

NOTICE OF LAND DEVELOPMENT APPLICATION

Affected person's Name

Affected persons Physical Address

Affected person's Title:

APPLICATION FOR CONSENT USE : FARM 218/5 STELLENBOSCH

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

Application Property Address	Amperbo, Farm 218/5, Stellenbosch
Application Property Number	Portion 5 of Farm 218, Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Danie Smit Trust
Application Reference	TP1666/2026
Application Type	Consent Use

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

An application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law (2023) for consent use to allow for the establishment of a tourist facility building (wine tasting & sales) which is $\pm 235\text{m}^2$ in extent on Farm 218/5, Stellenbosch Division.

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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **(Emile van der Merwe t/a 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 20 November 2026**.

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 (Emile van der Merwe) 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 GRONDONTWIKKELINGS AANSOEK

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon

AANSOEK OM VERGUNNINGSGEBRUIK, PLAAS 218/5 STELENBOSCH

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

Adres van aansoek eiendom	Amperbo, Plaas 218/5, Stellenbosch
Aansoek eiendom beskrywing	Gedeelte 5 van Plaas 218, Stellenbosch
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Danie Smit Trust
Aansoek Verwysing	TP 1666/2026
Tipe Aansoek	Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning (2023) vir Vergunningsgebruik ten einde 'n toeristefasiliteit (wynproe en verkope gebou) van 235m² op die eiendom te vestig.

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

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

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **(Emile van der Merwe t/a Emile van der Merwe Town Planning Consultants (emilevdm@adept.co.za.)** Deur 'n beswaar, kommentaar of verdoel 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 gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **20 November 2026**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 021- 886 5050) gedurende normale kantoor ure.

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE

TP 1666/2026



EMILE VAN DER MERWE
town planning consultants

2025-05-28

My ref: Farm 218/5
Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR CONSENT USE: FARM 218/5, STELLENBOSCH DIVISION

Include hereby please find the required application for the following:

- Application in terms of Section 15 (2) (a) of the Land Use Planning By-Law (2023) for Consent Use (tourist facility) in order to establish a wine tasting facility ($\pm 235m^2$) on the property.

This office kindly awaits your written feedback in respect of the above application. Proof of payment (R2700) in respect of the application fees is attached herewith.

Thanking you in anticipation.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

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

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Portion 5 of Farm 218 Stellenbosch, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- *Application in terms of Section 15 (2) (a) of the Land Use Planning By-Law (2023) for Consent Use (tourist facility) in order to establish a wine tasting facility ($\pm 235m^2$) 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.

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

The application property is located approximately 20km to the north west of Stellenbosch Town and in the farming area. Access to the property is obtained via an existing private access road off Divisional Road 1080 Fischer Road.

3. OWNERSHIP AND SIZE

The property is owned by the Danie Smit Trust as held by Deed of Transfer T90796/1998. A copy of the Title Deed is attached as **Appendix 2**. The Trust Resolution and Power of Attorney in favour of the applicant are attached as **Appendix 3**. The property is 68, 2147 ha in extent and falls with the jurisdiction area of the Stellenbosch Municipality. The Surveyor diagram is attached as **Appendix 4**.

4. STELLENBOSCH ZONING SCHEME BY-LAW (2023)

The application property is zoned "Agricultural Rural Zone". The purpose of the zone is (see below) is make provision for the following:

200. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- 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 ($> \text{one event/year}$) • 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 (tourist facility) 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;

Zoning approvals

- Technical approval/additional use for a wine cellar dated 1 April 2022

- Consent Use approval (additional dwellings) and permission in terms of the zoning scheme – dated 25 November 2025.

The said approvals are attached as Appendix 5.

