

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

Property address : Watervliet Farm, Jonkershoek Valley Stellenbosch  
Property number : Farm 345/5  
Applicant : Emile van der Merwe Town Planning Consultants  
Owner : Johan Meyer Trust  
Application reference : LU/12093  
Application type : Removal of title deed condtion

**Detailed description of land use or development proposal:**

Application in terms of Section 15 (2) (f) of the Stellenbosch Municipal Land Use Planning By-Law (2015) for the removal of a restrictive title deed condition (condition E1) in order to provide the owner with an opportunity to pursue additional and consent use rights such as a tourism facility within the approved building to diversify the farm income on Farm 345/5 Stellenbosch.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **(Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za)**

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **15 March 2021**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (021-8865050/0845566461) during normal office hours.

Yours faithfully

**EMILE VAN DER MERWE**

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

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

Adres van aansoek eiendom	:	Watervliet, Jonkershoekvallei, Stellenbosch
Aansoek eiendom beskrywing	:	Plaas 345/5
Aansoeker	:	Emile van der Merwe Stadsbeplannings konsultante
Eienaar	:	Johan Meyer Trust
Aansoek verwysing	:	LU/12093
Tipe aansoek	:	Opheffing van titelvoorwaarde

## Besonderhede van die grondgebruiksaansoek

Aansoek in terme van Artikel 15 (2) (f) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning (2015) vir die verwydering van 'n beperkende voorwaarde (voorwaarde 2.1) ten einde die eienaar te geleentheid te bied om addisionele en vergunningsgebruik opsies (bv. 'n toerismefasiliteit) binne die goedgekeurde gebou te ondersoek as diversifisering van die plaasinkomste op Plaas 345/5 Stellenbosch.

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 tydspan van die publieke deelname proses by die volgende adres: [<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie 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: (Emile van der Merwe Stadsbeplanning Konsultante/emilevdm@adept.co.za. 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 **15 Maart 2021**. Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermeldde 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 vermeldde elektroniese pos adres of telefonies by (021-8865050/0845566461 gedurende normale kantoor ure.

Die uwe

**EMILE VAN DER MERWE**



**EMILE VAN DER MERWE**  
town planning consultants

2020-10-22

My ref: Farm 345/5 Stellenbosch

Stellenbosch Municipality  
Department Planning and Development  
PO Box 17  
**STELLENBOSCH**  
7599

Dear Sir/Madam

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: PORTION 5 OF FARM 345  
STELLENBOSCH**

**Included hereby please find the following :**

Application in terms of Section 15 (2) (f) of the Stellenbosch Municipal Land Use Planning By-law (2015) for the removal of a restrictive title deed condition (Condition E1) as contained in the Deed of Title no T24603/2005.

The application follows on the Pre-application scrutiny feedback as provided by your department that is attached as Appendix 5 of the submission document).

Can you please provide this office with the necessary invoice in respect of the application fees.

Yours faithfully

**EMILE VAN DER MERWE**

**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

Doornbosch Centre | Strand Road | PO Box 204 | Stellenbosch 7599  
Tel: 021 - 886 5050 | Fax: 021 - 883 8965 | Email: emilevdm@adept.co.za

EvdM Town Planning Services CC Reg. No. 2005/162249/23  
Emile van der Merwe URP(SA) B. Hon. M(URP) MSAPI

APPLICATION FOR REMOVAL OF TITLE DEED CONDITION: PORTION 5 OF FARM  
345, STELLENBOSCH

**PREPARED BY**



**EMILE VAN DER MERWE**  
town planning consultants

**1. BRIEF**

Emile van der Merwe Town Planning Consultants have been appointed by the trustees of the Johan Meyer Trust, the registered owner of Portion 5 of Farm 345 Stellenbosch Division, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- APPLICATION IN TERMS OF SECTION 15 (2) (F) OF STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) FOR THE REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION (CONDITION E1) AS CONTAINED IN THE DEED OF TITLE NO T24603/2005.

**2. LOCATION**

Watervliet Farm is located approximately 5km to the east of Stellenbosch Town in the Jonkershoek Valley. A location map is provided as **Appendix 1**. The cadastral boundaries of the property is shown on the map below.

**CADASTRAL LAYOUT**



**3. OWNERSHIP**

The application property is owned by the trustees of the Johan Meyer Trust as held by Deed of Transfer T 000024603/2005. A copy of the Title Deed is attached as **Appendix 2**.

The property in terms of the Title Deed is described as follows:

*"Portion 5 (Portion of Portion 2) of the Farm Glenconnor No 345 in the Municipality of Stellenbosch Division Stellenbosch Western Cape Province.*

The application property is 3,2386 ha in extent. The Surveyor – Diagram is attached as **Appendix 3**. The Trust resolution and power of attorney is attached **Appendix 4**.

**4. ZONING AND LAND USE**

The property is zoned Agricultural and Rural Zone in terms of the Stellenbosch Zoning Scheme By-Law (November 2019). The property is used in accordance with the primary zoning rights and comprises the following land uses (see map below).

