

STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-08-29 FROM
10:00-15:00**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-08-29 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2025-08-29

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van
Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mrs M Francis: Senior Manager - Infrastructure Planning, Development and
Implementation, Directorate Infrastructure Services

Technical Advisor

Mr K Munro - Director Environmental & Spatial Planning: Department of
Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the **Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch** on **Friday, 2025-08-29** from **10h00-15:00** to consider the items on the Agenda.*

Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 30 MAY 2025

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 30th OF MAY 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS,
STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM
10H00-15H00**

**Ref. no. 3/4/5/2/40
2025-05-30**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mr D Leo

Mrs C Havenga

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager - Community Services

Mr M Williams: Senior Legal Advisor

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation

Officials

Mr S Carstens: Senior Manager Development Management

Mrs C Kriel: Manager: Land Use Management

Ms O Vergotine: Administrative Officer

Ms N Dafeti: Town Planner

Ms B Zondo: Senior Town Planner

Mr R Fooy: Senior Town Planner

Observers

Mr Wilhelm Esterhuizen (Applicant)

Mr Louw (Owner)

Ms De Freitas (Student)

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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 30 MAY 2025

ITEM	SUBJECT
SMPT 01/05/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/05/25	LEAVE OF ABSENCE
	Mr K Munro

SMPT 03/05/25	DISCLOSURE OF INTERESTS
	None received

SMPT 04/05/25	MINUTES OF THE PREVIOUS MEETING DATED 25 APRIL 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/05/25	<p>APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BYLAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO. 1471/6, STELLENBOSCH DIVISION</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. b. The implementation of policy guidelines and the requirement for a motivation for site-specific circumstances and the uniqueness thereof to justify deviation in comparison to general circumstances were discussed. c. An email request from the Applicant requesting the “Chairperson of the MPT to consider and maybe request a description from the Planning

Department of how they acted on the previous MPT resolution to assist us in *working out a desirable urban design solution*" was briefly discussed and the Chairperson referred the matter to the Department for direct response as it relates to a technical matter.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1471/6, Stellenbosch Division to establish four (4) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposal exceeds the number of dwelling units permitted on a property to the extent of 4,35ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.
 - 1.2 The proposal will lead to the loss of agricultural land and compromise the existing farming activities.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1471/6, Stellenbosch Division to establish two (2) new tourist accommodation units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 There are not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units and the location / placement of the proposed units.
3. That it **BE DECIDED** that the application for Consent Use on Farm No. 1471/6, Stellenbosch Division to convert existing buildings into two (2) tourist accommodation units and one bedroom with en-suite **does** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 3.1 The proposal will utilize the existing manager's dwelling (second dwelling) and farm store located on the farm werf and within the disturbed and approved building footprint as tourist accommodation units.
4. That the following application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1471/6,

	<p>Stellenbosch Division for Consent Use to construct and establish two (2) new tourist accommodation units:</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:</p> <p>4.1 The proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDf as contemplated in terms of Section 19 of LUPA.</p> <p>4.2 The proposed development does not warrant site specific circumstances as contemplated in terms of section 22(2) of SPLUMA.</p> <p>4.3 The proposed development is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA.</p> <p>4.4 The proposal exceeds the number of dwelling units permitted on a property which is 4.35ha in extent.</p> <p>4.5 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are proposed on productive agricultural land which will lead to the loss of agricultural land and compromise existing or potential farming activities.</p> <p>5. That the following application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1471/6, Stellenbosch Division for Consent Use to utilize the existing manager's house (second dwelling) as two tourist accommodation units (a two-bedroom unit and a one-bedroom suite) with a reception area and the existing farm store as a one-bedroom tourist accommodation unit:</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>6. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw.</p> <p>6.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>6.2 The proposed tourist accommodation establishment shall be limited to the existing manager's house (second dwelling) and the existing farm store and no new buildings be constructed.</p> <p>6.3 The development be implemented generally in accordance with the site & floor layout plan referenced as TZ – 2045, Revision A, Page 1 – 3 drawn by Tim Ziehl Architects, dated 3 December 2024 attached as Annexure B.</p>
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- 6.4 The tourist accommodation establishment be subservient to the dominant agricultural use of the property.
- 6.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans.
- 6.6 Conditions as imposed by the Directorate Infrastructure Services in their memo dated 7 October 2024 be adhered to. See **Annexure J**.
- 6.7 Conditions as imposed by WCG Department Infrastructure in their letter dated 11 January 2024 be adhered to. See **Annexure H**.
- 6.8 Building plans be submitted for all changes of use in existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related uses.

7. The **reasons** for the above decision are as follows:

- 7.1 The proposal is confined to existing structures and in line with the current land use of the property and will not negatively impact on the character of the surrounding area.
- 7.2 The proposed use is of appropriate scale, on the farm werf and subservient to the agricultural use of the property and surrounding farms.
- 7.3 The proposal will assist in diversifying the land use on the farm without impacting on the existing agricultural activities.

8. Matters to **be noted**:

- 8.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 8.2 Should, after following due process –
 - 8.2.1 The subject approved land use remain in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
 - 8.2.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
 - 8.2.3 The property be used for any unauthorised uses not permitted in terms of this approval, authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 30 MAY 2025

SMPT 08/05/25	OTHER MATTERS
8.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<ol style="list-style-type: none"> 1. A general discussion followed on the implementation of policy with specific reference to site-specific justification for tourist accommodation and the impact of development in general on not only agriculture but also on the rural landscape based on its cultural, historic and scenic value. 2. The Department indicated that the Spatial Planning section is working on rural guidelines that is Stellenbosch specific. 3. It was reported that a report on the draft zoning scheme bylaw and the comments received and how it will be addressed must be submitted to Council in June.
8.2	APPEALS RECEIVED AGAINST MPT DECISION
	<p>APPEAL AGAINST A PART OF AND THE CONDITIONS OF APPROVAL OF THE APPLICATION FOR THE REZONING AND SUBDIVISION OF PORTION 1 OF FARM GROENFONTEIN NO. 717, PAARL DIVISION IN KLAPMUTS (LU9820)</p> <p>Discussion:</p> <ol style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mr Carstens to give a brief introduction of the appeal and decision to be taken by the Tribunal. b. The Appellant has lodged a request to not suspend the approval regardless of the appeal. The reference in the subject letter of the Appellant to Section 51(3) of LUPA however finds application to the equivalent provision in the Municipal Bylaw in terms of Section 61(6) which stipulates that <i>"If an appeal is lodged only against conditions imposed in terms of section 66, the Tribunal or the authorized employee may determine that the approval of the application is not suspended"</i>. c. The need for firm conditions of approval were discussed and confirmed to be necessary to ensure the implementation of the development in accordance with land use planning principles and infrastructure requirements. It was agreed that the approval for the rezoning to Subdivisional Area and the subdivision of the property cannot be separated from the conditions of approval. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. That the request to not suspend the approval regardless of the appeal BE REFUSED, for the following reasons: <ol style="list-style-type: none"> 1.1. The conditions being appealed are materially attached to the approval and in pursuance of implementing the approval that was granted.

8.3	GENERAL
	None to note.



Mr P van Zyl

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



**APPLICATION FOR CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM
 NO. 1674/4, PAARL DIVISION (LU/17504)**

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BYLAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO. 1674/4, PAARL DIVISION			
APPLICATION DETAILS: CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT			
Ref.	LU/17504 (TP 709/2024)	Commencement Date	05/09/2024
Applicant	Nisa Momman	Last day for comments or additional information	07/11/2024
Farm nr	1674/4,	Place	Paarl Division
Zoning	Agriculture and Rural Zone	Other approvals	<p>LU/10411 – Temporary Departure to utilise seven existing labourer's cottages (subject cottages) as tourist accommodation establishment for 52 guests (Orchards cottages).</p> <p>LU/15113 – Consent Use to utilise sixteen (16) existing cottages as tourist accommodation establishment for 64 guests (Agterdam cottages).</p>
X	TYPE OF APPLICATION		
	15(2)(a) rezoning of land*		
	15(2)(b) a permanent departure from the development parameters of the zoning scheme		
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land		
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*		
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*		
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*		
	15(2)(g) a permission required in terms of the zoning scheme		
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*		
	15(2)(i) an extension of the validity period of an approval		
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme		
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*		
	15(2)(l) a permission required in terms of a condition of approval		
	15(2)(m) a determination of a zoning		
	15(2)(n) a closure of a public place or part thereof		
X	15(2)(o) a consent use contemplated in the zoning scheme		
	15(2)(p) to disestablish a homeowners' association		
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services		

	15(2)(r) 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
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose of application

Applicant proposes to obtain permanent rights in order to utilise thirteen (13) dwelling units within seven (7) existing cottages (previously approved as labourer's cottages), as Tourist Accommodation Establishment that can accommodate 52 guests.

2. Background

The Stellenbosch Municipality approved a Temporary Departure application in October 2021 to use seven (7) existing labourers' cottages, consisting of 13 units - for tourist accommodation establishment purposes that can accommodate 52 guests. The said application was submitted in terms of the former Zoning Scheme Regulations that did not make provisions for tourist accommodation establishments, hence the application for Temporary Departure. A further 8 former labourer's cottages (8 buildings with a total number of 16 units) were approved by the Stellenbosch Municipality on 16 October 2023 for consent as tourist accommodation (Agterdam Cottages), a site inspection that was conducted has revealed that these cottages were dilapidated and no construction of this approved tourist accommodation has yet taken place.

The subject property is situated on the municipal boundary between Stellenbosch and Drakenstein Municipality. The surrounding properties are primarily used for fruit farming and viticulture. Various tourism facilities are scattered in the area, which includes restaurants, gift shops as well as other agricultural related uses such as wineries, guest houses, wedding facilities etc. The Rhodes Canning Factory is situated north-east of the application area and a police station is situated to the north, on the opposite of the R45 road.

A seasonal river which is largely located on abutting Portion 6 and 7 of Farm 1674 runs south of the subject cottages. The property contains other dilapidated buildings which were used as cottages. However, only seven cottages that are grouped together will form part of this application.

3. Summary of applicant's motivation: (See Annexure C)

- 3.1 This application complies with the relevant national, provincial and municipal legislation and policy frameworks
- 3.2 The application supports the objectives of the PSDF as it promotes economic opportunities for the local area (Dwars River Valley) and economic diversification of Boschendal farm to be more financially sustainable
- 3.3 The proposed development aligns with the SDF as it supports both agriculture and tourism and therefore encourages the diversification of the local economy.
- 3.4 The application does not impact the current agricultural activities of Boschendal but aims to utilise existing assets and infrastructure to diversify income to support agricultural activities on the Boschendal farm.
- 3.5 The application supports and enhances the natural environment.
- 3.6 The application protects and preserves the heritage and cultural landscape
- 3.7 The application uses existing building footprints and retains the primary use of the property as Agriculture and Rural Zone.
- 3.8 Boschendal Estate plays a significant role in the Dwars River Valley addressing past ecological and social injustices. Boschendal's vision includes a commitment to conserve, preserve and restore the environmental and social aspects of the farm and positively contribute to its surrounding context.

4. Summary of deviation from the SDF (Site specific Motivation) (See Annexure D)

- 4.1 The intent of the MSDF guidelines is to protect productive agricultural land from development and fragmentation.
- 4.2 These guidelines are also informed by the need to promote rural tourism opportunities that support a thriving rural economy and allow for diversification of farm income to support local farm owners. As such, the guidelines support limited additional development in the form of '1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm'.
- 4.3 The subject property is measuring 165.26ha in extent and would technically only be permitted to accommodate approximately four (4) additional dwelling units however, the number of additional dwelling units on the subject farm already exceeds this guideline as there are currently seventeen (17) labourer's cottages. Eight (8) of these cottages were approved by the municipality as tourist accommodation establishment.
- 4.4 It is important to note that all previous labourer's cottages (buildings) which became tourist accommodation predated the MSDF (2023) guideline, including the Orchards Cottages which are the subject of this application.
- 4.5 The primary use of the subject property will remain agriculture as the proposal will not impact on the agricultural viability of the farm.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate public participation processed followed	X		<p>The applicant has in terms of Section IV of the Stellenbosch Municipality Planning By-Law, advertised the application by sending e-mails to the interested and affected parties as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal. Additionally, one notice was placed on the affected property owner's gate (Farm 1510, Paarl Division) as the applicant could not gain access to this property. No objections were received.</p> <p>The application was circulated to the relevant internal & external departments and the following departments gave comment:</p> <p><u>Department of Agriculture:</u> Western Cape – Has no objection to the proposal.</p> <p><u>Department of Environmental Affairs and Development Planning:</u> the purpose of this application is to obtain permanent land use rights for the cottages which have been used as tourist accommodation establishment since 2021. The department therefore has no objection.</p> <p><u>Department: Transport & Infrastructure:</u></p> <p>The application is for Consent Use to use the existing cottages which have been used for guest accommodation under a temporary land use approval. The department has no objection subject to use of the access at ±km 14.40(LHS) off Helshoogte Road (See Annexure E).</p>

			Directorate: Infrastructure Services Application is recommended for approval subject to certain conditions. (See Annexure F).
Conditions imposed by departments	X		The following departments-imposed conditions: Directorate Infrastructure Services Department: Transport & Infrastructure
DCs applicable	X		DCs are payable (See Annexure F)
Objections received		X	None.
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	<p>The approved Municipal Spatial Development Framework (MSDF) encourages the use of land outside the urban edge for agricultural production, biodiversity conservation, scenic quality and agri-tourism. Tourist related activities can be considered as a secondary use.</p> <p>The Stellenbosch Municipality Spatial Development Framework states that additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6,5m). The current proposal seeks to obtain permanent land use rights to operate the existing labourers' cottages as a tourist accommodation establishment, with capacity for up to 52 guests. While the size of the property (165.26ha) theoretically permits the maximum number of five additional dwelling units in terms of the SDF, the proposed use of 16 units exceeds this limit. As such, the application constitutes a deviation from both the provisions of the Stellenbosch SDF and the Western Cape Guidelines for Rural Areas (2019).</p>
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW			
Socio-economic impact	<p>The objective of establishing tourist accommodation and related facilities in rural areas is to diversify the income streams of agricultural enterprises and to strengthen the rural economy. The proposed land use contributes to this aim by attracting both local and international visitors to the areas surrounding Boschendal. In doing so, it supports the local economy through the creation of job opportunities for residents of nearby communities, including Priel, Lanquedoc, and Kylemore.</p>		
Compatibility with surrounding uses	<p>The subject property is located in a predominantly agricultural area, with wine farms. The subject property is an active farm, with fruit cultivation. The proposal will not negatively impact the farming activities on the farm or agricultural character of the area.</p>		
Impact on the external engineering services	<p>No municipal services are affected by the proposal and the Directorate: Infrastructure Services had no objection to the proposal subject to certain conditions received.</p>		

Impact on safety, health and wellbeing of the surrounding community	The proposed development has no negative impact on safety, health and wellbeing of the community.
Impact on heritage	The subject property is located off R45 which is a scenic route and proposes to utilize existing buildings which were used as labourer's cottages. The existing cottages are not visible from the R45 due to their location and the fact that the subject farm is not directly adjacent to the R45. The subject property does not have any buildings or structures that are of heritage significance.
Impact on the biophysical environment	No additional building footprint is proposed, the proposal will thus have no discernable impact on the built environment.
Traffic impacts, parking, access and other transport related considerations	The applicant has provided parking for the proposed use as indicated on the site plan, therefore sufficient parking is provided. The application was circulated to Western Cape department of Infrastructure: Road Planning, the said department supported the application subject to retaining the existing access of the subject property.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	The proposed land use is not envisaged to have adverse impact on the surrounding area nor it will create any noise nuisance as a tranquil, noise free environment is paramount to the successful stay for the guests of the facility.

ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

Proposed tourist accommodation establishment

As noted above the subject property is zoned for Agriculture and Rural Zone purposes and in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2019, a tourist accommodation establishment is a consent use when the proposed land uses exceed the threshold of a guest house, bed and breakfast and that of a tourist dwelling unit. The application at hand is for a tourist accommodation establishment in order to utilise the existing approved labourer's cottages consisting of 13 dwelling units that can accommodate 52 guests. The footprint of these existing buildings will be retained as only internal alterations are proposed. The initial development for guest accommodation establishment was granted in 2021 as a Temporary Departure as the Zoning Scheme (Section 8) did not make provisions for such land use. Subsequently, building plans were submitted and approved. The labourer's cottages have since been used for tourist accommodation establishment purposes. All the labourers on Boschendal farms were moved around 2003 to Lanquedoc, thus the labourer's cottages have become vacant since then. Thus, no labourers were displaced during the conversion and approval of these cottages into tourist accommodation establishment.

Compliance with applicable planning frameworks/policy

The Stellenbosch Spatial Development Framework (SDF) 2023 indicates the subject property as being located outside the urban edge. Therefore, it is marked as one of the rural/agricultural properties within the municipal boundary. The SDF advocates for agriculture and tourism as one of Stellenbosch's most economic competitive sectors assisting positively towards economic growth. It is further stated that restaurants, wine tasting and holiday accommodation should be promoted. However, it should be done within parameters of rural housing and provincial resort guidelines. Although the application does not propose any additional units, it exceeds the total number of dwelling units which may be used on agricultural property.

The Western Cape Land Use Planning Guidelines Rural Areas, 2019 promotes the diversification of farm income by supporting agri-tourism that does not compromise farm production. The proposed land uses

are aimed at providing an additional form of capital input to further sustain the agricultural activities on this land unit. The Western Cape Land Use Planning Guidelines for Rural Areas which came into effect in 2019 set out guidelines for Tourist Accommodation Establishments in areas outside the urban edge i.e. tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints and these should take the natural and heritage significance of the site into consideration. The said policy further promotes the diversification of farm income by supporting agri-tourism that does not compromise farm production. The MSDF echoes this sentiment as it recommends that tourist accommodation establishments should be confined within existing structures in order to protect the valuable agricultural land outside the urban edge. The proposal is in line with these guidelines as the proposal will make use of the existing structures and no new structures are proposed.

Compatibility of the proposal with the character of the area and adjacent development

The subject property is located in a predominantly agricultural area where properties are mostly covered with vineyards which implies that they are being utilized in line with their zoning. Land uses such as restaurants, guesthouses and wineries are also present in the area where these uses are subservient to the primary use of the property (agriculture).

Access, Parking and Traffic impact

Access to the cottages is obtained from the Helshoogte Road (R310) at an accessed controlled entrance point that is situated on Portion 7 of Farm 1674, and also forms part of the Boschendal Estate. From this entrance, the road follows an existing gravel road for approximately 1.5km in westerly direction (over portion 6 and 7 of farm 1674), before turning north for approximately 310m to the entrance of the cottages. Access to the cottages will be taken from the existing internal farm roads which will only be upgraded. Although access to the cottages is through Portion 6 and 7 of Farm 1674, no servitude will be required seeing that they all fall under one ownership of Boschendal (Pty) Ltd. There is no additional impact on the rural character.

Parking is fragmented into gravel parking areas. No structured parking is provided. However, sufficient space is available surrounding the cottages to provide parking in close proximity to the cottages. Parking has been notionally indicated on the site plan and will be provided in four different gravel areas so to retain the rural characters of the landscape. Sufficient area is set aside for parking to accommodate 26 vehicles, which is parking ratio of one vehicle per bedroom. The application will not negatively impact on the natural environment as it will make use of existing buildings that are currently vacant and derelict. The proposed activity will be conducted within and around existing buildings and will thus not lead to the construction of any additional buildings or the loss of agricultural land.

KEY FINDINGS OF PLANNING EVALUATION

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. The proposed tourist accommodation establishment is confined within the existing cottages with minor alterations and additions, thus agricultural viability of the farm will not be impacted on.
2. The proposed development will utilise the same cottages as approved as a temporary departure in 2019 and the context of the development is the same as that of 2019.
3. The proposal exceeds the number of dwelling units permitted on the property in terms of the By-Law and deviates from the MSDF and the Western Cape Land Use Planning Guidelines for Rural Areas.
4. Site specific motivation was submitted by the applicant which justifies the deviation from the MSDF.

The subject land use and land development application is, having regard to the conclusions above, viewed as deviating from the MSDF and the Western Cape Guidelines for Rural Areas, and consequently grounds for the non-supporting of the subject land use and land development application.

List relevant plan no.	Site Plan referenced as drawings No: BOSCH_OC_20240710_01, drawn by: nm & associates planners and designers Floor layout plans referenced as drawing No.: 2.01a, 2.02a, 2.03a, 2.04a & 2.05a drawn by Phillip Briel Architecture & Urban design, dated: 24 July 2014. Elevations: 2.01b, 2.02b, 2.03b, 2.04b & 2.05b drawn by Phillip Briel Architecture & Urban design, dated: 24 July 2014.
List annexures to decision	Annexure A: Locality Plan Annexure B: Building plans Annexure C: Applicant's motivation report Annexure D: Site specific motivation Annexure E: Comments from Department of Transport services Annexure F: Comments from Directorate: Infrastructure Services

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1674/4, Paarl Division to establish thirteen (13) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

1.1 The proposal exceeds the number of dwelling units permitted on an agricultural land unit, as prescribed by the MSDP for agricultural properties and thus conflicts with the spatial planning objectives of the MSDP.

2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1674/4, Paarl Division to allow a tourist accommodation establishment within the footprint of the original seven (7) cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1 The proposed development will utilise the same cottages as approved in 2019 as temporary departure. The context of the development is the same as that of 2019 and is subservient to agricultural activities found on the farm.

3. That the application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1674/4, Paarl Division for Consent Use to allow a tourist accommodation establishment within the footprint of the original cottages (13 dwelling units) that can accommodate 52 guests:

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

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw.

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

4.2 The tourist accommodation establishment must be confined within the footprint of thirteen (13) self-catering units and no new buildings must be constructed.

4.3 Condition as imposed by Department: Transport & Infrastructure in their letter dated 24 July 2025 be adhered to (See **Annexure E**).

4.4 The tourist accommodation establishment be subservient to the dominant agricultural use of the property.

4.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans.

4.6 Conditions as imposed by the Directorate Infrastructure Services in their memo dated 27 February 2025 be adhered to. See **Annexure F**.

4.7 The development must be undertaken generally in accordance with the site plan as referenced (BOSCH_OC_20240710_01, drawn by: nm & associates planners and designers &

floor layout plans as referenced 2.01a, 2.02a, 2.03a, 2.04a & 2.05a drawn by Phillip Briel Architecture & Urban design, dated: 24 July 2014 and attached as **Annexure B**.

4.8 Building plans be submitted for all changes of use in existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related uses.

5. The reasons for the above decision are as follows:

- 5.1 The aesthetic appearance of the site and surrounding environment will not be altered and the proposal will not have a negative visual impact from the nearby scenic route or the surrounding properties as it is confined to existing approved cottages.
- 5.2 There are justifiable site-specific considerations to depart from the provisions of the MSDF.
- 5.3 The agricultural viability of the property will not be affected as the proposal will be using existing structures, thus the primary land use of the property will remain agriculture.

6. Matters to be noted

- 6.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 6.2 Should, after following due process –
 - 6.2.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
 - 6.2.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
 - 6.2.3 The property be used for any unauthorised uses not permitted in terms of this approval, authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: Nopink DAFETI

Capacity: TOWN PLANNER

SACPLAN Registration:

Signature:

Date: 14/08/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 10.8.1 dated 28 February 2025.

Category / Delegation Item Number: O4

Decision Making Authority: MPT

Rational: Application is inconsistent and deviates from the MSDF.

Name: Shaei Carsters

Capacity: SMDM

SACPLAN Registration: A/1551

Signature:

Date: 14/8/2025

SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT
APPLICATION FOR CONSENT USE: FARM NO. 1674/4, PAARL DIVISION
Administrator to Authorised Official / Municipal Planning Tribunal:

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: 29 August 2025

Name: Chrizelle Kriel

Capacity: Munnl

Signature: 

Date: 14-08-2025

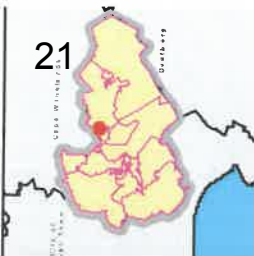
Annexure A:
Locality Plan

Stellenbosch GIS Map

SCALE
1:4 513,99

Legend

21

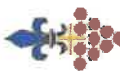


Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2025/08/11



Author: Stellenbosch Municipality



Stellenbosch Municipality
Street Address:
71 Plain Street, Stellenbosch, 7600
Tel: 021 808 8888

This map is a product of the Stellenbosch Municipality and is not to be used for any other purpose without the written consent of the Stellenbosch Municipality. The map is a product of the Stellenbosch Municipality and is not to be used for any other purpose without the written consent of the Stellenbosch Municipality.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

Annexure B:
Building Plan

Unit Types (As per architects drawings attached):

Building 1 (Cottage Type 'A')
 Building 2 (Cottage Type 'B')
 Building 3&4 (Cottage Type 'C')
 Building 5&6 (Cottage Type 'E')
 Building 7 (Cottage Type 'D')

Orchards Cottages:

7 existing buildings that can accommodate 52 guests

Parking: a total of 26 bays



Key

- Property boundary
- Subject buildings (Orchards Cottages)
- Access route off the R310

BOSCHENDAL ESTATE
 Orchards Cottages

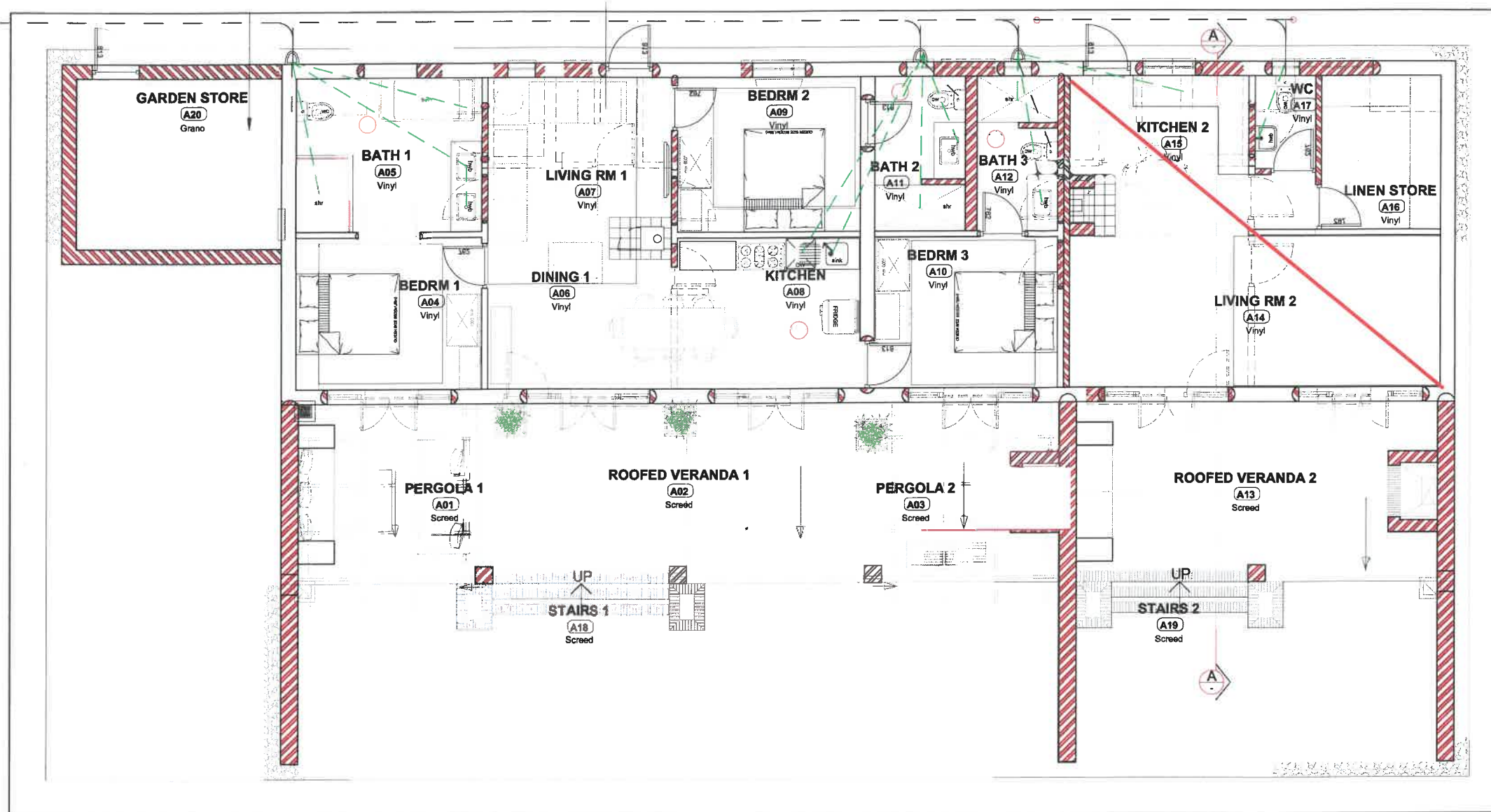
Figure 3.1: Site Reference Plan
 (BOSCH_OC_20240710_01)



July 2024

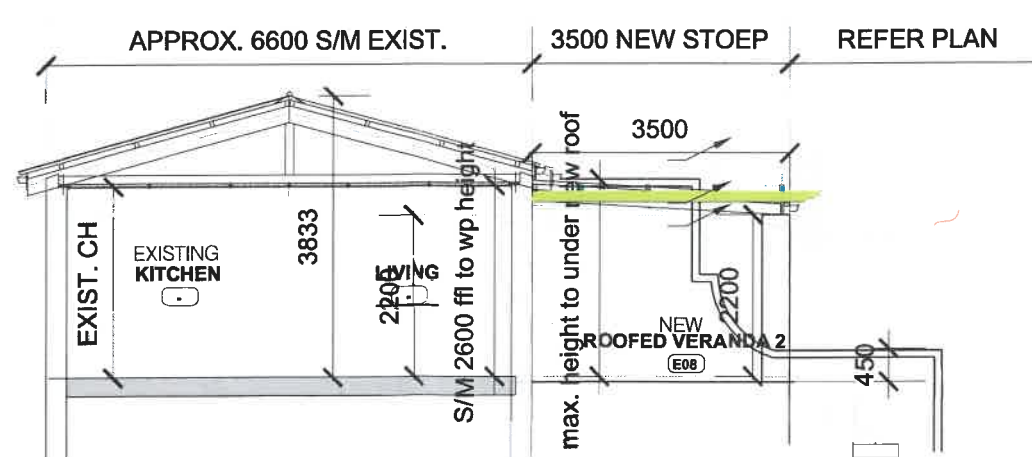


& associates
 PLANNERS AND DESIGNERS



Note:
- Renovated into communal TV room after 2015

**COTTAGE A:
NEW FLOOR LAYOUT PLANS**
SCALE 1:100



**COTTAGE A,B and C:
TYPICAL SECTION**
SCALE 1:100

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REV	DATE	DESCRIPTION	BY

Notes as at July 2024
reflect current condition
(NM& Associates)

CAPE TOWN.

