

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

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director, DUPRÉ LOMBAARD

77 BUITEKRING, DALSIG, STELLENBOSCH 7600 SOUTH AFRICA

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Email: dupre.lombaard@virdus.com



27 June 2022

The Director Planning and Development (Belang / Interest / Erf: All)

Stellenbosch Municipality

PO Box 17

Stellenbosch

7599

Per: Landuse.Enquiries@stellenbosch.gov.za

Dear Sir / Madam Geagte Heer / Dame

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Portion 21 of Farm 770, Old Paarl Road, Klapmuts

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

Owner: Stylestar Properties 83 (Pty) Ltd Reg. No. 2006/017425/07, Represented by: Mr Francois Steyn, Cell: +27 82 826 8595; E-mail: francois@marce.co.za

Stellenbosch Municipality reference number: LU 14106

Application type: Application is made in terms of Section 15(2) (b) of the Stellenbosch Land Use By-law for a Permanent Departure to exceed the height restriction from 2,1 m to 2,4m for the construction of a wire mesh fence boundary with metal columns.

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-notice/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;

- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 30 July 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at +27 82 895 6362 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Gedeelte 21 Plaas 770, Ou Paarl Pad, Klappmuts

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

Eienaar: Stylestar Properties 83 (Pty) Ltd Reg. No. 2006/017425/07, Verteenwoordig deur: Mr Francois Steyn, Sel: +27 82 826 8595; E-pos: francois@marce.co.za

Stellenbosch Munisipaliteit Verwysing: LU 14106

Tipe aansoek: Aansoek ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 vir 'n permanente afwyking om die toegelate hoogte van die maasdraad grensheining met metaal kolomme van 2,1m te oorskry na 2,4m.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

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

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


- Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Virdus Works, **dupre.lombaard@virdus.com**. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum van 30 Julie 2022**.

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

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

Yours faithfully



Dupré Lombaard

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EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: PORTION 21 OF FARM NO. 770, PAARL RD	
SG Code: C0550000000077000021 / Location: Lat: 33° 47' 52.847" S Lon: 18° 53' 13.858" E	
<p>Owner: Stylestar Properties 83 (Pty) Ltd Reg. No. 2006/017425/07 Represented by: Mr Francois Steyn</p> <p>Cellular: 082 826 8595 E-mail: francois@marce.co.za Address: 1012 Ergon Road, Centurion, Gauteng, 0157</p>	<p>Project Consultant: Viridus Works (Pty) Ltd Reg. No. 2018/585747/07 Represented by: Mr Dupré Lombaard SACPLAN: B/8076/1998 // EAPASA: 2019/304</p> <p>Cellular: +27 82 895 6362 E-mail: dupre.lombaard@viridus.com Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa</p>

The purpose of the application is to apply for a departure from the land development parameters applicable to the perimeter fencing of the property, zoned for Agriculture and Rural Zone in terms of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB). Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 (a permanent departure), for the construction of a wire mesh fence with metal columns to a height of 2,4m as opposed to the 2,1m permitted in terms of the ZSB.

The property is located abutting the Old Paarl Road (a provincial main road) to the south, and the N1 to the north. It is 16,6454ha in extent. It was partially cultivated for vineyards and is now used for the keeping of animals.

There are no title deed restrictions preventing the proposed land developments in Deed T6883/2017.

MOTIVATION REPORT

1. BACKGROUND

1.1 Introduction

This application is for consideration of a departure applicable to the permitted height of a wire mesh fence with metal columns on the perimeter of Portion 21 of Farm No. 770, Paarl RD. A wire mesh (ClearVu) fence was erected on the property boundary. Its total height is 2,4m, which is 300mm above the permitted height of 2,1m.

