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

#### Address of recipient

To Whom It May Concern,

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

**Application Property Address:** Vlottenburg Road opposite Spier Estate / Remainder of Portion 14 of Farm Spier No. 491 Stellenbosch

Application Property Number: Remainder of Portion 14 of Farm Spier No. 491 Stellenbosch

Applicant: P-J le Roux Town Planners Pty Ltd (cell: 0760317607)

Owner: Nwanedi Country Manor (Pty) Ltd

Application Reference: LU/ 12392

**Application Type:** Following applications:

- 1) Application is made terms of Section 15(2)(o) of the Stellenbosch Land Use Planning By-Law (2015) for the following **Consent Uses** inside existing vacant buildings located on the subject property for the following:
  - Farmers Market, Tourist facility (exhibit model trains and model train club),
  - · Coffee shop and deli,
  - 6 satellite picnic spots with the conversion of existing storerooms into ablution facilities.
- 2) Application in terms of Section 13 of the Stellenbosch Municipality Zoning Scheme (May 2019) for a **Technical Approval** to utilize 5 bedrooms within the existing dwelling unit with outbuilding as a Bed and Breakfast 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: <a href="https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements">https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements</a>. 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: P-J le Roux Town Planners Pty Ltd / pi@pileroux.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **22 October 2021**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 0760317607 during normal office hours.

Yours faithfully

#### P-J LE ROUX TOWN PLANNERS PTY LTD



# KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTERESSEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

#### Address of recipient

Heil Die Leser.

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

**Adres van aansoek eiendom:** Vlottenburg Pad oorkant Spier Landgoed / Restant van Gedeelte 14 van Plaas No. 491 Stellenbosch

Aansoek eiendom beskrywing: Restant van Gedeelte 14 van Plaas No. 491 Stellenbosch

Aansoeker: P-J le Roux Stadsbeplanners Pty Ltd (cell: 0760317607)

Eienaar: Nwanedi Country Manor (Pty) Ltd

Aansoek Verwysing: LU/ 12392

Tipe Aansoek: Aansoek word gedoen vir die volgende:

- 1) Kragtens Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruik Beplanning Verordening, 2015 vir die volgende **Vergunningsgebruik** in bestaande vakante geboue op die eiendom vir die volgende:
  - Boeremark, toeristefasiliteit (uitstalling van modeltreine en modeltreinklub),
  - Koffiewinkel en deli.
  - 6 satelliet -piekniekplekke met die omskakeling van bestaande stoorkamers in ablusiegeriewe.
- 2) Kragtens Artikel 13 van die Stellenbosch Munisipaliteit se soneringskema (Mei 2019) vir die **Tegniese Goedkeuring** om 5 slaapkamers binne die bestaande wooneenheid met buitegeboue as 'n bed en ontbyt -onderneming te gebruik.

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

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

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;

- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
  - o 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: P-J le Roux Stadsbeplanners Pty Ltd / pj@pileroux.co.za. Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **22** Oktober **2021** 

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 0760317607 gedurende normale kantoor ure.

Die uwe

#### P-J LE ROUX STADSBEPLANNERS PTY LTD





# P-I le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

Attention: Mr. R Foov

Dear Robert

Steller her oh

19 FEB 2021

19 February 2021 V 30-84

APPLICATION IN TERMS OF STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, 2015
APPLICATION FOR CONSENT USE AND TECHNICAL APPROVAL: PORTION

APPLICATION FOR CONSENT USE AND TECHNICAL APPROVAL: PORTION 14 OF FARM SPIER NO. 491 STELLENBOSCH

Hereby formal application is made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Land Use Planning By-Law (2015) for the following **Consent Uses** inside existing vacant buildings on the subject property exceeding the threshold of 250m<sup>2</sup>:
  - > Farmers Market
  - > Tourist facility (exhibit model trains and model train club)
  - > Coffee shop and deli
  - → 6 satellite picnic spots with conversion of existing storerooms into ablution facilities

P.J le Four Stadsbeplanners Edms. Ept. (Reg nr. 2015)058583/07) ETW No. 4860288747 Hootstraat 262 Main Road, Paart 7646 Ponbus / P.O. Box 3457, Paart 7620.

Montile 0760317607 Ter + 27 z1 8722499 Faks + 27 86 605 8431 Epics pj@opterbux co.ze Orrekteur F Jfe Rous Pr Pln A/803/1995 File Horis M(S&S) MSAPI (ii) In terms of Section 13 of the Stellenbosch Municipality Zoning Scheme By-Law (May 2019) for <u>Technical Approval</u> to utilize 5 bedrooms inside the existing dwelling with outbuilding as a Bed and Breakfast Establishment.

Please do not hesitate to contact this office should you require any more information.

We trust that this application conforms to your requirements and that it will be dealt with timely.

Kind regards

PIERRE-JEAN LE ROUX Pr. Pln. A./803/1995



#### PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION - CHECK LIST Date						19 FEBRUAR		ARY 2021	
Erf/Erven/ Farm 491 no Owner/ Applicant			Portion(s) if farm	14	Allotment Area		STELLENBOSCH		
		P-J LE ROUX TOWN PLANNERS PTY LTD		Contact number		er	0760317607		
Email address		pj@pjleroux	.co,za						
INDICATE W	нісн о	F THE FOLLOW	ING FORM PA	RT OF TH	E		APPLICANT IDICATE	CUSTOMER	
		DOCUMENTA	ION			YES	NO	VERIFY Ø*	
1. Application f	orm co	ompleted in	full and signe	eq ș		STATE.	OIL		
2. Correct copy	of the	Title Deed o	of the proper	t i s					
3. Motivation at	tache	qŝ							
4. Site Develop			vision Plan /	Consoli	dation				
5. Property Reg Attorney as w					wer of				
6. Neighbours C / Locality Plan		,	•		~ , ,				
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VERIFIED & SIG	NED B	Y CUSTOM	ER INTERFAC	CE	6	of minimum statements are supplementarization for the state of the sta	Marine I		

tanding information (to be completed by planner):								
							1	

Date

**Planner** 

<sup>\*\*</sup>Please note that your documentation is not considered as a submitted application until such time as it has been scrutinized, all initial outstanding information (if any) has been submitted and payment is reflected in Council's bank account.

<sup>\*\*\*</sup>Should the initial outstanding information and/or payment of fees not be received, all documentation will be discarded.



# P-I le Roux

STADS- FN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

19 February 2021 V 30-84

Attention: Mr. R Fooy

Dear Robert

APPLICATION IN TERMS OF STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW, 2015

APPLICATION FOR CONSENT USE AND TECHNICAL APPROVAL: PORTION

14 OF FARM SPIER NO. 491 STELLENBOSCH

Hereby formal application is made for the following:

- (i) In terms of Section 15(2)(o) of the Stellenbosch Land Use Planning By-Law (2015) for the following <u>Consent Uses</u> inside existing vacant buildings on the subject property exceeding the threshold of 250m<sup>2</sup>:
  - > Farmers Market
  - > Tourist facility (exhibit model trains and model train club)
  - > Coffee shop and deli
  - → 6 satellite picnic spots with conversion of existing storerooms into ablution facilities

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr. 2015/058583/07) BTW No. 4860288747

Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620 Mobile 0760317607 Tel + 27 21 8722499 Faks + 27 86 605 8431 Epos pj@pjleroux co za Direkteur P J le Roux Pr. Pln A/803/1995 Ba Horis M(S&S) MSAPI

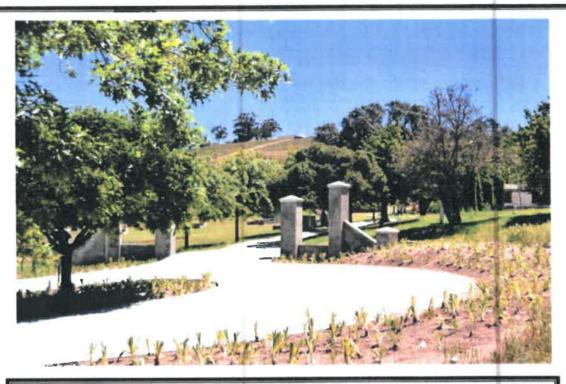
(ii) In terms of Section 13 of the Stellenbosch Municipality Zoning Scheme By-Law (May 2019) for <u>Technical Approval</u> to utilize 5 bedrooms inside the existing dwelling with outbuilding as a Bed and Breakfast Establishment.

Please do not hesitate to contact this office should you require any more information.

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Kind regards

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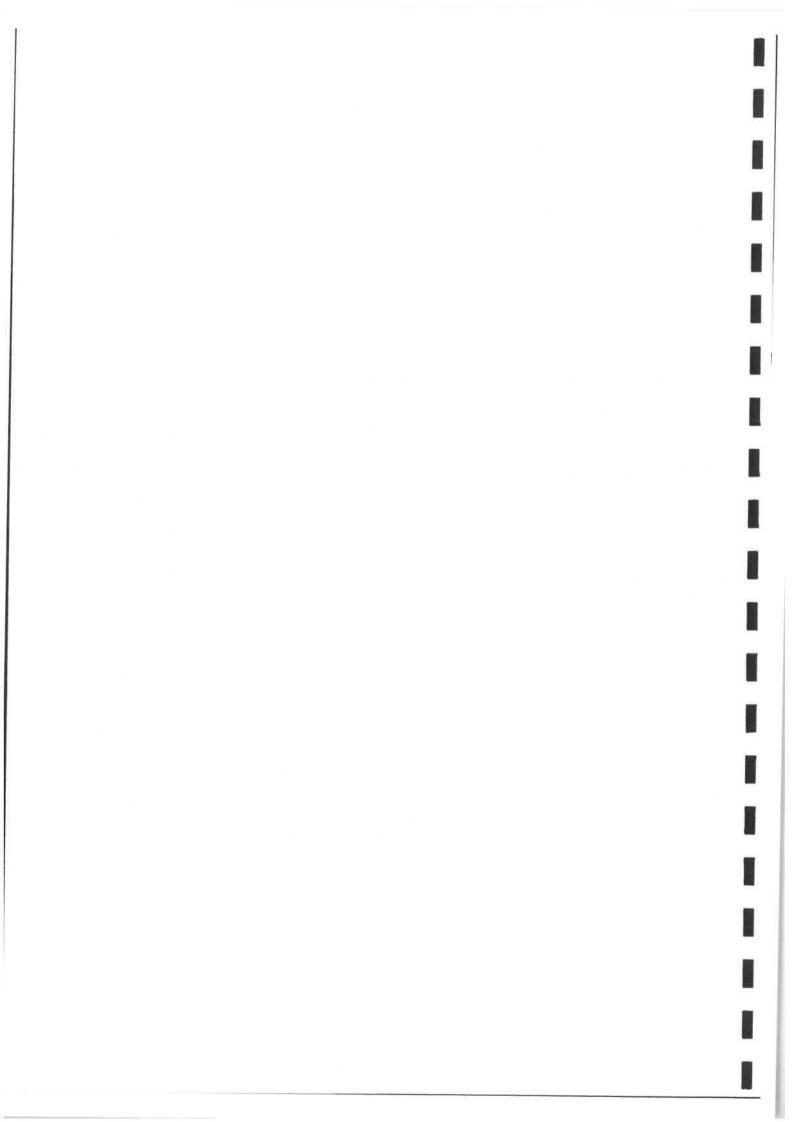


Application for Consent Use & Technical Approval: Remainder of Portion 14 of Farm No. 491, Stellenbosch

February 2021

V 30-84





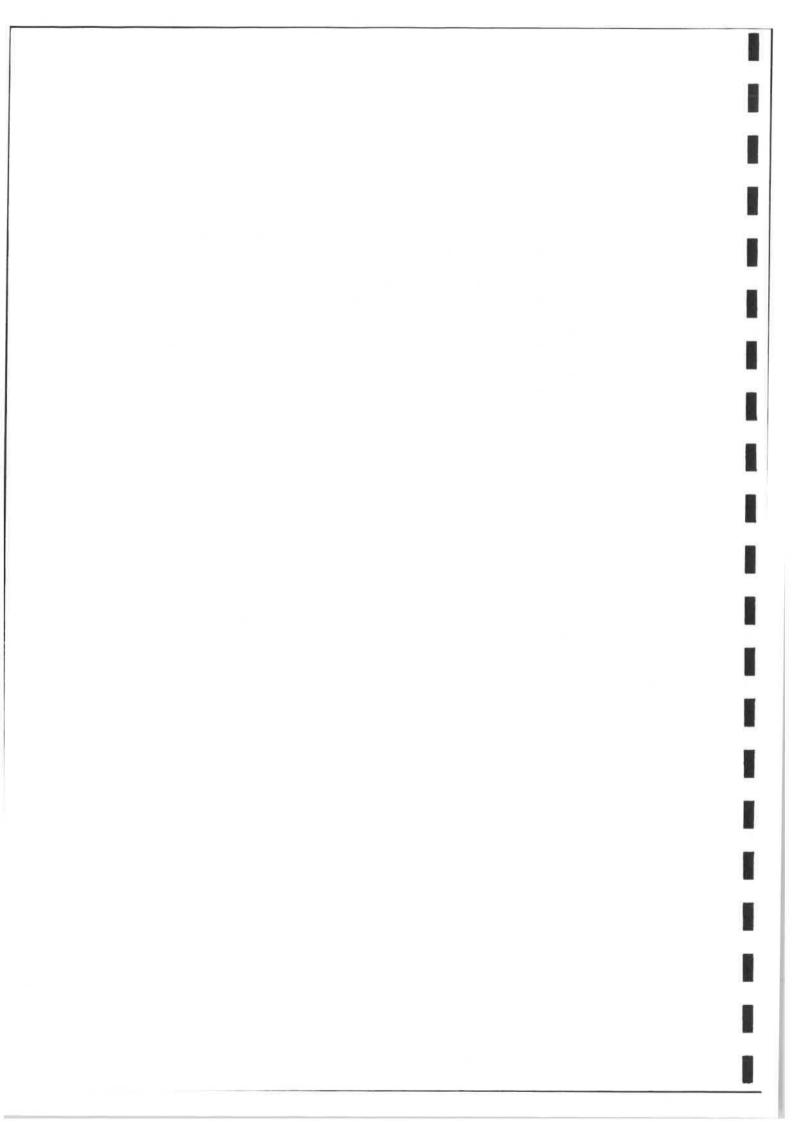
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  - 1.2. Applicant
- 2. Property information
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  - 4.1. Existing zoning
  - 4.2. Existing land uses
- 5. Development Concept
  - 5.1. Statement of purpose
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- 6. Applications
- 7. Spatial Planning Principles
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  - 8.2. Character of the area
  - 8.3. Accessibility
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- 9. Summary and Conclusion



STADS: EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



#### Plans

- 1. Regional Plan
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- 4. Site Plan
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- 6. SG diagram
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#### **Tables**

- 1. Property description
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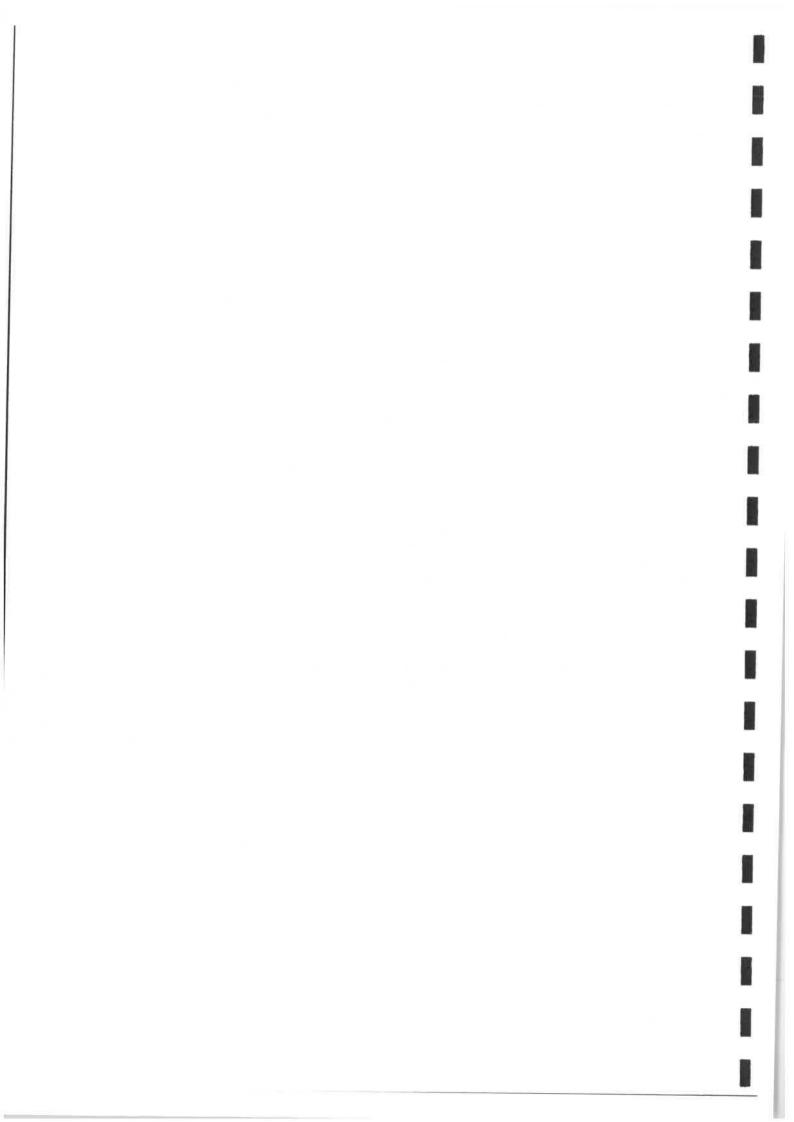
#### **Annexure**

- 3. Power of Attorney & Company Resolution
- 4. Title Deed
- 5. Pre-Consultation communication
- 6. Application form



STADS EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



#### 1. INTRODUCTION

#### 1.1 Application

Hereby formal application is made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Land Use Planning By-Law (2015) for the following **Consent Uses** inside existing vacant buildings on the subject property exceeding the threshold of 250m<sup>2</sup>:
  - > Farmers Market
  - > Tourist facility (exhibit model trains and model train club)
  - Coffee shop and deli
  - → 6 satellite picnic spots with conversion of existing storerooms into ablution facilities
- (ii)In terms of **Section 13** of the Stellenbosch Municipality Zoning **S**cheme By-Law (May 2019) for **Technical Approval** to utilize 5 bedrooms inside the existing dwelling with outbuilding as a **Bed and Breakfast Establishment**.

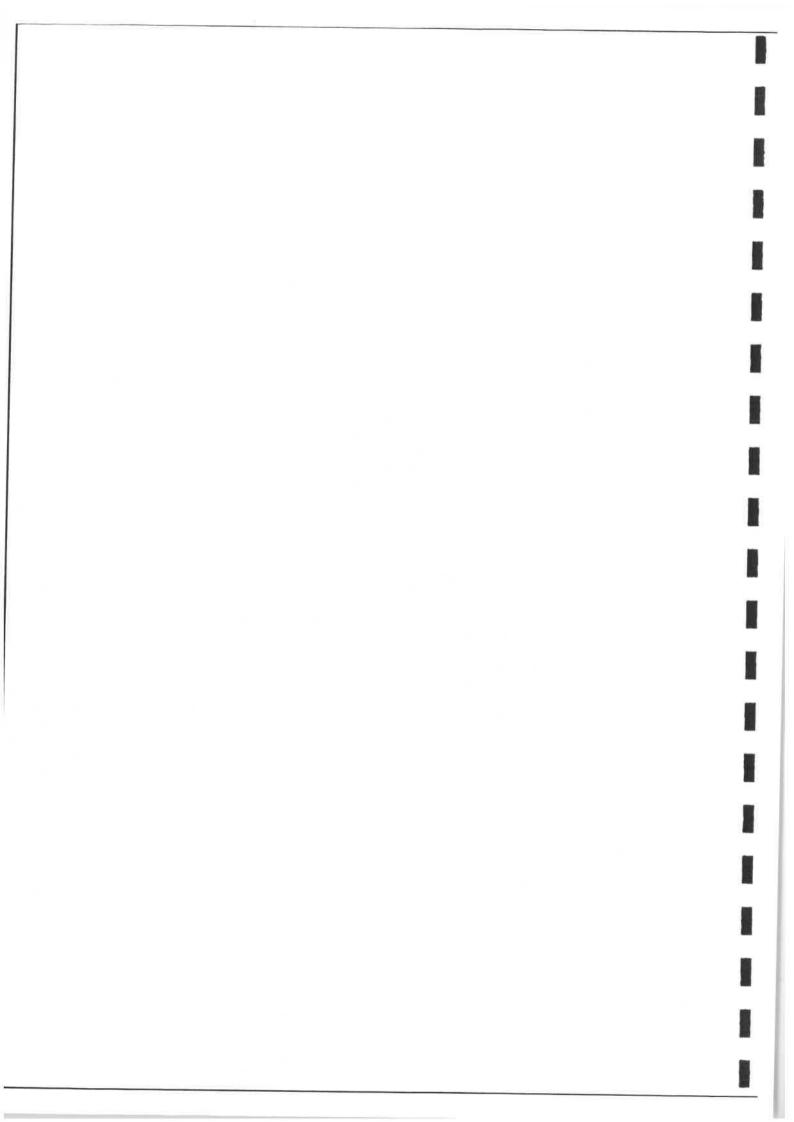
### 1.2 Applicant

GAVIN RICHARD STORK, as Director and duly authorized by **NWANEDI COUNTRY MANOR (PROPRIETARY) LIMITED** as registered owners of **Remainder of Portion 14 of Farm No. 491 Stellenbosch** appointed this firm *P-J Le Roux Town Planners* to prepare a formal application for consent use and technical approval in order to facilitate the future activities on the subject property and to submit it to the relevant authorities for formal approval (*Power of Attorney and Company Resolution attached*).



STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



# 2. PROPERTY INFORMATION

Description	Remainder of Portion 14 of Farm Spier No. 491 Stellenbosch					
Location	Vlottenburg Road opposite Spier Estate					
Extent	42,7861ha					
Registered owner	NWANEDI COUNTRY MANOR (PROPRIETARY) LIMITED					
Title Deed	T579/2020 (Copy of Title Deed attached)					
Existing zoning	Agriculture & Rural Zone					
Restrictive Conditions	None					
Planning Legislation	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					

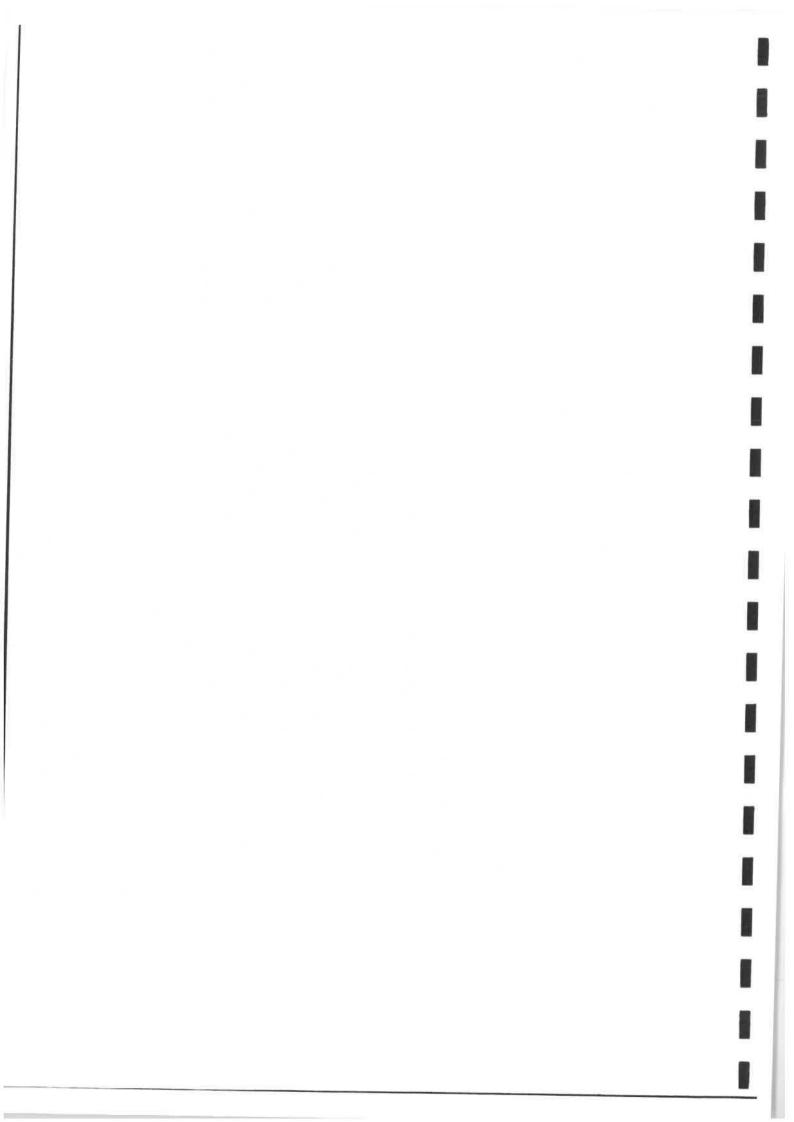
Table 1: property description

The subject property is located west of Stellenbosch and Vlottenburg along Vlottenburg Road and falls in the area of jurisdiction of the Stellenbosch Municipality, Western Cape Province.



