

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	Le Pommier Wine Estate, Helshoogte Road, Stellenbosch
Application Property Number	Farm 127/24 Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Investzik Thirteen (Pty) Ltd
Application Reference	LU/18161 (TP974/2024)
Application Type	Consent Use

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

- Application for Consent Use (Tourist Facility) in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 in order to increase the existing wine tasting facility with 110m² (inside area 35m²) and open deck (78m²) on Farm 127/24 Stellenbosch.

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 30 April 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	Le Pommier Wine Estate, Helshoogte Road, Stellenbosch
Aansoek eiendom beskrywing	Plaas 127/24 Stellenbosch
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Investzik Thirteen (Pty) Ltd
Aansoek Verwysing	LU/18161 (TP974/2024)
Tipe Aansoek	Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek vir Vergunningsgebruik (Toeristefasiliteit) in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 ten einde die bestaande wynproe-area met 110m² te vergroot (35m² binne area en 78m² oop stoep), op Plaas 127/24 Stellenbosch.

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 kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;

- Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

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

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



2024/10/31

My ref: Farm 127/24 Stellenbosch

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR CONSENT USE: FARM 127/24, 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 increase the existing wine tasting facility with 110m² (inside area 35m) and open deck (78m²)**

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 127/24 Stellenbosch, to prepare and submit the required town planning application to the Stellenbosch Municipality 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 increase the existing wine tasting facility with 110m² (inside area 35m²) and open deck (78m²).

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 property is located approximately 7m to the east of Stellenbosch in the Banhoek Valley. The property gains access from Main Road 172 (Helshoogte Road).

The location plan is attached as Appendix 1.

3. OWNERSHIP AND SIZE

The property is owned by Investzik Thirteen (Pty) Ltd. A copy of the title deed is attached as **Appendix 2**. The Company Resolution and Power of Attorney in favour of the applicant is attached as **Appendix 3**. The property is 15.7649 ha in extent and is registered as per the Surveyor General Diagram attached as **Appendix 4**.

4. ZONING AND LAND USE

The subject property is zoned Agricultural and Rural Zone in terms of the Stellenbosch Zoning Scheme By-Law (2023). The Stellenbosch Municipality granted approval for the following zonings as determined by the Zoning Certificate attached as **Appendix 5**.

- Residential Zone V (guest house) – 1 620m²

- Consent Use – Restaurant, conference room, coffee shop, wine tasting and sales facility and additional dwelling. Approval was also granted to utilise the existing shed for a function facility.

The property is being utilised in accordance with the approved zonings. The remainder of the property is planted with vineyards.

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

5. EXISTING LAND USE AND DEVELOPMENT PROPOSAL – APPENDIX 6

Le Pommier Wine Estate over the years has become a very popular destination and contributes to the tourism experiences that are offered in the Banhoek Valley and broader Stellenbosch Region. The existing tourism and related accommodation facilities have been in successful operation for than ten years and provides much needed employment opportunities for the surrounding rural community. The said facilities are subservient to the agricultural land use and farming operations.

The purpose of the application is to allow for minor extensions to the existing wine tasting facility as follows;

- Inside seating area – 32m²
- Open deck – 78m²
- Total 110m²

Parking has been provided on site and sufficient parking is available to accommodate the proposed extensions.

Parking requirements (4 bays per 100m² GLA)

Total GLA – 1100m²

Parking required = 44

Parking provided = 55

The proposed extensions will not have any impact on the agricultural activities and will not result in the loss of any productive agricultural land since it forms part of an area that is not been used for agricultural purposes. The site and floor plan is attached as **Appendix 6**.

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 proposal forms part of the existing farm werf area and with minimum visual impact.
- 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 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 longterm 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 WCPSPDF will have to be considered to ascertain whether sustainable development is promoted. Sustainable development encompasses the integration of social, economic and ecological factors into planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

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

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

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

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a proactive manner.

- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

The Guidelines supports the following:

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

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

6.3 Western Cape Strategic Plan 2014-2019

Vision

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

Provincial Strategic Goals



Western Cape Economic Drivers

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 is in support with the development principles of spatial justice, spatial sustainability, efficiency and spatial resilience.