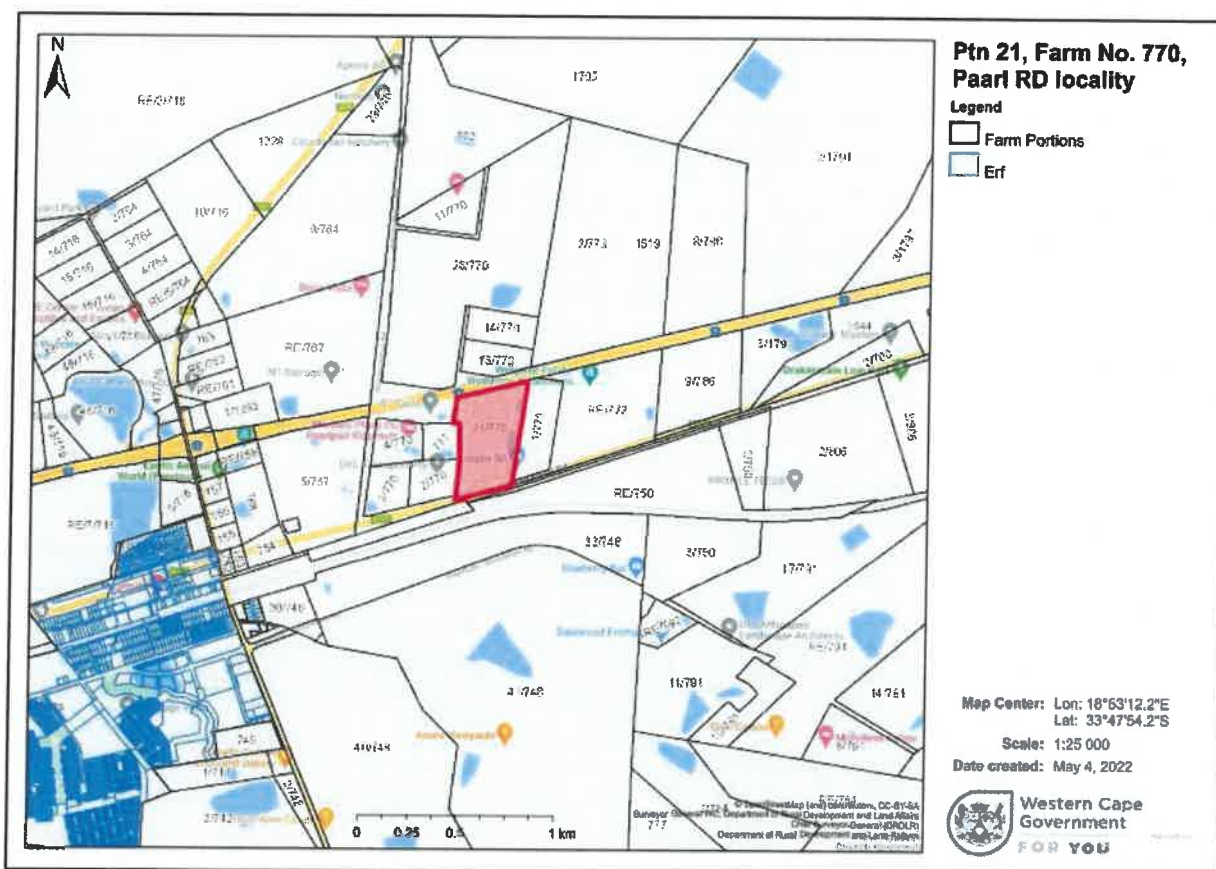


Figure 1: Portion 21 of Farm No. 770, Paarl RD locality

The Municipality notified the owner of the illegality of the fence by written notice on 27 August 2021, leading to the submission of a building plan for the fence, which was refused on 29 November 2021, due to the height departure.

1.2 Context

The farm is located between two major traffic arterials, being the N1 / NR101 with a common boundary of roughly 350m to the north and the Old Paarl Road / Main Road 189 with a common boundary of roughly 300m to the south. Both carry high volumes of high speed traffic and the lack of proper fencing along the roads caused a risk for the owner, who is responsible for the safe keeping of the farm animals. In view of the need for proper fencing, the owner had the wire mesh fence installed prior to building plans being approved.

1.3 Proposal

The proposal is to gain approval of the existing wire mesh (ClearVu) fence with metal columns to a height of 2,4m as opposed to the 2,1m permitted in terms of the ZSB.

