



TOPSHELL (EDMS) BPK

✉ Posbus 12590
Die Boord
Stellenbosch
7613
Stellenbosch Agri Park
☞ Baden Powellweg (R310)
Lynedoch
Stellenbosch
☎ 021 881 3666
Webtuiste: www.topshell.co.za

18 May 2022

The Director Planning and Development (Belang / Interest / Erf: Website)
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599
Per: Landuse:Enquiries@stellenbosch.gov.za

Dear Sir / Madam Geagte Heer / Dame

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Portion 135 of Farm 468, Stellenbosch, Baden Powell Drive, Lynedoch

Applicant / Owner: Topshell (Pty) Ltd, Per Mr Deon van der Merwe, Phone: +27 21 881 3666; E-mail: deon@topshell.co.za

Stellenbosch Municipality reference number: LU 13810

Application: Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a Temporary Departure to utilize Unregistered Farm No.468/135, Stellenbosch Division (a portion of Farm No. 468/128) for storage purposes.

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: **Jo-Handri Carstensen (jo-handri@topshell.co.za)**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 20 June 2022**.

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 +27 21 881 3666 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Gedeelte 135 van Farm 468, Stellenbosch, Baden Powellweg, Lynedoch

Aansoeker / Eienaar: Topshell (Edms) Bpk, Per Mnr Deon van der Merwe, Foon: +27 21 881 3666;
E-pos: deon@topshell.co.za

Stellenbosch Munisipaliteit Verwysing: LU 13810

Tipe aansoek: Aansoek ingevolge Artikel 15(2)(c) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, promulgeer by kennisgewing 354/2015, dateer 20 October 2015 vir 'n Tydelike Afwyking om Ongeregistreerde Plaas Nr. 468/135, Stellenbosch Afdeling ('n gedeelte van Plaas Nr. 468/128) aan te wend vir stoor doeleindes.

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 ingevolge 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 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: Jo-Handri Carstensen (jo-handri@topshell.co.za). Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 20 Junie 2022.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by +27 82 895 6362 gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Die uwe


Deon van der Merwe

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17 Februarie 2022

Die Direkteur: Beplanning en Ontwikkeling
Stellenbosch Munisipaliteit
Posbus 17
Stellenbosch
7599

Geagte Heer

**AANSOEK OM DIE VERLENGING VAN GOEDKEURING VIR TYDELIKE AFWYKING:
GEDEELTE 135 VAN PLAAS WELMOED NR. 468 (VERW. FARM 468/128,
STELLENBOSCH LU/2657)**

Hierby aangeheg die nodige dokumentasie vir oorweging van die aansoek om die goedkeuring van 'n tydelike afwyking of dan verlenging van tyd vir die geldigheid van die bestaande tydelike afwyking, wat verval in Julie 2022.

Topshell het Gedeelte 135 van Plaas Welmoed Nr. 468 gekoop van Nimble Investments en is in die proses om oordrag van die grond te neem en die onderverdeling wat in Januarie 2020 toegestaan is, te registreer. Dit is 'n gedeelte van Gedeelte 128 van Plaas 468, die sogenaamde Stellenbosch Agri-Park, net suid van Lynedoch, op Baden Powellweg.

Ten tye van die aanvang van die aansoek om verkryging van regte vir die gebruik van die eiendom as 'n Agri-Park, was Topshell reeds meer as agt jaar, sedert 2008, gevestig op die oorspronklike eiendom. Met die goedkeuring van die eiendom vir die vestiging van die Agri-Park in 2016, is 'n tydelike vergunning ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985, verleen aan Topshell, om die gedeelte van die grond ten weste Baden Powellweg, vir vyf jaar te gebruik vir die vestiging van 'n self-stoor fasiliteit. Topshell het sopas die fasiliteit voltooi en ten volle in gebruik geneem, na lang prosesse om die onwettige inwoners van die terrein te verskuif en om sodoende te kan voldoen aan die

vereistes gestel vir toegang deur die pad owerhede. Die fasiliteit is met groot koste geskep en is ontwikkel na goedkeuring van die tersaaklike bouplan met verwysing BP 20/1110 op 28 September 2021. Dit behoort daarom verstaanbaar te wees dat die benutting vir slegs ses maande nie finansiëel lonend is nie en die sluiting en verskuiwing sal ernstige nadelige effek op Topshell en die gebruikers hê. Aan die ander kant het die fasiliteit tans geen bekende negatiewe effek op die omgewing of op die gebruik van die Baden Powellweg, die omliggende eiendomme of die munisipaliteit se vermoë om te kan dienste lewer nie.

Die grond aan die westekant van Baden Powellweg, soos wat sigbaar is op meegaande satelliet beeld en -kaart, was en is steeds gebruik vir onwettige bewoning van arbeidershuise (*Nimble Investments (Pty) Ltd v Johanna Malan and Others (556/2020) [2021] ZASCA 129 (30 September 2021)*). Topshell het die situasie probeer bestuur met groot koste tot waar die saak tans in die Konstitusionele Hof onder oorweging is. Die saak gaan oor die uitsetting van die onwettige inwoners uit die huise ten einde die grond effektief en ekonomies (en sosiaal) meer produktief te kan aanwend en dien as agtergrond tot die aansoek om verlenging van die geldigheid periode van die tydelike afwyking. Die eiendom is 1,2 ha groot. Die suidekant is sowat 60m breed en die noordekant is slegs 28m breed. Dit is hoegenaamd nie geskik vir landbou gebruik nie, maar is gesoneer as Landbou en Landelike Gebruik Sone. Uiteraard is die eerste keuse om dit te hersoneer, maar skynbaar is dit nie tans moontlik nie, gegewe die aanduiding daarvan in die munisipale ruimtelike ontwikkelingsraamwerk. Gegewe die ligging van die eiendom, die fisiese omstandighede, die kadastrale vorm en die historiese gebruik van die eiendom nodig dit, soos etlike ander in dieselfde omgewing, spesiale oorweging in die ROR en in die besluit in antwoord op die aansoek.

