

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Mam

CONSENT USE APPLICATION FOR TOURIST FACILITY: FARM 1359, STELLENBOSCH (BANHOEK CHILLI OIL).

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

Application Property Address: Banhoek Chilli Oil, Banhoek Road

Application Property Number: Farm 1359

Applicant: Marike Bolz for Arch Town Planners

Owner: Ken Kinsey-Quick

Application Reference: TP493

Description of land development proposal:

Application has been made in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 for the following:

A consent use application to allow for the use of the existing stoep ($\pm 40\text{m}^2$) as tourist facility (restaurant seating) on Farm 1359 Stellenbosch.

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **Marike Bolz** marike@archtownplanners.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 **5 February 2024**.

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 072 480 5838 during normal office hours 08:00 to 17:00 Monday – Friday.

Yours faithfully

Marika Bolz
Arch Town Planners

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Meneer / Mevrouw

VERGUNNINGS GEBRUIK AANSOEK VIR 'N TOERISTE FASILITEIT: PLAAS 1359, STELLENBOSCH (BANHOEK CHILLI OIL).

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

Adres van aansoek eiendom: Banhoek Chilli Oil, Banhoek Pad

Aansoek eiendom beskrywing: Plaas 1359

Aansoeker: Marike Bolz vir Arch Town Planners

Eienaar: Ken Kinsey-Quick

Aansoek Verwysing: TP493

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(2)(o) van Stellenbosch Munisipaliteit se Grondgebruik Verordening, 2015 om toe te laat vir die volgende:
'n Vergunnings gebruik aansoek om die bestaande stoep op Plaas 1359, Stellenbosch met 'n grootte van ($\pm 40\text{m}^2$) as 'n toeriste fasiliteit (restaurant sitplek) te gebruik.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir ooreweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule 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, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **Marike Bolz** marike@archtownplanners.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 **5 February 2024**.

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 **072 480 5838** gedurende normale kantoor ure.

Die uwe

Marika Bolz
Arch Town Planners

Banhoek Locality Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Date created: 2023/09/05



DOCUMENT VARIATIONS REGISTER:		
REV	DATE	DESCRIPTION
1	2020-07-08	ISSUED FOR COMMENT
		W12 - SIZE CHANGED AND POSITION MOVED.
		YARD AREA INCREASED - RAMP MOVED - NEW STAIR ADDED TO YARD AREA.

TASTING AREAS:

- CHILLI TASTING = 31,6m²
- WINE TASTING = 33,3m²
- EXTERNAL SEATING
55,2m²
+ 40m²
- TOTAL AREA = 160,1m²

ABLUTION
25m²

SECURITY
20m²

CONTAINER STRUCTURES
- CHILLI OIL PRODUCTS SHOP (35,5m²)
- DELI/COFFEE (27m²)
- Ablution (15m²)
- Outside Seating (42,5m²)
Total area: 120m²

PARKING:
FARMSHED - Required 4/100m² = 5 bays
CONTAINERS - Required 4/100m² = 5 bays
Total bays required = 10
Total bays Provided = 15 bays

MANUFACTURING
135m²

Additions from previous approved SDP

- Play area structures & Chicken coup:
30m²
- STORAGE FACILITEIS:
60m²
- EMPLOYEE HOUSING:
20m²
- PARKING WITH SOLAR ON ROOF:
Existing parking bays with new solar panels on roofed bays
225m²

ARCHITECT'S SIGNATURE:
oimg mentz | PrArch | 21151 | 079 525 3438

CLIENT'S SIGNATURE:

SCALE: 1:350
DATE: 29 August 2023
DRAWING NUMBER: SD-3456-M101
DRAWN BY: AM
REVISION: 8

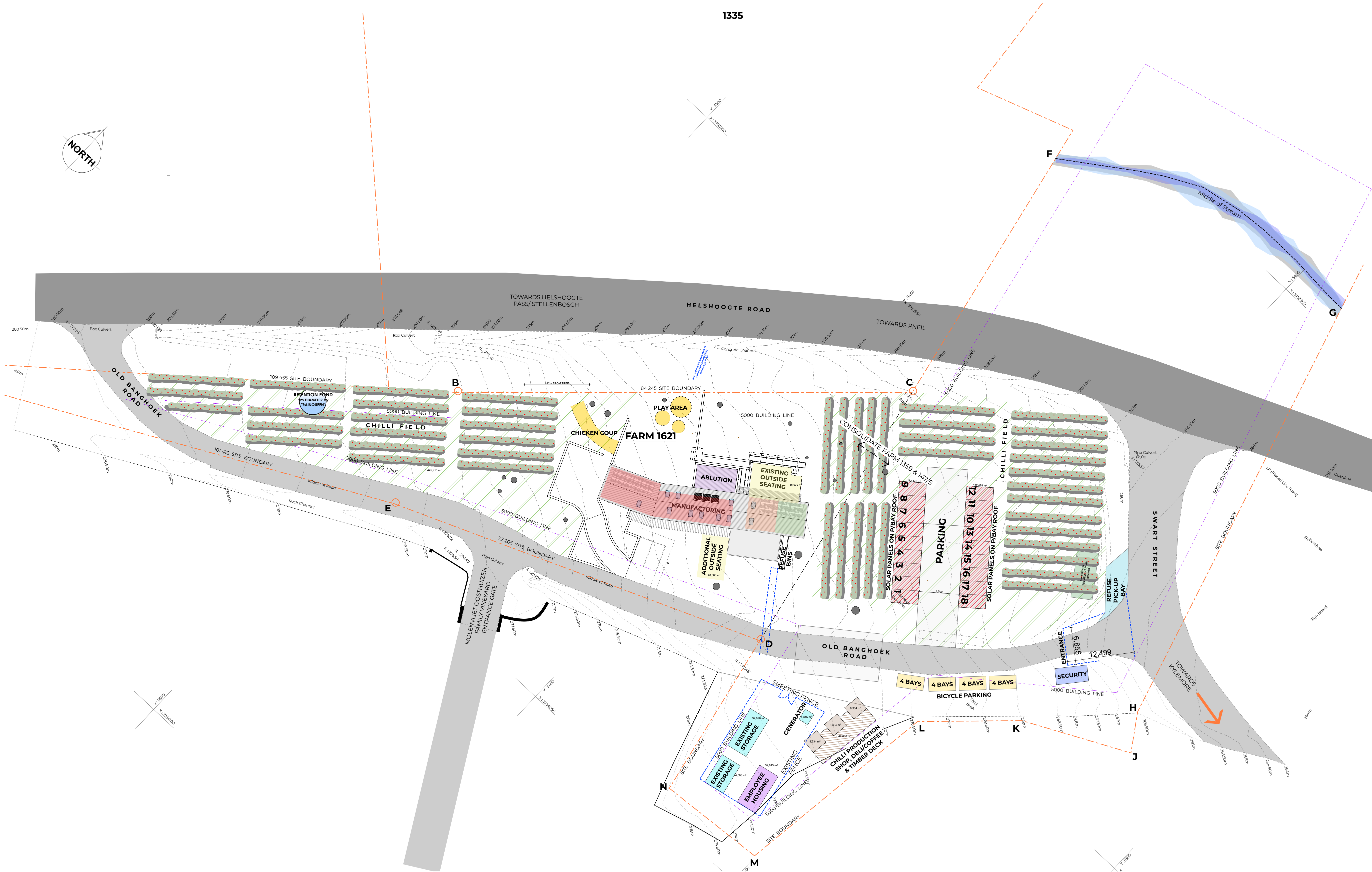
SITE PLAN

PROJECT:
BANHOEK CHILLI OIL
FARM 1621, KYLEMORE, STELLENBOSCH

MUNICIPAL APPLICATION

mentzstudio
architects

152 dorp street | Stellenbosch | South Africa
Director: A Mentz, Pr Arch, SACAP 21151
MENTZ studio (Pty) Ltd
Registration no: 2013/173785/07



SITE PLAN

Scale 1:350

FARM 1359 AND FARM 147/5 TO BE CONSOLIDATED



Physical Address: Bakkershuis
152 Dorp
Street
Stellenbosch
7600
M: +27 (0)83 262 4843
E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

5 September 2023

Per email:

Landuse.Applications@ Stellenbosch.gov.za

Bulelwa.Mdoda@ Stellenbosch.gov.za

Dear Bulelwa

MOTIVATION REPORT FOR A CONSENT USE (TOURIST FACILITY) ON FARM 1359, STELLENBOSCH (BANHOEK CHILLI OIL).

Arch Town Planners (Pty) Ltd has been appointed by the owner of **Farm 1359**, Stellenbosch (hereafter referred to as the application site) to prepare and submit the required land use applications to the Stellenbosch Municipality to allow for the use of the existing stoep as seating area for the existing restaurant and to amend the site development plan.

The official application form is attached to this report as See **Annexure B** for a copy of the power of attorney.

Please find the following documents attached as part of our formal application:

Annexure A: Application Form

Annexure B: Power of Attorney

Annexure C: Locality Plan

Annexure D: Previous Approval

Annexure E: Amended SDP

Annexure F: Title Deed

1. APPLICATION TO THE STELLENBOSCH MUNICIPALITY

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for the following:

- i. A **consent use application** to allow for the use of the existing stoep ($\pm 40\text{m}^2$) as tourist facility (restaurant seating) on Farm 1359 Stellenbosch.

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure A**.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Farm 1359 Banhoek, Stellenbosch.	BANHOEK CHILLI FARM PTY LTD	1,14 ha	T51779/2019	None

Table 1: *Property Details*

Please refer to **Annexure C** for a copy of the Title Deed.

2.2 Locality and Context

The application is situated on the Helshoogte Road approximately 7 km east of Stellenbosch.



Figure 1: *Locality*

The zoning of properties is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Agriculture and Rural** with a **Consent for Tourist Facilities** (See section 2.4). According to the Zoning Scheme the following land uses are permitted on properties zoned **Agriculture and Rural**:

Primary Uses	Additional Uses (not exceeding threshold 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 (> 1 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: Summary of Uses

In terms of the zoning scheme a restaurant (including seating area) is classified as a tourist facility. As the total existing approved area used for a tourist facility exceeds 250m^2 the proposed extension of the restaurant (with additional seating area of 40m^2) requires consent from council.

2.4 Previous approval

In 2021 Council approved a range of **Tourist Facilities** on the application site. Please refer to Annexure D for the letter of approval (dated 29/10/2021) and the approved SDP. For easy of reference, the approved land uses are listed below:

Tasting Areas:

- Chili Tasting 31,6m².
- Wine Tasting 33.3m².
- External Seating 55.2m².

Total Tasting Area (Tourist Facilities) 120.1m².

Container Structures:

- Chili Oil Product Shops 35.5 m².
- Delli/Coffie 27m².
- Ablutions 15m².
- Outside Seating 42.5m².

Total Container Structures and Seating Area (Tourist Facilities) 120m².

Manufacturing:

- Manufacturing (Tourist Facility) 135m².

