

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, 2023, refers:

Application Property Address	Oude Schuur, R44 Stellenbosch
Application Property Number	Farm 528/6 Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Avidata Trading 301 CC
Application Reference	LU/18174 (TP850/2024)
Application Type	Subdivision, Consolidation & Administrator consent

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

- Application in terms of Section 15 (2) (d) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the subdivision of Farm 528/6 (17019m²) Stellenbosch Division into two portions namely Portion A (±7341m² and Remainder (±9588m²)
- Application in terms of Section 15 (2) (e) of the Stellenbosch Municipality Land Use Planning By- Law, 2023 for the consolidation of Portion A with Farm 528/5 Stellenbosch Division
- Application in terms of Section 15 (2) (i) of the Stellenbosch Municipality Land Use Planning By- Law, 2023 for the administrators consent in terms of the Title Deed condition E1 to allow for the subdivision and consolidation.

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

- o 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 25 August 2025.

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 GEITRESEERDE 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, 2023, verwys:

Adres van aansoek eiendom	Oude Schuur/R44 Stellenbosch
Aansoek eiendom beskrywing	Plaas 528/6 Stellenbosch
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Avidata Trading 301 CC
Aansoek Verwysing	LU/18174 (TP850/2024)
Tipe Aansoek	Onderverdeling, Konsolidasie & Administrateur toestemming

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15 (2) (d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir die onderverdeling van Plaas 528/6 (17019m²) in twee gedeeltes naamlik gedeelte A (±7341m²) en Restant (±9588m²) .
- Aansoek in terme van Artikel 15 (2) (e) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir konsolidasie van gedeelte A met Plaas 528/5 Stellenbosch
- Aansoek in terme van Artikel 15 (2) (i) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir die Administrateur se toestemming in terme van voorwaarde E1 van die Titelakte ten einde die onderverdeling en konsolidasie moontlik te maak.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of verhoë 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 25 Augustus 2025.

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**



2025-06-17

LU/18174

My ref: Farm 528/6 Stellenbosch
Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

**APPLICATION FOR SUBDIVISION AND CONSOLIDATION AND PERMISSION IN
TERMS OF TITLE DEED CONDITION: PORTION 6 OF FARM 528, STELLENBOSCH
DIVISION**

My previous letter in respect of the above has reference. The application is hereby amended to read as follows:

1. *Application in terms of Section 15 (2) (d) of the Land Use Planning By-Law (2023) for the subdivision of Portion A (measuring $\pm 7,431\text{m}^2$ ha in extent) from Farm 528/6 Stellenbosch Division.*
2. *Application in terms of Section 15 (2) (e) of the Land Use Planning By-Law (2023) for the simultaneous consolidation of the subdivided Portion A with Farm 528/5 Stellenbosch.*
3. *Application for permission in terms of the Title Deed conditions (condition E.1) contained in Deed of Transfer T26057/2022) to facilitate the subdivision and consolidation.*

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

You will note that the subdivision of Portion B from Farm 528/5 and the consolidation thereof with Farm 528/6 does no longer part of the application.

Thanking you in anticipation.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Farm 528/6 Stellenbosch, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

1. Application in terms of Section 15 (2) (d) of the Land Use Planning By-Law (2023) for the subdivision of Portion A (measuring 7431sqm in extent) from Farm 528/6 Stellenbosch
2. Application in terms of Section 15 (2) (e) of the Land Use Planning By-Law (2023) for the simultaneous consolidation of Portion A with Farm 528/5 Stellenbosch
3. Application for permission in terms of the Title Deed Conditions (condition E1-E4) contained in Deed of Transfer T26058/2002 to facilitate the proposed subdivision and consolidation

2. LOCATION AND ACCESS – LOCATION PLAN ATTACHED AS APPENDIX 1

The application property is situated approximately 8km to the south of Stellenbosch Town. The said property forms part of a smallholding area that is located to the north of the R44 and between the Stellenbosch Airfield and De Zalze Golf Estate.

Smallholdings



Access is obtained from the R44.

