

26 September 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: La Kavayan, Ptn 4 Farm 489, Boschkloof Road, Polkadraai, Stellenbosch

Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 77 Buitekring, Dalsig, STELLENBOSCH, 7600; Cell: 082 895 6362; Email: dupre.lombaard@virdus.com

Owner: Place of Grace Farms (Pty) Ltd Reg. No. 2019/232696/07, Represented by: Ms Annetjie Coetsee, Contact: +27 82 555 9355; E-mail: AnnetjieC@stbb.co.za

Stellenbosch Municipality reference number: LU 14070

Application type: Application is made in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for:

- 1) Section 15(2)(o) for Consent Use for use of the three existing cottages (total of 7 bedrooms) for a self-catering tourist accommodation establishment.

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: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 28 October 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 82 895 6362 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: La Kavayan, Ged 4 Plaas 489, Boschkloofpad, Polkadraai, Stellenbosch

Aansoeker: Dupré Lombaard, Viridus Works (Edms) Bpk, 77 Buitekring, Dalsig, STELLENBOSCH, 7600; Sel: 082 895 6362; E-pos: dupre.lombaard@viridus.com

Eienaar: Place of Grace Farms (Edms) Bpk Reg. Nr. 2019/232696/07, Verteenwoordig deur: Me Annetjie Coetsee, Kontak: +27 82 555 9355; E-pos: AnnetjieC@stbb.co.za

Stellenbosch Munisipaliteit Verwysing: LU 14070

Tipe aansoek: Aansoek ingevolge Artikel 15 van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 vir:

- 2) Artikel 15(2)(o) vir Vergunningsgebruik vir die gebruik van drie bestaande huise (totaal van 7 slaapkamers as 'n selfsorg toeriste akkommodasie fasiliteit.

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-notice/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: Dupré Lombaard, Viridus Works, dupre.lombaard@viridus.com. 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 28 Oktober 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.

Yours faithfully



Dupré Lombaard

TAX INVOICE



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2022-05-13	DOCUMENT NO:	729803
ERF / FARM NO:	489/4	CREATED BY:	Salome NEWMAN
LOCALITY:	, STELLENBOSCH FARMS	APPLICATION NO:	LU/14070
OWNER'S NAME:	VIRDUS WORKS (PTY) LTD	APPLICATION VAT NO:	4530303074
ADDRESS:	77 BUITEKRING STREET DALSIG STELLENBOSCH 7600	VAT NO:	4700102181
		APPLICANT:	VIRDUS WORKS (PTY) LTD
		TEL NO:	

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)			
TEMPORARY DEPARTURE/OCCASIONAL USE OF LAND/CONSENT USE IN TERMS OF THE ZONING SCHEME/TECHNICAL APPROVAL/PERMISSION IN TERMS OF ZONING SCHEME/PERMISSION REQUIRED IN TERMS OF THE TITLE DEED: Submitted in urban and rural areas - Submitted in urban and rural areas. Per application per property	2500.00	1	20180711011476	2500.00			
<table border="1" style="margin-left: auto;"> <tr> <td>STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES</td> </tr> <tr> <td style="text-align: center;">17 JUN 2022</td> </tr> <tr> <td style="text-align: center; font-size: 2em;">RECEIVED</td> </tr> </table>					STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES	17 JUN 2022	RECEIVED
STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES							
17 JUN 2022							
RECEIVED							

ALL TARIFFS INCLUDE 15% VAT FROM 1 JULY 2021 TO 30 JUNE 2022

FILE NR:	TOTAL AMOUNT PAYABLE	2500.00
SCAN NR:	VAT INCLUDED @ 15%	326.09

CALCULATED BY
NAME:
SIGNATURE

Salome Newman

VERIFIED BY *F489/45*

COLLABORATOR NAME: _____

SIGNATURE _____

14.5.2022

DATE:

DATE:

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
MUNICIPALITY

BANKING DETAILS FOR EFT PAYMENT:

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

0.00

0



FNB

NOTIFICATION OF PAYMENT

To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

Date Actioned	: 2022/05/25
Time Actioned	: 11:17:28
Trace ID	: 35TGM8JJ

Payer Details

Payment From	: Viridus Works
Cur/Amount	: ZAR2,500.00

Payee Details

Name	: Stellenbosch Mun Primary
Bank	:
Branch Code	:
Reference	: Lu14070

END OF NOTIFICATION

To authenticate this Payment Notification, please visit the First National Bank website at fnb.co.za, select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

Salome Newman

From: Sharise De Klerk
Sent: Friday, 17 June 2022 11:36
To: Salome Newman
Subject: RE: LU/ 14070 /n Farm 489/4 Stellenbosch

ALS REG

1000198401

From: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Sent: 17 June 2022 11:34 AM
To: Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>
Subject: RE: LU/ 14070 /n Farm 489/4 Stellenbosch

Hi Sharise

Die receipt is aangeheg met die betaling en wil net die receipt nommer he om aan te gaan op die stelsel asb

From: Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>
Sent: Friday, 17 June 2022 11:31
To: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Subject: RE: LU/ 14070 /n Farm 489/4 Stellenbosch

Hi Salome

Is die receipt by my? Dis klaar afgehandel, as dit nie is nie sal ek receipt druk en julle kan dit kom afhaal.

Groete

From: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Sent: 17 June 2022 11:18 AM
To: Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>
Subject: LU/ 14070 /n Farm 489/4 Stellenbosch

More hoop dit gaan goed.

Wil jy nie groot asb vir my die betaling afhandel nie.



Regards / Groete,
Salome Newman
Admin Officer
Planning and Economic Development

T: +27 21 808 8659 | F: +27 21 886 6899
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za/planning



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.co.za/main-page/?disclosurepage=110>

Salome Newman

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: Tuesday, 17 May 2022 16:06
To: Salome Newman
Cc: Robert Fooy
Subject: [EX] FW: Farm 489/4, Stellenbosch
Attachments: SMFD-Eikest22051314440.pdf

Dear Salome

Thank you for the invoice. We will delay payment until we have submitted the correct SDP. The current one shows a small encroachment of the 5m building line on the southern boundary, which the client does not desire. The architect has been instructed to redo the plans so that there is no departure.

Regards / Groete

DUPRÉ LOMBAARD
(SACPLAN B/8076/1998 / EAPASA 2019/304)

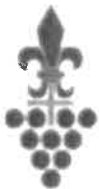
Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and Environmental Assessment Practitioners
Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362
Web: www.virdus.com

From: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Sent: 13 May 2022 14:14
To: 'dupre.lombaard@virdus.com' <dupre.lombaard@virdus.com>
Subject: Farm 489/4, Stellenbosch

Good day

Pre-scrutiny of your documentation as submitted on 13 May 2022 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account. Please provide this office with a copy of your proof of payment.

See attached invoice for payment.



Regards / Groete,
Salome Newman
Admin Officer
Planning and Economic Development

T: +27 21 808 8659 | F: +27 21 886 6899
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za/planning



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Stellenbosch Municipality

Stellenbosch



About Stellenbosch Municipality

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



Follow us on Twitter: [@Stellenbosch](#)

Website: www.stellenbosch.gov.za

Salon: news@stellenbosch.gov.za

Daar: lonbaard@virdus.com

021 885 2000

www.stellenbosch.gov.za

103 0

Bulelwa Mdoda

From: Robert Fooy
Sent: Monday, 16 May 2022 12:39
To: Dupré Lombaard (Virdus Works)
Cc: Bulelwa Mdoda
Subject: RE: [EX] RE: PRE-APPLICATION: FARM 489/4 SB

Hi Dupre

I have noted that the one addition is over the 5m building line and thus your application should include a departure application.

The application fees should then be as follows.

- Consent Use Application
- Building Line Departure application.



Kind regards,

Robert Fooy

Senior Town Planner, Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@stellenbosch.gov.za

3rd Floor, Stellenbosch Mall

Aandringa Street, Stellenbosch, 7600

www.stellenbosch.gov.za



www.facebook.com/stellenboschmunicipality

twitter.com/StellMun

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: Thursday, 12 May 2022 07:42
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; Landuse Enquiries <Landuse.Enquiries@stellenbosch.gov.za>
Cc: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Subject: RE: [EX] RE: PRE-APPLICATION: FARM 489/4 SB

Dear Bulelwa

Herewith the link to the full application with the new site development plan showing the 5m building line, existing buildings and proposed additions and upgrading.

Application document: <https://we.tl/t-4XljpLl9l>

Salome Newman

From: Salome Newman
Sent: Friday, 13 May 2022 14:14
To: 'dupre.lombaard@virdus.com'
Subject: Farm 489/4, Stellenbosch
Attachments: SMFD-Eikest22051314440.pdf

Good day

Pre-scrutiny of your documentation as submitted on 13 May 2022 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account. Please provide this office with a copy of your proof of payment.

See attached invoice for payment.



Regards / Groete,
Salome Newman
Admin Officer
Planning and Economic Development

T: +27 21 808 8659 | F: +27 21 886 6899

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za/planning



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	13-05-2022	
Erf No		Town		Suburb		
Farm No	489	Farm Portion	4	Nearest Town	Stellenbosch	
Owner / Applicant	Dupre Lombaard		Contact number	0828956362		
Email address	dupre.lombaard@virdus.com					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent 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				✓		✓

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

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

15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
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:			
VERIFIED & SIGNED BY ADMIN	NAME Bulelwa	SIGNATURE <i>[Signature]</i>	DATE 13/05/2022
Outstanding information (to be completed by Planner): <i>Please provide applicant with an invoice</i>			
Applications to be Invoiced (to be completed by Planner): 			
EVALUATED & SIGNED BY PLANNER	NAME Robert	SIGNATURE <i>[Signature]</i>	DATE 13/05/2022
NOTES: <ol style="list-style-type: none"> 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. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 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)]. 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)]. 			

Bulelwa Mdoda

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Friday, 25 March 2022 12:50
To: Landuse Applications
Subject: FW: PRE-APPLICATION: FARM 489/4 SB
Attachments: Mimecast Large File Send Instructions

I'm using Mimecast to share large files with you. Please see the attached instructions.

From: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Sent: Friday, 25 March 2022 12:47
To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: PRE-APPLICATION: FARM 489/4 SB

Hi Dupre

Application under consideration:

The proposal is to diversify the use of the farm by using the existing second dwelling, studio cottage and pool braai room (after conversion) for tourist dwelling units (Annexure E).

Response by Land Use Section

As noted above the application under consideration as submitted will result in a number self-contained residential unit being proposed which is not the intent of the zoning scheme in terms of a technical approval as provision is only made for the use of an existing dwelling for guest accommodation where the rooms are rented or the total dwelling. This infers that no or min changes need to be made to the structure to facilitate the use applied for.

"tourist dwelling unit" (toerisme-wooneenheid) means the use of a furnished dwelling house and/or se dwelling and/or a dwelling unit in flats, where the entire dwelling unit is rented out for the accommodati transient guests and where accommodation is only provided on a self-catering basis, provided that if more 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterpris deemed to be a tourist accommodation establishment;

The proposal under consideration is dealt with as a Consent Use application and therefore the application needs to be amended and will be advertised to the surrounding affected property owners for comment.

201. Land use within this zone

(1) The following land uses are permitted in this zone

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building (<7000m²) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (<2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building (>7000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel (≥2001m² and ≤5000m²) • Rooftop base telecommunication station • <u>Tourist dwelling units</u> • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (>2000m²) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use (> one event/year) • Plant nursery • Polytunnel (>5000m²) • Renewable energy structure • Service trade • <u>Tourist accommodation establishment</u> • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

Below is an extract of the relevant definition.

“tourist accommodation establishment” (toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;
- ii) may consist of self-catering units;
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;
- iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary or secondary use in that zone or not:
 - a) additional facilities for day visitors;
 - b) wellness centres and meeting rooms which serve resident guests;
 - c) camping sites with ancillary facilities;
 - d) ~~tented accommodation, tree houses, mobile accommodation or the use of any construction material or methodologies that are not ordinarily used;~~



Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@stellenbosch.gov.za

3rd Floor, Stellenbosch Mall
Aandringa Street, Stellenbosch, 7600
www.stellenbosch.gov.za



www.facebook.com/stellenboschmunicipality
twitter.com/StellMun

From: Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>
Sent: Monday, 14 March 2022 08:16
To: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: Fw: PRE-APPLICATION: FARM 489/4 SB

Hi, please assess and provide written feedback.

Chrizelle

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Friday, March 11, 2022 07:50
To: Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>
Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: PRE-APPLICATION: FARM 489/4 SB

Morning Chrizelle;

Please find attached pre-application for Farm 489/4 Stellenbosch.



