

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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2023, refers:

Application Property Address	Middelvlei Farm, Onder-Papegaaiberg, Stellenbosch
Application Property Number	Farms 1514, Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Middelvlei Landgoed (Pty) Ltd
Application Reference	LU/18818 (TP928 /2024)
Application Type	Consent use

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

Application for Consent Use in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 in order to permit the following land uses on Farm 1514 Stellenbosch Division

- To use a portion of the existing house and adjacent grass area ($\pm 390\text{m}^2$) for a restaurant.
- To use a portion of the existing shed ($\pm 390\text{m}^2$) as a function venue

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

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

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

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 6 August 2025.

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

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

YOURS FAITHFULLY

**EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

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

Adres van aansoek eiendom	Middelvlei Plaas, Onder-Papegaaiberg, Stellenbosch
Aansoek eiendom beskrywing	Plaas 1514
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Middelvlei Landgoed (Edms) Bpk
Aansoek Verwysing	LU/18818 (TP928/2024)
Tipe Aansoek	Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek om vergunningsgebruik in terme van Artikel 15 (2) (o) van die Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 ten einde die volgende grondgebruik op Plaas 1514 Afdeling Stellenbosch toe te laat.

- Die aanwending van 'n gedeelte van die bestaande huis en aanliggende gras-area ($\pm 390\text{m}^2$) vir 'n restaurant.
- Die aanwending van 'n gedeelte van die bestaande stoor ($\pm 390\text{m}^2$) vir 'n funksiefasiliteit.

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

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

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;

- o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
- o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
- o Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 6 Augustus 2025.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 886 5050) gedurende normale kantoor ure.

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE



APPLICATION FOR CONSENT USE (TOURIST FACILITY):
REMAINDER FARM 1514 STELLENBOSCH

Prepared by:



2024/10/17

My ref: Farm 1514 Stellenbosch

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR CONSENT USE: FARM 1514 STELLENBOSCH

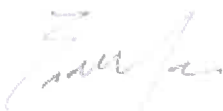
Include hereby please find the application for the following:

- Application for Consent use (tourist facility) in terms of Section 15 (2) (o) of the Stellenbosch Zoning Scheme By-Law (2023) in order to use two of the existing buildings for restaurant and function venue purposes.

This office kindly awaits your further instruction pertaining to the above-mentioned application.

Thanking you in anticipation.

Yours faithfully



EMILE VAN DER MERWE

EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

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

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Farm 1514 Stellenbosch, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- Application in terms of Section 15 (2) (o) of the Land Use Planning By-Law (2023) for Consent Use (tourist facilities) to utilise two of the existing buildings for a restaurant and outside seating area (300m² & 90m³) and function venue (390m²) on the property.

The following report will endeavour to show that the proposal is desirable from an integrated planning point of view and that it is line with the planning policies of National- and Provincial Government as well as the planning directives endorsed in terms of the Stellenbosch Municipal Integrated Development Plan and the Stellenbosch Spatial Development Framework. The report further will show that the proposal is compatible with the surrounding land use character of the area and that it will not impact on the sustainable use of the property for agricultural purposes.

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

The application property is located to the immediate north of the Onder-Papegaaiberg neighbourhood and to the immediate west of Kayamandi. Access to the farm is obtained from a municipal road (Flamingo Road).

3. OWNERSHIP AND SIZE

The property is owned by Middelvlei Landgoed (Pty) Ltd in accordance with the Title Deed – attached as **Appendix 2**. The Company Resolution and Power of Attorney in favour of the applicant is attached as **Appendix 3**. The property is 54.45 ha in extent and falls with the jurisdiction area of the Stellenbosch Municipality. The Surveyor diagram is attached as **Appendix 4**.

4. ZONING RIGHTS

The property in terms of the Stellenbosch Zoning Scheme By-Law (2023) is zoned Agricultural Rural Zone with the following additional use rights provided below. The zoning certificate is attached as **Appendix 5**.



2. PERMITTED LAND USES ATTACHED TO THE SUBJECT PROPERTY

The land uses which are permitted on the subject property in accordance with the zoning provisions are the following:

- a) All primary land uses as per the Zoning Scheme Bylaw. See Annexure A.
- b) With technical approval (additional use) for agricultural industry (wine cellar of $\pm 1198\text{m}^2$ and wine tasting facility of $\pm 362.8\text{m}^2$), eleven (11) additional employee housing units exceeding the number of permitted employee housing units (ranging between $\pm 50\text{m}^2$ to $\pm 100\text{m}^2$), and tourist facility (hall of $\pm 98\text{m}^2$), as indicated on the approved Site Plan with project number 178, drawn by PN and dated 2016-11-22, bearing the municipal approval stamp dated 19/12/2016. See Annexure B.
- c) With consent for two (2) additional employee housing units ($\pm 129\text{m}^2$) exceeding the permitted number of employee housing units and the 120m^2 coverage threshold, as indicated on the approved Site Plan with project number 178, drawn by PN and dated 2016-11-22, bearing the municipal approval stamp dated 19/12/2016. See Annexure B.

The Stellenbosch Municipality on 2016/05/25 granted approval for a temporary departure in order to use a portion of an existing house and adjacent grass area ($\pm 390\text{m}^2$) as a restaurant and to use a portion of an existing shed of $\pm 390\text{m}^2$ as a function venue. The letter of approval is attached as **Appendix 6**. The said approval was valid for a 5 year.

Note: Permanent rights by means of a consent use was not possible since the property at that time was regulated by the former Stellenbosch Zoning Scheme Regulations. Permanent rights for the same type of land use could have been granted if the property was located within the ambit of the Section 8 Zoning Scheme Regulations.

The purpose of the application is to obtain permanent land use rights as provided for in the Stellenbosch Zoning Scheme By-Law.

4. STELLENBOSCH ZONING SCHEME BY-LAW (2023)

As mentioned above, the property is zoned as Agricultural Rural Zone in accordance with the Stellenbosch Municipality Zoning Scheme By-Law, that was adopted by Council on 29 May 2019 (Amended November 2023). The purpose of the zone (see below) is to make provision for the following:

200. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
 - (a) the protection and preservation of agricultural land, rural landscapes, and biodiversity.
 - (b) use of land for purposes of bona fide agricultural production or conservation.
 - (c) buildings and structures which may be erected for reasonable and normal agricultural purposes.
 - (d) a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability, and providing diversified income to landowners, without adversely impacting on the primary use of the land unit for agricultural purposes.



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

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> \text{one event/year}$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

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

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

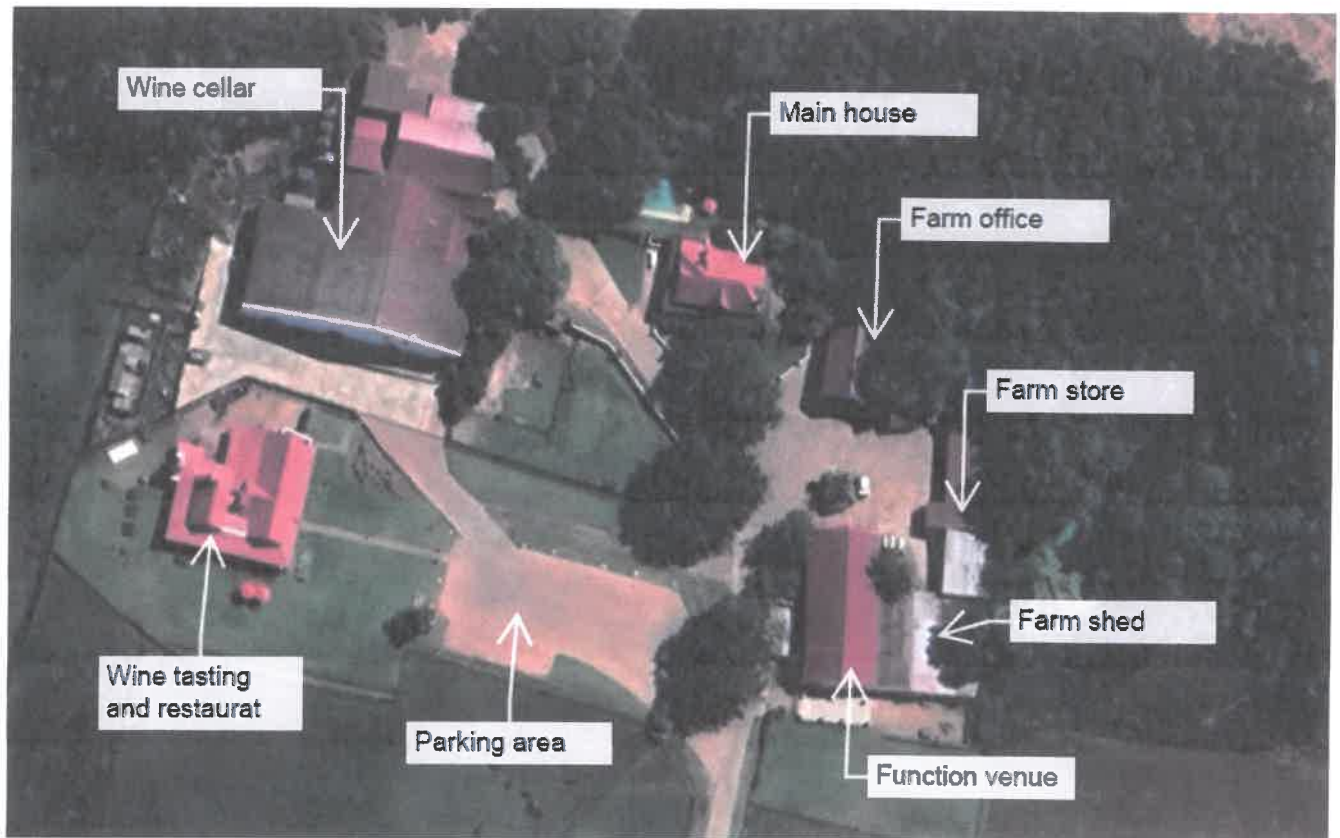
5. EXISTING LAND USE AND DEVELOPMENT PROPOSAL – APPENDIX 7

Farm 1514 is a viable agricultural economic farming unit that predominantly is planted with vineyards (± 32 ha) and used for grazing purposes (± 10 ha). The property has been in the ownership of the Momberg Family for more than 60 years during which period established Middelvlei as one of the model wine farms in the Stellenbosch district.

