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

Affected person's Name
Affected persons Physical Address

Affected person's Title:

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

Application Property Address	Watervliet Farm, Jonkershoek Valley, Stellenbosch
Application Property Number	Portion 5 of Farm 345 Division Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Johan Meyer Trust
Application Reference	LU/16892
Application Type	Consent Use

Detailed description of land use or development proposal, including its intent and purpose:

- Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use in order to utilize the existing agricultural building for purposes of tourist facility (farm shop and coffee shop) on Farm 345/5 Stellenbosch Division.
  The application is in support of the ROR application that was processed by the Planning Department under reference number LU/12093 in order to remove the title deed condition no E.1. which read as follows:
  E.1 " The land hereby conveyed shall be for residential and/or agricultural purposes only and shall not be used for any commercial venture or undertaking of any description whatsoever, nor shall camping or picnicking permitted which hire or charge is made of paid. In connection with the agricultural operations the Transferee or his Successors-in-Title as owner of the property hereby conveyed, shall be permitted a maximum of one cow per morgen in respect of the land hereby conveyed.

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

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

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

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za. 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 29 July 2024.

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

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

YOURS FAITHFULLY

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

Naam van geaffekteerde persoon
Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

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

Adres van aansoek eiendom	Watevliet Plaas, Jonkershoekvallei, Stellenbosch
Aansoek eiendom beskrywing	Portion 5 of Farm 345, Afdeling Stellenbosch
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Johan Meyer Trust
Aansoek Verwysing	LU/16892
Tipe Aansoek	Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir 'n Verunningsgebruik ten einde die bestaande landbougebou vir toeristefasiliteit doeleindes (plaaswinkel en koffiewinkel) op Plaas 345/5 Afdeling Stellenbosch aan te wend.
  Die aansoek is ondersteuning van die ROR aansoek wat deur die Beplanningsdepartement geprossesseer was met verwysing nommer LU/12093 ten einde titlelvoorwaarde no E.1. te vewyder wat as volg lees:
  E.1 " The land hereby conveyed shall be for residential and/or agricultural purposes only and shall not be used for any commercial venture or undertaking of any description whatsoever, nor shall camping or picnicking permitted which hire or charge is made of paid. In connection with the agricultural operations the Transferee or his Successors-in-Title as owner of the property hereby conveyed, shall be permitted a maximum of one cow per morgen in respect of the land hereby conveyed.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:
https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
    - Die feite en omstandighede aantoon wat die die kommentaar toelig;
    - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
    - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
    - Dat die insette voldoende inlgting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of vertoë 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 ingedien word en moet ontvang word voor of op die sluitingsdatum van 29 Julie 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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 886 5050) gedurende normale kantoor ure.

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE

EMILE VAN DER MERWE
town planning consultants

2024-05-07

My ref: Farm 345/5 Stellenbosch

LU/16892

Stellenbosch Municipality

Department Planning and Development

PO Box 17

STELLENBOSCH

7599

Att: Stiaan Carstens

Dear Sir

APPLICATION FOR CONSENT USE: PORTION 5 OF FARM 345 WATERVLIET STELLENBOSCH

The application (LU16892) as submitted during April 2024 hereby is amended to allow for a consent use in lieu of the application for permission in terms of the zoning scheme (technical approval). The amendment follows on the written feedback received by your department on 3 May 2024.

Attached please find the following:

- Revised Motivation
- Revised plan

The revised application now conforms and addresses your comments as raised in the correspondence referred to above. It is trusted that your department will process accordingly.

Thanking you in anticipation.

Yours faithfully

EMILE VAN DER MERWE

EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

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

1. BRIEF

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

- Application in terms of Section 15 (2) (o) of the Land Use Planning By-Law (2023) for Consent Use to utilise a portion (320m²) of the existing approved store as a tourist facility (farm shop – 120m², coffee shop 125m² and entrance/lobby 75m²) on the property

The following report will show that the proposal is desirable from an integrated planning point of view and that it is line with the planning policies of National- and Provincial Government as well as the planning directives endorsed in terms of the Stellenbosch Municipal Integrated Development Plan and the Stellenbosch Spatial Development Framework. The report further will show that the proposal is compatible with the surrounding land use character of the area.

2. LOCATION AND ACCESS – LOCATION PLAN ATTACHED – APPENDIX 2

Watervliet Farm is located approximately 8km to the east of Stellenbosch Town in the Jonkershoek Valley.

The property gains access via a private oad from Divisional Road 1064 (Jonkershoek Road).

A map (**Appendix 2** that depicts the cadastral boundaries of the property is provided below.

CADASTRAL BOUNDARIES



3. OWNERSHIP AND SIZE

The property is owned by Johan Meyer Trust as held by Deed of Transfer T24603/2005. A copy of the Title Deed is attached as **Appendix 3**. The Company Resolution and Power of Attorney in favour of the applicant is attached as **Appendix 4**. The Surveyor – General diagram is attached as **Appendix 5**.

