

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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

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

Application Property Address: Nootgedacht Farm, R304, Koelenhof Road, Stellenbosch
(±6km north-west of Stellenbosch)

Application Property Number: Portion 2 of the Consolidated Farm Nootgedacht No. 74
Stellenbosch

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

Owner: The Fritz Wirth Trust

Application Reference: LU/14376 (TP31/2022)

Application Type:

Application is made in terms of **Section 15(2)(o)** of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the following **Consent Uses** on **Portion 2 of the Consolidated Farm Nootgedacht No. 74 Stellenbosch Division**:

- **Tourist facilities** for a function venue and receptions inside an existing building (±1160m²) on the farmstead and outside lawn area (±1000m²) with a **maximum** capacity of 300 guests;
- **Tourist accommodation establishment** for a guest accommodation inside existing buildings with a maximum capacity of 20 guests in total;
- To operate a **day care centre** within an existing dwelling (±90m²); and
- **Occasional use** (>one event/year).

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

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

- The comments must be made in writing;

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

The comments must be addressed to the applicant by electronic mail as follows: P-J le Roux Town Planners Pty Ltd (pi@pileroux.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **4 November 2022**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (076-301-7607 / 021-872-2499) during normal office hours (Monday to Friday: 08:00 – 17:00).

Yours faithfully

P-J LE ROUX TOWN PLANNERS PTY LTD



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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

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

Adres van aansoek eiendom: Nooitgedacht Plaas, R304, Koelenhof Pad, Stellenbosch (±6km noord-wes van Stellenbosch)

Aansoek eiendom beskrywing: Gedeelte 2 van die Gekonsolideerde Plaas Nooitgedacht No. 74 Stellenbosch

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

Eienaar: The Fritz Wirth Trust

Aansoek Verwysing: LU/14376 (TP31/2022)

Tipe Aansoek:

Aansoek word gedoen ingevolge **Artikel 15(2)(o)** van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 vir die volgende **Vergunningsgebruik op Gedeelte 2 van die Gekonsolideerde Plaas Nooitgedacht No. 74 Stellenbosch:**

- **Toeristefasiliteite** vir 'n funksielokaal en onthale binne 'n bestaande gebou (±1160m²) op die plaasopstal en buite grasperkarea (±1000m²) met 'n maksimum kapasiteit van 300 gaste;
- **Toeriste-akkommodasie**-instansie vir 'n gaste-akkommodasie binne bestaande geboue met 'n maksimum kapasiteit van 20 gaste in totaal;
- Om 'n **dagsorgesentrum** binne 'n bestaande woning (±90m²) te bedryf; en
- **Geleentheidsgebruik** (>een geleentheid/jaar).

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: P-J le Roux Town Planners Pty Ltd (pj@pileroux.co.za). Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne **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 **4 November 2022**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (076-301-7607 / 021-872-2499) gedurende normale kantoor ure (Monday to Friday: 08:00 – 17:00).

Die uwe

P-J LE ROUX TOWN PLANNERS PTY LTD



**TAX INVOICE****STELLENBOSCH**
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2022-08-10	DOCUMENT NO:	733759
ERF / FARM NO:	74/2	CREATED BY:	Nicole Katts
LOCALITY:	R304, STELLENBOSCH FARMS	APPLICATION NO:	LU/14376
OWNER'S NAME:	The Fritz Wirth Trust	APPLICATION VAT NO:	0
ADDRESS:	Nooitgedacht Farm R304 Koelenhof 7605	VAT NO:	4700102181
		APPLICANT:	PJ Le Roux Town and Regional Planners
		TEL NO:	0218722499

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
TEMPORARY DEPARTURE/OCCASIONAL USE OF LAND/CONSENT USE IN TERMS OF THE ZONING SCHEME/TECHNICAL APPROVAL/PERMISSION IN TERMS OF ZONING SCHEME/PERMISSION REQUIRED IN TERMS OF THE TITLE DEED: Submitted in urban and rural areas - Submitted in urban and rural areas, Per application per property	2500.00	1	20180711011476	2500.00
TEMPORARY DEPARTURE/OCCASIONAL USE OF LAND/CONSENT USE IN TERMS OF THE ZONING SCHEME/TECHNICAL APPROVAL/PERMISSION IN TERMS OF ZONING SCHEME/PERMISSION REQUIRED IN TERMS OF THE TITLE DEED: Submitted in urban and rural areas - Submitted in urban and rural areas, Per application per property	2500.00	1	20180711011476	2500.00
TEMPORARY DEPARTURE/OCCASIONAL USE OF LAND/CONSENT USE IN TERMS OF THE ZONING SCHEME/TECHNICAL APPROVAL/PERMISSION IN TERMS OF ZONING SCHEME/PERMISSION REQUIRED IN TERMS OF THE TITLE DEED: Submitted in urban and rural areas - Submitted in urban and rural areas, Per application per property	2500.00	1	20180711011476	2500.00



TOTAL AMOUNT PAYABLE 7500.00

VAT INCLUDED @ 15% 975.00

ALL TARIFFS INCLUDE 15% VAT FROM 1 JULY 2021 TO 30 JUNE 2022

CALCULATED BY

NAME: Nicole Katts
SIGNATURE

DATE: 10.8.2022.

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
MUNICIPALITYAPPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

FILE NR:	
VERIFIED BY	
NAME:	
SIGNATURE	
SCAN NR:	F 74/2
COLLABORATOR NR:	
DATE:	736373

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

Receipt: 205699



Enquiries	Phone Number	E-mail
Nicole Pietersen	0218080000	nicole.katts@stellenbosch.gov.za

BTW/VAT Invoice No: 2537

Invoice VAT Reference: 4700102181

Name: Pierre-Jean Le Roux

Invoice Date: 2022/8/22

Reference No: TP31/2022

Payment Due Date: 2022/9/21

Client Street address: 262 Main Road Buitenverwagting
Paarl Western Cape South Africa 7646

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: P O Box 3457 Paarl Paarl Western
Cape South Africa 7620

Municipality postal address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20180711011476	Temporary Departure / Permission ito Zoning and ito Condition in Title Deed/Occasional use of Land / Consent Use ito Zoning - Urban / Rural Areas	3	2 500.00	Per application per property	7 500.00
Total Excl VAT					6 521.74
VAT					978.26
Invoice Total					7 500.00

*VAT Exempt

Created By: Petersen, Nicole

Signature: _____

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP31/2022

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.



Proof of payment

Date: 23/08/2022 Time: 3:47:34 PM

Profile name:	NOOITGEDACHT WYNMAKERY PTY LTD
Batch reference number:	1332494831
Payment reference number:	000000003623437093
Payment date:	23/08/2022
Payment capture date:	22/08/2022
Payment authorise date and time:	23/08/2022 11:49:37 AM
From account name:	FRITZ WIRTH TRUST
From account description:	FRITZ WIRTH TRUST
From account statement description:	STB Municipality
Beneficiary account number:	62869253684
Beneficiary/ Recipient name:	STB Municipality
Beneficiary statement description:	TP31/2022
Branch code:	250655
Amount:	7,500.00
Real-time:	No

Additional comments by payer:

View your account to **confirm that you have received this payment.**

- All payments are subject to clearing rules.

Please refer to landing page for cut off times and telephone numbers.

Profile name:NOOITGEDACHT WYNMAKERY PTY LTD
Profile number:4000069683

User name:ADRI POTGIETER
User ID:10

Small Business Services: 0860 116 400
Business Banking: 0860 111 055



DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

(TP 31/2020) - W/14376

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	25/07/2022	
Erf No		Town		Suburb		
Farm No	74	Farm Portion	2	Nearest Town	Stellenbosch	
Owner / Applicant	PJ Le Roux Town and Regional Planners		Contact number		076 031 7607	
Email address	pi@pileroux.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65				✓		✓
7. SG diagram or General Plan				✓		✓
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓
13. Conveyancer's certificate						
14. Feedback on Pre-application scrutiny						

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals	✓		
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate	✓		✓
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nicole Katts	SIGNATURE 	DATE 25/07/2022
Outstanding information (to be completed by Planner): Applicant must submit floor layout plans for the buildings to be utilised for the proposed land uses. On-site parking must be indicated for each land use proposed and in accordance with the Stellenbosch Municipality Zoning Scheme By-Law, 2019			
Applications to be invoiced (to be completed by Planner): 3x Consent uses			
EVALUATED & SIGNED BY PLANNER	NAME Nopinki Dafeti	SIGNATURE ND	DATE 29/07/2022
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			

Nicole Katts

From: PJ le Roux <pj@pjleroux.co.za>
Sent: Monday, 08 August 2022 14:36
To: Nicole Katts
Subject: [EX] RE: OUTSTANDING INFORMATION: FARM 74/2, STELLENBOSCH DIVISION - TP31/2022
Attachments: Buildings with parking ratio.pdf; Floor Plans.pdf
Importance: High

Dear Nicole,

Further to the application recently submitted for Portion 2 of Farm Nooitgedacht No. 74 Stellenbosch and your subsequent email requesting more information, please find herewith the plans depicting the parking areas for each use as well as floor plans for each use.

I trust this suffices.

Please acknowledge receipt hereof and provide me with an invoice for the application fees and public participation instructions.

Kind regards

Pierre-Jean le Roux

Pr. Pln A/803/1995
Ba Hons, M (TRP)
(MSAPI)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457
Paarl Paarl
7646 7620
Tel: 021-8722499
Faks: 086 605 8431
Sel: 0760317607

Spreuke 3:5-6/Proverbs 3:5-6

This email and any files transmitted with it are solely intended for the use of the addressee(s) and may contain information that is confidential and privileged. If you receive this email in error, please advise us by return email immediately. Please also disregard the contents of the email, delete it and destroy any copies immediately. P-J le Roux Town Planners does not accept liability for the views expressed in the email or for the consequences of any computer viruses that may be transmitted with this email. This email is also subject to copyright. No part of it should be reproduced, adapted or transmitted without the written consent of the copyright owner.

Hierdie e-pos en alle inligting daarmee saam is uitsluitlik bedoel vir gebruik deur die geadresseerde(s) en mag vertroue inligting bevat. Indien die e-pos u per abuis bereik, stel asseblief die sender onmiddellik in kennis. U word ook versoek om die inhoud daarvan te ignoreer en dit tesame met alle afskrifte daarvan, te vernietig. P-J le Roux Stadsbeplanners aanvaar nie verantwoordelikheid vir enige menings uitgespreek in die e-pos nie of vir die gevolge van enige rekenaarvirusse wat hiermee saam versprei mag word nie. Die e-pos is ook onderhewig aan kopiereg en geen gedeelte daarvan mag gekopieer, gewysig of versend word sonder die geskrewe toestemming van die kopieregeienaar nie.

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: 29/07/2022 10:55

To: PJ le Roux <pj@pjlroux.co.za>

Subject: OUTSTANDING INFORMATION: FARM 74/2, STELLENBOSCH DIVISION - TP31/2022

Good day PJ

I trust that you are well.

Please note that the following outstanding information has been requested by the planner.

- Applicant must submit floor layout plans for the buildings to be utilised for the proposed land uses.
- On-site parking must be indicated for each land use proposed and in accordance with the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

Should you have any enquiries, you are welcome to contact the planner directly.

See details below.

Nopinki Dafeti – 021 808 8640

Nopinki.dafeti@ Stellenbosch.gov.za



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd

Floor

www.stellenbosch.gov.za



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



STELLENBOSCH
STELLENBOSCH • PNEEL • FRANSCHOOER
MUNICIPALITEIT • UMABOPALA • MUNICIPAALITEIT



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from nicole.katts@ Stellenbosch.gov.za sent at 2022-07-29 10:54:47 is confidential and may be legally privileged. It is intended solely for use by pj@pjlroux.co.za and others authorized to receive it. If you are not pj@pjlroux.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

FUNCTION VENUE PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:

Function venue parking ratio: 4 bays per 100m²

Total area: 1160m² (inside) + 1000m² (outside) = 87 parking bays required

Total parking bays provided: 112 parking bays

GUEST ROOMS PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:

Guest Rooms parking ratio: *0,7 bays per room*

Parking required: 2,1 parking bays

Total parking bays provided: 3 parking bays

PROPOSED DAY CARE PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:

Day Care parking ratio: *1 parking bay per classroom*

Total parking bays provided: 1 parking bay

PROPOSED GUEST ROOMS

PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:
Tourist Accommodation Establishment parking ratio: 0,7 bays per room

Parking required: 4,3 parking bays

Total parking bays provided: 6 parking bays

3 GUEST ROOM FLOOR PLAN

APPLICANT :
P-J LE ROUX TOWN PLANNERS PTY LTD ON BEHALF OF FRITZ WIRTH TRUST

PROJECT :
PORTION 2 OF FARM NOOITGEDACHT NO. 74 STELLENBOSCH, WESTERN CAPE PROVINCE

APPLICATION :
CONSENT USE (TOURIST FACILITY, TOURIST ACCOMMODATION ESTABLISHMENT AND DAY CARE)

DESIGNER: THE LICENCE CO
DATE : JULY /2022
OFFICE : CAPE TOWN



P-J Le Roux
TOWN AND REGIONAL PLANNER

Hoofstad 282 Main Road, Paarl
021 8722499 / 085 605 8431
(email) info@pjleroux.co.za