- Dwelling house
- Outbuilding (storage and garages)
- Vineyards
- Olives



**5. APPLICATION**

APPLICATION IN TERMS OF SECTION 15 (2) (F) OF STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) FOR THE REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION (CONDITION E1) AS CONTAINED IN THE DEED OF TITLE NO T24603/2005.

The Title Deed condition read as follows:

"1. The land hereby conveyed shall be used for residential and/or agricultural purposes only and shall not be used for any commercial venture or undertaking of any description whatsoever.

**200. Purpose of the zone**

(1) The purpose of this zone is to make provision for:

- (a) the protection and preservation of agricultural land, rural landscapes and biodiversity;
- (b) use of land for purposes of bona fide agricultural production or conservation;
- (c) buildings and structures which may be erected for reasonable and normal agricultural purposes;
- (d) a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

**6. MOTIVATION**

As mentioned above, the property is zoned Agricultural and Rural zone in terms of the Stellenbosch Scheme By-Law (2019) which came into effect from November 2019 and replaced the previous LUPO Section 8 zoning scheme regulations. The purpose of this zone is to make provision for the following:

- The protection and preservation of agricultural land, rural landscape and biodiversity;
- Use of land for purposes of bona fide agricultural production or conservation;
- Building and structures which may be erected for reasonable and normal agricultural purposes;
- A limited range of other ancillary uses which may take place on agricultural land units, either as additional rights of with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land

owners, without adversely impacting on the primary use of the land for agricultural purposes.

The removal of the restrictive titled deed condition will provide the owner with the opportunity to pursue additional and or consent use rights in accordance with the intention of the zoning scheme and within the development parameters determined by the specific zoning category.

The Municipality in terms of Section 33(5) of the Land Use Planning By-Law when considering an application for the removal, suspension or amendment of restrictive condition must have regard for the following:

**a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person of a dominant property**

In respect of the above your attention is drawn to the fact, notwithstanding the removal concerned the property zoning will remain Agricultural and Rural. The permitted additional and consent uses are still regulated by the applicable zoning scheme and with the approval of the Municipality. The application therefore will not result in inappropriate land uses to the detriment of the rural character and predominant land uses that prevail in the area.

The removal of the title deed condition that was imposed more than 60 years ago will have no financial value since any other form of activity or land use will be controlled and regulated by the zoning scheme by-law.

**(b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition**

The concerned title deed condition was imposed by Stanley Warton Fit the owner of the Remainder of Lot D Glenconnor during 1957. As mentioned above the zoning scheme regulations will remain applicable and the land use rights will be controlled by the zoning scheme regulations. The condition therefore has no personal benefit to the holder of the right.



**c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive title deed condition if it amended, suspended or removed**

The removal of the title deed condition will not create or result in the vesting of any new land use rights, since the latter is regulated by the provisions of the Stellenbosch Municipal Land Use Planning By-Law (2015) and Stellenbosch Zoning Scheme By-Law (2019). The removal of condition however will enable the owner of the property to apply in future for additional rights subject to the requirements of the operative town planning scheme.

**d) The social benefits of the restrictive condition remaining in place in its existing form**

The condition is in contradiction with the intention of the zoning scheme and there is no social benefit for it to remain in place.

**e) The social benefit of the removal, suspension or amendment of the constriction**

The removal of the condition will support the objectives of the national, provincial and local government with emphasis on local economic development.

**f) Whether the removal, suspension or amendment of the restrictive condition will completely remove the rights enjoyed by the beneficiary or only some of those rights**

The condition was imposed during 1957 and was carried over in the Title Deeds of the following subdivided portions of the Farm 345 (Glenconnor) that includes:

- Portion 2 of Farm 345
- Portion 4 of Farm 345
- Portion 5 of Farm 235
- Portion 6 of Farm 345
- Portion 7 of Farm 345
- Portion 8 of Farm 345
- Portion 9 of Farm 345

The removal of the conditions will not result in the removal of any rights since the zoning by-law will remain applicable and will ensure that no undesirable land uses are allowed in this area. It is also argued that the removal will not impact on the rights of the surrounding property owners to which the same restriction apply. Some of these properties are currently used for film making purposes, guest houses, self-catering units and bed-and breakfast facilities.

The removal of the title deed condition will not affect the rights of the beneficiary and will not impact negatively on the surrounding property owners. The said application will not create any additional and or new land use rights since the Agricultural and Rural Zoning will remain in place that is regulated by the provisions of the planning and zoning by-law.

### **STELLENBOSCH SPATIAL AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) AND LAND USE MANAGEMENT ACT, 2014 (LUPA)**

The above-mentioned Acts specifies that the decision making authority must be guided by the principles of spatial justice, spatial sustainability, efficiency, good administration and spatial resilience. The application will not impact on these principles as the zoning of the property and current land uses are not affected. It further does not impact the spatial development proposals contained in the approved Municipal Spatial Development Framework that was adopted during 2019. The Agricultural and Rural zoning of the property will not change and there is no development impact.

