

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

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Stellenzicht Wine Farm, Stellenrust Road, Stellenbosch

Application Property Number: Farm 1320 Stellenbosch

Applicant: Emile van der Merwe Town Planning Consultants

Owner: Stellenzicht Wines (Pty) Ltd

Application Reference: LU/13667

Application Type: Consent Use

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

Application is has been in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law (2015) for Consent Use for tourist facility to formalise the wine pod tasting area ($\pm 180\text{m}^2$ in extent) with outside seating area ($\pm 200\text{m}^2$ in extent) on Farm 1320 Stellenbosch.

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

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

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

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

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 9 May 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 (0845566461/021-8865050) during normal office hours.)

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Geagte Meneer/Mevrou

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Stellenzicht Plaas, Stellenrust pad, Stellenbosch

Aansoek eiendom beskrywing: Plaas 1320 Stellenbosch

Aansoeker: Emile van der Merwe Stadsbeplanningskonsultante, Posbus 204 Stellenbosch, 7599

Eienaar: Stellenzicht Wines (Pty) Ltd

Aansoek Verwysing: LU/13667

Tipe Aansoek: Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning (2015) vir 'n vergunningsgebruik (toeristefasiliteit) ten die bestaande wynproe-area ($\pm 180\text{m}^2$) en buite area ($\pm 200\text{m}^2$) op die eiendom formaliseer.

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

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

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

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

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

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

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 9 Mei 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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 886 5050) gedurende normale kantoor ure/

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGSKONSULTANTE



EMILE VAN DER MERWE
town planning consultants

2021-01-21

My ref: Farm 1320 Stellenbosch

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR CONSENT USE: FARM 1320 STELLENBOSCH

Included hereby please find the necessary documentation in respect of the application made on the subject property for the following:

- Application for Consent Use (tourism facility) in terms of Section 15 (2) (a) of the Stellenbosch Land Use Planning By-Law to formalise the wine pod tasting area ($\pm 180\text{m}^2$) with outside seating area ($\pm 200\text{m}^2$) on a portion of the property that is not being used for agricultural production purposes.

Your response is kindly awaited and this office awaits the formal invoice for payment in respect of the compulsory application fees (R2500).

Your assistance is appreciated.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

Private Bag 1144004 | Stellenbosch | PO Box 254 | Stellenbosch 7599
Tel: 021-8854290 | Fax: 021-8854291 | Email: emile@emilvdmerwe.co.za

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

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Farm 1320, Stellenbosch Division, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

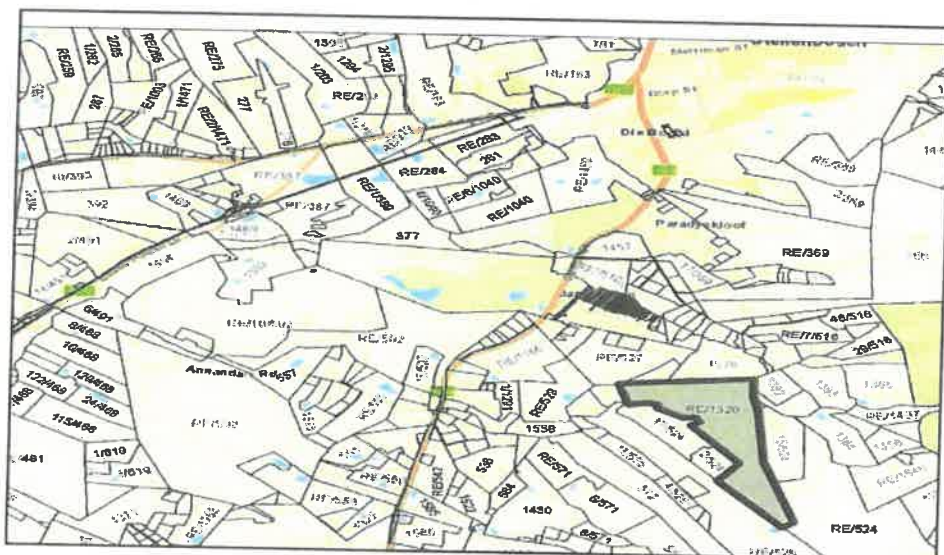
- Application for Consent Use (tourism facility) in terms of Section 15 (2) (o) of the Stellenbosch Land Use Planning By-Law to formalise the wine pod tasting area (±180m²) with outside seating area (±200m²) on a portion of the property that is not being used for agricultural production purposes.

The following report will show that the proposal is desirable from an integrated planning point of view and that it is fine with the planning policies of National- and Provincial Government as well as the planning directives endorsed in terms of the Stellenbosch Municipal Integrated Development Plan and the Stellenbosch Spatial Development Framework. The report further will show that the proposal is compatible with the surrounding land use character of the area.

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

The property is situated approximately 10k m to the south east of Stellenbosch Town and approximately 4km east of the R44 and Stellenrust Road intersection. Access is obtained from the existing entrance road off Stellenrust Road.

LOCATION PLAN



3. OWNERSHIP AND SIZE

The property is owned by Stellanzicht Wines (Pty) Ltd as held by Deed of Transfer T36961/2022. A copy of the Title Deed is attached as **Appendix 2**. The Company Resolution and Power of

Attorney in favour of the applicant is attached as **Appendix 3**. The Surveyor – General diagram is attached as **Appendix 4**. The property is 218.6743 ha in extent and falls with the jurisdiction area of the Stellenbosch Municipality.

