

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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

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

Application Property Address: R44, Klapmuts

Application Property Number: Farm 749 Heen en Weer, Paarl Division

Applicant: InterActive Town & Regional Planning: info@iatrp.co.za / 028 312 1668

Owner: Aarninkhof Trust: hvanzyl@vzk.co.za / 021 180 4550

Application Reference: LU/14502(TP48/2022)

Application Type: Application for a subdivision, rezoning & permission required in terms of the title deed

Description of land development application:

1. Application to rezone Farm 749, Paarl from Subdivisional Area Overlay Zone and Agriculture & Rural Zone to Subdivisional Area Overlay Zone in terms of Section 15(2)(a) of the Stellenbosch Municipality: Land Use Planning By-law, 2015, for the following land uses:
  - 5 portions zoned Industrial Zone.
  - 1 portion zoned Public Road and Parking.
2. Application to subdivide Farm 749, Paarl in terms of Section 15(2)(d) of the Stellenbosch Municipality: Land Use Planning By-law, 2015, as followings:
  - 5 portions zoned Industrial Zone
  - 1 portion zoned Public Road and Parking
3. Permission as required in Section C,1,4 of the title deed to allow for the relaxation of the title deed building line from 300 Cape Feet (94.5m) from the centre of the Paarl Division Stellenbosch Main Road (R44) to 13m from the erf boundaries shared with Erf 2167 Klapmuts.
4. Permission as required in Section C,1,1 of the title deed to allow for the subdivision of the property.
5. Permission as required in Section C,1,2 of the title deed to allow for buildings exceeding one dwelling and associated outbuildings.
6. Permission as required in Section C,1,3 of the title deed to allow for businesses.

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: InterActive Town & Regional Planning: info@iatrp.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 56 days **(88 days if it is an state entity)** from the date of this notice to be received on or before the closing date of **2 February 2023. (6 March if it is an state entity)**

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 028 312 1668 during normal office hours.

Yours faithfully

**André Wiehahn** Pr Pln A/927/1996  
B Art et Sc (Town and Regional Planning)  
Telephone 028 312 1668  
Cell phone: 082 466 0490  
E-Mail: info@iatrp.co.za

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEITRESEERDE EN GEAFFEKTEERDE  
PARTYE VIR KOMMENTAAR.**

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

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

Adres van aansoek eiendom: R44, Klapmuts

Aansoek eiendom beskrywing: Plaas 749 Heen en Weer, Paarl Divisie

Aansoeker: InterActive Town & Regional Planning: info@iatrp.co.za / 028 312 1668.

Eienaar: Aaminkhof Trust: hvanzyl@vzk.co.za / 021 180 4550

Aansoek Verwysing: LU/ 14502(TP48/2022)

Tipe aansoek: Aansoek vir 'n onderverdeling, hersonering & toestemming in terme van die titel akte

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

1. Aansoek om Plaas 749, Paarl te hersoneer vanaf Onderverdelingsgebied Oorlegsone en Landbou & Landelike Sone na Onderverdelingsgebied Oorlegsone in terme van Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015, vir die volgende grondgebruike:
  - 5 gedeeltes gesoneer Nywerheidsone.
  - 1 gedeelte gesoneer Publieke Pad & Parkeringsone.
2. Aansoek om Plaas 749, Paarl te onderverdeel in terme van Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015, soos volg:
  - 5 gedeeltes gesoneer Nywerheidsone.
  - 1 gedeelte gesoneer Publieke Pad & Parkeringsone.
3. Toestemming soos vereis in Klousule C,1,4 van die titelakte om toe te laat vir die verslapping van die titelakte boulyn vanaf 300 Kaapse Voet (94.5m) vanaf die middel van die Paarl Divisie Stellenbosch Hoofweg (R44) tot 13m vanaf die erf grense gedeel met Erf 2167 Klapmuts.
4. Toestemming soos vereis in Klousule C,1,1 van die titelakte om toe te laat vir die onderverdeling van die eiendom.
5. Toestemming soos vereis in Klousule C,1,2 van die titelakte om geboue anders as een woning met buitegeboue toe te laat.
6. Toestemming soos vereis in Klousule C,1,3 van die titelakte om vir besighede toe te laat.

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 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;
  - o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - o 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: InterActive Town & Regional Planning: [info@iatrp.co.za](mailto:info@iatrp.co.za). Deur 'n beswaar, kommentaar of versoë 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 56 dae **(88 dae indien dit 'n staatsentiteit sal wees)** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **2 Februarie 2023. (6 Maart indien dit 'n staatsentiteit sal wees)**

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 028 312 1668 gedurende normale kantoor ure.

Die uwe

**André Wiehahn** Pr Pln A/927/1996  
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# FARM 749 HEEN & WEER, KLAPMUTS

**Application is made for the subdivision, rezoning and permission in terms of the title deed of Farm 749 Heen & Weer, Paarl Division.**



**Andre Wiehahn** Pr Pln A/927/1996  
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**April 2022**

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## Notes

## 1. Introduction

**a. Brief and Background:** Interactive Town and Regional Planning was appointed by owner of the property Aarninkhof Trust to prepare and submit an application for the subdivision and rezoning of Farm 749 Heen & Weer, Paarl Division (hereafter referred to as the application area), in terms of Chapter III, Section 15.2(a)&(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 as well as permission in terms of the title deed.

Refer to **Annexure B** for the Power of Attorney.

The proposal for the subdivision with a rezoning, will allow for the expansion of the industrial component of the property.

**b. The development proposal**

Application is made for the subdivision of Farm 749 Heen & Weer, Paarl Division into 6 portions, the rezoning of Portion 6 from Agriculture and Rural Zone to Public Roads & Parking Zone, the rezoning of Portions 1-5 from Agriculture and Rural Zone to Industrial Zone as well as permission in terms of the title deed.

Currently the property is utilized for the processing of rocks and stones with a show room where rocks and stones are exhibited and sold.

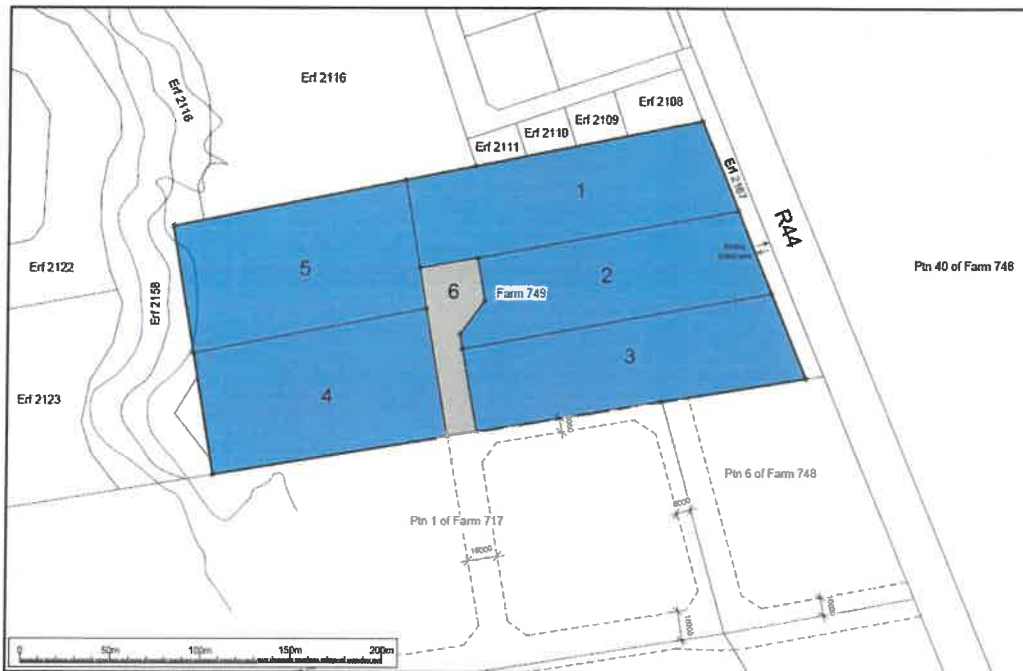


Figure 1: Site Development Plan extract

Erf	Zoning	Total area	% of Farm 749
1	Industrial Zone	8086 m <sup>2</sup>	19.3%
2	Industrial Zone	7592 m <sup>2</sup>	16.6%
3	Industrial Zone	8616 m <sup>2</sup>	18.9%
4	Industrial Zone	9193 m <sup>2</sup>	20.2%
5	Industrial Zone	9383 m <sup>2</sup>	20.6%
6	Public Roads & Parking Zone	2026 m <sup>2</sup>	4.4%
<b>Total</b>		<b>4.5616ha</b>	<b>100%</b>