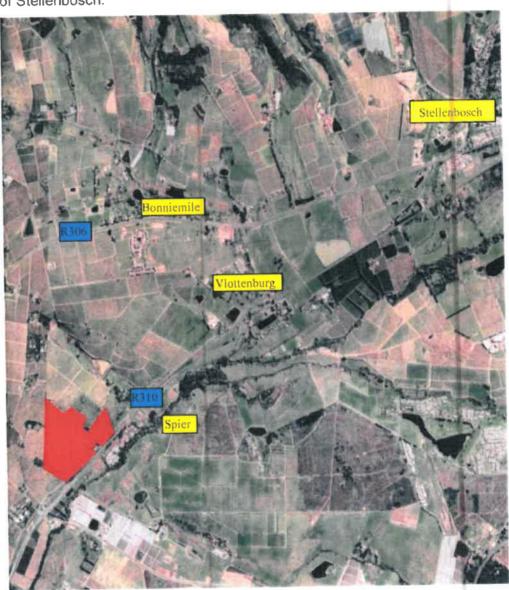
STADS IN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



## 3. LOCATION

The subject property is one of the existing wine farms located within the Stellenbosch Municipal area. The subject property is located between Vlottenburg to the east and Lyndoch to the west within the rural area west of Stellenbosch.

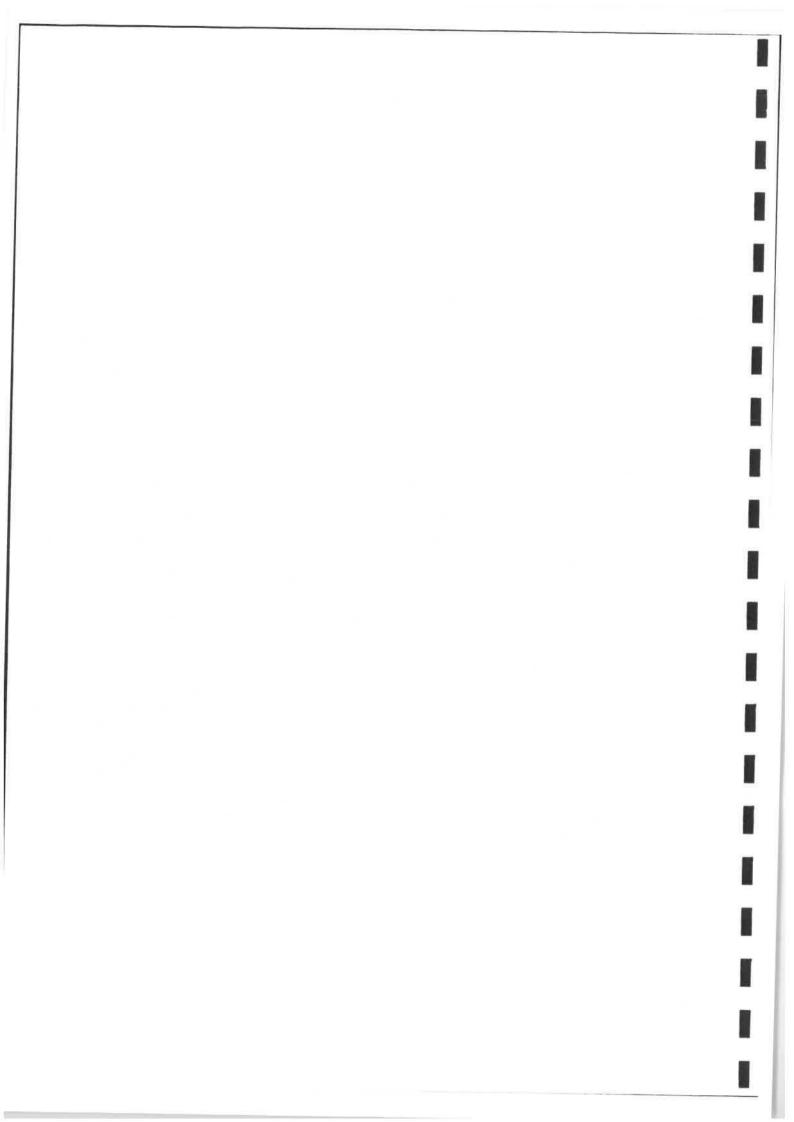




P-J le Roux

STADS-EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



The subject property is situated opposite Spier Estate in an area that is wedged between the R310 (Baden Powell Drive) to the south and R306 (Polkadraai Road) to the north, west of Stellenbosch.

Access to the subject property is taken via an existing farm entrance directly from Vlottenburg Road which runs parallel with the railway line and R310 and intersects with DR1065 approximately 2,7km to the east of the subject property. Access to the existing farmstead and existing buildings is taken via an existing internal farm road. This internal farm road will also provide access to the designated parking areas on and close to the farmstead and is more than sufficient to facilitate the expected traffic as a result of the intended land uses. Due to the low traffic volumes along Vlottenburg Road, as a result of the R310, no additions to the existing entrance will be required. Since the intention is merely to utilize existing buildings on the subject property for tourist related activities, no changes to the existing infrastructure or road network are required or foreseen.

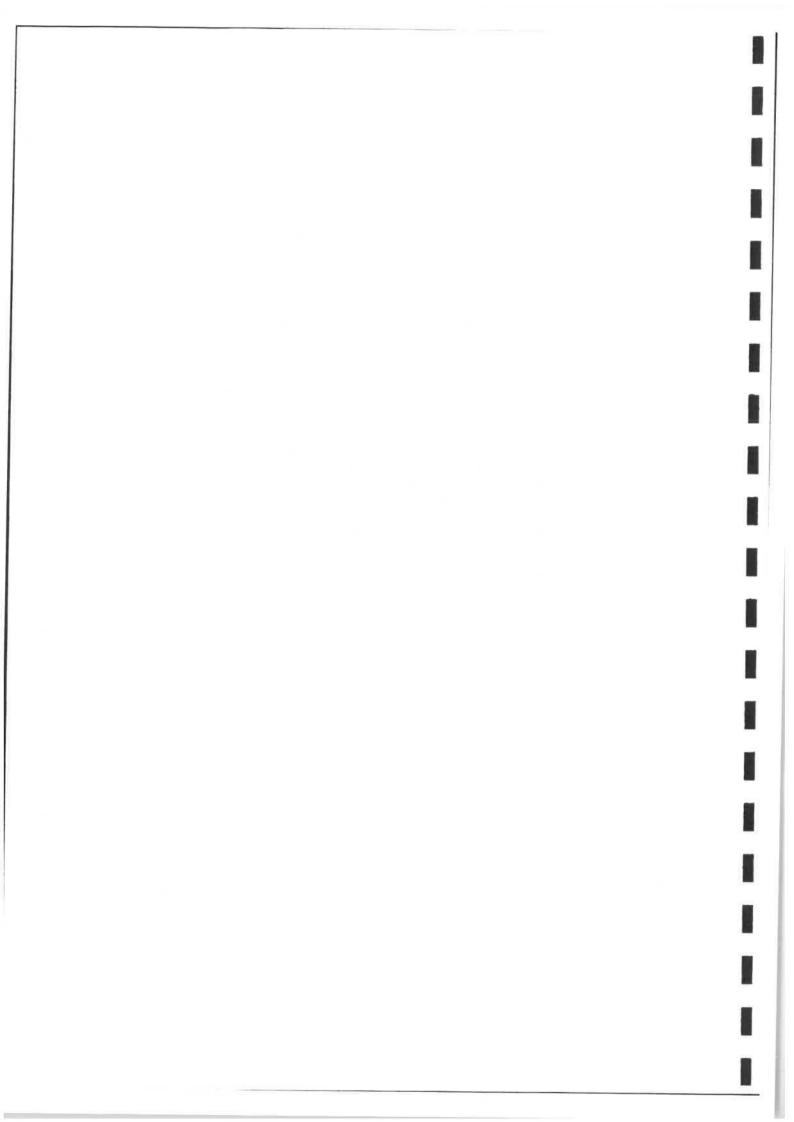


**Existing farm access from Vlottenburg Road** 



\_\_\_\_\_

Portion 14 of Farm No. 491 Stellenbosch



#### 4. LEGAL LAND USE RIGHTS

### 4.1 Existing zoning

In terms of the newly promulgated Stellenbosch Municipality Zoning Scheme By-Law (2019) the subject property is zoned as **Agriculture and Rural Zone**.

Primary Uses	Additional Uses (not exceeding the threshold in this chapter and subject to technical approval	Consent Uses (Application required
Agricultural building (<2000m²) Agriculture Dwelling House Forestry Natural environment Occasional use (one event/year) Private road Polytunnel (<2000m²) Second dwelling Employee housing (one unit)	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 >2001m²-<5000m² Rooftop base telecommunication station Tourist dwelling units Tourist facilities (existing buildings)	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 Tourist accommodation establishment Tourist facility (new buildings of exceeding threshold) Any additional use exceeding the threshold set out in this chapter

Table 2: Extract from Stellenbosch Municipality Zoning Scheme By-Law (2019)



STADS EN STREFKBEFLANNERS /TOWN AND REGIONAL PLANNERS

# 7.2 Existing land uses

The subject property is an active and working wine farm with the following improvements present thereon.

- Manor House with outbuilding
- Cottages
- Staff housing units
- Agricultural buildings and store rooms (some vacant)
- Agriculture



Manor house



Outbuilding: proposed coffee shop/deli



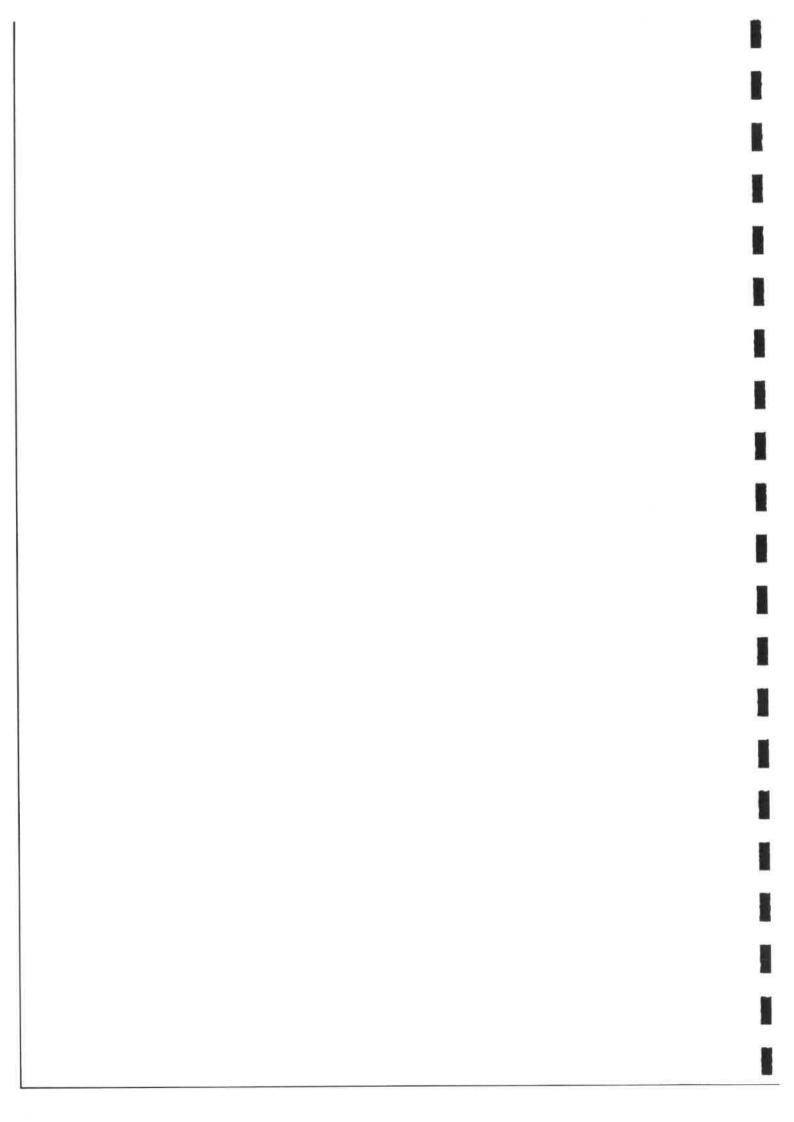
Existing cottages and staff housing



Farm shed to be used for tourist facility



Portion 14 of Farm No. 491 Stellenbosch







Farm shed to be used for farmers market

Store rooms to be converted into ablutions

The subject property with it undulating topography is a well established wine farm with a total of **20ha** currently planted to vines. The subject property falls within the Stellenbosch Wine Route area which is renowned for the high standard of vineyards and good quality of wine that are made from these vineyards. There is no wine making facility on the subject property and the produce from the vineyards is harvested and delivered to Stellenbosch Hills where the wine is made. This farming operation will continue uninterruptedly and no impact on the primary agricultural activities is expected. The fact that all the activities will be confined to existing buildings on the farmstead, confirms that no cultivated lands will be lost as a result of this application. There is also an existing irrigation dam in the south western corner of the subject property.





Internal farm road with vineyards



STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

#### 5. DEVELOPMENT CONCEPT

It is the intention of the applicant to optimise the existing man-made infrastructure on the subject property to its fullest potential by utilizing and converting vacant buildings thereon for agri-tourism activities. All these proposed activities will be subservient to the primary agricultural activities and no changes to the existing farming operations are proposed or expected. The objective with this application is to introduce tourist related activities onto the subject property without compromising the existing rural character or interfere with the day-to-day farming operations thereon. The fact that all activities will be confined to existing vacant buildings on the existing farmstead on the subject property, confirms the low visual and other impacts it will have on the surrounding area.

The applicant as a world renowned model train expert wants to continue with his passion by making provision for an exhibition area inside a vacant farm shed on the property. The intention is not only to display the numerous **model trains**, but it will also serve as a base for the **model train club**, where enthusiast with the same passion can meet and exchange ideas and model trains. This **tourist facility** will be accommodated inside an existing vacant shed measures **±292m²** in extent which forms part of the existing farmstead.

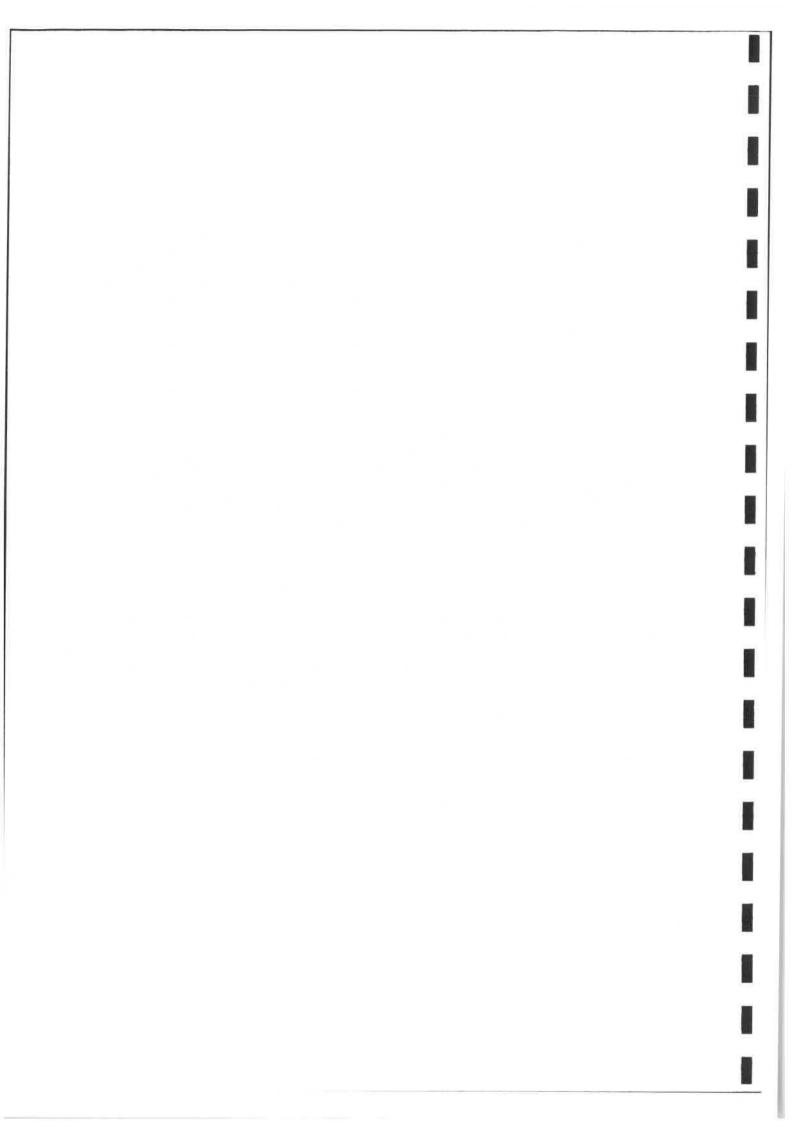




P-J le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



In close proximity to this shed is an existing vacant shed which will be converted into a farmers market. This type of tourist facility is not only very common these days on farms throughout the Boland, but provides the general public direct access to fresh farm produce. This existing shed measuring ±144m² in extent will be converted to facilitate the intended farmers market.



An existing **outbuilding** (garage) located near the existing farm sheds, will be converted and transformed into a **coffee shop/deli**. This **±100m**<sup>2</sup> structure can easily be converted into such a facility without compromising the character of the farmstead. The model train facility, farmers market and coffee shop/deli, are all within short walking distance from each other and will function collectively as the proposed tourist facility.





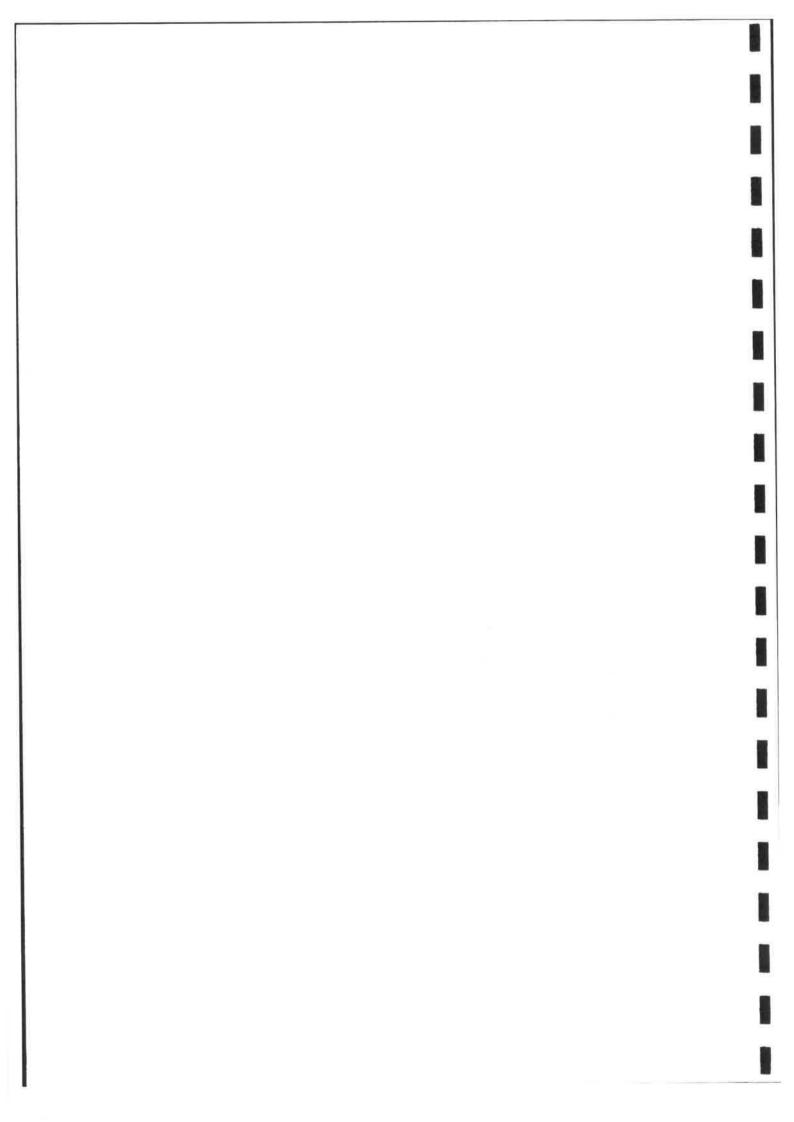
Provision will also be made to utilize 5 bedrooms (±306m²) inside the manor house and outbuilding for the purposes of a bed and breakfast establishment. The remainder of the manor house will continue to be used as primary residence by the applicant and no additional construction or development is proposed.





STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



The intention is also to convert **two existing store rooms** measuring **±87m²** in extent on the farmstead into **ablution facilities** to serve the guests to the proposed tourist facilities. The inside of these store rooms can easily be transformed into **male and female ablution facilities** and no additional construction will be required. In addition to these ablution facilities, provision is also made for **six** (6) **picnic spots** on the existing lawn area near the farmstead. Although these 6 picnic spots have already been constructed, it comprises designated braai areas which comply with fire regulations.



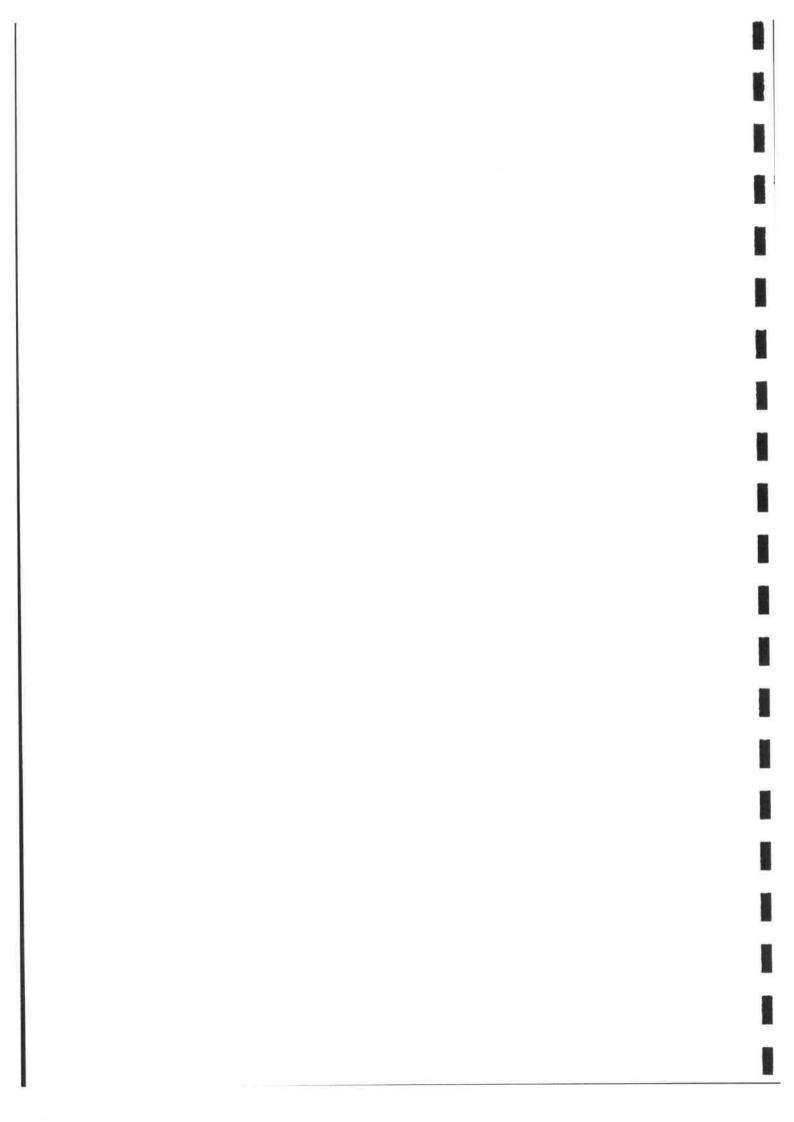




P-I le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Portion 14 of Farm No. 491 Stellenbosch



It is noteworthy that all the proposed activities will interact with one another on the farmstead and will be linked by walkways and extensive landscaping to create a specific atmosphere at the precinct. Provision will also be made on the farmstead as well as to the south of the farmstead for formal and informal parking. The existing internal road network will provide direct access to these designated multifunctional parking areas.



