

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	Fransmanskraal Farm, Devon Valley Road Stellenbosch
Application Property Number	Farms 1581, Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Johan Carinus Family Trust
Application Reference	LU/17460 (TP854/2024)
Application Type	Consent use, relaxation and permanent departure

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

- Application in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for consent use to allow 3 additional dwellings ($\pm 15\text{m}^2$ /dwelling unit) on Farm 1581 Stellenbosch.
- Application in terms of Section 15 (2) (e) of the Stellenbosch Municipality Land Use Planning By- Law, 2023 for consent use to utilise the proposed 3 additional dwelling units, existing managers house and second dwelling as a tourist accommodation establishment (10 bedrooms in total).
- Administrators consent to relax the title deed condition contained in section 5 E "2" of Deed of Transfer No. T60182/2016 stating:
"The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land without the approval of the controlling authority as defined in Act no 21 of 1940"
- Application in terms of Section 15 (2) (b) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for a permanent departure to permit the additions to the managers cottage (covered veranda) to exceed the coverage from 120m^2 to $349,7\text{m}^2$

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 18 March 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 GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2023, verwys:

Adres van aansoek eiendom	Fransmanskraal, Devonvalley Pad, Stellenbosch
Aansoek eiendom beskrywing	Plaas 1581
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Johan Carinus Familie Trust
Aansoek Verwysing	LU/17460(TP854/2024)
Tipe Aansoek	Vergunning, verslapping en permanente afwyking

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek ingevolge Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning 2023 vir vergunningsgebruik om 3 addisionele wooneenhede ($\pm 15\text{m}^2$ /wooneenheid) op Plaas 1581 Stellenbosch toe te laat.
- Aansoek ingevolge Artikel 15 (2) (e) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir vergunningsgebruik om die voorgestelde 3 addisionele wooneenhede, bestaande bestuurdershuis en tweede woning as 'n toeriste-akkommodasie onderneming (10 slaapkamers in totaal) te gebruik.
- Toestemming in terme van die titelaktevoorwaarde vervat in artikel 5 E "2" van die Akte van Oordrag No. T60182/2016 wat bepaal.
"Die grond mag slegs vir residensiële en landboudoeleindes gebruik word en geen winkel of plek van besigheid of nywerheid hoegenaamd mag op die grond oopgemaak of bedryf word sonder die goedkeuring van die beheerowerheid soos omskryf in Wet 21 van 1940 nie"
- Aansoek ingevolge Artikel 15 (2) (b) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning 2023 vir 'n permanente afwyking om toe te laat dat die toevoegings aan die bestuurderskothuis (onderdakstoep) die dekking van 120m^2 tot $349,7\text{m}^2$ kan oorskry

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 ooreweging. 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-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 18 Maart 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**

2024-08-16

My ref: Farm 1581 Stellenbosch

Stellenbosch Municipality

Department Planning and Development

PO Box 17

STELLENBOSCH

7599

Dear Sir/Madam

APPLICATION FOR CONSENT USE AND PERMISSION IN TERMS OF TITLE DEED CONDITION: FARM 1581, STELLENBOSCH DIVISION

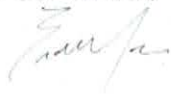
Include hereby please find the required application for the following:

- Application in terms of Section 15 (2) (o) of the Land Use Planning By-Law (2023) for Consent Use to allow for 3 additional dwelling units ($\pm 15\text{m}^2/\text{dwelling unit}$) on the property; and
- Application in terms of Section 15 (2) (o) of the Land Use Planning By-Law (2023) for Consent Use to utilise the proposed 3 additional dwelling units, existing managers house and second dwelling as a tourism accommodation establishment (10 bedrooms in total).
- Application for permission in terms of the Title Deed conditions (condition 5 E "2") contained in Deed of Transfer T60182/2016) to facilitate the proposals.

This office kindly awaits your written feedback in respect of the above application.

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 Farm 1581 Stellenbosch, 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 allow for 3 additional dwelling units ($\pm 15\text{m}^2/\text{dwelling unit}$) on the property; and
- Application in terms of Section 15 (2) (o) of the Land Use Planning By-Law (2023) for Consent Use to utilise the proposed 3 additional dwelling units, existing managers house and second dwelling as a tourism accommodation establishment (10 bedrooms in total).

The following report will endeavour to 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 AS APPENDIX 1

The application property is located approximately 5km to the north west of Stellenbosch Town in the Devon Valley farming area. Access is obtained from the Devon Valley Road (Divisional Road 1069) via servitude rood over Fam 1029 (refer to **Appendix 4**).

3. OWNERSHIP AND SIZE

The property is owned by the Johan Carinus Family Trust as held by Deed of Transfer T60182/2016. A copy of the Title Deed is attached as **Appendix 2**. The Company Resolution and Power of Attorney in favour of the applicant is attached as **Appendix 3**. The property is 78.2683 ha in extent and falls with the jurisdiction area of the Stellenbosch Municipality. The Surveyor diagram is attached as **Appendix 4**.

4. STELLENBOSCH ZONING SCHEME BY-LAW (2023)

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)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Poly tunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Poly tunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> one event/year$) • Plant nursery • Poly tunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

The development proposal can be accommodated as a consent use that in terms of the zoning scheme is defined as follows:

"additional dwelling unit" (addisionele wooneenheid) means a dwelling unit other than an employee housing unit, together with its customary ancillary outbuildings, which is erected on land in an Agricultural and Rural zone, on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that such additional dwelling units may only be erected with the Municipality's consent use approval on land units exceeding 20 ha in size, and no more than four additional dwelling units may be erected on any one land unit at a ratio of one dwelling unit for every 10 ha exceeding 20 ha¹;

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

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards.
- ii) may consist of self-catering units.
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the zone.
- iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:
 - a) additional facilities for day visitors.
 - b) wellness centres and meeting rooms which serve resident guests.
 - c) camping sites with ancillary facilities.
 - d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used.

Farm 1581 is a viable agricultural economic farming unit that intensively is farmed with citrus (± 45 ha) and vineyards (± 22 ha). The owner also owned several other abutting farming units with a combined total of ± 300 ha.

The purpose of the application is to provide high end tourism accommodation in support of the tourist facility (function venue) located on the adjacent farming unit also owned by the Johan Carinus Family trust. The application property furthermore is located in close proximity to Stellenbosch town and to various other tourist related facilities in the area. The proposed tourism accommodation establishment will comprise the use of two existing houses (managers house and second dwelling – 7 bedrooms on total) as well as the introduction of 3 small guest pods (± 15 m/pod). Access to the guest accommodation will be obtained from the existing internal farm road). Parking will be provided at the main farm werf to the west of the existing second dwelling and farm managers dwelling. The proposal will not have a negative impact on the production capacity of the farm and daily running of the farming operations. The main infrastructure is indicated on the picture below.