The farm is famous for its red wines that are produced on traditional winemaking methods, and boasts a combination of both old and new techniques which have been refined through the years of family wine making. The Cellar also hosts a maturation facility for 300 oak barrels (225-litres each) which are predominantly French oak, with a small selection of American oak to provide additional variation when developing the wood structure to certain wines.

In addition and complementary to the wine making process a wine tasting facility, restaurant and function facility was established during 2016. The said facilities are located on the farm werf as per the map below.

Farm 1514: Farm werf



The purpose of the application is to formalise the restaurant and function facility in support of the agricultural activities and wine making process. The said facilities have been in successful operation for last number and is of key importance to improve and to sustain farming and agricultural activities on the property.

The plans previously approved by the Stellenbosch Municipality during 2016 is attached as **Appendix 7**. The current proposal does deviate from the previous approvals as prepared by Urban Rural SA.

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

213. Consent uses in Agriculture and Rural Zone

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

Consistency with regards to Section 213

- The proposal will not impact negatively on the preservation of agricultural land and the continued use of farm for agricultural purposes;
- The proposed land uses are compatible with the rural character of the area
- The proposed use is confined to existing buildings that forms part of the farm werf
- The scale of the proposal is in keeping with the rural character of the area and the proposed use will not dominate the farming activities;
- Sufficient parking is available on the property
- The proposal will be subservient to the farming activities and primary agricultural land uses;
- The proposal will not result in a change of zoning (rezoning to required)
- The proposed facility is considered to be a rural place bound activity and is of small scale that will complement the farming operations whilst not compromising the agricultural sustainability, scenic and heritage and cultural landscape
- The proposed facility is accessible from the existing internal farm road and it will not interfere with the daily running of the farming operations
- The proposal will not impact on the municipal services

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

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

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

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

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

6. LEGISLATIVE AND POLICY CONTEXT

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

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

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

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

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

Spatial Justice

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

Spatial efficiency

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

Spatial resilience

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

Good Administration

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

LUPA

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

6.2 Western Cape Provincial Spatial Development Framework (WCPSDFP)

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

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

- Ecological integrity
- Social Justice
- Economic efficiency

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

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

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

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

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

The Guidelines supports the following:

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

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

6.3 Western Cape Strategic Plan 2014-2019

Vision

"We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected High Opportunity Society For All"

Provincial Strategic Goals



Western Cape Economic Drivers

PSG 1: Create opportunities for growth and jobs

PROJECT KHULISA ("to grow")

Productive Sectors:



Enablers:

Energy
Water
Broadband
Skills



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

6.4 Stellenbosch Spatial Development Framework

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

- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity, conservation and agri-tourism should be promoted in farming areas outside of urban settlements
- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints and these should take the natural and heritage significance of the site into account.

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

7. SERVICES

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

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

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

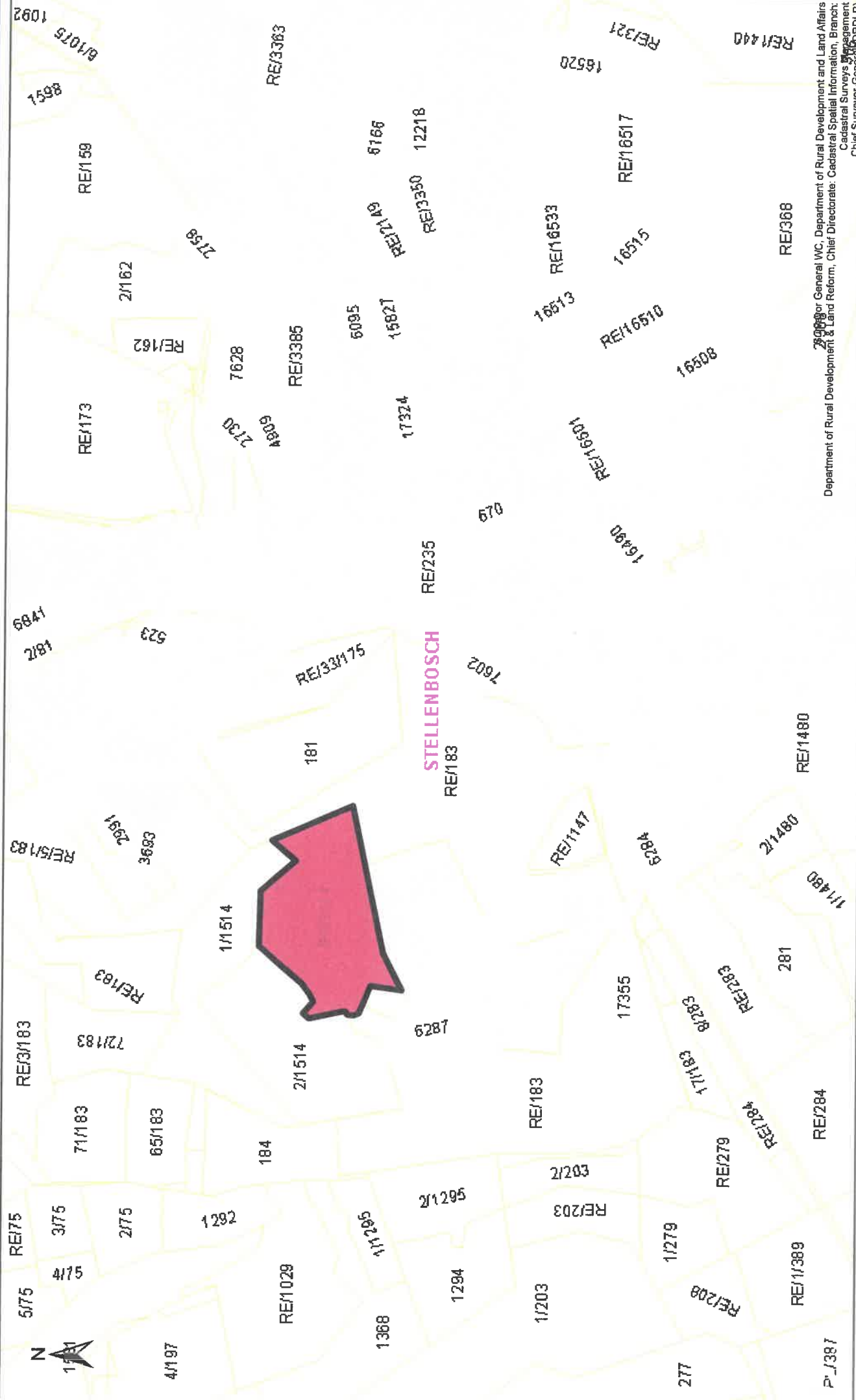
In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 1514 Stellenbosch Division.

.....

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APPENDIX 1 LOCATION MAP

Location Plan: Farm 1514



Date created: 2024/10/14

APPENDIX 2

TITLE DEED

9

FEE
R. 95,00.....

Opgestel deur my

Transportbesorger
STANDER J

SERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN <i>Ged. i van die Plaas Nr 1814</i> IN RESPECT OF <i>groot 49,3674 ha</i>	
RESTANT REMAINDER <i>114,0015 ha</i>	
T 000097084 / 2007	 REGISTRATEUR/REGISTRAR
2007-12-05	

T 000097083 / 2007

SERTIFIKAAT VAN VERENIGDE TITEL

(Uitgereik kragtens die bepalings van Artikel 40 van
Die Registrasie van Aktes Wet, 1937 (Nr 40 van 1937))

NADEMAAL

MIDDELVLEI LANDGOED (EIENDOMS) BEPERK
Nr. 1993/000320/07

Aansoek gedoen het om die uitreiking van 'n Sertifikaat van Verenigde Titel kragtens
Artikel 40 van die Registrasie van Aktes Wet, 1937,

DATA / CAPTURE
10 JAN 2008
BARLOW M

ENGELBRECHT
2008-01-25
VERIFY

5

NADEMAAL hulle die geregistreerde eienaars is van

1. Die plaas Middel Vallei Nr. 187
In die Munisipaliteit Stellenbosch
Afdeling Stellenbosch
Wes – Kaap Provinsie

Gehou kragtens Transportakte T34881/1994

2. Gedeelte 2 van die Plaas Nr. 183
In die Munisipaliteit Stellenbosch
Afdeling Stellenbosch
Wes – Kaap Provinsie

Gehou kragtens Transportakte T34881/1994

3. Gedeelte 4 (Middelvlei Annexe) van die Plaas Nr. 183
In die Munisipaliteit Stellenbosch
Afdeling Stellenbosch
Wes – Kaap Provinsie

Gehou kragtens Transportakte T34881/1994

4. Gedeelte 6 (Middelvlei Extension) van die Plaas Nr. 183
In die Munisipaliteit Stellenbosch
Afdeling Stellenbosch
Wes – Kaap Provinsie

Gehou kragtens Transportakte T34881/1994

5. Die Plaas Nr. 1513
In die Munisipaliteit Stellenbosch
Afdeling Stellenbosch
Wes – Kaap Provinsie

Gehou kragtens Transportakte T34881/1994

Wat verenig is tot die grond hieronder beskryf.