The property is 3.2386 ha in extent and falls with the jurisdiction area of the Stellenbosch Municipality.

4. ZONING

The Stellenbosch Municipality Zoning Scheme By-Law, adopted by Council on 29 May 2019 has come into effect from 1 November 2019 (Amended November 2023). The application property in terms of Chapter 20 of the afore-mentioned By-Law is zoned "Agricultural Rural Zone". The purpose of the zone is (see below) is make provision for the following:

200. Purpose of the zone

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

(a) the protection and preservation of agricultural land, rural landscapes, and biodiversity.

(b) use of land for purposes of bona fide agricultural production or conservation.

(c) buildings and structures which may be erected for reasonable and normal agricultural purposes.

(d) a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability, and providing diversified income to landowners, without adversely impacting on the primary use of the land unit for agricultural purposes.

The base zone makes provision for the following land uses as per the table below;

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
• Agricultural building (≤2000m²) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (≤2000m²) • Second dwelling • Employee housing (one unit)	• Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel (≥2001m² and ≤5000m²) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings)	• Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (≥2000m²) • 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 (>5000m²) • 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

The property is being utilised in accordance with the zoning. The infrastructure on the property comprises the following:

- Main dwelling
- Farm store
- Remainder Agriculture (vineyards, olives and lavender)

The owner wishes to provide high-end tourism related facilities (farm and coffee shop – **Appendix 6.**) in a portion (320m²) of the existing farm store on the property in order to create more variety and to provide diversified income without impacting on the primary use and agricultural activities of the land unit. The proposal requires consent use approval in terms of Stellenbosch Zoning Scheme By-Law (2023). A tourist facility is defined as follo

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

Consistency with regards to provisions of the Stellenbosch Zoning Scheme By-Law

- The activities will be undertaken form a land unit where the primary use of the land is for bona-fide agriculture.
- The application will not have a detrimental impact on the preservation of agricultural land and the continued use of the agricultural activities.
- The proposal is planned on an existing building that forms part of the farm werf and no agricultural land will be taken out of production.
- The proposals conform to the parameters of the Zoning Scheme and will not have any impact on the spatial configuration since it relates to a portion of an approved building on the property.
- Adequate parking is already available in relation to the requirements of the zoning scheme
- No new roads and other infrastructure are required to accommodate the proposals.
- The extension will be in keeping with the character of the buildings on the farm and the scale as is such that it will not dominate the farming activities and existing built form
- The primary use of the land will be for bona-fide agriculture and the proposal will be subservient to the land use activities on the farm.
- The proposed facility is considered to be a rural place bound activity and is of small scale that will complement the farming operations whilst not compromising the agricultural sustainability, scenic and heritage and cultural landscape.

- The proposed facility is accessible from the existing internal farm road. The proposal will not interfere with the daily running of the farming operations.

The establishment of agri-tourism facilities are in line with the objectives of the Directorate: Sustainable Resource Management (LANDCARE): Department of Agriculture who's primary function is to conserve the regions agricultural resources. According to this Department's policy and recommendations the concept of sustainable agriculture is promoted taking the following criteria in mind, namely:

- ✓ Social acceptability
- ✓ Economic viability
- ✓ Ecological feasibility/Environmental integrity
- ✓ Reasonable production; and
- ✓ Sound security

The development proposal on the property conforms to the above criteria and it will not have any negative impact on the conservation of productive agricultural land and it will not impact on the long-term viability of the farming unit. One of the key initiatives of the Department of Agriculture relates to the diversification of the agricultural sector and the role that agri-tourism can play in the economic development of the Western Cape. The department therefore recognizes the important role the agricultural and wine industry can play in the rural and economic development of farming enterprises of which the following are considered key components:

- Agricultural tourism – guesthouse and holiday accommodation
- Value adding – agricultural industries with associated tourist facilities
- Creating sustainable agricultural units - intensifying

The proposal significantly will contribute to the promotion and expansion of the area's resource base with multiplier economic and social benefits. The application is consistent with the planning principles as contained in the Municipal Spatial Development Framework.

6. LEGISLATIVE AND POLICY CONTEXT

6.1 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Western Cape Land Use Management Act (2014)

The legislative framework provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.

- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

The Western Cape Land Use Management Act, 2014 and the Spatial Planning and Land Use Management Act, 2013 serves as platform to guide decision-making in relation to land use and development. In this regard are the following 5 principles applicable

Spatial Justice

The proposal will not have a negative impact on the agricultural potential and farming activities.

Spatial efficiency

The proposal will make of use resources in a just and efficient manner.

Spatial resilience

The proposal is deemed compatible with the rural character of the area and is in line with the municipal IDP and spatial development framework.

