

NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA

SUBDIVISION, REZONING, CONSENT USE AND REGISTRATION OF A SERVITUDE:
ERF 6284, STELLENBOSCH

APPLICANT: AHG TOWN PLANNING
PO Box 2992, Somerset West, 7129
Email: leon.jubilius@ahg-property.co.za
Contact no: 082 782 0374 (Leon Jubilius)

OWNER: DISTELL LTD

APPLICATION NO: LU/15687 (TP374/2023)

PROPERTY DESCRIPTION: Erf 6284 Stellenbosch

PHYSICAL LOCATION: Adam Tas Road (R310), Stellenbosch

APPLICATION: Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice no. 354/2015, dated 20 October 2015 for the **Subdivision** of Erf 6284, Stellenbosch into two portions namely; Remainder Portion A1 of ±23,15ha in extent and Portion A2 of ±2,13ha in extent.
Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice no. 354/2015, dated 20 October 2015 for the **Rezoning** of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch from Industrial Zone to Private Open Space Zone.
Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice no. 354/2015, dated 20 October 2015 for a **Consent use** to permit the use of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch for outdoor sport (sports field).
Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice no. 354/2015, dated 20 October 2015 for **Subdivision** in order to register a right of way and parking servitude (for private use) over the Remainder Portion A1 of subdivided Erf 6284, Stellenbosch and Farm No. 1168, Stellenbosch Division in favour of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch.

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

Written comments, 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 in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail to: leon.jubilius@ahg-property.co.za

By lodging an objection, comment or representation, the person doing so acknowledges that his/her 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 **14 August 2023**.

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 **082 782 0374** between 08h00 and 17h00 on weekdays.

KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK
IN DIE STELLENBOSCH MUNISIPALE GEBIED

ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK EN REGISTRASIE VAN 'n SERWITUUT:
ERF 6284, STELLENBOSCH

AANSOEKER: AHG TOWN PLANNING
PO Box 2992, Somerset West, 7129
Email: leon.jubilius@ahg-property.co.za
Contact no: 082 782 0374 (Leon Jubilius)

EIENAAR: DISTELL LTD

AANSOEK NO: LU/15687 (TP374/2023)

EIENDOMSBEKRYWING: Erf 6284 Stellenbosch

FISIESE LIGGING: Adam Tas Weg (R310), Stellenbosch

AANSOEK: Aansoek word gedoen in terme van Artikel 15(2)(d) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, geproklameer deur kennisgewing no. 354/2015, gedateer 20 Oktober 2015 vir die **Onderverdeling** van Erf 6284, Stellenbosch in twee dele, naamlik; 'n Restant (Gedeelte A1) van ±23,15ha groot en Gedeelte A2 van ±2,13ha groot.
Aansoek word gedoen in terme van Artikel 15(2)(a) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, geproklameer deur kennisgewing no. 354/2015, gedateer 20 Oktober 2015 vir die **Hersonering** van ongeregisteerde Gedeelte A2 van die onderverdeelde Erf 6284, Stellenbosch vanaf Industriële Sone na Privaat Oopruimte Sone.
Aansoek word gedoen in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, geproklameer deur kennisgewing no. 354/2015, gedateer 20 Oktober 2015 vir 'n **Vergunningsgebruik** ten einde ongeregisteerde Gedeelte A2 van die onderverdeelde Erf 6284, Stellenbosch aan te wend vir Buitelug sport (sportveld).
Aansoek word gedoen in terme van Artikel 15(2)(d) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, geproklameer deur kennisgewing no. 354/2015, gedateer 20 Oktober 2015 vir **Onderverdeling** ten einde 'n Reg-van-Weg- en Parkeerserwituut (vir privaat gebruik) te registreer oor die Restant van Gedeelte A1 van die onderverdeelde Erf 6284, Stellenbosch, asook oor Plaas No. 1168, Stellenbosch Afdeling ten gunste van Gedeelte A2 van die onderverdeelde Erf 6284, Stellenbosch.

Kennis geskied hiermee in terme van die genoemde Verordening dat die bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanningsportaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements> Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

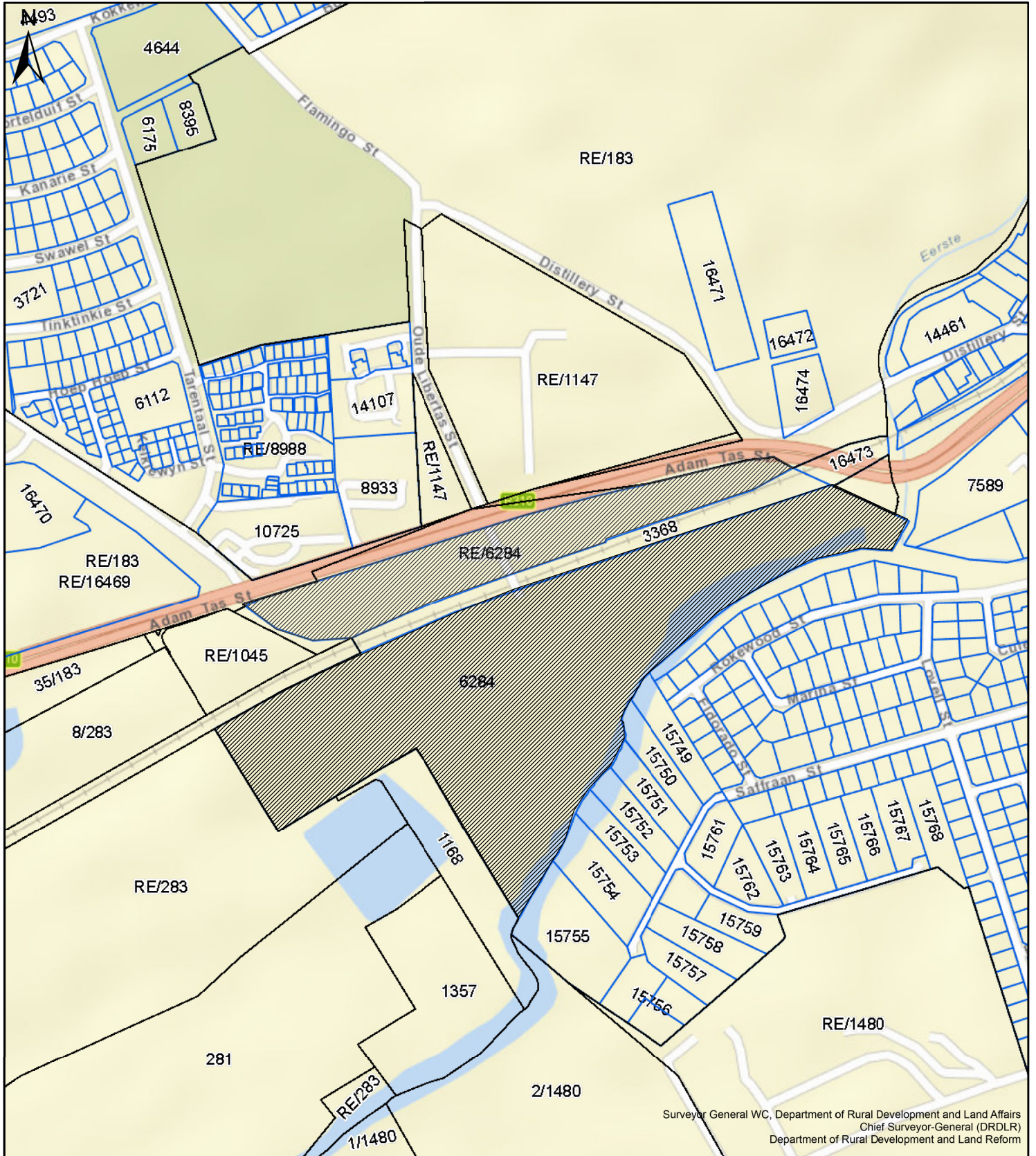
Skriftelike kommentaar, wat die besonderhede van die verwysingsnommer van die aansoek, asook die name, fisiese adres en kontakbesonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek vervat, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniesepos aan: leon.jubilius@ahg-property.co.za

Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat sy/haar 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 **14 Augustus 2023**.

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 bovermelde elektroniese posadres of telefonies by **082 782 0374** tussen 08h00 en 17h00 op woensdae.

Locality Plan



Surveyor General WC, Department of Rural Development and Land Affairs
 Chief Surveyor-General (DRDLR)
 Department of Rural Development and Land Reform

Source: Western Cape Dept of Agriculture (CapeFarmMapper)

PROJECT:

Erf 6284
 Stellenbosch

SCALE:

n.t.s.

DATE:

April 2023

ahG

Town Planning

Town and Regional Planners

PO Box 2992
 Somerset West
 7129

TEL: 021 840 3220
 FAX: 086 511 6639
 CELL: 082 782 0374

E-Mail: leon.jubilius@ahg-property.co.za

PROJECT:
PROPOSED SUBDIVISION:
ERF 6284 STELLENBOSCH

- Notes:**
1. The areas indicated by the letters (A1) & (A2) represent Erf 6284, Stellenbosch, measuring 25,2740 ha.
 2. The area indicated (A2) represent the proposed subdivision of Erf 6284, measuring ± 2,1 ha.
 3. The area indicated as (A1) represent the proposed Remainder of Erf 6284, measuring ± 23,1352 ha
 4. The figure "ABCDEFGHJKLMNOPS" represent a proposed servitude of right-of-way over both Erf 6284 and Farm 1168 as indicated in favour of the proposed subdivision (A2)
 5. All sizes and dimensions are approximate and subject to final survey
 6. The property falls under the jurisdiction of the Stellenbosch Local Municipality
- Scale 1 : 4000 (A3)

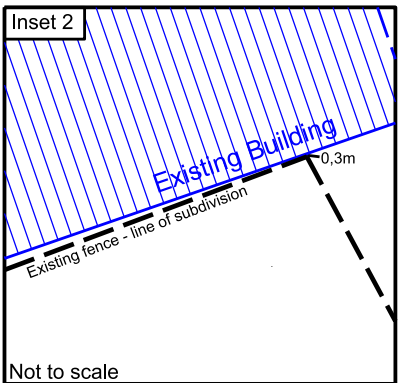
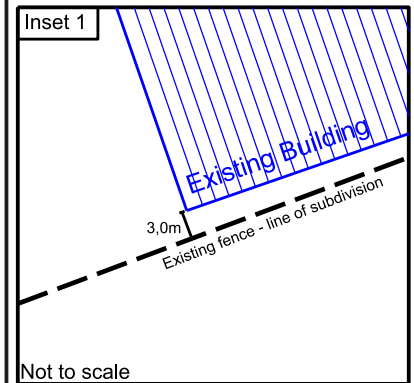
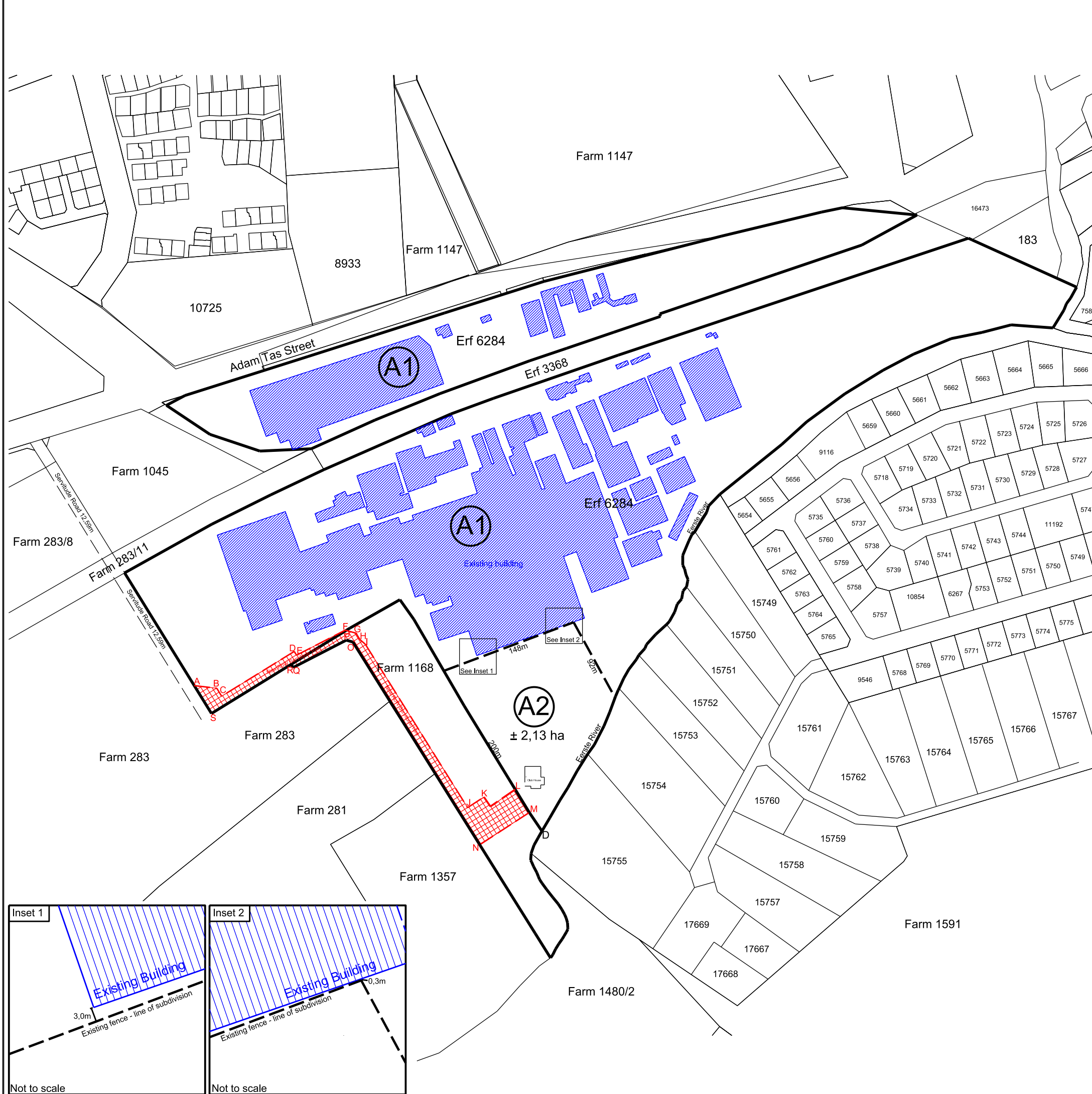
CLIENT: Distell Ltd

PLAN NO: Erf 6284 Sub Ver 1

ahG Town Planning
 Town and Regional Planners

PO Box 2992
 Somerset West
 7129
 E-Mail: leon.jubilius@ahg-property.co.za

TEL: 021 840 3220
 FAX: 086 511 6639
 CELL: 082 782 0374



1. GENERAL INFORMATION

1.1 INTRODUCTION

AHG Town Planning was instructed by the owner of the Erf 6284 Stellenbosch, to apply for the subdivision and rezoning of a portion of the property.

The purpose of the report shall therefore be to outline and motivate the different aspects involved in order to obtain the approval of the Stellenbosch Municipality.

1.2 LOCALITY

The property is located in Stellenbosch on both sides of the railway line, along Adam Tas Road (R310) stretching from the bridge over the Krom River and the railway line up to the intersection with Winery / "new" Devon Valley Road and bordered by the Eerste River to the south.

The site falls within the jurisdiction area of the Stellenbosch Local Municipality.

Locality Plan included.

1.3 TITLE ASPECTS

The property is held by virtue of Title Deed T80625/2008, a copy of which is included.