So is dit dat ingevolge die bepalings van genoemde Wet, ek, die Registrateur van Aktes te Kaapstad hierby sertifiseer dat voornoemde

MIDDELVLEI LANDGOED (EIENDOMS) BEPERK
Nr. 1993/000320/07



Hulle erfgename, eksekuteurs, administrateurs of regverkrygendes, die geregistreerde eienaars is van

Die plaas Nr. 1514
In die Munisipaliteit Stellenbosch
Afdeling Stellenbosch
Wes – Kaap Provinsie

Groot: 163,3989 (Een ses drie komma drie nege agt nege) Hektaar

Soos meer volledig bleik uit kaart Nr. LG 4106/2007

1. IN SOVER dit betref die gedeelte van die grond soos na verwys in figuur vwx op Kaart LG nr 4106/2007

- A. ONDERHEWIG aan die voorwaardes vervat in die Grondbrief uitgereik kragtens die bepalings van Wct 15 van 1887 op 22 Junie 1908 (Stellenbosch Eiendomsbriewe Boekdeel 8 Nr. 15), Paragraaf III waarvan as volg lui:

“III That all rights to gold, silver and precious stones found or discovered at any time on or in the said land, shall be reserved to the Crown, together with a right of ingress to and egress from any mines or works undertaken for mining or prospecting purposes by any person or persons authorised by the Minister; but subject always to the provisions of any Law for the time being regulating the prospecting and mining for precious stones and minerals.”

- B. ONDERHEWIG aan die verdere voorwaardes vervat in gemelde Grondbrief uitgereik op 22 Junie 1908 (Stellenbosch Eiendomsbriewe Boekdeel 8 Nr. 15), wat as volg lui:

“Subject, however, to all such duties and regulations as are either already or shall in future be established with regards to such lands”

- C. GEREGTIG op die bepalings van 'n endossement gedateer 18 Desember 1984 aangebring op Transportaktes Nr. T1801/61 en T12043/63 welke endossement soos volg lees:

"Kragtens Notariele Akte van Serwituut Nr. K1230/84S is die binnegemelde eiendomme geregtig op 'n padserwituut 5 (VYF) meter wyd oor Gedeelte 52 (Gedeelte van Gedeelte 7) van die Plaas Nr. 183, Groot 2.3386 Hektaar, in die Munisipaliteit en Afdeling Stellenbosch, gehou kragtens Transportakte Nr. T46122/82, welke serwituut sal strek vir die volle lengte en parallel met die lyn A B op Kaart Nr. 4065/80 geheg aan Transportakte Nr. T46122/82, met bykomende regte, soos meer volledig sal blyk uit gesegde Notariele Akte."

2. IN SOVER dit betref die gedeelte van die grond soos na verwys in figuur ABCstuHJKclb1a1zyxwvLMNP op Kaart LG nr 4106/2007

- A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in gemelde Transportakte Nr. 1168, gedateer 19 Februarie 1936.
- B. ONDERHEWIG aan die voorwaardes vervat in die Grondbrief uitgereik kragtens die bepalings van Artikel 10 van Wet Nr. 15 van 1887 op 22 Junie 1908 (Stellenbosch Eiendomsbriewe Boekdeel 8 Nr. 15), Paragrafe II en III waarvan as volg lui:

"II That all roads and thoroughfares existing over the land hereby granted, whether they are described in the diagram or not, shall remain free and uninterrupted, the land thus granted being further subject to all such duties and regulations as are either already or shall in future be established with regards to such lands.

III That all rights to gold, silver and precious stones found or discovered at any time on or in the said land, shall be reserved to the Crown, together with a right of ingress to and egress from any mines or works undertaken for mining or prospecting purposes by any person or persons authorised by the Minister; but subject always to the provisions of any Law for the time being regulating the prospecting and mining for precious stones and minerals."

- C. ONDERHEWIG aan die verdere voorwaardes vervat in gemelde Grondbrief uitgereik op 22 Junie 1908 (Stellenbosch Eiendomsbriewe Boekdeel 8 Nr. 15), wat as volg lui:

"Subject, however, to all such duties and regulations as are either already or shall in future be established with regards to such lands"

- D. ONDERHEWIG aan die voorwaardes waarna verwys word in die endossement, gedateer 10 Maart 1958, op gemelde Transportakte Nr. 15374, gedateer 6 November 1945, welke endossement soos volg lees:

"Paras 4 & 6

By Notarial Deed No 101/58 dated 28/11/1957 the Estate as owner of Paras 4 & 6 held hereunder has given and granted to the Electricity Supply Commission a servitude right of perpetuity.

- (a) to convey electricity across the said land by means of wires and/or cables overhead or underground along the line of route as shown on Diagram 9178/55 and marked d e f g and g h thereon,
- (b) to lay or construct upon the said land along the said line or route all such wires and / or cables, poles, posts or appurtenances relating thereto, as may be necessary for the purpose aforesaid, together with the right to use, inspect maintain, repair, alter, renew and / or remove all such wires, cables, poles, posts, and / or appurtenances aforesaid.

Subject to conditions and as will more fully appear on reference to the said Notarial Deed – vide copy annexed hereto"

Which servitude is indicated on line qr, vide Diagram No. 9178/1955, D/S 445/1959

- E. GEREKTIG op die bepalinge van 'n endossement gedateer 18 Desember 1984 aangebring op Transportakte Nr. T1801/61 en T12043/63 welke endossement soos volg lees:

"Kragtens Notariele Akte van Serwituut Nr. K1230/84S is die binnegemelde eiendomme geregtig op 'n padserwituut 5 (VYF) meter wyd oor Gedeelte 52 (Gedeelte van Gedeelte 7) van die Plaas Nr. 183, Groot 2,3386 Hektaar, in die Munisipaliteit en Afdeling Stellenbosch, gehou kragtens Transportakte Nr. T46122/82, welke serwituut sal strek vir die volle lengte en parallel met die lyn A B op Kaart Nr. 4065/80 geheg aan Transportakte Nr. T46122/82, met bykomende regte, soos meer volledig sal blyk uit gesegde Notariele Akte."

3. IN SOVER dit betref die gedeelte van die grond soos na verwys in figuur CDEFGHuts op Kaart LG nr 4106/2007

- A. ONDERHEWIG aan die voorwaardes vervat in die Grondbrief uitgereik kragtens die bepalinge van Wet 15 van 1887 op 22 Junie 1908

(Stellenbosch Eiendomsbriewe Boekdeel 8 Nr. 15), Paragraaf III waarvan as volg lui:

"III That all rights to gold, silver and precious stones found or discovered at any time on or in the said land, shall be reserved to the Crown, together with a right of ingress to and egress from any mines or works undertaken for mining or prospecting purposes by any person or persons authorised by the Minister; but subject always to the provisions of any Law for the time being regulating the prospecting and mining for precious stones and minerals."

B. ONDERHEWIG aan die verdere voorwaardes vervat in gemelde Grondbrief uitgereik op 22 Junie 1908 (Stellenbosch Eiendomsbriewe Boekdeel 8 Nr. 15), wat as volg lui:

"Subject, however, to all such duties and regulations as are either already or shall in future be established with regards to such lands"

C. ONDERHEWIG aan die volgende spesiale voorwaardes vervat in gemelde Transportakte Nr. 9730, gedateer 20 September 1938, naamlik:

"That the transferor and its successors in title of the remaining extent of the said Lot XLVIII held under Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Volume 8 No 15) shall be entitled to a right-of-way 24 feet in width from the beacon h to the beacon j on the property hereby transferred as indicated on the diagram thereof."

D. GEREGTIG op die bepallings van 'n endossement gedateer 18 Desember 1984 aangebring op Transportaktes Nr. T1801/61 en T12043/63 welke endossement soos volg lees:

"Kragtens Notariële Akte van Serwituut Nr. K1230/84S is die binne gemelde eiendomme geregtig op 'n padserwituut 5 (VYF) meter wyd oor Gedeelte 52 (Gedeelte van Gedeelte 7) van die Plaas Nr. 183, Groot 2.3386 Hektaar, in die Munisipaliteit en Afdeling Stellenbosch, gehou kragtens Transportakte Nr. T46122/82, welke serwituut sal strek vir die volle lengte en parallel met die lyn A B op Kaart Nr. 4065/80 gehou aan Transportakte Nr. T46122/82, met bykomende regte, soos meer volledig sal blyk uit gesegde Notariële Akte."

4. IN SOVER dit betref die gedeelte van die grond soos na verwys in figuur vxyza1b1 op Kaart LG nr 4106/2007

A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte Nr. 4518, gedateer 13 Augustus 1895

- B. ONDERHEWIG aan die spesiale voorwaardes vervat in gemelde Transportakte Nr. 4518, gedateer 13 Augustus 1895, wat as volg lui:

"That Benjamin Daniel Alexanders and Sarah Jacoba Catharina Alexanders Executors Testamentary estate late Johannes Alexanders reserve to themselves the right to the burial ground on the property hereby conveyed in extent fifteen yards square with the right to free egress and ingress over the said property for themselves, relatives and friends either for burial purposes or for repairing or visiting the said burial place."