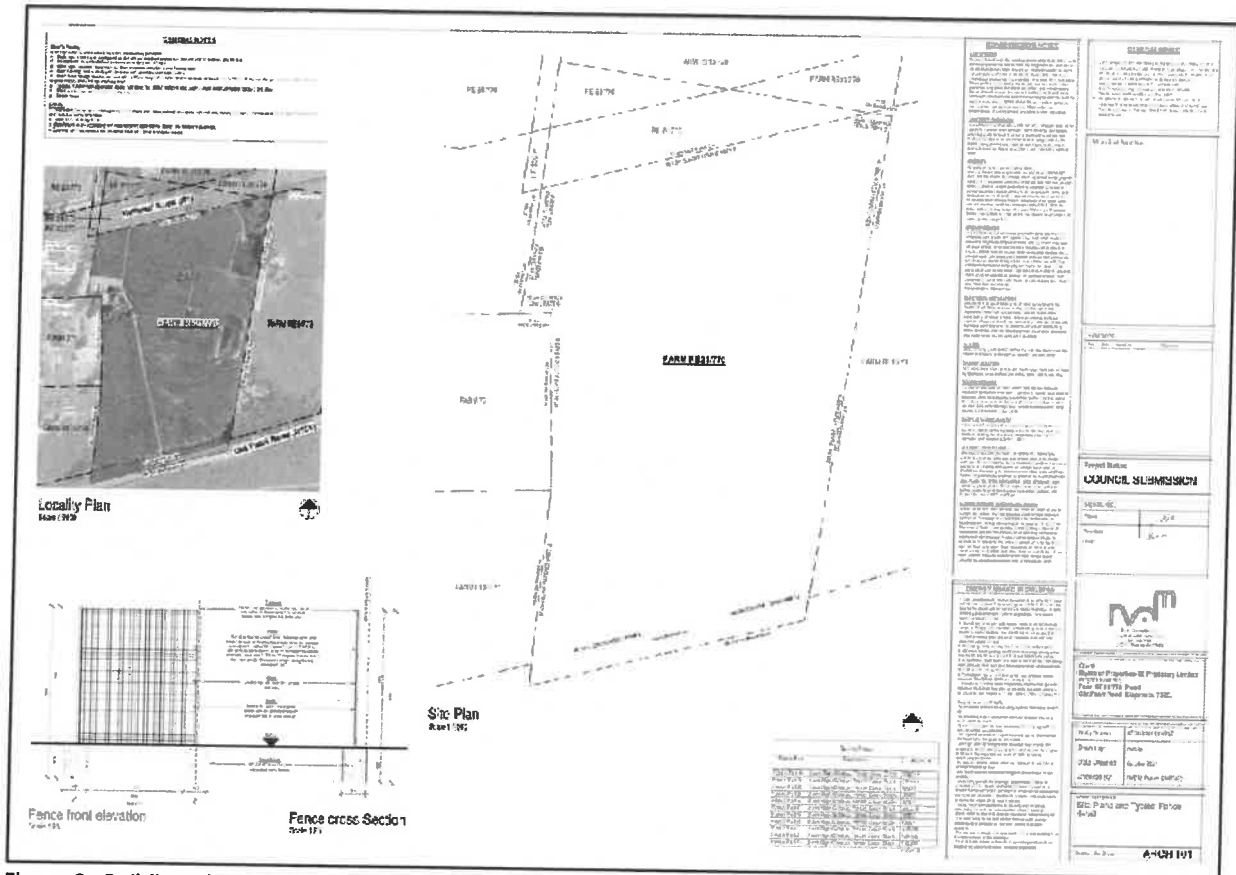


Figure 2: Building plan for the fence on Portion 21 of Farm No. 770, Paarl

An access gate to the farm was constructed in the fence on the existing farm access to replace the previous curved brick wall.

1.4 Application

The application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 (LUPB) for a permanent departure from the development parameters of the zoning scheme for a wire mesh fence on the outer boundaries of the property that is zoned Agriculture and Rural Zone.

1.5 Title deed restrictions

The title deed (T6883/2017) of the farm is attached together with the conveyancer's certificate. There are no restrictive title conditions that prevent the proposed fence.

2. MOTIVATION

The owner purchased the farm in 2017, when it still had vineyards as the primary agricultural activity. At the time the farm was fenced with a standard and dilapidated 1,5m five strand

cattle fence that only served to demarcate the property perimeter. It was not fit for retaining animals and keeping them from entering the abutting roads.

The owner replaced the fence to ensure the safe keeping of the animals on the farm, to prevent them from straying onto the abutting roads. For security purposes, the fence was made 2,4m high, as added protection against stock thieves.

The fence does not detract from the aesthetics of the surrounding area, where different fences and structures occur adjacent to the roads.

SANRAL and the Western Cape Department of Transport approved of the fence.

Consideration of the fence does not require motivation in terms of any spatial development policies or other legislation.

3. CONCLUSION

The application for approval of the proposed departure for the 2,4m height of the boundary fence on the perimeter of the property is in line with municipal approvals and does not require any other investigations, assessments, or reports.

The application could accordingly be approved.

