

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

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

**Application Property Address:** Polkadraai Road (M12), Vlottenburg

**Application Property Number:** Portion 7 of Farm "Longlands" No. 393 Stellenbosch RD

**Applicant:** Headland Planners (tristan@headland.co.za)

**Owner:** JC & ME Nunes

**Application Reference:** LU/ 15037 (TP264/2022)

**Application Type:** Rezoning, amendment of a restrictive title deed condition and deviation from the MSDF

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

Application for rezoning, amendment of a title deed condition and site specific deviation from the MSDF in terms of section 15(2)(a) and (f) of the Stellenbosch Municipal Land Use Planning By-law and section 19(3) of the Western Cape Land Use Planning Act ("LUPA"), 2014, for rezoning of the property from Agricultural and Rural Zone to Local Business Zone, amendment of restrictive title deed conditions and site-specific deviation from the MSDF in order to allow for the continued use of the property as a shop and post office.

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: Headland Planners (tristan@headland.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **24<sup>th</sup> of September 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 0824491801 during normal office hours.

Yours faithfully

**HEADLAND PLANNERS**

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

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

**Adres van aansoek eiendom:** Polkadraai Pad (M12), Vlottenburg

**Aansoek eiendom beskrywing:** Gedeelte 7 van Plaas "Longlands" Nr. 393 Stellenbosch RD

**Aansoeker:** Headland Planners (tristan@headland.co.za)

**Eienaar:** JC & ME Nunes

**Aansoek Verwysing:** LU/ 15037 (TP264/2022)

**Tipe Aansoek:** Hersonerig, Wysiging van 'n Beperkende Titelakte Voorwaarde en Afwyking van die MSDF

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

Aansoek om hersonerig, wysiging van 'n titelaktevoorwaarde en terreinspesifieke afwyking van die MSDF ingevolge artikel 15(2)(a) en (f) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening en artikel 19(3) van die Wes-Kaapse Wet op Grondgebruikbeplanning ("LUPA"), 2014, vir die hersonerig van die eiendom van Landbou- en Landelike Sone na Plaaslike Besigheidsone, wysiging van beperkende titelaktevoorwaardes en terreinspesifieke afwyking van die MSDF ten einde die voortgesette gebruik moontlik te maak van die eiendom as winkel en poskantoor.

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

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

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

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

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Headland Planners (tristan@headland.co.za). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **24 September 2023**.

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 0824491801 gedurende normale kantoor ure.

Die uwe

**HEADLAND PLANNERS**





**Bulelwa Mdoda**

RECEIPT NR

**From:** Sharise De Klerk  
**Sent:** Thursday, 01 June 2023 08:54  
**To:** Bulelwa Mdoda  
**Subject:** RE: PAYMENT: TP98/2022 (Farm 393/7)

31/05/2023 131 15000.00 DIR1 1000228412  
05236 TP98/2022 TP98/2022

-----  
**From:** Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>  
**Sent:** Wednesday, May 31, 2023 8:49 AM  
**To:** Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>  
**Subject:** FW: PAYMENT: TP98/2022 (Farm 393/7)

Hi Sharise;

Please find below proof of payment and attached invoice.

Thank you

**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Sent:** Wednesday, May 31, 2023 8:44 AM  
**To:** Bulelwa Mdoda <[Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)>  
**Subject:** [EX] Re: OUTSTANDING PAYMENT: TP98/2022 (Farm 393/7)

Hi Bulelwa



**Enquiries**

**Phone Number**

**E-mail**

Bulelwa Mdoda

0218080000

bulelwa.mdoda@stellenbosch.gov.za

**BTW/VAT Invoice No:** 3223

**Invoice VAT Reference:** 4700102181

**Name:** Headland Planners (Pty) Ltd Headland Planners (Pty) Ltd

**Invoice Date:** 2022/12/15

**Reference No:** TP98/2022

**Payment Due Date:** 2023/1/14

**Client Street address:** 9 Highland Close Edgemead Cape Town Western Cape South Africa 7441

**Municipality street address:** PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

**Client Postal address:** 9 Highland Close Edgemead Cape Town Western Cape South Africa 7441

**Municipality postal address:** PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

**Client VAT No:** 4580251884

**Town Planning Application Fees**

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Rezoning, inclusive of a determination of a zoning	1	10 000.00	Per application	10 000.00
20220630081392	Departure applications including but not limited to building lines, coverage, height, bulk, parking.	1	2 500.00	Per application per property	2 500.00
20220630081398	Removal, relaxation, suspension or amendment of restrictive title deed condition	1	2 500.00	Per application per property	2 500.00
<b>Total Excl VAT</b>					<b>13 043.47</b>
<b>VAT</b>					<b>1 956.53</b>
<b>Invoice Total</b>					<b>15 000.00</b>

\*VAT Exempt

**Created By:** Mdoda, Bulelwa

**Signature:** 

**Verified By:** Mdoda, Bulelwa

**Signature:** \_\_\_\_\_

**Please note** that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the





application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

**Bank Details:** First National Bank Acc# 62869253684 Branch Code 250655

**Please use the following as reference number:** TP98/2022

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.





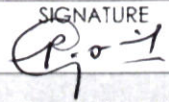
## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	14-09-2022	
Erf No		Town		Suburb		
Farm No	393	Farm Portion	7	Nearest Town	STELLENBOSCH	
Owner / Applicant	Tristan Sandwith		Contact number	0824491801		
Email address	<a href="mailto:tristan@headland.co.za">tristan@headland.co.za</a>					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY <sup>1</sup>		PLANNER TO EVALUATE <sup>2</sup>
				YES	NO	
1. Completed application form that is signed				✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		
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 (minutes)				✓		

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

<sup>2</sup> Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.



15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
<b>INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION</b>	<b>ADMIN TO VERIFY</b>	<b>PLANNER TO EVALUATE</b>	
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals	✓		
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
<b>VERIFIED &amp; SIGNED BY ADMIN</b>	NAME <b>BULELWA</b>	SIGNATURE 	DATE <b>15/09/2022</b>
<p><i>Outstanding information (to be completed by Planner):</i></p> <p>1. A complete Site Development plan indicating the existing building and any future extensions, as well as the proposed access arrangements to the property. Proceed with invoice.</p> <p style="text-align: right;"> 14/12/2022</p>			
<p><i>Applications to be invoiced (to be completed by Planner):</i></p> <p>Regoning Amendment of a title deed condition Departure</p>			
<b>EVALUATED &amp; SIGNED BY PLANNER</b>	NAME <b>Pedro April</b>	SIGNATURE 	DATE <b>08/11/2022</b>
<p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.</li> <li>Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].</li> <li>Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)].</li> <li>Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].</li> </ol>			



## Bulelwa Mdoda

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**From:** Pedro April  
**Sent:** Tuesday, 22 November 2022 12:26  
**To:** tristan@headland.co.za  
**Cc:** Bulelwa Mdoda; claus@headland.co.za; Chrizelle Kriel  
**Subject:** TP98/2022 (FARM 393/7): Application for rezoning, amendment of title deed condition, departure from zoning scheme bylaw and deviation from SDF.

Dear Tristan

1. The requirements of the SDP is purely to depict the actual access arrangements now indicated on plan and secondly to determine what will be depart from in terms of the scenic route overlay zone, as it is still unclear from the information supplied.
2. When an application for departure is submitted, you must clearly indicate what parameter/prescription you request a departure from e.g. height of buildings, building lines, restricted land uses in the scenic route alignment, etc. No indication is given in the quoted sections what on the scenic route plan SR03 are departed from; buildings in the 200m distance as no new buildings are proposed, etc. You are therefore required to be specific relating to the following wording....*"to depart from the requirements of the scenic route overlay zone shown on Map SR03"*.
3. When reference is made to a departure in section 4.2.1..*"The proposed permanent departure fulfils a **procedural role in the applications, where rezoning of an agricultural land unit to local business is required**. The departure should be considered within the historical context and use of the site, which does not change as a result of the applications at hand. The existence of the shop outdates the establishment of the scenic routes as defined in the Zoning Scheme by-law and therefore is a part of the cultural landscape for which the scenic route has been defined. The rezoning brings the existing land use into regulation"*. Indication must be given where in the subject bylaw, the rezoning of land in a scenic route is prohibited, to assess the subject departure applied for.
4. Regarding the access servitude; please be reminded of section 66(10) of the Land Use Planning Bylaw (2015) which stipulated that; **"No conditions may be imposed that rely on a third party fulfilment"** The matter regarding the access to and from the property is a matter that must be resolved between the respective owners as a point of departure, to ensure safe and approved access to the property. The enforcement of conditions in a previous application on a another property could not be commented on at this stage and should be dealt with separately from this application. The previous correspondence just allude you to the fact that the subject access has been requested for closure on numerous occasions from the Provincial Roads Authority, which may just compromise the final assessment if not resolved or proposal agreed upon before the time. As alluded to, it will be an procedural oversight if we once again imposed a condition dependant on a third party approval or for compliance, which has to date not been complied with.
5. The Site Development Plan now also give indication of a dwelling house, notwithstanding the restriction in the title deed that **"It shall be used for Post Office purposes only"**. The proposal is only to amend the condition to include the shop and do not include for residential purposes as well. Consideration must be given to include the wording residential use in the proposed title deed condition amendment, unless motivation is given why residential use is not prohibited by the subject title deed condition.
6. If the aforementioned information for clarify is provided, we could proceed with the application and once again request that the comments/approval from the Provincial Roads Authority is obtained, although it is advisable that you engage on this matter beforehand.



Yours faithfully

**Pedro April**

Senior Town Planner

**Department:**

Land Use Management

**Directorate:**

Planning & Economic Development

**Stellenbosch Municipality**

**Departmental Email Adresses:**

[Landuse.enquiries@stellenbosch.gov.za](mailto:Landuse.enquiries@stellenbosch.gov.za)

[Landuse.applications@stellenbosch.gov.za](mailto:Landuse.applications@stellenbosch.gov.za)

[Landuse.appeals@stellenbosch.gov.za](mailto:Landuse.appeals@stellenbosch.gov.za)

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T: +27 21 808 8683 | Fax: +27 21 886 6899

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

Stellenbosch, 7600

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



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[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

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**From:** Tristan Sandwith <tristan@headland.co.za>

**Sent:** Monday, 21 November 2022 16:25

**To:** Pedro April <Pedro.April@stellenbosch.gov.za>; Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>

**Cc:** Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; claus@headland.co.za

**Subject:** [EX] Re: TP98/2022 (FARM 393/7): Application for rezoning, amendment of title deed condition, departure from zoning scheme bylaw and deviation from SDF.

Hi Pedro

Your email below has reference.

No SDP was submitted originally since nothing has changed with the land use since the temporary departure application was approved by Municipality 5-years ago. However, for the sake of providing you with the information you need to process the application, please see my notes on your email in red below.

@Chrizelle please see my final note below.

Best,

Tristan Sandwith

Pr.Pln A/2957/2020

c: +27 (0)82 449 1801

web: [www.headland.co.za](http://www.headland.co.za)





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**From:** Pedro April <Pedro.April@stellenbosch.gov.za>

**Date:** Wednesday, 09 November 2022 at 12:38

**To:** Tristan Sandwith <tristan@headland.co.za>

**Cc:** Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>, Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>

**Subject:** RE: TP98/2022 (FARM 393/7): Application for rezoning, amendment of title deed condition, departure from zoning scheme bylaw and deviation from SDF.

Hi Tristan

I could not find a Site Development Plan on the system for the application submitted.

#### **Outstanding information:**

1. A complete SDP, indicating all existing buildings and structures, any future extensions, as well as the proposed/existing access arrangements to the property must be submitted. An SDP is attached, detailing the **existing** situation on the property. Note, no change/future extensions are proposed.
2. Clear indication must be given from which section / parameter / provision in the Zoning Scheme Bylaw (2019) a departure is required from and why. Please see section 2 (page 2) of the application report, bullet point 3 details the applicable sections of the by-law and zoning scheme. Section 4.2.1 (page 4 & 5) provides more detail regarding the nature of the departure, i.e. rezoning from agriculture to LBZ within the rural scenic drive overlay zone and its lack of implication given the age of the use on the property and function within the surrounding rural area.

It should be kept in mind that the Provincial Roads Authority on two previous occasions already indicated that the current access be closed and that a servitude road be registered to grant access to the property. The PRE/Municipality will need to enforce this with the neighbouring landowner, as they have fenced their property on all sides to ensure that no access may be obtained by the owner and users of farm 393/7. The approval from the Provincial Roads Authority will subsequently be imperative for the application to proceed in its current form with direct access of the Polkadraai Road. It should be kept in mind that, if a public servitude needs to be registered to grant access for the users of the shop over another property, an additional application for subdivision needs to be submitted. It is advisable that this be clarified before advertising the application, to ensure that no additional advertising will be required. @Chrizelle Kriel how do you suggest we take this matter forward, I believe it needs to be enforced by the municipality and/or PRE if they want the access arrangement to be changed? Please also bear in mind that it is really only delivery vehicles and pedestrians who access the property with the exception of the land owner occasionally driving in and out.

#### **Bulelwa:**

The subject applications are for;

1. Rezoning
2. Amendment of a title deed condition
3. Departure

Once the outstanding information is received the invoice could be issued for the above-mentioned applications and any additional applications submitted.



Yours faithfully

**Pedro April**  
Senior Town Planner  
**Department:**  
Land Use Management  
**Directorate:**  
Planning & Economic Development  
**Stellenbosch Municipality**  
**Departmental Email Addresses:**  
[Landuse.enquiries@stellenbosch.gov.za](mailto:Landuse.enquiries@stellenbosch.gov.za)  
[Landuse.applications@stellenbosch.gov.za](mailto:Landuse.applications@stellenbosch.gov.za)  
[Landuse.appeals@stellenbosch.gov.za](mailto:Landuse.appeals@stellenbosch.gov.za)

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43 Andringa Str, Eikestad Mall, 3<sup>rd</sup> Floor,  
Stellenbosch, 7600  
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MUNICIPALITEIT • UMASIPALA • MUNICIPALITY



#### About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

#### Disclaimer:

The information contained in this communication from [pedro.april@stellenbosch.gov.za](mailto:pedro.april@stellenbosch.gov.za) sent at 2022-11-09 12:38:01 is confidential and may be legally privileged. It is intended solely for use by [tristan@headland.co.za](mailto:tristan@headland.co.za) and others authorized to receive it. If you are not [tristan@headland.co.za](mailto:tristan@headland.co.za) you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>

**Sent:** Tuesday, 08 November 2022 10:58

**To:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>; Landuse Enquiries

<[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>; Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>

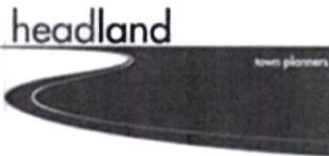
**Subject:** [EX] Re: TP98/2022 (FARM 393/7)

Hi Chrizelle

Any progress, fees for us to pay?

Best,  
Tristan Sandwith





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**From:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Date:** Thursday, 03 November 2022 at 19:47  
**To:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>, Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Cc:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Subject:** Re: TP98/2022 (FARM 393/7)

Colleagues, I have not yet received any feedback. What is the status?



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Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



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**From:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Sent:** Tuesday, November 1, 2022 13:16  
**To:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>; Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Subject:** Fw: TP98/2022 (FARM 393/7)

Hi Colleagues,  
what is the hold up of this application? Please let me know to respond to the applicant.

thanks,  
Chrizelle

**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Sent:** Tuesday, November 1, 2022 13:10  
**To:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Subject:** [EX] FW: TP98/2022 (FARM 393/7)

Hi Chrizelle

Please would you find out why it is taking so long to review documentation and issue fees.

I know that you guys had a move and I am sympathetic to that, the application was however submitted on the 23/08/2022.

Thanks,  
Tristan Sandwith

Pr.Pln A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)

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---

**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Date:** Tuesday, 01 November 2022 at 12:38  
**To:** [Pedro.April@ Stellenbosch.gov.za](mailto:Pedro.April@ Stellenbosch.gov.za) <[Pedro.April@ Stellenbosch.gov.za](mailto:Pedro.April@ Stellenbosch.gov.za)>  
**Subject:** Re: TP98/2022 (FARM 393/7)

Hi Pedro

Please furnish us with a status update for our client. When might we be able to pay application fees and progress with this matter?