- C. GEREKTIG op die bepalinge van 'n endossement gedateer 18 Desember 1984 aangebring op Transportaktes Nr. T1801/61 en T12043/63 welke endossement soos volg lees:

"Kragtens Notariele Akte van Serwituut Nr. K1230/84S is die binnegemelde eiendomme geregtig op 'n padserwituut 5 (VYF) meter wyd oor Gedeelte 52 (Gedeelte van Gedeelte 7) van die Plaas Nr. 183, Groot 2.3386 Hektaar, in die Munisipaliteit en Afdeling Stellenbosch, gehou kragtens Transportakte Nr. T46122/82, welke serwituut sal strek vir die volle lengte en parallel met die lyn A B op Kaart Nr. 4065/80 geheg aan Transportakte Nr. T46122/82, met bykomende regte, soos meer volledig sal blyk uit gesegde Notariele Akte."

5. IN SOVER dit betref die gedeelte van die grond soos na verwys in figuur KLvb1cl op Kaart LG nr 4106/2007

- A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in gemelde Transportakte Nr. 1168, gedateer 19 Februarie 1936.
- B. ONDERHEWIG aan die volgende voorwaarde vervat in die Grondbrief uitgereik kragtens die bepalinge van Artikel 13 van Wet Nr. 14 van 1878 op 24 Maart 1887 (Stellenbosch Eiendomsbriewe Boekdeel 5 Nr. 36), naamlik:

"II That all roads and thoroughfares existing over the land hereby granted, whether they are described in the diagram or not, shall remain free and uninterrupted, the land thus granted being further subject to all such duties and regulations as are either already or shall in future be established with regards to such lands."

- C. GEREKTIG op die bepalinge van 'n endossement gedateer 18 Desember 1984 aangebring op Transportaktes Nr. T1801/61 en T12043/63 welke endossement soos volg lees:

"Kragtens Notariele Akte van Serwituut Nr. K1230/84S is die binnegemelde eiendomme geregtig op 'n padserwituut 5 (VYF) meter wyd oor Gedeelte 52 (Gedeelte van Gedeelte 7) van die Plaas Nr. 183, Groot 2.3386 Hektaar, in die Munisipaliteit en Afdeling Stellenbosch, gehou kragtens Transportakte Nr. T46122/82, welke serwituut sal strek vir die volle lengte en parallel met die lyn A B op Kaart Nr. 4065/80 gehag aan Transportakte Nr. T46122/82, met bykomende regte, soos meer volledig sal blyk uit gesegde Notariele Akte."

En dat, kragtens hierdie sertifikaat, genoemde

MIDDELVLEI LANDGOED (EIENDOMS) BEPERK
Nr. 1993/000320/07

hulle erfgename, eksekuteurs, administrateurs of regsverkrygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudend die regte van die Staat.

IN GETUIENS WAARVAN EK, die genoemde REGISTRATEUR VAN AKTES tesame met die Komparant, q.q. hierdie Akte onderteken het en met my Ampseel bekragtig het.

ALDUS GEDOEN EN GETEKEN op die kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op 5de Desember, 2007.

q-q

In my teenwoordigheid


REGISTRATEUR VAN AKTES

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

RESOLUTION

PASSED AT THE MEETING OF MIDDELVLEI LANDGOED (PTY) LTD

HELD AT STELLENBOSCH

ON 9 OCTOBER 2024

Tinnie Momberg in his capacity of Director is hereby authorized to sign all documentation which may be necessary for the application in terms of Section 15 (2) (0) of the Stellenbosch Land Use Planning By-Law (2023) on Farm 1514 Stellenbosch.

A handwritten signature in black ink, appearing to be 'T.M.', with a stylized, sweeping flourish extending to the right.

**DIRECTOR
TINNIE MOMBERG**

POWER OF ATTORNEY

Middelvlei Landgoed (Pty) Ltd, the registered owner of Remainder Farm 1514 Division Stellenbosch

Do hereby nominate and appoint

Emile van der Merwe Town Planning Consultants

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

- ☐ **APPLICATION FOR CONSENT USE (TOURIST FACILITIES) IN TERMS OF SECTION 15 (2) (o) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2023)**

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

SIGNED AT STELLENBOSCH ON THIS 9th DAY OF OCTOBER 2024



TINNIE MOMBERG
DIRECTOR

APPENDIX 4

SG DIAGRAM

Servitude Note:

The line qr represents the centre line of an electric powerline servitude, vide Dgm. No. 9178/1955, D/S 445/1959

S.G. No.

4106/2007

Approved.

for

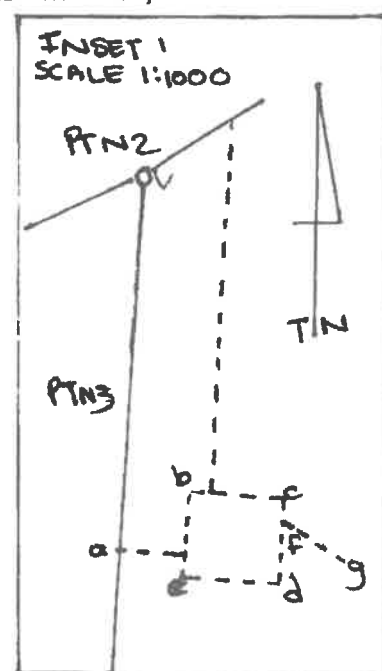
Surveyor - General

Date : 2007.08.06

SHEET 1 OF 2 SHEETS

Components:

1. The figure vwx represents Portion 2 of the Farm No. 183, vide Dgm. No. A3415/1923, D/T 1923- -11280
2. The figure ABCstuHJKc1b1a1zyxwLMNP represents Portion 4 of the Farm No. 183, vide Dgm. No. 4453/1935, D/T 1936- -1168
3. The figure CDEFGHuts represents Portion 6 (Middelvlei Extension) of the Farm No. 183, vide Dgm. No. 2333/1938, D/T 1938- -9730
4. The figure vxyza1b1 represents Farm Middel Vallei No. 187, vide Dgm. No. 178/1813, D/T S.T.Q. 1 - 46
5. The figure KLvb1c1 represents Farm No. 1513 vide Dgm. No. 4455/1935, D/T 1936- -1168



The figure ABCDEFGHJKLMNP
represents 163,3989 hectares

of land, being

FARM NO. 1514 and comprises 1. to 5. as above

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Compiled in June 2007
by me

Province of Western Cape

PLS 0080 D P Burger Pr Land Surveyor

This diagram is annexed to
No. 197083/2007
Dated
i.f.o.

The original diagrams are
as quoted above

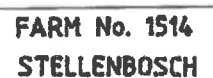
File No. Stel. 1514
S.R. No. Compiled
Comp. BHSZ-133 (6954)
BHSZ-1324(6953); BHSZ-1333(6955)
BHSZ-11(M3168); BHSZ-18(M2007)
BHSZ-132(6952), 13777

Registrar of Deeds

FOR ENDORSEMENTS
SEE BACK OF DGM.

FARM NO. 1514
STELLENBOSCH

SHEET 2 OF 2 SHEETS



THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMARKS
E1814/07	4107/2007	Pen. 1	49,367	97084	OK	
"	4108/2007	Pen. 2	54,449	97085		
"	4109/2007	Pen. 3	2,933	97086		
"	4110/2007	Pen. 4	2,951	97087		

APPENDIX 5
ZONING CERTIFICATE



STELLENBOSCH

STELLENBOSCH • STALL • FRANSCHHOEK

MUNICIPALITEIT • MUNICIPAL • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

Our Ref : P1514S
Contact per : G. Goosen
Contact no. : (021) 808 8610
Date : 03 November 2022

ZONING CERTIFICATE

**Farm 1514, Stellenbosch Division, Administrative District of Stellenbosch,
Province of the Western Cape**

1. ZONING SCHEME PROVISIONS APPLICABLE TO THE SUBJECT PROPERTY

In accordance with the Stellenbosch Zoning Scheme Bylaw 2019, the base zone allocated to the above property, is: **AGRICULTURAL AND RURAL ZONE.**

In terms of the provisions of the said Bylaw, this base zone may provide for the following Primary, Additional and Consent land uses:

PRIMARY USES PERMITTED	ADDITIONAL USES Land development requiring technical approval in terms of Section 15 of the Stellenbosch Land Use Planning Bylaw, 2015	CONSENT USES Land development requiring approval in terms of Section 15 of the Stellenbosch Land Use Planning Bylaw, 2015
<ul style="list-style-type: none">• Agricultural building ($\leq 2000\text{m}^2$)• Agriculture• Dwelling house• Forestry• Natural environment• Occasional use (one event/year)• Private road• Polytunnel ($\leq 2000\text{m}^2$)• Second dwelling• Employee housing (one unit)	<ul style="list-style-type: none">• Agricultural building ($> 2000\text{m}^2$)• Agricultural industry ($< 2000\text{m}^2$)• Bed and breakfast establishment• Employee housing (exceeding one unit)• Guest house• Home day care centre• Home occupation practice• Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$)• Rooftop base telecommunication station• Tourist dwelling units• Tourist facility (existing buildings)	<ul style="list-style-type: none">• Abattoir• Additional dwelling units (max 4)• Airfield• Airstrip• Agricultural industry ($\geq 2000\text{m}^2$)• Camping site• Day care centre• Freestanding base telecommunication station• Helicopter landing pad• Intensive feed farming• Kennel• Market• Occasional use ($> \text{one event/year}$)• Plant nursery• Polytunnel ($> 5000\text{m}^2$)• Renewable energy structure• Service trade• Tourist accommodation establishment• Tourist facility (new buildings or exceeding threshold)• Any additional use exceeding the threshold set out in this chapter