**Proposed Parking areas** 

Due to the popularity of the Stellenbosch Area and the increasing number of tourists visiting this area annually, it is important to ensure that from an economic point of view the proposed facilities are sustainable. Spier Estate located opposite the subject property has proven to be one of the most visited tourist attractions in the Stellenbosch area. We are of the opinion that with the proposed activities on the subject property, we can strengthen the existing tourism node in this area without compromising the primary agricultural activities this area is renowned for.



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#### 6. APPICATIONS

In order to permit the aforementioned on the subject property, formal application is required in terms of the Stellenbosch Municipal land Use Planning By-Law (2015) as well as the Stellenbosch Municipality Zoning Scheme By-Law (2019) respectively. The required applications will be discussed in detail as follows:

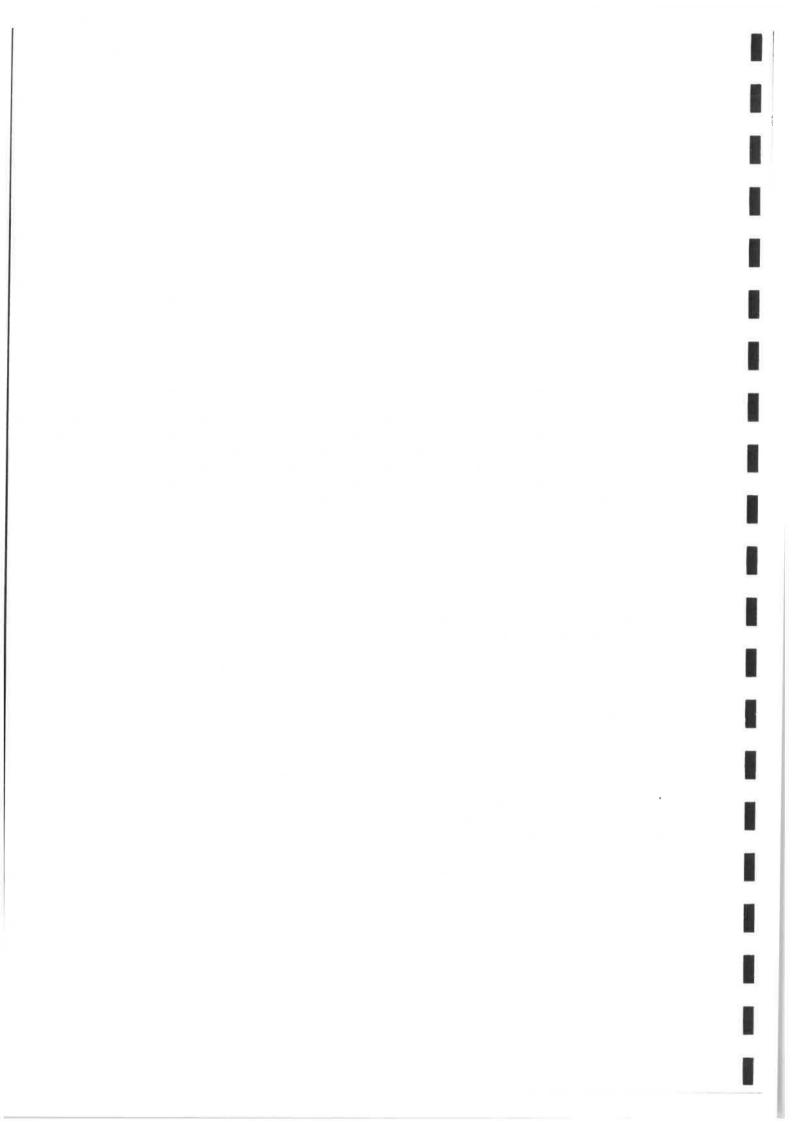
#### 6.1 Consent Use

Since the proposed activities do not form part of the primary land use rights under Agriculture & Rural Zone, formal application will be required to facilitate these intended land uses on the subject property. According to the Stellenbosch Municipality Zoning Scheme By-Law, most of these proposed activities can be classified as tourist facilities which is defined as follows::

"tourist facilities describes land uses that provide facilities, amenities and activities aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmer's markets, farm deli's, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, bre-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest house, bed-and-breakfast establishments and hotels"



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Although tourist facilities inside existing vacant buildings are an additional use right which requires only a technical approval, these activities are limited to a maximum area of 250m². In terms of Section 209(11) of the Stellenbosch Municipality Zoning Scheme By-Law, tourist facilities exceeding the threshold will require a consent use application.

Therefore formal application is made in terms of **Section 15(2)(o)** of the Stellenbosch Land Use Planning By-Law (2015) for the following **Consent**<u>Uses</u> inside existing vacant buildings on the subject property exceeding the threshold of 250m<sup>2</sup>:

- > Farmers Market
- > Tourist facility (exhibit model trains and model train club)
- > Coffee shop and deli
- → 6 satellite picnic spots with conversion of existing storerooms into ablution facilities

#### 6.2 Technical Approval

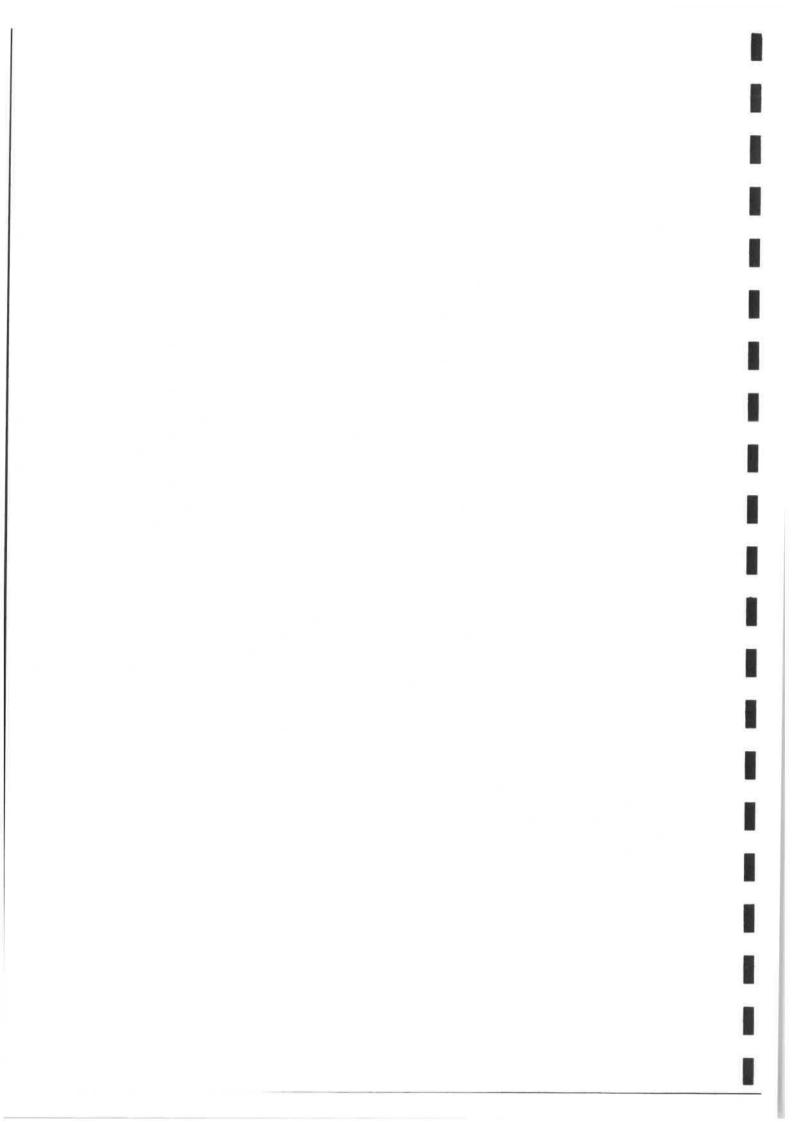
In terms of the Stellenbosch Municipality Zoning Scheme By-Law, provision is made for a bed-and-breakfast establishment as an additional use right. In terms of Section 207(2) a bed-and-breakfast establishment may only be conducted from the main dwelling or second dwelling where the proprietor shall reside in either of these buildings. Since the intention with this application is only to utilize 5 bedrooms inside the existing main house with outbuilding for the purposes of a bed-and-breakfast establishment, while the proprietor will remain, this development proposal fits in with the requirements of a technical approval.

In order to permit the proposed bed-and-breakfast establishment inside the existing main house, formal **Technical Approval** is required from



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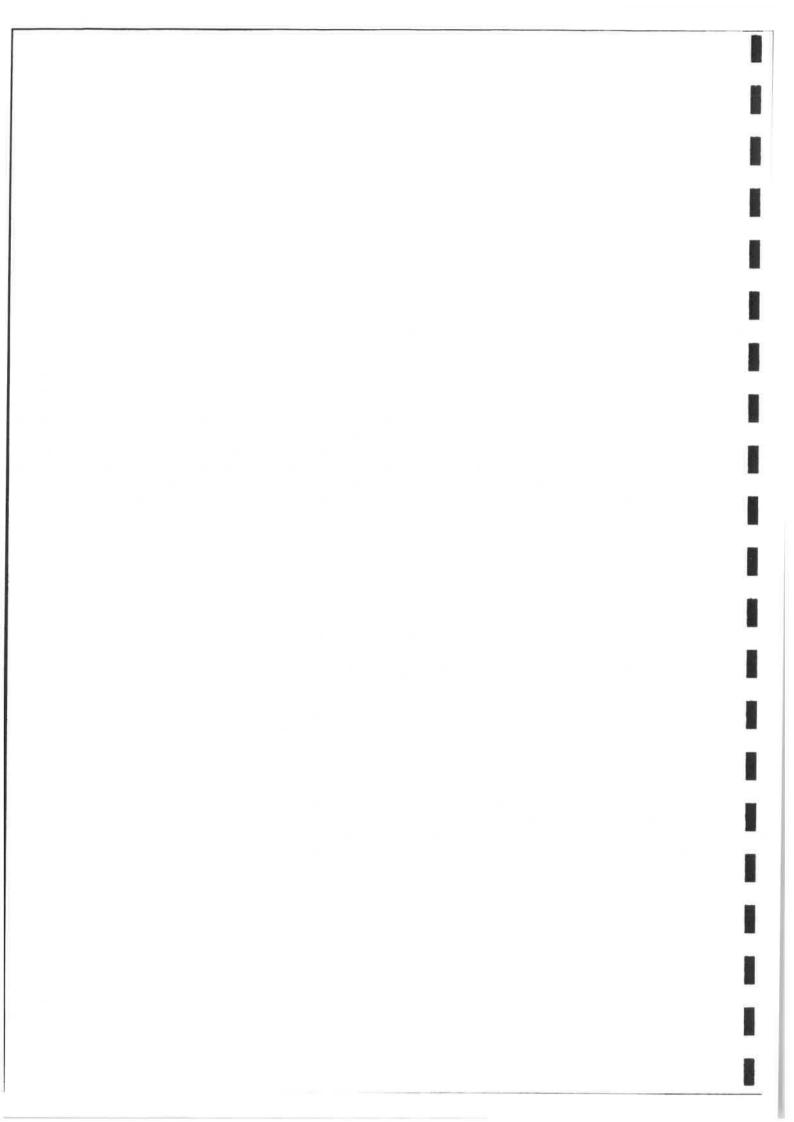
Portion 14 of Farm No. 491 Stellenbosch



Stellenbosch Municipality in terms of **Section 13** of the Stellenbosch Municipality Zoning Scheme By-Law (2019). The **purpose** of a technical approval is to afford the municipality an opportunity to assess the application against all parameters of the Scheme as well as technical requirements and spatial configuration to ensure a minimum impact on external parties. We are of the considered opinion that since this application is merely for bed-and-breakfast accommodation purposes inside an existing dwelling on the subject property it will have **no impact** on any external parties or on the current farming operations.



Portion 14 of Farm No. 491 Stellenbosch



#### 7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management. The development principles on National level is in terms of Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), while the land use planning principles on Provincial level is in terms of Section 59 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

These development principles were all adopted and included into the subsequent Land Use Planning By-Laws promulgated for each Local Municipality. The proposed development and land use will be evaluated as follows against the five development principles:

#### (a) Principle of spatial justice

Since the intention with this application is to permit various tourist related activities inside existing vacant structures on the subject property <u>subservient to the primary agricultural land use</u> of the property, this principle is **not applicable** to this application

#### (b) Principle of spatial sustainability

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. The proposed departures embody this principle with the optimal use of land without compromising the surrounding area
- The land uses will not result in the loss of any cultivated agricultural land but utilize existing buildings on the farmstead.
- > The activities are proposed in vacant buildings which are grouped together on the farmstead and linked by existing walkways



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Portion 14 of Farm No. 491 Stellenbosch

- No new buildings are proposed to facilitate the proposed land uses and normal farming activities can continue uninterruptedly.
- The proposal promotes land development in a location that is sustainable in respect of an environmental and socio-economic point of view
- > No safety hazards are anticipated through this development.
- No impact on any of the surrounding properties are envisaged since all activities will be confined to the farmstead which is located in the centre of the subject property and far from any of the abutting properties

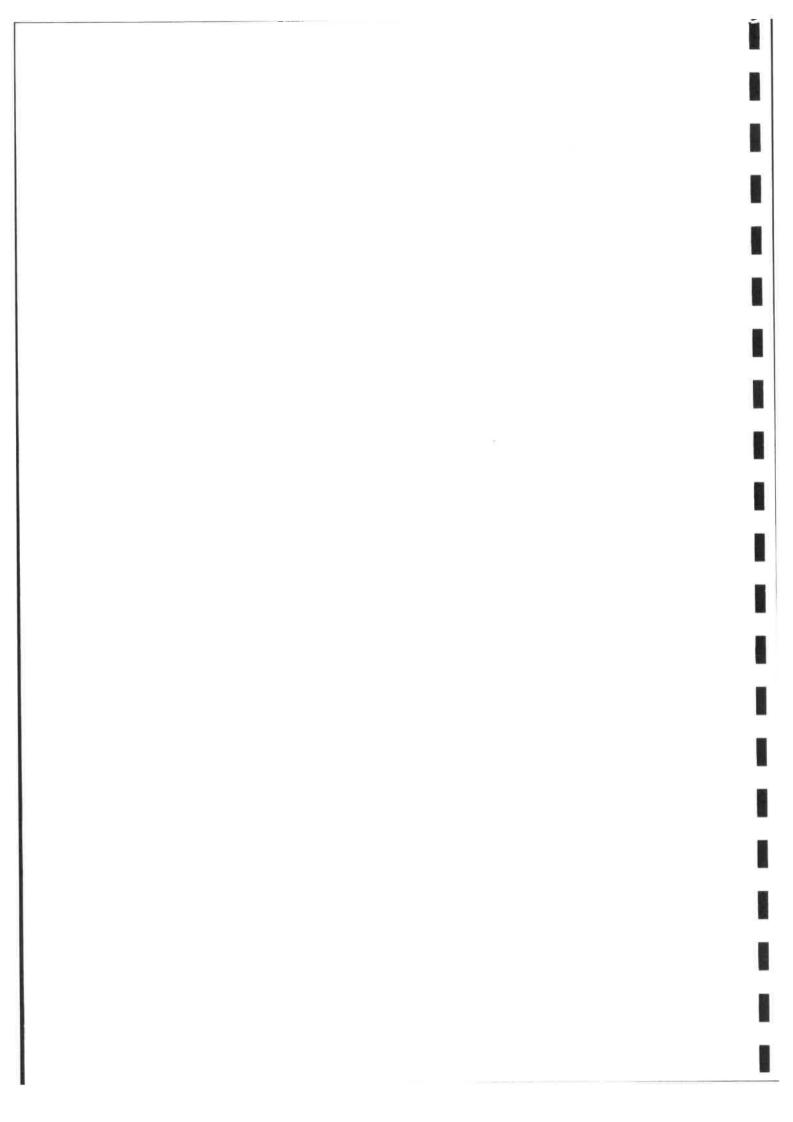
#### (c) Principle of efficiency

- > The proposed activities will optimise the use of the existing vacant buildings without compromising the normal farming operations.
- Only internal changes will be required to shop fit the vacant buildings for their intended purposes.
- The combination of tourist facilities and agriculture is a common phenomenon in the Boland and provides a unique opportunity in especially the Stellenbosch area which is a world renowned tourist destination.
- > The application will not lead to any changes to the existing character of the area, especially since these activities will all be subservient to the primary agricultural land use.
- Since no new buildings are proposed, no visual impact is expected.
- > The proposed activities will create new employment opportunities which will lead to the upliftment of the local communities.
- The proposed activities will have a direct and indirect contribution to the local economy of the area.



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Portion 14 of Farm No. 491 Stellenbosch



#### (d) Principle of spatial resilience

This principle is not applicable since the activities will all be confined to the inside of existing buildings on the farmstead of a working farm.

#### (e) Principle of good administration

- The application process included a pre-consultation communication with the officials.
- The formal application will be submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



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#### 8. DESIRABILITY OF THE APPLICATION

In terms of Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Law, August 2015, the proposed utilization of the land must be desirable.

The concept of "desirability" in a land use planning context and as contemplated in Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Laws can be described as the "degree of acceptability" of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for Consent Use and Technical Approval on Potion 14 of Farm No. 491 Stellenbosch will be discussed with regard to the following aspects.

- Physical characteristics
- Character of the area
- Location and Accessibility
- Spatial Planning Policies
- Provision of services



Portion 14 of Farm No. 491 Stellenbosch

#### 8.1 Physical characteristics

#### 8.1,1 Topography

The subject property is an existing agricultural farm located in the undulating hills west of Stellenbosch. Since the proposed activities will all be confined to the inside of existing buildings on the farmstead, there is no reason to believe that the existing topography will be negatively affected. There is also no conservation worthy vegetation which will be affected by the land uses, since the existing buildings already form part of the farmstead.





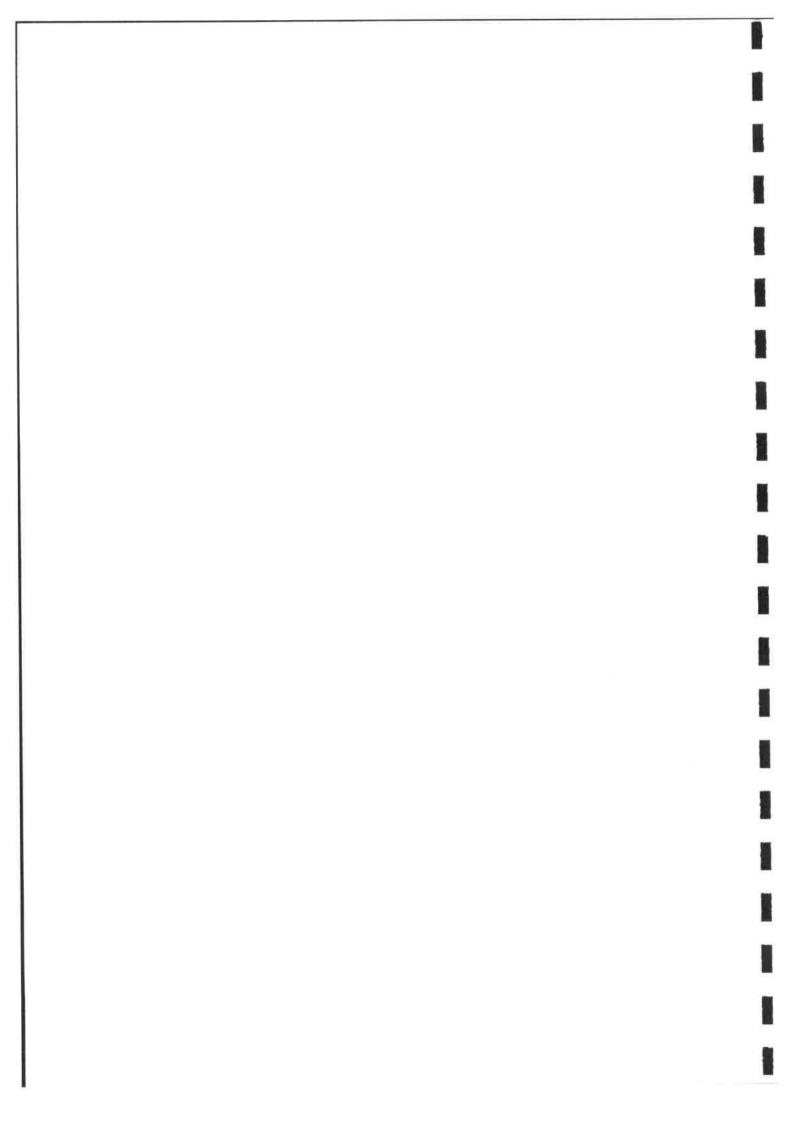
#### 8.1.2 Climate

The subject property is located in the Stellenbosch area and forms part of the Mediterranean climate system of the Western Cape. The area is known for its cold and wet winters and dry warm summers. The average annual rainfall is 912mm and occurs during the months of May to August. The wind is predominantly north westerly during the winter months and strong south easterly in the summer time. February is the warmest month of the year with an average temperature of 21,7°C, while July is the coldest month with temperatures averaging 11°C.

There is no reason to believe that the use of the existing buildings for the intended purposes will have any impact on the micro climate of the area.