## 2. Summary of Application:

### a. Development Criteria:

The development parameters for the Farm 749 Heen & Weer as per the Zoning Scheme Regulation, are summarised as follows:

Parameters	Existing zoning	Proposed zoning	Proposal for Erven 1-5	Comments	
<b>Zoning</b>	Agriculture and Rural Zone	Industrial Zone	Industrial Zone	Application is for a rezoning	
<b>Primary Use</b>	Agricultural building, ( $\leq 2000\text{m}^2$ ), Agriculture, Dwelling house, Forestry, Natural environment, Occasional use (one event/year), Private road, Polytunnel ( $\leq 2000\text{m}^2$ ), Second dwelling, Employee housing (one unit)	Builder's yard, Filling station, Funeral parlour, Industry, Motor vehicle fitment centre, Motor vehicle repair centre, Motor showroom, Occasional use (one event/year), Plant nursery, Service station, Warehouse, Private road, Rooftop base telecommunication station	Industry	Consistent	
<b>Additional Uses</b>	Agricultural building ( $>2000\text{m}^2$ ), Agricultural industry ( $<2000\text{m}^2$ ), Bed & breakfast establishment, Employee housing (exceeding one unit), Guest house, Home day care centre, Home occupation practice, Polytunnel ( $\geq 2001\text{m}^2$ & $\leq 5000\text{m}^2$ ), Rooftop base telecommunication Station, Tourist dwelling units, Tourist facility (existing buildings)	Employee housing, Shop (including market)	None	Consistent	
<b>Consent Uses</b>	Abattoir, Additional dwelling units (max 4), Airfield, Airstrip, Agricultural industry ( $\geq 2000\text{m}^2$ ), 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 ( $>5000\text{m}^2$ ), Renewable energy structure, Service trade, Tourist accommodation establishment, Tourist facility (new buildings or exceeding threshold), Any additional use exceeding the threshold set out in this chapter	Abattoir, Adult entertainment business, Brickworks, Business premises, Crematorium, Freestanding base telecommunication station, Gambling place, Helicopter landing pad, Mining, Noxious industry, Occasional use ( $>$ one event/year), Parking garage, Place of entertainment, Renewable energy structure, Scrap yard, Shipping container site, Transport purposes (goods)	None	Consistent	
<b>Coverage</b>	$120\text{m}^2 - 5000\text{m}^2$ (depending on use)	75%	N/A	Consistent	
<b>Bulk</b>	N/A	N/A	0.5	Consistent	
<b>Height</b>	1-3 storeys (depending on use)	4 storeys	N/A	Consistent	
<b>Building lines</b>	<b>Street</b>	5m (depending on use)	3m	13m from erf boundaries shared with Erf 2167	Application is for a building line relaxation
	<b>Common</b>	5m (depending on use)	0m 3m if abutting another zone	N/A	Consistent

All planning parameters for proposed development are consistent with the Stellenbosch Municipality Zoning Scheme By-Law 2019, except for the zoning for which an application for subdivision and rezoning are submitted.

Parameters	Existing zoning	Proposed zoning	Proposal for Erf 6	Comments
<b>Zoning</b>	Agriculture and Rural Zone	Public Roads & Parking Zone	Public Roads & Parking Zone	Application is for a rezoning
<b>Primary Use</b>	Agricultural building, ( $\leq 2000\text{m}^2$ ), Agriculture, Dwelling house, Forestry, Natural environment, Occasional use (one event/year), Private road, Polytunnel ( $\leq 2000\text{m}^2$ ), Second dwelling, Employee housing (one unit)	Public parking area Public road, Utility service, Occasional use (one event/year)	Public road	Consistent
<b>Additional Uses</b>	Agricultural building ( $> 2000\text{m}^2$ ), Agricultural industry ( $< 2000\text{m}^2$ ), Bed & breakfast establishment, Employee housing (exceeding one unit), Guest house, Home day care centre, Home occupation practice, Polytunnel ( $\geq 2001\text{m}^2$ & $\leq 5000\text{m}^2$ ), Rooftop base telecommunication Station, Tourist dwelling units, Tourist facility (existing buildings)	Rooftop base telecommunication Station, Market	None	
<b>Consent Uses</b>	Abattoir, Additional dwelling units (max 4), Airfield, Airstrip, Agricultural industry ( $\geq 2000\text{m}^2$ ), 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 ( $> 5000\text{m}^2$ ), Renewable energy structure, Service trade, Tourist accommodation establishment, Tourist facility (new buildings or exceeding threshold), Any additional use exceeding the threshold set out in this chapter	Freestanding base telecommunication station, Occasional use ( $> one$ event/year), Parking garage, Transport purposes (passengers)	None	Consistent

<p><b>b. Application:</b></p> <p>The application form is attached as <b>Annexure A</b> and the Subdivision Plan as <b>Annexure I</b></p>	<p>Application is hereby made for:</p> <ul style="list-style-type: none"><li>• The subdivision of Farm 749 Heen &amp; Weer, Paarl Division into 6 portions as indicated on the Subdivision Plan attached as Annexure I in terms of Chapter III, Section 15.2(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.</li><li>• The rezoning of Portions 1 to 5 of the subdivided Farm 749 Heen &amp; Weer, Paarl Division from Agriculture and Rural Zone to Rural Zone to Industrial Zone in terms of Chapter III, Section 15.2(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.</li><li>• The rezoning of Portion 6 of the subdivided Farm 749 Heen &amp; Weer, Paarl Division from Agriculture and Rural Zone to Public Roads &amp; Parking Zone in terms of Chapter III, Section 15.2(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.</li><li>• Permission as required in Section C, I, 4 of the title deed to allow for the relaxation of to relax the title deed building line from 300 Cape Feet (94.5m) from the centre of the Paarl Division Stellenbosch Main Road (R44) to 13m from the erf boundaries shared with Erf 2167.</li><li>• Permission as required in Section C, I, 1 of the title deed to allow for the subdivision of the property.</li><li>• Permission as required in Section C, I, 2 of the title deed to allow for buildings exceeding one dwelling and associated outbuildings.</li><li>• Permission as required in Section C, I, 3 of the title deed to allow for businesses.</li></ul>
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**3. Site Information**

a. Property Description	Property	Extent	Title Deed	Registered Owner
	Farm 749 Heen & Weer, Paarl Division	4.5654 ha	T33278/2002	Aarninkhof Trust

Refer to Annexure E for the SG Diagram and Annexure C for the Title Deed

Extracts of the Surveyor General Plans are reflected in the following sketches confirming the application site.

SYE Kaapse Voet	RIJTINGS- HOEKE	STELSEL 12 19 <sup>e</sup> KO-ORDINATE	
		Y	X
AB 245.8	Konstant	+39.000.0	+1880.000.0
BC 489.2	252.42.0	A + 7342.0	+ 6355.4
CD 1054.0	337.39.10	B + 6414.6	+ 6169.5
DA 442.9	80.42.10	C + 6228.6	+ 6622.0
ED 1075.5	170.29.10	D + 7268.8	+ 6792.2
FC 30.8	260.42.10	E + 8330.2	+ 6966.0
	80.42.10	F + 6198.2	+ 6617.0

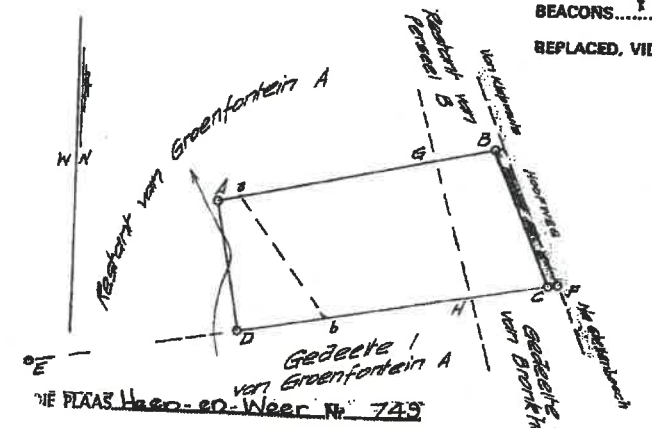
K...  
611...  
7

No. 5109/55

Goedgekeur.

J. de Suidt  
Landmeter-generaal.

BEACONS... F  
REPLACED, VIDE E. 579/96



**PAARL**  
Beskrywing van Bakenis:  
A = 7 1/2" x 5" waterpen 4' ingeslaan.  
B.C = 7 1/2" x 4" waterpenne 2 1/2' ingeslaan.  
D = 7 1/2" x 3" waterpen 2 1/2' ingeslaan, 3" suid van waterweringraadpaal.  
E = 5" waterbaal 6" hoog, 10 1/2" orker paal met 2" hoë platwaterpen liggend.  
F = Nie gebaken nie.