1.3.1 Property Description, Size & Ownership

T80625/2008:

*Erf 6284 STELLENBOSCH in the Municipality and Division Stellenbosch,
Western Cape Province*

Measuring: 25,2740 ha

Registered owner: DISTELL LTD. 1963/001333/06

Title Deed included.

1.3.2 Conveyancer Certificate

A Conveyancer Certificate was not prepared in this case since Erf 6284 has been subdivided previously.

1.3.3 Mortgage Bonds

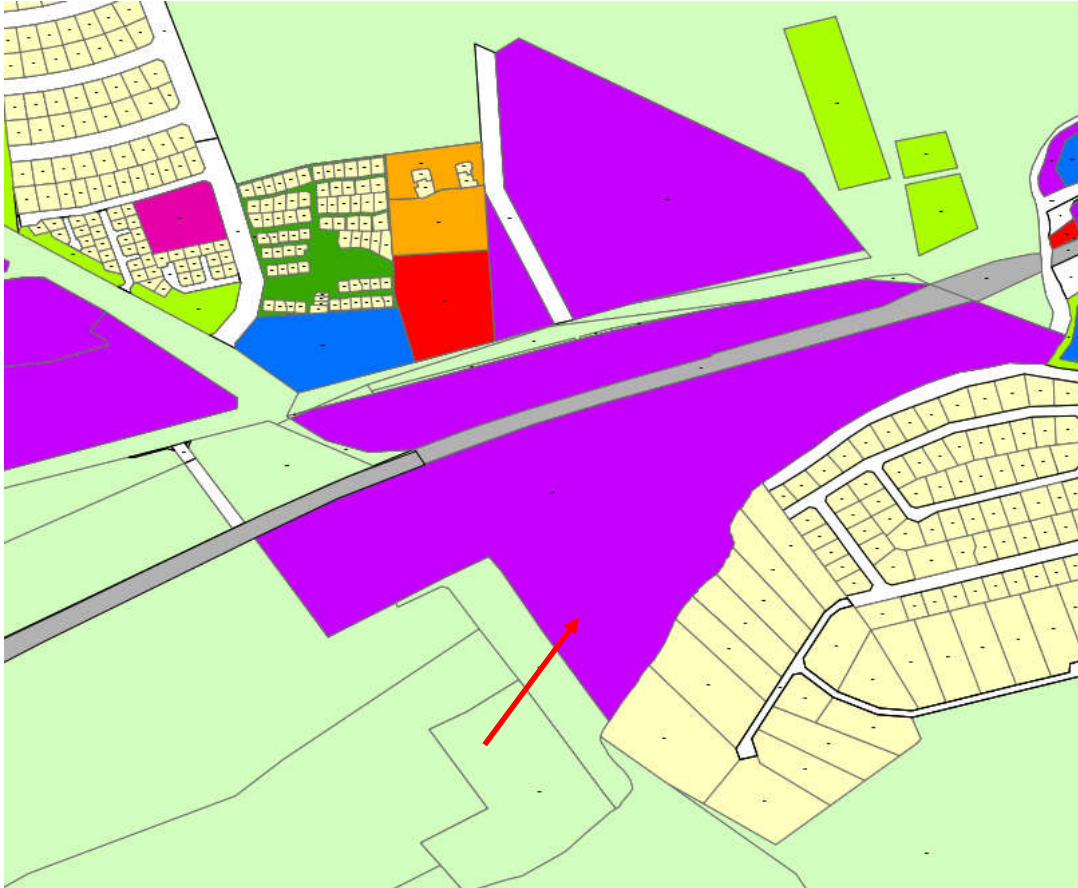
There is a bond registered against the title of the property in favour of DISTELL SECURITY SPVRF PTY LTD. The consent of the bondholder is awaited.

1.3.4 Title Deed Conditions

There are no conditions of title prohibiting the proposed subdivision and rezoning.

1.4 EXISTING ZONING AND LAND USE

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, the property is zoned “**Industrial Zone**”. It is important to note that in terms of the previous Stellenbosch Zoning Scheme Regulations, the zoning was “*Wine Industry*”.



Extract of the Stellenbosch Zoning Scheme Bylaw, 2019 Maps

The Erf 6284 is developed with a massive building complex being a Distell production (cellars, bottling packaging of liquor products, offices etc) and warehousing complex. The property is bisected by the railway line and also accommodates a small vineyard on the western portion and a cricket field in the southernmost corner which is the subject of this application.

The aerial image below depicts the property in relation to its environs:



Aerial image of the application site in relation to the surrounding area

2. THE APPLICATION

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, the property is zoned “**Industrial Zone**”

2.1 THE FOLLOWING ACTIONS ARE APPLIED FOR:

- 2.1.1 Application in terms of the provisions of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the **subdivision** of **Erf 6284** Stellenbosch.
- 2.1.2 Application in terms of the provisions of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the **registration of a servitude** of right of way over **Erf 6284** Stellenbosch as well as over **Farm 1168**, Stellenbosch RD, in favour of the proposed subdivision.
- 2.1.2 Application in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the **rezoning** of the subdivided portion in 2.1.1 above from “**Industrial Zone**” to “**Private Open Space zone**”.
- 2.1.3 Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for **Special Consent** for “**Outdoor sport**”.

3. MOTIVATION

3.1 BACKGROUND & NEED FOR THIS FACILITY

The Erf 6284 belongs to DISTELL LTD and is developed with a massive building complex including production facilities (cellars, bottling packaging of liquor products, offices etc) and a warehousing component. The cricket field in the southernmost corner which is the subject of this application developed many years ago as a recreational facility for Distell staff and is also home to Distell Cricket Club.

The owner would like to subdivide the grounds of the Cricket fields and transfer the subdivision to the Club or a similar entity that will retain the function and ownership of the recreational facility in the future.

Distell is currently going through a restructuring process and selling parts of the existing business in a deal with international role-players. The main aim for this application is therefore that the cricket field / club is excluded from any possible future land transactions involving the larger application property and or its future operations.

3.2 PROPOSED SUBDIVISION

In reference to the sketch plan included the area indicated as A2 represent the proposed subdivision of Erf 6284 being the functional fenced-off area of the existing cricket field, measuring $\pm 2,12$ ha. This subdivision will leave a remainder indicated as A1 of $\pm 23,1583$ ha in extent.

3.3 RIGHT-OF WAY SERVITUDE

The existing gravel road providing access to the cricket field needs to be protected in a private right of way servitude in favour of the proposed subdivision. The routing of the current alignment of this road, as well as the proposed servitude delineation is over the subject Erf, as well as over Farm 1168, which also belongs to and forms part of the operations of the owner. It is proposed that the servitude will be 10m wide over most of the length of the servitude, except around the 90-degree turn at points "FGHI" on the Subdivision plan, where the position of the existing infrastructure of the owner prevents a wider alignment. The design and widths of the proposed road surface, including any other services which needs to be accommodated within the servitude was discussed with the Municipal roads engineers and is acceptable.

3.4 PROPOSED REZONING & CONSENT USE

The proposed subdivision referred to in 2.2 above must be rezoned from "**Industrial Zone**" to "**Private Open Space zone**" in order to accommodate the continuation of the existing use on the property under new ownership in the future.

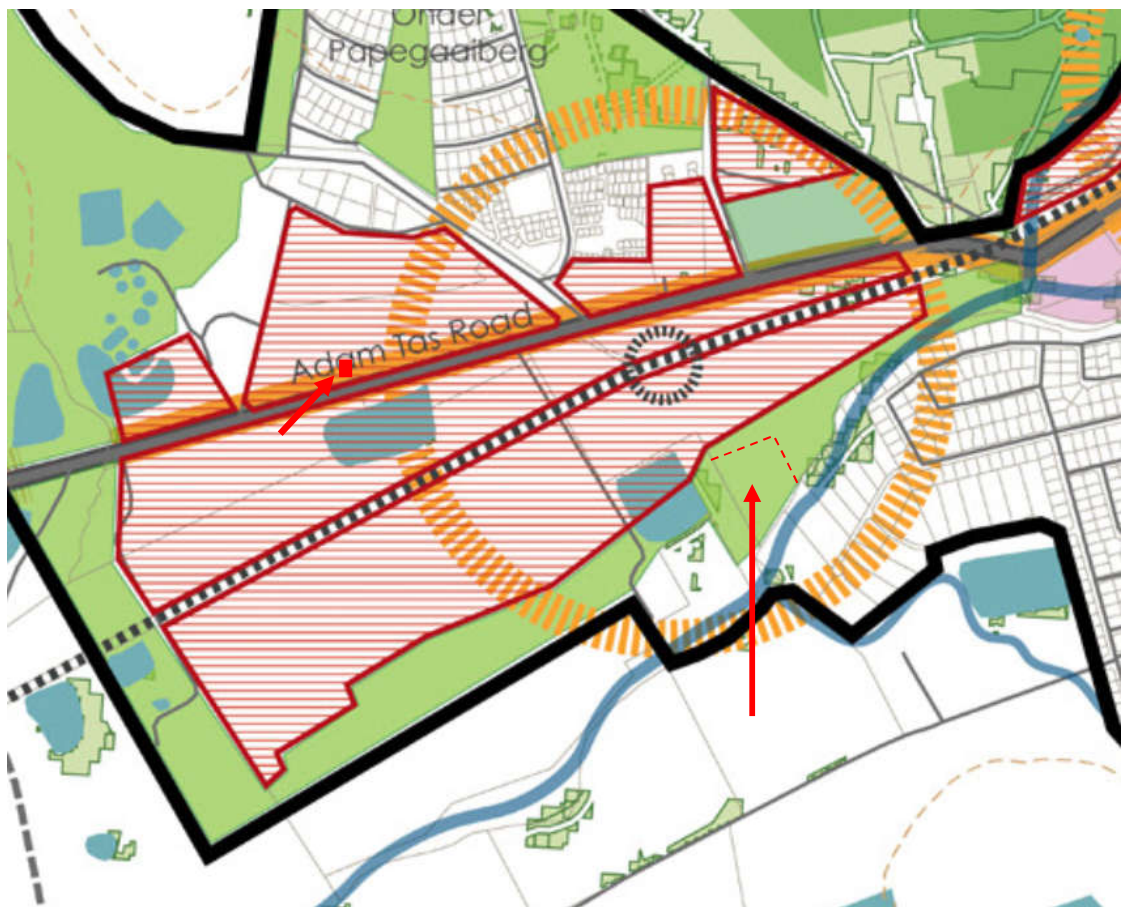
The Cricket field has been in existence for many-many years and part of the recreational activities the company provided for its workers. However, if the cricket field is subdivided from the main operations of the owner, it can no longer be zoned for Industrial purposes and needs an appropriate zoning to accommodate the existing use. The Private Open Space zoning will also prevent any unwelcome land-uses that might develop on the property in future and is limiting the impact of any future usage to the status quo.

Lastly a ***Special Consent*** for “**Outdoor sport**”-use is required under the proposed new zoning. Per definition, “**Outdoor sport**” includes the use of land for active recreational or sporting activities that takes place outdoor such as sports fields and a clubhouse amongst other uses. It is therefore deemed necessary that this consent also be obtained.

3.5 APPLICABLE POLICIES & LEGISLATION:

3.5.1 Spatial Development Framework

In terms of the new Stellenbosch Municipality SDF (Nov 2019), the property falls inside the urban development boundary. The area is indicted as “**Green Areas Retained**”. And the application is thus **100% compliant** with the Municipal SDP



Extract from SDF

3.5.2 Spatial Planning & Land Use Management Act, 2013

Section 7 stipulates principles that apply to spatial planning, land development & land use management. Under the principles of spatial sustainability and efficiency:

- Under the principle of spatial sustainability that: spatial planning must (*inter alia*) protect prime and unique agricultural land and promote land development in ***locations that are sustainable*** and ***limit urban sprawl*** and result in communities that are viable.
- Under the principle of efficiency that: land development optimises the use of ***existing resources and infrastructure***.

The location of the existing facility on an existing erf within the urban development boundary supports the application as being compliant with these principles.

3.5.3 Western Cape Land Use Planning Act, 2014.

Chapter 6 stipulates principles that apply to land use planning. Under the principles of spatial sustainability:

land use planning should (*inter alia*) —

- (i) promote land development that is spatially compact, ***resource-frugal*** and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- (ii) ensure that special consideration is given to the ***protection of prime***, unique and high potential ***agricultural land***;
- (vi) promote land development in ***locations that are sustainable and limit urban sprawl***;

Under the principles of spatial efficiency:

- (a) land development should ***optimise*** the use of ***existing resources, infrastructure, agriculture, land, minerals and facilities***;
- (b) integrated cities and towns should be developed, whereby—
 - (i) the social, economic, institutional and physical aspects of land development is integrated;
 - (ii) land development in ***rural*** and urban areas in support of each other is promoted;
 - (iii) the availability of ***residential*** and ***employment opportunities*** in ***close proximity*** to, or ***integrated*** with, each other is ***promoted***;
 - (iv) a diverse combination of land uses is promoted;
 - (v) the phenomenon of ***urban sprawl*** in urban areas is ***discouraged*** and the development of ***more compact towns*** and cities with ***denser habitation*** is promoted;
 - (vi) historically distorted spatial patterns of settlement are corrected; and
 - (vii) the quality and functionality of the public spatial environment is promoted;

The above selected extracts, with relevant ***emphasis added***, supports this application as being compliant with these legislative principles.

3.6 DESIRABILITY OF THE PROPOSED DEVELOPMENT

3.6.1 Accessibility & Parking

The existing gravel road providing access to the cricket field will be retained. Winery Road is accommodated in an existing right-of way servitude of 12,59m wide over Farm 283, Farm 283/8 and Farm 283/11, from Adam Tas Road, over the railway line and along the western boundary of Erf 6284 up to point “S” on the Subdivision plan. It is proposed that from this point onwards, the existing gravel road over Erf 6284 and Farm 1168 (also belonging to the owner) be upgraded and included in a servitude in favour of the proposed subdivision. The proposed servitude will be 10m wide, except around the 90-degree turn at points “FGHI” on the Subdivision plan, where the position of the existing infrastructure of the owner prevents a wider alignment. The design and widths of the proposed road surface, including any other services which needs to be accommodated within the servitude was discussed with the Municipal roads engineers and is acceptable.

See Services and Road Plan from De Villiers & Hulme Consulting Engineers included.

In terms of parking, the existing parking area behind the clubhouse as well as the existing parking area on Farm 1168, indicated by the figure JKLMN ($\pm 2150\text{m}^2$) on the subdivision plan will be used. The latter will form part of the servitude to be created in favour of the proposed subdivision. Historically, this was the only parking used for the cricket field.

It is therefore our opinion that access to the facility is sufficient, and that sufficient parking is available.

3.6.2 Availability of Engineering Services

This application is not for a new development and the facility already exist and is already connected to services infrastructure; however, new service connection points will need to be provided for the proposed subdivision.

De Villiers & Hulme Consulting Engineers conducted a survey of the services situation and made recommendations. See services plan summarising the current and future service situation.

3.6.3 Impact on the Environment:

The cricket field is an existing facility which have been in existence for many years. No changes in land-use are proposed and the application is merely to isolate the existing cricket field on its own cadastral entity. Therefore, no environmental impacts are foreseen.

3.6.4 Public Participation

As previously stated, this is an existing land-use and it is not foreseen that this application will have any negative impacts on the surrounding area. However, the adjacent owners will nevertheless be notified of the application, similarly the application will be advertised in the media as prescribed. This will ensure that anybody who feel that his/her rights will in some way be negatively affected, may have an opportunity to lodge a complaint.