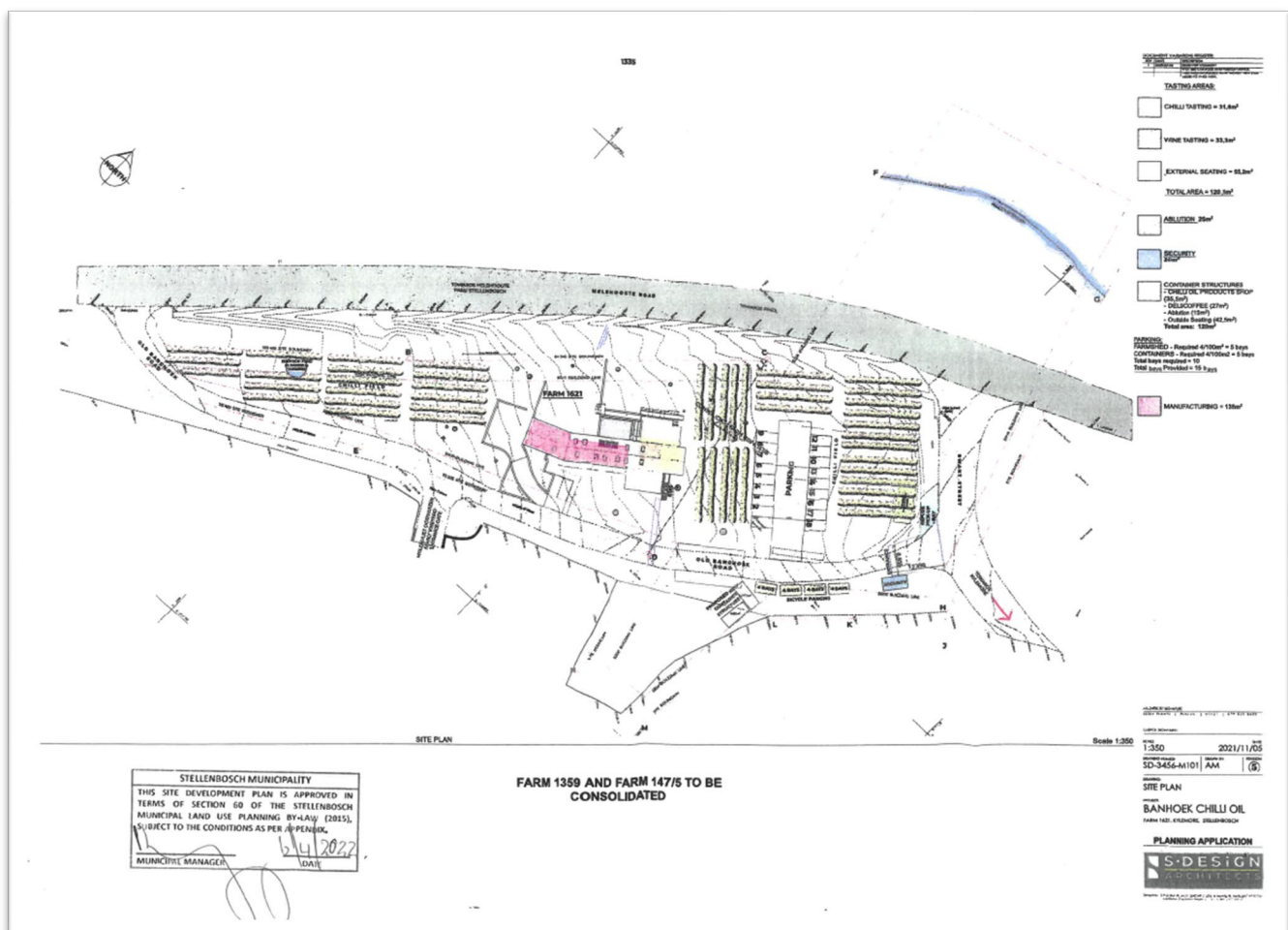


Figure 2: Approved SDP Extract

3. DEVELOPMENT PROPOSAL

The proposed development entails the use of the existing stoep ($\pm 40\text{m}^2$) situated on the left of the entrance way to the existing buildings, as seating area for the existing restaurant. The intention is to provide additional outside seating to accommodate the overflow of the existing restaurant on sunny days. As the proposed seating will be situated an existing structure (stoep) there will be no additional footprint/development added to the farm and thus no impact on agriculture.

The use of the outside area for seating will have no additional impact on the services and amenities on the farm including the parking requirements, access, and infrastructure services. The approved development required 10 parking bays and the approved SDP allowed for 15 vehicle and 16 bicycle bays. The amended SDP (submitted as part of this application) provides 18 vehicle and 16 bicycle 16 bicycle. The required number of parking's for a tourist facility (restaurant) is determined at 4 bays per 100m² gross lettable area. Thus, the total amount of additional parking bays required for the additional 40m² restaurant seating requires 2 additional parking bays, thus 12 in total. The 18 parking bays provided is therefore more than the required 12 bays.

Figure 3 below indicates the area of the additional seating in yellow. Please note that the SDP includes Farm 1359 and Portion 5 of Farm 147 (which will be consolidated in line with the previous approval). The amended SDP below also include existing structures (which is allowable as primary uses) which have not previously been indicated on the SDP, such as the chicken coup, play area, storage and employee housing. Please refer to Annexure E for a more detailed amended SDP.

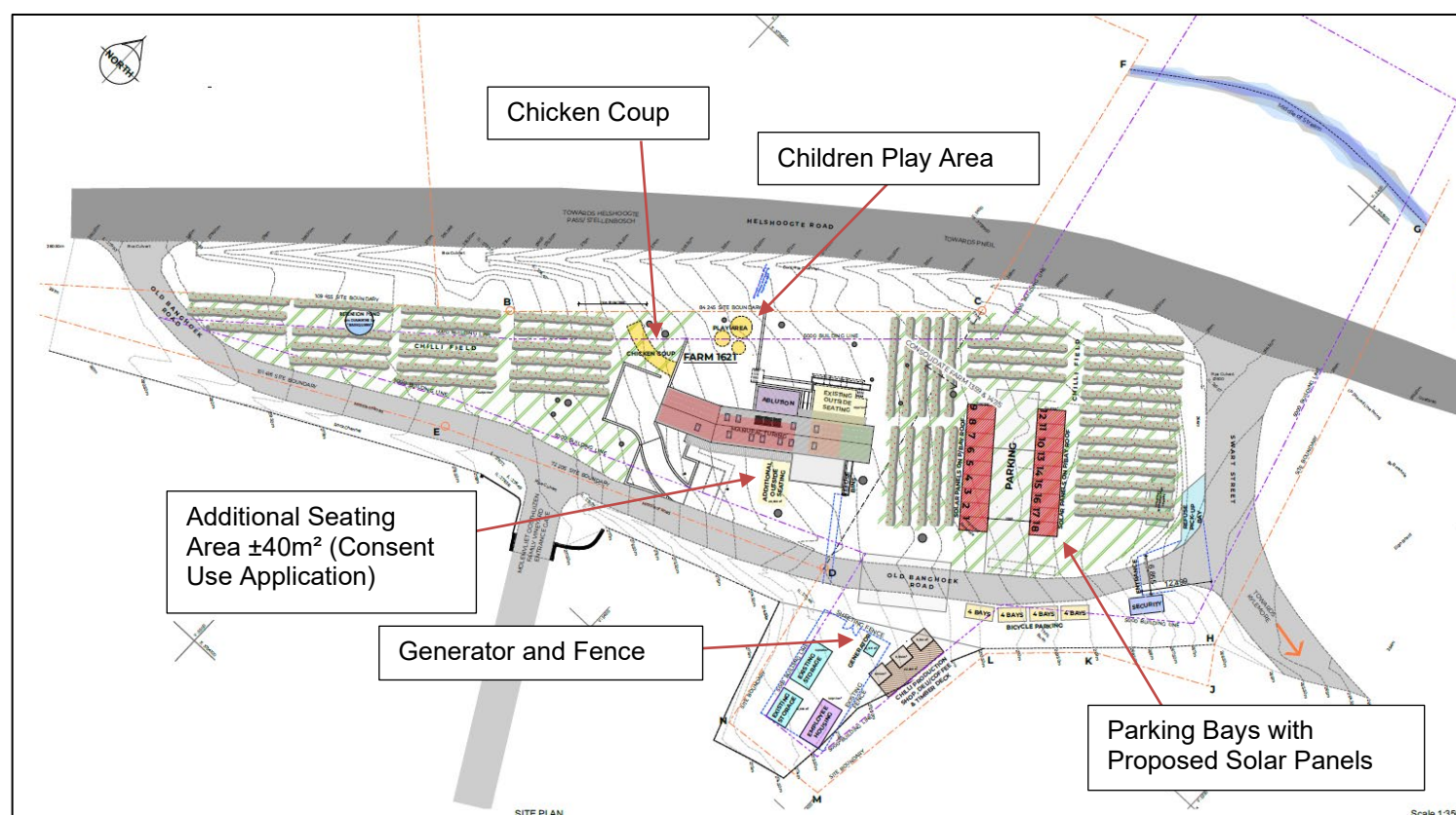


Figure 3: Extract of amended SDP

As part of the proposal, the owner of the property would like to construct solar panels on the existing parking area, thus changing the existing open parking to covered parking. As the solar panels will help to generate electricity for own use only, no approval is required from Council. However, in compliance with the requirements of a SDP for Agricultural zoned properties, it is indicated on the amended SDP, submitted as part of this application.

4. MOTIVATION

Section 65(1) Criteria	Assessment of Proposal
a) Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b) Procedure followed in processing the application.	To be decided by the municipality.
c) Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, as motivated for below:</p> <ul style="list-style-type: none"> • The proposed seating area is to allow for an extension of the existing restaurant and will be situated on an existing stoep, no new footprints/construction will be required. • The scale of the proposed development will remain in keeping with the character of buildings on the land unit and the character of the area. The proposed use will not impact or dominate the natural environment activities. • The Banghoek area is known as a popular tourist attraction in the Stellenbosch area. Numerous tourists visit the area and the need for tourist facilities is on the rise. The development seeks to use existing stoep as extra seating (for the existing restaurant) in case of good weather. • The restaurant has already been approved. <p>The proposed land use will not result in a substantial increase in traffic and will not add substantial additional load on any services infrastructure.</p>
d) Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e) Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f) Investigations in terms of other laws.	Not Applicable.
g) Written assessment by planner.	To be done by the Stellenbosch Municipality.
h) Impact on municipal engineering services.	None
i) The IDP and SDF	Stellenbosch Municipality MSDF is used to guide land use decisions in both the short and long term. The section

	<p>below indicates how the proposed land use will comply with these proposals:</p> <ul style="list-style-type: none"> • The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area. • The proposed development will attract tourists to the area to the benefit of the wider community. • The proposed development will make optimal use of existing services and will not require any services upgrades.
j) Applicable structure plans	N/A
k) Applicable policies for decision making	Aligned.
l) Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes additional uses on Agricultural land to provide additional income. Thus, the application is in line with the provincial SDF.
m) Regional spatial development framework.	N/A
n) National policies, norms and criteria.	N/A
o) Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
p) Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed land use will optimize the use of existing buildings and infrastructure. It does not result in urban sprawl.</p> <p><u>Efficiency:</u> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
q) Applicable provisions of the zoning scheme	Aligned.

5. CONCLUSION

The proposed additional seating, as an extension of the existing restaurant, complies with all the assessment criteria of Stellenbosch Municipality. In light of the above information, Council is respectfully requested to favourably consider the application for the following in terms of the Stellenbosch Municipality Land Use By-Law to allow for the following:

- i. A **consent use application** to allow for the use of the existing stoep ($\pm 40\text{m}^2$) as tourist facility (restaurant seating) on Farm 1359 Stellenbosch.

Yours sincerely



Marike Bolz (Director)

Arch Town Planners (Pty) Ltd

TAX INVOICE



STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2023-09-18	DOCUMENT NO:	756157
ERF / FARM NO:	1359	CREATED BY:	Nicole Katts
LOCALITY:	152 Dorp Street, STELLENBOSCH FARMS	APPLICATION NO:	LU/16160
OWNER'S NAME:	Banhoek Chilli Farm Pty Ltd	APPLICATION VAT NO:	0
ADDRESS:	152 Dorp Street Bakkerhuis Stellenbosch 7600	VAT NO:	4700102181
		APPLICANT:	Marika Bolz - Arch Town Planners
		TEL NO:	0724805838

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
TEMPORARY DEPARTURE, CONSENT USE, PERMISSION IN TERMS OF ZONING SCHEME, PERMISSION REQUIRED IN TERMS OF THE TITLE DEED - Submitted in urban and rural areas, Per application per property	2600.00	1	20220630081392	2600.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00
	0.00	1		0.00

NEW TARIFFS IMPLEMENTED ON 1 JULY ANNUALLY

CALCULATED BY

NAME: Nicole Katts

SIGNATURE

DATE: 18.09.2023.

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
MUNICIPALITY

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

FILE NR:

SCAN NR:

COLLABORATOR NR:

VERIFIED BY

NAME:

SIGNATURE

TOTAL AMOUNT PAYABLE

2600.00

VAT INCLUDED @ 15%

339.13

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

13 OCT 2023

RECEIVED

DATE:

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.

0.00

0



Receipt Nr: 238999

Enquiries

Nicole Katts

Phone Number

021808 8111

E-mail

Nicole.Katts@stellenbosch.gov.za

BTW/VAT Invoice No: 14507

Invoice VAT Reference: 4700102181

Name: Banhoek Chilli Farm Pty Banhoek Chilli Farm Pty

Invoice Date: 2023/9/18

Reference No: TP493/2023

Payment Due Date: 2023/10/18

Client Street address: Farm 1359, Banhoek Stellenbosch
Cape Town Western Cape South Africa 7600

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: Farm 1359, Banhoek Stellenbosch
Cape Town Western Cape South Africa 7600

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)
20220630081392	Consent Use ito Zoning	1	2 600.00	Per application per property	2 600.00
Total Excl VAT					2 260.87
VAT					339.13
Invoice Total					2 600.00

*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: TP493/2023

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

From: Sharise De Klerk
Sent: Tuesday, 10 October 2023 11:07
To: Bulelwa Mdoda; Nicole Katts; Nolusindiso Momoti

Local Authority : STB Stellenbosch Municipality LIVE

Vote : 12200103450000 Exchange Revenue: Sale

From Financial Year 2023 Period : 4 Level : 4

[illegible]

Income/Finance Department

www.stellenbosch.gov.za



1



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March 2022

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

TP493/2023

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submissio n of Applicatio n	07/09/2023	
Erf No	n/a	Town	n/a	Suburb	n/a	
Farm No	1359	Farm Portion		Nearest Town	Stellenbosch	
Owner / Applicant	Mariuske Bolz – Arch Town Planners		Contact number		072 480 5838 072 587 1901	
Email address	marieke@archtownplanners.co.za / renaldo@archtownplanners.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
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						

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.

14. Feedback on Pre-application scrutiny			
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 08/09/2023
Outstanding information (to be completed by Planner): N/A			
Applications to be invoiced (to be completed by Planner): Consent use = R2600			
EVALUATED & SIGNED BY PLANNER	NAME Louisa Engelbrecht	SIGNATURE 	DATE 18/09/2023
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)].			