Good Administration

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law. Desirability In terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the overarching national, provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following

LUPA

Desirability In terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal

complies with the applicable provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following:

6.2 Western Cape Provincial Spatial Development Framework (WCPSDFP)

The WCPSDF serves as guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The policy document is informed by the National Development Plan and related spatial policies and takes its strategic direction from the Western Cape development strategy and related policy frameworks. It also serves to guide the location and form of public investment. An important factor in this regard relates to the role which the rural economy can play in the overall economy of the greater municipal are and is of particular relevance to the Stellenbosch area. The proposed tourist facility presents an opportunity that is aligned with the policy to allow for compatible and sustainable rural activities to the benefit of the broader good of society with positive socio-economic returns.

As far as the application is concerned, the principles contained in the WCPSDF will have to be considered to ascertain whether sustainable development is promoted. Sustainable development encompasses the integration of social, economic and ecological factors into planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

These three pillars of sustainability can be viewed as providers of the capital necessary for each subsequent pillar to function. In order to determine the desirability of a proposed development one should thus consider whether or not it is socially, economically and ecologically sustainable. The application will not have a negative impact on the 3 pillars of sustainability.

Western Cape Land Use Planning Guidelines (2019): Rural Areas

The Western Cape Land Use Planning Guidelines forms part of the approved Western Cape Government: Provincial Spatial Development Framework. The objectives of the Rural Areas Guideline are to:

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.

- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

The Guidelines supports the following:

- Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape.
- Activities or land uses of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products, e.g.: farm tourism; Restaurant and function venue facility;

The proposal conforms to the following guidelines:

- The proposed facility is located in an area that does not impact on the agricultural activities as well as wetlands, floodplains and other important natural vegetation.
- The facility is located adjacent to the existing farm access roads and the services network.
- The cumulative effect of all ancillary and non-agricultural land uses will not detract from the rural character of the landscape and the primary agricultural activities.
- The facility will not detract from the functionality and integrity of farming practices and landscapes and is considered to be of an appropriate scale and form.
- The facility is appropriate in a rural context and it will generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.
- The facility is of appropriate scale compatible with the farmstead precinct and the surrounding rural context

The development proposal put forward in the application is consistent, in line and will give practical effect to the Rural Land Use Guidelines that have been adopted by the Western Cape Government: Department of Environmental Affairs and Development Planning.

6.3 Western Cape Strategic Plan 2014-2019

Vision

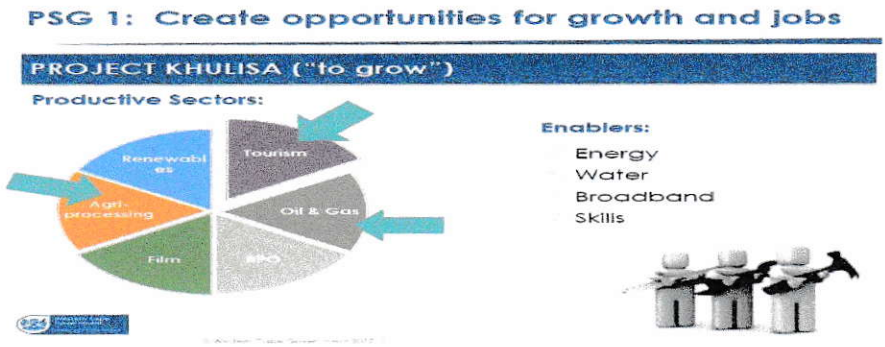
"We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower

unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected High Opportunity Society For All"

Provincial Strategic Goals



Western Cape Economic Drivers



From the above information it is clear that the Provincial Government Western Cape in terms of their Provincial Spatial Development Framework and Strategic Plan has placed as specific emphasis on the importance of the tourism industry as key sector in growing and sustaining the economic base of the region.

6.4 Stellenbosch Spatial Development Framework

The Stellenbosch SDF has been approved by Council during November 2019 is founded on the principles of the Spatial Planning and Land Use Management Act, the Western Cape Land Use Planning Act, the National Development Plan, the National Heritage Resources Act, the Environmental Management Act, as well as the Stellenbosch Municipal Integrated Development Plan. The SDF places a renewed and key focus on the protection of agricultural and farming land and the conservation of the natural and biodiversity areas. The property is located outside the urban to which the following principles apply:

- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity, conservation and agri-tourism should be promoted in farming areas outside of urban settlements

- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints and these should take the natural and heritage significance of the site into account.

The proposal is consistent with the above principles and objectives of the SDF. It in fact in is in support with the development principles of spatial justice, spatial sustainability, efficiency and spatial resilience.

7. SERVICES

Potable water to the facility is obtained from the existing borehole on the property. Sewerage will be disposed via the existing conservancy tank. Electricity is provided by Eskom.