4. SUMMARY AND CONCLUSION

Application is made to the Stellenbosch Local Municipality for the **subdivision** of the Erf 6284, as well as the **rezoning** of the subdivided portion in order to transfer ownership of the existing cricket field to the Club or a similar entity that will retain the function and ownership of the recreational facility in the future.

This report clearly outlined the background information to the subdivision application, and it was appropriately motivated. We therefore await the consent of all decision-making authorities involved.

* * *

TAX INVOICE



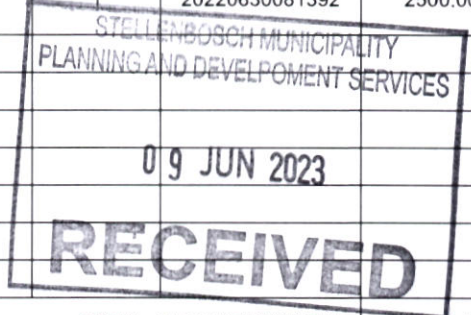
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2023-06-08	DOCUMENT NO:	750843
ERF / FARM NO:	6284 & Farm 1168	CREATED BY:	Bulelwa Mdoe
LOCALITY:	Adam Tas Road (R310), STELLENBOSCH	APPLICATION NO:	LU/LU/15687
OWNER'S NAME:	Distell Ltd	APPLICATION VAT NO:	4910231374
ADDRESS:	PO Box 2992 Somerset West 7129	VAT NO:	4700102181
		APPLICANT:	Leon Jubilus (AHG Town Planning Pty Ltd)
		TEL NO:	0218403220

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
REZONING & DETERMINATION OF A ZONING - Rezoning, inclusive of a determination of a zoning submitted in Urban and Rural Areas, Per application per property	10000.00	1	20220630081392	10000.00
SUBDIVISION AND CONSOLIDATION - Subdivision, Consolidation, and Amendment or Cancellation of an approved subdivision plan (or part thereof), including a general plan or diagram, Per Application	5000.00	1	20220630081406	5000.00
TEMPORARY DEPARTURE, CONSENT USE, PERMISSION IN TERMS OF ZONING SCHEME, PERMISSION REQUIRED IN TERMS OF THE TITLE DEED - Submitted in urban and rural areas, Per application per property	2500.00	1	20220630081392	2500.00
TOTAL AMOUNT PAYABLE				17500.00
VAT INCLUDED @ 15%				2282.61



FILE NR: OUTGOING POST
Erf 6284 S
 SCAN NR:
 COLLABORATOR NR:

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY

CALCULATED BY

NAME:

SIGNATURE

DATE: 8/06/2023

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
 CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
 MUNICIPALITY

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
 DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

VERIFIED BY

NAME:

SIGNATURE

DATE:

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
 BANK: First National Bank (FNB)
 ACCOUNT NUMBER: 62869253684
 BRANCH CODE: 210554
 REFERENCE: LU/_____ and ERF/FARM_____

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

0.00

0

Bulelwa Mdoda

RECEIPT NR

From: Sharise De Klerk
Sent: Friday, 09 June 2023 08:58
To: Bulelwa Mdoda
Subject: RE: TPAMS Application undefined - Invoice

08/06/2023 93 17500.00 DIR1 1000229187 05236 ABSA BANK TP374/2023 ABSA BANK
TP374/2023

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Thursday, June 8, 2023 11:48 AM
To: Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>
Subject: FW: TPAMS Application undefined - Invoice

Hi Sharise;

Please find attached invoice and pop.



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
1st Floor, NPK Building
Cnr Plein and Ryneveld Street
Stellenbosch
7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Sent: Thursday, June 8, 2023 11:31 AM
To: Gis Administrator <Gis.Administrator@stellenbosch.gov.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>
Subject: [EX] RE: TPAMS Application undefined - Invoice

Good Day

Please find proof of payment included.

Kind regards



Enquiries

Phone Number

E-mail

Bulelwa Mdoda

0218088111

bulelwa.mdoda@stellenbosch.gov.za

BTW/VAT Invoice No: 13945

Invoice VAT Reference: 4700102181

Name: AHG Town Planning Pty Ltd

Invoice Date: 2023/6/8

Reference No: TP374/2023

Payment Due Date: 2023/7/8

Client Street address: Building 6, Arun Place Somerset West Somerset West Western Cape South Africa 7130

Municipality street address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: PO Box 2992 Somerset West Somerset West Western Cape South Africa 7129

Municipality postal address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No: 4910231374

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Rezoning, inclusive of a determination of a zoning	1	10 000.00	Per application	10 000.00
20220630081406	Subdivision, Consolidation and Amendment or Cancellation of an approved subdivision plan (or part thereof), including a general plan or diagram	1	5 000.00	Per application	5 000.00
20220630081392	Consent Use ito Zoning	1	2 500.00	Per application per property	2 500.00
Total Excl VAT					15 217.39
VAT					2 282.61
Invoice Total					17 500.00

*VAT Exempt

Created By: Mdoda, Bulelwa

Signature: 

Verified By: Mdoda, Bulelwa

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.



Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP374/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

March 2022


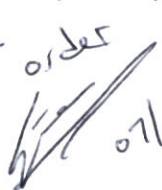

TP374/2023

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	15-05-2023	
Erf No	6284 <i>B</i>	Town		Suburb	STELLENBOSCH	
Farm No	1168	Farm Portion	0	Nearest Town	Stellenbosch	
Owner / Applicant	LEON JUBILIUS		Contact number	0827820374		
Email address	Leon.jubilius@ahg-property.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65				✓		✓
7. SG diagram or General Plan						
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development						
10. Subdivision plan				✓		✓
11. Permission for required servitude						
12. Title Deed				✓		✓
13. Conveyancer's certificate						
14. Feedback on Pre-application scrutiny				✓		✓

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)	✓	?	
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Bulelwa	SIGNATURE 	DATE 15/05/2023
Outstanding information (to be completed by Planner): Find attached. In order  07/06/2023			
Applications to be invoiced (to be completed by Planner): • Subdivision • Rezoning • Consent use			
EVALUATED & SIGNED BY PLANNER	NAME Gerrit	SIGNATURE 	DATE 22/05/2023
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			

Gerrit Goosen

From: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Sent: Thursday, 08 June 2023 08:08
To: Gerrit Goosen
Cc: Bulelwa Mdoda
Subject: [EX] RE: TP374 - Outstanding Documents Requested
Attachments: Erf 6284 Subdivision plan with inset.pdf; Erf 6284 Subdivision plan INSET ONLY.pdf

Importance: High

Dear Gerrit

Thank you. That is in order, I added some dimensions to the proposed subdivision to assist in the meanwhile. Please find included and rather save this version on the file for future use.

Please make out the invoice to:

AHG Town Planning Pty Ltd
PO Box 2992
Somerset West
7129
VAT nr: 4910231374

Kind regards

LEON JUBILIUS *Pr. Pln*
Reg. no. A/1061/1998

ahG TOWN PLANNING

Postal address: PO Box 2992, Somerset West, 7129
Mobile: 082 782 0374 | **Tel:** 086 148 7473 | **Fax:** 021 840 3221
e-mail: leon.jubilius@ahg-property.co.za

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From: Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>
Sent: Wednesday, June 7, 2023 3:58 PM
To: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: RE: TP374 - Outstanding Documents Requested

Afternoon Leon,

Thank you for the amended plan. I will ask Bulelwa to issue the invoice now.

Please just note that an additional dimensioned subdivision plan (similar to a SG diagram) may be requested at a later stage if deemed necessary.



Kind regards / Vriendelike groete
Gerrit Goosen (Pr. Pln.)
Town Planner
Planning & Economic Development

T: +27 21 808 8610
NPK Building, 20 Plein Street,
Stellenbosch, 7600
www.stellenbosch.gov.za



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About Stellenbosch Municipality

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For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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From: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Sent: Wednesday, June 7, 2023 2:46 PM
To: Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: [EX] RE: TP374 - Outstanding Documents Requested

Dear Gerrit

Please find included. It is a bit difficult to indicate on an A3 at this scale on this vast property, but I tried my best.

Please let me know if this is sufficient,

Kind regards

LEON JUBILIUS Pr. Pln
Reg. no. A/1061/1998

Postal address: PO Box 2992, Somerset West, 7129

Mobile: 082 782 0374 | Tel: 086 148 7473 | Fax: 021 840 3221

e-mail: leon.jubilius@ahg-property.co.za

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From: Gerrit Goosen <Gerrit.Goosen@ Stellenbosch.gov.za>

Sent: Wednesday, May 24, 2023 11:34 AM

To: Leon Jubilius <leon.jubilius@ahg-property.co.za>

Cc: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>

Subject: RE: TP374 - Outstanding Documents Requested

Morning Leon,

Apologies for the below oversight from my side.

Please ignore the comments below.

Revised comments to read as follow:

- Subdivision plan with dimensions to be provided. Existing buildings located near the proposed subdivision line (new common boundary) to be indicated, including the distance between these buildings and the new common boundary (this will serve as record of the deemed departure).



Kind regards / Vriendelike groete

Gerrit Goosen (Pr. Pln.)

Town Planner

Planning & Economic Development

T: +27 21 808 8610

NPK Building, 20 Plein Street,

Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Sent: Wednesday, May 24, 2023 10:01 AM
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: [EX] RE: BPAMS Application 374 - Outstanding Documents Requested
Importance: High

Dear Bulelwa

I will call you later, but why was this not indicated when I submitted the application for pre-scrutiny?
None of the issues below was raised on the pre-scrutiny feedback.

Section 14(2) of the Zoning scheme Bylaw states that When the Municipality grants an approval for subdivision of a land unit containing one or more existing approved buildings or structures, the Municipality's approval is deemed to have been granted for any departure which may arise out of the subdivision, without having to identify each departure individually....

I can attend to the dimensions and parking layout, but one must keep in mind this is an existing use for many, many years.

Kind regards

LEON JUBILIUS Pr. Pln
Reg. no. A/1061/1998

ahG TOWN PLANNING

Postal address: PO Box 2992, Somerset West, 7129
Mobile: 082 782 0374 | Tel: 086 148 7473 | Fax: 021 840 3221
e-mail: leon.jubilius@ahg-property.co.za

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From: Gis.Administrator@stellenbosch.gov.za <Gis.Administrator@stellenbosch.gov.za>
Sent: Wednesday, May 24, 2023 9:28 AM
To: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Subject: BPAMS Application 374 - Outstanding Documents Requested

Application Number: 374

Reference Number: TP374/2023

Enquiries: Bulelwa Mdoda

Contact No: N/A

Email address: Bulelwa.Mdoda@stellenbosch.gov.za

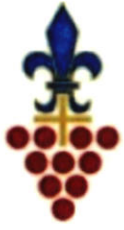
Dear Sir/Madam

Notice : Request for outstanding information

1. Your application with reference TP374/2023, refers.
2. Your application has been duly scrutinized for compliance to the requirements of the Stellenbosch Land Use Planning Bylaw, 2015.
3. The following matters needs to be addressed in order to proceed with the processing of the subject application:
 - **Subdivision plan with dimensions to be provided. Existing buildings located near the proposed subdivision line (new common boundary) to be indicated, including the distance between these buildings and the new common boundary.**
 - **Application may be required in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, for a permanent departure to relax the 3m common building line to (TBC)m in order to accommodate the existing building located adjacent to the proposed subdivision line on the Remainder Portion A1 of subdivided Erf 6284, Stellenbosch.**
 - **Indicate the number of parking bays required and the parking bays provided onsite and within the servitude area.**
 - **Application may be required in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, for a permanent departure for the under provision of onsite parking bays to permit (TBC) parking bays in lieu of the required (TBC) parking bays on Portion A2 of subdivided Erf 6284, Stellenbosch.**
 - **Revised application form, POA, and motivation to be submitted where applicable.**
4. Please provide the required information/ documents within 14 days from this notification, failing which the Municipality may in terms of s.41(3) of the said Bylaw, refuse to consider the application.
5. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Bulelwa Mdoda



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PROJECT:
PROPOSED SUBDIVISION:
ERF 6284 STELLENBOSCH

Notes:

1. The areas indicated by the letters (A1) & (A2) represent Erf 6284, Stellenbosch, measuring 25,2740 ha.
2. The area indicated (A2) represent the proposed subdivision of Erf 6284, measuring ± 2,1 ha.
3. The area indicated as (A1) represent the proposed Remainder of Erf 6284, measuring ± 23,1352 ha

4. The figure "ABCDEFGHIJKLMNPOQRS" represent a proposed servitude of right-of-way over both Erf 6284 and Farm 1168 as indicated in favour of the proposed subdivision (A2)
5. All sizes and dimensions are approximate and subject to final survey
6. The property falls under the jurisdiction of the Stellenbosch Local Municipality

Scale 1 : 4000 (A3)