Best,  
Tristan Sandwith  
Pr.Pln A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)

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---

**From:** Bulelwa Mdoda <[Bulelwa.Mdoda@ Stellenbosch.gov.za](mailto:Bulelwa.Mdoda@ Stellenbosch.gov.za)>  
**Date:** Tuesday, 01 November 2022 at 12:34  
**To:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Cc:** Nolusindiso Momoti <[Nolusindiso.Momotl@ Stellenbosch.gov.za](mailto:Nolusindiso.Momotl@ Stellenbosch.gov.za)>  
**Subject:** TP98/2022 (FARM 393/7)

Good day Tristan;

Your application was assigned to a Planner, Pedro April to verify documentation submitted.

You are welcome to follow up with him at this email address: [Pedro.April@ Stellenbosch.gov.za](mailto:Pedro.April@ Stellenbosch.gov.za)



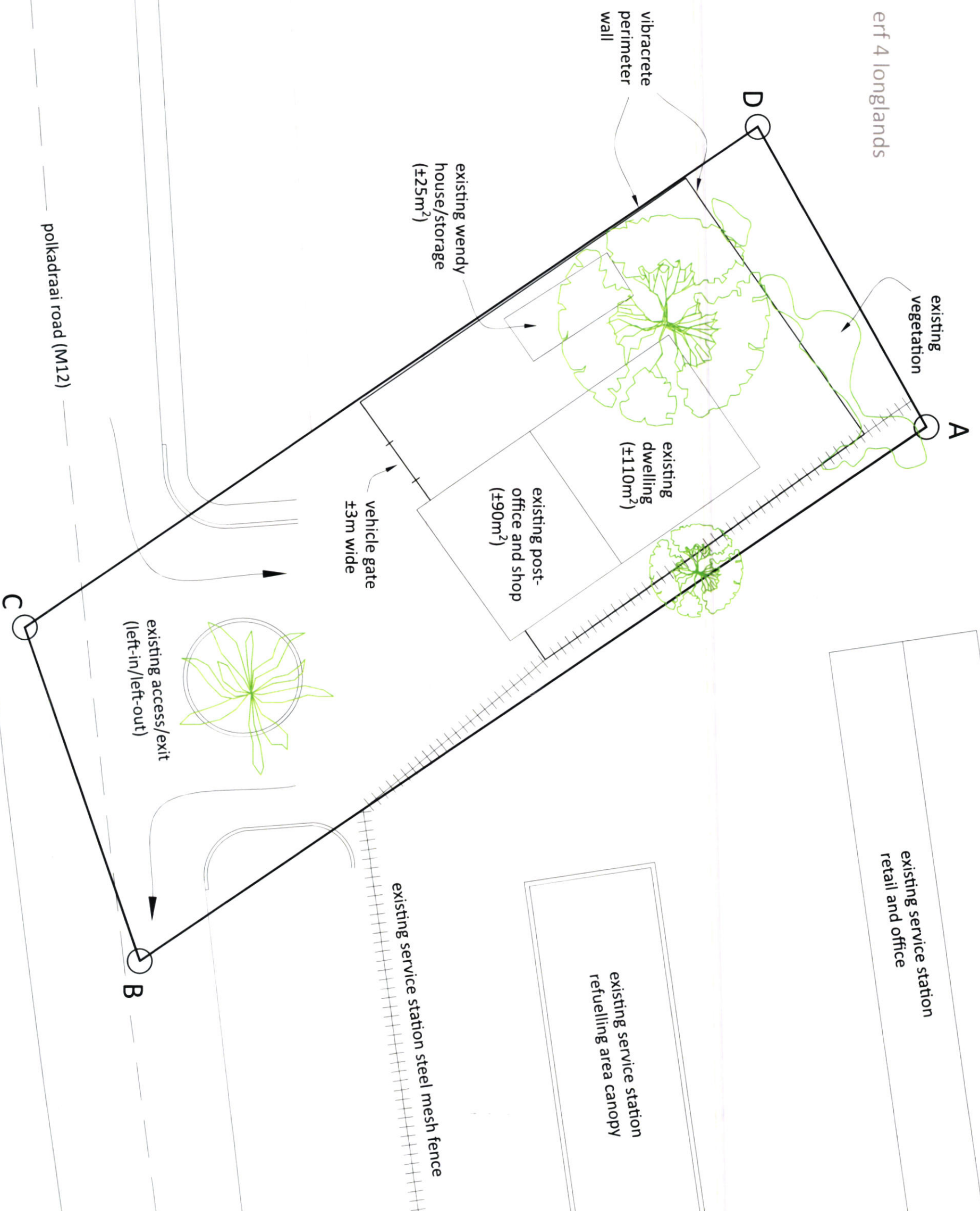
*Kind regards,*  
**Bulelwa Mdoda**  
Land Use Management  
Planning & Economic Development

---

T: +27 21 808 8690 : F +27 21 886 6899  
1<sup>st</sup> Floor, NPK Building, 20 Plein Street  
Stellenbosch  
7600



erf 4 longlands



existing service station  
retail and office

existing service station  
refuelling area canopy

existing service station steel mesh fence

vehicle gate  
±3m wide

existing post-  
office and shop  
(±90m<sup>2</sup>)

existing  
dwelling  
(±110m<sup>2</sup>)

existing wendy  
house/storage  
(±25m<sup>2</sup>)

vibracrete  
perimeter  
wall

existing  
vegetation

existing access/exit  
(left-in/left-out)

polkadraai road (M12)

key

1. Figure ABCD represents portion 7 of farm longlands no.393 Stellenbosch measuring ±1107m<sup>2</sup> zoned agriculture with temporary land use departure to permit a general dealer.  
All dimensions are approximate and subject to survey and on-site checking.

notes

revisions

date	figure

project  
proposed rezoning  
farm 393/7 stellenbosch

drawing  
site development plan

client  
maria & jose nunes

noting sheets  
figure 393-7/07/01

authority  
stellenbosch LUM  
file # S393-7

scale  
1 : 250 (A3)  
date november 2022

## Joy Julius

---

**From:** Bulelwa Mdoda  
**Sent:** Thursday, 15 December 2022 08:25  
**To:** Joy Julius  
**Subject:** FW: TP98/2022 (FARM 393/7): Application for rezoning, amendment of title deed condition, departure from zoning scheme bylaw and deviation from SDF.  
**Attachments:** SDP\_01.pdf

**From:** Tristan Sandwith <tristan@headland.co.za>  
**Sent:** Monday, 21 November 2022 16:25  
**To:** Pedro April <Pedro.April@stellenbosch.gov.za>; Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>  
**Cc:** Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; claus@headland.co.za  
**Subject:** [EX] Re: TP98/2022 (FARM 393/7): Application for rezoning, amendment of title deed condition, departure from zoning scheme bylaw and deviation from SDF.

Hi Pedro

Your email below has reference.

No SDP was submitted originally since nothing has changed with the land use since the temporary departure application was approved by Municipality 5-years ago. However, for the sake of providing you with the information you need to process the application, please see my notes on your email in **red** below.

@Chrizelle please see my final note below.

Best,  
Tristan Sandwith  
Pr.Pln A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)



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**From:** Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Date:** Wednesday, 09 November 2022 at 12:38  
**To:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Cc:** Bulelwa Mdoda <[Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)>, Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Subject:** RE: TP98/2022 (FARM 393/7): Application for rezoning, amendment of title deed condition, departure from zoning scheme bylaw and deviation from SDF.

Hi Tristan

I could not find a Site Development Plan on the system for the application submitted.



### **Outstanding information:**

1. A complete SDP, indicating all existing buildings and structures, any future extensions, as well as the proposed/existing access arrangements to the property must be submitted. **An SDP is attached, detailing the existing situation on the property. Note, no change/future extensions are proposed.**
2. Clear indication must be given from which section / parameter / provision in the Zoning Scheme Bylaw (2019) a departure is required from and why. **Please see section 2 (page 2) of the application report, bullet point 3 details the applicable sections of the by-law and zoning scheme. Section 4.2.1 (page 4 & 5) provides more detail regarding the nature of the departure, i.e. rezoning from agriculture to LBZ within the rural scenic drive overlay zone and its lack of implication given the age of the use on the property and function within the surrounding rural area.**

It should be kept in mind that the Provincial Roads Authority on two previous occasions already indicated that the current access be closed and that a servitude road be registered to grant access to the property **The PRE/Municipality will need to enforce this with the neighbouring landowner, as they have fenced their property on all sides to ensure that no access may be obtained by the owner and users of farm 393/7.** The approval from the Provincial Roads Authority will subsequently be imperative for the application to proceed in its current form with direct access of the Polkadraai Road. It should be kept in mind that, if a public servitude needs to be registered to grant access for the users of the shop over another property, an additional application for subdivision needs to be submitted. It is advisable that this be clarified before advertising the application, to ensure that no additional advertising will be required. **@Chrizelle Kriel how do you suggest we take this matter forward, I believe it needs to be enforced by the municipality and/or PRE if they want the access arrangement to be changed? Please also bear in mind that it is really only delivery vehicles and pedestrians who access the property with the exception of the land owner occasionally driving in and out.**

### **Bulelwa:**

The subject applications are for;

1. Rezoning
2. Amendment of a title deed condition
3. Departure

Once the outstanding information is received the invoice could be issued for the above-mentioned applications and any additional applications submitted.



Yours faithfully

**Pedro April**  
Senior Town Planner  
**Department:**  
Land Use Management  
**Directorate:**  
Planning & Economic Development  
**Stellenbosch Municipality**  
**Departmental Email Addresses:**  
[Landuse.enquiries@stellenbosch.gov.za](mailto:Landuse.enquiries@stellenbosch.gov.za)  
[Landuse.applications@stellenbosch.gov.za](mailto:Landuse.applications@stellenbosch.gov.za)  
[Landuse.appeals@stellenbosch.gov.za](mailto:Landuse.appeals@stellenbosch.gov.za)

---

T: +27 21 808 8683 | Fax: +27 21 886 6899  
43 Andringa Str, Eikestad Mall, 3<sup>rd</sup> Floor,  
Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Sent:** Tuesday, 08 November 2022 10:58  
**To:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>; Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>; Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Subject:** [EX] Re: TP98/2022 (FARM 393/7)

Hi Chrizelle

Any progress, fees for us to pay?

Best,  
Tristan Sandwith  
Pr.PlN A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)





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**From:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Date:** Thursday, 03 November 2022 at 19:47  
**To:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>, Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Cc:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Subject:** Re: TP98/2022 (FARM 393/7)

Colleagues, I have not yet received any feedback. What is the status?



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**From:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Sent:** Tuesday, November 1, 2022 13:16  
**To:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>; Pedro April <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Subject:** Fw: TP98/2022 (FARM 393/7)

Hi Colleagues,  
what is the hold up of this application? Please let me know to respond to the applicant.

thanks,  
Chrizelle

**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Sent:** Tuesday, November 1, 2022 13:10  
**To:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Subject:** [EX] FW: TP98/2022 (FARM 393/7)

Hi Chrizelle

Please would you find out why it is taking so long to review documentation and issue fees.

I know that you guys had a move and I am sympathetic to that, the application was however submitted on the 23/08/2022.

Thanks,  
Tristan Sandwith  
Pr.Pl n A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)



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**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Date:** Tuesday, 01 November 2022 at 12:38  
**To:** [Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za) <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
**Subject:** Re: TP98/2022 (FARM 393/7)

Hi Pedro

Please furnish us with a status update for our client. When might we be able to pay application fees and progress with this matter?

Best,

Tristan Sandwith  
Pr.PlN A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)



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**From:** Bulelwa Mdoda <[Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)>  
**Date:** Tuesday, 01 November 2022 at 12:34  
**To:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Cc:** Nolusindiso Momoti <[Nolusindiso.Momoti@stellenbosch.gov.za](mailto:Nolusindiso.Momoti@stellenbosch.gov.za)>  
**Subject:** TP98/2022 (FARM 393/7)

Good day Tristan;

Your application was assigned to a Planner, Pedro April to verify documentation submitted.

You are welcome to follow up with him at this email address: [Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)



Kind regards,  
**Bulelwa Mdoda**  
Land Use Management  
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899  
1<sup>st</sup> Floor, NPK Building, 20 Plein Street  
Stellenbosch  
7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

## Bulelwa Mdoda

---

**From:** Bulelwa Mdoda  
**Sent:** Thursday, 15 September 2022 10:10  
**To:** Tristan Sandwith  
**Subject:** RE: TP98/2022 (Farm 393/7 Stellenbosch)

Noted.



Kind regards,  
**Bulelwa Mdoda**  
Land Use Management  
Planning & Economic Development

---

T: +27 21 808 8690 : F +27 21 886 6899  
3<sup>rd</sup> Floor, Eikestad Mall, Andringa Street,  
Stellenbosch  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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**From:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Sent:** Thursday, 15 September 2022 10:00  
**To:** Bulelwa Mdoda <[Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)>  
**Cc:** Rachael Coxen <[rachael@headland.co.za](mailto:rachael@headland.co.za)>  
**Subject:** [EX] Re: TP98/2022 (Farm 393/7 Stellenbosch)

Hi Bulelwa, they form the first section of the motivation report.

Tristan Sandwith  
Pr.Pln A/2957/2020  
c: +27 (0)82 449 1801  
web: [www.headland.co.za](http://www.headland.co.za)



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**From:** Bulelwa Mdoda <[Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)>  
**Date:** Wednesday, 14 September 2022 at 15:15  
**To:** Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
**Cc:** Rachael Coxen <[rachael@headland.co.za](mailto:rachael@headland.co.za)>  
**Subject:** TP98/2022 (Farm 393/7 Stellenbosch)

Good day Tristan;



## Bulelwa Mdoda

---

**From:** Bulelwa Mdoda  
**Sent:** Wednesday, 14 September 2022 15:15  
**To:** tristan@headland.co.za  
**Cc:** rachael@headland.co.za  
**Subject:** TP98/2022 (Farm 393/7 Stellenbosch)

Good day Tristan;

Please submit the minutes of the pre-consultation meeting held on 9 September 2022.



*Kind regards,*  
**Bulelwa Mdoda**  
Land Use Management  
**Planning & Economic Development**

---

T: +27 21 808 8690 : F +27 21 886 6899  
3<sup>rd</sup> Floor, Eikestad Mall, Andringa Street,  
Stellenbosch  
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**From:** Bulelwa Mdoda  
**Sent:** Wednesday, 14 September 2022 14:56  
**To:** tristan@headland.co.za; rachael@headland.co.za  
**Cc:** Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Salome Newman <Salome.Newman@stellenbosch.gov.za>; Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>; Ulrich Vonmolendorff <Ulrich.Vonmolendorff@stellenbosch.gov.za>  
**Subject:** TP98/2022 (Farm 393/7 Stellenbosch)

Dear Tristan;

We received your application you submitted via the AFLA portal. Reference TP98/2022 (Farm 393/7 Stellenbosch).

Your application will be processed accordingly.

*Kind regards,*  
**Bulelwa Mdoda**  
Land Use Management  
**Planning & Economic Development**

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T: +27 21 808 8690 : F +27 21 886 6899  
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Stellenbosch  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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



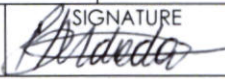
**DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT**

<b>LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015</b>				Date of Submission of Application	14-09-2022	
Erf No		Town		Suburb		
Farm No	393	Farm Portion	7	Nearest Town	STELLENBOSCH	
Owner / Applicant	Tristan Sandwith		Contact number	0824491801		
Email address	<a href="mailto:tristan@headland.co.za">tristan@headland.co.za</a>					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY <sup>1</sup>		PLANNER TO EVALUATE <sup>2</sup>
				YES	NO	
1. Completed application form that is signed				✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		
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						

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

<sup>2</sup> Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.



15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
<b>INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION</b>	<b>ADMIN TO VERIFY</b>		<b>PLANNER TO EVALUATE</b>
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals		✓	
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
<b>VERIFIED &amp; SIGNED BY ADMIN</b>	NAME <b>BULELWA</b>	SIGNATURE 	DATE <b>14/09/2022</b>
<i>Outstanding information (to be completed by Planner):</i>			
<i>Applications to be invoiced (to be completed by Planner):</i>			
<b>EVALUATED &amp; SIGNED BY PLANNER</b>	NAME	SIGNATURE	DATE
<b>NOTES:</b>			
<ol style="list-style-type: none"> <li>1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.</li> <li>2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41 (1) (c) (ii)].</li> <li>3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41 (1) (c) (i)] and will receive instructions to advertise [s48(4)].</li> <li>4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41 (4)].</li> </ol>			

Your reference:

Our reference: S393/7

Planning & Economic Development  
PO Box 17  
STELLENBOSCH  
7599

Attention: Ms Chrizelle Kriel

Date: 13 September 2022

Dear Chrizelle

**APPLICATION FOR REZONING & AMENDMENT / REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: PORTION 7 OF FARM "LONGLANDS" NO 393 STELLENBOSCH RD, SITUATED AT VLOTTENBURG**

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**1. BACKGROUND**

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A temporary departure was granted on the 15<sup>th</sup> of September 2017 (ref: Farm 3939/7 Stellenbosch) to permit the operation of a shop situated on the property.