2. PERMITTED LAND USES ATTACHED TO THE SUBJECT PROPERTY

The land uses which are permitted on the subject property in accordance with the zoning provisions are the following:

- a) All primary land uses as per the Zoning Scheme Bylaw. See **Annexure A**.
- b) With technical approval (additional use) for agricultural industry (wine cellar of $\pm 1198\text{m}^2$ and wine tasting facility of $\pm 362,8\text{m}^2$), eleven (11) additional employee housing units exceeding the number of permitted employee housing units (ranging between $\pm 50\text{m}^2$ to $\pm 100\text{m}^2$), and tourist facility (hall of $\pm 98\text{m}^2$), as indicated on the approved Site Plan with project number 178, drawn by PN and dated 2016-11-22, bearing the municipal approval stamp dated 19/12/2016. See **Annexure B**.
- c) With consent for two (2) additional employee housing units ($\pm 129\text{m}^2$) exceeding the permitted number of employee housing units and the 120m^2 coverage threshold, as indicated on the approved Site Plan with project number 178, drawn by PN and dated 2016-11-22, bearing the municipal approval stamp dated 19/12/2016. See **Annexure B**.

3. LAND USE RESTRICTIONS

This property may only be used for the permitted land uses detailed above and for no other purpose.

The above land uses are subject to various definitions, development parameters and restrictions contained in the applicable zoning scheme, a copy of which is available on the Stellenbosch Municipality website at <https:// Stellenbosch.gov.za/planning-portal/>.

4. STATUS OF THE ZONING CERTIFICATE

- a) A Zoning Certificate is not a legal mechanism to vest any land use rights and where there are any discrepancies between the zoning information contained in this certificate and any current Municipal decision on the permitted land use rights and any qualification thereon, such Municipal decision on the land use rights will override the contents of this zoning certificate.
- b) The permitted land use rights attached to the subject property does not exempt the owner/occupier from compliance with any other statutory requirement which may be applicable to the subject property, inclusive of restrictive title deed conditions.


PP Director: Planning and Economic Development



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

Enquiries	N Dafeti / B Mdoda
Your ref	-
Our ref	Farm 1514, Stellenbosch
Application No	LU/4180
Date	2016-05-25
Telephone	021-808 8640 / 8690
Fax	021-886 6899

REGISTERED MAIL

Urban Rural SA Planning Practitioners
PO Box 7257
Stellenbosch
7599

Sir

APPLICATION FOR TEMPORARY DEPARTURE: FARM NO. 1514, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Director: Planning and Economic Development at a recent meeting resolved as follows:

1. That **approval be granted** in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a temporary departure in order to use a portion of an existing house of $\pm 390\text{m}^2$ and adjacent grass area as a restaurant on Farm 1514, Stellenbosch Division as indicated on the drawing attached as **APPENDIX 3**, subject to the conditions as per the attached **APPENDIX 1**.
2. That **approval be granted** in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a temporary departure in order to use a portion of an existing shed of $\pm 390\text{m}^2$ as a functions venue for small functions and weddings on Farm 1514, Stellenbosch Division as indicated on the drawing attached as **APPENDIX 3**, subject to the conditions as per the attached **APPENDIX 1**.

Kindly note, this temporary land use departure approval is valid for a period of not exceeding 5 years from the date of Council's final notification letter, which is to follow in due course and exercising thereof must commence within a period of 2 years from date of such final notification letter.

Kindly note that the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Kindly also note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.



Tel: +27 21 808 8025 | Fax: +27 21 886 6749

Physical Address: Plein Street, Stellenbosch, 7600 | Postal Address: PO Box 17, Stellenbosch, 7599 | Website: www.stellenbosch.gov.za

Kindly be advised that you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R 800,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment* on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.

Kindly note the above Council decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

* In Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others; Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others [2014] ZACC 9 (Case No. CC117/13).



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT
Department: Planning and Economic Development

APPENDIX 1
FILE NO: 1514 S

In this approval document:

"Council" means the Stellenbosch Municipality

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

"the site" means Farm 1514 Stellenbosch Division

"scheme regulation" has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

EXTENT OF APPROVAL: Temporary departure in order to use a portion of an existing house of $\pm 300\text{m}^2$ and adjacent grass area as a restaurant on Farm 1514, Stellenbosch Division, as indicated on the drawing attached as **Appendix 3**, subject to conditions as per attached **Appendix 1**.

Temporary departure in order to use an existing shed of $\pm 390\text{m}^2$ as a functions venue for small functions and weddings on Farm 1514, Stellenbosch Division, as indicated on the drawing attached as **Appendix 3**, subject to conditions as per attached **Appendix 1**.

Conditions imposed:

1. That the approval applies only to the temporary departures as per the drawing attached as **Appendix 3** and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;
2. That the temporary departure for a restaurant and wedding functions venue on the subject property is only valid for five (5) years from the date of final notification;
3. That the conditions of the Director: Engineering Services and Fire Department as stipulated in **Appendix 4** be adhered to;
4. That the restaurant/function activities be restricted to a timeframe between 8:00am and 24:00am;
5. That sufficient noise control measures at all times be put in place to ensure that the restaurant and wedding/function activities do not become a nuisance to neighbouring properties;
6. That no audio equipment is set-up outside the restaurant and wedding/function venue;
7. That council reserves the right to impose further conditions if deemed necessary.

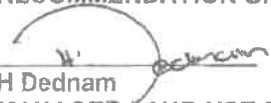
RECOMMENDED BY:


C Charles

SENIOR TOWN PLANNER: LAND USE MANAGEMENT

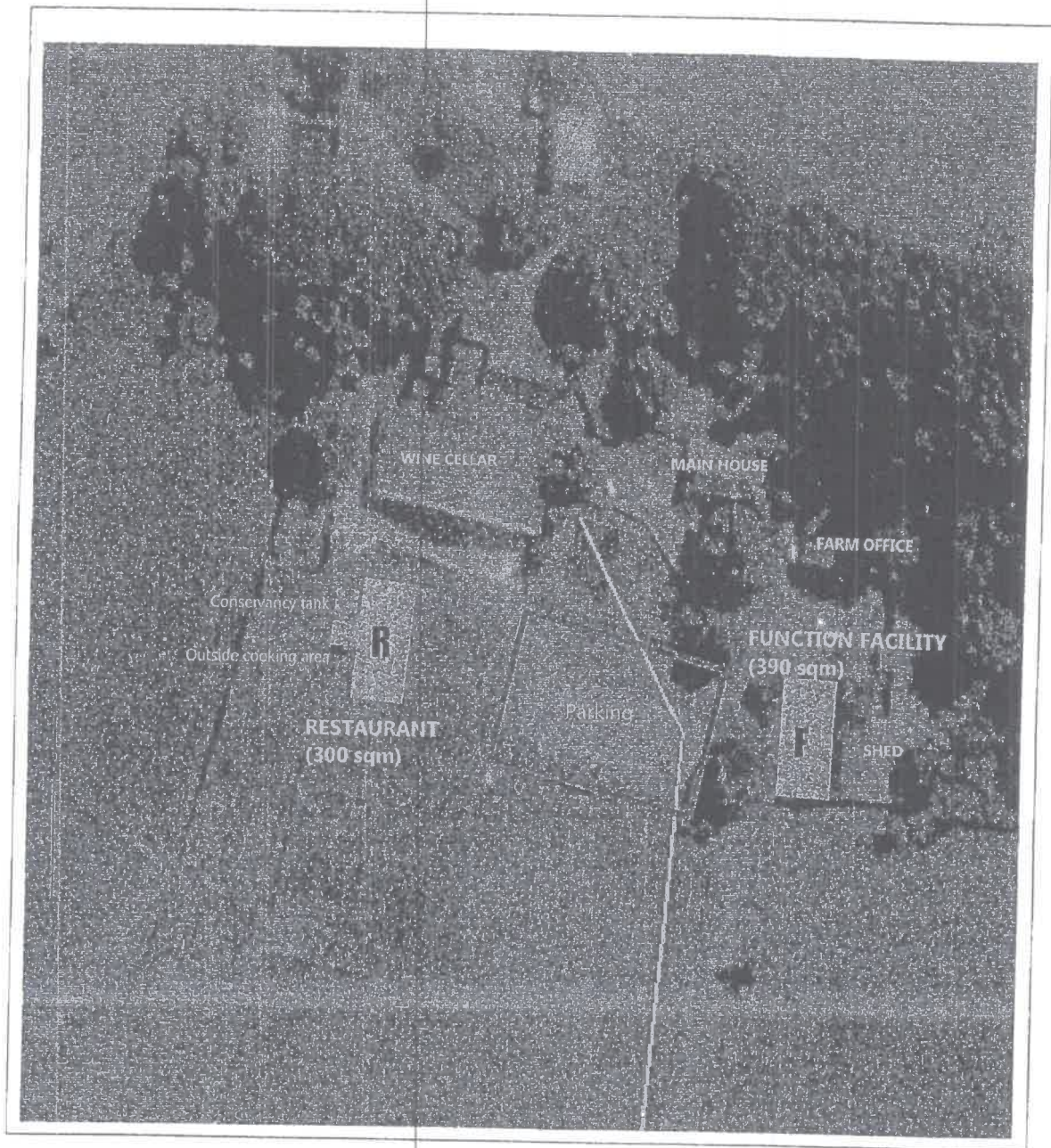
04/05/2016
Date

THE MANAGER: LAND USE MANAGEMENT HEREBY APPROVES THE ABOVE RECOMMENDATION UNDER DELEGATED AUTHORITY:


H Dednam

MANAGER LAND USE MANAGEMENT

24/05/2016
Date



TEL
FAX
CELL

slw

dec



URBAN RURAL SOUTH AFRICA
PO BOX 7267 STELLENBOSCH 7599
ALTHEART Tel: 021 855 1919 (SA) / 082 411 5219 (NDP) CEA
ALTHEART AS URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SACPLAN REGISTRATION NUMBER 5.8133.2005

TEL 021 855 1919 FAX 086 411 5219 CELL 082 411 7914
slw@urbanrural.co.za | www.urbanrural.co.za

DESCRIPTION

SDP – Parking area

PROPERTY	DATE
FARM 1514	JUNE 2015
MUNICIPALITY	SCALE
STELLENBOSCH	UNKNOWN
APPLICATION	SOURCE
TEMPORARY DEPARTURE	GOOGLE EARTH
UTILISATION	PROJECT NR
RESTAURANT FUNCTION	254/2015/15145TEL



ANNEXURE

B10

4

PARKING LAYOUT

PARKING BAYS REQUIRED 28
Calculated at:
(4 Bays per 100sqm) - 300sqm + 390sqm = 690

PARKING BAYS PROVIDED 53

Calculated at:
(4 Bays per 100sqm) ~ 300sqm + 390sqm = 690
PARKING BAYS PROVIDED 53



URBAN RURAL SA
PLANNING PRACTITIONERS

URBAN RURAL SOUTH AFRICA
PO BOX 7257 STELLENBOSCH 7698
A.THEART ; Tel:Pin(SA) : 0 21 880 0000
ALWI THEART *is* AS URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SACPLAN REGISTRATION NUMBER B.B133,2009

Tel: 021.846.1919 FAX 021.5227 CELL 082.411.7714
a/wi@urbanrural.co.za | www.urbanrural.co.za

DESCRIPTION

PARKING LAYOUT | MIDDELVLEI ESTATE

PROPERTY	DATE
FARM 1514	AUGUST 2015
MUNICIPALITY	SCALE
STELLENBOSCH	AS INDICATED
APPLICATION	SOURCE
TEMPORARY DEPTURE	URBAN RURAL
UTILISATION	PROJECT NR
RESTAURANT / FUNCTION	254/2015/1514STEL

ANNEXURE

B11

MEMO AAN :	
	Signage (B de la Bat)
	Corporatè (P Smit)
	Hoof : Gesondheidsdienste / Health Department
	Direkteur : Elek Ing dienste/ Electrical
✓	Direkteur : Ing en Tegn Dienste / Engineering Dep
	Direkteur : Bosbou / Recreation/Environment
	Direkteur : Brandweerdienste / Fire Department
	Direkteur : Verkeersdienste / Traffic Department
	Traffic Engineer (N Winter/V Harris)

Appendix 4 (24)
1075, Luro
Jug 11/10/2015

Aansoek / Application	Temporary Dep-A user
Adres / Address	Farm 1514, Middelstei Estate
Aansoek Datum / Application Date	2015.06.29.
Aansoeker / Application	Urban Rural SA.

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die Beplanning- en Ontwikkelingskomitee vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien.

Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. In order to enable us to submit the application to the Planning and Development committee for consideration, we request that you supply us with your written comment, if any.

Please intercept between general comment on the merits of the application and any conditions that your department would like to lay on if the application has been approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op ...

Please forward the memorandum by hand to me on or before

30 Oct 2015
(Datum/Date)

H Deacon

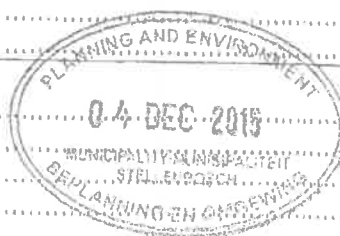
DIRECTOR : PLANNING AND DEVELOPMENT SERVICES

ALGEMENE KOMMENTAAR :

GENERAL COMMENT:

Refer to Memo dated
1 Dec 2015.

VOORWAARDES/CONDITIONS.



HANDTEKENING / SIGNATURE

DATUM / DATE

1 Dec 2015

F 1514S

399391



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES



To - Aan: Director: Planning + Economic Development
Att Aandag Helene Deacon
From - Van: Tyrone King (Development Services and Project Management)
Date - Datum: 1 December 2015
Our Ref - Ons Verw: Lupo 1075
Re - Insake: Farm 1514, Middelvlei Estate: Temporary departure

The following documentation and correspondence refer:

- The town planning application dated 29 June 2015;
- E-mail from Tyrone King (Stellenbosch Municipality: Engineering Services) to Applicant, dated 14 October 2015 (Annexure A);
- E-mail from Applicant to Tyrone King (Stellenbosch Municipality: Engineering Services), dated 23 November 2015 (Annexure B);

The application for the following items refers:

- i. proposed temporary departure to utilize two existing buildings as a Restaurant and a Function Facility respectively

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

1. **Waste Water and Sewage**

1.1 The following conditions and guidelines apply to the conservancy tanks proposed:

- 1.1.1 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Engineering Services.

FILE NR:	OUTGOING POST
1514 SB	
SCAN NR:	
COLLABORATOR NR:	
401390	

- 1.1.2 The surface / layerworks of such access should be designed to accommodate at least a 15 ton service vehicle.
- 1.1.3 Note that only Stellenbosch Municipality is allowed to empty conservancy tanks.
- 1.1.4 A service contract has to be entered into with the municipality to service the conservancy tanks on a regular basis.
- 1.2 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.

2. Water

- 2.1 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards.

3. Solid Waste

- 3.1 Solid waste must be removed from the site to a legal solid waste disposal site in accordance with the requirements of section 20 of the Environmental Conservation Act 1989 (Act 73 of 1989).

4. Roads

- 4.1 The application has to be referred to the District Roads Engineer for comments and conditions.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.

5. Development Contributions (DCs)

- 5.1 DC's will not be charged, as this application is for a temporary departure, which lapses after a maximum of 5 years. Should a new application be submitted, DC's will be charged as this would constitute a prolonged impact on the bulk services.



TYRONE KING Pr Tech Eng
HEAD: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT (ENGINEERING SERVICES)

W:\USERS\Tyrone (W Drive)\Developments - Land Use Applications\1075 - Farm 1514, Middelvie Estate\1075 - Farm 1514, Middelvie Estate.doc

MEMO AAN:

☐	Signage (B de la Bat)
☐	Corporatê (P Smit)
☐	Hoof: Gesondheidsdienste / Health Department
☐	Direkteur: Elek Ing dienste/ Electrical
☐	Direkteur: Ing en Tegn Dienste / Engineering Dep
☐	Direkteur: Bosbou / Recreation/Environment
☒	Direkteur: Brandweerdienste / Fire Department
☐	Direkteur: Verkeersdienste / Traffic Department
☐	Traffic Engineer (N Winter/V Harris)



Aansoek / Application	Temporary Departures
Adres / Address	Farm 1514, Middelburg Estate
Aansoek Datum / Application Date	2015-06-29
Aansoeker / Application	Wba Rwal SA

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die Beplanning- en Ontwikkelingskomitee vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien.

Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. In order to enable us to submit the application to the Planning and Development committee for consideration, we request that you supply us with your written comment, if any.

Please intercept between general comment on the merits of the application and any conditions that your department would like to lay on if the application has been approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op ...