3. OWNERSHIP AND SIZE

The property is owned by Avidata Trading 301 CC as held by Deed of Transfers T26057/2002. A Copy of the Title Deed and conveyancer certificate are attached as **Appendix 2**. The Resolution and Power of Attorney are attached as **Appendix 3**. The property is 1,7019 ha in extent. The Surveyor Diagrams are attached as **Appendix 4**.

4. PROPOSALS – SUBDIVISION AND CONSOLIDATION PLAN ATTACHED AS APPENDIX 6.

The previous/original proposal included the subdivision of a portion (Portion B - approximately 431sqm) from Farm 528/5 and for the consolidation thereof with Farm 528/6. The said proposal has been omitted and does not form part of the application

Subdivision of Portion A

The Stellenbosch Municipality on 29 January 2024 granted approval for Consent Use to utilise an existing farm building on Farm 528/6 for restaurant purposes. The letter of approval is attached as **Appendix 5**. It is the intention to consolidate the approved land use (restaurant) and adjoining agricultural land ($\pm 3000\text{m}^2$) with Farm 528/5. The said portion and land uses will be incorporated with the approved land uses granted on Portion 5 of Farm 528 Stellenbosch.

MOTIVATION

Although the property is not located within the approved urban edge of Stellenbosch Town forms it part of an existing smallholding area that is not characterised by economically viable farming units. The main reason being the limited size ($\pm 2\text{ ha} - 4\text{ha}$) of the units. The land units are not intensively farmed and predominately serves as residential dwelling units with supporting activities/land uses that inter-alia includes the following:

- Boutique canine hotel – Farm 528/8
- Kleinbosch Guest House – Farm 528/15
- Val de Vine - Farm 528/8
- Bellevue Manor Guest house Farm 528/4



From the above it is clear that the said properties cannot be considered as viable agricultural farming units and that the said smallholding area is characterised by a range of ancillary uses in support of limited agricultural activities. The latter agricultural activities are not used for commercial farming activities and primarily serves to retain the visual attributes of the property. The provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) also does apply to the properties since it forms part and has been included in the former proclaimed municipal boundary of Stellenbosch.

The proposed subdivision and consolidation will not:

- Allow for any new primary rights
- Create any additional land units
- Lead to urban sprawl
- Impact on the service level capacity of the municipality
- Compromise the rural character of the surrounding landscape

5. SERVICES

The proposal will not have any impact on municipal services.

6. CONCLUSION

The proposed subdivision and consolidation can be considered favourably for the following reasons:

- The proposal will not result in any change of zoning and/or land use and is in keeping with the agricultural zoning rights that applies to the properties;
- The proposal will not result in the fragmentation of agricultural land;
- The proposal will not result in the creation of any new land units with associated primary rights;
- The proposal will not result and constitute any form of urban related development that could impact negatively on sustainable food production and food security
- The proposal will not impact on the service level capacity of the municipality

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 528/6 Stellenbosch.

.....





2024-12-02

My ref: Farm 528/6 Stellenbosch

TP850/2024

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

**APPLICATION FOR SUBDIVISION AND CONSOLIDATION AND PERMISSION IN TERMS OF TITLE DEED
CONDITION: PORTION 6 OF FARM 528, STELLENBOSCH DIVISION: MOTIVATION FOR SITE SPECIFIC
CIRCUMSTANCES TO JUSTIFY A DEVIATION FROM THE PROVISION OF THE MSDF.**

Your correspondence in respect of the above has reference.

include hereby please find the required motivation for site specific circumstances to justify a deviation from the provision of the Municipal Spatial Development Framework.

Motivation

The application property is situated approximately 8km to the south of Stellenbosch Town. The said property forms part of a smallholding area that is located to the north of the R44 and between the Stellenbosch Airfield and De Zalze Golf Estate.

Existing small holding area



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

Although the property is not located within the approved urban edge of Stellenbosch Town the land unit forms part of an existing smallholding area that is not characterised by economically viable farming units. The main reason being the limited size (± 2 ha – 4ha) of the units. The land units are not intensively farmed and predominately serves as residential dwelling units with supporting activities/land uses that inter-alia includes the following:

- Boutique canine hotel – Farm 528/8
- Kleinbosch Guest House – Farm 528/15
- Val de Vine – Farm 528/8 (various tourist facilities and accommodation)
- Bellevue Manor Guest house Farm 528/4

From the above it is clear that the said properties cannot be considered as viable agricultural farming units and that the said smallholding area is characterised by a range of ancillary uses in support of limited agricultural activities. The latter agricultural activities are not used for commercial farming activities and primarily serves to retain the visual attributes of the property. The provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) also does apply to the properties since it forms part and has been included in the former proclaimed municipal boundary of Stellenbosch.