PHILIP BRIEL

ARCHITECTURE · URBAN DESIGN

Philip Briel BArch (MIA) MSc (DIP)
Pr Arch 7210
phil@philbriel.com
No. 83 Kloofhoek Road, Tamboerskloof, Cape Town Tel: 021 424 8108

PROJECT TITLE:
RENOVATIONS TO EXISTING STAFF HOUSING
at 'Nieuwedorp' on
Portion 4 of the Farm. 1674
Boschendal Estate
Franschoek

PROJECT REF:
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 1:
TYPE 'A' COTTAGE
Layout Plans and Elevations

SCALE @ A1	DATE	DESIGNED BY	CHECKED BY
Indicated	2014-07-24	PK	PB

Job No.	BD LC:	Drawing No.	Revision
E-2014		2.01a	

5

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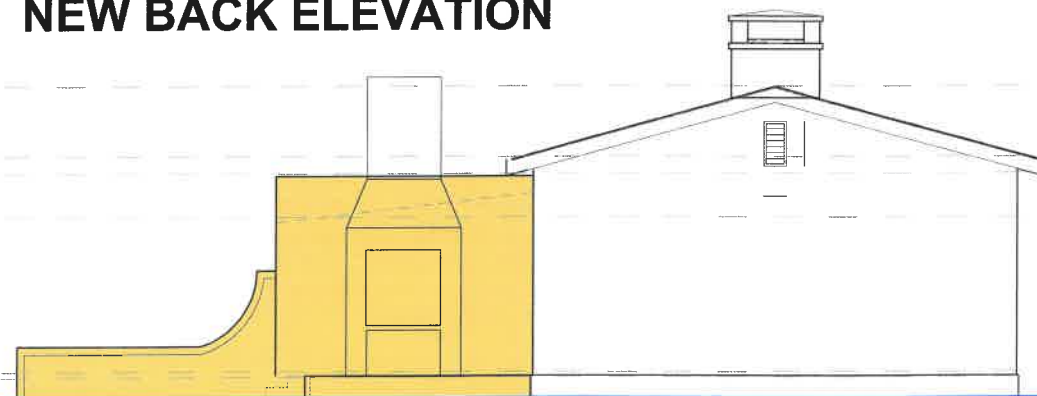
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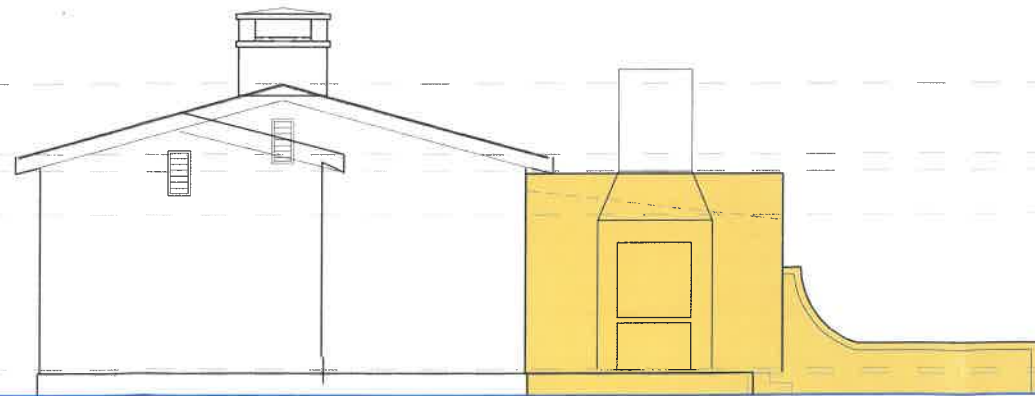
**COTTAGE A:
NEW FRONT ELEVATION**
SCALE 1:100



**COTTAGE A:
NEW BACK ELEVATION**



**COTTAGE A:
NEW SIDE ELEVATION**
SCALE 1:100



**COTTAGE A:
NEW SIDE ELEVATION**
SCALE 1:100

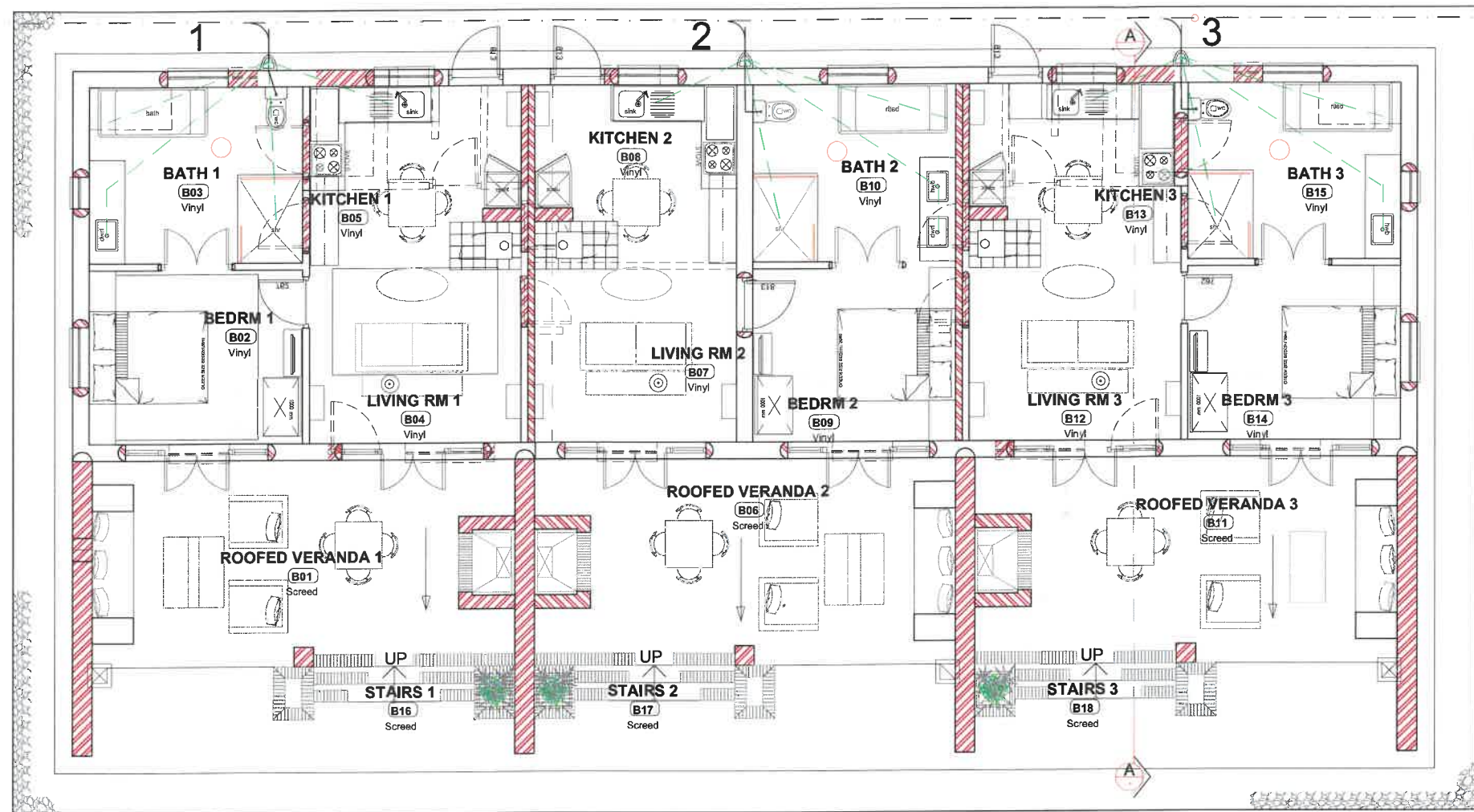
CAPE TOWN.
PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (OXF)
Pr.Arch 7210
philip@philipbriel.com
No. 83 Kibbutz Road, Tamboerskloof, Cape Town Tel: 021 424 8108

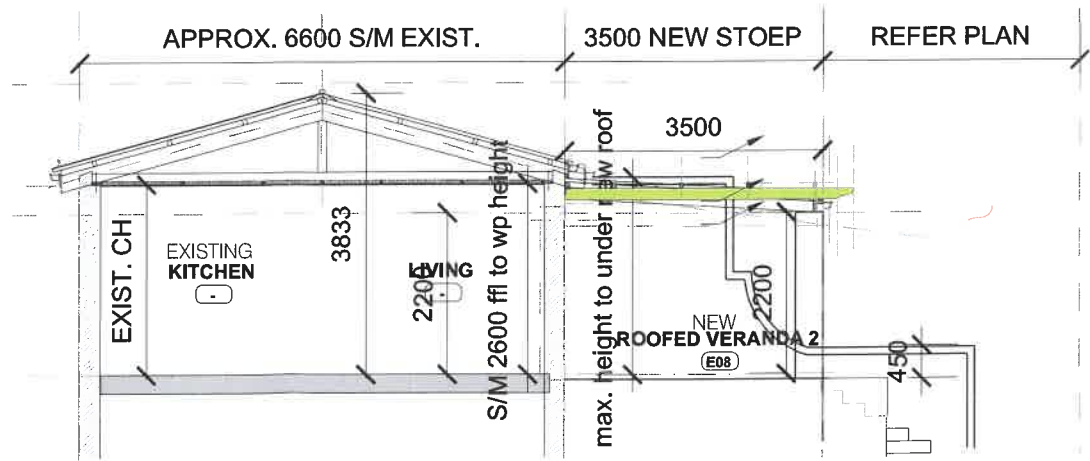
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Franschoek

DRAWING TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 1:
TYPE 'A' COTTAGE
Layout Plans and Elevations

SCALE @ A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB
Job No. BD_LC: E-2014	Drawing No. 2.01b	Revision	5



COTTAGE B:
NEW FLOOR LAYOUT PLANS
SCALE 1:100



COTTAGE A,B and C:
TYPICAL SECTION
SCALE 1:100

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CAPE TOWN.
PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel S.Arch (MIA) MSc (OxP)
Pr.Arch 7210
philip@philbriel.com
No. 63 Kloofhoek Road, Tamboerskloof, Cape Town Tel: 021 424 8106

PROJECT TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
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Boschendal Estate
Franschoek

DRAWING TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 2:
TYPE 'B' COTTAGE
Layout Plans and Elevations

SCALE @ A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB
Job No. BD, LC: E-2014	Drawing No. 2.02a	Revision	

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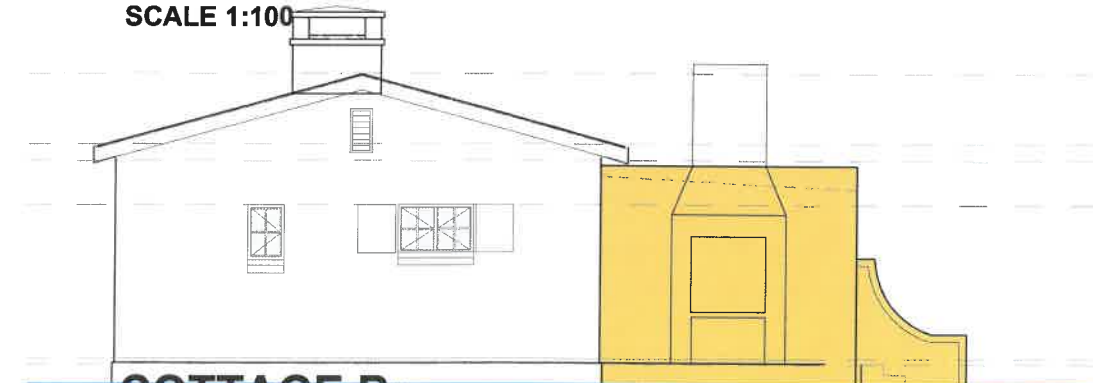
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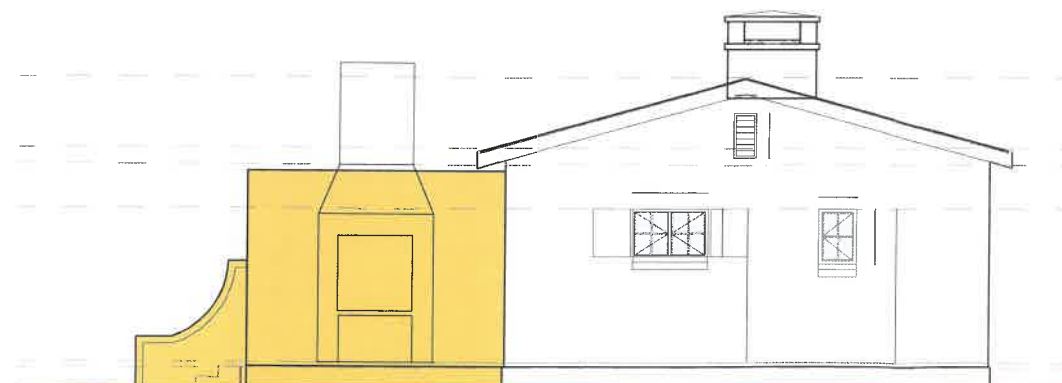
**COTTAGE B:
NEW FRONT ELEVATION**
SCALE 1:100



**COTTAGE B:
NEW BACK ELEVATION**
SCALE 1:100



**COTTAGE B:
NEW SIDE ELEVATION**
SCALE 1:100



**COTTAGE B:
NEW SIDE ELEVATION**
SCALE 1:100

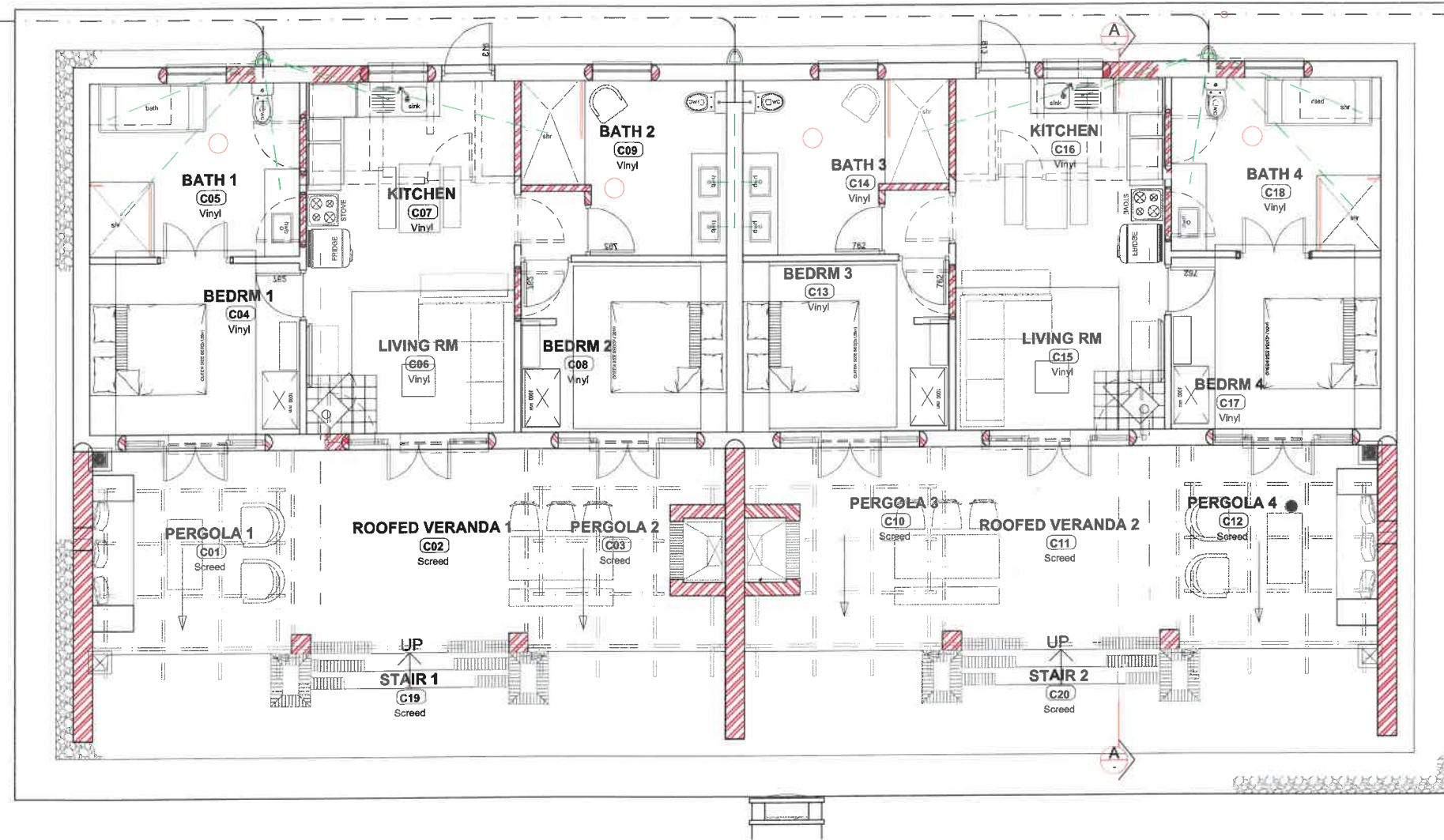
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PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (DIP)
Pr.Arch 7210
philip@philipbriel.com
No. 83 Hoochek Road, Lamboekskloof, Cape Town Tel: 021 424 8108

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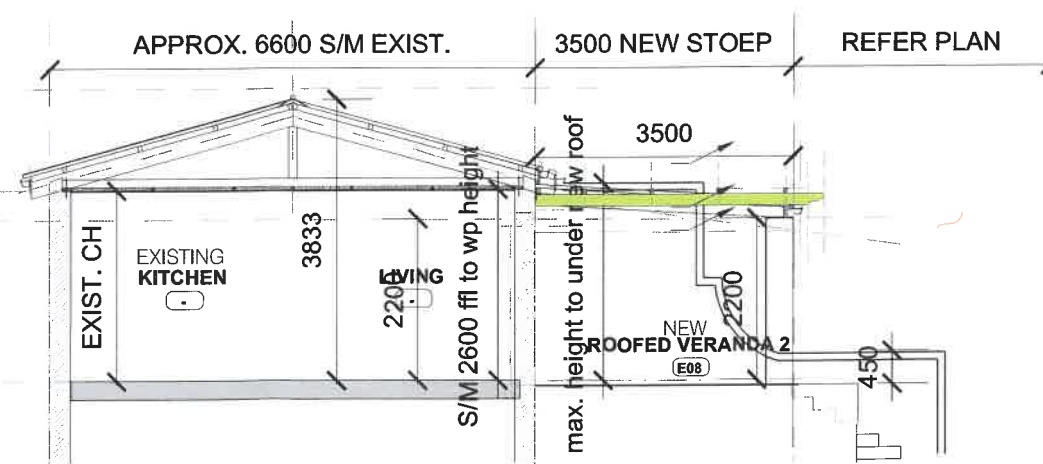
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RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 2:
TYPE 'B' COTTAGE
Layout Plans and Elevations

SCALE: A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB
Job No.	BD_LC: E-2014	Drawing No.	2.02b



Note:
- Pergola areas 2 & 3
have been roofed.

COTTAGE C:
NEW FLOOR LAYOUT PLANS
SCALE 1:100



COTTAGE A,B and C:
TYPICAL SECTION
SCALE 1:100

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CAPE TOWN.

PHILIP BRIEL

ARCHITECTURE • URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (OxP)
Pr.Arch 7210
phil@philbriel.com
No. 53 Kloof Road, Tamboerskloof, Cape Town Tel: 021 434 8106

PROJECT TITLE

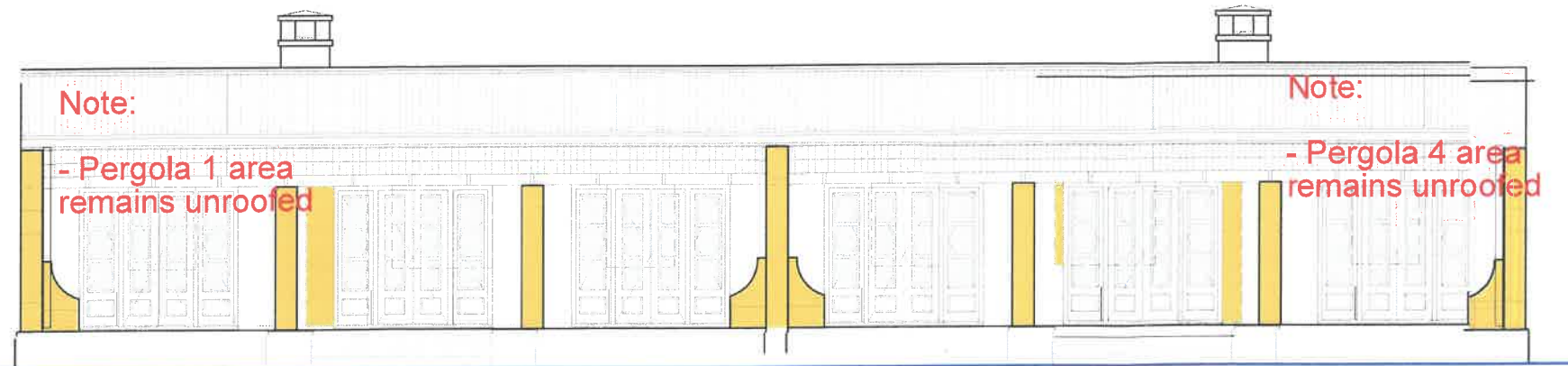
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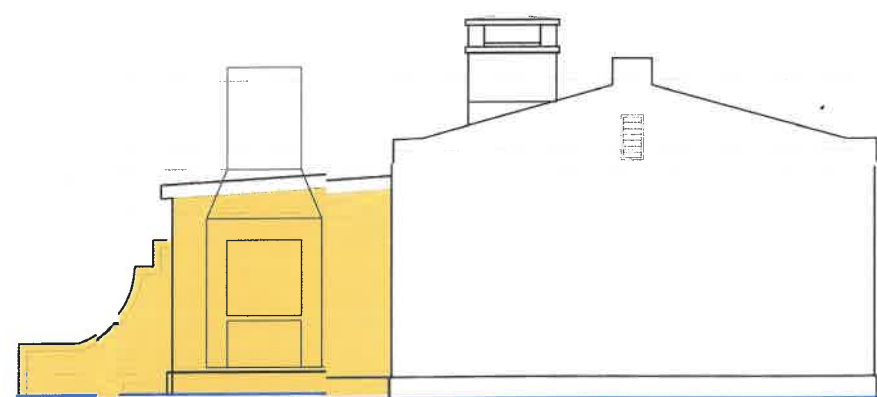
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 3 & 4:
TYPE 'C' COTTAGE
Layout Plans and Elevations

SCALE @ A1	DATE	DRAWN BY	CHECKED BY
Indicated	2014-07-24	PK	PB

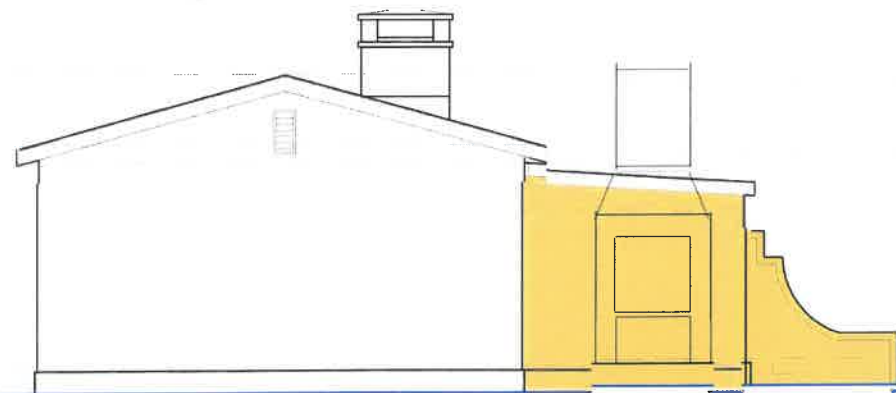
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E-2014		2.03a	



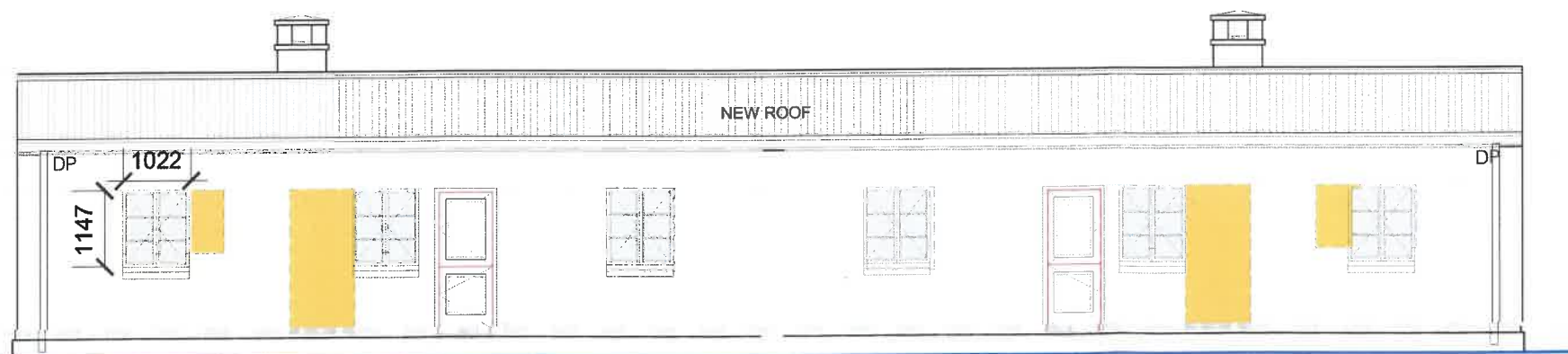
**COTTAGE C:
NEW FRONT ELEVATION**
SCALE 1:100



**COTTAGE C:
NEW SIDE ELEVATION**
SCALE 1:100



**COTTAGE C:
NEW SIDE ELEVATION**
SCALE 1:100



**COTTAGE C:
NEW BACK ELEVATION**
SCALE 1:100

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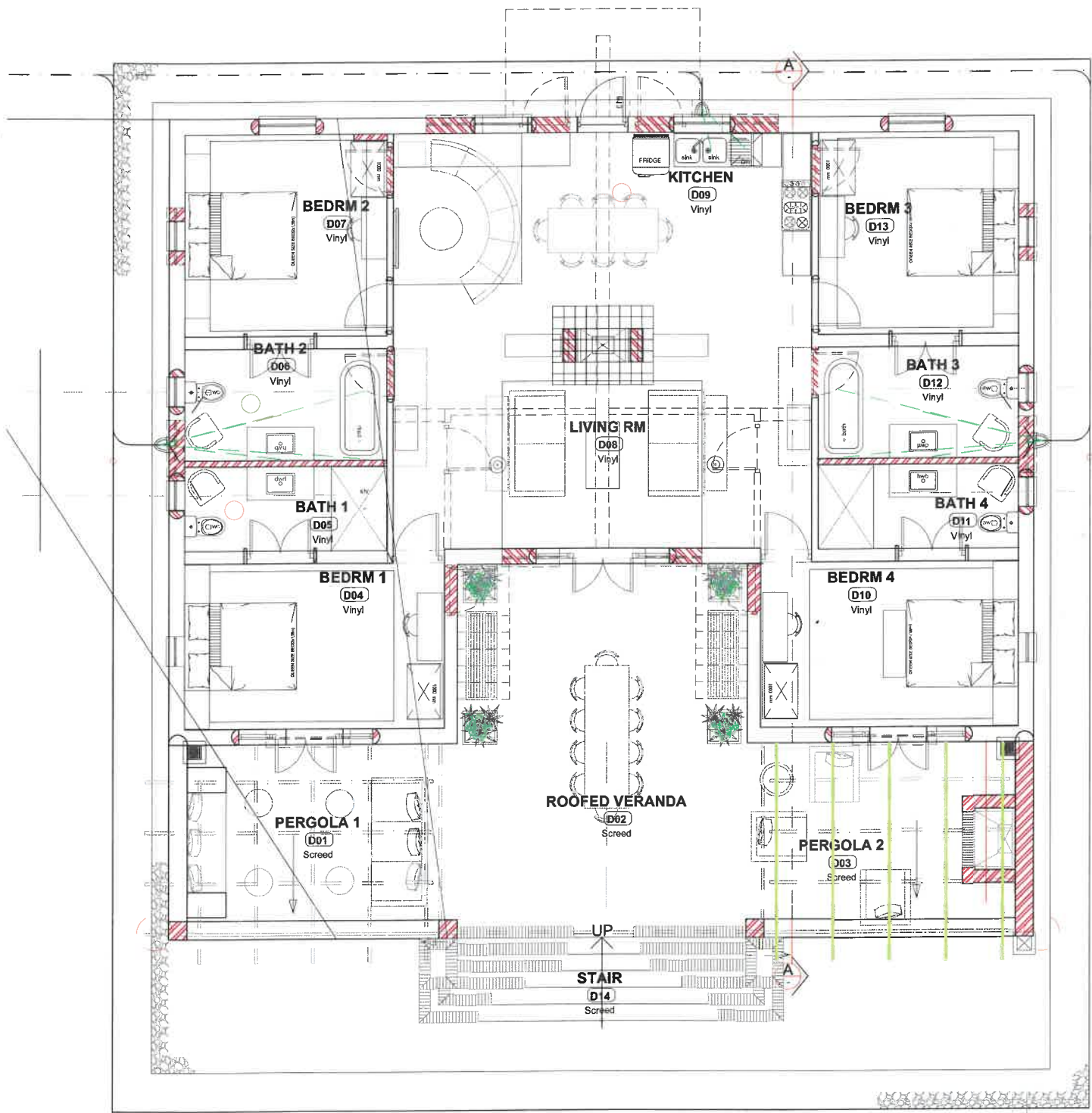
CAPE TOWN.
PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel BA(ON) (NIA) MC (S.A.A.)
Pr. Arch. 7210
philip@philbriel.com
No. 83 Kloofhoek Road, Tamboerskloof, Cape Town Tel: 021 424 8108