Skaal 1: 5000

Die figuur A. B. C. D  
stel voor S. 3301 Morge grond, synde Die plaas HEEN-EN-WEER as besit van...  
1. Figuur A.G.M.D. met Gedeelte 2 van die Plaas Groenfontein A, voorstel, Kaart No 5107/1955 getrek op 1/11/1957. 17079.  
2. Figuur B.C.E.H. met Gedeelte 1 van die plaas Groenfontein, voorstel, Kaart No 5108/1955 getrek op 1/11/1957. 17079.  
gelei in die Afdeling Paarl, Provinsie Kaap die Goeie Hoop

Opgemee in Mei 1953 - April 1955 deur my

J. de Suidt  
Landmeter.

Hierdie kaart is gehag aan T/M. 17080/1957.  
Die oorspronklike kaart is gehag aan M.S. No. E. 1108/55.  
Soos in die beskrywing aangehaal.  
L.G. Leer No. 3/9762/4  
M.S. No. E. 1108/55  
Gedeblaai 24-B.B.C.  
21-0 011/20  
P. 27-1.

Registateur van Aktes.

A.R.P.C. & 600749

Figure 2: Extracts of the Surveyor General Plan for the application site

<p><b>b. Title Deed</b></p> <p>Refer to <b>Annexure D</b> for the Conveyancer Certificates.</p>	<p>The Conveyancer Hendrik Loubser van Zyl issued a certificate confirming that there are title deed conditions that restrict the proposed development. <u>The restrictive conditions however do not require a removal, but only the consent by the controlling authority to relax the restrictive conditions.</u></p> <p>The controlling authority in terms of clauses are C I (1), (2) &amp; (3) is Stellenbosch Municipality and the controlling authority in terms of clause C I (4) is the Province of the Western Cape. The envisaged process is to acquire the consent from the Province of the Western Cape during the LUPA application public participation process.</p> <p>“The restrictive clauses are C I (1), (2), (3) &amp; (4) of Title Deed T33278/2002 which quotes these clauses from title deed T17080/1957. These restrictive title deed conditions read as follows:</p> <p>I. SUBJECT to the following conditions contained in the said Certificate of Uniform Title No T17080/1957 imposed by the controlling Authority according to the provisions of Act No 21 of 1940, namely:-</p> <ol style="list-style-type: none"> <li>(1) Die grond mag nie sonder die skriftelike goedkeuring van die Beherende Gesag soos omskrywe in Wet No 21 van 1940 onderverdeel word nie.</li> <li>(2) Nie meer as een woonhuis saam met sodanige buitegeboue as wat onder gewone omstandighede nodig is om in verband daarmee gebruik te word, mag op die grond sonder goedkeuring van die Beherende Gesag soos omskrywe in Wet No 21 van 1940, opgerig word nie.</li> <li>(3) Geen winkel of besigheidsplek van watter aard ookal mag op die grond sonder die skriftelike goedkeuring van die Beherende Gesag soos omskrywe in Wet No 21 van 1940 geopen of gedryf word nie.</li> <li>(4) Geen gebou of enige bouwerk van watter aard ook mag binne ‘n afstand van 300 Kaapse voet, vanaf die middel van die Klappmuts-Stellenbosch (Seksie 7) Hoofpad, sonder die skriftelike goedkeuring van die Beherende Gesag soos omskrywe in Wet No 21 van 1940 opgerig word nie.”</li> </ol> <p>The definition of “controlling authority” in Act 21 of 1940 was amended by section 29(1) of Act 54 of 1971 and substituted by Proclamation No 23 of 1995.</p> <p><u>Act 21 of 1940</u></p> <p>“<b>controlling authority</b>” means, in relation to a road, the Administrator concerned: Provided that in relation to any other road within the region of a Regional Services Council in the province of Eastern Cape, Northern Cape, North-West or Western Cape, the said Council shall be the controlling authority if the Administrator of that province is satisfied that the said Council is able and willing to carry out efficiently the functions entrusted to a controlling authority under this Act and has authorised that Council in writing to act as such controlling authority; and provided further that the Administrator may at any time withdraw that authorisation and thereupon the Administrator shall again be the controlling authority in relation to the road in question.”</p>
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**c. Location:**

Refer to **Annexure F** for the locality plans.

**Regional Context:**

Within the regional context, the application area is located within Klapmuts. Klapmuts is located within the Stellenbosch municipal area and is next to the N1 National Road, approximately 40km east from Cape Town City Centre.



**Figure 3: Locality Plan – Regional Context**

**Local Context:**

Within the local context the application area is within the Klapmuts urban edge and is located on the R44 Regional Road between Stellenbosch and the N1 National Road.



**Figure 4: Locality Plan – Local Context**

**d. Land Use:**

Refer to **Annexure H** for the Land Use Plan.

The existing land use on the application area is residential, industrial and vacant. Surrounding land uses include industrial, business and vacant. The proposal is for a light industry land use. The application is consistent with the land use of the area.



Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

**e. Zoning:**

Refer to the Extract of Klapmuts Final Zoning 2014 map attached as **Annexure G**

The application area, Farm 749 Heen & Weer is zoned Agriculture and Rural Zone. The surrounding properties in the area are zoned Agricultural and Rural Zone, Local Business Zone, Multi-unit Residential Zone and Private Open Space Zone. The proposal includes to rezone the property to Industrial Zone and Public Roads & Parking Zone. The map below is a map from the Stellenbosch Municipality Zoning Scheme Maps, 2019. The 2019 zoning map does not reflect the existing industrial land uses adjacent to the application area.

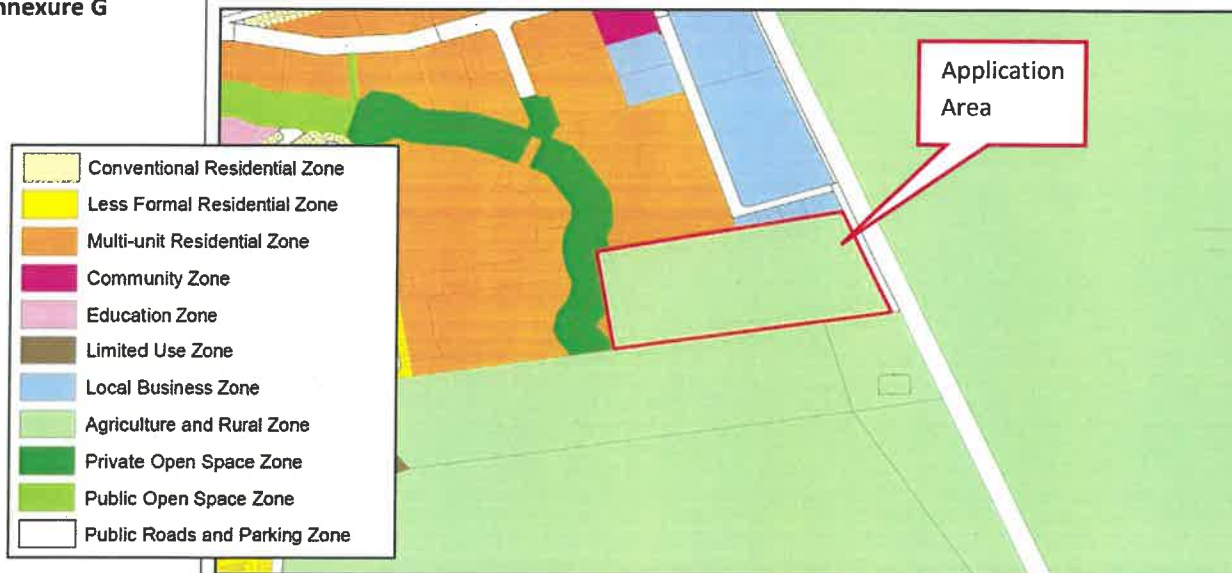


Figure 6: Extract from the Stellenbosch Municipality: Klapmuts Zoning map

f. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following are extracts from applicable policy for the application area. The application area is located in the urban edge and the unique role as identified, is industry and supporting link services.



The Stellenbosch Spatial Development Framework, 2010 is a long-term (±10-year) plan to manage growth and change in the Stellenbosch municipal area. This Framework inter alia provides a long-term vision of the desired spatial form and structure of the wider Stellenbosch and area, including Klapmuts and aligns the district's spatial development goals, strategies and policies with relevant national and provincial spatial principles, strategies and policies.