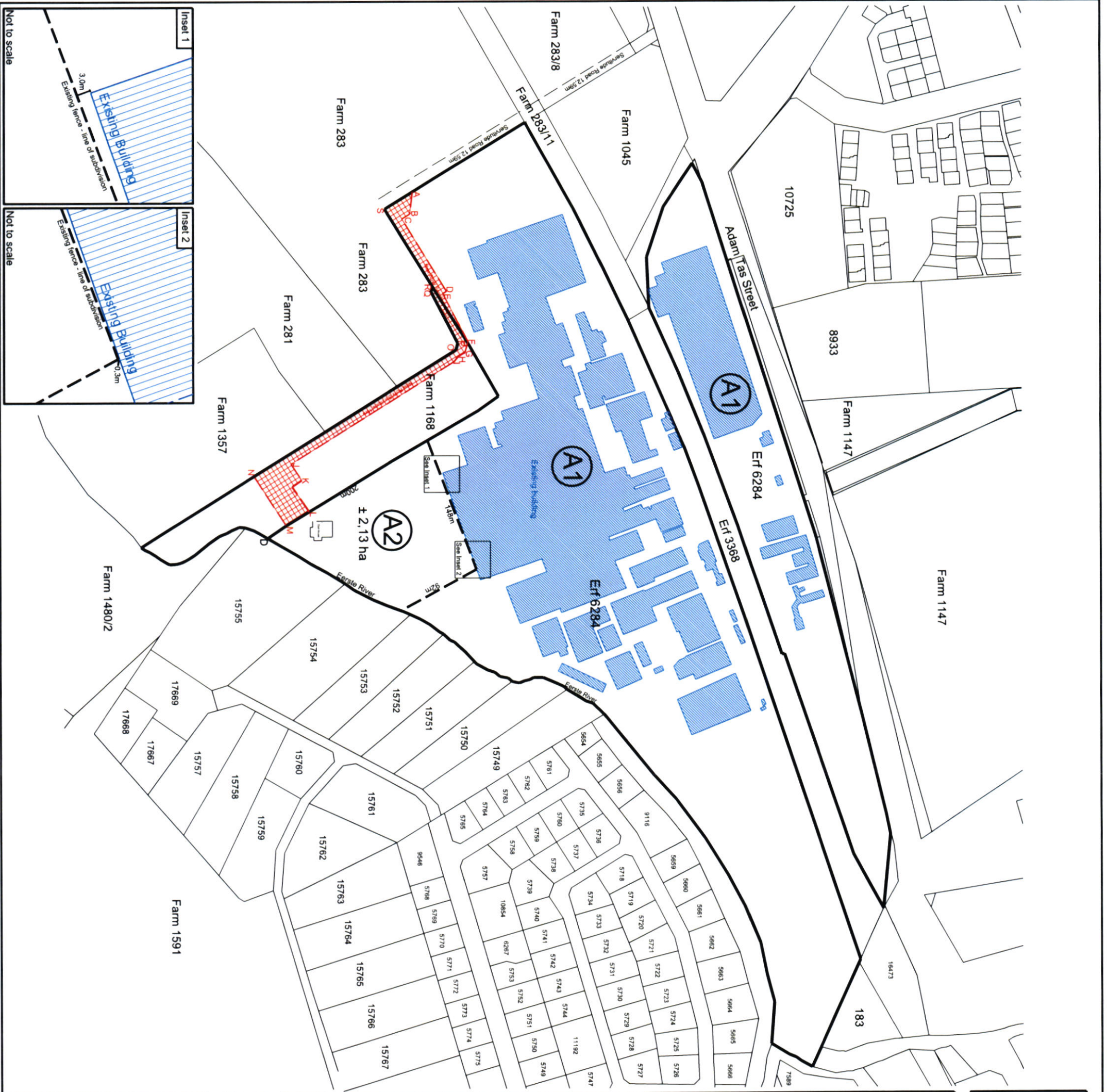
CLIENT: Distell Ltd

PLAN NO: Erf 6284 Sub Ver 1

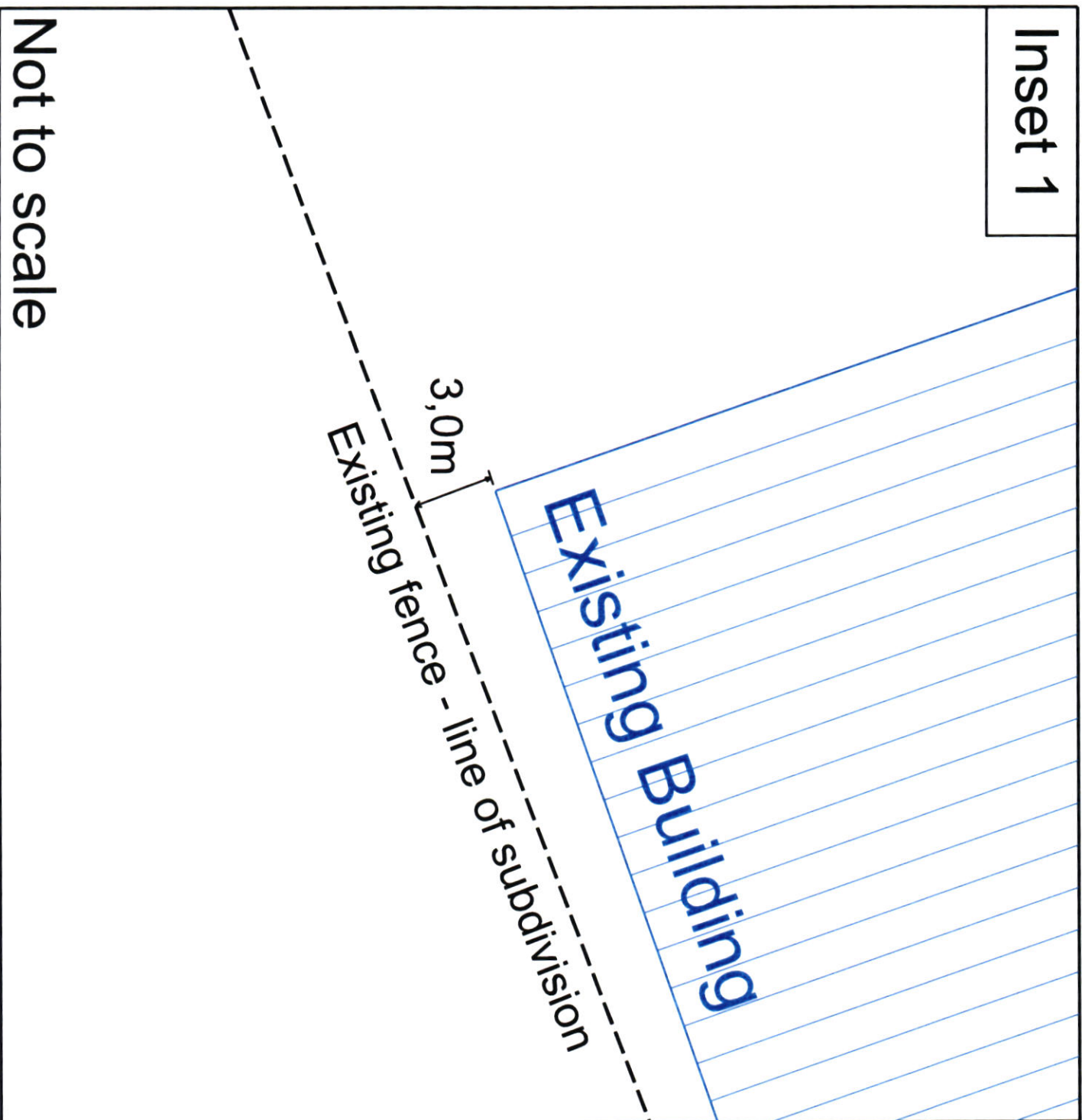


Town and Regional Planners

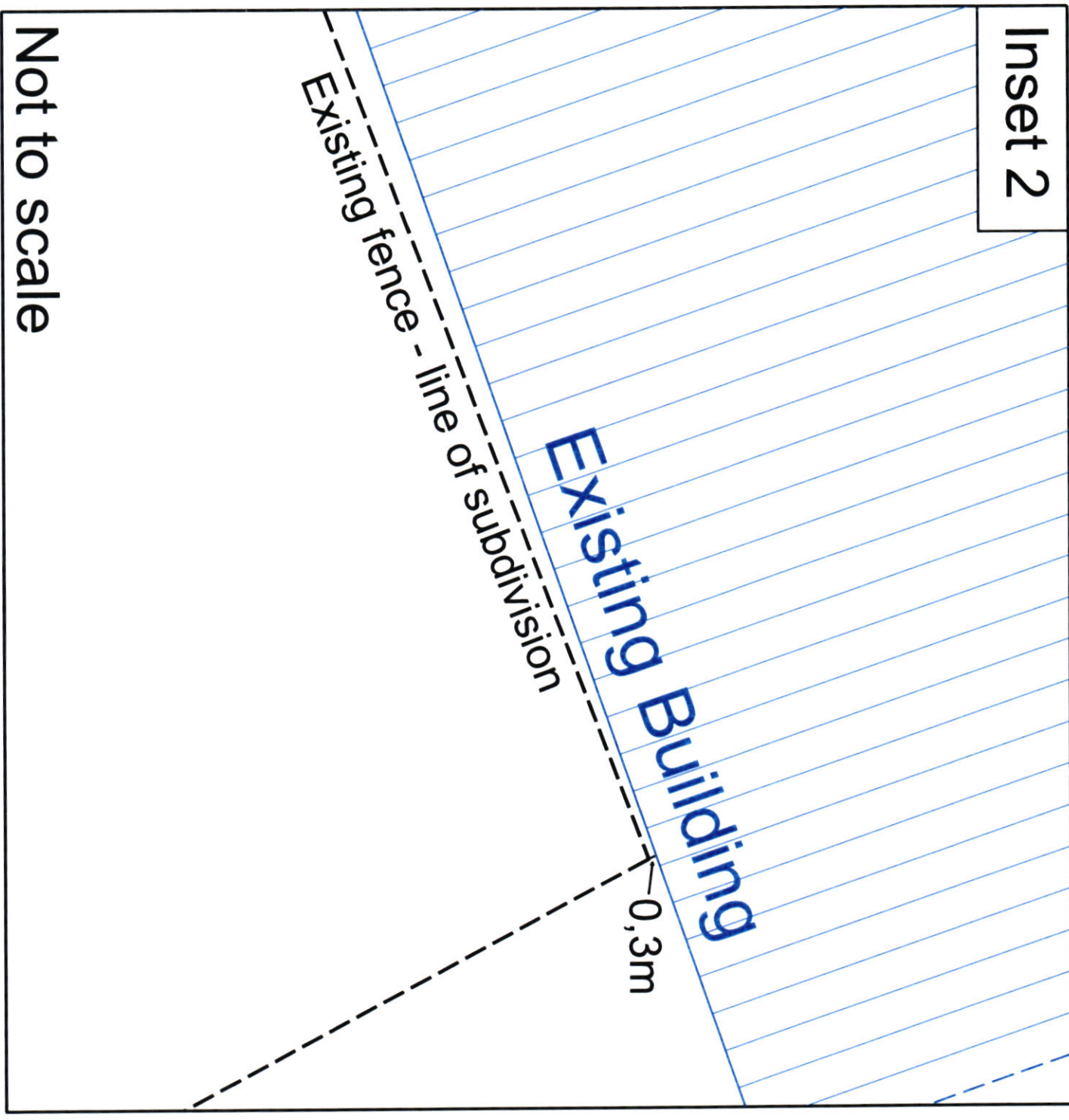
PO Box 2992
 Somerset West
 7129
 E-Mail: leon.jubilius@ahg-property.co.za
 TEL: 021 840 3220
 FAX: 086 511 6639
 CELL: 082 782 0374



Inset 1



Inset 2



Gerrit Goosen

From: Gerrit Goosen
Sent: Wednesday, 24 May 2023 11:34
To: leon.jubilius@ahg-property.co.za
Cc: Bulelwa Mdoda
Subject: RE: TP374 - Outstanding Documents Requested

Morning Leon,

Apologies for the below oversight from my side.

Please ignore the comments below.

Revised comments to read as follow:



Subdivision plan with dimensions to be provided. Existing buildings located near the proposed subdivision line (new common boundary) to be indicated, including the distance between these buildings and the new common boundary (this will serve as record of the deemed departure).



Kind regards / Vriendelike groete

Gerrit Goosen (Pr. Pln.)

Town Planner

Planning & Economic Development

T: +27 21 808 8610

NPK Building, 20 Plein Street,
Stellenbosch, 7600

www.stellenbosch.gov.za



From: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Sent: Wednesday, May 24, 2023 10:01 AM
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: [EX] RE: BPAMS Application 374 - Outstanding Documents Requested
Importance: High

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I can attend to the dimensions and parking layout, but one must keep in mind this is an existing use for many, many years.

Kind regards

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Sent: Wednesday, May 24, 2023 9:28 AM

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Subject: BPAMS Application 374 - Outstanding Documents Requested

Application Number: 374

Reference Number: TP374/2023

Enquiries: Bulelwa Mdoda

Contact No: N/A

Email address: Bulelwa.Mdoda@stellenbosch.gov.za

Dear Sir/Madam

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- Application may be required in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, for a permanent departure for the under provision of onsite parking bays to permit (TBC) parking bays in lieu of the required (TBC) parking bays on Portion A2 of subdivided Erf 6284, Stellenbosch.
- Revised application form, POA, and motivation to be submitted where applicable.

Handwritten: ✓ 07/06/2023

4. Please provide the required information/ documents within 14 days from this notification, failing which the Municipality may in terms of s.41(3) of the said Bylaw, refuse to consider the application.

5. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Bulelwa Mdoda



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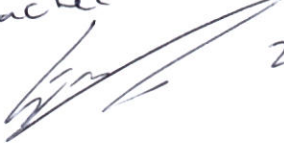
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TP347

- a) Subdivision plan with dimensions to be provided. Existing buildings located near the proposed subdivision line (new common boundary) to be indicated, including the distance between these buildings and the new common boundary.
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- c) Indicate the number of parking bays required and the parking bays provided onsite and within the servitude area.
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- e) Revised application form, POA, and motivation to be submitted where applicable.

replaced by
attached email of 24/05/2023

24/05/2023

Bulelwa Mdoda

From: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Sent: Wednesday, 07 June 2023 14:46
To: Gerrit Goosen
Cc: Bulelwa Mdoda
Subject: [EX] RE: TP374 - Outstanding Documents Requested
Attachments: Erf 6284 Subdivision plan with inset.pdf; Erf 6284 Subdivision plan INSET ONLY.pdf

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Reg. no. A/1061/1998

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To: Leon Jubilius <leon.jubilius@ahg-property.co.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: RE: TP374 - Outstanding Documents Requested

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Please ignore the comments below.

Revised comments to read as follow:

- Subdivision plan with dimensions to be provided. Existing buildings located near the proposed subdivision line (new common boundary) to be indicated, including the distance between these buildings and the new common boundary (this will serve as record of the deemed departure).

PROJECT:
PROPOSED SUBDIVISION:
ERF 6284 STELLENBOSCH

Notes:

1. The areas indicated by the letters (A1) & (A2) represent Erf 6284, Stellenbosch, measuring 25,2740 ha.
2. The area indicated (A2) represent the proposed subdivision of Erf 6284, measuring ± 2,1 ha.
3. The area indicated as (A1) represent the proposed Remainder of Erf 6284, measuring ± 23,1583 ha
4. The figure "ABCDEFGHIJKLMNPOQRS" represent a proposed servitude of right-of-way over both Erf 6284 and Farm 1168 as indicated in favour of the proposed subdivision (A2)
5. All sizes and dimensions are approximate and subject to final survey
6. The property falls under the jurisdiction of the Stellenbosch Local Municipality

Scale 1 : 4000 (A3)