Farm 1581: Buildings



Provisions/criteria for consent uses in terms of Section 213 of the of the Stellenbosch Zoning Scheme By-Law.

213. Consent uses in Agriculture and Rural Zone

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

208. Tourist accommodation and hotel in this zone

- (1) When the number or scale of buildings, in which accommodation for transient guests is provided, exceed the maximum number or scale of dwelling houses and additional dwelling houses permitted on a land unit, or if other buildings, which are not the approved main dwelling house, second dwelling house or additional dwellings units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation establishment or a hotel, depending on the type of accommodation and the ancillary uses.

Consistency with regards to Section 213

- The proposal will not impact negatively on the preservation of agricultural land and the continued use of farm for agricultural purposes;
- The scale of the units (45m in total) is in keeping with the rural character of the area and the proposed use will not dominate the farming activities;
- The proposal will be subservient to the farm activities;
- The proposal will not result in a change of zoning (rezoning to required)
- 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 proposal will not adversely affect the agricultural potential of the farming unit.

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 (WCPSPDF)

The WCPSPDF 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 area and is of particular relevance to the Stellenbosch area. The proposal 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 WCPSPDF 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 proactive 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 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

PROJECT KHULISA ("to grow")

Productive Sectors:



© Western Cape Government 2012

Enablers:

- Energy
- Water
- Broadband
- Skills



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 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.

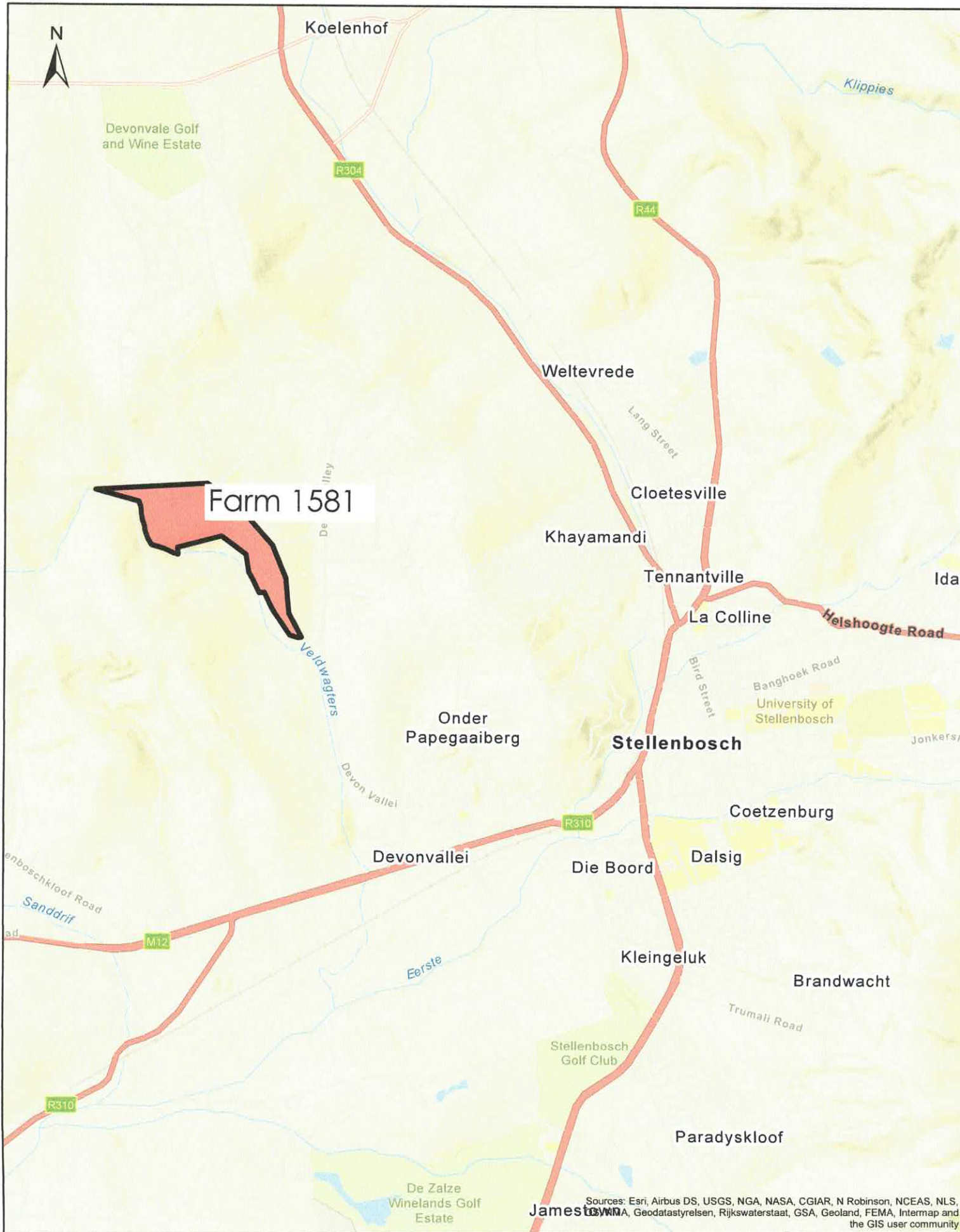
In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 1581 Stellenbosch Division.

.....

APPENDIX 1

LOCATION PLAN

Farm 1581 Location Plan



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, GeoBIA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Date created: 2024/08/08



APPENDIX 2
TITLE DEED

151

MARAIS MÜLLER HENDRICKS ING.

Purchase Price/Value		290,00
Mortgage Capital		
Amount		
Ready for completion		

Opgestel deur my:

Smith

TRANSPORTBESORGER
LOUIS JOHANNES SMITH

VERBIND MORTGAGED	
R 5 000 000,00	
B	000026005 / 2015
	03 OCT 2015

T	000060182 / 2016
---	------------------

SERTIFIKAAT VAN VERENIGDE TITEL

(Uitgereik kragtens die bepalings van Artikel 40 van die Registrasie van Aktes Wet: Nr. 47/1937)

--- oOo ---

DATA / VERIFY
24 OCT 2016
VAN TONDER ELIZABETH

NADEMAAL

JOHAN CARINUS FAMILIETRUST
Registrasienuommer: T556/90

DATA / CAPTURE
12 OCT 2016
MURIE LORRAINE

aansoek gedoen het vir die uitreiking van 'n Sertifikaat van Verenigde Titel kragtens Artikel 40 van die Registrasie van Aktes Wet 1937; en

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

NADEMAAL die genoemde JOHAN CARINUS FAMILIETRUST die geregistreerde eienaar is van

1. GEDEELTE 3 VAN DIE PLAAS DWARS-IN-DEN-WEI NR. 1029, IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH, PROVINSIE WES-KAAP
GEHOU KRAGTENS Transportakte Nommer T000060180/2016

en

2. PLAAS NR. 1276, IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH, PROVINSIE WES-KAAP
GEHOU KRAGTENS Transportakte Nommer T32789/2000