7. SERVICES

The proposal will not impact on municipal services. Development contributions may be levied in terms of the approved policy.

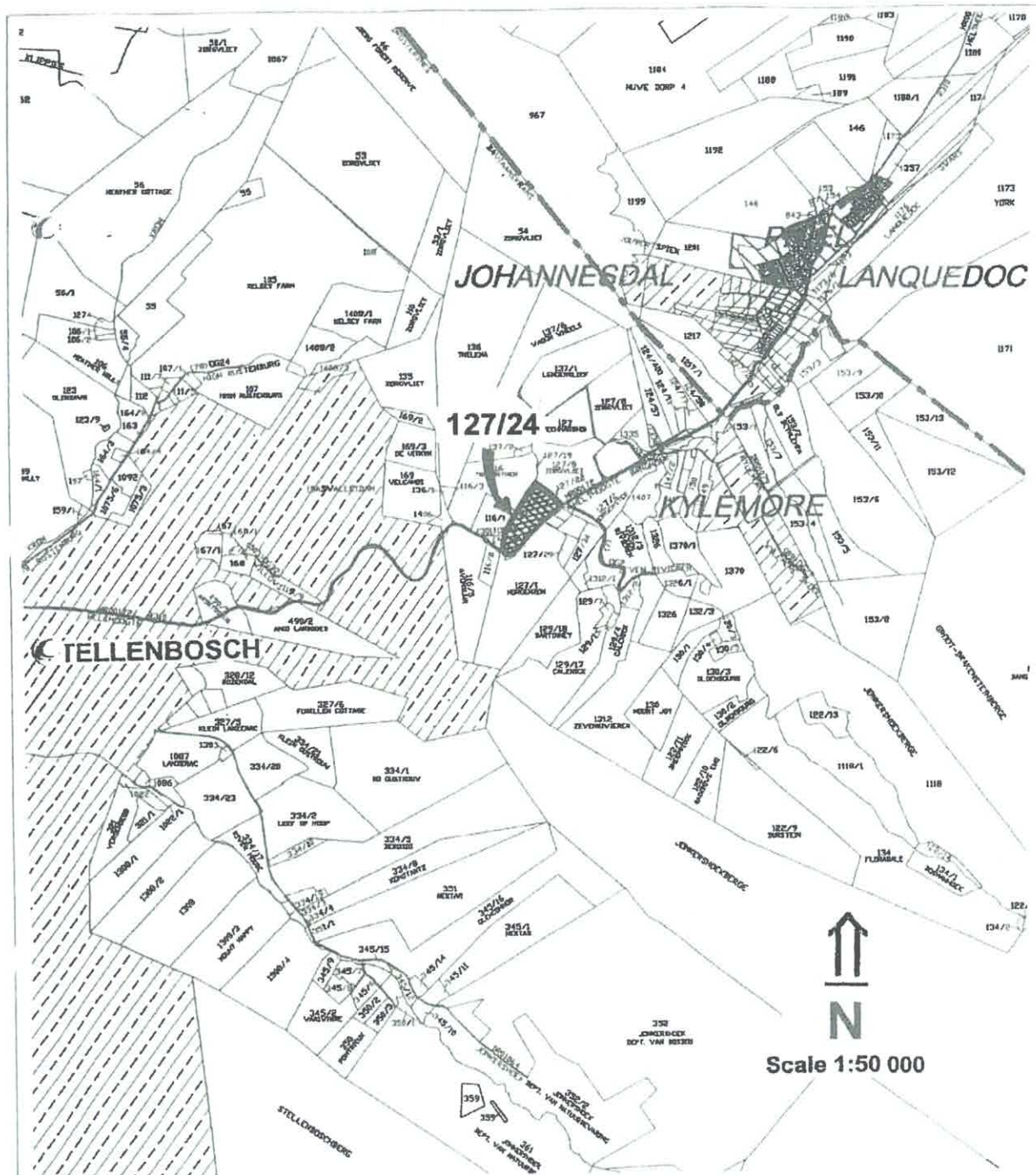
8. CONCLUSION

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

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

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 127/24 Stellenbosch Division.