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

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/Disclaimerpage.htm

Bulelwa Mdoda

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Friday, 25 March 2022 12:50
To: Landuse Applications
Subject: FW: PRE-APPLICATION: FARM 489/4 SB
Attachments: Mimecast Large File Send Instructions

I'm using Mimecast to share large files with you. Please see the attached instructions.

From: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Sent: Friday, 25 March 2022 12:47
To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: PRE-APPLICATION: FARM 489/4 SB

Hi Dupre

Application under consideration:

The proposal is to diversify the use of the farm by using the existing second dwelling, studio cottage and pool braai room (after conversion) for tourist dwelling units (Annexure E).

Response by Land Use Section

As noted above the application under consideration as submitted will result in a number self-contained residential unit being proposed which is not the intent of the zoning scheme in terms of a technical approval as provision is only made for the use of an existing dwelling for guest accommodation where the rooms are rented or the total dwelling. This infers that no or min changes need to be made to the structure to facilitate the use applied for.

“tourist dwelling unit” (toerisme-wooneenheid) means the use of a furnished dwelling house and/or se dwelling and/or a dwelling unit in flats, where the entire dwelling unit is rented out for the accommodati **transient guests** and where accommodation is only provided on a self-catering basis, provided that if more 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterpris deemed to be a **tourist accommodation establishment**;

The proposal under consideration is dealt with as a Consent Use application and therefore the application needs to be amended and will be advertised to the surrounding affected property owners for comment.

201. Land use within this zone

(1) The following land uses are permitted in this zone

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building (<2000m²) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (<2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel (22001m² and <5000m²) • Rooftop base telecommunication station • <u>Tourist dwelling units</u> • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (>2000m²) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kerrie • Market • Occasional use (> one event/year) • Plant nursery • Polytunnel (>5000m²) • Renewable energy structure • Service trade • <u>Tourist accommodation establishment</u> • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

Below is an extract of the relevant definition.

“tourist accommodation establishment” (toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit, guest house, and which is also not a hotel with its ancillary public facilities, and:

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and its internal road standards do not necessarily comply with formal township standards;
- ii) may consist of self-catering units;
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;
- iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary use of that zone or not:
 - a) additional facilities for day visitors;
 - b) wellness centres and meeting rooms which serve resident guests;
 - c) camping sites with ancillary facilities;
 - d) tented accommodation, tree houses, mobile accommodation or the use of any construction material or methodologies that are not ordinarily used;



Kind regards,

Robert Fooy

Senior Town Planner, Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@stellenbosch.gov.za

3rd Floor, Stellenbosch Mail
Aandringa Street, Stellenbosch, 7600
www.stellenbosch.gov.za

Bulelwa Mdoda

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: Wednesday, 25 May 2022 11:19
To: Robert Fooy
Cc: Bulelwa Mdoda; Salome Newman
Subject: RE: [EX] RE: PRE-APPLICATION: FARM 489/4 SB
Attachments: Ptn 4 F 489 S consent use LU14070 invoice paid.pdf

Dear Robert

We asked for and inserted a corrected SDP in the application document. There is no more departure.

Attached hereto the proof of payment of the application fees for the consent use.

Herewith the link to the updated application: <https://we.tl/t-zd0dx46CvI>

Regards / Groete

DUPRÉ LOMBAARD
(SACPLAN B/8076/1998 / EAPASA 2019/304)

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and Environmental Assessment Practitioners
Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362
Web: www.virdus.com

From: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Sent: 16 May 2022 12:39
To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: RE: [EX] RE: PRE-APPLICATION: FARM 489/4 SB

Hi Dupre

I have noted that the one addition is over the 5m building line and thus your application should include a departure application.

The application fees should then be as follows.

- Consent Use Application
- Building Line Departure application.

Kind regards,

Robert Fooy

Senior Town Planner / Land Use Management
Department Planning & Economic Development

**CONSENT USE APPLICATION FOR:
GUEST ACCOMMODATION ON**

**LA KAVAYAN FARM, PORTION 4 OF FARM 489,
STELLENBOSCH**



March 2022

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ANNEXURE**ANNEXURE A: LOCALITY****ANNEXURE B: APPLICATION FORM****ANNEXURE C: APPLICATION AUTHORISATION****ANNEXURE D: PHOTOGRAPHS OF SUBJECT PROPERTY****ANNEXURE E: SITE DEVELOPMENT PLAN****ANNEXURE F: CONVEYANCER'S CERTIFICATE****ANNEXURE G: TITLE DEED****ANNEXURE H: DIAGRAM**

EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR:	
LA KAVAYAN FARM, PORTION 4 OF FARM 489, STELLENBOSCH	
SG Code: C0670000000048900004 / Location: Lat: 33° 57' 59.076" S Lon: 18° 46' 13.098" E	
<p>Owner:</p> <p>Place of Grace Farms (Pty) Ltd Reg. No. 2019/232696/07</p> <p>Represented by: Ms Annetjie Coetsee</p> <p>Cellular: +27 82 555 9355</p> <p>E-mail: AnnetjieC@stbb.co.za</p> <p>Address: La Kavayan, Boschkloof Road, Stellenbosch, 7600</p>	<p>Project Consultant:</p> <p>Virdus Works (Pty) Ltd Reg. No. 2018/585747/07</p> <p>Represented by: Mr Dupré Lombaard</p> <p>SACPIAN: B/8076/1998 // EAPASA: 2019/304</p> <p>Cellular: +27 82 895 6362</p> <p>E-mail: dupre.lombaard@virdus.com</p> <p>Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa</p>

This application is approval of a consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, read with Sections 208 and 213 of the Zoning Scheme Bylaw, 2019. Application is made for the conversion and use of existing buildings (second dwelling, cottage and pool room) on the property for a tourist accommodation establishment consisting of self-catering tourist dwelling units with seven bedrooms in total. No new structures or buildings are envisaged for this application. Only existing buildings will be renovated, upgraded, and used. No central dining room or related facilities are envisaged, as each of the three accommodation units will be self-sustaining, with a kitchen in each.

Place of Grace Farms must better utilise the existing buildings, structures, and its property through diversification of the use, without decreasing the area of production, which consists of roughly 1,2ha of cabernet sauvignon vineyard, a 4 200m² olive grove and a small hydroponic vegetable and herb garden. The agricultural component of the farm alone is not sufficient to financially sustain it. The farm has an area of 2,1413ha, irrigated by a water allocation from the Theewaterskloof scheme through the Wynland Water Users' Association. The main dwelling is connected to the municipal rural water supply network and fire protection is connected to a borehole, that also supplements the irrigation requirements.

Access to the farm is off the Boschkloof Road that intersects with the Stellenbosch Arterial, roughly 8km west of Stellenbosch.

There are no title deed restrictions preventing the proposed land development (Title deed 40240/2020).

MOTIVATION REPORT

1. BACKGROUND

1.1 Introduction

This application is for consideration of a tourist accommodation establishment on La Kavayan, Portion 4 Farm 489, Stellenbosch (Place of Grace Farms Wine Farm) in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, (LUPB) read with Sections 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB), for the establishment of a tourist accommodation establishment with seven bedrooms in three existing buildings (two dwellings and a converted pool room). The existing approved second dwelling will be retained as is, with three bedrooms. The cottage will be upgraded with renovations and a minor addition, to contain two bedrooms. The pool braai room will be reconfigured and upgraded to incorporate two bedrooms. Each of the guest accommodation units will be self-catering, i.e., contain a kitchen.

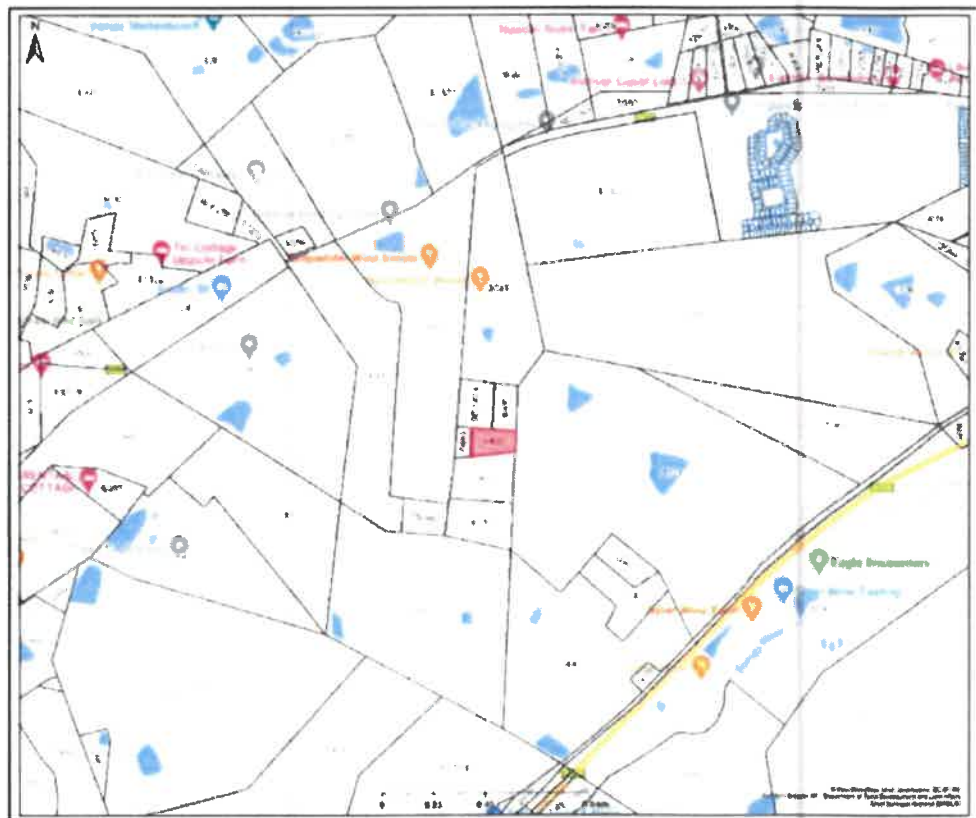


Figure 1: La Kavayan locality

Place of Grace Farms must better utilise its property through diversification of the use. The location of the farm and natural assets of the area create the ideal setting for diversification. The agricultural component of the farm is not sufficient to financially sustain it given its size. The farm has an area of approximately 2,1413 ha, of which roughly 1,2ha of cabernet sauvignon vineyard, a 4 200m² olive grove and a small hydroponic vegetable and herb garden.

Access to the farm is off the Boschklouf Road that intersects with the Stellenbosch Arterial, roughly 8km west of Stellenbosch.

1.2 Context

The development of guest and tourist accommodation in the Stellenbosch municipal area is promoted in the Integrated Development Plan (IDP) 2021. Place of Grace Farms is under-developed in terms of its tourism and accommodation potential, but fully developed in terms of its agricultural potential.



Figure 2: La Kavayan situation

The farm produces its own cabernet sauvignon wine off site, i.e., by a specialist winemaker. It sells its olives to oil producers.

1.3 Proposal

The proposal is to diversify the use of the farm by using the existing second dwelling, studio cottage and pool braai room (after conversion) for tourist dwelling units, which combined create a tourist accommodation establishment (Annexure E).

Minor renovations are required in the existing dwellings, but the pool room would require significant upgrading and reconfiguration. The second dwelling has a coverage of 120m² (double storey). The additional dwelling has a coverage of 30m² (double storey). The pool braai room has a coverage of 56m² (single storey).



Figure 3: La Kavayan view over vineyard



Figure 4: Place of Grace Farms agricultural use

The location of the property for tourist accommodation is important. It is surrounded by active farms, some of which with tourist facilities and accommodation and in proximity of the Stellenbosch Arterial. The views from the farm make it really attractive.



Figure 5: La Kavayan, Ptn 4 Farm 489, Stellenbosch spatial context

1.4 Title deed restrictions

The title deed (T40240/2020) of the farm is attached, as well as a conveyancer's certificate in Annexure F. There are no restrictive title conditions that prevent the proposed land use.

1.5 Zoning scheme requirements

The proposed tourist accommodation establishment in the separate dwelling units comply with the provisions of Section 208 of the Zoning Scheme Bylaw and can be assessed in terms of Section 213 of the ZSB.

The total number of guest bedrooms in the three tourist dwelling units will not exceed the permitted seven bedrooms (to sleep a maximum of 14 people). Guest accommodation will be subservient to the primary use of the property, which remains cultivation of olives and vineyards, and will not interfere with the agricultural uses on the property. The owner does not intend to use the property for any appurtenant facilities, such a meeting room or for beauty treatment rooms. It is exclusively intended for tourist / guest accommodation in self-catering units.

The application does not require any departures due to it making use of existing buildings and facilities. It does require a consent use in view of the definition of a tourist accommodation establishment.