8. CONCLUSION

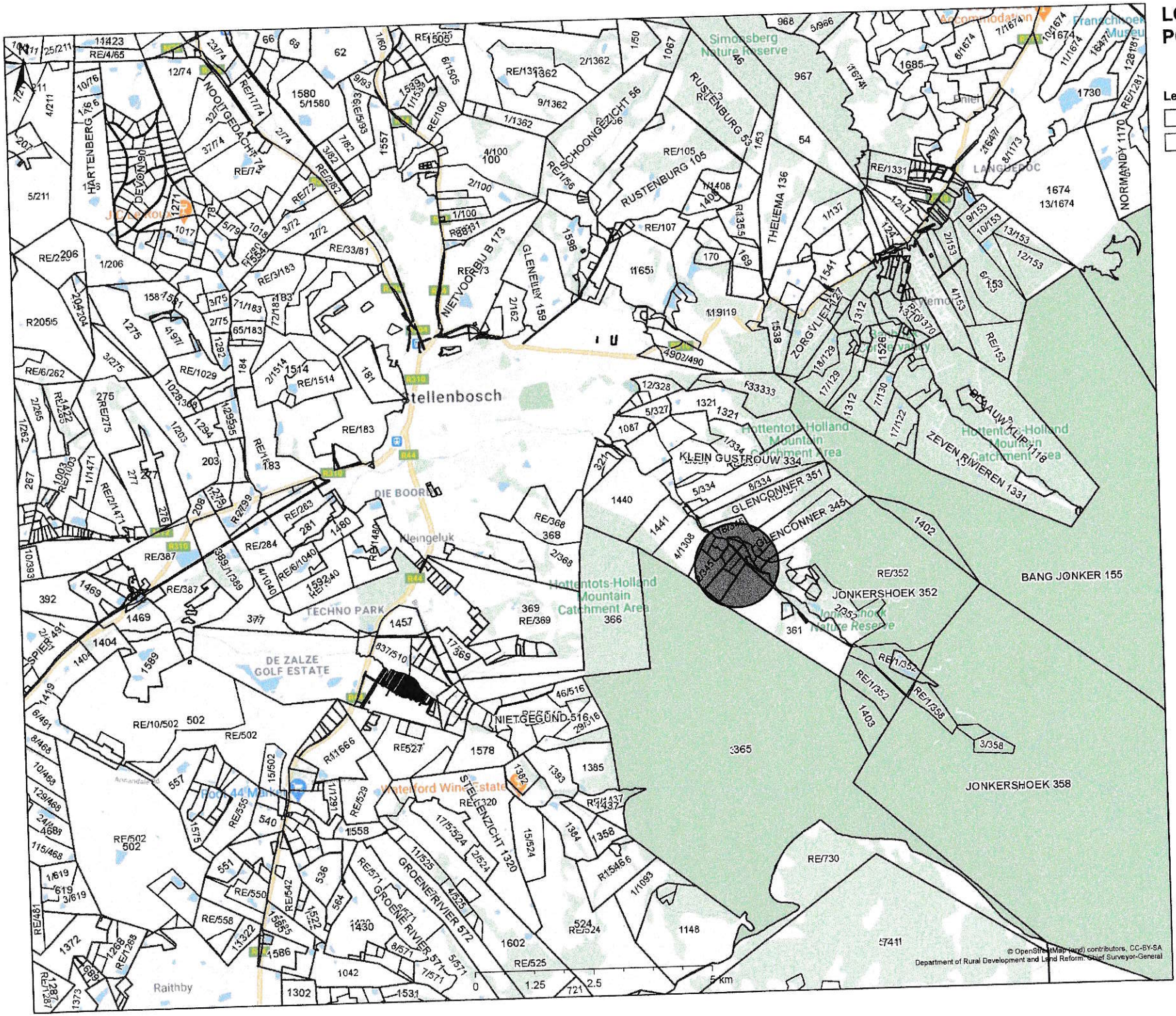
The development proposal is consistent and complies with the criteria set out in Chapter V of the Stellenbosch Land Use Planning By-Law (2015) with reference to the following:

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;
- The proposal will have a minimum impact on the agricultural activities.
- The proposal is subservient to the main farming agricultural activities;
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan with reference to growing the local economy by means of tourism related development
- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-Law and associated development parameters.

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Portion 5 of Farm 345 Stellenbosch vision.

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LOCATION PLAN: PORTION 5 OF FARM 345



APPENDIX 2.

APPENDIX 3

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

Prepared by me

CONVEYANCER
O CONNELL Z.

SUBJECT / LOT (1)

VERBIND MORTGAGED

VIR FOR R 4 500 000,00

B 000037730/2005

01 APR 2005

REGISTRATEUR/REGISTRAR

FEE

R 809,00

T 000024603/2005

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

~~ZELDA O CONNELL~~ GREGG MARSHALL HUNTINGFORD

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at STELLENBOSCH on 4 FEBRUARY 2005 granted to him by

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

DATA CAPTURED
14 APR 2005
BOSHOFF D

VIR ENDOSSEMENTE: KYK BLADSY 4
FOR ENDORSEMENTS SEE PAGE ..... ET SEQ

And the appearer declared that his said principal had, on 19 October 2004, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

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

its Successors in Office or assigns,

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

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

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

A. **SUBJECT** to the conditions referred to in Deed of Transfer Nr T 872 dated 12 February 1935.

B. By the reservation of water rights as contained in para H hereunder NOT ENTITLED to the benefit of the following condition contained in Deed of Transfer Nr T 7830, dated 5 June 1950:-

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

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

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

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

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

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

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

1. A restraint against the owner of the said Portion 1 from disturbing the water rights of the within mentioned property.