ANNEXURE A: LOCALITY

Ptn 21, Farm No. 770, Paarl RD locality

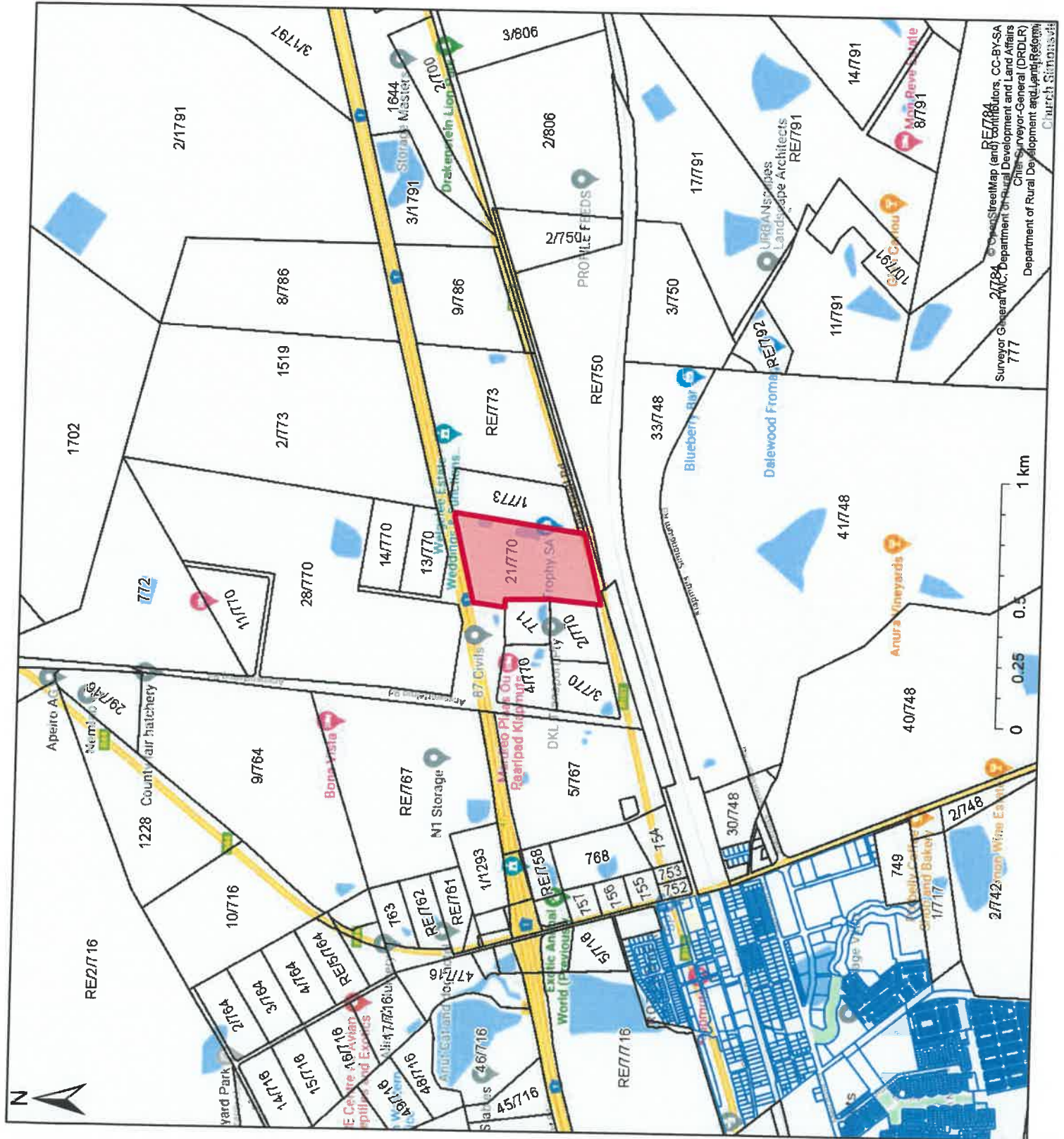
- Legend**
- Farm Portions
 - Erf

Map Center: Lon: 18°53'12.2"E
 Lat: 33°47'54.2"S
Scale: 1:25 000
Date created: May 4, 2022



**Western Cape
 Government**
FOR YOU

Agriculture



© GeoStreetMap (and) Erfportions, CC-BY-SA
 2022
 Surveyor General WC, Department of Rural Development and Land Affairs
 777
 Chief Surveyor-General (DRDLR)
 Department of Rural Development and Land Affairs
 Church Square, Paarl

Ptn 21, Farm No. 770, Paarl RD situation

Legend



© OpenStreetMap (and) contributors, CC-BY-SA
Surveyor-General (DRDLR)
Department of Rural Development and Land Reform

Map Center: Lon: 18°53'12.2"E
Lat: 33°47'53.3"S

Scale: 1:5 000

Date created: May 4, 2022



Western Cape
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ANNEXURE B: APPLICATION AUTHORISATION

RESOLUTION BY THE DIRECTORS OF
Stylestar Properties 83 (Pty) Ltd Reg. No. 2006/017425/07

IT WAS RESOLVED THAT:

1. The Directors of Stylestar Properties 83 (Pty) Ltd Reg. No. 2006/017425/07 hereby authorise Francois Johannes Steyn ID. No. 9103025071088 , as representative of the company to sign all documents, appointments and agreements, as may be required for the day to day management of the land development and related applications for Portion 21 of Farm No. 770, Paarl RD.

2. This includes the appointment of and Power of Attorney to Dupré Lombaard of Viridus Works (Pty) Ltd (Reg. No. 2018/585747/07) as development management consultant and Rust van der Merwe (Architect) to sign and submit all applications for approval and authorisation required for the achievement of the envisaged land development outcomes, namely: *Approval of building plans for the fencing of the property in terms of any applicable legislation, including but not limited to the Stellenbosch Municipality Land Use Planning Bylaw, 2015, the Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, the National Environmental Management Act, 1998, Act 107 of 1998 and the National Heritage Resources Act, 1999, Act 25 of 1999.*

Signed in Centurion on 31 August 2021.

Danielle Steyn

_____ ID. No. 6207190080080

Director

Jan Petrus Steyn

_____ ID. No. 6312185011080

Director

Francois Johannes Steyn

_____ ID. No. 9103025071088

Director

ANNEXURE C: APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM								
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)								
KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.								
PART A: APPLICANT DETAILS								
First name(s)	Dupré							
Surname	Lombaard							
Company name (if applicable)	Virdus Works (Pty) Ltd							
Postal Address	77 Buitekring, Dalsig, Stellenbosch						Postal Code	7600
	Western Cape, RSA							
Email	dupre.lombaard@virdus.com							
Tel	N/A	Fax	N/A	Cell	082 895 6362			
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)								
Registered owner(s)	Stylestar Properties 83 Proprietary Limited							
Physical address	1012 Ergon Road, Centurion						Postal code	0157
	Gauteng, RSA							
E-mail	francois@marce.co.za							
Tel	021 742 9200	Fax	N/A	Cell	082 826 8595			
PART C: PROPERTY DETAILS (in accordance with title deed)								
Erf / Erven / Farm No.	FARM 770	Portion(s) if Farm	21	Allotment area	Paarl			
Physical Address	Old Paarl Road							
	Klapmuts							
	7625							
Current Zoning	Agriculture and Rural Zone	Extent	16,6454 ha	Are there existing buildings?	Y			
Applicable Zoning Scheme	The Stellenbosch Municipality Zoning Scheme Bylaw, 2015 (ZSB)							
Current Land Use	Agriculture							
Title Deed number and date	T	000006883/2017						
Attached Conveyance's Certificate	N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate						
Are the restrictive conditions in	N	If Yes, list the party(ies):						