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STELLENBOSCH MUNICIPALITY
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT SERVICES

SCALE NTS	Locality Plan	SOURCE
FILE Farm		ANNEXURE
DATE April 2003		COMPILED BY

299
HONEY & PARTNERS INC
TUSCAN OFFICE PARK
BLOCK B, 1ST FLOOR
cnr OLD OAK & TWIST ST
TYGERVALLEY
7536

Prepared by me


CONVEYANCER
DU TOIT J

SEELREG DUTY	R
ADD FEE	R 500,00

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

T 030470 / 2002

~~PETRUS JOHANNES GILLIE~~ *JACQUES Du TOIT*

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney granted to him by

JOHANNES STEPHANUS VAN DER MERWE
Identity Number 471111 5140 00 4
and
MARIETJIE VAN DER MERWE
Identity Number 501219 0115 08 9
Married in community of property to each other

which said Power of Attorney was signed at STELLENBOSCH
on 27th MARCH 2002;

RECEIVED: DATA/REGISTRATION/COMPUTER DATA CAPTURE	
SPENCER, J. J.	105
RECEIVED: 15	ketesha

And the appearer declared that his said principal had, on 27 March 2002, truly and legally sold by Public Auction, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

INVESTZIK THIRTEEN (PROPRIETARY) LIMITED
No. 2001/025337/07

its Successors in Title or Assigns, in full and free property

PORTION 24 OF THE FARM ZORGVLIET NO 127
IN THE MUNICIPALITY OF STELLENBOSCH
DIVISION OF STELLENBOSCH
WESTERN CAPE PROVINCE;

IN EXTENT 15,7649 (FIFTEEN COMMA SEVEN SIX FOUR NINE)
Hectares

FIRST REGISTERED by Certificate of Consolidated Title No T28980/1991
with Plan S G No 4493/89 relating thereto and held by Deed of Transfer
No T

030477 / 2002

(1)

I. AS REGARDS the figure marked A.B.C.D.E.F.G.H.J.K.L.M. on the
attached Plan S G No 4493/89:

A. SUBJECT to the conditions referred to in Deed of Transfer
No T5563/1950;

B. SUBJECT FURTHER to the Servitude referred to in the
endorsement dated 30th April 1946 on Deed of Transfer No
T9508/1922, the relevant portion of which reads as follows:

"By Deed of Transfer No T6170 dated 30th April 1948, the
property thereby conveyed (Portion 12 of Lot A 4 of Lot A)
is entitled (b) to a 1/9th share in the water rights attached to
the withinmentioned properties together with ancillary rights
as will more fully appear on reference to the said Deed of
Transfer."

C. SUBJECT FURTHER to the Servitude referred to in the
endorsement dated 14 January 1935 on Deed of Transfer
No T9508/1922 in terms of the following:-

"By Notarial Deed dated 30th November 1935, The
Electricity Supply Commission has been granted the right in
perpetuity to erect, construct, and use and maintain an
overhead Transmission line across the land conveyed by
para 1 hereof, subject to conditions as will more fully
appear on reference to the copy annexed hereto."

D. SUBJECT FURTHER to the Servitude referred to in the
endorsement dated 30th April 1946, on Deeds of Transfer
Nos T9508/1922 and T2745/1924, the relevant portion of
which reads as follows:-

②

"By Deed of Transfer No T 6170 dated 30th April 1946, the property thereby conveyed (portion 12 of Lot A4 of Lot A) is entitled (a) to a servitude of right of way 12,18 metres wide marked F.G.E.D.H.J.K.L. on the diagram thereto annexed over the constituent parts of the said Portion 13 subject to conditions relating to common use, the right to lay pipes across and under the right of way, and the right of permitting electric supply lines to be laid over and under the said right of way."

(b) to a 1/9th share of water to be obtained from boring operations about to be undertaken on the said constituent parts of Portion 13 together with ancillary rights, as will more fully appear on reference to the said Deed of Transfer."

