

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

Date: 27 May 2022

Dear Sir/Madam

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

- Application Property Address:** Off the R44 (Strand Road), Mountain Breeze Farm
- Application Property Number:** Farm 1166
- Applicant:** Bradley Simpson
PO Box 34, Priel 7681
Tel. 074 359 3786; Fax: n/a
Email. bradleysimpsontrp@gmail.com
- Owner:** Mountain Breeze Farm (PTY) Ltd.
Off R44, Stellenbosch, 7599
Tel. 082 445 4070
Email. bevan@zetler.co.za
- Application Reference:** LU/13049
- Application Type:** Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipality Land Use By-law, 2015 for a **Temporary Departure** on Farm 1166, Stellenbosch Division in order to utilise the existing building (previously approved as a farm stall) as a bicycle shop
- Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use By-law, 2015 for a **Consent Use** on farm 1166, Stellenbosch Division, for a tourist facility in order to utilise a portion (29m²) of the existing building as a boutique wine shop.

Detailed description of land use or development proposal, including it's intent and purpose:

The matter for consideration is an application in terms of sections 15(2) (c) and (o) of the Stellenbosch Municipal Land Use Planning By-Law, 2015. The application comprises the temporary departure of use of the existing farm stall building on the property to function as a bicycle shop. In addition, the application includes a consent use for a tourist facility, which makes provision for a boutique wine shop in a portion (29m²) of the existing farms stall.

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: [\[https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal\]](https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal). 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:

Bradley Simpson
PO Box 34, Stellenbosch, 7681
Tel. 074 359 3786; Fax: n/a
Email. bradleysimpsontrp@gmail.com

The comments must be submitted within 30 days for all Interested and affected parties (**27 June 2022**) from the date of this notice to be received on or before the closing dates mentioned above. When the last day falls on a weekend day, in which case the closing date will be considered the following Monday, or if the closing day falls on a public holiday, in which case the closing date will fall on the next normal working day.

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 074 359 3786 during normal office hours.

Yours faithfully



BRADLEY SIMPSON
TOWN PLANNER

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

Datum: 27 Mei 2022

Geagte Mnr/Mev.

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

Adres van aansoek eiendom: Aff R44, (Strand Pad) Mountain Breeze Plaas

Aansoek eiendom beskrywing: Plaas 1166

Aansoeker: Bradley Simpson
Posbus 34, Pniel 7681
Tel. 071 148 8788; Faks: n/a
Epos. bradleysimpsontrp@gmail.com

Eienaar: Mountain Breeze Farm (PTY) Ltd.
Aff R44, Stellenbosch, 7599
Tel. 082 445 4070
Epos. bevan@zetler.co.za

Aansoek Verwysing: LU/ 13049

Tipe Aansoek: Aansoek ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruiksbeplanning, 2015, vir 'n Tydelike Afwykings aansoek op Plaas 1166, afdeling Stellenbosch om ten einde die bestaande gebou (voorheer goedgekeur as plaasstal) as 'n fietswinkel te benut.

Aansoek ingevolge artikel 15(2)(o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruiksbeplanning, 2015, vir n vergunnings gebruik op Plaas1166, afdeling Stellenbosch, vir 'n touristefasiliteit in 'n gedeelte (29m²) van die bestaande gebou vir 'n boetiekwynwinkel.

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Die aansoek vir oorweging is 'n aansoek ingevolge artikels 15(2)(c) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruiksbeplanning, 2015. Die aansoek behels 'n tydelike afwyking van die bestaande plaasstal gebou om dit te omskep na 'n fietswinkel. Die aansoek behels ook vir 'n vergunningsgebruik om toe te laat dat 'n gedeelte (29m²) van die bestaande gebou as 'n boetiekwynwinkel te kan funksioneer.

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: [\[https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal\]](https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal). 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 terms 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:
 - Die feite en omstandighede aantoon wat die 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:

Bradley Simpson
Posbus 34, Pniel 7681
Tel. 074 359 3786; Faks: n/a
Epos. bradleysimpsontrp@gmail.com

Die kommentaar moet binne dertig dae ingedien word vir alle geaffekteerde partye (**27 Junie 2022**) vanaf die datum van hierdie kennisgewing wat voor of op die bogenoemde sluitingsdatums ontvang word. Tensy die laaste dag op enige naweeksdag val, in welke geval die sluitingsdatum die daaropvolgende Maandag sal wees, of indien die sluitingsdatum op enige publieke vakansiedag val, sal die sluitingsdatum die eerste daaropvolgende normale werkersdag 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 074 359 3786 gedurende normale kantoor ure.

Die uwe



BRADLEY SIMPSON
STADS BEPLANNER



TOWN AND REGIONAL PLANNING CONSULTANT

Our Ref: STB-F-1166
Date: 14-12-2021

The Director: Department of Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR A TEMPORARY DEPARTURE AND TECHNICAL APPROVAL: REMAINDER FARM 1166, STELLENBOSCH

1. INTRODUCTION AND BACKGROUND DETAIL

The application submitted on 18 August 2021, for a consent use to allow for a Skincare Center on the property refer;

During municipal assessment of the application the owners of the subject property, Mountain Breeze Farm (Pty) Ltd., had terminated an agreement to lease a building on the property with an interested lessee. The reason for termination was due to technical issues surrounding the timeline of the land use application process.

The owners where short thereafter approached by another interested party to rent the said building. It was later determined that a new land use be proposed, that of a Bicycle Shop and Boutique Wine Shop, within the existing building on the property.

Mountain Breeze Farm (Pty) Ltd, whom previously appointed BBS Town and Regional Planning Consultant, do so again, to amend the current land use planning application to allow for a temporary departure and technical approval which will provide the rights for a Bicycle Shop and Boutique Wine Shop within the existing building on the property.

2. LOCATION AND CONTEXT

The subject property is located along the R44 (Stellenbosch/Somerset West Road), immediately south of the Small Holdings of Zimzala K9 Estate, Kleinbosch Lodge and Jatan Estate. The property borders (externally) the urban edge of Stellenbosch and is some 5km from the centre of town. The property is approximately 1km south of the Stellenbosch Square in Jamestown, along the R44.



TOWN AND REGIONAL PLANNING CONSULTANT

Address: 14 Adams Street, Kylemore, Stellenbosch.

Tel: 021 885 1824, Cell: 0743593786

PO BOX 34, Pniel 7681

To the Northern, the property borders the Jamestown Cemetery (south). To the East the property borders on municipal land, whereby the Stellenbosch Municipality Spatial Development Framework demarcated this portion of land for urban infill.

Bordering the property to the south is the Mountain Breeze Caravan Park and Stellenrust Road (refer to the Locality Map attached hereto.)



Figure1: Locality Map

Access to the property is obtained directly off the R44 (Stellenbosch / Somerset West Road).

The property is improved with 12 buildings. Seven of those buildings being labourers' cottages in the northern extent with a Community Hall. The manager's house and farm store is located in the center of the property. A roof structure situates at the dam in the southern extent of the property, adjacent to the Mountain Breeze Caravan Park.

Directly off the R44 is the BlueBird café (restaurant) and the Farmstall. The Bluebird café offers takeaway breakfasts, lunches and a coffee shop. The relevance of this application is particularly based on this portion of the site within the existing farm stall. The property has a dominant land use of vineyards taking up to approximately 90% of the total extent.

The property slopes from a north-west to south-east direction between 133m amsl and 155m amsl at its lowest and highest points, respectively. Whilst being situated immediately adjacent to the R44 road, the portion of the BlueBird café and farmstall is approximately level to the R44 thereby ensuring that the buildings are adequately visible for road users, however, not impeding traffic visibility.

3. SITE DESCRIPTION

The property is described in the relevant title deeds as illustrated in the table below;

Table 1: Property Details

PROPERTY DESCRIPTION	SIZE	ZONING	TITLE DEED	OWNER
Remainder Farm No. 1166 situate in the Municipality and Division of Stellenbosch, Western Cape Province	81.7024ha	Agriculture and Rural Zone	T7591/2002	Mountain Breeze Farms (Pty) Ltd.

