

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
Development Management Consultants and  
Environmental Assessment Practitioners



26 April 2022

The Stellenbosch Interest Group (Belang / Interest / Erf: 0)  
PO Box 2217  
Dennesig  
7601  
Per: info@stellenboschinterestgroup.org

Dear Sir / Madam      Geagte Heer / Dame

**NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA**

**Locality:** Farm 1037, Farm Uitspan, R304, Koelenhof

**Applicant:** Dupré Lombaard, Virdus Works (Pty) Ltd, 77 Buitekring, Dalsig, STELLENBOSCH, 7600; Cell: 082 895 6362; Email: dupre.lombaard@virdus.com

**Owner:** Banisi (Pty) Ltd, Reg. No. 2004/007242/07, Represented by Mr Simon Baschiera, Cell: +27 83 327 7982; E-mail: [info@wjex.co.za](mailto:info@wjex.co.za)

**Stellenbosch Municipality reference number:** LU 13144

**Application type:** Application in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015:

- a) In terms of Section 15(2)(d) for the subdivision of Farm 1037, Stellenbosch Division into three portions, namely Portion A ( $\pm 10$ ha), Portion B ( $\pm 11$ ha) and a Remainder road ( $\pm 2,2$ ha).
- b) In terms of Section 15(2)(e) for the consolidation of Portion B ( $\pm 11$  ha) with Portion 1 of Farm 1037, Stellenbosch Division (8,5929ha) to create a  $\pm 19,59$ ha farming unit.
- c) In terms of Section 15(2)(g) for a permission required in terms of Section 211 of the Stellenbosch Municipality Zoning Scheme By-Law for a temporary departure for the conclusion of the mine closure and rehabilitation activities over a 7 year period.

The proposal is for rationalisation of the use and appropriate subdivision of the property, to create three broad areas, namely the road (R304), to allow it to vest in the roads authority (Western Cape Department of Transport and Public Works), to create one portion of roughly 10 ha that can be used for agricultural purposes and to create a portion of impeded land that contains dwellings, mine lease area and non-agricultural uses e.g. batch plant, additional dwelling, and mechanical workshop that could in future become a functional agricultural unit.

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

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

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

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 03 June 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at +27 82 895 6362 during normal office hours.

#### **KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA**

**Ligging:** Plaas 1037, Plaas Uitspan, R304, Koelenhof

**Aansoeker:** Dupré Lombaard, Viridus Works (Edms) Bpk, 77 Buitekring, Dalsig, STELLENBOSCH, 7600; Sel: 082 895 6362; E-pos: dupre.lombaard@viridus.com

**Eienaar:** Banisi (Pty) Ltd, Reg. No. 2004/007242/07, Verteenwoordig deur Mnr Simon Baschiera, Sel: +27 83 327 7982; E-pos: [info@wjex.co.za](mailto:info@wjex.co.za)

**Stellenbosch Munisipaliteit Verwysing:** LU 13144

**Tipe aansoek:** Aansoek ingevolge Artikel 15 van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015:

- a) Ingevolge Artikel 15(2)(d) vir die onderverdeling van Plaas 1037, Stellenbosch Afdeling in drie dele, naamlik 'n Gedeelte A ( $\pm 10$ ha), Gedeelte B ( $\pm 11$ ha) en 'n Restant pad ( $\pm 2,2$ ha).
- b) Ingevolge Artikel 15(2)(e) vir die konsolidasie van Gedeelte B ( $\pm 11$  ha) met Gedeelte 1 van Plaas 1037, Stellenbosch Afdeling (8,5929ha) om 'n  $\pm 19,59$ ha plaaseenheid te skep.
- c) Ingevolge Artikel 15(2)(g) vir 'n toestemming ingevolge Artikel 211 van die Stellenbosch Munisipaliteit Sonering Skema Verordening vir 'n tydelike afwyking vir die afhandeling van die myn sluiting en rehabilitasie aktiwiteite oor 'n 7 jaar periode.

Die voorstel is vir die rasionalisering van die gebruik en dienooreenkomstige onderverdeling van die eiendom, om drie breë gebruiksareas te skep, naamlik die pad (R304), sodat dit kan vestig in die eienaarskap van die padowerheid (Wes-Kaap Department Vervoer en Publieke Werke), om een gedeelte van sowat 10 ha te skep vir landbou gebruik, 'n gedeelte beswaarde grond met huise, myn huurgedeelte, nie-landbou gebruike, bv. beton meng aanleg, addisionele wooneenheid, en meganiese

werkswinkel, wat in die toekoms 'n funksionele landbou-eenheid kan word.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.


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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Viridus Works, [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com). Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **03 Junie 2022**.

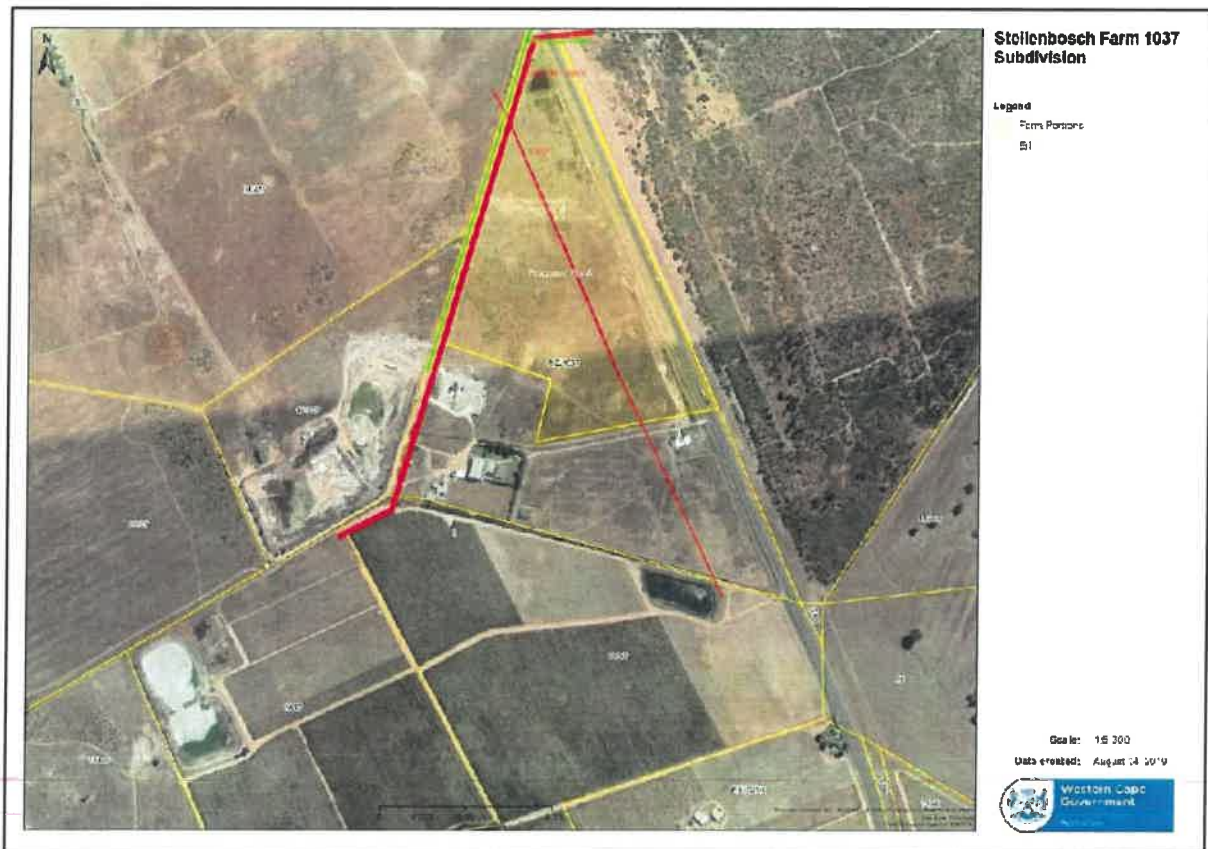
Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by +27 82 895 6362 gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Yours faithfully  
  
**Dupré Lombaard**



**LAND DEVELOPMENT APPLICATION FOR:  
CONSENT, SUBDIVISION AND CONSOLIDATION  
OF  
PORTION 1 AND THE REMAINDER OF  
STELLENBOSCH FARM UITSPAN NO. 1037**



January 2022

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**ANNEXURE****ANNEXURE A: LOCALITY****ANNEXURE B: APPLICATION AUTHORISATION****ANNEXURE C: APPLICATION FORM****ANNEXURE D: SITE DEVELOPMENT PLAN****ANNEXURE E: CONVEYANCER'S CERTIFICATE****ANNEXURE F: TITLE DEED****ANNEXURE G: DIAGRAMS****ANNEXURE H: PROPOSED SUBDIVISION****ANNEXURE I: ACT 70 OF 1970 APPROVAL****ANNEXURE J: WESTERN CAPE DEPARTMENT OF TRANSPORT COMMENT****ANNEXURE K: MINE CLOSURE AND REHABILITATION PLAN**

**EXECUTIVE SUMMARY**

<b>MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR:</b> <b>PORTION 1 AND THE REMAINDER OF STELLENBOSCH FARM UITSPAN NO. 1037</b> <b>SG Code: C06700000000103700000 and C06700000000103700001</b> <b>Location: Lat: 33° 51' 17.323" S   Lon: 18° 48' 19.447" E</b>	
<b><u>Owner:</u></b> <b>Banisi (Pty) Ltd, Reg. No. 2004/007242/07</b> Represented by Mr Simon Baschiera  Cellular phone: +27 83 327 7982 E-mail: <a href="mailto:info@wjex.co.za">info@wjex.co.za</a> Address: Farm Uitspan, R304, Koelenhof	<b><u>Project Consultant:</u></b> <b>Mr Dupré Lombaard</b> Viridus Works (Pty) Ltd Reg. No. 2018/585747/07  Cellular phone: +27 82 895 6362 E-mail: <a href="mailto:dupre.lombaard@viridus.com">dupre.lombaard@viridus.com</a> Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa

Banisi and Simon Baschiera wish to subdivide the Remainder Stellenbosch Farm Uitspan No. 1037 (23,56 ha) into a Remainder Road, a Portion A of 10 ha for agriculture (to be sold) and an agricultural Portion B of 11 ha, to be consolidated with Portion 1 of Stellenbosch Farm Uitspan No. 1037 (8,59 ha), currently a mining lease area, under rehabilitation. In broad, the proposal entails the rationalisation of the use and appropriate subdivision of the property, to create three broad areas, namely the road (R304) and to allow it to vest in the roads authority (Western Cape Department of Transport and Public Works), to create one portion of roughly 10 ha that can be used for agricultural purposes and to create a portion of impeded land that contains dwellings, mine lease area and non-agricultural uses e.g. batch plant, additional dwelling, and mechanical workshop that could in future become a functional agricultural unit.

The two properties are partially used for:

1. Mining and batching through lease agreements and a lease area registered for the mining activities (Area 1 diagram 3027/2002) by a third party (Basic Slag Corporation of SA (Pty) Ltd).
2. Servitudes for Eskom power lines and road access to abutting mining areas.
3. The R304, approximately 2ha, as Main Road 174.
4. Small-scale farming with olives.

There are no title deed restrictions preventing the proposed subdivision and consolidation that has already been approved by the National Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970. No water rights or notarial ties are registered against the properties.

Application in keeping with Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 is required for the following:

- 1) Section 15(2)(d) a subdivision of land that is not exempted in terms of section 24; and
- 2) Section 15(2)(e) a consolidation of land that is not exempted in terms of section 24.



# 1. BACKGROUND

## 1.1 Introduction

This amended application is submitted in response to the feedback from the Directorate: Planning and Development as contained in the email from Mr Pedro April, dated 12 November 2021.

It deals with two properties, located on the Klipheuwel Road (R304) approximately 12km north of Stellenbosch town and two kilometres north of the Koelenhof urban node, namely: Portion 1 of the Farm Uitspan No. 1037 (8,5929ha), subdivided from the Remainder (23,1532ha) in 2005. Approval for the proposed subdivision has already been granted by the Department of Agriculture, in terms of the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970 (Annexure I).

Portion 1 contains a mine lease area, operated by a third party, being Basic Slag Corporation of SA (Pty) Ltd. Basic Slag acquired Farm 1037 in 1966 and presumably started mining it shortly after. In 2002 the property was sold to Banisi subject to the mine area lease being registered on that portion of the property that is now Portion 1. Access off the R304 (Main Road 174) is via an existing 10 m wide right of way servitude along its north-western boundary, along a powerline servitude for Eskom distribution lines.

The proposal herein is for the reconfiguration of the property boundaries by the subdivision of the Remainder Stellenbosch Farm Uitspan No. 1037 into the following:

- a Remainder Road (R304) of roughly 2 ha;
- an agricultural Portion A of approximately 10 ha; and
- Portion B of approximately 11 ha.