**Stellenbosch SDF 5.8 Rural Urban Migration.**

"Stellenbosch Municipality is facing net immigration to its towns as well as its rural areas from elsewhere."

**Stellenbosch SDF 6.2.2.1 Settlement structure and pattern**

"There is a need to identify and promote the unique role of the different settlements:

- Klapmuts – industry and supporting link services;

**Stellenbosch SDF 6.3 Economic Production**

"Manufacturing is the most important sector for exports and has second most impact on households. Has 2nd largest savings/inventory requirements after construction."

**Stellenbosch SDF 6.3.2 Secondary Sectors: Manufacturing, Construction**

"There are strong linkages from Stellenbosch municipality's agricultural sector to its manufacturing, wholesale, trade, accommodation and financial service."

**Stellenbosch SDF 6.3.2 Secondary Sectors: Manufacturing, Construction**

"Spatial proposals to contribute to growth in secondary economic sectors  
1. Ensure sufficient industrial land available in Stellenbosch (although factories have been closing down) and launch industrial land at Klapmuts and Koelenhof."

Figure 8 illustrates that it is desirable to have commercial and industrial land located next to each other along activity routes. This contributes to the agglomeration effect where similar and ancillary industries and businesses cluster together to lower production costs and increase profits.



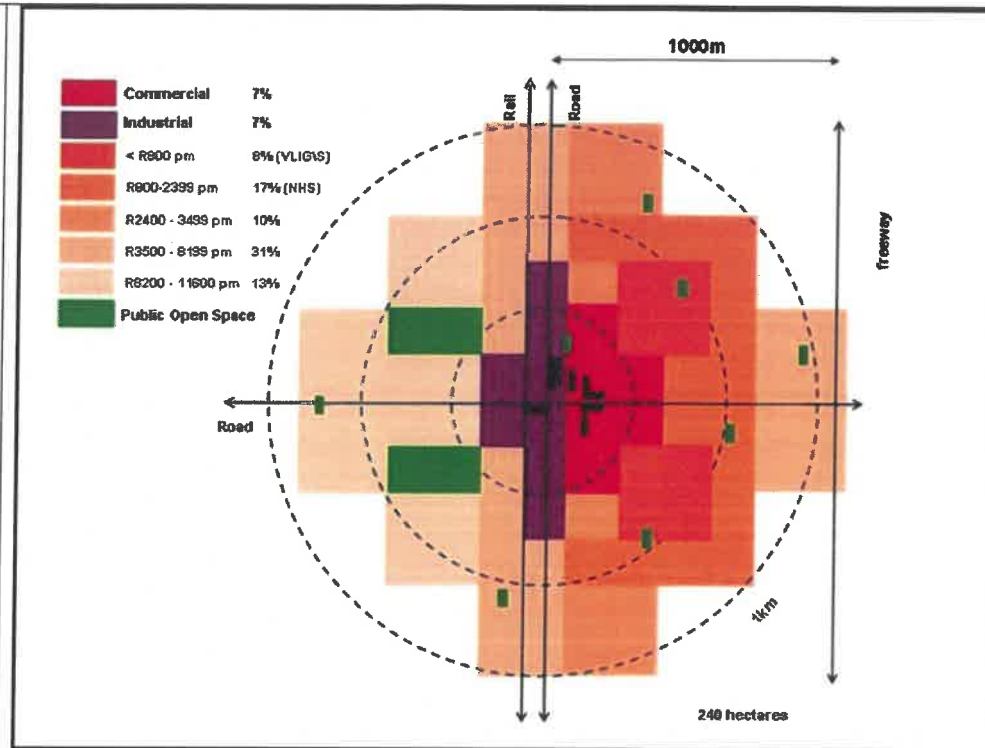
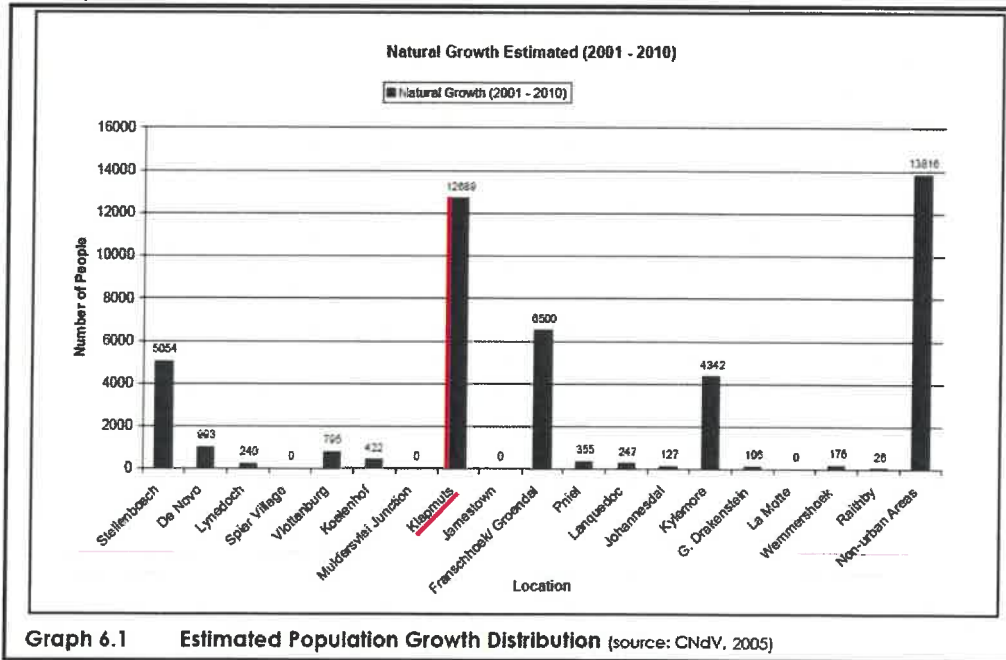


Figure 7: Stellenbosch SDF Model of Social Economic Integration

This graph illustrates the high population growth in Klipmuts and the need for further development.



Graph 6.1 Estimated Population Growth Distribution (source: CNA, 2005)

Figure 8: Stellenbosch SDF Estimated Population Growth Distribution

The application area is located within the urban development edge and includes Mixed Use and Infill Site (phase 2) areas.

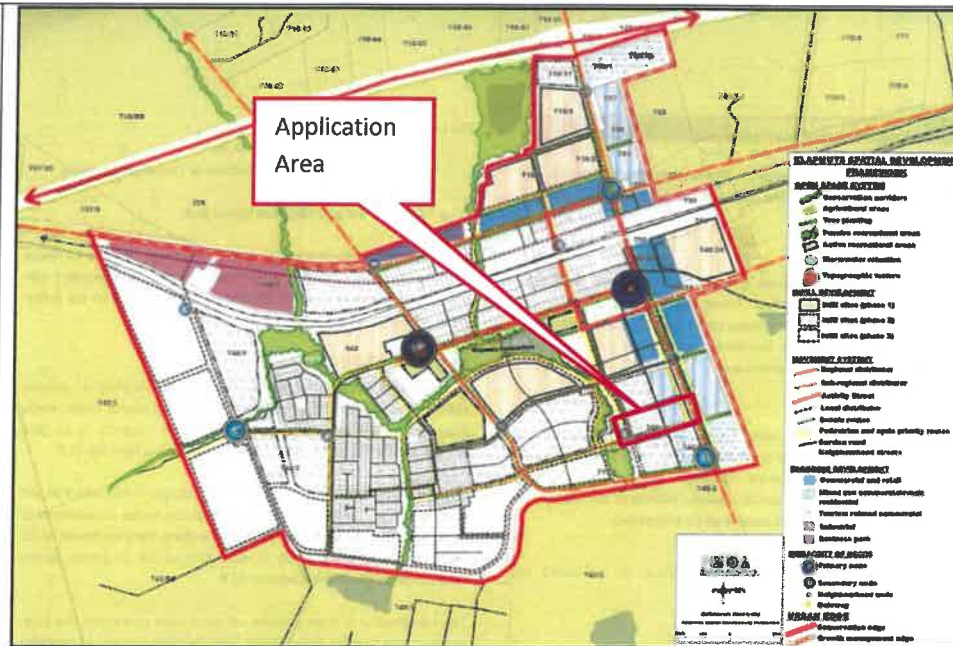


Figure 9: Stellenbosch SDF Klapmuts Current SDF Proposals

The application is next to an activity route and within a Policy Driven Growth Demand Area.