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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)	Marike				
Surname	Bolz				
Company name (if applicable)	Arch Town Planners (Pty) Ltd				
Postal Address	Bakkershuis, 152 Dorpsstraat,				
	Stellenbosch	Postal Code	7600		
Email	Marike@archtownplanners.co.za Renaldo@archtownplanners.co.za				
Tel		Fax		Cell	Marike: 072 480 5838 Renaldo: 072 587 1901

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

Registered owner(s)	BANHOEK CHILLI FARM PTY LTD				
Physical address	Farm 1359 Banhoek, Stellenbosch.				
		Postal code	7600		
E-mail	ken@banhoekchillioil.com				
Tel	082 520 4939	Fax		Cell	082 520 4939

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

Erf / Erven / Farm No.	1359	Portion(s) if Farm	REMAINDER	Allotment area	Stellenbosch	
Physical Address	Farm 1359 Banhoek, Stellenbosch.					
Current Zoning	Agriculture and Rural	Extent	1,14ha	Are there existing buildings?	Y	N
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law (2019)					
Current Land Use	Agriculture and Rural					
Title Deed number and date	T	T51779/2019				

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

PART D: PRE-APPLICATION CONSULTATION

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

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

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

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>
	15(2)(a) rezoning of Land
	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
	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

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)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
X	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
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.

** 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

	BANHOEK CHILLI FARM PTY LTD
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PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

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

Information and documentation required

Y		Power of attorney / Owner's consent if applicant is not owner		N	Bondholder's consent (if applicable)
Y		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		N	Proof of any other relevant right held in the land concerned
Y		Written motivation pertaining to the need and desirability of the proposal		N	S.G. diagram / General plan extract (A4 or A3 only)
Y		Locality plan (A4 or A3 only) to scale	Y		Site development plan or conceptual layout plan (A4 or A3 only) to scale
	N	Proposed subdivision plan (A4 or A3 only) to scale			Proof of agreement or permission for required servitude
	N	Proof of payment of application fees	Y		Proof of registered ownership (Full copy of the title deed)
	N	Conveyancer's certificate		N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
		N/A			N/A
Y					N/A

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

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A	National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.

12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:



Date:

5 September 2023

Full name:

Marike Bolz for Arch Town Planners (Pty)
Ltd

Professional capacity:

Registered Town Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Municipal Stamp

**POWER OF ATTORNEY
(REGISTERED OWNER'S CONSENT FORM)**

I / we, Ken Kinsey
(name(s) of registered owner(s))

registered owner(s) of the following property(ies) :

Banhoek Chilli Farm (PTY) Ltd .

(property description(s))

wish to certify that authority is hereby granted to

Arch Town Planners (Pty) Ltd

(applicant's name)

in terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for *

- removal / suspension / amendment of restrictions
- rezoning
- **consent / conditional use**
- departure (temporary / permanent)
- subdivision / subdivision exemption
- site development plan approval / amendment
- amendment of conditions
- township establishment
- other (please specify)

in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s) :

A Consent use Application to allow for the existing stoep to be used as a tourist facility (restaurant seating)

(proposed purpose(s) / development)

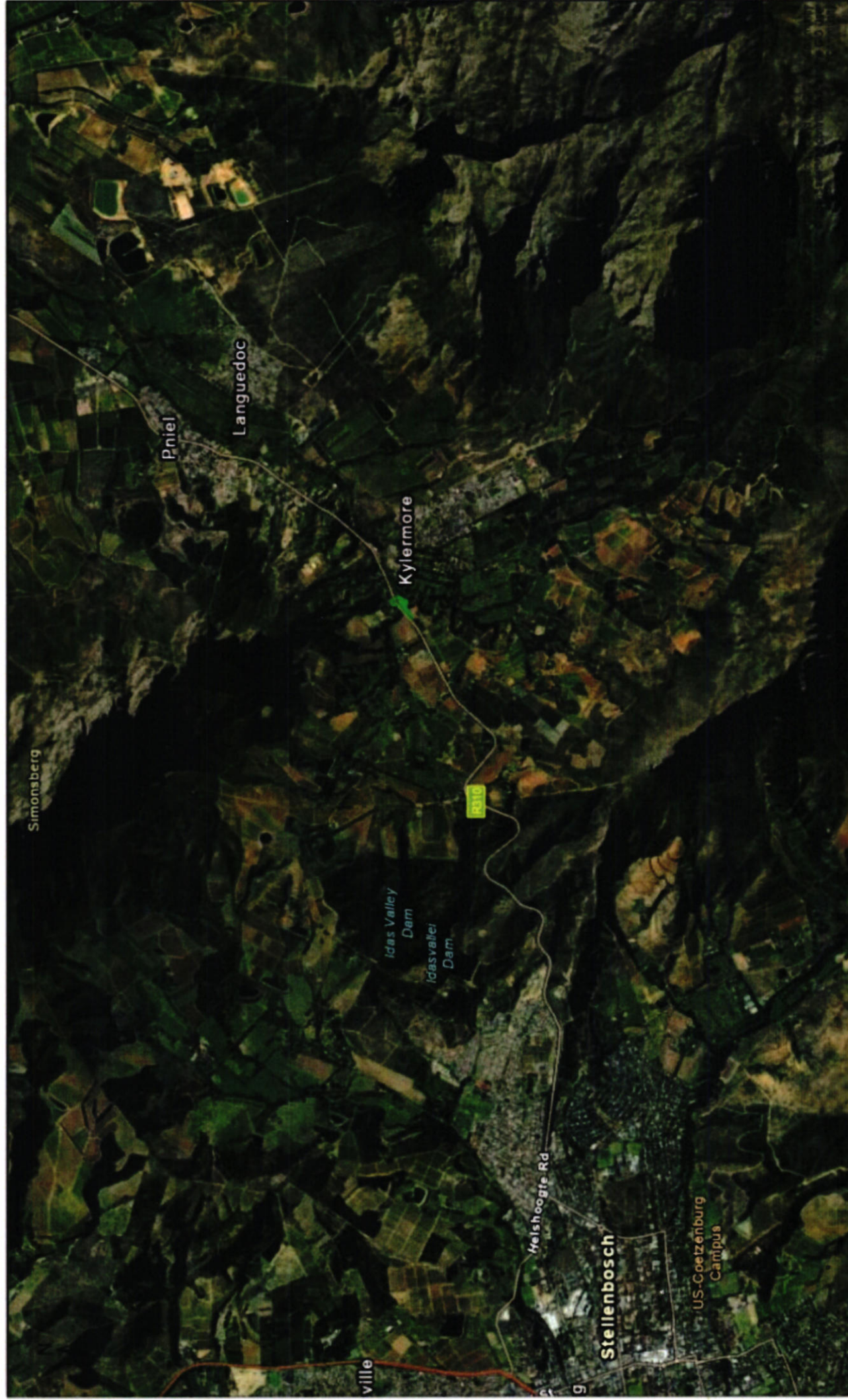
(* please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name

Owner's signature  Date 6 September 2023

Banhoek Locality Map



Date created: 2023/09/05





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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11544

Our File Reference Number: Farm 1359, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: emilevdm@adept.co.za

Sir;

APPLICATION TO COMPLY WITH A CONDITION OF APPROVAL ON FARM 1359, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application in terms of section 15(2)(l) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 for a permission required in terms of a condition of approval, to comply with Conditions 3.2 as stipulated in the decision letter, dated 29 October 2021, for the approval of the Site Development on Farm No. 1359 and Farm No. 147/5, Stellenbosch Division;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the conditions in terms of Section 66 of said Bylaw.

- 2.2 The approval is subject to the following **conditions** imposed in terms of Section 66 of said Bylaw:

2.2.1 The approval only applies to the proposal under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2.2 The development must be undertaken generally in accordance with the site development plan as referenced (SD-3456-M101; M209 & M102, dated 05 November 2021 and 16 November 2020) and attached as **ANNEXURE B**.

2.2.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.2.4 The remaining conditions imposed by council in its approval letter dated 29 October 2021, are still applicable (see **ANNEXURE C**);

2.3 The **reasons** for the above decision are as follows:

2.3.1 The Site Development Plan will not result in any additional rights being granted.

2.3.2 The property will be developed in accordance with the approved land use rights.

2.3.3 The submission of the site development plan is to comply with a condition of approval as indicated in the letter dated 29 October 2021.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

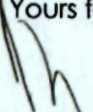
(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address:
landuse.appeals@ Stellenbosch.gov.za
6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking

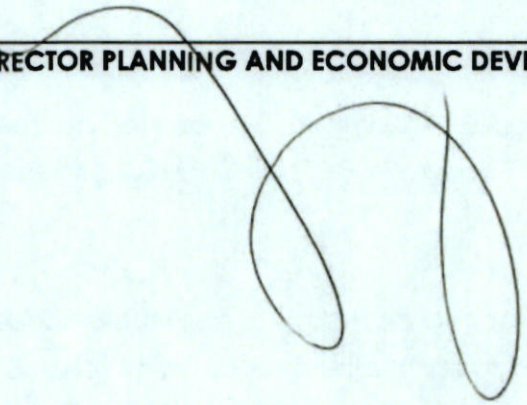
details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

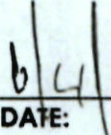
8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