PROJECT TYPE
RENOVATIONS TO EXISTING STAFF HOUSING
at 'Nieuwedorp' on
Portion 4 of the Farm. 1674
Boschendal Estate
Franschoek

PROJECT TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 3 & 4:
TYPE 'C' COTTAGE
Layout Plans and Elevations

SCALE: AS INDICATED	DATE: 2014-07-24	DRAWN BY: PK	CHECKED BY: PB
Job No. BD LC E-2014	Drawing No. 2.03b	Position	



COTTAGE D:
NEW FLOOR LAYOUT PLANS
SCALE 1:100



COTTAGE D:
TYPICAL SECTION
SCALE 1:100

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REV	DATE	DESCRIPTION	BY

CAPE TOWN.
PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (OxP)
Pr.Arch 7210
philip@philbriel.com
No. 83 Kloofnek Road, Tamboerskloof, Cape Town Tel: 021 424 8108

PROJECT TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
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Franschoek

DRAWING TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 7:
TYPE 'D' COTTAGE
Layout Plans and Elevations

SCALE @ A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB

Job No.	BD, LC: E-2014	Drawing No.	2.04a	Revision	
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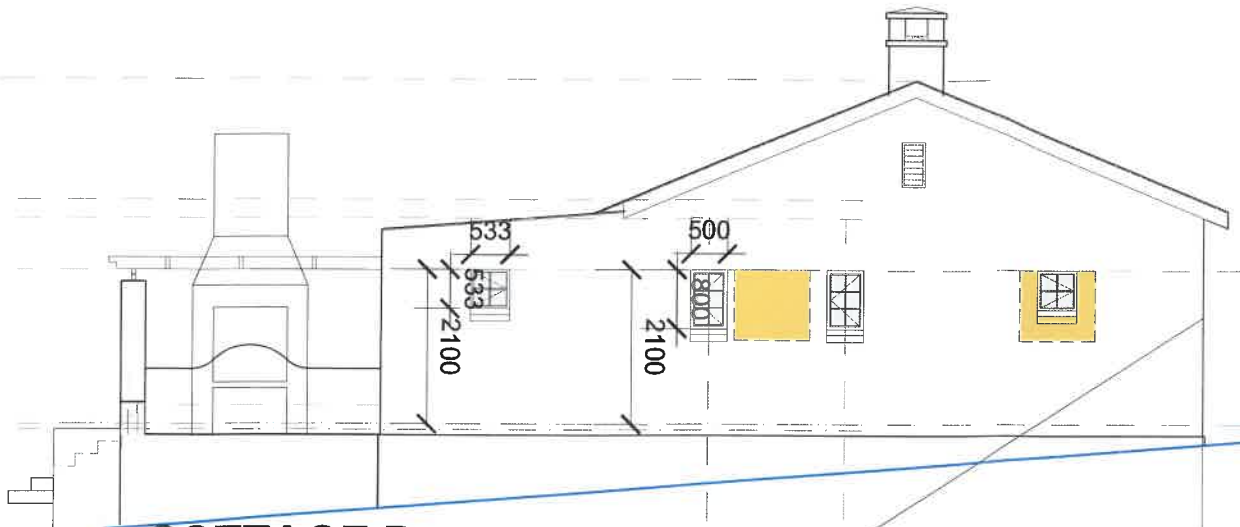
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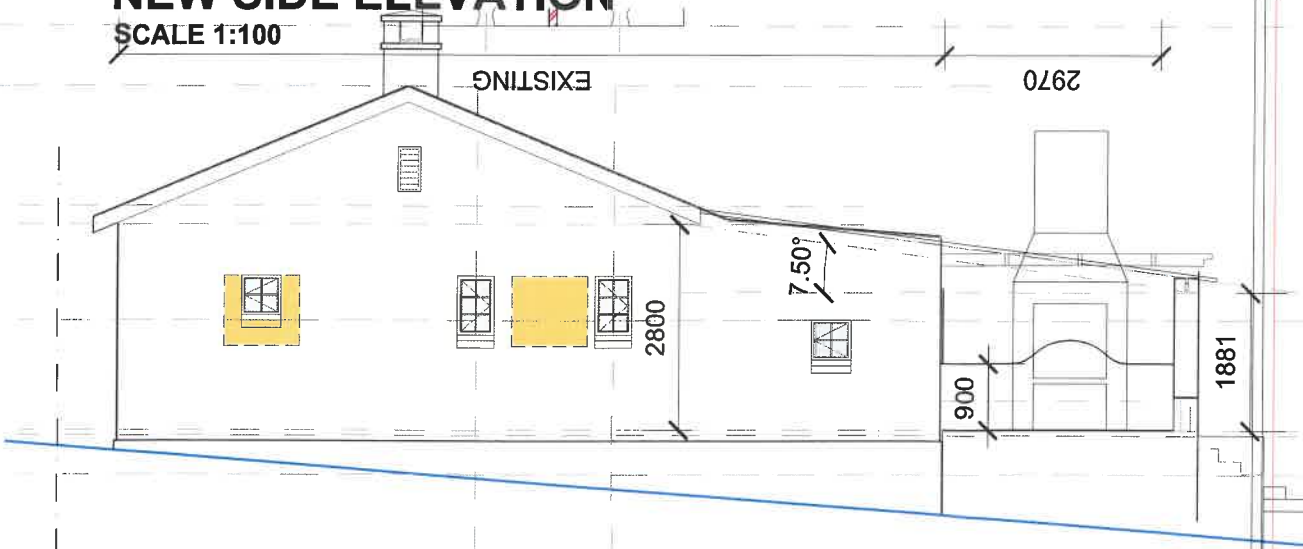
**COTTAGE D:
NEW FRONT ELEVATION**
SCALE 1:100



**COTTAGE D:
NEW BACK ELEVATION**
SCALE 1:100



**COTTAGE D:
NEW SIDE ELEVATION**
SCALE 1:100



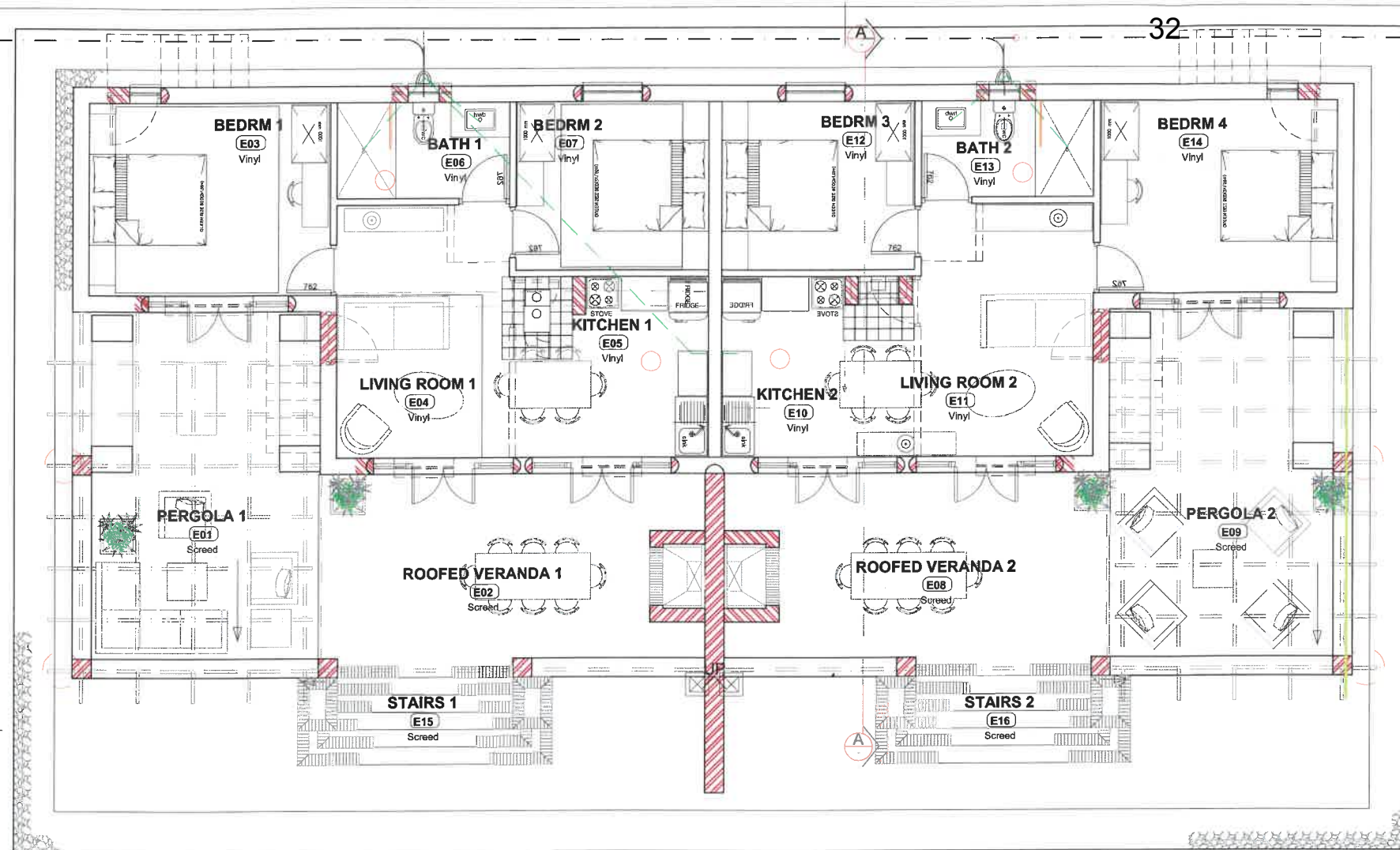
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PHILIP BRIEL
ARCHITECTURE · URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (CVF)
PrArch 7210
philip@philipbriel.com
No. 83 Kloofhoek Road, Tamboerskloof, Cape Town Tel: 021 424 8106

PROJECT TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
at 'Nieuwedorp' on
Portion 4 of the Farm, 1674
Boschendal Estate
Franschoek

DRAWING TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 7:
TYPE 'D' COTTAGE
Layout Plans and Elevations

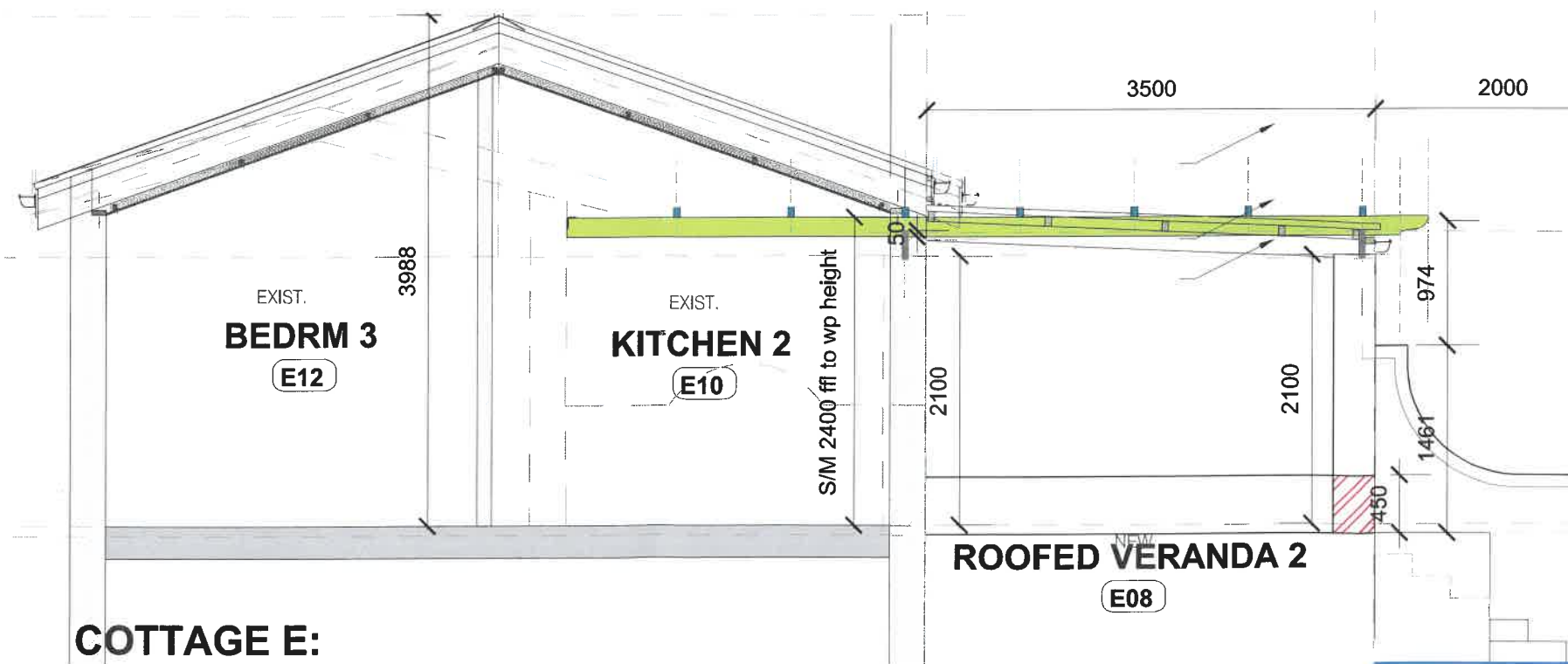
SCALE @ A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB
Job No.	BD_LC: E-2014	Drawing No.	2.04b



Note:

- Pergola areas 1 & 2 were not constructed for Cottage 5.
- Stairs 1 & 2 were not constructed for Cottage 5 as ground levels did not make them necessary.

COTTAGE E: NEW FLOOR LAYOUT PLANS SCALE 1:100



COTTAGE E: TYPICAL SECTION SCALE 1:100

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REV	DATE	DESCRIPTION	BY

Notes as at July 2024
reflect current condition
(NM& Associates)

CAPE TOWN.
PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (OxP)
Pr.Arch 7210
phil@philbriel.com
No. 83 Kloofhoek Road, Tamboerskloof, Cape Town Tel: 021 424 8108

PROJECT TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
at 'Nieuwedorp' on
Portion 4 of the Farm, 1674
Boschendal Estate
Franschoek

DRAWING TITLE
RENOVATIONS TO EXISTING STAFF HOUSING
COTTAGE 5 & 6:
TYPE 'E' COTTAGE
Layout Plans and Elevations

SCALE @ A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB
Job No.	BD, LC: E-2014	Drawing No.	2.05a



**COTTAGE E:
NEW FRONT ELEVATION**
SCALE 1:100



**COTTAGE E:
NEW BACK ELEVATION**
SCALE 1:100



**COTTAGE E:
NEW SIDE ELEVATION**
SCALE 1:100



Stairs not constructed

Note:

- Pergola areas 1 & 2 were not constructed for Cottage 5.

-Stairs were not constructed for Cottage 5 as ground levels did not make them necessary.

NOTE

THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTS. DO NOT SCALE AND REFER TO DIMENSIONS ONLY. ALL LEVELS AND DIMENSIONS MUST BE CHECKED ON SITE PRIOR TO SETTING OUT OR MANUFACTURE. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY.

REV	DATE	DESCRIPTION	BY

Notes as at July 2024
reflect current condition
(NM& Associates)

CAPE TOWN,
PHILIP BRIEL
ARCHITECTURE • URBAN DESIGN

Philip Briel B.Arch (MIA) MSc (OXF)
Pr.Arch 7210
philip@philbriel.com
No. 63 Kloof Road, Tamboerskloof, Cape Town Tel: 021 424 8108

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COTTAGE 5 & 6:
TYPE 'E' COTTAGE
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SCALE @ A1	DATE	DRAWN	CHECKED
Indicated	2014-07-24	PK	PB
Job No.	BD_IC: E-2014	Drawing No.	2.05b

Buildings (with unit description):		Individual Units:	
	Building 1: 1 unit (Cottage Type A - 3 bedroomed)	 Unit 1	 Communal TV room
	Building 2: 3 units (Cottage Type B - 1 bedroomed)	 Unit 1	 Unit 2
Photograph of full front elevation of building was not possible*1		 Unit 1	 Unit 2
	Building 3: 2 units (Cottage Type C - 2 bedroomed)	 Unit 1	 Unit 2
	Building 4: 2 units (Cottage Type C - 2 bedroomed)		



 OO Harse U60	 OO Harse U60	 OO Harse U60	Building 5: 2 units (Cottage Type D - 2 bedroomed)
 OO Harse U60	 OO Harse U60	 OO Harse U60	Building 6: 2 units (Cottage Type E - 2 bedroomed)
	 Unit 1		Building 7: 1 unit (Cottage Type D - 4 bedroomed)

TOTAL Number of Buildings: 7

Total number of Units: 13

Total number of guests: 52

Notes:

*1 Due to some of the cottages being occupied by guests, and the position of the buildings relative to existing trees and each other, it was not always possible to get a full front elevation photographed

Annexure C:
Applicant's motivation report

5. Motivation for Consent

This application is being made for Consent in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law (2023) to permit the use of 7 existing buildings as a Tourist Accommodation Establishment for 52 guests on Farm 1674/4, Paarl. The application is motivated in terms of Section 65 of the Land Use Planning By-law and the desirability of the development.

5.1 The application is compliant with relevant national provincial and municipal legal and policy frameworks

This application complies with the relevant national, provincial and municipal legislation and policy frameworks outlined in Chapter 4 of this report.

The Orchards Cottages development contributes to the protection of prime and unique agricultural land; and by making use of existing structures' footprints, sustainability will be enhanced and urban sprawl, limited. The use of existing footprints also optimises the use of existing resources and infrastructure. The development thus aligns with the principles of spatial sustainability and efficiency in SPLUMA and LUPA.

- National Environmental Management Act (NEMA), No. 107 of 1998

The requirements of NEMA have been complied with. A Basic Assessment Report was submitted to DEADP by Doug Jeffery Environmental Consultants (Pty) Ltd and an Environmental Authorisation (EA) was granted on 19 June 2015 (refer to Appendix 2).

As this application is the same as what was approved in terms of NEMA, this authorisation still stands.

- National Heritage Resources Act (NHRA), No. 25 of 1999

The site is located in an important heritage and cultural landscape which the application does not detract from. By utilising existing building footprints and through appropriate design, the cultural landscape is preserved. As a result, this application acknowledges and affirms the principles of the National Heritage Resource Act, 1999. It also brings more people into contact with the rich and complex heritage of the farm and the greater Dwars River Valley by promoting tourism and attracting visitors to Boschendal.

HWC's response to the heritage statement in Appendix 3 confirms that no further action is required in terms of the NHRA as this application does not entail any further development or alteration to the existing Orchards Cottages.

- Stellenbosch Municipality Land Use Planning By-law, 2023

This application is submitted in terms of the provisions of the Stellenbosch Municipality Land Use Planning By-law, from a procedural point of view. The application is therefore compliant with the provisions of this By-law.

- Stellenbosch Municipality Zoning Scheme By-law, 2019

The primary and consent uses permitted in an Agriculture and Rural Zone are illustrated in Table 5.1 below:

Table 5.1: Extracts from the Stellenbosch Zoning Scheme By-law (2019)

	SM ZONING SCHEME BY-LAW, 2019	APPLICATION PROPOSAL	COMPLIANCE
PRIMARY USE	<ul style="list-style-type: none"> • Agricultural Building • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (<2000m²) • Second dwelling • Employee housing (one unit) 	Primary use remains Agriculture for Farm 1674/4, Paarl	Complies
CONSENT USE	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (≥2000m²) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use (> one event/year) • Plant nursery • Polytunnel (>5000m²) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or 	Tourist Accommodation Establishment for 7 buildings to accommodate 52 guests	Complies – Consent Application

	exceeding threshold)		
Building development parameters	As approved by Municipality	Site Development Plan – See Figure 3.1	Complies on approval by Municipality

The development also complies with the applicable requirements of the Dwars River Valley Rural Conservation Area Overlay Zone as per section 246 (2) of the Zoning Scheme By-law, as none of the activities that may not commence without the Municipality's permission, are triggered.

- Western Cape Provincial Spatial Development Framework, 2014 (PSDF)

The PSDF encourages economic growth and the protection of biodiversity, heritage, scenic landscapes and agricultural areas. This application promotes economic opportunities for the local area (Dwars River Valley) and economic diversification of the Boschendal farm to be more financially sustainable, while acknowledging the importance of the heritage, landscape, environmental and agricultural significance of the area. The application therefore supports the objectives of the PSDF.

- Stellenbosch Municipality Integrated Development Plan (IDP) 2022-2027: 1st Amendment October 2023

This application incorporates the vision, focus areas and objectives of the IDP, and aims to make a positive contribution to Stellenbosch and the Cape Winelands District. Boschendal aims to diversify income from the farm through utilising its current building assets for tourism purposes. Income from using the existing buildings as tourist accommodation can support the protection of local nature areas, agricultural areas and ecological corridors on the farm. This application therefore supports the intent of the IDP.

- Stellenbosch Municipality Spatial Development Framework (SM SDF) – approved 27 June 2023

The Orchards Cottages development aligns with the SDF as it supports both agriculture and tourism and therefore encourages the diversification of the local economy. It also promotes the conservation of Boschendal's natural environment and heritage assets and protects its sense of place. The development takes note of the SDF principles in the SDP presented in Chapter 3, above. The use of the existing buildings as tourist accommodation contributes to the local economy, both in terms of the agriculture and tourism sectors, as well as its benefits to the surrounding communities of Lanquedoc, Pniel and Kylemore. The application therefore supports the provisions of the SM SDF.

5.2 The application's contribution to agri-tourism

A key part of Boschendal Estate's vision is to create a healthy and sustainable food system to produce naturally grown food while improving soil health. However, with regard to the impact of climate change and global market trends on the viability of farming generally in South Africa and the Western Cape; it is prudent to pursue other means to support the agricultural component of the estate. This echoes the 2014 Western Cape Provincial Spatial Framework's encouragement of strengthening and diversifying the rural economy through agri-tourism.

This application supports the predominant agricultural land use on the farm, through utilising existing structures and diversifying Boschendal's income. Furthermore, the use of existing buildings as tourist accommodation attracts local and international visitors to the areas surrounding Boschendal and as such, supports the local economy by creating job opportunities for residents of Pniel, Lanquedoc and Kylemore.

5.3 The application supports current agricultural land use

The application does not impact the current agricultural activities at Boschendal but aims to utilise existing assets and infrastructure to diversify income to support agricultural activities on the Boschendal farm.

The Orchards Cottages development does not negatively impact on the natural environment as it makes use of existing buildings within a transformed site which are presently operational as tourist accommodation in terms of a Temporary Departure application approved in 2021. This aligns with the principles of spatial sustainability and efficiency contained in Section 7 of SPLUMA by protecting valuable agricultural land and optimising the use of existing resources.

5.4 The application supports and enhances the natural environment

As the site is already disturbed from an environmental perspective, the Orchards Cottages development does not impact ecologically sensitive areas.

The EA granted in 2015 ensures that the existing Orchards Cottages is compliant with NEMA requirements. The development is therefore desirable insofar as impacts on the biophysical environment are concerned.

5.5 The application protects and preserves the heritage and cultural landscape

This application complies with the provisions of the National Heritage Resource Act of 1999 by preserving existing heritage resources.

The existing use of the cottages for tourist accommodation also brings more people into contact with the rich and complex heritage of the farm and the greater Dwaars

River Valley by promoting tourism and attracting visitors. Furthermore, the siting, form, massing and architectural character of the existing cottages and their use for tourist accommodation does not detract from the heritage and cultural landscape within which Farm 1674/4 is located.

5.6 The application uses existing building footprints and retains the primary use of the property as Agriculture and Rural Zone

The use of existing buildings for the Orchards Cottages tourist accommodation establishment contributes to the protection of valuable agricultural land. Furthermore, the establishment of permanent use rights for the Orchards Cottages makes sense from the point of view that the approved Agterdam Cottages are also located on Farm 1674/4, Paarl, in proximity to the subject site, thereby consolidating tourist accommodation in this location within an Agriculture and Rural Zone.

5.7 Socio-economic impact

Boschendal Estate plays a significant role in the Dwars River Valley addressing past ecological and social injustices. Boschendal's vision includes a commitment to conserve, preserve and restore the environmental and social aspects of the farm and positively contribute to its surrounding context. This vision aligns with the vision expressed in the Stellenbosch Municipality Integrated Development Plan where residents experience "dignified living" through the creation of new job opportunities and promoting economic growth. It also builds on the IDP, as it aims to promote economic growth while protecting and enhancing environmental assets and natural resources.

Establishing permanent use rights for the tourist accommodation establishment on Farm 1674/4 will allow continued use of the cottages for an extended period and enable job creation. This will have a positive socio-economic impact at a local and valley scale.

5.8 The impact of the application on municipal engineering services

The Orchards Cottages development makes use of existing services as described in Section 3.3. The proposed connection to a new bulk sewer gravity main will prevent the need for septic tanks in the future. Therefore, this application is desirable from an engineering services perspective.

5.9 Impact on traffic, parking, access and other transport related considerations

The impacts on traffic, parking, access and other transport related considerations are minimal.

The TIS parking provision was based on a parking ratio of 0.75 bays per bedroom as per the Western Cape Government Access Management Guidelines (AMG, 2016). It

was determined that a total of 20 parking bays are required for the 26 bedrooms (ITS, 2019). The Stellenbosch Municipality ZSBL requires a parking ratio of 0.7 per bedroom which implies that 18 bays are required for the 26 bedrooms. The 26 parking bays currently provided are in accordance with the ZSBL provisions.

5.10 The land use principles referred to in LUPA and SPLUMA

The land use and development principles outlined in Section 7 of SPLUMA and Chapter VI, Section 59 of LUPA, respectively have informed this land use application.

The development contributes to the protection of prime and unique agricultural land; and by making use of existing structures, sustainability will be enhanced and urban sprawl, limited. The use of existing structures also optimises the use of existing resources and infrastructure, including engineering services. The Orchards Cottages development thus aligns with the relevant principles of spatial sustainability and efficiency in SPLUMA and LUPA.

Based on the information presented in this application and the above motivation, we recommend that this application for Consent in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law (2023), to permit a tourist accommodation establishment for 7 buildings to accommodate 52 guests, be considered for approval.

Annexure D:
Site Specific motivation



Physical Address:
No. 4 Grove Walk, Claremont 7708
Postal Address:
P.O. Box 44386 Claremont 7735
T: + 27 21 671 1138 / 1281
F: + 27 21 671 0930
W: www.nmassociates.co.za

12 December 2024

Attention: Nopinki Dafeti

Development Management
Planning and Economic Development
Stellenbosch Municipality
NPK Building
20 Plein Street
Stellenbosch
7600

Submitted via Email: Nicole.Katts@stellenbosch.gov.za

Copied to Nopinki.dafeti@stellenbosch.co.za

Dear Ms Dafeti

OUTSTANDING INFORMATION FOR FARM 1674/4, PAARL DIVISION – LU/17504 – TP709/2024

Notwithstanding the fact that our application was deemed complete and that the application fee has been paid (see email of 5 September 2024 to Nicole Katts for proof of payment), we provide below, as per your request in the email of the 10 December 2024, a motivation on a site specific basis for the proposed development due to the fact that it deviates from the MSDF guidelines i.e. the number of dwelling units on this farm exceed the maximum number of dwelling units prescribed by the MSDF.

Motivation in terms of the MSDF guidelines:

The Stellenbosch Municipality's Amended Spatial Development Framework (approved 27 June 2023) provides a set of guidelines to direct the form and nature of development within the various spatial planning categories. The guidelines for Spatial Planning Category: Agriculture, are based on guidelines contained in the associated SEMF Policy and Western Cape Land Use Planning: Rural Guidelines.

These guidelines have the intent of protecting productive agricultural land from development and fragmentation. However, these guidelines are also informed by the need to promote rural tourism opportunities that support a thriving rural economy and allow for diversification of farm income to support local farm owners. As such, the guidelines support limited additional development in the form of '*1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm*'. It is therefore necessary to deviate from the MSDF given the number and scale of the proposal for the subject application.

Farm 1674/4 is **165.26ha** in extent and would technically only be permitted to accommodate approximately 16 additional dwelling units. However, the number of additional dwelling units on the subject farm already exceeds this guideline. There are currently at least 17 old labourer's cottages (buildings) some of which are used to accommodate farm management, others of which are vacant. A further 8 former labourer's cottages (buildings) were approved by the Stellenbosch Municipality on 16 October 2023 for consent as tourist accommodation (Agterdam Cottages).

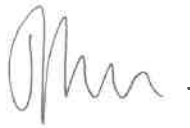
The Orchards Cottages (the subject of this application), of which there are 7 (buildings), were part of this broader collection of existing labourer's cottages until they were renovated and approval was granted for use as tourist accommodation in 2015 and again on 06 October 2021 as a Temporary Departure application. It is important to note that all previous labourer's cottages (buildings) which became tourist accommodation predated the MSDF (2023) guideline, including the Orchards Cottages which are the subject of this application.

These cottages are nestled amongst the productive lands and have been occupied by tourists since then without any disruption to the surrounding agricultural operations which continue to ensure the primary use of the farm remains agriculture. Moreover, it would be counterproductive and economically unviable to lose the extensive investment made in the renovation of the buildings which can easily revert to farm-related accommodation should this become necessary in the future.