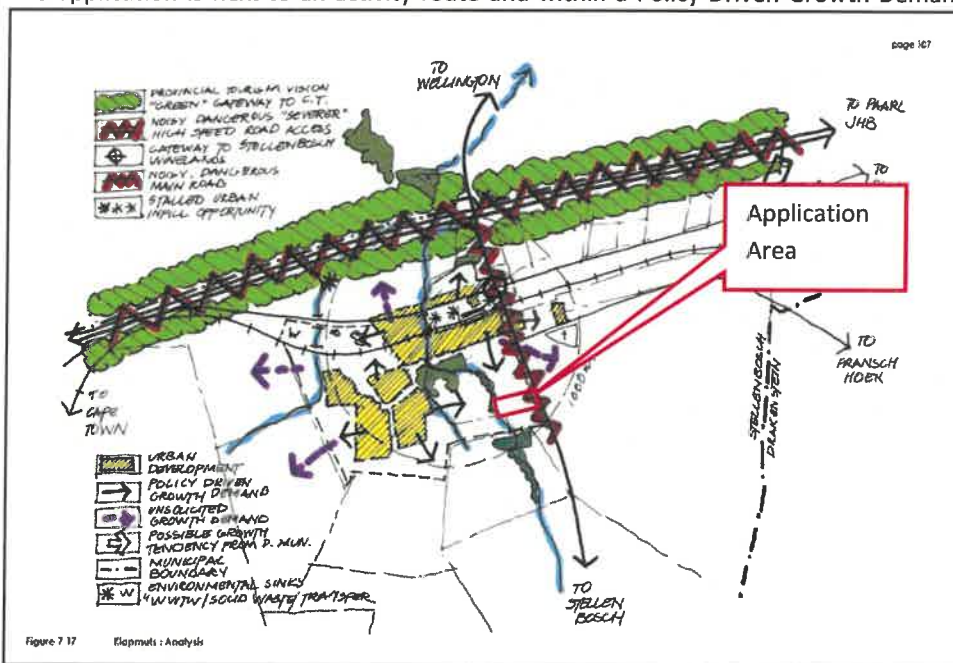


Figure 10: Stellenbosch SDF Klapmuts Analysis

<p><b>g. Municipal engineering services</b></p> <p>Refer to <b>Annexure M</b> for the Services Report.</p>	<p><b>Water &amp; Sewer</b></p> <p>A water and sewer Engineering Services Report, dated January 2018, was compiled by GLS Consulting.</p> <p>The developer of Farm 749 in Klapmuts may be liable for the payment of a Development Contribution (as calculated by Stellenbosch Municipality) for bulk water and sewer infrastructure as per Council Policy.</p> <p>The existing water system has sufficient spare capacity available to accommodate the proposed development if the connection is made to the 200 mm diameter pipe to the west of the development (option A). Link services items SKW1.4, SKW1.7 &amp; SKW1.8 will however be required to connect the proposed development on Farm 749 to the existing water network.</p> <p>An alternative option (option B), is to connect the proposed development to the existing water network to the north of Farm 749. Upgrading of the existing system (master plan items SKW1.3 &amp; SKW1.6) will then be required to comply with the pressure and fire flow criteria as set out in the master plan and link services item SKW1.7 will be required to connect the proposed development to the existing water network.</p> <p>The existing sewer system has sufficient capacity to accommodate the proposed development.</p> <p>Link services item 1 will however be required in order to connect the development to the existing sewer system and to provide a connection point for other future developments.</p> <p><b>Electricity</b></p> <p>An Electrical Services Engineering Report, dated January 2018, was compiled by Motla Consulting Engineers.</p> <p>The Development is situated within the electricity licensed supply area and jurisdiction of Eskom.</p> <p>There are existing services near the intended new development. Sufficient spare capacity is available on the Eskom Groenfontein-Medicine feeder to supply this proposed development with 1,5MVA. This feeder can be extended to include the development.</p> <p>At the time of compiling this report, the existing electrical infrastructure has enough capacity available to handle the anticipated electrical load for the new development. The available capacity is however dependent on other developments in the area and the increasing electrical load for the area.</p> <p>Underground electrical reticulation is required for this development.</p> <p>Each customer who develops each stand will have to apply with Eskom directly for a connection.</p> <p>Only the bulk infrastructure for the stands are planned for installation.</p>
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<p><b>h. Traffic Impact Assessment</b></p>	<p>A Traffic Impact Assessment, dated April 2022, was provided by Traffic Engineer Liezl Stodart Pr Eng:</p> <p>The existing access from the R44 will be closed and a new access will be provided off the R44 via the existing Potbelly Pantry Farm Road and via a proposed road over Portion 1 of Farm 717.</p> <p><b>10. CONCLUSIONS</b> It can be concluded that the proposed industrial development on Farm 749 Paarl located in Klapmuts will have a moderate traffic impact. Other conclusions drawn from the assessment are summarised below.</p> <ul style="list-style-type: none"> <li>• The site is located directly to the west of Main Road 27 (the R44) and is bordered by the Groenfontein development in the north and by Potbelly Pantry / Subtropico in the south;</li> <li>• The development proposal entails the rezoning and subdivision of the property into five industrial erven, ranging in size from 7592m<sup>2</sup> to 9383m<sup>2</sup>;</li> <li>• The existing direct access from MR27 will be closed and a new access will be provided from Potbelly Pantry Road across Farm 1/717, approximately 235 metres west of MR27;</li> <li>• Potbelly Pantry Road will be formalised and a 20-metre wide road reserve will be created as properties between MR27 and Groenfontein Road develop;</li> <li>• The MR27 / Potbelly Road will be signalised as part of the Mt Vernon development, which is set to commence in 2023;</li> <li>• The MR27 / Potbelly Road is expected to operate at unacceptable service levels with 2027 background traffic volumes, which means that the traffic signals will be required before then;</li> <li>• Service levels at the signalised MR27 / Potbelly Road intersection will deteriorate to a level of service D during the morning peak hour and level of service C during the afternoon peak hour with the addition of Farm 749 traffic. These service levels are still within the acceptable range;</li> <li>• The internal road reserve width and turning circle area is acceptable for an industrial development;</li> <li>• The dead end of the road as shown on the SDP will be able to accommodate a 12,3-metre radius turning circle (or similarly sized turning shunt) as required for refuse trucks;</li> <li>• The development is within walking distance of the Klapmuts railway station, the taxi route on Stellengate Boulevard and the Klapmuts residential area.</li> </ul> <p><b>11. RECOMMENDATIONS</b> The recommendations made in the Farm 749 Klapmuts transport impact assessment are summarised below.</p> <ul style="list-style-type: none"> <li>• The surfaced width of the Farm 749 access road should be at least 7,4 metres with barrier kerbs and 5m x 5m splays;</li> <li>• Larger trucks will have to turn on each individual erf. No loading should be allowed in the road reserve;</li> <li>• Parking should be provided at a ratio of 1,5 bays per 100m<sup>2</sup>;</li> <li>• A formal paved footpath should be provided on the eastern stream bank to provide a pedestrian link between the Farm 749 development and Pickering Street;</li> <li>• A pedestrian gate should be provided in the north-western corner of the property and a pedestrian right of way should be provided from there to the public road;</li> <li>• Public transport embayments should be incorporated into the detail design of Potbelly Road.</li> </ul>
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Figure 11: Plan showing the application area in the context of the regional road network.

**i. Environmental Assessment**

Refer to **Annexure N** for the letter from DEA&DP.

According to the letter from the Department of Environmental Affairs and Development Planning (DEA&DP) the following is concluded:

1. The proposed development does not constitute any listed activities as defined in NEMA EIA Regulations based on the fact that the site is located inside the urban area and will be smaller than 5ha and that no works will be undertaken in the watercourse traversing the site.
2. Should any revision constitute a listed activity in terms of NEMA, an application must be submitted and environmental authorisation obtained.
3. The applicant is reminded of his/her general duty of care and the remediation of environmental damage in terms of Section 28(1) of NEMA.
4. The applicant must comply with any other statutory requirements applicable to the undertaking of the activity.
5. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

#### 4. The application motivation

**Motivation for the application:**

Refer to Annexure I for the Site Development Plan

**a. Introduction and background**

The extent of the application area is approximately 4.6 ha and an Agricultural zoned property within the urban edge, next to an activity route and within a Policy Driven Growth Demand Area. The application area is currently utilized for processing, exhibiting and selling rocks and stones.

The purpose of the application proposal is to expand low impact business and industrial opportunities in Klapmuts.

**b. Proposal**

Application is made for the subdivision of Farm 749 Heen & Weer, Paarl Division into 6 portions, the rezoning of Portion 6 from Agriculture and Rural Zone to Public Roads & Parking Zone, the rezoning of Portions 1-5 from Agriculture and Rural Zone to Industrial Zone and permission in terms of the title deed for the relaxation of the title deed building line from 300 Cape Feet from the centre of the Klapmuts Stellenbosch Main Road (R44) to 13m from the erf boundaries shared with Erf 2167.