CLIENT: Distell Ltd

PLAN NO: Erf 6284 Sub Ver 1

ahg Town Planning

Town and Regional Planners

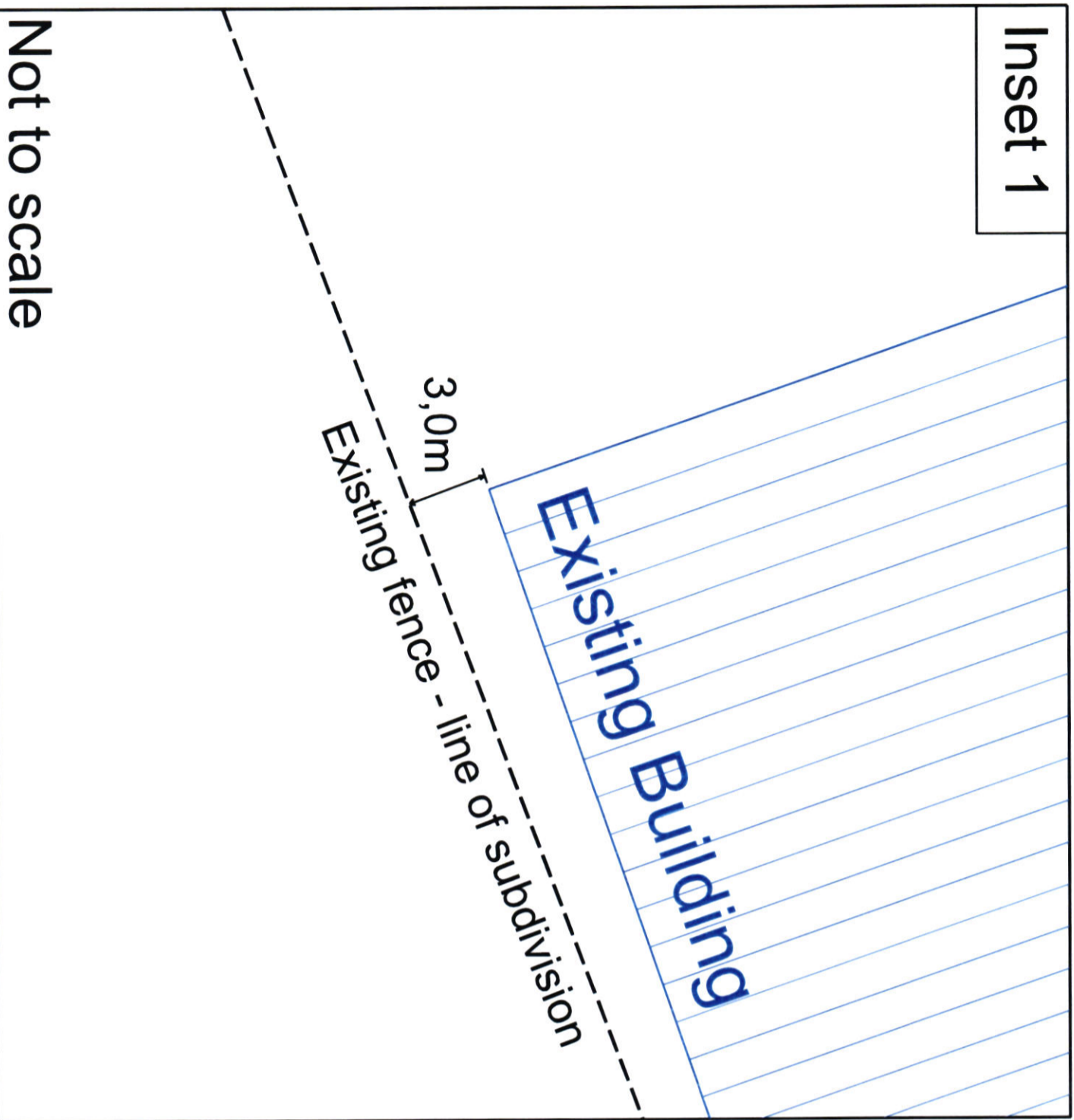
PO Box 2992
 Somerset West
 7129

TEL: 021 840 3220
 FAX: 086 511 6639
 CELL: 082 782 0374

E-Mail: leon.jubilius@ahg-property.co.za

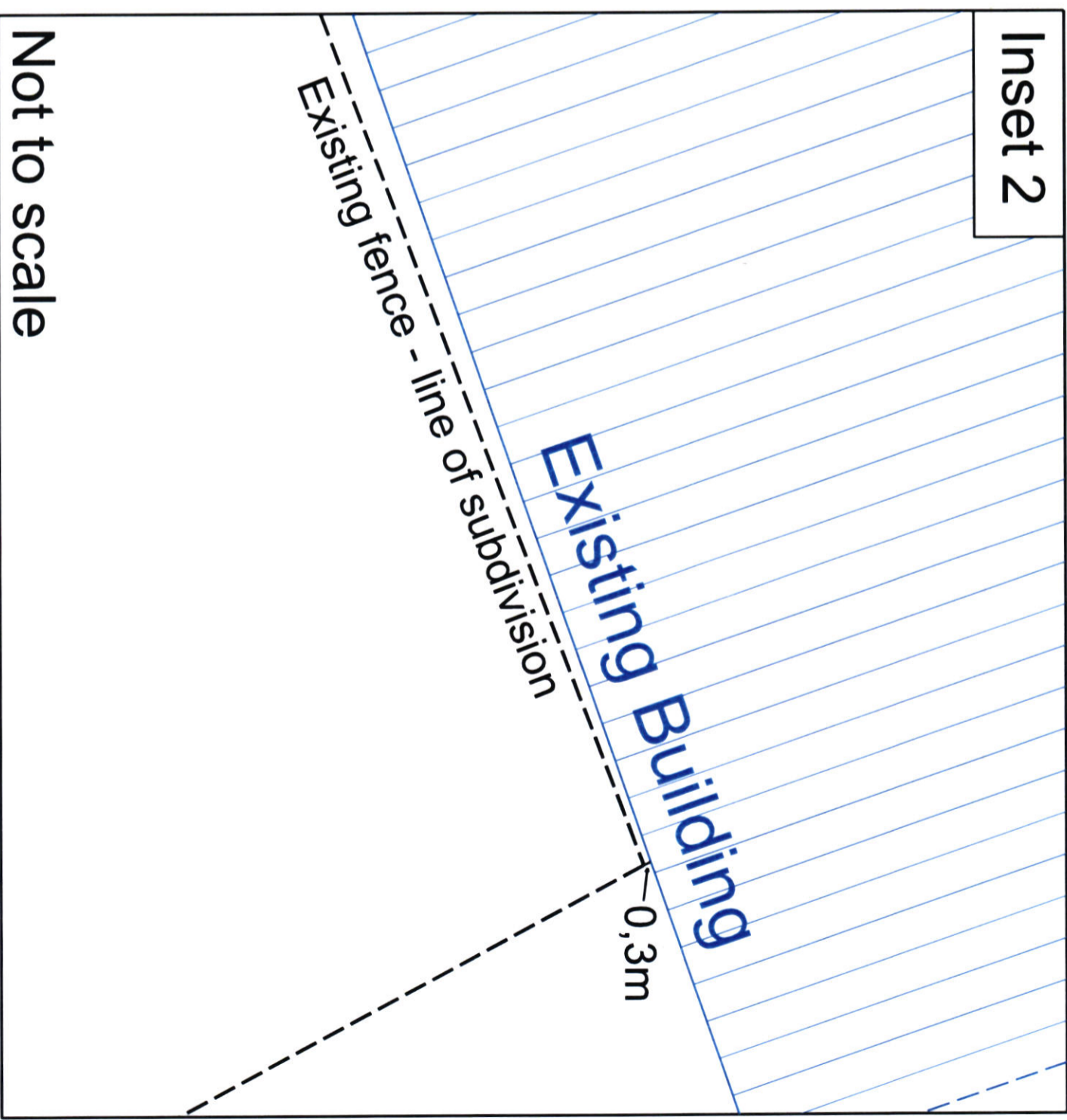


Inset 1



Not to scale

Inset 2



Not to scale



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Mr. L. Jubilius

By email: leon.jubilius@ahg-property.co.za

03 May 2023

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK

PROPOSED APPLICATION FOR SUBDIVISION, REZONING, AND CONSNET USE ON ERF 6284, STELLENBOSCH

1. Your pre-application scrutiny submission on the above property dated **28 April 2023**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use and land development application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB] and you may proceed to submit for consideration a corresponding application.
4. Your intended land use application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:
 - 4.1 Refer to Section 24(1)(iv) of the Land Use Planning Bylaw and confirm if the right of way will be for private or public use.**
 - 4.2 Provide a resolution letter or proof that L. Malan is authorized to sign on behalf of the registered owner and/or is the appointed company secretary.**
 - 4.3 A conveyancer certificate may be requested when the application is duly scrutinized, if deemed necessary.**
5. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
6. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only

be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

7. It should also be noted that 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. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
8. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Gerrit Goosen
Town Planner
021) 808 8610
Gerrit.Goosen@stellenbosch.gov.za

AHG Town Planning

PO Box 2992
Somerset West
7129

Tel: 086 148 7473
Fax: 021 840 3221
Cell: (Leon): 082 782 0374
Cell: (Anneke): 083 235 6353
E-mail: leon.jubilius@ahg-property.co.za



Town Planning

The Municipal Manager
Stellenbosch Local Municipality
PO Box 17
STELLENBOSCH
7600

Your ref.:

Our ref.: **Erf 6284 STB**

Date: **2023-04-24**

STELLENBOSCH RD: PROPOSED SUBDIVISION & REZONING OF ERF 6284

Attached, please find the following documents to facilitate the processing of this application in terms of the Stellenbosch Municipal Land-use Planning By-Law:

- Application form, completed and signed
- Motivating memorandum / Planning Report
- Locality plan
- Subdivision Sketch Plan
- Title Deed T80625/2008
- Engineering services Plan
- SG diagram
- Power of Attorney and Company Resolutions to act on behalf of the owner
- Prescribed application fees – to be paid once a invoice is received

Do not hesitate to contact us should you require any additional information in this regard.

Kind regards,

LEON JUBILIUS Pr. Pln
Reg. no. A/1061/1998

AHG Town Planning (Pty.) Ltd. – Reg. 2006/017729/07
Directors: **L Jubilius TRP(SA) BA M.TRP; JHM Nieuwoudt Pr.Eng. M. Eng (STELL),**
HA Meyer B.Eng (STELL),
Non-Executive: **Prof MM Loubser BA LLB D Phil (Oxon), AJ Nieuwoudt TRP(SA) BA M.TRP**



Part of the AHG Group of
Kingdom Companies



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

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

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Leon				
Surname	Jubilius				
Company name (if applicable)	AHG Town Planning				
Postal Address	PO Box 2992				
	Somerset West			Postal Code	7129
Email	leon.jubilius@ahg-property.co.za				
Tel	021 840 3220	Fax	021 840 3221	Cell	082 782 0374

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

Registered owner(s)	Distell Ltd.				
Physical address	P/A: AHG Town Planning				
	Somerset West			Postal code	7129
E-mail	leon.jubilius@ahg-property.co.za				
Tel	021 840 3220	Fax		Cell	082 782 0374

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

Erf / Erven / Farm No.	6284 B Farm 1168	Portion(s) if Farm		Allotment area	Stellenbosch	
Physical Address	Adam Tas Road (R310)					
	Stellenbosch					
Current Zoning	Industrial Zone	Extent	25,27ha m ² / ha	Are there existing buildings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law, 2019					

Current Land Use	Distell production and warehousing complex / vineyard / cricket field									
Title Deed number and date	T	T80625/2008								
Attached Conveyance's Certificate	Y	<input checked="" type="checkbox"/>	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	Y	<input checked="" type="checkbox"/>	If Yes, list the party(ies):							
Is the property encumbered by a bond?	<input checked="" type="checkbox"/>	N	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	<input checked="" type="checkbox"/>	Is the building older than 60 years?	Y	<input checked="" type="checkbox"/>	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	If Yes, please attach the minutes of the pre-application consultation.							
Has the pre-application scrutiny form been submitted?	Y	<input checked="" type="checkbox"/>	If yes, please attach the written feedback received.							

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

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

Type of application: Cost are obtainable from the Council Approved tariffs	Tick
15(2)(a) rezoning of land*	<input checked="" type="checkbox"/>
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*	<input checked="" type="checkbox"/>
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*	

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)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	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): _____	R
TOTAL A:	R

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); <i>Provincial Gazette</i> ; 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	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES** (TOTAL A + B)			R

****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)	AHG Town Planning PTY Ltd.
Postal Address	PO Box 2992, Somerset West, 7129
Vat Number (where applicable)	4910231374

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..... Outdoor sport						
in terms of Section..... 192(1)of the..... StellenboschZoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:

Subdivision and rezoning of the existing cricket field in order to transfer ownership

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

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

Y	N	<input checked="" type="checkbox"/> A	Proof of lawful use right	Y	N	<input checked="" type="checkbox"/> A	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input checked="" type="checkbox"/> X	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	<input checked="" type="checkbox"/> X	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	<input checked="" type="checkbox"/> A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y <input checked="" type="checkbox"/> A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<input checked="" type="checkbox"/> A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y <input checked="" type="checkbox"/> A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<input checked="" type="checkbox"/> A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y <input checked="" type="checkbox"/> A National Water Act, 1998 (Act 36 of 1998)
Y	<input checked="" type="checkbox"/> A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y <input checked="" type="checkbox"/> A Other (specify)
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: 2023-04-24

Full name: Leon Jubilius Pr. Pln

Professional capacity: Profesional Planner Reg. no. A/1061/1998

FOR OFFICE USE ONLY

Date received: _____ Received By: _____	
--	--

EXTRACT FROM THE MINUTES OF A BOARD MEETING OF DISTELL GROUP HOLDINGS LIMITED
HELD VIA STARLEAF ON 12 JUNE 2020

"4. OTHER MATTERS

4.2 Delegation of Authority

The proposed changes to the Delegation of Authority were approved and the board confirmed that the Company Secretary of Distell Group Holdings Limited has the authority, for and behalf of Distell Group Holdings Limited and its subsidiaries from time to time, to do all such acts and sign all such documents as may be necessary or incidental for purposes of the company and any of its subsidiaries from time to time."

Certified a true extract from the minutes



S Botha
LEGAL ADVISOR

Date: 26 November 2021

SPECIAL POWER OF ATTORNEY

I/We, the undersigned

Lizelle Malan

acting for and on behalf of

DISTELL LTD. 1963/001333/06

(herein referred to as the "owner(s)"),

and duly authorised thereto by virtue of a resolution of the board of members of the Owner(s) passed at **Stellenbosch** on **12 June 2020** do hereby nominate, constitute and appoint -

LEON JUBILIUS AND/OR ANNEKE NIEUWOUDT

(acting for and on behalf of AHG Town Planning (PTY) LTD,

with power of Substitution and Sub-delegation, to be the true and lawful Agent of the owner(s), and in the owner(s)'s name, place stead, to act on behalf of the owner(s), to apply to the Stellenbosch Municipality for the **Subdivision and Rezoning of Erf 6284, as well as the registration of a servitude over Erf 6284 as well as over Farm 1168, Stellenbosch**, and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as the owner(s) 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 said Agent shall lawfully do, or cause to be done, including the withdrawal of the application, should this be deemed necessary by the said Agent by virtue of these presents.

SIGNED AT STELLENBOSCH THIS 28TH DAY OF

MARCH 2023 IN THE PRESENCE OF THE UNDERSIGNED WITNESS.



o.b.o the Owner



Witness

117

Cluver Markotter Inc
Cluver Markotter Building
Mill Street-
Stellenbosch
7600

Prepared by me

CONVEYANCER
AL DE WAAL

FEE

R...110.00.....

U.O.P.

VERBIND MORTGAGED	
VR FOR R <u>5 500 000 000 00</u>	
B 00020311 / 2014	
2014 -07- 16	REGISTRATEUR/REGISTRAR

See bond for releases

T 080625 / 08

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT
RONEL ELS

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at STELLENBOSCH on 2 September 2008 granted to him by

STELLENBOSCH FARMERS WINERY LIMITED
No. 1972/012398/06

DATA / VERIFY 08 JAN 2009	DATA / CAPTURE 03 JAN 2009 NCAPAI LINDA
-------------------------------------	--

VR VERDERE ENDOSSEMENTE SIEN BLAUST
FOR FURTHER ENDORSEMENT SEE PAGE

16

AND the Appearer declared that this properties having been disposed of by the Transferor on 6 June 2008 to the said Transferee in terms of an intra-group transaction as contemplated in Section 45 of the Income Tax Act no 58 of 1962

NOW THEREFORE the said Appearer in his capacity aforesaid, did by these presents, cede and transfer, to and on behalf of:-

DISTELL LIMITED
No. 1963/001333/06

or its Successors in Title or assigns,

1. **ERF 6284 STELLENBOSCH in the Municipality and Division Stellenbosch, Western Cape Province**

IN EXTENT 25,2740 (TWENTY FIVE COMMA TWO SEVEN FOUR ZERO) Hectares

FIRST REGISTERED by Certificate of Consolidated Title No T969/1975 with Diagram No 7213/74 relating thereto and HELD by Deed of Transfer No T56372/1989

- I. **AS REGARDS the figure marked D E F G H J on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T969/1975:**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No T2582/1902.

- B. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No T29486/1971 imposed by and in favour of the Municipality of Stellenbosch and enforceable by the Council of the said Municipality, which conditions will be binding on the THE STELLENBOSCH FARMERS WINERY LIMITED and its successors in title, namely:

- (i) Except with the prior consent of the Administrator

- (a) not more than three quarters of the area of this erf shall be built upon;

- (b) for the purpose of loading or unloading vehicles there shall be left on this erf a space or spaces amounting to not less than –

- (i) 20 % of the total floor area of the building; or
- (ii) 25 % of the area of the erf on which the building is to be Erected,

whichever is the lesser, and the linear dimensions of such space or spaces shall be such tha the shortest distance between any two sides thereof is in no case less than 7,87

(c) When such buildings have been erected and shall subsequently be partly or wholly destroyed, the transferee shall re-erect or cause to be re-erected other buildings in conformity with this clause, such erection to be completed within a period of two years from the date of such demolition or destruction.