It stands to reason that approval of the current operations to continue the Orchards Cottages as tourist accommodation would not detract from the agricultural production of the farm and would continue to help maintain a balanced and diverse income for the Boschendal Estate. In conclusion, the above motivation presents sufficient site-specific circumstances to deviate from the guideline contained in Spatial Planning Category: Agriculture, Appendix C of the MSDF (2023).

We trust this is sufficient to address your request for additional information and look forward to completion of your assessment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jody Paterson', with a stylized, cursive script.

Jody Paterson

Annexure E:
Comments from Department of Transport Services



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: TPW/CFS/RP/LUD/REZ/SUB/1-25/76 (Application No: 2025-03-0075)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Ms C Kriel

Dear Madam

PORTION 4 OF FARM NO. 1674, PAARL: MAIN ROAD 191: APPLICATION FOR CONSENT USE

1. The following refer:
 - 1.1. The application received from Messrs NM and Associates on 11 March 2025;
 - 1.2. This Branch's letters 16/9/6/1-25/76 (Job 22738) dated 26 and 30 January 2015 and 22 May 2020.
2. The subject property is 3km south-east from Simondium and takes access off Main Road 172 (MR00172, Helshoogte Road) at $\pm$ km14.40 (hard-surfaced) (LHS).
3. This application is for Consent Use to use existing cottages as guest accommodation for up to 52 guests.
4. It is noted that the cottages have been used as guest accommodation under a temporary land use approval, on which this Branch has commented as well.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, subject to the use of the access at $\pm$ km 14.40 (LHS) off Helshoogte Road.

Yours Sincerely

D FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 24 JULY 2025

Annexure F:

Comments from Directorate: Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	27 February 2025
Our Ref ▫ Ons Verw:	Civil LU 2834
Town Planning Ref:	LU/17504 – TP709/2024
Re ▫ Insake:	Farm 1674/4, Paarl: Application is made in terms of Section 15(2)(O) of the Stellenbosch Municipality Zoning Scheme By-Law, 2023 for a Consent Use in order to utilise the existing seven labourer's cottages (7 units in total) for tourist accommodation establishment purposes that can accommodate 52 guests on Farm No.1674/4, Paarl Division.

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

- 1. Civil Engineering services**
 - 1.1 No objections
- 2. Development Charges (DCs)**
 - 2.1 The following DC's are payable: See **Development Charge Calculation** attached.
 - 2.2 The appropriate DC's are payable before building plan approval.
 - 2.3 The appropriate DC's are payable immediately after the approval of this land use application and before the facility is put to its approved use (where building plans are not applicable).

- 2.4 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

Ktitus

Kurt Titus

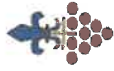
Principal Technician: Development (Infrastructure Services)

Z:\2.0 DEVELOPMENT\01 Land Use applications\2834 (Ku) Farm 1674-4 Paarl (LU-17504 TP709-2024)\2834 () Farm 1674-4 Paarl (LU-17504 TP709-2024).doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	Civil LU 2834
Development Name:	
Date:	27 February 2026
Financial Year:	2025/2026
Erf Location (Select from 7 Locations):	Franschhoek
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	1674/4
DC Parameters Reference:	Report by NM & Associates Planners and Design_ Date: April 2024_ Page 8

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		persons		
Total Increased Services Usage:	5.72	4.68	0.104	0.39	78		26		
Total Service Usage Reduction:	0	0	0	0	39.0		0		
Total Service Usage after Reduction:	5.72	4.68	0.10400	0.390	39.0		26		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 40 092.00	R 635 786.22	R 675 876.22	R 105 412.14	R 781 290.36	
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 40 092.00	R 635 786.22	R 675 876.22	R 105 412.14	R 781 290.36	
Total Deductions:	R -	R -	R -	R -	R 317 893.11	R 317 893.11	R -	R 317 893.11	
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 40 092.00	R 317 893.11	R 357 985.11	R 105 412.14	R 463 397.25	
VAT:	R -	R -	R -	R 6 013.80	R 47 683.97	R 53 697.77	R 15 811.82	R 69 509.59	
Total Development Charges Payable (including VAT):	R -	R -	R -	R 46 105.80	R 365 577.08	R 411 682.86	R 121 223.96	R 532 906.84	

APPLICANT INFORMATION	
Application Processed by:	Kurt Titus
Signature:	<i>KtTitus</i>
Notes:	

[illegible]



UNREGISTERED ERVEN 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, AND 1138, KLAPMUTS, AND THE SUBDIVISION OF THE CONSOLIDATED UNREGISTERED PROPERTY (ERF 2046) IN ACCORDANCE WITH THE AMENDED GP APPROVED BY STELLENBOSCH MUNICIPALITY IN 2009.

CONTENT	
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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

**PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW FOR THE CONSOLIDATION
OF UNREGISTERED ERVEN 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122,
1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136,
1137, AND 1138, KLAPMUTS, AND THE SUBDIVISION OF THE CONSOLIDATED
UNREGISTERED PROPERTY (ERF 2046) IN ACCORDANCE WITH THE AMENDED GP
APPROVED BY STELLENBOSCH MUNICIPALITY IN 2009.**

APPLICATION DETAILS

Application Reference	LU/17086	Commencement Date	2024-05-27
Applicant	Lize Malan	Last day for comments or additional information	04-06-2025
Erf	2046 (unregistered)	Place	Klapmuts
Zoning	Conventional Residential and Public Roads and Parking Zone	Other approvals	Previous subdivision approval granted in 2009 lapsed, but zoning of Subdivisional Area Overlay Zone has been implemented and vested.

X	TYPE OF APPLICATION
	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
X	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
X	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	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) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) 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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

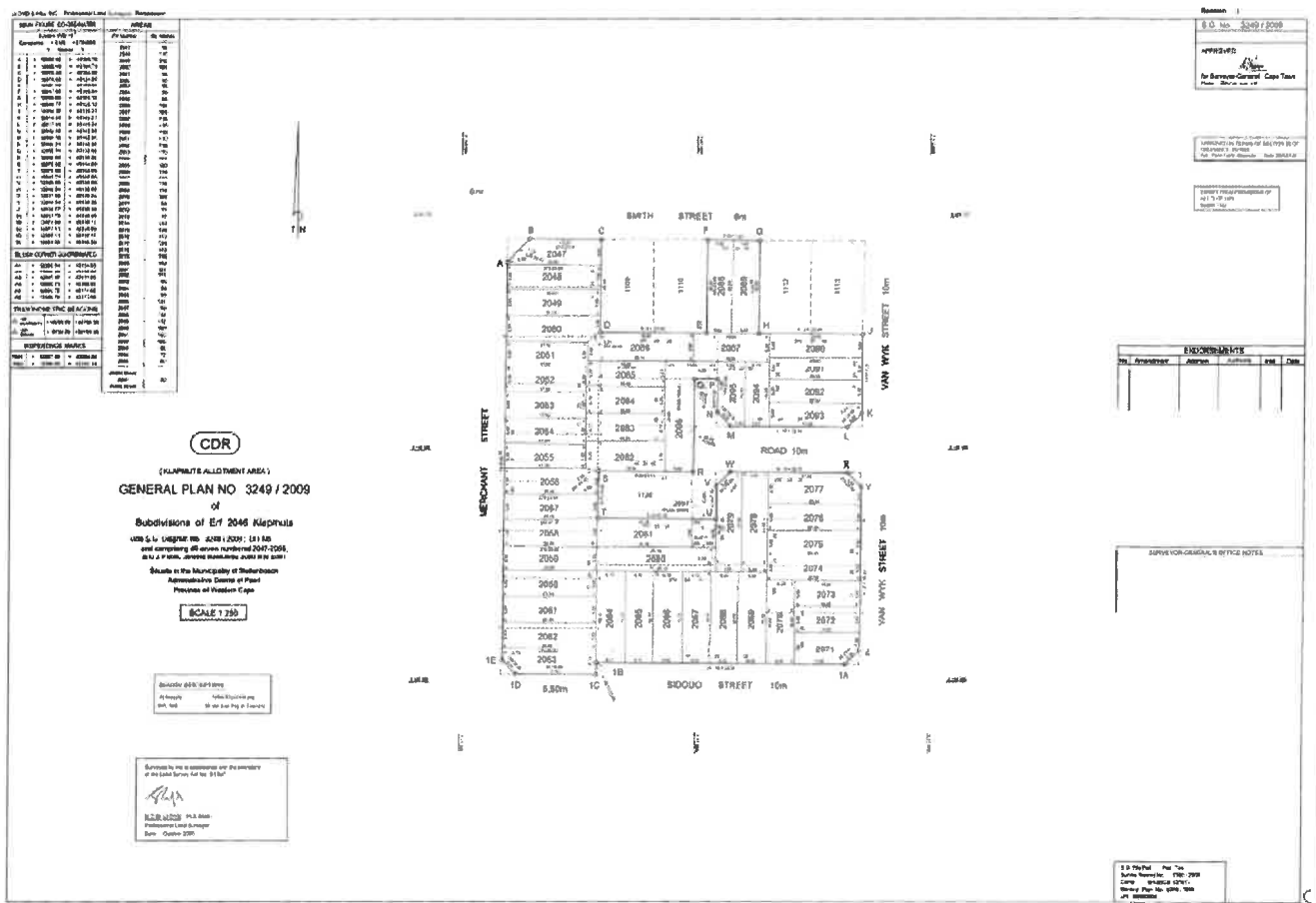
Locality

The unregistered Erven under consideration are located in the southwestern part of Klapmuts and are bounded by Smith, Van Wyk, Sidodo, and Merchants Streets, with a short cul-de-sac off Van Wyk Street providing access to erven located within the interior of the block as noted in the insert layout plan below.



LOCALITY PLAN

The reasons for the houses not being transferred to beneficiaries are unclear as approval was granted in 2009 to amend the General Plan for unregistered Erf 812, Klapmuts. The current application therefore entails the consolidation of unregistered Erven 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, and 1138, Klapmuts, followed by the subdivision of the consolidated unregistered property (Erf 2046) in accordance with the amended GP approved by Stellenbosch Municipality in 2009. Extract of Amended General Plan inserted below and attached as **Annexure H**.



AMENDED GENERAL PLAN AS APPROVED IN 2009

The subject properties are located within the urban area of Klapmuts and are zoned out of agriculture, thus the provisions of NEMA are not applicable to this application. The Provincial Minister exempted the application from public participation, as the public participation process had already been conducted during the initial application and repeated during the amendment of the General Plan for unregistered erf 2046. The Directorate: Infrastructure Services supports the proposal without conditions, as the required infrastructure was installed and the existing infrastructure was upgraded prior to the dwelling units being built. The proposal will also have no impact on current traffic volumes, as the occupants / beneficiaries already occupy the dwelling units and primarily make use of public transport, which is within walking distance of the development.

A site inspection revealed that several unauthorized additions have been made to the existing dwelling units by tenants. These alterations cannot currently be formalized, as the units are located on a single property and the occupants are not the registered owners. However, once ownership is transferred to the individual beneficiaries, the necessary steps will be taken to address and regularize these additions through the appropriate formal processes.

The proposal under discussion is intended solely to benefit the current tenants / beneficiaries by facilitating the transfer of the properties into their ownership, thereby providing them with secure tenure.

The applications under consideration are as follows:

- (i) Application is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **Consolidation** of erven 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts to create Unregistered Erf 2046,
- (ii) Application is made in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **Subdivision** of *unregistered Erf 2046, Klapmuts* into **49** Conventional Residential Zoned portions and **2** Public Road and Parking Zone portion.

The applicant has also applied to obtain approval for street naming and numbering. However, this does not form part of the MPT's delegation and will be processed internally by the Land Use Section.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any (Very briefly - this is a checklist to showcase that you did consider all the relevant matters.)
Accurate intergovernmental and public participation process followed	X		The application was exempted from public participation by the Provincial Minister, as the advertising process had already been conducted during the initial application and repeated during the application for the amendment of the general plan. The application was circulated to the relevant internal department for comment and is supported without conditions.
Conditions imposed by departments		X	No conditions of approval were imposed by the internal departments as the application under consideration is for the formalization of a lapsed subdivision approval granted in 2009.
DCs applicable		X	None, as there is no additional impact on existing services, as the infrastructure for the newly created properties was installed in 2006/2007.
Objections received		X	None
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65	X		The proposal is in line with the IDP and SDF, as the subject property is located within the urban edge and the area has been designated for high-density development, as previously approved.

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW THIS IS NOT A YES OR NO QUESTION – this is your assessment, please provide a bit of context in the note's column

Socio-economic impact	The proposed subdivision aims to enable the transfer of individual properties to identified and vetted beneficiaries. This initiative will enable households to become homeowners, ensuring tenure security and offering a long-term asset that contributes to both housing stability and intergenerational financial resilience.
Compatibility with surrounding uses	The proposal is compatible with the surrounding uses as it is developed with dwelling units.
Impact on the external engineering services	The individual houses under discussion are already serviced by the Municipal water, sewage and electricity reticulation networks and thus the proposal will not have an impact any existing services.

Impact on safety, health and wellbeing of the surrounding community	The initiative will promote community stability and wellbeing by granting secure tenure to existing tenants, which in turn will have a positive effect on the safety and health of the broader area.
Impact on heritage	The subject property is not subject to any heritage overlay or located within a recognized heritage area.
Impact on the biophysical environment	The property is located in an established residential area of Klapmuts and is already developed with dwelling units, ensuring that there will be no adverse impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will have a minimal impact on current traffic volumes, as the existing tenants / property owners primarily make use of public transport, which is within walking distance of the development.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	No conditions were imposed as the proposal under consideration is only to formalize the subdivision component of the initial approval granted in 2009, and the subdivided portions proposed are already developed with dwelling units constructed in 2006/2007.

KEY FINDINGS OF PLANNING EVALUATION

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. The infrastructure and houses were constructed in 2006/2007.
2. The reason for the developed properties not being transferred is unclear and may relate to a 2008/2009 application to amend the General Plan for a portion of Erf 812.
3. The subject property is currently zoned Subdivisional Area Overlay Zone to create 49 Conventional Residential Zoned properties and 1 Public Road and Parking Zoned portion as per the rezoning approval granted in 2009.
4. As the subject property fall inside the urban area of Klapmuts and the houses are already constructed, the provisions of NEMA are not applicable to this application.
5. The application was exempted from public participation by the Provincial Minister, as the public participation process had already been conducted during the initial application and repeated during the amendment of the general plan in 2008/9.
6. The existing infrastructure was upgraded before the residential units were built, and the proposed subdivision is therefore supported by the Directorate: Infrastructure Services, as the proposal will not have an impact on any existing services.
7. The proposal will also have minimal impact on current traffic volumes, as the tenants / beneficiaries make use of public transport, which is available along the major collector roads, which is within walking distance of the subject property.
8. The current application seeks only to formalize the previously approved but now lapsed approved subdivision as the residential units have already been built and are currently occupied by the beneficiaries.
9. The approval of the proposal will benefit only the existing beneficiaries, as it will facilitate the properties to be transferred to them, ensuring secure tenure.
10. A site inspection revealed several unauthorized alterations and additions by tenants, which cannot be formalized while the dwelling units remain on a single erf; these will be addressed and regularized once ownership is transferred to the individual beneficiaries.
11. The current application only seeks to formalise the lapsed subdivision approval of Unregistered Erf 2046 in accordance with the amended General Plan as approved in 2009.

The subject land use and land development application is, having regard to the conclusions above, viewed as in Compliance to the relevant legislative principles and consequently grounds for the support of the subject land use and land development application.

List relevant plan numbers	Annexure B: Subdivision Plan. (Drawing No: 812-07-2025)
List annexures to report	Annexure A: Locality Plan. Annexure B: Subdivision Plan. Annexure C: Provincial Ministers Exemption Letter. Annexure D: Internal Departments Comment. Annexure E: Municipal Letter of Approval Granted in 2009. Annexure F: Applicants Motivation. Annexure G: Power of Attorney. Annexure H: Copy of General Plans – Erven 812 & 2046

RECOMMENDATION

1. Application is made in terms of Section 15.2(e) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the **Consolidation** of erven 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts to create Unregistered Erf 2046,
2. Application is made in terms of Section 15.2(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the **Subdivision** of *unregistered Erf 2046, Klapmuts* into **49** Conventional Residential Zoned portions and **2** Public Road and Parking Zone portion.

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

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 3.1. The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 3.2. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
 - 3.3. The development be undertaken in accordance with the Subdivision Plan, Drawing No: 2046-07-2025, Date: July 2025 and attached as **Annexure B**
 - 3.4. The applicant submits an electronic copy (shp, dwg, dxf) or hard copy of the SG approved diagram for record keeping purposes.
 - 3.5. The public road portion be transferred prior to, or simultaneously with the transfer of the first land unit.
4. The **reasons** for the above decision are as follows:
 - 4.1. The proposal is compatible with its surroundings and has no impact on the biophysical environment, as the subject property is located within an already developed residential area.
 - 4.2. The residential units on the subject property have already been constructed and are occupied by the beneficiaries.
 - 4.3. The proposal will benefit existing tenants/ beneficiaries by enabling the property to be transferred, thereby offering them secure tenure.
 - 4.4. The current application seeks only to formalize the previously approved but now lapsed approval granted for subdivision.

5. Matters to be noted:

- 5.1. An application for the approval of street names and numbers must be submitted for consideration and approval in terms of the policy on Naming and Renaming of Streets, Public Places, Natural Areas, Artefacts, and Council-Owned Buildings and Facilities.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: R Fooy

Capacity: Senior Town Planner

SACPLAN Registration:

Signature: *R Fooy*

Date: 13/08/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the Categorisation Model approved vide Item 10.8.1 dd dated 26 February 2025.

Category / Delegation Item Number: D.c.5

Decision Making Authority: MPT

Rational: Municipal Owned Property

Name:

Capacity:

SACPLAN Registration:

Signature:

Date:

*Stellenbosch A/1557
Snr Man. Dev. Man.*

[Signature]
14/8/2025

MPT ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: 29.08.2025.....

Name: Chrizanne Kriel

Capacity: MLCM

Signature: *[Signature]*

Date: 14-08-2025



61
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ANNEXURE A



Insert

LOCALITY PLAN



Location of Unregistered Erf 2046, Klapmuts – a portion of Remainder Erf 812, Klapmuts



64
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ANNEXURE B



Not to scale



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ANNEXURE C



**Western Cape
Government**

Department: Environmental Affairs and Development Planning
Directorate: Development Management (Region 2)

Mr K Munro

Tel: +27 (0)21 483 8101

Cell: +27 (0)83 701 1890

Email: kobus.munro@westerncape.gov.za

Reference number: 15/3/1/11/3/BS3

The Municipal Manager
Stellenbosch Municipality
Plein Street
STELLENBOSCH
7600

APPLICATION FOR PROVINCIAL EXEMPTION IN TERMS OF SECTION 60 OF THE WESTERN CAPE LAND USE PLANNING ACT (LUPA), ACT 3 OF 2014: OBTAINING THE NECESSARY LAND USE RIGHTS AND REGISTRATION OF DIAGRAMS IN THE SURVEYOR-GENERAL'S OFFICE FOR THREE HOUSING PROJECTS IN KLAPMUTS AND CLOETESVILLE, STELLENBOSCH

1. Your letter dated 3 July 2024, refers.
2. Since public participation was undertaken in the past to obtain approval for township development in terms of LUPO, there is no need to present your request for exemption to the Minister. Circular DEA&DP 0011/2022 already provides the exemption you require, as it is specifically aimed at the incidences motivated in Klapmuts and Cloetesville.
3. You may therefore proceed to present the application to the Municipal Planning Tribunal.
4. Please note that the exemption by the Provincial Minister, to deviate from a provision of LUPA in terms of section 60, also exempts the Municipality from, or authorise the Municipality to deviate from, any provision in its own By-law that corresponds to the relevant provision in LUPA.
5. Notwithstanding the above exemption, nothing prevents the Stellenbosch Municipality from making the proposal known to interested and affected parties in terms of its own by-laws.

Kobus Munro

Digitally signed by Kobus Munro
Date: 2024.07.10 11:28:35 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

Page 1 of 1

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning
Cape Town Office: 2nd Floor, Utilitas Building, 1 Dorp, Street Cape Town, 8001



⁶⁸
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ANNEXURE D



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Salome Newman
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Kurt Titus
Date ▫ Datum: 19 May 2025
Our Ref ▫ Ons Verw: Civil LU 2748
Town Planning Ref: LU/17086
Re ▫ Insake: Erf 812, Klapmuts: Application for the subdivision of Rem Erf 812, Klapmuts into +/- 51 erven with Road Reserve in terms of Section 15(2)(d) with the inclusion of the registration of a servitude.

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

1. No objections

Ktitus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

Z:\2.0 DEVELOPMENT\01 Land Use applications\2748 (Ku) Erf 812 Klapmuts (LU-17086)\2748 (Ku) Erf 812 Klapmuts (LU-17086).doc

FILE NR:	E812 KL
SCAN NR:	
COLLABORATION NR:	790224
STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES	
15 JUL 2025	
RECEIVED	

AK



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ANNEXURE E



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T110 asb.
Plaas 744/3
(Klapmuts 52)
JR
02-07-09

Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref.
Datum / Date
Telefoon / Telephone
Faks / Fax

AL Damonze
-
Farm 744/3, Klapmuts
2009-07-01
021-808 8656
021-808 8651

REGISTERED POST

Chittenden Nicks de Villiers
PO Box 10211
Caledon Square
7905

Sir/Madam

**APPLICATION FOR AMENDMENT OF SUBDIVISION OF A PORTION OF THE
PHASE 2 DEVELOPMENT OF FARM 744/3, KLAPMUTS**

Your application in the abovementioned regard, refers. This letter replaces my letter dated 27 June 2008.

The Director: Planning and Development Services resolved as follows:

1. The amendment of the revised Subdivision Plan No. 2046 KL/06/09 dated June 2009 for a portion of the Phase II development of Remainder Farm 744/3 Klapmuts in terms of Section 30(1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) **be approved**, subject to the conditions in the attached Annexure A.
1. This approval is subject in terms of section 42(1) of Ordinance 15 of 1985 to the conditions as set out in the attached Annexure A.
2. The requirements as stated in the attached regulations 3.5 and 3.6 of the scheme regulations which have been promulgated in terms of section 7(2) of Ordinance 15 of 1985 (PN.1047/1988) must be complied with.
3. Services must be provided to the subdivision in accordance with regulation 39 of the regulations promulgated in terms of section 47(1) of Ordinance 15 of 1985 (PN.1050/1988). In this regard your attention is invited to the Provincial Administration's Circulars LG/PB.15/1986 dated 1986-06-20 and LG/PB.17/1986 dated 1986-07-09.

Your attention is also invited to the following:-

1. Section 26, 27 and 28 of Ordinance 15 of 1985. In terms of section 27(2) this approval lapses within a period of five years from the date of this letter (or such extended period which the Council may approve) if the owner fails to provide the Registrar of Deeds with the documents and information he requires, to meet the requirements of the latter in connection with the cancellation of the existing title

conditions, to supply services in accordance with a condition imposed in terms of section 42(1) in respect of the subdivision and to obtain the registration of at least one fundamental unit.

It must be noted that the Surveyor-General, when he approves the diagrams or general plan of the newly created erven, will endorse on the reverse side of the diagram with a rubberstamp the date and reference number of this approval. The Registrar of Deeds will not register the separate erven until my Council has endorsed the Certificate of registered Title or Power of Attorney.

This endorsement will be given at the submission of proof that the establishment conditions, as stated in this letter, have been complied with. Furthermore the title conditions which were imposed, must be mentioned in the power of Attorney or the Certificate of Registered Title, which document, together with the diagrams, must be submitted to my Council for endorsement.

Yours faithfully



for **DIRECTOR: PLANNING AND DEVELOPMENT SERVICES**

Endorsements:

The Surveyor-General
Private Bag X 9028
CAPE TOWN
8000

cc: L Van Stavel
Manager: New Housing
Integrated Human Settlements

PN 1047/1988

After a subdivision has been approved in terms of section 25(1) of the Ordinance, the person who at any stage is the owner of any land unit which is directly involved with the subdivision, must without compensation:

Allows that main gas pipes, electrical, telephones and television cables and/or wires, main and/or other water pipes and sewers and stormwater pipes, channels and furrows of any other fundamental unit or units may be transported over the land, and that surface installations, such as mini-substations, meter switchboxes and services pillars be erected thereon, if it is considered necessary by the Council, in the manner and place which from time to time will be reasonably expected, it includes the right of access to the land unit at any reasonable time with the purposes to erect any works in connection with the above-mentioned, to alter, remove or investigate; and

To receive the material or allow the excavations on the land unit which may be necessary to allow the use of the full width of an adjoining street and to provide the road embankment of a safe and proper slope, which due to differences between the level of the street, as finally built, and the level of the land unit may be necessary, unless he prefers to build abutment piers to the satisfaction of the Council and within a period as determined by the Council.

In terms of section 31(2) of the Ordinance the Council may permit a building or structure to be erected on a land unit forming part of a subdivision which has not been confirmed.

PN.1050/1988**Subdivision: Land and Services**

Whenever an application for the subdivision of land is granted in terms of section 25 of the Ordinance the standard of the services which must be provided in connection with such an application and the distribution of the cost of such services between the developer and the local authority must be in accordance with guidelines which is formulated from time to time by the Chief Director and which will form the conditions to which such subdivision is subject to.

APPENDIX A
FILE NO: FARM 744/3

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **PORTION OF FARM 744/3 KLAPMUTS**
STELLENBOSCH

"scheme regulation" has the meaning assigned thereto by
Ordinance 15 of 1985.

EXTENT OF APPROVAL: Amendment of revised Subdivision Plan
Dwg 04.1182+/AC1/1/D dated 29 April
2005 for a portion of the Phase II
development of Remainder Farm 744/3
Klapmuts.

VALIDITY OF APPROVAL: The approval for the subdivision
remains valid for 5 years from the date
of original final notification that was
granted.

CONDITIONS IMPOSED: Subdivision Conditions

**CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE
LAND USE PLANNING ORDINANCE NO 15 OF 1985:**

- a) The approval applies only to the subdivision of a portion of the phase II development of Remainder Farm 744/3 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- b) The erf diagrams of the newly created units shall be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.
- c) The standard conditions for rezoning and subdivisions shall apply (Refer **Appendix H**).
- d) All applicable pro-rata capital contributions must be paid.

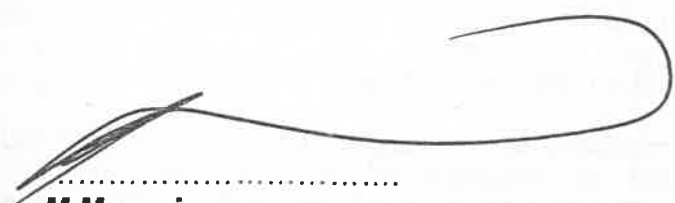
- e) Each erf shall have its own Street number, water-, sewerage-, and electrical connections for the account of the applicant.
- f) Application for new street names shall be submitted to Council and be approved prior to clearance certificate being issued.
- g) No rate clearance shall be given before the services are installed and all payments paid in full.
- h) All the above and any other changes to any existing services of this Local Authority (Stellenbosch Municipality) shall be for the account of the applicant;

Recommended by

for


N Duze
Head: Planning

24/06/2008
Date


M Mupariwa
Director: Planning and Environment

25/06/08
Date

Confidential

Page: 7

TECHNICAL SERVICES

APPENDIX 4.3

STANDARD CONDITIONS OF REZONING AND SUBDIVISION

- 1 The approval will come into effect only if and after the registered owner of the property concerned or his/her assignee indicates in writing that all the undermentioned conditions are accepted and will be adhered to.
- 2 The registered owner of the property or his/her assignee must also undertake in writing to notify the successor-in-title of the undermentioned conditions if the property is to be sold.
- 3 If the property concerned is situated outside the Stellenbosch municipal area of jurisdiction, the approval will come into effect only after the incorporation of the property into the Stellenbosch municipal area of jurisdiction is finalized.
- 4 If restrictive title conditions are registered against the property concerned, the approval will come into effect only after the restrictive title conditions were removed by the Premier of the Western Cape Province.
- 5 A development contract must be entered into between the Municipality and the developer before any contractor may go on site and before any services design plans or building plans will be approved.
- 6 With the signing of the above-mentioned development contract, the developer must pay the Municipality pro rata contributions to the main services (as calculated by the Town Engineer and the Electrotechnical Town Engineer) or, alternatively if approved by the said departmental heads and the Town Treasurer, provide the Municipality with an acceptable bank guarantee for the total amount of the said pro rata contributions.
- 7 The Municipality may require bridging finance for the enlargement/extension of main services if such enlargement/extension is necessary for the development concerned.
- 8 The developer's Consulting Engineers must timeously clarify the standards, design requirements and connecting points with respect to all civil and electrical services, as well as possible division of costs, with the Town Engineer and the Electrotechnical Town Engineer so that aspects thereof can be taken up in the development contract.
- 9 After such services have been designed by the developer's Consulting Engineers, the plans and specifications must be submitted to the Town Engineer and the Electrotechnical Town Engineer for approval before the start of any work on site in this connection.
- 10 The provision of internal services will be for the account of the developer.
- 11 The cost division of connecting services will be determined by the Town Engineer and Electrotechnical Town Engineer and included in the development contract.
- 12 In the case of civil and electrical services within a private development, the developer must timeously clarify with the Town Engineer and the Electrotechnical Town Engineer which services/maintenance will be the responsibility of the home owners' association to be established and which services/maintenance will be taken over by the Municipality. Stipulations in this connection must be taken up in the development contract.
- 13 The shifting or removing of any existing services will be for the account of the developer.