The proposed rezoning will accommodate low impact business and industry use on Erven 1 to 5. Erf 6 is a proposed public road, which will provide access to Erven 1 to 5. This 16m wide public road is proposed in future to run across Portion 1 of Farm 717 and link up with the existing Potbelly farm road to the south of the application area which joins up with the R44 regional road.



Figure 12: Site Development Plan extract

Erf	Zoning	Total area	% of Farm 749
1	Industrial Zone	8086 m <sup>2</sup>	19.3%
2	Industrial Zone	7592 m <sup>2</sup>	16.6%
3	Industrial Zone	8616 m <sup>2</sup>	18.9%
4	Industrial Zone	9193 m <sup>2</sup>	20.2%
5	Industrial Zone	9383 m <sup>2</sup>	20.6%
6	Public Roads & Parking Zone	2026 m <sup>2</sup>	4.4%
<b>Total</b>		<b>4.5616ha</b>	<b>100%</b>

**c. Existing character of the environment**

The application area is within the urban edge. The surrounding land units are also zoned for Agriculture and are underutilised as small-holdings. Other surrounding land units are zoned for residential, business as well as industry use.

In future the surrounding areas will probably be rezoned to Industrial as well, enhanced by easy access to and from major roads, close proximity to a business area and the need for industry in Klapmuts, thus being consistent with the Stellenbosch SDF, 2010 and the application proposal. Currently the property, adjacent and to the south of the application area, is in the process of converting to Industrial Zone and Business Zone 1.

**d. Desirability of the proposal**

The proposed subdivision and light industrial use of the application area ensures a more optimal use of the property and an expansion of low impact industrial and business opportunities in the area. This could also encourage surrounding land owners to rezone to light industrial use in future, which would be consistent with the vision of the Stellenbosch SDF 2010, to expand the industrial sector in Klapmuts. Furthermore, the Stellenbosch SDF, 2010 states that it is desirable to have commercial and industrial land located next to each other along activity routes, which is consistent with the application proposal.

The provision of opportunity for employment within the fast growing Klapmuts residential area is considered most desirable but also necessary for the sustainability of the area.

The application proposal is thus considered desirable.

**e. Policy**

The Stellenbosch Spatial Development Framework encourages industrial uses within Klapmuts as well as job creation, which is being reflected in the proposal.

The application area is within the urban edge.

The proposal is fully consistent with all applicable policy and strategic documents.

**f. Planning Principles**

The application has also been analyzed for consistency with the planning principles prescribed by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and also the Western Cape Land Use Planning Act, 2014 (LUPA) and the following conclusions were made:

- (a) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land.

**Possible results of the development**

The application proposal will provide much needed jobs to the residents of Klapmuts. All jobs will be fairly made available. High population growth in Klapmuts requires development which provides more job opportunities in this area. The application is consistent with spatial justice.

- (b) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

**Possible results of the development**

The application area is within the urban edge and has been identified in terms of the municipal planning documents as an urban development area. The proposed development is a more optimal and sustainable use of the land, as surrounding properties with Agricultural Zoning are used for small-holdings and are underutilized. The proposal will also lead to an expansion of low impact industrial and business opportunities in the area, thus stimulating the local economy and creating much needed employment opportunities. Any noise pollution that may occur from the industrial component, should be mitigated and conditions for this should be set out. The proposed industrial zoning and development should not cause adverse impact in terms of smells and other pollution. The application is consistent with spatial sustainability.

- (c) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

**Possible results of the development**

The application area is within the urban edge and within walking distance to residential, industrial and business land uses. The location of the application area is highly visible and accessible as it is adjacent to the regional R44 road, although access is gained from the Potbelly farm road, which is a servitude across Portion 6 of Farm 748, and it is in close proximity to the regional R101 and national N1 roads to the north of the application area. The application proposal is consistent with the efficiency criteria.

- (d) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

**Possible results of the development**

The proposed land use will stimulate the local economy of the area and provide employment and income which is essential for many families. Any impact on traffic flow and municipal services have been analyzed and will be accommodated accordingly. The approval of the application has a low risk outcome. The application is consistent with spatial resilience.

- (e) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

**Possible results of the development**

Consulting practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process. All recommendations from specialists will be incorporated in the proposed development. The proposal is in line with all relevant frameworks, policies and guidelines for the application area. Therefore the proposed development is consistent with good administration.

**g. Conclusion**

The application is consistent with all policies and strategic plans, will follow recommendations with regard to traffic and municipal services, will mitigate any negative effects on the environment, will provide much needed job opportunities and will stimulate the local economy. This application is thus considered desirable.



## 5. Conclusion

The application as motivated in this report is regarded desirable within its local context and well integrated within the existing community land-use activities. It is therefore recommended that this application made in terms of Chapter III, Section 15.2(a),(b),(d)&(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 be approved as follows:

- The subdivision of Farm 749 Heen & Weer, Paarl Division into 6 portions as indicated on the Subdivision Plan attached as Annexure I in terms of Chapter III, Section 15.2(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.
- The rezoning of Portions 1 to 5 of the subdivided Farm 749 Heen & Weer, Paarl Division from Agriculture and Rural Zone to Rural Zone to Industrial Zone in terms of Chapter III, Section 15.2(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.
- The rezoning of Portion 6 of the subdivided Farm 749 Heen & Weer, Paarl Division from Agriculture and Rural Zone to Public Roads & Parking Zone in terms of Chapter III, Section 15.2(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.
- Permission as required in Section C, I, 4 of the title deed to allow for the relaxation of to relax the title deed building line from 300 Cape Feet (94.5m) from the centre of the Paarl Division Stellenbosch Main Road (R44) to 13m from the erf boundaries shared with Erf 2167.
- Permission as required in Section C, I, 1 of the title deed to allow for the subdivision of the property.
- Permission as required in Section C, I, 2 of the title deed to allow for buildings exceeding one dwelling and associated outbuildings.
- Permission as required in Section C, I, 3 of the title deed to allow for businesses.