(b) The transferee agrees that in the event of its disposing of the property before the buildings referred to in paragraph (a) have been erected, it shall make it a condition of such disposal that the person acquiring the property shall, before transfer is passed, enter into an agreement with the Council acknowledging and accepting in all respects the terms of this condition as applying to him and that transfer will not be given or taken until such agreement by the person acquiring the property has been entered into with the Council. The certificate authorising registration of transfer required by Section 108 of Ordinance No 19 of 1951, shall not be issued until such agreement has been entered into.

(iii) (a) The transferee shall erect or cause to be erected on this erf within a period of two years calculated from the date of registration of transfer of the said erf in the name of the transferee, buildings such as are permitted to be erected of a rateable valuation of at least Eight Thousand Rand (R8 000,00) excluding a dwelling for the accommodation of a caretaker, provided that should the Department of Community Development temporarily prohibit the execution of the transferee's building scheme in terms of Section 69 of the Housing Act No 10 of 1957, the said period of two years shall be interrupted by such temporary prohibition.

(ii) Any effluent or trade waste from the industry conducted on this erf, likely to cause a nuisance or damage or injury to the sewers of the local authority, shall not be discharged therein without the prior approval of the said local authority.

(c) no building of structure or any portion thereof except boundary walls and fences, shall be erected nearer than 3,15 metres to the street line which forms a boundary of this erf.
Such space or spaces shall have vehicular access to a street, which form an access shall not be less than 4,72 metres wide and, if carried through a building not less than 3,05 metres in height.

metres.

(d) In case such buildings are not erected or re-erected as aforesaid, then liquidated and genuinely pre-estimated damages equal to the annual rates and charges for water, sewerage and refuse which would have been leviable on the basis of such valuation, shall be payable to the Council in addition to the rates assessable on the valuation of the ground on the due date for payment of rates in each year until such buildings are completed to the satisfaction of the said Council.

(iv)(a) If the transferee after transfer of the said land has been effected, should fail to utilise the said land for all or any of the purposes hereinbefore specified or to comply with the provisions of clause 3 (i) supra, then the Council, may repurchase from the transferee such land at the original price, less the cost of retransferring the land to the Council, provided that the Council may at any time after subclause 3(i)(a) becomes operative release the transferee from the obligation to resell to the Council and to authorise the sale of the said property to a third party.

(b) The transferee of the land herein transferred shall not sublet the use of such land or any premises thereon without the consent in writing of the Council.

(v) No portion of the said land shall be used, before or after buildings have been erected thereon, for the purposes of a dumping yard or in a manner which by reason of its untidy appearance is, in the opinion of the Council, likely to be objectionable to the public, unless suitable screen walls have been erected to the satisfaction of the Council.

(vi) No buildings, fences, or other erections shall be constructed, or erected, on the said land save upon such levels as shall be approved by the Council.
(vii) In carrying out the obligation of conditions 3(i) hereof, the transferee shall, in addition to complying the and being bound by all the building regulations of the said Municipality in force at the time of the erection, be bound by the policy laid down by the Council insofar as it affects the design, structure and elevation of buildings.

C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No T29486/1971 and imposed by the Administrator in terms of Section 9 of Ordinance No 33 of 1934, namely:

(a) Any words and expressions used in the following conditions have the same meaning as may have been assigned to them by the regulations published under Provincial Notice NO 383 dated 13th June 1958.

A

(b) The owner of this erf shall, without compensation, be obliged to allow electricity cables and/or wires and main and/or other water pipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right or access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

(c) The owner of this erf shall be obliged, without compensation, to receive such materials or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safer and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

II. **AS REGARDS the figure marked J K K' D and L M M' a on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T979/1975:**

SUBJECT to the conditions referred to in Deed of Transfer No T14374/1920.

III. **AS REGARDS the figure marked K L a K' on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T979/1975:**

A. **SUBJECT** to the conditions referred to in Deed of Transfer No T5072/1951.

B. **SUBJECT** to the following conditions contained in Deed of Transfer No T5072/1951 imposed in terms of the provisions of Section 11(3) of Act 21 of 1940, namely:

1. The land may not be subdivided without the written approval of the controlling authority, as defined in Act No 21 of 1940.
2. Not more than one dwelling together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the land, except with the written approval of the controlling authority, as defined in Act No 21 of 1940.
3. The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land, without the written approval of the controlling authority, as defined in Act No 21 of 1940.

- A. **SUBJECT** as regards the figures M N N' M', P Q aa bb c d T Q' P' and F' S' w' R' U middle of Planckenbrug river mm middle of Erste River l e f g (excluding the figure j"K"i"n"), to the conditions referred to in Deed of Transfer No T1677/1921.
- B. **SUBJECT** as regards the figure j"K"i"n" to the conditions referred to in Deed of Transfer No T7865/1904.
- C. **SUBJECT** as regards the figure O R b b aa to the conditions referred to in Deed of Transfer No T227/1870 dated 21 October 1870.

VII. **AS REGARDS** the figure marked M N O P Q d T k middle of Planckenbrug River l e f g D K' L' M' excluding the figure marked N O P Q' T R' S' F' D K' L' M' on Diagram No 7213/74 annexed to Certificate of Consolidated Title No 1979/1975:

VI. **AS REGARDS** the figure marked O P P' O' on Diagram No 7213/74 annexed to Certificate of Consolidated Title No 1979/1975: **SUBJECT** to the conditions referred to in Deed of Transfer No T1677/1921

V. **AS REGARDS** the figure marked b O O' gg on Diagram No 7213/74 annexed to Certificate of Consolidated Title No 1979/1975: **SUBJECT** to the conditions referred to in Deed of Transfer No T227/1870 dated 21 October 1870.

IV. **AS REGARDS** the figure marked N b gg N' on Diagram No 7213/74 annexed to Certificate of Consolidated Title No 1979/1975: **SUBJECT** to the conditions referred to in Deed of Transfer No T227/1870 dated 21 October 1870.

4. No building or structure whatsoever shall be erected within a distance of 300 Cape feet of the centre line of the Stellenbosch-Cape Town Main Road, passing along the Northern boundary of the property in question, without the written approval of the controlling authority as defined in Act No 21 of 1940."



VIII. **AS REGARDS the figure marked Q R S T d on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T979/1975:**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No T14838/1962.
- B. **SUBJECT FURTHER** to the following conditions referred to in Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:
 - II That all roads and thoroughfares being or existing on the said land, described in the plan or diagram of the same shall remain free and uninterrupted; unless, the same be closed or altered by competent authority.
 - III That all rights to gold, silver and precious stones found or discovered at any time on or in the said land, shall be reserved to the Crown, together with a right of ingress to and egress from any mines or works undertaken for mining or prospecting purposes by any person or persons authorised by the Minister: but subject always to the provisions of any law for the time being regulating the prospecting and mining for precious stones and minerals.
- C. **SUBJECT FURTHER** to the following condition contained in said Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

SUBJECT, however, to all such duties and regulations as are either already or shall in future be established with regard to such lands.
- D. **ENTITLED** to the benefit of the conditions referred to in the following endorsement dated 20 September 1938, on Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

REMAINDER .

REGISTRATION OF SERVITUDE

By Transfer No T9729/1938

- (a) a right of way 24 feet wide over the property thereby conveyed and numbered z h g and 1,2 on the diagram thereto annexed, joining up with the right of way from g to l indicated on the said diagram has been granted in favour of the owner and his successors in title of the property held hereunder,
- (b) a strip of land 20 feet wide along the boundary marked q p on the said diagram shall not be cultivated by the owner of the property thereby conveyed but only be used for road purposes,

as will more fully appear on reference on the said transfer.

REMAINDER

"By Deed of 30th November 1904 the owner of the land hereby conveyed has been granted a right of way and the right to lay certain water pipes over the land conveyed by Transfer No 5455 dated 27th July 1901, as will more fully appear on reference to the copy annexed hereto."

- B. ENTITLED to the benefit of the condition referred to in an endorsement dated 7 February 1905 on Deed of Transfer No T2582/1902, which endorsement reads as follows:
- A. SUBJECT to the conditions referred to in Deed of Transfer No T2582/1902.

IX. AS REGARDS the figure marked g f e m right river bank of Eerste River h j y on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T979/1975:

(d) That the conditions set forth in paragraphs (a) (b) and (c) above shall be binding upon the successors in title of The Stellenbosch Farmers Winery Limited.

(c) That the Municipality of Stellenbosch shall have the right to repurchase the said landed properties and/or any portion thereof for an amount based on FOUR HUNDRED RAND (R400,00) per 8565 square metres, should the said properties and/or portion thereof be required for roadwidening purposes.

(b) That should the Municipality of Stellenbosch so decide it will be entitled to lay water, stormwater, drainage and sewerage pipes across the said landed property as also to convey electricity across the aforesaid land by means of cables or wires underground or overhead.

(a) That no buildings or structures shall be erected on the said landed property within 94,5 metres from the Northern and Southern boundaries of the Stellenbosch/kulls River Main Road without the consent of the Municipality of Stellenbosch first having been obtained and no form of development other than agricultural within the area aforesaid, shall be carried out unless approved of by the Municipality.

E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No T14838/1962 imposed by and for the benefit of the Municipality of Stellenbosch, namely:

By Transfer No T9730 dated 20.9.1938 a right of way 24 feet wide from the beacon h to the beacon j on the property held thereunder and indicated on the diagram thereof is granted in favour of the remainder of the land held hereunder as will more fully appear on reference to the said Transfer.

REGISTRATION OF SERVITUDE

X. AS REGARDS the figure marked j h right river bank of Eerste River n X Y on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T979/1975:

A. **SUBJECT** to the conditions referred to in Deed of Transfer No T2582/1902.

B. **ENTITLED** to the benefit of the condition referred to in an endorsement dated 7 February 1905 on Deed of Transfer No T2582/1902, which endorsement reads as follows:

"By Deed of 30th November 1904 the owner of the land hereby conveyed has been granted a right of way and the right to lay certain water pipes over the land conveyed by Transfer No 5455 dated 27th July 1901, as will more fully appear on reference to the copy annexed hereto."

C. **SUBJECT FURTHER** to the reservation in terms of Section 76 of Act 47 of 1937, of a servitude right of way in perpetuity 12,59 metres wide in favour of the Transferor and his successors in title as owners of the remainder of the farm VREEDENBURG No 283, Measuring: 64,8406 hectares held by the Transferor by virtue of Deed of transfer No T2582/1902, the route of which servitude right of way will be determined by said Transferor.

XI. AS REGARDS the figure marked Y Z a' B' C' D' E' F' on Diagram No 7213/74 annexed to Certificate of Consolidated Title No T979/1975:

A. **SUBJECT** as regards the figure marked Y Z A' E' F', to the conditions referred to in Deed of Transfer No T2582/1902.

B. **SUBJECT** as regards the figure marked A' B' C' D' E':

(1) to the conditions referred to in Deed of Transfer No T2582/1902

(2) to the following conditions contained in Deed of Transfer No T28240/1967 imposed by the Administrator in terms of Section 9 of Ordinance No 33 of 1934 and replaced by Section 4 of Ordinance 19 of 1959 and in terms of Section 196 of Ordinance No 15 of 1952, as amended:

"That the said piece of land be used for industrial purposes only."

C. **ENTITLED** as regards the figure marked A' B' C' D' E to the benefit of a servitude right of way in perpetuity 12,59 metres wide, created by Rhodes Fruit Farms Limited in Deed of Transfer No T28240/1967, over:

"(a) die restant van die plaas VREEDENBURG No 283, Groot 64,8406 hektaar, gehou deur gemelde Rhodes Fruit Farms Limited kragtens Akte van Transport Nr T2582/1902; en

(b) die restant van gedeelte 14 van die plaas nr 183, Groot 2,4613 hektaar gehou deur gemelde Rhodes Fruit Farms Limited kragtens Akte van Transport Nr T1336/1958;"

in favour of The Stellenbosch Farmers Winery Limited and its successors in title as owners of portions 5 and 6 of the farm VREEDENBURG No 283, the north eastern boundary of which servitude is indicated by the figure e f on Diagram No 5582/66 annexed to Certificate of Consolidated Title No T28241/1967 and by the letters B'C' on Diagram S.G. 7213/74 annexed to Certificate of Consolidated Title No T969/1975.

2. ERF 8706 STELLENBOSCH in the Municipality and Division Stellenbosch, Western Cape Province

IN EXTENT 62 (SIXTY TWO) Square Metres

FIRST TRANSFERRED by Deed of Transfer No T32175/1987 with Diagram No 506/86 relating thereto and HELD by Deed of Transfer No T56372/1989

A. **SUBJECT** to the following condition mentioned in Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

"That all roads and thoroughfares being or existing on the said land described in the plan or diagram of the same shall remain free and uninterrupted unless the same be closed or altered by competent authority."

B. **SUBJECT FURTHER** to the condition mentioned in Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

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

C. **SUBJECT FURTHER** to the following condition mentioned in Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

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

B. ENTITLED to the terms of the endorsement dated 6 December 1967 on Deed of Transfer No T2582/1902, namely:

A. SUBJECT to the conditions referred to in Deed of Transfer No T2566/1981.

I. AS REGARDS the figure A.B.C.D.E middle of Erste River gzyxwHJK on Diagram No 2002/1984 annexed to Certificate of Consolidated Title No T26556/1985:

FIRST REGISTERED by Certificate of Consolidated Title T26556/1985 with Diagram No 2002/84 relating thereto and HELD by Deed of Transfer No T56372/1989

IN EXTENT 2,3844 (TWO COMMA THREE EIGHT FOUR FOUR) Hectares

FARM No 1168 in the Municipality and Division Stellenbosch, Western Cape Province

3.

By Transfer No 9730 dated 20 September 1938 a right of way 7,56 metres wide from the beacon h. to the beacon j. on the property held hereunder and indicated on the diagram thereof is granted in favour of the remainder of the land held hereunder subject to conditions as will more fully appear on reference to the said Transfer."

REGISTRATION OF SERVITUDE
"REMAINDER

(a) a right of way 7,56 metres wide over the property thereby conveyed and numbered Z.h.g.v.z. on the diagram thereto annexed joining up with the right of way from g. to l. indicated on the said diagram has been granted in favour of the owner and his successors in title of the property held hereunder.
(b) a strip of land 6,30 metres wide along the boundary marked g. to the said diagram shall not be cultivated but only be used for road purposes as will more fully appear on reference to the said Transfer."

By Transfer No 9729/1938 dated 20/9/1938

REGISTRATION OF SERVITUDE
"REMAINDER

D. ENTITLED to the benefits of a servitude referred to in the endorsement dated 20 September 1938 on Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

Handwritten mark

"By Deed of Transfer No T28240/1967 the remainder of the farm "Vredenburg" No 283 measuring 64,9553 Hectares held hereunder is entitled to a 12,59 metres right of way over Erf 688 thereby conveyed along a route to be determined by the Transferor.

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

II. AS REGARDS the figure w.x.y.z. on Diagram No 2002/1984 annexed to Certificate of Consolidated Title No T26556/1985:

SUBJECT to the conditions referred to in Certificate of Registered Title No T26555/1985.

III. AS REGARDS the whole property herein transferred:

SUBJECT to the reservation of all rights to precious stones, precious metals, base minerals, and petroleum as defined in the Mining Rights Act, 1967 (No 20 of 1967) or underground in favour of the State.