Die aansoek is om goedkeuring van of dan verlenging van die tydelike afwyking word gemaak ingevolge Artikel 15(2)(c) van die Munisipaliteit Stellenbosch Verordening op Grondgebruikbeplanning, 2015. Artikel 18(1)(b) laat toe dat 'n aansoek om tydelike afwyking gedoen word vir 'n periode van tot vyf jaar. Soos hierbo gemeld is daar geldige gronde vir oorweging van sodanige aansoek. Hierbenewens het die Wes-Kaapse Departement Landbou het reeds toestemming verleen tot die gebruik van die grond anders dan vir landbou (Verw. 20/9/2/5/6/746, dd. 14/10/2013). Indien dit wel vir landbou gebruik moet word ingevolge die munisipaliteit se ROR-beleid, is die enigste vorm van gebruik vir arbeider behuising, soos tans informeel die geval, of vir die oprigting van tunnels en kweekhuise, soos op die aanliggende eiendomme. Daar is egter geen waterregte toegeken aan die eiendom nie en die Wynland Water Verbruikers Assosiasie het reeds aangedui dat daar nie waterregte aan die eiendom toegeken kan of sal word nie, omrede daar nie surplus regte is wat toegeken kan word nie en tweedens omdat die eiendom nie haalbaar vir landbou aangewend kan word nie. Tans is die enigste haalbare gebruik om die eiendom binne die vorm en norm van die onmiddellike omgewing aan te wend vir self-stoor doeleindes, soos tans. Dit is nie enigsins haalbaar om dit by wyse van vergunning aan te wend vir landbou nywerheid nie, gegewe die beperkings op die gebruik en soos duidelik blyk uit die voorbeeld van die Agri-Park. Die self-stoor onderneming nodig geen munisipale dienste of selfs

energie (elektrisiteit) nie, omdat dit geheel met sonkrag en opvang water bedien word. Dit lok min verkeer en veroorsaak geen besoedeling of steurnisse nie.

Goedkeuring van die aansoek om die eiendom vir vyf jaar aan te wend vir self-stoor doeleindes by wyse van 'n tydelike afwyking ingevolge Artikel 18(1)(b) van die Verordening sal daadwerklike voordele vir die omgewing en gebruikers inhou en ekonomiese geleenthede skep, sonder wesentlike negatiewe effek op die owerhede se dienslewering, die omgewing, of inwoners en eienaars van naburige eiendomme.

Die uwe,



Deon van der Merwe
Besturende Direkteur



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09 February 2022

The Director: Planning and Development
Stellenbosch Municipality
P.O. Box 17
Stellenbosch
7599

Dear Sir

**REQUEST FOR THE EXTENSION OF APPROVAL FOR TEMPORARY DEPARTURE:
PORTION 135 OF FARM WELMOED NO. 468 (REF. FARM 468/128, STELLENBOSCH
LU/2657)**

Hereby attached the necessary documentation for consideration of the application for the approval of a temporary departure or then extension of time for the validity of the existing temporary departure, which expires in July 2022.

Topshell bought Portion 135 of Farm Welmoed No. 468 from Nimble Investments and is in the process of taking transfer of the land and registering the subdivision granted in January 2020. This is part of Portion 128 of Farm 468, the so-called Stellenbosch Agri-Park, just south of Lynedoch, on Baden Powell Road.

At the time of the start of the application for the acquisition of rights for the use of the property as an Agri-Park, Topshell had been based on the original property for more than eight years, since 2008. With the approval of the property for the establishment of the Agri-Park in 2016, a temporary consent in terms of Section 15 of the Land Use Planning Ordinance, 1985, has been granted to Topshell, to use the portion of the land to the west of Baden Powell Road, for five years for the establishment of a self-storage facility. Topshell has just completed

and fully commissioned the facility, after lengthy processes to relocate the illegal inhabitants of the site and thus be able to meet the requirements set for access by road authorities. The facility was created with great cost and was developed after approval of the relevant building plan with reference BP 20/1110 on 28 September 2021. It should therefore be understandable that utilization for only six months is not financially feasible, and the closure and relocation will have serious adverse effects on Topshell and the users. On the other hand, the facility currently has no known negative effect on the environment or on the use of the Baden Powell Road, the surrounding properties or the municipality's ability to provide services.

The land on the western side of Baden Powell Road, as is visible on the accompanying satellite image and map, was and still has been used for illegal habitation of labour houses (*Nimble Investments (Pty) Ltd v Johanna Malan and Others (556/2020) [2021] ZASCA 129 (30 September 2021)*). Topshell tried to manage the situation at great cost to where the case is currently under consideration in the Constitutional Court. The case concerns the expulsion of the illegal residents from the homes in order to use the land effectively and economically (and socially) more productively and serves as a background to the application for an extension of the validity period of the temporary departure. The property is 1,2 ha in extent. The south side is about 60m wide, and the north side is only 28m wide. It is not suitable for agricultural use at all but is zoned as Agriculture and Rural Use Zone. Of course, the first choice is to rezone it, but apparently this is not currently possible, given its indication in the municipal spatial development framework. Given the location of the property, the physical circumstances, the cadastre and the historical use of the property, it, like several others in the same area, needs special consideration in the spatial development framework and in the decision in response to the application.