2. Access to the Portion 1 to ensure compliance with Condition 1 above

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

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

"By Transfer Deed No. T15504 dated 22/9/1954 Portion2 of the farm Lot A of Glenconnor thereby transferred is subject to a restriction prohibiting farming operations of an objectionable nature thereon in favour of the within described and certain two other properties as will more fully appear on reference to the said Transfer Deed."

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

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

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

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

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

S

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

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

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

VOORBEHOUD VAN WATERREGTE, SERWITUUT REG VAN WEG EN VAN WATERLEIDING

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

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

2. Die Verkoper, as geregistreerde eienaar van

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

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

   2.1 'n reg van weg 5 (vyf) meter wyd oor die eiendom hierkragtens verkoop ten einde die transportgewer of sy opvolgers in title, met gebruik van 'n motorvoertuig, toegang te verleen tot die Eerste rivier, die roete van welke reg van weg deur tussen beide die transportgewer, of sy opvolgers in titel en die transportnemer of sy opvolgers in titel bepaal sal word na oorleg met mekaar;

   2.2 'n reg van watertrekking, waterpypleiding, elektriese kabellegging en elektriese waterpompstasie binne die voormelde serwituutgebied van reg van weg ten einde die transportgewer of sy opvolgers in titel in staat te stel om 'n ondergrondse waterpypleiding en ondergrondse elektriese kabel te lê oor die eiendom hierkragtens verkoop binne die voormelde serwituutgebied van reg van weg; 'n elektriese waterpompstasie op te rig en die ondergrondse

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

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

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

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

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

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

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

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on 1 April 2005 ~~2004~~

q.q.

In my presence

REGISTRAR OF DEEDS

APPENDIX 4

TRUST RESOLUTION

JOHAN MEYER TRUST
IT 6480/1996

RESOLUTION PASSED BY THE TRUSTEES

JOHAN MEYER TRUST, the registered owner of Portion 5 of Farm 345 Stellenbosch Division, held by Deed of Transfer T 000037730/2005 hereby nominate Mr. Johan Meyer (Trustee) to sign and act on behalf of the Trust pertaining to the application for Technical approval submitted in terms of Section 15 (2) (g) of the Stellenbosch Municipal Land Use Planning By-Law (2023).

Date: 14 March 2024

Trustee : .....
(Signature)

APPENDIX 4

POWER OF ATTORNEY

Johan Meyer Trust, the registered owner of Portion 5 Farm 345 Stellenbosch Division

Do hereby nominate and appoint

Emile van der Merwe Town Planning Consultants

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

- **APPLICATION FOR PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL) MADE IN TERMS OF SECTION 15 (2) (G) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2023).**

  On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent(s) shall lawfully do, or cause to be done by virtue of these present.

SIGNED AT STELLENBOSCH ON THIS 14 TH DAY OF MARCH 2024

JOHAN MEYER

TRUSTEE

APPENDIX E.