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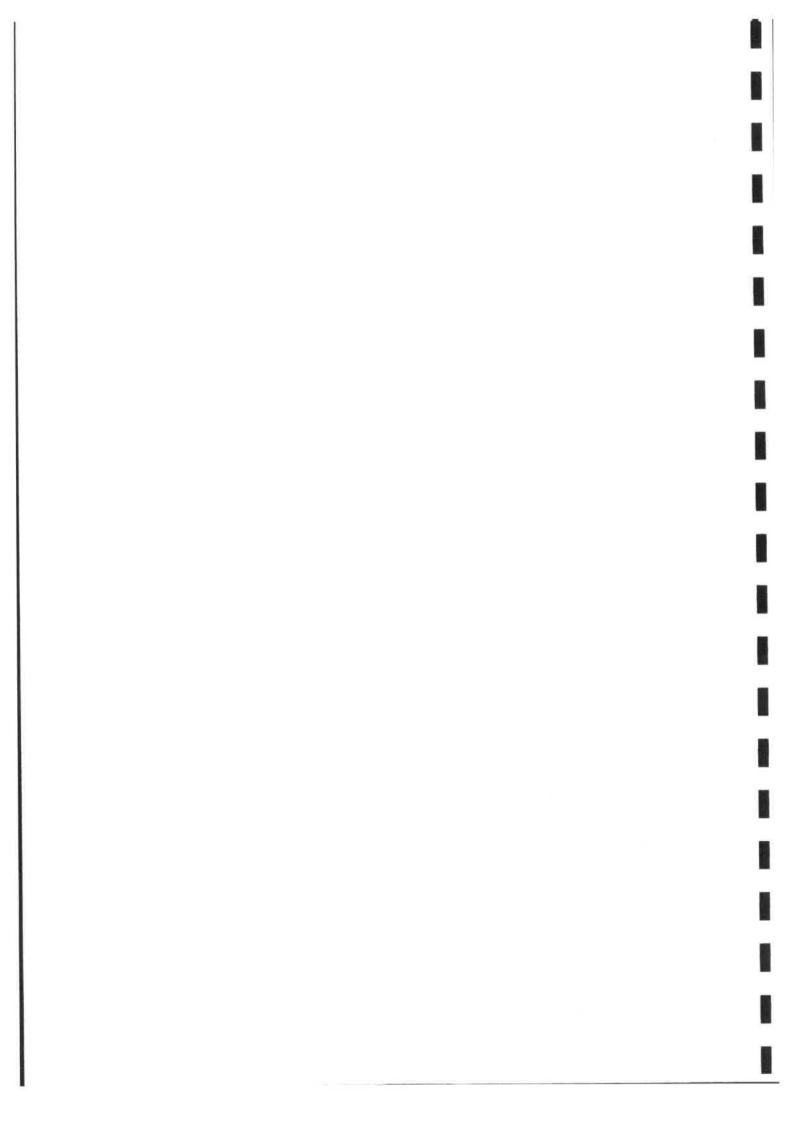
#### 8.2 Character of the area

The subject property represents an existing agricultural farm located west of Stellenbosch opposite Spier Estate. Although this area is primarily a rural area with low densities, various tourist related activities are located on the land units in the immediate surrounds. Apart from the more renowned Spier Estate, there are many restaurants and tourist related activities in this area. The proposed land uses on the subject property are therefore in line with what is present in the area and will strengthen the existing tourism market. It is noteworthy that all the proposed tourist related activities will be subservient to the agricultural activities which remain the primary land use on the subject property.



Since the intention is only to introduce small scale tourist activities inside existing buildings on an existing productive agricultural unit there is no reason to believe that the intended uses will result in a change in character to the area. The existing rural character with supporting tourist activities will not change especially since the primary agricultural activities on the subject property will continue and no new buildings will be constructed.





### 8.3 Location and Accessibility

The subject property is located between Vlottenburg to the east and Lyndoch to the west within the rural area west of Stellenbosch. The subject property is situated opposite Spier Estate in an area that is wedged between the R310 (Baden Powell Drive) to the south and R306 (Polkadraai Road) to the north.



Vlottenburg Road intersection with DR1065

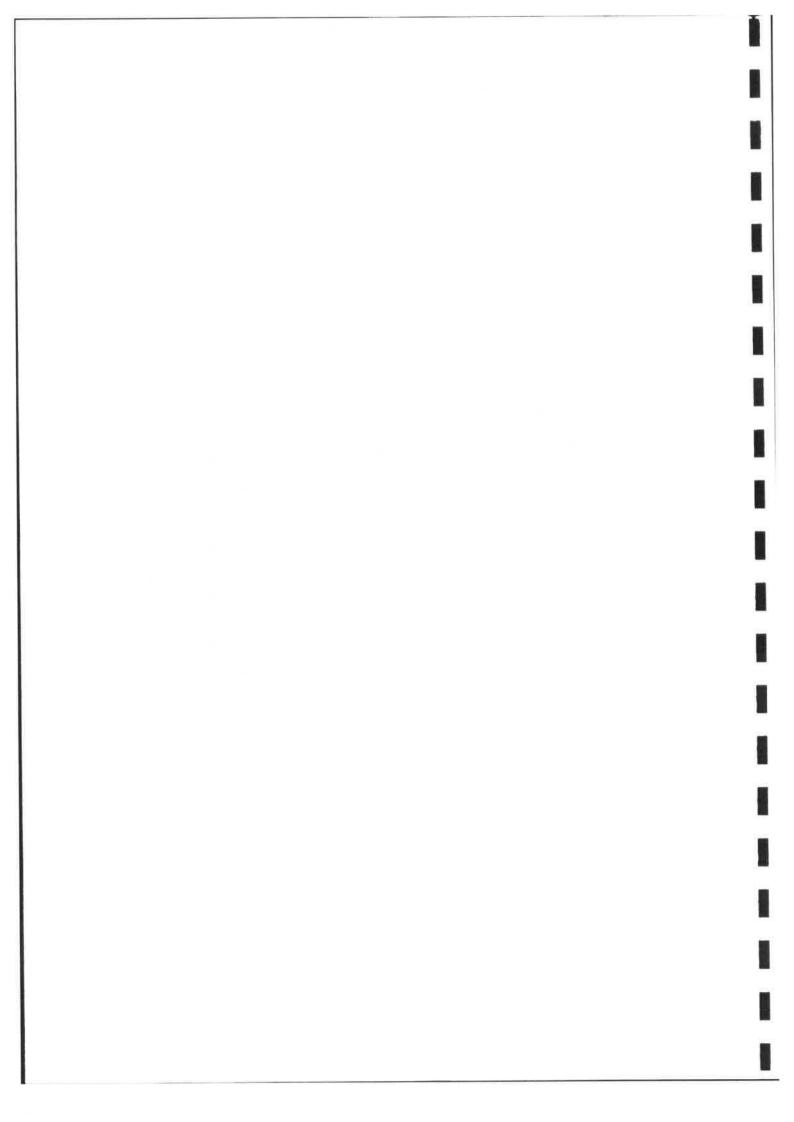


Vlottenburg Road with subject property to the right



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Portion 14 of Farm No. 491 Stellenbosch



Access to the subject property is taken via an existing farm entrance directly from Vlottenburg Road which runs parallel with the railway line and R310 and intersects with DR1065 approximately 2,7km to the east of the subject property. Access to the existing farmstead and existing buildings is taken via an existing internal farm road. This existing road is more than sufficient to facilitate the expected traffic as a result of the intended land uses. Due to the low traffic volumes along Vlottenburg Road, as a result of the R310, no additions to the existing entrance will be required.



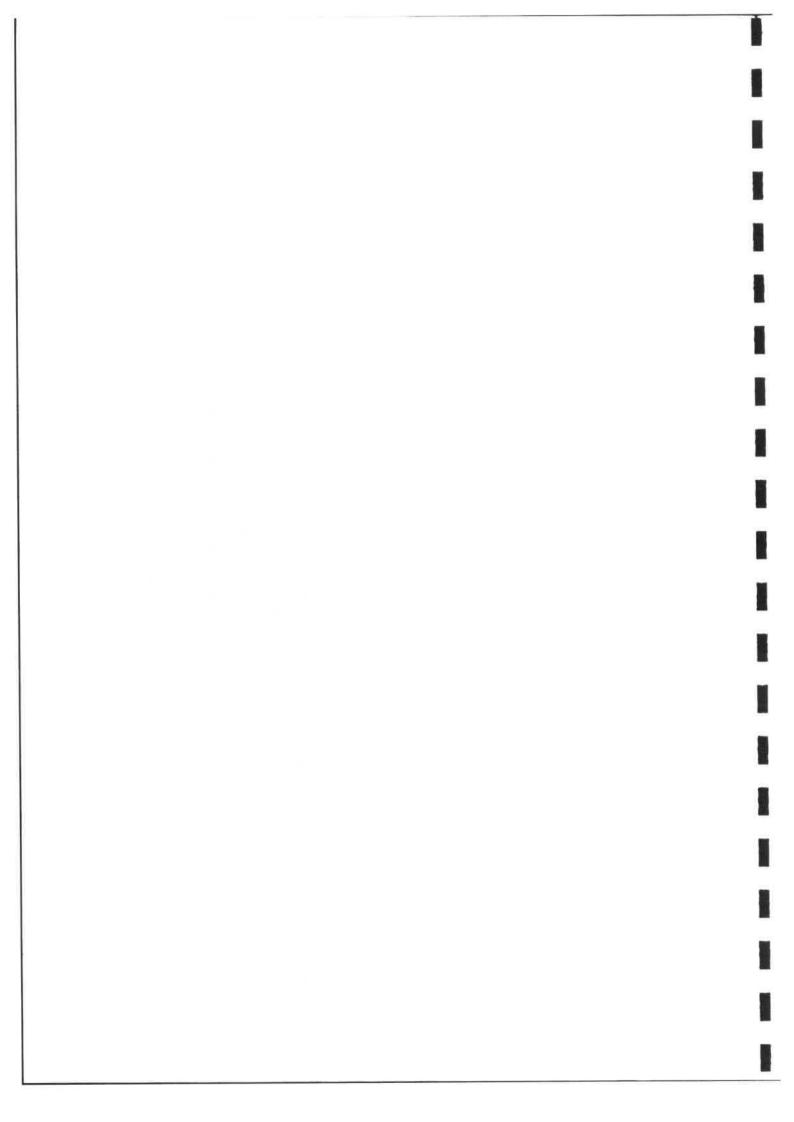
Farm entrance off Vlottenburg Road

#### 8.4 Spatial Planning Policies

The subject property is located in a predominantly agricultural area within the area of jurisdiction of the Stellenbosch Municipality. The existing spatial planning policy which is applicable to this area, the Stellenbosch Municipal Spatial Development Framework (SMSDF), was adopted by Council in November 2019 and provides guidelines for spatial developments within the municipal area.



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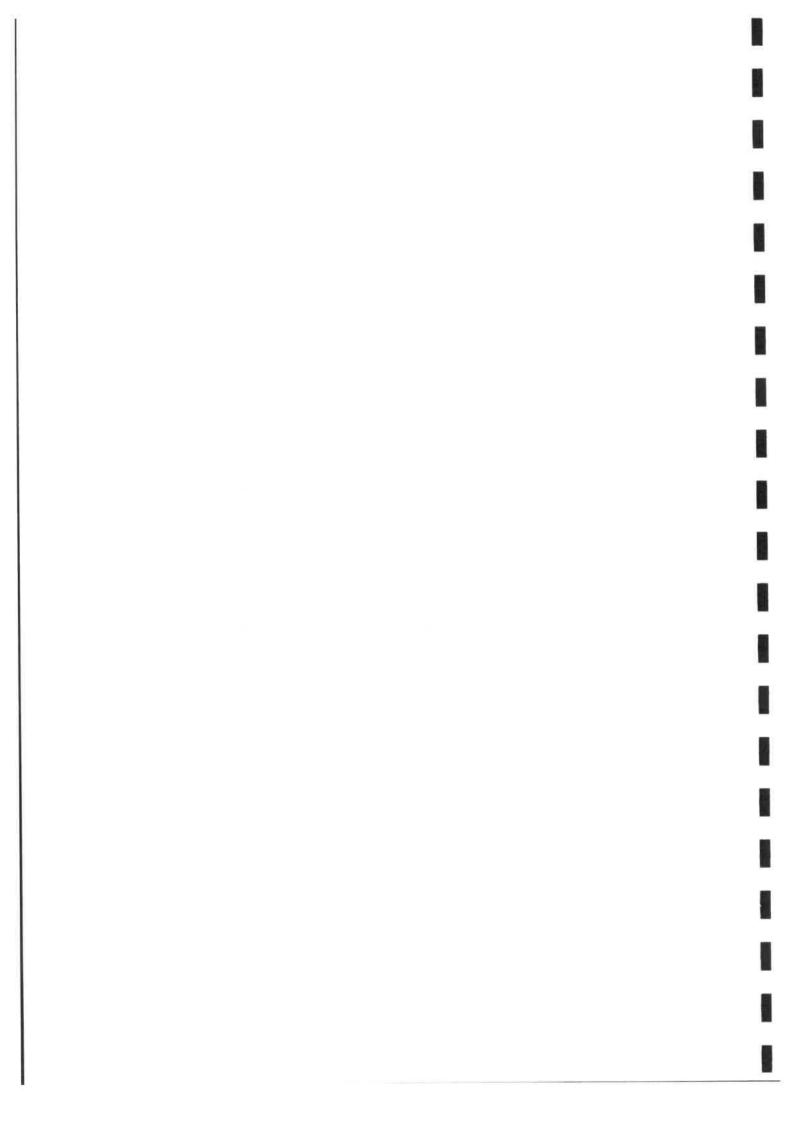
Although the subject property is not specifically mentioned in the existing spatial documentation, the principle of tourist related facilities subservient to the primary land use within the agricultural areas outside urban areas are widely accepted and encouraged on all spheres of government for various reasons (tourism, local economic development, employment, etc.). Since the subject property is an active and productive agricultural land unit the intention to introduce new tourist activities thereon can be regarded as in line with the rural land use policies of Stellenbosch Municipality, especially since the buildings in which the activities are proposed, already exists.

It suffices to say that the proposed consent use and technical approval to utilize existing vacant buildings on the farmstead for tourist related activities is not in conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable.

#### 8.5 Provision of services

Since all activities are proposed inside existing buildings on the farmstead, no additional services and or infrastructure will be required. The engineering detail regarding the conversion of the existing store room into new ablution facilities will be dealt with during the building plan process which will follow the formal approval of the consent use and technical approval.





#### 9. SUMMARY AND CONCLUSION

From the aforementioned it is clear that the proposed Consent Use and Technical Approval on Portion 14 of Farm No. 491 Stellenbosch in order to facilitate the intended tourist related activities inside existing buildings on the farmstead, is in line with Section 65 of the Stellenbosch Municipality Land Use Planning By-Law and in particular Section 65(1)(c) thereof. The motivation for the proposed land uses can be summarized as follows:

#### **Economic impact**

- From a business point of view the proposed activities will create new employment opportunities.
- > The new activities will also make significant contributions to the tourism industry and local economy in a direct and indirect manner.
- > All activities will be subservient to the primary agricultural land use.
- The variety of activities will result in a sustainable economic activity.
- The proposed activities will provide a wider range of service to visitors and the wider community.
- The optimal use of existing vacant buildings will add economic value to the subject property.
- The proposed development will optimize existing infrastructure on the subject property.

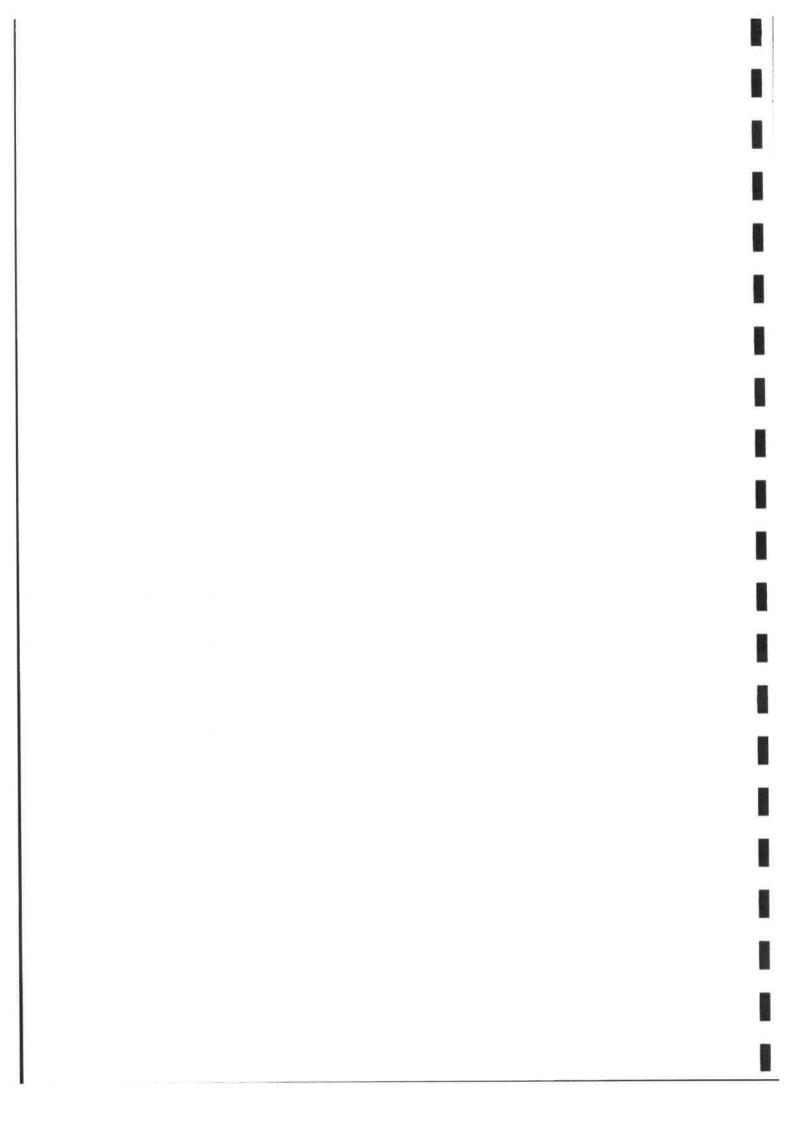
#### Social impact

- > The proposed development will have a positive social impact since the proposed activities will ultimately create new employment opportunities.
- The activities will have a positive impact on the local tourism market.
- The principle of agri-tourism is well supported by all spheres of government and is a significant contributor to the local economy of the area.



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Portion 14 of Farm No. 491 Stellenbosch



#### Compatibility with surrounding land uses

- Since all activities will be confined to existing buildings on the farmstead which is located in the centre of the subject property, no direct impact is expected on any of the abutting properties
- The size and scale of the proposed activities will be insignificant in relation to the existing agricultural activities. No direct or indirect conflict is expected.
- > Tourism activities are a common phenomenon in the Boland area and since all are secondary rights, no impact is expected.
- The primary land use will continue uninterrupted and no agricultural land will be lost as a result of this application.

#### Impact on external engineering services

- The necessary engineering services already exist and will remain unchanged.
- > No additional services or infrastructure are proposed by this application.

#### Impact on safety, health and wellbeing of the surrounding community

- > There is no reason to believe that this application will result in any changes to the safety and security in the area since all activities will be confined to the farmstead and well controlled.
- The proposed development will have no impact (visual, health and safety) on any of the surrounding properties since the existing buildings will be utilized.

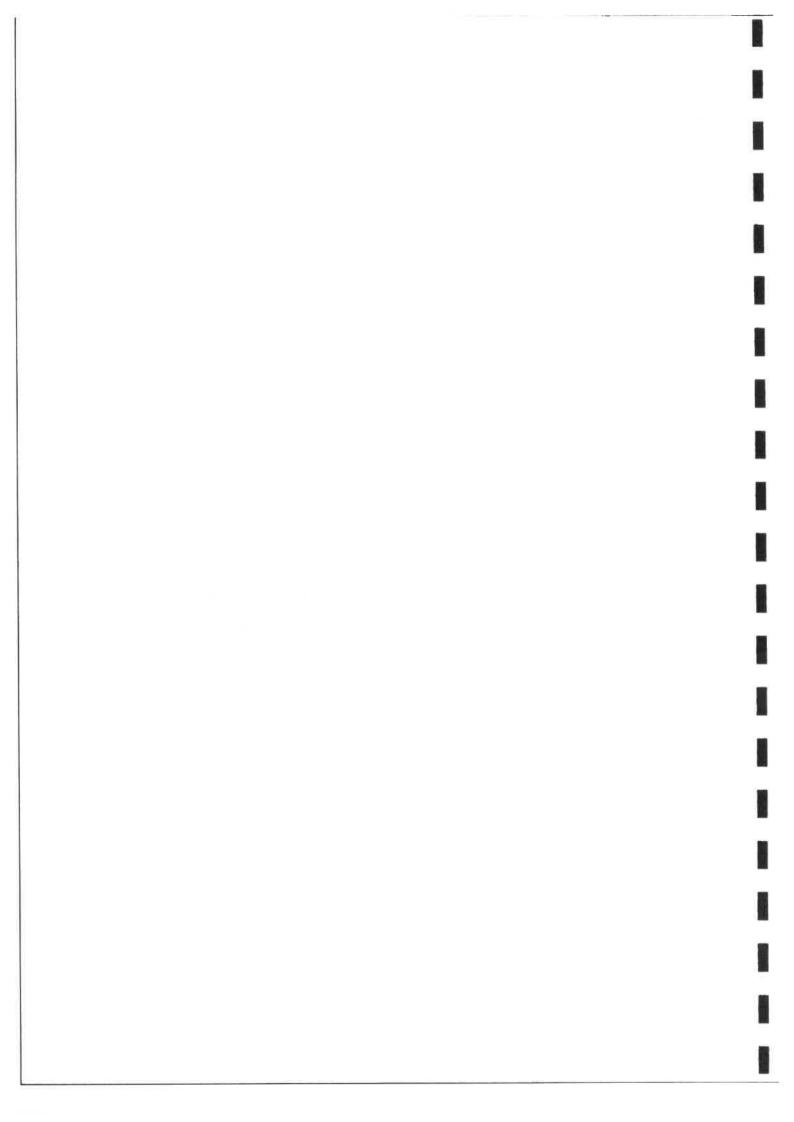
#### Impact on heritage

No impact on the heritage character is expected. The building plans for internal improvements will be submitted to the relevant bodies for comment.



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Portion 14 of Farm No. 491 Stellenbosch



Impact on the biophysical environment

- No impact is expected on the biophysical environment since existing buildings will be used and no conservation worthy vegetation, cultivated lands or ecological habitats will be affected.
- There are no physical features or topographical constraints present on the subject property which will prevent the proposed land uses.

## <u>Traffic impacts, parking, access and other transport related considerations</u>

- We are of the considered opinion that the size and scale of the proposed activities are so minute and will not have any significant impact on the existing traffic flow in the area. The existing and approved entrance has proof to be more than sufficient to accommodate traffic to and from the subject property.
- Vlottenburg Road is experiencing low traffic volumes which will benefit the proposed application.

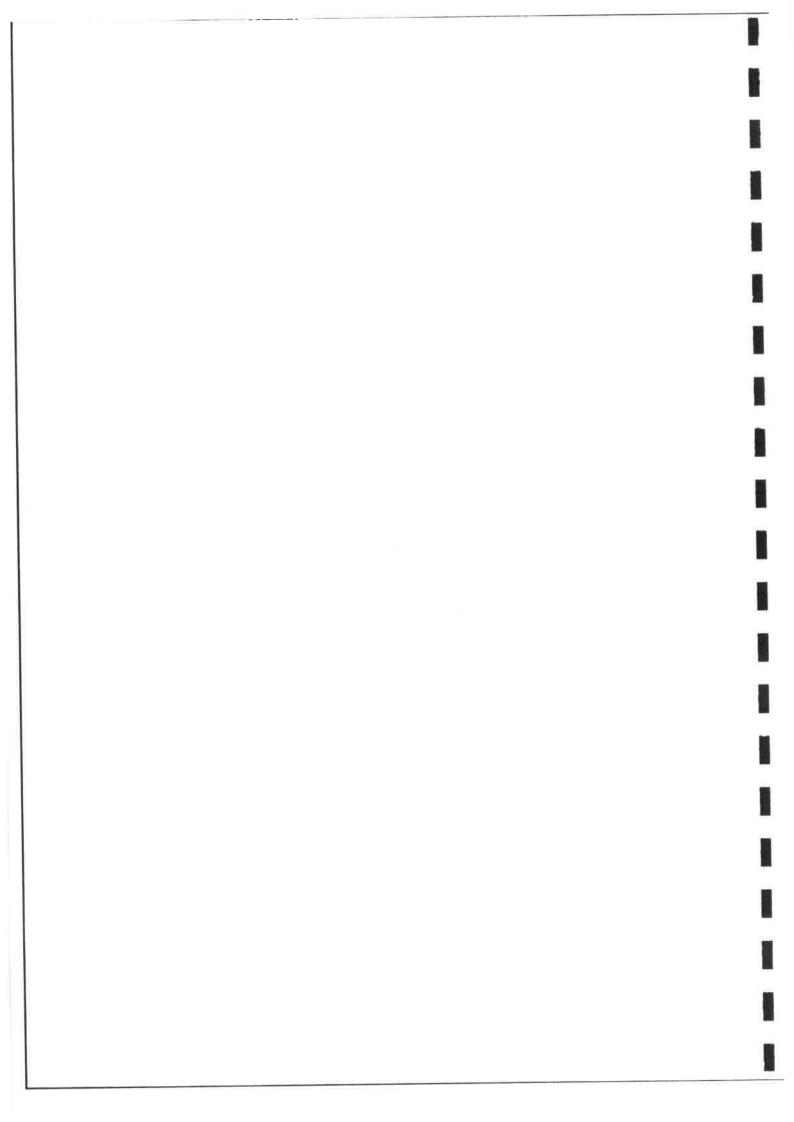
# Whether the imposition of conditions can mitigate and adverse impact of the proposed land use

- > The proposed development will not have any adverse impact on the surrounding area and no mitigating factors are required.
- In order to ensure that the land use is conducted in accordance with the necessary standards and guidelines of the departments conditions of approval are a common phenomenon.
- The proposed activities in its current scale and form will be financially viable and are in line with the spatial policies relating to agri-tourism.
- It is our view that the proposed activities will have an enhancing impact on the surrounding area and <u>no mitigation is foreseen for the development project.</u>



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Portion 14 of Farm No. 491 Stellenbosch



I trust therefore that the application for Consent Use and Technical Approval on Portion 14 of Farm No. 491 Stellenbosch in order to facilitate the intended tourist related activities inside existing buildings on the farmstead as depicted on the attached Site Development Plan will be approved.