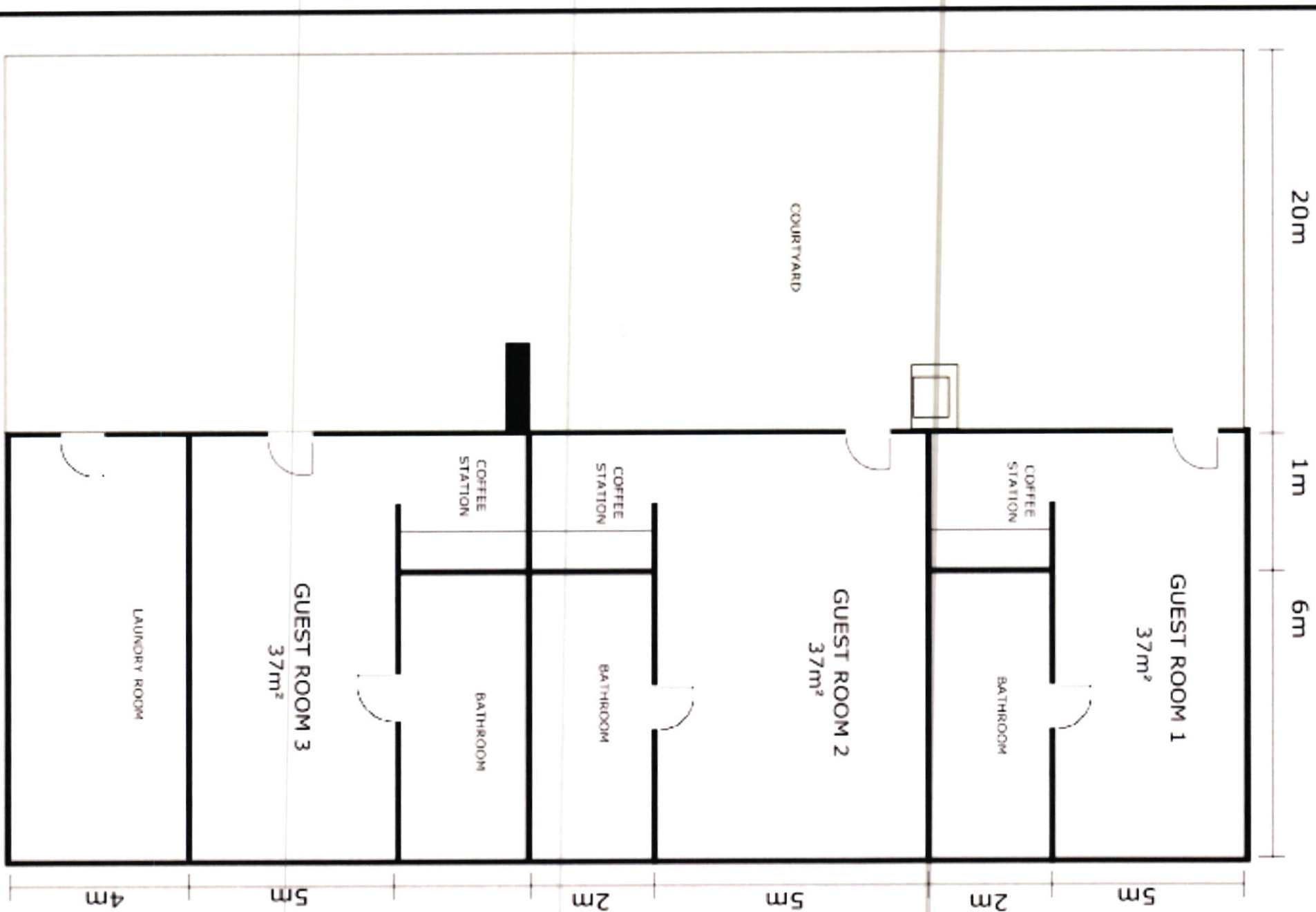
GUEST ROOMS WITH COURTYARD



STOEP AREA

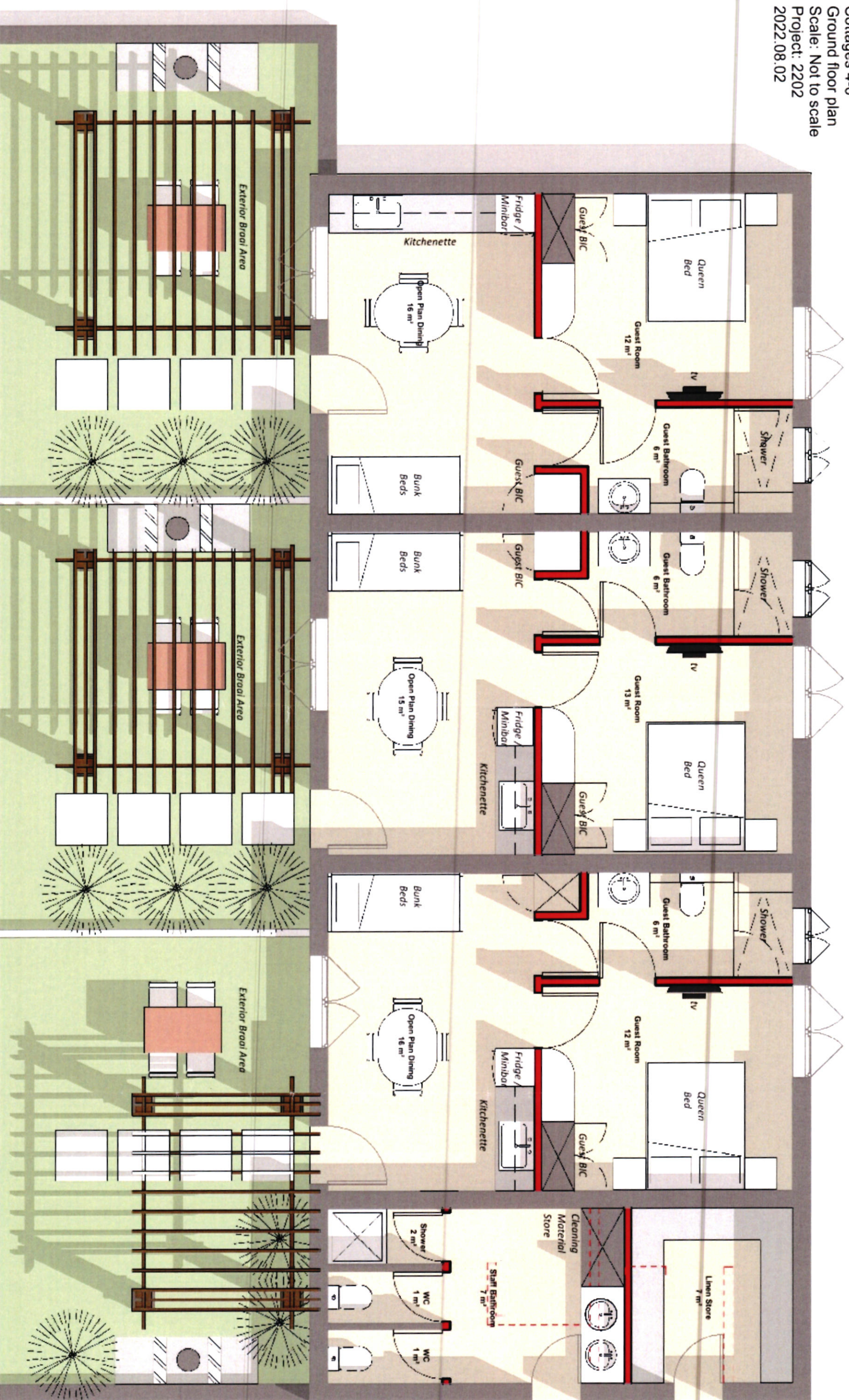


PARKING AREA





Cottages 4-6
Ground floor plan
Scale: Not to scale
Project: 2202
2022.08.02



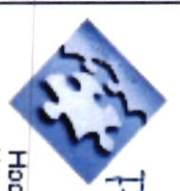
DAY CARE FLOOR PLAN LAYOUT

APPLICANT :
P-J LE ROUX TOWN
PLANNERS PTY LTD ON
BEHALF OF FRITZ WIRTH
TRUST

PROJECT :
PORTION 2 OF FARM
NOOITGEDACHT NO. 74
STELLENBOSCH, WESTERN
CAPE PROVINCE

APPLICATION :
CONSENT USE (TOURIST
FACILITY, TOURIST
ACCOMMODATION
ESTABLISHMENT AND DAY
CARE)

DESIGNER: THE LICENCE CO
DATE : JULY /2022
OFFICE : CAPE TOWN



P-J Le Roux
TOWN AND REGIONAL PLANNER
Hoofstraat 262 Main Road, Psaarl
(t) 021-8722499 (f) 086 605 8631
(e) info@pjle Roux.co.za



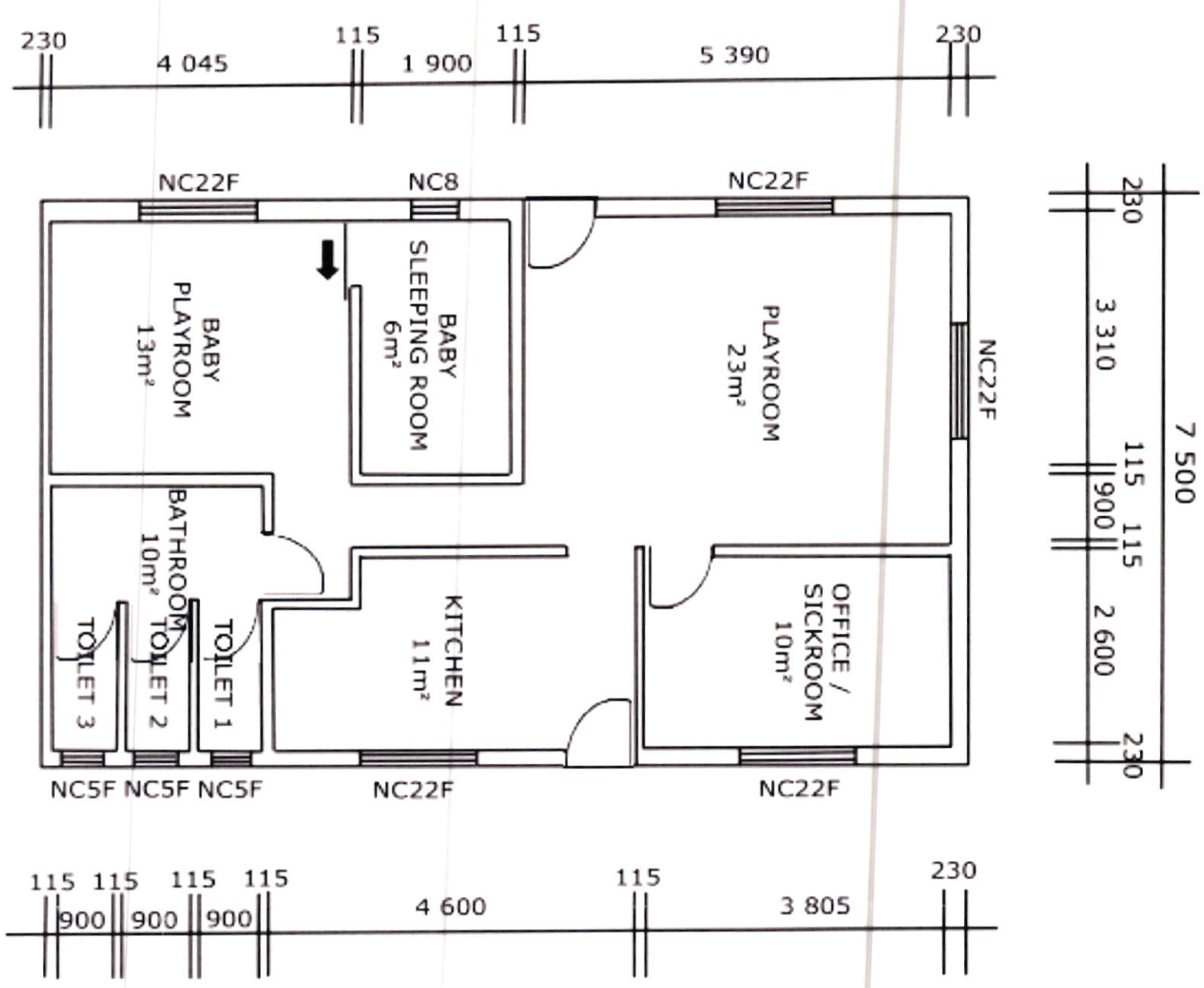
WEST VIEW



SOUTH VIEW



SOUTH-EAST VIEW



FUNCTION VENUE FLOOR PLAN

APPLICANT :
P-J LE ROUX TOWN
PLANNERS PTY LTD ON
BEHALF OF FRITZ WIRTH
TRUST

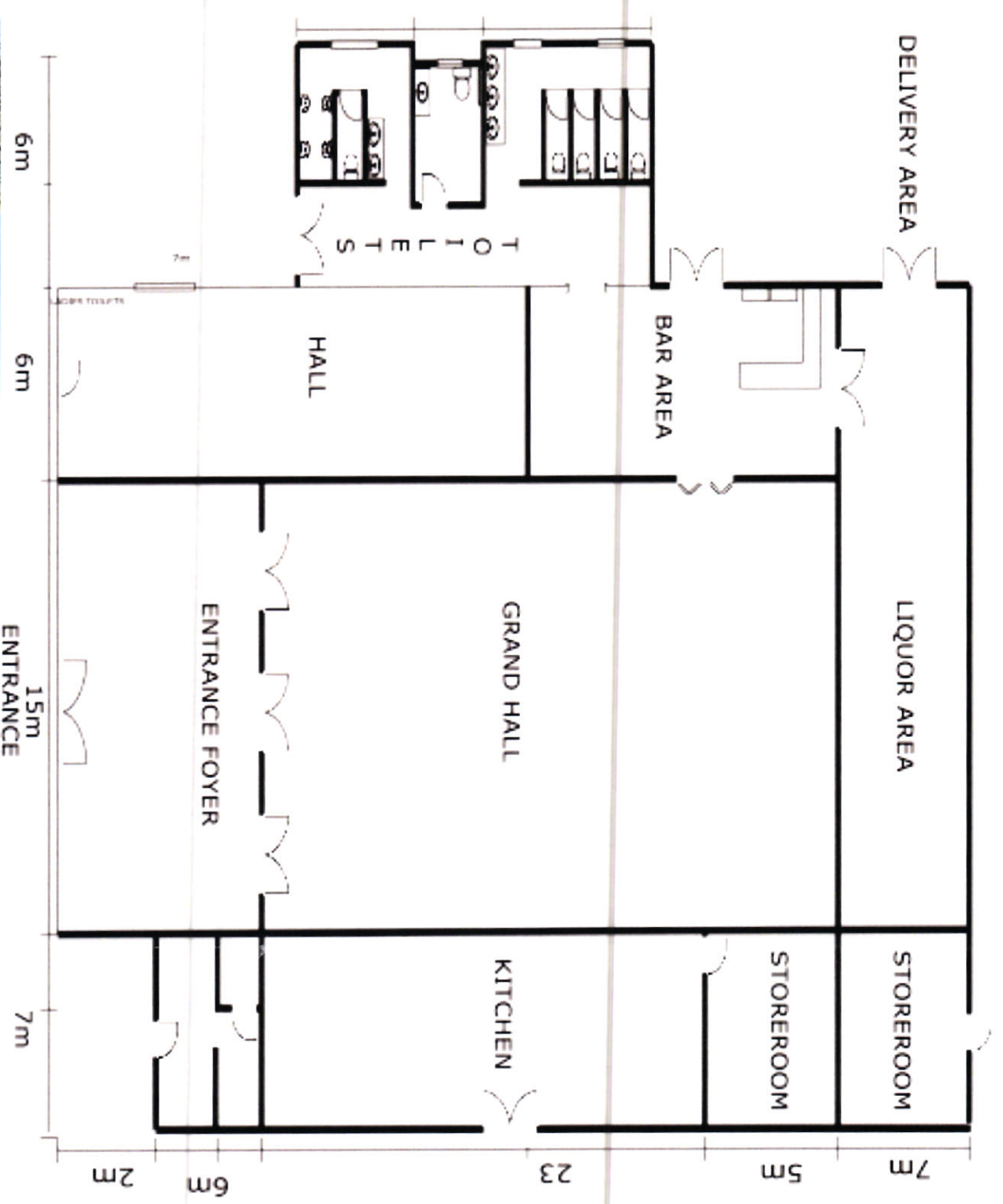
PROJECT :
PORTION 2 OF FARM
NOOITGEDACHT NO. 74
STELLENBOSCH, WESTERN
CAPE PROVINCE

APPLICATION :
CONSENT USE (TOURIST
FACILITY, TOURIST
ACCOMMODATION
ESTABLISHMENT AND DAY
CARE)

**DESIGNER: THE LICENCE
CO**
DATE : JULY /2022
OFFICE : CAPE TOWN



P-J Le ROUX
TOWN PLANNERS PTY LTD
Hoofstraat 262 Main Road, Paarl
(t) 021-5722499 (f) 026 005 5431
(email) pj@pjleroux.co.za



VENUE BUILDING



OUTSIDE LAWN AREA



PARKING

Nicole Katts

From: Nicole Katts
Sent: Friday, 29 July 2022 10:55
To: PJ le Roux
Subject: OUTSTANDING INFORMATION: FARM 74/2, STELLENBOSCH DIVISION - TP31/2022

Good day PJ

I trust that you are well.

Please note that the following outstanding information has been requested by the planner.

- Applicant must submit floor layout plans for the buildings to be utilised for the proposed land uses.
- On-site parking must be indicated for each land use proposed and in accordance with the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

Should you have any enquiries, you are welcome to contact the planner directly.

See details below.

Nopinki Dafeti – 021 808 8640
Nopinki.dafeti@ Stellenbosch.gov.za



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd
Floor

www.stellenbosch.gov.za



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



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

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

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	PIERRE-JEAN				
Surname	LE ROUX				
Company name (if applicable)	P-J LE ROUX TOWN AND REGIONAL PLANNERS PTY LTD				
Postal Address	P O BOX 3457			Postal Code	7620
	PAARL				
Email	pj@pjleroux.co.za				
Tel	021 872 2499	Fax	086 605 8431	Cell	076 031 7607

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

Registered owner(s)	THE FRITZ WIRTH TRUST				
Physical address	NOOITGEDACHT FARM, R304				
	KOELNHOF			Postal code	7605
E-mail	c/o pj@pjleroux.co.za				
Tel		Fax		Cell	

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

Erf / Erven / Farm No.	74	Portion(s) if Farm	2	Allotment area	STELLENBOSCH
Physical Address	NOOTIGEDACHT FARM, R304				
	KOELNHOF				
	7605				
Current Zoning	AGRICULTURE & RURAL ZONE WITH WINE CELLAR	Extent	49,5389ha	Are there existing buildings?	☒ Y ☐ N
Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY: ZONING SCHEME BY-LAW, 2019				
Current Land Use	AGRICULTURE AND VENUE				

Title Deed number and date	T	41680/84			
Attached Conveyance's Certificate	Y	N	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	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) ¹	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)?			Y		If yes, is this application to legalize the building / land use??
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)?

PART D: PRE-APPLICATION CONSULTATION

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

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE**APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)**

Tick	Type of application: Cost are obtainable from the Council Approved tariffs
	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
	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

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

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

	15(2)(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
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
TOTAL A:	R

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

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; 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	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
		TOTAL B:	R
		TOTAL APPLICATION FEES* (TOTAL A + B)	R

* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

**All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@ Stellenbosch.gov.za or 021 808 8501 or 021 808 8579

*** 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

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)

Postal Address

Vat Number (where applicable)

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)	<div></div> <div></div> <div></div>					

Brief description of proposed development / intent of application:

APPLICATION FOR **CONSENT USE ON PORTION 2 OF THE FARM NOOITGEDACHT NO. 74 STELLENBOSCH** FOR:
TOURIST FACILITY: TO FACILITATE A **FUNCTION VENUE AND RECEPTIONS** INSIDE AN EXISTING BUILDING ON THE FARMSTEAD AND OUTSIDE LAWN AREA WITH A MAXIMUM CAPACITY OF **300 GUESTS**;
TOURIST ACCOMMODATION ESTABLISHMENT: TO FACILITATE **GUEST ACCOMMODATION** INSIDE EXISTING BUILDINGS ON THE FARMSTEAD. A MAXIMUM OF **20 GUESTS** IN TOTAL
DAY CARE CENTRE: IN AN EXISTING DWELLING TO BE UTILIZED FOR A DAY CARE CENTRE FOR CHILDREN

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 (Full copy of the title deed)
Y	N	Conveyancer's certificate	Y	N	Written feedback of pre-application scrutiny and 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 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 Services Report or indication of all municipal services / registered servitudes
Y	N	N/A Copy of original approval and conditions of approval	Y	N	N/A Proof of failure of Home owner's association
Y	N	N/A Proof of lawful use right	Y	N	N/A Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A Required number of documentation copies	Y	N	N/A Other (specify)

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

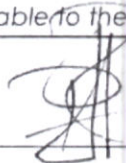
SECTION I: DECLARATION

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.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

JULY 2022

Full name:

PIERRE-JEAN LE ROUX

Professional capacity:

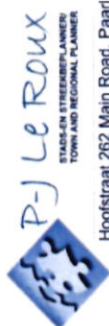
PROFESSIONAL PLANNER (A/803/1995)

FOR OFFICE USE ONLY

Date received: _____

Received By: _____





STADEN STEKENREPLANNERS
TOWN AND REGIONAL PLANNERS

Hooftstraat 262 Main Road, Paarl
(t) 021-8722499 (f) 086 605 8431
(email) pj@pjlroux.co.za

Project:

**Application for
Consent Use:
Portion 2 of Farm
No. 74
Stellenbosch**

Description:

Aerial Photo

NOOITGEDACHT

Sheet	N.T.S	Drawn	V 30-108
Title	PJLR	Date	JULY 2022
Case	PJLR	Thumbnails	2



P-J Le Roux
 STADS-EN STREEKPLANNERS/
 TOWN AND REGIONAL PLANNER

Hooftstraat 262 Main Road, Paarl
 (t) 021-8722499 (f) 086 605 8431
 (email) pj@pjlroux.co.za

Project:

**Application for
 Consent Use:
 Portion 2 of Farm
 No. 74
 Stellenbosch**

Description:

**Existing
 Buildings**

NOOITGEDACHT

Sheet	N.T.S	Letter no.	V 30-108
Title	PJLR	Dated	JULY 2022
Size	PJLR	Thinking no.	3



PJ Le Roux
TOWN AND REGIONAL PLANNER

Hoofstraat 262 Main Road, Paarl
(t) 021-8722499 (f) 086 605 8431
(email) pj@pjleroux.co.za