5. EXISTING LAND USE AND DEVELOPMENT PROPOSAL – APPENDIX 6

The subject property is a viable agricultural economic farming unit that intensively is farmed and planted with ± 45 ha vineyards. The vineyard component comprises the following

Cultivars

Cabernet Sauvignon	16 ha
Merlot	9ha
Pinotage	9 ha
Shiraz	2ha
Sauvignon Blanc	7ha
Total vineyards	45 ha

The remainder of the property comprise natural veld. The built infrastructure comprises the following (see map below):

- Main dwelling
- Farm manager house
- Farm Shed
- Implement store
- Garage and outbuilding
- Labourer's cottages
- Micro winery and farm store
- 1x Additional dwelling

The property owners, since the approval of the wine cellar and associated wine making process, has registered and forms part of the Stellenbosch Wine Route. In order to improve and promote the marketing of their wine it is the intention of the owner to establish a wine tasting and sales facility on the property. Amperbo currently produces the following wines:

Sauvignon Blanc 2026
2026



Malbec Rosé 2026
2026



Pinotage Tempranillo
2022



**Infinitum
2022**



**Fantasia Red Blend
N/V**



**Infinitum
2021**



The wine tasting facility will be located on the farm werf complex and will have no impact on the agricultural production component of the farm and daily running of the farming operations.

Farm Werf



The plans are attached as **Appendix 6**.

Access to the facility will be obtained from the existing internal farm road.

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

Consistency with regards to Section 213

- The proposal will not impact negatively on the preservation of agricultural land and the continued use of farm for agricultural purposes;

- The scale of the units is in keeping with the rural character of the area and the proposed use will not dominate the farming activities;
- The proposal will be subservient to the farm activities;
- The proposal will not result in a change of zoning (rezoning to required)
- The proposed facility is considered to be a rural place bound activity and is of small scale that will complement the farming operations whilst not compromising the agricultural sustainability, scenic and heritage and cultural landscape
- The proposed facility is accessible from the existing internal farm road. The proposal will not interfere with the daily running of the farming operations
- The proposal will not adversely affect the agricultural potential of the farming unit.

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

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

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

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

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

6. CHARACTER OF SURROUNDING AREA

As mentioned above, forms the property part of the Stellenbosch Wine Route and more specifically the Bottelary Sub Route (Nr 115 as indicated on the map below).

Extract: Bottelary



The surrounding area is characterized by a number of similar tourist facilities (wineries and tasting facilities) in support of agriculture, tourism and rural development. The establishment of wine tasting facility on the property therefore will not have a detrimental impact on the surrounding area and it in fact will further enable the promotion of Stellenbosch Wine of Origin brand to the benefit of the local economy.

7. LEGISLATIVE AND POLICY CONTEXT

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

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

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources

- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

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

Spatial Justice

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

Spatial efficiency

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

Spatial resilience

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

Good Administration

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

LUPA

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

7.2 Western Cape Provincial Spatial Development Framework (WCPSPDF)

The WCPSPDF serves as guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The policy document is informed by the National Development Plan and related spatial policies and takes its strategic direction from the Western Cape

development strategy and related policy frameworks. It also serves to guide the location and form of public investment. An important factor in this regard relates to the role which the rural economy can play in the overall economy of the greater municipal area and is of particular relevance to the Stellenbosch area. The proposal presents an opportunity that is aligned with the policy to allow for compatible and sustainable rural activities to the benefit of the broader good of society with positive socio-economic returns.

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

- Ecological integrity
- Social Justice
- Economic efficiency

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

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

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

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

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

The Guidelines supports the following:

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

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

8.3 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.

8.4 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.

8. SERVICES

The proposal will not impact on the service level capacities of the Stellenbosch Municipality. The property is not connected to any municipal services. Domestic water and water for irrigation is obtained from natural springs and the existing dam on the property. Effluent will be accommodated within the existing conservancy tank.

Electricity is obtained from transformers and metered connections from Eskom. Storm water is handled on the property and channelled naturally to the dam.

9. CONCLUSION

The development proposal is consistent and complies with the criteria set out in Chapter V of the Stellenbosch Land Use Planning By-Law (2023) 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.

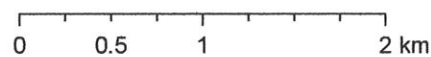
In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 218/5, Stellenbosch Division.

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APPENDIX 1

LOCATION PLAN

 Farm Portions



Date created: May 7, 2021



Western Cape
Government

APPENDIX 2
TITLE DEED

151

MARAIS MÜLLER

FOOT
FEE 2.165.00

Opgestel deur my:

Handwritten signature: *Handwritten signature*

TRANSPORTBESORGER

~~HOFMEYER M T O~~

VAN WYK J. H.