Please forward the memorandum by hand to me on or before:

30 Oct 2015
(Datum/Date)

H Deacon

DIRECTOR: PLANNING AND DEVELOPMENT SERVICES

ALGEMENE KOMMENTAAR:

GENERAL COMMENT:

In Order

VOORWAARDES/CONDITIONS:

Fire Requirements will be given when plans are submitted to Council

HANDTEKENING / SIGNATURE

06/10/2015
DATUM / DATE

SCAN NR:

F 15145

COLLABORATOR NR:

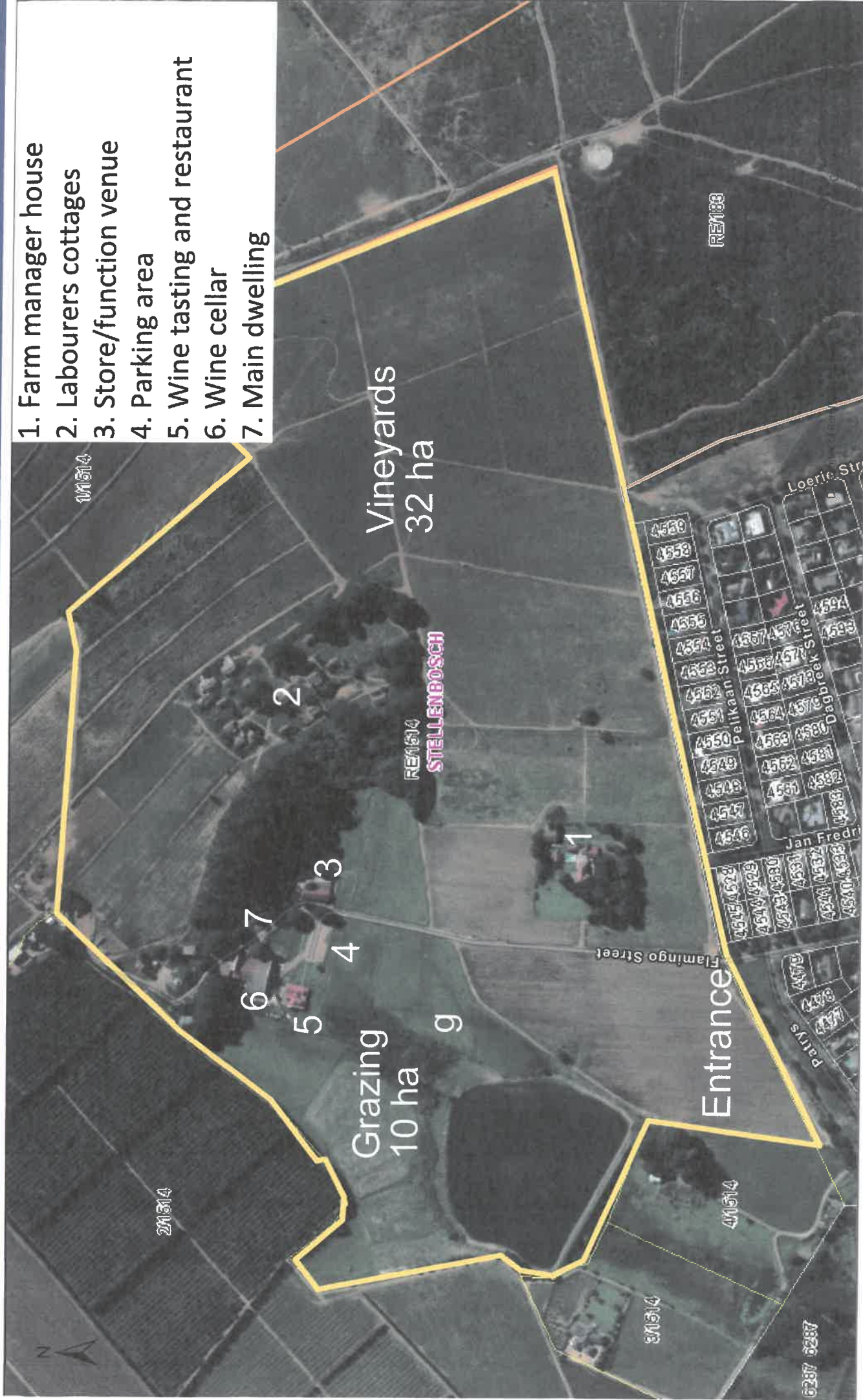
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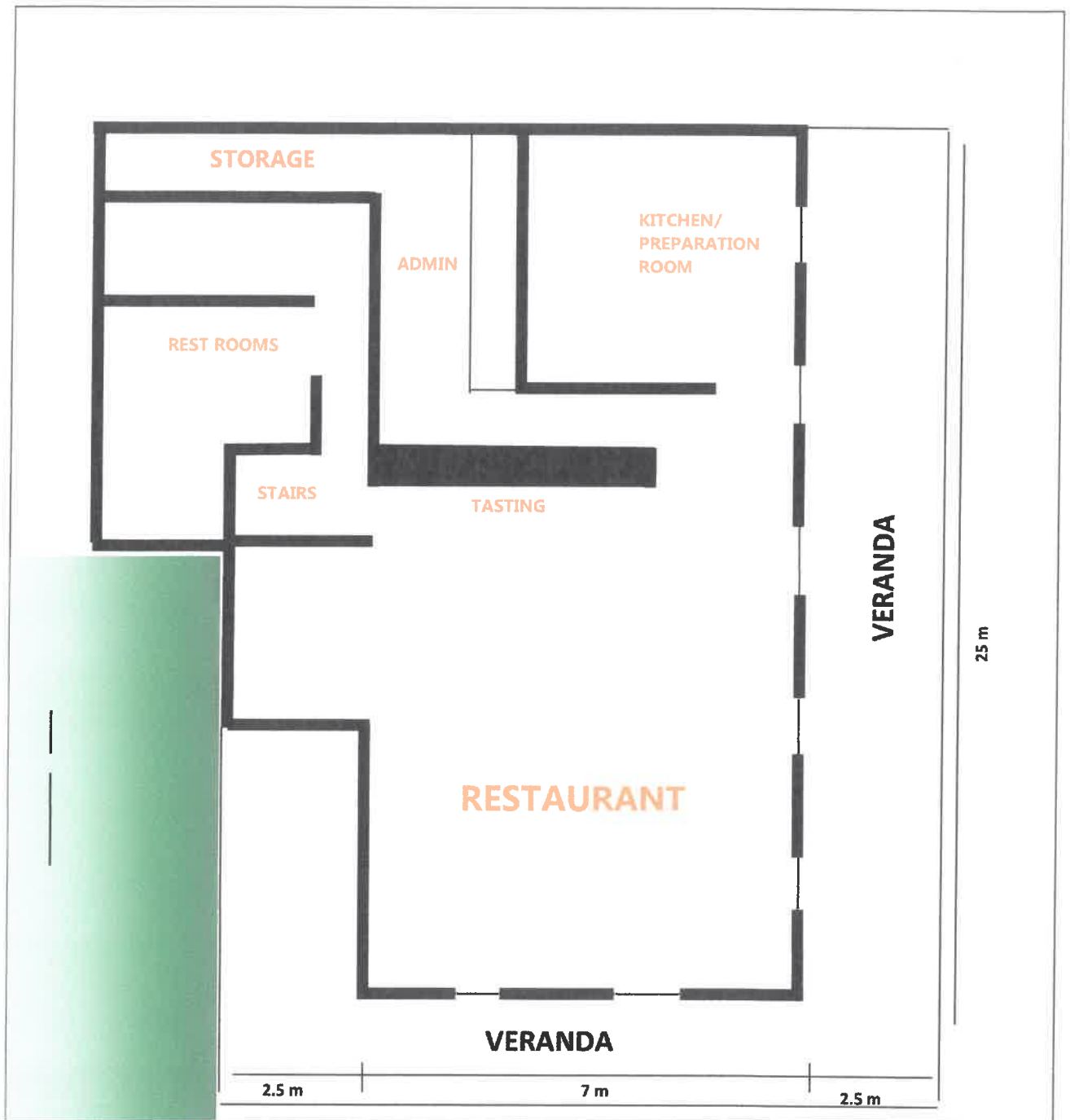
2/10/2015

APPENDIX 7

PLANS

Farm 1514 SDP Oct 2024





NOTE | Please note that this is a schematic presentation of the proposed facility and that the accurate dimensions of the building will be done with the submission of the formal revised building plans.



URBAN RURAL SOUTH AFRICA
PO BOX 7257 STELLENBOSCH 7599
A.THEART | Tsh.Mn (SA) | M.Phil NHDip NDip CEA
ALWI THEART /A AS URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SACPLAN REGISTRATION NUMBER B.8133.2005

TEL 021.866.1919 FAX 086.611.5229 CELL 082.411.7914
alwi@urbanrural.co.za | www.urbanrural.co.za