Apart from the respective services servitudes and right of way servitudes registered over the property, the Title deed makes no specific reference and imposes **no restrictive conditions** which would prohibit the proposed land use on the property.

4. DEVELOPMENT PARAMETERS

As illustrated in table 1 above, the property is zoned **Agriculture and Rural Zone**, in terms of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019.

The current zoning of the property does not make provision for a Bicycle Shop as a primary right, addition right or consent use, hence the submission of this application for a temporary departure from the provisions of the above-mentioned zoning. The applicable zoning does however make provision for a Shop (Boutique Wine Shop) and is regarded as a Tourist Facility under the respective zoning.

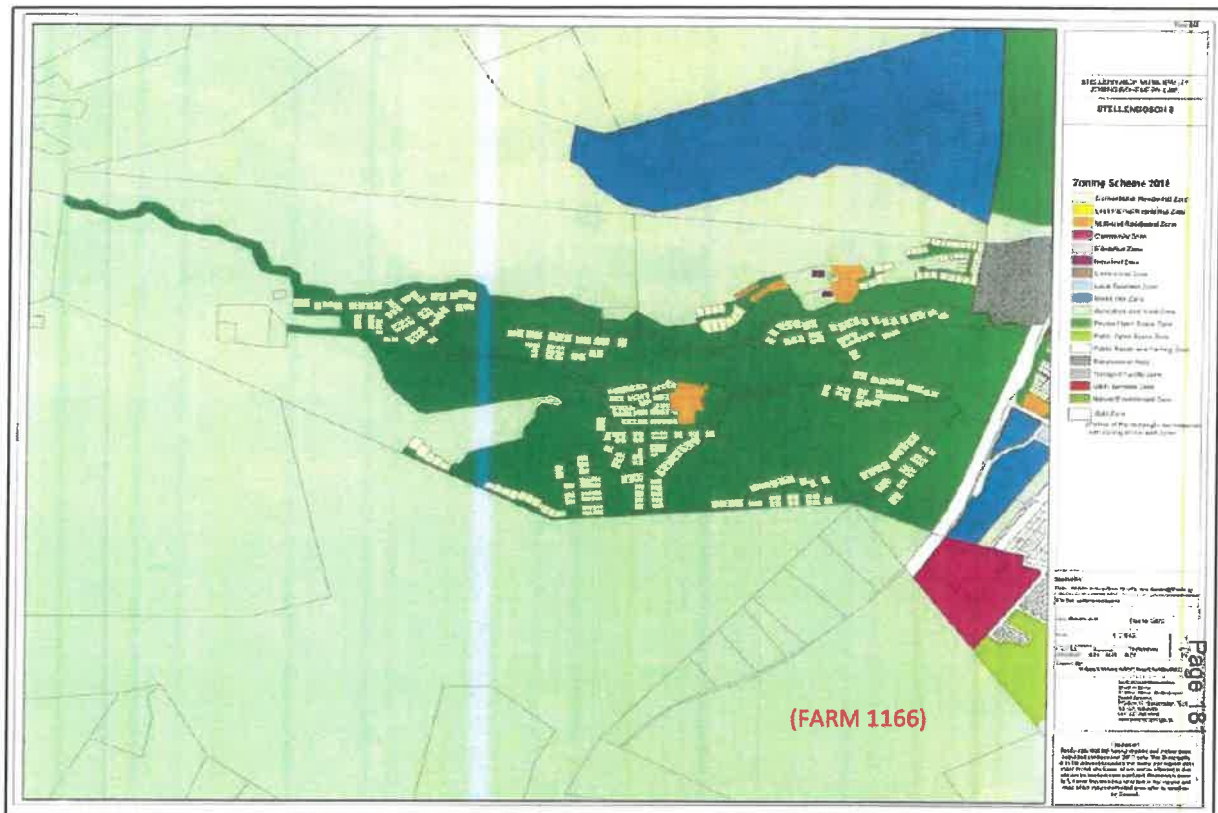


Figure 2: Zoning Map.

5. SERVICES AND INFRASTRUCTURE

The property currently received no municipal services. The property is serviced in the following manner:

- a) **Water:** The property receives water from a borehole existing in the south eastern regions of the property. The combined water yield has proven to be sufficient to provide all land uses on the property.
- b) **Electricity:** Electricity is directly supplied by Eskom.
- c) **Sewage:** Sewage is controlled by means of a soak away system (French drainage system).
- d) **Access:** As mentioned above, access to the property is obtained from Main Road 27 (R44). Sufficient stacking distance exist in front of the entrance gate to prevent vehicles backing up into the oncoming traffic on the R44.

It is therefore herewith contended that the proposal for which approval is sought will not place any unnecessary pressure on the services infrastructure of the municipality.

6. PROJECT PROPOSAL

The portion consisting of the farm stall and Bluebird Café has been utilizing the portion of the property for the said uses. The land uses applied for in the previous motivation will no longer be applicable to the new proposal as mentioned in the paragraphs below;

6.1 BICYCLE SHOP (TEMPORARY DEPARTURE)

The proposed bicycle shop will operate within the existing farm stall building on the property. The shop will obtain access from the existing main entrance of the building where minor alterations is to be made to the façade and north-eastern elevation.

The bicycle shop will offer the sale and repair/servicing of bicycles as well as the sale of bicycle equipment. The larger area of the building will be occupied by the bicycle shop which includes; the existing toilets, the existing kitchen (to be converted to the Workshop/Service Room) and the Cool room (to be converted to a Store room). The normal business hours will be applicable to the bicycle shop operating between the hours of 7am – 4pm.

In extent the total area to be occupied by the bicycle shop will be approximately 268m².

6.2 BOUTIQUE WINE SHOP (TOURIST FACILITY)

The boutique wine shop will operate within a drywalled portion of the existing farm stall building. The shop will measure to approximately 29m² and will obtain an alternative entrance to the building.

The boutique wine shop will provide for the sale of wines. The wines for sale in the shop will come from the subject property. The proposed use will likewise operate within normal business hours from 8am – 5pm.

The existing farm stall has previously been granted a liquor licence for the sale and consumption of liquor on and off site, therefore it will not be required to apply for such licence at the relevant authority.

The total area of this building is 375m² (including covered areas). No external additions will be constructed, whilst only the South western and North eastern elevations will be altered with window and door replacements, the façade of the building will retain its current elevation. Kindly refer to the Site Development Plan Drawing No: PL001, attached hereto, for the area calculations.

A total of 27 parking bays are required for both the existing BlueBird café and the proposed land uses, 43 parking bays are provided on the property. The entrance provides for approximately 18.0m for stacking distance off the R44.

LAND USE BUILDING AREAS			
NO.	BUILDING DESCRIPTION	AREA (SQM)	LAND USE (APPLICAITON)
①	Proposed Bicycle Shop (INCL. WORKSHOP, STORE ROOM & TOILETS)	268 m ²	SHOP (TEMPORARY DEPARTURE)
②	Proposed Boutique Wine Shop	29 m ²	WINE SHOP (TECHNICAL APPROVAL)
	EXISTING COVERED STOEP	78.0 m ²	/
TOTAL		375m²	

PARKING REQUIREMENTS	BAYS	TOTAL	PARKING BAYS PROVIDED
Proposal Requirements	4 per 100m ² = 16 bays	27 BAYS	43 BAYS
Existing Bluebird Cafe (APPROVED)	4 per 100m ² = 11 bays		



Figure 3: Access/Entrance off R44 and illustration of Stacking Distance



Figure 4: Parking area



Figure 5: Internal Layout of Farmstall



Figure 6: Existing Farmstall building to be converted to Skin Care Centre



Figure 7: View off the R44 from a north eastern direction of the existing Farmstall and BlueBird Café.