- E. SUBJECT FURTHER AND ENTITLED as the case may be to the conditions referred to in the endorsement of Servitude on Certificate of Consolidated Title No T14830/1947 (endorsement dated 5 August 1947) which endorsement reads as follows:-

"By Deed of Transfer No T14831 the property (Portion 14) thereby conveyed is granted:-

- (a) 1/9th share of the water rights to which this property is entitled (as set out in condition 1 (b) i and ii herein);
- (b) the right of access and aqueduct over the remainder held hereunder in connection with the said water rights;
- (c) 1/9th share of certain water to be obtained from boring operations to be undertaken upon the said remainder with ancillary rights;
- (d) the right to a certain right of way 12,18 metres wide over the said Remainder along the boundary D C subject to conditions in favour of the Transferor and her successors in title of the said remainder held hereunder to use; laying of pipes and electric supply lines. The said property (portion 14) is also made subject to:
 - 1. The passage of stormwater from the remainder held hereunder to it.
 - 2. The laying of pipelines across it by the owner of the said remainder held hereunder provided they are laid in such manner so as not to interfere with cultivation, as will more fully appear on reference to the said Deed of Transfer."

- F. SUBJECT FURTHER AND ENTITLED as the case may be, to the conditions referred to in the Servitude endorsement on Certificate of Consolidated Title No T14830/1947 (endorsement dated 30 June 1948) which endorsement reads as follows:



"By Deed of Transfer No T14209 dated 30/6/1948:

- (1) Portion 15 thereby conveyed is granted:
 - (a) 1/9th share of the water rights to which the remainder held hereunder is entitled under conditional para 1 (b) (i) and (ii) herein together with rights of access and aqueduct over portions of the said remainder.
 - (b) 1/9th share of certain water to be obtained from boring operations to be undertaken on the remainder held hereunder with rights of access and aqueduct over said remainder to the source of such water.

The said Portion 15 is SUBJECT to:

- (1) the rights of the owner of the said remainder to conduct boring operations over the said Portion 15 with right of access and aqueduct with the right to the supply of water thereby obtained.
- (11) the passage of storm water from the said remainder onto Portion 15.
- (111) the laying of pipelines across Portion 15 provided they are laid at such a depth that cultivation is not interfered with, as will more fully appear on reference to the said Deed of Transfer."

- G. SUBJECT FURTHER AND ENTITLED as the case may be to the conditions referred to in the Servitude endorsement on said Certificate of Consolidated Title No T14830/1947 (endorsement dated 6 September 1948) which endorsement reads as follows:

"By Deed of Transfer No T 20408 dated 6/9/1948:

1. Portion 16 thereby conveyed is granted:
 - (a) 1/9th share of the water rights to which the remainder held hereunder is entitled under conditional para 1 (b) (i) and (ii) herein together with rights of access and aqueduct over portions of the said remainder.
 - (b) 1/9th share of certain water to be obtained from boring operations to be undertaken on the remainder held hereunder with rights of access and aqueduct over said remainder to the source of such water.

- (2) The said Portion 16 is SUBJECT to:
 - (1) the rights of the owner of the said remainder to conduct boring operations over the said Portion 15 with right of access and aqueduct with the right to the supply of water thereby obtained.
 - (2) the passage of storm water from the said remainder onto Portion 16.
 - (3) the laying of pipelines across Portion 16 provided they are laid at such a depth that cultivation is not interfered with, as will more fully appear on reference to the said Deed of Transfer."

⑦

- H. SUBJECT FURTHER AND ENTITLED as the case may be to the conditions referred to in the Servitude endorsement on said Certificate of Consolidated Title No T14830/1947 (endorsement dated 1949(which endorsement reads as follows:-

By Deed of Transfer No T4903/1949 Portion 17, thereby transferred is:

(a) Entitled to 1/9th share of the water rights to which the remainder held hereunder is entitled under to under the conditional paras 1 (b) (i) and (ii) herein, together with rights of access and aqueduct over portions of the said remainder.

(b) Subject to: the following rights in favour of the remainder (Portion 13):

(i) Passage of stormwater from the said remainder (Portion 13) on to the said Portion 17.