FLOOR PLAN | RESTAURANT

FARM 1514

JUNE 2015

STELLENBOSCH

AS SHOWN

TEMPORARY DEPARTURE

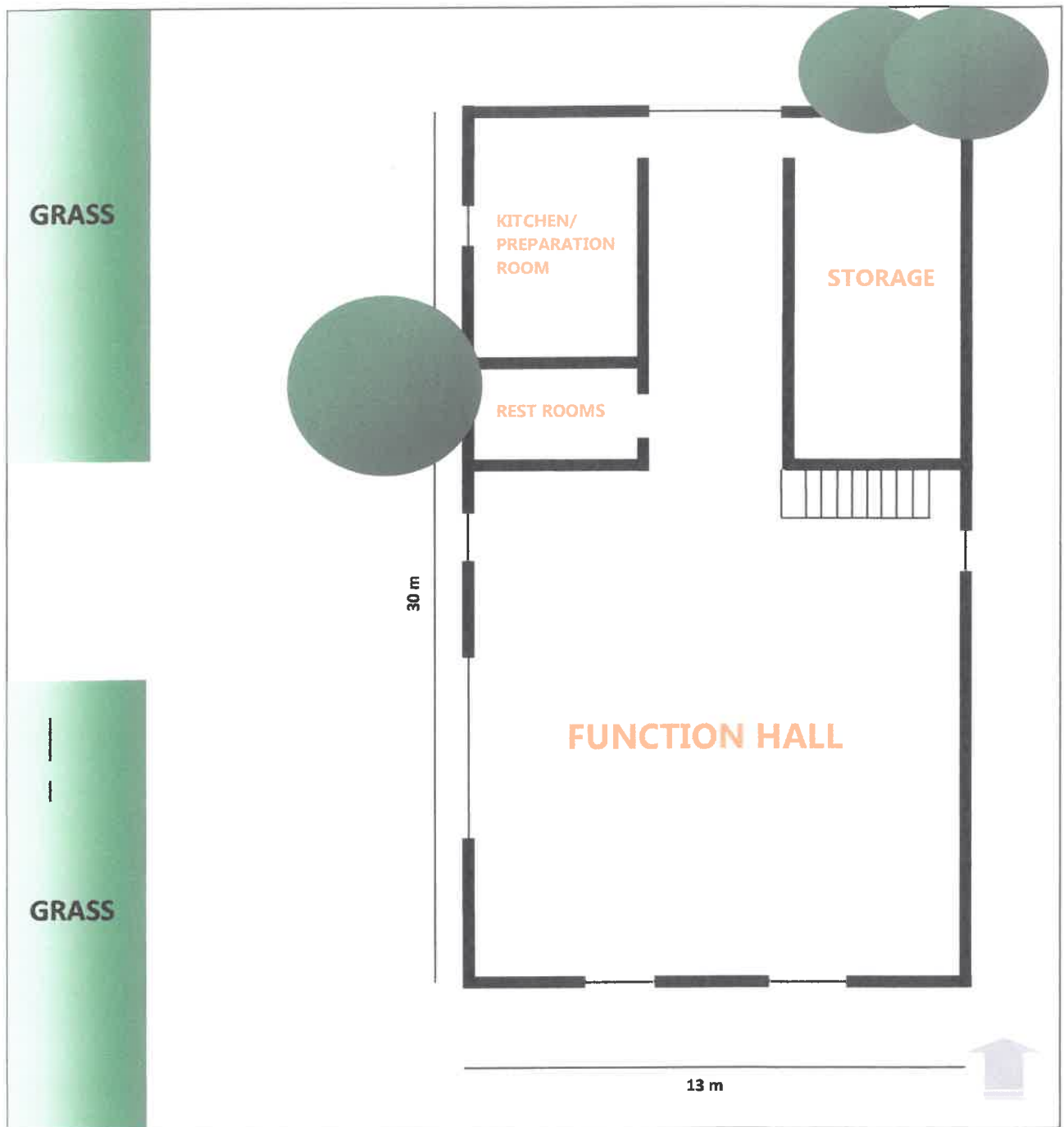
URBAN RURAL SA

RESTAURANT | FUNCTION

264/2015/1514STEL

ANNEXURE

B05



NOTE | Please note that this is a schematic presentation of the proposed facility and that the accurate dimensions of the building will be done with the submission of the formal revised building plans.



URBAN RURAL SOUTH AFRICA
PO BOX 7257 STELLENBOSCH 7599
A.THEART | Tsh.Pln (SA) | M.PHI NHDp NDip CEA
ALWI THEART 7/4 AS URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SACPLAN REGISTRATION NUMBER 8.8133.2005

TEL 021.855.1919 FAX 086.411.5229 CELL 082.411.7914
alwi@urbanrural.co.za | www.urbanrural.co.za

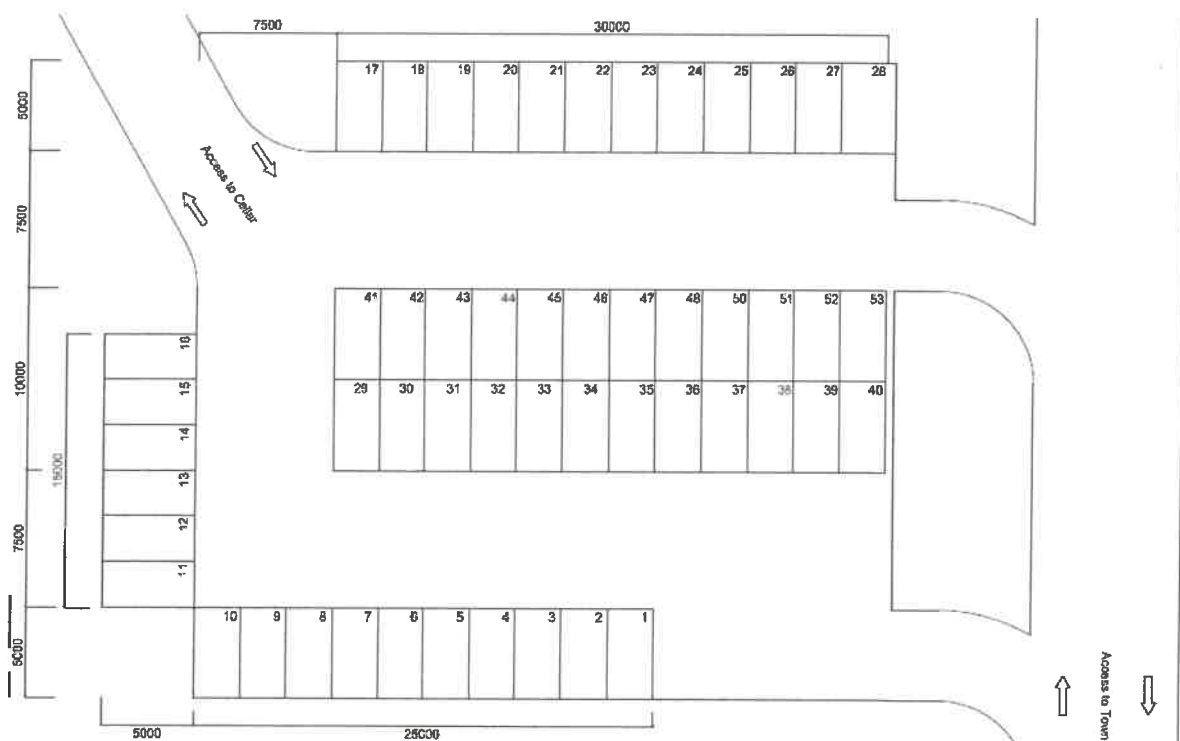
FLOOR PLAN | FUNCTION FACILITY

FARM 1514	JUNE 2015
STELLENBOSCH	AS SHOWN
TEMPORARY DEPARTURE	URBAN RURAL SA
RESTAURANT FUNCTION	264/2015/1514STEL

ANNEXURE

B06

PARKING LAYOUT



PARKING BAYS REQUIRED 28

Calculated at:
(4 Bays per 100sqm) - 300 sqm + 390sqm = 690

PARKING BAYS PROVIDED 53

TEL
FA)
CEJ
alw



URBAN RURAL SA
PLANNING PRACTITIONERS

URBAN RURAL SOUTH AFRICA
PO BOX 7257 STELLENBOSCH 7599
ALTHEART | Tch.Ptn (SA) | M.Phil NHDip NDip CEA
ALWI THEART /A AS URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SACPLAN REGISTRATION NUMBER B.8133.2005

TEL 021.855.1919 FAX 086.611.5229 CELL 082.411.7914
alwi@urbanrural.co.za | www.urbanrural.co.za

PARKING LAYOUT | MIDDELVLEI ESTATE

FARM 1514

AUGUST 2015

STELLENBOSCH

AS INDICATED

TEMPORARY DEPARTURE

URBAN RURAL

RESTAURANT / FUNCTION

264/2015/1514STEL

ANNEXURE

B11

APPENDIX 8
APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

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

LAND USE PLANNING APPLICATION FORM										
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)										
KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.										
PART A: APPLICANT DETAILS										
First name(s)	Emile									
Surname	Van der Merwe									
Company name (if applicable)	Emile van der Merwe Town Planning Consultants									
Postal Address	PO Box 204 Stellenbosch						Postal Code	7599		
Email	emilevdm@adept.co.za									
Tel	0218865050			Fax	0218838965			Cell	0845566461	
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)										
Registered owner(s)	Middelvlei Landgoed (Pty) Ltd									
Physical address	Flamingo Road, Stellenbosch						Postal code	7600		
E-mail	Tinnie@middelvlei.co.za									
Tel	021-883 2565			Fax				Cell	0829443866	
PART C: PROPERTY DETAILS (in accordance with title deed)										
Erf / Erven / Farm No.	Farm 1514	Portion(s) if Farm		Allotment area	Stellenbosch					
Physical Address	Flamingo Road, Onder Papegaaiberg, Stellenbosch									
Current Zoning	Agricultural Rural Zone	Extent	54.45 ha	Are there existing buildings?	Y	N				
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law									
Current Land Use	Agriculture									

Title Deed number and date	T	97083/207										
Attached Conveyance's Certificate	Y	N										
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):									
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):									
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management									
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.			
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N	If yes, is this application to legalize the building / land use ² ?				Y	N	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	N	Are there any land claim(s) registered on the subject property(ies)?				Y	N	

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

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

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

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE**APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)**

Type of application: Cost are obtainable from the Council Approved tariffs	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	
15(2)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

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

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws	R
	Consent / Permission required in terms of a title deed	R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
x	Other (specify): Permission in terms of title deed condition (Act 21 of 1940)	R
TOTAL A:		

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

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

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

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

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

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
Bank: FIRST NATIONAL BANK (FNB)

Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

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

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	EVDM Town Planning Services
Postal Address	PO Box 204 Stellenbosch, 7599
Vat Number (where applicable)	4740239944

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:

SEE MOTIVATION DOCUMENT

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

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

Information and documentation required

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

							the pre-application consultation form / minutes	
Y	N	N/A	Required number of documentation copies		Y	N	N/A	Other (specify)

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

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
			Y N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	Y N/A National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y N/A Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.

10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

2024/10/14

Full name:

Emile van der Merwe

Professional capacity:

Pr. Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