OFFICE COPY

SUB-DIVISIONAL DIAGRAM
Sect. 24 (6), Act No. 9 of 1927

S. G. No. 853/50

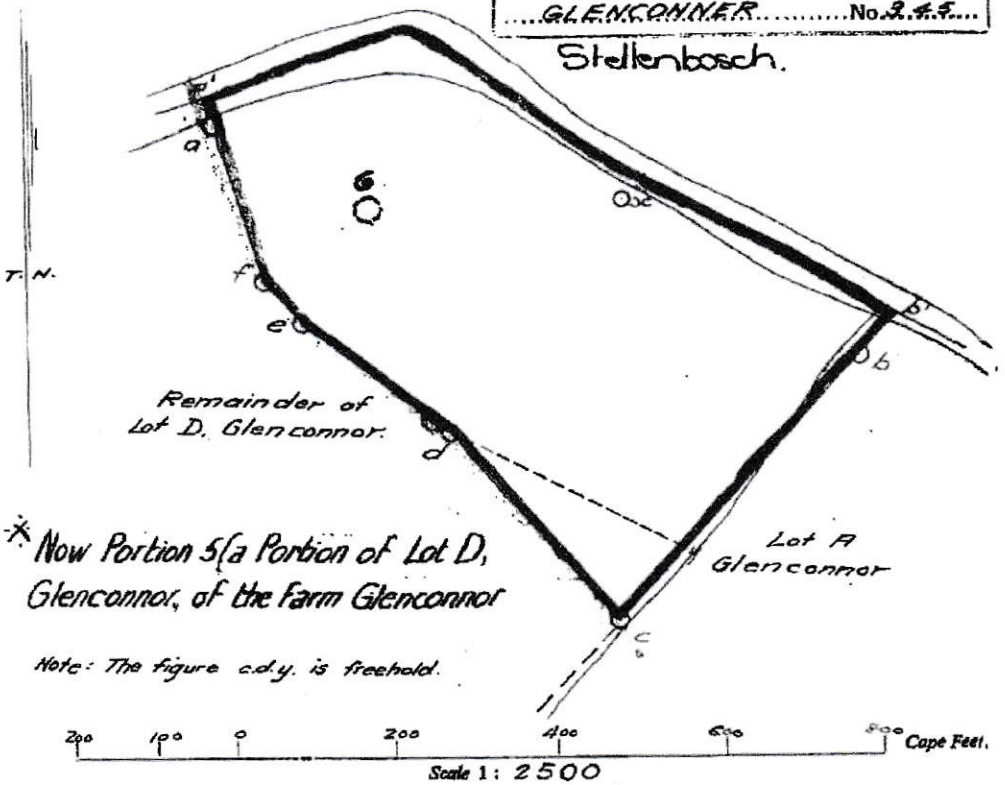
Approved

Surveyor-General.

SIDES Cape Feet		ANGLES of direction	CO-ORDINATES Const. -125000.0 & + 5000.0		
a x	521.05	282 . 5. 10	a	- 2453.97	+ 2807.26
x b	359.49	306 . 40 . 30	x	- 2963.47	+ 2916.36
b c	452.50	42 . 42. 40	b	- 3251.79	+ 3131.07
c d	321.01	140 . 48.30	c	- 2944.87	+ 3463.57
d e	236.02	128 . 18 . 10	d	- 2742.02	+ 3214.78
e f	68.39	142 . 31.50	e	- 2556.80	+ 3068.49
f a	215.25	168 . 34.30	f	- 2514.83	+ 3013 .73
a a'	35.00	168 . 34.30			
b' b	70.00	42 . 42.40.			

Beacons:
a.d. 1" pegs alongside fence standards.
b. ½" peg alongside flat iron
c. Rail
e.f. Fence standard pegs.
x. ½" peg in cairn of stones.

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



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

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

Scale 1: 2500

The figure a.a'.centre of stream b'.b.c.d.e.f.
represents 3·7810 Morgen ~~square Feet~~ of land being
5 (a portion
* Portion x of Lot D, Glenconnor)
of the farm Glenconnor.
situate at Jonkers Hoek
Division of Stellenbosch

Province of Cape of Good Hope.

Surveyed in April, 1949. by me

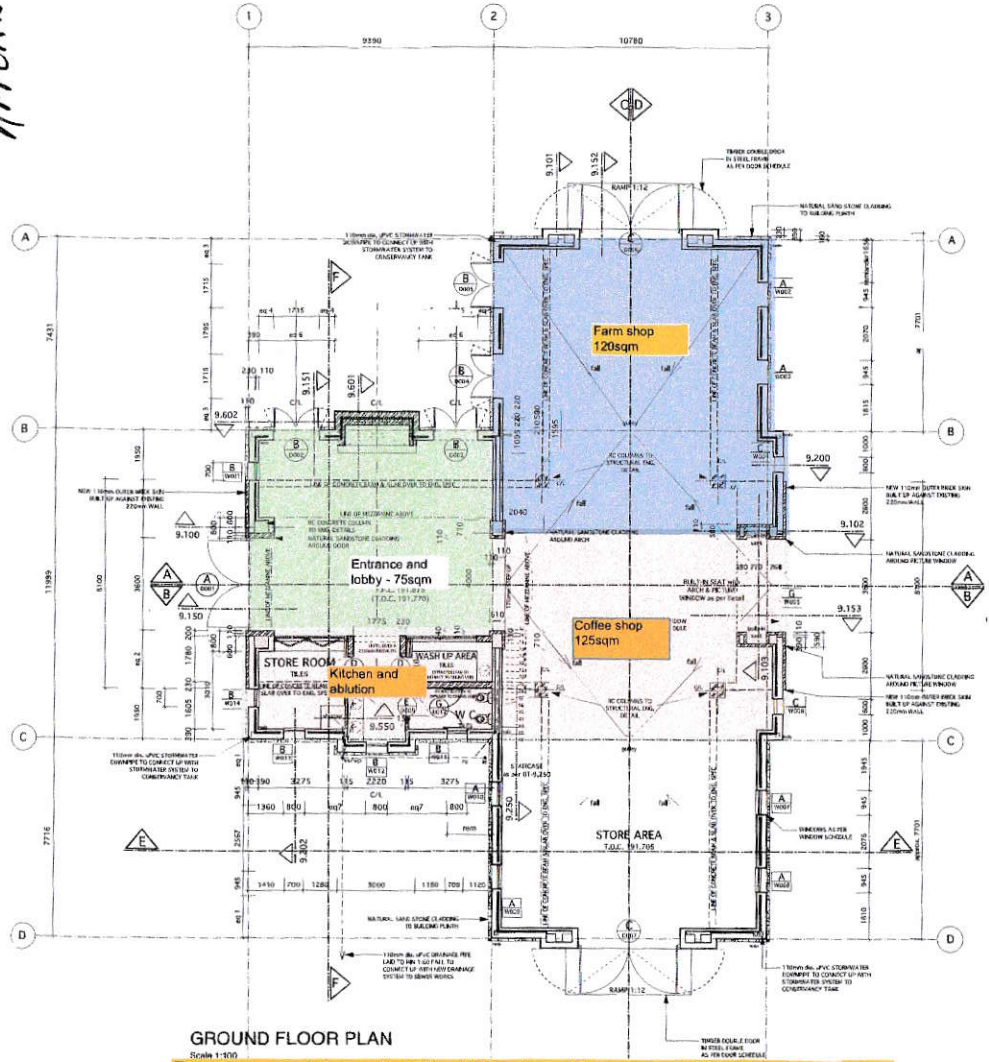
Land Surveyor.