Kindly refer to the amended Site Development Plan and Land Use Plan attached herewith for area calculations and the proposed building layout. (Dwg no. PL001, Rev 02, Dated 13-12-2021)

7. APPLICATION DETAILS

Application is herewith made in terms of the Stellenbosch Municipal Planning By-Law for the following items below;

7.1. TEMPORARY DEPARTURE

Application is herewith made in terms of Section 15 (2)(c) of the Stellenbosch Municipality Land Use Planning By-law, 2015, for a temporary departure to allow for a bicycle shop within an existing building on the property. The bicycle shop will occupy approximately 268m² sqm of the building.

7.1.1 PREMIS OF APPLICAITON

In terms of section 18(1) of the latter, an applicant may apply to the Municipality in terms of section 15(2) of the By-Law, (a) for a departure from the development parameters of a zoning or an overlay zone; or (b) to utilise land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years.

Section 18(3) of the By-Law furthermore state that the Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than five years but, if a shorter period is approved, the period together with any extension approved in accordance with section 67 may not exceed five years.

In addition, a temporary departure may include an improvement of land only if (a) the improvement is temporary in nature; and (b) the land can, without further construction or demolition, revert back to its previous lawful use upon the expiry of the use right.

7.2 TECHNICAL APPROVAL (TOURIST FACILITY)

Application is herewith made in terms of Section 13 of the Stellenbosch Municipality Zoning Scheme By-Law 2019, to utilize a portion (29 sqm) of the existing building on the property for a Boutique Wine Shop. In terms of the Zoning scheme by-law a boutique wine shop is considered as a tourist facility under the provisions of a technical approval.

8. APPLICATIONS TO OTHER DECISION-MAKING AUTHORITIES

8.1. NATIONAL ENVIRONMENTAL MANAGEMENT ACT

The Minister of Environmental Affairs and Tourism has, in terms of Section 24(5) read with Section 44 of the National Environmental Management Act (NEMA) 107 of 1998, listed activities in terms of Section 24 and 24D of NEMA in a schedule, which may not commence without environmental authorization.

The EIA Regulations, 2014, which govern the implementation of the above sections of NEMA, outline the activities for which EIAs should apply.

The project proposals have been considered in terms of the three Listing Notices (Regulations 983, 984 and 985) as issued in terms of the National Environmental Management Act, No. 107 of 1998

(NEMA). It was found that none of the activities included in the listing notices would be 'triggered' by the project proposal, hence, **NEMA is not applicable.**

8.2. NATIONAL HERITAGE RESOURCES ACT

Section 38(1) of the National Heritage Resources Act 25 of 1999 lists several activities which require approval from the responsible heritage resources authority (i.e. Heritage Western Cape) before construction may commence.

The project proposal was measured against these activities. It was found that no activities have been identified which would result in the approval of Heritage Western Cape being sought. The National Heritage Resources Act 25 of 1999 is therefore **not applicable.**

8.3. SUBDIVISION OF AGRICULTURAL LAND ACT

The Subdivision of Agricultural Land Act, 70 of 1970 (SALA) has as its aim to control the subdivision and, in connection therewith, the use of agricultural land.

Whilst it is recognized that the subject property is zoned for agricultural purposes it is confirmed that the property will not be subdivided. The property will also not be utilized for a use that is not permitted under the current zoning.

As such, whilst it is accepted that the comment of the Western Cape: Department of Agriculture will be sought, the provisions of the **SALA is not applicable.**

9. COMPLIANCE WITH RELEVANT PLANNING POLICIES AND LEGISLATION

9.1. STELLENBOSCH SPATIAL DEVELOPMENT FRAMEWORK

The Stellenbosch Municipal Spatial Development Framework (MSDF) was approved by the Council of the Stellenbosch Municipality on 2 August 2019. The MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The MSDF recognises that the spatial decisions and actions of many make what settlements are. It asks us to understand that plans cannot do everything, predict everything. It asks all to consider action with a few core beliefs, principles, or concepts, geared towards the common good. Against this background, the MSDF puts forward the following key principles for the spatial planning and land use management of the municipality:

- a) Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas.
- b) Respect and grow our cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations.
- c) Within developable areas – areas not set aside for limited development owing to its natural or cultural significance – allow future opportunity to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented or expanded.
- d) Clarify and respect the different roles and potentials of existing settlements.
- e) Address human needs – for housing, infrastructure, and facilities – clearly in terms of the constraints and opportunity related to natural assets, cultural assets, infrastructure, and the role of settlements.
- f) Pursue balanced communities. All settlements should be balanced.
- g) Focus energy on a few catalytic areas that offer extensive opportunity and address present risk.

The MSDF outlines plans and written proposals for the municipality as a whole, but also for the major towns and smaller settlements. Broadly – and aligned to the SPLUMA MSDF guidelines – the settlement plans entail three types of actions or initiatives:

- Protective actions – things to be protected and maintained to achieve the vision and spatial concept.
- Change actions – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
- New development actions – new development or initiatives to be undertaken to achieve the vision and spatial concept.

Whilst the MSDF does not specifically address the

smallholdings between the airstrip and the R44, due notice is taken of the fact that these smallholdings are located next a sensitive scenic route. As such, the MSDF proposes, as a Protective Action, that the strong sense of transition between agriculture and human settlement at the entrances to the town be retained. The MSDF also states that the relationship between Stellenbosch town and surrounding agricultural land must be retained and improved.

It is herewith contended that the proposal will strengthen the above-mentioned actions as the property will still retain a strong agricultural use and appearance. The proposal will also not detract from the scenic qualities of the area as no new structures will be erected.