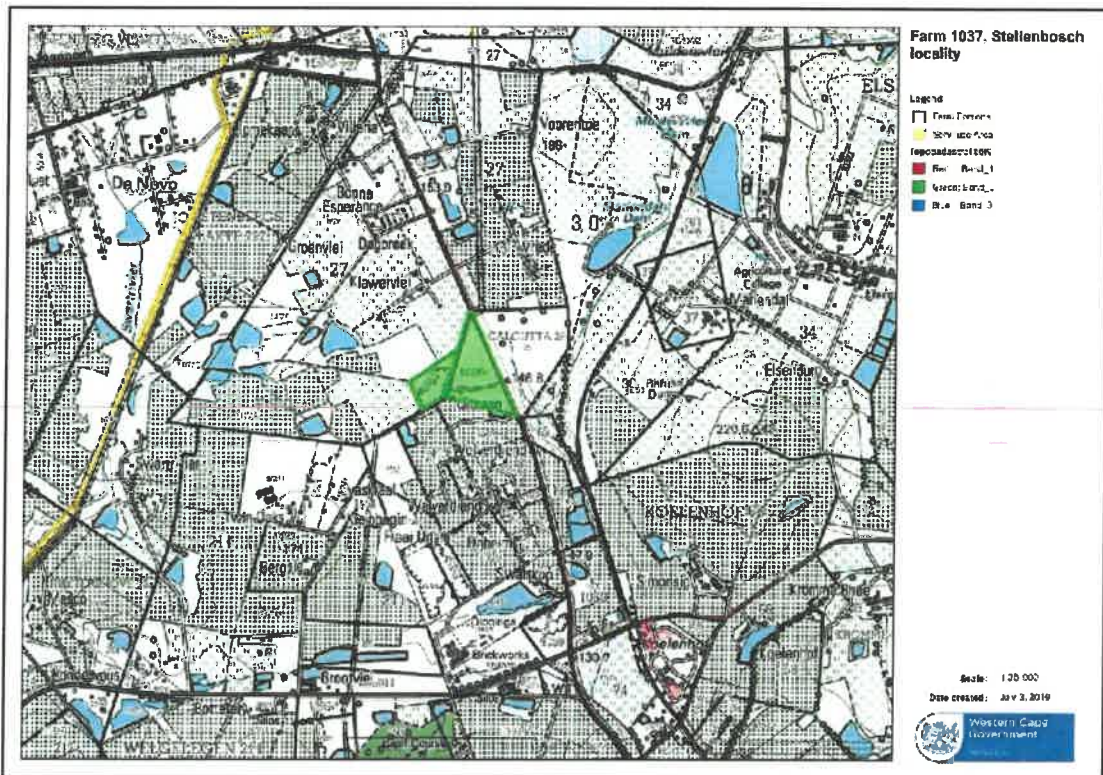


Figure 1: Farm Uitspan locality showing the locality in green

Subdivided Portion B must then be consolidated with Portion 1 of Stellenbosch Farm Uitspan No. 1037 (8,5929 ha) to create a farm of roughly 19,59 ha, that contains the mine lease area containing a brick clay mine operated until 2017 by Basic Slag Corporation and the appurtenant buildings, structures, and infrastructure. The proposed new agricultural portion of 10 ha is currently vacant, with farm sheds under construction and could be used for agricultural purposes.

## **1.2 Broad proposal**

The two properties are owned by a company (Banisi), which seeks to re-align the property boundaries through subdivision and consolidation, to create more functional and usable properties. Subdivided Portion A (10 ha) is being sold to a new farming entity for agricultural development purposes. A remainder road (existing R304) of roughly 2 ha will be left to be transferred or to vest in the Western Cape Department of Transport and Public Works.

The proposal will allow for the rationalisation of the use of the properties, to separate that portion (Portion A) that can be used for primarily for agricultural purposes, from the newly created farm (consolidated Portion B and Portion 1) containing the dwellings, lease areas and non-agricultural uses e.g., batch plant, additional dwelling, mining lease area (diagram 3027/2002) and mechanical workshop that can as yet not be used primarily for agricultural purposes, due to the mining lease area and unresolved rehabilitation process. All the buildings and structures are shown in Figure 2 below.

Portion A will be used primarily for new agricultural activities, amongst others by dry land crop cultivation.

## **2. APPLICATION AND AUTHORISATION**

### **2.1 Development context**

Main Road 174 was proclaimed over the property in terms of the Divisional Councils Ordinance, 1952, Ordinance 15 of 1952 and accordingly expropriated, but the subdivision and transfer of the road did not occur. This application in terms of Section 15(2)(d) for a subdivision of land that is not exempted in terms of section 24 will cause the execution of the expropriation by allowing ownership of the road to change.

The available records show the Basic Slag Uitspan Clay mine in existence in 1985, confirmed by the Geological Survey Map of 1990. Thus, the property has been used legally for non-agricultural purposes since prior to the promulgation of the Land Use Planning Ordinance, 1985, Ordinance 15 of 1985 and the Land Use Planning Act, 2014, Act 3 of 2014.

Portion 1 of Farm 1037 was subdivided from the Remainder in October 2005, following registration of the mineral lease area in 2002, i.e., the Municipality was at the time fully aware of the mining and non-agricultural land uses occurring on the property. The mineral lease and mining right (registered as: Basic Slag Corporation of South Africa (Pty) Ltd, WC 30/5/1/2/2/0367 MR) are held by the previous owner of the property, Basic Slag Corporation of South Africa (Pty) Ltd, as also indicated in the mine closure plan and correspondence from

the Department of Minerals in Annexure K. Banisi is the owner of the land, but Basic Slag is the owner of the mine and the mining rights and must see to the rehabilitation thereof.

The subdivided Portion B (Remainder Farm 1037) has over the years been developed with buildings and structures, mostly related to the mining activities, and more recently (2014) with the addition of a dwelling (and at the time a club facility) at the entrance to the farm on the R304. The mine legally existed prior to promulgation of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) and prior to promulgation of the Stellenbosch Municipality Zoning Scheme Bylaw of 2019. Other mines exist and have recently been permitted in the area and the Stellenbosch Municipality’s regional cemetery was recently approved abutting the property on the eastern side.



Figure 2: Satellite image of Stellenbosch Farm Uitspan No. 1037: 1985



Figure 3: Satellite image of Stellenbosch Farm Uitspan No. 1037: 2005



Figure 4: Satellite image of Stellenbosch Farm Uitspan No. 1037: 2011



Figure 5: Satellite image of Stellenbosch Farm Uitspan No. 1037: 2014

Initially the application sought to apply for a consent use in terms of Section 15(2)(o), for uses contemplated in the zoning scheme for the establishment of an agricultural training facility and show farm (as occasional use and/or tourist facility) on Portion A (10 ha), as exists on other agricultural properties in the municipal area, e.g., Sandringham, Welgevallen, Nietvoorbij and Kromme Rhee, as secondary activities related to agriculture. The purchaser of Portion A wished to train emerging farmers and farm workers, where the said institutions train farm workers in soft skills. The new owner wished to train youth and farm workers in technical aspects of the use of agricultural equipment in vineyards, orchards, and crops, which will be planted on the farm and then farmed amongst others by trainee workers and equipment operators. The technologies and machinery used on the farm would also have been available to farmers of the area, especially small farmers, to assist them with crop

cultivation and production, e.g., crop spraying equipment, specialised vineyard machines and multi-function tractors. This concept has however been shelved in view of numerous meetings between planning officials and the buyer, where the officials indicated objection to the proposed use. Instead, the application is now solely intended to create two separate farms for agricultural use.



Figure 6: Satellite image of Stellenbosch Farm Uitspan No. 1037: 2019

## 2.2 Title deed restrictions

The title deeds (T23971/1987 and T86940/2007) of the farms are attached together with the conveyancer's certificate in Annexure E. There are no restrictive title conditions that prevent the proposed subdivision and consolidation, the proposed consent use, subject to the maintenance and use of the existing servitudes.

## 2.3 Zoning scheme requirements

Annexure D provides details of the previously approved building plans for the agricultural buildings on Portion A (Figure 8 below), the legality of which has been contested by the Municipality after the commencement of construction of the first of the approved buildings.

Annexure H and Figure 7 provide details of the existing buildings and structures on the properties.

## 2.4 Use of Portion A

Portion A with a size of 10 ha is limited in its potential by amongst others the access and services infrastructure servitudes over it. The usable area of the farm is thus more or less 8 ha, all of which is intended for agricultural use and dry land cultivation.

The agricultural building under construction, as was approved on the farm, is now deemed illegal and all construction activities have ceased, pending approval of the

subdivision, from when construction could again continue when the plans are approved.