The request for approval of or then extension of the temporary departure is made in terms of Section 15(2)(c) of the Stellenbosch Municipality By-law on Land Use Planning, 2015. Section 18(1)(b) allows an application for temporary departure to be made for a period of up to five years. As mentioned above, there are valid grounds for consideration of such application. In addition, the Western Cape Department of Agriculture has already granted permission to use the land differently than for agriculture (Ref. 20/9/2/5/6/746, dd. 14/10/2013). If it does need to be used for agriculture in terms of the municipality's SDF policy, the only form of use is for labourer housing, as is currently the case informally, or for the construction of tunnels and greenhouses, such as on the adjacent properties. However, no water rights have been granted to the property and the Winelands Water Users Association has already indicated that water rights cannot or will not be granted to the property, as there are no surplus rights that can be allocated and secondly because the property cannot be feasibly used for agriculture. Currently, the only feasible use is to use the property within the form and function of the immediate environment for self-storage purposes, as is currently done. It is not at all feasible to use it for agricultural industry by consent, given the restrictions on the use and as is clear from the example of the Agri-Park. The self-storage enterprise does not require municipal services or even energy (electricity)

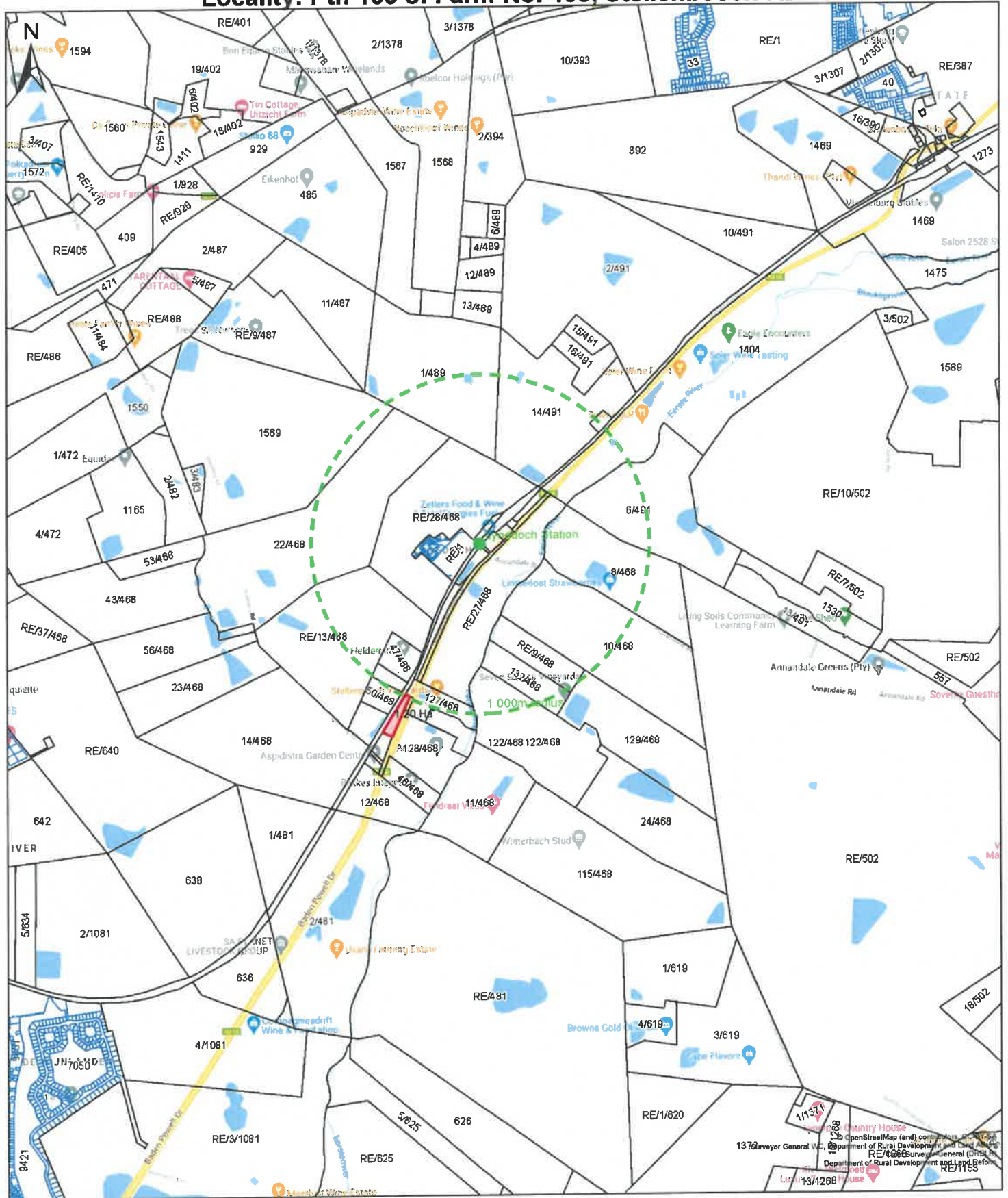
because it is served entirely with solar and harvested water. It attracts little traffic and does not cause any pollution or disturbances.