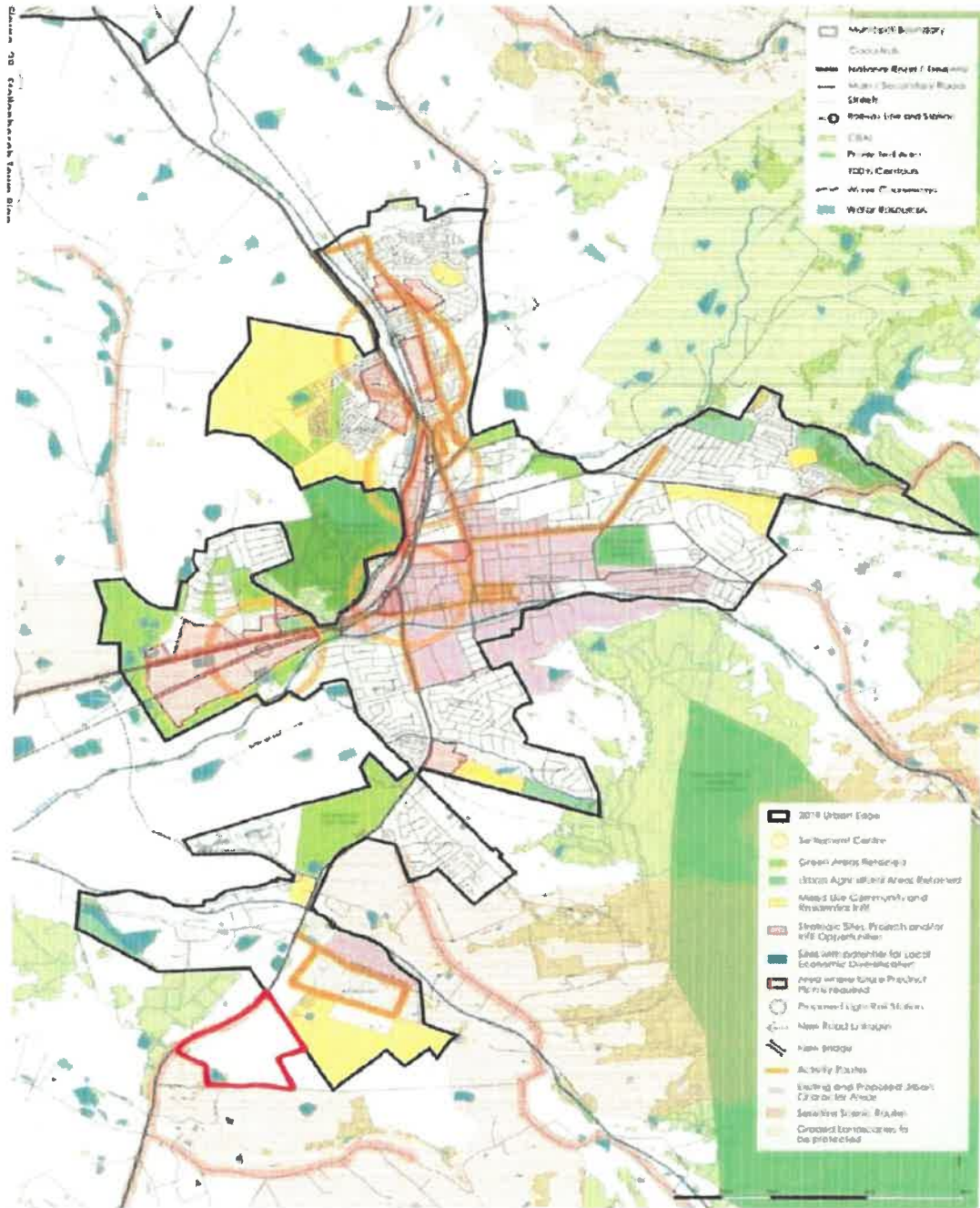


Figure 8: Stellenbosch town Spatial Plan. Subject property outlined in red.

9.2. LEGISLATIVE CONTEXT

This application is submitted and will be considered in terms of the Stellenbosch Municipality: Land Use Planning By-Law, 2015. As such, the planning principles as advocated in the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA) is also applicable.

Chapter 2 of SPLUMA, and Section 59 of LUPA, lists development principles and norms and standards that shall apply to spatial planning, land development and land use management. These principles are as follows:

9.2.1. SPATIAL JUSTICE

Spatial justice is primarily concerned with the commitment to redress past spatial and other development imbalances. This is to be achieved by the incorporation of provisions that enable redress in Land Use Management Schemes, by Spatial Development Frameworks that allow for inclusion and integration of disadvantaged communities and general land development procedures that aim to improve the access to and use of land.

This principle is not applicable to the application at hand.

9.2.2. SPATIAL SUSTAINABILITY

Spatial sustainability requires land development to be aligned with fiscal and institutional means. The aim is further to promote land development that is spatially compact, resource frugal and within fiscal, institutional and administrative means of the competent authority.

This translates on the ground to development in locations that are sustainable and that limit urban sprawl (as this proposal does), that uphold environmental considerations such as the protection of mature trees on site, and that ensures that development is feasible and financially viable.

9.2.3. EFFICIENCY

Efficiency requires land development to optimally use existing resources and infrastructure.

As mentioned above, the property is almost self-sufficient and does not put additional unwanted pressure on the municipal services network.

9.2.4. SPATIAL RESILIENCE

Spatial resilience provides for flexibility in spatial plans, policies and land use management systems to be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The subject property has proven to be resilient in terms of its land use. The proposal put forward in this application has shown that the temporary use of the existing building could easily be accommodated on the site as the provided services is more than sufficient.

9.2.5. GOOD ADMINISTRATION

This principle primarily places an onus on decision-making authorities to ensure that due process is followed. It also requires that legislative and development requirements be met timeously by both applicants and authorities and that public consultation is undertaken, as required.

10. CONSIDERATION OF APPLICATION

Section 65(1) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015 lists the criteria to be taken into consideration on land use applications. The criteria and the section of this report in which those criteria are addressed, is provided in the table below.

Table 3: Criteria taken into consideration.

	REQUIREMENT	SECTION ADDRESSED
f)	investigations carried out in terms of other laws that are relevant to the consideration of the application	Chapter 8
h)	the impact of the proposed land development on municipal engineering services	Chapter 5
i)	the integrated development plan, including the municipal spatial development framework	Chapter 9.1
k)	the applicable local spatial development frameworks adopted by the Municipality	Chapter 9.1
p)	the policies, principles and the planning and development norms and criteria set by the national and provincial government	Chapter 9.1
r)	the principles referred to in Chapter VI of the Land Use Planning Act	Chapter 9.2
s)	the applicable provisions of the zoning scheme	Chapter 4

In accordance with the procedures and protocols of the Stellenbosch Municipality, a pre-application scrutiny form was completed and submitted in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law, 2015.

On 06 December 2021 the municipality indicated that the request for a Temporary Departure application on the subject property has been found in order and that a formal application may be submitted please find the outcome attached hereto.

11. MOTIVATION AND CONCLUSION

In conclusion, the following motivating factors should be considered during the adjudication of the application:

- a) The subject property situates in an area where several smallholdings occur. On these surrounding properties, it is evident that there are land uses which occur and are not primarily related to Agricultural practices. It therefore contended that this proposal could just as easily tie in with the surrounding properties and their land uses.
- b) The objectives of the Agriculture and Rural Zone is to make provision for the preservation of agricultural land and the continued use of farmland for agriculture. It is herewith contended that the proposal will strengthen said objectives as no agricultural land will be converted/utilized for any land use other than those identified in the zoning scheme.
- c) The scale of the building used for the temporary departure and technical approval is in keeping with the character of buildings on the land unit and the character of the area. No new buildings or additions will be erected.
- d) The former farmstall building is no longer utilized for such purpose as the previous lessee could not maintain the expenses. The proposed land use is one that is not commonly found in this area and will provide for a divergence of land use which is however common in the vicinity.

- e) The proposal is consistent with municipal policy and, in particular, the Spatial Development Framework. In this regard the proposal will not jeopardize the scenic qualities of the area and will contribute to the enhancement of the semi-rural nature of the immediate area.
- f) The proposal will not lead to the expansion of a residential area or any form of residential development outside of the urban edge. As such, the proposal will also not place unnecessary pressure on any municipal service as the property is almost self-sufficient.

We trust that you will find in favour of the application.

Kind regards

A handwritten signature in black ink, appearing to be 'BB Simpson', written in a cursive style.

BB SIMPSON
TOWN & REGIONAL PLANNER

CERTIFIED EXTRACT OF MINUTES/RESOLUTION OF A MEETING OF THE COMPANY

MOUNTAIN BREEZE FARMS (PTY) LTD.

The meeting having been duly convened it is hereby unanimously resolved that:

BRADLEY BRUCE SIMPSON

(ID: No; 9410135126086)

- a) be nominated, constituted, and appointed with power of substitution to be my/our lawful agent and in my/our name, place, and stead, to apply to the relevant authorities for the necessary approvals as it relates to the Consent use land use planning application to be applied for on the property below:

FARM 1166, STELLENBOSCH

- b) and generally, for the purposes aforesaid, to do or cause to be done whatsoever shall be required as fully and effectually, as I/we might or could do if personally present, and acting herein hereby ratifying, allowing, and confirming, and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said agent shall lawfully do, or cause to be done, by virtue of these presents.

It is resolved further that:

BEVAN MENDEL ZETLER (Full name) 

In his/her capacity as MANAGER

Is hereto authorized to sign all such documents in order to implement this resolution.

This done and signed at STELLENBOSCH On this 18th day of AUGUST 2021

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES		X
		Y	System Log ^o	
A B 37,49	Constant:	+	0,00	± 3 700 000,00
	82 03 00	A +	15 472,44	± 62 131,24
C D 4,83	59 25 00	B +	15 509,58	± 62 136,43
		C +	15 260,56	± 62 419,77
		D +	15 264,72	± 62 422,22
	432 Ste 1 2 New	Δ +	15 524,43	± 59 631,35
	65 Ste 1 7	Δ +	14 377,22	± 62 509,37

1. The point A represents the centre of a circular Servitude Area 1,00m in diameter and

2. the line AB represents the centre of a Servitude Pipeline 1,00m wide as shown and

3. the point C represents the centre of a circular Servitude Area 1,00m in diameter and

4. the line CD represents the centreline of a Servitude Pipeline 1,00m wide as shown over the FARM 1166 situate in the

Administrative District of Stellenbosch Province of Cape of Good Hope.
Surveyed in May 1985 and November 1987
by me, *Prinzlaender Burger & Volkmann*, Land Surveyors.