SO IS DIT DAT ingevolge die bepalings van genoemde Wet, ek die Registrateur van Aktes te Kaapstad hiermee sertifiseer dat voornoemde

JOHAN CARINUS FAMILIETRUST
Registrasienommer T556/90

Of Diese Regverkrygendes, die geregistreerde eienaar is van:

PLAAS NR. 1581 STELLENBOSCH, IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH, PROVINSIE WES-KAAP

GROOT: 78,7263 (AGT EN SEWENTIG KOMMA SEWE TWEE SES DRIE) Hektaar,

SOOS BLYK uit Kaart Nr. SG.2986/2015

1. WAT BETREF DIE FIGUUR m n p op Kaart Nr SG. 2986/2015:

- A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte Nr. T10706/1936.
- B. ONDERHEWIG aan en met die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 14 Desember 1914 op Transportakte Nr. T4627/1911, welke endossement as volg lui:-

"By Deed of 12th November 1914 an agreement regarding the use of certain dams, furrows and water rights & the upkeep of such dams, &c. has been entered into as will more fully appear on reference to the copy annexed hereto."

- C. **ONDERHEWIG** aan en geregtig op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 30 Oktober 1956 op gemelde Transportakte Nr. T10706/1936, welke endossement as volg lui:-

"REGISTRATION OF SERVITUDE, REMDRS PARAS 1 & 2.

By Deed of Trsfr No. 15477/56 The ppty. Thereby trsf'd and the remdr. Of farm "Dwars in den Weg" Meas. 22.1596 morgen & Rmdr of land surrounding farm "Dwars in den Weg" meas. 91.5928 morgen, together with Lot A of Highmead Meas. 10 morg. 31 sq ft. held under Trsfr. 1355/1930, are subject and entitled to the following condition quoted in the JT. Will dd 11/8/41 of the late J.G. Carinus and predeceased spouse I.M. Carinus.

"Die water waarop die hele Plaas geregtig is, word gelykop gedeel in beurte."

As will more fully appear on reference to the said deed of trsfr."

2. **WAT BETREF DIE FIGURE a7 b7 c7 Z en J K L M N P Q R S q r s op Kaart Nr. SG. 2986/2015:**

- A. **ONDERHEWIG** aan die voorwaardes meer volledig uiteengesit in paragraaf 1(A) hierbo.
- B. **ONDERHEWIG** aan en met die voordeel van die voorwaardes waarna verwys word in paragraaf 1 (B) hierbo.
- C. **ONDERHEWIG** aan en geregtig op die voordeel van die voorwaarde uiteengesit in paragraaf 1 (C)

3. **WAT BETREF DIE FIGUUR C D E F G H s r q T U V W X Y c7 b7 a7 A1 B1 p n m C1 j op Kaart Nr. SG. 2986/2015:**

- A. **ONDERHEWIG** aan sodanige voorwaardes soos na verwys word in paragraaf 1 (A) hierbo.
- B. **ONDERHEWIG** aan en met die voordeel van die voorwaardes waarna verwys word in paragraaf 1(B) hierbo.
- C. **ONDERHEWIG** aan en geregtig op die voordeel van die voorwaarde uiteengesit in paragraaf 1(C) hierbo.
- D. **ONDERHEWIG** aan voorwaardes vervat in 'n endossement gedateer 11 Julie 1957 op Transportakte Nr. T4578/1957 welke endossement as volg lees:-

"Kragtens Notariële Akte No 304/57 gedateer 14 Junie 1957, gee en verleen die eienaar van Para 4 hieronder gehou aan die Elektrisiteitsvoorsieningskommissie die ewigdurende reg om:

- (a) elektrisiteit bo-oor of onderdeur die genoemde eiendom deur middel van drade en/of kables langs die lyn van die roete, soos op die Grondtekening no 9177/55 gehag aan gesegde Notariële Akte, getoon en "l m n" daarop gemerk, te lei, (welke roete ooreenstem met die lyn "x y z" op Kaart SG Nr 2985/2015, synde die middellyn van 'n elektriese kraglyn serwituut);
- (b) op die genoemde eiendom, langs die lyn van die roete voorheen gemeld, al sulke drade en/of kables pale, pilare, of toebehore daarby as wat vir die voorgenoemde doeleindes nodig mag wees, op te rig met die reg om al sulke voormelde drade en/of kables, pale, pilare, en/of toebehore te gebruik, inspekteer, in stand te hou, herstel, verander, hernu en/of verwyder.

Onderhewig aan voorwaardes soos meer volledig blyk uit gesegde Notariële Akte, 'n afskrif waarvan hieraan gehag is.

Akteskantoor
Kaapstad

Assistent
Registrateur van Aktes"

4. **WAT BETREF die figuur A B C j C1 D1 k G1 op Kaart Nr. SG. 2986/2015:**

- A. ONDERHEWIG aan sodanige voorwaardes waarna verwys word in Transportakte Nr. T.10706/1936.
- B. ONDERHEWIG aan en met die VOORDEEL van die voorwaarde waarna verwys word in die endossement, gedateer 14 Desember 1914, op Transportakte Nr. T.4627/1911, welke endossement soos volg lui:

"By Deed of 12 November 1914 and agreement regarding the use of certain dams, furrows and water rights and the upkeep of such dams, has been entered into as will more fully appear on reference to the copy annexed hereto."

- C. Bogemelde eiendom tesame met die eiendomme getransporteer onder paragrawe 1 tot 3 en 5 tot 7 kragtens Transportakte Nr. T.15477/1956 is ONDERHEWIG aan en GEREGTIG op die voordeel van die voorwaardes uiteengesit in die gesamentlike testament gedateer 11 Augustus 1941 van die gemelde nou wyle Johan Georg Carinus en vooroorlede. eggenote Isabella Magdalena Carinus gebore De Kock, wat soos volg lui:

"Die water waarop die hele Plaas geregtig is, word gelykop gedeel in beurte".

(Die "hele Plaas" waarna verwys word in gemelde voorwaarde word beskrywe as volg:

- (a) Seker stuk eiendomsgrond, geleë in die Afdeling Stellenbosch synde die restant van die eiendomsplaas genoemd "DWARS IN DEN WEG".

Groot volgens restant: sewe en twintig (27) morges driehonderd een en negentig (391) vierkante roede

- (b) Seker afgeskafte erfpaggrond, geleë soos bogemeld, synde die restant van die plaas Perseel nr. 1.

Groot volgens restant: Eenhonderd drie en tagtig (183) morges, vyfhonderd en tagtig (580) vierkante roede

- (c) Een-tiende (1/10de) aandeel in seker stuk grond geleë aan die voet van die Bottelarys Berge in die Afdeling Stellenbosch genoem FRANSCHMANS KRAAL.