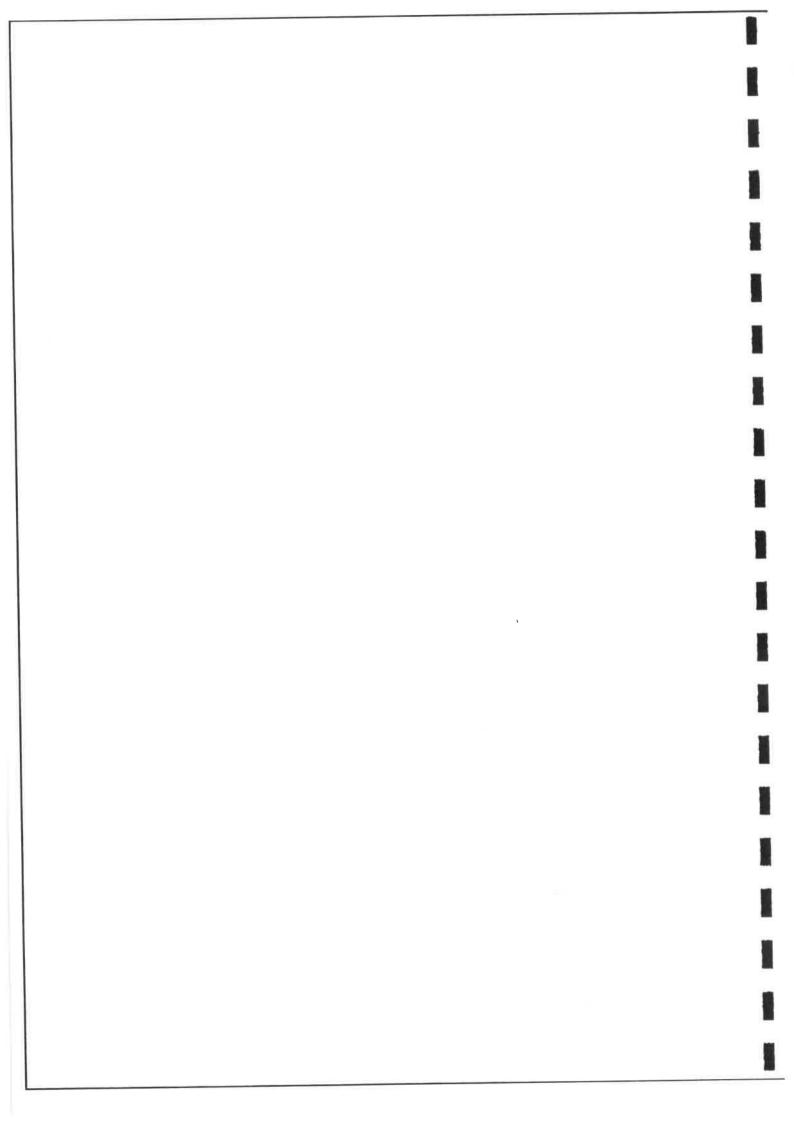
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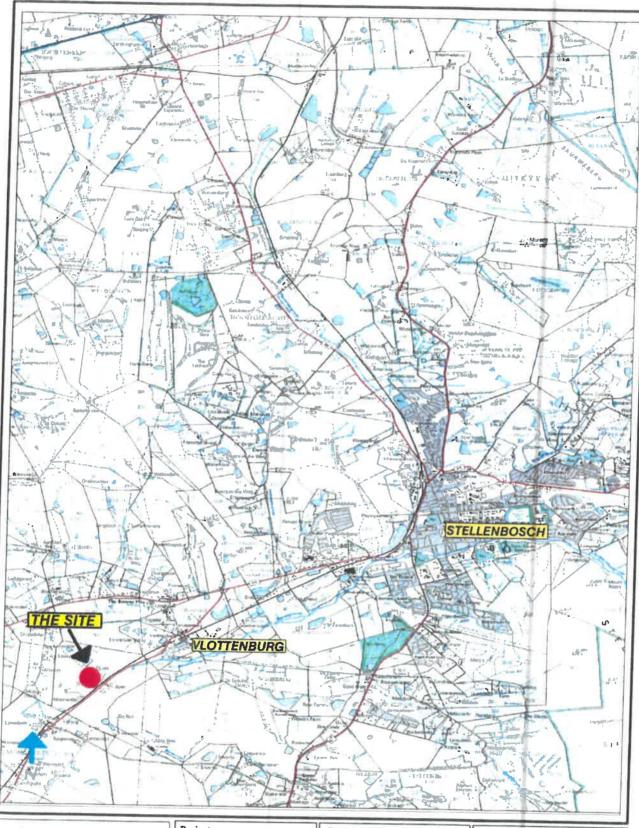
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Portion 14 of Farm No. 491 Stellenbosch







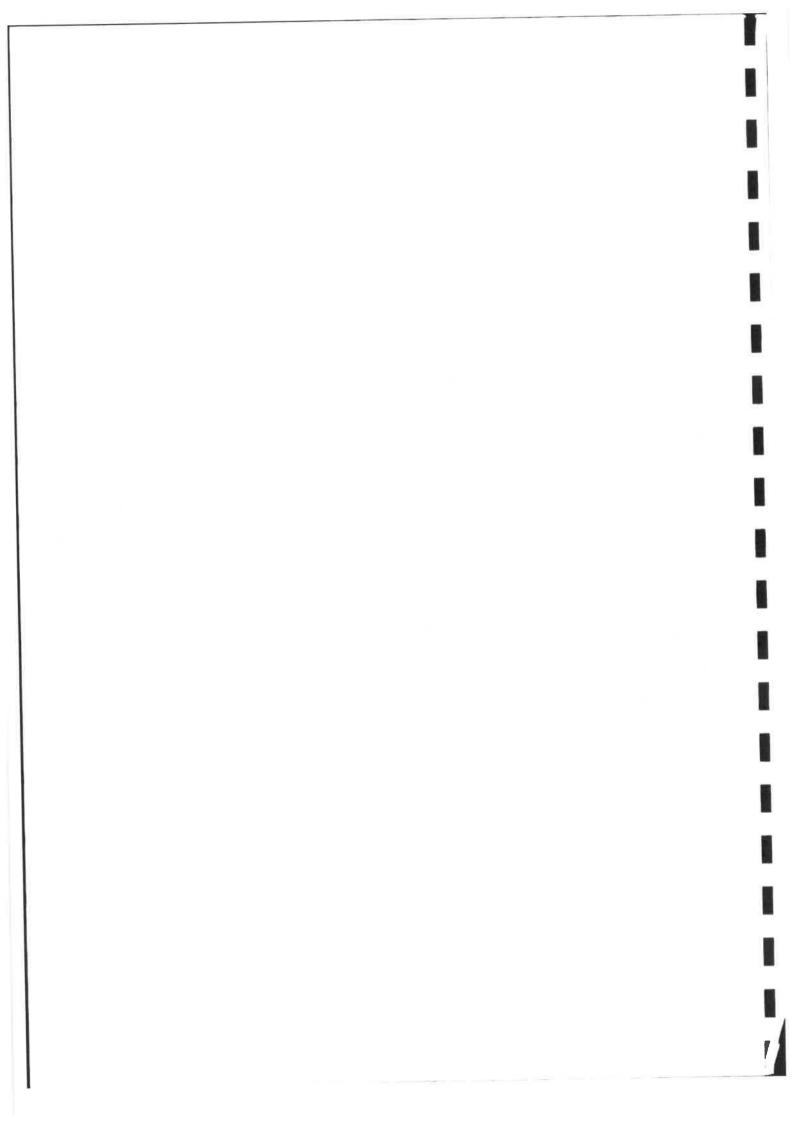
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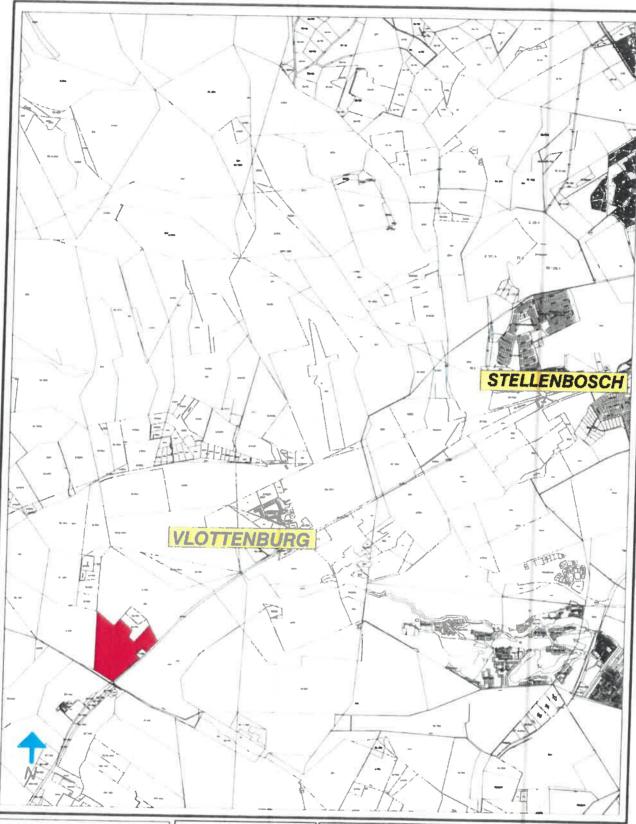
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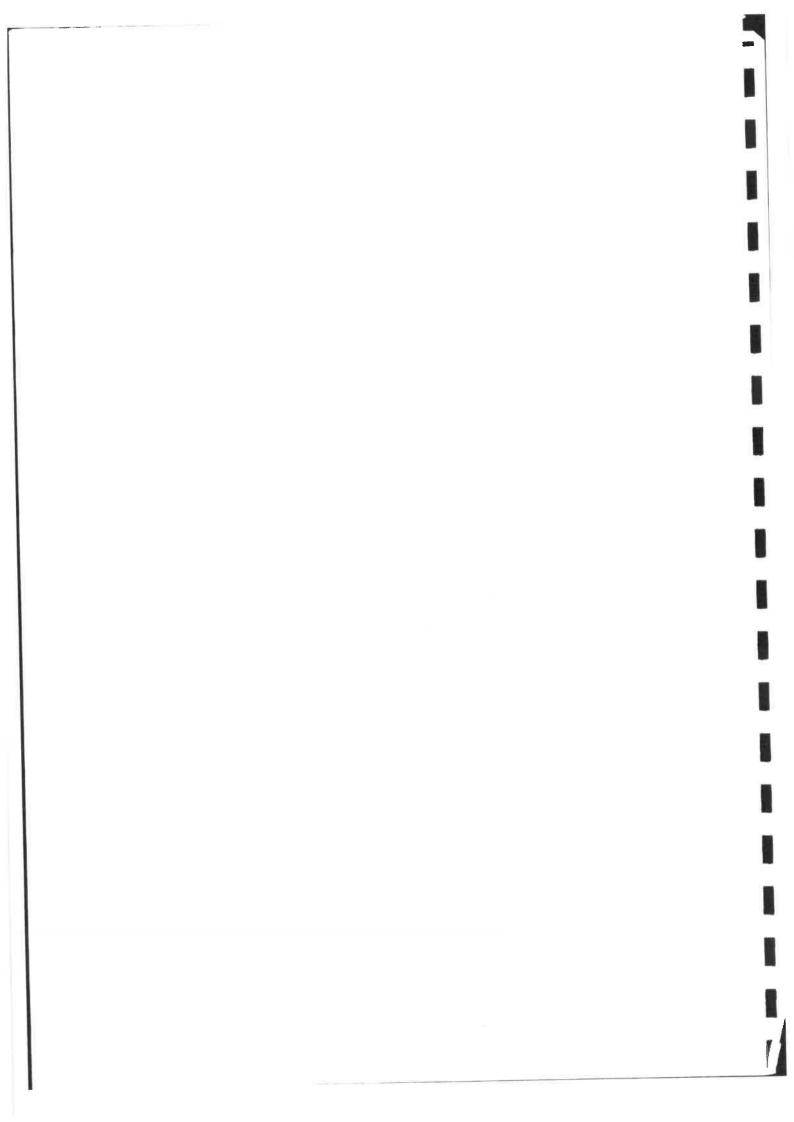
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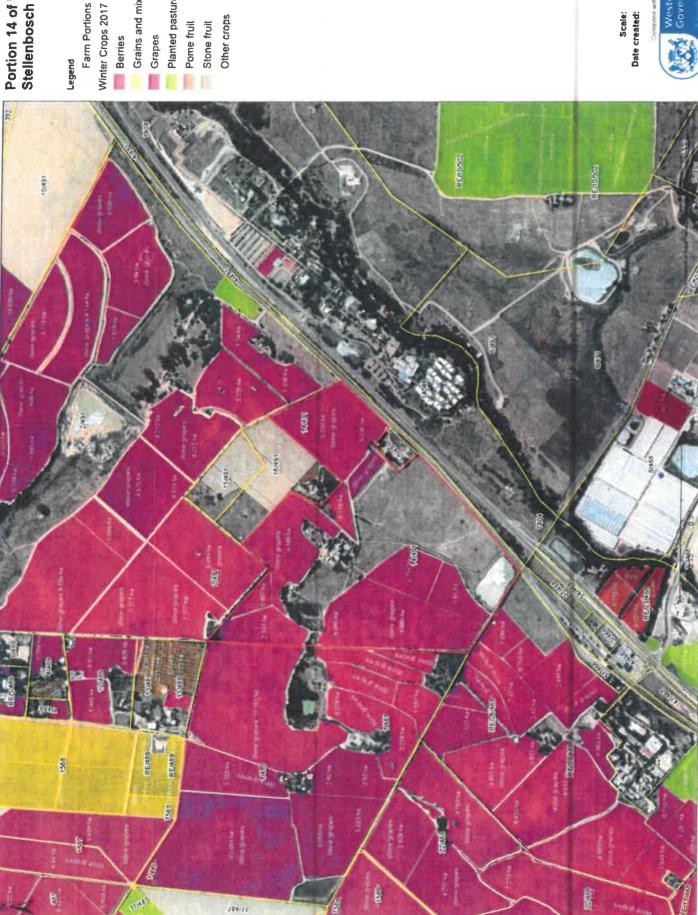
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# Portion 14 of Farm No 491 Stellenbosch

Farm Partions

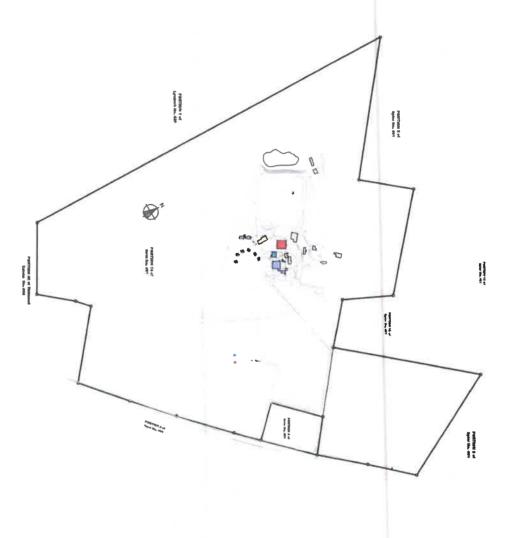
Grains and mixed

Planted pastures

Other crops

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Date created: September 23, 2020





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Site Development Plan
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INTERPORTANT NOTIFE:

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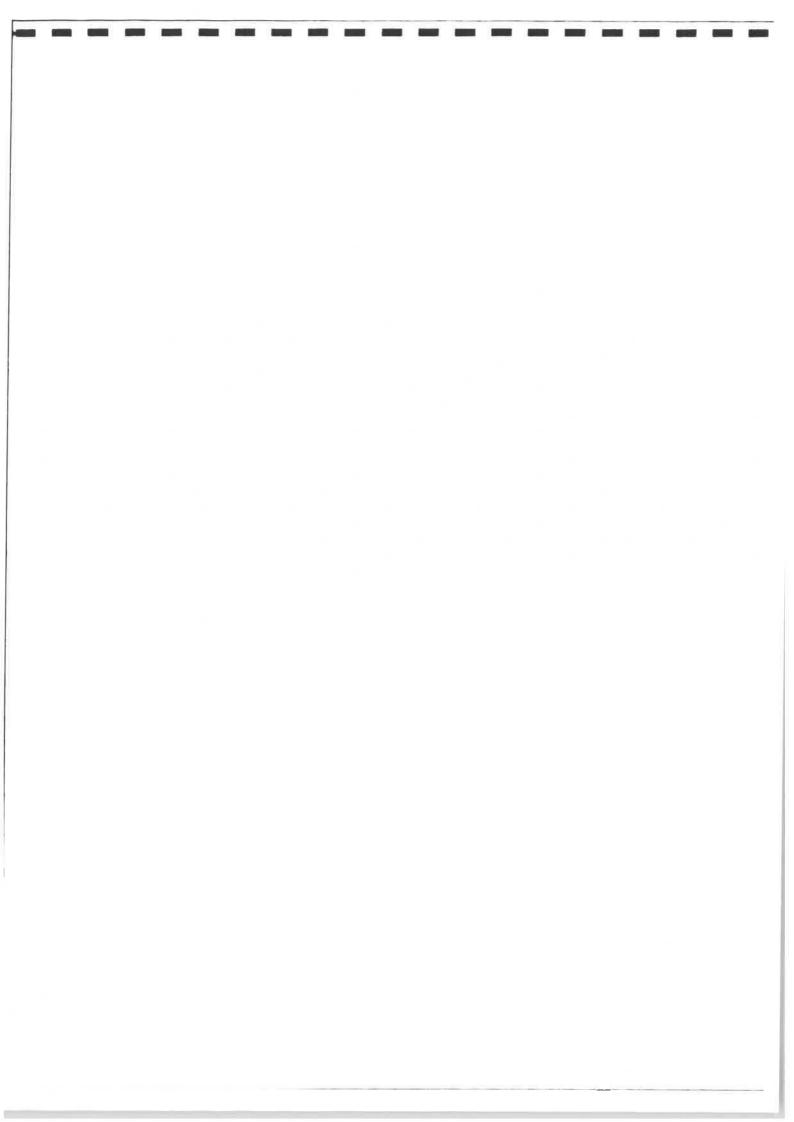
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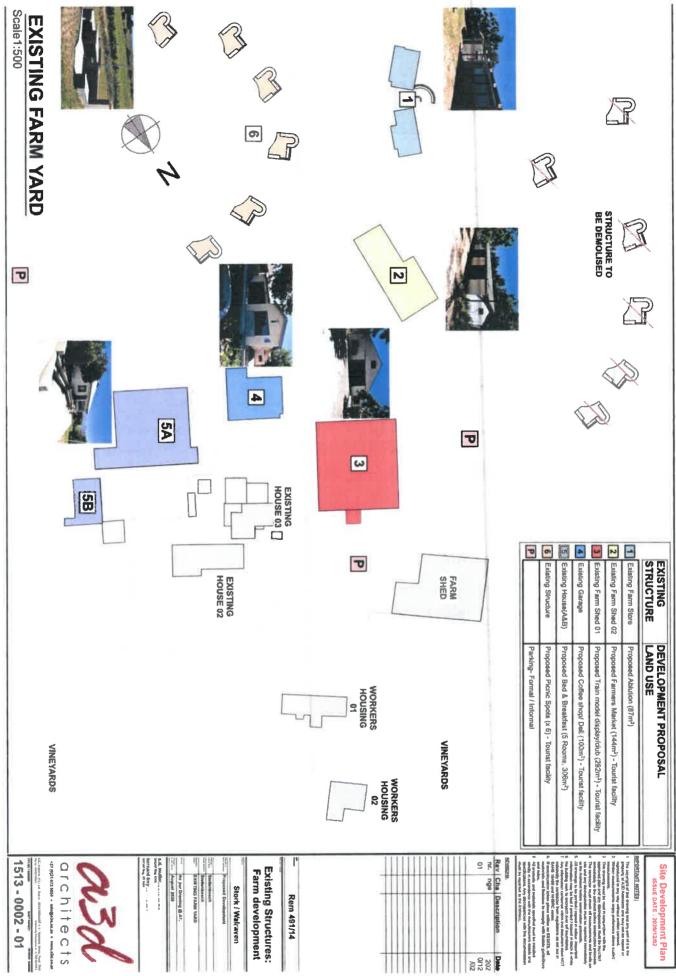
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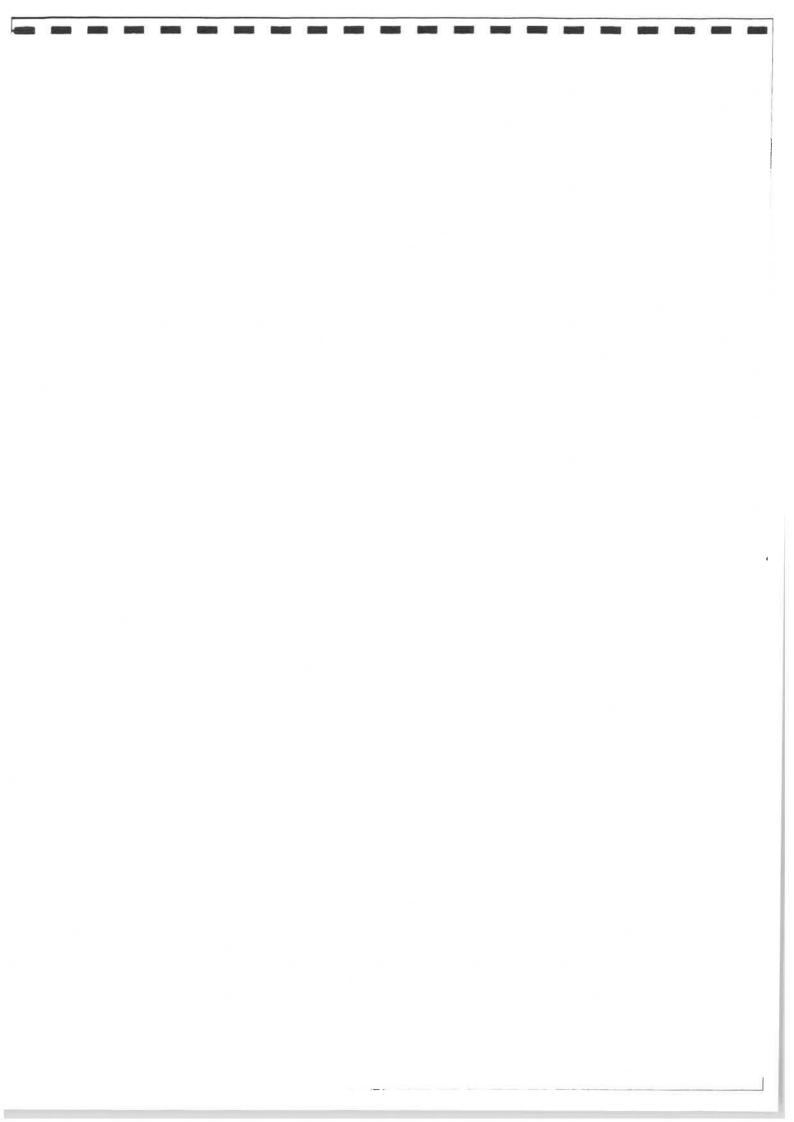
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#### COMPONENTS