- 14 After construction work on civil and electrical services has been completed, a joint inspection by the Town Engineer, the Electrotechnical Town Engineer and the developer's Consulting Engineers will be done before the services will be taken over by the Municipality. After completion of the contract, the developer's Consulting Engineer must compile and submit "as built" plans to the departmental heads concerned.
- 15 The applicant/developer must appoint a competent professional person who must either certify that erven in the development concerned will not be affected by a 1:50 year flood, or indicate and certify the 1:50 year floodline on the subdivisional plan.
- 16 Road markings and signs will be dealt with by the Chief: Traffic Services at the expense of the applicant. The developer must timeously contact the Chief: Traffic Services regarding the joint identification of road traffic signs and the placing thereof.
- 17 Subject to the approved subdivisional plan, the design of roads and kerbing must be such that refuse removal vehicles can move and turn with ease where necessary. Entrances to individual erven must be identified in safe locations.
- 18 Street names (and a suburb name where applicable) must be submitted by the developer for approval by the Council.
- 19 All public and private open spaces must be developed by the developer at his/her own cost. In this regard a landscaping plan must be approved by the Chief: Environment and Recreation Management beforehand. Clearance will not be issued for the last 10% of the dwelling units before this condition has been complied with.
- 20 If required by the Town Council in terms of Section 29 of Ordinance 15 of 1985, a home owners' association must be established. The home owners' association will be responsible for the maintenance of all communal property and the private open spaces which will include all internal services. The constitution of the home owners' association must be approved by the Town Council.
- 21 If required by the Town Council, a site development plan and/or building design guide-lines must be submitted for technical and aesthetical consideration and approval before any building plans will be considered. The detail expected on or in such plan/guide-lines must be clarified with the Chief: Planning and Development beforehand.

MAIN ROUTE CO-ORDINATES

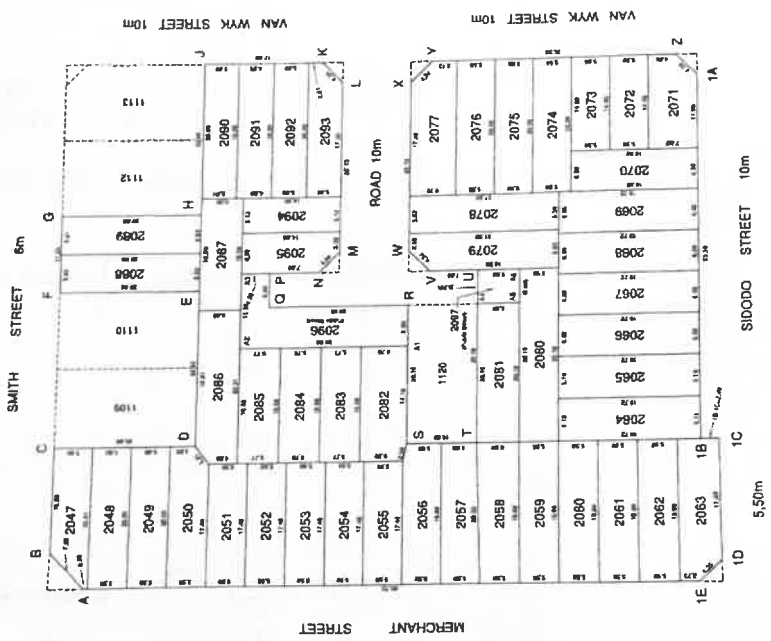
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3	128861.2	43128.27	2049	128861.2	43128.27
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24	128861.2	43128.27	2070	128861.2	43128.27
25	128861.2	43128.27	2071	128861.2	43128.27
26	128861.2	43128.27	2072	128861.2	43128.27
27	128861.2	43128.27	2073	128861.2	43128.27
28	128861.2	43128.27	2074	128861.2	43128.27
29	128861.2	43128.27	2075	128861.2	43128.27
30	128861.2	43128.27	2076	128861.2	43128.27
31	128861.2	43128.27	2077	128861.2	43128.27
32	128861.2	43128.27	2078	128861.2	43128.27
33	128861.2	43128.27	2079	128861.2	43128.27
34	128861.2	43128.27	2080	128861.2	43128.27
35	128861.2	43128.27	2081	128861.2	43128.27
36	128861.2	43128.27	2082	128861.2	43128.27
37	128861.2	43128.27	2083	128861.2	43128.27
38	128861.2	43128.27	2084	128861.2	43128.27
39	128861.2	43128.27	2085	128861.2	43128.27
40	128861.2	43128.27	2086	128861.2	43128.27
41	128861.2	43128.27	2087	128861.2	43128.27
42	128861.2	43128.27	2088	128861.2	43128.27
43	128861.2	43128.27	2089	128861.2	43128.27
44	128861.2	43128.27	2090	128861.2	43128.27
45	128861.2	43128.27	2091	128861.2	43128.27
46	128861.2	43128.27	2092	128861.2	43128.27
47	128861.2	43128.27	2093	128861.2	43128.27
48	128861.2	43128.27	2094	128861.2	43128.27
49	128861.2	43128.27	2095	128861.2	43128.27
50	128861.2	43128.27	2096	128861.2	43128.27
51	128861.2	43128.27	2097	128861.2	43128.27
52	128861.2	43128.27	2098	128861.2	43128.27
53	128861.2	43128.27	2099	128861.2	43128.27
54	128861.2	43128.27	2100	128861.2	43128.27
55	128861.2	43128.27	2101	128861.2	43128.27
56	128861.2	43128.27	2102	128861.2	43128.27
57	128861.2	43128.27	2103	128861.2	43128.27
58	128861.2	43128.27	2104	128861.2	43128.27
59	128861.2	43128.27	2105	128861.2	43128.27
60	128861.2	43128.27	2106	128861.2	43128.27
61	128861.2	43128.27	2107	128861.2	43128.27
62	128861.2	43128.27	2108	128861.2	43128.27
63	128861.2	43128.27	2109	128861.2	43128.27
64	128861.2	43128.27	2110	128861.2	43128.27
65	128861.2	43128.27	2111	128861.2	43128.27
66	128861.2	43128.27	2112	128861.2	43128.27
67	128861.2	43128.27	2113	128861.2	43128.27
68	128861.2	43128.27	2114	128861.2	43128.27
69	128861.2	43128.27	2115	128861.2	43128.27
70	128861.2	43128.27	2116	128861.2	43128.27
71	128861.2	43128.27	2117	128861.2	43128.27
72	128861.2	43128.27	2118	128861.2	43128.27
73	128861.2	43128.27	2119	128861.2	43128.27
74	128861.2	43128.27	2120	128861.2	43128.27
75	128861.2	43128.27	2121	128861.2	43128.27
76	128861.2	43128.27	2122	128861.2	43128.27
77	128861.2	43128.27	2123	128861.2	43128.27
78	128861.2	43128.27	2124	128861.2	43128.27
79	128861.2	43128.27	2125	128861.2	43128.27
80	128861.2	43128.27	2126	128861.2	43128.27
81	128861.2	43128.27	2127	128861.2	43128.27
82	128861.2	43128.27	2128	128861.2	43128.27
83	128861.2	43128.27	2129	128861.2	43128.27
84	128861.2	43128.27	2130	128861.2	43128.27
85	128861.2	43128.27	2131	128861.2	43128.27
86	128861.2	43128.27	2132	128861.2	43128.27
87	128861.2	43128.27	2133	128861.2	43128.27
88	128861.2	43128.27	2134	128861.2	43128.27
89	128861.2	43128.27	2135	128861.2	43128.27
90	128861.2	43128.27	2136	128861.2	43128.27
91	128861.2	43128.27	2137	128861.2	43128.27
92	128861.2	43128.27	2138	128861.2	43128.27
93	128861.2	43128.27	2139	128861.2	43128.27
94	128861.2	43128.27	2140	128861.2	43128.27
95	128861.2	43128.27	2141	128861.2	43128.27
96	128861.2	43128.27	2142	128861.2	43128.27
97	128861.2	43128.27	2143	128861.2	43128.27
98	128861.2	43128.27	2144	128861.2	43128.27
99	128861.2	43128.27	2145	128861.2	43128.27
100	128861.2	43128.27	2146	128861.2	43128.27

CDR

(KLAPHUTS ALLOTMENT AREA)
GENERAL PLAN NO. 72008

Subdivisions of Erf 2046 Klaphuts
vide S.G. Diagram No. 2008, DT No.
and comprising 51 seven numbered Sub-2007
Stands in the City of Cape Town
Administrative District of Cape
Province of Western Cape

SCALE 1:250



NOTES
1. For Subdivisions and Sheds 2.
2. For Reference to the Plan and Survey Records Pertaining Therein
3. For All Survey Conditions and Sheds 2.

THIS GENERAL PLAN WAS FRAMED BY ME AND UNDERWENT TO PLACE THE BEACONS
OF THE ERF IN POSITION FOR THE PURPOSES OF THE SURVEY AND TO THE PLAN AND
WITHIN THE PRESCRIBED PERIOD TO THE SURVEY GENERAL FOR APPROVAL

DAGM. JACOBS (P.L.E. 0048) Professional Land Surveyor
Date: June 2008

S.G. No.
Sheet 1 of 2 Sheds
APPROVED (Previously)
By Surveyor-General Cape Town
Date
APPROVED
By Surveyor-General Cape Town
Date
APPROVED in terms of Section 20 of
the Survey Act 94 of 1981
Date
APPROVED in terms of Section 20 of
the Survey Act 94 of 1981
Date

No.	Amendment	Author	Date
1			
2			
3			
4			
5			

SURVEYOR-GENERAL'S OFFICE NOTES

STELLENBOSCH MUNICIPALITY
LAND USE MANAGEMENT
THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF
SECTIONS 30 AND 25 OF ORDINANCE 15 OF 1985.
SUBJECT TO THE CONDITIONS AS PER ANNEXURE
DIRECTOR: PLANNING & ENVIRONMENT
DATE
10/07/08

S.G. No. 100, 101, 102
Survey Act 94 of 1981
Section 20 of the Survey Act 94 of 1981
Date: 10/07/08

PLAN NO: 2046 KL/06/08



79
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE F

**ERF 1111, 1114, 1115, 1116, 1117, 1118, 1119 ,1121, 1122,
1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130 1131, 1132,
1133, 1134, 1135, 1136, 1137 AND 1138, KLAPMUTS
(UNREGISTERD ERF 2046, KLAPMUTS)**

APPLICATION FOR
CONSOLIDATION AND SUBDIVISION

AUGUST 2025

Submitted by:

Lize Malan

PO Box 3421, Matieland, 7602

lize@lizemalan.co.za

083 440 0953

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Attachment 1:	Application form
Attachment 2:	Pre-application scrutiny documentation
Attachment 3:	Motivation report (this document)
Attachment 4:	Subdivision Plan for Unregistered Erf 2046, Klapmuts - General Plan 3249/2009
Attachment 5:	Original approval
Attachment 6:	Title deed for Erf 812, Klapmuts
Attachment 7:	Power of attorney
Attachment 8:	Conveyancer's certificate
Attachment 9:	SG Diagram for Erf 2046, Klapmuts & Erf 812, Klapmuts
Attachment 10:	Locality plan

1. INTRODUCTION

1.1 Appointment

Lize Malan has been duly appointed by the Stellenbosch Municipality, owner of Erf 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts (unregistered Erf 2046, Klapmuts), to make an application for the consolidation of these erven, Klapmuts and the subdivision of said property. The application is required as the subdivision, that was approved on 1 July 2009, has lapsed in terms of Section 27(2) of the Land Use Planning Ordinance (Ordinance 15 of 1985), as none of the subdivided erven has been transferred from the owner, the Stellenbosch Municipality to another entity, since the approval (i.e. more than five years). This application is funded by Khaya Lam, an NPO, which facilitates the transfer of subsidised housing to the intended beneficiaries and with whom the Municipality has signed a Memorandum of Understanding.

1.2 Background

In the 1990s, Klapmuts was identified as a node with considerable development potential, particularly to provide subsidised housing. At that stage large tracts of farmland were already in public ownership (registered to the former Regional Services Council for the area). The diagram below illustrates various general plans for subsidised housing development prepared in the late 1990s and early 2000s. These GPs were all related to specific projects, many of which had various phases of implementation.

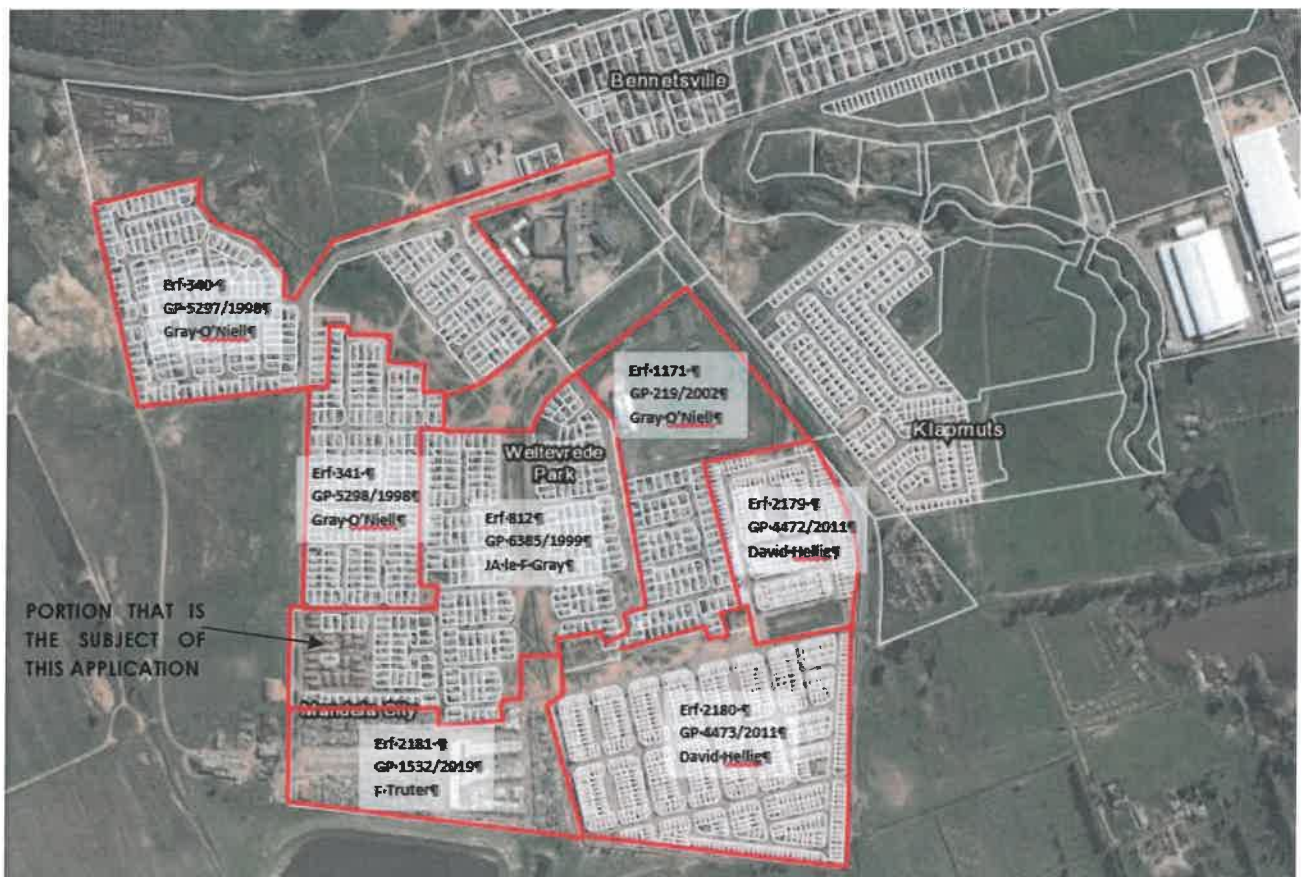


Figure 1.1: General plans for housing development in Klapmuts

The site in question forms part of Remainder Erf 812, Klapmuts and the development is recognisable as the red roofs, with no erf boundaries. The history of the development and why the houses were never transferred is not quite clear, but may be related to the fact that an

application for an amendment of the General Plan for a portion of Erf 812, was made in 2008/2009. This portion was described as Erf 2046, but never registered at the Deeds Office. The houses were constructed in 2006/2007 already. This application will in effect comprise an application for the consolidation of Erf 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts and the subdivision of this property as per the amended GP approved in 2009 by the Stellenbosch Municipality.

1.3 Summary of Application

The following application is made in terms of the Stellenbosch Municipality: By-law on Municipal Land Use Planning of 2023 (SMBMLUP).

- 1.3.1 Section 15(2)(d) of the SMBMLUP: A subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement.**
- 1.3.2 Section 15(2)(e) of the SMBMLUP: Consolidation of land that is not exempted in terms of section 24**

2. APPLICATION CONTEXT

2.1 Locality

Unregistered Erf 2046, Klapmuts, comprising of Erf 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts, is situated in the south-western portion of Klapmuts. Figure 2.1 illustrates the location of the property in the context of Klapmuts and Figures 2.2 and 2.3 provide aerial photographs which illustrate the property in its context and existing development on site. The property is bounded by Smith, Van Wyk, Sidodo and Merchants Streets. A short cul-de-sac off Van Wyk Street provides access to the erven internal to the block.

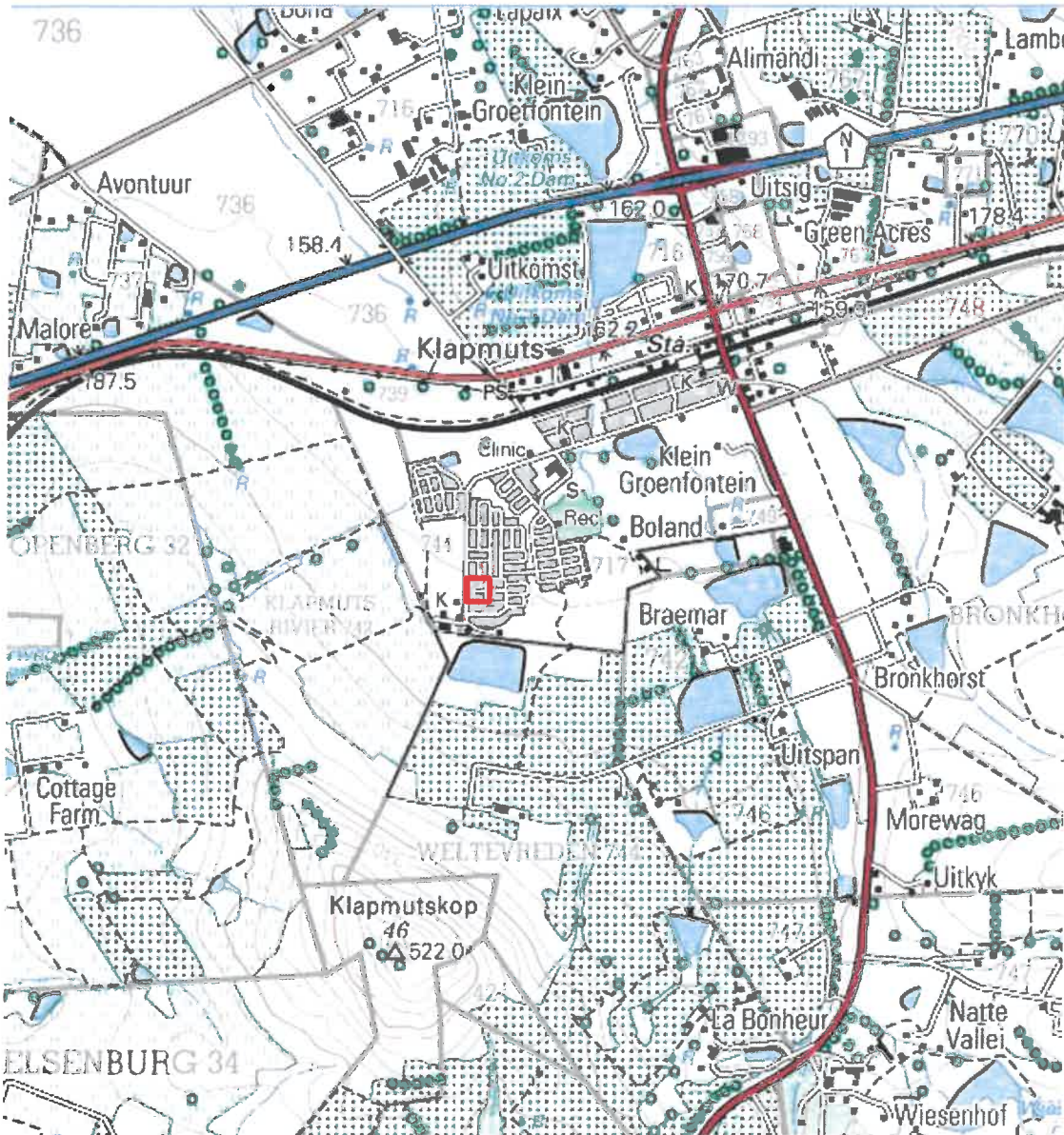


Figure 2.1 Location of unregistered Erf 2046, Klapmuts (Source: Extract from 1:50 000 Topographical map 3318DD Stellenbosch, 2010, National Geo-spatial Information)



Figure 2.2: Aerial photograph illustrating unregistered Erf 2046, Klapmuts in its context (Source: <https://gis.elsenburg.com/apps/cfm/>)



Figure 2.3: Unregistered Erf 2046, Klapmuts close-up aerial photograph (Source: <https://gis.elsenburg.com/apps/cfm/>)

2.2 Property Details

Table 2.1 provides a summary of the subject property details:

Erf No.	Unregistered Erf 2046, Klapmuts
Mother Erf	Remainder Erf 812, Klapmuts
Erven to be consolidated	Erf 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts
Owner	Municipality of Stellenbosch
Total Extent	5 410m ²
Title Deed No.:	T58522/2000 (Erf 812)
Title Deed Restrictions	None
SG Diagram No.	3248/2009 (Erf 2046) & 6384/1999 (Erf 812)
Servitudes	No servitudes could be identified related to the property
Current Zoning	Conventional Residential
Current Land Use	Residential
Applicable Zoning Scheme	Stellenbosch Municipal Zoning Scheme By-law (2019)
Overlay Zones:	None
Metropolitan/Provincial Rd:	No
Property affected by Road widening:	No
National Heritage Resources Act	No
NEMA Regulations Applicable	No
Comply with Policy/Structure Plans	Yes

OFFICE COPY

LLOYD & HILL INC.
Land Surveyors : Rondebosch

Revision : 0

ERF 2046 KLAPMUTS

Situate in the Municipality of Stellenbosch
Administrative District of Paarl
Province of Western Cape

Compiled in July 2009
by me

G.C.W. LLOYD (PLS 0349)
Professional Land Surveyor

FOR SUBDIVISIONS
OF THIS PROPERTY
SEE GENERAL PLAN
NO. 3249/2009

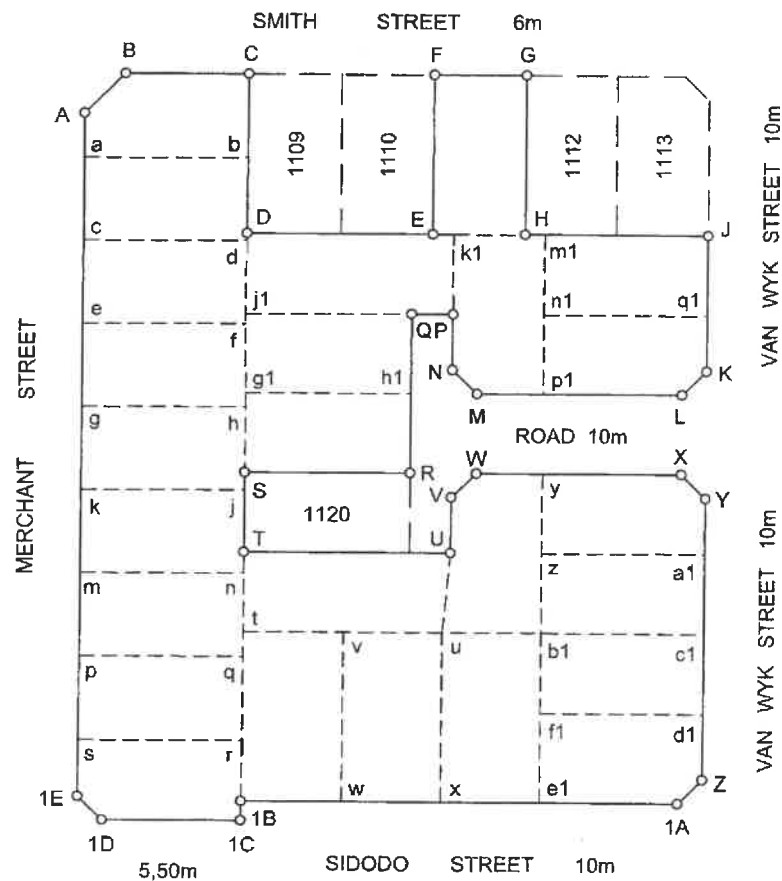
S.G. No.
3248/2009

APPROVED

for
Surveyor-General
Date 2009.09.17

SHEET 2 OF 2 SHEETS

SCALE 1:750



Erf 2046 Klapmuts

S

Figure 2.4: Sheet 2 of SG Diagram 3248/2009 for Erf 2046, Klapmuts



2.3 Title Deed Conditions and Existing Servitudes

There are no restrictions recorded in the title deed, T58522/2000, that has a bearing on this application. Refer also to attached conveyancer's certificate.

No record of any servitudes affecting the property could be found.

2.4 Zoning

All the individual unregistered erven which constitute Erf 2046 has a Conventional Residential Zoning. Refer to Figure 2.4 below.

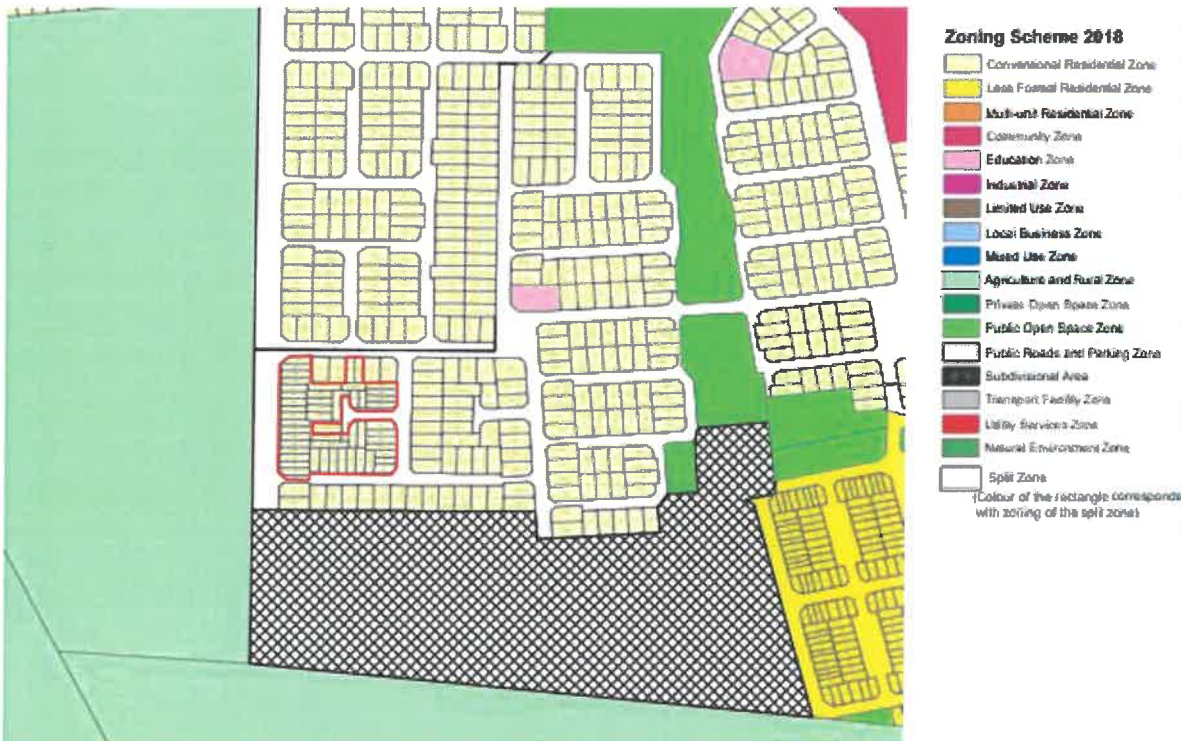


Figure 2.6: Zoning of unregistered Erf 2046, Klapmuts and surrounds

2.5 Existing and Surrounding Land Use

The erven which constitute unregistered Erf 2046 accommodate semi-detached and in some instances free-standing houses. The site is located within the larger residential area of Klapmuts where subsidised housing has been provided in the past three decades. The land to the west of the site is largely vacant. The informal settlement known as Mandela City is located the south of the site.

2.6 Existing Engineering Services

The individual houses that constitute the site in question are serviced by the Municipal water, sewage and electricity reticulation networks.