## **7. OTHER STATUTORY REQUIREMENTS**

### **7.1 Heritage Western Cape**

The application does not require authorisation in terms of the South African Heritage Resource Act, 1999.

### **7.2 Environmental Impact**

The application will not constitute any of the listed activities as set out in terms of the National Environmental Management Act, 1998 (NEMA).

**7.3 Subdivision of Agricultural Land Act, 1979**

The application does not require and is not subject to the provisions of the said Act.

**7.4 Road authority**

The application is not aimed to provide any additional land use rights and is not regulated by the provisions of Act 21 of 1940. The comment of the said department therefore on the removal of the conditions is not required.

**8. CONCLUSION**

The application under consideration is for the removal of the restrictive title deed condition that was imposed more than 60 years ago. The zoning scheme by-law of the municipality provides for some form of flexibility in terms of land use and offers owners the opportunity to apply to the Municipality to obtain additional land use rights. This is currently not possible given the restrictive condition imposed in the Deed of Title.

The removal of the conditions will not result in any new rights and the zoning of the property will remain the same. The current Agricultural and Rural Zoning is not affected and any other use will be regulated by the provisions of the planning and zoning by-law.

It is anticipated that the removal will not impact on the rights of the surrounding property owners to which the same restriction apply, since some these properties are currently used for film making purposes, guest houses, self-catering units and bed-and breakfast facilities.

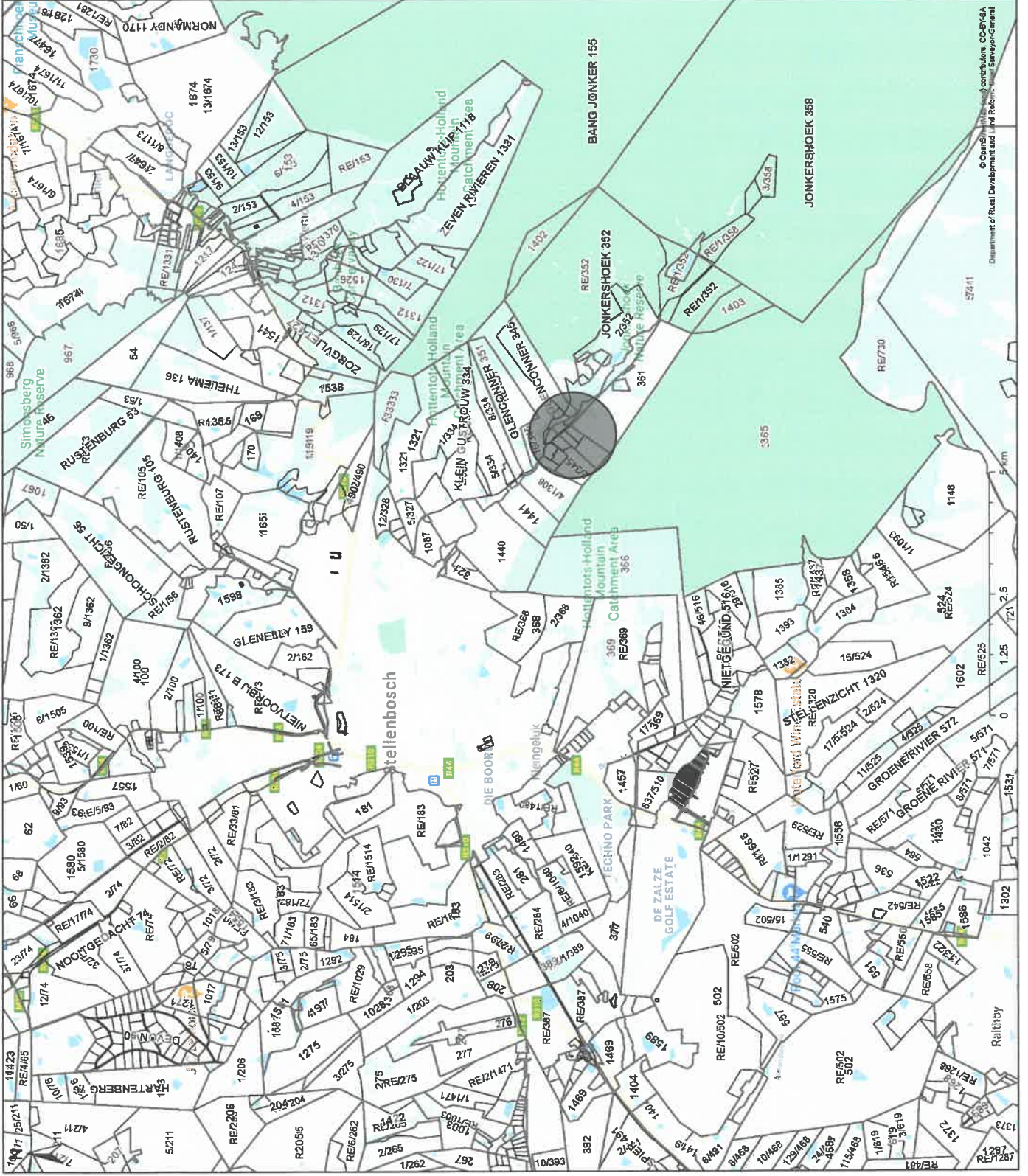
The current planning legislation in terms of SPLUMA, LUPA and the associated provincial and local planning policies and by-laws provides for sufficient planning criteria, assessment guidelines and zoning scheme parameters to prevent inappropriate and und undesirable land uses. The application for the removal of the respective title deed condition will not jeopardize the afore-mentioned and is in fact consistent and complies with the principles of sustainable development and resource management in a just and efficient manner.

