



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE

**Town Planning Application Management System (TPAMS)**

[AFLA Portal \(stellenbosch.gov.za\) /](http://AFLA Portal (stellenbosch.gov.za) /)

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

### LAND USE PLANNING APPLICATION FORM

(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)	Janita				
Surname	Burger				
Company name (if applicable)	N/A				
Postal Address	263 Aspen Glen Drive, Pearl Valley Golf Estate, Wemmershoek Road, Paarl				
		Postal Code	7646		
Email	janitaburger3@gmail.com				
Tel	084 373 8757	Fax	n/a	Cell	084 373 8757

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

Registered owner(s)	Mr. N.J. Holland and Mrs. R. Holland				
Physical address	232 Bear Creak Boulevard, Pearl Valley Golf Estate, Wemmershoek Road				
	Paarl	Postal code	7646		
E-mail	njhsouthafrica1@gmail.com				
Tel	082 882 9346	Fax	n/a	Cell	082 882 9346

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

Erf / Erven / Farm No.	1611	Portion(s) if Farm	n/a	Allotment area	n/a
Physical Address / Farm known as	Situate in the Stellenbosch municipality, Administrative District of Paarl				
	Province of the Western Cape				
	Farm Belle Montagne (previously known as Riverstone Farm, Franschoek)				

Current Zoning	Agricultural and Rural Zone	Extent	29,0532 m <sup>2</sup> / ha	Are there existing buildings?	<input checked="" type="checkbox"/>	N			
Applicable Zoning Scheme	Agricultural and Rural Zone								
Current Land Use	Agricultural farm								
Title Deed number and date	T	T0000 13153/2022							
Attached Conveyance's Certificate	Y	<input checked="" type="checkbox"/>	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate						
Are the restrictive conditions in favour of a third party(ies)?	Y	<input checked="" type="checkbox"/>	If Yes, list the party(ies):						
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management						
Is the building located within the historical core?	Y	<input checked="" type="checkbox"/>	Is the building older than 60 years?	Y	<input checked="" type="checkbox"/>	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/>	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use <sup>2</sup> ?		Y	<input checked="" type="checkbox"/>	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"/>	X		

#### PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y	<input checked="" type="checkbox"/>	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	<input checked="" type="checkbox"/>	If yes, please attach the written feedback received.

\* The submission of a pre-application scrutiny form to [Landuse.Applications@stellenbosch.gov.za](mailto:Landuse.Applications@stellenbosch.gov.za) is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.

#### 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)

Type of application: <b>Cost are obtainable from the Council Approved tariffs</b>	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	<input checked="" type="checkbox"/>

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

<sup>2</sup> No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	
15(2)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
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)(t) when the Municipality on its own initiative intends to conduct land development or an activity	
15(2)(u) amendment of Site Development Plan	
15(2)(v) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines	

#### OTHER APPLICATIONS

Deviation from Council Policies/By-laws	
Consent / Permission required in terms of a title deed	
Technical approval in terms of the Zoning Scheme Bylaw, 2019	
Other (specify): _____	

**\*\*The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.**

**\*\*\*All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: [indigent.office@stellenbosch.gov.za](mailto:indigent.office@stellenbosch.gov.za) or 021 808 8501 or 021 808 8579**

**\*\*\*\* The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable, and the applicant will be informed accordingly.**

#### BANKING DETAILS

Account Holder Name: Stellenbosch Municipality  
 Bank: FIRST NATIONAL BANK (FNB)  
 Branch no.: 210554  
 Account no.: 62869253684  
**Payment reference:** LU/\_\_\_\_\_ and ERF/FARM\_1611\_\_\_\_  
**Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment**

#### DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	Mr. N.J. Holland and Mrs. R. Holland
Postal Address	232 Bear Creak Boulevard, Pearl Valley Golf Estate, Wemmershoek Road
Vat Number (where applicable)	n/a