The business mainly serves the community of Vloottenburg and local farm workers, providing access to essential goods and services. The shop fulfils an important function by providing resources to those who do not have access to private transport and amenities in Stellenbosch.

Portion 4 of farm 393 was recently rezoned, from agricultural to commercial use to accommodate a fuel station and forecourt retail use. Portion 7 remains agricultural zone, wrapped on three sides by these business uses and abutting Polkadraai road to the south.

The temporary departure is due to lapse on 15 September 2022, and the Stellenbosch LUPBL does not make provision for an extension of validity of this approval. Therefore, a rezoning is necessary as well as other applications (see section 2) to allow for the continuation of the operation of the shop on the property.

A pre-application consultation took place on 9 September 2022 to discuss the appropriate zoning and amendment of a restrictive title deed condition required to permit the continued retail operation. The following serves as a brief minute of the meeting:

- The proposed Local Business (LB) zoning was deemed appropriate.
- A restrictive title deed condition was previously suspended by the Municipality to facilitate the temporary departure.
- Amendment of this title deed condition to permit the proposed retail use, in addition to the existing post-office, will be required.
- Given the location of the property outside the urban edge, the need for a deviation from the Municipal Spatial Development Framework was highlighted.
- It was noted that the property may need to undergo a subdivision application, as the property is partially located in the road reserve.
- Given the urgent need to submit the application, it was agreed that the subdivision application be imposed as a condition of approval and that the application be circulated to the provincial road engineers (Western Cape Government: Department of Transport and Public Works) as part of the notification process.



## 2. APPLICATIONS

The following applications are required in terms of the Stellenbosch Municipality Land Use Planning By-law ("the LUPBL"), 2015:

- A **rezoning application** in terms of **section 15(2)(a)** to rezone the property to Local Business Zone (LBZ).
- An **amendment of restrictive conditions application** in terms of **section 15(2)(f)** to amend the condition which limits the use of the property to a post office, as follows (**bold underline** depicts additional amended wording):

Condition B. "SUBJECT FURTHER to the following condition laid down by the Administrator in terms of Section 9 of Ordinance No. 33 of 1934, and Section 196 of Ordinance No. 15 of 1952, as contained in Deed of Transfer No. T2163/1999, reading as follows: "This land shall be subject to the following condition which may be amended or relaxed by the Administrator: It shall be used for Post Office **and shop** purposes only."

- A **permanent departure application** in terms of **section 15(2)(b)** read with **section 18(1)(a)** of the By-Law and **chapter 26** of the Stellenbosch Zoning Scheme By-law, 2019, to depart from the requirements of the scenic route overlay zone (Polkadraai Road) shown on map SR03.
- A **site-specific deviation** from the spatial development framework (urban edge) as contemplated in **section 19(3)** of the Western Cape Land Use Planning Act ("LUPA"), 2014.

## 3. PROPERTY DETAIL

Table 1: Property Information

Applicant	Headland Planners (Pty) Ltd
Erf Number	Portion 7 of Farm "Longlands" No. 393
Allotment Area	Stellenbosch Registration Division
Property Diagram	SG No. 9799/1961
Noting Sheet	M3188 (BHSY-42)
Title Deed	T35184/2020
Property Extent	1107 m <sup>2</sup>
Registered Owner	Jose Correia Nunes & Maria Elisabete Franca Nunes
Title Deed Conditions	Yes, condition B. (see section 4.2)
Servitudes	None
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-law, 2019
Current Zoning	Agriculture ( <b>note:</b> Stellenbosch zoning map indicates split zone AG and LBZ)
Current Land Use	General Dealer Shop and Post Office boxes
Existing approvals	Temporary land use departure (LU/4633) valid thru <b>15 September 2022</b>

### 3.1. Location and surrounding context

The property is located on the M12 (Polkadraai Road) approximately 6,5km west of Stellenbosch at the intersection of the M12 with Stellenbosch Kloof Road (figures 1 & 2 refer).

The area is a predominantly rural farming area with a mixture of agricultural uses, the most common being wine farms, see figures 1 & 2 overleaf.





Figure 1: Locality (source: OpenStreetMap.org)

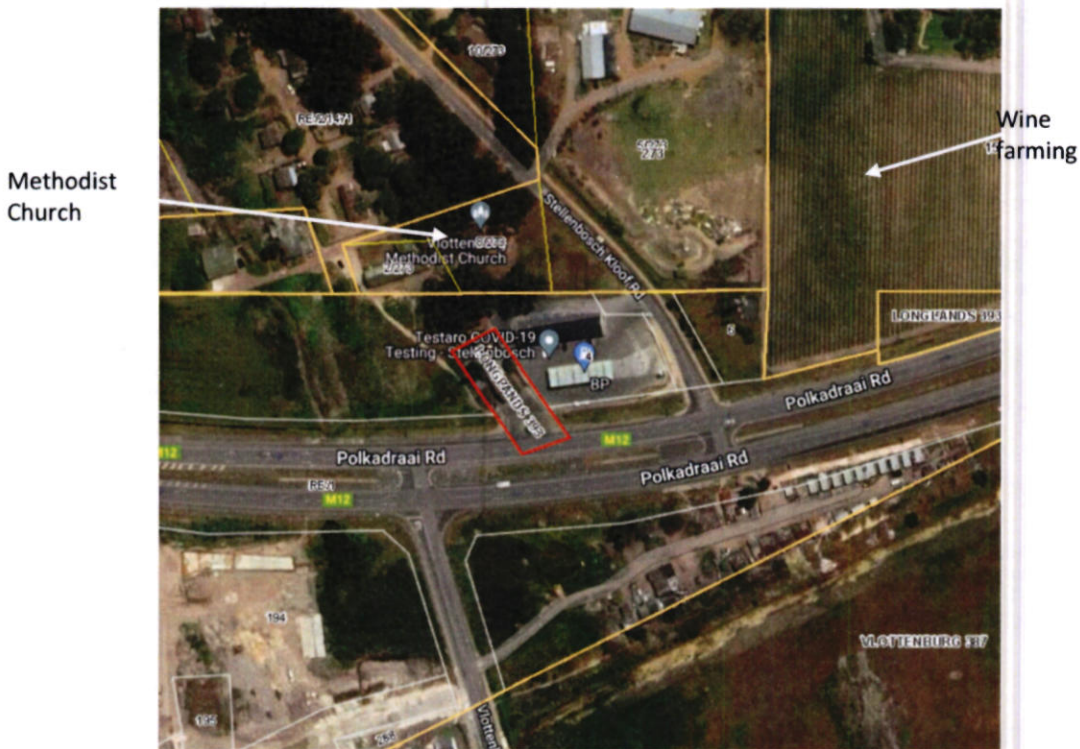


Figure 2: Immediate Locality and context (source: 1MapGIS)

#### 4. DEVELOPMENT PROPOSAL

##### 4.1. Rezoning

The property is zoned for agricultural use under the Stellenbosch Municipality Zoning Scheme By-Law, 2019. As previously stated, a temporary departure and suspension of restrictive title deed conditions was approved (15 September 2017) to permit the operation of the shop on the site. This proposal involves the rezoning of the property to Local Business (LB) to allow for the shop to continue to operate on the property because the temporary departure approval validity may not be legally extended.



The shop has operated over a long period of time and forms part of the important social history of the community. This 'intangible' heritage should be preserved. The shop serves the surrounding farming community in the area, which is relatively far from the town of Stellenbosch, especially without the convenience of private transport.

The value of the "cash shop" is recognised within its local context, specifically in terms of its positive economic contribution to the farm worker community in the immediate area for whom the shop plays a central role in providing access to goods and services.

The existing residential use on the site (caretakers) is permitted in terms of **section 92(3)** of the By-Law, wherein additional uses, 'as set out in Conventional Residential zone may be conducted from such dwelling house as if they were primary rights.'

Given the location of the property and its current function, the proposal to rezone to Local Business Zone (LB) is appropriate. The Local Business zoning (LB) is intended for low-density commercial uses that are compatible with the surrounding area, providing convenience of and service to the surrounding community. 'Business premises' (includes a shop) forms one of the primary uses within this zone.

**4.1.1. Land use in surrounding area**

In January 2015, the Minister approved and effected the rezoning of the surrounding properties for commercial purposes (see figure 3). The use of the property as a shop conforms with the envisaged character of the area.

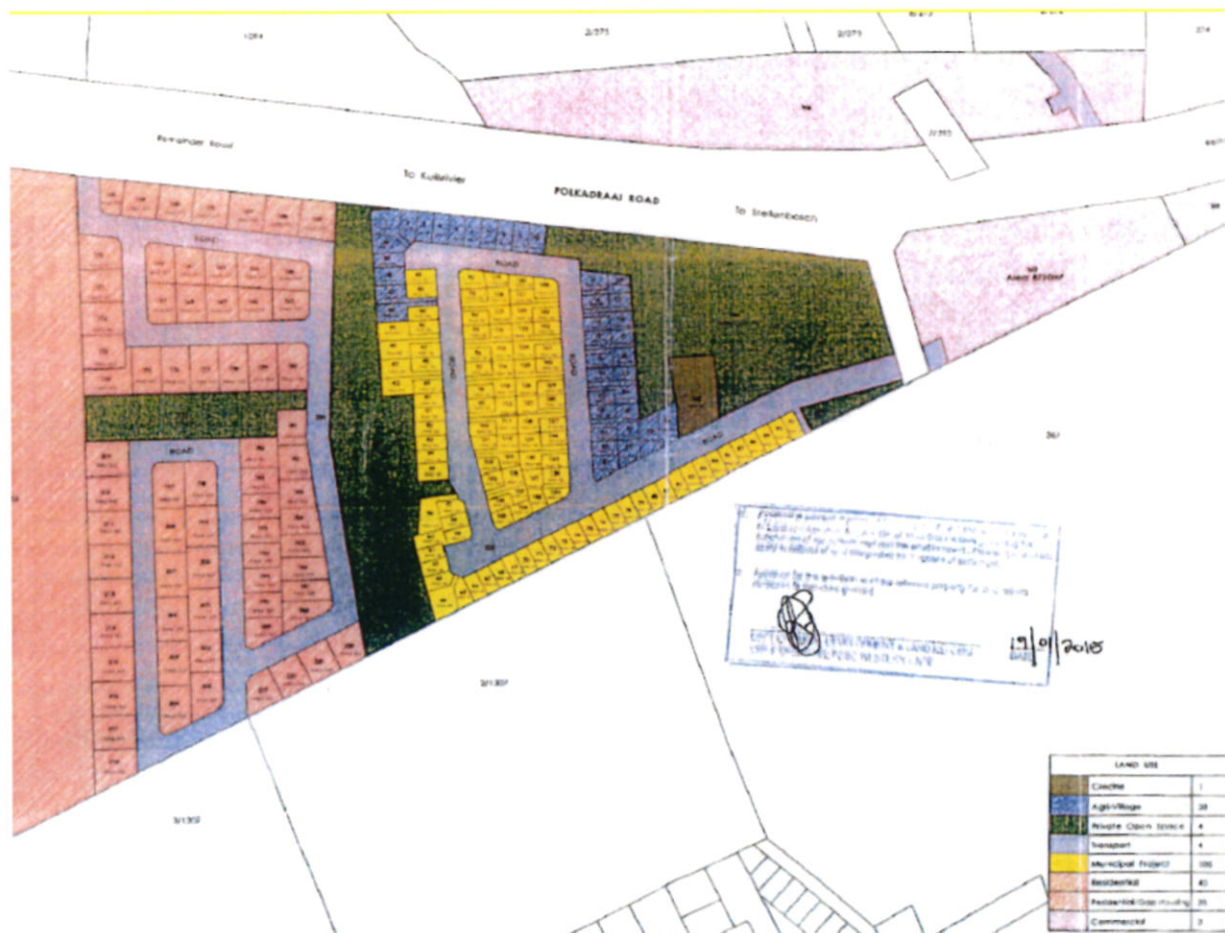


Figure 3: Extract from the rezoning application approved by the Minister.

**4.2. Permanent Departures**

**4.2.1 Rural Scenic Drive Overlay Zone**

By virtue of the rezoning being sought, a departure is required from the Scenic Route Overlay Zone (Rural Scenic Route 4), shown on overlay map SR03 (see figure 4 overleaf).

The proposed permanent departure fulfils a procedural role in the applications, where rezoning of an agricultural land unit to local business is required. The departure should be considered within the historical context and use of the site, which does not change as a result of the applications at hand. The existence of the shop outdates the establishment of the scenic routes as defined in the Zoning Scheme by-law and therefore is a part of the cultural landscape for which the scenic route has been defined. The rezoning brings the existing land use into regulation.

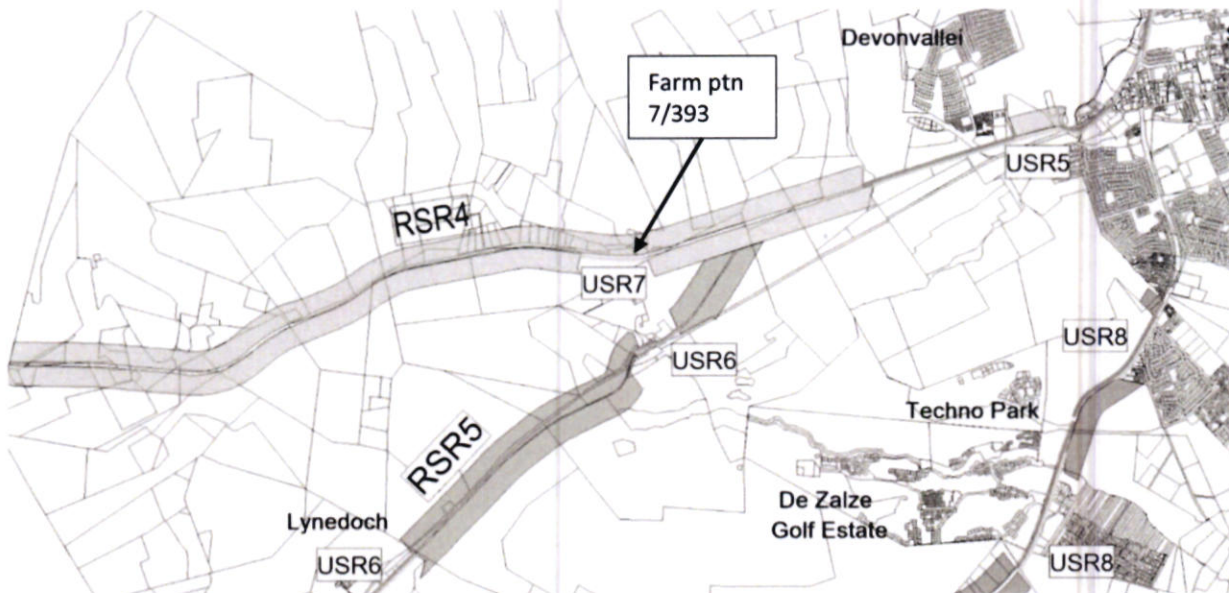


Figure 4: Extract from the SR03 Rural Scenic Drive Overlay Map

### 4.3 Site Specific Deviation from LUPA

The property lies just north of the urban edge (see figure 5). A deviation is thus sought from **section 19(3) of LUPA**, read with **section 65(1)(i) of the By-Law** to permit the proposed Local Business (LB) zoning outside of the urban edge and to allow for the amendment of the MSDF urban edge boundary to include the property at the time that the MSDF is reviewed.

Given the historical use of the site as a shop and post-office, the proposed deviation is administrative in nature. The adjacent property (erf 4, Longlands) has similarly been rezoned, and will also be included within the urban edge at the time of the next MSDF review.