This diagram is annexed to
No. K401/92 S
dated 1785
i.f.o. annexed to C.C.T. No. 1985-145-7290

Registrar of Deeds

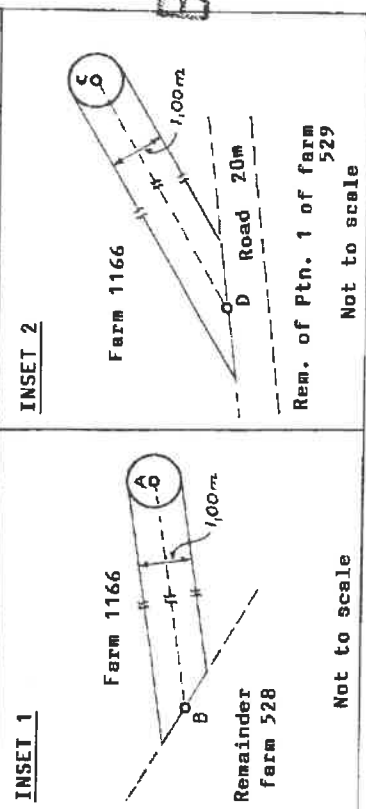
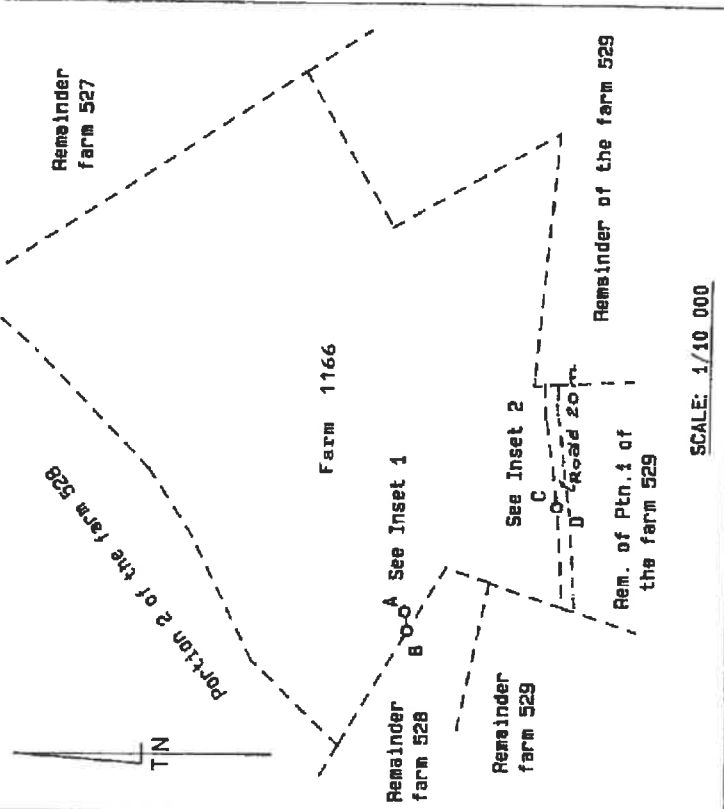
File No. 1166
S.R. No. 2765/87
Comp. BH - 80CD (6755)
1785

SERVITUDE DGM.

Description of Beacons:
A C --- Centre of borehole
B D --- Iron fencing standard

S.G. No.
8743-87

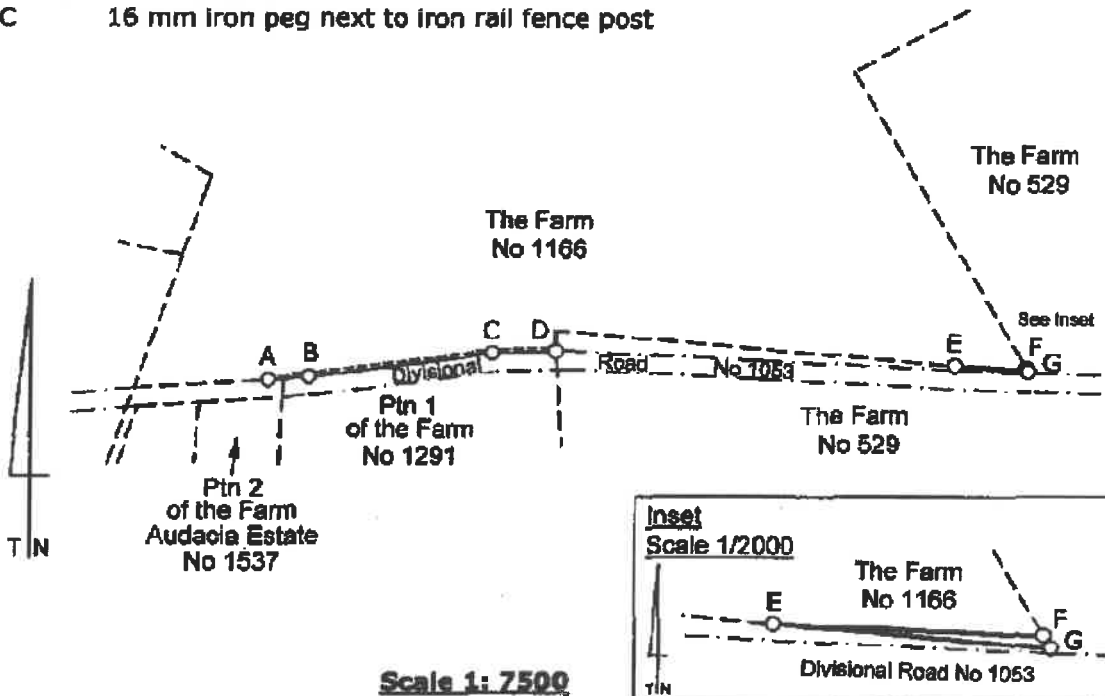
Approved
Phangem
Surveyor-General
88/01/87



SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No. 4459/2010	
		Constant	±	0,00		+3 700 000,00
AB	42,08	266 17 20	A	+15 388,63	+62 726,85	Approved <i>[Signature]</i> for Surveyor-General 2010.12.20
BC	193,46	262 22 40	B	+15 346,64	+62 724,13	
CD	66,59	268 22 20	C	+15 154,89	+62 698,47	
			D	+15 088,33	+62 696,58	
EF	75,41	272 35 00	E	+14 675,52	+62 711,07	
FG	4,06	329 52 00	F	+14 600,19	+62 714,47	
GE	77,68	95 06 05	G	+14 598,15	+62 717,98	
		9 Helderberg	Δ	+11 049,63	+67 146,93	
		65 Stel 7	Δ	+14 440,04	+62 808,62	

Beacon Description:

- A E F 16 mm iron peg
- B D G iron standard
- C 16 mm iron peg next to iron rail fence post



Servitude Notes:

- 1) The line A B C D represents the Southern Boundary of a Servitude Pipeline 3m wide, as shown.
- 2) The figure E F G, measuring 129 square metres in extent, represents a Servitude Pipeline Area, as shown.

over **The Farm No 1166**
situate in **the Municipality and**
Administrative District of **Stellenbosch**

Province of the Western Cape

Surveyed in **June and November 2010**

[Signature]
S.G. DREYER

by me

Professional Land Surveyor
(PLS1028)

This diagram is annexed to No. dated i.f.o. R 306/2014^s Registrar of Deeds	The original diagram is No. 8786/1983 annexed to Transfer No. 1985.145.7290	File No. Stel. 1166 S.R. No. 1966/2010 Comp. BH-8DCD (3785) Beacon G and Boundaries FG and GE acknowledged LPI C0670000.
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KANTOORAFTSKRIF

L.G. No.