favour of a third party(ies)?			
Is the property encumbered by a bond?	Y		If Yes, list the bondholder(s): Unknown
Is the property owned by Council?		N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management
Is the building located within the historical core?		N	Is the building older than 60 years?
			N
			Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹
			N
			If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?		Y	If yes, is this application to legalize the building / land use ² ?
			Y
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		N	Are there any land claim(s) registered on the subject property(ies)?
			N

PART D: PRE-APPLICATION CONSULTATION

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

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

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

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

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	15(2)(q) to disestablish a home owner's association		
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services		
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building		
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity		
	15(2)(l) amendment of Site Development Plan		
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines		
OTHER APPLICATIONS			
	Deviation from Council Policies/By-laws		R
	Consent / Permission required in terms of a title deed		R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019		R
	Other (specify): _____		R
	TOTAL A:		R
PRESCRIBED NOTICE AND FEES** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
	TOTAL B:		R
	TOTAL APPLICATION FEES* (TOTAL A + B)		R
<p>* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.</p> <p>**All indigent residents who are registered as such with the Municipality and <u>with proof submitted together</u> with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579</p> <p>*** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.</p>			
BANKING DETAILS			
Account Holder Name:	Stellenbosch Municipality		
Bank:	FIRST NATIONAL BANK (FNB)		
Branch no.:	210554		
Account no.:	62869253684		
Payment reference:	LU/_____ and ERF/FARM _____		
Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment			
DETAILS FOR INVOICE			
Name & Surname/Company name (details of party responsible for payment)	Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)		
Postal Address	77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa		
Vat Number (where applicable)	4530303074		

PART F: DETAILS OF PROPOSAL

	Building line encroachment	Street		From	m	To	m
		Street		From	m	To	m
		Side		From	m	To	m
		Side		From	m	To	m
		Aggregate side		From	m	To	m
		Rear		From	m	To	m
	Exceeding permissible site coverage			From	%	To	%
	Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From		To	
X	Exceeding height restriction	Boundary Fence		From	2.1m	To	2.4m
	Exceeding maximum storey height			From	m	To	m
Consent/Conditional Use/Special Development							
To permit..... in terms of Section.....of the.....Zoning Scheme Regulations							
Other (please specify)		<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:
 Obtain authorisation for an existing 2,4m high property ClearVu perimeter fence in excess of the permitted height of 2,1m.
 The application is submitted to the municipality for authorisation in terms of:

- The Stellenbosch Municipality Land Use Planning Bylaw, 2015 (LUPB)
- The Stellenbosch Municipality Zoning Scheme Bylaw, 2015 (ZSB)

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

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

Information and documentation required

Y		Power of attorney / Owner's consent if applicant is not owner		N	Bondholder's consent (if applicable)
Y		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		N	Proof of any other relevant right held in the land concerned
Y		Written motivation pertaining to the need and desirability of the proposal	Y		S.G. diagram / General plan extract (A4 or A3 only)

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

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

	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)
	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	N/A		N/A National Water Act, 1998 (Act 36 of 1998)

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

SECTION I: DECLARATION

I hereby wish to confirm the following :

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

Applicant's signature:



Date:

04/05/2022

Full name: Dupré Lombaard

Professional capacity: Registered Planner SACPLAN B/8076/1998

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



ANNEXURE D: BUILDING PLAN

ANNEXURE E: ROAD AUTHORITY APPROVALS

Reference: W11/5/3-1/1-108
Date: 6 December 2021
Email: dekoctr@nra.co.za

Fax Number: +27 (0) 21 910 1699
Direct Line: +27 (0) 21 957 4607
Website: www.nra.co.za

Mr R van der Merwe
RVDM Architects
1320 Aurora Crescent
Langebaan Country Estate
LANGEBAAN
7357

Email: rustvdmerwe@hotmail.com

Dear Rust van der Merwe,

NATIONAL ROUTE 1 SECTION 1: ERECTION OF A HIGH CLEARVU PERFORATED FENCE: REMAINDER PORTION 21 OF FARM 770, PAARL

The above application received 30 November 2021 has reference.

The South African National Roads Agency SOC Limited (SANRAL) approved your application in terms of section 48 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998). Drawing number ARCH 101, dated October 2021 and drawn by RVDM is hereby approved, subject to the following conditions:

1. Building restriction area

The proposed boundary fence must be constructed on the common boundary of the property and road reserve of the N1.