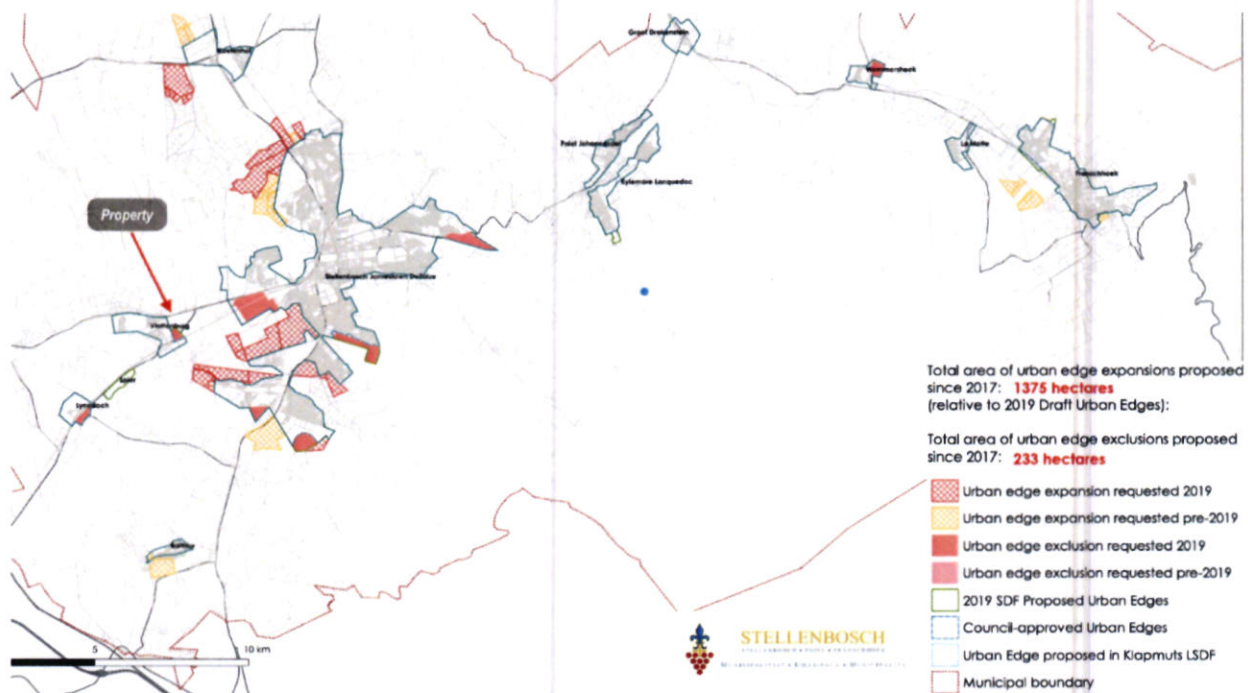


Figure 5: Extract from Municipal Spatial Development Framework



#### 4.4 Amendment of Restrictive Title Deed Conditions

A restrictive condition in the title deed limits the use of the land to a post office only. It is proposed that the condition be amended as follows (**bold underline** depicts additional amended wording):

Condition B. "SUBJECT FURTHER to the following condition laid down by the Administrator in terms of Section 9 of Ordinance No. 33 of 1934, and Section 196 of Ordinance No. 15 of 1952, as contained in Deed of Transfer No. T2163/1999, reading as follows: "This land shall be subject to the following condition which may be amended or relaxed by the Administrator: It shall be used for Post Office **and shop** purposes only."

The amendment of this condition of title by the Administrator (the Stellenbosch Municipality in this case) is sought by virtue of this application. This proposal directly fulfils section 3(b) and 3(f) of SPLUMA which includes addressing past imbalances and facilitating economic inclusion.

Furthermore section 7 of SPLUMA outlines that past spatial and development imbalances must be redressed through improved access to and use of land, to which this application aligns well. It is to be noted that no objections regarding the temporary suspension of the restrictive conditions were raised in the former application.

Given the overwhelming support of the community, religious institutions and other organisations shown during the previous application (see Notice of Decision (March 2019)), the amendment of this condition should be supported.

#### 4.5 Access

The main access to the property is taken directly from the M12, Polkadraai Road. It is submitted that the current access/egress situation functions well especially since the overwhelming majority of clientele either come to the shop on foot or by bicycle.

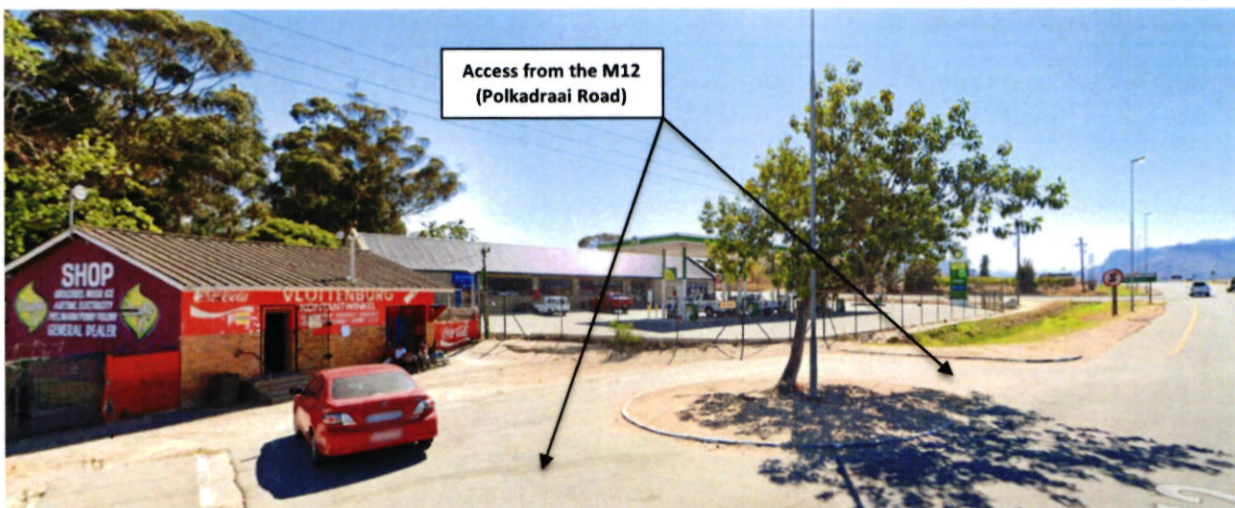


Figure 5: Main Access (source: Google Streetview)

### 5. MOTIVATION

#### 5.1. Motivation in terms of section 65 of the Stellenbosch Municipality Land Use Planning By-law ("By-Law"), 2015.

##### 5.1.1. The application submitted in terms of this by law.

The application has fulfilled the necessary requirements to constitute compliance with the By-Law.

##### 5.1.2. The desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses.

The current utilisation of the land as a general store frequented by local farm workers is considered highly desirable as it provides an entire community with access to daily supplies that would otherwise be difficult for them to have access to due to the lack of a convenient source of transport to Stellenbosch, approximately 6-7 kilometres away.



**Section 7 of the Spatial Planning and Land Use Management Act, Act 16 of 2013**, provides principles that indicate the desirability of the current land use on the property, including (our **bold** for emphasis):

*“Section 7.(a)(iv) - land use management systems must include all areas of a municipality and specifically include provisions that are **flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas**”*

*“Section 7.(b)(v) - consider all current and future costs to **all parties** for the provision of infrastructure and social services in land developments”*

*“Section 7.(c)(ii) - decision making procedures are designed to **minimise negative financial, social, economic or environmental impacts**”*

*“Section 7.(d) - the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to **ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks**”*

The sustainability of the local farm workers' community relies heavily on the operation of this particular shop for their daily requirements. The shop is the very definition of sustainable land use on the small scale.

#### **5.1.3. The impact of the proposed land development on municipal engineering services**

Only existing conditions relating to engineering services may apply, the rezoning does not change the current land use.

#### **5.1.4. The integrated development plan, including municipal spatial development framework**

A deviation is applied for from the Municipal Spatial Development Framework for the proposed rezoning of the property outside of the urban edge. This is motivated for in section 4.3., particularly in light of the historical use and existent precedent in the surrounding area.

**Strategy 2: Respect, preserve and grow the cultural heritage of Stellenbosch Municipality.** The proposal fulfils this strategy objective by proposing the formal recognition and preservation of the historical use relating to the local shop.

**Strategy 4: Clarify and respect the different roles and potentials of settlements in Stellenbosch Municipality and maintain the identity of each.** By formalising the use of the property through the approval of a rezoning application, the existing settlement character and identity of the local area is preserved.

Additionally, Vlottenburg is highlighted for inclusive settlement development in future. This proposal fulfils an essential role within the local and future community in providing access to resources within the immediate vicinity.

#### **5.1.5. The integrated development plan and spatial development framework of the district municipality**

The Cape Winelands District Municipality SDF's goals of utilising existing resources optimally and to strategically facilitate efficient land use management and sustainable development are well met by this application.

#### **5.1.6. The provincial spatial development framework**

The 5 guiding principles of the PSDF are responded to well by the application. The concept of sustainability, efficiency and accessibility to necessary services are the basis of what the business supplies to the local community. The quality and liveability of the area would be harmed in closing this low-impact operation.

#### **5.1.7. The provisions of section 42 of the Spatial Planning & Land Use Management Act (“SPLUMA”), Act 16 of 2013**

Section 42 and its subsections deal with the manner whereby the Municipal Planning Tribunal must consider and decide on an application. Firstly, an application must be guided by the general development principles as contemplated in chapter 2 of the Act, the very same general principles that are discussed by the various spatial development frameworks that guide development at the various levels. The previous sections have shown that the application responds well to these principles.

Secondly, to take into account norms and standards, protection of and sustainable use of agricultural land and utilisation of the various national and provincial policies and frameworks at their disposal. The previous sections of this motivation have proved beyond reproach that the application is in line with these multi-level development tools.

Lastly the application is seen to be (in accordance with the provisions of section 42(1)(c)):

- In the public interest.,
- Allows the state to realise its constitutional transformation imperatives by providing access to goods and services to a low-income community.,
- All of the facts and circumstances regarding the application have been detailed.,
- The impact on engineering services is negligible.,
- Removal of the service provided will be of great social detriment to the community.,
- The application has adhered to the required timeframes.

**5.1.8. The principles of chapter VI of the Western Cape Land Use Planning Act (“LUPA”), Act 3 of 2014**

The application detailed above responds well to the overarching land use planning principles of LUPA. Detailed in previous sections, the application has been found to conform with the principles of the different levels of spatial planning legislation and planning policy documents. A deviation is sought only in respect of the proposal’s alignment with the Municipal Spatial Development Framework, and is motivated for in section 4.3.

The application seeks to continue to provide for a community that is less fortunate and relies heavily on the service provided by the existing business. The business contributes to the sustainability and character of the rural area surrounding Vlotenburg as well as its local residents.

**5.1.9. The applicable provisions of the zoning scheme**

The provisions of the zoning scheme are considered as follows:

**Table 2:** Building development parameters (Section 97) for ‘all other buildings’ in the Local Business zoning (LB)

Building Parameters	Requirement	Proposed / Existing
Street boundary building Lines	2m	Southern: ±5.6m <b>Compliant</b>
Common boundary building lines Section 97(2)(g)	0m abutting another business or commercial zone	Western: ±1m Eastern: ±3.6m Northern: ±10.5m <b>Compliant</b>
Coverage	75%	233m <sup>2</sup> of 1300m <sup>2</sup> = approx. 18% <b>Compliant</b>
Height	3 Storeys	1 Storey <b>Compliant</b>

Departure from the scenic route overlay zone is discussed in section 4.2.1 above. The departure is not impactful given the age of the use and the fact that it will not change as a result of the departure (i.e. no further development is proposed).

**5.2. Motivation in terms of the surrounding community**

Mentioned numerous times in this motivation but worth reiterating, the business on the property is extremely valuable to the local community of farm workers. The loss of this general store would have disastrous effects on the residents of the area who rely on the store for their daily supplies.

The reality is that many do not readily have access to reliable transport and therefore visit the store on foot or by bicycle. The only other option for the local community is to be transported (or walk) to Stellenbosch, approximately 6,5km away.



## 6. CONCLUSION

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The applications for the rezoning of the property to Local Business (LB), amendment of a title deed condition, overlay zone departure and site specific deviation from the Municipal Spatial development Framework are submitted to allow for the continued operation of the local convenience shop in the Vlotenburg area.

The motivation has proven that the application responds well to and furthers the provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013, and the Western Cape Land Use Planning Act, Act 3 of 2014, as well as the various land use planning policies and spatial development framework documents that guide and control land use in the Western Cape.

The shop forms an integral part of the local character, and a critical resource to the community who do not have immediate access to Stellenbosch.

This application is submitted for the Municipality's favourable consideration.

Yours faithfully,

HEADLAND PLANNERS

S393-7  
September 2022

### SUPPORTING DOCUMENTS:

- Property Diagram
- LUMS Form (Signed)
- Noting Sheet
- Title Deed
- Existing Approval
- Conveyancer Certificate
- Power of Attorney (Signed)



**SPECIAL POWER OF ATTORNEY**

We, the undersigned,

**JOSE CORREIA NUNES** (I.D. Number 6001245086089) and **MARIA ELISABETE FRANCA NUNES** (I.D. Number 6604010037086)

the registered owners of **portion 7 of Farm "Longlands" no 393, Stellenbosch** situated at **Vlottenburg**,  
do hereby nominate, constitute and appoint –

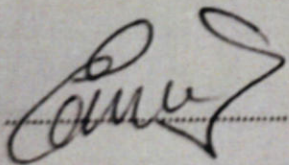
**Headland Planners (Pty) Ltd (2008/002387/07)** (Tristan Sandwith and Claus Mischker)

with power of substitution, to be our lawful agent in name, place and stead to submit the following land use applications in terms of the Stellenbosch Municipality: Land Use Planning By-law, 2015, pertaining to the aforementioned property

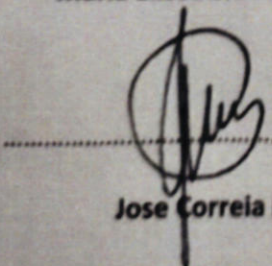
- a suspension of restrictive conditions application in terms of section 15(2)(f), and
- a rezoning application in terms of section 15(2)(a)

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein.


Signed at Vlottenburg this .....1<sup>ST</sup>..... day of .....SEPTEMBER..... 2022, in the presence of the undersigned witness.



**Maria Elisabete Franca Nunes**



**Jose Correia Nunes**



**Witness**



10. SCHEDULE OF ALL LAND USES

10.1 LU: AGRICULTURE.



IM:

10.1.1 ND: Agricultural buildings

10.1.2 SD:

- (a) Additional dwelling unit
- (b) Day-care centre
- (c) Guest house
- (d) Farmstore

(e) The use of a minor portion of a dwelling house by a permanent resident thereof for any social, religious or occupational purposes, or for a home-enterprise.

(f) The accommodation of additional persons, whether for reward or otherwise, as described in each case:

- (i) In the case of a dwelling house occupied by a family, not more than four additional persons who are not members of such family; or
- (ii) in the case of a dwelling house occupied by a single person, not more than four additional persons who are not related to such single person; provided that such single person shall be the registered owner, or a direct blood relation of the registered owner, of the dwelling house concerned.

10.1.3 RD:

- (a) Building line: 30 m from all boundaries.
- (b) Parking with respect to guest house: 0,7 parking bay for every suite or bedroom.