**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	for farm 1611 boundary wall		From	m 2.1m	To	m 3m
	Exceeding maximum storey height			From	m	To	m
<b>Consent/Conditional Use/Special Development</b>							
To permit..... in terms of Section.....of the.....Zoning Scheme Regulations							
	Other (please specify)	Exceeding the permissible wall height of a stone/ masonry wall by Section 215 of the zoning scheme					

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

An request for remanent departure in terms of Section 15(2)(b) in terms of Land Use and Planning Bylaw in order to depart from section 215(1) of the Zoning Scheme Bylaw for a masonry wall exceeding the premissable height of 2.1m to a new height not exceeding 3m from the natural floor level.

The site, Farm 1611, Belle Montagne, is located within an agricultural valley in Franschoek, bordered by neighbouring farms and two minor roads; Excelsior Road and Green Valley Road. The departure requests for the stone wall with its rock face makes it easy to climb on and hence breach the property. Currently, locals have been able to breach the perimeter walls due to its current height which poses a security risk to the farm.

**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		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bondholder's consent (if applicable)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		<input type="checkbox"/>	<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		<input type="checkbox"/>	<input checked="" type="checkbox"/>	S.G. diagram / General plan extract (A4 or A3 only)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Locality plan (A4 or A3 only) to scale		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site development plan or conceptual layout plan (A4 or A3 only) to scale	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed subdivision plan (A4 or A3 only) to scale		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of agreement or permission for required servitude	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of payment of application fees		<input checked="" type="checkbox"/>	N	Proof of registered ownership ( <b>Full copy of the title deed</b> )	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conveyancer's certificate		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)	
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Consolidation plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Land use plan / Zoning plan (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Street name and numbering plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Landscaping / Tree plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Home Owners' Association consent
<input type="checkbox"/>	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)	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Services Report or indication of all municipal services / registered servitudes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Copy of original approval and conditions of approval	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Proof of failure of Home owner's association
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Proof of lawful use right	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Required number of documentation copies	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	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"/>	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 declarations made as to his or her qualification as a Competent person and/or registration as a professional.

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

Applicant's signature:		Date:	07 September 2022
Full name:	Miss. Janita Burger		
Professional capacity:	Professional Architectural Technologist		

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

Franshhoek Heritage and Ratepayers Association

The Garden House

29 De Wet Street

Franschhoek

7690

Email: [brian@bharch.co.za](mailto:brian@bharch.co.za)

[Siegfried.schafer@gmail.com](mailto:Siegfried.schafer@gmail.com)

[Barryphillips505@gmail.com](mailto:Barryphillips505@gmail.com)

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

Application Property Address: Belle Montagne (previously known as Riverstone Farm)  
Excelsior Drive,  
Franschhoek,

Application Property Number: Farm 1611, Franschhoek

Applicant: Janita Burger / Observe Design  
263 Aspen Glen Drive  
Pearl Valley Golf Estate  
Wemmershoek Road  
Paarl  
Tel: 084 373 8757  
Email: [janitaburger3@gmail.com](mailto:janitaburger3@gmail.com)

Owner: N.J. Holland  
32 Bear Creek Boulevard  
Pearl Valley Golf Estate  
Wemmershoek Road  
Paarl  
Tel: 082 882 9346  
Email: [njhsouthafrica1@gmail.com](mailto:njhsouthafrica1@gmail.com)

Application Reference: LU/ 14787/TP91/2022

Application Type: Application for departure

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

Application has been made in terms of Section 15(2)(b) of the Stellenbosch Land Use Planning Bylaw, October 2015 for a permanent departure to permit masonry boundary walls totalling a height not exceeding **3m** in lieu of the **1m** on Farm 1611, Paarl Division

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration.



The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>.

If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

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

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

The comments must be addressed to the applicant by electronic mail as follows: Observe Design (Att.: Janita Burger; janitaburger3@gmail.com). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 9 February 2023.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 084 373 8757 during normal office hours.