(ii) The laying of pipelines across the said Portion 17, subject to certain conditions as will more fully appear on reference to the said Deed of Transfer."

- I. ENTITLED FURTHER to a 3/9 (three ninths) share of the water rights relating to the real portions of said Portion 13 marked A B C D q L M N O P and L q r on the plan relating thereto, S G No 7967/46 attached to the said Certificate of Consolidated Title No T14830/1947 whereby the following conditions contained in Deed of Transfer No T9508/1922, namely:-

"i. That the said Transferee and her Successors in Title shall be entitled to one half share of the water rights appertaining to the farm Lot A of portion of part of Zorgvliet save and except that the Transferor and his Successors in Title of the remaining extent retain the full rights to the half share of the 19 mm pipe line as per deed of servitude between the firm of Jameson and Heywood and Arthur William Heywood dated 15th April 1914 and registered on 11th May 1914."

ii. That the Transferee and her successors in title of the above properties shall be entitled to lay a pipe line up to but not exceeding 51 mm in diameter over the remaining extent of Lot A of part of portion of the farm Zorgvliet for the purpose of leading water to that portion of the above properties to the East of the road to French Hoek. The transferee and her successors in title shall however keep the said pipeline in a proper state of repair and shall be entitled for herself and her workmen to a right of way along the said pipeline for the purpose of repairing same. The pipeline to be laid and constructed in such a manner as not to be a nuisance or danger to the said transferor or his successors in title in the use of his property."

①

J. SUBJECT FURTHER to the condition that to the benefit of the remaining one ninth ($1/9^{\text{th}}$) share of the water rights relating to that real portion of Portion 13 marked A.B.C.D.q.L.M.N.O.P. and L.q.r. on Consolidated Plan No S.G. 7967/46 attached to the said Certificate of Consolidated Title No T14830/1947, the Transferee and her successors in title, as owners of the remainder of the said portion 13 measuring as such 3,9327 hectares, shall have the right of access and water leading over the said Portion 18 along a route as mutually agreed upon between the Transferor and Transferee."

K. SUBJECT FURTHER to the following notice of expropriation dated 24 February 1986 endorsed against Deed of Transfer No T51469/1981 which reads as follows:

"ENDORSEMENT IN TERMS OF ARTICLE 31 (6) OF ACT 47 OF 1937 (AS AMENDED)

a portion of IN EXTENT $+9455 \text{ m}^2$ is expropriated by the DIVISIONAL COUNCIL STELLENBOSCH in terms of Section 27 of the Ordinance on Roads Ordinance No 19 of 1976.

Vide notice of expropriation No 9/1/2/1/5/1/12 dd 17-12-1985 filed as expropriation caveat EX 868/1985, plans filed in duplicate EX 868/1985.

L. SUBJECT FURTHER to the following notice of expropriation dated 17 April 1989 endorsed against Deed of Transfer No T51469/1981, which reads as follows:-

"ENDORSEMENT IN TERMS OF SECTION 31 (6) OF ACT 47 OF 1937 (AS AMENDED)

a portion of IN EXTENT $\pm 267,5 \text{ m}^2$ is expropriated by the Western Cape Divisional Council in terms of Section 27 of the Ordinance on Roads Ordinance No 19 of 1976

vide notice of expropriation No 9/1/2/1/5/1/26 dated 12-4-1989 filed as expropriation caveat EX223/89 plans in duplicate.

II. AS REGARDS the figure marked A.N.O.P. on the attached Plan S.G. No 4493/89:

A. SUBJECT to the conditions referred to in Deed of Transfer No T3320/1912 and Deed of Transfer No T7195/1921.

B. SUBJECT FURTHER to the Servitude referred to in the following endorsement on Deed of Transfer No T3320/1912 – the last of which have been recorded against Deed of Transfer No T7195/1921, dated respectively 8 August 1913, 11 May 1914, 4 September 1922, 2 November 1922 and 12 September 1930, which reads as follows:

"(8 August 1913):

By a Deed of 5th April 1913 the right to the water arising in the Baviaans Kloof to which the property held by Transfer No 6391 dated 1/8/13 was entitled has been ceded in favour of this property as will more fully appear on reference to the copy annexed hereto."