Approval of the application to use the property for five years for self-storage purposes by means of a temporary departure in terms of Section 18(1)(b) of the By-Law will have real benefits for the environment and users and create economic opportunities, without significant negative effect on the service delivery of the authorities, the environment, or residents and owners of neighbouring properties.

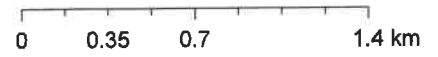
Yours faithfully

Deon Van der Merwe

Locality: Ptn 135 of Farm No. 468, Stellenbosch RD



- Legend**
- Farm Portions
 - Erf



Scale: 1:25 000

Date created: November 17, 2021

Compiled with CapeFarmMapper



1379 Surveyor General W.C. Department of Rural Development and Land Affairs
 RE/608 Surveyor General (Chief)
 Department of Rural Development and Land Affairs
 13/12/2021

Locality: Ptn 135 of Farm No. 468, Stellenbosch RD



Legend
Farm Portions

0 0.05 0.1 0.2 km

Scale: 1:5 000


Date created: November 17, 2021



Compiled with CapeFarmMapper



**Western Cape
Government**
FOR YOU

Friedlaender, Burger & Volkmann - Land Surveyors

| SIDES Metres | ANGLES OF DIRECTION | CO-ORDINATES System WG 19° | | S.G. No. 568/2021 | | |
|-----------------|------------------------|-------------------------------|------|--|---------------|---------------|
| | | Y | X | | | |
| Constants : | | 0,00 | 0,00 | Approved.  for Surveyor - General Date : 03-05-2021 | | |
| A B | 28,43 | 295 05 20 | A | | +21 671,41 | +3 762 594,16 |
| B C | 257,83 | 23 20 50 | B | | +21 645,66 | +3 762 606,22 |
| C D | 64,87 | 113 22 00 | C | | +21 747,84 | +3 762 842,93 |
| D E | 224,88 | 211 22 50 | D | | +21 807,39 | +3 762 817,20 |
| E A | 36,35 | 211 18 20 | E | | +21 690,30 | +3 762 625,21 |
| INDICATORY DATA | | | | | | |
| F C | 0,32 | 23 20 50 | F | +21 747,72 | +3 762 842,64 | |
| D G | 1,17 | 211 22 50 | G | +21 806,78 | +3 762 816,21 | |

| | | | | | |
|--|----|--------|---|------------|---------------|
| | 9 | HELDBG |  | +11 049,63 | +3 767 146,93 |
| | 60 | SIMON |  | + 6 733,20 | +3 750 785,48 |


THIS PORTION IS SUBJECT TO
ACT 21/1940

APPROVED IN TERMS OF SECT. 4
OF ACT 70/1970
55503
REF. DATE 2020-11-20

The figure ABCDE represents 1,2050 hectares of land, being

**PORTION 135 (PORTION OF PORTION 128)
OF THE FARM WELMOED ESTATE No. 468**

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Surveyed in February to March 2021
by me

Province of Western Cape

PLS 1354 M R Stuart-Fox Pr Land Surveyor

Approved i.t.o. Section 60
of Municipal Land Use Planning Bylaw
Ref. Farm 468/128, Stellenbosch
Date: 17/02/2020

| | | |
|--|--|---|
| This diagram is annexed to No. Dated i.f.o. Registrar of Deeds | The original diagram is No. 2910/2007 Annexed to D/T 2008- -28089 | File No. Stel.468 V.3 S.R. No. 354/2021 Comp. BHSY-44 (M3155) LPI C0670000 |
|--|--|---|

**PORTION 135 (PORTION OF PORTION 128)
OF THE FARM WELMOED ESTATE No. 468**

S.G. No.
568/2021

Approved.