Groot vier en veertig (44) morges; twee honderd (200) vierkante roede

GEHOU deur gemelde wyle Johan Georg Carinus kragtens Transportakte Nr. T.10706/1936.

- (d) Seker stuk grond, gedeeltelik eiendoms en gedeeltelik erfpag (betaling waarvan afgeskaf is kragtens Wet Nr 54 van 1934), geleë in die Afdeling Stellenbosch synde Lot A gedeelte van Highmead.

Groot Tien (10) morges, Een en dertig (31) vierkante voet (waarvan 1 morg 7300 vierkante voet eiendomsgrond is).

GEHOU deur gemelde wyle Johan Georg Carinus kragtens Transportakte Nr. T.1355/1930.

- D. VERDER ONDERHEWIG aan die bepalings van 'n endossement gedateer 26 Oktober 1965 vervat in Transportakte Nr. T.20574/49 wat soos volg lui:

"Kragtens Notariële Akte 720/1965 is die reg verleen aan Elektrisiteitsvoorsieningskommissie om elektrisiteit oor die heininvermelde eiendom te vervoer tesame met bykomende regte, en onderhewig aan voorwaardes soos meer volledig sal blyk uit gesegde Akte en Kaart afskrifte waarvan hieraan geheg is."

5. **WAT BETREF die figuur G1 k D1 E1 E1' middel van die stroom F1 op Kaart Nr. SG. 2986/2015:**

- A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte Nr. T.24026/1964.

- B. ONDERHEWIG aan maar weens die feit dat gemelde grond oorspronklik verkoop is sonder enige waterregte daaronder NIE GEREKTIG NIE op die terme van 'n Notariële Akte gedateer 12 November 1914, gehêg aan Transportakte Nr. T.5311 gedateer 11 Augustus 1909, wat betrekking het op water, slote, damme, ens.; behalwe in soverre as die terme van sodanige Akte verander en/of gewysig is in terme van sekere serwitute, verwysings waarna, gedateer 23 November 1956, op Transportakte Nr. T.52/1933, geëndosseer is, wat soos volg lui:

"REMAINDER

By Deed of Transfer No. 16962/1956, registered this day, conveying portions 6 & 7 of the farm Lot B, the terms of a Notarial Deed dated 12/11/1914 annexed to Transfer No. 5311/1909 dated 11/8/1909 relating to Water, sluits, Dams, etc., have been modified by the following conditions now imposed by the owner of the remainder of the farm Lot B in extent 145.1677 morgen, held hereunder:

- (a) The owner of the said properties thereby conveyed shall be entitled to a supply of water for irrigation purposes to the extent of 6 hours per week.
- (b) The abovementioned supply of water shall be conducted over the remainder of the said land held hereunder by means of a 3 inch pipeline marked x-w on Diagram No 3838/53 annexed to the said Deed of Transfer, to which the said owners of Portions 6 & 7 shall have access at all reasonable times for purposes of maintenance thereof.

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

"REMAINDER

By Deed of Transfer No. T16962/1956, dated this day, the Transferee, and her Successors in Title, of Lot 6 = 5.0077 morgen and Lot 7 = 26121 sq ft thereby conveyed shall be entitled to a supply of water for domestic purposes amounting to 200 gallons per day by means of an existing 1/2" pipeline marked y-z on Diagram No. 3838/53 annexed to the said Transfer, over the remainder, measuring 145.1677 morgen, held hereunder. Subject to conditions as will more fully appear on reference to the said Transfer."

- C. GEREKTIG op 'n serwituut, 'n verwysing na die terme waarvan op 23 November 1956 op Transportakte Nr. T.52/1933, geëndosseer is, wat soos volg lui:

"REMAINDER

By Deed of Transfer No. T16962/1956 dated this day the Transferee, and her successors in Title by Portion 6 = 5.0077 morgen, conveyed by Para 2, hereof, shall not erect any building within 300' of the boundary A, B as shown on aforesaid Diagram No. 5042/51 thereto annexed, as will more fully appear to the said Deed of Transfer."

- D. **GEREGTIG** op die voordeel van die volgende spesiale voorwaarde vervat in Transportakte Nr. T.16964/1956, naamlik:

"Portion 5 of the said remainder of the Farm Lot B having been transferred by Transfer Deed No. T16964 dated 23rd November 1956, to IRENE ROSE IRMA SCOTT (born Kamp) married without community of property to Reginald Claude Lewis Scott, without any of the rights or benefits referred to in the above Notarial Deed dated 12th November 1914, the remainder hereby transferred is entitled to the water rights over the said Portion 5."

- E. **ONDERHEWIG** aan die volgende spesiale voorwaardes vervat in Transportakte Nr. T.16962/1956, opgelê deur die Afdelingsraad van Stellenbosch, as die Beherende Gesag kragtens die bepalinge van Wet Nr. 21/1940, naamlik:

1. The land may not be subdivided without the written approval of the Controlling Authority as defined in Act no. 21 of 1940.
2. The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land, without the written approval of the Controlling Authority, as defined in Act No. 21 of 1940.
3. No building or structure whatsoever shall be erected on the land, without the written approval of the Controlling Authority, as defined in Act No. 21 of 1940.
4. No building or structure whatsoever shall be erected within a distance of 300 Cape Feet of the centre line of the Devon Valley Divisional Road which passes along the Eastern boundary of the property in question, without the written approval of the Controlling Authority as defined in Act No. 21 of 1940."

- F. **ONDERHEWIG** aan die volgende spesiale voorwaarde vervat in Transportakte Nr. T.24026/1964 opgelê deur die Komparante se Prinsipaal daaronder, naamlik LINDSAY STEENKAMP, in sy guns, naamlik:

"Dat gemelde GEDEELTE 9 getransporteer word sonder enige waterregte waarop Komparant se Prinsipaal geregtig is kragtens Notariële Akte gedateer 12 November 1914 geheg aan Transportakte Nr. T5311 gedateer 11 Augustus 1909, as eienaar van die restant van gemelde Plaas Nr. 199, geleë in die Afdeling Stellenbosch, groot as sulks 140,1019 morge, welke waterregte voorbehou word vir Komparant se Prinsipaal as eienaar van die restant van gemelde Plaas Nr. 199, geleë in die Afdeling Stellenbosch, groot as sulks 46,7127 morge, gehou kragtens Transportakte Nr. T14707 gedateer 23 September 1963."

- G. **GEREGTIG** op die voordeel van die volgende serwituut soos ooreengekom, soos vervat in Transportakte Nr. T.35534/1958.

1. 'n Serwituutpomp gebied 14m wyd waarvan die westelike grens aangetoon word deur lyn E F op Kaart Nr. 8626/87; en
2. 'n Serwituutpyplyn 2m wyd waarvan die westelike grens aangetoon word deur lyn F G en die noordelike grens deur lyn G H op Kaart Nr. 8626/87.