- 1. The figure AHJKLMNP9 represents Portion 8 of the farm SPIER No. 491 vide Dgm. No. A 993/1927 DT 1927- 13305
- 2. The figure xyHB represents Portion 11 of the farm SPIER No. 491 vide Ogm. No. 65/1948 DT 1948- 17892
- 3. The figure CDEFGHyx represents Portion 9 of the farm SPIER No. 491 vide Dgm. No. A 994/1927 OT 1927- 13306

The figure ABCDEFGHJKLMNPQ represents 50:7864 hectares 51,7861

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PORTION 14 of the farm SPIER No. 491 comprising of 1. 2. and 3. as above

Situate in the Administrative District of Stellenbosch Compiled in August 1995

Province of Western Cape

Compiled in August 1995 by me

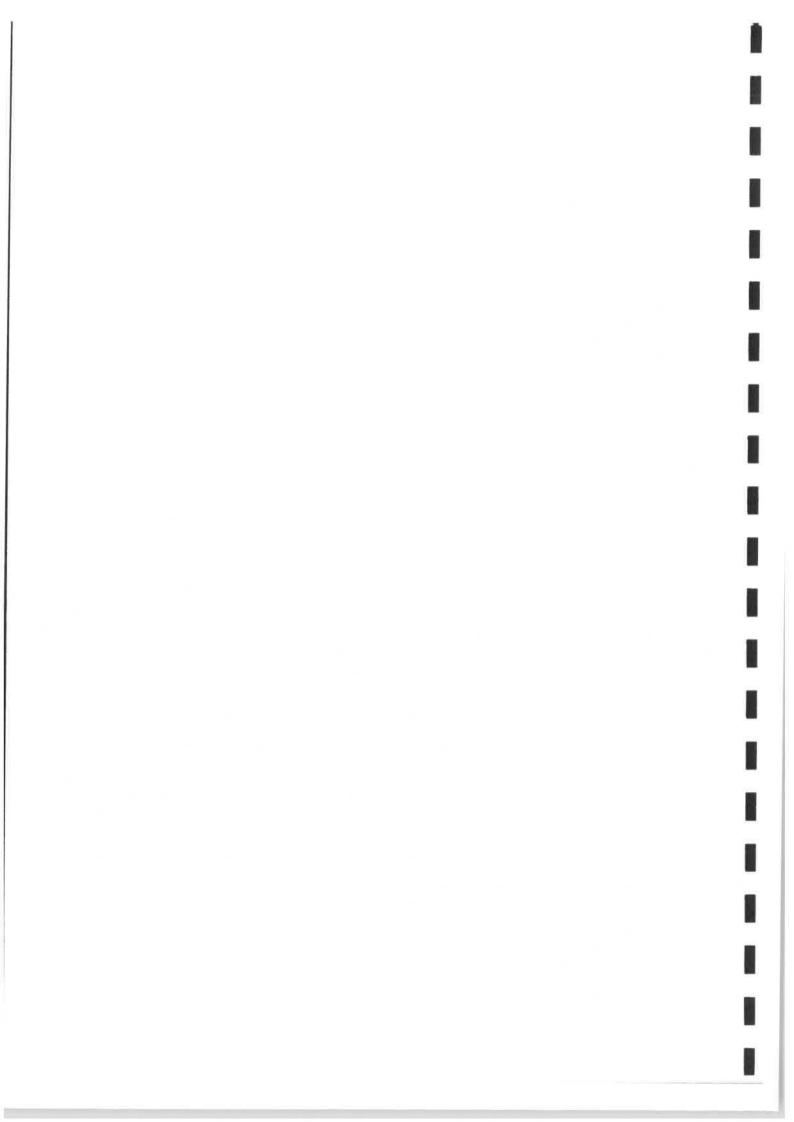
Registrar of Deeds

PLS 0080 D P Burger Pr Land Surveyor

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Friedlaender, Burger & Volkmann Land Surveyors

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Approved.

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SHEET 2 OF 2 SHEETS

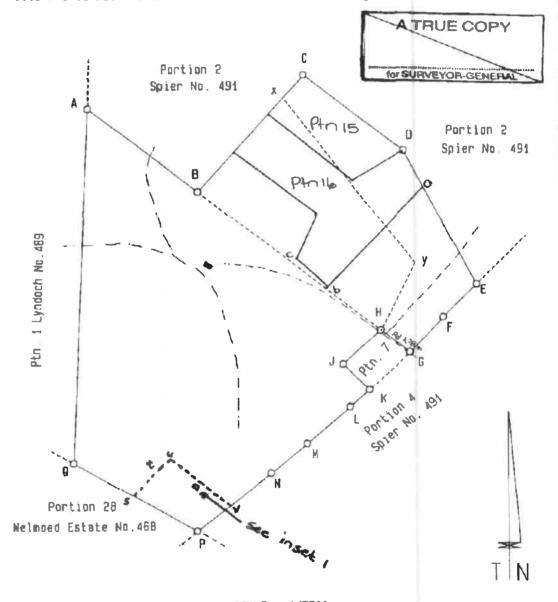
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6-- Rail Section 0.16 metre above ground

B- 0,94 metre iron standard 0.16 metre above ground

H-- Heavy iron standard corner fence post

C-- 0.10 \* 0 13 metre Stone in concrete , 0.16 metre high next to fence post



SCALE: 1/7500

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by me

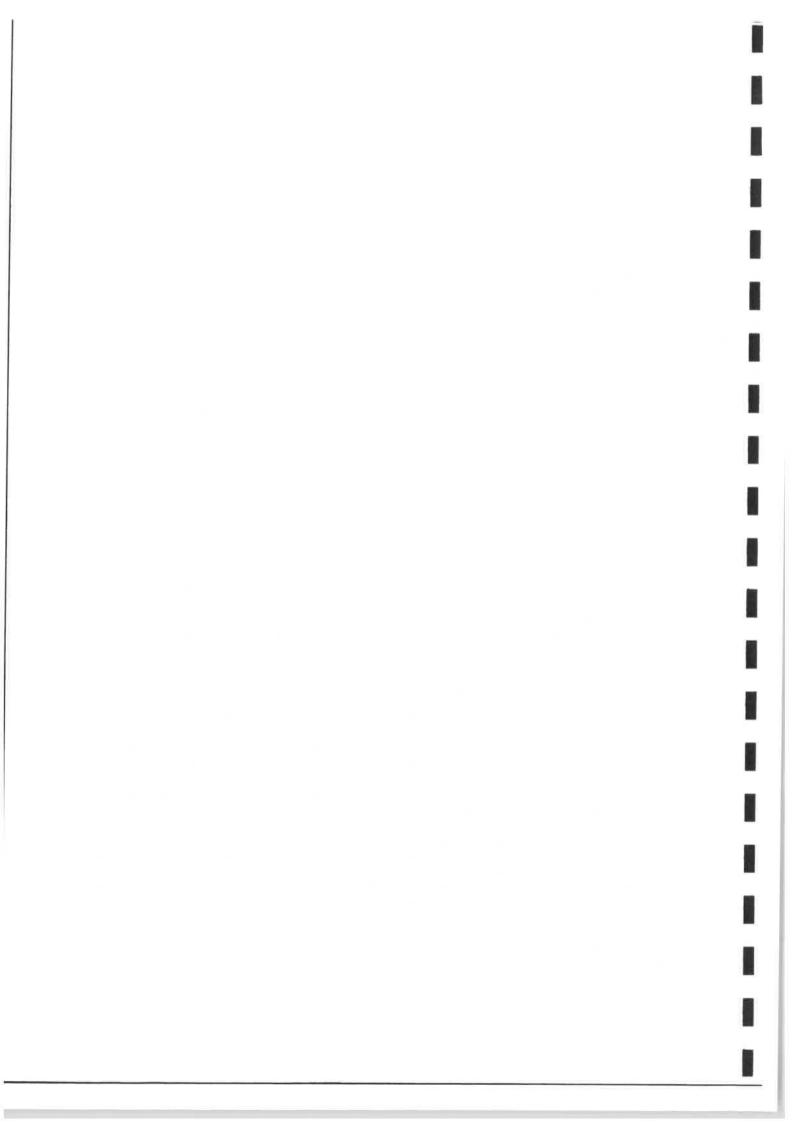
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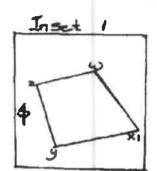
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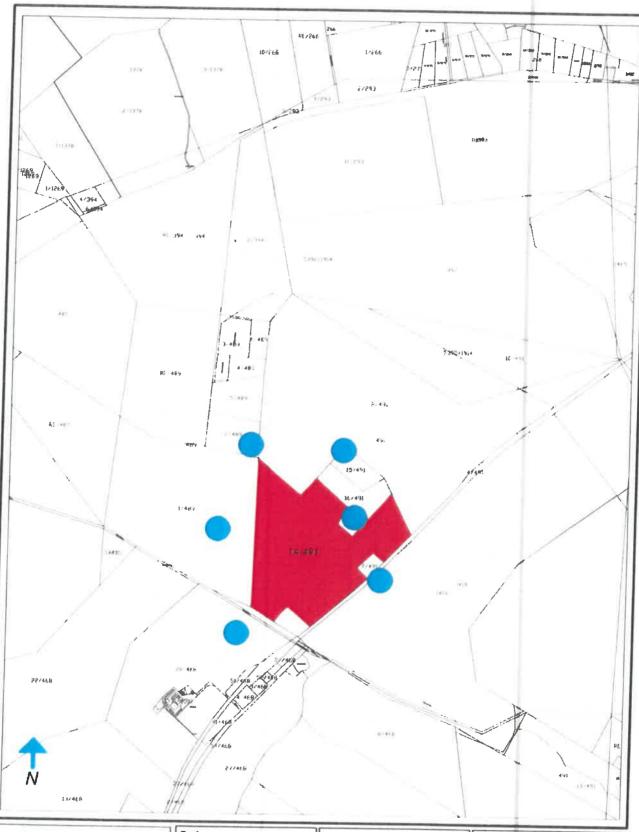
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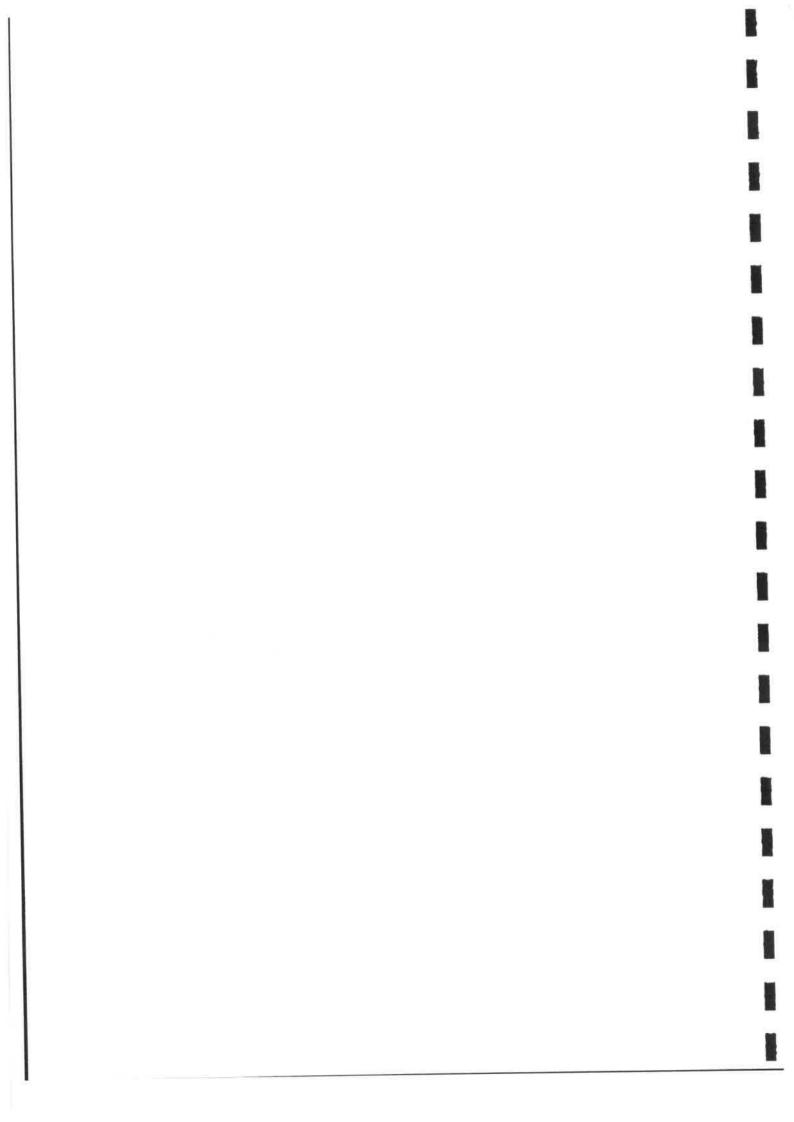
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Description:

Public Participation Plan

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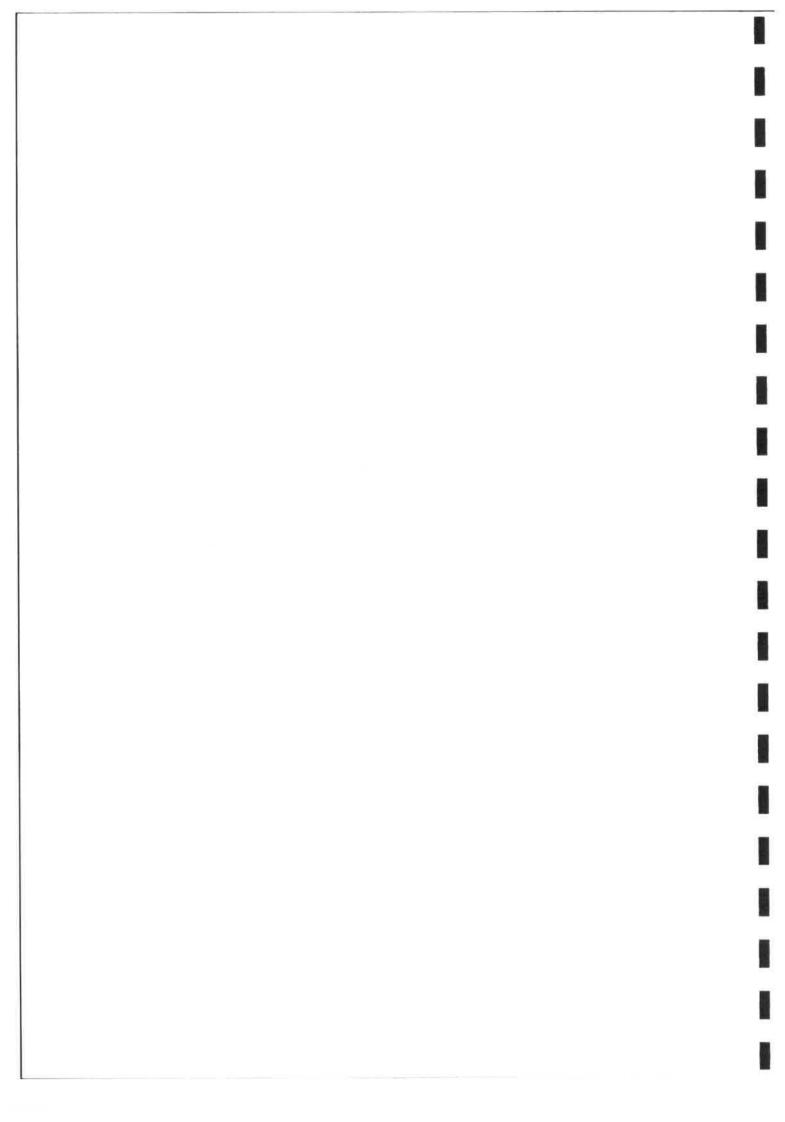
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Keer PJLR	Tribulger 7





# P-I le Roux

## POWER OF ATTORNEY GAVIN MCHARD STORK in my capacity as DIRECTOR of (property description) NNANEDI CHINTRY MANCR (PT) LTD PORTION 14 OF FARM SPIER 491 STELLENBOSCH Address VLOTIEN BURE RD, STELLENBOSCH. hereby formally appoints PJ le Roux Town and Regional Planners Pty Ltd Main Road 262 Paarl 7646 to represent me at all times and in all instances at any authority or institution in the execution of the following application on the said property: Application for Consent Use and Technical Approval Signed at on this



## **COMPANY RESOLUTION**

At a recent meeting of NWANEDI COUNTRY MANOR (PTY) LIMITED held on

November 20<sup>th</sup>, 2020 at PAARL it was resolved as follows

- 1) To submit a formal application in terms of the following:
  - a. Stellenbosch Municipality: Municipal Land Use Planning By-Law
  - b. Any other relevant legislation

With respect to the proposed CONSENT USE AND TECHNICAL APPROVAL

REMAINDER PORTION 14 OF FARM SPIER NO. 491 STELLENBOSCH

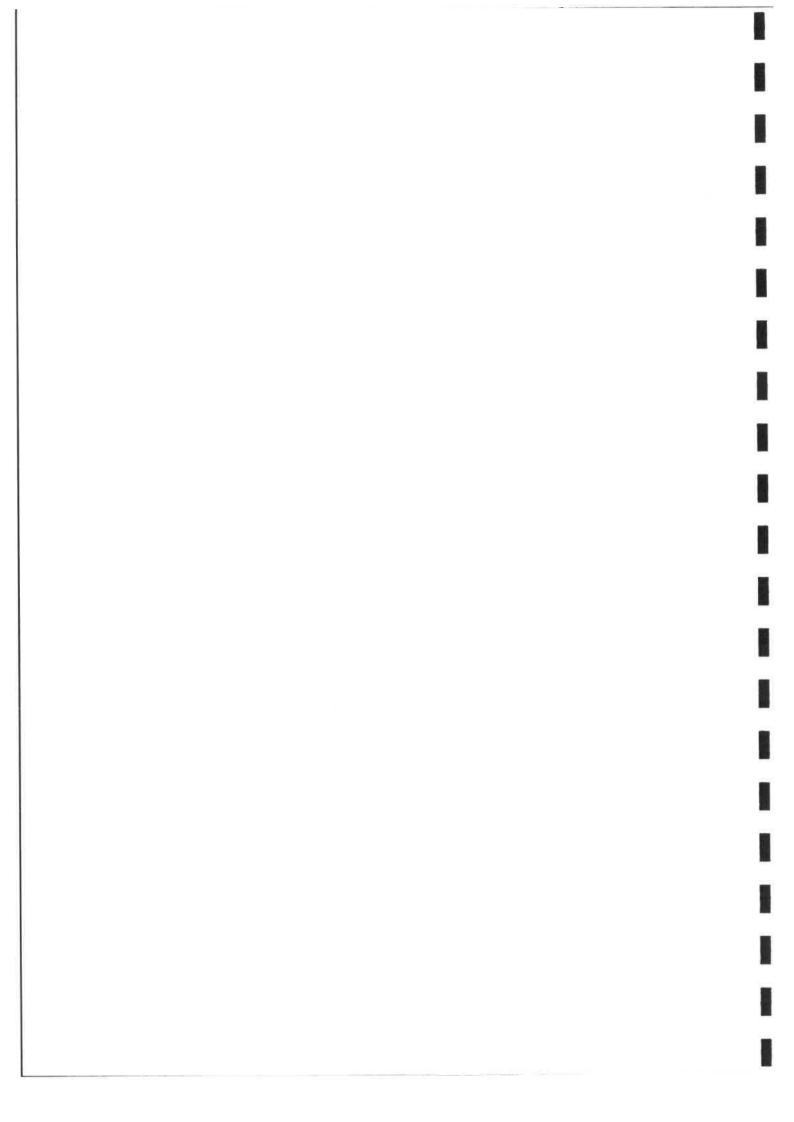
Situated within the area of jurisdiction of the Stellenbosch Municipality, Division. Paarl Province of the Western Cape

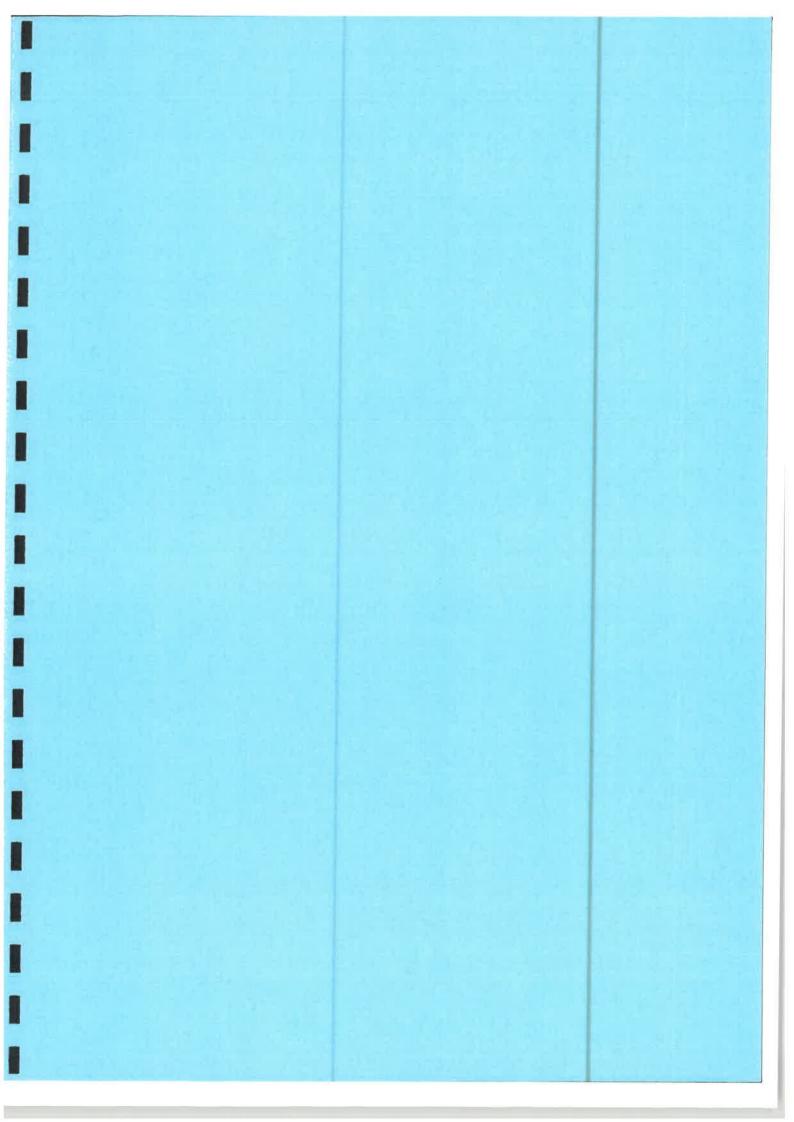
2) To authorise Gavin Richard Stork to sign the necessary Letter of Appointment in favour of Messrs PJ le Roux Town Planners Pty Ltd

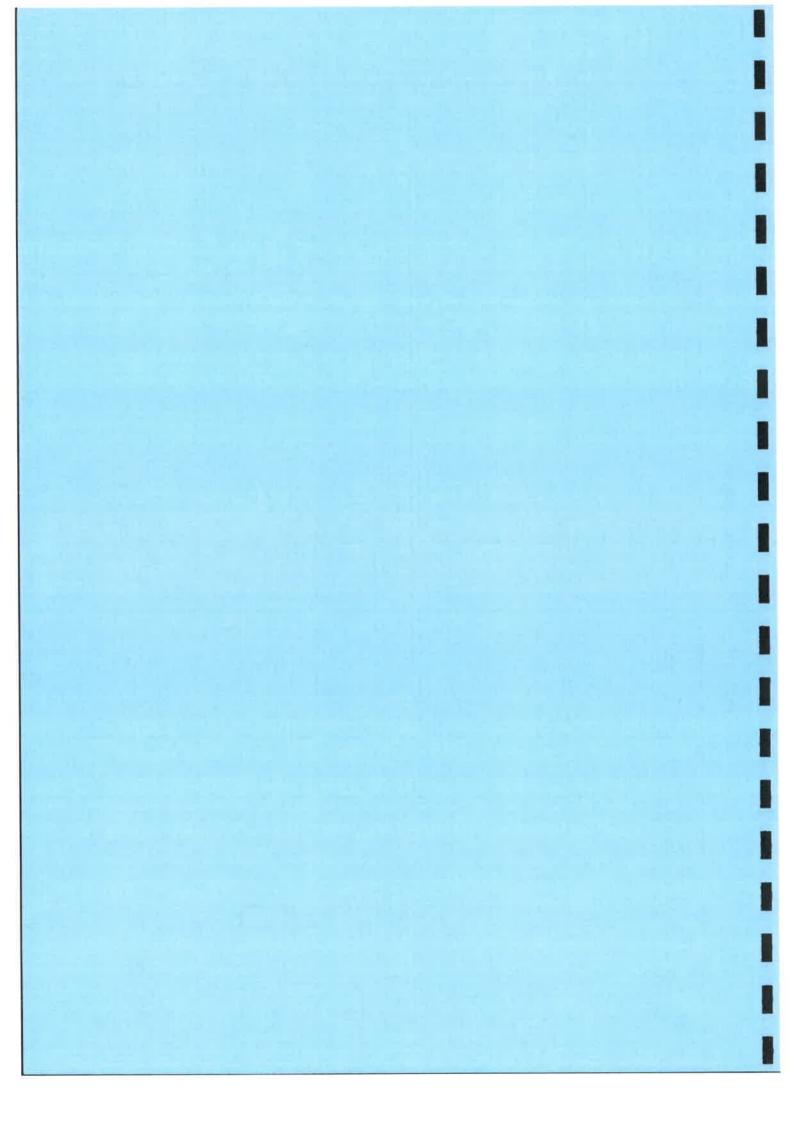
DIRECTOR S R EL C 1977

WITNESS

Signed on this 25th day of November 2020









151

MARAIS MÜLLER HENDRICKS 21 Oewer Park Die Boord STELLENBOSCH 7600

Prepared by me

CONVEYANCER LOUIS JOHANNES SMITH

	Amount	Office Fee
Purchase Price	R 7 066 220	a 2293-0
Reason for exemption	Category Exemption	Exemption it o Sec/Reg Act/Proc.