In light of the above report it is trusted that your department will favourably consider the application on Portion 5 of Farm 345 Stellenbosch Division.

**APPENDIX 1**  
**LOCATION PLAN**

# LOCATION PLAN: PORTION 5 OF FARM 345

- Legend**
- Parent Farms
  - Farm Portions



Scale: 1:72 224

Date created: September 8, 2020

Compiled with CapeFarmMapper



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Department of Rural Development and Land Reform, Surveyor-General

**APPENDIX 2**

**TITLE DEED**

55  
DE KOCK & ASSOCIATES  
3rd Floor  
Somerset Centre  
121 Main Road  
Somerset West  
7130

Prepared by me

*Z. O'Connell*  
CONVEYANCER

O'CONNELL Z.

*S/ Sub*

*SUBJECT*  
*LOT 1*

<b>VERBIND</b>		<b>MORTGAGED</b>	
VIR FOR R		4 500 000,00	
<b>B</b>	000037730 / 2005	<i>[Signature]</i>	
01 APR 2005		REGISTRATEUR/REGISTRAR	

<b>FEE</b>
R 800,00

<b>T</b>	000024603 / 2005
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### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**ZELDA O'CONNELL**

**GREGG MARSHALL  
HUNTINGFORD**

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 STELLENBOSCH on 4  
FEBRUARY 2005 granted to him by

The Trustees for the time being of  
**WATERVLIE TRUST**  
No. T 1347/94

VIR ENDOSSEMENTE: KYK BLADSY  
FOR ENDORSEMENTS SEE PAGE ..... ET SEQ

**DATA / CAPTURED**  
14 APR 2005 11:4  
BOCKHOFF B  
CAL L MK

And the appearer declared that his said principal had, on 19 October 2004, 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:

**The Trustees for the time being of  
JOHAN MEYER TRUST  
No. IT 6480/96**

its Successors in Office or assigns,

PORTION 5 (PORTION OF PORTION 2) OF THE ~~CONSOLIDATED~~  
FARM GLENCONNOR NO 345  
IN THE MUNICIPALITY OF STELLENBOSCH  
DIVISION STELLENBOSCH  
PROVINCE OF THE WESTERN CAPE;

IN EXTENT 3,2386 (THREE COMMA TWO THREE EIGHT SIX)  
HECTARES

FIRST TRANSFERRED by Deed of Transfer Nr T 7830/1959 with Diagram Nr 853/50 annexed thereto and held by Deed of Transfer Nr T 55926/94.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer Nr T 872 dated 12 February 1935.
- B. By the reservation of water rights as contained in para H hereunder **NOT ENTITLED** to the benefit of the following condition contained in Deed of Transfer Nr T 7830, dated 5 June 1950:-

"That the said Georg Schenkel and his Successors-in-Title as owners of the said Portion 5 hereby transferred shall receive one-third of the water rights to which Lot D Glenconnor held by the said A.J. Chesterfield by Deed of Transfer No T9982 dated 17<sup>th</sup> August, 1943 is entitled and which rights are set out in Deed of Transfer No. T872 dated 12<sup>th</sup> February, 1935 as follows:-

That the land hereby conveyed shall be entitled to a pro rata share of the water accruing to and awarded to, the owners of the farm "Nectar" now called "Glenconnor" such pro rata share being as follows:-

3½ (three and one half) gallons per second during ten (10) hours on Tuesday, Wednesday and Thursday of each week – total of 30 (thirty) hours.

(Die bogemelde is 'n gedeelte van die waterregte waarna verwys word in die bevel van die Waterhof waarna verwys word in 'n endossement, gedateer 30 Januarie 1935 op Sertifikaat van Verenigde Title Nr. 3944 gedateer 6 Junie 1931.)

- C. **ENTITLED** to the benefit of the Servitude referred to in the endorsement dated 7 October 1953, on Deed of Transfer Nr T 7831 dated 5 June 1950, which endorsement reads as follows:-

"By Transfer Deed No T15692/53 dated 7<sup>th</sup> October, 1935 the within mentioned property is entitled to the benefit of certain conditions imposed



against Portion 1 of Lot A Glenconnor (in extent 2.3820 Morgen) thereby transferred relating to:-

1. A restraint against the owner of the said Portion 1 from disturbing the water rights of the within mentioned property.
2. Access to the Portion 1 to ensure compliance with Condition 1 above

As will more fully appear on reference to the said Transfer Deed."