"(11 May 1914):

By a Deed of 25th April 1914 an agreement with regard to the use and division of water flowing through certain pipe from a reservoir in the Baviaans Kloof and the maintenance of such pipe, etc., has been entered into as will more fully appear on reference to the copy annexed hereto.

"(4th September 1922):

By Notarial Deed dated 14th August 1922 the right to construct a certain right of way over this property has been granted in favour of the owner of the property conveyed by Deed of Transfer No T9728 dated 1st November 1913 subject to conditions as will more fully appear on reference to the copy annexed hereto.

The above notice is changed by an undated notice which reads as follows:

"By Transfer No T8116 dated 20th September 1922 the owner of the property thereby conveyed is entitled to the entire use of certain right of way mentioned in endorsement above dated 4th September 1922.

"(2nd November 1922):

By Deed of Transfer No T9508 dated 2nd November 1922 the transferee thereof and her successors in title are entitled (a) to a one-half of the water rights appertaining to the property hereby conveyed except to the half share in the ¾ inch pipe as per servitude registered on 11th May 1914 (b) to lay a pipe line not exceeding 2 inches in diameter over the remaining extent hereof such pipe line to be kept in a proper state of repair by transferee who shall be entitled to a right of way along said pipe line for the purpose subject to conditions as will more fully appear on reference to the said Deed of Transfer.

"(12th November 1930):

By Notarial Deed dated 6th and 7th August 1930 an agreement relating to the widening of part of the right of way referred to in the Servitude endorsement hereon 4th September 1922 has been entered into subject to conditions as will more fully appear on reference to the copy annexed hereto.

- C. SUBJECT FURTHER to the servitude referred to in endorsement dated 11 February 1957 on Deed of Transfer No T19101/1947 which endorsement reads as follows:



"By Notarial Deed No 40/1957 dated 5th December 1956, the owner of the property held by Transfer No 2471/1922 shall be entitled to draw water from the Baviaanskloof on the property held hereunder at the point 1 marked on the Diagram No 6144/56 annexed to the said Notarial Deed, and to lead such water along a ¾ inch pipe along the line l.k.j.h. depicted on the aforesaid Diagram into a sedimentation tank erected on the position W.C.y.Z. depicted on the said Diagram, and to lead half of the supply flowing through such ¾ inch pipe line along the line g.f.e.d.c.b.a. reflected on the said Diagram, subject to conditions as will more fully appear on reference to the said Notarial Deed vide copy annexed hereto."

- D. SUBJECT FURTHER to the condition referred to in the endorsement dated 2 September 1961 on Deed of Transfer No T10539/1959, which endorsement reads as follows:

"By Notarial Deed No T 558/1961 dated 19-7-1961, the right in regard to portion of the water arising in the Baviaanskloof and conveyed by pipeline over the property held hereunder as shown on diagram No 6144/56 attached to Notarial Deed No 40/1957 has been ceded to the owner of Portion 6 (a portion of Portion 1) of the Consolidated Farm No 116 held by T18385/1959."

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

- E. SUBJECT FURTHER to the following endorsement on Deed of Transfer No T27947/1979 dated 11 March 1986, which endorsement reads as follows:

"ENDOSSEMENT KRAGTENS ARTIKEL 31 (6) VAN WET 47 VAN 1937 (SOOS GEWYSIG)

Twee gedeeltes van die eiendom hierin vermeld gesamentlike groot +6991 vierkante meter is onteien deur die Afdelingsraad Stellenbosch kragtens Artikel 27 van die Ordonnansie op Paaie Ordonnansie 19 van 1976 vide onteieningskenningsgewing Nr 9/1/2/1/5/1/25 gedateer 27 Februarie 1986 geliasseer as onteienings caveat EX 57/86 planne in tweevoud geliasseer EX 57/86."