DATA / CAPT
2 2 -01- 2020
ATHI DAIVICEYI

T 000000579/2020

## **DEED OF TRANSFER**

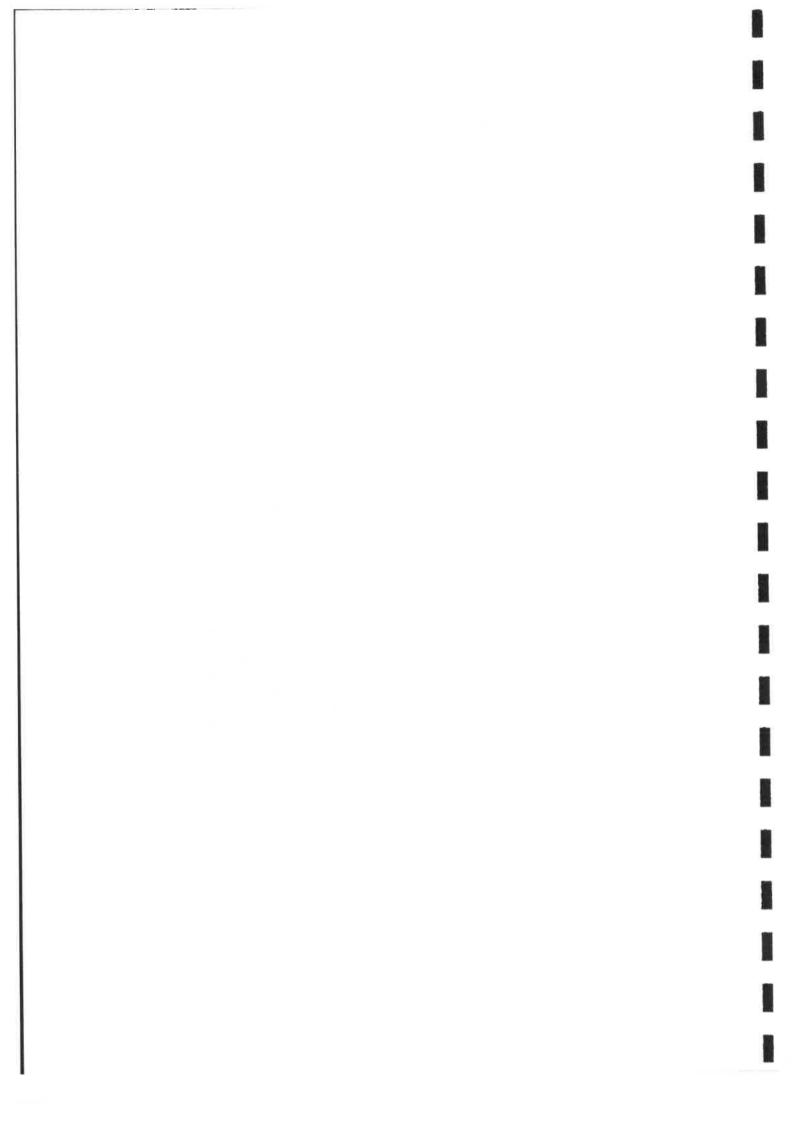
BE IT HEREBY MADE KNOWN THAT

### LYNNE BOTHA

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

The Trustees for the time being of L R D TRUST Registration number T1246/92

which said Power of Attorney was signed at STELLENBOSCH on 24 October 2019



And the appearer declared that his/her said principal had, on 7 June 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

## NWANEDI COUNTRY MANOR PROPRIETARY LIMITED Registration Number 2009/020335/07

or its Successors in Title or assigns, in full and free property

REMAINDER OF PORTION 14 OF THE FARM SPIER NUMBER 491 IN THE MUNICIPALITY AND DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE

IN EXTENT 42,7861 (FORTY TWO COMMA SEVEN EIGHT SIX ONE) Hectares

FIRST REGISTERED and still held by Certificate of Consolidated Title Number T14315/1997 with Diagram SG No. 7661/1995 annexed thereto

- Regarding the figure marked CDEFGHyx on the annexed diagram SG No. 7661/1995:
  - A. SUBJECT to the conditions referred to in Deed of Transfer No. T 17894/1948.
  - B. FURTHER SUBJECT to the conditions contained in Annexure "A" of Certificate of Amending Title No. T 10805/1919 which reads as follows:
    - That all roads and thoroughfares being and existing on the said land described in the plan or diagram of the same shall remain free and uninterrupted, unless the same be closed or altered by competent authority.
  - C. ENTITLED to the benefit of the following special condition No. 1 in Deed of Transfer No. T 3402/1920 namely:

"met betrekking tot een van die Spoorwegkruisinge gemerk "Crossing C" op die kaart geheg aan gemelde Transportakte No.3402."

- D FURTHER ENTITLED to the benefit of the special condition contained in Deed of Transfer No. T13306/1927, which reads as follows:
  - "(b) The said Transferee and successors in title to The Quarry shall be allowed to sink a well or bore for water at a spot on the remaining extent of the land held under the said Deed of Transfer at a distance of approximately one hundred (100) yards from the North Eastern boundary of the Quarry. Any water found as a result thereof shall be the sole properly of the Transferee and successors in title, who shall be entitled at that spot or place to erect a windmill or other mechanical device for raising any water and shall further be entitled, within an area of ten (10) yards square, to erect any tank or other necessary works, in connection with the said water, and shall also be entitled to

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fence off that area as protection against livestock, and shall also be further entitled to deposit any surplus soil or debris from the sinking or cleaning of the well or borehole, on to the Transferor's property adjacent to the said area, and shall further be entitled to lay a pipeline from such area to the nearest convenient boundary of the Quarry with the right to excavate and deposit any soil or debris through such excavation, on to the Transferor's adjacent property, or to build and take stone, soil or the like for that purpose from the Transferor's adjacent property.

SUBJECT, however to the condition that Transferee and successors shall not cause any unnecessary inconvenience to the Transferor's successors, arising out of the matters aforesaid and shall do only those things necessary for the proper laying and protection of such pipeline:

In the event of any such well or borehole failing to supply at any time sufficient water for the requirements of the Transferee and successors, the Transferors and their successors of the remaining extent held under said Transfer No.3402 shall be compelled to supply free of any charge any deficiency up to but not exceeding One Thousand Gallons (1000) per diem for their own existing water supply approximately one hundred (100) yards from the well site, by means of a pipeline to be laid by the Transferee or successors to their well site herein provided for, with the right of access to the Transferee and successors to the Transferors' property for the laying of the said pipe and repairs:

The Transferee and successors and their servants shall have free access to and from the said spot or place where the well or borehole is to be sunk and along the proposed pipeline for any work in connection therewith:

E. FURTHER SUBJECT to the following special conditions contained in Deed of Transfer No. T17893/1948;

"Dat transportgewer en sy opvolgers in titel as eienaars van die volgende vaste eiendom, en of enige gedeelte daarvan, naamlik.-

Sekere stuk afgeskafte erfpaggrond synde Gedeelte 11 (Gedeelte van "the Quarry") van die plaas Spier, geleë in die Afdeling Stellenbosch.Groot:-elf punt vyf nul nul (11.5000) morge, deur hom gehou onder Sertifikaat van Geregistreerde Titel uitgereik op hieride dag No.17892.

geregtig sal wees op die gebruik (welke gebruik egter nie 'n alleengebruik sal wees nie) van 'n pad 12 voet wyd oor die restant van die grond hierdeur getransporteer, die koers van sodanige pad te wees al langs die Suid-Westelike grens van die gesegde restant van "The Quarry", welke gesegde grens d f op die kaart (No.65/48) van gemelde Gedeelte 11 ('n gedeelte van "The Quarry") van die plaas Spier gemerk is."





- II. Regarding the figure mark AHJKLMNPQ on the annexed diagram No. L.G. 7661/95:
  - SUBJECT to the conditions referred to in Deed of Transfer No. T13305/1927.
  - B. FURTHER SUBJECT insofar as it may be applicable on this property, to the conditions contained in Annexure "A" annexed to Certificate of Amending Title No. T 10805/1919, which reads as follows:
    - "1. That all roads and thoroughfares being or existing on the said land, described in the plan or diagram of the same, shall remain free and uninterrupted unless the same be closed or altered by competent authority."
  - C. ENTITLED to the benefit of the special condition No. 1 in Deed of Transfer No. T 3402/1920 with reference to one of the Railway Crossing marked "Crossing C" on the diagram annexed to the Deed of Transfer No. T 3402/1920.
  - D. FURTHER ENTITLED to the benefit of the following condition contained in Deed of Transfer No. T13305/1927, namely:-
    - "That the owner of Fransmanskloof hereby transferred shall have a right of way over THE SMITHY this day transferred to Tobias Johannes de Wall, along the 12 foot road marked on the diagram annexed thereto (and on the diagram of the said The Smithy) for all vehicular traffic."
  - E. By virtue of Deed of Transfer No. T19777/1973 the herein property in extent: 34,6553 (Thirty Four Comma Six Five Five Three) hectares, by virtue of Notarial Servitude Deed No. K68/85S dated 19/11/1984, is entitled to a pipeline Servitude 5 metres wide, the South-West boundary thereof depicted by the line ABC on diagram L.G. No. 638/79 over Portion 5, (a portion of Portion 1) of the Farm Spier, No. 491, in extent: 14,9893 (Fourteen Comma Nine Eight Nine Three) hectares.
- III Regarding the figure mark xyHB on the said diagram SG No. 7661/1995:
  - A. SUBJECT to the conditions referred to in Deed of Transfer No. T 13306/1927.
  - B. FURTHER SUBJECT insofar as it may be applicable to this property, to the conditions contained in Annexure "A" annexed to Certificate of Amending Title No. T 10805/1919, which reads as follows:
    - "1 That all roads and thoroughfares being and existing on the said land described in the plan or diagram of the same shall remain free and uninterrupted, unless the same be closed or altered by competent authority."

*J*-

- C. ENTITLED to the benefit of the special condition No. 1 in Deed of Transfer No. T 3402/1920 with reference to one of the Railway Crossings marked "Crossing C" on the diagram annexed to the Deed of Transfer No. T 3402/1920.
- D. SUBJECT to and/or ENTITLED to the benefit of the following conditions contained in Deed of Transfer No. T13306/1927, which reads as follows:
  - "(a) The said transferee and his successors in title to The Quarry shall have a right to access thereto and egress therefrom for all vehicular traffic, over The Smithy, this day transferred to Tobias Johannes de Waal, along the 12 food road marked on the diagram annexed hereto (and on the diagram of the said The Smithy).
  - (b) The said Transferee and successors in title to The Quarry shall be allowed to sink a well or bore for water at a spot on the remaining extent of the land held under the said deed of transfer at a distance of approximately one hundred (100) yards from the North Eastern boundary of The Quarry. Any water found as a result thereof shall be the sole property of the transferee and successors in title, who shall be entitled at that spot or place to erect any windmill or other mechanical device for raising any water, and shall further be entitled. within an area of ten (10) yards square, to erect any tank or other necessary works, in connection with the said water, and shall also be entitled to deposit any surplus soil or debris from the sinking or cleaning of the well or borehole, on to Transferor's property adjacent to the said area, and shall further be entitled to lay a pipeline from such area to the nearest convenient boundary of The Quarry with the right to excavate and deposit any soil or debris through such excavation, on to the Transferor's adjacent property, or to build and take stone, soil or the like for that purpose from the Transferor's adjacent property.

SUBJECT, however, to the condition that the Transferee and successors shall not cause any unnecessary inconvenience to the Transferor's successors, arising out of the matter aforesaid, and shall do only those things necessary for the proper laying and protection of such pipeline.

In the event of any such well or borehole falling to supply at any time sufficient water for the requirements of the Transferee and successors, the Transferors or their successors of the remaining extent held under said Transfer No.3402 shall be compelled to supply free of any charge any deficiency up to but not exceeding One Thousand Gallons (1000) per diem from their own existing water supply approximately one hundred yards from the well site, by means of a pipeline to be laid by the Transferee or successors to their well site herein provided for, with the right of access to the Transferee and Successors to the Transferor's property for the laying of the said pipe and repairs.

The Transferee and successors and their servants shall have free access to and from the said spot or place where the well or borehole is to be sunk and along the proposed pipeline for any work in connection therewith:





#### Page 6



E. FURTHER SUBJECT to the Servitude referred to in the endorsement dated 7 August 1948 on Certificate of Registered Title No. T17892/1948, which endorsement reads as follows:

"Registrasie van Serwituut

Kragtens Akte van T17893 is die eiendom hieronder gehou geregtig op die gebruik van 'n pad 12 voet wyd oor die restant van The Quarry 'n gedeelte van perseel 1 van Spier daardeur oorgedra, die koers van sodanige pad te wees al langs die Suid-Westelike grens van die grens van die gesegde restant van "The Quarry" welke gesegde grens af op kaart 65/48 hieraan geheg gemerk is, en soos meer volledig blyk dit uit die gesegde Akte."

IV SUBJECT to the conditions referred to in the endorsement dated 18 February 1997 on page 12 of the said Deed of Transfer No T14315/1997, which reads as follows:-

"By virtue of Deed of Transfer No. T 14316/1997

The remainder of the within property is subject to:

- 1) a Road servitude 5 metres wide represented by the line JFG being the North-Eastern boundary on diagram S.G. No. 7663/1995.
- 2) a Road servitude 2,5 meters wide represented by the line FE being the North-Western Boundary on diagram S.G. No.7663/1995

In favour of Portion 16 of the farm Spier No. 491 measuring 6,000 HA held by Deed of Transfer No. T 14316/1997

As will more fully appear from the above mentioned Deed of Transfer."

V ENTITLED to the conditions referred to in the endorsement dated 18 February 1997 on page 13 of the said Deed of Transfer No. T14315/1997, which reads as follows:-

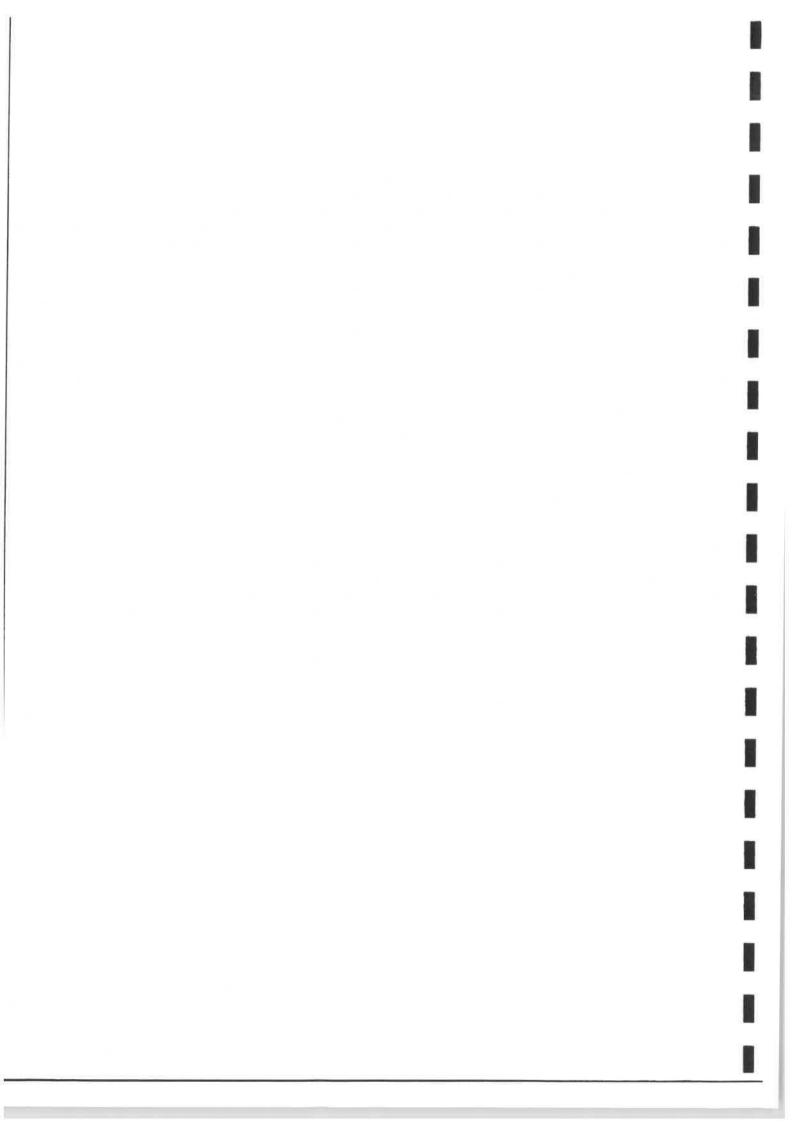
"By the virtue of Deed of Transfer No T 14316/1997 the within mentioned property is entitled to a:

- Road Servitude 2,5 meters wide, the South-Eastern Boundary being represented by the line FE on diagram S.G No. 7663/1995;
- 2.) Road Servitude 5 meters wide the North-Eastern Boundary being represented by the line ED on diagram S.G No. 7663/1995,

Over Portion 16 of the farm Spier No. 491 measuring: 6,0000 HA and held by Deed of Transfer No. T14316/1997

As will more fully appear from the above mentioned Deed of Transfer."





VI. SUBJECT to the conditions referred to in the endorsement dated 18 February 1997 on page 14 of the said Deed of Transfer No. T14315/1997, which reads as follows:-

"By the Deed of Transfer No. T 14317/1997 the with mentioned property is subject to a road servitude 5 meters wide, the North-Eastern Boundary of which is represented by the line FJ on diagram S.G. No. 7663/1995 in favour of portion 15 of the farm Spier No. 491 measuring: 3,0000 HA held by Deed of Transfer No. T 14317/1997 as will more fully appear from the said Deed of Transfer."

VII SUBJECT to the conditions referred in the second endorsement dated 18 February 1997 on page 14 of the said Deed of Transfer No. T14315/1997, which reads as follows:-

"By virtue of Deed of Transfer No. T14317/1997, the within property is subject to a road servitude 2,5 meters wide, the South-Eastern Boundary of which is represented by the line FE on diagram S.G No.7663/1995 in favour of portion 15 of the Farm Spier No.491 measuring: 3,0000 HA held by the Deed of Transfer No. T 14317/1997

As will more fully appear from the said Deed of Transfer."

VIII SUBJECT to the conditions referred to in the endorsement dated 28 September 2010 on page 16 of the said Deed of Transfer No. T14315/1997, which reads as follows:-

"KRAGTENS Notariele akte K 882/2010S gedateer 14 April 2010 is die binnegemelde eiendom onderhewig aan die volgende serwitute"

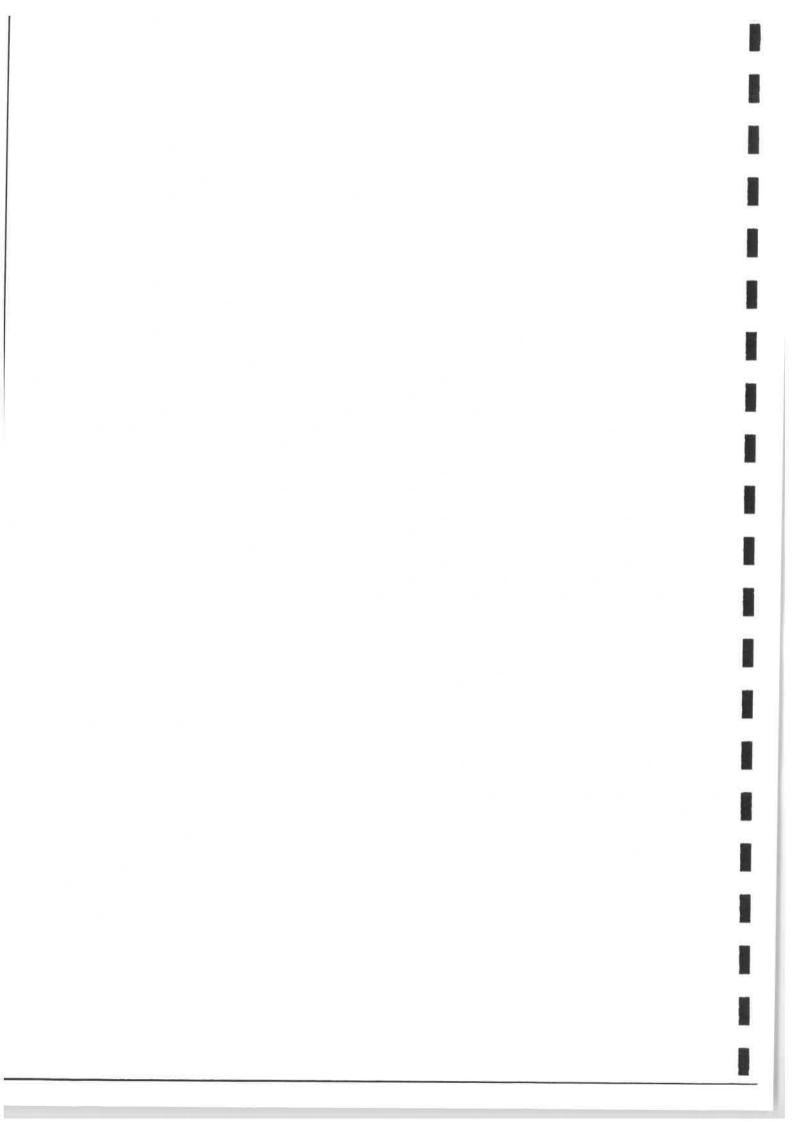
- (i) Waterleiding;
- (ii) Pompterrein;
- (iii) Pyplyn serwituut ,567m wyd aangedui deur die lyne AB, BCD, en DE asook die serwituutgebied aangedui deur die figuur FGHJ wat 22 vierkante meter groot is aangedui op die diagram L.G. 3880/2009 en aan bogenoemde notariele akte geheg is;
- (iv) En reg van weg van 5,67 meter wyd aangedui deur die lyne AB, CDEFG en HJK aangedui op Kaart nr LG7599/2007 aangeheg aan bogenoemde notariele akte ten gunste van Gedeelte 1 (Mooi-uitsig) van die plaas Lyndoch nr 489 gehou kragtens T32314/1994

Soos volledig sal blyk uit gesegde notariele akte."