Yours faithfully

**Janita Burger**

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

Fransshoek Erfenis- en Belastingbetalersvereniging  
The Garden House  
29 De Wet Straat  
Franschoek  
7690

Epos: [brian@bharch.co.za](mailto:brian@bharch.co.za)  
[Siegfried.schafer@gmail.com](mailto:Siegfried.schafer@gmail.com)  
[Barryphillips505@gmail.com](mailto:Barryphillips505@gmail.com)

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

Adres van aansoek eiendom:	Belle Montagne Plaas (voorheen bekend as Riverstone Plaas) Excelsior Staat Franschoek
Aansoek eiendom beskrywing:	Plaas nommer 1611 Franschoek
Aansoeker:	Janita Burger / Observe Design 263 Aspen Glen Rylaan Pearl Valley Golf Estate Wemmershoek Straat Paarl Tel: 084 373 8757 Epos: <a href="mailto:janitaburger3@gmail.com">janitaburger3@gmail.com</a>
Eienaar:	N.J. Holland 32 Bear Creek Boulevard Pearl Valley Golf Estate Wemmershoek Straat Paarl Tel: 082 882 9346 Epos: <a href="mailto:njhsouthafrica1@gmail.com">njhsouthafrica1@gmail.com</a>
Aansoek Verwysing:	LU/ 14787/TP91/2022
Tipe Aansoek:	Afwykingaansoek aangaande grensmuur hoogte

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:  
Aansoek word gedoen in volge artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2015 vir 'n permanente afwykyking om die steen grens muur se hoogtebeperking van **2.1m** na nie meer as **3m** te verslap.

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 tydskuur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>.

Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

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

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Observe Ontwerp (Aandag.: Janita Burger; janitaburger3@gmail.com). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 9 Februarie 2023.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by 084 373 8757 gedurende normale kantoor ure.

Die uwe

**Janita Burger**

# LOCALITY PLAN

Date: 12 December 2022

FOR SUBMISSION

Application for departure

Request for permanent relaxation of boundary wall height from 2.1m to no more than 3m.

*(Section 15(2)(b) of the Stellenbosch Land Use Planning Bylaw to depart from section 215 (1) of the Zoning Scheme Bylaw)*