RECEIVED

T 90796 98

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK:

DAT JOHANNES HENDRIK VAN DER VYVER

voor my, Registrateur van Aktes

erskyn het te **KAAPSTAD**

ly, die genoemde komparant synde behoorlik daartoe gemagtig deur 'n volmag aan hom verleen deur

DANIEL GIDEON HUGO SMIT

Identiteitsnummer 290707 5038 00 4

Getroud buite gemeenskap van goed;

gedateer 28 Augustus 1998, en geteken te KUILSRIVIER.

K

En genoemde Komparant het verklaar dat Sy voorsegde Prinsipaal werklik en wettiglik verkoop het op 27 Julie 1998

en dat hy in sy voornoemde hoedanigheid hierby in volkome en vrye eiendom sedeer en transporteer aan en ten gunste van :

**Die Trustees van tyd tot tyd van die
DANIE SMIT TRUST
nr IT 39/97**

Diese Opvolgers in Titel of Regverkrygendes :

GEDEELTE 5 van die plaas **WELGEVONDEN NR 218**, geleë in die plaaslike gebied van die Afdeling Wynland Distriksraad, Provinsie Wes-Kaap;

GROOT : 68,1247 (AGT EN SESTIG komma EEN TWEE VIER SEWE) Hektaar;

AANVANKLIK OORGEDRA kragtens Verdelingstransport nr T 6147/1934 met kaart wat daarop betrekking het en **GEHOU** kragtens Transportakte nr T 9258/1956;

- A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte nr T 6147/1934.



- B. **ONDERHEWIG VERDER** en **GEREGTIG** op die voordeel van 'n serwituut endossement gedateer 8 Februarie 1952 op Transportakte nr T 1555/1952, welke endossement soos volg lui :

"By Notarial Deed no. 52/52 dated 20/12/51 the within Transferee and his successors in title as owner of ppty. Para 1 herein has acquired a right of way 14' wide for vehicular and pedestrian traffic from the main western beacon of Amperbo marked "L" in diagram 221/1934 annexed to transfer 6147/34 across the farm known as rmdr. of Welgevonden, held under Tfr. 18588/49. Subject to conditions as will more fully appear on reference to the said Notarial Deed vide copy annexed."

Handwritten signature

WESHALWE die Komparant afstand doen van al die regte en titel wat die TRANSPORTGEWER voorheen op die genoemde eiendom gehad het en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie; en dat, kragtens hierdie Akte, die TRANSPORTNEMER TRUSTEES, Diese Opvolgers in Titel of Regsverkrygendes, tans en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat;

EN TEN SLOTTE erken hy dat die koopprys R831 000,00 bedra.

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

ALDUS GEDOEN EN VERLY in die kantoor van die Registrateur van Aktes te Kaapstad, op hede die 23^{de} September Dag van die Maand in die Jaar van Ons Heer, Een Duisend Negenhonderd Agt en Negentig (1998).



q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

RESOLUTION

PASSED AT THE MEETING OF THE DANIE SMIT TRUST
REGISTRATION NUMBER IT 39/1997

HELD AT STELLENBOSCH ON 26 MAY 2026

PORTION 5 OF FARM 218 DIVISION STELLENBOSCH

Pieter Smit in his capacity as Trustee of the Danie Smit Trust is hereby authorized to act on behalf of the Trust and to sign all relevant documents in respect of the application to be made in terms of Section 15 (2) (O) of the Stellenbosch Municipal Land Use Planning By-Law (2023).

A handwritten signature in black ink, appearing to be 'PS' with a stylized flourish.

PIETER SMIT

POWER OF ATTORNEY

Danie Smit Trust, the registered owner of Portion 5 of Farm 218 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 – WINE TASTING) 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 26th DAY OF MAY 2026



PIETER SMIT
TRUSTEE

APPENDIX 4

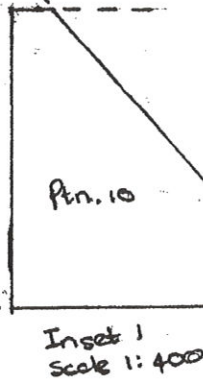
SG DIAGRAM

221/1934.