- D. ENTITLED to the benefit of the Servitude referred to in the endorsement dated 22 September 1954 on Deed of Transfer Nr T 7831 dated 5 June 1950, which endorsement reads as follows:

"By Transfer Deed No. T15504 dated 22/9/1954 Portion 2 of the farm Lot A of Glenconnor thereby transferred is subject to a restriction prohibiting farming operations of an objectionable nature thereon in favour of the within described and certain two other properties as will more fully appear on reference to the said Transfer Deed."

- E. SUBJECT to the following special condition contained in Deed of Transfer Nr T 7913 dated 13 June 1957, imposed by Stanley Warton Fitt, as owner of the Remainder of Lot D Glenconnor, Portion of Glenconnor, situated in the Division of Stellenbosch, held by Deed of Transfer Nr T 10385 dated 19 June 1951:-

- "1. The land hereby conveyed shall be used for residential and/or agricultural purposes only and shall not be used for any commercial venture or undertaking of any description whatsoever, nor shall camping or picnicking be permitted for which a hire or charge is made or paid. In connection with the agricultural operations the Transferee or his Successors-in-Title, as owner of the property hereby conveyed, shall be permitted a maximum of one cow per morgen in respect of the land hereby conveyed.

No poultry or pig-farming shall be conducted or permitted on the land hereby conveyed or any portion thereof except for the domestic requirements of the Transferee or his Successors-in-title and his own family.

SUBJECT to and entitled to the benefit of the following special condition contained in Deed of Transfer Nr T 7913 dated 13 June 1957, imposed by Stanley Warton Fitt, as owner of the Remainder of Lot D Glenconnor, Portion of Glenconnor, situated in the Division of Stellenbosch, held by Deed of Transfer Nr T 10385/ dated 19 June 1951, as rectified by Proclamation P.K. 543/92 dated 23 October 1992:-

"No byres, stables, pigsties or fowl-houses shall be built or maintained by the Transferor or his Successors-in-Title as owner of the Remaining Extent of Lot D, Glenconnor aforesaid or by the Transferee or his Successors-in-title as owner of the land hereby conveyed at a closer distance than 70,84 metres from the boundary of the land hereby conveyed which is represented by the line a' a f e d c on diagram No. 853/50 of the land hereby conveyed."

- G. By the reservation of water rights referred to in para H hereunder NOT ENTITLED to the benefit of the following special condition contained in Deed of Transfer nr T 7913 dated 13 June 1957, imposed by Stanley Warton Fitt, as owner of Glenconnor, situated in the Division of Stellenbosch, held by Deed of Transfer Nr T 10385 dated 19 June 1951:-

"The hours during which the land hereby conveyed shall be entitled to a third (1/3<sup>rd</sup>) of the water rights more fully described in Condition B above set out shall be from 6 a.m. to 12 noon and 3 p.m. to 7 p.m. on Thursday of each week."

- H. FURTHER SUBJECT to the following special conditions imposed by JAN RYMOND DIRK BOUMA as Transferror and JOHANNES PETRUS VAN ZYL in his capacity as Trustee of the WATERVLIET TRUST, NO: T 1347/94 as Transferee, as agreed upon with the sale of the abovementioned property, namely:

**VOORBEHOUD VAN WATERREGTE, SERWITUUT REG VAN WEG EN VAN WATERLEIDING**

1. Die eiendom hierkragtens verkoop word sonder enige waterregte hoegenaamd, waarop die eiendom geregtig mag wees deur die Verkoper (transportgewer) aan die Koper (transportnemer) verkoop, welke regte deur die transportgewer voorbehou word ten gunste van

**GEDEELTE 6 ('n Gedeelte van Gedeelte 2) van die Gekonsolideerde plaas Glenconnor No 345 in die Afdeling Stellenbosch;**

2. Die Verkoper, as geregistreerde eienaar van

**GEDEELTE 6 ('n Gedeelte van Gedeelte 2) van die Gekonsolideerde plaas Glenconnor No 345 in die Afdeling Stellenbosch**

behou die ondergemelde grondserwitute voor oor die eiendom hierkragtens verkoop ten gunste van bogemelde eiendom, synde:

- 2.1 'n reg van weg 5 (vyf) meter wyd oor die eiendom hierkragtens verkoop ten einde die transportgewer of sy opvolgers in titel, met gebruik van 'n motorvoertuig, toegang te verleen tot die Eerste rivier, die roete van welke reg van weg deur tussen beide die transportgewer, of sy opvolgers in titel en die transportnemer of sy opvolgers in titel bepaal sal word na oorleg met mekaar;
- 2.2 'n reg van watertrekking, waterpypeleiding, elektriese kabellegging en elektriese waterpompstasie binne die voormelde serwituutgebied van reg van weg ten einde die transportgewer of sy opvolgers in titel in staat te stel om 'n ondergrondse waterpypeleiding en ondergrondse elektriese kabel te lê oor die eiendom hierkragtens verkoop binne die voormelde serwituutgebied van reg van weg; 'n elektriese waterpompstasie op te rig en die ondergrondse

waterpypeleiding, ondergrondse elektriese kables asook die elektriese waterpompstasie in stand te hou;