Hottentots-Holland  
Mountain Catchment Area

Robertsvlei

Franschhoek

Holden Manz  
Wine Farm  
1657

Bosplaats  
1128

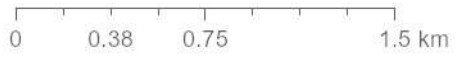
Bergsig  
Estate  
1570

Three  
Streams  
1476

Boekenhoutskloof  
Winery  
RE1770

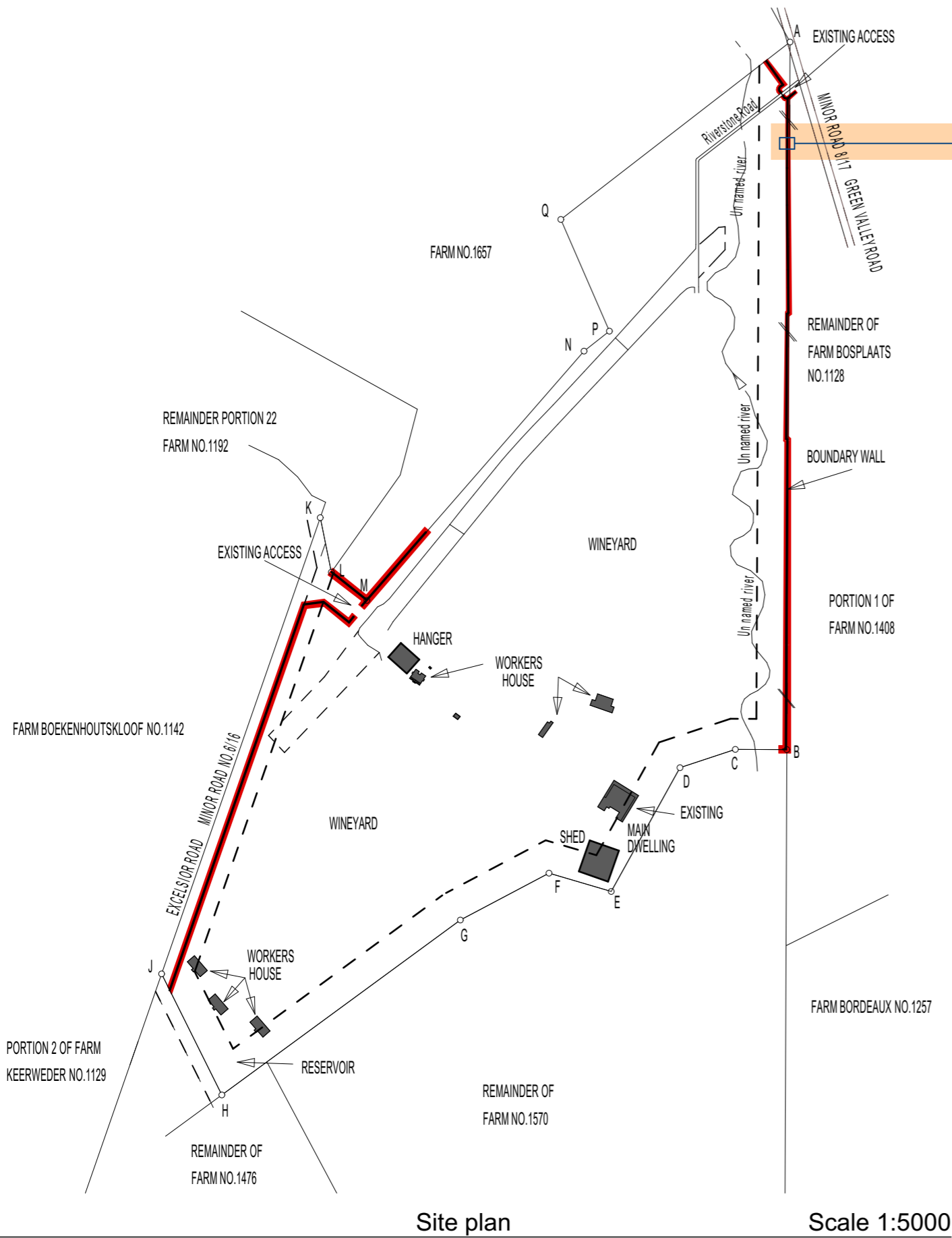
**FARM  
1611**

RE1770



Earthstar Geographics  
Surveyor General (DRDLR)  
Essex Road, Est. HERE, Garmin

Site location:  
Belle Montagne Farm  
(previously known  
as Riverstone Farm)  
Farm 1611