2. MOTIVATION

2.1 Stellenbosch Municipality IDP and Spatial Policy

The Integrated Development Plan 2021 (IDP), including the municipal spatial development framework (SDF) make specific provision for the establishment of tourist facilities on farms and the diversification of agricultural activities to enhance the economic sustainability of the farms. It confirms that tourism, linked to the natural environment and agriculture, is one of the largest creators of employment and that it makes substantial contribution to the economic sustainability of the agricultural sector. This application is in line with the provisions of both said documents and an attempt to increase the feasibility and sustainability of the farm. Diversification and better use of the existing buildings will contribute to the sustainability of the farm by generating additional income.

IDP Strategy 5 makes specific provision for the use of farms as tourism attractions. *"Manage and develop tourism as one of the key economic sectors - Facilitate the development of tourism attractions, as contained in the Local Economic Development Strategy, in all sectors and at all levels of the local economy"*. It further states that the Municipality must *' Support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate"*.

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of

agricultural output are core to the sustainability of Stellenbosch. Without diversification Place of Grace Farms is not sustainable, like most wine farms in the Stellenbosch region (Municipal Economic Review Outlook (MERO), 2021). The MERO is a good indicator of the economic need for diversified use of the agricultural and natural resources and the nature of the tourism that occurs.

The SDF continues to indicate that the Municipality supports compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are *"of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate"*. The Place of Grace Farms proposals comply in every respect with these criteria, as the additional uses will have positive socio-economic effect. As stated before, it will also expand the product offering of the farm and increase the sources of revenue. The farm is not sustainable as a vineyard and wine producing entity with a small olive orchard, due to the challenges in the viticulture environment and its small size.

2.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for tourism related uses in the area. Nothing proposed in this application contradicts any of the said principles or guidelines.

The Western Cape Rural Development Guidelines indicate that: *"The Western Cape economy is founded on the Province's unique asset base. These include farming resources, which make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g. agri-processing) underpin the Province's industrial sector; and its natural capital (i.e. biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture."*

Chapters 10 and 11 of the Rural Development Guidelines determine the following sustainability principles and management guidelines for tourism and tourist accommodation in rural and agricultural areas:

- *To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g., animal sanctuary, paintball, shooting ranges, and conference facilities).*
- *Rural tourism and recreation facilities and activities should not compromise farm production, and must be placed to reinforce the farmstead precinct.*
- *To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.*

- *To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.*
- *To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.*
- *To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.*
- *To diversify farm income.*

An assessment of the above land use proposals show that they meet all of the aforementioned principles and criteria. Creation of the tourist accommodation establishment will have no negative effect on the existing agricultural use and potential of the Farm and will increase its revenue to financially sustain the Farm.

- ✓ To offer a range of appropriate facilities. When considering the current trends and main attractions of the CWD, it is obvious that the attraction of the area as a tourist destination has suffered during the Covid pandemic. With the relaxation of the Covid restrictions, tourist accommodation establishments and destination will again become attractive, and approval of the accommodation will allow for more and a more diverse tourist accommodation offering.
- ✓ No compromise to agricultural activities. The proposed consent uses (guest house and wellness centre) occur in existing, reconfigured buildings and do not affect the cultivated areas of the farm. It will therefore enhance and not negatively affect the agricultural activities on the farm, and it will not have any negative effect on the surrounding agriculture, as the proposed use does not cause any disturbance and is not particularly sensitive to any surrounding agricultural activities, considering that it is purposely set in the agricultural environment and on a productive farm.
- ✓ Provide a range of opportunities. The tourist accommodation establishment creates new opportunities for local and foreign visitors. This has significant positive effect on the local economy, which is virtually dedicated to agriculture and tourism. It also offers new opportunities for employment seekers.
- ✓ Offer access to more people. By offering more accommodation, the choice for visitors increases. It is located off an existing tourist corridor and in an area surrounded by similar product offerings, allowing for a comparative choice.
- ✓ Improve the economic viability and sustainability of farms. The creation of the tourist accommodation establishment will enhance the attraction of and would contribute to the Farm revenue and allow for it to retain its agricultural character.
- ✓ Align scale and form of facilities with character of area. The use of the existing buildings for the tourist accommodation is in keeping with the agricultural scale and nature of the surrounding area.
- ✓ Diversify farm income. Currently the Farm does not generate sufficient revenue from the vineyard alone to be financially sustainable. The tourist accommodation will allow for the generation of additional income from the existing and better utilised resources.

There is therefore a good match between the relevant policies and the proposed redevelopment and better utilisation of the existing buildings on La Kavayan.

2.3 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) have all been considered. The LUPA considerations and development principles require.

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the expansion of tourist accommodation establishments and facilities on appropriate land outside of the urban areas without negatively affecting the agricultural use.
- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new economic opportunities in proximity of the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the property is not sustainable as a farm and tourist facilities as are permitted in the Agriculture and Rural Zone would improve the financial sustainability thereof and contribute to the retention of the agricultural character of the Farm.
- ✓ The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues.
- ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of economic activities without requiring additional infrastructure services. The proposed use of the land for tourist facilities to an approved guest house allows for the best possible use of the land resource.

2.4 National Development Plan

The National Development Plan, 2030 (NDP) is extensively quoted in the Stellenbosch SDF 2019. *It serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities, and capabilities conducive to*

sustainable and inclusive economic growth. The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial, and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030. The recently released Tourism Transformation Strategy (2018) goes to detail about the matter: The tourism sector is one of the few sectors in South Africa that continues to grow economically and globally despite the recent economic challenges. The tourism sector is one of the six core pillars of growth in the country according to the New Growth Path and the Industrial Policy Action Plan (IPAP2) identified the sector as one of the areas that contributes to the development of areas of potential such as rural areas and cultural industries amongst others.

2.5 Environmental Management

The proposed redevelopment of buildings and the consent use does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

2.6 Heritage

The proposed tourist accommodation establishment will not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the existing buildings are not older than 60 years and the area will not be transformed.

2.7 Architecture

Attached hereto as Annexure E is the site development plan for the farm. Separate building plans have and will be submitted to the Municipality for upgrading of the dwellings and buildings. The existing buildings are all approved.

2.8 Engineering

A traffic statement (TIS) is not required, as the maximum additional traffic that could be generated regularly in relation to the proposal is less than eight trips per day.

Electricity is supplied by Eskom, through an existing service, which does not require any upgrading.

The farm is self-sufficient with water and sewerage.

A borehole and a Theewaterskloof agricultural supply provide potable and irrigation water to the farm. The calculated daily water demand will not increase, as the use of the dwellings will change from permanently to intermittently used by guests.

Sewerage is extracted by way of a private contract, by a service provider, from the existing conservancy tanks. Sewerage flows will not increase.

Solid waste is removed by the Municipality, which service will continue with insignificant increase in volume, given that visitors tend to create less waste than permanent residents.

2.9 Chapter V evaluation

In Section 65 of the SMLUPB, the following criteria for deciding applications are prescribed. While all of the matters referred to in Section 65 have been addressed in broad above, this section summarises and highlights the relevant matters which the Municipality must consider.

Criterion in Section 65	Applicability	Compliance of application
<i>(a) the application submitted in terms of this By-law;</i>	Application must comply with the processes of the LUPB.	Application covers all the relevant aspects, i.e., consent, and is supported by the required documents and reports.
<i>(b) the procedure followed in processing the application;</i>	Application must be consistent with the LUPB.	Process still has to be concluded. Preparation and submission followed prescribed process.
<i>(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;</i>	Desirability test according to Sections 208 and 213 of the Zoning Scheme Bylaw, read with the provincial Rural Development Guidelines.	See paragraph 1.5 above. <ul style="list-style-type: none"> • Use not likely to cause nuisances and therefore desirable. • Guidelines indicate better use of agricultural resources necessary to diversify economy. • Guidelines require least impact on agricultural capacity, amongst others by use of existing buildings. • Guidelines promote the addition of new and wider range of attractions and opportunities.
<i>(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments, and the Provincial Minister in terms of section 45 of the Land Use Planning Act;</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(e) the response by the applicant, if any, to the comments referred to in paragraph (d);</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;</i>	NEMA Act 107/1998 NHRA Act 25/1999	See paragraphs 2.5 and 2.6 above. <ul style="list-style-type: none"> • No authorisations required.
<i>(h) the impact of the proposed land development on municipal engineering services;</i>	No negative effect envisaged due to the low scale and limited extent of the proposed uses.	See paragraph 2.8 above. <ul style="list-style-type: none"> • Insignificant additional traffic. • Eskom electricity supply network has capacity.

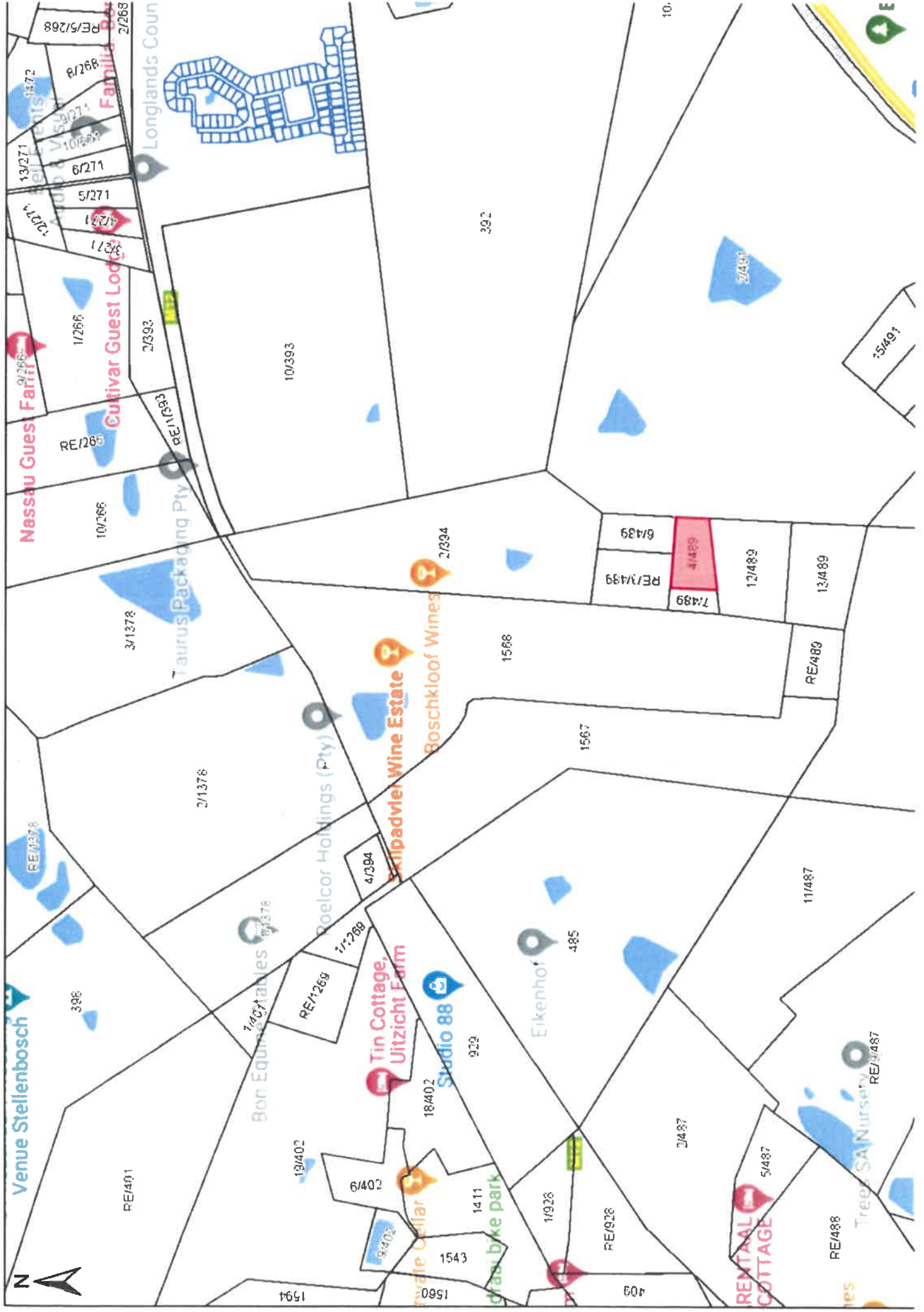
Criterion in Section 65	Applicability	Compliance of application
		<ul style="list-style-type: none"> • Own water supply from borehole is sufficient in quality and quantity. • Sewerage managed on-site with conservancy tank for disposal into municipal system. • Solid waste removed by Municipality
<i>(i) the integrated development plan, including the municipal spatial development framework;</i>	Aligned to: IDP 2021, Tourism Development Strategy; and SDF Agricultural Sector Policy	See paragraph 2.1 Error! Reference source not found. above. <ul style="list-style-type: none"> • Tourism important economic contributor. • Tourist facilities outside of existing nodes promoted, i.e., on farms and natural areas. • Agricultural sector to be strengthened through appropriate diversification.
<i>(j) the integrated development plan and spatial development framework of the district municipality, where applicable;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> • The appropriate diversification of use on farms is desirable.
<i>(k) the applicable local spatial development frameworks adopted by the Municipality;</i>	None identified.	None.
<i>(l) the applicable structure plans;</i>	Not applicable.	Not applicable.
<i>(m) the applicable policies of the Municipality that guide decision-making;</i>	None identified.	None.
<i>(n) the provincial spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 Error! Reference source not found. above. <ul style="list-style-type: none"> • The appropriate diversification of use on farms is desirable.
<i>(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 Error! Reference source not found. above. <ul style="list-style-type: none"> • The appropriate diversification of use on farms is desirable.
<i>(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;</i>	Compliant with principles and criteria.	See paragraphs 2.2 and 2.3 above. <ul style="list-style-type: none"> • Assessed against spatial justice, spatial sustainability, efficiency, and good administration.