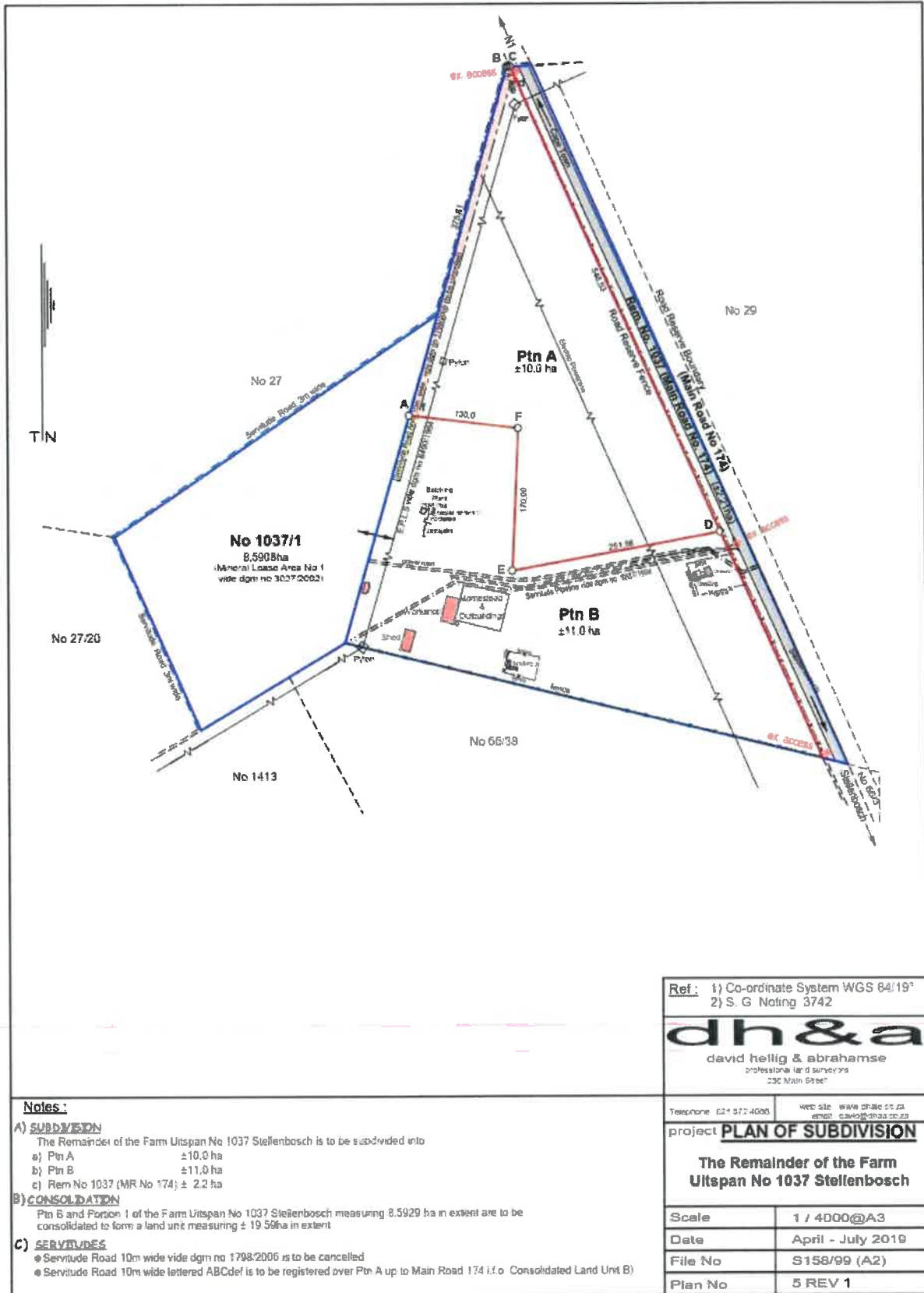


Figure 7: Site plan showing subdivisions of Stellenbosch Farm Uitspan No. 1037

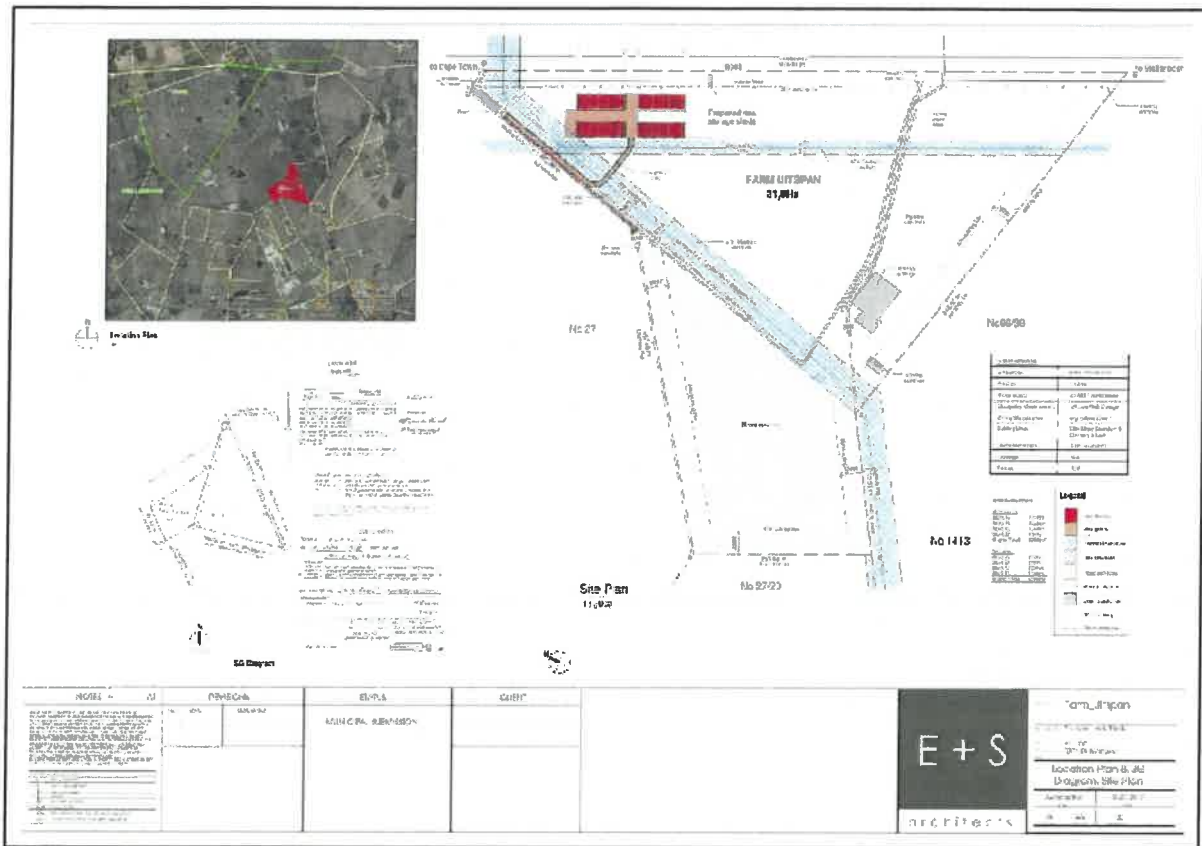


Figure 8: Portion A SDP showing previously approved sheds and existing servitudes

## 2.5 Use of Consolidated Portion 1 and Portion B

The use of consolidated Portion B and Portion 1 of Farm 1037 will continue as is until the rehabilitation of the mine has been resolved and the landowner can fully use the property for whatever agricultural activities would be possible at the time. Application is made in terms of Section 15(2)(e) for the consolidation of the land that is not exempted in terms of Section 24. The mine area and mining related uses are shown in red in Figure 9 below.

The timelines for the rehabilitation of the mine are uncertain, as the Department of Minerals and the mine owner are responsible for the process and the landowner has no authority in this regard. The landowner has taken legal action against the relevant stakeholders, but understandably cannot continue such action as an individual against the state and a mine owner who are protected in terms of the relevant legislation.

The landowner will therefore continue using the workshops and facilities vacated by the mine until such time as they are rehabilitated.

A clubhouse (Italian Club) was erected roughly 30m from the road (MR 174) in 2014 following an unsuccessful land use application (see Western Cape Dept Transport letter Annexure J). The club facility was for the social gathering of Italian speakers in the Stellenbosch district, and it operated mainly over weekends. The use has however ceased and it is now used as an additional dwelling house.



Figure 9: Portion 1 and Portion B mining related uses and additional dwelling

### 3. MOTIVATION

#### 3.1 Stellenbosch Municipality IDP and SDF

The Integrated Development Plan 2021 (IDP), including the municipal spatial development framework (SDF) make specific provision for the management and economic sustainability of agricultural land and farms. Under Strategy 5.2. "The Stellenbosch Municipal Area as a Whole" the SDF indicates as follows: "*The overall plan indicates a municipal area largely set aside as protected and managed areas of nature and high value agricultural land. These areas of nature and agriculture are critical in delivering various ecological and economic services and opportunity. Significant change in use and land development is not envisaged in the nature and agricultural areas. Only non-consumptive activities are permitted (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education) in core nature areas. In agricultural areas, associated building structures are permitted, as well as dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income. However, these should not undermine the sustainability of agricultural production, and adhere to the guidelines contained in the SEMF and "Western Cape Land Use Planning: Rural Guidelines"*".

This application is in line with the provisions of both said documents and separates those portions which were used primarily for mining and mining related activities from that which could be used solely for agricultural purposes. Rearranging of the boundaries, to create one clean agricultural property (Portion A) and one impeded



by mining and non-agricultural activities will contribute to the better use of the land for agriculture.

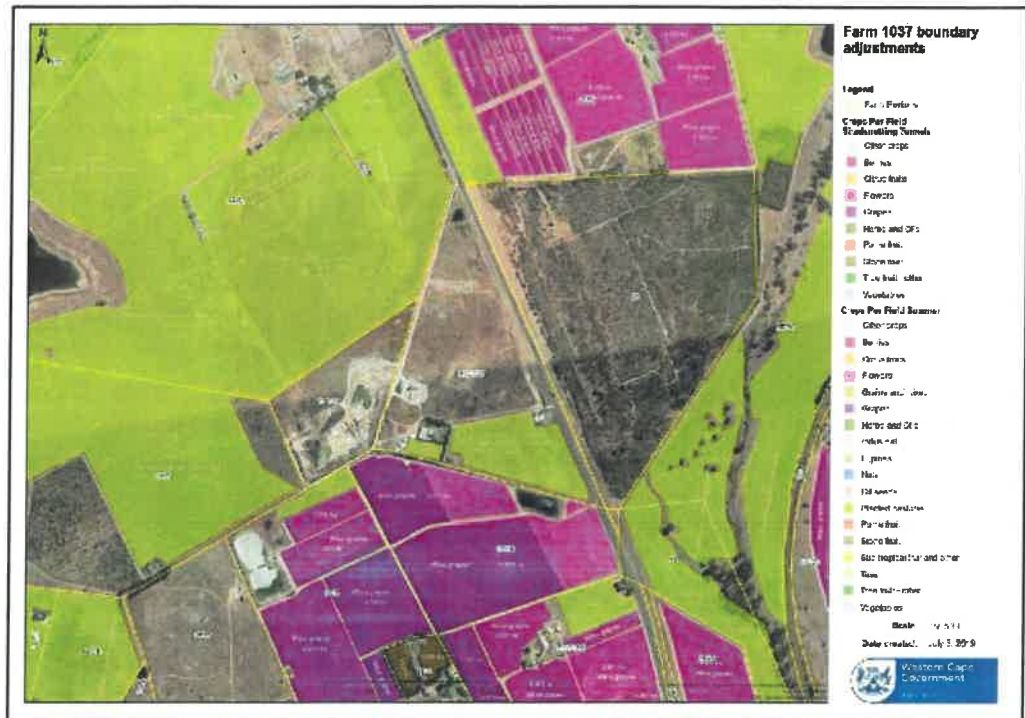


Figure 10: Farm Uitspan agriculture use



Figure 11: Geological map of Stellenbosch Farm Uitspan area (white circle)  
Geological map of 1990 shows Uitspan clay mine for building materials in existence.

### 3.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013, determine principles and the planning and development norms and criteria for managing agricultural resources in the area. Nothing proposed in this application contradicts any of the said principles or guidelines. The Western Cape Provincial Spatial Development Framework (PSDF) sets out to: "*Address the lingering spatial inequalities that persist because of apartheid's legacy – inequalities that contribute both to current challenges (lack of jobs and skills, education and poverty, and unsustainable settlement patterns and resource use) and to future challenges (climate change, municipal fiscal stress, food insecurity, and water deficits)*". The proposal to develop a farm and to also use it for training of labourers and emerging farmers is in line with the PSDF strategy. However, given the negative feedback from the officials who are of the opinion that such training is not compatible with the Agriculture and Rural Zone, the owner has decided to subdivide the property by a realignment of the boundaries between the two agricultural properties and to subdivide the road that still forms part of the property. The use of the one portion of the land will then be for agricultural purposes and the other in keeping with its historic use since establishment of the mine.

The Western Cape Rural Development Guidelines indicate that: "*The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g. agri-processing) underpin the Province's industrial sector; and its natural capital (i.e. biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture.*" It continues to state that "*the basis of sustainable agriculture, is implementing agricultural activities, that combine technology, policies and activities to integrate natural resources with socio-economic principles*". Without appropriate training of emerging farmers and farm workers in the technical aspects of agriculture, there is a lack of meaningful implementation of the stated policies. However, in view of the Municipality's position in this regard, the proposal for the use of Portion A is to comply with agricultural outcomes as envisaged in Chapter 8 of the Rural Development Guidelines, which determine sustainability principles and management guidelines for land management in rural and agricultural areas:

- *Landowners should be permitted to diversify farm income.* No longer applicable to this application, as the intention is to use the newly created Portion A for agricultural purposes only.
- *Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate is supported.* The proposed subdivision and development of Portion A for agricultural use does not detract from the Municipality's service delivery mandate. It is also in keeping with the Municipality's strategy to retain agricultural land and not to allow further

splintering thereof. Portion B was historically used for mining and is located in an area where appropriate resources occur and a sand mine was recently permitted on the abutting Farm No. 27.

- *Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape.* The proposed subdivision of the property does not detract from the surrounding landscape, considering the land use and development of the immediate surroundings.
- *Agricultural resources should be protected for increased agricultural production.* The proposal will contribute to increased productivity of the land (Portion A) which is currently not used productively.
- *Other intrusive land uses (e.g., industries and schools) should be located in urban areas as far as possible and should only be considered when the locational factors warrant such a land use in the rural area in exceptional cases. The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area.* The land is intended for agricultural and rural purposes and no urban land uses that would detract from farming activities are proposed. Portion A will be completely vacant, but for the incomplete structure (agricultural building, <2 000m<sup>2</sup>) built in terms of an approved building plan that apparently lapsed prior to completion of the building.
- *Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken.* The adjustment of the farm boundaries and maintaining two farms in different shape and size does not have any negative effect on the rural environment.

An assessment of the proposals relating to Portion A and the subdivision and consolidation show that they meet all of the aforementioned principles and criteria.

- ✓ To offer a range of appropriate facilities. Portion A is currently vacant and cannot be productively used without the prior installation of agricultural infrastructure. Its subdivision as a separate unit and the consolidation of a portion of the farm to create a larger Portion B with infrastructure and buildings creates new potential for the better use of the natural resources.
- ✓ No compromise to agricultural activities. The subdivision and development of Portion A will enhance agricultural activities and create additional cultivated area and employment opportunities.
- ✓ Provide a range of opportunities. Employment should be included in the elements that make up the opportunities, in addition to the range of economic opportunities listed in the policy. By adding new cultivatable land and agricultural infrastructure and better utilisation of these resources, the landowner creates more opportunities in the agricultural sector.
- ✓ Focus on sustainability. The agricultural development of Portion A will contribute to the sustainability of the property, which is otherwise dormant from an agricultural perspective until the mine has been rehabilitated. Banisi is

dependent on Basic Slag Corporation's rehabilitation of the mine, failing which, intervention by the Department of Minerals, to be in a position to use the consolidated Portion B and Portion 1 of the Farm for agricultural purposes.

- ✓ Improve the economic viability and sustainability of farms. As reflected above, the farms in their current form and state are not productively used, viable or sustainable. The separation of the impeded portions and creation of a new unimpeded 10 ha farm, albeit significantly affected by servitudes, will improve the situation from an agricultural perspective and allow for meaningful agricultural use albeit under dry land conditions.
- ✓ Align scale and form of facilities with character of area. The surrounding area has a diverse character, with the regional cemetery approved opposite the road from the farm, mining approved on the neighbouring farm, and tourism facilities and service trade related activities on adjacent farms. The incomplete, previously approved building on Portion A will be used for the agricultural use of that portion of the farm. The barren land on the northern Portion A of the farm will be cultivated and planted, thus better fitting the surrounding rural area. Portion B as consolidated with Portion 1 will continue to be used as is and as has been the case since establishment of the mine.
- ✓ Diversify farm income. Currently the farm relies solely on a single source of income, not related to agriculture, namely the mine. It is not sustainable, as the mining operations have ceased and the mine has to be closed and should be rehabilitated. The subdivision and sale of Portion A will generate capital for Banisi (the current owners).