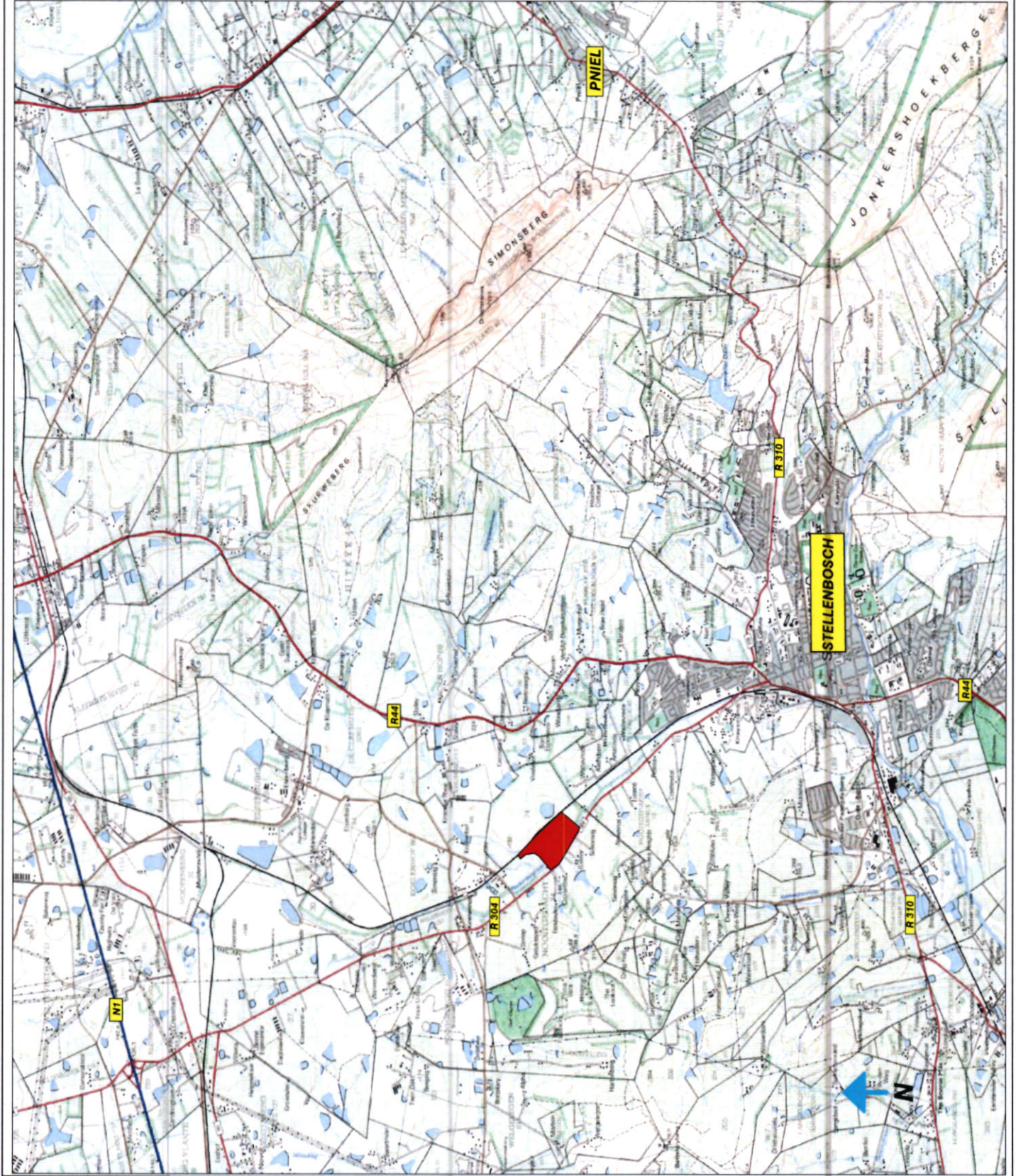
Project: Application for
Consent Use:
Portion 2 of Farm
No. 74
Stellenbosch

Description:

Locality Plan

NOOITGEDACHT

Sheet	1:50000	Layer no.	V 30-108
Title	PULR	Date	JULY 2022
Scale	PULR	Revision	1



Historic events record: Nooitgedacht Wine Estate



Nooitgedacht Wine Estate
October 26 at 7:07 PM · gh

Did somebody say Movie Night? 🍿 Savour the winelands summer magic at the open air cinema to be held at Nooitgedacht Estate on Saturday 13 November. Be entertained with 'Me Before You' under the stars 🌟 Opens at 5pm and the movie starts at sunset. More info and to book your tickets 🎫 <https://thegallery.co.za/venue/nooitgedacht-estate/>

#nooitgedachtestate #nooitgedacht #yourstory #events #summerevents #summervibes #movienight #openaircinema #stellenbosch #winelands #cap... See more



THEGALLERY.CO.ZA



15h · gh

Looking for plans for this Sunday afternoon? Bring your mates and get your groove on at the #SomeSundays picnic concert series. Right here at Nooitgedacht Estate. Wind down the weekend with great music from Francois van Coke and Arno Carstens and enjoy Die Grendel Wine and Restaurant Devil's Peak Brewing Company Six Dogs Distillery and food trucks. Book your tickets here https://plankton.mobi/_/09e365f1-a804-ec11-80d5...

#nooitgedachtestate #... See more



Arina Bortha • Weigevonden Estate Community
September 24, 2016

Tomorrow: 25 Sept Nootgedacht Wine Estate is the Spur MTB Classic. Bring the kids to the entertainment area and enter them in 500m, 1.5km or 3km. Or ride the 45km, 30km or 13km. Late entries taken from 07h30 for all. Around the corner, so enjoy the Spring day outdoors!



LADIES MORNING

Summer Event
Hosted by Donnalee Roberts, The Romantics,
Nootgedacht Wine Estate & IDOL

NOVEMBER

SATURDAY 13 08:30

NOOTGEDACHT WINE ESTATE

Tickets R350pp Incl. Goodie Bag, Food & Drink

Destination Selfcare

nootgedachtstate • Follow
Nootgedacht Wine Estate

nootgedachtstate Ladies! Celebrate the onset of summer and self discovery at the Ladies Morning hosted by Donnalee Roberts | The Romantic Collective | Uleen Fourie | Triques in die Wynland | HEAL | Le Riche Naturals | Gerdi van den Berg. Join us on Saturday 13 November at 08:30 for a journey of self discovery and expression. Tickets available on QUICKET under "Destination Selfcare" at R550 pp, which includes a voucher passport, goodie bag, food & drinks, guest speakers, perfume workshop and pampering stations to fill your mind, body and soul.
*Cash Bar available
*POP UP shops open all day

#ladiesmorning #destinationselfcare #nootgedachtstate
#nootgedacht #stellenbosch #winelands #summer #summerevent
#donnaleeeroberts #idol #theromantics #joinourstory

2h



34 likes

OCTOBER 22

Add a comment

nootgedachtstate • Follow

nootgedachtstate Join the Mother City Orchestra for a 2 hour concert, featuring some of the greatest music of The Waltz King Johann Strauss II. The orchestra will be joined by soloists performing arias from "Die Fledermaus" and "Der Zigeunerbaron". Enjoy a delicious picnic box (included in ticket price) and a cash bar while you enjoy the performance.

Get your tickets today on quicket!

#nootgedachtstate #mothercityorchestra #stellenbosch

2h



14 likes

APRIL 1



14 likes

APRIL 1

Add a comment

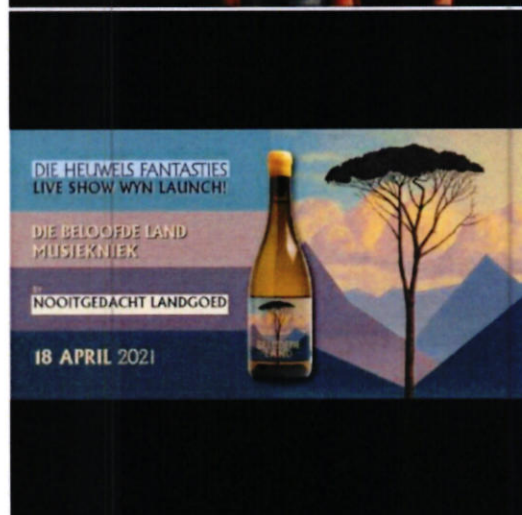
THE MOTHER CITY ORCHESTRA

MEET THE CLASSICAL MASTERS

JUNE 6, 8PM - NOOTGEDACHT
TICKETS AVAILABLE ON QUICKET



DIE HEUWELS FANTASIES • EARLY B • CORNE PRETORIUS R250



nooitgedachtestate • Follow

Musiekniik this Sunday with the legendary @dieheuwelsfantasies! #beloofdelandchenin Guess what?! @cornepretoriusmusik as well as @Earlybmusic will join them for the Sunday fun 🍷🍷

Tickets 50% sold out!!! Get your tickets NOW on howler

www.howler.co.za/beloofdeland

#nooitgedachtestate #picnicshow #earlyb #heuwelsfantasies #cornepretorius #musikniik #stellenbosch

30-

mitziimpey Ek hou van Musiekniik! 30- 1 like Reply

dirk.bonnema May you bring your own food to the venue? 30- 1 like Reply

29 likes

APRIL 12

nooitgedachtestate • Follow

Nooitgedacht Wine Estate

Looking for something to do this Sunday? Come and join us for a picnic concert with @bottomlesscoffeeband 🍷🍷

Buy your tickets today on quicket

#nooitgedachtestate #picnicconcert #stellenbosch

31-

bottomlesscoffeeband Yes!!! We can't wait 🍷🍷 31- Reply

innovations_by_linda Can we bring our own picnic basket? Alcohol allowed/sold? And do you know if there's still tickets available? 31- Reply

30 likes

APRIL 12

nooitgedachtestate • Follow

First did you hear? @dieheuwelsfantasies will be having their first show this year on 18 April right here in our beautiful gardens.

It would not only be a picnic but also a wine launch and a concert!!!

Book your tickets now on Howler

www.howler.co.za/beloofdeland

#nooitgedachtestate #picnic #winelaunch #beloofdeland #stellenbosch

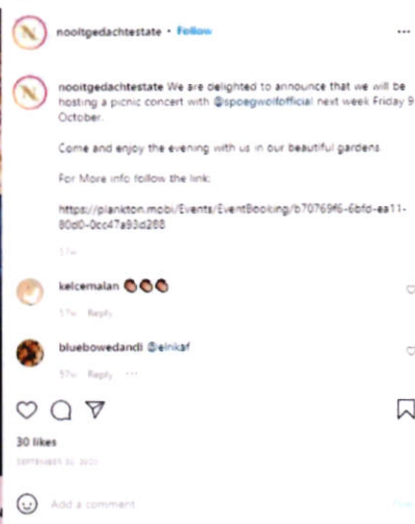
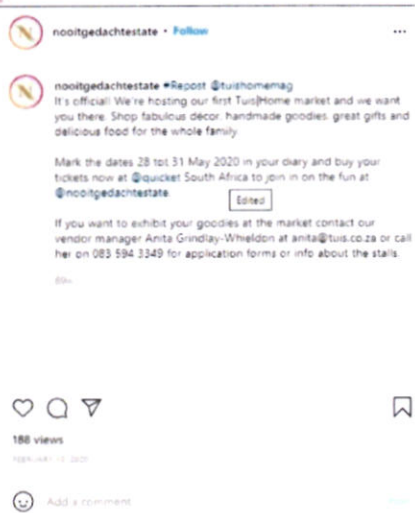
32-

dieheuwelsfantasies Link in ons bio en stories sien uit! 32- 2 likes Reply

amoreen_xox @jaydene @katet29 @karlaastrydom 🍷🍷 32- 1 like Reply

23 likes

APRIL 12





PLEASE JOIN US FOR...

NOOITGEDACHT'S FUNDRAISER under the OAK TREES



nootgedachtstate • Follow



nootgedachtstate Join us on Thursday 10 October for a fundraiser under the oak trees. Guests can expect to unwind with live music surrounded by the splendour of our gardens while waitrons weave through the crowd with gourmet canapés. Tickets available at Quicket.
<https://www.quicket.co.za/events/84740-nootgedachts-fundraiser-under-the-oak-trees/> #fundraiser #nootgedachtstate #dinnerevent #doitforcharity #nootgedachtevents #capewinlands #nootgedachtfundraiser #stellenboschevents #charityevents

11/2w



rachel5619 Where are the proceeds going to?

11/2w · 1 like · Reply

View replies (1)



23 likes

September 11, 2019



Add a comment...

GRAM id!
Instagram Masterclass With
MAGRIET & MINKI

12 July 10h30 for 11h00 - 13h00 | Nootgedacht Estate
Stellenbosch | R60 p.p | @magrietgroenewald



nootgedachtstate • Follow



nootgedachtstate Don't miss out!

Join us Friday, 12 July for an Instagram Masterclass with @magrietgroenewald and @minkivanderwesthuizen! They will focus on Instagram for your business and how to use this platform optimally to market your unique product or service.

Tickets available at Quicket

#instagram #socialmedia #business #masterclass #nootgedacht #stellenbosch

12/3w



magriet.co Can't wait! ❤️

12/3w · 2 likes · Reply



22 likes

July 11, 2019



Add a comment...

**Winelands
BRIDAL FAIR**

JOIN US FOR THE ANNUAL BRIDAL FAIR
SAVE THE DATE

3-4 August 2019

VENUE
Nootgedacht Estate,
Stellenbosch

Daily Fashion Shows
WIN-4-YOUR wedding

Contact us Donato Events:
w: 021 910 2779
c: 084 596 1753
desiree@donatoevents.co.za
www.donatoevents.co.za

**WINELANDS
BRIDAL FAIR**

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events

NOOITGEDACHT

BOOK NOW
TO SECURE YOUR SPOT



nootgedachtstate • Follow



nootgedachtstate "DON'T MISS OUT!"

Join us for the 2019 @winelands_bridal_fair, the Cape's most renowned, exclusive and upmarket bridal show!

The Winelands Bridal Fair is set to take place on 3-4 August 2019 and will offer those who are planning their wedding (or even a special event or birthday party) access to everything they need for their special day, all under one roof!

Contact Donato Events to book your spot:

w: 021 910 2779
c: 084 596 1753
desiree@donatoevents.co.za
www.donatoevents.co.za

#stellenboschwedding #nootgedacht #nootgedachtweddings
#stellenboschwedding #stellenboschbride #stellenboschbride



19 likes

July 11, 2019



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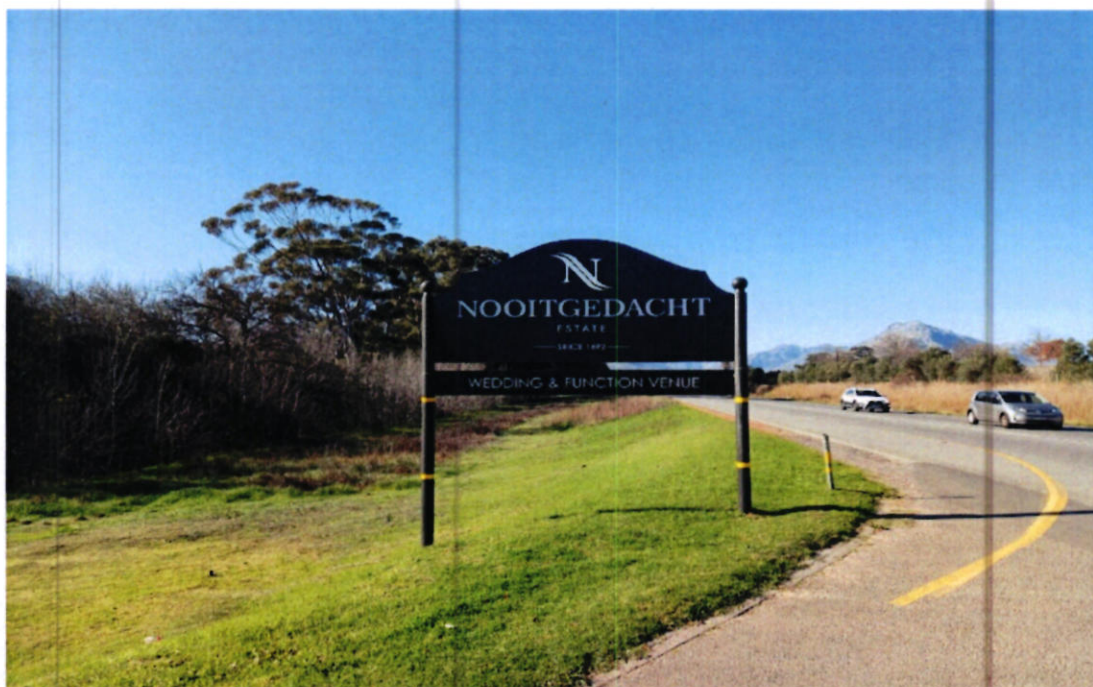
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*Application for
Consent Use:
Portion 2 of the Consolidated Farm
Nooitgedacht No. 74 Stellenbosch*

July 2022

V 30 - 108

 **P-J Le Roux**
STADS-EN STREEKBEPLANNER/
TOWN AND REGIONAL PLANNER
Hoofstraat 262 Main Road, Paarl
(t) 021-8722499 (f) 086 605 8431
(email) pj@pjleroux.co.za

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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

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1. INTRODUCTION

1.1. Application

Formal application is hereby made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2015 for **CONSENT USE** on **Portion 2 of the Consolidated Farm Nooitgedacht No. 74 Stellenbosch**, to facilitate the following land uses thereon:

- ***“Tourist facilities”*** to facilitate a ***function venue and receptions*** inside an ***existing building (±1160m²)*** on the farmstead and ***outside lawn area (±1000m²)*** with ***maximum capacity of 300 guests***.
- ***“Tourist accommodation establishment”*** to facilitate ***guest accommodation*** inside existing buildings on the farmstead with a maximum capacity of ***20 guests in total***; and
- ***“Day care centre”*** in an ***existing dwelling (±90m²)*** to be utilized for a day care centre for children on the farm and other.

Detail with regards to the proposal will be discussed in Section 5 and 6 of this report.



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

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1.2. Applicant

FRITZ HERMAN WERNER WIRTH as Trustee and duly authorised by **THE FRITZ WIRTH TRUST**, as registered owners of **Portion 2 of the Consolidated Farm Nooitgedacht No. 74 Stellenbosch**, appointed this firm *P-J le Roux Town Planners (Pty) Ltd* to prepare a formal application for the **Consent Use** to facilitate a *tourist facility, tourist accommodation and a day care centre* in existing buildings on the farmstead and to submit it to the relevant authorities for formal approval (*Power of Attorney and Trust Resolution* attached).