(welke lyne E F, F G en G H op Kaart Nr. 8626/87 ooreenstem met die lyn K L, L M en M N onderskeidelik op die aangehegte Kaart Nr. 8628/87)

oor die restant van die eiendom gehou kragtens Sertifikaat van Verenigde Titel Nr. T.24028/1964.

- H. **EN VERDER ONDERHEWIG** aan die bepalinge van 'n endossement gedateer 8 Oktober 1965 vervat in Sertifikaat van Verenigde Titel Nr. T.24028/64 wat soos volg lui:

"Kragtens Notariële Akte 673/65 is die reg verleen aan Elektrisiteitsvoorsieningskommissie om elektrisiteit oor die hierinvermelde eiendom te vervoer tesame met die bykomende regte en onderhewig aan die voorwaardes soos meer volledig sal blyk uit gesegde Akte en Kaart, afskrifte waarvan hierby aangeheg is."

EN DAT kragtens hierdie Sertifikaat, die genoemde **JOHAN CARINUS FAMILIETRUST**
Registrasienuommer T556/90

Of diese Regverkrygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike
gebruik, maar behoudens die regte van die Staat.

TEN BEWYSE WAARVAN ek die voornoemde Registrateur van Aktes hierdie akte
onderteken en met die ampseël bekragtig het.

ALDUS GEDOEN en GETEKEN ten kantore van die Registrateur van Aktes te Kaapstad op
hede die 3 dag van *Alida* in die jaar van Ons Heer, Tweeduisend en Sestien
(2016).

REGISTRATEUR VAN AKTES

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

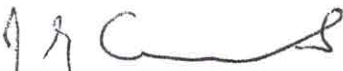
RESOLUTION

PASSED AT THE MEETING OF THE JOHAN CARINUS FAMILIE TRUST

HELD AT STELLENBOSCH

ON 8 AUGSUT 2024

Johan Carinus as Trustee of the Trust is hereby authorized to sign all documentation which may be necessary for the application in terms of Section 15 (2) (0) of the Stellenbosch Land Use Planning By-Law (2023) on Farm 1581 and all other matters in relation thereto.


TRUSTEE
JOHAN CARINUS

POWER OF ATTORNEY

JOHAN CARINUS FAMILIE TRUST, the registered owner of Farm 1581 Division Stellenbosch, held by Deed of Transfer T60182/2016

Do hereby nominate and appoint

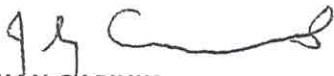
Emile van der Merwe Town Planning Consultants

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 CONSENT USE IN TERMS OF SECTION 15 (2) (o) 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 8TH DAY OF AUGUST 2024

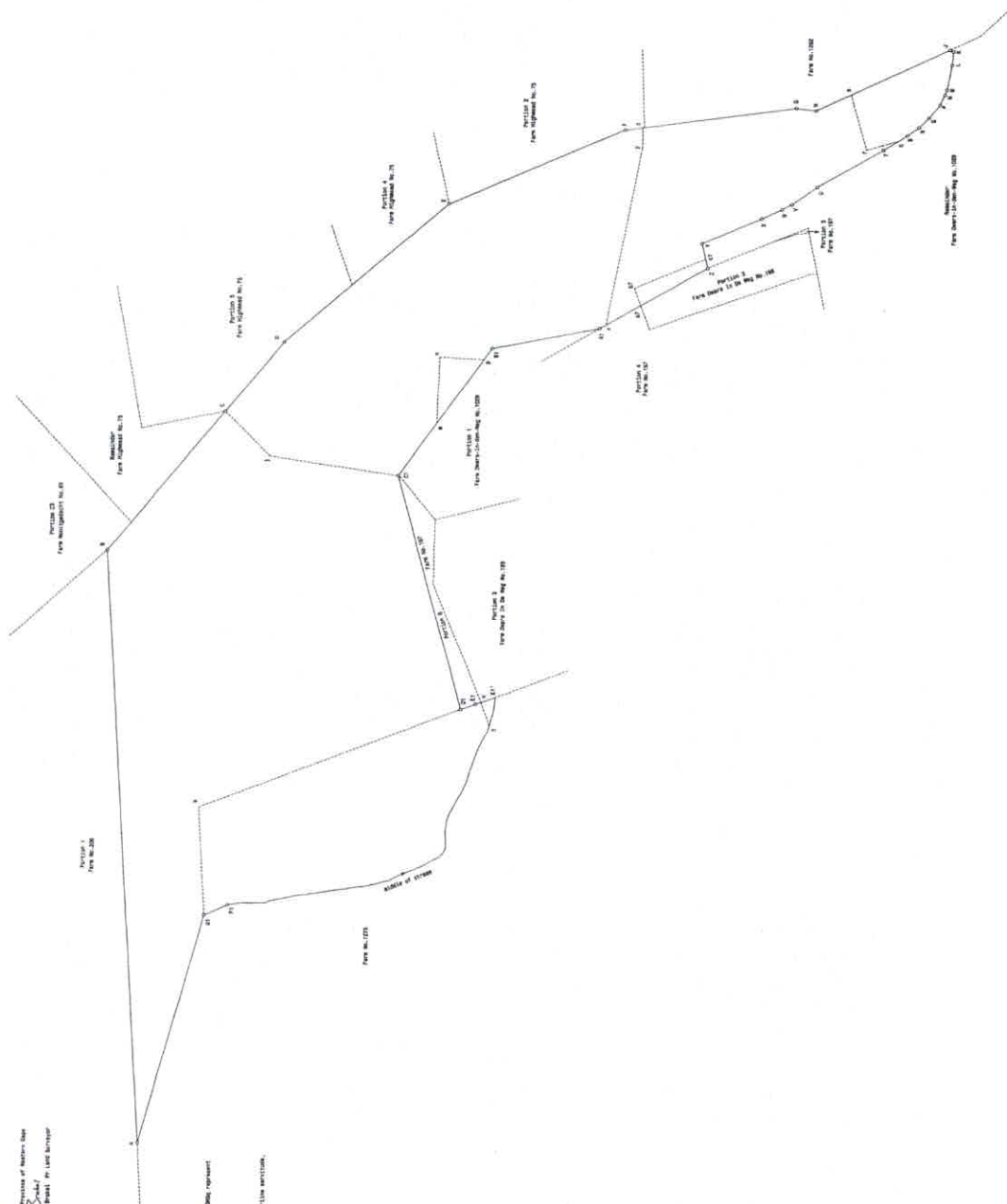

JOHAN CARINUS
TRUSTEE

APPENDIX 4

SG DIAGRAM

[illegible]

The line art represents the entire line of an aircraft maintenance service.