Criterion in Section 65	Applicability	Compliance of application
<i>(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;</i>	Compliant with principles and criteria.	See paragraph Error! Reference source not found. and 2.3 above. <ul style="list-style-type: none"> Assessed against spatial justice, spatial sustainability, efficiency, and good administration.
<i>(r) the principles referred to in Chapter VI of the Land Use Planning Act; and</i>	Compliant with principles and criteria.	See paragraph 2.3 above. <ul style="list-style-type: none"> Assessed against spatial justice, spatial sustainability, efficiency, and good administration.
<i>(s) the applicable provisions of the zoning scheme.</i>	SM Zoning Scheme Bylaw, 2019 considered	See paragraph Error! Reference source not found. above. <ul style="list-style-type: none"> Consent evaluated against Sections 208 and 213. Definition of tourist accommodation establishment. Existing buildings, infrastructure, and garden area to be used.

3. CONCLUSION

The application for approval of the proposed consent use in terms of Section 15(2)(o) of the Land Use Planning Bylaw, namely the conversion and use of existing buildings (second dwelling, cottage and pool room) on the property for a tourist accommodation establishment in three separate tourist dwelling units with seven bedrooms in total could be approved. Only existing buildings will be renovated, upgraded, and used in line with municipal policy and it does not require any other investigations, assessments, or reports in support of the application. The primary use of the property will remain agriculture.

ANNEXURE A: LOCALITY



Ptn 4 Farm 489 Stellenbosch Localit



ANNEXURE B: APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIFL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPATA • 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)	Dupré									
Surname	Lombaard									
Company name (if applicable)	Virdus Works									
Postal Address	77 Buitekring, Dalsig, Stellenbosch						Postal Code	7600		
	Email: dupre.lombaard@virdus.com									
Tel	Fax			Cell			082 895 6362			
PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)										
Registered owner(s)	Place of Grace Farms (Pty) Ltd Reg. No. 2019/232696/07									
Physical address	Farm La Kavayan, Off Polkadraai Road, Stellenbosch						Postal code	7600		
	E-mail: annetjiec@stbb.co.za									
Tel	Fax			Cell			+27 82 555 9355			
PART C: PROPERTY DETAILS (in accordance with title deed)										
Erf / Erven / Farm No.	489	Portion(s) if Farm	4	Allotment area	Stellenbosch					
Physical Address	Farm La Kavayan, Off Polkadraai Road, Stellenbosch									
Current Zoning	Agriculture and Rural Zone		Extent	2,1413 ha	Are there existing buildings?		Y	N		
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Bylaw, 2019									
Current Land Use	Agriculture									
Title Deed number and date	T	40240/2020								
Attached Conveyance's Certificate	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								

Are the restrictive conditions in favour of a third party(ies)?		N	If Yes, list the party(ies): Chief Engineer: Land Transport						
Is the property encumbered by a bond?		N	If Yes, list the bondholder(s):						
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)?		N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?						If yes, is this application to legalize the building / land use??		N	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?						Are there any land claim(s) registered on the subject property(ies)?		N	

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?		N	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
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the <u>primary rights</u> 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
X	15(2)(o) a consent use contemplated in the zoning scheme

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

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)(p) an occasional use of land
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
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.

** 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)	Virdus Works (Pty) Ltd
Postal Address	77 Buitekring, Dalsig, Stellenbosch, 7600
Vat Number (where applicable)	4530303074

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		To		
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development - Consent use for a tourist accommodation establishment read with Sections 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019.						
Other (please specify)						

Brief description of proposed development / intent of application:

To permit the conversion and use of existing buildings (second dwelling, cottage and pool room) on the property for guest / tourist accommodation, consisting of seven bedrooms in total. No new structures or buildings are envisaged for this application. Only existing buildings will be renovated, upgraded, and used. No central dining room or related facilities are envisaged, as each of the three accommodation units will be self-sustaining, with a kitchen in each.

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 required to be submitted:

Y	1	Power of attorney / Owner's consent if applicant is not owner	N	Bondholder's consent (if applicable)
Y	2	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	N	Proof of any other relevant right held in the land concerned
Y	3	Written motivation pertaining to the need and desirability of the proposal	Y	S.G. diagram / General plan extract (A4 or A3 only)
Y	4	Locality plan (A4 or A3 only) to scale	Y	Site development plan or conceptual layout plan (A4 or A3 only) to scale
N	5	Proposed subdivision plan (A4 or A3 only) to scale	N	Proof of agreement or permission for required servitude
N	6	Proof of payment of application fees	Y	Proof of registered ownership (Full copy of the title deed)
Y	7	Conveyancer's certificate	N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:



Date:

2022/03/30

Full name:

Dupré Lombaard, (SACPLAN B/8076/1998 / EAPASA 2019/304)

Professional capacity:

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



ANNEXURE C: APPLICATION AUTHORISATION


RESOLUTION BY THE DIRECTORS OF
Place of Grace Farms (Pty) Ltd Reg. No. 2019/232696/07

IT WAS RESOLVED THAT:

1. The directors of Place of Grace Farms (Pty) Ltd Reg. No. 2019/232696/07 authorise Anna Elizabeth Coetsee, ID. No. 6706210001083, as representative of the company to sign all documents, appointments and agreements, as may be required for the day-to-day management of the land development and related applications for Portion 4 of Farm No. 489, Stellenbosch RD (La Kavayan farm).

2. This includes the appointment of and Power of Attorney to Dupré Lombaard of Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) as development management consultant to sign and submit all applications for approval and authorisation required for the achievement of the envisaged land development outcomes, namely: *For the conversion and use of existing buildings (second dwelling, cottage and pool room) on the property for guest accommodation, consisting of seven bedrooms in total, inclusive of authorisations and applications in terms of any applicable legislation, including but not limited to the Stellenbosch Municipality Land Use Planning Bylaw, 2015, the Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, the National Environmental Management Act, 1998, Act 107 of 1998 and the National Heritage Resources Act, 1999, Act 25 of 1999.*

Signed in Stellenbosch on 4 March 2022.



Anna Elizabeth Coetsee ID. No. 670621 000 1083
Director



DIRK JACOBUS COETSEE ID. No. 661215 5079 086
Director

LETTER OF AUTHORISATION / POWER OF ATTORNEY

(Requirement in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 and other relevant legislation)

I, the undersigned, Anna Elizabeth Coetsee, ID. No. 6706210001083, representative of the landowner of Portion 4 of Farm No. 489, Stellenbosch RD (La Kavayan farm), being: Place of Grace Farms (Pty) Ltd Reg. No. 2019/232696/07 confirm that permission and special power of attorney has been granted to Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) and Dupré Lombaard, to act on the behalf of the land owner(s) to perform any act which he / she / it may be legally entitled to undertake to accomplish the following objectives and goals in terms of the above Bylaw and any other applicable legislation:

To prepare and submit applications for the authorisation of the following activities / land use / development in terms of the relevant Acts and Bylaws: For the conversion and use of existing buildings (second dwelling, cottage and pool room) on the property for guest accommodation, consisting of seven bedrooms in total, inclusive of authorisations and applications in terms of any applicable legislation, including but not limited to the Stellenbosch Municipality Land Use Planning Bylaw, 2015, the Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, the National Environmental Management Act, 1998, Act 107 of 1998 and the National Heritage Resources Act, 1999, Act 25 of 1999.

Contact details (physical address / phone / fax):

Physical address: Farm LaKavayan

Postal address: Polkadraai Rd, Stellenbosch

Telephone: 082 555 9355

Facsimile: 021 850 1770

Cellular: 082 555 9355

Email: annetjie@stbb.co.za



Signed:

Date

4 March 2022

By my signature I confirm that I am duly authorised to act on behalf the above landowner (annex the applicable resolution or other proof of authorisation to act on behalf of a juristic person hereto).

ANNEXURE D: PHOTOGRAPHS OF SUBJECT PROPERTY



Existing second dwelling



La Kavayan olive grove



Existing additional dwelling to be renovated above and pool room below

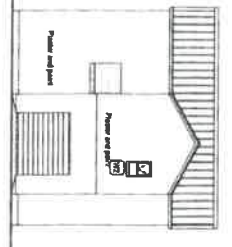




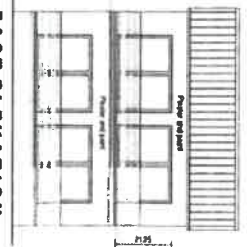
La Kavayan vineyard above and olive grove and herb garden below



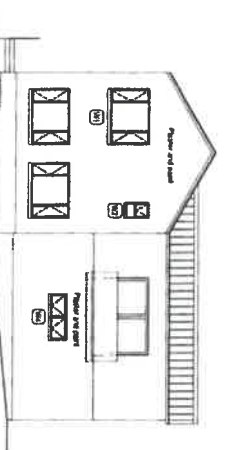
ANNEXURE E: SITE DEVELOPMENT PLAN



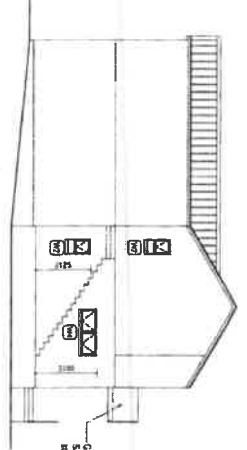
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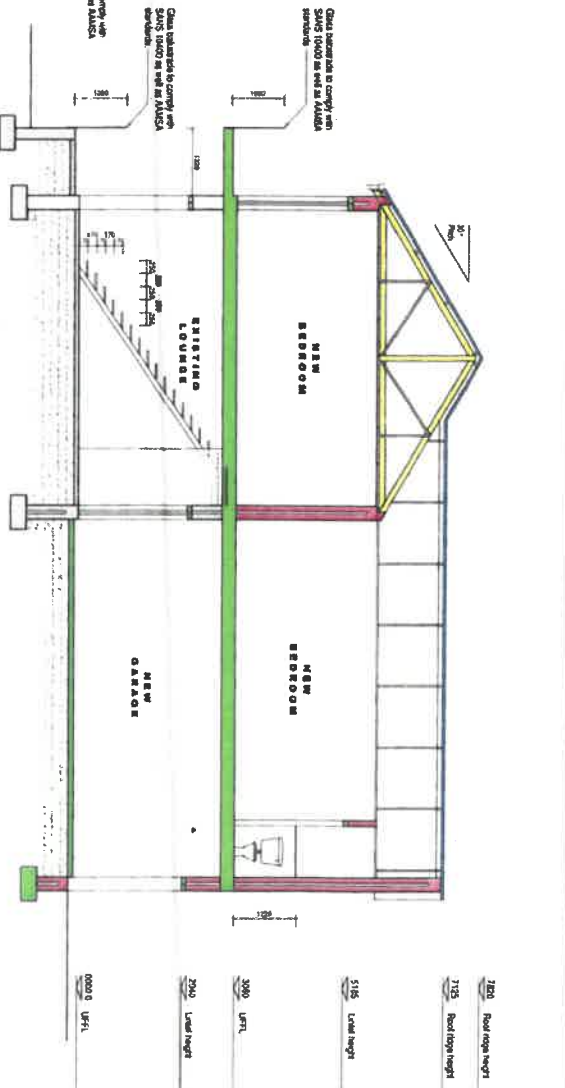
EAST ELEVATION
Scale 1:100