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

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2. PROPERTY INFORMATION

Description	Portion 2 of the Consolidated Farm Nooitgedacht No. 74 Stellenbosch
Location	Nooitgedacht Farm, R304, Koelenhof Road, Stellenbosch (±6km north-west of Stellenbosch)
Extent	49,5389ha
Registered owner	THE FRITZ WIRTH TRUST (<i>Power of Attorney and Trust Resolution attached</i>)
Title Deed	T41680/84 (<i>Copy of Title Deed attached</i>)
Existing zoning	Agriculture & Rural Zone (<i>Consent Use: existing wine cellar – existing footprint</i>)
Restrictive Conditions	None
Planning Legislation	Stellenbosch Municipality: Zoning Scheme By-Law (2019) Stellenbosch Municipality: Land Use Planning By-Law (2015)

Table 1: Property Information

The subject property is located north-west of Stellenbosch and north-east of Koelenhof Road (R304) and falls in the jurisdiction of the Stellenbosch Municipality, Western Cape Province.



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

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3. LOCALITY

The subject property is an existing agricultural land unit located within the Stellenbosch Municipal area. The subject property is located approximately 6km north-west of Stellenbosch and to the east of the R304 (Koelenhof Road).



Locality: Portion 2 of the Consolidated Farm Nooitgedacht No. 74 Stellenbosch

The subject property is located within the jurisdiction of Stellenbosch Municipality but outside of the urban area of Cloeteville, Stellenbosch. The subject property is wedged between the railway line and the R304



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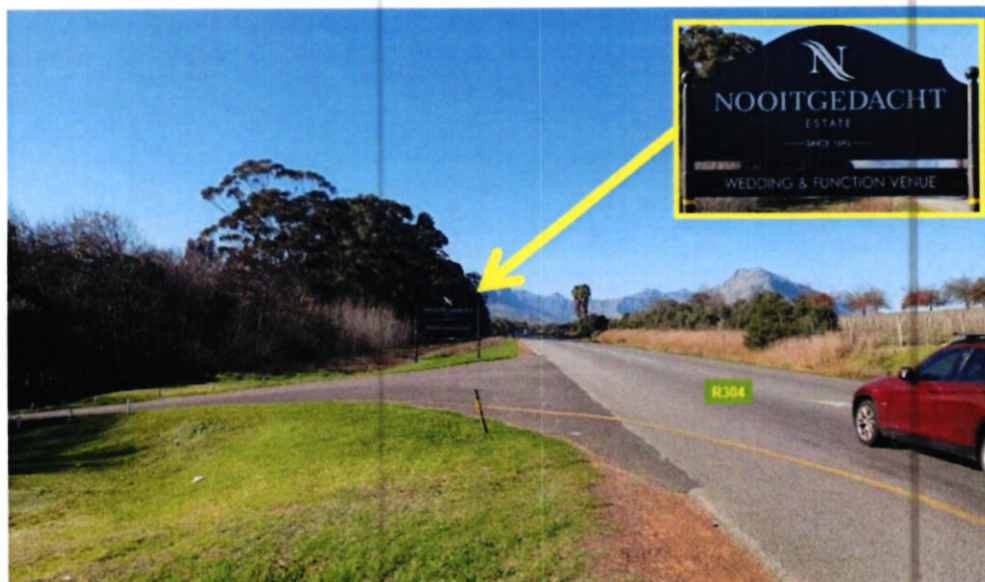
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(Koelenhof Road), which represents the northern and southern boundaries of the subject property respectively.

The subject property is one of many agricultural properties situated to the north-east of Stellenbosch along the R304. Many of these agricultural properties have existing tourist related facilities thereon, which is a common phenomenon along this arterial route leading from Stellenbosch to the south towards the N1 to the north.



Access from the R304 to the subject property (left)

Access to the subject property is taken via an existing farm entrance directly from the R304 (Koelenhof Road). The main entrance from the R304 branches out to a network of internal farm roads which provides access to the farmstead and existing buildings and activities on the subject property. This network of farm roads is more than sufficient to facilitate the expected traffic because of the intended land uses and therefore no changes to the existing entrance will be required. It is worth noting that since the property has been used for functions and



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receptions since the late 1970's this entrance has been in operation since then without any incidents.

Since the intention is formally utilize the existing buildings on the subject property for tourist related activities and a day care centre, no changes to the existing infrastructure or road network are required or foreseen. Formal onsite parking has been established long time ago which facilitates the parking requirements.



Access road towards the farmstead



Entrance to the subject property from the R304



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4. LEGAL LAND USE RIGHTS

4.1. Existing zoning

The Stellenbosch Municipality has confirmed vide a Zoning Certificate dated 21 December 2020 that the **Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch** is zoned in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019), as **"Agriculture and Rural Zone"** with **Consent Use** for the existing **wine cellar (existing footprint)**. According to this By-Law the land uses permitted under this zone are as follows:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> one$ event/year) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

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



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Although a function venue has been in operation on the subject property for more than three decades, no legal documents and proof of existing activities are available. To regularize the existing activities formal application is therefore required.

Since the primary land use rights for the subject property does not include "tourist facilities", "tourist accommodation" or a "day care centre", formal application for **Consent Use** is necessary to permit the proposed land uses. The proposed tourist facilities (function and reception venue), tourist accommodation and day care centre will all utilize existing buildings on the subject property and therefore no additional buildings will therefore be developed on the subject property.

4.2. Existing land uses

The subject property is an existing agricultural farm located north-west of Stellenbosch and to the east of the R304 (Koelenhof Road) and comprises the following buildings and activities:

Existing buildings (Fig. 1 below):

- Manor House (1)
- 2x Farm Managers houses (2 + 3)
- Owners Cottage (4)
- Foreman house (5)
- Vacant employee houses* (*subject to this application*) (6)
- Farm Store and Workshop (7)
- Old Wine cellar building (*subject to this application*) (8)
- Vacant employee houses* (*subject of this application*) (9)
- Employee dwelling* (*subject to this application*) (11)
- Employee dwellings (12 dwellings) (10 +12)

Agriculture:

- Vineyards: 3.6ha (A)
- Plums: 2ha (C)
- Tunnels: 3000m² (D)
- Fallow lands (B + E)



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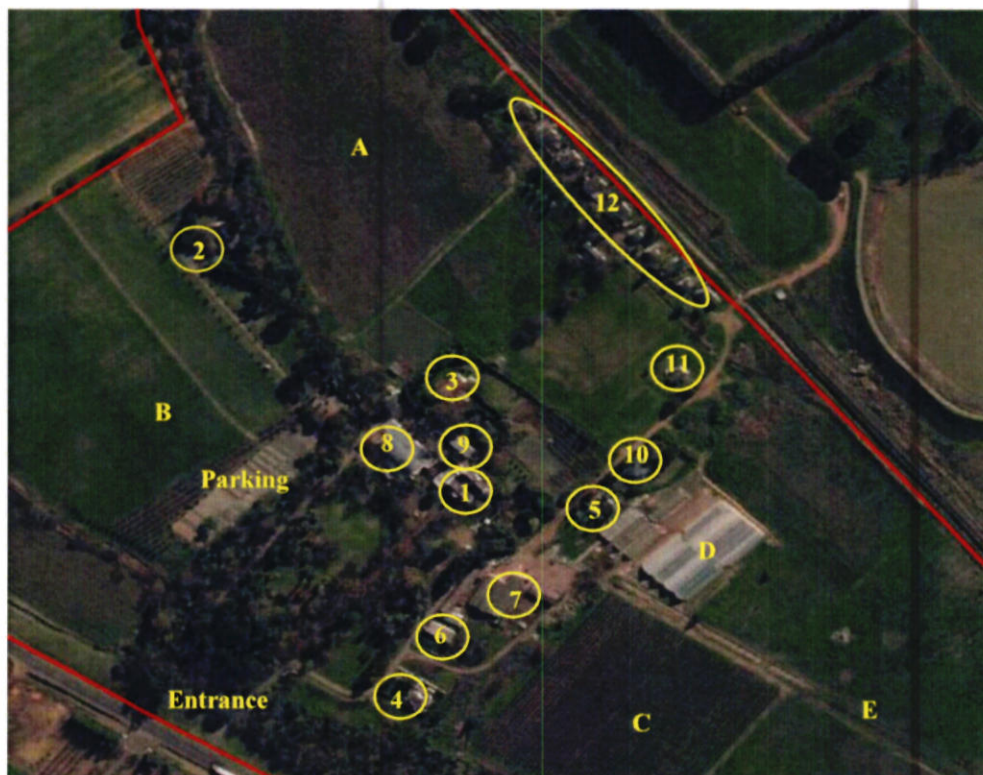


Fig. 1 Existing buildings and activities

Manor House (1)

The Manor house is the central point of the buildings on the farmstead and is located to the east of the existing function venue building. This building **is not be affected by this application.**



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Farm Managers Houses (2 & 3)

The farm managers houses are located to the west and north of the farmstead and is occupied by bona fide farm managers on the subject property and **is not affected by this application.**



Old Wine cellar building (8) *(subject to this application)*

The old wine cellar building measuring $\pm 1160\text{m}^2$ in extent is located to the west of the existing Manor House. This building is no longer been used as a wine cellar but has been utilized as a function and reception venue for more than three decades and the intention is to continue utilizing this building for the proposed activities. There is also has a large formal garden area (lawn area) opposite the building measuring



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±1000m² in extent to the south and the intention is to utilize this area also for functions and receptions.



Old wine cellar building (subject of this application)



Existing garden area (lawn area) (subject of this application)



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Dwelling (Cottage) (4)

The existing cottage is located to the south of the vacant employee houses (subject of this application) and this building is not affected by this application.



Vacant employee houses (6) (subject to this application)

The two existing vacant employee buildings comprise three units each and are located to the north of the existing cottage. The intention of the applicant is to utilize these vacant employee buildings as part of the proposed **visitor's accommodation establishment**. A **total of 14 guests** will be accommodated for these buildings.



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Farm Store and Workshop (7)

The farm store and workshop are located to the north of the vacant employee buildings and is utilized as an agricultural store (normal farming activities (storage of tractors, equipment, etc.)). This store and workshop building will be retained and **is not affected by this application.**



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Employee House (10)

The existing farm workers dwelling is located to the west of the existing tunnels and north of the farm store and workshop buildings. This building is utilized by a farm worker and will continue to be used as such and **is not affected by this application.**



Foreman dwelling (house) (5)

The foreman house is located to the north of the existing farm worker dwelling. This building is occupied by the foreman of the farm Nooitgedacht and is used for bona fide agricultural purposes and **is not affected by this application.**



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Employee dwelling (11) *(subject to this application)*

This building is utilized by a farm worker and the intention is to convert this building into a **day care centre**. This building is located approximately 90m north from the Foreman's dwelling and to the north of the farmstead.



Existing vacant employee house (9) *(subject to this application)*

The existing house, which is subject of this application, are located to the north of the function venue building and comprises 3 individual rooms each accommodating two guests. The intention is to utilize this as part of the **visitor's accommodation establishment** accommodating a **total of 6 guests**.



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Employee houses (12)

The eleven (11) employee houses are located along the northern property approximately 70m from the employee dwelling (proposed day care centre). These employee houses will continue to be utilized by the employees that work on the farm and **is not affected by this application.**



Agriculture

The subject property is a functional agricultural land unit that is farmed collectively with another land unit and produces predominantly wine grapes from **3.6 hectares of vineyards** covering the northern portion of the subject property. The total vineyards farmed collectively on the **farm as a whole is 46.33 hectares** of vineyards. The cultivars grown on the farm include inter alia Chardonnay, Chenin Blanc, Shiraz, Cabernet Sauvignon and Merlot and these grapes are sold to cellars in the surrounding area.

The subject property also produces **plums** with a **total of 2 hectares on this portion**. The **total plums farmed collectively** on the farm is **27.6 hectares** and are sold and exported to Europe. The plums on the subject property are located to the east of the farm store and workshop.



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The subject property also has existing **tunnels** measuring **3000m²** in extent which is utilized for the growing of flowers. Collectively the farm also has a total of **11.2 hectares of citrus**.



Existing vineyards on the northern portion of the subject property



Existing plums to the east of the farm store on the subject property



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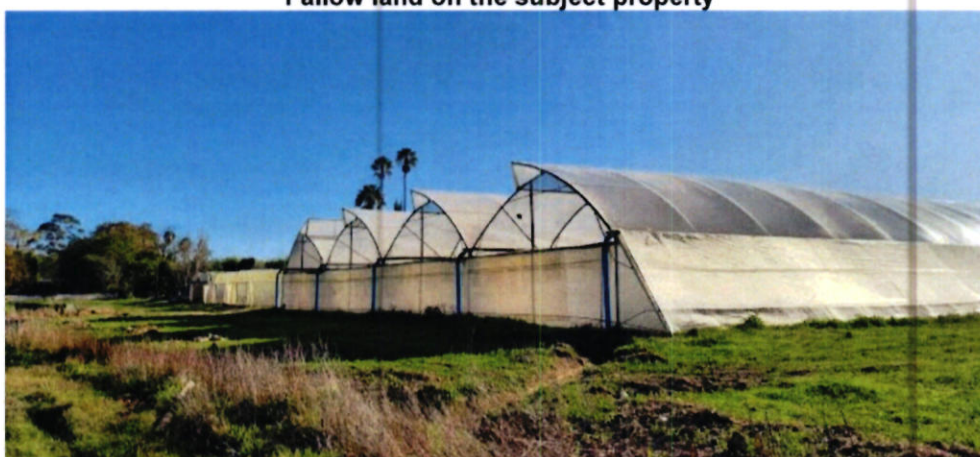
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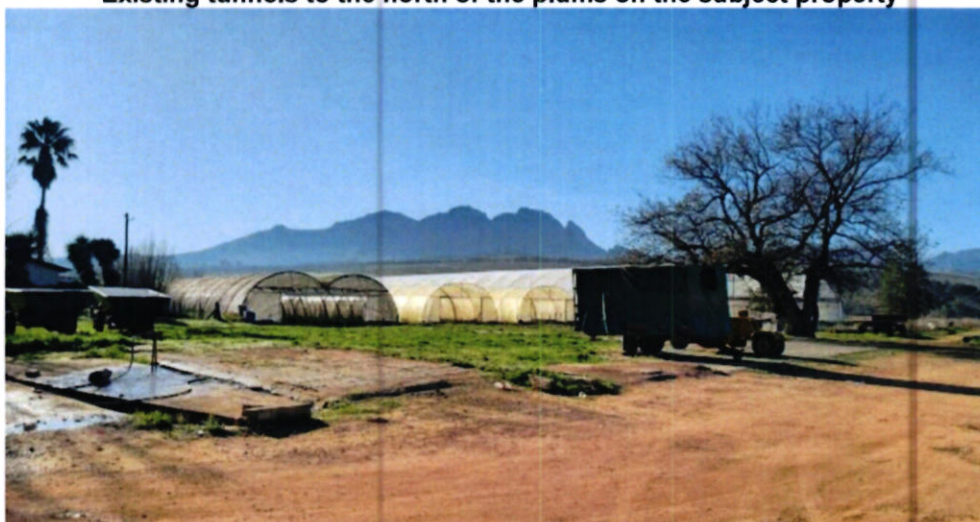
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Fallow land on the subject property



Existing tunnels to the north of the plums on the subject property



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5. PROPOSED DEVELOPMENT

The intention of the applicant and the purpose of this report is to allow the applicant to optimize the existing man-made infrastructure on the subject property to its fullest potential by utilizing existing buildings thereon without compromising the primary agricultural activities thereon. The intention is to introduce a tourist facility (function and reception venue), tourist accommodation and a day care centre on the subject property. The objective with this application is to introduce these new land uses inside existing vacant buildings on the subject property along with the existing venue which has been in operation for more than three decades, while the primary agricultural activities will continue uninterrupted.

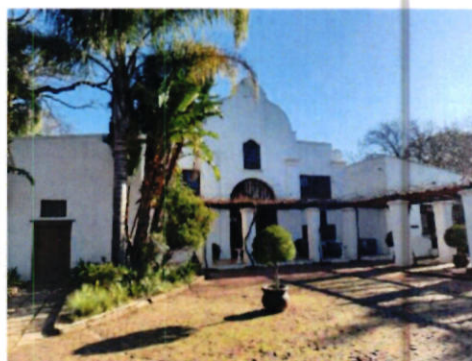
The fact that the proposed land uses will be confined to existing buildings on the farmstead, confirms the low visual and other impacts it will have on the surrounding area. There is more than sufficient onsite parking available and no new buildings or any construction are proposed by this application.

The proposed **tourist facility** will be located in the existing old wine cellar building to the west of the Manor House and the intention is to utilize this **existing building and outside lawn area** to the immediate south thereof for **functions and receptions**. This building has been utilized for functions for many years although there are no records available to proof this. This **building** measures $\pm 1160\text{m}^2$ in extent along with the **outside lawn area** which measures $\pm 1000\text{m}^2$ in extent. A **maximum of 300 guests** will be accommodated in the proposed function and reception venue. There is an existing **formal parking area** near the old wine cellar building which can accommodate more than **112 vehicles**. Additional land to the west of this building can serve as overflow parking if required.



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Old wine cellar building used for functions and receptions



Garden area for functions and receptions



Formal parking area

The proposed **tourist accommodation establishment** comprises a total of **12 guest rooms** with a maximum capacity of **20 guests** inside **existing buildings** that are located on the farmstead. These buildings, **Numbers 6 & 9** as depicted on Fig 1 above, are both vacant and can easily be converted and utilized for guest accommodation purposes.

The building north of the cottage (no. 6 on Fig. 1) comprises **two separate structures** with **3 rooms each**. These existing structures was



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previously used for employee accommodation before new employee houses were build (No. 12 on Fig.1). The intention is that these structures and rooms be converted into guest rooms accommodating a **maximum of fourteen (14) guests** in total. No new construction is proposed, and the structures can easily be utilized as guest rooms.



Vacant employee houses to the north of the existing cottage

The existing building (**No. 9 of Fig. 1**) comprises **three separate rooms** which will be utilized for guest accommodation purposes. The intention is to permit a **total of six (6) guests** in these three rooms.