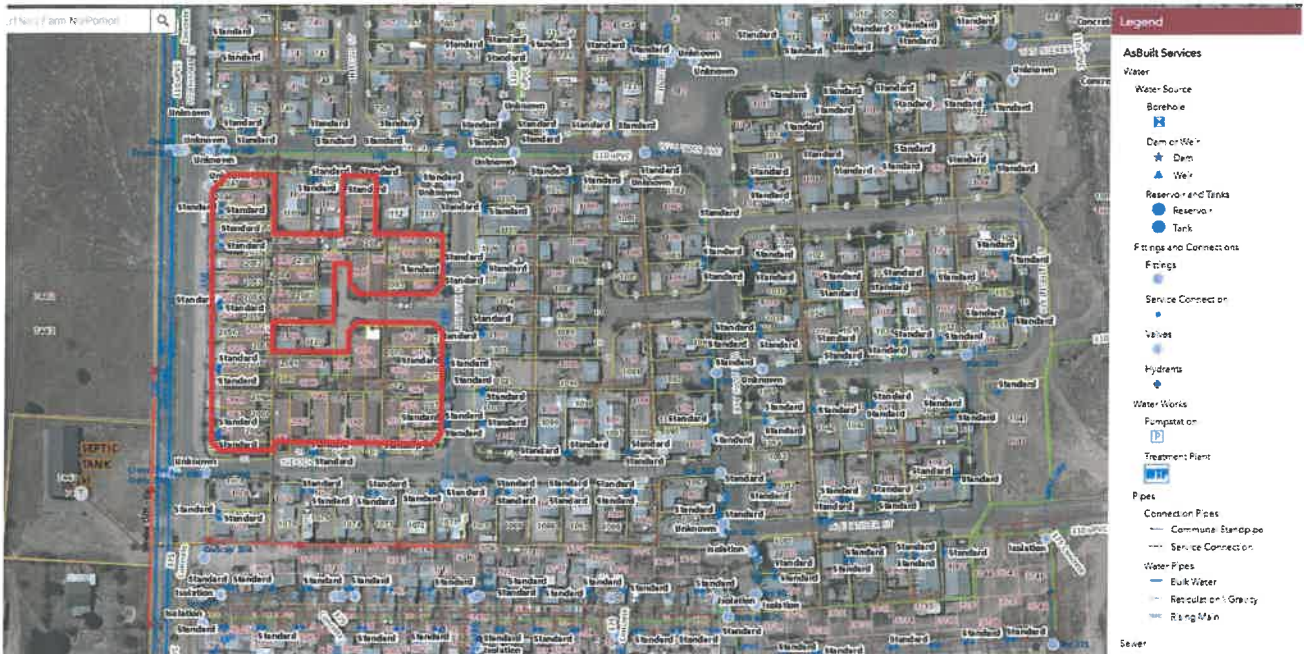


Figure 2.7: Screenshot from Municipal database illustrating the water network and connections for unregistered Erf 2046, Klapmuts

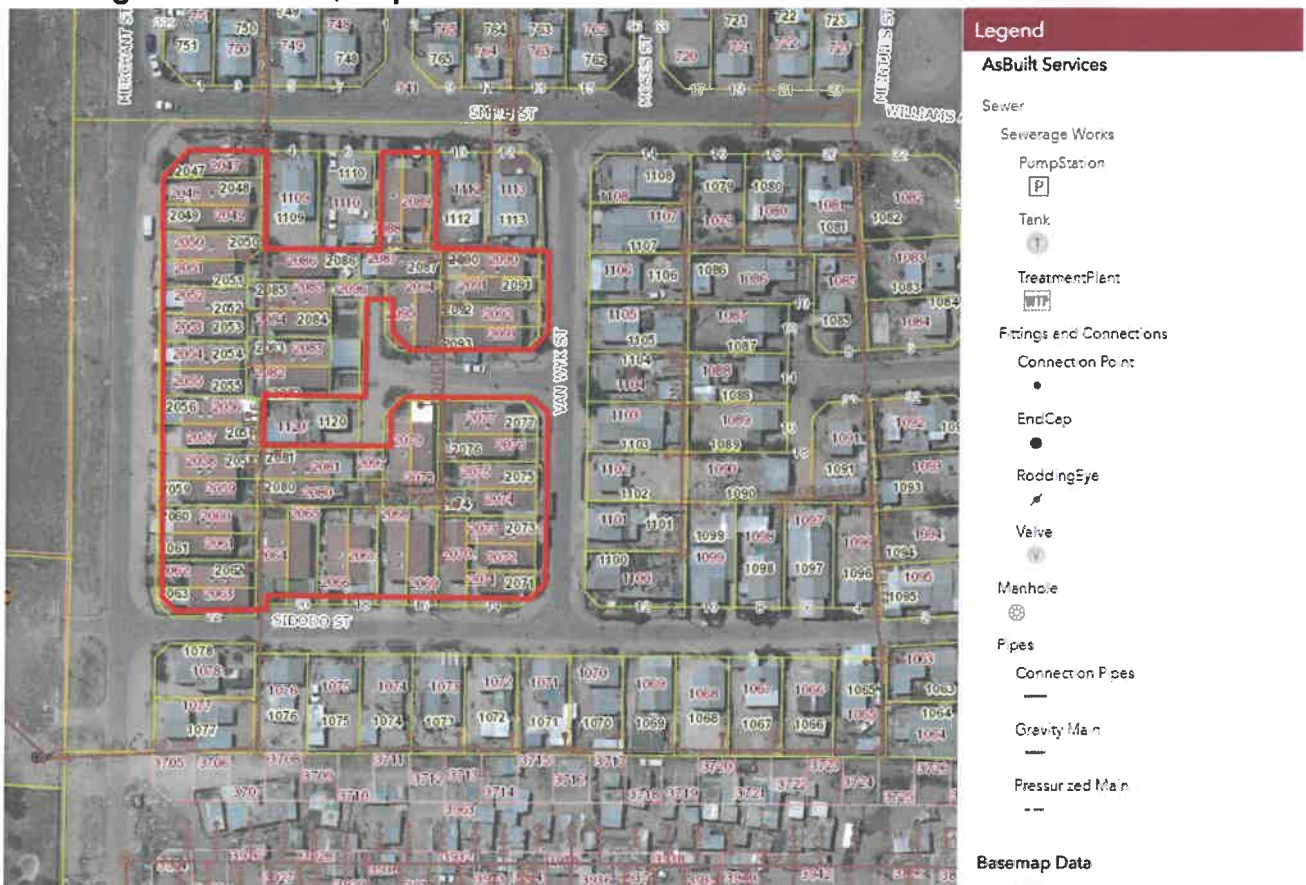


Figure 2.8: Screenshot from Municipal database illustrating the sewage disposal network and connections for unregistered Erf 2046, Klapmuts



Figure 2.9: Screenshot from Municipal database illustrating the electricity network and connections for unregistered Erf 2046, Klapmuts

2.7 Previous Approvals

On 1 July 2009, the Stellenbosch Municipality issued a letter of approval for an amended subdivision plan for a portion of the Phase II development of Portion 3 of Farm 744, Klapmuts. This plan, entitled Subdivision Plan No. 2046 KL06/09 dated 2009, was effectively the General Plan for the consolidation and subdivision of Erf 2046, Klapmuts prepared by the land surveyor at the time. The approval letter is submitted with this application as a separate electronic document.

The conditions of approval of the amended subdivision plan were as follows:

- The approval applies only to a subdivision of a portion of the phase II development of Remainder Farm 744/3 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- The erf diagrams of the newly created units shall be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.
- The standard conditions for rezoning and subdivision shall apply.
- All applicable pro-rata capital contributions must be paid.
- Each erf shall have its own street number, water-, sewerage- and electrical connections for the account of the applicant.
- Application for street names shall be submitted to Council and be approved prior to clearance certificate being issued.
- No clearance certificates shall be issued before the services have been installed and all payments paid in full.
- All of the above and any other changes to any existing services of this Local Authority (Stellenbosch Municipality) shall be for the account of the applicant.

3. PROPOSAL

This application simply entails a re-application for the consolidation of Erf 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts, originally part of Remainder Erf 812, Klapmuts and the subdivision of the consolidated property as per the amended subdivision plan, General Plan 3249/2009, that was approved in 2009. This plan is included in this submission.

It is acknowledged that since the houses have been constructed and occupied, numerous extensions were added to the properties, many of which encroach on both building lines as well as the proposed erf boundaries. The current footprint of structures on the site was surveyed through high resolution drone footage in August 2023 and the approved General Plan was superimposed on the aerial photograph and accurately geo-referenced to provide a clear picture of the extent of encroachments¹. The diagram overleaf illustrates the results of the drone survey.

In discussion with the Municipality, it was agreed that these encroachments cannot simply be condoned in a blanket fashion, especially the encroachments into the future road reserves, through either departure applications and/or a re-subdivision. On the other hand, as the properties currently in effect belong to the Municipality, the occupants/future beneficiaries cannot at this stage make any application to regularise the situation.

It was thus agreed that an application should be made for the previously approved consolidation and subdivision plan, with a recommendation that as a condition of approval, all beneficiaries who have extended the original built footprint on their property, should apply to the Municipality to have the building plans for the extensions approved, once the properties have been transferred in their name, or risk prosecution by the Municipality. This aspect must be clearly communicated to beneficiaries at the time that the Municipality engage with beneficiaries to prepare the necessary transfer documents.



Photograph 1: View along Smith Street from intersection with Merchant Street (August 2023)

¹ It is of course acknowledged that since the survey, the situation on the ground could have changed.



Photograph 2: View along Merchant Street from intersection with Smith Street (August 2023)



Photograph 3: View of cul-de-sac off Van Wyk Street (Google Streetview, February 2023)



Photograph 4: View along Van Wyk Street looking towards Sidodo Street (Google Streetview, February 2023)



Photograph 5: View along Van Wyk Street looking towards Smith Street. The cul-de-sac portion is visible to the left. (Google Streetview, February 2023)



Photograph 4: View from intersection of Merchant and Sidodo Streets (Google Streetview, August 2023)



4. LEGISLATIVE AND POLICY CONTEXT

4.1 National Environmental Management Act (No. 107 of 1998) (NEMA)

As the subject property fall inside the urban area of Klapmuts and the houses are already constructed, the provisions of NEMA are not applicable to this application.

4.2 National Heritage Resources Act (No. 25 of 1999) (NHRA)

The proposed development does not trigger any of the provisions of Section 38 of NHRA, nor are any of the buildings on the site older than 60 years, i.e. Section 34 is also not applicable. No other provisions of the NHRA are applicable.

4.3 Spatial Planning and Land Use Management Act (No. 16 of 2013) (SPLUMA)

The Spatial Planning and Land Use Management Act (No. 16 of 2013) (SPLUMA) is the overarching planning legislation enacted on 1 July 2015 which provides the legal framework for laws adopted at provincial and local government levels. It repealed a number of previous acts and contains overall planning and development principles which must guide all land development in the country. These principles are:

- i) Principle of spatial justice
- ii) Principle of spatial sustainability
- iii) Principle of efficiency
- iv) Principle of spatial resilience
- v) Principle of good administration

4.4 Western Cape Land Use Planning Act (No. 3 of 2014) LUPA

At the same time as SPLUMA, the Western Cape Government's Land Use Planning Act (No. 3 of 2014)(LUPA) came into operation and it has been enacted in the Stellenbosch Municipality. In terms of this legislation, the Municipality shall decide on the application related to this proposal.

4.4.1 Provincial comment or approval

Section 45 of LUPA, requires Provincial comment on applications which are outside the urban limits of a municipality; where agricultural land or conservation land is rezoned; where development affects a provincial function; or any application which falls in a category identified by Province as supporting/strengthening a municipality. This application does not fall in any of these categories.

4.4.2 Criteria for evaluation of applications

Section 19 of the Land Use Planning Act, No 3 of 2014 requires that applications be either compliant or consistent with a spatial development framework.

In terms of Section 49 of LUPA, when considering a land use application, a municipality must have regard for at least the following:

- i) The applicable spatial development frameworks;
- ii) The applicable structure plans;
- iii) The principles referred to in Chapter VI (Section 59):
 - a. Spatial Justice
 - b. Spatial Sustainability
 - c. Efficiency

- d. Good Administration
- e. Spatial Resilience
- iv) The desirability of the proposed land use; and
- v) Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

4.5 Stellenbosch Municipality: By-law on Municipal Land Use Planning (2023) SMBMLUP

The SMBMLUP specifies the application process which must be followed for an application to the Municipality as well as the criteria for decision making which are set out in Section 65 of the by-law. With regard to this application, Section 65 stipulates the municipality must have regard to the following:

- (a) the application submitted in terms of this By-law;
- (b) the procedure followed in processing the application;
- (c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses and which relevant desirability considerations for the assessment of the proposed use or development of land includes the -
 - (i) socio-economic impact;
 - (ii) compatibility with surrounding uses;
 - (iii) impact on the external engineering services;
 - (iv) impact on safety, health and wellbeing of the surrounding community;
 - (v) impact on heritage;
 - (vi) impact on the biophysical environment;
 - (vii) traffic impacts, parking, access and other transport related considerations; and
 - (viii) whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land.
- (d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;
- (e) the response by the applicant, if any, to the comments referred to in paragraph (d);
- (f) investigations carried out in terms of other laws that are relevant to the consideration of the application;
- (g) a written assessment by a registered planner appointed by the Municipality in respect of an application for—
 - (i) a rezoning;
 - (ii) a subdivision of more than 20 cadastral units;
 - (iii) a removal, suspension or amendment of a restrictive condition if it relates to a change of land use;
 - (iv) an amendment, deletion or imposition of additional conditions in respect of an existing use right;
 - (v) an approval of an overlay zone contemplated in the zoning scheme;
 - (vi) a phasing, amendment or cancellation of a subdivision plan or part thereof;
 - (vii) a closure of a public place or part thereof;
- (h) the impact of the proposed land development on municipal engineering services;
- (i) the integrated development plan, including the municipal spatial development framework;

- (j) the integrated development plan of the district municipality, including its spatial development framework, where applicable;
- (k) the applicable local spatial development frameworks adopted by the Municipality;
- (l) the applicable structure plans;
- (m) the applicable policies of the Municipality that guide decision making;
- (n) the provincial spatial development framework;
- (o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act and provincial regional spatial development framework;
- (p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;
- (q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
- (r) the principles referred to in Chapter VI of the Land Use Planning Act;
- (s) the applicable provisions of the zoning scheme;
- (t) any restrictive condition applicable to the land concerned; and
- (u) the impact of the proposed land development on any heritage resources as defined in the National Heritage Resources Act, 1999 (Act 25 of 1999)

5. MOTIVATION

The various levels of planning legislation (SPLUMA, LUPA and the Municipal Land Use Planning By-Law) require that a variety of principles and assessment criteria be applied when assessing development applications. This chapter aims to motivate the proposal at the hand of these various principles and criteria. The motivation is set out according to the criteria for assessment in Section 65 of the Stellenbosch Municipality: By-law on Municipal Land Use Planning (2023).

5.1 Desirability

5.1.1 Socio-economic impact

The proposed consolidation and sub-division are aimed at facilitating the transfer of the individual properties to the identified and vetted beneficiaries. This will result in empowerment of these households as homeowners – resulting in security of tenure and owning an asset that can provide accommodation and financial security for current and subsequent generations. The property could also serve as collateral for loans in support of education, etc. At its heart the purpose of this application is to create a positive socio-economic impact.

5.1.2 Compatibility with surrounding uses

As the houses are already constructed, and forms part of a larger residential area, is evident that the land use is compatible with the surrounding uses. It is noted that the surrounding houses, are all, already transferred to the beneficiaries. The consolidation, subdivision and transfer for these properties will thus tie in with the area.

5.1.3 Impact on external engineering services

The individual properties are all served by the Municipality already and so will have no impact on external engineering services.

5.1.4 Impact on safety, health and wellbeing of the surrounding community

As the houses were constructed in 2006/2007 and is thus integrated into the local area, the proposal will make have no impact on the existing security, health and wellbeing conditions of the community.

5.1.5 Impact on heritage

The proposal will not impact on any heritage resources. In this regard it is noted that the development dates to 2006/2007.

5.1.6 Impact on bio-physical environment

The development is already constructed, and the proposed consolidation and subdivision will have no impact on the bio-physical environment.

5.1.7 Traffic impacts, parking, access and other transport related considerations

As the development is already constructed, the impacts on traffic, parking, access and transport have already manifested. It is noted that many of the individual houses, have been extended, with encroachments into the future road reserve. This situation is not unique to this development – it is commonplace throughout Klappmuts. However, it cannot be condoned and thus it is suggested that, as a condition of approval of thi application, all beneficiaries will be required to submit building plans to the Municipality for approval of the extensions/additions to regularise encroachments of building lines and erf boundaries.

5.1.8 Conditions that can mitigate adverse impacts

As proposed in Section 5.1.7 above, it is proposed that as a condition of approval, all beneficiaries are required to submit building plans to the Municipality, once they have taken transfer of the properties, to regularise encroachments of building lines and erf boundaries, or risk prosecution.

5.2 Comments in response to advertising & applicants response

It is the intention to apply for an exemption from the provisions of Sections 45 and 47 of LUPA, to the Western Cape Provincial Government. Should this be successful this requirement will not be applicable to the application.

5.3 Investigations carried out in terms of other laws

No investigations in terms of other legislation were required for this application.

5.4 Assessment by registered planner appointed by Municipality

To be undertaken by Municipality.

5.5 Impact on municipal engineering services

As the development is already serviced by Municipal service networks, the proposal will not result in any impact on engineering services.

5.6 Stellenbosch Municipality Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

Section 19 of the Land Use Planning Act (No. 3 of 2014) requires that applications be either compliant or consistent with a Spatial Development Framework (SDF). Consistency is achieved when the proposal is not specifically provided for in the plan, but the proposal is also not in

conflict with the plan. As the development is already constructed, it is in fact reflected as existing urban development. The proposal is thus consistent with the SDF.

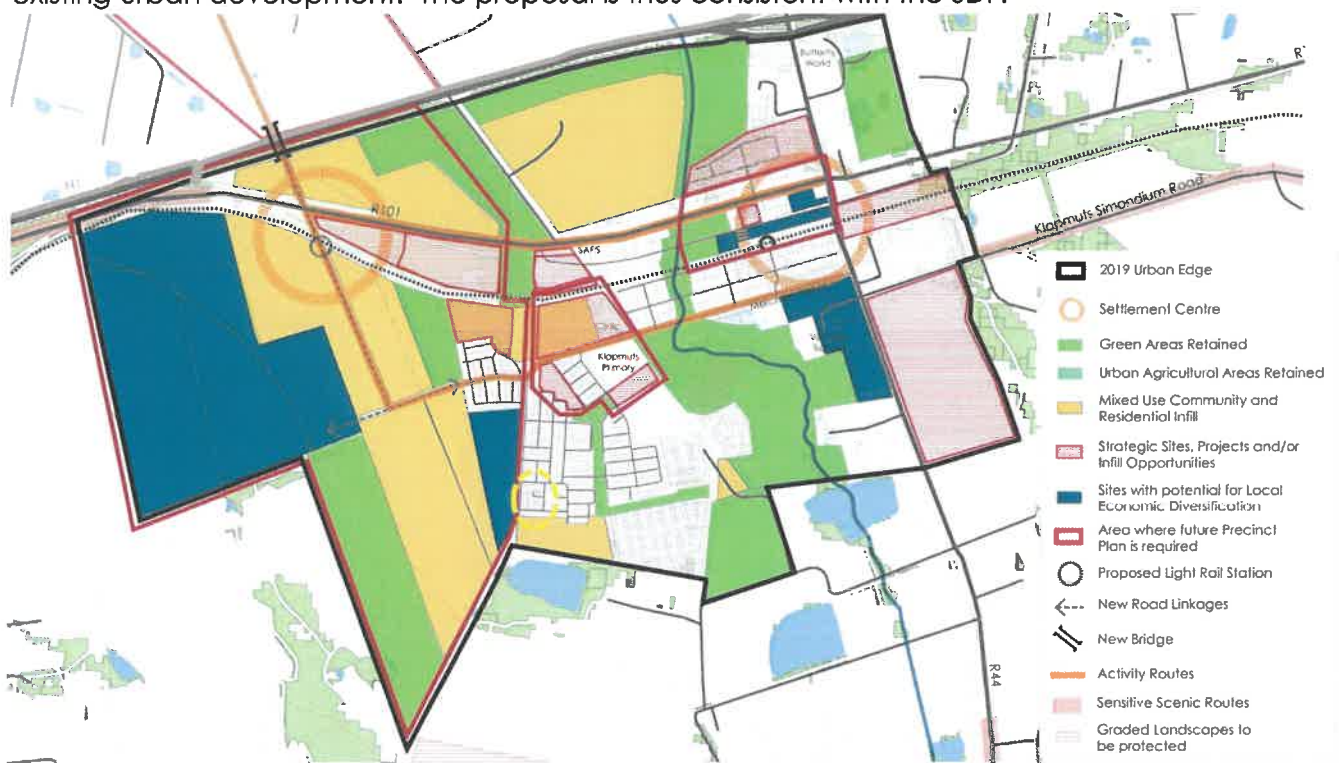


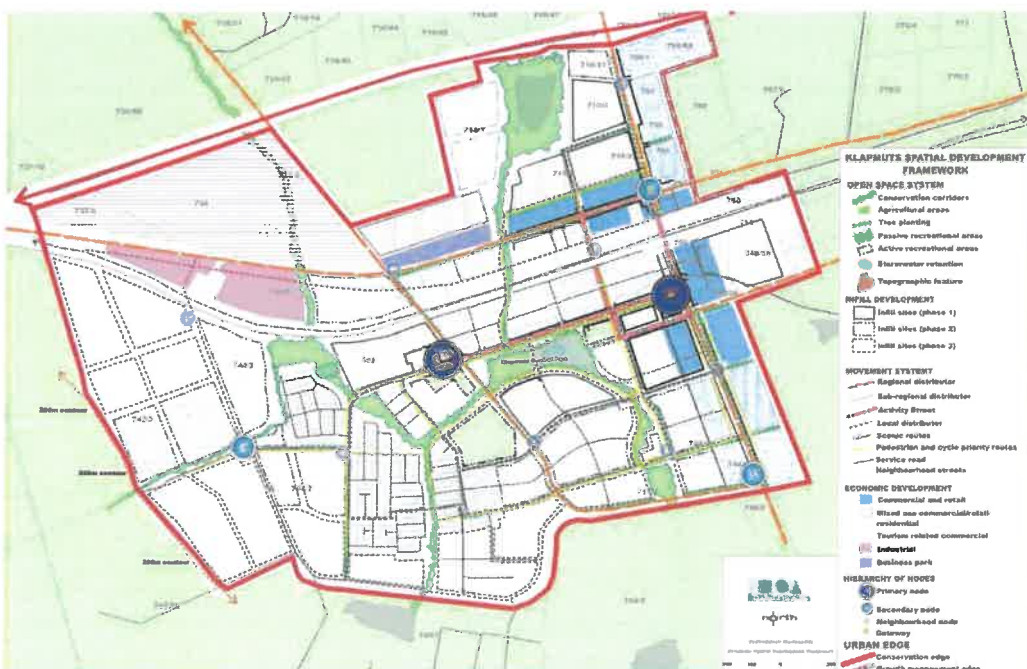
Figure 5.1: Extract from Figure 30 Klapmuts Plan from the Stellenbosch Municipality Spatial Development Framework as adopted by Council, November 2019. The location of unregistered Erf 2046 is indicated with a yellow dashed circle.

5.7 District SDF

The Cape Winelands District SDF (2021-2026) does not provide sufficient detail to have a bearing on this application, except to note that Klapmuts has been identified as an urban growth priority area (CWDM SDF, 2021: 103).

5.8 Local SDFs

The status of the 2007 Klapmuts SDF is somewhat unclear, but as it is available on the Municipal website it seems likely that it reflects that Municipality's spatial planning policy for the area. The



site is shown as existing urban development, with tree planting proposed along Merchant and Smith Streets.

Figure 5.2: Extract from Figure 25 Klapmuts Composite Development Framework (MCA, 2007)**5.9 Structure Plans**

There are no structure plans applicable to the property.

5.10 Municipal policies

There are no Municipal policies relevant to this application.

5.11 Provincial SDF

The Western Cape Provincial Spatial Development Framework, 2014 (PSDF) was prepared in terms of Section 13 of SPLUMA and Section 4 of LUPA, with inter alia the aim to coordinate, integrate and align the plans, policies and development strategies of municipalities (PSDF, 2014: 12). As such the PSDF was prepared at a higher level which does not provide specific guidance for the land use management of individual/specific properties and has no direct relevance to this application.

5.12 Regional SDF

There are no regional SDFs applicable to the site, except for the District SDF referred to above.

5.13 National and Provincial policies, principles, planning and development norms and criteria

There are no other specific policies, norms and criteria set by the National and Provincial Government that have direct bearing on this application, other than the guiding principles of SPLUMA and LUPA, which are discussed in Section 5.14 below.

5.14 Principles referred to in Chapter VI of the Land Use Planning Act;**5.14.1 Spatial justice**

The spatial justice principle requires that past spatial and development imbalances be redressed through improved access to and utilisation of land. It requires that persons which were previously excluded (especially the poor) must be included in land use planning policies, especially in order to address widespread poverty and deprivation. Access to land for all (including disadvantaged communities) should be facilitated.² This project whilst not providing "new" access to land, will result in security of tenure, which is in line with this principle.

5.14.2 Spatial sustainability

The principle of spatial sustainability will be achieved by a development when a development is spatially compact, resource frugal and within the means of the municipality. It must protect prime agricultural land and must take into consideration all other environmental issues. It must stimulate the land market and must consider all the costs of infrastructure (future and current) as well as the provision of social services. It must aim to limit urban sprawl, result in viable communities and strive to meet the basic needs of citizens in an affordable way.³ Development must also ensure the sustained protection of the environment (ecological corridors, biodiversity,

² Section 7 (a) of SLUMA and section 59(1) of LUPA

³ Section 7(b) of SPLUMA and section 59(2)(a) of LUPA

heritage resources, promote provincial tourism and avoid development of steep slopes, floodplains, wetlands etc.). Energy efficiency should be promoted.⁴

The proposal, by virtue of having been physically implemented already, could be regarded as neutral with respect to this principle.

5.14.3 Efficiency principle

The principle of efficiency requires that development should optimise the use of existing resources, including infrastructure⁵, and requires that integrated cities and towns be developed whereby social, economic and institutional aspects of land development is integrated and residential opportunities are provided close to employment opportunities. A diversity of land uses are to be incorporated and the spatially distorted patterns of the past are to be corrected. Towns should be of sufficient density and urban sprawl must be discouraged.⁶ Similar to 5.14.2, the proposal could be regarded as neutral with respect to this principle.

5.14.4 Spatial Resilience Principle

The principle of spatial resilience requires flexibility in land use management systems and policies to ensure sustainable livelihoods for communities most likely affected by economic and environmental shocks.⁷

This proposal will not necessarily contribute to spatial resilience, but the fact that it will lead to property ownership could contribute to creating more sustainable livelihoods.

5.14.5 Good Administration Principle

The good administration principle requires that the application follows the correct procedures as prescribed in law. The Municipality will have to ensure that the application is complete and correctly processed.

5.15 Provisions of the zoning scheme

This application is for the consolidation and subdivision of Unregistered Erf 2046, Klappmuts, in terms of Section 15(2)(d) of the Stellenbosch Municipality: By-law on Municipal Land Use Planning of 2023, only. It is acknowledged that the approval will in effect result in many of the individual properties being in contravention of certain provisions of the Stellenbosch Municipality Zoning Scheme, because of additions to the original structures. Such contraventions would include encroachment on building lines, erf boundaries and the lack of on-site parking. However, it was agreed with Municipal officials, that this problem can be resolved most effectively once the properties have been transferred. The beneficiaries will then have to take responsibility for these issues. It is thus suggested that informing the beneficiaries of the intended action at the time of signing the contracts to purchase and the serving of notices on the individual owners once the properties are transferred, is set as a condition of approval of this application.

⁴ Section 59(2)(b) of LUPA

⁵ Section 7(c) of SPLUMA

⁶ Section 59(3) of LUPA

⁷ Section 7(d) of SPLUMA

5.16 Any restrictive condition

There are no restrictive title conditions pertaining to this application.

5.17 Impact on any heritage resources

No heritage resources will be impacted by this application.

6. CONCLUSION

The motivation for this application is simply to enable the Municipality to transfer houses to the originally intended beneficiaries of this housing project. Whereas the subsequent additions to the original houses are a complication, it must be borne in mind that this is commonplace throughout Klappmuts. Furthermore, the Municipality, as the current landowner, cannot take responsibility for these contraventions of the Zoning Scheme and it is regarded as inappropriate to apply for blanket departures at this stage or to amend the general plan. Municipal officials have agreed that it would be fair and efficient to place the responsibility for regularising the situation with the beneficiaries and to consider the contraventions on a case-by-case basis.

Thus, the recommendation is made that this application for consolidation of Erf 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klappmuts, as per General Plan 3249/2009, included in this submission, is approved on condition that the Municipality undertakes to:

- Inform vetted beneficiaries of their responsibilities in terms of the SMBMLUP and Zoning Scheme at the time that the contracts to purchase the erven thus created, are signed.
- Serve notices on the owners, once the transfers have taken place, to compel owners to make the necessary applications and/or on-site alterations to ensure compliance with the Stellenbosch Zoning Scheme.



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STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE G

POWER OF ATTORNEY

I / we, the undersigned,

GARALDINE LEZETTE METTLER

(Name(s) of registered owner(s) / owner(s)' authorised representative(s))

ID-number(s)

721122 0210 088

(ID number(s) of registered owner(s) / owner(s)' authorised representative(s))

in my / our capacity as the registered owner or authorised representative of the owner(s) of the following property(ies)

Unregistered Erf 2046, Klapmuts – Portion of Remalnder of Erf 812, Klapmuts

(Property descriptions)

hereby nominate, constitute and appoint

Lize Malan (ID 6801190146089) or her NOMINEE

(Agent / Consultant's Name)

in terms of

SYSTEMS OF DELEGATIONS

(Council Resolution Reference & Date / Delegation Reference & Date / Board Resolution Reference & Date) (Indicate N/A if not applicable)

with power of substitution to be my lawful agent in my name, place and stead to act on my behalf to apply for the relevant land use rights being sought for the aforementioned property(ies). Furthermore to represent me at any and all enquiries to be held by virtue of such appointment, and generally to do or cause to be done whatever shall be required for all intents and purposes as I might or could do if personally present and acting myself, hereby ratifying everything my Attorney(s) and Agent(s) shall lawfully do or cause to be done by virtue of this Power of Attorney. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the application process.

Signed at

STELLENBOSCH

(Place)

on

18 MARCH 2024

(Date)

in the presence of the undersigned witnesses.