The proposed subdivision and consolidation will not:

- Allow for any new primary rights
- Create any additional land units
- Lead to urban sprawl
- Impact on the service level capacity of the municipality
- Compromise the rural character of the surrounding landscape

The land parcel (Farm 528/4) albeit in its current form/state and/or with subdivision holds no potential to contribute towards sustainable food security and food production. The impact on the production capacity of the farm prior to and after subdivision will be negligible and the agricultural activities merely serves to visually enhance the residential land use. The property primarily function as a place of residence on which small scale agricultural activities are undertaking. These type of activities/land uses furthermore are incorporated in the proposed Agricultural Zone II zoning (Small holding area) as put forward in the draft new zoning scheme regulations.

In light of the site-specific circumstances is it questionable whether the proposal indeed will comprise the intention of the zoning scheme as the property forms part of an existing small holding area and it should be classified as such.

It is trusted that the above motivation provides the necessary context in support of the application.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

LOCATION PLAN



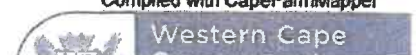
Legend

0 0.38 0.75 1.5 km

Scale: 1:36 112

Date created: October 26, 2020

Compiled with CapeFarmMapper



87

John Dur Ingelyf
Kantoor Nr. 8
Cambridge House
Oxfordstraat 23
Durbanville
7660

GETUIGED
DOOR
FOS
PEC Scoco

BO 0087986 / 2004
GEKANSLEER
CANCELLED
REGISTRATEUR/REGISTRAR
29 NOV 2004

VEREENDELT
MORTGAGED
1800.000.00
19794/2004
102-04-12
REGISTRATEUR/REGISTRAR

Opgestel deur my

TRANSPORTEERORGER
DURAJ

TRANSPORTAKTE

T 026057/2002

HIERBY VERENDELT BEKENDGEMAAK DAT

LYNE BOSCH

voor my verskyn het, REGISTRATEUR VAN AKTES, te KAAPSTAD, hy die
gegewende komperant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom
verleen deur

DIE LIKWIDATEUR VAN LOUWFUT 1044 BELEGGINGS CC (IN
LIKWIDASIE)
Nr. CK1984/026294/23

geteken te STELLENBOSCH op 1 MAART 2002

[Handwritten signature]

-2-

En genoemde Komparant het verklaar dat sy prinsipaal op 15 FEBRUARY 2002, waarlik en wettiglik verkoop by Privaat ooreenkomst, dat hy, in sy voorgenoemde, hoedanigheid hierby sodeer en transporteer aan en ten gunste van

ADVIDATA TRADING 301 CC
Nr. CK2001/033284/23

sy Opvolgers in titel of Regverkygendes ,

RESTANT VAN GEDEELTE 6 (N GEDEELTE VAN GEDEELTE 2) VAN DIE
PLAAS NR 528, IN DIE MUNISIPALITEIT ENKOPING STELLENBOSCH,
PROVINSIE WES-KAAP;

GROOT: 1,7019 (EEN KOMMA SEVENHUL EEN NEGE)
HEKTAAR

AANVANKLIK GEREGISREERD KRAGTENS TRANSPORTAKTE NR.
T.17449/1982 MET KAPSEL NR 7889/54 WAT DAAROP BETREKKING HET EN
GEHOU KRAGTENS TRANSPORTAKTE NR. T.33193/1998

A. ONDERHEWIG aan die voorwaardes waarna verwys word in
Transportakte Nr. 1084/1941

B. ONDERHEWIG VERDER aan die volgende vervat in die Grondbrief
uitgevaardig op 29 Junie 1881 Ingevolge die bepalinge van Wet 15 van 1887,
Suid-Afrikaanse Eendomsbriewe Boekdeel 6 Nr. 6, naamlik

"That all roads and thoroughfares now existing on the land hereby
granted whether they are described in the diagram or not shall
remain free and uninterrupted."