Case No.	Case Name	Case Type	Case Status	Case Description	Case Details	Case Notes	Case Actions
1	Case 1	Case 1 Type	Case 1 Status	Case 1 Description	Case 1 Details	Case 1 Notes	Case 1 Actions
2	Case 2	Case 2 Type	Case 2 Status	Case 2 Description	Case 2 Details	Case 2 Notes	Case 2 Actions
3	Case 3	Case 3 Type	Case 3 Status	Case 3 Description	Case 3 Details	Case 3 Notes	Case 3 Actions
4	Case 4	Case 4 Type	Case 4 Status	Case 4 Description	Case 4 Details	Case 4 Notes	Case 4 Actions
5	Case 5	Case 5 Type	Case 5 Status	Case 5 Description	Case 5 Details	Case 5 Notes	Case 5 Actions
6	Case 6	Case 6 Type	Case 6 Status	Case 6 Description	Case 6 Details	Case 6 Notes	Case 6 Actions
7	Case 7	Case 7 Type	Case 7 Status	Case 7 Description	Case 7 Details	Case 7 Notes	Case 7 Actions
8	Case 8	Case 8 Type	Case 8 Status	Case 8 Description	Case 8 Details	Case 8 Notes	Case 8 Actions
9	Case 9	Case 9 Type	Case 9 Status	Case 9 Description	Case 9 Details	Case 9 Notes	Case 9 Actions
10	Case 10	Case 10 Type	Case 10 Status	Case 10 Description	Case 10 Details	Case 10 Notes	Case 10 Actions

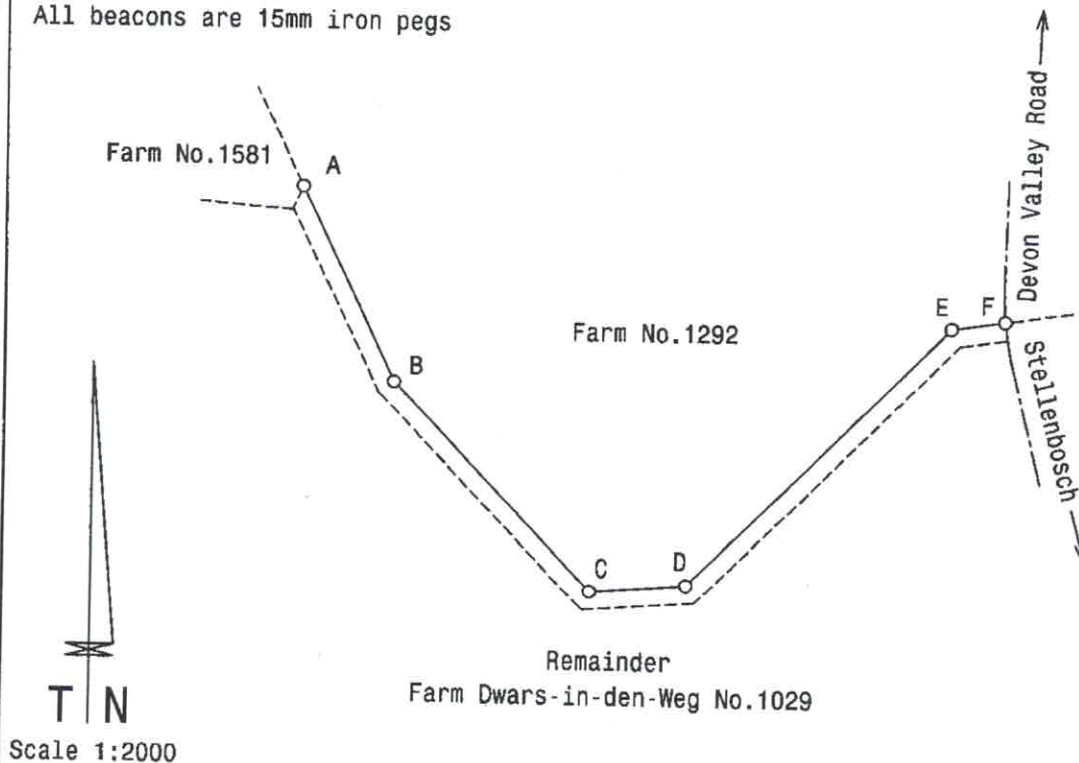
[illegible]

This diagram is covered by no. 627042/2010 dated 1.7.0.	The original diagram are on quoted above	File no. 314.1041 (v1) U.S. No. 001182 Comp. 302-1 (1982) Sect. 102 (1982); 302-131 (1982) 302-132 (1982)	U.S. 0007009
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SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES System WG 19°			S.G. No. 2985/2015
		Constants :	Y	X		
A B	58.85	334.55.20	A	+16 989,62	+3 755 474,59	Approved. <i>ABlodgen</i> for Surveyor - General Date : 15-1-2016
B C	77.75	316.39.20	B	+16 964,68	+3 755 527,89	
C D	26.12	265.37.50	C	+16 911,31	+3 755 584,44	
D E	100.41	224.40.20	D	+16 885,26	+3 755 582,45	
E F	14,75	261.40.20	E	+16 814,67	+3 755 511,05	
			F	+16 800,08	+3 755 508,91	
		60 Simon	△	+6 733,20	+3 750 785,48	
		404 Paradys	△	+10 183,10	+3 759 563,40	

Beacon description

All beacons are 15mm iron pegs



The lines AB and BC represent the North-eastern boundary, the line CD represents the Northern boundary, the line DE represents the North-western boundary and the line EF represents the Northern boundary of a servitude right of way 5,00 metres wide, as shown

over REMAINDER OF THE FARM DWARS-IN-DEN-WEG NO.1029

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Surveyed in July 2014 and November 2015
by us