There is therefore a good match between the relevant policies and the proposed subdivision and related diversification of the agricultural activities envisaged for the farm.

### 3.3 SPLUMA and LUPA principles

The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 and the principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered.

The LUPA considerations and development principles of SPLUMA require:

- ✓ The protection and promotion of the sustainable use of agricultural land, which is the purpose of the proposal. In its current state, the farm is not sustainable, and it is essential to better use the resource to diversify its income sources. It requires adherence to national and provincial government policies, as illustrated above, inclusive of the municipal spatial development framework.
- ✓ Consideration of the public interest, which is done through the compliance with the aforementioned policies and guidelines, together with the creation of a more productive farm on Portion A, fitting with the surrounding land uses.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. The proposed use of Portion A works towards achievement of the

- transformation goals, by offering an opportunity to small and emerging farmers to co-own land for agricultural use.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant facts are that the farms in their current state are not viable, and it is essential for an agricultural unit to be created to allow for the best use of the weak resources and locality, without negative effect on the surrounding area.
  - ✓ The respective rights and obligations of all those potentially affected, primarily the existing residents and surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues. The only identified issue is the access conditions as imposed by the Western Cape Department of Transport in its comment on the agricultural subdivision consent application.
  - ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements. The impact is minimal and there are no negative effects on the social infrastructure or open space requirements. The proposed activities use own resources.
  - ✓ Spatial justice must be considered, and past spatial and other development imbalances must be redressed through improved access to and use of land. At the scale of the proposed development and the nature thereof, it does not offer any significant opportunity for redress. The proposed use does not have any negative effect on the spatial development framework and policies for such redress, while opportunities are created for co-ownership by emerging and small farmers who otherwise suffer due to a lack of support and access to land.
  - ✓ Spatial sustainability has been considered and the proposed land use is within the fiscal, institutional, and administrative means of the state, given that the development will contribute to the municipal and local economic revenue base, without requiring public expenditure to occur. Prime, and unique agricultural land is not affected. The proposed use of Portion A would contribute to the improved use of agricultural resources in the local area. It is unlikely to cause the lowering of the service levels in municipal or other public infrastructure.
  - ✓ Efficiency (optimising the use of existing resources and infrastructure) has been addressed and the use of the land will contribute to increased efficiencies, as vacant, unproductive land will be better used.
  - ✓ Spatial resilience has been addressed, as the SDF and other policies allow for flexibility to ensure sustainable development, amongst others by determining policy to assess the applications for land development in the rural area.
  - ✓ Good administration is a function of the authorities, not affected by the proposed development.

### 3.4 National Development Plan

The National Development Plan, 2030 (NDP) is extensively quoted in the Stellenbosch SDF 2019. *It serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities and capabilities conducive to sustainable and inclusive economic growth. The NDP sets out the pillars through*

*which to cultivate and expand a robust, entrepreneurial and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030.*

The NDP requires the development of "strategies that give new entrants (in the agricultural sector) access to product value chains and support from better resourced players." The proposed use of Portion A offers such opportunity to small and emerging farmers.

**3.5 Zoning scheme**

The proposed subdivision must be considered in terms of Section 14 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, read with the relevant considerations as set out in the Stellenbosch Municipality Land Use Planning Bylaw, 2015. Said ZSB determines that "The Municipality shall not grant a new subdivision unless it is satisfied that, for each land unit created, there is adequate and lawful means of:

<i>(a) access to and from a public road, which may include access via an appropriately registered right of way servitude;</i>	Existing right of way servitude (Diagram 1798/2006) registered in Title Deed 86940/2007 and T105923/2002 over Remainder (proposed Portion A) in favour of Portion 1 (to be consolidated with Portion B).
<i>(b) water supply, if required;</i>	Own water from borehole.
<i>(c) sewerage disposal, if required for the land use; and</i>	Own sewerage (conservancy tanks).
<i>(d) any other engineering services which are deemed a requirement for the intended use, to the Municipality's satisfaction.</i>	None applicable.
<i>(2) 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, provided that all structures are adequately shown on a plan and any new structures or buildings constructed after the confirmation of said subdivision, shall comply with the parameters of the Scheme.</i>	All buildings and structures shown on plan of subdivision and approved (lapsed) building plans in Annexure D and H.
<i>(3) At the same time as applying for a subdivision, the applicant may submit a site development plan to the Municipality for the buildings to be developed for the intended development on the subdivided portions.</i>	All buildings and structures shown on plan of subdivision and approved (lapsed) building plans in Annexure D and H.

<p><i>Upon approval of such a subdivision application and its accompanying site development plan, the Municipality's approval is deemed to have been granted for all internal departures which may arise out of the subdivision, without having to identify each departure individually, provided that all parameters which have an external impact or apply to external boundaries shall either be complied with or an application is made for a departure.</i></p>	
<p><i>(4) An application for the subdivision of any land zoned Agriculture shall be accompanied by a site development plan to indicate how farm buildings and uses are to be divided.</i></p>	<p>All buildings and structures shown on plan of subdivision and approved (lapsed) building plans in Annexure D and H.</p>
<p><i>(5) After granting a subdivision permitting two or more adjoining land units with attached dwelling units to be held under separate title, the departures on the common boundary relating to common building lines will deem to have been granted. The owners of such land units shall always:</i></p>	<p>Not applicable.</p>
<p><i>(a) ...;</i></p>	
<p><i>(b) ...;</i></p>	
<p><i>(c) ...;</i></p>	
<p><i>(d) ....</i></p>	
<p><i>(6) If a property that has been granted a temporary departure or consent use right is subdivided, the Municipality may:</i></p>	
<p><i>(a) revoke the consent use right or temporary departure approval if the original conditions of approval cannot be satisfied after subdivision, or</i></p>	<p>Temporary departure for mine lapsed in 2017. The mine is however not closed or rehabilitated by the relevant third party (Basic Slag).</p>
<p><i>(b) apply the approval and the conditions relating thereto to only one of the subdivided portions; or</i></p>	<p>The conditions relating to the mining activities and related uses would apply to the newly created land unit, being a consolidation of Portion 1 and Portion B of the Remainder of Farm 1037.</p>
<p><i>(c) may amend conditions, as determined by the Municipality when approving the subdivision.</i></p>	<p>The Municipality may resolve the mining rights issues by the implementation of Section 211 of the Zoning Scheme Bylaw.</p>
<p><i>(7) Upon approval of a subdivision the Municipality shall impose conditions relating to the creation of an owners' association ....</i></p>	<p>Not applicable.</p>

The application seeks to separate that part of the Farm that could be used for agricultural activities, unencumbered by the mining activities and existing buildings, from the land affected by the third party mining activities. Without the subdivision and development of Portion A, the farms will remain affected by the mining activities and lie unproductive until the mine has been appropriately rehabilitated, which rehabilitation is not in the hands of the landowners.

### **3.6 Environmental Management**

The application use does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

### **3.7 Heritage**

The application will not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999.

### **3.8 Architecture**

Attached hereto as Annexure D, are the previously approved plans, the plans for the agricultural buildings under consideration by the Municipality and a SDP showing all the existing buildings and structures.

### **3.9 Engineering**

A traffic statement (TIS) is not required, as the maximum additional traffic that could be generated in relation to the proposed use is less than 20 trips per day. The conditions imposed by the Department of Transport need to be adhered to.

Electricity is supplied by Eskom, through an existing service, which does not require any upgrading.

The farm is self-sufficient with water and sewerage. The additional demand generated by the consent use does not justify any connection to municipal services.

Boreholes and a municipal rural distribution scheme provide potable water to the farms. The daily water demand will not increase.

Sewerage is extracted by way of a private contract, by a service provider, from the existing conservancy tanks. Sewerage flows will probably not increase.

Solid waste is removed to the municipal solid waste disposal site, which service will continue with insignificant increase in volume.

### **3.10 Chapter V evaluation**

In Section 65 of the SMLUPB, the following criteria for deciding applications are prescribed. While all of the matters referred to in Section 65 have been addressed in broad above, this section summarises and highlights the relevant matters which the Municipality must consider.



<b>Criterion in Section 65</b>	<b>Applicability</b>	<b>Compliance of application</b>
<i>(a) the application submitted in terms of this By-law;</i>	Application must comply with the processes of the LUPB.	Application covers the relevant aspects of the subdivision.
<i>(b) the procedure followed in processing the application;</i>	Application must be consistent with the LUPB.	Process still has to be concluded. Preparation and submission followed prescribed process.
<i>(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;</i>	The agricultural use to be tested against the Provincial Spatial Development Framework and Rural Development Guidelines.	Paragraphs 3.1 - 3.4 above. <ul style="list-style-type: none"> <li>• Agricultural use is desirable.</li> <li>• Subdivision and consolidation have no negative effect on the use of agricultural resources.</li> <li>• Guidelines require least impact on agricultural capacity.</li> <li>• Guidelines promote agricultural development.</li> </ul>
<i>(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(e) the response by the applicant, if any, to the comments referred to in paragraph (d);</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;</i>	NEMA Act 107/1998 NHRA Act 25/1999	See paragraphs 3.6 and 3.7 above. <ul style="list-style-type: none"> <li>• No authorisations required.</li> </ul>
<i>(h) the impact of the proposed land development on municipal engineering services;</i>	No assessments and reports done, due to the low scale and limited extent of the proposed uses.	See paragraph 3.9 above. <ul style="list-style-type: none"> <li>• Insignificant additional traffic.</li> <li>• Eskom electricity supply network has capacity.</li> <li>• Own water supply from boreholes is sufficient in quality and quantity.</li> <li>• Sewerage managed on-site in existing conservancy tanks for disposal into municipal system.</li> <li>• Solid waste removed by Municipality</li> </ul>
<i>(i) the integrated development plan, including the municipal spatial development framework;</i>	Aligned to: IDP; and SDF	See paragraph 3.1 above. <ul style="list-style-type: none"> <li>• Agriculture is an important economic contributor.</li> </ul>

Criterion in Section 65	Applicability	Compliance of application
		<ul style="list-style-type: none"> <li>Promote better use of farms and natural areas.</li> <li>Retention of the agricultural character not affected by the subdivision.</li> </ul>
<i>(j) the integrated development plan and spatial development framework of the district municipality, where applicable;</i>	Compliant with Rural Area Plan.	See paragraph 3.2 above. <ul style="list-style-type: none"> <li>The appropriate use of the farm is desirable.</li> </ul>
<i>(k) the applicable local spatial development frameworks adopted by the Municipality;</i>	None identified.	None.
<i>(l) the applicable structure plans;</i>	Not applicable.	Not applicable.
<i>(m) the applicable policies of the Municipality that guide decision-making;</i>	Zoning Scheme Bylaw requirements for consideration of subdivision.	See paragraph 3.5 above.
<i>(n) the provincial spatial development framework;</i>	Compliant with PSDF.	See paragraph 3.2 above. The agricultural use of farms is desirable.
<i>(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;</i>	Compliant with PSDF.	See paragraph 3.2 above. The agricultural use of farms is desirable.
<i>(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;</i>	Compliant with principles and criteria.	Paragraphs 3.2 – 3.4 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;</i>	Compliant with principles and criteria.	Paragraph 3.2 – 3.3 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(r) the principles referred to in Chapter VI of the Land Use Planning Act; and</i>	Compliant with principles and criteria.	See paragraph 3.3 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(s) the applicable provisions of the zoning scheme.</i>	SM Zoning Scheme Bylaw, 2019 considered	See paragraph 3.5 above. <ul style="list-style-type: none"> <li>Consideration of Section 211 essential to resolve conditions imposed on third party.</li> </ul>

**4. CONCLUSION**

The application in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, for an agricultural subdivision that is not exempted in terms of Section 24 and which has already been approved by the National Department of Agriculture is in