8786-83

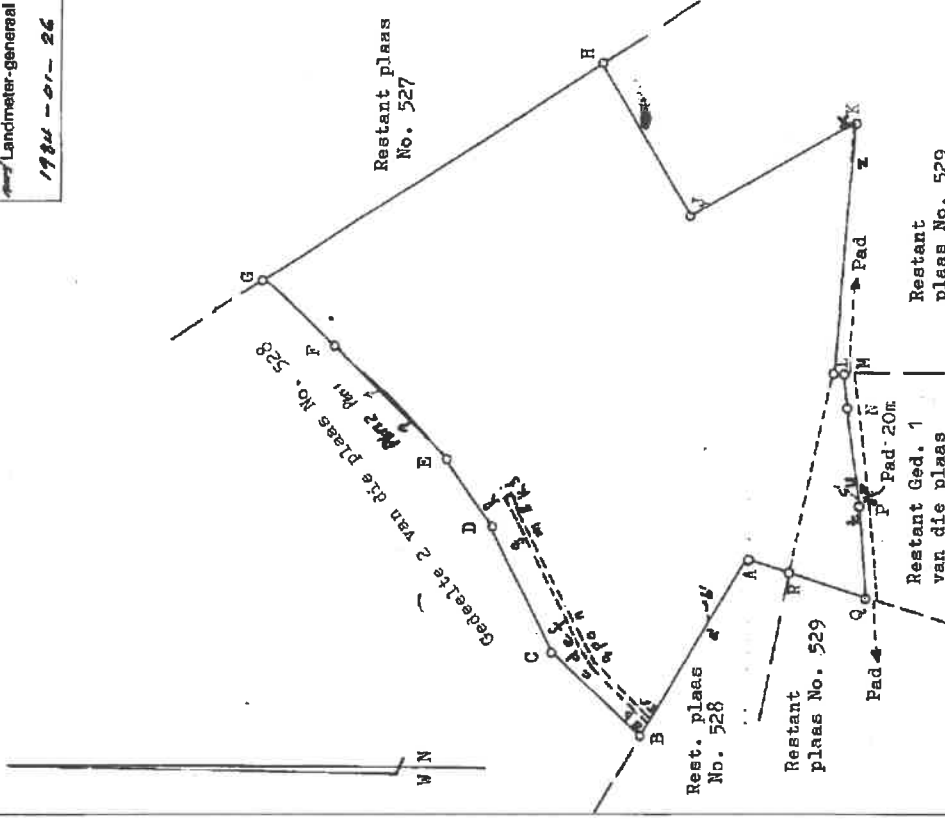
Goedgekeur

Lanmeter-generaal

1984-01-26

Bakens:

- A, F, J, K : wat 305mm uitsteek Ysterdraadpaal in klipstapel
- L : Ysterpaal in klipstapel
- R, M, N, P, Q : Ysterpaalekseles in klipstapels
- M, N, P, Q : 40mm ysterpeene in klipstapels



Skaal: 10 000

SYE METER	RIKINGS- HOEKE	Y	X	KOÖRDINATE STELSEL 10 19
A	Konstante 258 16 00	+ 15 385,80	0,00	+3700000,00
HJ	348,07	+ 14 419,28	+ 61 925,14	
JK	370,05	+ 14 720,98	+ 62 098,75	
KL	493,54	+ 14 535,21	+ 62 418,80	
		+ 15 026,80	+ 62 374,94	
LM	22,50	+ 15 026,87	+ 62 374,78	
MN	66,56	+ 15 025,63	+ 62 397,25	
NP	193,44	+ 15 092,16	+ 62 399,13	
PQ	179,38	+ 15 283,89	+ 62 424,79	
QR	151,00	+ 15 462,89	+ 62 436,41	
RA	88,92	+ 15 414,37	+ 62 293,42	
		+ 15 414,35	+ 62 293,58	
	Stel 7	+ 14 377,22	+ 65 509,37	
	Helderberg	+ 10 986,97	+ 66 847,76	

Komponente:

- Die figuur ABODERGHJKLR stel die Restant van Gedeelte 1 van die plaas No. 528 voor. Sien kaart No. 3271/1940 T.A. 1944/222-1064
- Die figuur RLMPNQ stel Gedeelte 3 van die plaas No. 529 voor. Sien kaart No. 8785/83 T.A. 1985-7289

Die figuur A B C D E F G H J K L M N P Q R
stel voor 81,7271 hektaar, grond, synde
PLAAS No. 1166 en bevat 1., 2. soos hierbo beskryf
in die Munisipaliteit en Administratiewe Distrik
Stellenbosch Provinsie Kaap die Goele Hoop.

Opname Saamgestel in Oktober 1983
deur my, *J.B. Burger* Lanmeter

Hierdie kaart is geheg aan Sert.Veren.Titel No. T.7290/1985 gemaak deur t.g.v.	Die oorspronklike kaarte is, soos hierbo aangestoon, No. geteug-een Transport-grondbrief -No.	Lêer No. Stel. 1166 M.S. No. Saamgestel BE-8DCD (3785) Komp. Bakens H, J, K, L, R, A, en Gronse GH, HJ, JK, KL LR, RA en AB gevestig.
Registateur van Aktes	BA 05/1940	BA 05/1940

VIR ENDOSKRIFTE
SIEN KEERBY VAN KAART

BA 05/1940

B S

2

SERVITUDE DGM.