2. Cost and indemnity

2.1 SANRAL shall not be involved in:

- The erection of the fence and future maintenance thereof as it will be the responsibility of the applicant or his successor in title of the property concerned.
- any financial expenditure or loss in the event of SANRAL ordering the removal or shifting or relocation of anything related to this approval.
- any claim from the applicant which may occur from the lapsing of the approval.

2.2 The applicant indemnifies SANRAL against and holds it harmless from any claim or damage pertaining to the possible expansion of the national road in future, or damage which may be instituted or suffered by any person, including legal costs incurred as a result of:

- the erection, use or removal of the fence or other works erected or established by the applicant within the building restriction area,
- the applicant or his successor-in-title's failure to properly maintain and render safe anything related to this approval or other works, or the non-compliance by the applicant with any condition to which this permission relates,
- the lapsing of the approval.

Western Region 1 Havenga Street, Oakdale, Bellville, 7530 | Private Bag X19, Bellville, South Africa, 7535 | Tel +27 (0) 21 957 4600 Fax +27 (0) 21 910 1699
Email info@sanral.co.za | Visit us at www.sanral.co.za

Directors: Mr T Mhambi (Chairperson), Mr S Macozoma (CEO), Mr R Haswell, Ms L Madlala, Mr E Makhubela, Mr T Matosa, Mr A Moemi | Company Secretary: Ms A Mathew

Reg. No. 1998/009584/30. An agency of the Department of Transport.

- 2.3 Any action taken by the applicant in connection with the approval shall be regarded as an acceptance and compliance with the conditions including the indemnity.
- 2.4 Should any damage be caused to the national road or a user of the national road or property as a result of the erection, use or removal of the fence erected or established by the applicant, on the property, such applicant shall be liable for such damage and shall compensate against any claim from a third party.

3. Validity Period.

3.1 This approval shall lapse –

- unless the fence is completed within a period of six (6) months from the date of approval by SANRAL, provided that the applicant may, prior to the date of expiry, apply in writing for an extension of the completion period; and
- in the event of the applicant not complying with any of the conditions as imposed by SANRAL.

4. Additional legal requirements

- This approval shall bind any successor-in-title to the land on which the fence has been established.
- This approval does not exempt the applicant from the provisions of any other Act.

5. Advertisement

No free standing advertising signs or third party advertising on the boundary fence will be allowed in terms of Regulations on Advertising on or visible from the National Road as published in Government Gazette no 6968 dated 22 December 2000.

Yours Sincerely



.....
Mr Randall Cable
REGIONAL MANAGER

cc. Route Manager: Chris Roux – chrisroux61@gmail.com
Engineer: Derek Wilson – wilsond2561@gmail.com
Project Manager: Imelda Julies

ID: 17297579



REFERENCE: TPW/CFS/RP/LUD/BPL-25/24 (Job 29157)
ENQUIRIES: Ms G Swanepoel
DATE: 17 December 2021

Rust van der Merwe
(e-mail: rustvdmerwe@hotmail.com)

Attention: Mr Rust van der Merwe

**MAIN ROAD 189 (R101 OLD PAARL ROAD), KLAPMUTS: PORTION 21 OF FARM 770, PAARL:
APPLICATION TO ERECT CLEARVU FENCE**

1. Your e-mail to Barend du Preez of this Branch dated 30 November 2021 refers.
2. Farm 770/21 is located on Main Road 189 (R101 Old Paarl Road), ±1.4km east of Main Road 27 (R44 Adam Tas Street), Klapmuts and on the north side of MR189.
3. The application is to erect a Clearvu fence around the subject property. On MR189 frontage, this appear to be in line with the existing entrance gate structure and row of trees and in line with the MR189 property boundaries of Farm 770/2 to the west and 773/1 to the east. This is set well back from the existing road carriageway of MR189, leaving ample space for future dualling of the road when required.
4. This Branch offers no objection to the application to erect a Clearvu fence around Farm 770/2 Paarl, as per Drawing No. ARCH 101: Site Plans and Typical Fence detail by Rust van der Merwe, dated 07/10/2021.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: Ulrich.vonMolendorff@stellenbosch.gov.za)

2. Rust van der Merwe, Architect
Attention: Mr R van der Merwe (e-mail: rustvdmerwe@hotmail.com)

3. District Roads Engineer
Paarl

4. Mr E Smith (e-mail)

5. Mr H Thompson (e-mail)

6. Mr SW Carstens (e-mail)

ANNEXURE F: CONVEYANCER'S CERTIFICATE



CONVEYANCER CERTIFICATE

I/We MADELEIN WILLIAMS

(conveyancer's name and surname)

Practising at:

STBB HELDERBERG
1ST FLOOR, TITANIUM HOUSE, 19 GARDNER WILLIAMS AVE, PAARDEVLEI, SOMERSET WEST

(firm and place of practice)

In respect of:

REMAINDER OF PORTION 2.1 OF THE FARM NO. 77.0
IN THE MUNICIPALITY OF STELLENBOSCH
DIVISION PAARL
WESTERN CAPE PROVINCE

(full property description (erf / farm) as it appear in title deed of same)

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

- 1 DEED OF TRANSFER NO T6883/2017
- 2 DEED OF GRANT NO T188/1935
- 3
- 4
- 5
- 6
- 7
- 8

For example: Deed of Transfer 112445/2009 or Certificate of Registered Servitude Title 312346/2000 (description of property and date)



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N X	
2.	Building lines	Y	N X	
3.	Height	Y	N X	
4.	Number of Dwellings	Y	N X	
5.	Bulk floor area	Y	N X	
6.	Coverage/built upon area	Y	N X	
7.	Subdivision	Y	N X	
8.	Servitudes that may be registered over or in favour of the property	Y	N X	
9.	Other Restrictive Conditions	Y X	N	T6883/2017 All roads and thoroughfares to remain uninterrupted. Road servitudes.