Site plan

Scale 1:5000

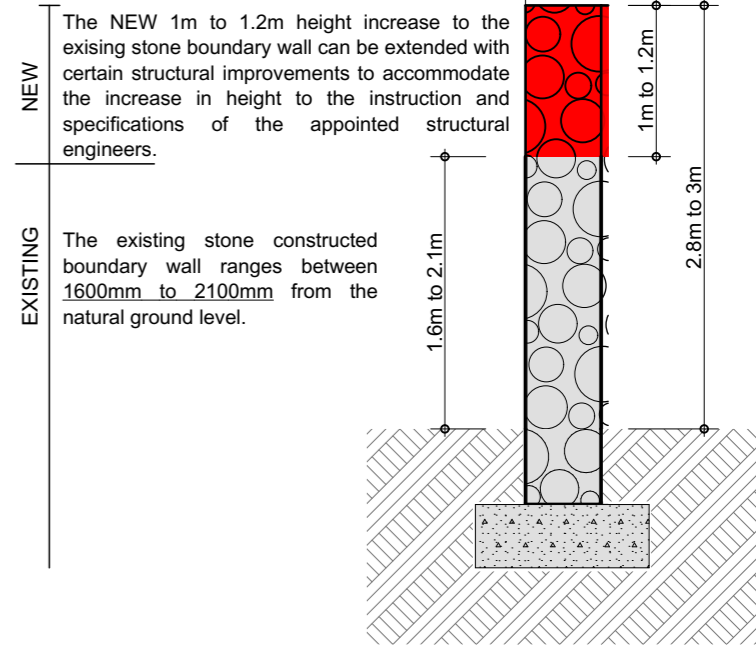
Section A  
Stone Boundary wall



Photos indicates existing wall height variants.

NOTE:  
Due to the nature of the natural stone which the wall is constructed from the wall height varies from natural ground level is between 2.8m to no more than 3m.

Existing wall depth ranges in approximates of 450mm to 700mm



NEW  
EXISTING

The NEW 1m to 1.2m height increase to the existing stone boundary wall can be extended with certain structural improvements to accommodate the increase in height to the instruction and specifications of the appointed structural engineers.

The existing stone constructed boundary wall ranges between 1600mm to 2100mm from the natural ground level.

Section A

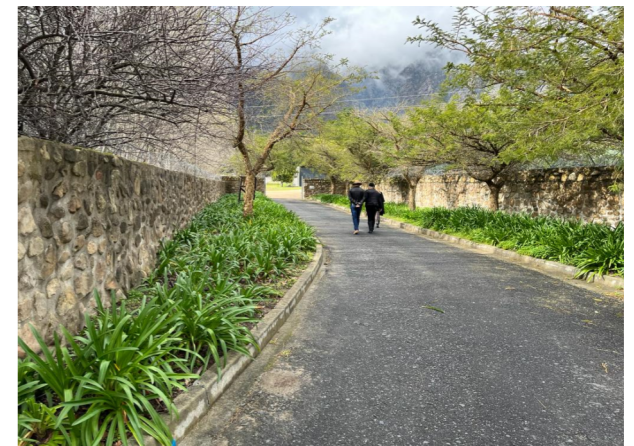
Scale 1:50

**Motivation report:**

Motivation for an permanent departure application in terms of Section 15(2)(b) in terms of the Land Use Planning Bylaw in order to depart from section 215 (1) of the Zoning Scheme Bylaw for a masonry wall exceeding the permissible height of 2.1m to a new height not exceeding 3m from the natural floor level. The site, Farm 1611, Belle Montagne, is located within an agricultural wine producing valley in Franschhoek. It is bordered by neighbouring farms and two Minor roads; Excelsior Road and Green Valley Road. The departure requests for the stone wall with its rock face makes it easy to breach the property. (refer to photo 1 & photo 2 for context). Children and locals have been able to breach the walls, which poses a security risk to the farm.



Context Photo 1 \_ Entrance off Green Valley Road



Context Photo 2 \_ Entrance off Excelsior Road

REVISIONS	RevID	ChID	Change Name	Date

NOTES

DRAWING STATUS:	ISSUE DATE:
FOR INFORMATION	
FOR APPROVAL	
FOR CONSENT	
FOR COSTING	
FOR CONSTRUCTION	
AS BUILT	
OTHER	

Drawing:  
**Request/application for permanent departure for a masonry/stone wall exceeding the permissible height**

Project:  
**Farm Belle Montagne**  
Farm No. 1611 (Franschhoek), situate in the Setellenbosch Municipality Administrative District of Paarl. Province of the Western Cape

Submitted by registered person:  
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Project Date:	Date Printed:
JUNE 2011	2022/12/11
Drawn:	
J. Burger	
Drawing no.:	
Client:	Mr. N.J. Holland & Mrs. R. Holland
Scale:	1:1000, 1:5000, 1:50

Project no.  
**01/22**  
**CS102**  
Revision.

Request/application for permanent departure for a masonry/stone wall exceeding the permissible height