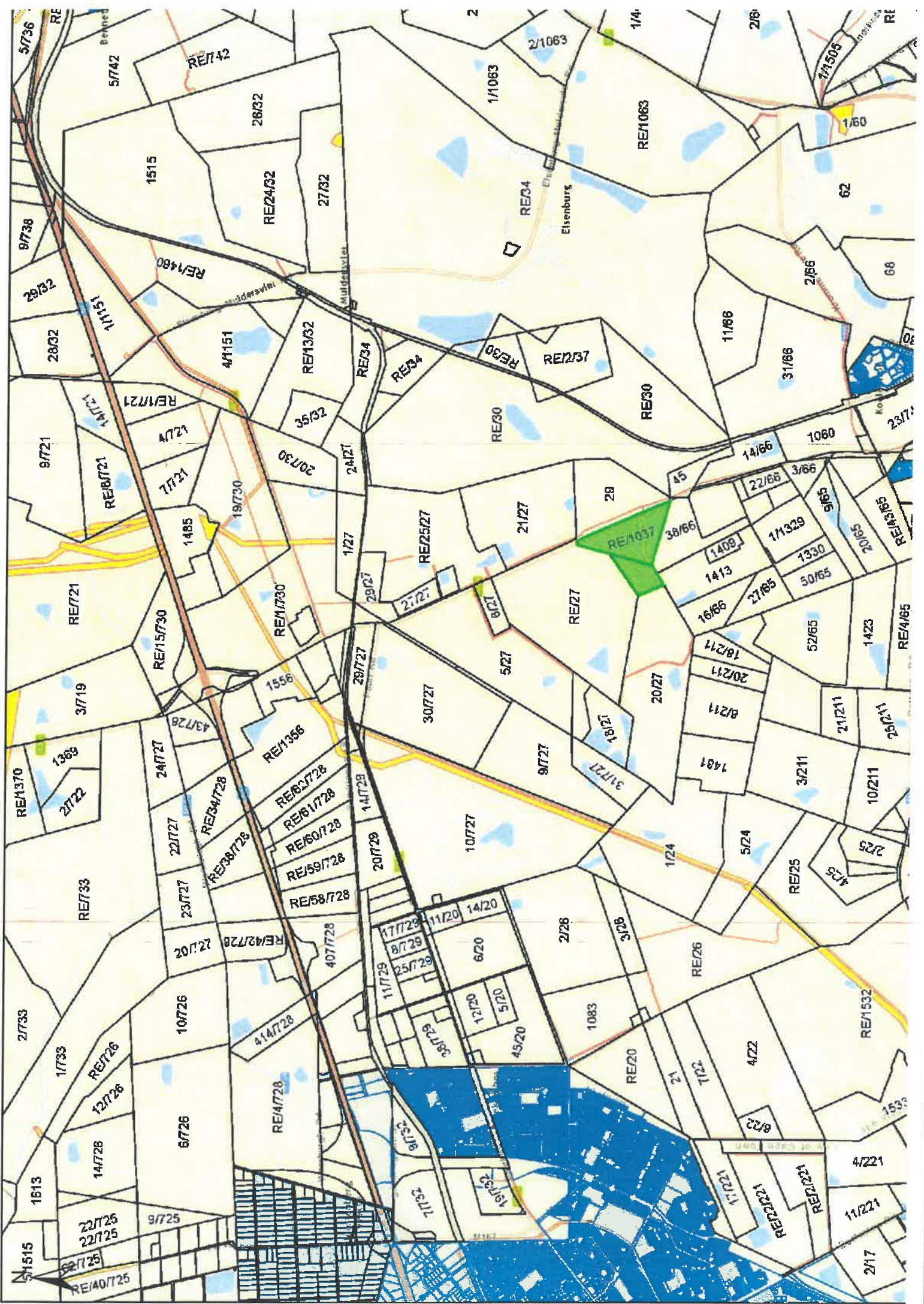
effect only a boundary adjustment and has no negative effect on the agricultural environment and can therefore be approved in keeping with the proposed subdivision shown in Annexure H, for:

- 1) a Remainder Road (R304 / MR 174) of roughly 2 ha;
- 2) an agricultural Portion A of approximately 10 ha; and
- 3) an agricultural Portion B of approximately 11 ha that contains mining related uses and infrastructure.

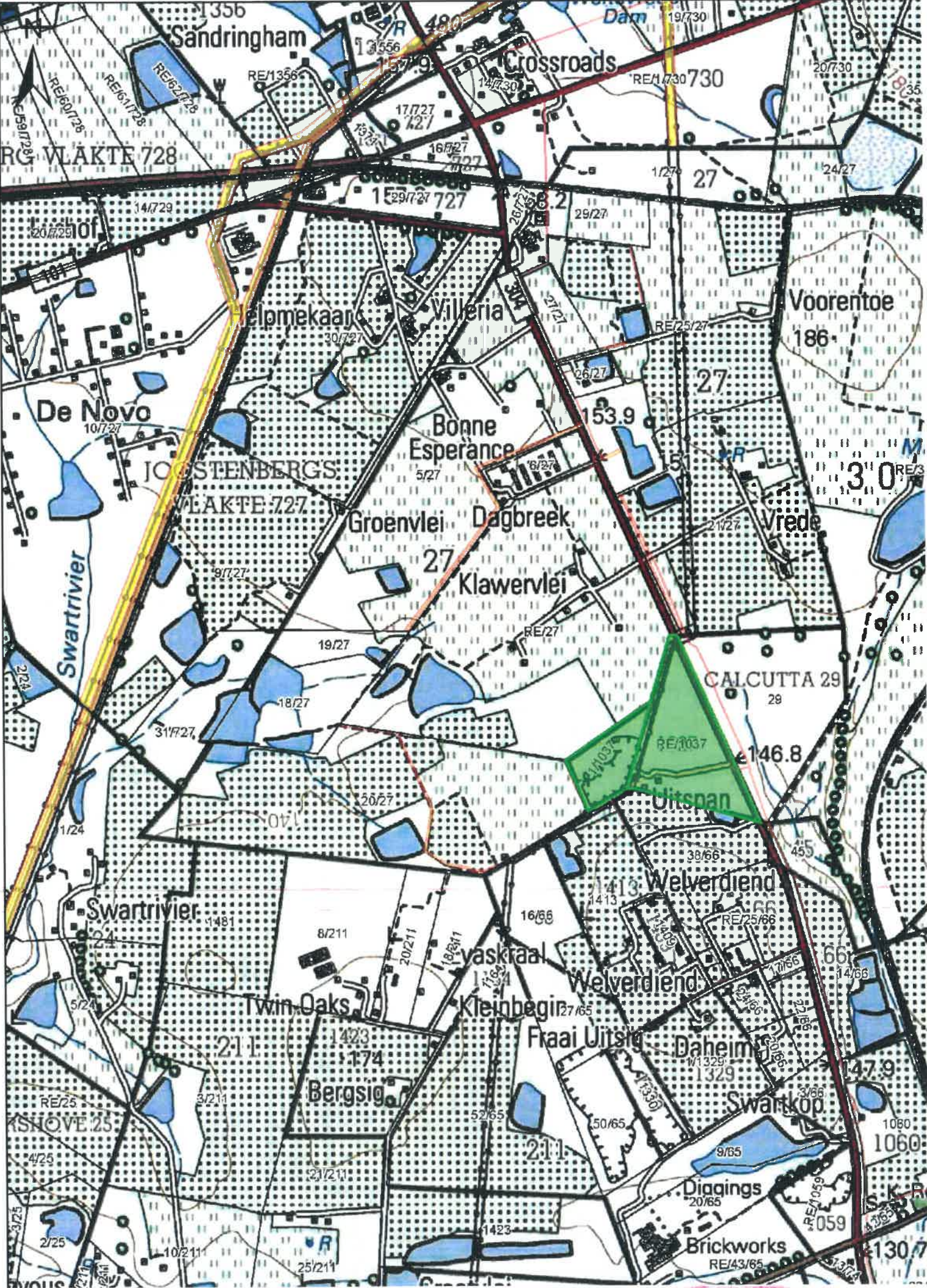
The application in terms of Section 15(2)(e) of the Bylaw for the consolidation of Subdivided Portion B (roughly 11 ha) with Portion 1 of Stellenbosch Farm Uitspan No. 1037 (8,5929 ha) to create a farm of roughly 19,59 ha can be approved, as it improves the future agricultural potential of the newly created farm.

The mining related activities on the farm can be approved in terms of Section 211 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, to allow time for the mine closure process by an unrelated third party as detailed in the closure plan, Annexure K, for a period of seven years, as provided for in terms of Section 15(2)(g) of the Land Use Planning Bylaw.

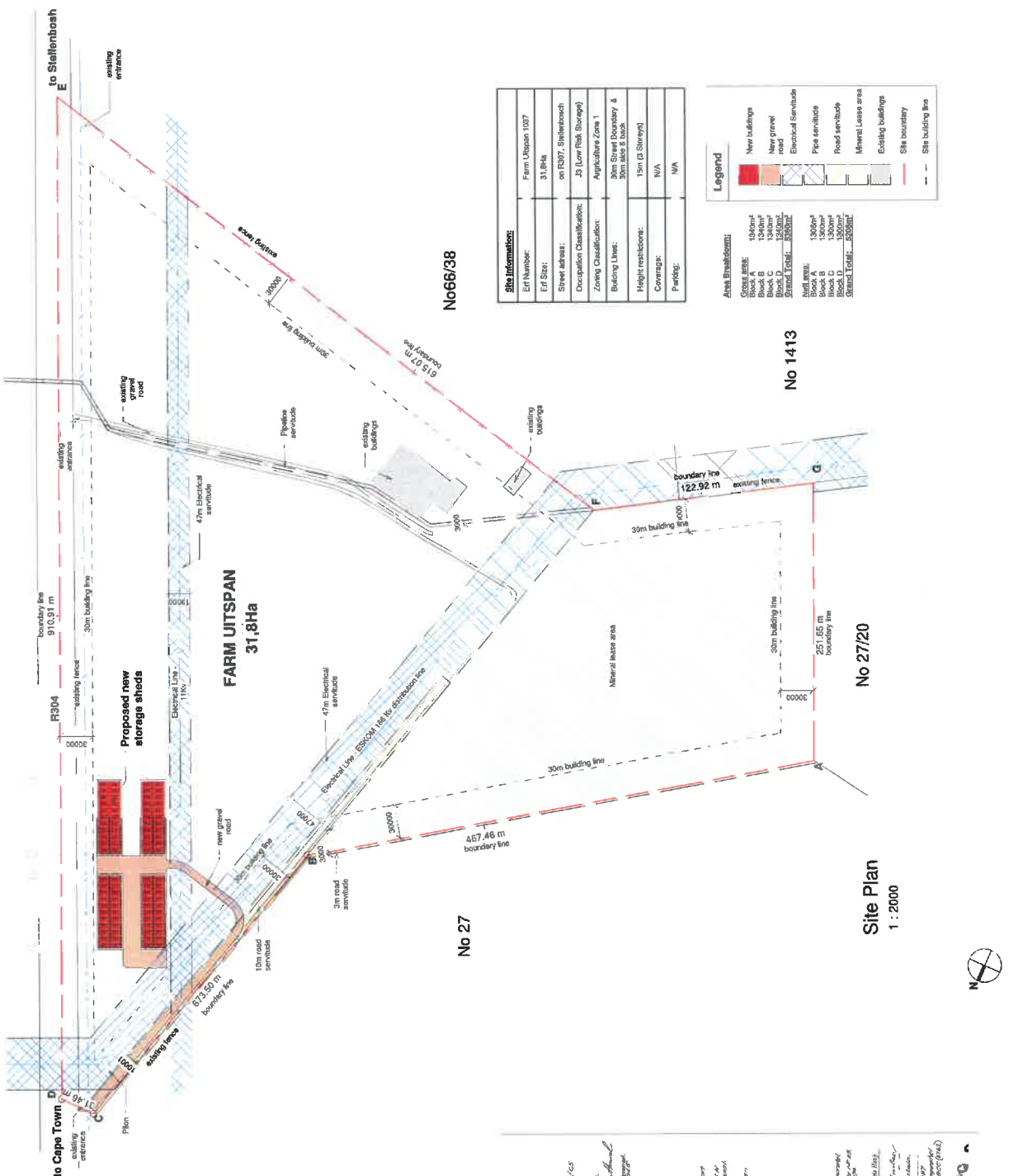
## **ANNEXURE A: LOCALITY**



# Farm 1037, Stellenbosch locality



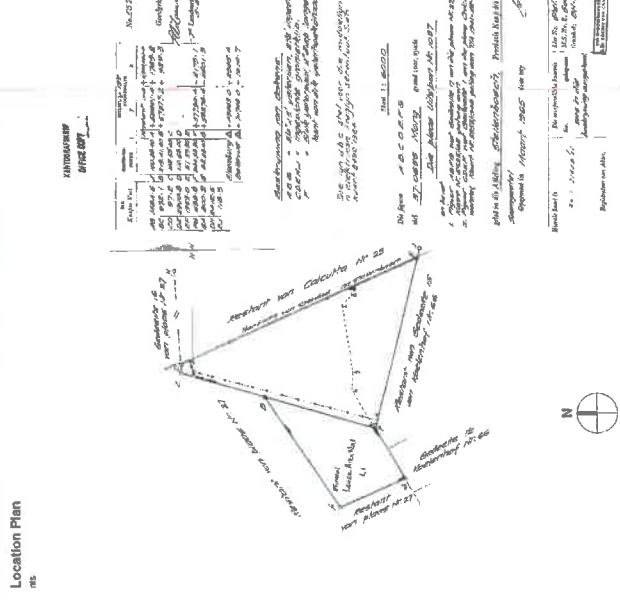
## **ANNEXURE D: SITE DEVELOPMENT PLAN**



Site Information:	
Erf Number:	Farm Uitspan 1037
Erf Size:	31.8Ha
Street address:	on R307, Stellenbosch
Occupation Classification:	Z1 (Low Risk Storage)
Zoning Classification:	Agricultural Zone 1
Building Lines:	30m Street Boundary & 50m side & back
Height restrictions:	15m (G Storeys)
Coverage:	N/A
Parking:	N/A