This diagram is annexed to D/T. 7830/1950.
In favour of
Registrar of Deeds

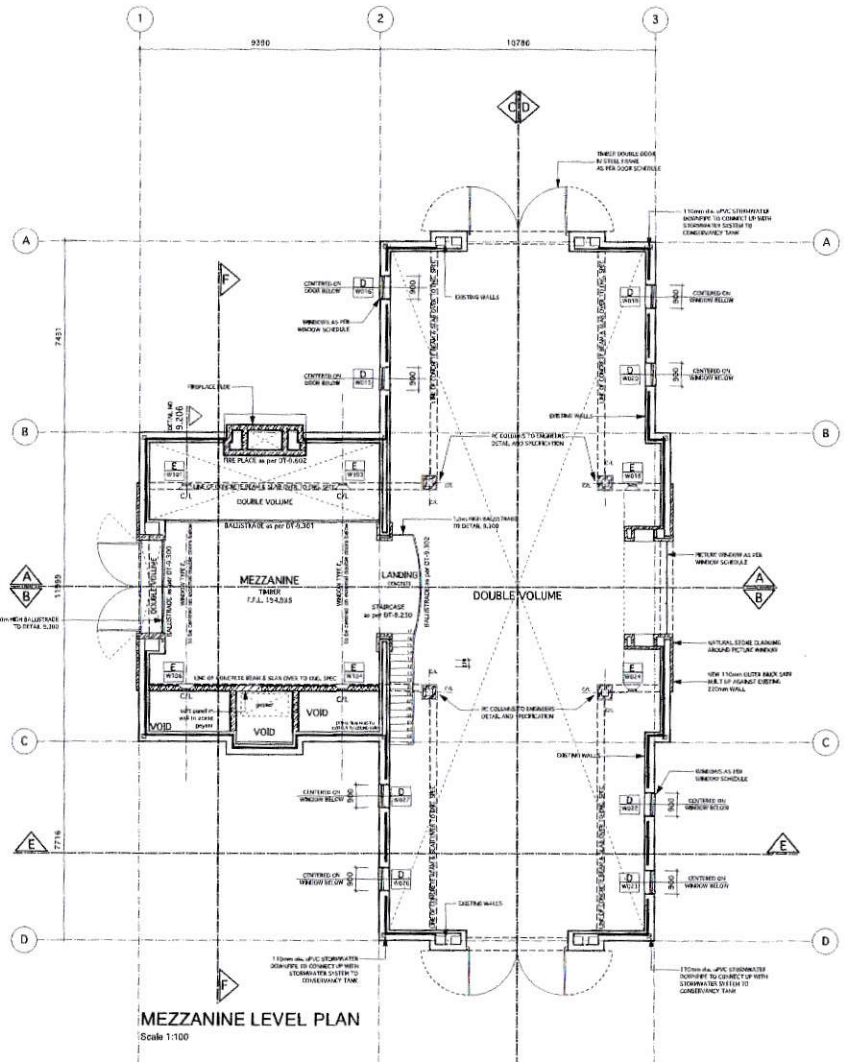
The original diagram is No. 4525/1934 annexed to D/T 1935 - 17 - 872. S121 @ 13-13.