III. AS REGARDS the whole property:

"Kragtens Notariële Serwituutakte No K 1165/96 S is die binnegemelde eiendom onderhewig aan 'n waterpyplynserwituut 3 meter wyd, die middelyn waarvan aangedui word deur die lyn ABCDEFGHJK en LMNP op die aangehegde serwituutdiagram LG No 10472/95 ten gunste van die Banhoek Besproeiingsraad, tesame met bykomende regte, soos meer volledig sal blyk uit gesegde Notariële Akte."

➤

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

**JOHANNES STEPHANUS VAN DER MERWE and MARIETJIE VAN
DER MERWE, Married as aforesaid**

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

**INVESTZIK THIRTEEN (PROPRIETARY) LIMITED
No. 2001/025337/07**

its Successors in Title or Assigns, now is and henceforth shall be entitled thereto,
conformably to local custom, the State, however reserving its rights, and finally
acknowledging the purchase price to be the sum of R5 302 632,00 (FIVE
MILLION THREE HUNDRED AND TWO THOUSAND SIX HUNDRED AND
THIRTY TWO RANDS).

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

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at CAPE
TOWN on *26th August 2002*.


q.q.

In my presence


REGISTRAR OF DEEDS

POWER OF ATTORNEY

Investzek Thirteen (Pty) Ltd, the registered owner of Farm 127/24 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 FACILITY) 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 18th DAY OF OCTOBER 2024



M VAN SCHALKWYK
DIRECTOR



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref: 127/24 S
Contact number: (021) 808 8667
Contact Person: S Zangqa
Date: 04 March 2020

ZONING CERTIFICATE

FARM NO. 127/24, STELLENBOSCH DIVISION

It is hereby certified that the zoning of Farm No. 127/24, Stellenbosch Division in terms of the Stellenbosch Municipality Zoning Scheme By-Law, November 2019 is:

AGRICULTURE AND RURAL ZONE

With consent use for restaurant, conference room, conference room, coffee shop, wine selling facility and additional dwelling