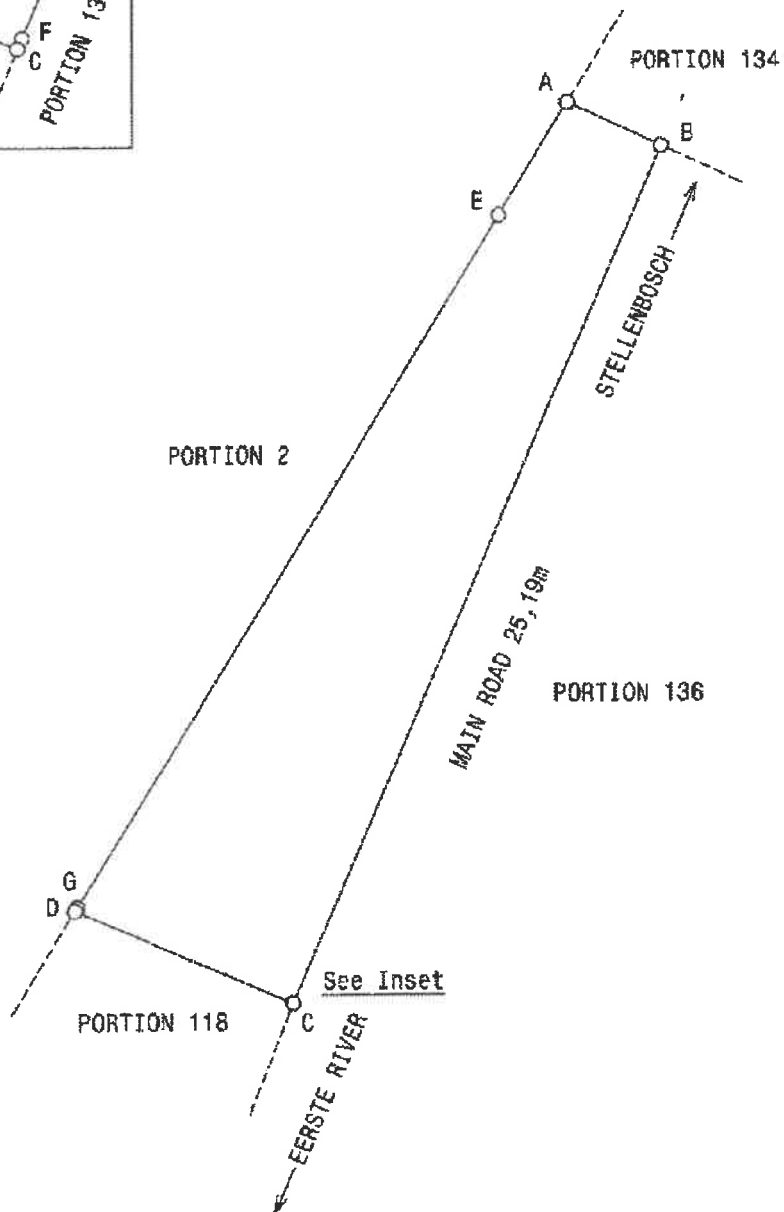
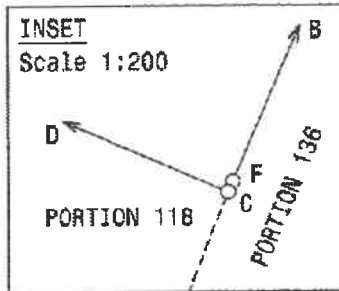


for
Surveyor - General
Date : 03-05-2021

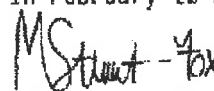
SHEET 2 OF 2 SHEETS

Beacon Descriptions

- A B 15mm Iron peg
- C D Not beacons
- E Heavy rail section
- All other beacons 12mm Iron peg



Surveyed in February to March 2021
by me



SCALE 1 : 2000

PLS 1354 M R Stuart-Fox Pr Land Surveyor

Farm 468/135 Stellenbosch

Friedlaender, Burger & Volkmann - Land Surveyors

S.G. No.
2910/2007
Approved.
Burger
for
Surveyor - General
Date : 2007-07-16
SHEET 1 OF 2 SHEETS

Servitude Notes:

1. The figure wxyz represents a servitude area 1037 square metres, vide Diagram No. 1484/1998, D/T 1998- -119656 (Farm 468/116)
2. The line cIJ represents the north eastern boundary of a 3,00 metre wide water pipeline servitude, vide Diagram No. 1490/1998, ~~D/T 1998~~ 710 *
3. The line cidI represents the centre line of a 3,00 metre wide water pipeline servitude, vide Diagram No. 1490/1998, ~~D/T 1998~~ 710 *
* D/S K 710/99s

698
698

Components:

1. The figure ABCDvuj middle of Eerste River KLMNPQRST represents, ^{Remainder} Portion 33 of the Farm Welmoed Estate No. 468, vide Diagram No. A4600/1931, D/t 1932- -574
2. The figure vEFGHu represents Portion 126 of the Farm Welmoed Estate No. 468, vide Diagram No. 2908/2007; D/T 2007. - 28085

The figure ABCDEFGHJ middle of Eerste River KLMNPQRST of land, being ⁶⁹⁸
represents ~~12,5302~~ hectares
12,2475
PORTION 126 OF THE FARM WELMOED ESTATE NO. 468 and comprises 1. and 2. as above