4. FARM No 1045 in the Municipality and Division Stellenbosch, Western Cape Province

IN EXTENT 1,8758 (ONE COMMA EIGHT SEVEN FIVE EIGHT) Hectares

FIRST REGISTERED by Certificate of Consolidated Title No T28241/1967 with Diagram No 5584/66 relating thereto and HELD by Deed of Transfer No T56372/1989

I. AS REGARDS the figure marked a g h f on Diagram No 5584/66 annexed to Certificate of Consolidated Title No T28241/1967:

A. SUBJECT to the conditions referred to in Deed of Transfer No T1336/1958.

B. SUBJECT FURTHER to the conditions II and III contained in Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), issued in terms of the provisions of Act 15 of 1887, namely:

II That all roads and thoroughfares being or existing on the said land, described in the plan or diagram of the same shall remain fee and uninterrupted; unless, the same be closed or altered by competent authority.

E. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No T1336/1958 imposed by the Controlling Authority in terms of Section 11(3) of Act 41 of 1940, as amended, in respect of the whole of portion 14, of which the property held hereby, forms part, namely:

By Transfer No T9730 dated 20.9.1938 a right of way 24 feet wide from the beacon h to the beacon j on the property held thereunder and indicated on the diagram thereof is granted in favour of the remainder of the land held hereunder as will more fully appear on reference to the said Transfer."

**"REMAINDER
REGISTRATION OF SERVITUDE**

as will more fully appear on reference on the said transfer."

(b) a strip of land 20 feet wide along the boundary marked q p on the said diagram shall not be cultivated by the owner of the property thereby conveyed but only be used for road purposes,

(a) a right of way 24 feet wide over the property thereby conveyed and numbered z, h, g, and 1, 2 on the diagram thereto annexed, joining up with the right of way from g to l indicated on the said diagram has been granted in favour of the owner and his successors in title of the property held hereunder,

By Transfer No T9729/1938 dated 20.9.1938

**"REMAINDER
REGISTRATION OF SERVITUDE**

D. **ENTITLED** to the benefit of the conditions referred to in the following two endorsements, both dated 20 September 1938, on Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

SUBJECT, however, to all such Duties and Regulations as are either already or shall in future be established with regard to such lands.

C. **SUBJECT FURTHER** to the following condition contained in Deed of Grant dated 22 June 1908 (Stellenbosch Freeholds Vol 8 No 15), namely:

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

- (ii) Not more than one dwelling together with such outbuildings as are ordinarily required to be used in connection therewith shall

be erected on the land, except with the written approval of the controlling authority, as defined in Act No 21 of 1940.

- (iii) The land shall be used for residential and agricultural purposes only and no store of place of business or industry whatsoever may be opened or conducted on the land, without the written approval of the controlling authority, as defined in Act No 21 of 1940.

- (iv) No building or structure whatsoever shall be erected within a distance of 300 Cape Feet of the centre line of the Stellenbosch-Vlottenburg Main Road passing along the northern boundary of the property in question without the written approval of the controlling authority as defined in Act No 21 of 1940.

F. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No T28240/1967, imposed by the Administrator in terms of Section 9 of Ordinance 33 of 1934 replaced by Section 4 of Ordinance 19 of 1935 and in terms of Section 196 of Ordinance No 15 of 1942 as amended, namely:

"That the said piece of land be used for industrial purposes only."

II. **AS REGARDS the figure marked g b c d e h on Diagram No 5584/66 annexed to Certificate of Consolidated Title No T28241/1967:**

A. **SUBJECT** to the conditions referred to in Deed of Transfer No T2582/1902.

B. **ENTITLED** to the benefit of a servitude right of way in perpetuity 12,59 metres (40 feet) wide, created by RHODES FRUIT FARMS LIMITED in Deed of Transfer No T28240/1967, over:

"(a) die restant van die plaas VREEDENBURG No 283, Groot 75,7014 morge, gehou deur RHODES FRUIT FARMS LIMITED kragtens Akte van Transport Nr T2582/1902; en

(b) die restant van gedeelte 14 van die plaas nr 183, Groot 2,8736 morge gehou deur RHODES FRUIT FARMS LIMITED kragtens Akte van Transport Nr T1336/1958

ten gunste van Stellenbosch Farmers Winery Limited en sy opvolgers in tittle ten opigte van gedeeltes 5 en 6 van die plaas Vreedenburg Nr 283, die noord-oostelike grens van welke serwituut aangetoon word deur die letters e f op Kaart Nr 5584/66 aangeheg by Sertifikaat van Gekonsolideerde Titel Nr 28241/1967."

In my presence

REGISTRAR OF DEEDS



q.d.

19/12/2008

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State however reserving its rights.
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

DISTELL LIMITED
No. 1963/001333/06

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

STELLENBOSCH FARMERS WINERY LIMITED
No. 1972/012398/06

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



E RS	RIGTINGS HOEKE	KONSTANT	Y	KООORDINATE	
				Stelsel Lo 19°	X
56,55	283	48	50	10 000,00	3 750,00
55,98	157	43	40	5 056,35	7 225,64
55,95	161	49	50	5 112,88	7 225,77
24,75	64	03	00	5 166,09	7 212,38
86,40	169	27	40	5 211,21	7 179,29
40,69	-	-	-	5 189,33	7 167,77
-	-	-	-	5 106,80	7 142,14
-	-	-	-	5 013,78	7 112,49
-	-	-	-	4 975,01	7 100,15
-	-	-	-	4 852,43	7 061,47
-	-	-	-	4 847,19	7 059,47
-	-	-	-	4 808,15	7 047,18
-	-	-	-	4 699,27	7 017,67
-	-	-	-	4 618,21	6 998,75
-	-	-	-	4 477,53	6 965,16
-	-	-	-	4 438,30	6 976,25
-	-	-	-	4 409,83	6 978,86
-	-	-	-	4 271,28	7 038,86
-	-	-	-	4 221,45	7 265,63
-	-	-	-	4 646,81	7 265,63
104,00	58	44	40	-	7 247,92
135,95	178	59	40	-	7 407,76
125,84	184	20	30	-	7 386,69
61,19	264	17	10	-	7 416,93
173,85	182	01	10	-	7 508,13
176,33	90	05	30	-	7 508,13
106,55	87	26	10	-	7 358,89
70,30	177	17	20	-	7 305,22
62,96	178	55	40	-	7 274,91
-	275	36	30	-	7 247,92
87,28	-	-	-	-	-
62,11	182	33	00	-	5 056,49
100,16	181	29	30	-	4 977,01
-	-	-	-	-	4 976,76
-	-	-	-	-	4 919,27
-	-	-	-	-	4 919,05
-	-	-	-	-	4 825,04
-	-	-	-	-	4 823,41
-	-	-	-	-	-
-	-	-	-	-	4 409,83
-	-	-	-	-	6 976,25
-	-	-	-	-	7 247,92

area vanaf Bakens 25.5972 Hektaar.

figure q'w'v'u't's'r'q'p'o'n'm' regter oewer van Eerste Rivier n XY en w'x'y'q' voor Etendoms grond.

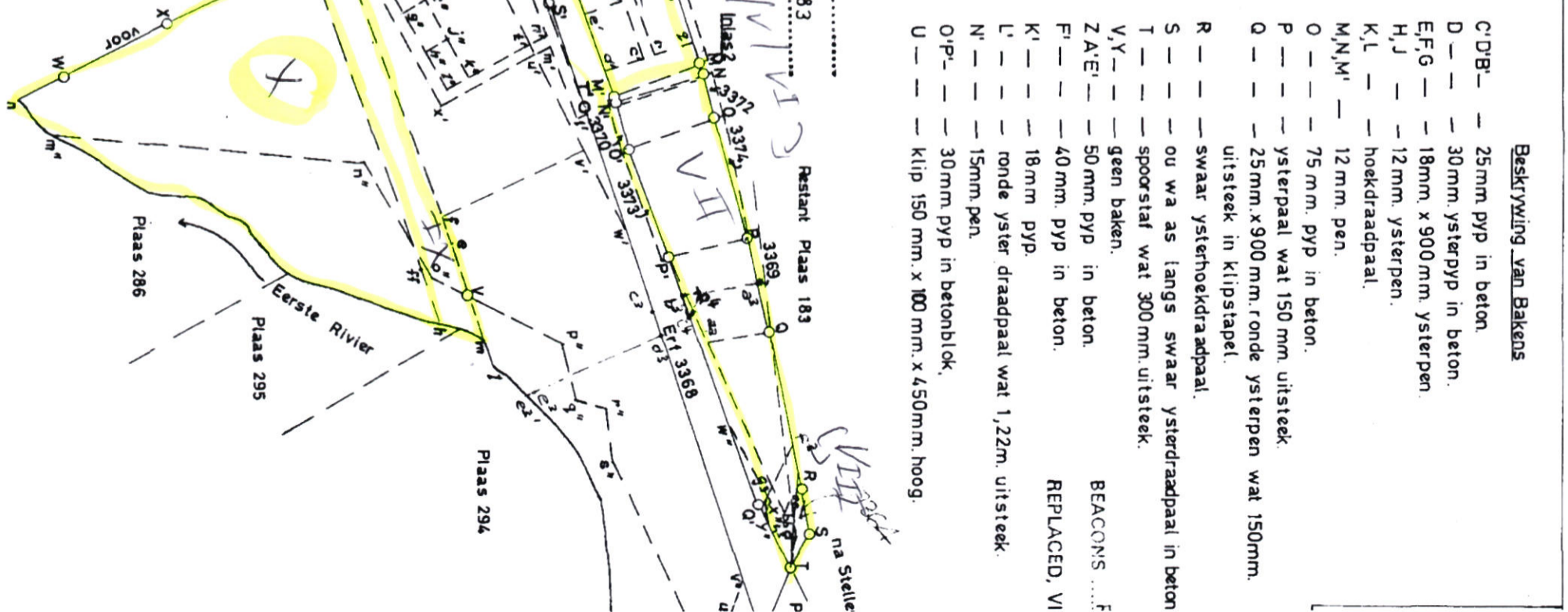
r DEFGHJKLMNPARSTK middel van Plankenbrug Rivier mm middel van
Rivier lm regter oewer van Eerste Rivier n XYZA'B'C'D'E'F' uitgesluit die figuur
DK'L'M'N'O'P'Q'R'S'F'

Erf 6284 Stellenbosch
die Munisipaliteit en
Provinsie Kaap die Goeie Hoop.
tel in Augustus 1974

kaart is geheg aan
soos 1 tot 11 hierbo.

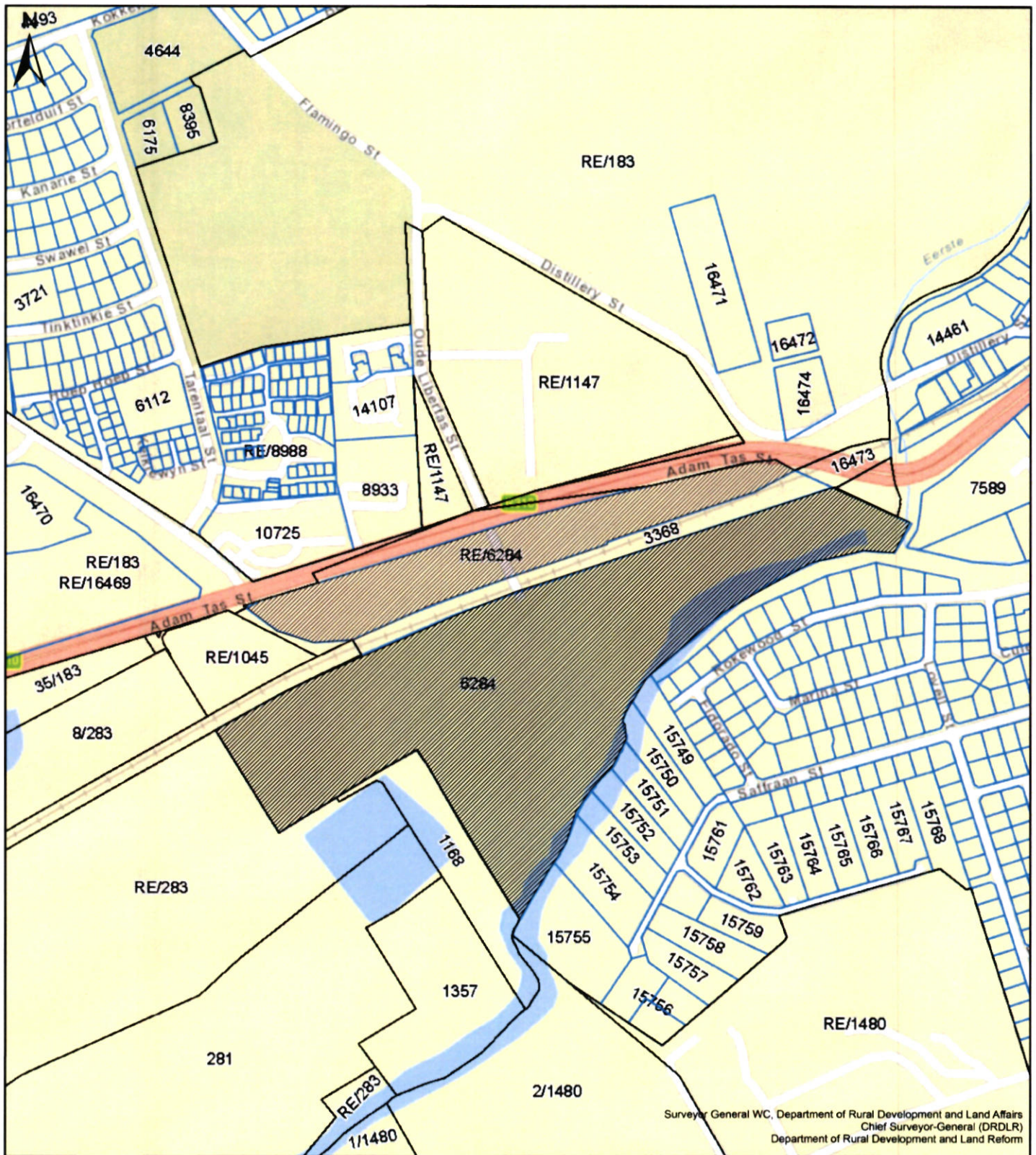
Lêer No. S 12134/5
M.S.No. Saamgestel.
Komp. BH-8DC
V41 (1494)
V42 (1495)
V44 (1496)
V45 (1497)
BHSZ-139 (6966)

No.	Figuur	Benaming	Kaart No.	T. A.
1	DEFGHJ	Erf 6283 Stellenbosch	8928 / 1968	1971, 590, 294, 86
2	JKLMN'U'K'D uitgesluit die figuur K'LAK'	Restant Erf 677 Stellenbosch	3021 / 1920	1920, 234, 143, 74
3	K'LAK'	Erf 678 Stellenbosch	10573 / 1948	1951, 102, 50, 72
4	N b gg N'	Erf 3371 Stellenbosch	10479 / 1959	1962, 298, 14, 84
5	hOO'gg	Restant Erf 680 Stellenbosch	1400 / 1862	1862, 65, 101
6	O'P'P'O'	Restant Erf 679 Stellenbosch	1401 / 1862	1862, 65, 100
7	M'N'O'P'Q'D'K' middel van Plankenbrug Rivier mm middel van Eerste Rivier lefg D K'L'M' uitgesluit die figuur NOP'Q'R'S'F' DK'L'M'N'	Restant Erf 3756 Stellenbosch	10485 / 1959	1962, 298, 14, 83, 6
8	QRST D	Erf 6281 Stellenbosch	9558 / 1959	1962, 298, 14, 83, 8
9	g'erm regter oewer van Eerste Rivier h'j'y	Erf 4182 Stellenbosch	328 / 1964	1966, 408, 20, 20, 7
10	J'h regter oewer van Eerste Rivier n XY	Restant Erf 688 Stellenbosch	3226 / 1897	1897, 117, 98, 7, 7
11	YZA'B'C'D'E'F'	Erf 6282 Stellenbosch	5582 / 1966	1967, 566, 28, 2, 4, 1



Beskriving van Bakens
C'D'B' - 25mm pyp in beton.
D - 30mm ysterpyp in beton.
E,F,G - 18mm x 900mm ysterpen.
H,J - 12mm ysterpen.
K,L - hoekdraadpaal.
M,N,M' - 12mm pen.
O - 75mm pyp in beton.
P - ysterpaal wat 150 mm uitsteek.
Q - 25mm x 900 mm. ronde ysterpen wat 150mm. uitsteek in klipstapel.
R - swaar ysterhoekdraadpaal.
S - ou wa as langs swaar ysterdraadpaal in beton.
T - spoorstaf wat 300mm. uitsteek.
V,Y - geen bakens.
Z,A'E' - 50mm. pyp in beton.
F' - 40mm. pyp in beton.
K' - 18mm pyp.
L' - ronde yster draadpaal wat 1,22m. uitsteek.
N' - 15mm. pen.
O'P' - 30mm. pyp in betonblok.
U - klip 150 mm. x 100 mm. x 450mm. hoog.