Province of Western Cape

PLS 0907 M B Straughan and PLS 1329 A J H van Brakel Pr Land Surveyors

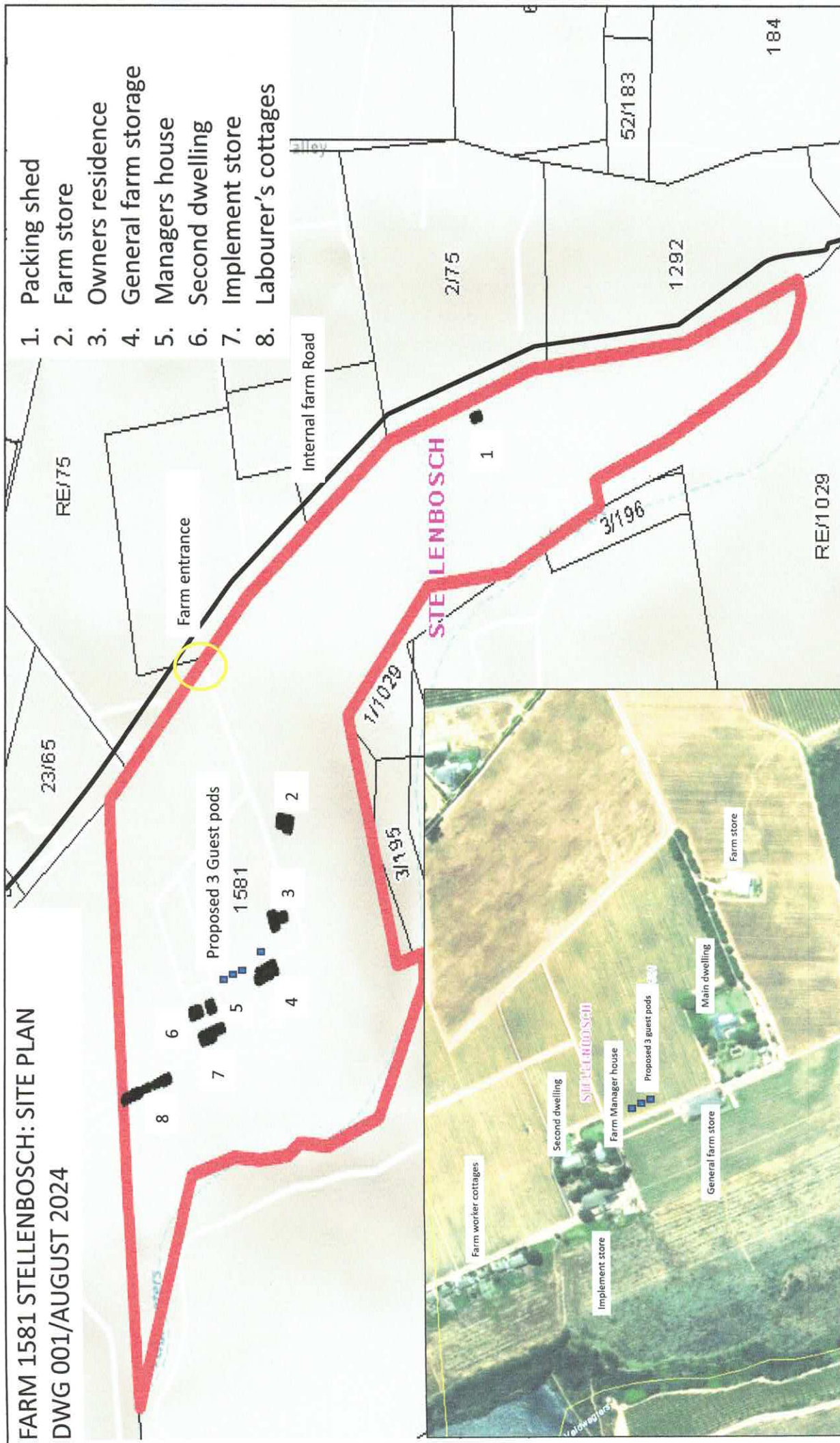
This diagram is annexed to No. Dated i.f.o. Registrar of Deeds	The original diagram is No. 11696/1964 Annexed to S.V.T. 1991. .18584	File No. Stel.1029 (v1) S.R. No. 1488/2015 Comp. BHSZ-132 (6952) LPI C0670000
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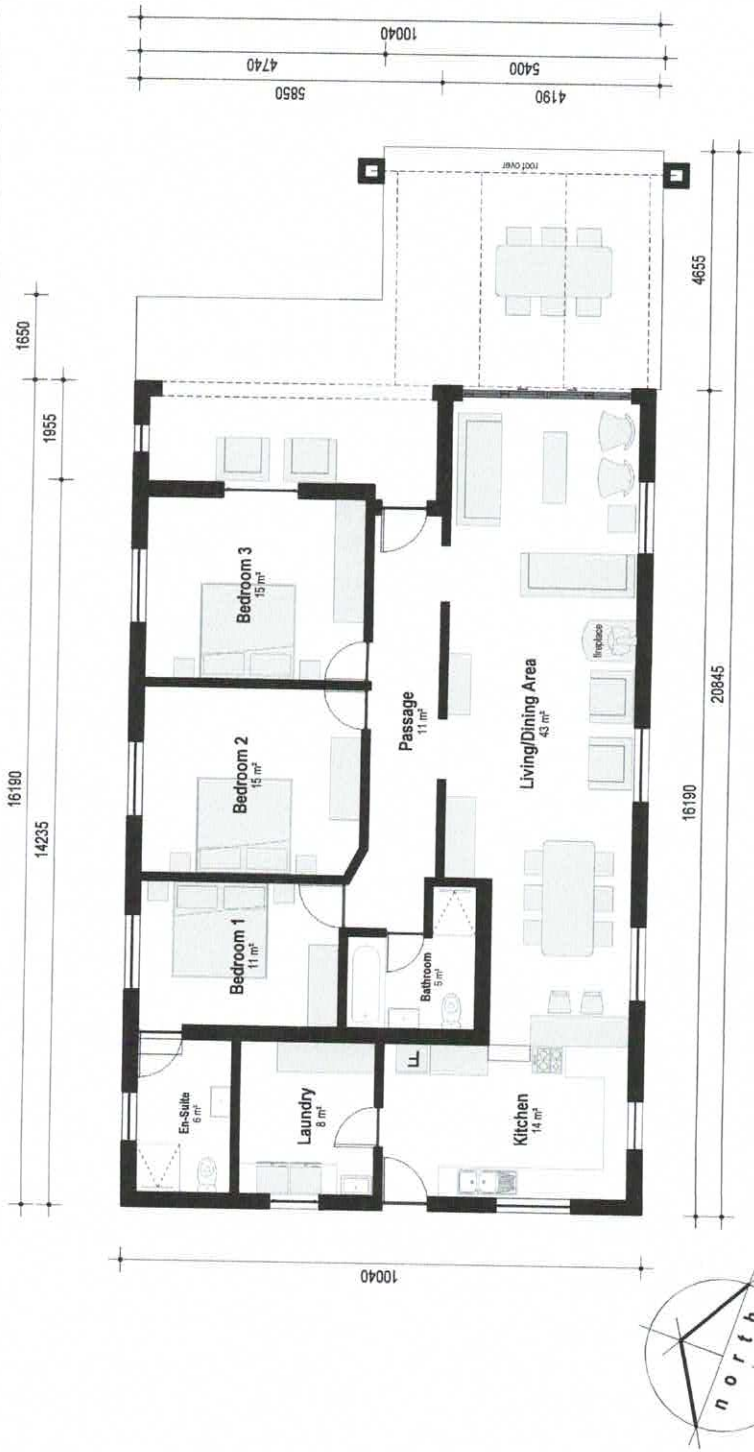
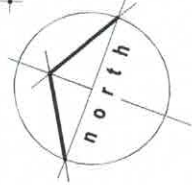
APPENDIX 5

PLANS

FARM 1581 STELLENBOSCH: SITE PLAN DWG 001/AUGUST 2024

1. Packing shed
2. Farm store
3. Owners residence
4. General farm storage
5. Managers house
6. Second dwelling
7. Implement store
8. Labourer's cottages