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Compiled in May 2007
by me

Province of Western Cape

Burger
PLS 0080 D P Burger Pr Land Surveyor

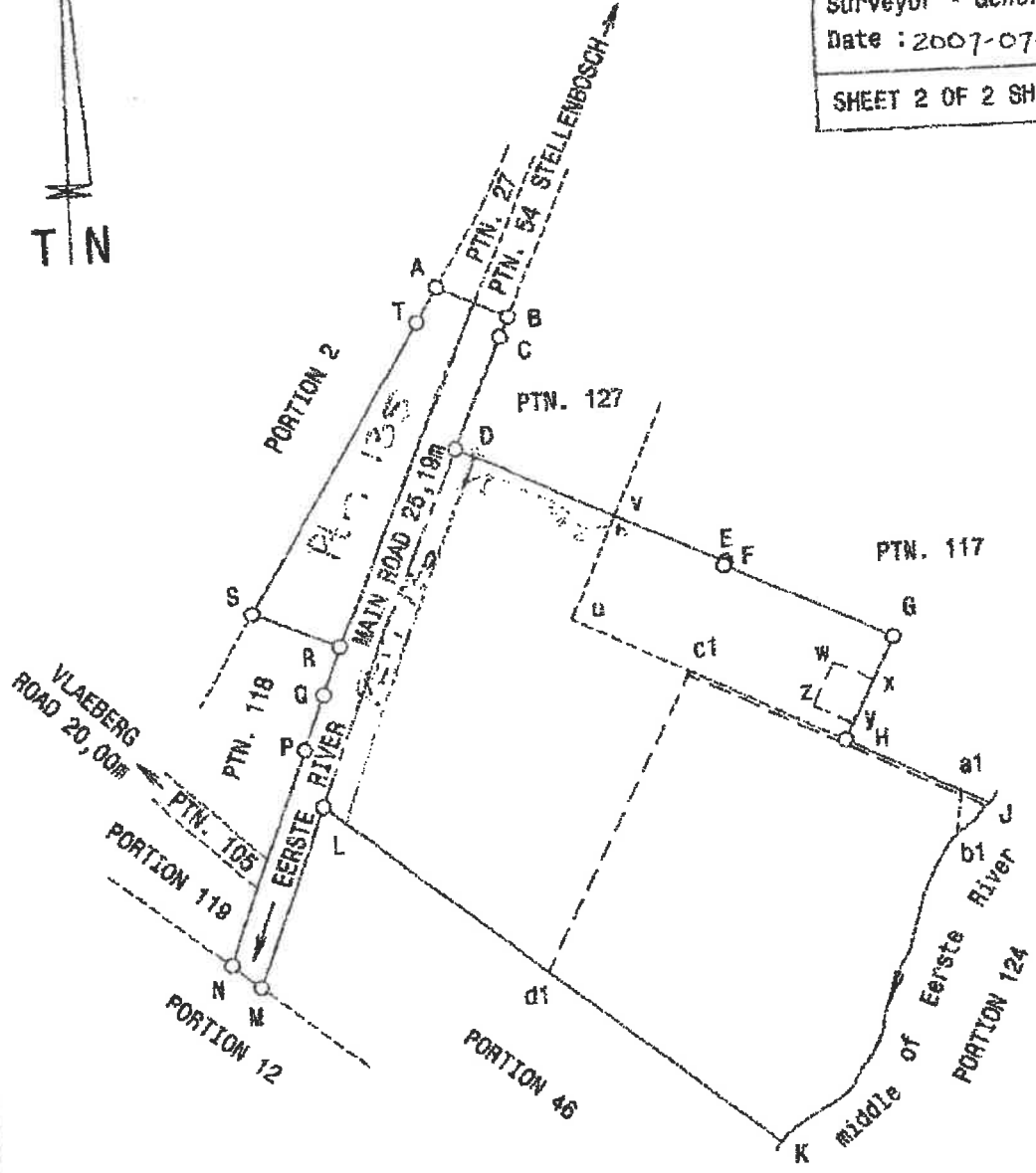
| | | |
|---|---|--|
| This diagram is annexed to No. <u>28089/2008</u> Dated i.f.o. Registrar of Deeds | The original diagrams are as quoted above | File No. Stel. 468 Vol.2 S.R. No. Compiled Comp. BHSY-44 (M3155) LPI C0670022 |
|---|---|--|

FOR ENCLOSURES
SEE BACK OF DIAGRAM

Farm 468/128 Stellenbosch

Friedlaender, Burger & Volkmann - Land Surveyors

S.G. No.
 2910/2007
 Approved.
Blaw Blaw
 for
 Surveyor - General
 Date : 2007-07-16
 SHEET 2 OF 2 SHEETS



PORTION 128 OF THE FARM WELMOED ESTATE NO. 468
 Administrative District of Stellenbosch

Compiled in May 2007
 by me

D P Burger

PLS 0080

D P Burger Pr Land Surveyor

SCALE 1 : 5000

FOR ENCLOSURES
 SEE BACK OF DRAWING

Farm 468/128 Stellenbosch

THE FOLLOWING REDUCTIONS HAVE BEEN MADE FROM THE

| CHARGE NUMBER | DIAGRAM NO. | SUBJECTS | AREA NO. 100 | TRAILER NO. | INITIALS | REMARKS |
|------------------|----------------|----------|-----------------|----------------|----------|---------|
| 554/200 | 568/200 | Pt. 135 | 1 | | | |
| 554/200 | 569/200 | Pt. 136 | 1 | | | 544-31 |

| SERVITUDES/LEASEHOLD AREAS | | | | |
|----------------------------|-------------|---|------|-----------|
| SURVEY RECORD | DIAGRAM NO. | DESCRIPTION | GEED | INITIALED |
| SR 893/2014 | 716/2014 | The line a/v bcd et g represents a servitude road up to Main Road No. 168 | | |
| | | | | |