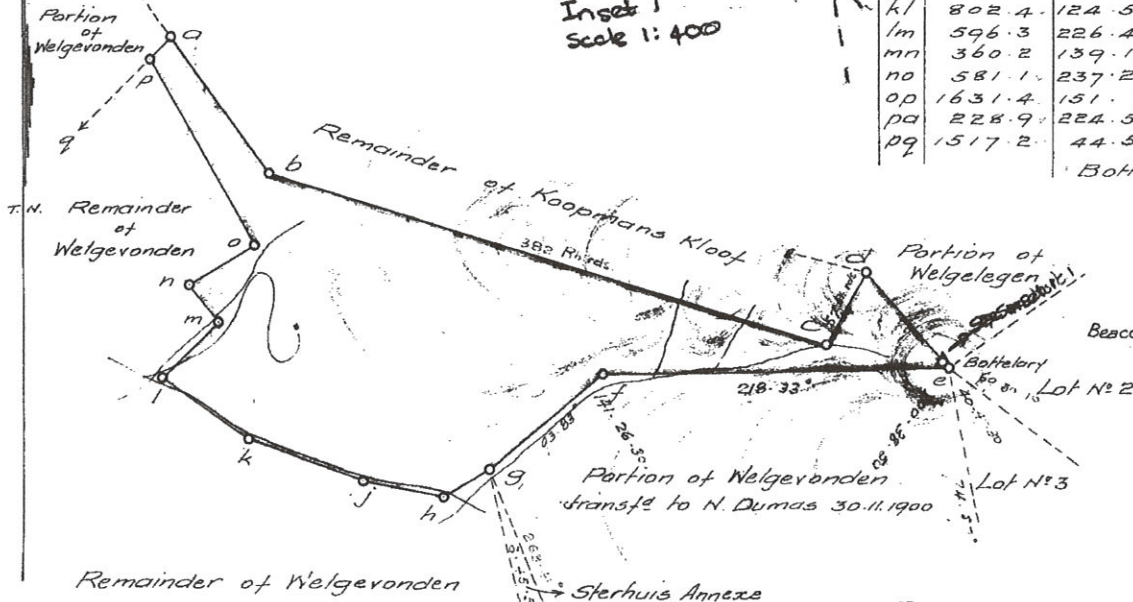
Approved

Surveyor-General.

Ren
Included in 19601
Vide 144/2012
Farm No 1624



SIDES Cape Feet	ANGLES OF DIRECTION	SYSTEM L.O. CO-ORDINATES
ab 1280.6	323.45.20	a - 82313.0 - 11645.4
bc 4421.5	287.6.0	b - 83070.1 - 10612.6
cd 620.7	208.15.40	c - 87296.1 - 9312.5
de 956.3	317.45.28	d - 87590.0 - 9859.2
ef 2617.3	82.38.30	e - 88232.9 - 9151.3
fg 1132.9	50.13.0	f - 85616.3 - 4089.3
gh 408.1	58.45.50	g - 84745.7 - 8364.4
hj 632.4	102.9.0	h - 84396.8 - 8152.8
jk 926.3	109.50.10	j - 83778.6 - 8285.9
kl 802.4	124.59.10	k - 82907.3 - 8600.2
lm 596.3	226.42.0	l - 82249.9 - 9060.8
mn 360.2	139.17.20	m - 82683.9 - 9469.3
no 581.1	237.28.50	n - 82449.0 - 9742.3
op 1631.4	151.7.40	o - 82939.0 - 10054.7
pa 228.9	224.55.0	p - 82151.3 - 11483.3
pq 1517.2	44.55.0	q - 81080.1 - 10408.9
Bottelary A		- 88219.7 - 9219.0



Beacons kand I replaced vide

Beacon g replaced vide E578/68

DESCRIPTION OF BEACONS:-

- a - Stone 10"x8", 20" above surface of ground ✓
- b, d, g - Heavy iron straining posts (Paint & witness marks) ✓
- c - Stone 10"x10", 8" above surface of ground ✓
- e, h, k, l, m, n, o, p - Iron fencing standards in cairns of stones ✓
- f - Stone 5"x5", 20" above surface of ground ✓
- g - " 5"x6", 12" " " " " ✓

Portion...5.....(.....Ampercha.....)
(a portion of Portion.....) of the farm
.....WELGEVONDEN.....No. 218.....