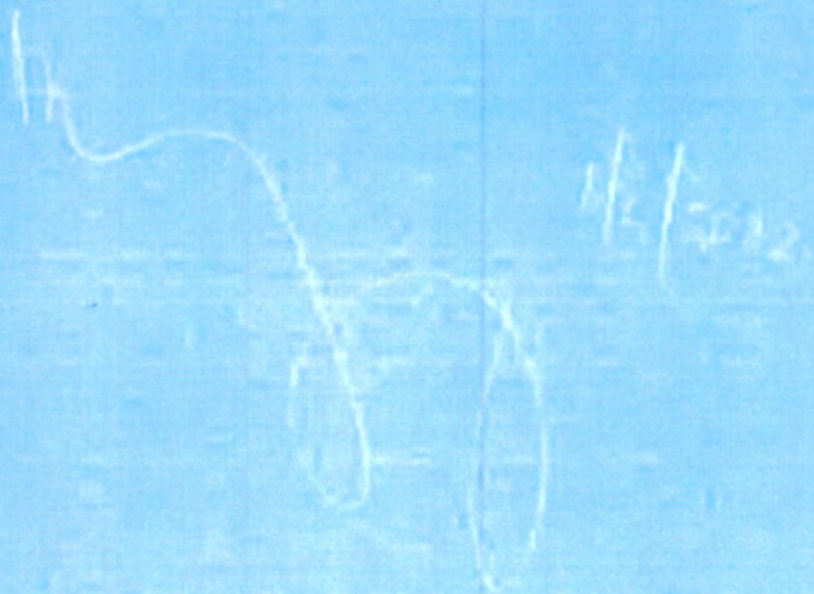


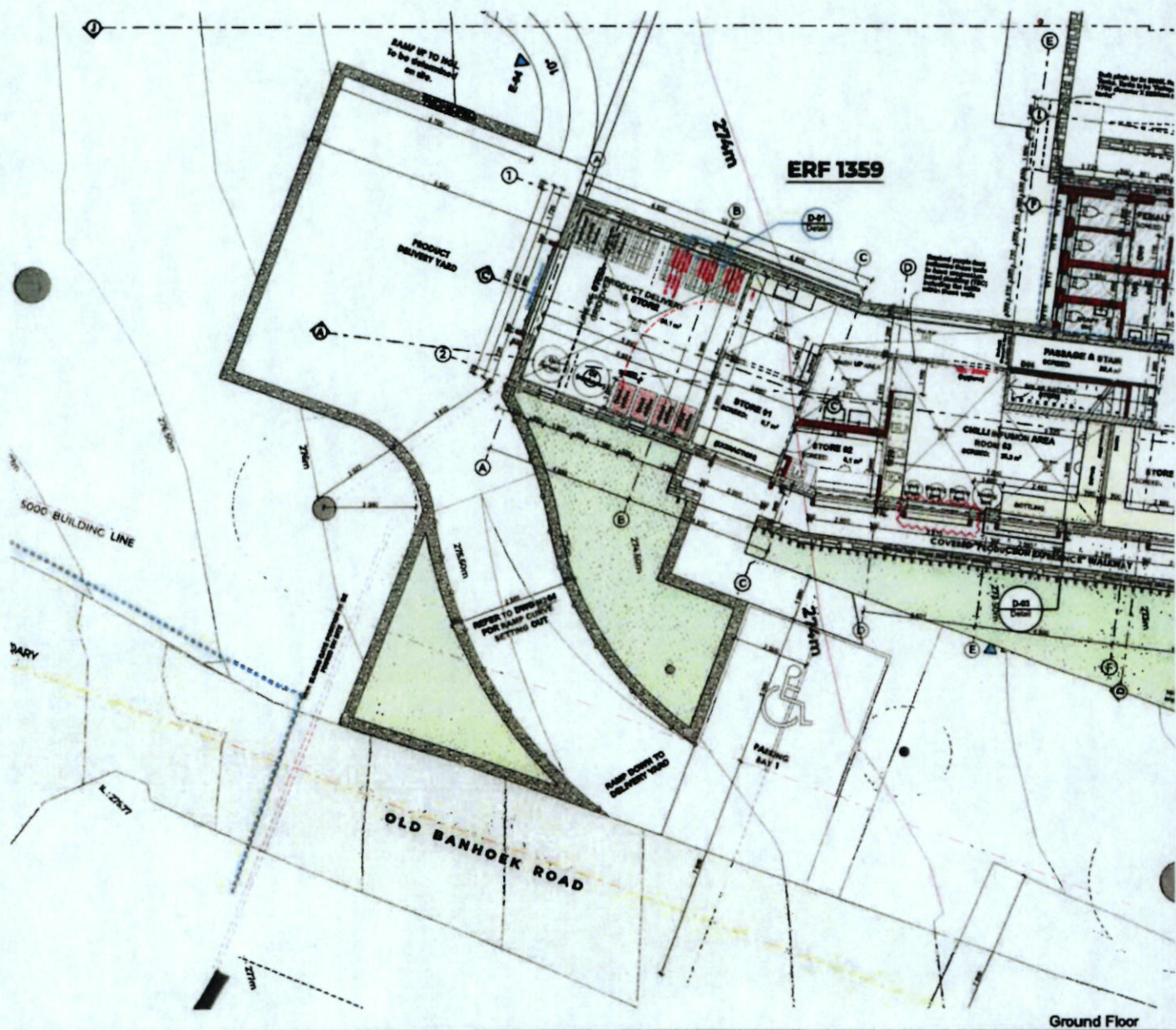
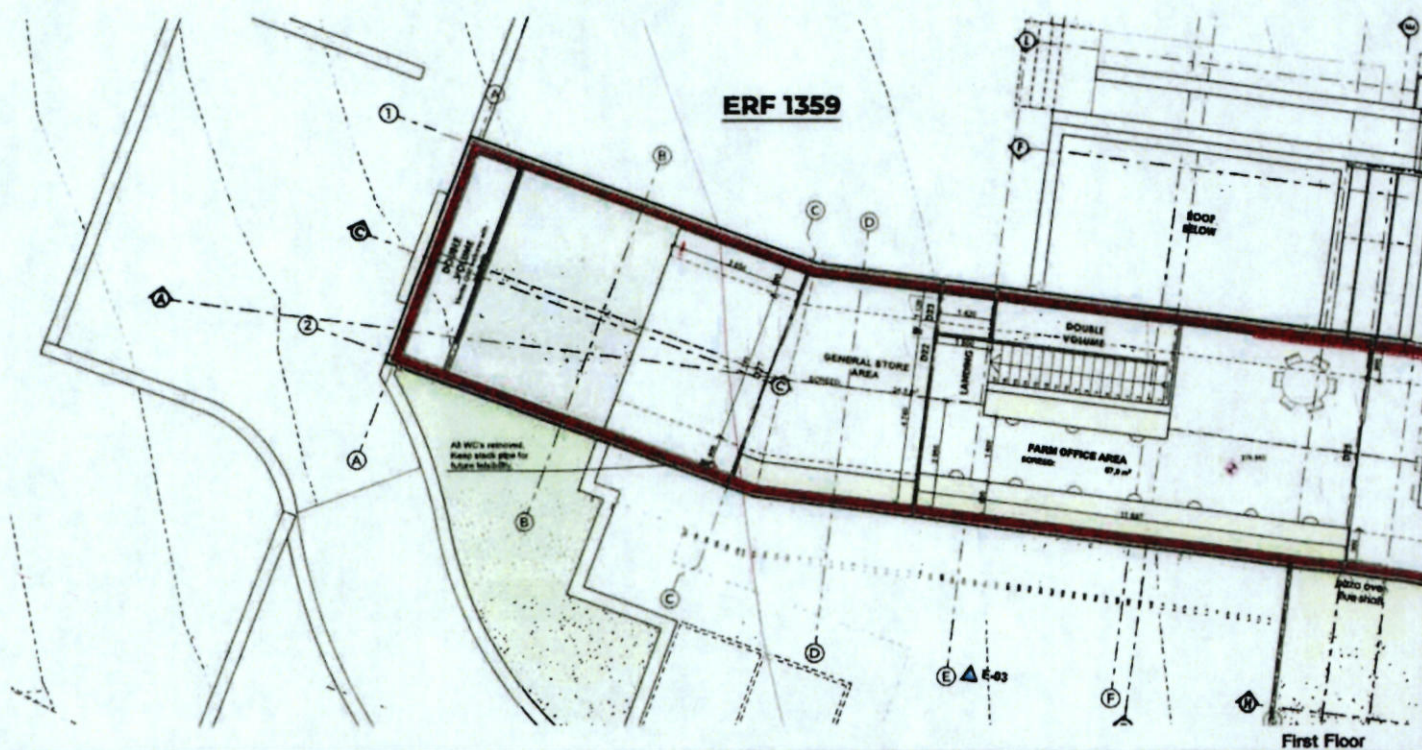


DATE:

6/4/2022

Annexure B:
Site Development Plan







SITE PLAN

THIS SITE DEVELOPMENT PLAN IS APPROVED IN
TERMS OF SECTION 60 OF THE STELENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015),
SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER

DAIV

6/4/2022

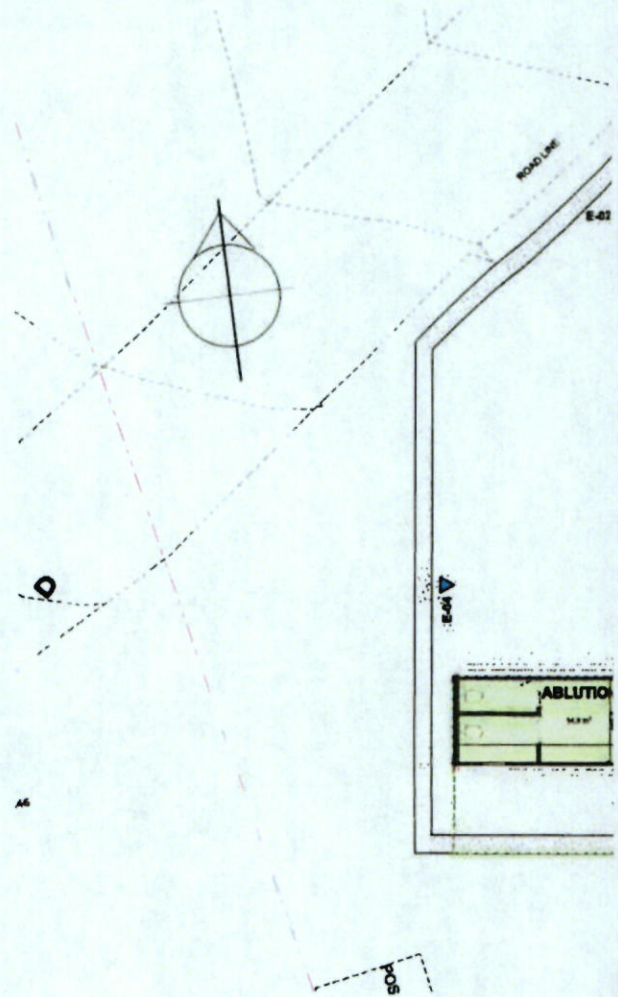
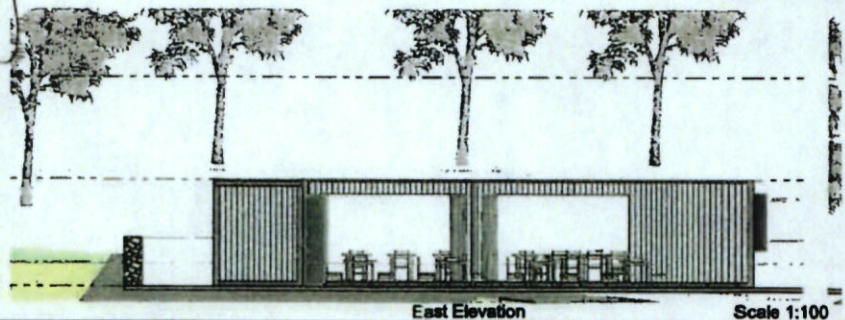
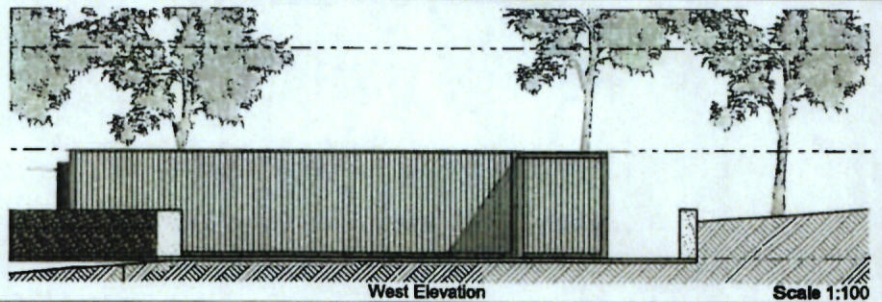
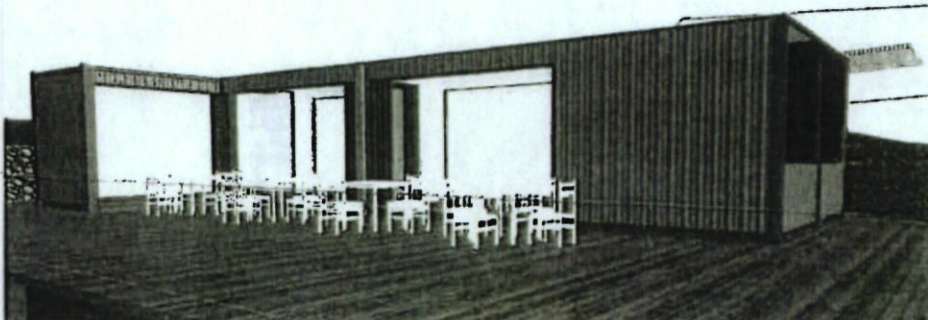
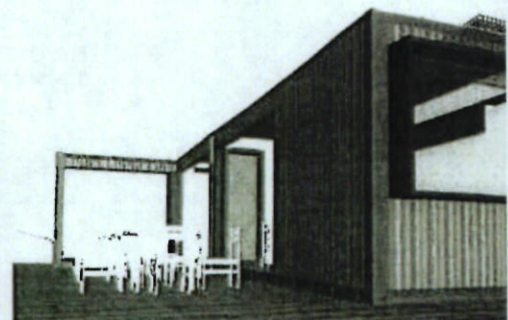
FARM 1359 AND FA CONSOLII

STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015),
SUBJECT TO THE CONDITIONS AS PER APPENDIX.

[Signature]
MUNICIPAL MANAGER

6/4/2022
DATE



Annexure C:
Decision letter dated 29 October
2021



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/1 T544

Our File Reference Number: Farm 1359, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: emilevdm@adept.co.za

Sir

APPLICATION FOR CONSOLIDATION AND CONSENT USES FOR TOURIST FACILITIES & FARM SHOP ON FARM 1359 AND PORTION 5 OF FARM 147, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 1359 and Portion 5 of Farm 147, Stellenbosch, namely:
 - 2.1.1 **Consolidation** in terms of Section 15(2)(e) of Farm 1359 (3967m²) and Portion 5 of Farm 147 (7435m²), Stellenbosch to create one land unit of approximately 1,1ha;
 - 2.1.2 **Consent use** in terms of Section 15(2)(o) for a tourist facility in a portion (±145,1m²) of the existing farm shed to permit a chilli oil tasting facility (±31,6m²), a wine tasting facility (±33,3m²), ablution facility (±25m²), an outside seating area (±55,2m²) and a pizza oven for the serving of light lunches to patrons visiting the tourist facility;
 - 2.1.3 **Consent use** in terms of Section 15(2)(o) for a tourist facility to permit a farm shop (±120m²) in container structures to accommodate a chilli products sales area (±35,5m²), coffee/deli serving area (±27m²), outside seating deck (±42,5m²) and an ablution facility (±15m²);

2.2 **Permission required in terms of the zoning scheme** in terms of section 15(2)(g) for an **Additional Use** in terms of Section 13 of the Stellenbosch Municipality Zoning Scheme By-law, 2019, to allow for an agricultural industry for the production of chilli oil with an extent of $\pm 135\text{m}^2$ in a portion of the existing farm shed;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval in terms of Section 66 of the said Bylaw.

3. Conditions of approval

- 3.1 The approval only applies to the approval granted above and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted for approval to the Municipality and which must satisfactorily address all the conditions to this approval and to be approved prior to the submission of any building plans.
- 3.3 That a consolidation plan be submitted to the Municipality for endorsement.
- 3.4 Building plans to be submitted for all changes of use in the existing buildings or any new structures to be erected, and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 3.5 An application be submitted for any signage to be erected and which must be in line with the signage policy of the Municipality and be approved prior to any signage being erected.
- 3.6 That development contributions are payable with the issuing of the clearance certificate for consolidation, which amount will be calculated in accordance with the approved Council tariffs in force at the time of payment.
- 3.7 That consolidation of the subject erven occurs prior to building plan approval and that the permitted land uses may not be implemented prior to the issuing of a certificate of consolidated title and endorsement of the relevant title deed by the Registrar of Deeds.
- 3.8 That the following conditions imposed by the Directorate Infrastructure Services (see **ANNEXURE J** for memo dated 02 July 2021), be complied with to the satisfaction of the relevant Directorate:

3.8.1 Civil Engineering Services

3.8.1.1 Existing service connections must be used. Any alterations or upgrades required to existing services will be for the Owner's account.

