
- Street Address
 - Erven
 - Sectional Schemes
 - Airfields
 - High Way
 - Provincial
 - Arterial
 - Main
 - Street
 - Street
 - Railway

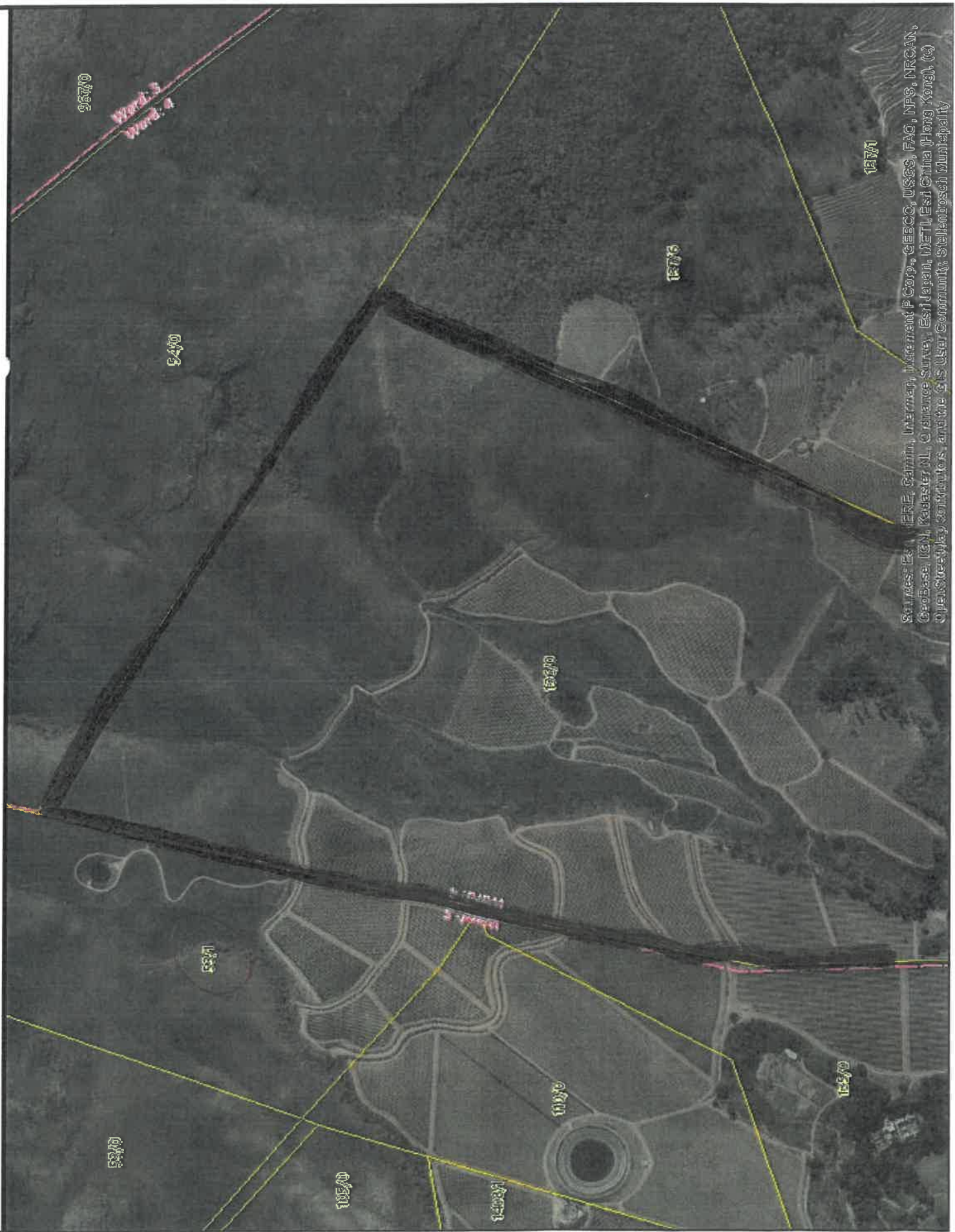


Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2021/04/19



Stellenbosch Municipality
Street Address:
71 Plain Street, Stellenbosch, 7600
Tel: 021 808 8658

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