Locality Plan



Surveyor General WC, Department of Rural Development and Land Affairs
 Chief Surveyor-General (DRDLR)
 Department of Rural Development and Land Reform

Source: Western Cape Dept of Agriculture (CapeFarmMapper)

PROJECT:

Erf 6284
 Stellenbosch

SCALE:

n.t.s.

DATE:

April 2023

ahG

Town Planning

Town and Regional Planners

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1. GENERAL INFORMATION

1.1 INTRODUCTION

AHG Town Planning was instructed by the owner of the Erf 6284 Stellenbosch, to apply for the subdivision and rezoning of a portion of the property.

The purpose of the report shall therefore be to outline and motivate the different aspects involved in order to obtain the approval of the Stellenbosch Municipality.

1.2 LOCALITY

The property is located in Stellenbosch on both sides of the railway line, along Adam Tas Road (R310) stretching from the bridge over the Krom River and the railway line up to the intersection with Winery / "new" Devon Valley Road and bordered by the Eerste River to the south.

The site falls within the jurisdiction area of the Stellenbosch Local Municipality.

Locality Plan included.

1.3 TITLE ASPECTS

The property is held by virtue of Title Deed T80625/2008, a copy of which is included.

1.3.1 Property Description, Size & Ownership

T80625/2008:

*Erf 6284 STELLENBOSCH in the Municipality and Division Stellenbosch,
Western Cape Province*

Measuring: 25,2740 ha

Registered owner: DISTELL LTD. 1963/001333/06

Title Deed included.

1.3.2 Conveyancer Certificate

A Conveyancer Certificate was not prepared in this case since Erf 6284 has been subdivided previously.

1.3.3 Mortgage Bonds

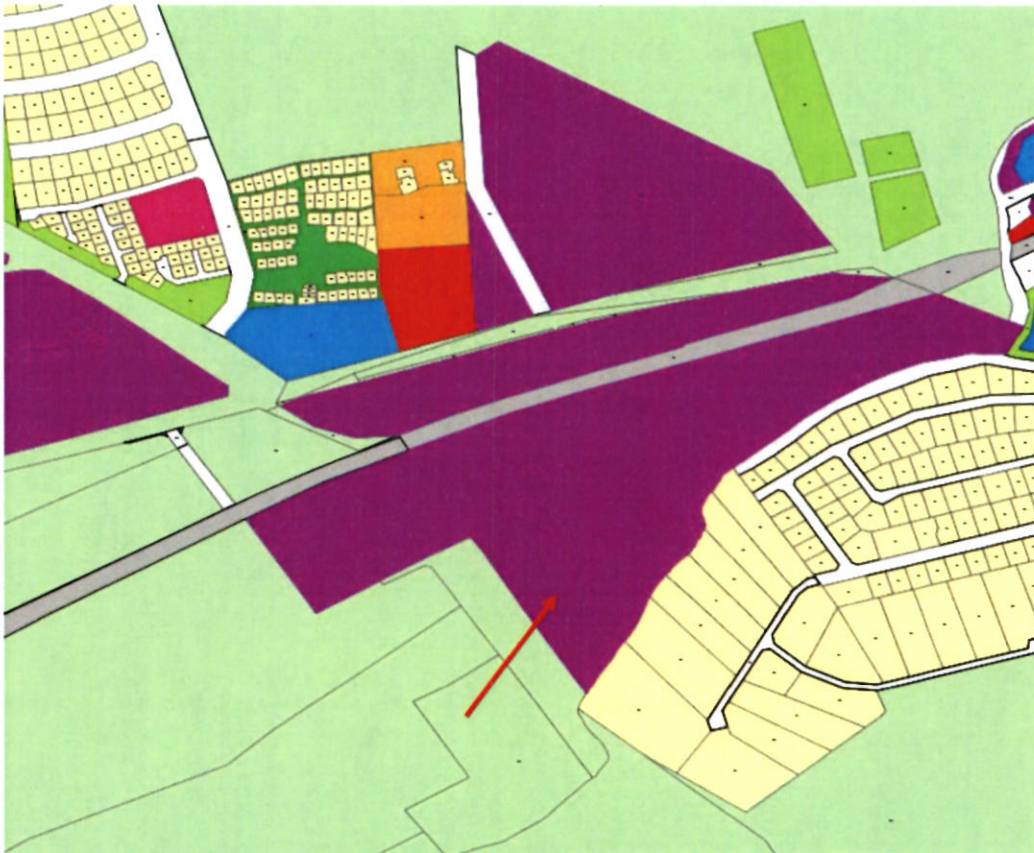
There is a bond registered against the title of the property in favour of DISTELL SECURITY SPVRF PTY LTD. The consent of the bondholder is awaited.

1.3.4 Title Deed Conditions

There are no conditions of title prohibiting the proposed subdivision and rezoning.

1.4 EXISTING ZONING AND LAND USE

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, the property is zoned "**Industrial Zone**". It is important to note that in terms of the previous Stellenbosch Zoning Scheme Regulations, the zoning was "*Wine Industry*".



Extract of the Stellenbosch Zoning Scheme Bylaw, 2019 Maps

The Erf 6284 is developed with a massive building complex being a Distell production (cellars, bottling packaging of liquor products, offices etc) and warehousing complex. The property is bisected by the railway line and also accommodates a small vineyard on the western portion and a cricket field in the southernmost corner which is the subject of this application.

The aerial image below depicts the property in relation to its environs:



Aerial image of the application site in relation to the surrounding area

2. THE APPLICATION

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, the property is zoned “Industrial Zone”

2.1 THE FOLLOWING ACTIONS ARE APPLIED FOR:

- 2.1.1 Application in terms of the provisions of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the subdivision of Erf 6284 Stellenbosch.
- 2.1.2 Application in terms of the provisions of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the registration of a servitude of right of way over Erf 6284 Stellenbosch as well as over Farm 1168, Stellenbosch RD, in favour of the proposed subdivision.
- 2.1.2 Application in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the rezoning of the subdivided portion in 2.1.1 above from “Industrial Zone” to “Private Open Space zone”.
- 2.1.3 Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for Special Consent for “Outdoor sport”.

3. MOTIVATION

3.1 BACKGROUND & NEED FOR THIS FACILITY

The Erf 6284 belongs to DISTELL LTD and is developed with a massive building complex including production facilities (cellars, bottling packaging of liquor products, offices etc) and a warehousing component. The cricket field in the southernmost corner which is the subject of this application developed many years ago as a recreational facility for Distell staff and is also home to Distell Cricket Club.

The owner would like to subdivide the grounds of the Cricket fields and transfer the subdivision to the Club or a similar entity that will retain the function and ownership of the recreational facility in the future.

Distell is currently going through a restructuring process and selling parts of the existing business in a deal with international role-players. The main aim for this application is therefor that the cricket field / club is excluded from any possible future land transactions involving the larger application property and or its future operations.

3.2 PROPOSED SUBDIVISION

In reference to the sketch plan included the area indicated as A2 represent the proposed subdivision of Erf 6284 being the functional fenced-off area of the existing cricket field, measuring $\pm 2,12$ ha. This subdivision will leave a remainder indicated as A1 of $\pm 23,1583$ ha in extent.

3.3 RIGHT-OF WAY SERVITUDE

The existing gravel road providing access to the cricket field needs to be protected in a private right of way servitude in favour of the proposed subdivision. The routing of the current alignment of this road, as well as the proposed servitude delineation is over the subject Erf, as well as over Farm 1168, which also belongs to and forms part of the operations of the owner. It is proposed that the servitude will be 10m wide over most of the length of the servitude, except around the 90-degree turn at points "FGHI" on the Subdivision plan, where the position of the existing infrastructure of the owner prevents a wider alignment. The design and widths of the proposed road surface, including any other services which needs to be accommodated within the servitude was discussed with the Municipal roads engineers and is acceptable.

3.4 PROPOSED REZONING & CONSENT USE

The proposed subdivision referred to in 2.2 above must be rezoned from "**Industrial Zone**" to "**Private Open Space zone**" in order to accommodate the continuation of the existing use on the property under new ownership in the future.

The Cricket field has been in existence for many-many years and part of the recreational activities the company provided for its workers. However, if the cricket field is subdivided from the main operations of the owner, it can no longer be zoned for Industrial purposes and needs an appropriate zoning to accommodate the existing use. The Private Open Space zoning will also prevent any unwelcome land-uses that might develop on the property in future and is limiting the impact of any future usage to the status quo.

Lastly a **Special Consent** for "**Outdoor sport**"-use is required under the proposed new zoning. Per definition, "**Outdoor sport**" includes the use of land for active recreational or sporting activities that takes place outdoor such as sports fields and a clubhouse amongst other uses. It is therefore deemed necessary that this consent also be obtained.

3.5 APPLICABLE POLICIES & LEGISLATION:

3.5.1 Spatial Development Framework

In terms of the new Stellenbosch Municipality SDF (Nov 2019), the property falls inside the urban development boundary. The area is indicated as "**Green Areas Retained**". And the application is thus **100% compliant** with the Municipal SDP



Extract from SDF

3.5.2 Spatial Planning & Land Use Management Act, 2013

Section 7 stipulates principles that apply to spatial planning, land development & land use management. Under the principles of spatial sustainability and efficiency:

- Under the principle of spatial sustainability that: spatial planning must (*inter alia*) protect prime and unique agricultural land and promote land development in **locations that are sustainable** and **limit urban sprawl** and result in communities that are viable.
- Under the principle of efficiency that: land development optimises the use of **existing resources and infrastructure**.

The location of the existing facility on an existing erf within the urban development boundary supports the application as being compliant with these principles.

3.5.3 Western Cape Land Use Planning Act, 2014.

Chapter 6 stipulates principles that apply to land use planning. Under the principles of spatial sustainability:

land use planning should (*inter alia*) —

- (i) promote land development that is spatially compact, ***resource-frugal*** and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- (ii) ensure that special consideration is given to the ***protection of prime***, unique and high potential ***agricultural land***;
- (vi) promote land development in ***locations that are sustainable and limit urban sprawl***;

Under the principles of spatial efficiency:

- (a) land development should ***optimise*** the use of ***existing resources, infrastructure, agriculture, land, minerals and facilities***;
- (b) integrated cities and towns should be developed, whereby—
 - (i) the social, economic, institutional and physical aspects of land development is integrated;
 - (ii) land development in ***rural*** and urban areas in support of each other is promoted;
 - (iii) the availability of ***residential*** and ***employment opportunities*** in ***close proximity*** to, or ***integrated*** with, each other is ***promoted***;
 - (iv) a diverse combination of land uses is promoted;
 - (v) the phenomenon of ***urban sprawl*** in urban areas is ***discouraged*** and the development of ***more compact towns*** and cities with ***denser habitation*** is promoted;
 - (vi) historically distorted spatial patterns of settlement are corrected; and
 - (vii) the quality and functionality of the public spatial environment is promoted;

The above selected extracts, with relevant ***emphasis added***, supports this application as being compliant with these legislative principles.

3.6 DESIRABILITY OF THE PROPOSED DEVELOPMENT

3.6.1 Accessibility & Parking

The existing gravel road providing access to the cricket field will be retained. Winery Road is accommodated in an existing right-of way servitude of 12,59m wide over Farm 283, Farm 283/8 and Farm 283/11, from Adam Tas Road, over the railway line and along the western boundary of Erf 6284 up to point "S" on the Subdivision plan. It is proposed that from this point onwards, the existing gravel road over Erf 6284 and Farm 1168 (also belonging to the owner) be upgraded and included in a servitude in favour of the proposed subdivision. The proposed servitude will be 10m wide, except around the 90-degree turn at points "FGHI" on the Subdivision plan, where the position of the existing infrastructure of the owner prevents a wider alignment. The design and widths of the proposed road surface, including any other services which needs to be accommodated within the servitude was discussed with the Municipal roads engineers and is acceptable.

See Services and Road Plan from De Villiers & Hulme Consulting Engineers included.

In terms of parking, the existing parking area behind the clubhouse as well as the existing parking area on Farm 1168, indicated by the figure JKLMN ($\pm 2150\text{m}^2$) on the subdivision plan will be used. The latter will form part of the servitude to be created in favour of the proposed subdivision. Historically, this was the only parking used for the cricket field.

It is therefore our opinion that access to the facility is sufficient, and that sufficient parking is available.

3.6.2 Availability of Engineering Services

This application is not for a new development and the facility already exist and is already connected to services infrastructure; however, new service connection points will need to be provided for the proposed subdivision.

De Villiers & Hulme Consulting Engineers conducted a survey of the services situation and made recommendations. See services plan summarising the current and future service situation.

3.6.3 Impact on the Environment:

The cricket field is an existing facility which have been in existence for many years. No changes in land-use are proposed and the application is merely to isolate the existing cricket field on its own cadastral entity. Therefore, no environmental impacts are foreseen.

3.6.4 Public Participation

As previously stated, this is an existing land-use and it is not foreseen that this application will have any negative impacts on the surrounding area. However, the adjacent owners will nevertheless be notified of the application, similarly the application will be advertised in the media as prescribed. This will ensure that anybody who feel that his/her rights will in some way be negatively affected, may have an opportunity to lodge a complaint.

4. SUMMARY AND CONCLUSION

Application is made to the Stellenbosch Local Municipality for the subdivision of the Erf 6284, as well as the rezoning of the subdivided portion in order to transfer ownership of the existing cricket field to the Club or a similar entity that will retain the function and ownership of the recreational facility in the future.

This report clearly outlined the background information to the subdivision application, and it was appropriately motivated. We therefore await the consent of all decision-making authorities involved.

* * *

PROJECT:
PROPOSED SUBDIVISION:
ERF 6284 STELLENBOSCH

Notes:

1. The areas indicated by the letters (A1) & (A2) represent Erf 6284, Stellenbosch, measuring 25,2740 ha.
2. The area indicated (A2) represent the proposed subdivision of Erf 6284, measuring ± 2,1 ha.
3. The area indicated as (A1) represent the proposed Remainder of Erf 6284, measuring ± 23,1583 ha
4. The figure "ABCDEFGHIJKLMNPOQRS" represent a proposed servitude of right-of-way over both Erf 6284 and Farm 1168 as indicated in favour of the proposed subdivision (A2)
5. All sizes and dimensions are approximate and subject to final survey
6. The property falls under the jurisdiction of the Stellenbosch Local Municipality

Scale 1 : 4000 (A3)

CLIENT: Distell Ltd

PLAN NO: Erf 6284 Sub Ver 1

ahg Town Planning
 Town and Regional Planners

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