3.8.1.2 The existing building plan approval indicates a conservancy tank. A package plant was not indicated on the building plans for the farm shed but has been constructed on site. This approval does not constitute the approval of the package plant and before the package plant can be made operational, ensure that revised building plans are submitted together with the relevant information:

- Proof of approval by DWS
- Proof of agreement with service provider to operate and maintain the plant.
- Engineering drawings, indicating inter alia overflow and treated effluent discharge.

3.8.2 Roads

3.8.2.1 Access is from a provincial road. Obtain approval from Provincial Roads Engineer. All conditions must be adhered to before occupation certificate is issued.

3.8.2.2 According to the TIS the refuse room is 72m inside the access gate - on private property. This is not supported and the refuse room and refuse embayment must be moved to the entrance gate, so it is accessible from the public road. This must be indicated on the plans.

3.8.2.3 The access road (as indicated on the SDP) must be widened at the access to accommodate two-way traffic flow.

3.8.2.4 According to the TIS by UDS dated 30 June 2021, Par 4: "The access is proposed to be gated, however, the gate will be open from 07:00 to 19:00. The access will only be used by the proposed development." If the owner divers from this arrangement and access control is implemented, then the stacking distance will be re-assessed and any modifications to the entrance layout and position will have to be implemented by the owner at his own cost.

3.8.2.5 The access, internal road layout and parking layout must be indicated on the building plans for approval. It must clearly indicate the land widths, stacking distances and parking dimensions.

3.8.3 Development charges (DC's)

3.8.3.1 The following DC's are payable: See Development Charge Calculation attached.

3.8.3.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

3.8.3.3 The appropriate DC's are payable before building plan approval, or the facility being put to its intended use.

3.8.4 Electrical Engineering conditions: All electrical work must comply with SANS142 and Municipal electrical by-laws.

3.9 That the following conditions imposed by the Western Cape Department of Transport and Public Works: Roads, as contained in their memo dated 13 August 2021 (as qualified in the letter dated 25 October 2021), attached as **ANNEXURE I** be complied with to the satisfaction of the relevant authority.

3.9.1 The extent of the tourist facility and farm shop must be limited to the areas as listed in the application.

3.9.2 The only access to the facility must be off DR1079 approximately 45m from the MR172/DR1079 intersection.

3.9.3 No access will be allowed via OP5228.

3.9.4 The access gate must be 6,8m wide to allow for two-way traffic flow.

3.9.5 ... (removed in terms of letter dated 25 October 2021)

3.9.6 ... (removed in terms of letter dated 25 October 2021)

3.9.7 The legally registered property owner of the consolidated Portion 5 of Farm 147 and Farm 1359 shall enter into a non-compensation agreement with this Branch to ensure that:

3.9.7.1 This Branch as Road Authority is indemnified against all claims of whatsoever nature, including legal costs, as a result of any costs incurred and or loss suffered in the event that the existing electrical fence needing to be moved as a result of any road infrastructure deemed necessary within the road reserve or the statutory 5m building line, by the road authority.

3.9.7.2 This non-compensation agreement is included in a notarial deed of restraint of sale attached to the Title Deed of the above property preventing the registered owner of the property from disposing of the unit until the intended future owner has furnished Stellenbosch Municipality with a similar non-compensation agreement.

3.9.7.3 A certified copy of the amended Title Deed is lodged with this Branch.

3.9.7.4 Receipt of the certified copy of the amended Title Deed is acknowledged by this Branch.

3.9.8 Proof must be provided that the relevant department at the Municipality has approved the billboard on the corner of MR172/DR1079 with the consent of this Branch as a structure within the statutory 5m building line in terms of Act 21 of 1940.

3.10 That the following conditions imposed by the Cape Winelands District Municipality (Municipal Health Services), as contained in their memo dated 03 March 2021, attached as **ANNEXURE K** be complied with to the satisfaction of the relevant authority:

- 3.10.1 Sufficient ablution facilities must be provided.
- 3.10.2 Provision must be made for the disposal of sanitary products.
- 3.10.3 All sewerage and wastewater must be properly dealt with.
- 3.10.4 All washing water must pass through a fat trap before it is released in the sewerage system.
- 3.10.5 The development must form part of the Stellenbosch Municipality waste removal services.
- 3.10.6 The applicant must apply with Stellenbosch Municipality for the necessary licence and the Cape Winelands District Municipality for a competency certificate in terms of R638 of 22 June 2018, should any food preparation for sale to the public take place on site.
- 3.10.7 A sufficient supply of clean, safe piped drinking water must be provided.
- 3.10.8 No sound amplifying devices may be used outside.
- 3.10.9 Should any activity on the site generate noise the obligation is on the owner to conduct the required sound tests and to submit the results to Health Department. The SABS Code of Practice 0103 of 1994 and the Regulations in terms of the Environmental Conservation Act No 73 of 1989 must serve as a guideline.

4. Reasons for the Decision

- 4.1 The proposed tourist facilities are in keeping with the objectives of the Stellenbosch MSDP and Rural Guidelines, which promotes the diversification of land uses on agricultural land to supplement income derived from farming and to add value to locally produced products.
- 4.2 The nature of the proposed tourist facilities is compatible with the rural area and the scale of the proposed activities, is regarded as appropriate in relation to the size of the application property.
- 4.2 It is not foreseen that the proposal will have a negative impact on the surrounding property owners.
- 4.3 The scale of the tourist activities is subservient to the primary agricultural use of the property.
- 4.4 From an agricultural perspective, the consolidation of farming units is supported.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
 - (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
 - (d) whether the appeal is lodged against the whole decision or a part of the decision;
 - (e) if the appeal is lodged against a part of the decision, a description of the part;
 - (f) if the appeal is lodged against a condition of approval, a description of the condition;
 - (g) the factual or legal findings that the appellant relies on;
 - (h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address:
landuse.appeals@stellenbosch.gov.za

8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

(a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

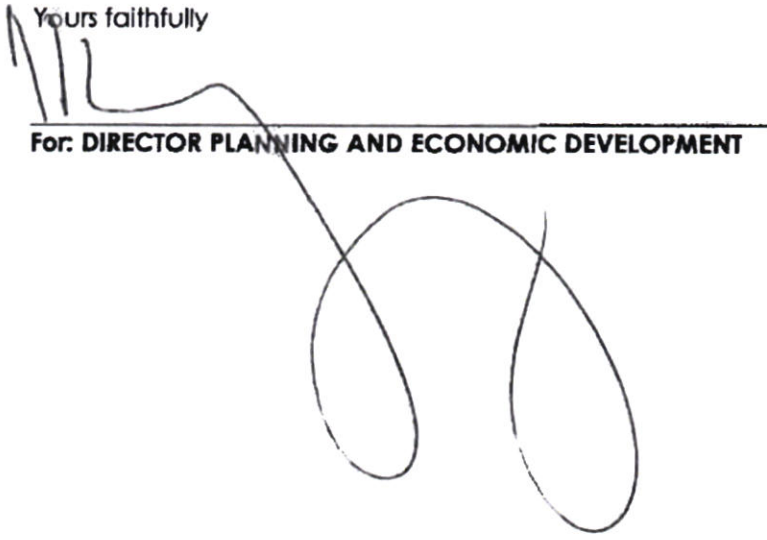
(b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

29/10/2021
DATE



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To - Aan:	Director: Planning + Economic Development
Att Aandag	Salome Newman / Nolusindiso Momoti / Nicole Katts
From - Van:	Manager: Development (Infrastructure Services)
Author - Skrywer:	Tyrone King
Date - Datum:	2 July 2021
Our Ref - Ons Verw:	Civil LU 2142
Your Ref:	LU/11544
Re - Insake:	Farm 1359: Application to use portions of the farm shed as a tourist facility – 145.1m² and the erection of container structures to accommodate a farm shop -120m²

This comment is based on the following documents received:

- Town Planning motivation report by Emile vd Merwe, dated 2020-11-23
- TIS by UDS dated 30 June 2021
- SDP SD-3456-M101 Ref 4 by S-Design dated 2021/06/17

The application is recommended for approval, subject to the following:

- 1. Civil Engineering Services**
 - 1.1 Existing service connections must be used. Any alterations or upgrades required to existing services will be for the Owner's Account.**
 - 1.2 The existing BP approval indicates a conservancy tank. A package plant was not indicated on the BPs for the farm shed, but has been constructed on the site. This approval does not constitute the approval of the package plant, and before the**

package plant can be made operational, please ensure that revised building plans are submitted together with the relevant information:

- 1.2.1 Proof of approval by DWS
- 1.2.2 Proof of agreement with service provider to operate and maintain the plant.
- 1.2.3 Engineering drawings, indicating inter alia overflow and treated effluent discharge.

2. Roads

- 2.1 **Access is from a provincial road – please obtain approval from Provincial Roads Engineer. All conditions must be adhered to before occupation certificate is issued.**
- 2.2 According to the TIS the refuse room is 72m inside the access gate – on private property. This is not supported and the refuse room and refuse embayment must be moved to the entrance gate so it is accessible from the public road. This must be indicated on the building plans.
- 2.3 The access road (as indicated on the SDP) must be widened at the access to accommodate two-way traffic flow.
- 2.4 According to the TIS by UDS dated 30 June 2021, Par 4: "The access is proposed to be gated, however, the gate will be open from 07:00 to 19:00. The access will only be used by the proposed development." If the Owner diverts from this arrangement and access control is implemented, then the stacking distance will be re-assessed and any modifications to the entrance layout and position will have to be implemented by the Owner at his own cost.
- 2.5 The access, internal road layout and parking layout must be indicated on the building plans for approval. It must clearly indicate the lane widths, stacking distances and parkin dimensions.

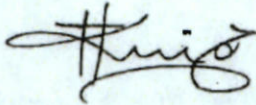
3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 3.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

- 3.3 The appropriate DC's are payable before building plan approval, or the facility being put to its intended use.

4. **Electrical Engineering**

- 4.1 **Refer to Annexure: Electrical**



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2142 (TK) Farm 1359 Stellenbosch (LU-11544) (Banhoek Chilli Oil)\2142 (TK) Farm 1359 Stellenbosch (LU-11544) (Banhoek Chilli Oil).doc

[illegible]

**ANNEXURE:
ELECTRICAL**

FARM 1359,

GENERAL COMMENT:

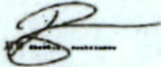
1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. All electrical work to comply with SANS142 and Municipal electrical by-laws

Bradley Williams

Date.....13/04/2021.....



Signature



Western Cape
Government

TRANSPORT & PUBLIC WORKS: ROADS

Chief Directorate: Road Planning

Email: grace.swanepoel@westerncape.gov.za

Tel: +27 21 483 4669

Room 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/BPL-25/16 (Job 27597)

ENQUIRIES: Ms G Swanepoel

DATE: 13 August 2021

The Municipal Manager
Stellenbosch Municipality
PO Box 17

STELLENBOSCH

7599

Attention: Mr Ulrich Von Molendoff

Dear Sir

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

31 AUG 2021

RECEIVED

FILE NR:

SIGNATURE:

COORDINATOR NR:

F 1359 S

F 147/58

712833



FARM 1359 AND PORTION 5 OF FARM 147 STELLENBOSCH: MAIN ROAD 172, DIVISIONAL ROAD 1079 AND MINOR ROAD 5228: APPLICATION FOR CONSOLIDATION AND CONSENT USE

1. The following refer:

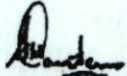
- 1.1. This Branch's letter 16/9/6/1-25/203 (Job 24990) to you dated 26 March 2018;
- 1.2. This Branch's email Job 27597 to you dated 6 February 2020;
- 1.3. The Amended Application (Farm 1359 Stellenbosch) submitted to you by Emile van der Merwe Town Planning Consultants dated 23 November 2020;
- 1.4. The undated Notice of Land Development Application to Interested and Affected Parties for Comment (LU/11544) received by this Branch on 3 March 2021 and
- 1.5. The Traffic Impact Statement letter UDS486/Reports prepared by UDS Africa and addressed to you dated 30 June 2021; and

2. The application entails the following:

- 2.1. The consolidation of Farm 1359 and Portion 5 of Farm 147 Stellenbosch;
- 2.2. The use a portion of the existing farm shed as a tourist facility to permit a chilli oil tasting facility (31.6m²), a wine tasting facility (33.3m²) and an outside seating area (55.2m²) to accommodate the serving of light lunches and
- 2.3. The erection of container structures to accommodate a farm shop (120m²) that includes a chilli product sales area (35.5m²), coffee/deli serving area (27m²) and outside seating deck (42.5m²).