# STELLENBOSCH

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## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO [landuse.applications@stellenbosch.gov.za](mailto:landuse.applications@stellenbosch.gov.za)

LAND USE PLANNING APPLICATION FORM						
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)						
<b>KINDLY NOTE:</b> Please complete this form using BLOCK letters and ticking the appropriate boxes.						
<b>PART A: APPLICANT DETAILS</b>						
First name(s)	TRISTAN					
Surname	SANDWITH					
Company name (if applicable)	HEADLAND PLANNERS (PTY) LTD					
Postal Address	9 HIGHLANDS CLOSE					
	EDGEMEAD		Postal Code	7441		
Email	tristan@headland.co.za or rachael@headland.co.za]					
Tel	082 449 1801	Fax	N/A		Cell	082 449 1801
<b>PART B: REGISTERED OWNER(S) DETAILS</b> (If different from applicant)						
Registered owner(s)	JOSE CORREIA NUNES & MARIA ELISABETE FRANCA NUNES					
Physical address	9 GENERAL JH OLIVIER STREET					
	PAROW		Postal code	7500		
E-mail	<b>[ALL COMMUNICATION TO CONSULTANTS]</b>					
Tel		Fax		Cell		
<b>PART C: PROPERTY DETAILS</b> (in accordance with title deed)						
Farm No.	393	Portion(s) if Farm	7	Allotment area	STELLENBOSCH RD	
Physical Address	Cnr of Polkadraai Road (M12) and Stellenbosch Kloof Road					
	Vlottenburg					
Current Zoning	Agriculture	Extent	1107m <sup>2</sup> / ha	Are there existing buildings?	Y	<input checked="" type="checkbox"/>
Applicable Zoning Scheme	Stellenbosch Zoning Scheme Regulations					
Current Land Use	Post Office and general supply store					
Title Deed number and date	T	T35184/2020 (registration date: 30/10/2020)				
Attached Conveyancer's Certificate	[See Conveyancer certificate attached]	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s)				



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?	<input checked="" type="checkbox"/>	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/>	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	<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"/>	N			

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

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

\* The submission of a pre-application scrutiny form 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: <i>Cost are obtainable from the Council Approved tariffs</i>	Tick
15(2)(a) rezoning of land*	<input checked="" type="checkbox"/>
15(2)(b) a permanent departure from the development parameters of the zoning scheme	<input checked="" type="checkbox"/>
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	<input checked="" type="checkbox"/>
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	

<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)(o) a consent use contemplated in the zoning scheme			
15(2)(p) an occasional use of land			
15(2)(q) to disestablish a home owner's association			
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services			
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building			
15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity			
15(2)(l) amendment of Site Development Plan			
15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines			
<b>OTHER APPLICATIONS</b>			
	Deviation from Council Policies/By-laws		R
	Consent / Permission required in terms of a title deed		R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019		R
	Other (specify): _____		R
<b>TOTAL A:</b>			<b>R</b>
<b>PRESCRIBED NOTICE AND FEES*** (for completion and use by official)</b>			
Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; electronic communication methods	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	Provincial Gazette	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>			<b>R</b>
<b>TOTAL APPLICATION FEES** (TOTAL A + B)</b>			<b>R</b>
<p><b>**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.</b></p> <p><b>***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: <a href="mailto:Indigent.office@stellenbosch.gov.za">Indigent.office@stellenbosch.gov.za</a> or 021 808 8501 or 021 808 8579</b></p> <p><b>**** 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.</b></p>			
<b>BANKING DETAILS</b>			
Account Holder Name:	Stellenbosch Municipality		
Bank:	FIRST NATIONAL BANK (FNB)		
Branch no.:	210554		
Account no.:	62869253684		
Payment reference:	LU/_____ and ERF/FARM _____		
Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment			
<b>DETAILS FOR INVOICE</b>			

Name & Surname/Company name (details of party responsible for payment)	HEADLAND PLANNERS (PTY) LTD
Postal Address	9 HIGHLANDS CLOSE, EDGEMEAD, 7441
Vat Number (where applicable)	4580251884

**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..... rezoning to LBZ from AG..... in terms of section..... chapter 26.....of the... Stellenbosch.....Zoning Scheme Regulations						
Other (please specify)	Application for rezoning to permit current use, in light of impending lapsing of temporary departure. Application for amendment of the existing title deed conditions					
	_____					
	_____					
	_____					

<b>Brief description of proposed development / intent of application:</b>
Application for rezoning to permit current use, in light of impending lapsing of temporary departure.
Application for amendment of the existing title deed conditions
Rezoning, departure, amendment of restrictive conditions and site specific deviation from the MSDF.



**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)
Y	<input checked="" type="checkbox"/>		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	<input checked="" type="checkbox"/>	N		S.G. diagram / General plan extract (A4 or A3 only)
<input checked="" type="checkbox"/>	N		Locality plan (A4 or A3 only) to scale	Y	<input checked="" type="checkbox"/>		Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	N		Proposed subdivision plan (A4 or A3 only) to scale	Y	<input checked="" type="checkbox"/>		Proof of agreement or permission for required servitude
<input checked="" type="checkbox"/>	N		Proof of payment of application fees	<input checked="" type="checkbox"/>	N		Proof of registered ownership ( <b>Full copy of the title deed</b> )
<input checked="" type="checkbox"/>	N		Conveyancer's certificate	<input checked="" type="checkbox"/>	N		Written feedback of pre-application scrutiny and 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
<input checked="" type="checkbox"/>	N	N/A	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	<input checked="" type="checkbox"/>	N	N/A	Other (specify) <b>Conveyancer Certificate</b>

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)
<input checked="" type="checkbox"/>	N/A	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)
<input checked="" type="checkbox"/>	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y <input checked="" type="checkbox"/> Other (specify)
<input checked="" type="checkbox"/>	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
<input checked="" type="checkbox"/>	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

**SECTION I: DECLARATION**

I hereby wish to confirm the following :

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



- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
- 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
- 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: \_\_\_\_\_ *Tristan Sandwith* \_\_\_\_\_ Date: \_\_\_\_\_ 30/08/2022 \_\_\_\_\_

Full name: \_\_\_\_\_ TRISTAN SANDWITH (OBO HEADLAND PLANNERS (PTY) LTD) \_\_\_\_\_

Professional capacity: \_\_\_\_\_ PR.PLN \_\_\_\_\_

**FOR OFFICE USE ONLY**

<p>Date received: _____</p> <p>Received By: _____</p>	
---	--



**SPECIAL POWER OF ATTORNEY**

We, the undersigned,

**JOSE CORREIA NUNES** (I.D. Number 6001245086089) and **MARIA ELISABETE FRANCA NUNES** (I.D. Number 6604010037086)

the registered owners of **portion 7 of Farm "Longlands" no 393, Stellenbosch** situated at Vlottenburg,  
do hereby nominate, constitute and appoint –

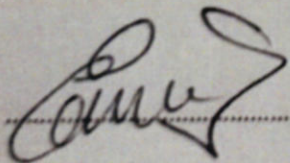
**Headland Planners (Pty) Ltd (2008/002387/07)** (Tristan Sandwith and Claus Mischker)

with power of substitution, to be our lawful agent in name, place and stead to submit the following land use applications in terms of the Stellenbosch Municipality: Land Use Planning By-law, 2015, pertaining to the aforementioned property


- a suspension of restrictive conditions application in terms of section 15(2)(f), and
- a rezoning application in terms of section 15(2)(a)

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein.

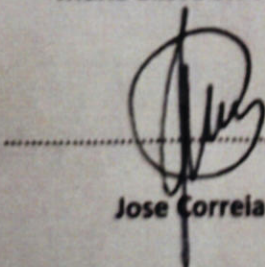
Signed at Vlottenburg this .....1st..... day of SEPTEMBER..... 2022, in the presence of the undersigned witness.



**Maria Elisabete Franca Nunes**



**Witness**



**Jose Correia Nunes**



**A. VIR AKTEBESORGER SE GEBRUIK FOR CONVEYANCER'S USE.**

(a) Gelyktydiges met ander registrasiekantore/teelstele: Simult with other registries/sectional files:

Kode	Firma/Firm	Eiendom/Property	Kantoor/Office
1.			
2.			
3.			
4.			

(b) Klênt afskrifte van akte permanent in Aktekantoor getreksaer: Client copies of deed filed permanently in Deeds Office.

Aard en nommer van akte Nature and number of deed	Cover No. Omsetg. Nr.	Parasê van ondersoekers Initials of Examiners

(c) Notas/Notes:

**B. VIR AKTEKANTOOR GEBRUIK FOR DEEDS OFFICE USE:**

	Opmerrings Remarks	Parasê Initials
Interdikte nagesien deur Interdicts checked by	(1) Dorp proklamasie (geproklameer) Township approved (proclaimed)	
Datum Date	(2) Beglyng/kerwe Endowment/aven	
	(3) Beglyng Endowment	
	(4) Voorwaardes Conditions	
	(5) Mikro Micro	
	(6) Algemene plan General Plan	
Interdikte nagesien deur Interdicts checked by	(7) Titeelakte Title Deed	
Datum Date	(8) Verbands teen dorpsafl Bonds against township ven.	
	(9) Datum nagesien Date checked	

Kantoor instruksies/Office instructions:  
Seksie/Section:

LODGE MENT NOT ACCEPTED  
12-10-2020  
INACTIVE ACCOUNT

**UITVOERING/EXECUTION**

Datum van indiening/Date of lodgment:  
**187 A. J. TAPPENDEN & Co.**  
TEL. 021 930 5060  
email: celeste@tappenden.co.za  
*Ru GAMES 09/10/20*

**LODGED**  
12-10-2020

A. VIR AKTEKANTOOR GEBRUIK FOR DEEDS OFFICE USE

**INGEDIEN**  
14-10-2020  
**INGEDIEN** 17 OCT 2020

	Ondersoekers/Examiners	Kamers/ Rooms	Skakeling/Linking	Verwerp/Reject	Passer/Pass
1.	Y. DYANI	DEA			
2.	THABILE MTEBANI				
3.					

B. VIR AKTEBESORGER SE GEBRUIK FOR CONVEYANCER'S USE

Aard van Akte/Nature of Deed: **ESTATE TRANSFER**  
**ESTATE TRANSFER**  
**ESTATE TRANSFER**  
**JC NUNES + MEF NUNES**  
Van/From: **NUNES/COOZ**

T 000035184 / 2020

Skakeling/Linking	Titeelakte, ens. binne/Titeel deeds, etc. within
1	1
	T 22737 / 2014

GELYKTYDIGES/SIMULS

No. in stel/batch	Kode Code	Name van Party/Names of Parties	Naam van Firma/Name of Firm	Firma No. Firm No.
1.	T.	ESTATE TRANSFER NUNES	A. J. TAPPENDEN & CO	187
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Handed in for execution: 29 OCT 2020  
CAPE TOWN  
HANDLED IN FOR EXECUTION

EXAMINER'S NOTES INSIDE

Paul John Tappenden  
30/10/2020

060002721298

POETION 7 DE THE EXON LOWLANDS NO. 393  
 (Kort beskrywing van eiendom (beglyng para 1 in Akte) Brief description of property (mainly para 1 in deed))

Prepared by me,

AJ TAPPENDEN & CO  
18 McIntyre Street  
Parow  
7500  
DOCEX 12, PAROW

  
CONVEYANCER  
ALBERT JOHN TAPPENDEN  
LPCM (M80560)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 325 000,00	R. 673,00
All other		
Reason for exemption	Category Exemption.....	Exemption I t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY  
19-11-2020  
EATGEYAH LARNEY

DATA / CAPTURE  
11-11-2020  
LINDA NCAPAI

T 000035184 / 2020

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

~~Paul John Tappenden~~ Paul John Tappenden LPCM (M92450) R  
appeared before me, Registrar of Deeds, at CAPE TOWN, the said Appearer, being  
duly authorised thereto by a Power of Attorney which said Power of Attorney was  
signed at PAROW on 27 May 2020  
and granted to him by

**ESTATE LATE ANGELO LUCAS NUNES**  
Estate Number 12838/2019

AJ TAPPENDEN & CO



AND the said Appearer declared that:-

WHEREAS the undermentioned immovable property is registered in the name of Estate Late Angelo Lucas Nunes who died intestate on 15 June 2019;

AND WHEREAS the said property devolves upon JOSÉ CORREIA NUNES and MARIA ELISABETE FRANCA NUNES (hereinafter more fully described) in terms of Section 1 (1)(b) of the Intestate Succession Act no. 81 of 1987 as amended.

NOW THEREFORE, the said appearer, in his capacity aforesaid, did, by virtue these presents, cede and transfer to and on behalf of:

- 1. **JOSÉ CORREIA NUNES**  
Identity Number 600124 5086 08 9  
Married out of community of property
- 2. **MARIA ELISABETE FRANCA NUNES**  
Identity Number 660401 0037 08 6  
Married out of community of property

their heirs, executors, administrators or assigns in full and free property

PORTION 7 OF THE FARM LONGLANDS NO. 393 IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE WESTERN CAPE

IN EXTENT: 1107 (ONE THOUSAND ONE HUNDRED AND SEVEN) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No T5828/1962 with Diagram No. 9799/61 Annexed and lastly held by Deed of Transfer No T22737/2014.

A. SUBJECT to the conditions contained in Deed of Transfer No. T5828/1962 and to the conditions contained in Deed of Grant 6<sup>th</sup> October 1923 (Stellenbosch Quitrents Volume 24 No. 15) namely:

(A) the rights of the Governor-General described in Sections thirty one and thirty four of the Land Settlement Act, 1912, which said sections are fully set out hereunder:

- 31. (1) .....
- (2) .....
- (3) .....

34. The Governor-General may at any time and in such manner and under such conditions as he may think fit:

- (a) construct or authorise the construction of dams or reservoirs upon any holding;
- (b) construct or authorise the construction upon, through or under any holding, of water furrows, pipe lines, canals and drains and conduct or

D

A

authorise the conducting of water therefrom or thereover for the benefit of the public or any owner or occupier of neighbouring land;

- (c) construct and work or authorise the construction and working, subject to the provisions of any law, or railways, roads, telegraphs and telephone lines on or over any holding;

and take materials from any holding for the purposes of any such works. Compensation shall be paid to the lessee of the holding for any damage sustained by him by reason of the exercise of the powers of this section.

NOTE: The word lessee includes a "grantee", "holding" includes "land held under a Crown Grant," and "mineral" includes "mineral products, mineral oils, metals and precious stones: (vide Section 2 of the Land Settlement Act, 1912).

- (b) the payment by the grantee of any land taxes payable by laws;

- (c) all roads, thoroughfares, and rights of outspan being or existing on the land hereby granted remaining free and unencumbered unless the same be cancelled, closed or altered by competent authority.

- (d) that no fencing shall be erected cross the main road which runs more or less long the northern boundary of the land hereby granted.

- B. SUBJECT FURTHER to the following condition laid down by the Administrator in terms of Section 9 of Ordinance No. 33 of 1934, and Section 196 of Ordinance No. 15 of 1952, as contained in Deed of Transfer No. T2163/1999, reading as follows:

"This land shall be subject to the following condition which may be amended or relaxed by the Administrator: It shall be used for Post Office purposes only."

- C. By Deed of Transfer No. T5828/1962 the within mentioned property is subject to an Endorsement in terms of Section 31 (6) of Act No. 47 of 1937 (as amended) that a portion of the hereinaftermentioned property meas +-0,0545 M has been expropriated by Divisional Council of Stellenbosch in terms of Section 130 or Ord 15/1952 as amended vide notice of expropriation no. LPD/THH/2/11 dd 24-02-1970 filed as exprop caveat 551/1970.



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

**Estate Late Angelo Lucas Nunes**

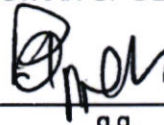
heretofore had to the premises, did in consequence also acknowledge the Estate to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said JOSE CORREIA NUNES and MARIA ELISABETE FRANCA NUNES

their 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 value of the property to be R325 000,00 (THREE HUNDRED AND TWENTY FIVE THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

WHEREFORE all the right, title and interest which the transferor heretofore had to the unit aforesaid is renounced and, in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to the same; and that by virtue of these presents the aforesaid transferee is now entitled thereto, the State however, reserving its rights

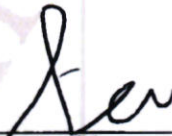
THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 30 OCTOBER 2020



q.q.