STELLENBOSCH

STELLENBOSCH • PNJEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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

In respect of which it was found that there *are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED NOT APPLICABLE

(Please tick appropriate box)

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

Signed at SOMERSET WEST (Place) on this 17TH (Day) MAY (Month) of 2022

Full names and Surname: MADELEEN WILLIAMS

Signature: 

STBB HELDERBERG
 PO BOX 5101
 HELDERVUE
 SOMERSET WEST
 Postal Address:
 7135

MADELEEN WILLIAMS
 SMITHTABATA BUCHANAN BOYES
 Commissioner of Oaths
 Practising Attorney, R.S.A.
 1st Floor Titanium House
 19 Gardner Williams Avenue
 Paardevlei, Somerset West

Kindly endorse certificate by affixing official stamp here and initial here

Tel: 021 850 6400

Email: madeleinw@stbb.co.za

Cell: 072 4043 003

ANNEXURE G: TITLE DEED

132

KWA Attorneys
24A Grant Avenue

Prepared by me

Victoria
JOHANNESBURG
2194

Christine Greyling
CONVEYANCER
CHRISTINE GREYLING

F. e. amount		Office fee
Amount		
Transfer duty	R. 200 000.00	R. 180.00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t. o	
Col.	section.	Act.

0041002/2019
04 NOV 2019

R. 9 000 000.00
000031500 / 2017
27 NOV 2017

000006883 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

NICOLE STOFFELS

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at JOHANNESBURG on 10 November 2016 granted to him by

WELGEMEEND ESTATE PROPRIETARY LIMITED
Registration Number 2005/012925/07

DATA / VERIFY
27 FEB 2017
KATHEN
GONCALVES BELINDA

Christine Greyling

And the appearer declared that his said principal had, on 16 August 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

STYLESTAR PROPERTIES 83 PROPRIETARY LIMITED
Registration Number 2006/017425/07

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

REMAINDER OF PORTION 21 OF THE FARM NO. 770
IN THE MUNICIPALITY OF STELLENBOSCH
DIVISION PAARL
PROVINCE WESTERN CAPE

IN EXTENT 16,6454 (SIXTEEN COMMA SIX FOUR FIVE FOUR) Hectares

FIRST registered by Certificate of Consolidated Title No. T20923/1979 with Diagram No. 3627/1978 relating thereto, and held by Deed of Transfer Number T2344/2007

- i. INSOFAR as concerns the land represented by the figure H L C D E F G on diagram No. 3627/1978 annexed to Certificate of Consolidated Title No. T20923/1979:

SUBJECT to the following conditions contained in Deed of Grant No. 188/1935, namely:-

- "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.
2. That if at any time it should appear to the Governor-General upon petition of any adjacent or neighbouring proprietor, that such adjacent or neighbouring proprietor, requires a way or road of necessity to or from the land of such adjacent or neighbouring proprietor, the owner of the land hereby granted, upon which such road is required, shall be bound to grant such way or road of necessity and to point out the direction and width thereof; provided that in case of a dispute or difference regarding such road, or its sufficiency, the direction and width of the road shall be decided upon by the Divisional Council of the Division in which the land is situated: Provided, further, that the said owner shall not be bound to allow such road or thoroughfare across land which shall at the time be in state of cultivation or improvement, and that compensation for the right of way and any damage done shall be paid for by the person or persons for whose benefit and upon whose application the said road is made according to determination by arbitration.

3. That the Governor-General shall at all times have the right to make roads, railways, dams, aqueducts, drains, and to conduct telegraphs and telephones over the said land for the benefit of the public and to take materials for these purposes; also to establish convenient outspans for the use of travellers, on payment to the proprietor of such sum of money as compensation as may be determined by arbitration: Provided that the arbitrators may set off against the loss or damage caused to the proprietor, the benefit, instant or prospective, which he shall or may derive in consequence of the construction of any of the said works.
4. That the Governor-General shall at all times have the right of resuming the whole of a portion of the said land, if required for public purposes on payment to the proprietor of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or, failing such agreement, as may be determined by arbitration.
5. Not subject to conditions 5 and 6 on page 3 of Deed of Transfer number T2344/2007, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

II. INsofar as concerns the land represented by the figure A B L H on diagram No.3627/1978 annexed to Certificate of Consolidated Title No. T 20923/1979.

SUBJECT to the conditions referred to in Deed of Grant No.188/1935, which conditions are fully set out in clause 1(1) to (6) above.