6. Proof must be provided that the relevant department at the municipality has approved the billboard on the corner of MR172/DR1079 with the consent of this Branch as a structure within the statutory 5m building line in terms of Act 21 of 1940.
7. As Road Authority in terms of Act 21 of 1040, this Branch approved the consolidation of Farm 1359 and Portion 5 of Farm 147 Stellenbosch.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS



Western Cape
Government

TRANSPORT & PUBLIC WORKS: ROADS
Chief Directorate: Road Planning
Email: grace.swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Room 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/BPL-25/16 (Job 27597)
ENQUIRIES: Ms G Swanepoel
DATE: 25 October 2021

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

FARM 1359 AND PORTION 5 OF FARM 147 STELLENBOSCH: MAIN ROAD 172, DIVISIONAL ROAD 1079 AND MINOR ROAD OP5228: APPLICATION FOR CONSOLIDATION AND CONSENT USE

1. This Branch's letter TPW/CFS/RP/LUD/BPL-25/16 (Job 27597) dated 13 August 2021 refers.
2. After discussions with Mr Emile van der Merwe who submitted the application (LU11544) on behalf of the owners, the following condition is removed from the list contained in our letter above:
 - 2.1. Considering the land use application which will soon be submitted for Farm Molenvliet 1424 it was decided not to enforce conditions 5.5 and 5.6 in our letter above subject to our letter of comment on this application (LU/6068) when received.
3. The remainder of the conditions listed in our letter above remains.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)

Mr S Carstens (e-mail: sifaan.carstens@stellenbosch.gov.za)

Mr D Louw (e-mail: deon.louw@stellenbosch.gov.za)

Mr J Fullard (e-mail: joan.fullard@stellenbosch.gov.za)

2. Emile van der Merwe Town Planning Consultants

Attention: Mr E van der Merwe (e-mail: emilevdm@adept.co.za)

3. UDS Africa

Attention: Mr P van Blerk (e-mail: piet@udsafrika.co.za)

4. District Roads Engineer

Paarl

5. Mr Eloy Smith (e-mail)

6. Mr SW Carstens (e-mail)

7. Mr H Thompson (e-mail)

8. Mr B du Preez (e-mail)



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

DEPARTEMENT/DEPARTMENT/CADELO:
NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMXEBE:
FAXS/FAX/IFEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/YOUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

MUNISIPALE GESONDHEIDSDIENSTE
Mnr. J Krüger
021-8885800
021-8879385
julian@capewinelands.gov.za
Farm 1359(P)
Plaas 1359, Banhoek

Alexanderstraat 46 Alexander Street
7600
STELLENBOSCH
7600

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/
All correspondence to be addressed to the Municipal Manager/Yonke Imbalelwano mayithunyetwe kuMlawuli kaMasipala

03-03-2021

Munisipale Bestuurder
Munisipaliteit Stellenbosch
Posbus 17
Stellenbosch
7599

Vir aandag: Beplanning en Ekonomiese Ontwikkelingsdienste

Meneer

AANSOEK OM VERGUNNINGSGEBRUIK: PLAAS BANHOEK CHILLI OIL, NO. 1359, AFDELING STELLENBOSCH

Daar is geen beswaar vanuit 'n gesondheidsoogpunt ten opsigte van die aansoek nie,
onderworpe aan die volgende voorwaardes :

1. Daar moet voldoende toiletgeriewe vir die aantal gaste voorsien word.
2. In die geriewe vir dames moet voorsiening gemaak word vir die wegdoen van sanitêre doekies.
3. Alle riool –en afloop/ waswater moet so beskik word dat dit nie 'n oorlas veroorsaak nie.
4. Alle waswater vanaf die kombuis moet deur 'n vetvanger gaan voordat dit in die rioolsisteem vloei.
5. Die applikant moet aansluit by die Stellenbosch Munisipaliteit se vullis verwyderingsdiens.
6. Indien voedsel op die perseel voorberei word vir verkoop aan die publiek moet die applikant aansoek doen by Stellenbosch Munisipaliteit vir die nodige lisensie asook by die Kaapse Wynland Distriksmunisipaliteit vir 'n geskikheidsertifikaat in gevolg van R638 van 22 Junie 2018 .
7. 'n Voldoende voorraad veilige skoon gepyppte drinkwater moet voorsien word.
8. Geen klankversterkende toerusting mag buite in die tuin gebruik word nie.

9. Indien enige aktiwiteit op die perseel geraas genereer berus die onus by die eienaar om die nodige klanktoetse te laat neem en die uitslae aan hierdie Departement voor te lê. (Die SABS Gebruikskode 0103 van 1994 asook die Regulasies van die Wet op Omgewingsbewaring Nr.73 van 1989 moet as riglyn dien.)

Die uwe



nms. Munisipale Bestuurder

329

CTN 1107
LUCILLE GELDENHUYS ATTORNEYS,
NOTARIES AND CONVEYANCERS
1 ST FLOOR, MERLOT HOUSE
BRANDWACHT OFFICE PARK
TRUMALI STREET, STELLENBOSCH, 7600
TEL NO: 021 887 9149

Prepared by me


CONVEYANCER
HELENE MEYER

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 700 000,00	R. 1588,00
Reason for exemption	Category Exemption	Exemption i.o. Sec/Reg Act/Proc

DATA / VERIFY
09 -12- 2019
LITHA VUYO MADAMA

DATA / CAPTURE
06 -12- 2019
NOLUVO MTYATYAMBA

T000051779 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to her by

FRANZ FISCHER
Born on 12 February 1940
Unmarried

which said Power of Attorney was signed at the South African Embassy at Berne on 11th of October 2019

FOR ENDOSSEMENTE KYK BLADSY
OR ENDORSEMENTS SEE PAGE 7

And the appearer declared that her said principal had, on 3 October 2019, truly and legally sold by Private Treaty, and that she, the said Appearer, in her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**BANHOEK CHILLI FARM PROPRIETARY LIMITED
REGISTRATION NUMBER: 2005/025345/07**

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

1. **FARM NUMBER 1359
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE**

**IN EXTENT 3967 (THREE THOUSAND NINE HUNDRED AND SIXTY
SEVEN) Square metres**

**FIRST REGISTERED by Certificate of Consolidated Title Number
T6241/1996 with Diagram Number SG7441/1995 annexed thereto and held
by Deed of Transfer Number T62631/2005**

- I. **In respect of the figure AFE Middle of Road on diagram number
SG7441/1995:**

A. **SUBJECT** to the conditions referred to in Deed of Transfer Number
T9908/1924.

B. **ENTITLED** to the benefit of the following special conditions contained in
said Deed of Transfer Number T9908/1924, namely:

"(a) Entitled to all water arising in "Silwermyn Kloof" on the remaining extent of the said farm "Zorgvliet" held by the Appearer's Constituent under Deed of Transfer dated 9th October 1899 No 8127, nearest to the Eastern Boundary of the land hereby transferred and to conduct same along a furrow over the said remaining extent to the Eastern Boundary of the said land hereby transferred.

(b) Entitled to such amount of water arising on the remaining extent held under Deed of Transfer dated 9th October 1899 No 8127 in Kastanjekloof, situate to the north of the land hereby transferred, as will flow through a one-inch pipe, with the right to construct an intake dam in the said kloof, and from time to time to transfer the site thereof, and to lay pipes from such dam over the said remaining extent to the boundary of the land hereby transferred.

(c) Entitled to the right of free access to and egress from the said remaining extent along the pipe line and the furrow to the kloof referred to in paragraphs (a) and (b) above for the purpose of maintaining in proper repair the said pipe line, furrow and intake dam."

- C. **SUBJECT FURTHER** to the conditions referred to in an endorsement dated 9 March 1936 on Deed of Transfer Number T9908/1924, which endorsement reads as follows:

"Registration of Servitude

By Not Deed d.d. 20.12.1935 the owner of the land held hereunder has granted to the Electricity Supply Commission the right in perpetuity to convey electricity by underground cable or overhead transmission line across the said land along the line of route shown on Diagram 5602/1935 annexed thereto. Subject to conditions as will more fully appear on reference to the said Not Deed annexed hereto", which servitude is indicated by figures XYZ on Diagram No. SG7439/95 annexed hereto."

- D. **SUBJECT FURTHER** to the conditions referred to in an endorsement dated 7 May 1986 on Deed of Transfer Number T11525/1978, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937 (SOOS GEWYSIG)

'n Gedeelte van die eiedom hierin vermeld Groot +/- 7142 vierkante meter (0,7142 Ha) is onteien deur die Afdelingsraad Stellenbosch kragtens Art.27 Van Die Ord Op Paaie Ord 19 van 1976 Vide onteieningskennisgewing Nr. 9/1/2/1/5/1/21 d.d. 30-4-86 geliasseer as onteienings caveat EX156/86 planne in tweevoud geliasseer EX156/86".

- E. **SUBJECT FURTHER** to the conditions referred to in an endorsement dated 23 March 1988 on said Deed of Transfer Number T11525/1978, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937 (SOOS GEWYSIG)

'n Gedeelte van die eiendom hierin vermeld Groot +/- 93 vierkante meter is onteien deur die Wes-Kaapse Streekdiensteraad kragtens Art. 27 Van Die Ord Op Paaie nr 19/77 Vide onteieningskennisgewing Nr. 9/1/2/1/5/1/27 - TH/CCS d.d. 14-03-88 geliasseer as onteienings caveat EX179/88 planne in tweevoud geliasseer EX179/88".

- F. **SUBJECT FURTHER AND ENTITLED** to the conditions referred to in an endorsement dated 15 February 1995 on said Deed of Transfer Number T11525/1978, which endorsement reads as follows:

"RESTANT: SERWITUUT

Kragtens T10784/95 is die Plaas Nr 1335 groot 9, 7058 HA daardeur gehou onderhewig aan 'n serwituut van pyplyn 5 meter wyd ten gunste van die Restant van die binnegemelde eiendom. Die serwituut is aangrensend die lyn A.Q. op Kaart 11178/93 geheg aan T10782/1995. Onderhewig aan en geregtig op sekere bykomende voorwaardes soos meer volledig sal blyk uit die gesegde T10784/95.

Onderhewig aan en geregtig op sekere bykomende voorwaardes soos meer volledig sal blyk uit die gesegde T10784/95."

II. In respect of the figure FBCD Middle of Road E on Diagram No. SG7441/1995:

A. SUBJECT to the conditions referred to in Deed of Transfer Number T9908/1924.

B. ENTITLED to the benefit of the following special conditions contained in said Deed of Transfer Number T9908/1924, namely:

"(a) Entitled to all water arising in "Silwermyrn Kloof" on the remaining extent of the said farm "Zorgvliet" held by the Appearer's Constituent under Deed of Transfer dated 9th October 1899 No 8127, nearest to the Eastern Boundary of the land hereby transferred and to conduct same along a furrow over the said remaining extent to the Eastern Boundary of the said land hereby transferred.

(b) Entitled to such amount of water arising on the remaining extent held under Deed of Transfer dated 9th October 1899 No 8127 in Kastanjekloof, situate to the north of the land hereby transferred, as will flow through a one-inch pipe, with the right to construct an intake dam in the said kloof, and from time to time to transfer the site thereof, and to lay pipes from such dam over the said remaining extent to the boundary of the land thereby transferred.

(c) Entitled to the right of free access to and egress from the said remaining extent along the pipe line and the furrow to the kloof referred to in paragraphs (a) and (b) above for the purpose of maintaining in proper repair the said pipe line, furrow and intake dam."

C. SUBJECT FURTHER to the conditions referred to in an endorsement dated 9 March 1986 on said Deed of Transfer Number T9908/1924, which endorsement reads as follows:

"Registration of Servitude

By Not Deed d.d. 20.12.1935 the owner of the land held hereunder has granted to the Electricity Supply Commission the right in perpetuity to convey electricity by underground cable or overhead transmission line across the said land along the line of route shown on Diagram 5602/1935 annexed thereto. Subject to conditions as will more fully appear on reference to the said Not Deed annexed hereto."

D. SUBJECT AND ENTITLED TO the following special conditions contained in Deed of Transfer Number T10784/1995, namely:

"(a) **SUBJECT** to a reservation in favour of the transferor or her successors in title as owner of the property described as The Remainder of Portion 7 (Silvermyrn) of the Farm Zorgvliet No 127 held by Deed of Transfer No T11525/1978, of a pipeline servitude 5 metres wide contiguous to the line A Q on diagram No 11178/93 annexed to Certificate of Consolidated Title No T10782/95, along with the right of free access and egress to the said servitude area for the purposes of maintaining and repairing or replacing any components of any pipeline therein situated, whether existing or to be installed in future.

- (b) **ENTITLED** to the right to extract up to a maximum of 10 000 (Ten Thousand) litres of water per day for household purposes from the pipeline whether existing or to be installed in future referred to in D(a) above, at such extraction point or points as the transferee or his successors in title may freely indicate from time to time, provided that such extraction shall in no way damage the existing or future pipeline and that the transferee or his successors in title or their agents shall at all times exercise due diligence in the care and maintenance appertaining to the said extraction point or points in order to avoid waste or loss of water detrimental to the transferor or her successors in title. The extraction rate shall not exceed 420 litres per hour and in order to enable the transferor or her successors in title to monitor such extraction rate, the transferee or her successors in title shall install and maintain an appropriate flow meter in the immediate and accessible vicinity of the aforesaid point or points of extraction. The transferee and his successors in title shall be entitled to the aforesaid right of extraction subject only to the natural availability of water."