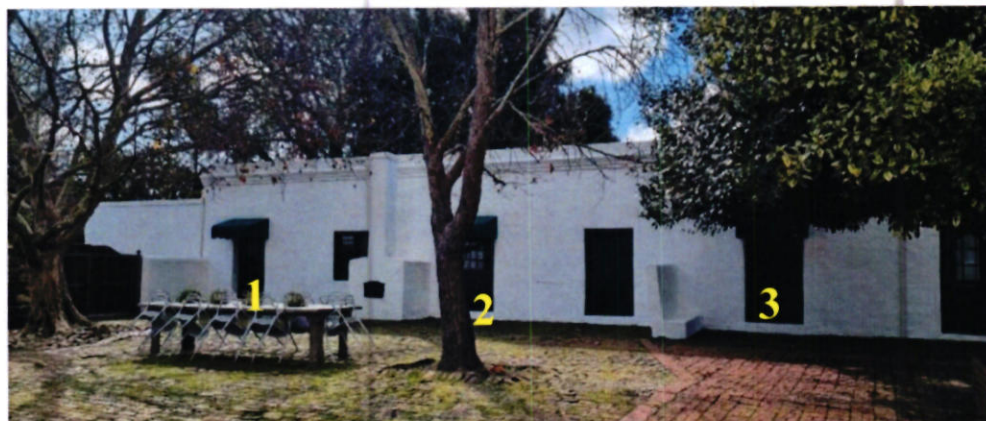


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Building utilized for guest accommodation (north of the function venue)

The proposed **day care centre** (Number 11 on Fig 1) will be located inside an existing building that is located to the north of the existing farmstead and to the south of the 11 employee houses. This building stands alone and measures $\pm 90.6\text{m}^2$ in extent and will be used as a **daycare and pre-school facility**.



Due to the popularity of the Stellenbosch area and the increased number of tourists visiting this area annually, it is important to ensure that from an economic point of view the proposed land uses are sustainable. We are of the opinion that with the proposed land uses on the subject property, we can strengthen the existing tourism in this area without compromising the primary agriculture activities this area is renowned for. The new opportunities will not only strengthen the economy of the area and Stellenbosch, but it will also create job opportunities for the surrounding area.



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6. APPLICATION

The intention with this application is to allow the applicant to utilize the subject property to its fullest potential while retaining and continuing with the primary agricultural activities thereon. The objective is to utilize some of the existing buildings on the farmstead for the intended land uses. Although the old wine cellar building has been used for functions and receptions for more than three decades already, no written records of the land use rights are found. To ensure that this standing operation can continue on the subject property as well as the introduction of tourist accommodation and a day care facility, it is necessary that a formal land use application is made.

To correspond to the requirements of the Stellenbosch Municipality: Land Use Planning By-Law (2015) and the Stellenbosch Municipality: Zoning Scheme By-Law (2019) the following formal application is required and submitted.

According to Section 208 and 209 of the Stellenbosch Municipality: Land Use Planning By-Law (2015), tourist facilities, tourist accommodation establishment as well as a day care facility on agriculture land requires a **Consent Use** application.

To facilitate the intended land uses on the subject property formal application is made in terms of **Section 15(2)(o)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2015 for **CONSENT USE** on ***Portion of the Farm Nooitgedacht No. 74 Stellenbosch***, to permit the following land uses thereon:

- ***“Tourist facilities”*** to facilitate a ***function venue and receptions*** inside an ***existing building (±1160m²)*** on the



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farmstead and **outside lawn area ($\pm 1000\text{m}^2$)** with **maximum capacity of 300 guests**;

- **“Tourist accommodation establishment”** to facilitate **guest accommodation** inside existing buildings on the farmstead. A maximum of **20 guests in total** can be accommodated inside the existing buildings: and
- **“Day care centre”** in an **existing dwelling ($\pm 90\text{m}^2$)** to be utilized for a day care centre for children on the farm and other.

“Tourist facility”, “Tourist accommodation establishment” and “Day care centre” is defined in the Stellenbosch Municipality Zoning Scheme By-Law, 2019, as follows:

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

“Tourist establishment (toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for **transient guests** which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:

- (i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road



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standards do not necessarily comply with formal township standards;

- (ii) may consist of self-catering units;
- (iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;
- (iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:
 - a) additional facilities for day visitors;
 - b) wellness centres and meeting rooms which serve resident guests;
 - c) camping sites with ancillary facilities;
 - d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used;"

"day care centre (dagsorgsentrum) means a place which is used, whether for profit or otherwise, for the **care of children of all ages** including schooling of pre-primary school children and/or after-school care and is the same as an early childhood development centre (ECD), crèche, preschool, playgroup or aftercare facility;"



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7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management.

The development principles on National level are in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The application for **Consent Use on Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch** will be evaluated as follows against the five development principles:

(a) Principle of spatial justice

- The spatial justice principle requires that the past spatial and development imbalances should be redressed through improved access to and utilization of land. We are of the opinion that although the subject property is privately owned the **proposed land uses promotes this principle by optimizing natural and man-made resources without compromising the surrounding area and the primary use of the subject property.**
- The proposed additional land uses will **utilize existing buildings** on a functional agricultural farm, while the primary activity continues uninterrupted.



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(b) Principle of spatial sustainability

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. The **proposed utilization of the existing buildings in our view embodies this principle with the optimal use of space without compromising the surrounding area and existing agricultural practices thereon, no additional pressure is placed on any natural or man-made resources.**
- The proposal promotes land uses that are **spatially compact and recourse frugal** as the intended land uses will be confined to the inside of existing buildings and immediate surrounds which already have existing infrastructure and services.
- The proposal promotes new land uses in a **location that is sustainable in respect of an environment and socio-economic point of view.**
- **No viable or cultivated agricultural land** will be lost because of this application.
- Since the proposed land uses will be located within existing buildings on the farmstead and no negative impact is expected on the built environment or the farming operations and therefore **no safety hazards are anticipated through this application.**
- Due to the limited **size and scale** of the proposed land uses, **no impact is expected on any of the existing activities or buildings on the farmstead or in the immediate area.**
- The proposed land uses will **not conflict with** the primary agricultural activities on the subject property. In fact, it is our considered opinion that the proposed land uses will complement the existing activities on the subject property, like many such farms surrounding Stellenbosch.



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- The proposed land uses on the subject property will continue to contribute to the **local tourism sector and local and regional economy** of the area.
- The economic potential of the subject property will be extended even further by the additional land uses through the creation of **new employment opportunities** which will benefit the local communities.
- Since all the land uses will be confined to the existing farmstead, **no impact on any of the surrounding properties** are envisaged.

(c) Principle of efficiency

- The proposed additional land uses will **optimize the use of existing resources and infrastructure** while respecting the existing primary agricultural operations on the subject property.
- The proposed land uses will **remain subservient** to the primary agricultural land uses on the subject property.
- The fact that all the proposed land uses will be confined to existing buildings on the subject property, confirms the **effective utilization of existing man-made resources** and limited impact on the natural resources.
- Tourist facilities are common on farms in Stellenbosch, and it has been proven that it has **no negative impact on the primary agricultural land uses**.
- We are of the opinion that due to the limited size and scale; the intended land uses will **not compromise** the primary land use on the subject property.
- The combination of tourist related activities and agriculture is a **common phenomenon** in the Stellenbosch area and provide a unique opportunity to supplement the agricultural activities.



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- This application will **not lead to any changes to the existing character** of the area, especially since these land uses will all be confined to existing buildings and no new structures are proposed.
- Since the **existing buildings are not visible from any public roads**, no visual impact is expected.
- The proposed land uses will have a **direct and indirect contribution** to the local economy of the area through rates and taxes as well as employment.

(d) Principle of spatial resilience

- This principle is **not applicable** since the proposed land uses will be confined to existing buildings on the farmstead of the working agricultural farm.

(e) Principle of good administration

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



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8. DESIRABILITY

In terms of **Section 65(b)** of the Drakenstein Municipality: Municipal Land Use Planning By-Law, 2018, the proposed utilization of the land must be desirable.

The concept of “*desirability*” in a land use planning context and as contemplated in Section 65(b) of the Drakenstein Municipality: Municipal Land Use Planning By-Law, 2018, can be described as:

“degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for **Consent Use on Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch** will be discussed with regards to the following aspects:

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



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8.1. Physical Characteristics

The subject property is an existing agricultural land unit located in the existing rural area to the north-west of Stellenbosch along the R304 (Koelenhof Road). Since the proposed land uses will all be confined to the inside of existing buildings on the farmstead, there is no reason to believe that the existing topography will be negatively affected. All the buildings are concentrated in a node almost in the center of the subject property. There are no physical features present that will prevent or restrict the proposed land uses. There is also no conservation worthy vegetation or ecological habitats which will be affected by the proposed land uses since the existing buildings already form part of the farmstead.

8.2. Character of the area

The subject property is a bona fide agricultural land unit located in the rural area north-west of Stellenbosch along the R304 (Koelenhof Road) and falls in the area of jurisdiction of the Stellenbosch Municipality. The existing surrounding area of the subject property is typical rural in nature with existing developments mostly concentrated in nodes on the land units.

The rural character is further emphasized by large open agricultural lands which various agricultural products are being produced and which a big percentage is vineyards. This area and areas surrounding Stellenbosch are renowned for its agricultural activities and mostly vineyards and wine production. Since all the proposed land uses will be confined to the farmstead and existing buildings, no changes to the existing rural character are expected. The R304 is also an established tourism access route with many similar tourist related activities on farms along this route. Apart from various restaurants, wine cellars and function venues, there are also established guest accommodation



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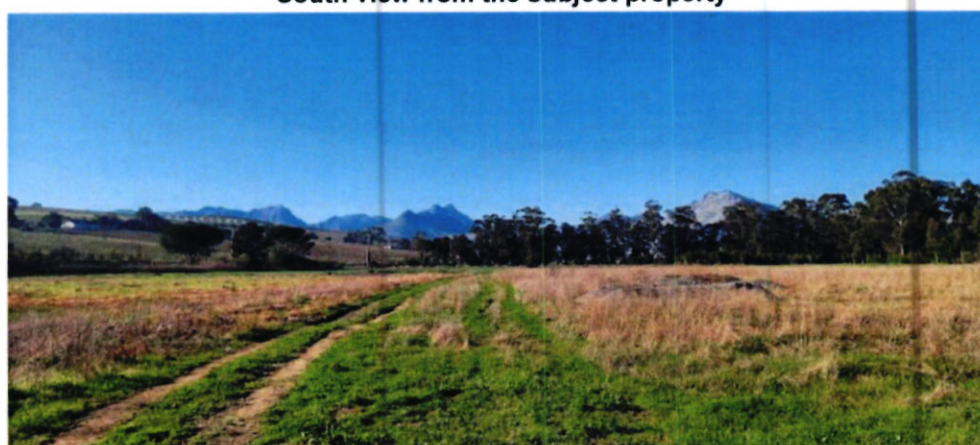
facilities in the area, which makes this area a very popular tourist destination. The proposed activities will therefore not conflict with the existing character of the area.



North view of the railway line bordering the subject property



South view from the subject property



East view from the subject property



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

July 2022



West view from the subject property

8.3. Accessibility

The subject property is located approximately 6km north-west of Stellenbosch CBD along the R304 (Koelenhof Road). The R304 is an important road that links Stellenbosch to the south with the N1 to the north. This route also serves as the primary access to all the farms and land units located along this route including the subject property. Access to the subject property is taken directly from the R304 (Koelenhof Road) via an existing approved farm entrance. A main security entrance leads from the R304 to the existing farmstead.



Access from the R304 to the subject property



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

July 2022



Entrance to the subject property from the R304

Since the function and receptions have been in operations for more than three decades already, a formal parking area has been established near the farmstead to facilitate the parking requirements. A total of 112 parking bays are available on this specific spot, which exclude the other parking spaces on the farmstead itself.



Existing parking for the proposed functions and venues

Due to the size and scale of the intended land uses, and since this activity has been in operation for three decades already the existing farm entrance and internal farm roads suffice, and no changes thereto are proposed.



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

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8.4. Spatial Planning

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

Although the subject property is not specifically mentioned in the existing spatial documentation, the principle of tourist related activities subservient to the primary land use within agriculture areas outside of urban areas are recommended and encouraged in the spatial planning documentation. It is also a known fact that tourist related activities in the Boland region are widely accepted and encouraged by all spheres of government for various reason (tourism, local economic development, employment, etc.). Since the subject property is an active agricultural land unit the intention to introduce a tourist facility (function and reception venue), tourist accommodation establishment and a day care centre in existing buildings thereon can be regarded as in line with the rural land use policies of the Stellenbosch Municipality, especially since the buildings in which the proposed land uses are proposed, already exists.



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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

July 2022

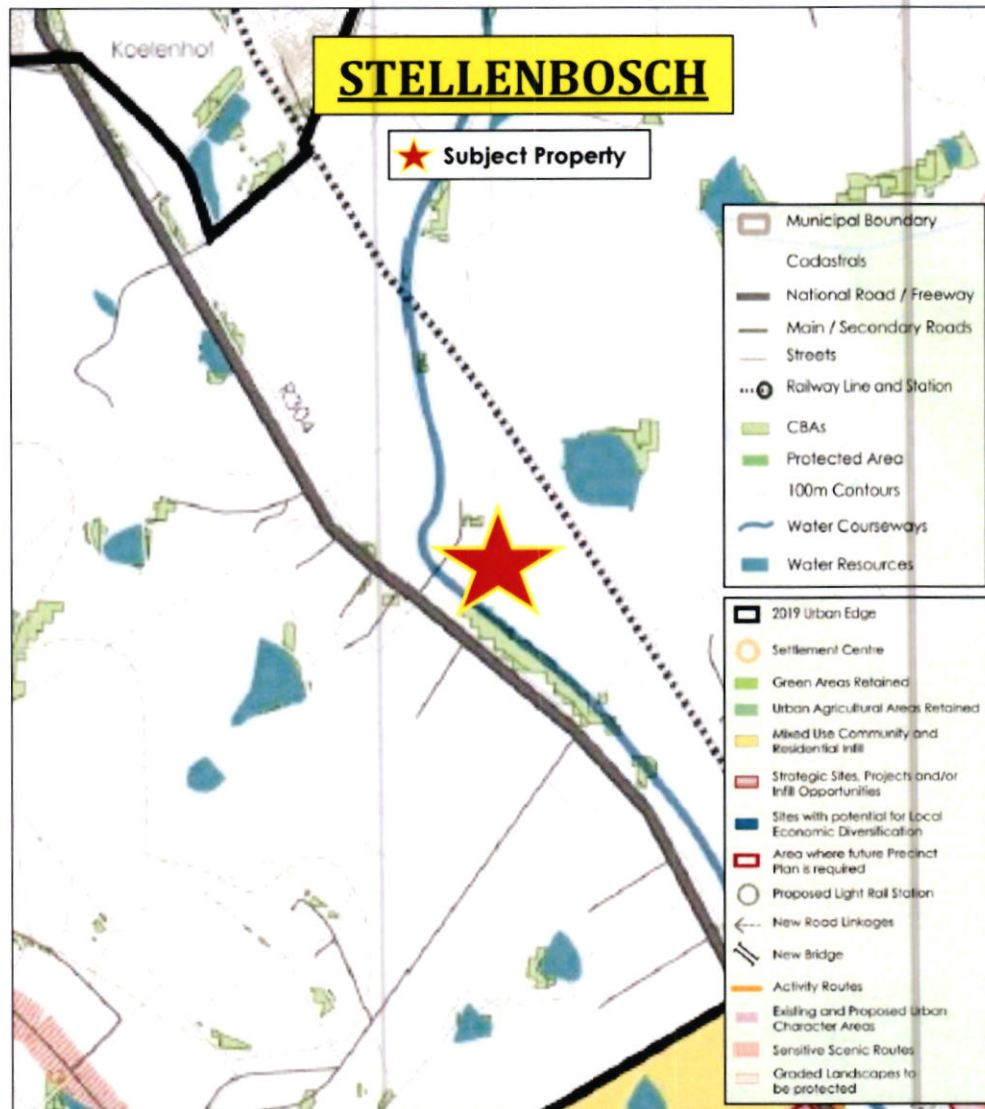


Figure 1: Stellenbosch Municipality Spatial Development Framework (2019)

It suffices to say that the proposed land uses to utilize existing buildings on the farmstead for tourist related activities and a day care facility, is not in conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable.

8.5. Provision of services

Since the proposed land uses will be confined to existing buildings on the farmstead, all these buildings are fully serviced, and sufficient



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infrastructure is available. The existing services on the subject property are as follows (*see attached service providers as proof*):

- Water supply

Potable water is obtained from Stellenbosch Municipality as clearly reflected on the attached municipal account.

- Electricity

The current available power supply is obtained directly from ESKOM and there is more than sufficient capacity in the existing system to also accommodate the intended land uses without problems; and

- Sewage

The sewage is connected to the existing municipal sewer line that traverses the subject property. No additional connections will be required since all the buildings are already connected.

- Solid Waste

The solid waste will be dealt with by the owner.



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9. SUMMARY AND CONCLUSION

From the aforementioned, it is evident that the application for **Consent Use on Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch**, to facilitate *tourist facilities (function and reception venue)*, *tourist accommodation establishment (guest accommodation)* and a *day care centre* in existing buildings on the subject property, is in line with Section 65(1)(c) of the Stellenbosch Municipality Land Use Planning By-Law. The motivation for the proposed land uses can be summarized as follows:

Economic impact

- From a business point of view, the proposed land uses will optimize existing buildings on the subject property and will create new employment opportunities.
- Since the function and reception venue has been on the subject for more than three decades and will continue as such, no direct or indirect impact on the existing farming operations is expected.
- The proposed new land uses will also make significant contributions to the tourism industry and local economy in a direct and indirect manner.
- The proposed land uses will remain subservient to the primary agricultural land use of the subject property.
- The introduction of tourist accommodation in existing separate vacant buildings on the subject property will have no direct or indirect impact on the existing farming operations.
- The introduction of a day care centre in an existing building on the subject property will have no direct or indirect impact on the existing farming operations.



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Social impact

- The proposed land uses will have a positive social impact since the proposed activity will ultimately create **new employment opportunities**.
- The proposed land uses will have a positive impact on the local tourism market and the tourist facility and tourist accommodation will result in a **more sustainable** operation on the farmstead.
- The principle of agri-tourism is well supported by all spheres of the government and is a significant contributor to the local economy of the area.