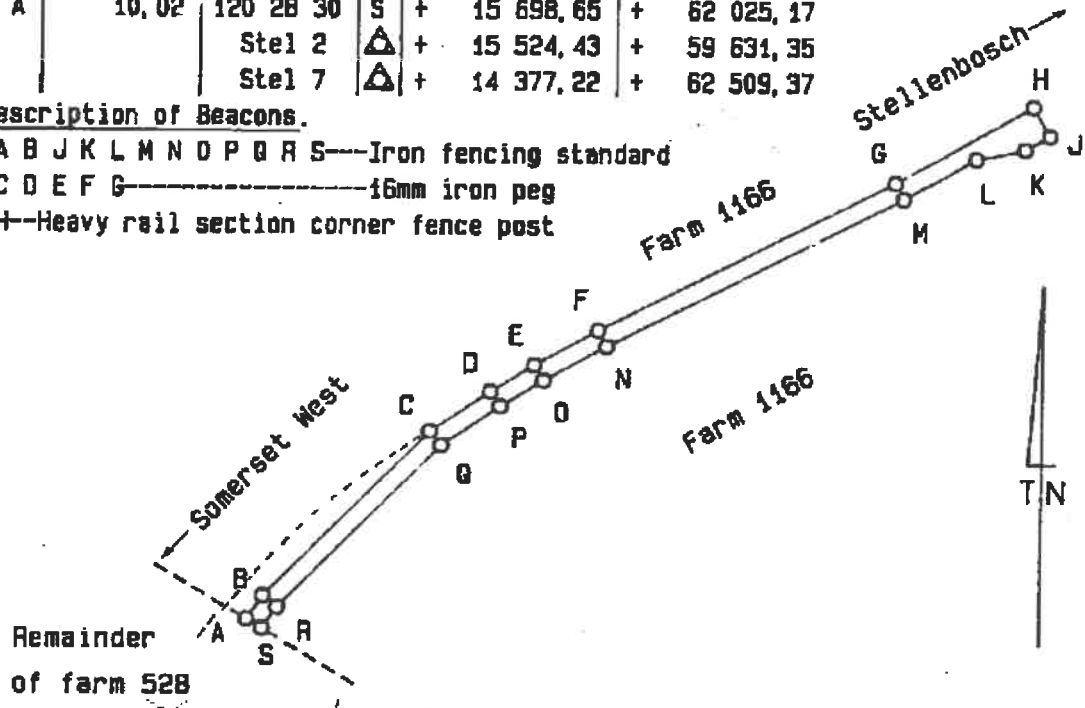
OFFICE COPY

Friedlaender Burger & Volkmann, Land Surveyors

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System Lc19°				S.G. No. 4534-85
		Y	X	Y	X	
	Constant:			0,00	+3 700 000,00	
A B	15,79	214 30 00	A +	15 707,29	+ 62 020,09	Approved <i>A. H. Cooney</i> Surveyor-General 1905-08-09
B C	128,90	224 26 00	B +	15 698,34	+ 62 007,07	
C D	39,94	235 43 20	C +	15 608,10	+ 61 915,03	
D E	28,15	237 57 30	D +	15 575,10	+ 61 892,53	
E F	39,90	241 01 20	E +	15 551,23	+ 61 877,60	
F G	182,93	243 01 00	F +	15 516,33	+ 61 858,27	
G H	86,77	240 04 20	G +	15 353,31	+ 61 775,26	
H J	18,52	330 04 20	H +	15 278,11	+ 61 731,98	
J K	15,41	60 04 20	J +	15 268,87	+ 61 748,03	
K L	27,50	78 07 20	K +	15 282,23	+ 61 755,72	
L M	45,46	60 04 20	L +	15 309,14	+ 61 761,38	
M N	183,01	63 01 00	M +	15 348,54	+ 61 784,06	
N O	39,46	61 01 20	N +	15 511,63	+ 61 867,10	
O P	27,69	57 57 30	O +	15 546,15	+ 61 886,22	
P Q	38,76	55 43 20	P +	15 569,63	+ 61 900,91	
Q R	127,04	44 26 00	Q +	15 601,65	+ 61 922,74	
R S	14,22	34 30 00	R +	15 690,59	+ 62 013,45	
S A	10,02	120 28 30	S +	15 698,65	+ 62 025,17	
		Stel 2	△ +	15 524,43	+ 59 631,35	
		Stel 7	△ +	14 377,22	+ 62 509,37	

Description of Beacons.

- A B J K L M N O P Q R S --- Iron fencing standard
- C D E F G --- 16mm iron peg
- H --- Heavy rail section corner fence post



The figure A B C D E F G H J K L M N O P Q R S represents 5442 square meters of land being a Servitude Right of Way over the Farm 1166 situate in the Administrative District of Stellenbosch Province of Cape of Good Hope. Surveyed in May 1985 by me.

Hans J. Volkmann
Land Surveyor

This diagram is annexed to No. <i>K 401/92^S</i> dated i.f.o. Registrar of Deeds	The original diagram is No. 8786/83 annexed to C.C.T. No. 1985-145-7290	File No. Stel. 1166 S.R. No. E 1433/85 Comp. BH-80CD (3785) Boundary AS established
--	---	--

ORIGINAL @ Gift

DEED OF TRANSFER

Number: T7591/2002

passed in favour of

MOUNTAIN BREEZE FARMS (PTY) LIMITED

**GETZ HYAMS SURDUT
2nd FLOOR, 62 STRAND STREET
CAPE TOWN
Phone: 021 419-0846
Telefax: 021 418-2111**

GETZ HYAMS SURDUT

26

TELE: 4140846

CTN 026

Prepared by me,

CONVEYANCER
SURDUT, B-Z

GRANTED DUTY	From _____
FOCI FEE	R. 500,00

DEED OF TRANSFER

T 007591 / 2002

Be it hereby made known:

THAT BEN-ZION SURDUT

appeared before me, Registrar of Deeds at CAPE TOWN he, the said Appearer,
being duly authorised thereto by a Power of Attorney granted to
him by

LOUW'S BOS (PROPRIETARY) LIMITED
Company No. 1983/010097/07

dated the 05th day of DECÉMBER 2001, and signed at CAPE TOWN.

And/...

2.

And the said Appearer declared that on the 1ST day of November 2001 his Principal aforesaid sold the following property to the undermentioned Transferee by Private Treaty and that he in his capacity aforesaid did, by these presents, cede and transfer, to and on behalf of

MOUNTAIN BREEZE FARMS (PROPRIETARY) LIMITED

Company No. 2001/014847/07

Its, Administrators or Assigns, in full and free property

REMAINDER FARM NO. 1166 situate in the Municipality and Division of Stellenbosch, Western Cape Province;

IN EXTENT: eight one comma seven nought two four (81,7024) hectare;

FIRST REGISTERED AND STILL HELD by Certificate of Consolidated Title No. T7290/85 with Diagram No. 8786/83 relating thereto;

A. SUBJECT to the conditions referred to in Deed of Transfer No. T1064/1941

B. FURTHER SUBJECT to the conditions referred to in the Deed of Grant dated 12 December 1890 (Stellenbosch Freeholds Vol 6 No.4) issued in terms of the provisions of Act 14 of 1887, which reads as follows:-

1. That all roads and throughfares now existing on the land hereby granted whether they are described in the diagram or not shall remain free and uninterrupted.

C. SUBJECT /...



C. **SUBJECT FURTHER** to the conditions imposed in the said Deed of Grant dated 12 December 1890 (Stellebosch Freeholds Vol 6 No. 4) which reads as follows:-

Subject, however, to all such duties and regulations as are either already or shall in future be established with regard to such lands.

D. **SUBJECT FURTHER** to the conditions referred to in the endorsement dated 5 June 1950 on the said Deed of Transfer No. T1064/1941 which reads as follows:-

By Deed of Transfer No. 7800 dated 1950 Portion 2 thereby transferred is entitled to the benefit of a condition that the owners of the said remainders shall not have the right to erect any building or structure on such remainders within 100 yards of the eastern boundary of the said Portion 2, as will more fully appear on reference to the said Deed of Transfer.

E. **SUBJECT FURTHER** as to the component marked ABCDEFGHJKLR on the said diagram No. 8786/83 in terms of the provisions of the endorsement dated 22 February 1967 on said Deed of Transfer No. T1064/1941 which reads as follows:-

ENDORSEMENT IN TERMS OF SECTION 31(6) OF ACT NO 47 OF 1937 (AS AMENDED)

The herienmentioned property in extent approximately 2,87 morgen, has been expropriated by the Divionsal Council of Stellenbosch in terms of Section 130 of Ordinance 15 of 1952 as amended. Vide Notice of Expropriation No H/9/3 dated 1.6.1965 filed as exprop. caveat 760/65, plans in duplicate filed herewith.

F. By /...

F. By Notarial Deed of Servitude No. K401-92S the property held hereunder is subject

1. to a servitude of way in extent 5442 square metres in favour of
 - (1) the remainder of the Farm No. 528 in the Municipality and Division of Stellenbosch in extent 8,8315 hectares held by Deed of Grant dated 29 June 1891 (Stellenbosch Freeholds Vol. 6 No. 6) and
 - (2) the remainder of the Farm No. 529 in the Municipality and Division of Stellenbosch in extent 86,7292 hectares held by Deed of Grant dated 12 December 1890 (Stellenbosch Freeholds Vol. 6 No. 4)

which servitude right of way is represented by the figure

ABCDEFGHJKLMNOPQRS on Servitude Diagram No. 4534/85

annexed to the abovementioned notarial deed of servitude;

2. to a servitude borehole in a circular servitude area one metre in diameter in favour of the farms described in Paragraphs 1.(1) and (2) above, the center of which circular servitude area is represented by the point A on Servitude Diagram No. 8743/87 annexed to the abovementioned Notarial Deed of Servitude.
3. to a servitude pipeline one metre wide in favour of the farms described in Paragraphs 1.(1) and (2) above, the center of which servitude pipeline is represented by the line AB on Servitude Diagram No. 8743/87 annexed to the abovementioned notarial deed of servitude.

As /...

as will more fully appear from the abovementioned Notarial Deed of Servitude and Servitude Diagrams Nos.4534/85 and 8734/87 thereto annexed.