III. In respect of the whole of the property

SUBJECT FURTHER to the following conditions imposed by the Winelands Regional Services Council upon approval of the subdivisions of the farm no. 1335, Administrative District of Stellenbosch and the Remainder of Portion 7 (Silvermyn) of the farm Zorgvliet nr. 127, Administrative District of Stellenbosch, in terms of section 25(1) of Ordonnance nr 15 of 1985, namely that the herein mentioned property may only be utilized for agricultural purposes and that the Winelands Regional Services Council will not be responsible to provide any services.

**2. PORTION 5 OF THE FARM ROODE HEK NUMBER 147
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE**

IN EXTENT 7435 (SEVEN THOUSAND FOUR HUNDRED AND THIRTY FIVE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T6628/1930 with Diagram relating thereto and held by Deed of Transfer Number T62631/2005

- A. SUBJECT** to the conditions referred to in Deed of Transfer Number T558/1904.
- B. SUBJECT FURTHER** to an expropriation referred to in the endorsement dated 4 June 1965 on Deed of Transfer Number T2278/1951, which endorsement reads as follows:

"Endorsement in terms of Section 31(6) of Act Nr 47 of 1937 (as amended) Two portions of the herein-mentioned property meas. together approx. 62 square metres have been expropriated by Divisional Council of Stellenbosch in terms of Section 130 of Ord. 15/1952 as amended Vide Notice of Expropriation No. H/1/19 d.d. 28/4/1965 filed as exprop. caveat 214/65 plans filed herewith."

C. **SUBJECT FURTHER** to the following endorsement dated 7 May 1986 on Deed of Transfer Number T12675/1979, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET NO 47 VAN 1937 (SOOS GEWYSIG)

"n Gedeelte van die eiendom hierin vermeld groot ongeveer 2 639 vierkante meter (0,2639 ha) is onteien deur die Afdelingsraad Stellenbosch kragtens Artikel 27 van die Ordonnansie op Paaie Ord. 19 van 1976. Vide onteieningskennisgewing No 9/1/2/1/5/1/19 gedateer 30 April 1986 geliasseer as onteienings caveat Ex 154/86 planne in tweevoud geliasseer Ex 154/86."

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

FRANZ FISCHER, Unmarried

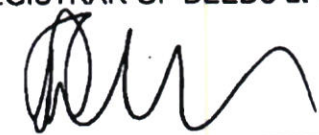
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**BANHOEK CHILLI FARM PROPRIETARY LIMITED
REGISTRATION NUMBER: 2005/025345/07**

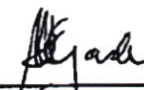
or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R3 700 000,00 (THREE MILLION SEVEN HUNDRED THOUSAND RAND)**.

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

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

3 December 2019. 
q.q.

In my presence


REGISTRAR OF DEEDS

-7-

VA 000005117 / 2022
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. (1)
Deeds Registry Cape Town
24 AUG 2022
ASST REGISTRAR OF DEEDS

T 51719 2019

For Information Only

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES System WG 19°		S.G. No. 84/2022
		Constants :		Y	X	
				0,00	0,00	
A B	109,45	230 22 30	A	+5 583,35	+3 754 088,35	Approved.
B C	84,28	226 55 20	B	+5 499,05	+3 754 018,54	<i>M. Fox</i>
C D	48,16	168 28 40	C	+5 437,49	+3 753 960,97	for
D E	60,33	260 49 30	D	+5 447,11	+3 753 913,78	Surveyor - General
E F	74,81	343 42 30	E	+5 387,55	+3 753 904,16	Date : 22/02/2022
F G	7,70	326 11 50	F	+5 366,58	+3 753 975,97	
G H	21,06	63 24 00	G	+5 362,29	+3 753 982,37	
H J	19,33	46 24 20	H	+5 381,13	+3 753 991,79	
J K	39,08	7 26 20	J	+5 395,13	+3 754 005,13	
K L	20,13	85 20 00	K	+5 400,19	+3 754 043,88	
L M	32,35	168 28 40	L	+5 420,25	+3 754 045,52	
M A	173,46	64 33 20	M	+5 426,72	+3 754 013,82	
D d		168 28 40				
e E		343 42 30				
INDICATORY DATA						
K N	6,10	85 20 00	N	+5 406,27	+3 754 044,38	
	494	KYLE	△	+5 420,25	+3 754 045,52	
	60	SIMON	△	+5 426,72	+3 754 013,82	
Servitude Note:						
The line pqr represents the route of the ESCOM Transmission line, vide Diagram No. 5602/1935, D/S No. 9908/1924 (Farm 127/7)						
Components:						
1. The figure d Middle of Stream eFGHJKL represents Portion 5 of the Farm Roode Hek No. 147, vide Diagram No. A2416/1930, D/T 1930- -6628						
2. The figure ABCM Middle of Road represents Farm No. 1359, vide Diagram No. 7441/1995, D/T 1996- -6241						
The figure A B C d Middle of Stream e F G H J K L M Middle of Road represents 1,1371 hectares of land, being						
FARM No. 1621 and comprises 1. and 2. as above						
Situate in the Stellenbosch Municipality Administrative District of Stellenbosch Surveyed in September 2019 and December 2021 by me						
Province of Western Cape <i>M Stuart-Fox</i> PLS 1354 M R Stuart-Fox Pr Land Surveyor						
This diagram is annexed to No.		The original diagrams are as quoted above		File No. Stel.1621 V1 S.R. No. 70/2022 Comp. BH-8DB/X3 (1484) BH-8DB/Y3 (1488)		
Dated i.f.o.				LPI C0670000		
Registrar of Deeds						

THIS PORTION IS SUBJECT TO
ACT 21/1940Approved i.t.o. Section
of Municipal Land Use Planning Bylaw
Ref:
Date:

FARM No. 1621

Administrative District of Stellenbosch

Beacon Descriptions

B L Iron standard
D E N 12mm Iron peg
G Wooden fence post
K Not beaconed
M Iron standard section in tar
All other beacons 16mm Iron peg

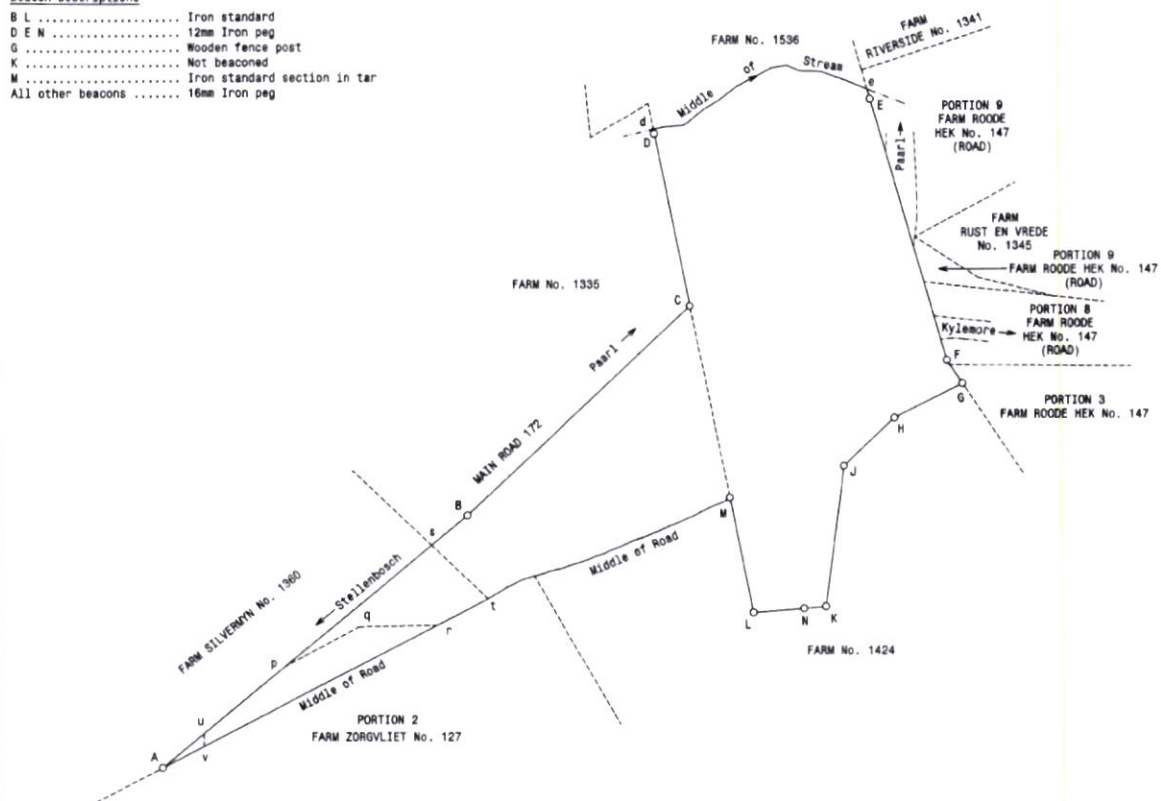
S.G. No.

84/2022

Approved.

for
Surveyor - General
Date : 22/02/2022

SHEET 2 OF 2 SHEETS



SCALE 1 : 1000

Surveyed in September 2019 and December 2021
by me

PLS 1354 M R Stuart-Fox Pr Land Surveyor

Farm 1621 Stellenbosch



Physical Address: Bakkershuis
152 Dorp
Street
Stellenbosch

7600
M: +27 (0)72 587 1901
E: renaldo@archtownplanners.co.za
W: www.archtownplanners.co.za

5 September 2023

Per email:

Landuse.Applications@ Stellenbosch.gov.za

Bulelwa.Mdoda@ Stellenbosch.gov.za

Dear Bulelwa

MOTIVATION REPORT FOR A CONSENT USE (TOURIST FACILITY) ON FARM 1359, STELLENBOSCH (BANHOEK CHILLI OIL).

Arch Town Planners (Pty) Ltd has been appointed by the owner of **Farm 1359**, Stellenbosch (hereafter referred to as the application site) to prepare and submit the required land use applications to the Stellenbosch Municipality to allow for the use of the existing stoep as seating area for the existing restaurant and to amend the site development plan.

The official application form is attached to this report as See **Annexure B** for a copy of the power of attorney.

Please find the following documents attached as part of our formal application:

Annexure A: Application Form

Annexure B: Power of Attorney

Annexure C: Locality Plan

Annexure D: Previous Approval

Annexure E: Amended SDP

Annexure F: Title Deed

1. APPLICATION TO THE STELLENBOSCH MUNICIPALITY

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for the following:

- i. A **consent use application** to allow for the use of the existing stoep ($\pm 40\text{m}^2$) as tourist facility (restaurant seating) on Farm 1359 Stellenbosch.

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure A**.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Farm 1359 Banhoek, Stellenbosch.	BANHOEK CHILLI FARM PTY LTD	1,14 ha	T51779/2019	None

Table 1: Property Details

Please refer to **Annexure C** for a copy of the Title Deed.

2.2 Locality and Context

The application is situated on the Helshoogte Road approximately 7 km east of Stellenbosch.



Figure 1: Locality

The zoning of properties is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Agriculture and Rural** with a **Consent for Tourist Facilities** (See section 2.4). According to the Zoning Scheme the following land uses are permitted on properties zoned **Agriculture and Rural**:

Primary Uses	Additional Uses (not exceeding threshold 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: Summary of Uses

In terms of the zoning scheme a restaurant (including seating area) is classified as a tourist facility. As the total existing approved area used for a tourist facility exceeds 250m^2 the proposed extension of the restaurant (with additional seating area of 40m^2) requires consent from council.

2.4 Previous approval

In 2021 Council approved a range of **Tourist Facilities** on the application site. Please refer to Annexure D for the letter of approval (dated 29/10/2021) and the approved SDP. For easy of reference, the approved land uses are listed below:

Tasting Areas:

- Chili Tasting 31,6m².
 - Wine Tasting 33.3m².
 - External Seating 55.2m².
- Total Tasting Area (Tourist Facilities) 120.1m².**

Container Structures:

- Chili Oil Product Shops 35.5 m².
 - Delli/Coffie 27m².
 - Ablutions 15m².
 - Outside Seating 42.5m².
- Total Container Structures and Seating Area (Tourist Facilities) 120m².**

Manufacturing:

- Manufacturing (Tourist Facility) 135m².