Compatibility with surrounding land uses

- Since the proposed land uses will be confined to existing buildings and the primary land use will continue uninterrupted, the land uses will **not be in conflict** to what is **already present on farms in the immediate surrounds**.
- The size and scale of the proposed land uses in existing buildings will be insignificant in relation to the existing agricultural activities, no direct or indirect conflict is expected.
- Since tourist facilities and tourist accommodation are a common phenomenon on farms in the Stellenbosch area and since all are secondary rights to agriculture, no impact is expected.
- The primary agricultural activities will continue uninterrupted, and no agricultural land will be lost because of this application.

Impact on safety, health and wellbeing of the surrounding community

- There is no reason to believe that this application will result in any changes to the safety and security in the area.



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- The proposed activity will have no impact (visual, health and safety) on any of the surrounding properties since existing buildings will be utilized.

Impact on heritage

- No impact on the heritage character is expected since no heritage recourse will be affected, and since all the proposed land uses will be within existing buildings that are less than 60 years, and the limited size and scale of the intended land uses **no impact on the cultural landscape of the area is expected.**

Impact on the biophysical environment

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

Traffic impacts, parking, access and other transport related considerations

- Due to the size, scale and frequency of the intended land uses, no significant impact on the existing traffic flow in the area is expected, especially since the function venue has been in operations for the last three decades and no incidents has been reported. The existing and approved entrance and paved roads are more than sufficient to accommodate additional traffic to and from the subject property.
- There is more than sufficient onsite parking available on the farmstead to easily accommodate the additional number of vehicles expected because of this application.
- The existing internal farm roads have more than sufficient capacity to accommodate the expected traffic.



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Impact on services and infrastructure

- Since the proposed land uses will be confined to existing buildings on the subject property which are all provided with the necessary engineering infrastructure and services, no additional infrastructure or services will be required.

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

- The proposed land uses will not have any adverse impact on the surrounding area and no mitigating factors are required.
- The proposed activity in its current scale and form will be financially viable and are in line with the spatial policies relating to agri-tourism.
- The proposed land uses will provide additional and new permanent employment (security and staff) to the subject property.
- It is our view that the proposed land uses will have an enhancing impact on the surrounding area and **no mitigation is foreseen for the development project.**

I trust therefore that the application for **Consent Use** on **Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch** to facilitate a *tourist facility, tourist accommodation establishment* and a *day care centre* in existing building on the subject property as depicted on the attached ***Site Development Plan***, is therefore regarded as highly desirable and we trust that the application is favourably considered and approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995

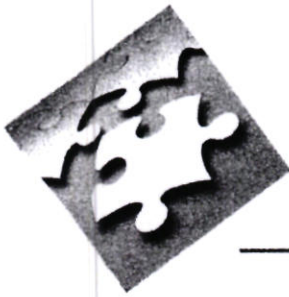


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Portion 2 of the Farm Nooitgedacht No. 74 Stellenbosch

July 2022



P-J le Roux

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POWER OF ATTORNEY

I, Fritz Herman Werner Wirth
(ID Number 5195095050086)

in my capacity as Trustee

of (property description) Portion 2 of Farm Nooitgedacht
No. 74 Stellenbosch.

Address Nooitgedacht Farm, R301, Koelenhof,
7605

hereby formally appoints

PJ le Roux Town and Regional Planners (Pty) Ltd

Main Road 262

Paarl

7646

to represent me at all times and in all instances at any authority or institution in the execution of the following application on the said property:

Consent Use

Signed at Stellenbosch on this 14th

day of June, 2022.

Signature

Witness

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)

Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620

Mobile: 0760317607 Tel: + 27 21 8722499 Faks: + 27 86 605 8431 Epos: pj@pjleroux.co.za

Direkteur P.J le Roux Pr. Pln A/803/1995 SS (SA) LSAISS/MSAITRP, Ba Hons.M(S&S)



STELLENBOSCH

STELLENBOSCH • P.N.E.L. • FRANSCHHOEK

MUNICIPALITEIT • UMASIPALA • MUNICIPALITY

BTW Reg Nr / VAT Reg No. 4700102181

FRITZ WIRTH TRUST
POSBUS 86
KOELENHOF
7605

REKENING NOMMER	522001078
BELASTINGFAKTUUR	6809175
REKENING DATUM	18/05/2022
KWITANSIES GEPOS TOT	17/05/2022
BTW	1168.13
WAARDASIE	20851000
ERF	STPLA 74 00002
GEBOU	NOOITGEDACHT
LIGGING	KOELENHOF
DEPOSITO / WAARBORG	
DEB BTW REG NR	4660155625

BELASTINGFAKTUUR MAANDELIKSE REKENING

TAX INVOICE MONTHLY ACCOUNT

METER BESONDERHEDE

Tp. Meter Nr.	Vorige	Nuwe Lesing	Faktor	Verbruik	Periode	Daag	Gemid
W0000002194	4888	5417		529.000	17/03-13/04	19.59	

REKENING BESONDERHEDE

Saldo oorgedra:	13661.50
ACB/ander betalings0000003583	13661.50-

HUIDIGE REKENING

Diens tipe	Verbruik	Tarief / Kost e	Bedrag	BTW
Belasting			2235.65	
Belasting			1680.00	
Water: DOMM Basis / Basis	33	73.69000	2796.54	364.77
Water: DOMM 0 - 6 Kl	198	6.39000	1455.00	189.78
Water: DOMM 7 - 12 Kl	198	9.67000	2201.86	287.20
Water: DOMM 13 - 20 Kl	133	16.36000	2502.26	326.38
Betaal per Debetorder op 07/06/2022			12871.31-	
** Totale maandelikse saldo:			.00	

WAARDASIE	VERBRUIK	OPPERVLAKTE
20851000	AGRIC	49.5389

BOODSKAP

Stellenbosch Munisipaliteit se drinkwater kwaliteit voldoen 94.0%
 Alle meter lesings wat maandeliks deur 'n klient self verskaf word moet
 asseblief vergesel wees van 'n foto van die meter lesing.
 Indien hierdie rekening nie per debetorder betaal word nie, vereffen asseblief
 betyds om rente teen die standaardkoers te voorkom.

Sien agterkant vir belangrike inligting / See reverse side for important information



STELLENBOSCH

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MUNICIPALITEIT • UMASIPALA • MUNICIPALITY



masterpass
by mastercard



Send this portion back with your payment please. Stuur asseblief hierdie gedeelte saam met u betaling.
 RECEIPT VALID ONLY IF PRINTED BY OFFICIAL CASH RECEIPTING FIGURES.
 KWITANSIE GELDIG ALLEENLIK INDIEN DEUR AMPTELIKE KASREGISTERSYFERS GEDRUK.

✉ P.O.Box / Posbus 17, Stellenbosch, 7599.
 ☎ 021 808 8111 📠 021 886 7318

Name / Naam	Account No. / Rekeningnr.	Period / Tydperk	Date / Datum
FRITZ WIRTH TRUST	522001078	2022/05	18/05/2022

Due Date Datum Verskuldig	Monthly / Maandeliks		Annual / Jaarliks		TOTAL NOW DUE TOTAAL NOU VERSKULDIG
	Arrears / Credits Agterstalig / Krediete	07/06/2022	Arrears / Credits Agterstalig / Krediete		
New Due / Future: Nou Verskuldig / Toekomstig:		12871.31			12871.31



>>>>>> 9151 6000 0052 2001 0782



FNB
First National Bank

Bank Name : FNB
 Cheque Account Number : 626 692 537 09
 Branch Code : 250 655
 Swift Code : FIRNZAJJ

Bank Naam
 Tjek rekeningnommer
 Tak Kode
 Swift Kode

Reference Number **Compulsory** Please use your Municipal Account Number **only**
 Verwysing Nommer **Verpligtend** Gebruik **slegs** u Munisipale rekening nommer

Please do not use this bank account number for any other municipal payments. - Geen ander munisipale betalings mag in hierdie bankrekening gemaak word nie.



ESKOM HOLDINGS SOC LTD REG NO 2002/015527/30
VAT REG NO 4740101508

NOOITGEDACHT WYNAKERY (EDMS) BPK
POSBUS 86
KOELHOF
7605

WESTERN REGION
PO BOX 377 BELVILLE 7535

INBELSENTRUMNR: (0860) 037566
FAKSNOMMER: 0862 437 566
E-POS: customerservices@eskom.co.za
WEB: WWW.ESKOM.CO.ZA



TEL: 08600 37566
SMS: 35328

CUSTOMER SELF SERVICE WEBSITE:
https://csonline.eskom.co.za

WESTERN REGION
PO BOX 377 BELVILLE 7535

VIR DIREKTE DEPOSITO
BANK: ABISA
TAKKODE: 334110
BANKREKENING: 340167430

TAX INVOICE

E-MAIL: migal@nooitestate.co.za

LESINGTIPE: ACTUAL	LESINGDATUMS: 2022/05/25 - 2022/06/24	GETAL DAE: 30	SEISOEN:
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U volgende lesingskatting is op 25/07/2022

VERBRUIKSOPSOMMING VIR REKENING TYDPERK

METERNOMMER	VORIGE LESING	HUIDIGE LESING	VERSKIL	KONSTANTE	VERBRUIK
3207515201349	738581.0000	754435.0000	15854.0000	1.0000	15,854.0000

TOTALE ENERGIEVERBRUIK VIR REKENING TYDPERK (kWh) 15,854.00

LEWERINGSPUNTNUMMER 5788452112 **TARIEFNAAM:** Landrate 1,2,3

FARM NOOITGEDACHT

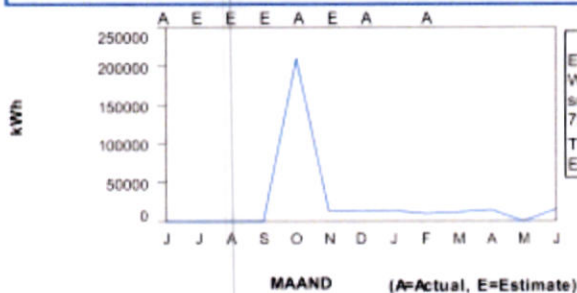
Item	Rate	Amount
Diensheffing @ R34.57 per dag vir 30 dae	R	1,037.10
Network Capacity Charge @ R102.30 per day for 30 days	R	3,069.00
Network Demand Charge 15,854 kWh @ R0.3894 /kWh	R	6,173.55
Ancillary service charge 15,854 kWh @ R0.006 /kWh	R	95.12
Energieheffing 15,854 kWh @ R1.5585 /kWh	R	24,708.46

TOTALE HEFFINGS VIR REKENING TYDPERK R 35,083.23

REKENINGOPSOMMING VIR JUNE 2022

BALANS OORGEDRA (Betaaldatum 2022-06-21)	R	32,896.80
BETALING(S) ONTVANG Autopay Current/Cheque Account - 2022-06-21	R	-32,896.80
TOTALE HEFFINGS VIR REKENING TYDPERK	R	35,083.23
AANPASSING AUTO PAY DISCOUNT	R	-2.00
VAT RAISED ON ITEMS AT 14%	R	-0.30
VAT RAISED ON ITEMS AT 15%	R	5,262.48

AGTERSTALLIG				TOTAAL VERSKULDIG	R	40,343.41
>90 DAYS	61-90 DAYS	31-60 DAYS	HUIDIGE			
0.00	0.00	0.00	40,343.41			



MAAND (A=Actual, E=Estimate)

Message
Eskom will move towards quarterly meter readings from 1 April 2014. We encourage all customers who have access to their meter boxes to submit their meter reads by calling the Eskom Contact Centre 086 003 7566 or submitting it on the Eskom website. The Meter Reader Found the Gate Locked to Your Premise, thus this Estimation.

PAGE RUN NO: EE 3623
BILL GROUP:
BILL PAGE: 1 OF 1

REKENINGNR / VERWYSINGSNR
5788452111
NAAM
NOOITGEDACHT WYNAKERY
FAKSNOMMER
0866806410
9334 5788452111

11341 5788452111



>>>>>>> 9207 1578 8452 1112



TOTAAL VERSKULDIG

40,343.40

BETAALREELING

PAAIEMENT

0.00

AGTERSTALLIG

0.00

BETAALDATUM

2022-07-22

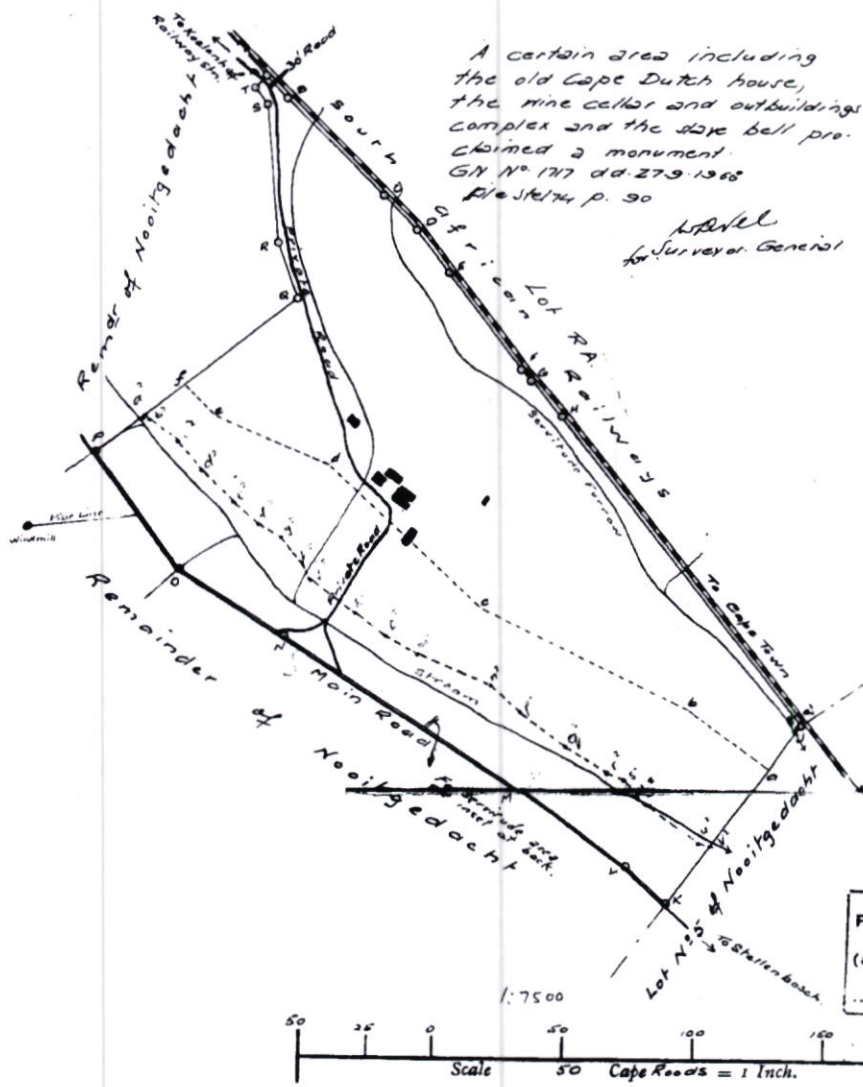
BEDRAG BETAAL

HEFFINGS VIR LAAT BETALING SAL BY AGTERSTALLIGE BEDRAE GEVOEG WORD

No. A1692 1924

2 R Brooke
Surveyor-General.
consistent.

Examiner.



y	Co-ordinates x
A	- 8563.07 - 1459.34
B	- 8570.51 - 1450.97
C	- 8607.79 - 1413.38
D	- 8620.46 - 1399.69
E	- 8632.66 - 1383.50
F	- 8660.84 - 1346.06
G	- 8664.31 - 1341.42
H	- 8675.79 - 1327.35
I	- 8676.76 - 1206.27
J	- 8717.11 - 1135.68
L	- 8701.49 - 1150.28
M	- 8661.39 - 1179.69
N	- 8570.63 - 1241.23
O	- 8530.60 - 1267.18
P	- 8497.98 - 1312.90
Q	- 8575.04 - 1372.98
R	- 8567.48 - 1394.14
S	- 8563.76 - 1447.98
T	- 8558.95 - 1454.27

Angles		Sides	
A	80.42.50	AB	11.20
B	183.9.30	BC	52.94
C	178.1.10	CD	18.65
D	174.13.0	DE	20.27
E	179.58.0	EF	46.86
F	179.49.30	FG	5.79
G	182.25.10	GH	18.16
H	178.0.30	HJ	152.05
J	107.7.10	JK	56.88
K	82.39.40	KL	21.36
L	186.43.0	LM	49.75
M	182.8.40	MN	109.65
N	181.11.10	NO	47.70
O	158.27.30	OP	56.16
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Q	251.23.10	QR	22.47
R	163.17.30	RS	63.97
S	213.27.10	ST	7.92
T	103.29.10	TA	6.54

Figure 1 B C D E F G H J a b c d e f g r s t = 31 M. 202 sq. ft. is Freehold

The above diagram lettered A B C D E F G H J K L M N O P Q R S T represents 57 morgen

502 square roods — square feet of land situate in the Field-Cornelcy of Division of Stellenbosch being "The Homestead" part of "Nooitgedacht" granted to E.v.R. Lange under Certificate of Amended Title dated 29 May 1920.

Bounded M by A as indicated above.

Surveyed and beacons by me according to regulations.

Quadrant for best

Government Land Surveyor.
May 1924.

I certify that this diagram belongs to the Transfer issued this day in favour of

F. J. R. With
Deeds Office.

20.61924. } 5466.