Application date:
17/2/2022



No 468/50

No 468/102

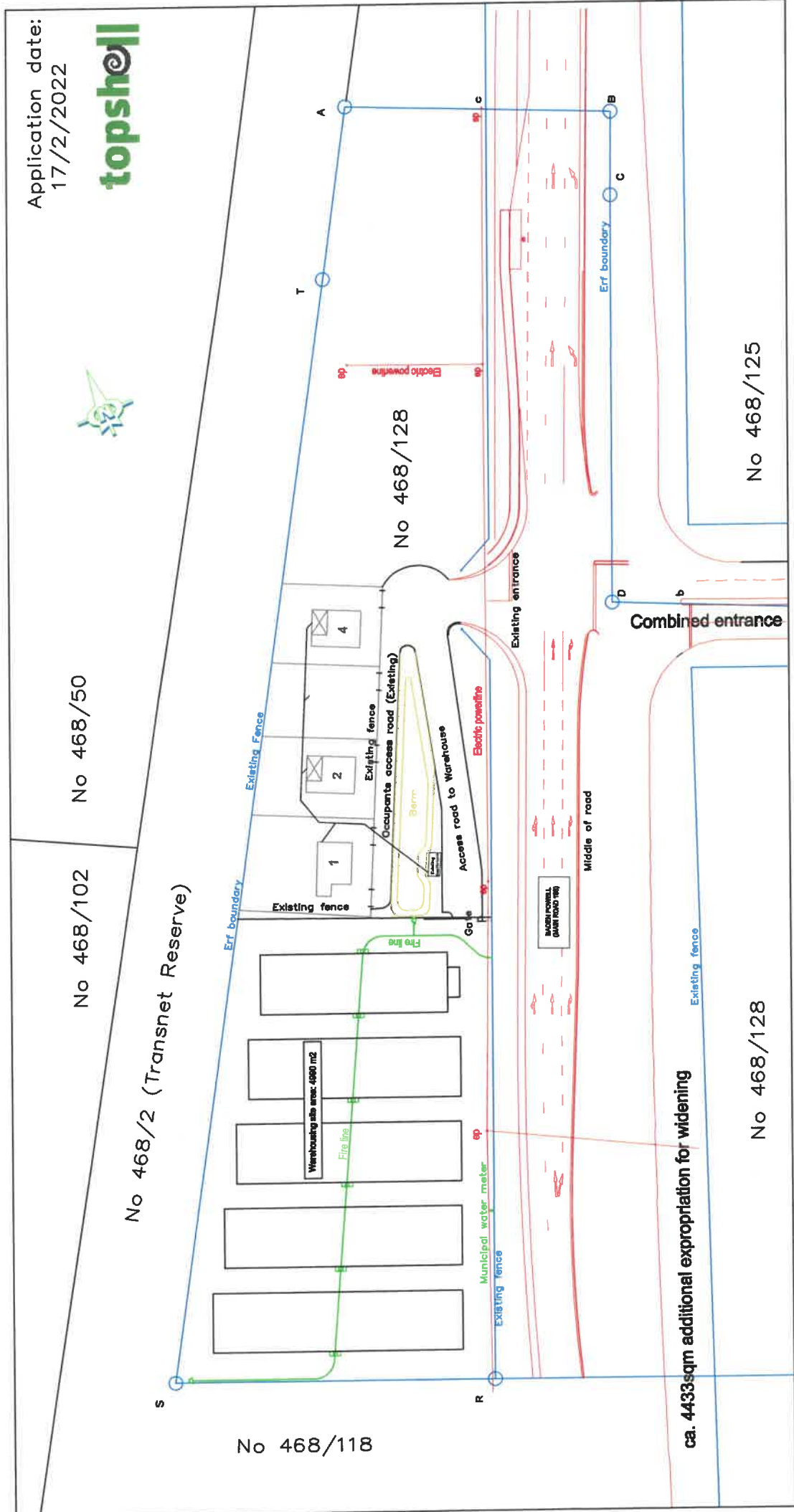
No 468/2 (Transnet Reserve)

No 468/128

No 468/125

No 468/128

ca. 4433sqm additional expropriation for widening





STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO 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) | | | | | | | | | | |
| KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes. | | | | | | | | | | |
| PART A: APPLICANT DETAILS | | | | | | | | | | |
| First name(s) | Deon | | | | | | | | | |
| Surname | Van Der Merwe | | | | | | | | | |
| Company name (if applicable) | Nimble Investments (Edms) Bpk | | | | | | | | | |
| Postal Address | Posbus 12590, Die Boord, Stellenbosch | | | | | | Postal Code | 7613 | | |
| | Email: deon@topshell.co.za | | | | | | | | | |
| Tel | 021 881 3666 | | | Fax | | | | Cell | 083 288 4734 | |
| PART B: REGISTERED OWNER(S) DETAILS (if different from applicant) | | | | | | | | | | |
| Registered owner(s) | Nimble Investments (Edms) Bpk | | | | | | | | | |
| Physical address | Baden Powellweg, Lynedoch | | | | | | Postal code | | | |
| | E-mail: deon@topshell.co.za | | | | | | | | | |
| Tel | 021 881 3666 | | | Fax | | | | Cell | 083 288 4734 | |
| PART C: PROPERTY DETAILS (in accordance with title deed) | | | | | | | | | | |
| Erf / Erven / Farm No. | 468 | Portion(s) if Farm | 135 | Allotment area | Stellenbosch | | | | | |
| Physical Address | Baden Powellweg, Lynedoch | | | | | | | | | |
| Current Zoning | Landbou en Landelike Gebruik Sone | Extent | 1,2050 ha | Are there existing buildings? | Y | | | | | |
| Applicable Zoning Scheme | Stellenbosch | | | | | | | | | |
| Current Land Use | Self-stoor eenhede met tydelike afwyking | | | | | | | | | |
| Title Deed number and date | T | T000028090 / 2008 | | | | | | | | |
| Attached Conveyance's Certificate | Y | Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate | | | | | | | | |
| Are the restrictive conditions in | Y | If Yes, list the party(ies): | | | | | | | | |

| | | | | | | | | | |
|---|---|---|---|--|---|---|--|---|---|
| favour of a third party(ies)? | | | | | | | | | |
| Is the property encumbered by a bond? | Y | | If Yes, list the bondholder(s): Nedbank | | | | | | |
| Is the property owned by Council? | | N | If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management | | | | | | |
| Is the building located within the historical core? | | N | Is the building older than 60 years? | | N | Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹ | | 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)? | | | | | N | If yes, is this application to legalize the building / land use? ² | | | N |
| Are there any pending court case(s) / order(s) relating to the subject property(ies)? | | | | | N | Are there any land claim(s) registered on the subject property(ies)? | | | N |