For OWNER / APPLICANT / CLIENT

Lize Malan

GARALDINE LEZETTE METTLER

FULL NAME

Lize Malan (Pr.Pl n A/1139/1999)

FULL NAME & SACPLAN REGISTRATION NR


OWNER / APPLICANT / CLIENT SIGNATURE


Lize Malan SIGNATURE


WITNESS 1 SIGNATURE


WITNESS 2 SIGNATURE



ANNEXURE H

MAIN FEATURE		DIRECTIONS		CO-ORDINATES	
SIDES METERS				System Coordinate	WGS84/10° 1.43 793 000(0)
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51					

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22	200	1094			251	251
23	195	1097			210	210
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28	200	1106			200	200
29	177	1108			200	200
30	232	1109			200	200
31	250	1109			228	228
32	250	1111			225	225
33	200	1112			225	225
34	212	1114			200	200

Murchant street (Remainder)

Road 10m (Remainder)

Van Wyck street (Van Remsnyder)

T12

101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200

General Plan No. 5298/1988

Y. 12 900

Y. 12 800

Road (Remainder)

Smith street 6m (Remainder)

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009

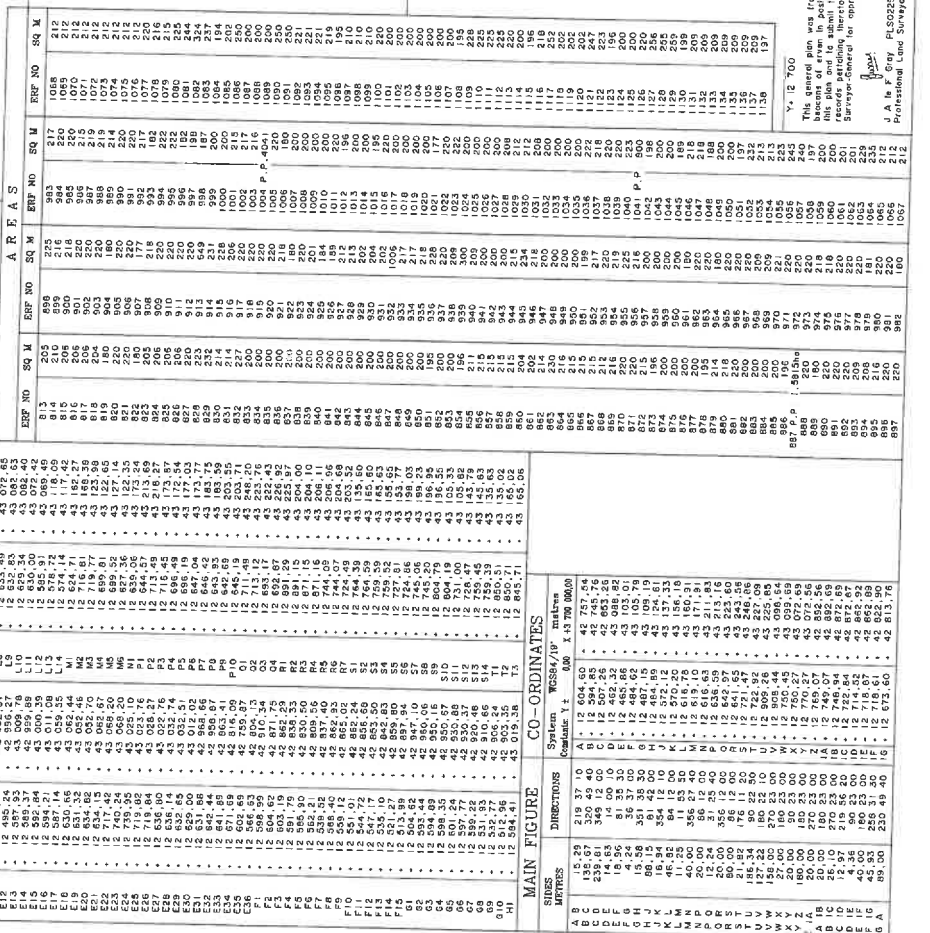
Dimensions and lot numbers are provided for each lot.

SURVEYOR-GENERAL C

Après M. Hic-MP, 121-MP candidat.

607 7048.

OFFICE NOTES
Date Recd. 3/24/2009

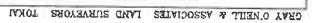


<p>SURVEYOR-GENERAL OFFICE NOTES</p> <p>Even this 1114-1119, 1121-1126 consolidated - Vide Dgm. 3249/2019 1st 2019!</p>
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FILE NO. P-1, 74L
SURVEY RECORDS No. 2757/1999
COMPLAINTS
BH-88A/234 1236
BH-88C/462
BH-88C/ 3761
BH-88A- 3763

SHEET JOINS HERE

1940	9	43 200
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(KLAPMUTS ALLOTMENT AREA)
 GENERAL PLAN No. 6385/1999
 OF
 SUBDIVISIONS OF
 ERF 812 KLAPMUTS

Situate in the Stellenbosch Municipality
 Administrative District of Paarl
 Province of the Western Cape

NOT TO SCALE

CDR

Sg No. 6385/1999
 SHEET 3 OF 3 SHEETS
 Approved :
B. Mkhizha
 for Surveyor-General
 Date: 2000-02-20

BEACON DESCRIPTIONS:

1176, 1255, J5 ...12mm hole on water meter
 1319 ...12mm hole in concrete

All other beacons are 12mm iron pegs.

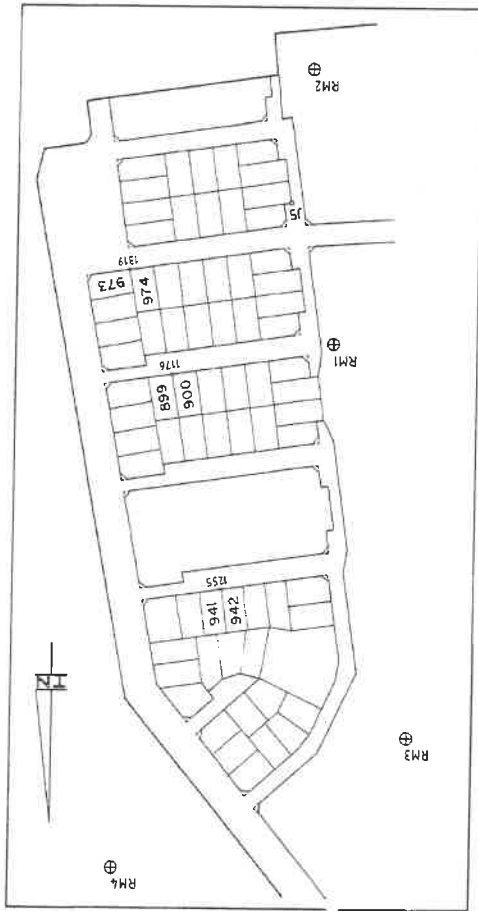
Reference Marks:

RM1, RM2, RM3, RM4 ...20mm iron peg in concrete

Surveyed in March 1999 - March 2000, by me

J A Gray

J A GRAY PLS0229
 PROFESSIONAL LAND SURVEYOR



FILE No. Paarl 744
 SURVEY RECORDS No. 2757/1999
 COMPILATIONS
 BH-98A/Z54 1236
 BH-98CB 3761

APPROVED
By Surveyor-General: Cape Town
Date: 2009-05-17

APPROVED IN TERMS OF SECTION 25 OF THE SURVEY ACT (ACT 56 OF 1981) AND THE SURVEY REGULATIONS (Gaz. 2008/240)

EXTRACT FROM PROVISIONS OF ACT 56 OF 1981 (Section 19)

No.	Amendment	ENDORSEMENTS		Authn.	Date
		Addition	Deletion		

CDR

GENERAL PLAN NO. 3249 / 2009
of
Subdivisions of Erf 2046 Klipmuts

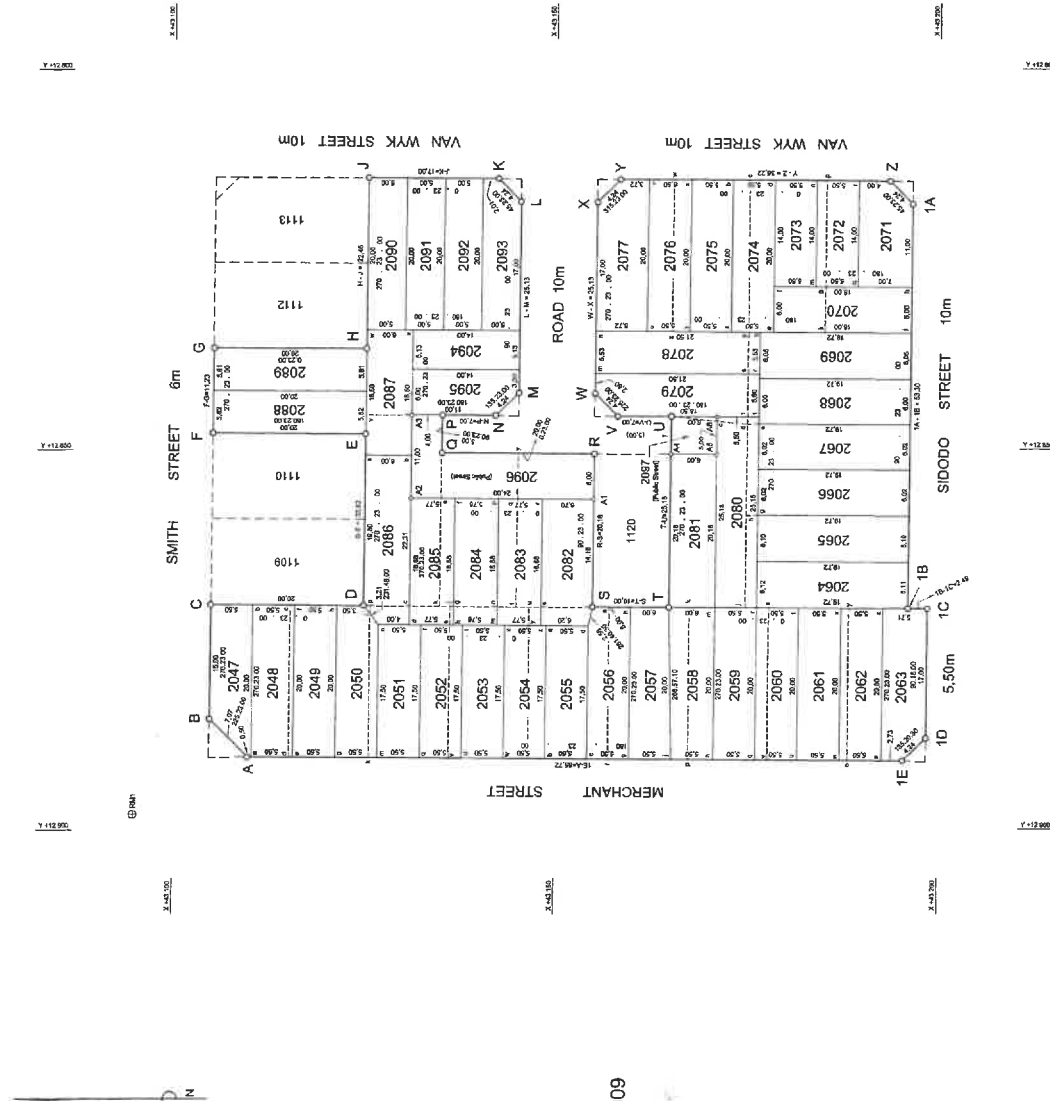
vie S.G. Diagram No. 3249 / 2009, D.T. No. 13301/2009, and comprising 49 erven numbered 2047-2095, and 2 Public Streets numbered 2096 and 2097
Situate in the Municipality of Stellenbosch
Administrative District of Paarl
Province of Western Cape

SCALE 1:250

BEACON DESCRIPTIONS
All Beacons
20 mm Iron Peg in Concrete

Surveyed by me in accordance with the provisions of the Land Survey Act No. 56 of 1981
S.G.W. LLOYD (P.L.S. 1348)
Professional Land Surveyor
Date: October 2008

S.G. File Ref. Per 744
Survey Record No. 13301/2009
Comp. (B-4838) (3781)
Cape Town File No. 6385 / 1989
L.P. 0055004





APPLICATION – APPLICATION FOR FOR THE SUBDIVISION OF FARM 1557 INTO PORTION B, PORTION C, AND THE REMAINDER PORTION; THE CONSOLIDATION OF ERF 16576 WITH ERF 13836 TO CREATE A 4.44 HA PROPERTY; THE CONSOLIDATION OF PORTION B WITH ERF 16566 TO FORM A 7.77 HA PROPERTY; AND AN EXEMPTION TO ESTABLISH A SERVITUDE RIGHT-OF-WAY OVER THE REMAINDER OF FARM 1557 IN FAVOUR OF PORTION C. (LU/16752)

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

PLANNING REPORT ON AN APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015, FOR THE SUBDIVISION OF FARM 1557 INTO PORTION B, PORTION C, AND THE REMAINDER PORTION; THE CONSOLIDATION OF ERF 16576 WITH ERF 13836 TO CREATE A 4.44 HA PROPERTY; THE CONSOLIDATION OF PORTION B WITH ERF 16566 TO FORM A 7.77 HA PROPERTY; AND AN EXEMPTION TO ESTABLISH A SERVITUDE RIGHT-OF-WAY OVER THE REMAINDER OF FARM 1557 IN FAVOUR OF PORTION C.

APPLICATION DETAILS

Application Reference	LU/16752	Commencement Date	09-11-2024
Applicant	Jon Hanekom Partnership	Last day for comments or additional information	
Erf/Farm nr	Erf 16566, Erf 16576, Erf 13836, Farm I 557	Place	Stellenbosch
Zoning	Agricultural and Rural Zone.	Other approvals	None

X	TYPE OF APPLICATION
	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
X	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
X	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	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) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services

	15(2)(r) 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
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

The applications under consideration have been submitted to facilitate the subdivision and consolidation of agricultural zoned properties.

- Application is made in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **subdivision of Farm 1557** into **three portions, Portion B** (5,5 ha), **Portion C** (4.5 ha) and the **Remainder Portion** (44.7ha)
- Application is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **consolidation of Erf 16576** (0,6989 ha) with **Erf 13836** (3,74 ha) = 4,44 ha in extent.
- Application is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **Consolidate of Portion B** (5,5 ha) with **Erf 16566** (2.27ha) = 7.77ha portion.

The subdivision exemption in terms of Section 24 of the Stellenbosch Municipality Land Use Planning By-Law, 2015, to create a servitude right of way over **Remainder Farm 1557** for **Portion C** was excluded from the submissions referenced above as it could only be processed once the outcomes of the related subdivision and consolidation applications had been determined.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	X		<p>The application was advertised to the relevant affected property owners and Community organisations – No objections were received on the proposal.</p> <p>The application was circulated to the following internal / external departments.</p> <ul style="list-style-type: none"> - Western Cape Government Chief Director Road Planning Infrastructure - Supported the proposal with no conditions. - Department of Agriculture Western Cape (Elsenburg) – Supported the proposal with no conditions. - Directorate Infrastructure Services – Supported the proposal with no conditions. - Manager: Spatial Planning, who did not support the proposal primarily because it would lead to the creation of properties that extend beyond the current urban edge boundaries due to the proposed subdivision and consolidation.

Conditions imposed by departments		X	No conditions imposed by the internal and external departments
DCs applicable		X	None
Objections received		X	None
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	<p>A component of the proposal does not comply with the 2019 Western Cape Land Use Planning Guidelines for Rural Areas, which advocate for the following:</p> <ul style="list-style-type: none"> - The consolidation of farming landscapes and the prevention of land fragmentation, while supporting land and agrarian reform. - Enhancing the economic viability of agriculture through the diversification of production. - Encouraging enterprise development within the broader food system; and - Promoting sustainable farming practices. <p>A component of the proposal is inconsistent with the 2023 Stellenbosch Spatial Development Framework for the following reasons:</p> <p>As the agricultural property in question Farm 1557/0, is located outside the designated urban edge and subdividing it into three portions and consolidating Portion B with Erf 16566, an adjoining agricultural property, which is located within the urban edge would result in a land unit that bridges the urban edge. Potentially setting a precedent for the future inclusion of the newly created property within the urban edge and potentially facilitating further urban development.</p> <p>The proposed subdivision of Farm 1557/0 will also create an agricultural land unit (Portion C) that is not economically viable due to its limited size, orientation, and topography, setting an undesirable precedent for similar subdivision proposals to be submitted for consideration in this area.</p>

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW	
Socio-economic impact	The proposal is expected to generate limited employment opportunities, as a component of the proposal will result in (Newly created Portion C) not being an actively cultivated portion, and the submitted motivation fails to clarify the intended future use of this portion.
Compatibility with surrounding uses	<p>A component of the submitted proposal is likely to negatively impact its surroundings by creating an agricultural property that is significantly smaller than those in the immediate area, with limited economic viability due to its limited size and challenging topography.</p> <p>Furthermore, approval of this proposal may set a precedent for similar applications aimed at establishing small, lifestyle-oriented agricultural properties that lack economic sustainability as is currently potentially being proposed.</p> <p>A component of the application is inconsistent with the 2019 Western Cape Land Use Planning Guidelines for Rural Areas, given the creation of an agricultural unit that is not economically viable due to its size, location and topography. Furthermore, the proposal results in an additional property being created which is seen as the fragmentation of an existing agricultural entity which is also not in line with the 2023 Stellenbosch Municipal Spatial Development Framework.</p>
Impact on the external engineering services	The proposal is supported by the Directorate: Infrastructure Services, as no existing services will be impacted on as the use of property will still be agricultural in nature.
Impact on safety, health and wellbeing of the surrounding community	It is anticipated that the proposal will not have an impact on the surrounding area in terms of safety, health and wellbeing, as no change in land use is proposed.
Impact on heritage	The subject property is not located within a heritage overlay zone or designated heritage area, and the proposal will have no impact on the heritage value of Erf 13836, as the existing agricultural land uses will be retained.
Impact on the biophysical environment	The proposal is not anticipated to affect the existing biophysical environment, as the newly created properties will remain designated for agricultural use. However, a component of the application will result in the creation of an agricultural unit that is economically unviable due to its limited size, challenging topography, and partial non-compliance with the 2019 Western Cape Land Use Planning Guidelines for Rural Areas.
Traffic impacts, parking, access and other transport related considerations	The proposal entails the subdivision and consolidation of agricultural land and thus will have a minimal impact on existing traffic volumes / movement and transport routes. The fact that access to the newly created property would be secured via a servitude right of way over the remaining portion of Farm 1557/0, providing a link to Minor Road 27 along is northern boundary.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	The conditions of approval could not address the fundamental concern outlined above if the application were to be approved in its current form—namely, the creation of an agricultural unit that would be economically unviable due to its limited size, difficult topography, and partial non-compliance with the 2019 Western Cape Land Use Planning Guidelines for Rural Areas.

KEY FINDINGS OF PLANNING EVALUATION

The subject properties are agricultural properties located north of Welgevonden and are operational farming units planted with orchards and vineyards. However, the section of Farm 1557/0 under discussion is only partially cultivated due to this portion of the farms challenging topography and orientation.

The application under consideration seeks to subdivide Farm 1557/0 into three portions consisting of a Remainder, Portion B, and Portion C. It further proposes to consolidate Portion B with the adjoining property, Erf 16566, to facilitate the expansion of the existing vineyards located on Erf 16566, despite a portion of the consolidated property (Portion B) falling outside the designated urban edge. The proposal would also result in the creation of a new agricultural property, Portion C, with an approximate extent of 4.5 hectares, and according to the applicant, no buildings are proposed for Portion C, as this portion is envisioned for use as a nursery or smallholding where only one dwelling unit is to be permitted according to the motivation / information provided by the applicant.

The application further proposes to consolidate two existing agricultural zoned erven, Erf 16576 (0,6989 ha) with the adjoining Erf 13836 (3,74 ha) to form a 4,44 ha portion of agricultural land. Erf 13836 which is known as Weltevreden Estate, which is a historical farm / property, which has approval to use the existing Manor House built in 1812 for guest house purposes, a restaurant located in one of the historical outbuildings within the existing werf with outside seating, and a children's play area used in conjunction with the restaurant.

Erf 16576 (0,6989 ha) is an active agricultural entity planted with vineyards and forms part of the adjoining development known as Weltevreden Hills Estate. In terms of the approval granted for the estate, the use of this portion of agricultural land is restricted solely to agricultural-related activities and no buildings may be constructed on the property except those necessary to support such agricultural activities.



The application submitted is supported by the Western Cape Department of Agriculture (Elsenburg), the Western Cape Government: Chief Directorate for Roads Planning (PRE), and the Directorate Infrastructure Services. However, the Land Use Section does not support the component of the application that comprises the subdivision of Farm 1557 into three portions and the consolidation of portion B with Erf 16566, as this component of the application is inconsistent with the 2023 Stellenbosch Spatial Development Framework for the following reasons:

- The agricultural property to be subdivided, Farm 1557/0 is located outside the designated urban edge and subdividing it into three portions and consolidating Portion B with Erf 16566, which is located within the urban edge would result in a land unit that bridges the urban edge, which would set a precedent for the future inclusion of newly created property within the urban edge thereby potentially facilitating further urban development.
- The proposed subdivision will also create an agricultural land unit that is not economically viable due to its limited size, orientation, and topography, setting an undesirable precedent for similar proposals in the surrounding area.
- The small agricultural portion that is proposed (Portion C) is also seen to be out of character with its surroundings as a result its size and the fact that it is potentially not a viable agricultural entity as a will be
- The proposal is inconsistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasize the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms through diversified production, by the promotion of sustainable agricultural practices.
- The subdivision of land will lead to the construction of an additional dwelling unit along with associated buildings and infrastructure, ultimately contributing to the loss of agricultural land.

The Land Use Section supports the consolidation of the two existing agricultural zoned erven, Erf 16576 (0,6989 ha) with the adjoining Erf 13836 (3,74 ha) to form a 4,44 ha portion of agricultural property, for the following reasons.

- The two properties are both zoned Agricultural and Rural Zone.
- Both properties are located within the urban edge.
- The consolidation of these properties will not result in any additional land use rights being granted.
- The condition of approval as initially imposed on Erf 16576 will be applicable to the consolidated property ensuring that the current agricultural use is preserved, as only agricultural related buildings could be developed on this portion of the consolidated property.
- The proposal is consistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasize the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms through diversified production, by the promotion of sustainable agricultural practices.

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

- **The application proposes subdividing** the subject property Farm 1557, Stellenbosch into three portions Remainder, Portion B, and Portion C and consolidating Portion B with Erf 16566 to expand the existing vineyards.
- The consolidation would result in part of the newly created property extending beyond the designated urban edge.
- The newly created portion, Portion C, approximately 4.5 hectares in size, is intended for use as a nursery or smallholding, with no buildings proposed except for a single dwelling being permitted according to the applicant.
- The proposal in totality is supported by the Western Cape Department of Agriculture, Chief Directorate: Roads Planning, and the Directorate of Infrastructure Services.

- The Land Use Section does not support this component of the application due to the creation of an economic non-viable Portion of agricultural land, due to its size, orientation, and topography, and the non-compliance of the proposal with the 2023 Stellenbosch Spatial Development Framework for agricultural land.
- The proposal is in conflict with the Western Cape Land Use Planning Guidelines Rural Areas, March 2019, which emphasizes the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms through diversified production, by the promotion of sustainable agricultural practices.
- The subdivision and proposed consolidate would facilitate not only the expansion of the existing vineyards but also permit additional structures to be constructed that normally would not be permitted as a primary land use right on this portion of the subdivided farm, potentially having a negative visual impacting on the existing rural character of the area due to the location of the newly created portions and the existing topography of this section of Farm 1557.



Subdivision Plan



Contour Plan

- **The applicant further proposed** the consolidation of the two existing agricultural zoned erven, Erf 16576 (0,6989 ha) with the adjoining Erf 13836 (3,74 ha) to form a 4,44 ha portion of agricultural property.
- This component of the application is supported by Land Use Management for the following reasons.
- The two properties are both zoned Agricultural and Rural Zone and located within the urban edge.
- The consolidation will result in an economically sustainable agricultural property being created within the urban edge while retaining the existing rural character of the area.
- The consolidation of these properties will not result in any additional land use rights being granted, as the condition of approval initially imposed on Erf 16576 will be applicable to the consolidated property ensuring that the current agricultural use is preserved, as only agricultural related buildings could be developed on this portion of the consolidated property.
- The proposal is consistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasize the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms through diversified production, by the promotion of sustainable agricultural practices.

The subject land use and land development application is, having regard to the conclusions above, is viewed as being partially Compliant with the relevant principles and policy guidelines, as a component also Deviates from the relevant principles and policy guidelines and consequently the land use application is partially supported.

List relevant plan numbers	Annexure A: Subdivision Plan.
List annexures to decision	Annexure A: Locality Plan. Annexure B: Subdivision Plan. Annexure C: Internal & External Departments Comments received Annexure D: Applicants Motivation

DECISION

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm I 557 and Erf 16566, Stellenbosch for:
 - 1.1. **Subdivision of Farm 1557** into **three portions, Portion B** (5,5 ha), **Portion C** (4.5 ha) and the **Remainder Portion** (44.7ha) in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015.
 - 1.2. **Consolidate of Portion B** (5,5 ha) with **Erf 16566** (2.27ha) = 7.77ha portion is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015.

BE REFUSED in terms of Section 60 of the said Bylaw.

2. The **reasons** for the above decision are as follows:
 - 2.1. The subdivision and consolidation would result in part of the newly created property extending beyond the designated urban edge.
 - 2.2. The subdivision and consolidation would also permit structures to be erected within the existing rural area that normally would not be permitted as a primary land use right thereby potentially having a negative visual impact on the surrounding area as a result of the topography of the consolidated property.
 - 2.3. The proposal would result in the creation of an economically non-viable Portion of agricultural land, due to its size, orientation, and topography.
 - 2.4. The proposal is also not aligned with the 2023 Stellenbosch Spatial Development Framework for agricultural land which does not promote the subdivision of agricultural properties located outside the urban edge.
 - 2.5. The proposal is not aligned with the Western Cape Land Use Planning Guidelines for Rural Areas (March 2019), which promote the consolidation of agricultural land to prevent fragmentation and avoid compromising the economic viability of existing farming operations.
3. The **Consolidation of Erf 16576** (0,6989 ha) with **Erf 13836** (3,74 ha) in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2023.

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

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1. The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 4.2. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposal.
 - 4.3. The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG approved consolidation diagram for record keeping purposes.
 - 4.4. No structures other than those related to agricultural activities may be constructed on the portion of the consolidated property comprising Erf 16576, in order to preserve the current agricultural uses and maintain the existing scenic and rural character of the area.

5. The **reasons** for the above decision are as follows:

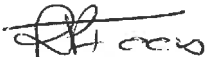
- 5.1. The two properties are zoned Agricultural and Rural Zone and are located within the urban edge.
- 5.2. The consolidation of these properties will not result in any additional land use rights being granted but create a sustainable agricultural entity.
- 5.3. The approval will have no negative impact on the existing scenic and rural character of the area.
- 5.4. The proposal is consistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasize the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms thereby creating sustainable agricultural entities.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: R P Faas

Capacity: Senior Town Planner
SACPLAN Registration:

Signature: 

Date: 12/08/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the Categorisation Model approved vide Item 10.8.1 dd dated 26 February 2025.

Category / Delegation Item Number: D.d; E.d.4

Decision Making Authority: MPT

Rational: Application is partially inconsistent and deviates from the MSDF.

Name:

Steen Castero

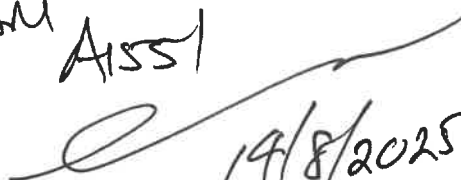
Capacity:

SACPLAN Registration:

SMAN
A1551

Signature:

Date:

 14/8/2025

MPT ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: 29-08-2025.....

Name: Chrizanne Kriel

Capacity: MUNM

Signature: [Signature]

Date: 14-08-2025



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ANNEXURE A



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ANNEXURE B



Ref: 1) Co-ordinate System WGS 84/19°
 2) S. G. Noting 3775
 3) Orthophoto Sheets D18 33180D12, 33180D13
 Photography date: 2022

dh&a
 david hellig & abrahamse
 professional land surveyors
 256 Main Street
 PAARL, 7650

Telephone: 021-8724066 web site: www.dh&a.co.za
 email: david@dh&a.co.za

project
**SUBDIVISION AND
 CONSOLIDATION PLAN**

- 1) The Farm No 1557 Stellenbosch
- 2) Erf 16566 Stellenbosch
- 3) Erven 13636 and 16576 Stellenbosch

Scale	1 / 2500 @A1
Date	June - September 2023
File No	S368/20
Plan No	3 REV4

Notes:

1) The Farm No 1557 Stellenbosch, owned by Verbyl Der Gekwalifiseerde (Pty) Ltd vide D/T 13767/2013, measuring 52,8804 hectares in extent, is to be subdivided into:

- a) Ptn B ± 5,50 hectares
- b) Ptn C ± 4,50 hectares
- c) Rem. No 1557 ± 42,88 hectares

2) Ptn B is to be transferred to Sensusip's on the Rocks (Pty) Ltd and consolidated with Erf 16566 Stellenbosch, measuring 2,2712 hectares in extent, to form a land unit measuring 4,777 hectares in extent.

3) Erven 13636 and 16576 Stellenbosch both owned by Weltevreden Reef Residence (Pty) Ltd, respectively measuring 3,7433 hectares and 0,6969 hectares in extent, are to be consolidated to form a land unit measuring 4,4422 hectares in extent.

4) The figure a b c d e f g represents a National Monument over Erf 13636 Stellenbosch vide GN 1420 dated 13/11/2003 Gazette No 19448.

5) A Servitude Road 5m wide, up to Main Road No 27, the centre line of which is marked m, n, is to be registered over the Remainder of the Farm No 1557 Stellenbosch i.e. Ptn C.

6) ——— denotes Stellenbosch Municipality 2010 urban edge

7) Act No 76/1970 is not applicable to the land units situated on General Plan No 1367/2018 including Erven 16566, 16576 and 16577 Stellenbosch



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ANNEXURE C



STELLENBOSCH MUNICIPALITY

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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To - Aan: Director: Planning + Economic Development
Att Aandag: Salome Newman
From - Van: Manager: Development (Infrastructure Services)
Author - Skrywer: Tyrone King
Date - Datum: 14 May 2024
Our Ref - Ons Verw: Civil LU 2705
Town Planning Ref: LU/16752
Re - Insake: Farm 1557, Stellenbosch: 1) Application is made i.t.o. Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the subdivision of Farm 1557 into three portions, Portion B (5,5 ha), Portion C (4.5 ha) and the Remainder Portion (44.7ha) 2) Application is made i.t.o. Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the consolidation of Erf 16576 (0,6989 ha) with Erf 13836 (3,74 ha) = 4,44 ha in extent. 3) Application is made i.t.o. Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the Consolidate of Portion B (5,5 ha) with Erf 16566 (2.27ha) = 7.77ha portion.