S.G. File No. 5/10389
S.R. No. E. 1089/49.
BH-BD

APPENDIX 6



GROUND FLOOR PLAN
Scale 1:100



MEZZANINE LEVEL PLAN
Scale 1:100

Proposed tourist facility (coffee and farm shop on Farm 345/5 - Portion (320sqm) of existing store

NOTES/NOTAS

RIDER PLAN

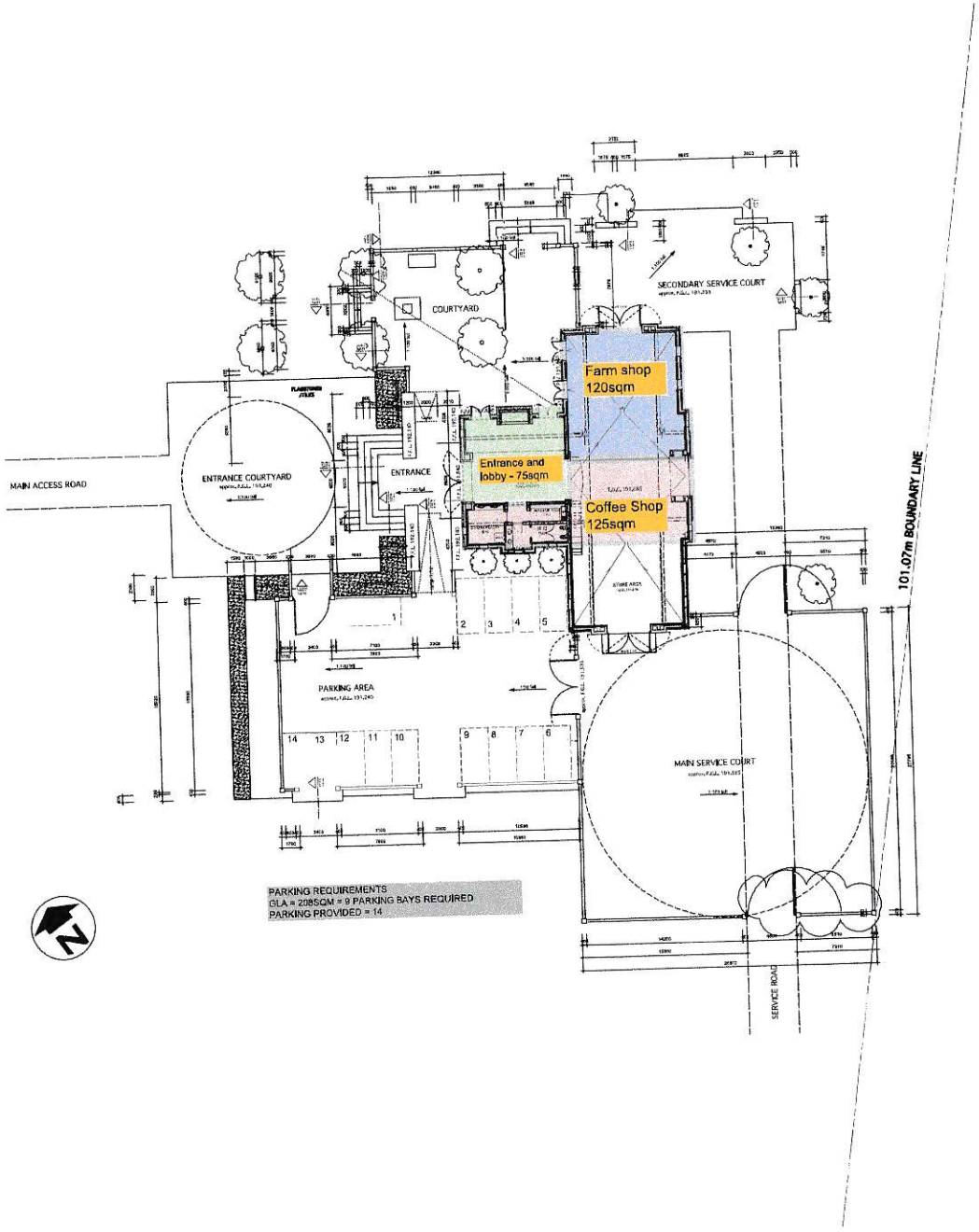
VAN BILJON & VISSER

WATERVLIET STORE
ERF 345/5
GLENCONNER
STELLENBOSCH

GROUND FLOOR AND MEZZANINE LAYOUT PLANS

K-1010 2.00 C

1:100 06/11/06 TV



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NOTES / NOTAS

1. PLASTER SAMPLE TO BE APPROVED, PRIOR TO COMMENCING WITH PLASTERING.
2. STONE PLINTH, SAMPLE TO BE APPROVED PRIOR TO COMMENCING STONE WORK.
3. EXPOSED BRICKWORK FINISH TO BE FINALISED AFTER SANDBLASTED SAMPLE HAS BEEN APPROVED BY ARCHITECT.
4. ALL COPINGS AND PLASTER BANDS TO DETAIL. SEE DETAILS...

RIDER PLAN

REV. NO.	DESCRIPTION	DATE

VAN BILJON & VISSER ARCHITECTS | ARGITEKTE

PROJECT

WATERVLIET STORE
ERF 345/5
GLENCONNER
STELLENBOSCH

DRAWING TITLE

STORE - SITE PLAN

PROJECT No.	DWG. No.	REVISION No.
K-1010	0.01	4

SCALE	DATE	DRAWN
1:200	12/06/06	MdT