ONDERHEWIG VERDER aan die voorwaardes genoem in genoemde
Grondbrief Stellenbosch Eendomsbriewe Boekdeel 6 Nr 6.

"Subject, however, to all such Duties and Regulations as are either
already or shall in future be established with regard to such lands"

D. ONDERHEWIG VERDER aan die ontiening waarna verwys word in die
volgende aantekening gedateer 4 Julie 1956 op Transportakte Nr.
T.8140/1963, naamlik

- 3 -

***ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937
(8009 GEWYSIG).**

Twee gedeeltes van die eiendom hierin vermeld soos hieronder vermeld is
ontleen deur die Afdelingsraad van Stellenbosch kragtens Art. 130 van Ord.
15/1952 Vide Optekeningekennigegawing Nr H/63 van 1.8.1965 gelaseer
as ontleningsceveat 754/65 planna hiermee geteekseer.

Van ongeregistreerde gedeelte 6 - 78 Vierkante meter

Van ongeregistreerde gedeelte 7 - 53 Vierkante meter

E. **ONDERHEWIG VERDER** aan die onderverdelingsvoorwaardes soos
vervat in Transportakte Nr. T.174 van 1982 opgele deur die beherende
gesag kragtens Artikel 11 van Wet No 21 van 1940 by goedkeuring van die
onderverdeling van gedeelte 7 van die Plots 528, Stellenbosch, naamlik:

1. Die grond mag nie onderverdeel word nie tensy die skriftelike
goedkeuring van die beherende gesag soos omskryf in Wet no 21
van 1940, soos gewysig, aers verloy is.
2. Die grond mag nie gebruik word vir residensiële- of
landbou- doeleindes en geen ander doel sonder die skriftelike
toestemming van die beherende gesag soos omskryf in Wet No 21
van 1940 nie.
3. Geen gebou of struktuur hoegenaamd mag opgerig word sonder
die skriftelike toestemming van die beherende gesag soos omskryf
in Wet No 21 van 1940 nie.
4. Geen gebou of struktuur van enige aard mag opgerig word binne
in afstand van 84,46 meter vanaf die middellyn van die Somerset-
Wes Stellenbosch Grootpad wat in 'n noord-oostelike rigting
langs die grens van die eiendom loop sonder die toestemming van
die beherende gesag soos omskryf in Wet No 21 van 1940 nie.

- 4 -

WESHALWE die komparant afstand doen van al die regte en titel wat

DIE LIKWIDATEUR VAN LOUWFUT 1044 BEHEERINGS CO (IN
LIKWIDASIE) NR. CK1994/024234/23

voorteen op genoemde eiendom gehad het, en geskied ook erken het dat dit
geheel en al van die besk daarvan ontfang en niks daarvan geregtig is nie en
dat, kragtens hierdie akte, bogenoemde

ADVIDATA TRADING 301 CC
NR CK2001/033284/23

sy Opvolgers in diel of Regverkrygend en voortaan daartoe geregtig is,
ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte
erken dit dat die verkoopprijs die bedrag van R2 500 000,00 (TWEË MILJOEN
VYFHONDERD DUISEND RAND) bedra.

TEN BEWYSE WAARVAN Ek, genoemde Registrateur, tesame met die
Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

Onderteken, verly en met die ampseël bekragtig op die kantoor van die
Registrateur van Aktes te Kaapstad op 12 April 2002