- 2.3 die ligging van die roete van die reg van weg verwys na in klousule 14.2.1 hierbo; die aard, grootte, ligging, visuele impak en estetiese voorkoms van die elektriese waterpompstasie verwys na in 14.2.2 hierbo sal te alle tye onderworpe wees aan die skriftelike toestemming van die transportnemer of sy opvolgers in titel, welke toestemming nie onredelik weerhou sal word nie en by gebrek aan konsensus tussen die transportgewer en die transportnemer of hul opvolgers in titel met betrekking tot enige aspek rakende hierdie serwituutregte sal die beslissing van 'n argitek aangewys deur die Suid-Afrikaanse Instituut van Argitekte, of enige liggaam wat sodanige Instituut vervang, welke argitek sy funksie as 'n deskundige en nie as 'n arbiter sal uitoefen nie, finaal, bindend en afdwingbaar wees op die transportgewer en die transportnemer asook hul opvolgers in titel;



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

**The Trustees for the time being of  
WATERVLIET TRUST  
No. T 1347/94**


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

**The Trustees for the time being of  
JOHAN MEYER TRUST  
No. IT 6480/96**

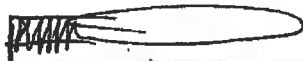
its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 470 000,00 (FOUR MILLION FOUR HUNDRED AND SEVENTY THOUSAND RAND).

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 1 April 2005 ~~2004~~

  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS



**APPENDIX 3**  
**SG DIAGRAM**

S. G. No. 853/50

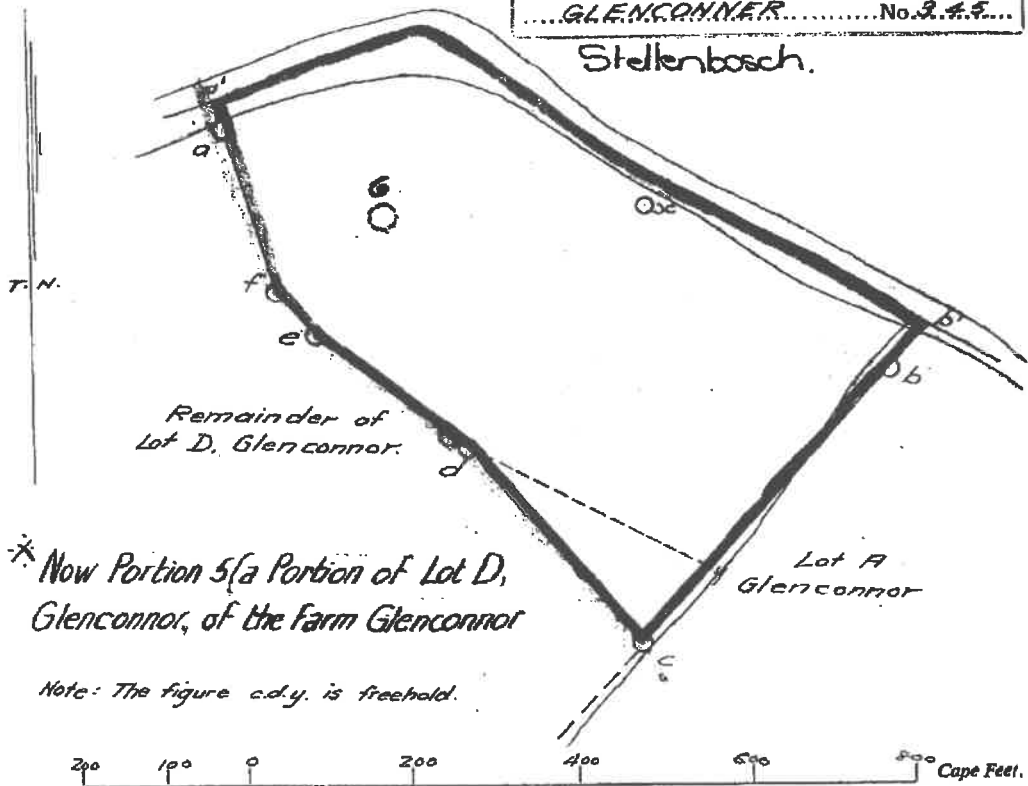
SIDES Cape Feet	ANGLES of direction	CO-ORDINATES	
		Const. -125000.0g + 5000.0z	
axc	521.05 282. 5. 10	a	- 2453.97 + 2807.28
xb	359.49 306. 40. 30	x	- 2963.47 + 2916.36
bc	452.50 42. 42. 40	b	- 3251.79 + 3191.07
cd	321.01 140. 48. 30	c	- 2944.87 + 3463.57
de	236.02 128. 18. 10	d	- 2742.02 + 3214.78
ef	68.99 142. 31. 50	e	- 2556.80 + 3068.49
fa	215.25 163. 34. 30	f	- 2514.83 + 3013.73
aa	35.00 163. 34. 30		
bb	70.00 42. 42. 40		

Approved

*Edmund Edmund*  
Surveyor-General.