Legend	
[Red box]	New buildings
[Orange box]	New gravel road
[Blue box]	Electrical Service
[Green box]	Pipe servitude
[Yellow box]	Road servitude
[Purple box]	Mineral Lease area
[Grey box]	Existing buildings
[Red dashed line]	Site boundary
[Black dashed line]	Site building line

Area Breakdown:	
Grass area:	1840m <sup>2</sup>
Book A:	1240m <sup>2</sup>
Book C:	1240m <sup>2</sup>
Book D:	1240m <sup>2</sup>
Gravel area:	1240m <sup>2</sup>
Street Total:	5800m <sup>2</sup>
Mineral area:	1000m <sup>2</sup>
Book B:	1300m <sup>2</sup>
Book C:	1300m <sup>2</sup>
Book D:	1300m <sup>2</sup>
Street Total:	5200m <sup>2</sup>



PROJ FILE: Farm\_Uitspan  
 PROJ DESCR: Proposed New Sheds  
 OF: Erf 1037  
 LOCATION: R307, Stellenbosch  
 DATE: 10/07/2019  
 Location Plan & SG Diagram, Site Plan  
 As Indicated

**E+S** architects

CLIENT:	

STATUS:	
MUNICIPAL SUBMISSION	

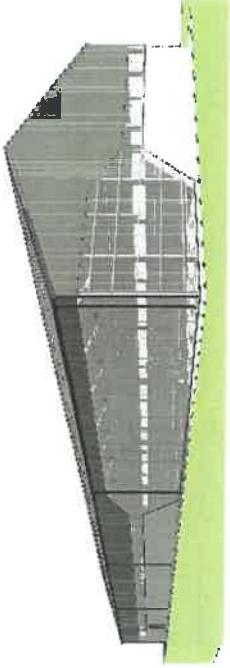
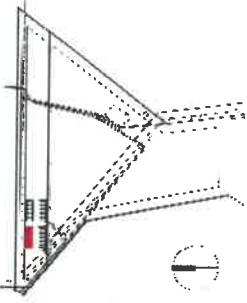
NOTES	

REV	DATE	DESCRIPTION

CONTRACTOR OF WORK: [Blank]  
 DATE OF CONTRACT: [Blank]  
 ADDRESS: [Blank]  
 CONTACT PERSON: [Blank]  
 TEL: [Blank]  
 FAX: [Blank]  
 E-MAIL: [Blank]



Location MAP



3D View 1

**Nett Area Schedule**

Name	Area
Block A, Store	1234.5
Block A, Office	567.8
<b>Total</b>	<b>1802.3</b>

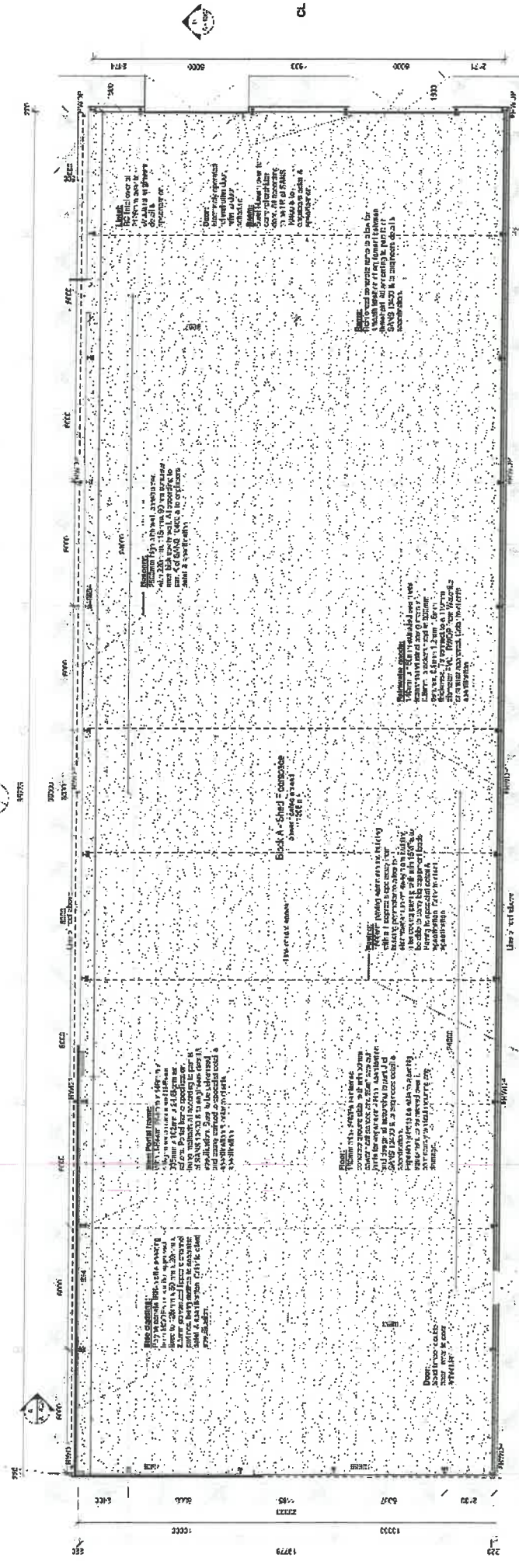
**Gross Area Schedule**

Name	Area
Block A, Store	1234.5
Block A, Office	567.8
Block A, Terrace	123.4
Block A, Parking	98.7
<b>Total</b>	<b>2024.4</b>

**Legend**

Map boundary	Line 100
New streets	Line 100
New walls	Line 100
New roofs	Line 100
New floors	Line 100
New walls	Line 100
New roofs	Line 100
New floors	Line 100
New walls	Line 100
New roofs	Line 100
New floors	Line 100

**General Remarks:**  
 Governed by the  
 San Vito Building Code  
 and the relevant  
 regulations of the  
 City of San Vito.



Ground Storey  
1 : 100

<p><b>NOTES</b></p> <p>1) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>2) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>3) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>4) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>5) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>6) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>7) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>8) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>9) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p> <p>10) The project is governed by the San Vito Building Code and the relevant regulations of the City of San Vito.</p>	<p><b>REVISIONS</b></p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>1</td> <td>Initial design</td> <td>12/20/2019</td> </tr> </table>	No.	Description	Date	1	Initial design	12/20/2019	<p><b>STATUS</b></p> <p>MUNICIPAL SUBMISSION</p>	<p><b>CLIENT</b></p>
		No.	Description	Date					
1	Initial design	12/20/2019							
<p><b>Project Name:</b> Farm_Ultispan</p> <p><b>Location:</b> Block A, Storey</p> <p><b>Scale:</b> 1 : 100</p> <p><b>Author:</b> [Name]</p> <p><b>Check:</b> [Name]</p> <p><b>Date:</b> 12/20/2019</p>									

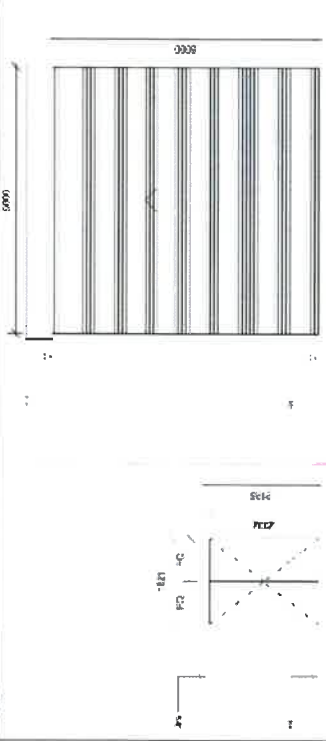
**E + S**

architects



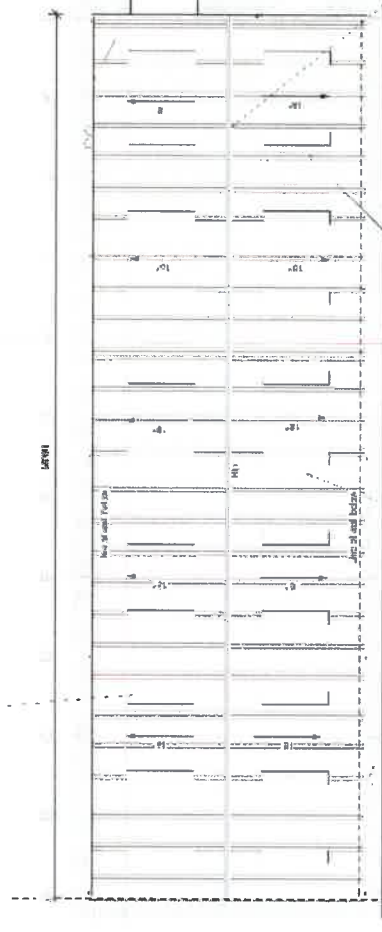


**Door Schedule**  
1:150



Type	Description	Notes
D	1.5m x 2.1m	Standard door

**Roof:**  
Roof structure is to be constructed in accordance with the relevant code of practice. The roof shall be designed to support the dead and live loads as specified in the schedule of materials. The roof shall be waterproofed in accordance with the relevant code of practice. The roof shall be finished with a suitable material.



**Roof Structure:**  
The roof structure is to be constructed in accordance with the relevant code of practice. The roof shall be designed to support the dead and live loads as specified in the schedule of materials. The roof shall be waterproofed in accordance with the relevant code of practice. The roof shall be finished with a suitable material.

**Roof Plan**  
1:200

**Electrical Fixture Schedule**

Item	Description	Quantity
1	1.5m x 0.6m	1



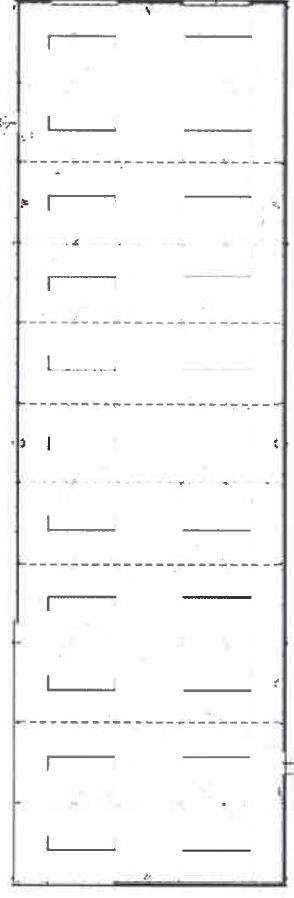
**Lighting Fixture Schedule**

Item	Description	Quantity
1	1.5m x 0.6m	1

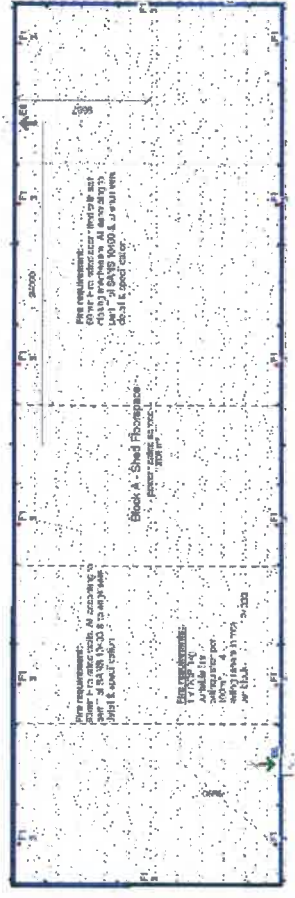


**Fire Legend**

- Red circle: Fire alarm pull station
- Green arrow: Fire exit
- Blue square: Fire extinguisher
- Red triangle: Fire alarm control panel
- Red square: Fire alarm bell
- Red circle with slash: Fire alarm bell
- Red square with slash: Fire alarm bell
- Red circle with slash: Fire alarm bell
- Red square with slash: Fire alarm bell