In my teenwoordigheid

REGISTRATEUR VAN AKTES

For Inform

KLIXTOGRAFSKRIF

ORIGINAL COPY

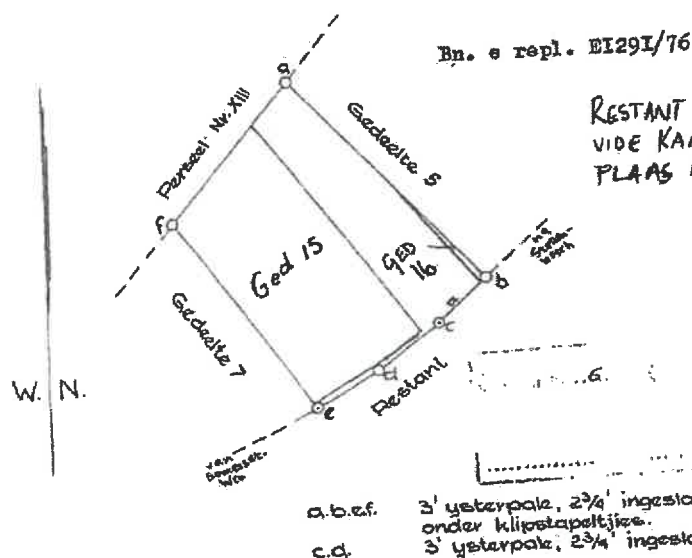
L. G. No. 7889/54

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			+40 000 0	+11 380 000 0
ab	820.7	317.56.20	a + 8675.1	+ 6 397.9
bc	191.6	47.43.40	b + 8 125.3	+ 7 007.2
cd	214.1	53.11.00	c + 8 267.1	+ 7 136.1
de	201.8	59.22.00	d + 8 438.5	+ 7 264.4
ef	688.7	144.25.10	e + 8 612.1	+ 7 367.2
fa	530.5	219.31.50	f + 9 012.8	+ 6 807.1

Goedgekeur.

J. de J. J. J.
Landmeter-generaal.

23



Skaal 1 : 5000

METRIEKE GROOTTE
4,2827 HEKTAAR

Die figuur a.b.c.d.e.f

stel 5.0000 Morg grond voor, synde

Gedeelte 6 (in ged. van Ged. 2)

van die plaas Persele Nrs. ~~XVI~~ + ~~XVII~~ XLVI & XLVII

geleë in die Afdeling en Munisipaliteit Stellenbosch

Provinsie Kaap die Gooie Hoop

Opgemeet in Junie 1954 deur my

Landmeter.

Hierdie kaart is
T/A 17449/B2

Die oorspronklike kaart is
No. 4925/1940 gegee aan
1941-22-1065

Lter No. 5/2641/61
M.S. No. E.1509/54
Geraad: BA-BD CD

Registrateur van Aktes.

VN529/6.

P.B. 6 Stel.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

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

LAND USE PLANNING APPLICATION FORM									
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)									
KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.									
PART A: APPLICANT DETAILS									
First name(s)		Emile							
Surname		Van der Merwe							
Company name (if applicable)		Emile van der Merwe Town Planning Consultants							
Postal Address		PO Box 204				Postal Code		7599	
		Stellenbosch							
Email		emilevdm@adept.co.za							
Tel	0218865050			Fax	0218838965			Cell	0845566461
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)									
Registered owner(s)		Avidata Trading 301 CC							
Physical address		Oude Schuur Farm				Postal code		7600	
		R44, Stellenbosch							
E-mail		antique@mweb.co.za							
Tel	021-884 4656			Fax				Cell	0828513940
PART C: PROPERTY DETAILS (in accordance with title deed)									
Erf / Erven / Farm No.	Farm 528	Portion(s) if Farm	6	Allotment area	Stellenbosch				
Physical Address		R44, Stellenbosch							
Current Zoning	Agricultural Rural Zone		Extent	1,7091 ha		Are there existing buildings?		Y	N
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law								
Current Land Use	Agriculture and restaurant								

Title Deed number and date	T	26057/2022							
Attached Conveyance's Certificate	Y	N							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):						
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management						
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N	If yes, is this application to legalize the building / land use??		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*									x
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*									
15(2)(g) a permission required in terms of the zoning scheme									
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*									

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)

	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
x	Other (specify): Permission in terms of title deed condition (Act 21 of 1940)	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); <i>Provincial Gazette</i> ; 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	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R

R

(TOTAL A + B)

***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

BANKING DETAILS

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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)	EVDM Town Planning Services
Postal Address	PO Box 204 Stellenbosch, 7599
Vat Number (where applicable)	4740239944

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:

SEE MOTIVATION DOCUMENT

—

Information and documentation required

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							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: _____

2024/08/05

Full name: _____

Emile van der Merwe

Professional capacity: _____

Pr. Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