IX SUBJECT to the Expropriation Notice Ex 58/2013 dated 25 September 2013 on Deed of Transfer No T14315/1997 in favour of the Provincial Government of the Western Cape in respect of a portion of the within property measuring approximately 0,1251 hectares









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

The Trustees for the time being of L R D TRUST Registration number T1246/92

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

## NWANEDI COUNTRY MANOR PROPRIETARY LIMITED Registration Number 2009/020335/07

or 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 to be the sum of R7 086 220,00 (SEVEN MILLION EIGHTY SIX THOUSAND TWO HUNDRED AND TWENTY RAND) excluding VAT in the sum of R1 062 933,00 (ONE MILLION SIXTY TWO THOUSAND NINE HUNDRED AND THIRTY THREE RAND), total consideration paid by the transferee to the transferor being the amount of R8 149 153,00 (EIGHT MILLION ONE HUNDRED AND FORTY NINE THOUSAND ONE HUNDRED AND FIFTY THREE RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE

TOWN on

4 June 2010 9

a.a

In my presence

REGISTRAR OF DEEDS

S/

Λ



**VLOTTENBURG ROAD** 

**STELLENBOSCH** 

**AGRICULTURE** 

Physical address

Applicable
Zoning Scheme

Current Land Use

## STITLENBOSCH + FNIEL + FRANSCHROFK



Postal

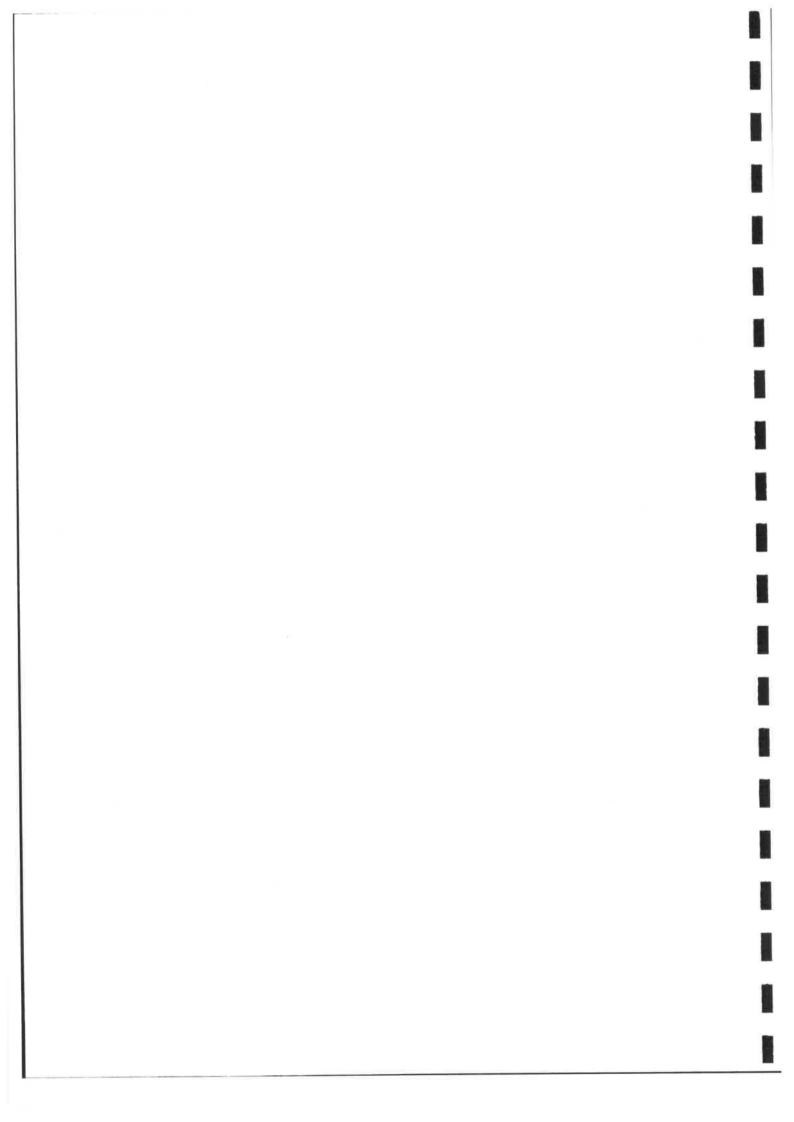
MUNISIPALITIES + UMASIPALA + MUNICIPALITY

LAND USE PLANNING APPLICATION FORM
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law 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) PIERRE-JEAN Surname **LE ROUX** Company name (if applicable) P-J Le Roux TOWN PLANNERS PTY LTD P O BOX 3457 Postal Address Postal **PAARL** 7620 Code Email pj@pjleroux.co.za Tel Fax 086 605 8431 Cell 076 031 7607 021-872 2499 PART B: REGISTERED OWNER(S) DETAILS (If different from applicant) Registered owner(s) NWANEDI COUNTRY MANOR (PROPRIETARY) LIMITED

					code	
E-mail	c/o pj@pjle	eroux.co.za				
Tel		Fax			Cell	0760317607
PART C: PROPERTY	<b>DETAILS</b> (in acc	ordance wi	th title deed	d)		
Erf / Erven / Farm No.	491	Portion(s) if Farm	14	Allotment area	STELLE	NBOSCH
Physical Address	VLOTTENBUR	G ROAD		4		
Current Zoning	Agriculture &	Rural	Extent	42,7861ha	Are building	there existing y N

STELLENBOSCH ZONING SCHEME BY-LAW



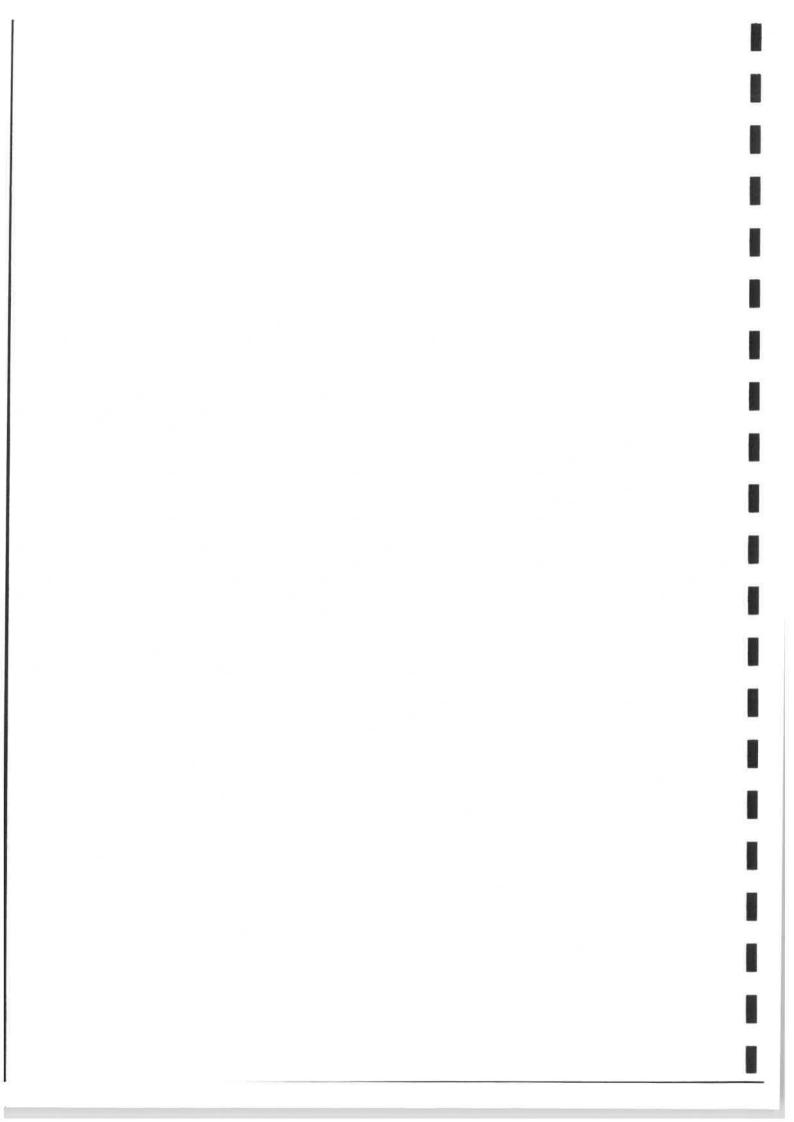
Title num date	nber a	red T T579/20	20				
Any	restricti ditions?	ive Y If Yes, list condition					
cond favo	the restricti ditions our of a th y(ies)?	in If Yes, list party(ies					
ence a ba		by It Yes, list bondhold					
		authorized buildings a property(ies)?	nd/or land use	100	es, is this applicatio building / land use?	- Y	И
		pending court case ubject property(ies)?	e(s) / order(s)	regis	there any lar stered on the perty(ies)?	11	Ν
PART	D: PRE-APP	LICATION CONSULTATI	ON				
Has appl	there I ication con	been any pre- sultation?		complete the in pre-application	nformation below a consultation.	and attach the minu	ιte
Offic	ial's name	ROBERT FOOY	Reference Number		Date of consultation	SUBMITTED 2 D	DEC
		SE PLANNING APPLICATION OF THE PLAN AND APPLICATION OF THE			OF THE STELLENBO	SCH MUNICIPAL LA	NC
Tick	Section	Type of application				Cost	_
	2(a)	a rezoning of land;			*		
	2(b)	a permanent depa zoning scheme;	rture from the	development	parameters of th	ne R	
	2(c)	a departure granted not permitted in term the land;					
	2(d)	a subdivision of lan- including the registra	tion of a servitu	de or lease agr	eement;	R	
	2(d)	certificate of exemp subdivision in terms of	section 15;			or R	
	2(e)	a consolidation of lar				R	
	2(e)	certificate of exemp	of section 15;			K	
	2(f)	a removal, suspension of a land unit;				R	
	2(g)	APPROVAL	a permission required in terms of the zoning scheme; TECHNICA				
	2(h)						
		existing approval;			ons in respect of a	n R	
	2(i)	an extension of the vo	alidity period of	an approval;		R	
	2(i) 2(j)	an extension of the vo	alidity period of erlay zone as c	an approval; ontemplated in	the zoning scheme	R R R	
		an extension of the vo	alidity period of erlay zone as c incellation of a eneral plan or	an approval; ontemplated in n approved sub diagram;	the zoning scheme odivision plan or par	R R R	

	2(m)	a determination	of a zonina:	R		
	2(n)		blic place or part thereof;	R		
	a consent use contemplated in the zoning scheme (Special Developments & Special Consent);					
	2(p)	an occasional us		R		
	2(q)	to disestablish a l	R			
	2(1)		e by a home owner's association to meet its obligations control over or maintenance of services;	R		
	R					
OTHE	R APPLICA	ATIONS				
		Deviation from C	Council Policies/By-laws;	R		
		Other (specify):		R		
			TOTAL A:	R		
PRESC	CRIBED NO	TICE AND FEES** (fo	or completion and use by official)			
Tick	Notification of application		Type of application	Cost		
	SERVING	OF NOTICES	Delivering by hand; registered post; data messages	R		
	PUBLICA	TION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R		
	ADDITIO OF NOTI	NAL PUBLICATION CES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R		
	NOTICE	OF DECISION	Provincial Gazette	R		
	INTEGRA	TED PROCEDURES	T.B.C	R		
			TOTAL B:	R		
			TOTAL APPLICATION FEES*  (TOTAL A + B)	R		
appli	cation fee e applica me appli	es must accompany int is liable for the c cable and the appli	to the Municipality are non-refundable and proof of an application.  ost of publishing and serving notice of an application. Accordingly.			
	ING DETA	AILS				
BAN						
BAN		Stellenbösch	n Municipality			
		Stellenbosct ABŠA BANK	n Municipality			

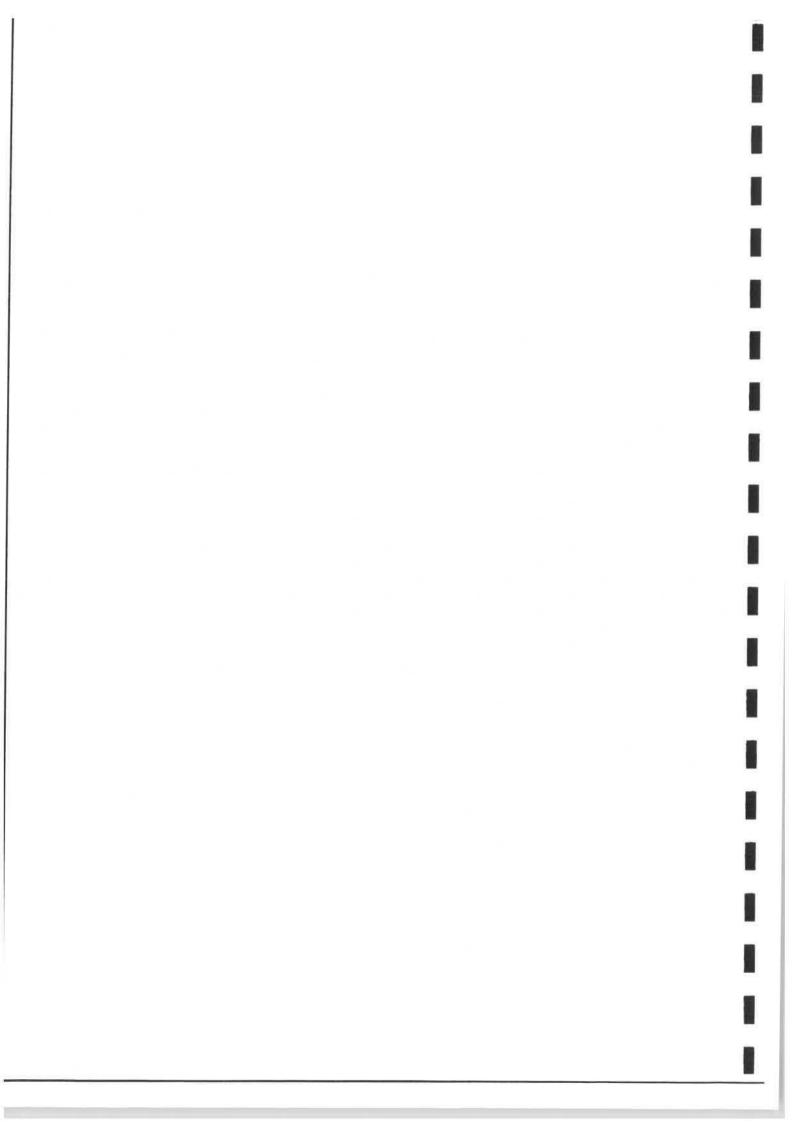
410 188 031

Account no

Payment reference: (Ert/Farm number)



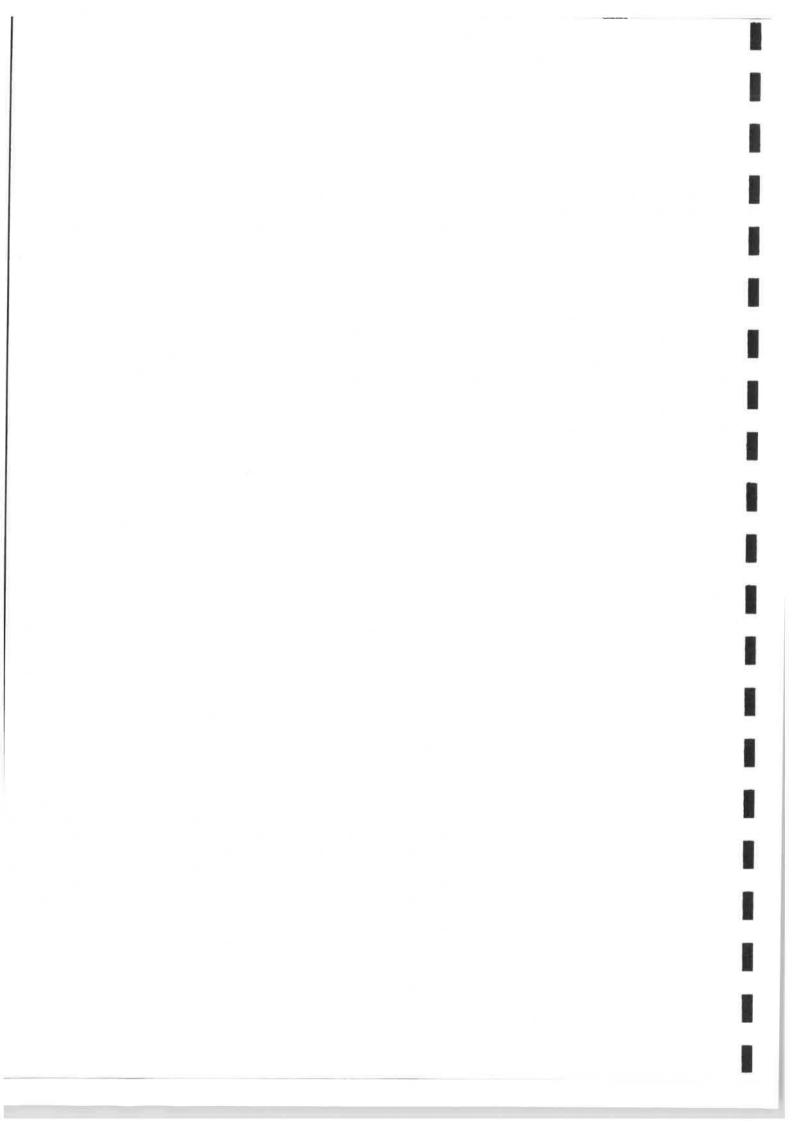
	Street	From	m	To	m
	Street	From	m	10	m
Building line encroachment	Side	From	m	To	m
3	Side	From	m	To	m
	Aggregate side	From	nı	То	m
	Rear	From	m	To	m
Exceeding permissible site coverage	-	From	%	То	%
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To	
Exceeding height restriction		From	m	To	m
Exceeding maximum storey height		From	m	То	m
To permit in terms of Section				na Scheme	Regulatio
Other (please specify)				ng ochome	, 1109010110
description of proposed deve	W		NSIDE EXISTII	NG VACAN	IT BUILDING
CATION TO INTRODUCE SMAL ARMSTEAD OF THE SUBJECT PR				*	
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and the second second second second second second					



PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Stellenbosch Municipal Land Use Planning By-Law]

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.

	npiete nation		ocumentation required				
			er of attorney / Owner's consent if				Bandhaldar's carrent (if appliaghla)
	14	appli	cant is not owner	Y		1/1	Bondholder's consent (if applicable)
,	14	appli	ution or other proof that cant is authorised to act on If of a juristic person	Y		N	Proof of any other relevant right held in the land concerned
	N	-	en motivation	Y	19	N	S.G. diagram / General plan extract
,	N	Local	lity plan	Y		И	Site development plan or conceptual layout plan
ć	И	Propo	osed subdivision plan	Y		No.	Proof of agreement or permission fo required servitude
		Proof of payment of application fees					Proof of registered ownership (Full copy of the title deed)
	N	Conv	reyancer's certificate	Υ		77	Minutes of pre-application consultation meeting (if applicable)
′	14	N/A	Consolidation plan				
	2.1	N/A	Street name and numbering plan	Y		Ful	N/A Land use plan / Zoning plan
	ter	N/A	Landscaping / Tree plan	Y		B	1 : 50 / 1:100 Flood line determination (plan / report)
	N	N/A	Abutting owner's consent	Y		FV.	N/A Home Owners' Association consent
82	14	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Я		N	Services Report or indication of a municipal services / registered servitudes
Y	N	H/A:	Copy of original approval and conditions of approval	Y		• .	Proof of failure of Home owner' association
Y	14	1)/A	Proof of lawful use right	Y		[14]	Any additional documents o information required as listed in the pre-application consultation form / minutes
Y	ĺΝ	14/4	Required number of documentation copies	Y		.14	N/A
PART	H: AU	THORIS	ATION(S) IN TERMS OF OTHER LEGISL	ATION			
Ť	N/A		onal Heritage Resources Act, 1999 25 of 1999)	(		. Enviro	nvironmental Management Act(s) (SEMA onmental Conservation Act, 1989 (Act 73 o



Υ	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)	Y	N/A	National Environmental Management: Air Quality Act. 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Ÿ	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A	National Water Act. 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	H/A	Other (specify)
r	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
γ	И	If required, has application for EIA / HIA documents / plans / proof of submission et		TIS / MI	IIA approval been made? If yes, attach
Y	N	Do you want to tollow an integrated of Stellenbosch Municipality Land Use Plannir			cedure in terms of section 44(1) of the s, please attach motivation.

## SECTION I: DECLARATION

#### I hereby wish to confirm the following:

- 1. That the information contained in this application form and accompanying documentation is complete and correct.
- 2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
- 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.

Applicant's signature:

Date:

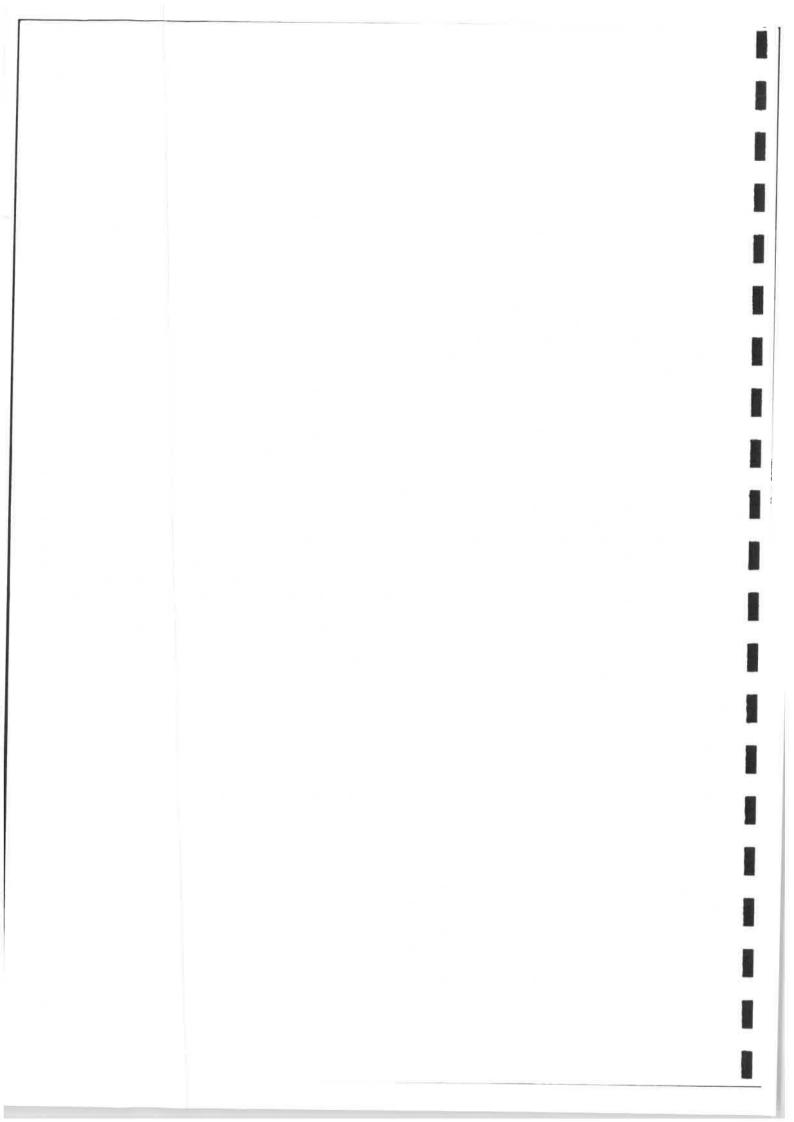
JANUARY 2021

Full name:

PIERRE-JEAN LE ROUX

DIRECTOR:

Professional capacity: P-J LE ROUX TOWN PLANNERS (PTY) LTD Pr. Pln. A/803/1995



R OFFICE USE ONLY	
Date received:	Received by:
NNEXURES	
ne following Annexures are attached for your formation, only if applicable:  ease do not submit these Annexures with the pplication form.	Annexure A: Minimum requirements matrix  Annexure B: Land use planning application submission and protocol  Annexure C: Land use planning application workflow