PART D: PRE-APPLICATION CONSULTATION

| | | | |
|---|---|--|--|
| Has there been any pre-application consultation? | Y | | If Yes, please attach the minutes of the pre-application consultation. |
| Has the pre-application scrutiny form been submitted? | Y | | If yes, please attach the written feedback received. |

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE**APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)**

| Tick | Type of application: <i>Cost are obtainable from the Council Approved tariffs</i> |
|------|---|
| | 15(2)(a) rezoning of Land |
| | 15(2)(b) a permanent departure from the development parameters of the zoning scheme |
| X | 15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land |
| | 15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement |
| | 15(2)(e) a consolidation of land that is not exempted in terms of section 24 |
| | 15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit |
| | 15(2)(g) a permission required in terms of the zoning scheme |
| | 15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval |
| | 15(2)(i) an extension of the validity period of an approval |
| | 15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme |
| | 15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram |
| | 15(2)(l) a permission required in terms of a condition of approval |
| | 15(2)(m) a determination of a zoning |
| | 15(2)(n) a closure of a public place or part thereof |
| | 15(2)(o) a consent use contemplated in the zoning scheme |
| | 15(2)(p) an occasional use of land |

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

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice 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)(a) to disestablish a home owner's association |
| | 15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services |
| | 15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building |
| | 15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity |
| | 15(2)(l) amendment of Site Development Plan |
| | 15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines |

OTHER APPLICATIONS

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

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

| Tick | Notification of application in media | Type of application | Cost |
|------|--|---|----------|
| | SERVING OF NOTICES | Delivering by hand; registered post; electronic communication methods | R |
| | PUBLICATION OF NOTICES | Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website | R |
| | ADDITIONAL PUBLICATION OF NOTICES | Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection | R |
| | NOTICE OF DECISION | <i>Provincial Gazette</i> | R |
| | INTEGRATED PROCEDURES | T.B.C | R |
| | | TOTAL B: | R |
| | | TOTAL APPLICATION FEES* (TOTAL A + B) | R |

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

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

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

BANKING DETAILS

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

DETAILS FOR INVOICE

| | |
|--|---------------------|
| Name & Surname/Company name (details of party responsible for payment) | Topshell (Edms) Bpk |
|--|---------------------|

| | |
|-------------------------------|---|
| Postal Address | Posbus 12590, Die Boord, Stellenbosch, 7613 |
| Vat Number (where applicable) | 4770228460 |

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:
Die aansoek is om goedkeuring van of dan verlenging van die tydelike afwyking word gemaak ingevolge Artikel 15(2)(c) van die Munisipaliteit Stellenbosch Verordening op Grondgebruikbeplanning, 2015. Artikel 18(1)(b) laat toe dat 'n aansoek om tydelike afwyking gedoen word vir 'n periode van tot vyf jaar.

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

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

| | | | | | | |
|--|--|--|---|---|--|--|
| Information and documentation required | | | | | | |
| Y | | Power of attorney / Owner's consent if applicant is not owner | | N | Bondholder's consent (if applicable) | |
| Y | | Resolution or other proof that applicant is authorised to act on behalf of a juristic person | Y | | Proof of any other relevant right held in the land concerned | |

| | | | | | | | |
|---|---|--|---|---|---|--|---|
| Y | | Written motivation pertaining to the need and desirability of the proposal | | Y | | S.G. diagram / General plan extract (A4 or A3 only) | |
| Y | | Locality plan (A4 or A3 only) to scale | | Y | | Site development plan or conceptual layout plan (A4 or A3 only) to scale | |
| | N | Proposed subdivision plan (A4 or A3 only) to scale | | | N | Proof of agreement or permission for required servitude | |
| | N | Proof of payment of application fees | | Y | | Proof of registered ownership (Full copy of the title deed) | |
| Y | | Conveyancer's certificate | | Y | | Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable) | |
| | | N/A | Consolidation plan (A4 or A3 only) to scale | | | N/A | Land use plan / Zoning plan (A4 or A3 only) to scale |
| | | N/A | Street name and numbering plan (A4 or A3 only) to scale | | | N/A | 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale |
| | | N/A | Landscaping / Tree plan (A4 or A3 only) to scale | | | N/A | Home Owners' Association consent |
| | | N/A | Abutting owner's consent | | | N/A | Services Report or indication of all municipal services / registered servitudes |
| | | N/A | Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) | | | N/A | Proof of failure of Home owner's association |
| Y | | | Copy of original approval and conditions of approval | | | N/A | Any additional documents or information required as listed in the pre-application consultation form / minutes |
| Y | | | Proof of lawful use right | | | N/A | Other (specify) |
| Y | | | Required number of documentation copies | | | N/A | |

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

| | | | |
|--|-----|---|--|
| | N | If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. | Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)) |
| | | | N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) |
| | N/A | Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) | N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008) |

| | | | |
|-----|--|-----|---|
| N/A | Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA) | N/A | National Water Act, 1998 (Act 36 of 1998) |
| N/A | Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations | N/A | Other (specify) |
| N/A | Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) | | |
| 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: |  | Date: | 17 Februarie 2022 |
| Full name: | Jacobus Gideon van der Merwe | | |
| Professional capacity: | MD Topshell & designated Site Manager | | |

FOR OFFICE USE ONLY

| | |
|--|--|
| Date received: _____ Received By: _____ |  |
|--|--|