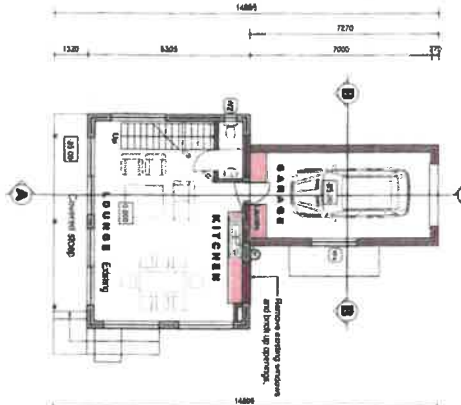
NORTH ELEVATION
Scale 1:100



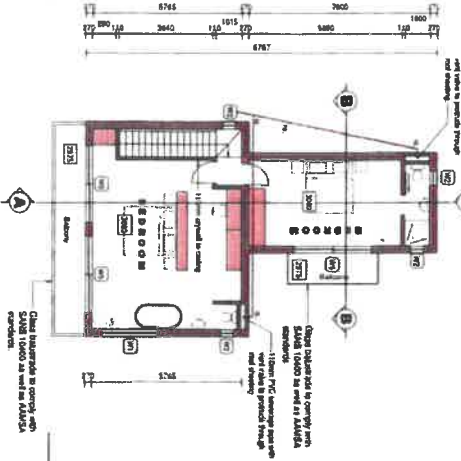
SOUTH ELEVATION
Scale 1:100



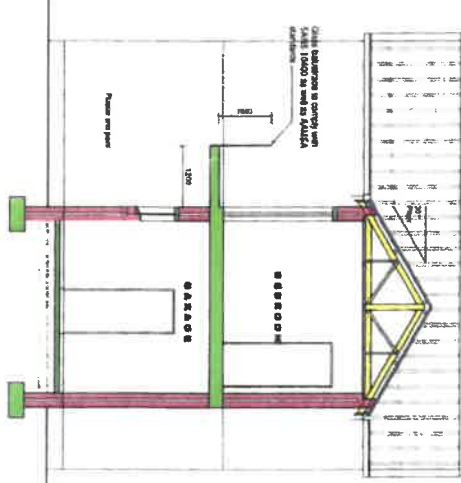
SECTION AA
Scale 1:50



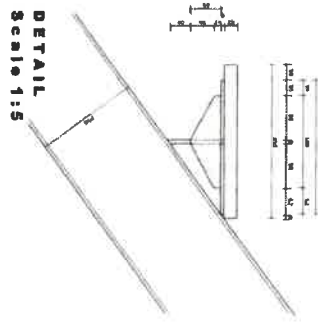
EXISTING COTTAGE C
GROUND FLOOR PLAN
Scale 1:100



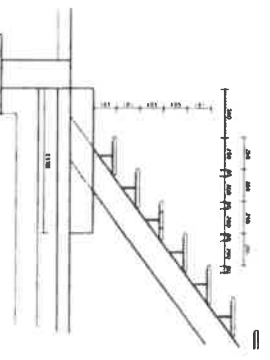
EXISTING COTTAGE C
FIRST FLOOR PLAN
Scale 1:100



SECTION BB
Scale 1:50



DETAIL
Scale 1:5



ELEVATION
Scale 1:20

Rehler Brydon
Architects
1111...
2021 431 1015
2022 820 1200

EXISTING COTTAGE C
GROUND FLOOR PLAN
Scale 1:100

EXISTING COTTAGE C
FIRST FLOOR PLAN
Scale 1:100

SECTION BB
Scale 1:50

SECTION AA
Scale 1:50

DETAIL
Scale 1:5

ELEVATION
Scale 1:20

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no.	date	by	description
1	2021-08-03	MB	PROPOSED ADJOINING AND ALTERNATING TO EXISTING RESERVE FARM 4891/1 (FRESH STEUBENSCH)
2	2021-08-03	MB	Revised Drawing
3	2021-08-03	MB	Revised Drawing
4	2021-08-03	MB	Revised Drawing
5	2021-08-03	MB	Revised Drawing
6	2021-08-03	MB	Revised Drawing
7	2021-08-03	MB	Revised Drawing
8	2021-08-03	MB	Revised Drawing
9	2021-08-03	MB	Revised Drawing
10	2021-08-03	MB	Revised Drawing

Scale: AS SHOWN
Date: 2021-08-03
Drawing no: MB/COT/C
Drawing by: MB/COT/C
Drawing checked: MB/COT/C
Drawing approved: MB/COT/C

ANNEXURE F: CONVEYANCER'S CERTIFICATE



CONVEYANCER CERTIFICATE

I/~~We~~ HEIN NAUSCHUTZ

Practising at:

**STBB ATTORNEYS
1ST FLOOR, TITANIUM HOUSE
19 GARDNER WILLIAMS AVENUE
PAARDEVLEI
SOMERSET WEST**

In respect of:

**PORTION 4 (A PORTION OF PORTION 3) OF THE FARM LYNEDOCH no. 489, IN THE
STELLENBOSCH MUNICIPALITY, DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE**

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 . **CURRENT DEED OF TRANSFER no. T40240/2020**
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.



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	Y	N	
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	N	
8.	Servitudes that may be registered over or in favour of the property	Y	N	Please see Annexure "A" attached.
9.	Other Restrictive Conditions	Y	N	

A



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

a.	Organ(s) of State that might have an Interest in the restrictive condition	
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

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
--------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------------------------	--------------------------

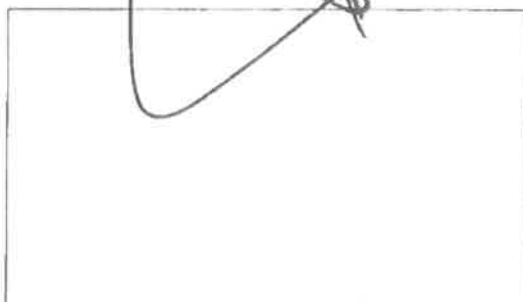
Signed at SOMERSET WEST

10 TH

AUGUST 2021

Full names and Surname: HEIN NAUSCHUTZ

Signature:



HEIN CONRAD NAUSCHUTZ
 SMITH TABATA BUCHANAN BOYES
 Commission of Oaths *in officio stamp*
 Practising Attorney, R.S.A.
 1st Floor Titanium House
 19 Gardner Williams Avenue
 Paardevlei, Somerset West

Tel: 021 850 6423

Email: heinn@stbb.co.za

Cell: 083 232 3591

The above mentioned property is ENTITLED to the following servitude rights:

1. a 20 feet wide road servitude, over Portion 2 of the Farm Schulpad, which servitude is indicated along the Western boundary of the said Portion 2.
2. A right of way 20 feet in width, Indicated by the line f d on the attached diagram no. SG2740/1948¹, over the Remainder of Portion 3 (a portion of Portion 2) of the Farm Lyndoch (see Annexure "A1")
3. A right of way 20 feet in width, over the Remainder of Portion 3 (a portion of Portion 2) of the Farm Lyndoch, which servitude is indicated along the Western boundary of the said Remainder Portion 3, marked a d on the attached Diagram no. SG8439/1947 (see Annexure "A2").
4. By Notarial Deed no. K227/1981S², the property is further Entitled to:
 - i) A servitude of aqueduct 4 metres wide, the Eastern boundary of which servitude Indicated by the line b a on the attached Diagram no. SG4433/1943, over Portion 2 of the Farm Schuldpad Vlei no. 394 (see Annexure "A3").
 - ii) A servitude of aqueduct 4 metres wide, the Eastern boundary of which servitude Indicated by the line a d on the attached Diagram no. SG8439/1947, over Remainder Portion 3 (a portion of Portion 2) of the farm Lyndoch no. 489 (see Annexure "A2").
 - iii) A servitude of aqueduct 4 metres wide, the Eastern boundary of which servitude Indicated by the line A D on the attached Diagram no. SG12649/1948 over Remainder Portion 5 (a portion of Portion 2) of the farm Lyndoch no. 489, which diagram has subsequently been cancelled as a result of a Consolidation Diagram being Issued and attached hereto, no. SG3176/2014 (creating Portion 12 of the Farm Lyndoch no. 489) (see Annexure "A4" and "A5").
Kindly note that on Consolidation Diagram no. SG3176/2014, the said servitude is Indicated along the line A x which represents the (now) Western boundary.
 - iv) A servitude of aqueduct 3 metres wide, the Northern boundary of which servitude Indicated by the line d X on the attached Diagram no. SG8439/1947 over Remainder Portion 5 (a portion of Portion 2) of the farm Lyndoch no. 489 (which Portion 5 now forms part of above consolidation re Portion 12) (see Annexure "A2" and "A5").

¹ Diagram no. SG2740/1948 represents Portion 4 (a portion of portion 3) of the Farm Lyndoch no. 489

² K227/1981S is not available from the Deeds Registry, Cape Town. This is due to the Covid restrictions in place at the Deeds Office, and the reduction of Deeds Office personnel available to make copies for public use.

AI

SUB-DIVISIONAL DIAGRAM,
Sect. 24 (b), Act No. 9 of 1927.

OFFICE COPY

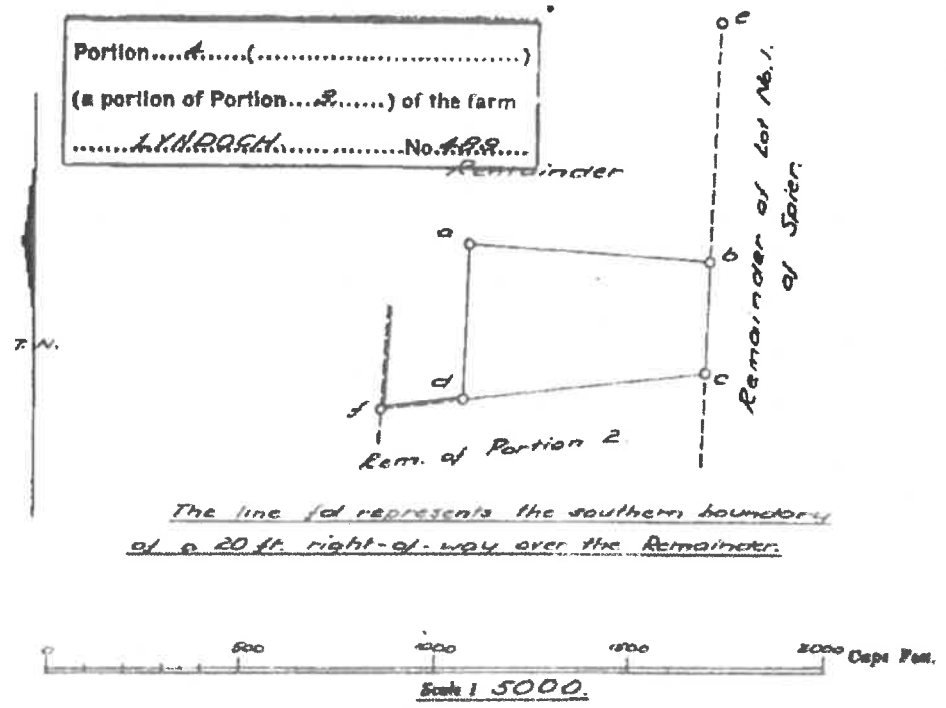
No. 2741148

SIDES	Cape Feet	ANGLES OF DIRECTION	SYSTEM 1 st 19 th CO-ORDINATES	
			X	Y
ab	625.2	274.10.30	7881.9	719.8
bc	287.2	2.24.10	6757.9	764.8
cd	631.0	88.25.20	6769.9	1051.7
da	405.0	182.10.00	7394.7	1124.0
be	626.8	182.24.10	6731.6	139.6
df	213.0	88.25.20	7608.3	1148.4

Approved
Ken. C. Lomborg
Surveyor-General.
1948

Description of Beacons.

- a, b, c & d : Iron standards projecting 6" under cairns.
- e : Planted stone, 5" x 12", projecting 18".
- f : Heavy iron corner fence post with witness marks at 15' along boundaries.



The figure abcd
represents 2.4999 Morgen of land being
PORTION 4 (a portion of Portion 3)
of the farm Lyndogh.

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

Surveyed in Febr. 1948 by me

K. Fieldlaender
Land Surveyor.

This diagram is annexed to D.T.
No. 24024
del. 2.10.48

The original diagram is
No. 8455/47 annexed to
D.T. 1348.42.2076

File No. S 7718
S.R. No. E. 621/48
Dep. SH. BH BDC
Stel. Q 24-11
M 3154
H 3100
VH 483/4
A 8207

Registrar of Deeds.