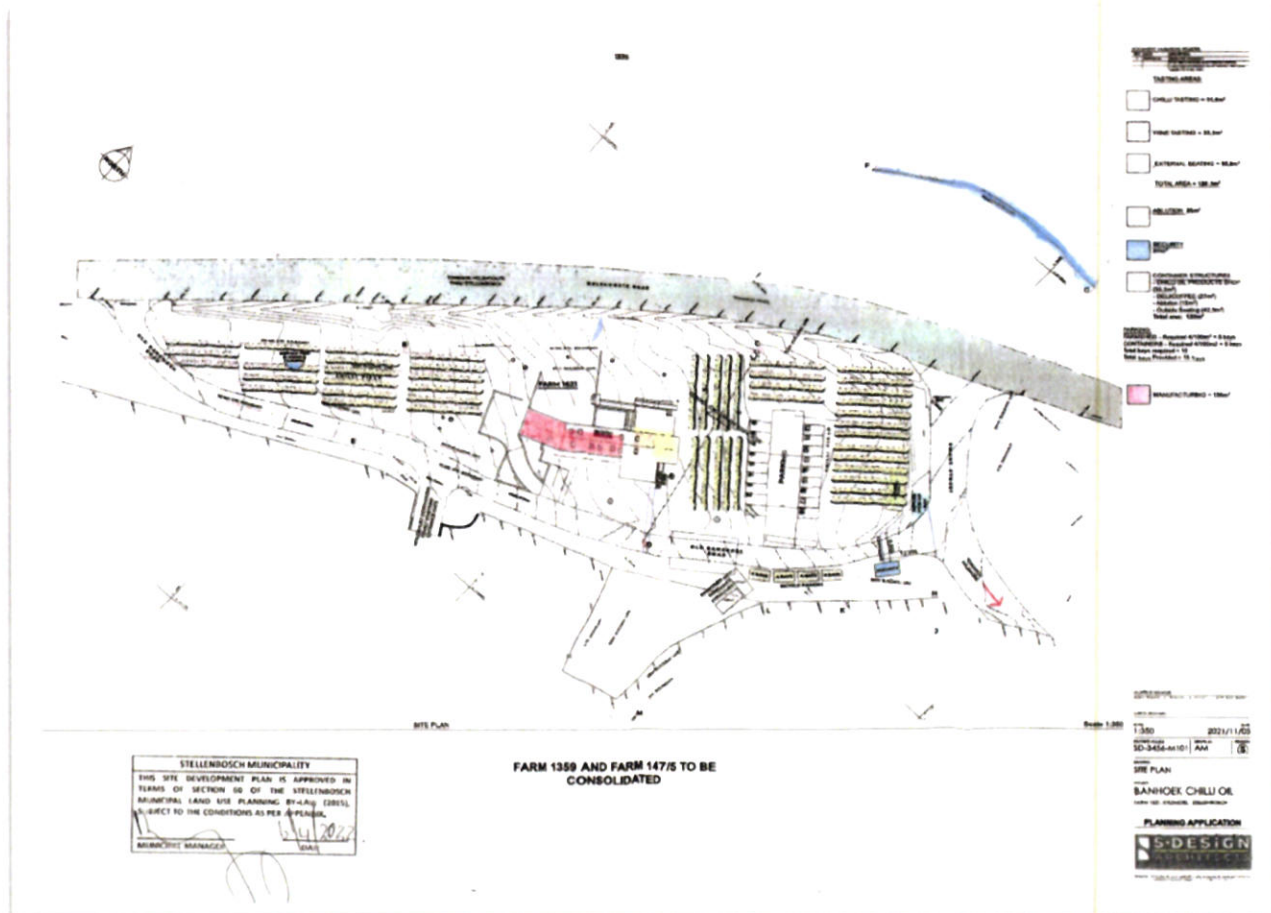


Figure 2: Approved SDP Extract

3. DEVELOPMENT PROPOSAL

The proposed development entails the use of the existing stoep ($\pm 40\text{m}^2$) situated on the left of the entrance way to the existing buildings, as seating area for the existing restaurant. The intention is to provide additional outside seating to accommodate the overflow of the existing restaurant on sunny days. As the proposed seating will be situated on an existing structure (stoep) there will be no additional footprint/development added to the farm and thus no impact on agriculture.

The use of the outside area for seating will have no additional impact on the services and amenities on the farm including the parking requirements, access, and infrastructure services. The approved development required 10 parking bays and the approved SDP allowed for 15 vehicle and 16 bicycle bays. The amended SDP (submitted as part of this application) provides 18 vehicle and 16 bicycle bays. The required number of parking bays for a tourist facility (restaurant) is determined at 4 bays per 100m^2 gross lettable area. Thus, the total amount of additional parking bays required for the additional 40m^2 restaurant seating requires 2 additional parking bays, thus 12 in total. The 18 parking bays provided is therefore more than the required 12 bays.

Figure 3 below indicates the area of the additional seating in yellow. Please note that the SDP includes Farm 1359 and Portion 5 of Farm 147 (which will be consolidated in line with the previous approval). The amended SDP below also includes existing structures (which is allowable as primary uses) which have not previously been indicated on the SDP, such as the chicken coup, play area, storage and employee housing. Please refer to Annexure E for a more detailed amended SDP.

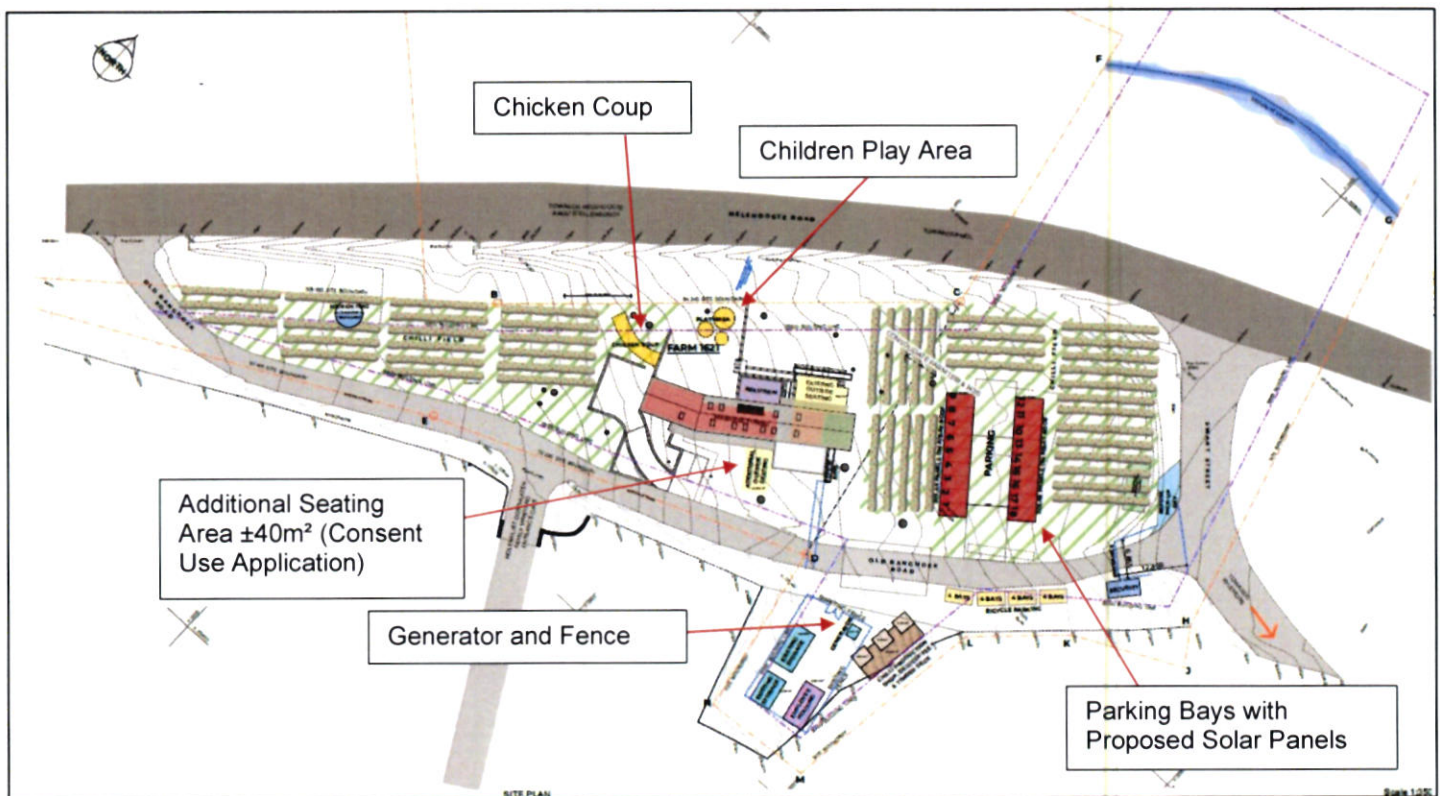


Figure 3: Extract of amended SDP

As part of the proposal, the owner of the property would like to construct solar panels on the existing parking area, thus changing the existing open parking to covered parking. As the solar panels will help to generate electricity for own use only, no approval is required from Council. However, in compliance with the requirements of a SDP for Agricultural zoned properties, it is indicated on the amended SDP, submitted as part of this application.

4. MOTIVATION

Section 65(1) Criteria	Assessment of Proposal
a) Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b) Procedure followed in processing the application.	To be decided by the municipality.
c) Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, as motivated for below:</p> <ul style="list-style-type: none"> • The proposed seating area is to allow for an extension of the existing restaurant and will be situated on an existing stoep, no new footprints/construction will be required. • The scale of the proposed development will remain in keeping with the character of buildings on the land unit and the character of the area. The proposed use will not impact or dominate the natural environment activities. • The Banghoek area is known as a popular tourist attraction in the Stellenbosch area. Numerous tourists visit the area and the need for tourist facilities is on the rise. The development seeks to use existing stoep as extra seating (for the existing restaurant) in case of good weather. • The restaurant has already been approved. <p>The proposed land use will not result in a substantial increase in traffic and will not add substantial additional load on any services infrastructure.</p>
d) Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e) Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f) Investigations in terms of other laws.	Not Applicable.
g) Written assessment by planner.	To be done by the Stellenbosch Municipality.
h) Impact on municipal engineering services.	None
i) The IDP and SDF	Stellenbosch Municipality MSDF is used to guide land use decisions in both the short and long term. The section

	<p>below indicates how the proposed land use will comply with these proposals:</p> <ul style="list-style-type: none"> • The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area. • The proposed development will attract tourists to the area to the benefit of the wider community. • The proposed development will make optimal use of existing services and will not require any services upgrades.
j) Applicable structure plans	N/A
k) Applicable policies for decision making	Aligned.
l) Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes additional uses on Agricultural land to provide additional income. Thus, the application is in line with the provincial SDF.
m) Regional spatial development framework.	N/A
n) National policies, norms and criteria.	N/A
o) Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
p) Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed land use will optimize the use of existing buildings and infrastructure. It does not result in urban sprawl.</p> <p><u>Efficiency:</u> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
q) Applicable provisions of the zoning scheme	Aligned.

5. CONCLUSION

The proposed additional seating, as an extension of the existing restaurant, complies with all the assessment criteria of Stellenbosch Municipality. In light of the above information, Council is respectfully requested to favourably consider the application for the following in terms of the Stellenbosch Municipality Land Use By-Law to allow for the following:

- i. A **consent use application** to allow for the use of the existing stoep ($\pm 40\text{m}^2$) as tourist facility (restaurant seating) on Farm 1359 Stellenbosch.

Yours sincerely



Marike Bolz (Director)

Arch Town Planners (Pty) Ltd

DOCUMENT VARIATIONS REGISTER	
REV	DESCRIPTION
1	2020-07-06
2	2023-08-29
3	2023-08-29
4	2023-08-29
5	2023-08-29
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98	2023-08-29
99	2023-08-29
100	2023-08-29

TASTING AREAS:

CHILLI TASTING = 31,6m²

WINE TASTING = 33,3m²

EXTERNAL SEATING
55,2m²
+ 40m²

TOTAL AREA = 160,1m²

ABLUTION
25m²

SECURITY
20m²

CONTAINER STRUCTURES
- CHILLI OIL PRODUCTS SHOP
(35,5m²)
- DELI/COFFEE (27m²)
- Ablution (15m²)
- Outside Seating (42,5m²)
Total area: 120m²

PARKING:
FARMSHED - Required 4/100m² = 5 bays
CONTAINERS - Required 4/100m² = 5 bays
Total bays required = 10
Total bays Provided = 15 bays

MANUFACTURING
135m²

Additions from previous approved SDP

Play area structures & Chicken
coup:
30m²

STORAGE FACILITEIS:
60m²

EMPLOYEE HOUSING:
20m²

PARKING WITH SOLAR ON
ROOF:
Existing parking bays with new
solar panels on roofed bays
225m²

ARCHITECT'S SIGNATURE
S.M. MENTZ | P. 1011 | 071 525 3434

CLIENT'S SIGNATURE

SCALE: 1:350 DATE: 29 August 2023

DRAWING NUMBER: SD-3456-M101 DRAWN BY: AM REVISION: 8

DRAWING:
SITE PLAN

PROJECT:
BANHOEK CHILLI OIL
FARM 1621, KYLEMORE, STELLENBOSCH

MUNICIPAL APPLICATION

mentzstudio
architects

Director: A. Mentz | P. 1011 | SACAP 2015
MENTZ Studio Pty Ltd
Registration No: 2015/077356/07

Scale 1:350