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

WELGEMEEND ESTATE PROPRIETARY LIMITED
Registration Number 2005/012925/07

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

STYLESTAR PROPERTIES 83 PROPRIETARY LIMITED
Registration Number 2006/017425/07

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 R6 260 000,00 (SIX MILLION TWO HUNDRED AND SIXTY THOUSAND RAND) excluding VAT at an amount of R 876 400.00 (Eight Hundred and Seventy Four Thousand Four Hundred Rand), total consideration paid by the transferee to the transferor being the amount of R7 136 400.00 (Seven million One Hundred and Thirty Six Thousand Four Hundred Rand).



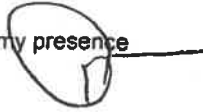
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 14 February 2017



q.q.

In my presence



REGISTRAR OF DEEDS

For Information



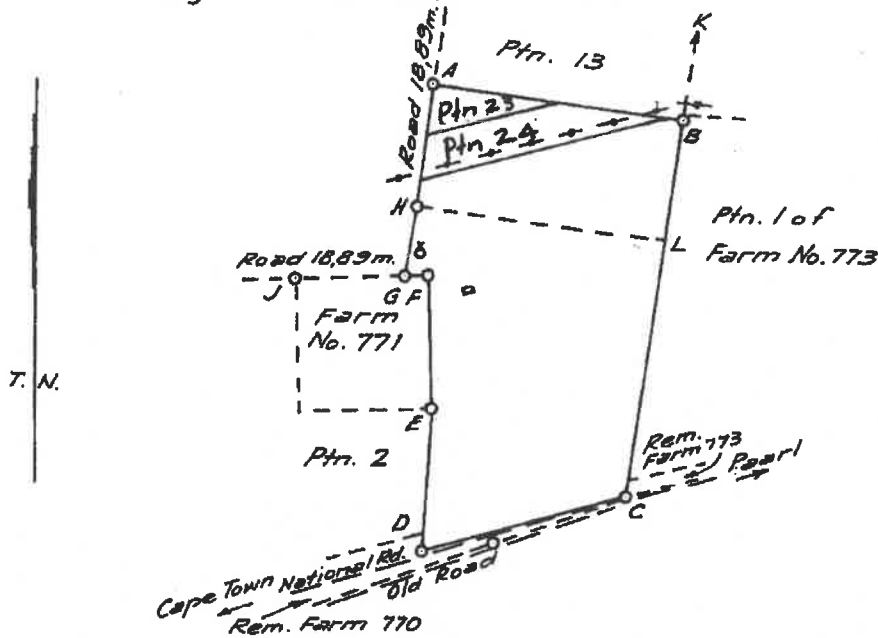
ANNEXURE H DIAGRAM

ANNEXURE H DIAGRAM

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System $\angle 19^\circ$		S.G. No.
		Y	X	
	Constant.	±	0,00 +3700 000,00	3 6 2 7 7 8
AB	353,30 A 88.39.40			Approved <i>[Signature]</i> Surveyor-General 8-6-1978
BC	533,59 B 89.59.40			
CD	297,73 C 112.38.10	C +	10 263,85 + 41 219,17	
DE	205,63 D 70.35.30	D +	10 552,45 + 41 292,28	
EF	183,47 E 186.42.20	E +	10 533,84 + 41 087,50	
FG	31,49 F 269.54.30	F +	10 538,72 + 40 902,68	
GH	95,50 G 80. 9.30	G +	10 570,21 + 40 903,46	
HA	170,68 H 181.20.40	H +	10 556,23 + 40 809,01	
GJ	153,77 FGJ 180. 0. 0	J +	10 723,95 + 40 907,27	
BK	1367,54 CBK 180. 0. 0	K +	9 985,49 + 39 338,54	

Beacons.

- A. B. 900 x 25 mm. round iron peg proj. 75 mm.
- C. E. F. J. Monolith.
- D. G. H. Iron standard peg.
- K. Light rail corner post in old mortared beacon.



1. Figure H.L.C.D.E.F.G. being Portion 1 of the Farm No. 770.
Vide Dgm. No. 10217/48, annexed to D/T 1949.120.5976.
2. Figure A.B.L.H. being Portion 12 of the Farm No. 770.
Vide Dgm. No. 109/56, annexed to D/T 1956.46.2251.

Scale 1:10000

The figure A. B. C. D. E. F. G. H.

represents 18,8420 hectares of land, being
Portion 21 of the Farm No. 770 & comprises land 2 above:

situate in the

Administrative District of Paarl,

Province of Cape of Good Hope.

Surveyed in Compiled in May 1978,

[Signature]

by me,

Land Surveyor

This diagram is annexed to
No. 20923/79
dated
i.f.o.

The original diagrams are
as quoted above.
No. _____ annexed to
Transfer/Grant
No. _____

File No. Paarl. 770
S.R. No. Compiled
Comp. BH-8BBC (3758)
Gen. Plan 600^{SD}(4025)

Registrar of Deeds

FOR ENDORSEMENTS
SEE BACK OF DIAGRAM

770/21