A

BYE Kaapse Voet	RIJTINGS- HOEK	STELSEL N ^o 19 ^o KO-ORDINATE	
		y	x
Ob	804.1	277.10.30	A = 60000.0 B = 1194000.0
bc	913.0	2.24.10	B = 7529.4 C = 29.1
cd	844.0	83.25.20	C = 6731.6 D = 139.5
da	1112.1	184.04.00	D = 6769.9 E = 1051.7
ce	1370.4	2.24.10	E = 7608.3 F = 1148.4
			F = 6827.8 G = 2420.9

L. G. No. 8133/47

Goedgekeur.

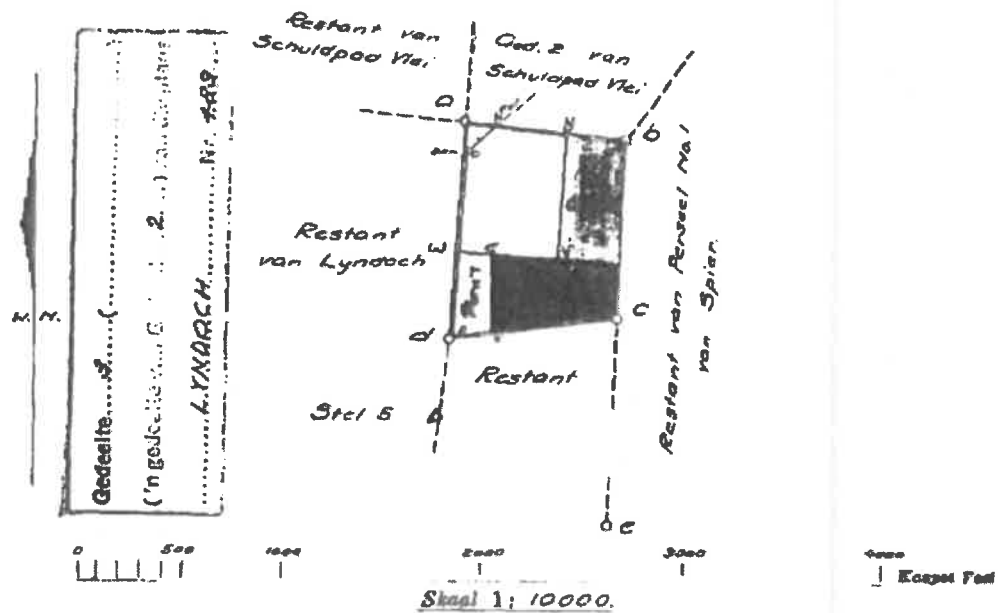
Ken. C. Joubert

Landmeter-generaal.

17-11-1947

Bakenbeskrywing.

- a-c 5' ysterstaanders 6' bo-grend onder klipstapel.
- b Klip 3' x 12', 18" hoog.
- d Swaar draadpaal verskeringsmerke op 16' langs grense
- e Swaar draadpaal.



Die figuur abcd

stel voor 9.5718 Morg grond, synde

GEDEELTE 3 (n gedeelte van Gedeelte 2) van die plaas Lyndoch.

geleë in die Afdeling Stellenbosch Provinsie Kaap die Goeie Hoop

Opgemeet in Aug. 1943 en Sept. 1947 deur ons

J. Joubert
Landmeter-generaal.

Hierdie kaart is geheg aan
Transport No 2076
ged 3.2.48

Registrateur van Akte.

Die oorspronklike kaart is
No. 4431/43 geheg aan
T/A 1944 120-5992

L. G. Leer No. 5.7718
M.S. No. E. 2219/47
Grootkaart BHOD
Stel. Q 24-11A

B
C
S

For list of
KM. 409/3

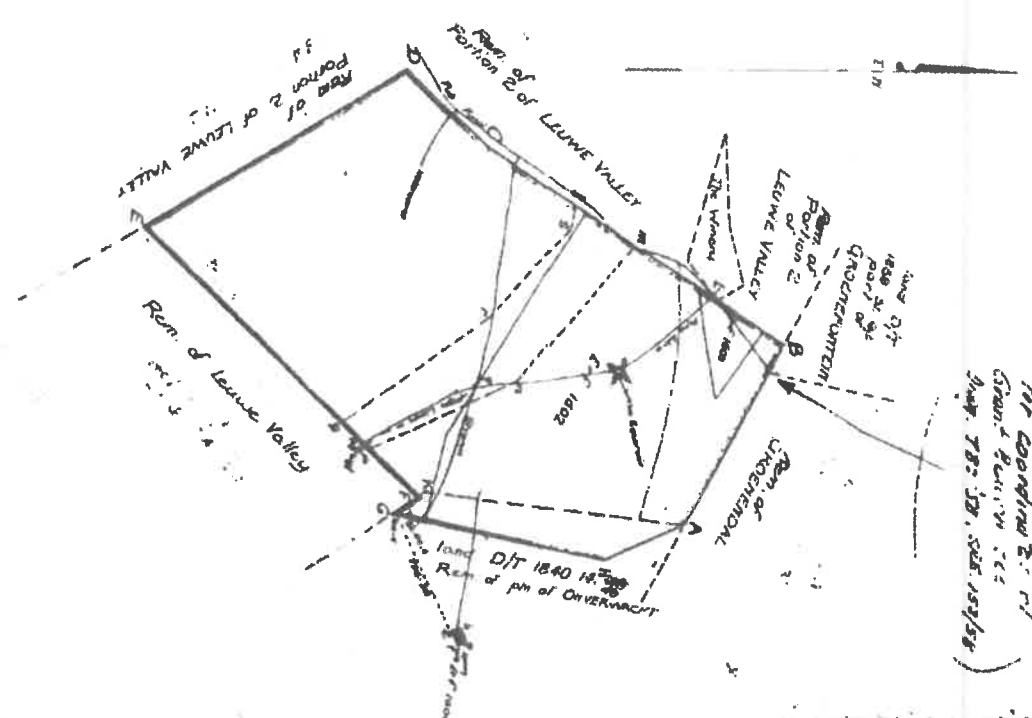
A

The following distribution have:

Survey Records.	Site No.	Category	Area	Transfer No.	Initialled.
E681/48	2740/48	Portion 4	2.4890	24054/1948	D.C
E1180/49	4083/49	Portion 6	2.3648	16406/1960	
E421/13	890/13	Ptn. 7	8538 Sqm	18445/2017	

Survey	Site No.	Description	Area	Transfer No.	Initialled.
E 621/48	2740/48	The line da represents the boundary between the two parcels of land.			
E 1180/49	4083/49	The line da represents the boundary between the two parcels of land.		16406/1960	
E 200/13	890/13	Die area by name is a leasehold area.			
E 1180/49	4083/49	Die figuur ayuw stel voor 'n huur- kontrak gebied.			
E 236/13	890/13	The figure ayuw represents a leasehold area.		55953/84	

8



For location of
 Grand River etc
 Map 780 58. 52E. 15.5/58

Area	Area	Area	Area
AD	518.54	52.08	57.00
AB	933.40	37.42	41.00
AC		46.33	50.00
AE		47.40	51.00
AG			
AI			
AK			
AL			
AM			
AN			
AO			
AP			
AQ			
AR			
AS			
AT			
AV			
AW			
AX			
AY			
AZ			
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BC			
BD			
BE			
BF			
BG			
BH			
BI			
BJ			
BK			
BL			
BM			
BN			
BO			
BP			
BQ			
BR			
BS			
BT			
BU			
BV			
BW			
BX			
BY			
BZ			
CA			
CB			
CC			
CD			
CE			
CF			
CG			
CH			
CI			
CJ			
CK			
CL			
CM			
CN			
CO			
CP			
CQ			
CR			
CS			
CT			
CU			
CV			
CW			
CX			
CY			
CZ			
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IX			
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JE			
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QB			

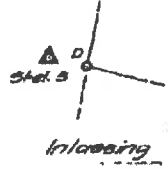
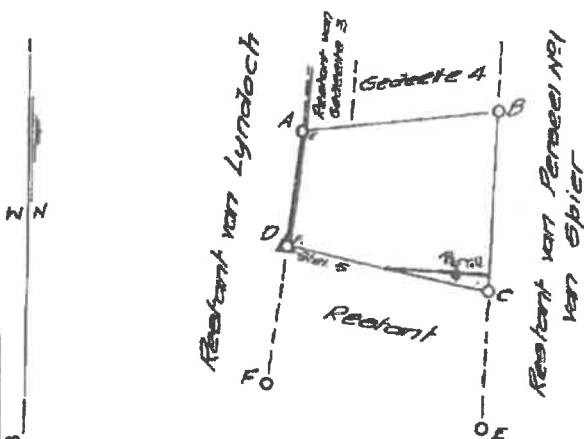
STE	RIJINGS- VOET	RIJINGS- HOEK	WYKSEL L ^o 19 ^o KO-ORDINATE
			+60000.0 +1104000.0
AB	844.0	263.25.20	A + 7608.3 + 1148.4
BC	773.8	2.24.10	B + 6789.9 + 1051.7
CD	885.9	102.07.40	C + 6802.3 + 1824.8
DA	494.0	186.59.10	D + 7668.4 + 1688.7
CE	596.6	2.24.10	E + 6827.3 + 2420.9
DF	602.0	6.59.10	F + 7741.6 + 2286.3

L. G. No. 12649/4

Goedgekeur.

E. J. van der Merwe
Landmeter-generaal.

10 JUN 1949



CANCELLED
 THE FORTY-NINTH (1949) EDITION
 OF THE SURVEYOR-GENERAL
 20/10/103

Beskrywing van Bakens:

- A.E = swaar draadpale.
- B.F = ysterbakens met 8° uitsteek onder klipkopels.
- C = 4' ysterbakens met 12° uitsteek onder klipkopels.
- D = 12' ysterbakens in betoel in voetstuk met Trig-bakens. Stel. 5

Gedeelte.....
 ('n gedeelte van Gedeelte.....)
 van die plaas.....
 in die Afdeling.....

Skaal 1: 7500

Die figuur A.B.C.D

stel voor 6.2550 Morgen grond, synde

Gedeelte 5 ('n gedeelte van Gedeelte 2)
 van die plaas Lyndoch

geleë in die Afdeling Stellenbosch, Provinsie Kaap die Goeie Hoop

Opgeset in November 1948 deur my

A. F. Riedlaender
 Landmeter.

Hierdie kaart is D.T. N^o 1,6721
 d.d. 12/10/49

Die oorspronklike kaart is
 No. 4431/43 gegee aan
 TA 1944-120-5992

L. G. Ltr No. S 7718
 M.S. No. E. 5402/48
 Stel. G 24-11

Registratur van Aktes.

For Symbols, Stamp
 See Book of...

M 489/5
 8 11 12

[Handwritten mark]

THE BUREAU OF LAND SURVEY
RECORDS OF VAN WAGENINGE KAART GEWESEN

HEET STREEK	KAARTNO.	ONDERVEER- BELIJD	GRONTE NA. N. O.	AKTIE.	GEWAS- PUNT	INSTR.
Jessels	218104	Gen. 0	174, 60m	Van Wageninge	D.C.	5200 Ma

ONDERVEER- BELIJD	KAART NO. DIAS. NO.	BEKRYFING DESCRIPTION	AKTIE.	GEWAS- PUNT
		The figure 174, 60m represents the width of way 20		

18

ANNEXURE G: TITLE DEED

11

STBB
1st Floor, Titanium House
19 Gardner Williams Avenue
Paardevelde
Somerset West
7130
Docax 15, Somerset West

Prepared by me, *[Signature]*

[Signature]

CONVEYANCER

CORLENE MOSTERT
LPC NUMBER 83476 *cm*

Fee schedule		Office fee
Purpose	Amount	
Transfer of property	2400	2400
Stamp duty		
Registration fee		
Other		
Total		

T 000040240 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

[Faint signature]

[Signature]

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

LA KAVAYAN ESTATES PROPRIETARY LIMITED
Registration Number 1990/006567/07

signed at STELLENBOSCH dated 26 OCTOBER 2020

DATA / VERIFY
26 12 2020
ELIZABETH VAN TONDER

[Signature]

AND the said Appearer declared that his/her principal had on 22 October 2020 truly and legally sold by private treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

**PLACE OF GRACE FARMS PROPRIETARY LIMITED
Registration Number 2019/232696/07**

its successors in title or assigns in full and free property:

**PORTION 4 (A PORTION OF PORTION 3) OF THE FARM LYNEDOCH NO. 489
IN THE STELLENBOSCH MUNICIPALITY AND DIVISION
WESTERN CAPE PROVINCE**

IN EXTENT: 2,1413 (TWO COMMA ONE FOUR ONE THREE) HECTARES

**FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T24054/1948 WITH
DIAGRAM NUMBER 2740/1948 RELATING THERETO AND HELD BY DEED OF
TRANSFER NUMBER T68782/1996**

SUBJECT to the conditions referred to in Deed of Transfer No. 24054 dated 21st October 1948:

FURTHER SUBJECT to the conditions marked (c), (d)i, ii, iii, and (e) contained in the Deed of Grant issued under the provisions of Act No. 12 of 1912 on 1st November 1918 (Stellenbosch Quitrents Volume 24 No. 11) which read as follows:

*(a)

(b)

(c) Whenever damage is being or has been caused to the grantee by any operation connected with the prospecting for, or the discovery or exploitation of minerals on the land hereby granted, the person who caused the damage shall be liable to pay compensation to the grantee as provided in Section 32 Subsection (1) of the Land Settlement Act, 1912.