Beacons:  
a.d. 1/2" pegs alongside fence standards.  
b. 1/2" peg alongside flat iron  
c. Rail  
e.f. Fence standard pegs.  
x. 1/2" peg in cairn of stones.

Portion...5.....(.....)  
(a portion of Portion...2.....) of the farm  
GLENCONNOR.....No.345...



\* Now Portion 5 (a Portion of Lot D, Glenconnor, of the Farm Glenconnor

Note: The figure c.d.y. is freehold.

The figure a.d. centre of stream b.b.c.d.e.f. represents 3.7810 Morgen square Feet of land being

5 (a portion of Lot D, Glenconnor) of the Farm Glenconnor.

situate at Jonkers Hoek  
Division of Stellenbosch

Province of Cape of Good Hope.

Surveyed in April, 1949. by me

*P.A. Boye*  
Land Surveyor.

This diagram is annexed to D/T. 7830/1950.

The original diagram is No. 4525/1934 annexed to D/T 1935-17-872. S.R. 13-13.

S.G. File No. 5/10389  
S.R. No. E. 1022/49.  
BH-80d

In favour of

Registrar of Deeds

**APPENDIX 4**  
**RESOLUTION AND POWER OF ATTORNEY**

**TRUST RESOLUTION**

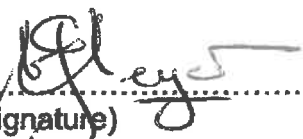
**JOHAN MEYER TRUST  
IT 6480/1996**

***RESOLUTION PASSED BY THE TRUSTEES***

JOHAN MEYER TRUST, the registered owner of Portion 5 of Farm 345 Stellenbosch Division, as held by Deed of Transfer T 000037730/2005 hereby nominate Mr. Johan Meyer (Trustee) to sign and act on behalf of the Trust pertaining to the application for the removal of a restrictive title deed condition to be submitted in terms of Section 15 (2) (f) of the Stellenbosch Municipal Land Use Planning By-Law(2015)..

Date: 25 August 2020

**Trustee**

:   
.....  
(Signature)



## **POWER OF ATTORNEY**

**JOHAN MEYER TRUST**, the registered owner of Portion 5 of Farm 345  
STELLENBOSCH

Do hereby nominate, constitute and appoint

**Emile van der Merwe Town Planning Consultants**

With the power of substitution, to be my/our lawful Agent in my/our name, place and  
stead and to make the necessary application for the following

- **APPLICATION FOR REMOVAL/AMENDMENT OF RESTRICTIONS (CONDITION E1) IN TERMS OF SECTION 15 (2) (F) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW**

On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes 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(s) shall lawfully do, or cause to be done ; by virtue of these present.

SIGNED AT STELLENBOSCH ON THIS 25<sup>th</sup> DAY OF AUGUST 2020.

  
**JOHAN MEYER**  
TRUSTEE

**APPENDIX 5**  
**PRE APPLICATION SCRUTINY FEEDBACK**

## Emile van der merwe

---

**From:** Nopinki Dafeti <Nopinki.Dafeti@stellenbosch.gov.za>  
**Sent:** 02 October 2020 01:01 PM  
**To:** 'Emile van der merwe' (emilevdm@adept.co.za)  
**Subject:** Farm 345/5, Stellenbosch Division - ROR pre-application scrutiny  
**Attachments:** Farm 345ptn5, Stellenbosch.docx

Dear Emile,

Please find attached feedback on the above application.



*Kind regards,*

**Nopinki Dafeti**

Town Planner

**Planning & Economic Development**

---

T: +27 21 808 8640 | Fax: +27 21 886 6899

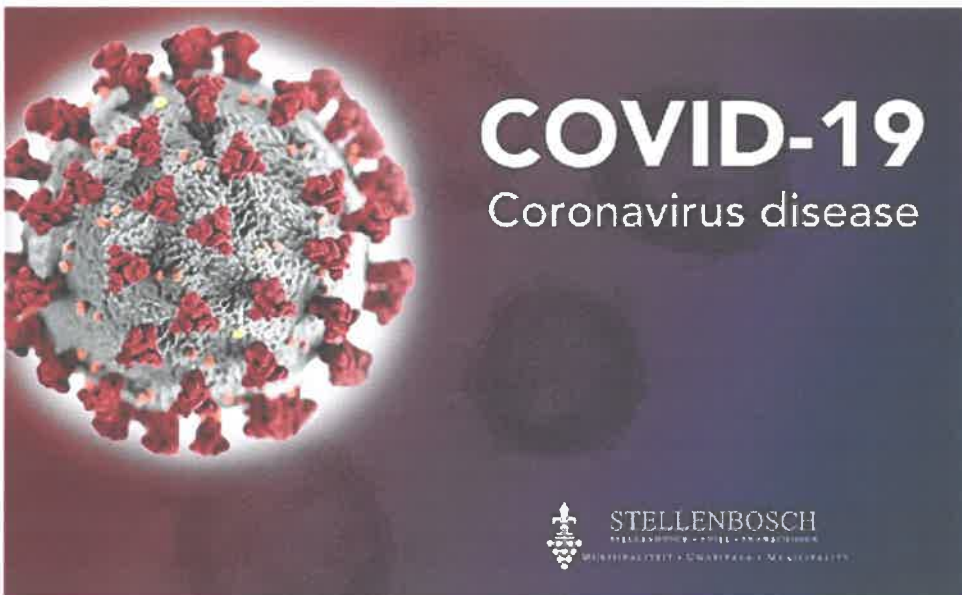
43 Andringa Street, Eikestad Mall, 3<sup>rd</sup> floor