Consent uses	Wine Cellar, 3 additional dwellings				
Current activities	Agriculture				
Property Size / Extent	65.8 ha	Are there existing buildings?		Y	N
Title Deed number	T90796/1998				
Any restrictions in the Conveyance's Certificate?	Y	N	If yes, list condition(s) in motivation report.		
Are the restrictive conditions in favour of a third party?	Y	N	If yes, list the party(ies) in motivation report.		
Is the property owned by Council?	Y	N	If yes, attach a power of attorney signed by the Municipal Manager or delegated authority.		
Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)?	Y	N	If yes, indicate which section are triggered in motivation report and attach relevant permit.		
Is the property or building located within the historical core or contains any heritage significant features?	Y	N	Is the building older than 60 years?	Y	N
Does the property fall inside the urban edge?	Y	N	Does the property fall within a Local Overlay Zone, i.e. Technopark or ATC?	Y	N
Does the property fall within the Urban or Rural Conservation Overlay Zone?	Y	N	Does the property fall within the Scenic Route Overlay Zone?	Y	N
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalise the building / land use?	Y	N

PART E: LAND USE APPLICATIONS AND PAYMENT OF FEES			
APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BYLAW		Number	Fee
15(2)(a)	rezoning of land		R10 800.00
15(2)(b)	a permanent departure from the development parameters of the zoning scheme		R2 700.00
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		R2 700.00
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		R5 450.00
15(2)(e)	a consolidation of land that is not exempted in terms of section 24		R5 450.00
15(2)(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit		R2 700.00
15(2)(g)	a permission required in terms of the zoning scheme		R2 700.00
15(2)(h)	an amendment, deletion or imposition of conditions in respect of an existing approval		R5 450.00
15(2)(i)	an extension of the validity period of an approval (50% of current application fee)		R.....
15(2)(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram		R5 450.00
15(2)(l)	a permission required in terms of a condition of approval		R2 700.00
15(2)(m)	a determination of a zoning		R10 800.00
15(2)(n)	a closure of a public place or part thereof		R5 450.00
15(2)(o)	a consent use contemplated in the zoning scheme	x	R2 700.00
15(2)(o)	a consent use for a house shop, home day care centre, day care centre		R 220.00
15(2)(p)	to disestablish a homeowners' association		R2 700.00
15(2)(q)	to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services		R2 700.00
15(2)(r)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged		R5 450.00
OTHER APPLICATIONS		Number	Fee
Approval required in terms of the bylaw for street naming and numbering			R2 700.00
Consent / Permission required in terms of a title deed (includes planning permission in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)			R2 700.00
Complexity fee – Per study / assessment			R4 520.00
TOTAL APPLICATION FEE PAYABLE		R2700	
DETAILS FOR INVOICE			
Name & Surname (party responsible for payment)		EVDN Town Planning Services	
Street or Postal Address		PO Box 204, Stellenbosch, 7599	
Vat Number (where applicable)		4740239944	
<p>1. Application fees are per the approved Council Tariffs. Application fees that are paid to the Municipality are non-refundable as per the Tariff Rules. Once an invoice is issued, the application is regarded as duly submitted.</p> <p>2. All indigent residents who are registered as such with the Municipality and <u>with proof submitted together with application will be exempted from applicable as per the Tariff Rules.</u> Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579.</p> <p>3. 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.</p>			
BANKING DETAILS			
Account Holder Name:		Stellenbosch Municipality	
Bank:		STANDARD BANK	
Branch no.:		051001	
Account no.:		242637280	
Payment reference:		TP _____ and ERF/FARM _____	
Please use both the TP reference number and the Erf/Farm number indicated in Section C as a reference when making EFT payment			

PART F: DETAILS OF PROPOSAL (Brief description of intent of development listing proposed land use activities. Full motivation report must be attached, addressing the desirability of the proposal, the criteria listed in Section 65 of the LUPB and, if applicable, motivation for site specific justification.)