PROJECT

Farm 749 Heen & Weer

TITLE

Locality Plan  
Local Context



Application Area

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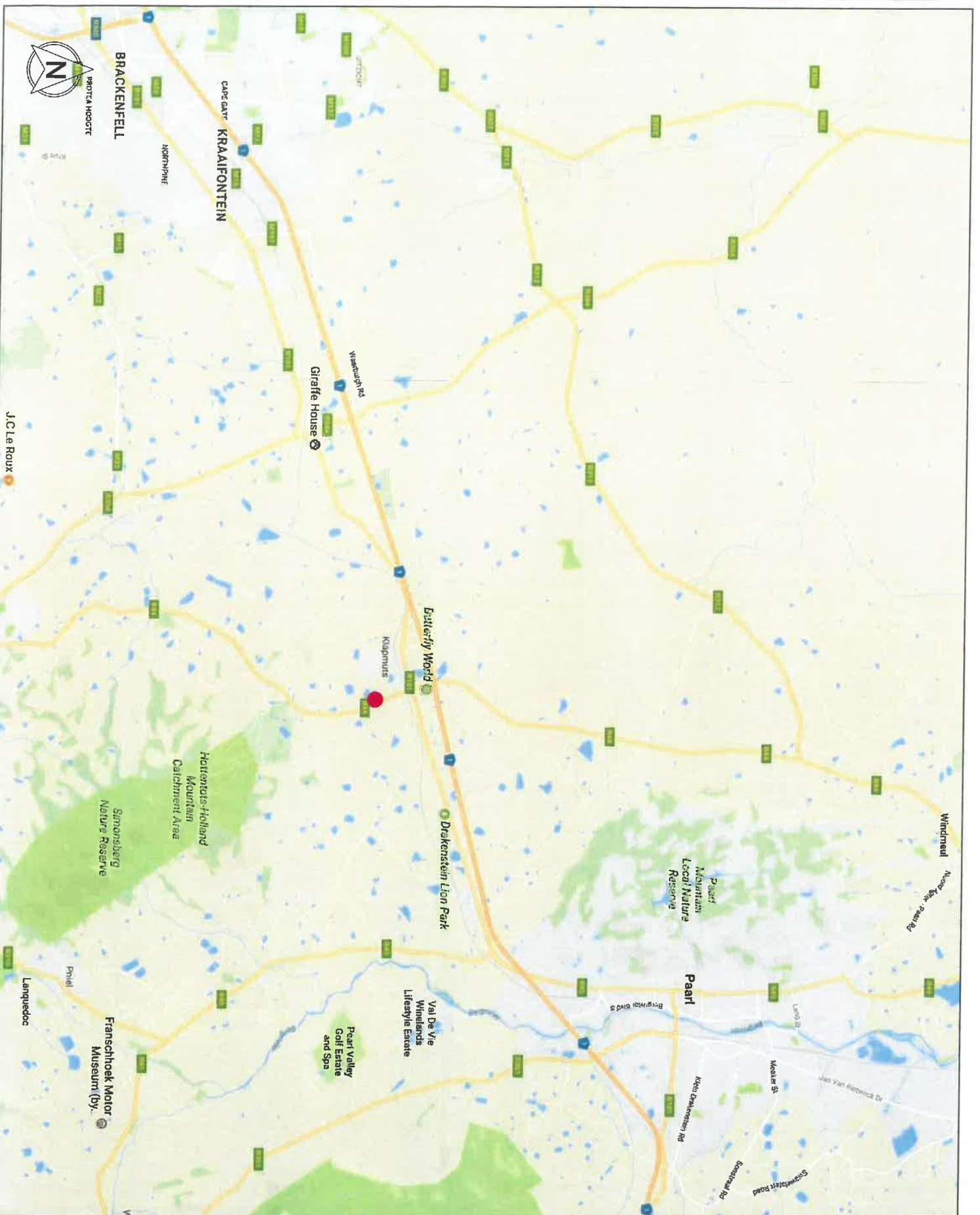
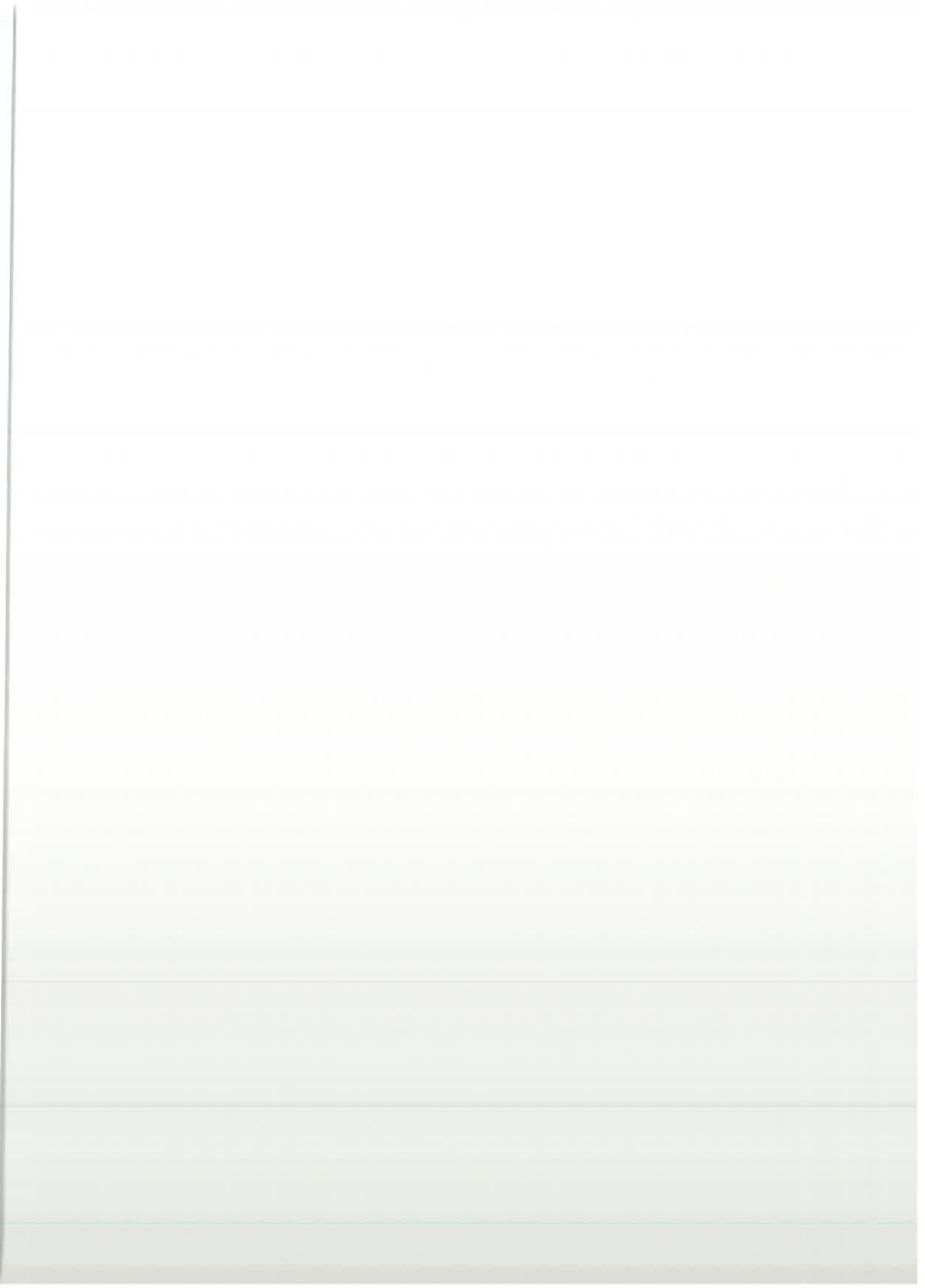
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17117		

InterActive Town & Regional Planning  
Aarminkhof Trust  
2, Jansz de Oude (Cross and Regional Planning)  
Call Phone: 06 446 4386  
E-Mail: w.vanhalbe@interactive.nl



Scale  
1 : 2500





PROJECT  
Farm 749 Heen & Weer

TITLE  
Locality Plan  
Regional Context

 Application Area

MEMORANDUM  
INDICATING TOWN & REGIONAL PLANNING MAPS TO  
INDICATE TO ANY AND ALL INTERESTED PARTIES THAT THE  
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A3 Scale  
1 : 1500



Erf	Zoning	Total area	%
1	Industrial Zone	8086m <sup>2</sup>	19.3%
2	Industrial Zone	7592m <sup>2</sup>	16.6%
3	Industrial Zone	8616m <sup>2</sup>	18.9%
4	Industrial Zone	9193m <sup>2</sup>	20.2%
5	Industrial Zone	9383m <sup>2</sup>	20.6%
6	Public Roads & Parking Zone	2026m <sup>2</sup>	4.4%
<b>Total</b>		<b>4.5616ha</b>	<b>100%</b>



PROJECT  
**Farm 749 Klapmuts**

TITLE  
**Rezoning Plan**

- Farm 749 boundaries
- 1:50 year floodline (Drawn March 1999)  
(Source: Lyners Adams Partnership)
- Erven / farm boundaries

DRAWN BY JM	CHECKED BY AW	DATE 2022/04/20
SCALE (@ A3) As indicated		PROJECT NUMBER 0001
DRAWING NUMBER Rev 46		
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E-Mail: wiehahn.a@gmail.com

A3 Scale  
1 : 1500



Erf	Zoning	Total area	%
1	Industrial Zone	8086m <sup>2</sup>	19.3%
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<b>Total</b>		<b>4.5616ha</b>	<b>100%</b>



PROJECT  
**Farm 749 Klapmuts**

TITLE  
**Site Development Plan**

- Farm 749 boundaries
- 1:50 year floodline (Drawn March 1999) (Source: Lyners Adams Partnership)
- Erven / farm boundaries
- Existing buildings
- Contours - 1m
- Existing water lines
- Existing sewer lines