**Electrical Layout**  
1:150

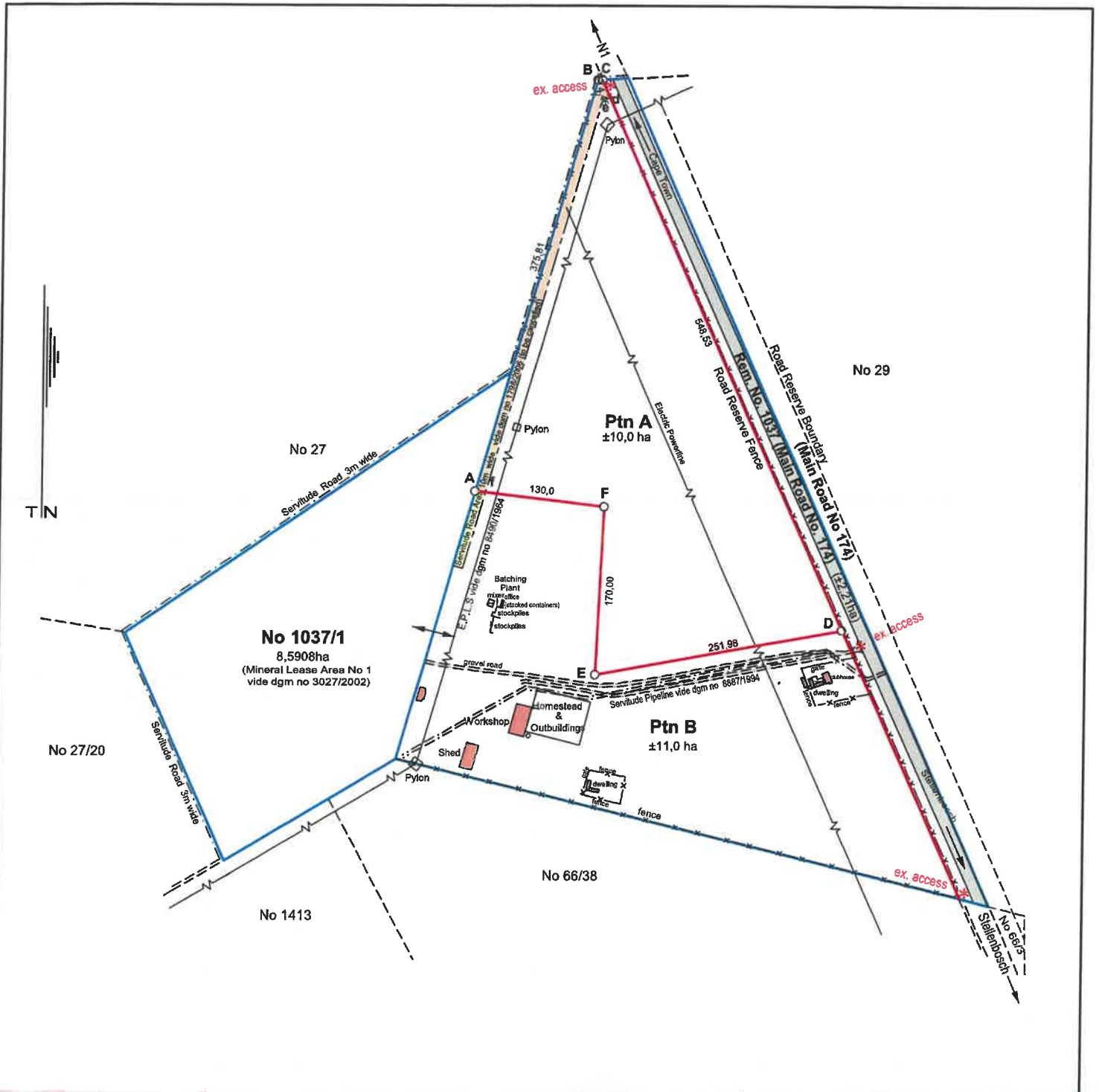


**Ground Storey - fire plan**  
1:150

<p><b>E+S</b> architects</p>		<p><b>Form_Ultispan</b></p>	
<p><b>Block A</b> Electrical layout, Door Schedule &amp; Fire plan</p>		<p>AS PREPARED BY: 12/07/2019</p>	
<p>PROJECT: Form_Ultispan</p>		<p>DATE: 12/07/2019</p>	
<p>CLIENT: MUNICIPAL SUBMISSION</p>		<p>STATUS: REVISIONS</p>	
<p>NOTES:</p>		<p>REVISIONS:</p>	

## **ANNEXURE H: PROPOSED SUBDIVISION**





**Notes :**

**A) SUBDIVISION**

The Remainder of the Farm Uitspan No 1037 Stellenbosch is to be subdivided into

- a) Ptn A ±10,0 ha
- b) Ptn B ±11,0 ha
- c) Rem No 1037 (MR No 174) ± 2,2 ha

**B) CONSOLIDATION**

Ptn B and Portion 1 of the Farm Uitspan No 1037 Stellenbosch measuring 8,5929 ha in extent are to be consolidated to form a land unit measuring ± 19,59ha in extent

**C) SERVITUDES**

- Servitude Road 10m wide vide dgm no 1798/2006 is to be cancelled
- Servitude Road 10m wide lettered ABCDEF is to be registered over Ptn A up to Main Road 174 i.f.o. Consolidated Land Unit B)

Ref: 1) Co-ordinate System WGS 84/19°  
2) S. G. Noting 3742

**dh&a**

david hellig & abrahamse  
professional land surveyors  
258 Main Street

Telephone : 021 872 4086

web site : www.dhaa.co.za  
email : david@dhaa.co.za

project **PLAN OF SUBDIVISION**

**The Remainder of the Farm  
Uitspan No 1037 Stellenbosch**

Scale	1 / 4000@A3
Date	April - July 2019
File No	S158/99 (A2)
Plan No	5 REV 1





DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No.
		Constant		± 0,00	+3 700 000,00	
AB	4,25	266 55 30	A	+18 045,31	+ 47 078,77	Approved  for Surveyor-General
BC	18,78	335 43 40	B	+18 041,07	+ 47 078,54	
CD	583,11	335 46 00	C	+18 033,35	+ 47 095,66	
DE	251,28	79 25 40	D	+17 794,02	+ 47 627,39	
EF	164,19	182 29 20	E	+18 041,03	+ 47 673,49	
FG	130,15	96 56 30	F	+18 033,90	+ 47 509,45	
GA	431,34	195 50 50	G	+18 163,10	+ 47 493,72	

Servitude Data					
CH	9,72	55 02 40	H	+18 041,31	+ 47 101,23
HJ	409,26	15 50 50	J	+18 153,07	+ 47 494,94
JG	10,11	96 56 30			
		42 Elsenburg	△	+15 762,92	+ 48 020,58
		55 Nooitgedacht	△	+17 491,79	+ 51 736,19

**Sheet No 1 of  
2 Sheets**

**Beacon Description:**

All beacons are 16 mm iron peg

**Servitude Notes:**

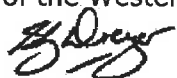
- 1) The line x y z represents the Centre Line of an Electrical Powerline Servitude vide dgm no 8490/1964 D/S 761/1965
- 2) The figure A B C H J G represents a Servitude Road Area, up to Main Road No 174 vide dgm no 1798/2006 D/T 2007. .86940 (Farm No 1037/1)
- 3) The figure A B C H J G represents a Servitude Road Area, measuring 4334 square metres, up to Main Road No 174, as shown.

The figure **A B C D E F G**  
represents **10,0006 hectares** of land, being  
**Portion 2 of the Farm Uitspan No 1037**

Situate in **the Municipality and**  
Administrative District of **Stellenbosch** Province of the Western Cape

Surveyed between **June 2002 and January 2020**

by me

  
**S G DREYER**  
Professional Land Surveyor  
(PLS1028)

This diagram is annexed to No. dated i.f.o.  Registrar of Deeds	The original diagram is No. 5526/1965 annexed to Transfer No.1966. .21639	File No. S.R. No. Comp. BH-8BCC (3762)
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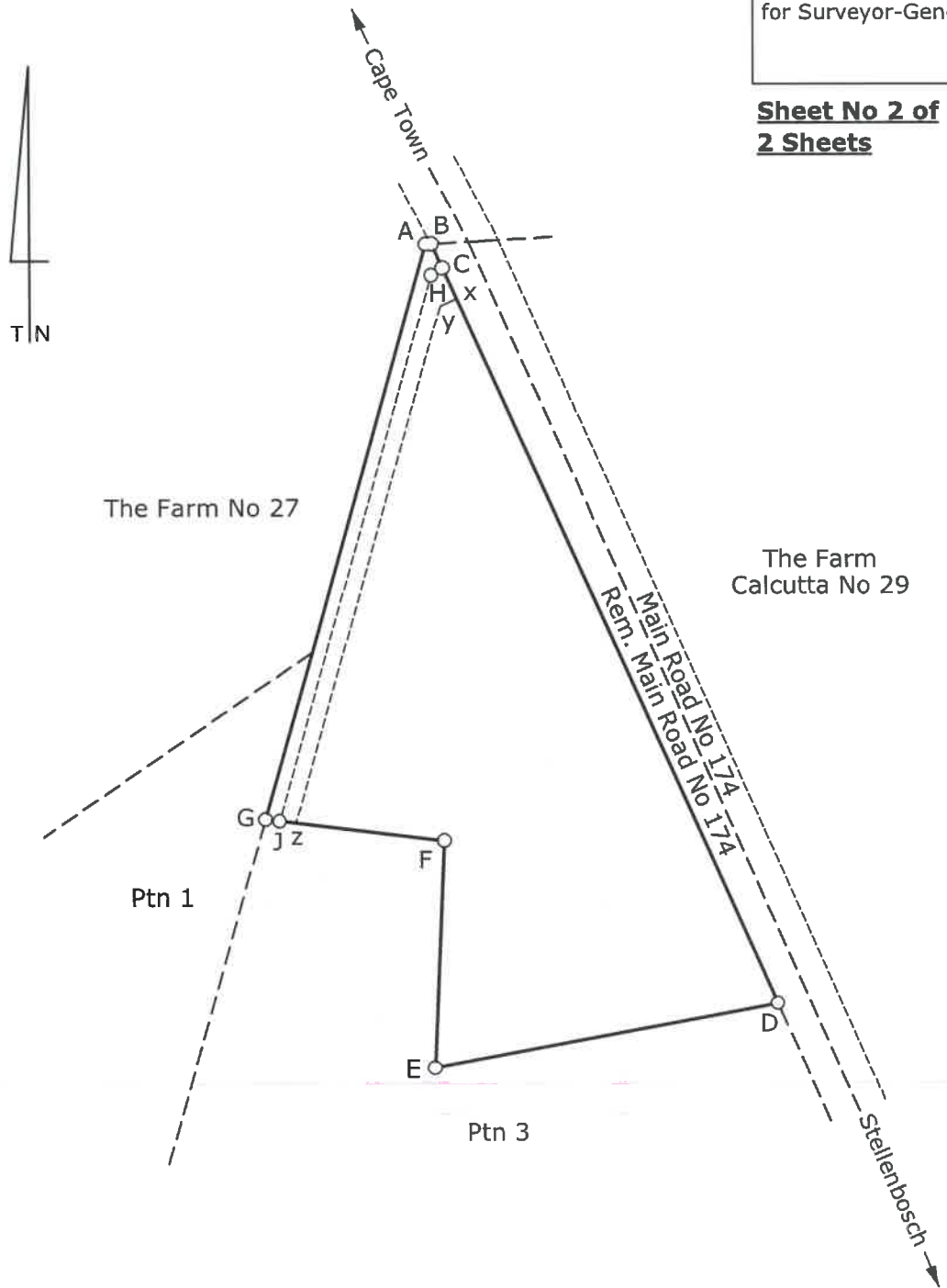
**Portion 2 of the Farm Uitspan No 1037  
Administrative District of Stellenbosch**

S.G. No.

Approved

for Surveyor-General

**Sheet No 2 of  
2 Sheets**



Surveyed between **June 2002 and January 2020** by me

**S G DREYER**

Professional Land Surveyor  
(PLS1028)

**Scale 1: 5000**

DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No.
		Constant		± 0,00	+3 700 000,00	
AB	130,15	276 56 30	A	+18 163,10	+ 47 493,72	Approved  for Surveyor-General
BC	164,19	2 29 20	B	+18 033,90	+ 47 509,45	
CD	251,28	259 25 40	C	+18 041,03	+ 47 673,49	
DE	304,29	335 46 00	D	+17 794,02	+ 47 627,39	
EF	587,87	103 46 20	E	+17 669,12	+ 47 904,86	
FA	281,91	195 50 50	F	+18 240,09	+ 47 764,91	
		42 Elsenburg	Δ	+15 762,92	+ 48 020,58	
		55 Nooitgedacht	Δ	+17 491,79	+ 51 736,19	

**Sheet No 1 of  
2 Sheets**

**Beacon Description:**

A B C D 16 mm iron peg  
E 16 mm iron peg in gravel road  
F 12 mm hole in concrete next to wooden fence post

**Servitude Notes:**

- 1) The line q r represents the Centre Line of an Electrical Powerline Servitude vide dgm no 8490/1964 D/S 761/1965
- 2) The lines s t, t u, u v, and v w respectively represent the North Eastern, North Western, North Eastern and North Western Boundaries of a Servitude Pipeline 3m wide vide dgm no 8887/1994 D/S
- 3) The figure A x y z represents a Servitude Road Area vide dgm no 1798/2006 D/T 2007. .86940 (Farm No 1037/1)

The figure **A B C D E F**

represents **11,1302 hectares**

of land, being

**Portion 3 of the Farm Uitspan No 1037**

Situate in **the Municipality and**

Administrative District of **Stellenbosch**

Province of the Western Cape

Surveyed between **June 2002 and January 2020**

by me

  
**S G DREYER**

Professional Land Surveyor  
(PLS1028)

This diagram is annexed to  
No.  
dated  
i.f.o.