T. MARNEW MILLER,
STATIONER, CLEVELAND

Tourist accommodation establishment (20 guests)



Tourist facility: Venue for functions and receptions ($\pm 1160\text{m}^2$ and 300 guests)



Tourist facility: Outside venue area $\pm 1000\text{m}^2$



Day Care Centre ($\pm 90\text{m}^2$)



Parking



Hoofstraat 262 Main Road, Paarl
(t) 021-8722499 (f) 086 605 8431
(email) pl@pjleroux.co.za

Project:

Application for

Consent Use:

Portion 2 of Farm

No. 74

Stellenbosch

Description:

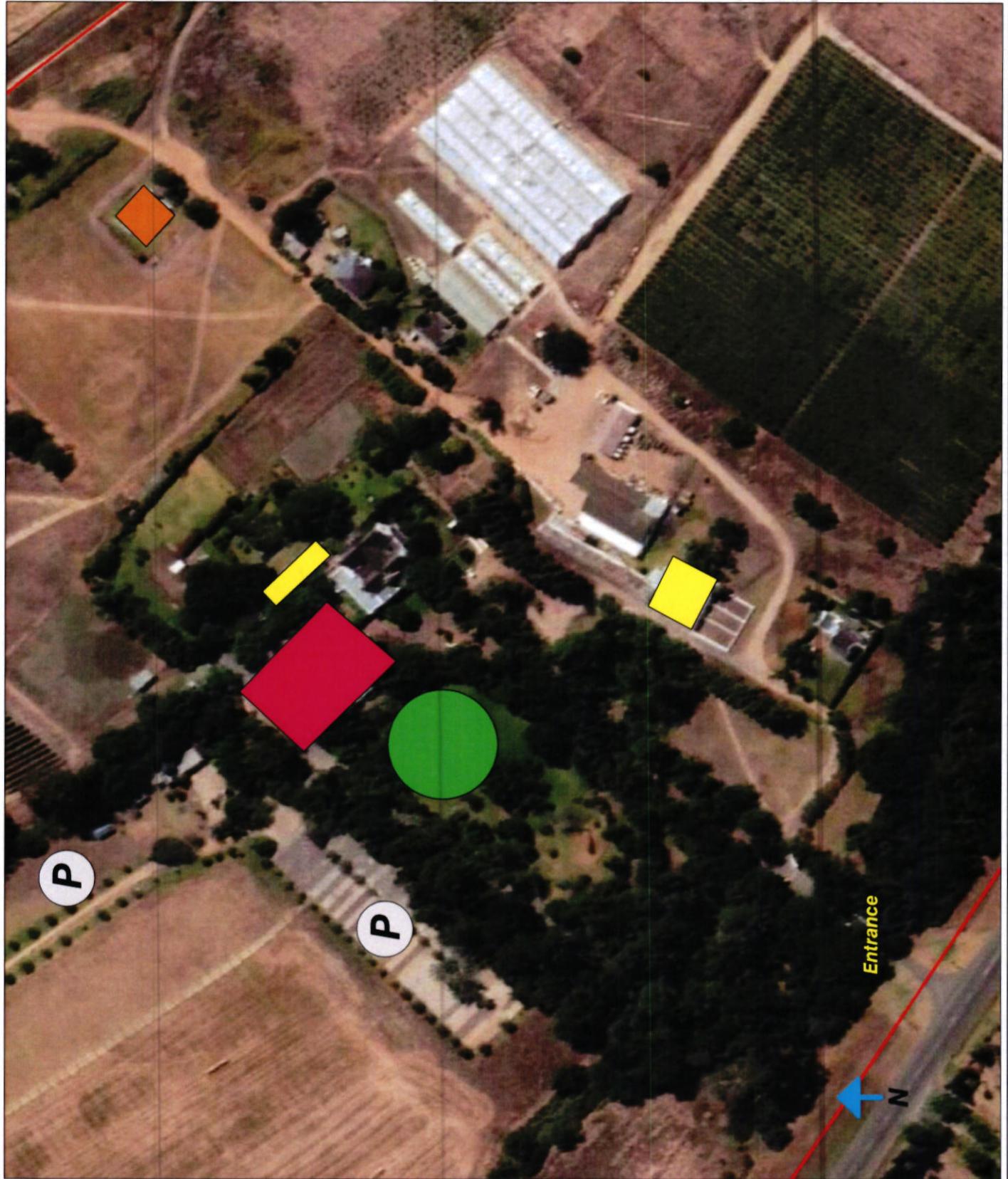
Site

Development

Plan

NOOITGEDACHT

Sheet	N.T.S	Leaf no.	V 30-108
Title	PJLR	Date	JULY 2022
Author	PJLR	Drawing no.	4



117

FOR FURTHER ENDOSSEMENTS SEE
VIR VANDERS ENDOSSEMENTE NIER.

10

copy of this doc. handed to
F. Wirth Nov. 70.

21/8/84
de

T 41680,84

DEED OF TRANSFER

CLUVER & MARKOTTER
ATTORNEYS
STELLENBOSCH

Prepared by me

H. Meaker
Conveyancer.

P.O.S. MEAKER

BE IT HEREBY MADE KNOWN

THAT JACOBUS ADRIAN LOUW DE WAAL
Conveyancer, appeared before me, Registrar of Deeds, at Cape Town he being duly
authorised thereto by a Power of Attorney signed at CAPE TOWN
on the 15 day of JUNE 19 84 and granted to him by

THE ADMINISTRATOR OF THE ESTATE OF THE LATE HERMINE LOUIS WIRTH
- WHITE GROUP -

VIR ENDOSSEMENTE NIEK RUSBY
FOR ENDORSEMENTS SEE

AND / ...

AND the appearer declared that his said principal had truly and legally sold on 25 MAY 1984 and that he in his capacity as attorney aforesaid did by these presents, cede and transfer, in full and free property to and on behalf of

THE TRUSTEES FOR THE TIME BEING OF
THE FRITZ WIRTH TRUST

- WHITE GROUP -
or its assigns

1. PORTION 2 (HOMESTEAD) of the Consolidated Farm NOOITGEDACHT NO 74 in the Division of STELLENBOSCH

MEASURING 49,5389 (FORTY NINE COMMA FIVE THREE EIGHT NINE) hectares

ORIGINALLY transferred by Deed of Transfer No T 5466/1924 with Diagram attached thereto and held by Deed of Transfer No T 1200/1943.

- A. SUBJECT to the conditions referred to in Deed of Transfer No T 5466/1924 dated 20 June 1924.
- B. SUBJECT FURTHER to the Order of the Water Court, District No 1 dated 4 April 1922, which is registered in the Deeds Office and against Certificate of Amended Title No 7354/1920 dated 20 May 1920.

C. ENTITLED FURTHER / ...

- C. ENTITLED FURTHER to the following special conditions mentioned in Deed of Transfer No T 5466/1924 dated 20 June 1924, viz:-

"the said Fritz Otto Robert Wirth and his successors in title shall be entitled to all water awarded to the farm Nooitgedacht by the aforementioned Order of Water Court and any other water which the farm as a whole may be entitled to out of the Plankenberg River, whether afloop water or otherwise."

- D. SUBJECT FURTHER to the reservations in favour of the State of the rights to mines of gold, silver and precious stones mentioned in Section 4 of the Proclamation of Sir John Cradock dated 6 August 1813.

- E. SUBJECT FURTHER to the following endorsement, dated 18 February 1966, contained in Deed of Transfer No T 1200/1943, which reads as follows:-

"By Notarial Deed No 47/1966 dated 22/11/1965 the Remainder of the farm Nooitgedacht No 74 measuring 149,6501 mg and held under Deed of Transfer No T 22525/1964 is entitled to lead water by means of a pipeline as indicated on diagram No 9972/1964 attached to said deed, by the figure a B C D E F G L, middle of Plankenbrug River, together with certain auxillary rights, over Portion 2 Homestead of the Consolidated Farm Nooitgedacht No 74 held under Para 1 herein.

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

F. SUBJECT / ...

F. SUBJECT FURTHER to the endorsement in terms of Section 31(6) of Act no 47 of 1937 (as amended) dated 21 October 1966, as contained in Deed of Transfer no T 1200/1943, which reads as follows:-

"Two portions of the herein-mentioned properties in Para 1 + 3 measuring $\pm$ 2.73 morgen and 470 square feet respectively have been expropriated by The Divisional Council of STELLENBOSCH in terms of Section 130 of Ordinance no 15 of 1952 Vide Notice of expropriation No H/2/1 d.d. 5/10/66 filed as exprop caveat 739/66 plans in duplicate filed."

XXXXXXXXXXXXXXXXXXXX

G. SUBJECT / ...

G . SUBJECT FURTHER to the endorsement in terms of Section 13(3) of Act No 28 of 1969, as contained in Deed of Transfer No T 1200/1943:-

"In terms of Section 10(1) of Act 28 of 1969 the under-mentioned area, with the buildings thereon, being "a portion of the farmstead of the farm known as 'Nooitgedacht-Herenhausen', extending from a point on the bank of the Plankenbrug River in a South-Easterly direction for 500 feet and from the aforementioned two endpoints, in a North-Easterly direction for 225 feet, including the old Cape Dutch house, the wine cellar and outbuildings complex and the slave bell, situated on the property in Para 1 herein, has been proclaimed as a National Monument by Proclamation 1717 dated 27/9/1968 published in the government Gazette of the same date.

For further particulars refer to said proclamation and minutes Ad/1/15 dated 17/11/75 from the Director of Archives, Pretoria, filed in file 24/4/6/16."

2. PORTION / ...

2. PORTION 4 of the Consolidated Farm NOOITGEDACHT No 74
in the Division of STELLENBOSCH

MEASURING 1265 (ONE THOUSAND TWO HUNDRED AND SIXTY
FIVE) square metres

ORIGINALLY transferred by Deed of Transfer No T 5466/1924
with Diagram attached thereto and held by Deed of
Transfer No T 1200/1943.

- A. SUBJECT to the conditions referred to in Deed of
Transfer No T 5466/1924 dated 20 June 1924.
- B. SUBJECT FURTHER to the Order of the Water Court, District
No 1 dated 14 April 1922, which is registered in the
Deeds Office and against Certificate of Amended Title
No 7354 dated 29 May 1920.
- C. ENTITLED FURTHER to the following special condition
mentioned in Deed of Transfer No T 5466/1924 dated
20 June 1924, viz:-

"the said Fritz Otto Robert Wirth and his successors in
title shall be entitled to all water awarded to the farm
Nooitgedacht by the aforementioned Order of Water Court
and any other water which the farm as a whole may be
entitled to out of the Plankenberg River, whether afloop
water or otherwise."

- D. SUBJECT FURTHER to the reservations in favour the the
State of the rights to mines of gold, silver and precious
stones mentioned in Section 4 of the Proclamation of
Sir John Cradock dated 6 August 1813.

E. SUBJECT FURTHER / ...

E. SUBJECT FURTHER to the endorsement in terms of Section 31(6) of Act no 47 of 1937 (as amended) dated 21 October 1966, as contained in Deed of Transfer no T 1200/1943, which reads as follows:-

"Two portions of the herein-mentioned properties in Para 1 + 3 measuring ± 2.73 morgen and 470 square feet respectively have been expropriated by The Divisional Council of STELLENBOSCH in terms of Section 130 o Ordinance no 15 of 1952 Vide Notice of expropriation No H/2/1 d.d. 5/10/66 filed as exprop caveat 739/66 plans in duplicate filed."

3. PORTION / ...

3. PORTION 8 of the Consolidated Farm NOOITGEDACHT No 74
in the Division of STELLENBOSCH

MEASURING 1,1649 (ONE COMMA ONE SIX FOUR NINE)
hectares

ORIGINALLY transferred by Deed of Transfer NO T 4/1926
with Diagram attached thereto and held by Deed of
Transfer No T 1200/1943.

- A. SUBJECT to the conditions referred to in Deed of
Transfer No T 4/1926 dated 2 January 1926.
- B. SUBJECT FURTHER to the Order of the Water Court, District
No 1 dated 4 April 1922, a reference whereeto was on
2 May 1922, endorsed on and a copy whereof is annexed
to Certificate of Amended Title No 7354/1920 dated
29 May 1920.
- C. SUBJECT FURTHER to the reservation in favour of the
State of the rights to mines of gold, silver and
precious stones mentioned in Section 4 of the Procla-
mation of Sir John Cradock dated 6 August 1813

WESHALWE / ...

WHEREFORE the Appearer, renouncing all the right and title TRANSFEROR-ESTATE

heretofore had to the premises, did in consequence also acknowledge TRANSFERUR-ESTATE
to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said TRANSFEREE-TRUST

or its assigns

now is/are and henceforth shall be entitled therein, conformably to local custom; the State, however, reserving its rights; and finally declared the said transferor-estate to have been satisfactorily paid the whole of the purchase price amounting to the sum of R308 467,00 (THREE HUNDRED AND EIGHT THOUSAND FOUR HUNDRED AND SIXTY SEVEN RAND) and transfer duty having been paid on the amount of R500 000,00 (FIVE HUNDRED THOUSAND RAND) being the fair market value.

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.

in Cape Town, Cape Province, on the 20th day
of the month of August

in the year of our Lord, One Thousand Nine Hundred and Eighty Four (1984).

In my presence,

Registrar of Deeds.

Registered, in the *fer*

Register of

Stellenbosch

Folio *Para*

" 2

v.d.Stol

" 3

74/2/1

74/4/1

74/8/1

Clerk

ENDORSEMENT ON: Pt 2 Homestead
of the consolidated farm
Montgomery no 24

For
Release
see
bond.

**VERBOD
MORTGAGED**

vir R. 895447 63 met toestemming van die Registrateur (with permission of the Registrar)

vir 'n verdere bedrag nie te souvenier vir 'n additional amount not exceeding

R. 5000,00

**GEKANSIELEER
CANCELLED**

A Member of the Deeds Office, Cape Town.

Handwritten notes:
3
33917/84
A-08-20
0005715/2014
Res 68(1)
13.2.2014

Page 2

GETRANSFERRED MAIL TRANSFERRED TO

Trak Props 54 (Pty) Ltd

Reg. No. 97/02523/07

RECEIVED FROM

79702-97

1997-08-19

RECEIVED FROM

THE DISKONFORME ESKOM IS ONDERWIPPE VAN 'N KRADELYSTEN VOET TEN GUNSTE VAN ESKOM MET SKOENDE FOTIE	THE WITHINMENTED PROOF IS SUBJECT TO A PENDING SERVICE OF REACTION OF ESKOM WITH ANOTHER RIGHT.
1132 / 2000 2000-11-14	

VA 00000047 / 2014

- 2 - 11

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

T 41680/1984

Deeds Registry
Cape Town

[Signature]

2014-01-08 Asst. Registrar of Deeds

6
FOR FURTHER INFORMATION SEE
LAND VALUATION DEPARTMENT

12-

VA 000000345 / 2017

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

Deeds Registry
Cape Town

30 JAN 2017

Asst. Registrar of Deeds

Para 3

SERTIFIKAAT VAN VERENIGDE TITEL UITGEREIK
CERTIFICATE OF CONSOLIDATED TITLE ISSUED

DU BEKEND AS Pbn 48 of the farm Nooitgedacht
NOW KNOWN AS meap: 57,9859 ha

000002541 / 2017

30 JAN 2017

REGISTRATEUR/REGISTRAR

TRUST RESOLUTION

At a recent meeting of **FRITZ WIRTH TRUST** held on

_____ at Nooitgedacht Farm it was resolved as follows:

1) To submit a formal application in terms of the following:

- a. Stellenbosch Municipality: Municipal Land Use Planning By-Law, 2015
- b. Any other relevant legislation

with respect to the proposed **CONSENT USE**

PORTION 2 OF FARM NOOITGEDACHT NO. 74 STELLENBOSCH

situated within the area of jurisdiction of the Stellenbosch Municipality, Stellenbosch Division, Province of the Western Cape

2) To authorise PJ Le Roux to sign the necessary Power of Attorney in favour of *Messrs PJ le Roux Town Planners Pty Ltd*



TRUSTEE



WITNESS

TRUSTEE

WITNESS

Signed on this 14th day of June 2022



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref: PL 74/2 S
Contact number: (021) 808 8640
Contact Person: N Dafeti
Date: 21 December 2020

ZONING CERTIFICATE **FARM No. 74/2, STELLENBOSCH DIVISION**

It is hereby certified that the zoning of Farm No. 74/2, Paarl Division in terms of the Stellenbosch Municipality Zoning Scheme By-Law, November 2019 is:

AGRICULTURE AND RURAL ZONE

With a Consent Use for the existing wine cellar (existing footprint)

PRIMARY USES	ADDITIONAL USES (Not exceeding threshold in this chapter and subject to technical approval)	CONSENT USES (Application required).
Agricultural building ($\leq 2000\text{m}^2$) Agriculture Dwelling house Forestry Natural environment Occasional use (one event/year) Private road Polytunnel ($\leq 2000\text{m}^2$) Second dwelling Employee housing (one unit)	Agricultural building ($> 2000\text{m}^2$) Agricultural industry ($\leq 2000\text{m}^2$) Bed and breakfast establishment Employee housing (exceeding one unit) Guest house Home daycare centre Home occupation practice Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) Rooftop base telecommunication station Tourist dwelling units Tourist facility (existing buildings)	Abattoir Additional dwelling units (maximum of 4) Airfield Airstrip Agricultural industry ($\geq 2000\text{m}^2$) Camping site Day care centre Freestanding base telecommunication station Helicopter landing pad Intensive feed farming Kennel Market Occasional use ($> \text{one event/year}$) Plant nursery Polytunnel ($> 5000\text{m}^2$) Renewable energy structure Service station Tourist accommodation establishment Tourist facility (new buildings or exceeding threshold) Any additional use exceeding the threshold set out in this chapter

Director: Planning and Economic Development

Please Note:

Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.



May 2019

CHAPTER 20: AGRICULTURE AND RURAL ZONE

CHAPTER 20: AGRICULTURE AND RURAL ZONE**199. Zone name and designation on map**

- (1) The Agriculture and Rural zone may be referred to by the code (AR) and shall be indicated on the zoning map in pale green (Colour code 211,255,191).

200. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- the protection and preservation of agricultural land, rural landscapes and biodiversity;
 - use of land for purposes of bona fide agricultural production or conservation;
 - buildings 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 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.

201. Land use within this zone

- (1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> \text{one event/year}$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

- (2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.

May 2019

CHAPTER 20: AGRICULTURE AND RURAL ZONE

- (3) After the commencement of this Scheme, and prior to the erection of any new buildings or alterations to existing buildings or the conversion of any existing buildings to a new land use, a site development plan shall be submitted in accordance with section 216 for a land unit.
- (4) A technical approval for an additional use shall not be issued in terms of section 13(8)(f) unless all the applicable parameters for that use in the relevant section is complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.
- (5) Portions of buildings or land in this zone may not be registered separately by sectional title.

202. Agricultural buildings

- (1) Agricultural buildings which are directly related to the agricultural activities on a land unit may be erected, provided that where the coverage of any one building exceeds 2000m², an application for technical approval for an additional use shall be made in terms of section 13.
- (2) The number of agricultural buildings on a land unit is not limited provided that all buildings are reasonably connected to the main farming activity.
- (3) Should agricultural buildings on one land unit serve a farm which consists of more than one land unit, the Municipality may, in their sole opinion, require that land units be notorially tied to prevent the separate sale thereof, before approving the building plan on a specific land unit.