- Application in terms of Section 15 (2) (a) of the Land Use Planning By-Law (2023) for Consent Use (tourist facility) in order to establish a wine tasting facility ($\pm 235\text{m}^2$) on the property.

Please refer to motivation document

Is the proposal consistent / compliant with municipal plans, policies and guidelines , or any national or provincial policies (e.g., Western Cape Land Use Planning Guidelines: Rural Areas), restrictive title conditions, other legislation / authorisations?	Y	N			
Is the proposal consistent with the Municipal Spatial Development Framework (MSDF)?	Y	N			
Does the proposal require additional infrastructure / civil engineering services e.g., electricity; water; sewerage; road network etc.?	Y	N			
Does the development proposal include the provision of residential units ? The target market re: range in income bracket/ selling price or rental must be addressed in the motivation report.	Y	N			
Does the proposal fall within a priority development area as defined in the MSDF where the provision of inclusionary housing is mandatory in terms of the Inclusionary Zoning Policy ?	Y	N			
HOA Constitution – Name & Date of approval	N/A				
Design Guidelines – Name & Date of approval	N/A				
Departure / Relaxation / Suspension	Zoning Scheme Development Parameter	Design Guideline Development Parameter			
	Adjoining erf number	ZS / DG / RTC			
Building line encroachment	Street	From	m	To	m
	Street	From	m	To	m
	Side / Common	From	m	To	m
	Side / Common	From	m	To	m
	Aggregate side	From	m	To	m
	Rear	From	m	To	m
Exceeding permissible coverage / footprint	From	%	To	%	
Exceeding maximum permitted bulk / floor factor / habitable rooms	From		To		
Exceeding height restriction	From	m	To	m	
Exceeding maximum storey height	From	m	To	m	
Exceeding maximum boundary wall height	Street	From	m	To	m
	Side / Rear	From	m	To	m
Relaxation of on-site parking / loading requirements	From	bays	To	bays	

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE 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 in terms of Section 38 of the LUPB

Y	N	Power of attorney / Owner's consent if applicant is not owner	Y	N	Proof of any other relevant right held in the land concerned
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Y	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N		S.G. diagram / General plan extract (A4 or A3 only)
Y	N		Written motivation pertaining to the desirability and impact of the proposal	Y	N		Site plan or conceptual layout plan (A4 or A3 only) to scale
Y	N		Locality plan (A4 or A3 only) to scale	Y	N		Proof of agreement or permission for required servitude
Y	N		Proposed subdivision plan (A4 or A3 only) to scale	Y	N		Proof of registered ownership (Full copy of the title deed)
Y	N		Conveyancer's certificate	Y	N		Minutes or Written feedback of pre-application consultation (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	Owners' Association consent
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Civil 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 owner's association
Y	N	N/A	Copy of original approval and conditions of approval	Y	N	N/A	Other (specify):
Y	N	N/A	Proof of lawful use right	Y	N	N/A	

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)	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, 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) of said bylaw 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 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.



TP 1666/2026

Absa Aanlyn : Kennisgewing van betaling

03 Junie 2026

Geagte EVDM TOWN PLANNING SERVICES CC

Onderwerp: Kennisgewing van betaling: SBOSCHMUN

Neem asseblief kennis dat jy 'n betaling gemaak het aan SBOSCHMUN soos hieronder aangedui.

Transaksienommer :	80CA2B29E3-1
Betaaldatum :	2026-06-03
Betaling gemaak vanaf :	Tjek rekening
Betaling gemaak aan :	SBOSCHMUN
Banktakkode :	0143301
Vir die bedrag van :	2,700.00
Verwysing op begunstigde se bankstaat :	TP1666/2026
Addisionele kommentaar deur die betaler :	-

Indien jy meer inligting of hulp verlang, skakel ons gerus by 08600 08600 of +27 11 501 5110 (internasionale oproepe).

Indien jy 'n verkeerde internetbankdienste-betaling gemaak het, stuur asseblief 'n e-pos aan digital@absa.co.za

Vriendelik die uwe

Hoofbestuurder : Digitale Kanale

Hierdie dokument is bedoel vir gebruik deur die geadresseerde en is privaat en vertroulik. Indien dit verkeerdelik aan jou gestuur is, kontak ons onmiddellik. Dankie.