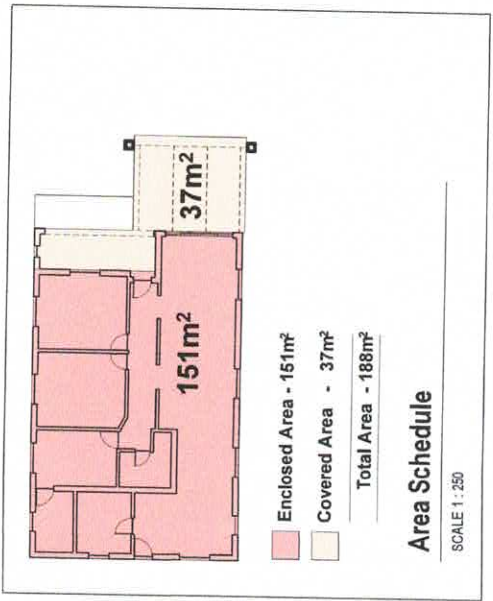


Fransmanskraal Cottage_Ground Floor Layout

SCALE 1 : 100



EXISTING SECOND DWELLING



PROJECT TITLE			
Fransmanskraal Cottage			
Existing Layout			
DRAWING TITLE			
Ground Floor Layout			
scale @ A3:	As indicated	proj. no:	067
date:	2004/24	dwg.no:	D_101
	Evall	rev.no:	A

CONSULTANT

**ARGITEKTE | ARCHITECTS**

4 Vadersgawe | Devon Valley | Stellenbosch
david@vdmarch.com | 071 277 8882

David Frederik van der Merwe: SKCNP Reg Nr. Pr Arch 21417

[illegible]

Schedule of Arises:	
Fishing Building	273,394
Proposed Covered Vessels	51,427
Total Covered	325,821



Project Description:

FARM 1581, DEVON VALLEY ROAD,
STELLENBOSCH

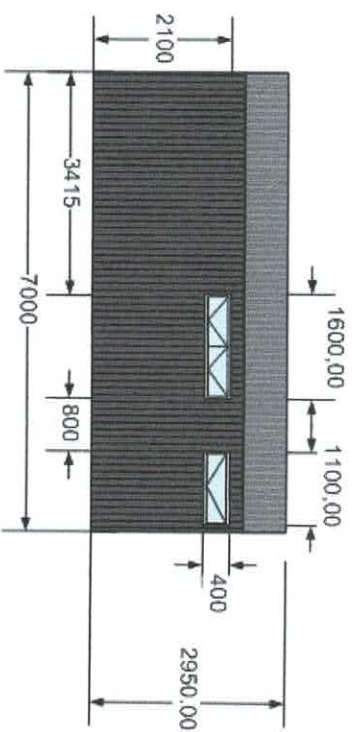
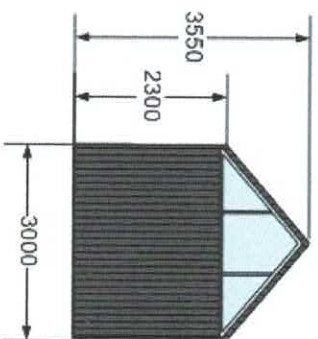
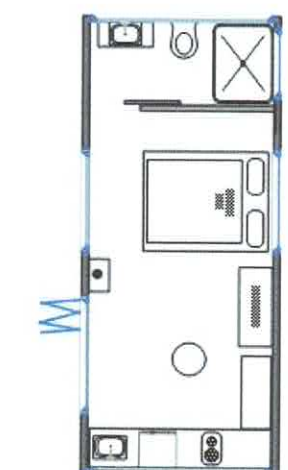
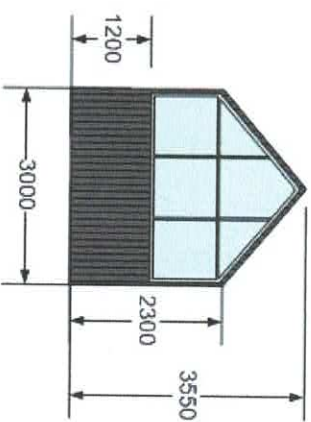
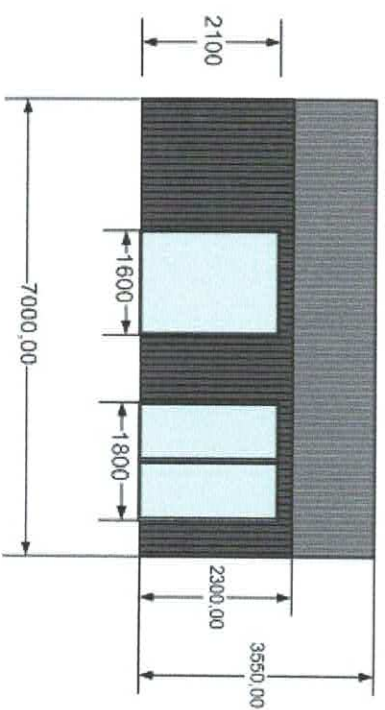
Downloaded from <http://ajphaphysiol.org/>

FLOOR LAYOUT

Project :	LAMOTICAP
Signatory Printed	
Signature of Technologist	
Drawn By:	PJ van Heerden
Date:	10/05/2017
Scale:	As Indicated
Drawing No.:	105971.02.01



FLOOR LAYOUT
Scale 1:50



TYPICAL FLOOR PLAN: GUEST POD
±15m²

APPENDIX 6
APPLICATION FORM



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		Stellenbosch		Postal Code 7599
Email	emilevdm@adept.co.za				
Tel	0218865050	Fax	0218838965	Cell	0845566461

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

Registered owner(s)	Johan Carinus Family Trust				
Physical address	Fransmanskraal		Devon Valley Road, Stellenbosch		Postal code 7600
E-mail	fmk@adept.o.za				
Tel		Fax		Cell	0827883532

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

Erf / Erven / Farm No.	Farm 1581	Portion(s) if Farm		Allotment area	Stellenbosch
Physical Address	Devon Valley Road Stellenbosch				
Current Zoning	Agricultural Rural Zone	Extent	78,76 ha	Are there existing buildings?	Y N
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law				
Current Land Use	Agriculture				

Title Deed number and date	T	60182/2016										
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 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: <i>Cost are obtainable from the Council Approved tariffs</i>	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*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	
15(2)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	

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	
15(2)(p) an occasional use of land	x
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
x	Other (specify): Permission in terms of title deed condition (Act 21 of 1940)	R

TOTAL A:**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)			

****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)	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

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

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

Information and documentation required

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

								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.						

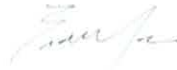
SECTION I: DECLARATION

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 declaration 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:

2024/08/16

Full name:

Emile van der Merwe

Professional capacity:

Pr. Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Municipal Stamp