203. Agricultural industry

- (1) At least 50% of the produce used in an agricultural industry shall be grown or produced on the particular farm on which the agricultural industry is located.
- (2) Where the total area used for the agricultural industry on a land unit, including all storage, parking, loading and associated circulation space for the activity, is less than 2000m²⁷, agricultural industry buildings may be erected provided that the Municipality has granted an application for technical approval for an additional use in terms of section 13.
- (3) A consent use application is required where the total area used for the agricultural industry on a land unit, including all storage, parking, loading and associated circulation space exceeds 2000m².
- (4) The Municipality may require information about produce, yields and production capacity to confirm the scale of the proposed building is commensurate with the farming activities on the land unit or farm concerned.
- (5) The agricultural industry shall remain subservient to the agricultural activities on the land unit or farm.
- (6) Other farm owners in the surrounding area may supply produce to the agricultural industry provided that the definition is complied with.
- (7) An agricultural industry may not be subdivided, alienated via a registered lease, or sectionalised.
- (8) Should agricultural industry buildings on one land unit serve a farm which consists of more than one land unit, the Municipality may, in their sole opinion, require that land units be notorially tied to prevent the separate sale thereof, before approving the building plan on a specific land unit.

204. Dwelling house, second dwelling and additional dwellings

- (1) One dwelling house and one second dwelling shall be permitted on any land unit as a primary right.

⁷ It should be noted that NEMA requires a basic assessment for agricultural industries of 2000m² or more in extent which are located outside industrial areas (refer Regulations 327 Reg 8 April 2017).

May 2019

CHAPTER 20: AGRICULTURE AND RURAL ZONE

- (2) On land units exceeding 20ha in size, the Municipality may grant its consent for additional dwelling units at a rate of one additional dwelling unit per every 10ha exceeding the 20ha threshold, up to a maximum of four additional dwelling units, as set out in the definitions. This parameter may not be deviated or departed from.
- (3) Each dwelling house, second dwelling or additional dwelling unit may be occupied by no more than one family as defined or may be used in a manner permitted as additional uses or consent uses if approved by the Municipality, and the same conditions as set out in Chapter 7 for bed and breakfast establishment, home day care centre and home occupation practice shall apply.
- (4) The maximum building development parameters are indicated in section (7): a main dwelling and second dwelling may not exceed a coverage of 600m² each whilst any additional dwelling is limited to a coverage of 120m² each. Coverage excludes garage, carport or outbuildings which are ordinarily associated to a dwelling house for one family.

205. Employee housing unit

- (1) One employee housing dwelling unit shall be permitted on a land unit as a primary right.
- (2) The Municipality may grant its further technical approval for additional employee housing units, provided that it is satisfied that the owner has provided sufficient proof that the additional employee housing units are for *bona fide* employees associated with activities on the land unit.
- (3) An employee housing unit may only be used for the accommodation of one family as defined, unless another use thereof has been approved by the Municipality.
- (4) One of the occupants of each of the employee housing units shall be permanently employed in connection with the farming activities on the farm concerned.
- (5) The maximum building development parameters are indicated in section (7): each employee housing unit may not exceed a coverage of 120 m². Coverage excludes garage, carport or outbuildings which are ordinarily associated to a dwelling house for one family
- (6) Construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses, unless the Municipality is satisfied that such approval will not result in creeping development footprint which exceed the overall development extent intended for a land unit or will lead to an erosion of agriculture as the primary land use on the property.
- (7) Should employee housing on one land unit serve a farm which consists of more than one land unit, the Municipality may, in their sole opinion, require that land units be notarially tied to prevent the separate sale thereof, before approving the building plan on a specific land unit.

206. Home occupation and home day care as additional uses

- (1) A home occupation or home day care establishment may only be conducted from the approved main dwelling house or the second dwelling on the land unit and the proprietor shall reside in a main dwelling or second dwelling on the land unit. The same parameters as set out in section 51 shall apply to a home occupation or home day care establishment in this zone.

May 2019

CHAPTER 20: AGRICULTURE AND RURAL ZONE

207. Bed and breakfast, guest house, tourist dwelling unit as additional use in this zone

- (1) The total number of guest bedrooms in a bed and breakfast, guest house and tourist dwelling unit as a combined additional use on a land unit may not exceed 7 bedrooms or 14 people^a in total per land unit.
- (2) A bed and breakfast establishment may only be conducted from the approved main house or the second dwelling where the proprietor shall reside in either of these two buildings. The same parameters as section 51 shall apply to a bed and breakfast in this zone, except the maximum number of rooms permitted is subject to the overall threshold for guest accommodation in this zone.
- (3) A guest house and/or tourist dwelling unit accommodation, when conducted as additional uses, may only be conducted from one or more approved dwelling units on the land unit.
- (4) Guest accommodation, when conducted as additional uses, may only be undertaken as an additional use on a land unit where the primary use of the property remains cultivation, keeping of animals or any other bona fide agricultural or natural environment use, unless otherwise approved by the Municipality. The guest accommodation shall always remain subservient to the primary agricultural activities and shall not interfere with the agricultural or natural environment land uses on the property. If the land unit ceases to be used for agricultural or natural environment activities, the Municipality may instruct the owner to also cease the guest accommodation activity.
- (5) A guest house, bed and breakfast, or tourist dwelling unit in this zone may not include meeting or beauty treatment rooms or a wellness centre unless the Municipality's consent has been obtained for these land uses.
- (6) The Municipality may grant a consent use for a greater number of bedrooms to be used for a guest house, tourist dwelling unit or bed and breakfast, provided that these activities shall remain confined to the approved dwelling units on the land unit and the number of additional dwellings may not exceed the number permitted by means of the definition of "additional dwellings".
- (7) When approving such an application the Municipality shall impose a restriction on the number of bedrooms which may be used in connection with the activity and any future expansions or alterations will require further consent.

208. Tourist accommodation and hotel in this zone

- (1) When the number or scale of buildings, in which accommodation for transient guests is provided, exceed the maximum number or scale of dwelling houses and additional dwelling houses permitted on a land unit, or if other buildings, which are not the approved main dwelling house, second dwelling house or additional dwellings units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation establishment or a hotel, depending on the type of accommodation and the ancillary uses.
- (2) A tourist accommodation establishment or hotel is a consent use in this zone.
- (3) When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements set out in section 213.

^a Note: "Less than 15 people" per land unit is the threshold set in National Environmental Management Act (NEMA) regulations for all guest accommodation facilities outside the urban edge below which basic assessment is not required (unless within 5km of a proclaimed national park). It is regarded as an appropriate general threshold for guest accommodation permitted as an additional use right on a farm land unit since the impact (from a land use management perspective) is regarded to be small and the activity will not have an adverse impact on agricultural activities, when curtailed to existing buildings. It should however be noted that guest accommodation outside the urban edge, but within protected areas, within 10km of a national park or world heritage site, or 5km from any other protected area or from the core of a biosphere reserve triggers a NEMA basic assessment.

May 2019

CHAPTER 20: AGRICULTURE AND RURAL ZONE

209. Tourist facilities in this zone

- (1) The parameters in this section shall apply to all tourist facilities on a land unit which are conducted as an additional use in this zone.
- (2) A technical approval for additional uses shall not be issued in terms of section 13(8)(f) unless all the applicable parameters in this section are complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.
- (3) Tourist facilities in this zone may only be undertaken from a land unit where the primary use of the land unit is *bona fide* agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm.
- (4) Tourist facilities which are additional uses, and which require buildings to operate from, may only be undertaken from existing approved buildings on the land unit which are no longer utilised for their original purpose, provided the Municipality may approve internal alterations and minor additions to these buildings within the parameters of this Scheme. Building plans must be submitted and approved prior to converting existing buildings to tourist facilities.
- (5) New buildings for tourist facilities require a consent use application in terms of Planning Law.
- (6) The total coverage of all buildings plus any external use areas which are used for tourist facilities (excluding parking areas) as an additional use, including the area which is used for manufacturing as envisaged in subsection (8), shall not exceed 250m² for the entire land unit, of which:
 - (a) the total coverage of buildings plus external use areas of all shops in a tourist facility as provided for in subsection (7) may not exceed a total of 120m² and this is a sub-limit of the overall limit for tourist facilities;
 - (b) the coverage plus external use areas used for the making and manufacturing of products as provided for in subsection (8) may not exceed a total of 50m² and this is a sub-limit of the overall limit for tourist facilities. This sub-limit may not be exceeded through application for consent use, nor may it be departed from;
 - (c) the total land area for market stalls may not exceed 120m² and this is a sub-limit of the overall limit for tourist facilities.
- (7) Shops in a tourist facility, which may include a market, farm stall, farm shop, point of sale, deli, may sell goods which are produced or grown on the farm, or goods from elsewhere, provided that at least 50% of the floor space of the shop shall be dedicated to the display and sale of goods produced or grown on the farm.
- (8) Tourist facilities may include an area for the brewing or manufacturing of beverages, cooking or baking of food, making of arts, craft, clothing or articles, where the raw materials used in such activity is not necessarily grown or farmed on the land unit concerned, provided the following conditions are adhered to:
 - (a) the activity shall be undertaken or managed by the owner of the farm or one of their relatives, or a full-time employee of the farm or one of their relatives;
 - (b) such goods may be sold in the tourist facility on the property, or elsewhere.
- (7) The site development plan together with any conditions as approved by the Municipality shall constitute the development rules for the activity and any expansion, alteration or relocation will require a further application in terms of this Scheme.
- (8) The Municipality may impose any conditions required to mitigate the potential impact.
- (9) Tourist facilities may not have an adverse impact on surrounding properties, in respect of, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people, or the presence of people hindering agriculture e.g. during spraying season, nor may the tourist activities have an adverse impact on any *bona fide* agricultural activities on the farm itself or on neighbouring properties.

- (10) The Municipality may, at any time after the commencement of the activity impose additional conditions to mitigate adverse impacts or it may instruct the owner that the activity shall cease, and the Municipality shall issue a compliance notice in accordance with the Municipal Planning By-law.
- (11) Tourist facilities which exceed the maximum thresholds or any of the conditions or provisions in this section shall require a consent use application, unless the specifically prohibited in this section, and the Municipality may only grant such consent if it is satisfied that the objectives of the Agriculture and Rural zone will not be undermined by such approval.

210. Polytunnels in this zone

- (1) For polytunnels, which for the purposes of this section also include agricultural shade netting, the following provisions apply: -
 - (a) up to 2000m² coverage per land unit are permitted as a primary use provided that it is indicated on an overall site development plan for the farm submitted to the Municipality in accordance with section 216 prior to erection thereof;
 - (b) between 2001m² and 5000m² coverage per land unit is permitted with the technical approval of the Municipality, subject to a more detailed and location-specific site development plan, as may be required by the Municipality;
 - (c) exceeding 5000m² coverage on a land unit requires a consent use application to be submitted and approved by the Municipality.
- (2) When assessing an application for technical approval or consent use for polytunnels, the Municipality shall take cognisance of the importance of agriculture and food security and strive to approve applications forthwith if proposals address concerns of adverse impacts on visual, cultural and heritage amenity and addresses all technical requirements.
- (3) The Municipality may require proposals to be amended, in the form of repositioning, screening and any other measures which may address negative adverse impacts.
- (4) The Municipality may also impose measures and conditions related to decommissioning as set out in section 24 of this Scheme.

211. Mining as a temporary departure in Agriculture and Rural Zone

- (1) The Municipality may grant a departure in this zone to use land for the purposes of mining on a temporary basis.
- (2) Notwithstanding section 18(1)(b) of the Stellenbosch Land Use Planning By-law, the period for which a mine may operate shall be linked to the life expectancy of the mine and may exceed a period of 5 years.
- (3) The Municipality shall impose conditions relating to the period of validity, other operational requirements, as well as future rehabilitation of the mine after closure, as provided for in section 24 of this Scheme.

212. Rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if consent use is approved by the Municipality.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.

⁹ It must be noted that The National Heritage Resources Act (no 25 of 1999) requires a NID to be submitted for any activity that will change the character of a site exceeding 5000m² in area.

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- (3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.
- (6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany the application.
- (7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

213. Consent uses in Agriculture and Rural Zone

- (1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.
- (2) When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture.
- (3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.
- (4) A consent use application for an abattoir, airstrip, meeting facilities associated with a guest house, day care centre, helicopter landing pad, hotel, outdoor sport, tourist accommodation establishment and tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses.
- (5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.
- (6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.
- (7) As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.
- (8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.
- (9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm's site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.

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214. Building development parameters in this zone

- (1) The following building lines, height, and floor area or coverage thresholds shall apply to buildings and activities within this zone:

Building type	BUILDING LINES (m) Street & common boundaries (incl. ROW servitudes)	HEIGHT (Storeys)	PRIMARY USE Maximum Coverage Threshold	ADDITIONAL USE (SDP) Maximum Coverage Threshold	CONSENT USE Maximum Coverage
Accommodation and dwellings in this zone					
Dwelling house and second dwelling-house (excluding outbuildings, carport or garage)	5m	2 storeys	600m ² each		
Additional dwelling houses (excluding outbuildings, carport or garage): Max 4 dwelling units (1 unit/10ha for land units larger than 20ha)	5m	1 storey			120m ² each
Guest house, bed & breakfast & tourist dwellings units: in existing approved dwellings	In existing approved dwelling houses (as per above)			Max 7 bedrooms	As approved by Municipality
Tourist facilities					
Tourist facilities: overall max limit including outdoor areas used but excluding parking.	5m	1 storey		250m ²	As approved by Municipality
-Shop in tourist facility sub-limit				120m ²	
-Manufacture and craft workshop sub-limit				50m ²	
Other Agricultural buildings					
Employee housing unit (excluding outbuildings, carport or garage)	5m	1 storey	120m ²	As approved by Municipality	
Agricultural buildings	5m	3 storeys	No overall limit on land unit	Any one building > 2000m ²	
Agricultural industry, including outdoor parking and loading areas	5m	3 storeys	n/a	<2000m ²	≥2000m ²
Polytunnels; including shade netting	5m	1 storey	≤2000m ²	≤2001m ² to 5000m ²	>5000m ²

- (2) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

215. Boundary walls and fences parameters

- (1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

216. Site development plan

- (1) A site development plan shall be required by the Municipality for any new development or change of land uses in existing buildings in this zone.

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- (2) An owner of land zoned Agriculture and Rural may submit a site development plan for a farm, as described in subsection (2) even if no new development is intended, at any time after the commencement of this Scheme, and shall do so prior to, or at the same time as, an application is submitted in terms of this Scheme or when a building plan for new buildings is submitted to the Municipality, or when an existing building is converted to another use.
- (3) The purpose of the farm site development plan submitted in terms of subsection (1) and (2) is to indicate all existing buildings and their land uses, cultivated areas, grazing areas, uncultivated areas, dams, rivers, natural veld and critical biodiversity areas on a plan to provide an overview of the extent of land use activities on the land unit, and to enable the Municipality to evaluate the compliance of any new land use or building proposals.
- (4) Any existing activity which is indicated on the overall farm site development plan shall be clearly marked as either an existing primary use, a non-conforming land use/building or previously approved consent use or departure, as the case may be, and the proof of such approval or lawfulness (application number, building plan number or letter of approval, or any other relevant documentary proof) may be requested by the Municipality and must then be supplied by the applicant.
- (5) The plan may also show future intended activities which shall be clearly marked as future primary, additional or consent uses. The plan can either be accompanied by the necessary planning application for the additional or consent uses, or these shall be clearly marked as un-approved uses for future application.
- (6) None of the future activities which require approval in terms of this Scheme are approved by their inclusion on this plan until the relevant planning application is concluded.
- (7) The plan may be updated and amended by the owner from time to time, when the need arises, and shall be updated each time a new building plan or application in terms of Planning Law or this Scheme is submitted.
- (8) The farm site development plan does not require notification to neighbours, unless it accompanies an application in terms of Planning Law, in which case the required procedures will apply.
- (9) An amended farm site development plan shall accompany any application for an additional or consent use indicating the extent and location of the proposed activity in relation to the overall farm land uses.
- (10) Apart from the farm site development plan the Municipality shall also require a more detailed site development plan for the specific additional use or consent use which will serve as the development parameters for the approved use, once approved.
- (11) An approved overall farm site development plan shall not lapse unless replaced by a new farm site development plan.

217. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

218. Engineering services

- (1) At building plan approval, the Municipality may impose conditions related to the provision of off-the-grid engineering services in instances where municipal engineering services are not available to a proposed development. Such services shall be provided at the cost of the owner and to the satisfaction of the Municipality.

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219. Development charges in this zone

- (1) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.
- (2) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.
- (3) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

25 July 2022
V 30-108

Attention: Mr. R Fooy

Dear Robert

**APPLICATION IN TERMS OF STELLENBOSCH MUNICIPALITY LAND USE
PLANNING BY-LAW, 2015
APPLICATION FOR CONSENT USE: PORTION 2 OF FARM NOOITGEDACHT
NO. 74 STELLENBOSCH**

Hereby formal application is made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Municipality: Land Use Planning By-Law, 2015 for **CONSENT USE** on **Portion 2 of the Consolidated Farm Nooitgedacht No. 74 Stellenbosch**, to facilitate the following land uses thereon:

- ***"Tourist facilities"*** to facilitate a ***function venue and receptions*** inside an ***existing building (±1160m²)*** on the farmstead and ***outside lawn area (±1000m²)*** with ***maximum capacity of 300 guests.***

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)
BTW No. 4860288747
Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620
Mobile: 0760317607 Tel: + 27 21 8722499 Faks: + 27 86 605 8431 Epos: pj@pjleroux.co.za
Direkteur P.J le Roux Pr. Pln A/803/1995 Ba Hons.M(S&S) MSAPI

- ***"Tourist accommodation establishment"*** to facilitate ***guest accommodation*** inside existing buildings on the farmstead with a maximum capacity of ***20 guests in total***; and
- ***"Day care centre"*** in an ***existing dwelling (±90m²)*** to be utilized for a day care centre for children on the farm and other.

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

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

Kind regards

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