**Paul John Tappenden  
LPCM (M92450)**

In my presence:



REGISTRAR OF DEEDS



1512

AJ TAPPENDEN & CO  
18 McIntyre Street  
Parow  
7500  
DOCEX 12, PAROW

Prepared by me,

  
CONVEYANCER  
ALBERT JOHN TAPPENDEN  
LPCM (M80560)

## POWER OF ATTORNEY TO TRANSFER

I, the undersigned

**JOSÉ CORREIA NUNES** in my capacity as Executor in the  
**ESTATE LATE ANGELO LUCAS NUNES**  
acting in terms of Letters of Executorship Number 12838/2019  
issued by the Master of the High Court, CAPE TOWN on 21 August 2019

do hereby nominate and appoint:-

**ALBERT JOHN TAPPENDEN** or **PAUL JOHN TAPPENDEN**

with power of substitution, to be our lawful attorney and agent, in our name, place and stead to appear at the office of the Registrar of Deeds at CAPE TOWN, and then and there to act as our attorney and agent to declare that:

**WHEREAS** the undermentioned immovable property is registered in the name of Estate Late Angelo Lucas Nunes who died intestate on 15 June 2019; ✓

**AND WHEREAS** the said property devolves upon **JOSÉ CORREIA NUNES** and **MARIA ELISABETE FRANCA NUNES** (hereinafter more fully described) in terms of Section 1 (1)(b) of the Intestate Succession Act No. 81 of 1987 as amended. ✓

**NOW THEREFORE** I hereby authorise and empower my said Attorney(s) and Agent(s) to pass transfer to:-

1. **JOSÉ CORREIA NUNES**  
Identity Number 600124,5086 08 9  
Married out of community of property
2. **MARIA ELISABÉTE FRANCA NUNES**  
Identity Number 660401,0037 08 6  
Married out of community of property

AJ TAPPENDEN & CO

  
LegalSuite (Version 4.5067)  
Deceased Estate - Conventional Power of Attorney Intestate.doc



The property described as:-

PORTION 7 OF THE FARM LONGLANDS NO. 393 IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE WESTERN CAPE

IN EXTENT: 1107 (ONE THOUSAND ONE HUNDRED AND SEVEN) SQUARE METRES

Held by Deed of Transfer No T22737/2014


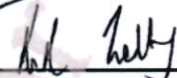
And acknowledging the Municipal value of the property to be the sum of R325 000,00 (THREE HUNDRED AND TWENTY FIVE THOUSAND RAND)

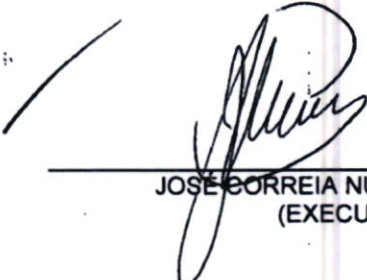
And further cede and transfer the said property in full and free property to the said transferees, to renounce all the right, title and interest which the Estate heretofore had in and to the said property, to promise to free and warrant the said property, and also to clear the same from all encumbrances and hypothecations according to law, to draw, sign and pass the necessary acts and deeds, or other instruments and documents, and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes as I might or could do if personally present and acting herein; hereby ratifying, allowing and confirming all and whatsoever my attorney and agent shall lawfully do or cause to be done in the premises by virtue of these presents.

EXECUTED AT PAROW  
undersigned witnesses

on 27 May 2014 in the presence of the

As Witnesses

- 1. 
- 2. 

  
\_\_\_\_\_  
JOSE CORREIA NUNES  
(EXECUTOR)



2

**Transfer Duty Declaration**

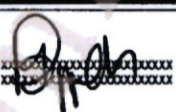
**TDREP**

**Reference Details**

Transfer Duty Reference Number: TDE039CC81

Details	
<b>Details of Seller / Transferor / Joint Share Company</b>	
Surname / Registered Name ID Number Company / CC / Trust Reg No. Marital Notes If applicable (NOW DECEASED)	NUNES 9307275286086  (NOW DECEASED)
Full Name Date of Birth (CCYYMMDD) Marital Status Spouse Initials	ESTATE LATE ANGELO LUCAS 1993-07-27 NOT MARRIED  
<b>Details of Purchaser / Transferee</b>	
Full Name Date of Birth (CCYYMMDD) Marital Status	JOSE CORREIA 1960-01-24 M.O.C OF PROPERTY
Surname / Registered Name ID Number Spouse Initials	NUNES 6001245086086  
<b>Details of Purchaser / Transferee</b>	
Full Name Date of Birth (CCYYMMDD) Marital Status	MARIA ELISABETE ERANCA 1966-04-01 M.O.C OF PROPERTY
Surname / Registered Name ID Number Spouse Initials	NUNES 6604010037086  
<b>Details of the Property</b>	
Date of Transaction/Acquisition (CCYYMMDD)	2019-06-15
Total Fair Value R	325000.00
Total Consideration R	0.00
<b>Calculation of Duty and Penalty / Interest</b>	
Transfer Duty Payable on Natural Person R	325000.00
<b>Property Description</b>	
1 PORTION 7 OF THE FARM LONCLAND NO. 303 IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE WESTERN CAPE IN EXTENT: 1107 (ONE THOUSAND ONE HUNDRED AND SEVEN) SQUARE METRES	

Receipt	
<b>Receipt Details</b>	
Transfer Duty Reference Number	TDE039CC81
Receipt Amount	R 0
Receipt No.	

Declaration by Conveyancer / Attorney	
I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.	 <small>Please ensure you sign over the 2 lines of 'X's above</small> 9a60e8614d0c4923dc0f95ca3484d7b8f259345
Date (CCYYMMDD)	20201007
For enquiries go to <a href="http://www.sars.gov.za">www.sars.gov.za</a> or call 0800 00 SARS (7277)	

Paul John Tappenden



3

**CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT:  
 MUNICIPAL SYSTEMS ACT, 2000 (ACT No. 32 OF 2000) (AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)**

**ISSUED BY STELLENBOSCH MUNICIPALITY**

In terms of Section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to STELLENBOSCH MUNICIPALITY in connection with the undermentioned property situated within that municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

**DESCRIPTION OF PROPERTY**

Municipal Reference Number	:	10692415	
Erven	:	393	
Portion	:		
Extension	:	LONGLANDS	
Zoning	:		
Registration division / Administrative District	:	CAPE DIVISION	
Suburb	:	STELLENBOSCH RD	
Town	:	LONGLANDS	
Sectional Title unit number	:	0	
Exclusive use area and number as referred to on the registered plan	:		
Real right	:		
Scheme registration number	:		
Sectional Title Scheme Name	:		
Registered owner	:	ESTATE LATE ANGELO LUCAS NUNES	9307275286086
Name and Identity / Registration number of all purchaser/s	:	JOSE CORREIA NUNES	6001245086089
Name and Identity / Registration number of all purchaser/s	:	MARIA ELISABETE FRANCA NUNES	6604010037086

This Certificate is valid until: 2020/12/09

Given under my hand at STELLENBOSCH on 2020/10/09

**Declaration by Conveyancer:**

I Paul John Tappenden hereby certify that this is a print-out of a data message in respect of the original clearance certificate electronically issued by the STELLENBOSCH MUNICIPALITY

Paul John Tappenden  
 Conveyancer

09/10/2020  
 Date

Signed by: Lazerick John Alfarian Anthony  
 Signed at: 2020-10-09 12:55:18  
 Reason: I approve this document

Lazerick John Alfarian Anthony

**MUNICIPAL MANAGER  
 STELLENBOSCH MUNICIPALITY**

**Date Issued: 2020/10/09  
 Authorised Official: Lazerick John Alfarian Anthony**

12

9



REPUBLIC OF SOUTH AFRICA

AFFIDAVIT

PARTICULARS OF NEXT-OF-KIN

I, JOSÉ CORREIA NUNES  
of 9 GENERAL JH OLVER STREET, WELGELEGEN, PAROW

\*do hereby make oath and say/affirm that within is a true and complete statement of the next-of-kin of the deceased, and I make this statement conscientiously, believing the same to be true.

Signature

JOSÉ CORREIA NUNES  
Print Name and Surname

Signed and \*sworn to/affirmed before me

at PAROW

this 16<sup>th</sup> day of July in the year 2019

The deponent has acknowledged that he/she knows and understands the contents of this affidavit and adheres to it.

\*Magistrate/Justice of the Peace/Commissioner of Oaths

BERTIFIKAAT/CERTIFICATE  
GESERTIFISEER AS 'N FOTOSTAATAFDRIUK VAN 'N DOKUMENT  
WAT IN DIE KANTOOR BEWAAR WORD.  
CERTIFIED AS A PHOTOSTAT COPY OF A DOCUMENT FILED IN  
THIS OFFICE.  
  
ALBERT JOHN TAPPENDEN  
COMMISSIONER OF OATHS  
PRACTISING ATTORNEY R.S.A.  
18 MC INTYRE STREET  
PAROW 7500

Area for which appointed

ALBERT JOHN TAPPENDEN  
COMMISSIONER OF OATHS  
PRACTISING ATTORNEY R.S.A.  
18 MC INTYRE STREET  
PAROW 7500

If appointment is held ex officio, state office held

\* Delete if not applicable.

MASTER OF THE WESTERN CAPE  
CAPE TOWN  
2020 -08- 19  
E/C: DECEASED ESTATE  
MEESTER VAN DIE WESERSE KAPPROVINSIE

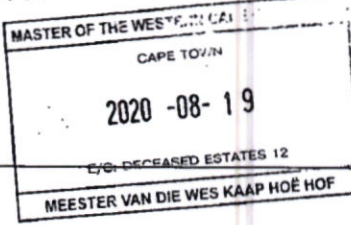

u



\* Separate affidavits in respect of each predeceased child must be completed.

Names and addresses of the next-of-kin of the late ANGELO LUCAS NUNES - 9 GENERAL JH OLIVER STREET  
 who died at BLACK HEATH on 15/06/2019  
(Place) (Date) WELGELEGEN

N.B.: The date of death is to be inserted opposite the name of any deceased relative. Against those degrees of relationship in which the deceased never had any relative, the word "NONE" is to be inserted.

Relatives to be accounted	Names of relatives and degree of relationship
1. Surviving spouse:	N/A
2. Children and date of their birth. Also state names of predeceased children and their dates of death:	N/A
Ignore questions 3, 4 and 5 if the deceased left children or descendants. 3. Father of deceased: Mother of deceased:	① JOSÉ CORREIA NUNES - FATHER ② MARIA ELISABETE FRANCA NUNES - MOTHER
Ignore questions 4 and 5 if the parents are both alive. 4 Brothers and sisters of the deceased. State whether full or half blood, and their addresses and dates of birth. State the name of the step-parent of half brothers and half sisters:	N/A
5. Names of brothers and sisters who are dead, date of deaths, and names, addresses and dates of birth of their children, if any	N/A  

3

**CERTIFICATE IN TERMS OF SECTION 42(1) OF THE  
ADMINISTRATION OF ESTATES ACT 66 OF 1965**

I, the undersigned, **ALBERT JOHN TAPPENDEN**, a duly admitted Conveyancer, do hereby certify that the transfer in respect of the following property, namely:

PORTION 7 OF THE FARM LONGLANDS NO. 393 IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE WESTERN CAPE

IN EXTENT: 1107 (ONE THOUSAND ONE HUNDRED AND SEVEN) SQUARE METRES

from

**JOSÉ CORREIA NUNES** in my capacity as Executor in the ESTATE LATE ANGELO LUCAS NUNES acting in terms of Letters of Executorship Number 12838/2019 issued by the Master of the High Court, CAPE TOWN on 21 August 2019

to

1. **JOSÉ CORREIA NUNES**  
Identity Number 600124 5086 08 9  
Married out of community of property
2. **MARIA ELISABETE FRANCA NUNES**  
Identity Number 660401 0037 08 6  
Married out of community of property

is in accordance with the Liquidation and Distribution Account.

SIGNED at PAROW  
on this 9<sup>th</sup> day of OCTOBER 2020

  
ALBERT JOHN TAPPENDEN  
CONVEYANCER

AJ TAPPENDEN & CO



**AFFIDAVIT**

I, the undersigned,

**JOSÉ CORREIA NUNES** Identity Number 600124 5086 08 9 Married out of community of property

In my capacity as Executor in the ESTATE LATE ANGELO LUCAS NUNES acting in terms of Letters of Executorship Number 12838/2019 issued by the Master of the High Court, CAPE TOWN on 21 August 2019

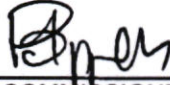
do hereby make oath and say:

THAT the aforementioned deceased Angelo Lucas Nunes left no valid Will

  
\_\_\_\_\_  
JOSÉ CORREIA NUNES

SIGNED and SWORN to before me at **PAROW** on 24 AUGUST 2020

the deponent having acknowledged that he/she knows and understands the contents of this Affidavit, the regulations contained in Government Notice R1258 dated 21<sup>st</sup> July 1972 (as amended), having been complied with.

  
\_\_\_\_\_  
COMMISSIONER OF OATHS

PAUL JOHN TAPPENDEN  
COMMISSIONER OF OATHS  
PRACTISING ATTORNEY R.S.A.  
18 MC INTYRE STREET  
PAROW 7500

7

TRACK NUMBER : 88882721298

BLACK-BOOKING ENQUIRY ON NAME - NUNES ANGELO LUCAS  
ID NUMBER - 9387275286886  
BIRTH DATE - 19938727  
MARRITAL STATUS - UNMARRIED  
MAIDEN NAME -  
TYPE OF PERSON - PRIVATE PERSON

PERSON HAS NO CONTRACTS/INTERDICTIONS

\*\* PLEASE NOTE: THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.  
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

\*\*\* END OF REPORT \*\*\*





8

TRACK NUMBER : 88882721298

BLACK-BOOKING ENCLURY ON NAME - NINES/ANGELO LUCAS B-E  
ID NUMBER -  
BIRTH DATE - 0  
MARITAL STATUS -  
MARRIED NAME -  
TYPE OF PERSON -

PERSON DOES NOT EXIST

\*\* PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.  
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

\*\*\* END OF REPORT \*\*\*



9

TRACK NUMBER : 88882721298

PROPERTY DETAILS PRINT FOR PORTION 7  
FARM NO 393  
REG DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE  
PREV DESCRIPTION  
DIAGRAM DEED NO T5828/1962  
EXTENT 1187 SQM  
CLEARANCE MIDVELANDS DC  
FARM NAME LONGLANDS

NO INTERDICTS

DOCUMENTS  
FARM ST 393/7

HOLDER

AMOUNT

O/P/A SCAN/RECORD REF MFD  
1985.0871-1861

OWNER DETAILS

FULL NAME & SHARE  
NAMES ANGELO LUCAS

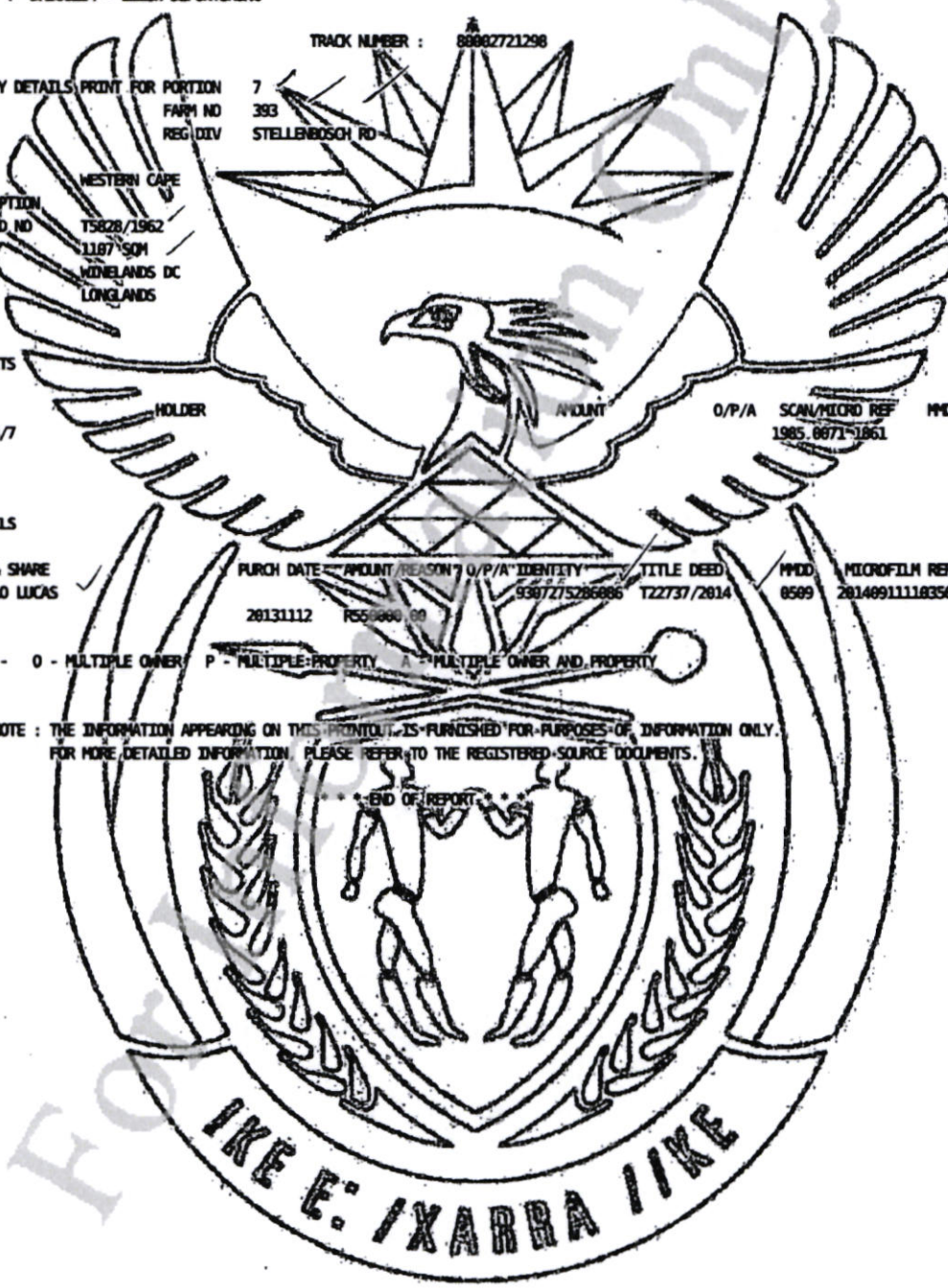
PURCH DATE AMOUNT REASON O/P/A IDENTITY TITLE DEED  
20131112 R550000.00 930725286886 T22737/2014

MFD MICROFILM REF  
0509 20140911118356

\* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

\*\* PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.  
FOR MORE DETAILED INFORMATION PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

END OF REPORT





For Information Only

- 10.