Registrar of Deeds

The original diagram is

No. 5526/1965 annexed to

Transfer No.1966. .21639

File No.

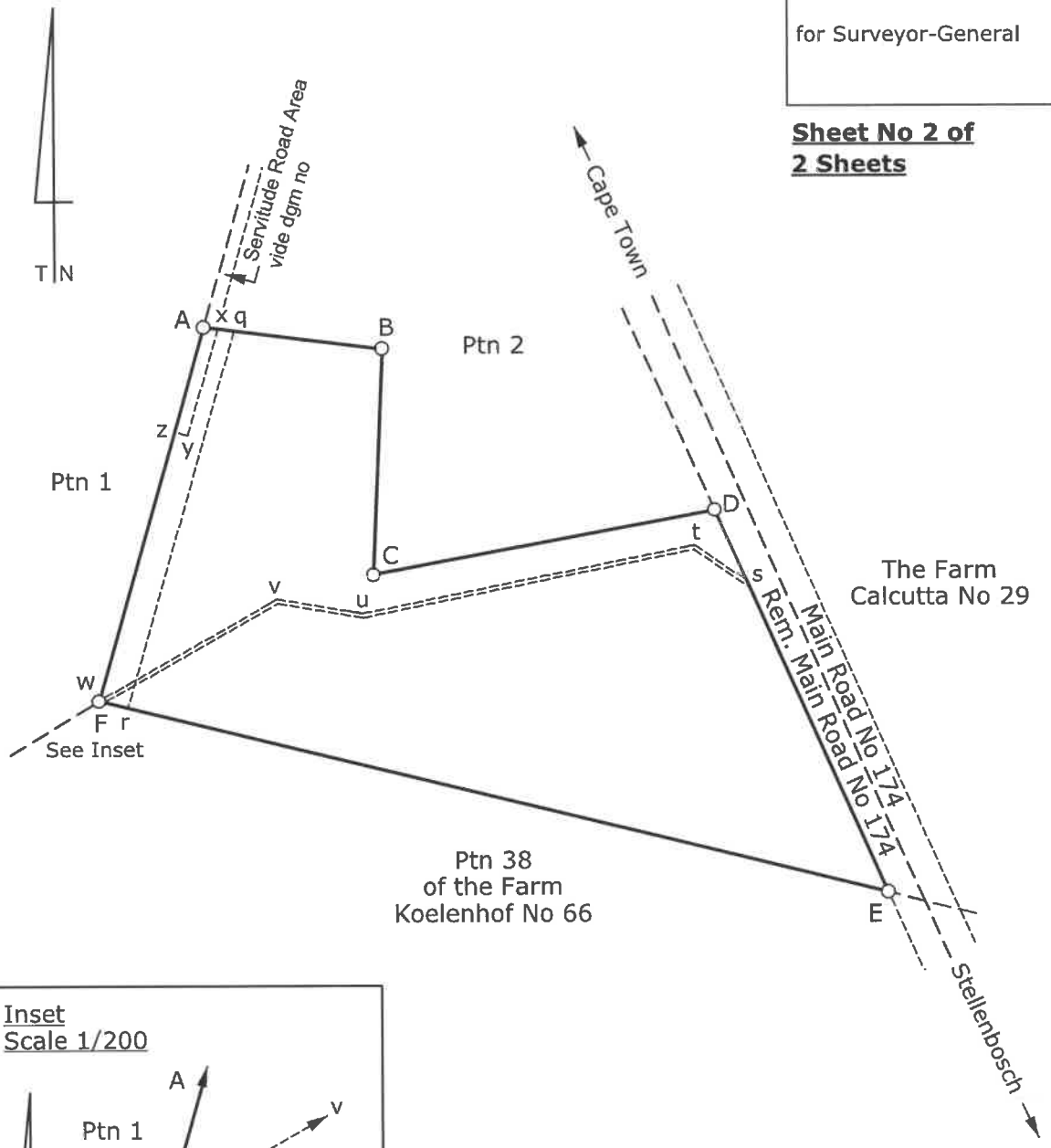
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Comp. BH-8BCC (3762)

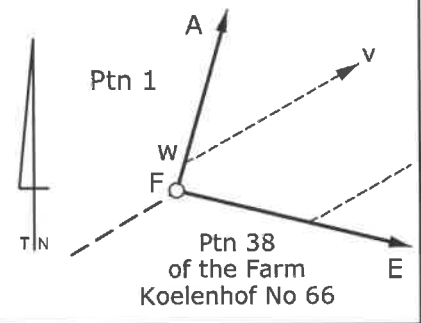
**Portion 3 of the Farm Uitspan No 1037**  
**Administrative District of Stellenbosch**

S.G. No.  
  
Approved  
  
for Surveyor-General

**Sheet No 2 of**  
**2 Sheets**



**Inset**  
**Scale 1/200**



Surveyed between **June 2002 and January 2020** by me

**S G DREYER**

Professional Land Surveyor  
(PLS1028)

**Scale 1: 5000**

DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No.
		Constant		± 0,00	+3 700 000,00	Approved  for Surveyor-General
AB	467,44	235 32 40	A	+18 514,35	+ 47 637,69	
BC	125,24	15 50 50	B	+18 128,91	+ 47 373,23	
CD	130,16	276 56 30	C	+18 163,10	+ 47 493,72	
DE	164,19	2 29 20	D	+18 033,90	+ 47 509,45	
EF	251,28	259 25 40	E	+18 041,03	+ 47 673,49	
FG	304,29	335 46 00	F	+17 794,02	+ 47 627,39	
GH	587,87	103 46 20	G	+17 669,12	+ 47 904,86	
HJ	201,11	59 04 50	H	+18 240,09	+ 47 764,91	
JA	252,02	156 11 30	J	+18 412,62	+ 47 868,25	
		42 Elsenburg	Δ	+15 762,92	+ 48 020,58	<b>Sheet No 1 of 2 Sheets</b>
		55 Nooitgedacht	Δ	+17 491,79	+ 51 736,19	

**Beacon Description:**

- A iron standard
- B 16 mm iron peg near wooden fence post
- C D E F 16 mm iron peg
- G 16 mm iron peg in gravel road
- H 12 mm hole in concrete next to wooden fence post
- J 20 mm iron peg

**Components:**

- 1) The figure A B H J represents Portion 1 of the Farm Uitspan No 1037 vide dgm no 1798/2006 D/T 2007. .86940
- 2) The figure C D E F G H represents Portion 3 of the Farm Uitspan No 1037 vide dgm no /2020 D/T

**Servitude Notes:**

- 1) The line q r represents the Centre Line of an Electrical Powerline Servitude vide dgm no 8490/1964 D/S 761/1965
- 2) The lines s t, t u, u v, v w and w H respectively represent the North Eastern, North Western, North Eastern, North Western and South Western Boundaries of a Servitude Pipeline 3m wide vide dgm no 8887/1994 D/S
- 3) The figure C x y z represents a Servitude Road Area vide dgm no 1798/2006 D/T 2007. .86940 (Farm No 1037/1)

**Note:**

The figure A B H J represents Mineral Lease Area No 1 vide dgm no 3027/2002 D/S K1291/2002<sup>L</sup>

The figures **A B C D E F G H J**

represents **19,7231 hectares**

of land, being

**Portion 4 of the Farm Uitspan No 1037 and comprising 1)-2) as enumerated above**

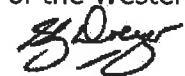
Situate in **the Municipality**

Administrative District of **Stellenbosch**

Province of the Western Cape

Surveyed between **June 2002 and January 2020**

by me

  
**S G DREYER**

Professional Land Surveyor  
(PLS1028)

This diagram is annexed to No. dated i.f.o.

The original diagrams are as enumerated above

File No.  
S.R. No.  
Comp. BH-8BCC (3762)

Registrar of Deeds

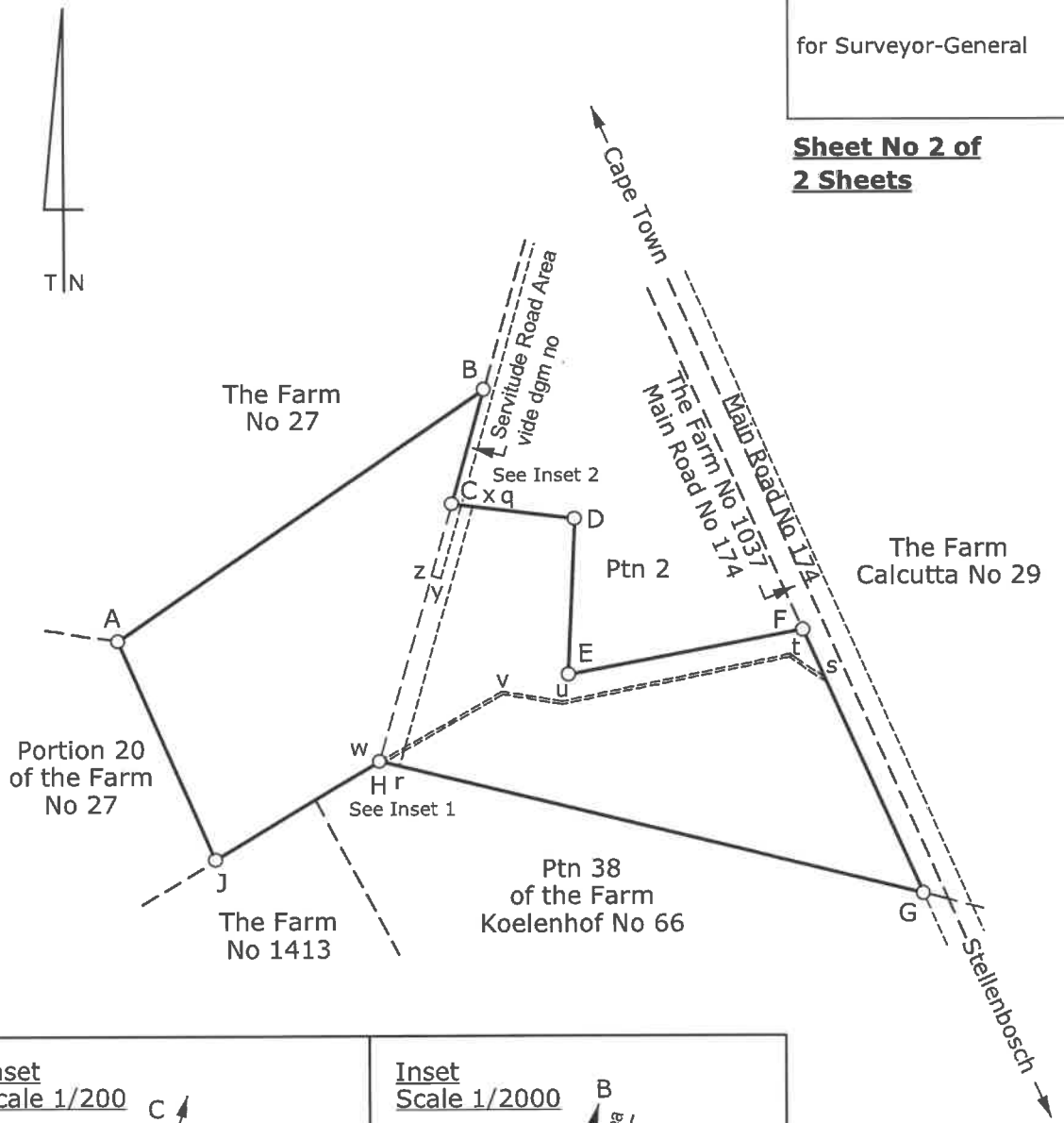
**Portion 4 of the Farm Uitspan No 1037  
Administrative District of Stellenbosch**

S.G. No.

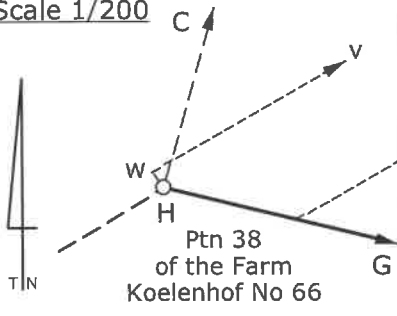
Approved

for Surveyor-General

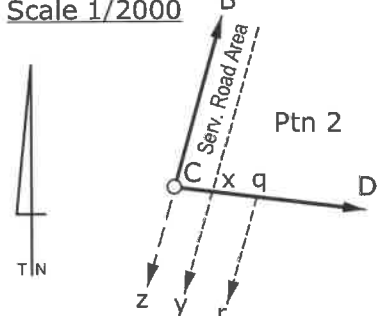
**Sheet No 2 of  
2 Sheets**



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Scale 1/200



Inset  
Scale 1/2000



Surveyed between **June 2002 and January 2020** by me

*S G Dreyer*  
**S G DREYER**

Professional Land Surveyor  
(PLS1028)

**Scale 1: 7500**