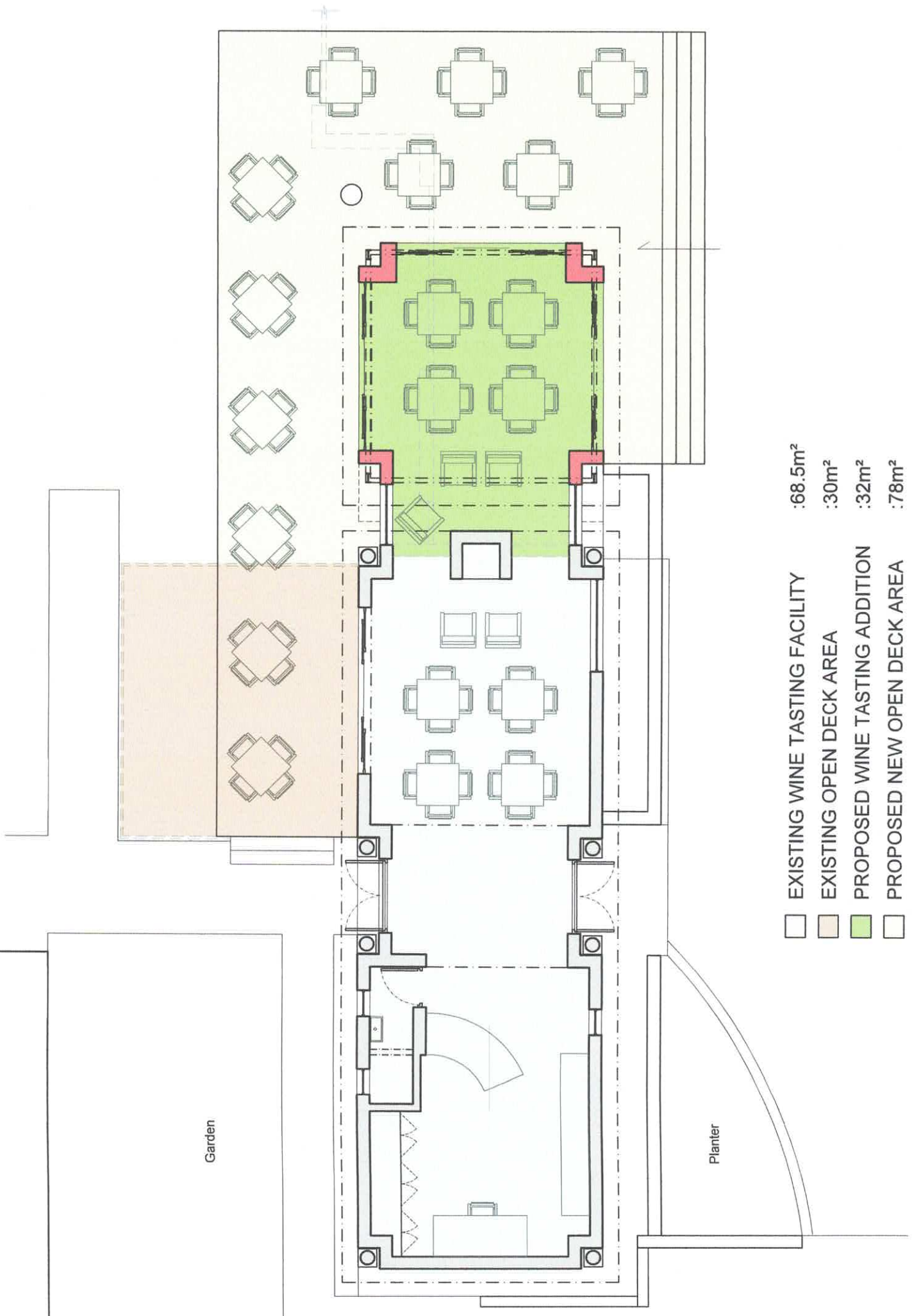
PRIMARY USES	ADDITIONAL USES <i>(Not exceeding threshold in this chapter and subject to technical approval)</i>	CONSENT USES <i>(Application required).</i>
Agricultural building ($\leq 2000\text{m}^2$) Agriculture Dwelling house Forestry Natural environment Occasional use (one event / year) Private road Polytunnel ($\leq 2000\text{m}^2$) Second dwelling Employee housing (one unit)	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)	Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural industry ($\geq 2000\text{m}^2$) Camping site Day care centre Freestanding base telecommunication station Helicopter landing pad Intensive feed farming Kennel Market Occasional use ($> one event / year$) Plant nursery 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

Page 1 of 2

Garden

Planter

- EXISTING WINE TASTING FACILITY :68.5m²
- EXISTING OPEN DECK AREA :30m²
- PROPOSED WINE TASTING ADDITION :32m²
- PROPOSED NEW OPEN DECK AREA :78m²





STELLENBOSCH

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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)	Investzek Thirteen (Pty) Ltd						
Physical address	Le Pommier Wine Estate, Helshoogte road, Stellenbosch					Postal code	7600
E-mail	melanie@lepommier.co.za						
Tel	021-8851269	Fax		Cell	0824167254		
PART C: PROPERTY DETAILS (in accordance with title deed)							
Erf / Erven / Farm No.	Farm 127	Portion(s) if Farm	24	Allotment area	Stellenbosch		
Physical Address	Le Pommier Wine Estate, Helshoogte Road, Stellenbosch						
Current Zoning	Agricultural Rural Zone	Extent	15,8 ha	Are there existing buildings?	Y	N	
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law						
Current Land Use	Agriculture and tourist facilities and guest house						

Title Deed number and date	T	30470/2002							
Attached Conveyance's Certificate	Y	N							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):						
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management						
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?			Y	N	If yes, is this application to legalize the building / land use ² ?			Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?			Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

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

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

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

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

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

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

15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	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
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:			R2700
TOTAL APPLICATION FEES**			
(TOTAL A + B)			

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

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

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

BANKING DETAILS

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

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

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

DETAILS FOR INVOICE

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

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:

SEE MOTIVATION DOCUMENT

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

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

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

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

SECTION I: DECLARATION

I hereby wish to confirm the following :

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

10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or 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:

2024/10/30

Full name:

Emile van der Merwe

Professional capacity:

Pr. Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Municipal Stamp