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JM

CHECKED BY  
AW

DATE  
2022/04/08

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As indicated

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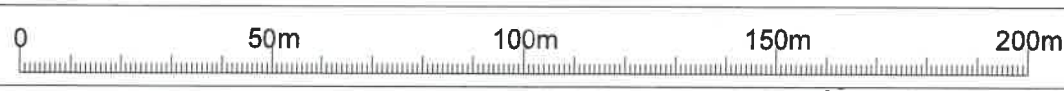
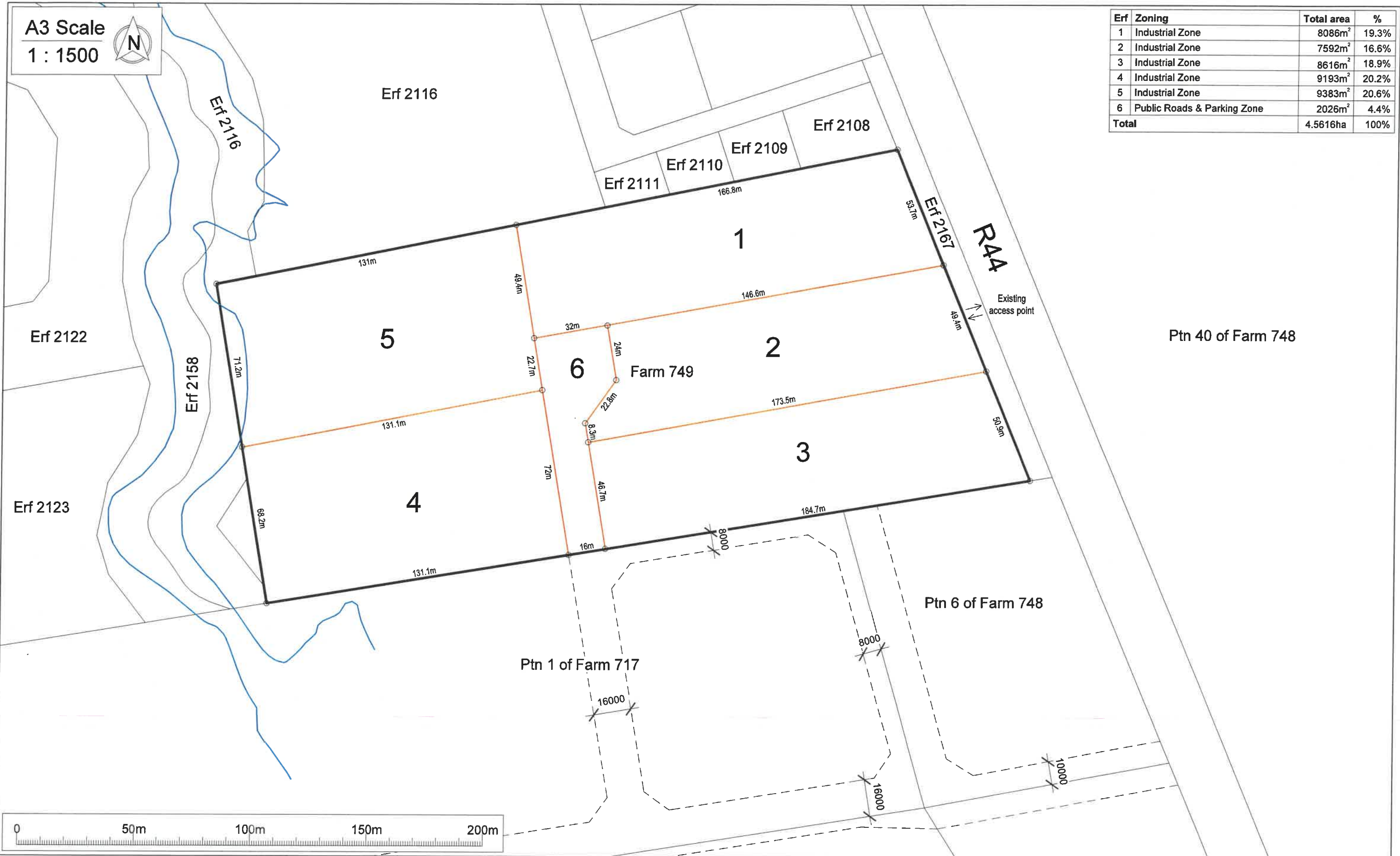
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<b>Total</b>		<b>4.5616ha</b>	<b>100%</b>



PROJECT  
**Farm 749 Klapmuts**

TITLE  
**Subdivision Plan**

- Farm 749 boundaries
- 1:50 year floodline (Drawn March 1999)  
(Source: Lyners Adams Partnership)
- Erven / farm boundaries
- Subdivision Lines

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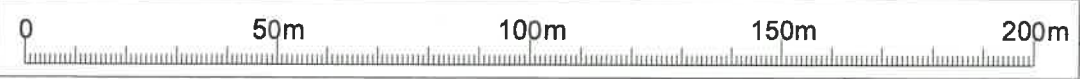
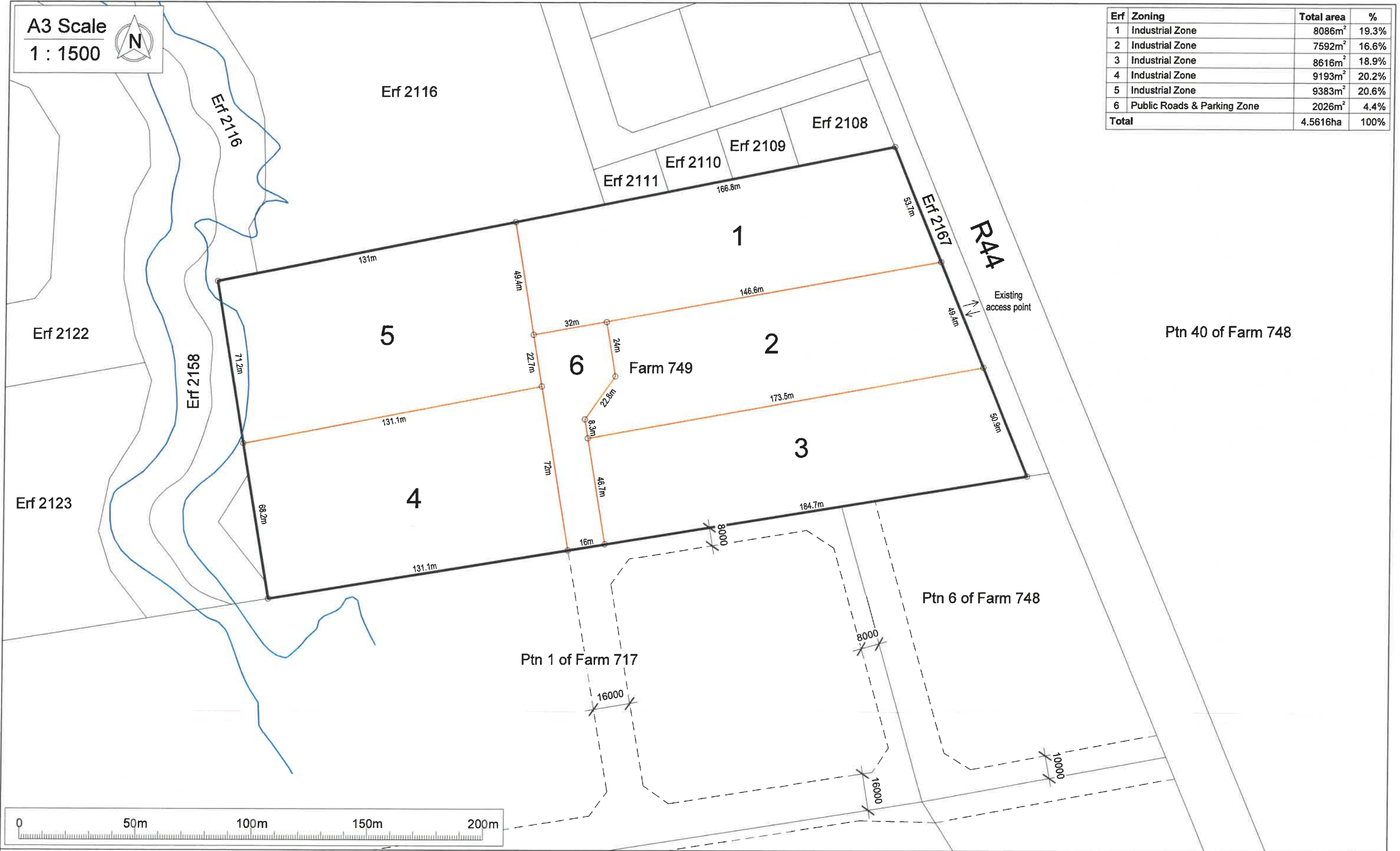
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4	Industrial Zone	9193m <sup>2</sup>	20.2%
5	Industrial Zone	9383m <sup>2</sup>	20.6%
6	Public Roads & Parking Zone	2026m <sup>2</sup>	4.4%
<b>Total</b>		<b>4.5616ha</b>	<b>100%</b>



PROJECT  
**Farm 749 Klapmuts**

TITLE  
**Subdivision Plan**

- Farm 749 boundaries
- 1:50 year floodline (Drawn March 1999)  
(Source: Lyners Adams Partnership)
- Erven / farm boundaries
- Subdivision Lines

DRAWN BY  
JM

CHECKED BY  
AW

DATE  
2022/04/20

SCALE (@ A3)  
As indicated

PROJECT NUMBER  
0001

DRAWING NUMBER  
Rev 46

CLIENT  
**Aarninkhof Trust**

INDEMNITY  
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**InterActive Town & Regional Planning**

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