(d) That the Governor-General may at any time, and in such manner and under such conditions as he may think fit –

i. Construct or authorize the construction of dams or reservoirs upon the land hereby granted.

ii. Construct or authorize the construction upon, through or under the land hereby granted, or 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.

- iii. Construct and work or authorise the construction and working, subject to the provisions of any law, of railways, roads, telegraph and telephonic lines on or over the land hereby granted, for the purposes of any such works.

Compensation shall be paid to the grantee for any loss or damage sustained by him by reason of the exercise of the powers aforesaid, provided, however, that there shall be set off against the loss or damage caused to the grantee the benefit instant or prospective which he derives or is likely to derive by reason of the construction of the works. In the event of compensation being payable the amount thereof shall be mutually agreed upon or, failing such agreement, shall be determined by arbitration.

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

ENTITLED to the benefit of the special condition contained in the Deed of Transfer No. 22252 dated 19th December 1946, viz:

"Dat die Transportontvanger en haar opvolgers in titel as eienaars van geselde Gedeelte 2 van die plaas Lyndoch geregtig sal wees op 'n reg van pad 20 voet tyd, oor die aanliggende grond van die Transportgewers synde Gedeelte 2 van die plaas Schulpad Vlei gehou deur die Transportgewers onder paragraaf (1) van Transportakte No. 5992 gedateer 5 Mei 1944, die koers van sodanige pad te wees al langs die Westlike grens van gesegde Gedeelte 2 van die plaas Schuldpad Vlei, welke gesegde grens af gemerk is op die kaart van gesegde voorgenoemde eiendom."

THE abovementioned Portion 4 is entitled to the benefit of the following special conditions contained in Deed of Transfer No. 24054 dated 21st October 1948:

1. That the above transferee and his successors in title as owners of the said Portion 4 (a portion of Portion 3) of the farm Lyndoch, shall be entitled to a right of way 20 feet in width, over the remaining extent of Portion 3 (a portion of Portion 2) of the farm Lyndoch, held by the Appearer's Constituent under the said Deed of Transfer No. 2076 dated 3rd February 1948, which said right of way is marked fd on the diagram (No. 2740/1948) of the said Portion 4.
2. That the above transferee and his successors in title as owners of the said Portion 4 (a portion of Portion 3) of the farm Lyndoch shall be entitled to a right of way 20 feet in width over the remaining extent of the said Portion 3 (a portion of Portion 2) of the farm Lyndoch, held by the Appearer's Constituent, married as aforesaid, under the said Deed of Transfer No. 2076 dated 3rd February 1948, which said right of way shall be along the Western boundary of the remaining extent of the said Portion 3 marked a-d on the diagram (No. 8439/1947) thereof.

CM

FURTHER SUBJECT to the condition contained in Deed of Transfer No. T6136/1960 in terms of Notarial Deed No. K227/1981S dated 7 May 1980, which reads as follows:

- (a) Entitled to a servitude of aqueduct 4 metres wide, the eastern boundary of which is denoted by the boundary line b a on diagram No. 4433/1943 annexed to T5592/1944, over Portion 2 of the farm Schuldpad Vlei No 394 measuring 24,4978 hectares held by T20472/1969;
- (b) Entitled to a servitude of aqueduct 4 metres wide the eastern boundary of which is denoted by the boundary line ad on diagram 8439/1947 annexed to T2076/1948, over Remainder of Portion 3 (a portion of Portion 2) of the farm Lyndoch No 489 measuring 4,0318 hectares held by T194/1964;
- (c) Entitled to a servitude of aqueduct 4 metres wide, the eastern boundary of which is denoted by the boundary line AD on diagram 12649/1948 annexed to T16721/1949, over Portion 5 (a portion of Portion 2) of the farm Lyndoch No 489 measuring 5,3576 hectares held by T15963/1954;
- (d) Entitled to a servitude of aqueduct 3 metres wide, the northern boundary of which is denoted the line dX on the aforesaid diagram No. 8439/1947, over the aforesaid Portion 5 with ancillary rights and subject to conditions as will more fully appear from the said Notarial Deed.

CM

FURTHER SUBJECT to the condition contained in Deed of Transfer No. T6136/1960 in terms of Notarial Deed No. K227/1981S dated 7 May 1980, which reads as follows:

- (a) Entitled to a servitude of aqueduct 4 metres wide, the eastern boundary of which is denoted by the boundary line b a on diagram No. 4433/1943 annexed to T5592/1944, over Portion 2 of the farm Schuldpad Vlei No 394 measuring 24,4978 hectares held by T20472/1969;
- (b) Entitled to a servitude of aqueduct 4 metres wide the eastern boundary of which is denoted by the boundary line ad on diagram 8439/1947 annexed to T2076/1948, over Remainder of Portion 3 (a portion of Portion 2) of the farm Lyndoch No 489 measuring 4,0318 hectares held by T194/1964;
- (c) Entitled to a servitude of aqueduct 4 metres wide, the eastern boundary of which is denoted by the boundary line AD on diagram 12649/1948 annexed to T16721/1949, over Portion 5 (a portion of Portion 2) of the farm Lyndoch No 489 measuring 5,3576 hectares held by T15963/1954;
- (d) Entitled to a servitude of aqueduct 3 metres wide, the northern boundary of which is denoted the line dX on the aforesaid diagram No. 8439/1947, over the aforesaid Portion 5 with ancillary rights and subject to conditions as will more fully appear from the said Notarial Deed.

CM

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

**LA KAVAYAN ESTATES PROPRIETARY LIMITED,
REGISTRATION NUMBER 1990/006567/07**

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

**PLACE OF GRACE FARMS PROPRIETARY LIMITED,
REGISTRATION NUMBER 2019/232696/07**

its successors in title or assigns

now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of R7 000 000,00 (SEVEN MILLION RAND).

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

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 27 NOVEMBER 2020



q.q.

In my presence:

Registrar of Deeds

CU

ANNEXURE H: DIAGRAM

SUB-DIVISION PROGRAM,
 Sect. 24 of Act No. 9 of 1927,
 SYSTEM OF COORDINATES

Original COPY

SIDE	Angle	Direction	Coordinates
AB	234 10 00	10 00	7481.00
BC	287 20 00	10 00	670.00
CD	201 10 00	00 00	8709.00
DA	205 00 00	00 00	1294.00
DB	275 00 00	00 00	670.00
DC	213 00 00	00 00	1688.00

No. 2741740

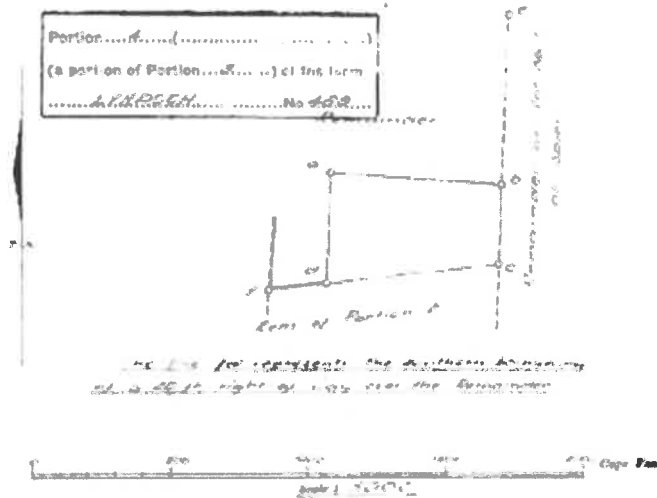
Approved

Ken C. Lyndoch

Surveyor-General.

Description of Monuments

- 1) A level iron stationary projecting corner corner
- 2) Flashed stone 3" x 3" projecting 10"
- 3) Heavy iron corner fence post with brass marks at 15 along boundaries



The figure 2741740

represents 2.4429 Hectares of land being

PORTION 4 (a portion of Portion 3)
of the farm Lyndoch.

situate in the Division of Cape of Good Hope Province of Cape of Good Hope

Surveyed in 1928 by me

Ken C. Lyndoch

Land Surveyor.

This diagram is entered in
 No. 1102/1
 Vol. 10 28

The original diagram is
 No. 2741740 attached to
 the map of 1928

File No. 2741740
 R.R. No. E 242/10
 Sub. Div. No. 2741740
 Syst. Q 20-11

Register of Deeds.

M 3154
 H 3100
 10/28/28

Charlene Williams

From: Landuse Enquiries
Sent: 25 July 2022 08:45 AM
To: Charlene Williams
Subject: FW: [EX] RE: APPLICATION: FARM 489/4, STELLENBOSCH (PEND/DUE: 26 July 2022)
Attachments: Title Deed 24054_1948 Ptn 4 F 489 Stellenbosch.pdf

Hi Charlene

Plaas asb op leer en merk uit vir Robert se aandag.

Byvoorbaat dank,



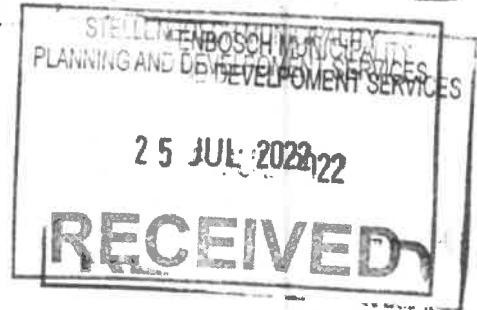
Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer
Development Management
Planning & Economic Development

T: +27 21 808 8318
43 Andringa Str, Eikestad Mall, 3rd
Floor
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>

FILE NR:	
SCAN NR:	F 489 43
YLABORATOR NR:	



From: Dupré Lombaard (Viridus Works) <dupre.lombaard@viridus.com>
Sent: Monday, 25 July 2022 08:02
To: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Cc: Landuse Enquiries <Landuse.Enquiries@stellenbosch.gov.za>
Subject: RE: [EX] RE: APPLICATION: FARM 489/4, STELLENBOSCH (PEND/DUE: 26 July 2022)

Dear Robert

Herewith the pivot deed of 1948 in which the right of way was first described. As will be clear from the wording and determination, there are no restrictions or limitations on the use of the right of way.

Will you please advise when we can proceed with the public participation process?

Regards / Groete

DUPRÉ LOMBAARD
(SACPLAN B/8076/1998 / EAPASA 2019/304)

As stated in the legal opinion provided, there is no indication whatsoever regarding the nature of the permitted or excluded use of the "Servitude right of way 20' wide". At best, the owner of the property across which the servitude is granted, as the servient owner, will have to comment on the application in the public participation process. As there is no indication of any restriction in any of the available title deeds, going back to the 1948 title deeds, the conveyancer can only state as a fact that there is no recorded restriction on the use of the right of way. He cannot state anything else. The condition in the title deed and the servitude note on the diagram contain no indication of restriction or permitted use other than a right of way.

THE abovementioned Portion 4 is entitled to the benefit of the following special conditions contained in Deed of Transfer No. 24054 dated 21st October 1948:

1. That the above transferee and his successors in title as owners of the said Portion 4 (a portion of Portion 3) of the farm Lyndoch, shall be entitled to a right of way 20 feet in width, over the remaining extent of Portion 3 (a portion of Portion 2) of the farm Lyndoch, held by the Appearer's Constituent under the said Deed of Transfer No 2076 dated 3rd February 1948, which said right of way is marked fd on the diagram (No. 2740/1948) of the said Portion 4.
2. That the above transferee and his successors in title as owners of the said Portion 4 (a portion of Portion 3) of the farm Lyndoch shall be entitled to a right of way 20 feet in width over the remaining extent of the said Portion 3 (a portion of Portion 2) of the farm Lyndoch, held by the Appearer's Constituent, married as aforesaid, under the said Deed of Transfer No. 2076 dated 3rd February 1948, which said right of way shall be along the Western boundary of the remaining extent of the said Portion 3 marked a-d on the diagram (No. 8439/1947) thereof.