No objection

Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

W:\2.0 DEVELOPMENT\01 Land Use applications\2705 () Farm 1557 Stellenbosch (LU-16752)\2705 () Farm 1557 Stellenbosch (LU-16752).doc



**Western Cape
Government**

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/847
YOUR REFERENCE : OV200165
ENQUIRIES : Cor van der Walt

Jan Hanekom Partnership
02 Cordier Street
PAARL
7646

Alt: Jan Hanekom

APPLICATION FOR SUBDIVISION AND CONSOLIDATION: DIVISION STELLENBOSCH
FARM NO 1557
ERF NO 16566
ERVEN 16576
ERVEN NO 13836

Your application of 08 October 2023 has reference.

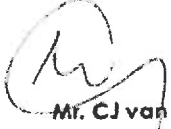
From an agricultural perspective the Western Cape Department of Agriculture: Land Use Management has no objection to subdivide Remainder of the Farm No. 1557 into:

- i. Remainder (± 42.8 ha)
- ii. Portion B (± 5.5 ha)
- iii. Portion C (± 4.5 ha) on condition of consolidation of:
- iv. Portion B with Erven No. 16566 and
- v. Erven No. 16576 with Erven No. 13836 although these two ervens are exempted from the provisions of Act 70 of 1970, this is from an agricultural perspective to the local authority in terms of relevant by-laws.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-01-19

Copies:

Department of Agriculture Landform and Rural Development
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



**Western Cape
Government**

Infrastructure
Vanessa Stoffels
Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4469

Ref: TDC/CP/PP/LUD/REZ/SUB-25/488 (Job 20686-1)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Melenhorff

FARM 1557, ERF 16576, ERF 13836 AND ERF 16566 STELLENBOSCH: APPLICATION FOR SUBDIVISION OF FARM 1557 TO BE CONSOLIDATED WITH ERF 16566 WELTEVREDEN ESTATE AS WELL AS THE CONSOLIDATION OF ERVEN 16576 AND 13836 STELLENBOSCH

1. The following refer:
 - 1.1 The email from Jan Honekom dated 22 May 2024 containing the Notice of Application for Subdivision and Consolidation of Farm 1557, Erf 16576, Erf 13836 and Erf 16566 Stellenbosch containing the formal application, and
 - 1.2 The Subdivision and Consolidation Plan (Plan No. 3 Rev4) prepared by David Hellig & Abrahams dated June – September 2023.
2. Main Road 27 (MR27) (R44) is affected by this application with an access at 2km40.55 left-hand side (LHS).
3. The application entails the following:
 - 3.1 The subdivision of Farm 1557 into three portions:
 - 3.1.1 Portion B: ±5.5 hectares
 - 3.1.2 Portion C: ±4.5 hectares, and
 - 3.1.3 Remainder Farm 1557: ±42.88 hectares.
 - 3.2 The consolidation of Portion B with Erf 16566
 - 3.3 The consolidation of Erf 13836 with Erf 16576
4. A right-of-way servitude from the existing access off MR27 at approximately km40.55 on the left-hand side (LHS) over the Remainder of Farm 1557 will be registered in favour of Portion C.



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Infrastructure | Transport Infrastructure Branch



TDOUCPS/PPAUD/REL/AUS-25/200 (Job 2024-1)

- 5 The consolidated Erven 13836 and 16576 will gain access via Weltevreden Street which connects with Welgevonden Boulevard.
- 6 The access off MR27 at approximately km40.55 LHS meets the minimum geometric and surfacing standards required by the Branch, including the minimum safe sight lines in both directions for the posted speed limit of 100 km/h. This is also in relation to the position directly opposite the Remhoogte access at approximately km40.55 on the right-hand side (RHS).
- 7 The Branch has no objection to the application for the subdivision of Farm 1557 to be consolidated with Erf 16566, Weltevreden Estate, as well as the consolidation of Erven 16576 and 13836, Stellenbosch, as reflected on the Subdivision and Consolidation Plan (Plan No. 3 Rev4) prepared by David Hellig & Abrahamse, dated June - September 2023.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 26 JUNE 2024

Applicant's written reply / responding comments on all the objections attached

We are pleased to report that all comments received during the advertisement period were positive and supportive of the application. Therefore, no further responses were required.



STELLENBOSCH¹³³
STELLENBOSCH • PNIEL • FRANSCHHOEK

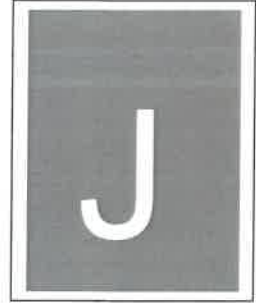
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE D

JAN HANEKOM

2 CORDIER STREET PAARL 7646 jan@jhp.co.za 0832618571

Celebrating 38 years in property planning and development



Our Reference Number OV200165

8/10/2023

The Municipal Manager
Stellenbosch Municipality
Department; Planning and Development
P.O. Box 17
Stellenbosch
7599

Dear Sir,

APPLICATION FOR SUBDIVISION OF FARM 1557 TO BE CONSOLIDATED WITH ERF 16566 WELTEVREDEN ESTATE AS WELL AS THE CONSOLIDATION OF ERWEN 16576 AND 13836 STELLENBOSCH

Hereby we formally apply in terms of the Stellenbosch Municipality Land Use Planning By-Law, for the subdivision and consolidation of farm land exempted from section 24 of the zoning scheme regulations as well as in terms of Agricultural Land Act, 1970 (Act 70 of 1970).

Application is made in terms of the Subdivision of Agricultural Land Act, 1970: Application for the subdivision and consolidation of farm land as follow.

Please note that Erven 16576, 13836 and 16566 are exempted from Act 70 of 1970.

- Farm 1557 will also be divided into three portions. The Remainder will be 42.88ha and section B as indicated on the subdivision plan will be 5.5ha in extent. Section C will be 4,50 ha in size.
- Portion B will be consolidated with Erf 16566 of Weltevreden Estate.
- Subdivision and consolidation as indicated on the proposed Subdivision and Consolidation Plan, File S368/20 dated June - September 2023 (**Annexure 5**).

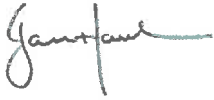
The following documentation is attached for your scrutiny:

- Motivation Report
- Annexure 1 Application form
- Annexure 2 Title Deeds
- Annexure 3 Power of Attorney
- Annexure 4 Surveyor general diagrams
- Annexure 5 Plan for Subdivision and Consolidation

- Annexure 6 Locality Plan
- Annexure 7 Application form LA7/100

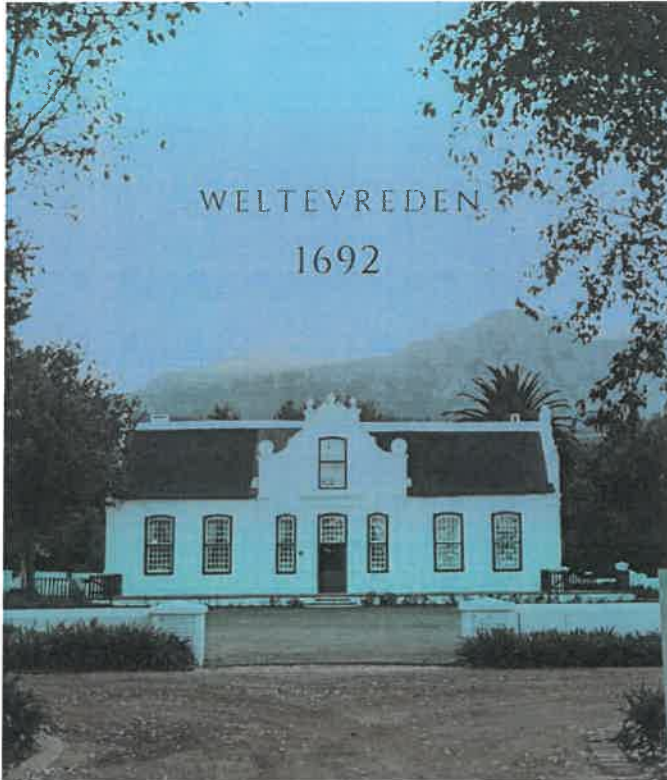
We trust that the information will be sufficient to effectively motivate the application. If there are any queries, please contact the writer.

Yours sincerely,



Jan Hanekom
SACPLAN Planner(A/619/1990)

2 Cordier Street Paarl | Tel: 021 871 1750 | Cell: 0832618571 | [Email: jan@jhp.co.za](mailto:jan@jhp.co.za)



WELTEVREDEN ESTATE

ABSTRACT

Application for subdivision of Farm 1557 to form a new Portion A to be consolidated with Erf 16566 Weltevreden Estate as well as the consolidation of Erwen 16576 and 13836 Stellenbosch

Jan Hanekom

SACPlan A/619/1990

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the
Consolidation of Erf 16576 with Erf 13836 Stellenbosch

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Annexure 1 Application form

Annexure 2 Title Deeds

Annexure 3 Power of Attorney

Annexure 4 Surveyor general diagrams

Annexure 5 Plan for Subdivision and Consolidation

Annexure 6 Locality Plan

Annexure 7 Subdivision and Consolidation Plan

Annexure 8 Application form LA7/100

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

1. Back ground

The farm Weltevreden was established in 1692. The Estate has legendary status and features prominently in the history of South Africa. It is a National Heritage Monument and represents the height of the new-classical Cape Dutch architecture. The Estate has a magnificent historic homestead in the heart of the Stellenbosch Winelands, where the 18th century residence is set in Welgevonden Boulevard, at the foot of the Simonsberg Mountain.

2. Surrounding land uses

The properties under discussion are located north of Stellenbosch municipal area. The Weltevreden Estate is bordered to the south by residential development such as Wegvonden and Cloetesville. The properties on the northern, western and eastern borders of the properties under discussion are used for agricultural purposes. The properties on the eastern and western border are small in size and are mainly used for lifestyle farming while farms located to the north of the property are large productive commercial farms.

The proposed use of the property is also agriculture which is highly compatible with the agricultural environment

3. Existing farming activities

a. Farm 1557

Farm 1557 is a well-developed fruit farm situated on a north sloping hill. The section south of the crest of the property is very steep and is also subject to strong wind blowing from the southeast. This wind is of such a nature that it complicates all fruit farming on that part of the property.

b. Weltevreden Hills Estate

The Estate has 7ha under vine, planted with Sauvignon Blanc, Semillon, Merlot and Shiraz. A new vineyard with Syrah is under development, and the first crop and winemaking is expected in 2024. The vineyards are farmed by Bennie Booysen and his dedicated team, who take great care and attention to manage this vineyards. The 14 year old vines have previously found their way into brands such as Ernie Els Wines. The vines continue to produce excellent grapes under the supervision of viticulturist, Jaco Engelbrecht.



Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

The owners vision is clear. *"Bertha inspires us to be one of the leading suppliers of Sauvignon Blanc and Merlot Rosé in South Africa to selected hospitality destinations. Our limited edition wines, Semillon and ultimately Syrah, may very well become leading wines in their fields."* From the previous paragraphs it is clear that the owner is committed to develop the agriculture potential of the property but is currently limited by the size of the property as well as the shortage of water.

4. Security

In the preceding paragraph reference was made to the security problem experienced. Due to the close location to the urban development it is important to fence and protect the properties. The Welgevonden Estate is well fenced and is also protected by security personnel against illegal trespassing and theft. However, the neighbouring Farm was only secured with ordinary fencing which did not provide sufficient protection.



Figure 1 Security access to the property

Vineyard poles were cut down for firewood and the vineyard canopy material was removed over time. It is therefore essential that the entire property along the Welgevonden Boulevard be fenced with the necessary security fencing as is currently done at Weltevreden Estate.

5. Water

With the expansion of the agricultural activity on Weltevreden Estate, a further need for water was established. The owners explored various options for obtaining water. The most obvious option was to subdivide the portion on which the dam of the adjacent farm Edgbaston Farm No: 1/104 was located and consolidate it at Weltevreden. The Edgbaston farm is currently not agriculturally developed due to possible future urban development on the property. During the preceding investigation, this matter was discussed with Department of Agriculture (Elsenburg). However, it has been indicated that this is not an option that will have their support.



Figure 2 The blue figure indicate the position of the dam

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

After various investigations, it came to light that farm 1557 has sufficient water to supply water to Weltevreden Estate. Along with the purchase of the land, an agreement to supply water was reached. The future planning is to develop a storage dam at the highest point of the newly consolidated portion in which water can then be stored for irrigation.

6. Wind

The slope of the property also plays an important role in relation to the development that can take place there. The portion that is currently subdivided from farm 1557 is characterized by a steep slope that faces south. Because farm 1557 was developed as a fruit farm, efforts were recently made to protect this section from the south-east wind with the help of nets. However, these efforts were not successful and therefore all planting of fruit trees was stopped.

On the other hand, Weltevreden Estate has developed a unique method to plant grapes on the steep slope and successfully protect them from the wind. However, the role of the wind determined this section's suitability for agricultural activity.

7. Topography

The topography of the properties under discussion can be considered collectively as farms grouped around a hill. The highest point of this hill is located on Farm 1557. This means that Farm 1557 is mainly located on the northern slope of the hill and a limited portion is also located on the south side of the hill. Weltevreden Estate is situated further south on the southern slope of the hill. The dominant aspect on the properties are South East and South. These are considered "cooler" aspects in the Southern Hemisphere. *"The slopes on the properties varies from very flat to very steep. Any value higher than 25 degrees can be considered as very steep and, in some cases, extreme. The highest slope in degrees are on Erf 16566, where planting wine grapes will require a land surveyor and civil engineer to help with the block design and layout."*

Farm 1557 has a gradual slope which measured as a 1:15 slope. However, the part of Farm 1557 which is situated on the southern slope is much steeper (1:8) while the vineyards on Erf 16566 occupy the steepest slope 1:3. This therefore led to the vineyards being planted on terraces.

These sections are all suitable for planting vines. However, the southeast wind plays a very important role when it comes to the choice of fruit that can be planted here.



In the preceding analysis, the situation was analysed so that the proposed subdivision and consolidation is better understood from an agricultural point of view and site-related aspects.

Figure 3 show the terraces

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

8. Purpose of this application

This application aims to achieve the following.

Farm 1557 will be divided into three portions. The Remainder will be 44.73ha and Portion B as indicated on the subdivision plan will be 5.3ha in extent. Section C will be 2.85 ha in size.

Portion B will be consolidated with Erf 16566 of Weltevreden Estate.

The proposed subdivision is summarized in the table below.

Table 1 Subdivision

Property	Extent	Subdivision	Extent
Farm 1557	52,8804	Remainder	42,88
		Portion B	5,50
		Portion C	4,50
Erf 16566	2,2712	None	2,27
Erf 16576	0,6989	None	0,69
Erf 13836	3,7433	None	3,74

The proposed consolidation is summarized in the table below

Table 2 Consolidation

Property	Consolidation	Extent	New extent
Farm 1557	Remainder	42,88	42,88
Erf 16566	Remainder	2,27	7,77
	Portion B	5,50	
Erf 13836	Remainder	3,74	4,44
	Erf 16576	0,69	

9. Applicant and power of attorney

The application is made by Jan Hanekom Partnership (JHP), a firm of Town Planners based in Paarl (est. 1989).

The application is prepared by Jan Hanekom SACPlan No A/169/1990. The applicant can be contacted on cell no 0832618571 or e-mail can be sent to jan@jhp.co.za.

Power of attorney was signed by the various owners authorizing Jan Hanekom to submit the application on their behalf. See POA attached hereto as Annexure 3

10. Exemption from 70 of 70

It is important to note that the properties situated within the Weltevreden Estate are exempt from Act 70 of 1970. see the implications of this in the adjacent paragraph. In the case of Farm and Farm 1557, both these properties are still subject to the provisions of Act 70 of 1970.

The fact that portions that are exempted are consolidated with portions that are not exempted (B and C) was discussed during the pre-application consultation with the Department of Agriculture. It was concluded that this is not an issue and should be clearly indicated on the subdivision and consolidation plan which parts are exempt and which parts are not.

EXCEPTION: An exception to this rule is land that is located in a built urban area and carries a farm description, but obviously no longer serves as a farm or agricultural land. In such a case, the Department of Agriculture needs to provide the landowner with a letter agreeing to the non-agricultural status of the land, before the Municipality can process the subdivision application

11. Pre application consultation

A pre-application consultation is a requirement where: - the physical development area of a subdivision is larger than a hectare; and/or - the area is subject to certain rezoning and restrictive title conditions.

The Pre Application Consultation was arranged to discussed the matter with Mr Robert Fooy from the Stellenbosch Municipality Planning section. During the conversation, it was pointed out that the matter should also be discussed with the Department of Agriculture.

Following this, the application was discussed with Cor Van Der Walt. During the first meeting certain concerns were raised. It mainly dealt with the use of water for irrigation.

A further meeting was arranged on the premises during which the local circumstances and the alternative plan for obtaining water were addressed. The proposed plan for subdivision and consolidation resulted from this meeting. A third meeting during which the plan was discussed followed. It was concluded that all the aspects have been addressed and that the application can continue.

12. Property detail and Ownership

In the following table, the ownership for the various properties is summarized in tabular form.

Table 3 Ownership

Farm No	Division	Owner	Title deed	Extent Ha	Co-ordinates (Lat/Long)**
Erf 16566	Stellenbosch	Seascape On The Rocks (Pty) Ltd Erf 28288 Table View (Pty) Ltd	D/T T20886/2022 D/T T40604/2019	2,2712	33° 53'49.05"S 18° 50'57.40"E
Erf 16836	Stellenbosch	Weltevreden Retief Residence (Pty) Ltd	D/T T21986/2012	3,7433	33° 53'52.18"S 18° 51'00.95"E
Erf 16576	Stellenbosch	Weltevreden Retief Residence (Pty) Ltd	D/T T34872/2019	0,6989	33° 53'54.35"S 18° 51'04.43"E
Farm 1557	Stellenbosch Rd	Verblyf Der - Gelukzaligen (Pty) Ltd	D/T T37637/2013	52.8804	33° 53'43.18"S 18° 50'52.14"E

13. Locality

The properties are located north of Stellenbosch. Weltevreden Estate borders the Welgevonden neighbourhood and Farm on Cloeteville. The properties, with the exception of Farm 1557, are accessed from the Welgevonden Boulevard. Farm 1557 is accessed from R44 between Klappmuts and Stellenbosch. The properties form part of the transition area between the urban development of Stellenbosch and the well-developed agricultural units north of Stellenbosch. The Weltevreden Estate forms a strong security buffer between the rural and urban environments.



Figure 4 Locality Plan

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

14. Urban edge

The urban edge of Stellenbosch includes Weltevreden Estate and follows the northern boundary between Farm 1557 and Weltevreden Estate.

The consolidation of Portion B with plot 16566 will result in a part of the newly formed plot being located outside the urban edge. This matter was discussed with the Stellenbosch Municipality's planners. It was pointed out that this is not a unique phenomenon and that there are other similar situations. It has been suggested that an application be submitted to amend the urban edge when the edge is reviewed again.

15. Agriculture

Paragraph 3 of this document describes the current agricultural activities of each property.

“VITICULTURE VISION

- The specific site at Weltevreden Hills has unique potential to create an iconic vineyard and wine, much in the style of the Syrah vineyards of Côte-Rôtie in the northern part of the Rhone-valley in France, which is renowned for the best Syrah in the world. The vineyards are some of the steepest in Europe, and so too, Weltevreden Hills has some of the steepest, plantable sites in Stellenbosch.
- South African Syrah is categorized into spicy or fruity –the latter of which is associated with large volumes and lower quality wines. Spicy notes in Syrah are acquired by proximity to the ocean (closer), elevation (higher than 600m), low volumes 1.8 kg per plant or low solar irradiation (<4900 wh/m²).
- The specific site at Weltevreden Hills receives between 3900wh/m² -4990wh/m², which in South African standards are extremely low, with a handful of sites plantable at such low radiation, mostly due to the steep slopes required to achieve these low values (indicative of the inclination that the sun strikes the earth surface)."

The following agricultural development is envisaged.

The owners of the consolidated plot 16566 intend to fully develop the farm as a wine grape farm. The viticulture land use and associated international best practices that are applied can serve as a model to many other farms in the region.

"The uniqueness of the specific site and its various properties (with specific notice of slope inclination and low solar irradiation in South African terms) outlines the technical difficulties involved in such development, but with proper planning and execution, not only has the potential to produce world class wine, but also to add immense value to the properties surrounding it not only on an aesthetic scale, but also play an integral role in environmental aspect of the given site". Bertha Wines Booklet



Figure 5 notice the terraces on steep slopes

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

The owners of the property follow an approach of ... *incorporating various global and local vinicultural and GIS (Geographic Information Systems) models into the planning and designing of the specific property, one can have the best of the “old world” viticulturally, and also the best of the “new world” in terms of wines produced, design tools, knowledge of local fynbos, using biological pest control methods by utilizing natural predators and also taking the surrounding urban areas into consideration.*” Bertha Wines Booklet

“Steep slope viticulture poses a lot of challenges, but can result in ultra-premium wine, where the preferred method of planting is Echalas (stake-by-vine) as the vineyards are famously planted in Côte-Rôtie, France and in the Mosel in Germany.”

The owners believe that the farm holds the potential to produce world-class wine, and add enormous value for the properties around it not only on an aesthetic scale, but also play an integral role in environmental aspect.

16. Access

Access to Weltevreden Estate is from Welgevonden Boulevard. This is in the form of a controlled security access located at Welgevonden Estate's entrance gate. The access is well defined and well managed by a security firm. No further upgrading of the access will be required as a result of this subdivision and consolidation of properties.



Figure 6 Access to Weltevreden Estate

Farm 1557 Bon Esperance is accessed from the R44 route. The access will remain unchanged. The portions that are subdivided will be accessed via Weltevreden Estate. No need to alter the current access due to the subdivision and consolidation of properties.



Figure 7 Access to Farm 1557

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

17. Title deeds

The properties under discussion are held by different entities as reflected in the table below.

The title deeds of the various properties are attached for scrutiny. Arising from our investigation it appears that there are no restrictive conditions contained in the title deeds which prevent the proposed subdivisions and consolidation. All the servitudes contained in the title deeds will continue to exist unimpeded.

Table 4 Title deeds

Erf 16566	Stellenbosch	Seascape On The Rocks (Pty) Ltd Erf 28288 Table View (Pty) Ltd	D/T T20886/2022 D/T T40604/2019
Erf 16836	Stellenbosch	Weltevreden Retief Residence (Pty) Ltd	D/T T21986/2012
Erf 16576	Stellenbosch	Weltevreden Retief Residence (Pty) Ltd	D/T T34872/2019
Farm 1557	Stellenbosch Rd	Verblyf Der - Gelukzaligen (Pty) Ltd	D/T T37637/2013

18. Proposed Subdivision and Consolidation

The proposed subdivision and consolidation is depicted on the accompanying plan.

- 1) The **Farm No 1557** Stellenbosch, owned by Verblyf Der Gelukzaligen (Pty) Ltd vide D/T T37637/2013, measuring 52.8804 hectares in extent, is to be subdivided into :

c) Ptn. B	± 5,50 hectares
d) Ptn. C	± 4,50 hectares
e) Rem. No 1557	±42,88 hectares

- 2) Ptn B are to be transferred to Erf 28288 Table View (Pty) Ltd and Seascape's on the Rocks (Pty) Ltd and consolidated with **Erf 16566** Stellenbosch, measuring 2.2712 hectares in extent, to form a land unit measuring ± 7,7718 hectares in extent.

Ptn. B	± 5,50 hectares
Erf 16566	2,2712 hectares
Total consolidated Erf 16566	± 7,7712 hectares

Consolidation

- 4) Erven 13836 and 16576 Stellenbosch both owned by Weltevreden Retief Residence (Pty) Ltd, respectively measuring 3,7433 hectares and 0,6989 hectares in extent, are to be consolidated to form a land unit measuring 4.4422 hectares in extent.

Erf 13836	3,7433 hectares
Erf 16576	0,6989 hectares
Total consolidated Erf	4,4422 hectares

Consolidation

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

5) The figure a b c d e f g represents a National Monument over Erf 13836 Stellenbosch vide GN 1429 dated 13/11/1998 Gazette No 19446



Figure 8 Abstract from the plan for Subdivision and Consolidation

19. Form giving aspects.

By way of background, I would like to state that the reasons for establishing the boundary lines were not determined primarily on the basis of planning considerations, but rather on the basis of practical farming considerations. It is also important to note that the farm Bon Esperance is a well-developed viable agricultural unit where an attempt is made to utilize the property optimally. However, there are practical considerations that play an important role affecting the utilization of certain areas. After thorough investigation and input from agricultural experts and the management team on the farm to the owner of the farm, the proposed boundary lines were determined. The following is taken from the information provided by **Mr. Petru Du Plessis** the owner and farmer of Farm 1557.

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

"Aspect 1

- **Location of northern boundary line of Portion B & C / why these portions northern boundary line is not along the existing tree line. and service road that forms a natural barrier.**

Answer

- *"Please see included: Google Earth Attachment. The reason why we follow the Northern lines: a) to get the Bonne Esperance orchard (between thick green lines), that all fruit rows are the same length (land is level enough). The current orchard has short rows at the bottom and longer ones at the top/East. We can change it now for the better by planting a new tree line and making the bottom/Western rows longer. B) Bonne Esperance is on a hill. The green line further excludes a white surveyor's beacon, on the southern side, to make sure surveyor's in and around Stellenbosch has "line of sight" access to the beacon. And c) Portion C needs to have a "higher line", to ensure access to the whole property. There is a steep valley which is cutting through Portion C"*



Aspect 2

- **What the portion of land located between the proposed northern boundary lines for portion B & C and the tree is to be used for if not included in the newly created portions.**

Answer 2:

- *"I again refer to the Google Earth Image. - we are trying to enlarge the current orchard, by using more land between Bonne Esperance and Portion B. Bonne Esperance has limited land that is level, and the Orchard between the Green Lines, is going to be much more commercially viable. The southern part of the orchard could be lower/South if there wasn't a white surveyor's beacon."*

Aspect 3:

What agricultural activities are proposed on Portion C as its approval will form an agricultural portion that has no agricultural potential due to its size and location.

Answer 3:

- *"The potential of Agricultural activities of Portion C is very low due to extremely high winds in summer. We tried in the past to put up a nursery, with very expensive protective nets. But the South Easter wind is breaking all structures and nets 2 – 3 times per season. Normal winds are doing no harm, but due to the exposed South-*

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

Eastern slope, the South Easter literally blows leaves and fruit from each trees. A site visit during one of the notorious South-eastern winds can proof this point."

Aspect 4:

- **What buildings are proposed for Portion C as the approval of Portion C will facilitate the construction of additional buildings not related to any agriculture activity as noted above.**

Answer 4

- *"Currently, no buildings are suggested for Portion C. We are also not looking for any residential development and would in fact strongly argue against such idea. We are trying to run a nursery on Portion C, with limited success (due to strong winds). I would suggest Portion C may form a smallholding border between the residential development on the Southern side, and the full scale Agri business on the Northern side. Something like 3 horses in 5 camps, or a few sheep, would be ideal. Especially from an esthetic point, with views from the R44 road and Stellenbosch town side."*

Aspect 5:

- **The visual impact on the surrounding area of all new building work that would be introduced with the approval of Portion C and how it will be mitigated should Portion C be supported.**

Answer 5:

- *"Currently we are running a nursery, with marginal visual impact towards the South/Stellenbosch. I would suggest by introducing horses or sheep, the extreme wind factor can be mitigated. With permission to possibly build one future house in the valley, looking towards the East. Building in such a way, that the house doesn't "see" Welgevonden, and Welgevonden don't see the house."*

Aspect 6: Motivate specifically the creation of Portion C and how the MSDF supports the creation of new agricultural properties that will have no agricultural potential due to the slope, access, and location of the newly created portion.

Answer 6:

- *"The motivation for Portion C is the creation of a smallholding border/area between residential properties and agricultural land. Portion C is on a Southeastern slope, which makes cultivation of horticultural crops very, very difficult. By implementing low impact farming, the visual impact can be minimized. As well as low risk for light and / or noise pollution. Future access and water would come from a servitude on the Eastern side of the current Bonne Esperance farm."*

Source: Petru Du Plessis Owner and farmer of Farm 1557

From the above paragraphs it is therefore clear that the considerations are strongly shaped by the practical implications of farming and can therefore be supported from a planning point of view.

Application for Subdivision and Consolidation of Farm 1557 with Erf 16566 and the Consolidation of Erf 16576 with Erf 13836 Stellenbosch

It is also important to note that the adjoining owners and now the prospective owners of Portion B have had great success with specific farming techniques taken from Europe to plant vineyards on the adjoining portions. These techniques will also be applied to Portion B.

We therefore strongly recommend this application from a planning point of view

20. Servitudes

Erf 16597 of Weltevreden Estate as detailed on General Plan No.1387/2026 is the official access road to all the different plots on the Weltevreden Estate (Subdivided Erf 16389). A further servitude will be registered as part of the water sharing and distribution agreement to accommodate the proposed pipeline.

21. Conclusion

From a planning perspective we wish to strongly recommend this application for approval.

In summary, we would like to summarize the main arguments as follows.

- **No more diagrams or land units are formed.** The subdivision and consolidation can be seen as the rearrangement of diagrams to maximize the agricultural potential of the farms.
- The **security of the greater rural area will be enhanced** by the inclusion of the properties within the Weltevreden Estate's boundaries.
- **Weltevreden Estate's agricultural activities will be strengthened** by adding more developable agricultural land to the existing vineyards.
- The **"unusable section" of Farm 1557** (fruit farm) can now be used for vineyards.
- **Jobs within the agricultural sector** are created through the proposed agricultural development.
- The fact that the portion of the properties is **exempt from Act 70 of 1970** has no impact on the activities.