G. By virtue of Notarial Deed of Servitude No. K 831/96, the withinmentioned immovable property is entitled to a waterpipeline servitude two metre wide. The east side of the servitude indicated by the line ABCDEFGg on the Servitude Diagram No. 8652/89 over the Remainder of the Farm No. 1291 Stellenbosch in Extent 25,4639 hectares and Held By virtue of Certificate of Consolidated Title No. T12058/90. As will more fully appear from the said Notarial Deed.

H. By Notarial Deed of Servitude No. K 832/96 is the withinmentioned property subject to :-

(i) A servitude borehole in the circular servitude area one metre in diameter, the center of which circular servitude area is represented by the point C on Servitude Diagram No. 8743/87 Annexed hereto and

(ii) A servitude pipeline one metre wide, the center line of which servitude pipeline is represented by the line CD on servitude Diagram No. 8743/87 annexed hereto

IN FAVOUR OF Remainder of the Farm No. 1291 Stellenbosch meas:-
25, 4639 ha, Held by Certificate of Consolidated Title No. T12058/90

As will more fully appear from the said Notarial Deed.

WHEREFORE/...

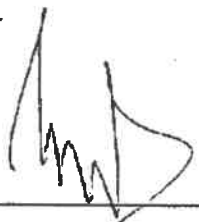


6.

WHEREFORE the Appearer, renouncing all the Right and Title which the TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the TRANSFEROR to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these Presents, the said TRANSFEREE, its Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, The State, however, reserving its rights, and finally acknowledging the TRANSFEROR to be satisfactorily paid the whole of the purchase money amounting to the sum of R6 000 000,00 (SIX MILLION RAND)

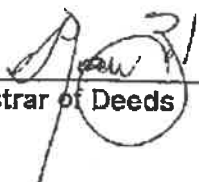
In witness whereof, I, the said Registrar of Deeds, together with the Appearer, q.q., have subscribed to these Presents and have caused the Seal of Office to be affixed thereto.

Thus done and executed, at the Office of the Registrar of Deeds at CAPE TOWN on the 5 day of February in the Year Two Thousand and Two (2002).



q.q.

In my presence



Registrar of Deeds



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE PLANNING APPLICATION FORM 2017

(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)	Bradley Bruce				
Surname	Simpson				
Company name (if applicable)					
Postal Address	Po Box 34				
	Pniel	Postal Code	7681		
Email	bradleybsimpson13@gmail.com				
Tel	021 885 1824	Fax		Cell	074 359 3786

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	Mountain Breeze Farms (Pty) Ltd.				
Physical address	R44, Strand Road				
		Postal code	7600		
E-mail	bevan@zetler.co.za				
Tel		Fax		Cell	082 445 4070

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Farm 1166	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	off R44, Strand Road						
Current Zoning	Agriculture and Rural Zone	Extent	81.70ha. m ² / ha	Are there existing buildings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N

Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law									
Current Land Use	Agriculture, Tourist Facility									
Title number and date	T		7591/2002							
Attached Conveyance's Certificate	Y	<input checked="" type="checkbox"/>	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	Y	<input checked="" type="checkbox"/>	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	<input checked="" type="checkbox"/>	Is the building older than 60 years?	Y	<input checked="" type="checkbox"/>	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use??				Y	<input checked="" type="checkbox"/>		
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?				Y	<input checked="" type="checkbox"/>		

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	N	If Yes, please attach the minutes of the pre-application consultation.
--	-------------------------------------	---	--

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> ³
	15(2)(a) Rezoning of Land
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
X	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;

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 have 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)

³ <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>

	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	15(2)(g) a permission required in terms of the zoning scheme;
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
	15(2)(n) a closure of a public place or part thereof;
X	15(2)(o) a consent use contemplated in the zoning scheme;
	15(2)(p) an occasional use of land;
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) Amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws;	R
	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; data messages	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

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

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

BANKING DETAILS

Name: Stellenbosch Municipality
 Bank: NEDBANK
 Branch no.: 198765
 Account no.: 1152271679
 SWIFT: NEDSZAJJ
 Payment reference: Farm 1166
 (Erf/Farm number)

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Mountain Breeze Farms (Pty) Ltd.
Postal Address	P.O. Box 12714, Die Boord
Vat Number (where applicable)	4260221355

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:

Application is made in terms of Section 15(2)(c) and (o) for a to allow for a Bicycle Shop and boutique wine shop within an existing building on the property.

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

<input checked="" type="checkbox"/>	N	Power of attorney / Owner's consent if applicant is not owner		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bondholder's consent (if applicable)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of any other relevant right held in the land concerned	
<input checked="" type="checkbox"/>	N	Written motivation pertaining to the need and desirability of the proposal		<input checked="" type="checkbox"/>	N	S.G. diagram / General plan extract (A4 or A3 only)	
<input checked="" type="checkbox"/>	N	Locality plan (A4 or A3 only) to scale		<input checked="" type="checkbox"/>	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed subdivision plan (A4 or A3 only) to scale		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of agreement or permission for required servitude	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of payment of application fees		<input checked="" type="checkbox"/>	N	Proof of registered ownership (Full copy of the title deed)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conveyancer's certificate		<input checked="" type="checkbox"/>	N	Minutes of pre-application consultation meeting (if applicable)	
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Street name and numbering plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Landscaping / Tree plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Home Owners' Association consent
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	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)	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Services Report or indication of all municipal services / registered servitudes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Copy of original approval and conditions of approval	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Proof of failure of Home owner's association
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Proof of lawful use right	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Any additional documents or information required as listed in the pre-application consultation form / minutes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Required number of documentation copies	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	A Other (specify)

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

Y	<input checked="" type="checkbox"/>	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))		
			Y	<input checked="" type="checkbox"/>	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	<input checked="" type="checkbox"/>	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<input checked="" type="checkbox"/>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	<input checked="" type="checkbox"/>	National Water Act, 1998 (Act 36 of 1998)
Y	<input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	<input checked="" type="checkbox"/>	Other (specify)
Y	<input checked="" type="checkbox"/>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	<input checked="" type="checkbox"/>	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.			

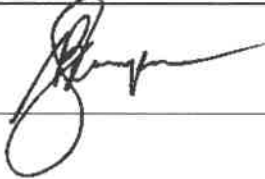
SECTION I: DECLARATION

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.

Applicant's signature:		Date:	12-08-2021
Full name:	<u>Bradley Bruce Simpson</u>		
Professional capacity:	<u>Town Planner</u>		

FOR OFFICE USE ONLY

Date received: _____	
Received By: _____	



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Bradley Simpson
By email: Bradleybsimpson13@gmail.com

23 July 2021

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK

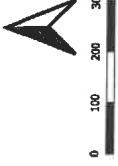
APPLICATION FOR TEMPORARY DEPARTURE – FARM No. 1166, R44, STELLENBOSCH DIVISION

1. Your pre-application scrutiny submission on the above property dated **16 July 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use and land development application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB] and you may proceed to submit for consideration a corresponding application.
 - 3.1 **Applicant must indicate the total size of the existing tourist facilities on the subject property.**
 - 3.2 **Applicant to rectify the proposed application to be for Consent Use for a Tourist Facility, taking into consideration the size limit of the tourist facilities on the entire land unit as stipulated on Section 209(6) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.**
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that 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. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Nopinki Dafeti
Town Planner

Page 1 of 2



TOWN AND REGIONAL PLANNING CONSULTANT
 SACPLAN REG.:CR210/2020
 14 ADAMS STREET, KYLENMORE, STELLENBOSCH, 7601
 CELL: 074 353 3766, TEL: 021 885 1924
 EMAIL: bredley@bbsplan13@gmail.com

CLIENT: MOUNTAIN BREEZE FARMS (PTY) LTD.

PROJECT NAME: CONSENT USE APPLICATION
 REMAINDER FARM 1166
 STELLENBOSCH

DRAWING TITLE / NUMBER:

LOCALITY MAP

PROJECT NO.	DRAWN BY
STB/F/1166	BBS
SCALE	DATE
1:5 000	30-07-2021

FOR DISCUSSION