DEED NO.	DATE	DESCRIPTION	APPLICANT'S INITIALS
E 621/48	2740/48	The line dx represents the Southern boundary of a Serv Right of way 20' wide.	24054
E 112/1949	4022/1949	The line dy repr. the Northern boundary of a 20' Serv. R.O.W.	16406/1960
E 2801/1947	6413/48	Die blou lyn rep. deel n. Servituut Pyplyn v.w.	1/50 303/49
E 177/72	1256/72	Die figuur ayvw stel voor 'n huur-Kontrak gebied.	55953/84
E 2364/84	8491/84	The figure exdw. represents a leasehold area.	55953/84

Regards / Groete

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa

Mobile: +27 82 895 6362

Web: www.virdus.com

From: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>

Sent: 14 July 2022 09:01

To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Subject: RE: [EX] RE: APPLICATION: FARM 489/4, STELLENBOSCH (PEND/DUE: 26 July 2022)

Morning Dupre

I would like confirmation that the servitude access is not restricted in any form, as in some instances servitudes over agricultural portions are specific in that they grant access with the condition that it is to be used for farming / agricultural activities only and thus the establishment of a guest house or tourist related activity is not an farming / agricultural related activity.



Kind regards,

Robert Fooy

Senior Town Planner, Land Use Management
Department Planning & Economic Development

T: +27 21 808 8680

E-mail: robert.fooy@stellenbosch.gov.za

3rd Floor, Stellenbosch Mall
Aandringa Street, Stellenbosch 7600
www.stellenbosch.gov.za



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STELLENBOSCH
MUNICIPALITY



About Stellenbosch Municipality

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



www.stellenbosch.gov.za

robert.fooy@stellenbosch.gov.za
dupre.lombaard@virdus.com

dupre.lombaard@virdus.com

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Sent: Wednesday, 13 July 2022 17:29

To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Cc: Charlene Williams <Charlene.Williams@stellenbosch.gov.za>; Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Subject: [EX] RE: APPLICATION: FARM 489/4, STELLENBOSCH (PEND/DUE: 26 July 2022)

Dear Nicole

Further to our email, we herewith submit a legal opinion in response to the request for clarification of the servitude situation.

Regards / Groete

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa

Mobile: +27 82 895 6362

Web: www.virdus.com

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>

Sent: 12 July 2022 13:54

To: 'Nicole Katts' <Nicole.Katts@stellenbosch.gov.za>

Cc: 'Charlene Williams' <Charlene.Williams@stellenbosch.gov.za>; 'Hein Nauschutz' <HeinN@stbb.co.za>

Subject: RE: APPLICATION: FARM 489/4, STELLENBOSCH (PEND/DUE: 26 July 2022)

Dear Nicole

The conveyancer's certificate as submitted with the application provides all the details of the servitudes as required.

We will nonetheless ask Mr Hein Nauschutz, as the conveyancer who issued the certificate, to comment on the request, which we trust can be provided within the 14 days as indicated in your email.

Regards / Groete

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa

Mobile: +27 82 895 6362

Web: www.virdus.com

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Sent: 12 July 2022 10:56

To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>; Charlene Williams <Charlene.Williams@stellenbosch.gov.za>

Subject: APPLICATION: FARM 489/4, STELLENBOSCH (PEND/DUE: 26 July 2022)

Good day Mr Lombaard

I trust that you are well.

The application is considered incomplete and cannot be processed further. Please provide the Municipality with the following outstanding information and/or documentation within 14 days from the date of receipt of this e-mail.

- Conveyers certificate to be provided, confirming that the servitude roads referred in the subject properties title deed make provision for the use of the property for Tourist Accommodation Establishment facilities as proposed.

Kindly note that failure to provide the outstanding information within the timeframes contemplated above, the Municipality may refuse to consider the application.

Should you have any queries please contact the Municipality.



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd

Floor

www.stellenbosch.gov.za



Electronic and/or e-mail messages may not be secure. If the communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/online_pages/default/page/110



STELLENBOSCH
MUNICIPALITY

www.stellenbosch.gov.za



About Stellenbosch Municipality

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



Stellenbosch Municipality
43 Andringa Street, Eikestad Mall, 3rd Floor
Stellenbosch, 7460
www.stellenbosch.gov.za

Disclaimers

For more information on the services provided by Stellenbosch Municipality, please contact the relevant department.

dupre_lombard@virgin.com

nicole.katts@stellenbosch.gov.za
dupre_lombard@virgin.com

5

6

Walskille copy

Two BOND

Federal Printer Co. (Pty.) Ltd
Cape Town

24054

LODGED

1/10-1948

No 1a Walskille 1a for Release

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1/10-1948

Boerd

See back

GENERAL
REGISTRATION
OFFICE
CAPE TOWN
NOV 11-1948
No 151

DE TRANSPORTER 25 JUN 1957
TRANSFERRED
No 151
Restant
Remainder
F. de V. BRUNT
Ag. Registrar

DE GROOT
ANNE
REGISTERED
FOR PROSPECTIVE
PURCHASE
OF PORTLAND CEMENT
WORKS
RECEIVED AS
REGISTERED AS
AND MUST IN FUTURE BE DESCRIBED AS
THE LIFE
4 April 1948
2/6

ANNE
REGISTERED
FOR PROSPECTIVE
PURCHASE
OF PORTLAND CEMENT
WORKS
RECEIVED AS
REGISTERED AS
AND MUST IN FUTURE BE DESCRIBED AS
THE LIFE

24054

1948

DEED OF TRANSFER.

DEMPERS & VAN RYNEVELD,
Attorneys, Notaries

B.A. Association Building,
6, Church Square,
CAPE TOWN.

Prepared by

Conveyancer

conditions 57

Know all Men whom it may concern;

Gabriel le Roux Groenewald,

That REGINALD CLIVE BERRANGE VAN RYNEVELD

Assistant
appeared before me, Registrar of Deeds, in Cape Town, Province of the Cape of Good Hope, he, the said appearer, being duly authorised thereto by a Power of Attorney, witnessed in accordance with Law, dated the 27th day of July 1948, drawn up at Stellenbosch, and granted to him by

See back

Elly de Groot (born de Boer on 8 October 1915) married to Cornelis de Groot in Holland; which marriage is governed by the Laws of Holland; and by him assisted,

which Power of Attorney was exhibited to me on this day, and the said appearer declared that his said Constituent, married as aforesaid,

hath truly and legally sold, on 19 February 1948 and that he in his said capacity as Attorney aforesaid, did, by these presents Cede and Transfer, in full and free Property to and on behalf of

Clement Arthur Cadle - born 8 May 1907,

his Heirs, Executors, Administrators, or Assigns

Certain piece of land situate in the Division of Stellenbosch being Portion 4 (a portion of Portion 3) of the farm Lyndoc transferred to the Appearer's Constituent, married as aforesaid, on 3 February 1948, No. 2076.

Measuring :- two decimal four nine nine nine (2.4999) morgen.

As will more fully appear from the annexed diagram (No. 2740/48) and (I) subject to the conditions marked (a), (b), (c), (d) i.ii and iii. and (e) contained in the Deed of Grant issued under the provisions of Act No. 12 of 1912 on 1 November 1918 (Stellenbosch Quitrents Vol. 24 No. 11) which read as follows:-

"(a) That all rights to minerals on or under the land hereby granted are hereby reserved to the Crown and subject to the provisions hereinafter contained, the Governor-General may, in accordance with the laws regulating prospecting and mining for minerals deal with the same as if the land on or under which the minerals exist had not been granted; provided that the grantee may quarry or get limestone and building stone, dig clay, burn lime, and make bricks on the said land, but solely for the purpose of building or otherwise utilizing the same thereon, and may take so much coal as he may require for his domestic use and for the plant and machinery used for working the said land.

(b) /-

- (b) That the Governor-General may resume for mining purposes or purposes incidental thereto the land hereby granted or portion thereof, and deal with the same in accordance with the laws referred to in clause (a) preceding. If the land hereby granted or any portion thereof be so resumed, such compensation shall be paid by the Governor-General to the grantee as may be mutually agreed upon, or failing such agreement as may be determined by arbitration.
- (c) Whenever damage is being or has been caused to the grantee by any operation connected with the prospecting for, or the discovery or exploitation of minerals on the land hereby granted, the person who caused the damage shall be liable to pay compensation to the grantee as provided in Section thirty-two, Sub-section (1) of the Land Settlement Act, 1912.
- (d) That the Governor-General may at any time, and in such manner and under such conditions as he may think fit,
- i. Construct or authorize the construction of dams or reservoirs upon the land hereby granted.
 - ii. Construct or authorize the construction upon, through or under the land hereby granted, of water-furrows, pipe-lines, canals and drains, and conduct or authorize the conducting of water therefrom or thereover for the benefit of the public or any owner or occupier of neighbouring land.
 - iii. Construct and work or authorize the construction and working, subject to the provisions of any law, of railways, roads, telegraph and telephonic lines on or over the land hereby granted, and take materials from the land hereby granted for the purposes of any such works.
- Compensation shall be paid to the grantee for any loss or damage sustained by him by reason of the exercise of the powers aforesaid, provided, however, that there shall be set off against the loss or damage caused to the grantee the benefit instant or prospective which he derives or is likely to derive by reason of the construction /--

construction of the works. In the event of compensation being payable the amount thereof shall be mutually agreed upon or, failing such agreement, shall be determined by arbitration.

- (e) That all roads, thoroughfares and rights of out-span being or existing on the land hereby granted shall remain free and unencumbered unless the same be cancelled, closed or altered by competent authority".

and (II) entitled to the benefit of the special condition contained in the deed of transfer No. 22252 dated 19 December

1946 viz:-

"Dat die Transportontvanger en haar opvolgers in titel as eienaars van geseigde Gedeelte 2 van die plaas Lyndoch geregtig sal wees op 'n reg van pad, 20 voet wyd, oor die aanliggende grond van die Transportgewers synde Gedeelte 2 van die plaas Schuldpad Vlei gehou deur die transportgewers onder paragraaf (1) van transportakte No. 5992 gedateer 5 Mei 1944, die koers van sodanige pad te wees al langs die Westelike grens van geseigde Gedeelte 2 van die plaas Schuldpad Vlei, welke geseigde grens ab gemerk is op die kaart van geseigde voorzencemde eiendom".

The land hereby conveyed is, by reason of its situation, not subject to the condition contained in the said deed of transfer No. 2076/1948, relating to a right-of-way twenty feet wide over Portion 3 (a portion of Portion 2) of the farm Lyndoch.

The abovementioned Portion 4 is entitled to the benefit of the following special conditions :-

- (1). That the above transferee and his successors in title as owners of the said Portion 4 (a portion of Portion 3) of the farm Lyndoch, shall be entitled to a right-of-way, 20 feet in width, over the remaining extent of Portion 3 (a portion of Portion 2) of the farm Lyndoch, held by the Appearer's Constituent under the said deed of transfer No. 2076 dated 3 February 1948, which said right-of-way is marked rd on the diagram (No.2740/48) of the said Portion 4.

(2) /--

- 5.
- (2) That the above transferee and his successors in title as owners of the said Portion 4 (a portion of Portion 3) of the farm Lyndoch shall be entitled to a right-of-way, 20 feet in width, over the remaining extent of the said Portion 3 (a portion of Portion 2) of the farm Lyndoch, held by the Appearer's Constituent, married as aforesaid, under the said deed of transfer No. 2076 dated 3 February 1948, which said right-of-way shall be along the Western boundary of the remaining extent of the said Portion 3, marked a-d on the diagram (No.8439/47) thereof,
- (3) That the Transferee and his successors in title as owners of the said Portion 4 shall have the right to take five thousand (5000) gallons of water per week from the reservoir situate on the remaining extent of the said Portion 3 of the farm Lyndoch held by the Appearer's Constituent under said deed of transfer No. 2076 dated 3 February 1948, by means of a pipeline which shall be laid in such a position as may be agreed upon between the Transferor and the transferee, and the transferee shall have the right to go on to the aforesaid remaining extent for the purpose of repairing and maintaining such pipeline.

Wherefore the said Appearer, q.q., renouncing all the Right and Title his said Principal, married as aforesaid, heretofore had to the Premises, did, in consequence, also acknowledge her

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

his Heirs, Executors, Administrators, or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom; Government however, reserving its Rights; And finally, acknowledging to be satisfactorily paid, ^{or secured} the whole of the Purchase Money, amounting to a sum of

Seven hundred and seventy five pounds (£775).

ASSISTANT

In Witness whereof, I the said Registrar, together with the Appearer, q.q. have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds in CAPE TOWN, Province of the Cape of Good Hope, on the 21st Day of the Month of October in the Year of Our Lord One Thousand Nine Hundred and forty eight (1948).

Before me

Registered in the Portico Register

of Lyndoch Book: L4 folio 88(8)

[Signature]
Officer in Charge

ASSISTANT Registrar of Deeds.

For Mortgages, if any, see heading of Deed.