Comply with the 3/2020 1:0 appear  
on the deed preamble.  
dove-page redrawn - original herewith to facilitate examination

2. Certify the correct administrative  
area 1:0 R.C. I, PAUL JOHN TAPPENDEN, certify  
The correct administrative  
area is Stellenbosch <sup>Branch</sup>  
Conveyancer  
(LPCM (M92650))

3. Re-survey estate, certify  
section 21. <sup>R.K. Kershaw</sup>  
29 OCT 2020  
R. KERSHAW

I, PAUL JOHN TAPPENDEN, certify the immovable property is  
not part of a joint estate

<sup>PJT</sup>  
Conveyancer  
(LPCM CM 92450))



**CONVEYANCER CERTIFICATE**

I/We.....  
**ANTONIE CARL DU TOIT**

*(conveyancer's name and surname)*

Practising at:

**Marais Müller Hendricks Inc.**

**KUILS RIVER**

**TEL: 021 900 5300**

**FAX: 021 903 7405**

*(firm and place of practice)*

In respect of:

*Portion 7 of the Farm Longlands No. 393  
 In the Municipality and Division of Stellenbosch  
 Province of the Western Cape*

*(full property description (or) farm) as it appears in title deed of same)*

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. *T 35184 / 2020*
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

*(for example Deed of Transfer T 12345/2000 or Certificate of Registered Sectional Title 54321/2000 (description of title deed number and date))*

Page 1 of 3 





**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	B.
2.	Building lines	<input type="checkbox"/> Y	<input type="checkbox"/> N	
3.	Height	<input type="checkbox"/> Y	<input type="checkbox"/> N	
4.	Number of Dwellings	<input type="checkbox"/> Y	<input type="checkbox"/> N	
5.	Bulk floor area	<input type="checkbox"/> Y	<input type="checkbox"/> N	
6.	Coverage/built upon area	<input type="checkbox"/> Y	<input type="checkbox"/> N	
7.	Subdivision	<input type="checkbox"/> Y	<input type="checkbox"/> N	
8.	Servitudes that may be registered over or in favour of the property	<input type="checkbox"/> Y	<input type="checkbox"/> N	
9.	Other Restrictive Conditions	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	C.



**B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)**

In respect of which it was found that there are/are no restrictive conditions with reference to Section 11(1) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

a.	Organ(s) of State that might have an interest in the restrictive condition	Municipality
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Kuils River (Place) on this 8<sup>th</sup> (Day) September (Month) of 2022

Full names and Surname: ANTONIE CARL DU TOIT

Signature: [Signature]

**PO BOX 36, 7579**  
*(Home Postal Address)*

**Marais Müller Hendricks Inc.**  
*Rechtsaankondigingsmaatskappij* **KUILS RIVER** *Rechtsaankondigingsmaatskappij*  
**TEL: 021 900 5300**  
**FAX: 021 903 7405**

Tel: 021 900 5300

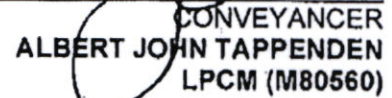
Email: antonie@maraismuller.co.za

Cell: ✓



Prepared by me,

AJ TAPPENDEN & CO  
18 McIntyre Street  
Parow  
7500  
DOCEX 12, PAROW

  
CONVEYANCER  
ALBERT JOHN TAPPENDEN  
LPCM (M80560)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 325 000,00	R 673,00
All other		
Reason for exemption	Category Exemption	Exemption Ilo. Sec/Reg. Act/Proc.

DATA / VERIFY  
19-11-2020  
FATGEYAH LARNEY

DATA / CAPTURE  
11-11-2020  
LINDA NCAPAI

T 000035184 / 2020

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

~~Paul John Tappenden (M80560)~~ Paul John Tappenden LPCM (M92450) appeared before me, Registrar of Deeds, at CAPE TOWN, the said Appearer, being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at PAROW on 27 May 2020 and granted to him by

ESTATE LATE ANGELO LUCAS NUNES  
Estate Number 12838/2019

AJ TAPPENDEN & CO

AND the said Appearer declared that:-

WHEREAS the undermentioned immovable property is registered in the name of Estate Late Angelo Lucas Nunes who died intestate on 15 June 2019;

AND WHEREAS the said property devolves upon JOSÉ CORREIA NUNES and MARIA ELISABETE FRANCA NUNES (hereinafter more fully described) in terms of Section 1 (1)(b) of the Intestate Succession Act no. 81 of 1987 as amended.

NOW THEREFORE, the said appearer, in his capacity aforesaid, did, by virtue these presents, cede and transfer to and on behalf of:

- 1. **JOSÉ CORREIA NUNES**  
Identity Number 600124 5086 08 9  
Married out of community of property
- 2. **MARIA ELISABETE FRANCA NUNES**  
Identity Number 660401 0037 08 6  
Married out of community of property

their heirs, executors, administrators or assigns in full and free property

PORTION 7 OF THE FARM LONGLANDS NO. 393 IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE WESTERN CAPE

IN EXTENT: 1107 (ONE THOUSAND ONE HUNDRED AND SEVEN) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No T5828/1962 with Diagram No. 9799/61 Annexed and lastly held by Deed of Transfer No T22737/2014.

A. SUBJECT to the conditions contained in Deed of Transfer No. T5828/1962 and to the conditions contained in Deed of Grant 6<sup>th</sup> October 1923 (Stellenbosch Qultrents Volume 24 No. 15) namely:

(A) the rights of the Governor-General described in Sections thirty one and thirty four of the Land Settlement Act, 1912, which said sections are fully set out hereunder:

- 31. (1) .....
- (2) .....
- (3) .....

34. The Governor-General may at any time and in such manner and under such conditions as he may think fit:

(a) construct or authorise the construction of dams or reservoirs upon any holding;

(b) construct or authorise the construction upon, through or under any holding, of water furrows, pipe lines, canals and drains and conduct or



authorise the conducting of water therefrom or thereover for the benefit of the public or any owner or occupier of neighbouring land;

- (c) construct and work or authorise the construction and working, subject to the provisions of any law, or railways, roads, telegraphs and telephone lines on or over any holding;

and take materials from any holding for the purposes of any such works. Compensation shall be paid to the lessee of the holding for any damage sustained by him by reason of the exercise of the powers of this section.

NOTE: The word lessee includes a "grantee", "holding" includes "land held under a Crown Grant," and "mineral" includes "mineral products, mineral oils, metals and precious stones: (vide Section 2 of the Land Settlement Act, 1912).

- (b) the payment by the grantee of any land taxes payable by laws;

- (c) all roads, thoroughfares, and rights of outspan being or existing on the land hereby granted remaining free and unencumbered unless the same be cancelled, closed or altered by competent authority.

- (d) that no fencing shall be erected cross the main road which runs more or less long the northern boundary of the land hereby granted.

- B. SUBJECT FURTHER to the following condition laid down by the Administrator in terms of Section 9 of Ordinance No. 33 of 1934, and Section 196 of Ordinance No. 15 of 1952, as contained in Deed of Transfer No. T2163/1999, reading as follows:

"This land shall be subject to the following condition which may be amended or relaxed by the Administrator: It shall be used for Post Office purposes only."

- C. By Deed of Transfer No. T5828/1962 the within mentioned property is subject to an Endorsement in terms of Section 31 (6) of Act No. 47 of 1937 (as amended) that a portion of the hereinaftermentioned property meas +-0,0545 M has been expropriated by Divisional Council of Stellenbosch in terms of Section 130 or Ord 15/1952 as amended vide notice of expropriation no. LPD/THH/2/11 dd 24-02-1970 filed as exprop caveat 551/1970.

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

**Estate Late Angelo Lucas Nunes**

heretofore had to the premises, did in consequence also acknowledge the Estate to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said **JOSE CORREIA NUNES** and **MARIA ELISABETE FRANCA NUNES**

their 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 value of the property to be **R325 000,00 (THREE HUNDRED AND TWENTY FIVE THOUSAND RAND)**.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

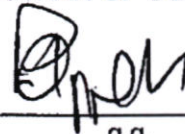
WHEREFORE all the right, title and interest which the transferor heretofore had to the unit aforesaid is renounced and, in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to the same; and that by virtue of these presents the aforesaid transferee is now entitled thereto, the State however, reserving its rights

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 30 ~~OCTOBER~~ 2020

In my presence:



REGISTRAR OF DEEDS



q.q.

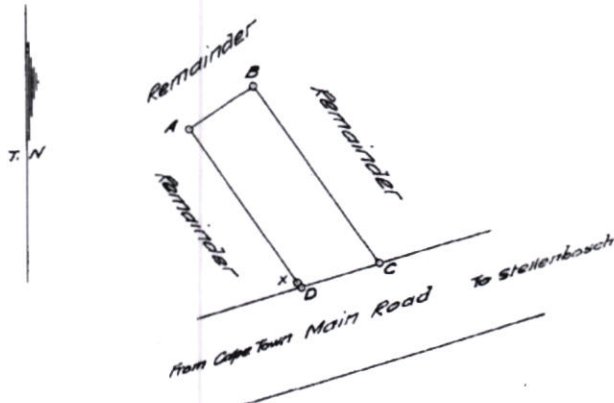
Paul John Tappenden  
LPCM (M92450)





SIDES Cape Feet	ANGLES OF DIRECTION	SYSTEM 1: 192 CO-ORDINATES	
		x	y
AB	65.00	235.04.00	A + 59.00.00 + 1936.000.00
BC	183.32	325.05.40	B + 172.90 + 139.11
CD	68.44	74.07.30	C + 119.61 + 101.89
DA	160.98	144.59.10	D + 14.71 + 252.23
XD	6.00	324.59.10	X + 80.54 + 270.95
			Y + 83.98 + 266.04

Approved  
P. J. E. Steyn  
Surveyor-General.  
29-1-1962



Description of Beacons:  
A, B, C, X = 3/4" x 3" iron peg in concrete projecting 6"  
D = No beacon.

Scale 1 : 1200

The figure A, B, C, D  
represents 11,162 Square Feet of land being

Portion 7 of the farm Longlands No 393

situate in the Division of Stellenbosch, Province of Cape of Good Hope.

Surveyed in November 1961 by me

*G. H. K. K. K.*  
Land Surveyor.

This diagram is annexed to  
D/T. N.º 5828/1962

The original diagram is  
No. 8116/1917 annexed to  
D/G Stel. Q. 24-15

File No. YN .393  
S.R. No. E. 2370/61  
BH-BDCA

Registrar of Deeds.

M 3154

Approved with/without conditions in  
terms of Section 196 of Ordinance No.  
15 of 1952 and Section 9 of Ordinance  
No. 33 of 1934.  
Reference: AF 105/3/37  
Date of Notification: 1/11/1961  
Stanton J. Surveyor-General.







# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/4633

Our File Reference Number: Farm 393/7, Stellenbosch Division

Enquiries: Sonita Matthee

Contact No: 021 808 8697

E-mail: [Lenacia.Kamineth@stellenbosch.gov.za/Landuse.admin@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za/Landuse.admin@stellenbosch.gov.za)

Date: 25 March 2019

## REGISTERED MAIL

Mr Francois Smith  
Longlands Holdings (Pty) Ltd  
P O Box 1058  
**STELLENBOSCH**  
7599

E-mail address: [francois@sicsa.co.za](mailto:francois@sicsa.co.za)

Dear Mr Smith

## NOTICE OF DECISION

**APPEAL IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL PLANNING BY-LAW (2015) AGAINST THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL TO APPROVE THE APPLICATION FOR TEMPORARY DEPARTURE AND SUSPENSION OF THE TITLE DEED RESTRICTIONS : FARM 393/7, STELLENBOSCH DIVISION**

1. The abovementioned appeal refers.
2. Kindly find attached hereto the decision of the Appeal Authority for your attention.

Yours faithfully,

**Ms Geraldine Mettler**  
**MUNICIPAL MANAGER**





# STELLENBOSCH

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## DECISION OF APPEAL AUTHORITY

**APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AGAINST THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL TO APPROVE AN APPLICATION FOR TEMPORARY DEPARTURE AND SUSPENSION OF TITLE DEED RESTRICTIONS : FARM 393/7, STELLENBOSCH (File Ref: LU/4633 /Appeal)**

### DECISION OF APPEAL AUTHORITY:

After careful consideration of the written appeals, as well as all relevant documents, information and submissions made, the Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

CONFIRM	<input checked="" type="checkbox"/>	VARY	<input type="checkbox"/>	REVOKE	<input type="checkbox"/>
<b>THE DECISION OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL, ON 18 AUGUST 2017, TO APPROVE THE APPLICATION FOR TEMPORARILY DEPARTURE TO PERMIT A SHOP TO BE OPERATED AND SUSPENSION OF RESTRICTIVE CONDITIONS IN ORDER TO SUSPEND A CONDITION WHICH LIMITS THE USE TO THAT OF A POST OFFICE : FARM 393/7, STELLENBOSCH</b>					
1. The reasons for the decision are as follows: <ul style="list-style-type: none"><li>1.1. The title deed makes provision for the 'administrator' to amend or relax the title deed restrictions. The authority to make such a decision now lies with the municipal authority. The application for the temporary suspension of the title deed restrictions in terms of section 15(2) (b) falls within the decision making authority of the tribunal.</li><li>1.2. The social benefit of the suspension of the restrictive conditions is undisputable as was evident from the overwhelming support of the community, religious institutions and other organisations. The objector conceded that the shop provides for a need in the surrounding farm workers community.</li><li>1.3. According to Section 3(b) and 3(f) of SLUMA the imbalances of the past regarding spatial planning and land use must be addressed and must ensure social and economic inclusion.</li><li>1.4. Section 7 of SPLUMA stipulates that:</li><li>1.5. Land use management must be flexible and appropriate for the management of disadvantaged areas;</li><li>1.6. Past spatial and development imbalances must be redressed through improved access to and use of land;</li><li>1.7. Sustainable livelihoods in communities most likely to suffer the impacts of economic shock should be addressed by flexibility in land use management policies.</li><li>1.8. Thus, the approval of the application conforms to the principles of sections 3 and 7 of SPLUMA as required by the Act.</li></ul>					

CA





# STELLENBOSCH

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- 1.9. No objections were raised regarding possible negative impacts of the temporary suspension of the restrictive conditions as per section 33(5) of the by-laws.
- 1.10. The temporary suspension of the restrictive conditions will not have negative effects on the financial or other value of rights in terms of the restrictive condition that may be enjoyed by other parties.
- 1.11. The suspension of the restrictive conditions will not remove rights enjoyed by possible beneficiaries of the rights.
- 1.12. The majority of the shop's clients go to the shop on foot.
- 1.13. The operation of the shop over a long period was highlighted and forms part of the important social history of the community. The intangible heritage value thereof is clear and in terms of the section 59(2) (b) of LUPA provincial heritage must be protected.
- 1.14. The Western Cape Department of Transport and Public Works indicated in their letter dated the 7<sup>th</sup> of April 2017 that the registration of right of way servitude over Erf 4, Longlands (Portion 11 of Farm 393, Stellenbosch Division) was a condition set by the Department for the approval of the development of the new service station.
- 1.15. The objector, the owner of the service station, must therefore register a servitude right of way as mentioned above to comply with the service station development approval irrespective whether the departures application would be approved or not.
- 1.16. The Western Cape Department of Transport and Public Works offered no objection to the departures application subject to the closure of the unsafe access mentioned therein and the registration of right of way servitude over the service station property in favour of Portion 7 of Farm 393, Stellenbosch Division.
- 1.17. The objection by the owner of the service station that the provincial roads authority is trying to force the owner to provide access to the shop in order to legalise the shop is contrary to what the department indicated in their letter.
- 1.18. The access to shop via the service station (via a right of way servitude as required by the condition of approval for the service station) will address safety issues and concerns raised by the department and the objector.
- 1.19. In terms of the applicable zoning scheme regulations a "farm store" includes a building where goods are sold whether to the farm owner's employees or to the general public.
- 1.20. In terms of the zoning scheme regulations the Council consent to the utilisation of a building for the purposes of a farm store on a property zoned Agricultural Zone 1.
- 1.21. A "Departure" is a right to utilise the land for a purpose granted on a temporary basis and in terms of sections 15(2) and 18 of the By-law's approval may be given for the utilisation for a purpose not permitted in terms of the primary rights of the applicable zoning.
- 1.22. The subject 'shop' falls within the definition of 'farm store' and approval may be given for the temporary use as such.
- 1.23. The application conforms to the IDP and MSDF of the Stellenbosch Municipality.
- 1.24. The application was circulated and supported by the majority of the divisions / sections of the Stellenbosch Municipality with the exception of one Department: Building Development Management.