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

<https://www.stellenbosch.gov.za/planning>



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:  
[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)



Visit the dedicated COVID-19 page on our municipal website for information on this disease:  
<https://www.stellenbosch.gov.za/documents/general>



Emile van der Merwe  
PO Box 204  
**STELLENBOSCH**  
7599

2 October 2020

**SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK**

**APPLICATION FOR REMOVAL OF RESTRICTIONS – FARM No. 345/5, JONKERSHOEK ROAD,  
STELLENBOSCH DIVISION**

1. Your pre-application scrutiny submission on the above property dated **17 September 2020**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended 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.
4. The intended land development application 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/planningportal>)
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  
[Nopinki.Dafeti@stellenbosch.gov.za](mailto:Nopinki.Dafeti@stellenbosch.gov.za)

**APPENDIX 6**  
**APPLICATION FORM**



# 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)	Emile				
Surname	van der Merwe				
Company name (if applicable)	Emile van der Merwe Town Planning Consultants				
Postal Address	PO Box 204				
	Stellenbosch	Postal Code	7599		
Email	emilevdm@adept.co.za				
Tel	021 886 5050	Fax	021 8838965	Cell	0845566461

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

Registered owner(s)	Johan Meyer Trust				
Physical address	p/a 9 Papegaai Street				
	Stellenbosch	Postal code	7600		
E-mail	johan@remey.co.za				
Tel	021-8832616	Fax	021-8832619	Cell	

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

Erf / Erven / Farm No.	Farm 345	Portion(s) if Farm	5	Allotment area	Stellenbosch	
Physical Address	Watervliet Farm					
	Jonkershoek Valle					
	Stellenbosch					
Current Zoning	Agricultural and Rural	Extent	3.3286 ha m <sup>2</sup> / ha	Are there existing buildings?	y	N

Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law (2019)										
Current Land Use	Agricultural										
Title Deed number and date	T	24603/2005									
Attached Conveyance's Certificate	Y	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate <b>-Condition E1</b>								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	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)?				N	If yes, is this application to legalize the building / land use <sup>2</sup> ?			Y	N		
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	
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?				N	If Yes, please attach the minutes of the pre-application consultation.						
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>											
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>											
<b>Tick</b>	<b>Type of application: Cost are obtainable from the Council Approved tariffs<sup>3</sup></b>										
	15(2)(a) Rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the 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;										

<sup>1</sup> 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

<sup>2</sup> 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)

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

X	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;
	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
<b>TOTAL A:</b>	<b>R</b>

**PRESCRIBED NOTICE AND FEES\*\* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; data messages	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
		<b>TOTAL B:</b>	<b>R</b>
		<b>TOTAL APPLICATION FEES*</b> <b>(TOTAL A + B)</b>	<b>R</b>

\* 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:  
 (Erf/Farm number) .....



<b>DETAILS FOR INVOICE</b>	
Name & Surname/Company name (details of party responsible for payment)	EVDM Town Planning Services
Postal Address	PO Box 204
Vat Number (where applicable)	4740239944

**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/>					

<b>Brief description of proposed development / intent of application:</b>
See motivation attached

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

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

Y	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))		
			Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
			Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
			Y	N/A	National Water Act, 1998 (Act 36 of 1998)
			Y	N/A	Other (specify)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	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**

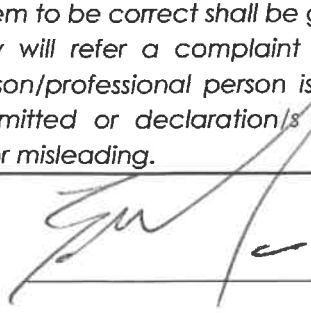
*I hereby wish to confirm the following :*

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.

Applicant's signature: \_\_\_\_\_



Date: \_\_\_\_\_

2020-10-22

Full name: \_\_\_\_\_

EMILE VAN DER MERWE

Professional capacity: \_\_\_\_\_

PROFESSIONAL PLANNER A1149/1996

**FOR OFFICE USE ONLY**

Date received: \_\_\_\_\_

Received By: \_\_\_\_\_

