STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
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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) | **Spencer** | | | | |
| Surname | **Dreyer** | | | | |
| Company name *(if applicable)* | **David Hellig and Abrahamse Professional Land Surveyors** | | | | |
| Postal Address | **P O Box 18** | | | | |
| | **Paarl** | | | Postal Code | **7622** |
| Email | **spencer@dhaa.co.za** | | | | |
| Tel | **021 872 4086** | Fax | **N/A** | Cell | **N/A** |

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

| | | | | | |
|---|---|---|---|---|---|
| Registered owner(s) | **The Stellenbosch Municipality / Clos Cabriere Ltd / Montmartre Chalets (Pty) Ltd** | | | | |
| Physical address | **c/o David Hellig and Abrahamse Land Surveyors** | | | | |
| | **258 Main Street, Paarl** | | | Postal code | **7646** |
| E-mail | **spencer@dhaa.co.za** | | | | |
| Tel | **021-8724086** | Fax | **N/A** | Cell | **N/A** |

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

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| *Erf / **Erven** / Farm No.* | **23, 1466 & 1467** | Portion(s) if Farm | | Allotment area | **Franschhoek** | | |
| Physical Address | **c/o David Hellig and Abrahamse Land Surveyors – see above** | | | | | | |
| Current Zoning | **Agriculture and Rural – See Report** | Extent | **1628,3467; 9,8306 & 15,6308 hectares** | Are there existing buildings? | **Y** | N | |
| Applicable Zoning Scheme | **Stellenbosch Municipality Zoning Scheme By-Law, 2019** | | | | | | |
| Current Land Use | **Agricultural and Rural** | | | | | | |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Title Deed number and date | T | **D/G Paarl Farms Vol 4 No 7 dated 17/11/1927; T104071/2001; T55813/1996; T12953/2017** | | | | | | | | |
| Attached Conveyance's Certificate | **Y** | N | Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate | | | | | | | |
| Are the restrictive conditions in favour of a third party(ies)? | Y | **N** | If Yes, list the party(ies): | | | | | | | |
| Is the property encumbered by a bond? | Y | **N** | If Yes, list the bondholder(s): | | | | | | | |
| Is the property owned by Council? | **Y** | N | If Yes, kindly attach a power of attorney from the Manager Property Management | | | | | | | |
| Is the building located within the historical core? | Y | **N** | Is the building older than 60 years? | Y | **N** | Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1] | **Y** | N | If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable. | |
| Any existing unauthorized buildings and/or land use on the subject property(ies)? | | | | Y | **N** | If yes, is this application to legalize the building / land use[2]? | Y | **N** | | |
| Are there any pending court case(s) / order(s) relating to the subject property(ies)? | | | | Y | **N** | Are there any land claim(s) registered on the subject property(ies)? | Y | **N** | | |

**PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY**

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

** The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.*

**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)**

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

| **OTHER APPLICATIONS** | | |
|---|---|---|
| | Deviation from Council Policies/By-laws | R |
| | Consent / Permission required in terms of a title deed | R |
| | Technical approval in terms of the Zoning Scheme Bylaw, 2019 | R |
| | Other (specify): _____ | R |
| | **TOTAL A:** | **R** |

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

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

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

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

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

**BANKING DETAILS**

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

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

**DETAILS FOR INVOICE**

| | |
|---|---|
| Name & Surname/Company name (details of party responsible for payment) | **David Hellig and Abrahamse Professional Land Surveyors** |
| Postal Address | **P O Box 18, Paarl, 7622** |
| Vat Number (where applicable) | **4320112297** |

**PART F: DETAILS OF PROPOSAL**

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

**Brief description of proposed development / intent of application:**

**The approval of the Franschhoek Skytram project comprising the base station, top station and associated infrastructure and tourist facilities which aims to position Franschhoek as a leading culinary, wine and adventure tourism destination in the Country.**

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

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

Information and documentation required

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

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

| | | | | | | |
|---|---|---|---|---|---|---|
| **Y** | N | If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. | | Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989) | | |
| | | | | Y | **N/A** | 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.*
15. *I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.*

Applicant's signature: Date: **23-11-2023**

Full name: **Spencer Dreyer**

Professional capacity: **Professional Land Surveyor**

**FOR OFFICE USE ONLY**

Date received: _____

Received By: _____

Municipal Stamp