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- 1.25. The Director of Planning and Economic Development's Approval sets conditions to ensure that there are no negative impact on the Municipal Engineering Services.
  - 1.26. The approval of the application will be in the public interest.
  - 1.27. The shop serves the surrounding small, working, farming community in the area which is far from the town of Stellenbosch.
  - 1.28. If this application is refused this will have dire, catastrophic and economic consequences for this surrounding majority working class community in that they would be forced to spend money on transport costs to the town of Stellenbosch.
  - 1.29. The farming communities are the most cultural and economic deprived among the poor of the poorest.
  - 1.30. The fact that only one objection through a Francois Smith, Director of Longlands Holdings (Pty) Ltd, a privately owned Company was received by the Stellenbosch Municipality despite that an application was advertised for the benefit of the surrounding property owners, is an indication that the shop is of great value and asset to the aforesaid community.
  - 1.31. The application is supported by Ward 20 Councillor, Mrs Ansaaf Crombie and in addition to his support a petition has been signed by two hundred and twenty three residents that the shop must continue trading /operating in the area because of its benefits to the community.
2. The aforementioned approval is subject to the following conditions imposed in terms of Section 66 of the By-Law:
- 2.1. The approval applies only to the temporary departure and suspension of restrictive title conditions in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
  - 2.2. The conditions imposed by the Engineering Services Directorate dated 3 April 2017 (attached as part of Appendix 7 of the MPT agenda dated 18 August 2018) must be adhered to;
  - 2.3. The conditions imposed by the Western Cape Government: Transport and Public Works dated 13 April 2017 (attached as part of Appendix 7 of the MPT agenda dated 18 August 2018) must be adhered to;
  - 2.4. A signage application must be submitted to the Department: Spatial Planning, Heritage and Environment for approval;
  - 2.5. The approval for temporary departure and suspension of restrictive title conditions shall be valid for five (5) years from the date of final notification;
  - 2.6. The applicant must publish a notice in the Provincial Gazette after the final notification of the decision with regard to the suspension of restrictive title conditions and must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the suspension of restrictive conditions; and





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2.7. The Municipal decision making authority reserves the right to impose further conditions if deemed necessary.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

18.03.2019

APPEAL AUTHORITY

Adv. Gesie van Deventer

EXECUTIVE MAYOR





# STELLENBOSCH

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Application Number: LU/4633  
Our File Reference Number: Farm 393/7 Stellenbosch  
Your Reference Number: S393/7  
Enquiries: Colleen Charles/Lenacia Kamineth  
Contact No: 021 808 8697  
Email address: [Lenacia.Kamineth@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za)  
Date: 15 September 2017

## REGISTERED MAIL

Headland Town Planners  
PO Box 66  
**VLOTTENBURG**  
7604

Sir/Madam,

### APPLICATION FOR TEMPORARY DEPARTURE AND SUSPENSION OF TITLE DEED RESTRICTIONS: FARM 393/7, STELLENBOSCH DIVISION

1. The above mentioned application has reference.
2. The Municipal Planning Tribunal, on the 18<sup>th</sup> of August 2017, **approved in whole** in terms of Section 60 of the Land Use Planning By-law (2015) the application for:
  - 2.1 Temporary Departure to permit a shop to be operated from Farm 393/7, Stellenbosch Division;
  - 2.2 The suspension of restrictive conditions (Title Deed T22737/2014) in order to suspend a condition which limits the use of Farm 393/7, Stellenbosch Division to that of a post office.
3. Subject to the following conditions:
  - 3.1 The approval applies only to the temporary departure and suspension of restrictive title conditions in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality;
  - 3.2 The conditions must be adhered to as imposed by the Engineering Services Directorate relating to:

**A - Waste Water and Sewage:**

    - 3.2.1 No French drains are allowed. The existing French drain must be replaced with a conservancy tank system as per agreement in email dated 30 March 2017 with Mr Cor Agenbag (**Annexure 1**).





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- 3.2.2 A service contract has to be entered into with the Municipality to service the conservancy tank on a regular basis.
- 3.2.3 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Engineering Services.
- 3.2.4 The minimum volume of a conservancy tank shall be 5 kilolitres.
- 3.2.5 Details of the conservancy tank and the on-site sewer reticulation network have to be submitted to the Engineering Services Directorate for approval, prior to the approval of any building plans.
- 3.2.6 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.

## **B – Water:**

- 3.2.7 It is confirmed that the Municipality does not have spare capacity in the reticulation network to provide water to the property.
- 3.2.8 The proposals of borehole water and/or storage tanks are acceptable in the interim and taking into account that this is a temporary departure application.
- 3.2.9 The Municipality cannot be held liable for any interruption of the water supply to the property.
- 3.2.10 This approval is based on the use of the property for only the purposes as indicated in the application i.e. a small shop.
- 3.2.11 Before any permanent rights will be extended, the manner of water provision must be approved by the Municipality.
- 3.2.12 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards.

## **C: Roads**

- 3.2.13 Sufficient on-site parking must be allowed for customers. No parking allowed in road reserve.
- 3.3 The conditions imposed by the Western Cape Government: Transport and Public Works dated 13 April 2017 (attached as part of **Annexure 2**) must be adhered to;





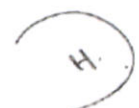


# STELLENBOSCH

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- 3.4 A signage application must be submitted to the Department: Spatial Planning, Heritage and Environment for approval;
- 3.5 The approval for temporary departure and suspension of restrictive title conditions shall be valid for five (5) years from the date of final notification;
- 3.6 The applicant must publish a notice in the Provincial Gazette after the final notification of the decision with regard to the suspension of restrictive title conditions and must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the suspension of restrictive conditions; and
- 3.7 The Municipal decision making authority reserves the right to impose further conditions if deemed necessary.
4. Reasons for the above decision are as follows:
- 4.1 The title deed makes provision for the 'administrator' to amend or relax the title deed restrictions. The authority to make such a decision now lies with the municipality. The application for the temporary suspension of the title deed restrictions in terms of section 15(2) (b) falls within the decision making authority of the tribunal.
- 4.2 The social benefit of the suspension of the restrictive conditions is undisputable as was evident from the overwhelming support of the community, religious institutions and other organisations. The objector conceded that the shop provides for a need in the surrounding farm workers community.
- 4.3 According to Section 3(b) and 3(f) of SPLUMA the imbalances of the past regarding spacial planning and land use must be addressed and must ensure social and economic inclusion.
- 4.4 Section 7 of SPLUMA stipulates that:
- 4.4.1 Land use management must be flexible and appropriate for the management of disadvantaged areas;
- 4.4.2 Past spatial and development imbalances must be redressed through improved access to and use of land;
- 4.4.3 Sustainable livelihoods in communities most likely to suffer the impacts of economic shock should be addressed by flexibility in land use management policies.
- Thus, the approval of the application conforms to the principles of sections 3 and 7 of SPLUMA as required by the Act.





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- 4.5 No objections were raised regarding possible negative impacts of the temporary suspension of the restrictive conditions as per Section 33(5) of the Stellenbosch Land Use Planning By-law (2015).
- 4.6 The temporary suspension of the restrictive conditions will not have negative effects on the financial or other value of rights in terms of the restrictive condition that may be enjoyed by other parties.
- 4.7 The suspension of the restrictive conditions will not remove rights enjoyed by possible beneficiaries of the rights.
- 4.8 The majority of the shop's clients go to the shop on foot.
- 4.9 The operation of the shop over a long period was highlighted and forms part of the important social history of the community. The intangible heritage value thereof is clear and in terms of the section 59(2) (b) of LUPA provincial heritage must be protected.
- 4.10 The Western Cape Department of Transport and Public Works indicated in their letter dated the 7th of April 2017 that the registration of right of way servitude over Erf 4, Longlands (Portion 11 of Farm 393, Stellenbosch Division) was a condition set by the Department for the approval of the development of the new service station.
- 4.11 The objector, the owner of the service station, must therefore register a servitude right of way as mentioned above to comply with the service station development approval irrespective whether the departures application would be approved or not.
- 4.12 The Western Cape Department of Transport and Public Works offered no objection to the departures application subject to the closure of the unsafe access mentioned therein and the registration of right of way servitude over the service station property in favour of Portion 7 of Farm 393, Stellenbosch Division.
- 4.13 The objection by the owner of the service station that the Provincial Roads Authority is trying to force the owner to provide access to the shop in order to legalise the shop is contrary to what the department indicated in their letter.
- 4.14 The access to shop via the service station (via a right of way servitude as required by the condition of approval for the service station) will address safety issues and concerns raised by the department and the objector.
- 4.15 In terms of the applicable zoning scheme regulations a "farm store" includes a building where goods are sold whether to the farm owner's employees or to the general public.
- 4.16 In terms of the zoning scheme regulations the Municipality consent to the utilisation of a building for the purposes of a farm store on a property zoned Agricultural Zone 1.





# STELLENBOSCH

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- 4.17 A "Departure" is a right to utilise the land for a purpose granted on a temporary basis and in terms of sections 15(2) and 18 of the By-law's approval may be given for the utilisation for a purpose not permitted in terms of the primary rights of the applicable zoning.
  - 4.18 The subject 'shop' falls within the definition of 'farm store' and approval may be given for the temporary use as such.
  - 4.19 The application conforms to the IDP and MSDP of the Stellenbosch Municipality.
  - 4.20 The application was circulated and supported by the majority of the divisions / sections of the Stellenbosch Municipality with the exception of one Department: Building Development Management.
  - 4.21 The Director of Planning and Economic Development's Approval sets conditions to ensure that there are no negative impact on the Municipal Engineering Services.
  - 4.22 The approval of the application will be in the public interest.
  - 4.23 The shop serves the surrounding small, working, farming community in the area which is far from the town of Stellenbosch.
  - 4.24 If this application is refused this will have dire, catastrophic and economic consequences for this surrounding majority working class community in that they would be forced to spend money on transport costs to the town of Stellenbosch.
  - 4.25 The farming communities are the most cultural and economic deprived among the poor of the poorest.
  - 4.26 The fact that only one objection was received from Mr Francois Smith, Director of Longlands Holdings (Pty) Ltd, a privately owned Company was received by the Stellenbosch Municipality despite that an application was advertised for the benefit of the surrounding property owners, is an indication that the shop is of great value and asset to the aforesaid community.
  - 4.27 The application is supported by Ward 20 Councillor, Mr Ansaaf Crombie and in addition to his support a petition has been signed by two hundred and twenty three residents that the shop must continue trading /operating in the area because of its benefits to the community.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.



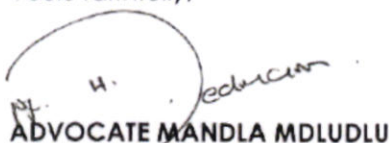
# STELLENBOSCH

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6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at [www.stellenbosch.gov.za/planning\\_portal](http://www.stellenbosch.gov.za/planning_portal), must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at PO Box 17, Stellenbosch, 7599 or faxed to 021 886 6899, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of notification of this decision together with proof of payment of the appeal fee (see the approved tariff structure on the municipal website: <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>)
7. You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
8. The notice must be served in accordance with Section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully,

  
ADVOCATE MANDLA MDUDLU

CHAIRPERSON OF STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL



**ANNEXURE 1**

**Tyrone King**

---

**From:** Cor Agenbag <cor@headland.co.za>  
**Sent:** 30 March 2017 05:00 PM  
**To:** Tyrone King  
**Subject:** [EX] RE: Farm 393/7: Vlottenburg Kontant Winkel: Temporary Departure

Hi Tyrone

My apologies for misquoting you on potable water supply. My notes in red refers.

Regards

---

**From:** Cor Agenbag  
**Sent:** 30 March 2017 16:04  
**To:** 'Tyrone King' <Tyrone.King@stellenbosch.gov.za>  
**Subject:** RE: Farm 393/7: Vlottenburg Kontant Winkel: Temporary Departure  
**Importance:** High

Hi Tyrone

My apologies. For some or other reason I keep on missing writing the reply. My following comments, as well as our discussions, refers:

- Sewer: The property is currently serviced with a French drain. As you have indicated, this is not acceptable/legal anymore. Client has agreed to install a conservancy tank, which can be emptied as required.
- Potable water: Due to the development of the next-door service station, the water supply to the shop has been cut-off. Currently, they have no supply and manage by filling containers at the communal water point across the road. It is understandable/acknowledged that this is only a temporary solution. You have indicated that Municipality does not have any spare capacity, and that the land owner would be responsible for making arrangements for own supply. In trying to at least secure some water, we confirm that we also had a meeting with Mr Quinton Brynard of Wynland Water Users' Association (as their pipes are situated close-by) to check whether they have spare capacity. Although they also have no capacity, Mr Brynard informed us of similar predicaments that have been resolved by either obtaining water from boreholes, or making arrangements with companies that can supply water, which would then come and fill installed water tanks (i.e. Jo Jo's) as needed.

We confirm that we have discussed both options with our client, whom found both acceptable. Afterwards, our client also confirmed that he has made an arrangement with a next-door farmer for access to bore-hole water.

Regards  
Cor Agenbag

p o box 66  
vlottenburg  
7604  
t: 021 881 3228  
c: 072 447 2949  
f: 086 617 4143  
skype: cor.agenbag  
web: [www.headland.co.za](http://www.headland.co.za)



**ANNEXURE 2**



29

**REFERENCE: 16/9/6/1-25/134 (Job 17949)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 7 April 2017**

13 APR 2017

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599



F393/75  
508309

Attention: Mr U von Molendorff

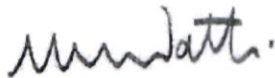
**PORTION 7 OF FARM 393, STELLENBOSCH: APPLICATION FOR SUSPENSION OF CONDITIONS AND TEMPORARY DEPARTURE**

1. The following refer:
  - 1.1 The letter S393/7 from Headland Town Planners for Application Number LU/4633 dated 9 February 2017 and
  - 1.2 The letter S393/7 from Mr Arshad Essop to Stellenbosch Municipality dated 11 February 2017 containing the application in terms of the Stellenbosch Municipal Land Use By-Law, 2015.
2. This application entails the following:
  - 2.1 The suspension of the restrictive conditions in order to relax a condition that limits the use of the property to that of a post office only and
  - 2.2 A temporary land use departure (for 5-years) to permit a shop to be operated from the property.
3. Main Road 177 (Polkadraai Road) (M12) is directly affected by this application with a very closely spaced dual access at ±km27.12. Divisional Road 1067 (Stellenboschkloof Road) is also affected by this application.
4. This Branch offers no objection to the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2015, subject to the following conditions:
  - 4.1 The existing unsafe dual access off Main Road 177 at ±km27.12 must be closed permanently and the road reserve reinstated to the satisfaction of the District Roads Engineer in Paarl and



4.2 A servitude right of way must be registered over Erf 4, Longlands, (Portion of Portion 11 of Farm 393) in favour of Portion 7 of Farm 393. The condition for such a servitude right of way was also a condition from this Branch for the development of Erf 4 (New Service Station), which Stellenbosch Municipality did not yet enforced.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. L. Waters', written in a cursive style.

**ML WATERS**  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

Attention: Mr Francois Smith  
Longlands Holdings (Pty)(Ltd)  
PO Box 1058  
**STELLENBOSCH**  
7599