4. EXISTING INFRASTRUCTURE/LAND USE AND ZONINGS RIGHTS

The current infrastructure on the farm comprise the following:

1. Winery and wine tasting and sales area
2. Wine pod tasting area
3. Farm entrance
4. 2x bona-fide farm dwellings
5. Store rooms
6. Remainder agriculture (±180 ha)



The Stellenbosch Municipality Zoning Scheme By-Law as adopted by Council on 29 May 2019 has come into effect from 1 November 2019.

The Remainder of Farm 1320 in terms of Chapter 20 of the afore-mentioned By-Law is zoned "Agricultural Rural Zone". The property (refer to zoning certificate attached as **Appendix 5**) is

zoned Agricultural Zone II with Consent Uses that accommodates the existing Wine Cellar and Wine tasting and sales area.

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building (≤2000m²) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (≤2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel (≥2001m² and ≤5000m²) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (≥2000m²) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use (> one event/year) • Plant nursery • Polytunnel (>5000m²) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

An agricultural industry is defined as follows:

Consistency with regards to provisions of the Stellenbosch Zoning Scheme By-Law

- The tourist facility will be undertaken from a land unit where the primary use of the land is for bona-fide agriculture (± 180 ha planted with vineyards)
- The application will not have a detrimental impact on the preservation of agricultural land and the continued use of the agricultural activities (vineyards on the farm)
- The tourist facility will be in keeping with the character of the buildings on the farm the scale as is such that it will not dominate the farming activities and existing built form
- The primary use of the land will be for bona-fide agriculture and the proposal will be subservient to the land use activities on the farm.
- The proposed facility is considered to be a rural place bound activity and is of small scale that will complement the farming operations whilst not compromising the agricultural sustainability, scenic and heritage and cultural landscape
- The proposed facility is accessible from the existing internal farm road. The proposal will not interfere with the daily running of the farming operations
- The proposal will not adversely affect the agricultural potential of the farming unit.

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

The development parameters are provided in the table below.

214. Building development parameters in this zone

- (1) The following building lines, height, and floor area or coverage thresholds shall apply to buildings and activities within this zone:

Building type	BUILDING LINES (m) Street & common boundaries (incl. ROW servitudes)	HEIGHT (Storeys)	PRIMARY USE Maximum Coverage Threshold	ADDITIONAL USE (SDP) Maximum Coverage Threshold	CONSENT USE Maximum Coverage
Tourist facilities					
Tourist facilities: overall max limit including outdoor areas used but excluding parking	5m	1 storey		250m ²	As approved by Municipality
-Shop in tourist facility sub-limit				120m ²	
-Manufacture and craft workshop sub-limit				50m ²	
Other Agricultural buildings					
Employee housing unit (excluding outbuildings, carport or garage)	5m	1 storey	120m ²	As approved by Municipality	
Agricultural buildings	5m	3 storeys	No overall limit on land unit	Any one building > 2000m ²	
Agricultural industry, including outdoor parking and loading areas	5m	3 storeys	n/a	<2000m ²	≥2000m ²
Polytunnels; including shade netting	5m	1 storey	≤2000m ²	≤2001m ² to 5000m ²	>5000m ²

5. PROPOSAL – SEE PLANS ATTACHED AS APPENDIX 6

Alto Wine Estate has a rich wine making history and prior to 2020 formed part of the Distell Group of Farms. The property in 2017 was acquired by Stellenzicht Wines = Pty Ltd as per the Title Deed attached as **Appendix 2**.

Alto is renowned for its exceptional red wine that has been produced on the farm for more than the last 50 years. The property (Farm 572) is one of the largest farming units that are located to the south-east of Stellenbosch. The property is planted with approximately 180 ha of vineyards and accommodates the Stellenzicht Winery and Wine tasting and sales area as well as other bona-fide agricultural buildings as referred to above.

The facility comprises the following:

- Wine pod - ±180m²
- Outside seating area ±200m²

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

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

The development proposal on the property conforms to the above criteria and it will not have any negative impact on the conservation of productive agricultural land and it will not impact on the long term viability of the farming unit.

One of the key initiatives of the Department of Agriculture relates to the diversification of the agricultural sector and the role that agri-processing can play in the economic development of the Western Cape. The department therefore recognizes the important role the agricultural and wine industry can play in the rural and economic development of farming enterprises of which the following are considered key components:

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

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

6. LEGISLATIVE AND POLICY CONTEXT

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

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

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

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

Spatial Justice

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

Spatial efficiency

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

Spatial resilience

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

Good Administration

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

LUPA

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

6.2 Western Cape Provincial Spatial Development Framework (WCPSPDF)

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

As far as the application is concerned, the principles contained in the WCPSPDF will have to be considered to ascertain whether sustainable development is promoted. Sustainable

development encompasses the integration of social, economic and ecological factors into planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

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

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

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

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

The Guidelines supports the following:

- Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise

biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape.

- Activities or land uses of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products, e.g.: farm tourism; Restaurant and function venue facility;

The proposal conforms to the following guidelines:

- The proposed facility is located in an area that does not impact on the agricultural activities as well as wetlands, floodplains and other important natural vegetation.
- The facility adjacent to the existing farm access roads and the services network.
- The cumulative effect of all ancillary and non-agricultural land uses will not detract from the rural character of the landscape and the primary agricultural activities.
- The facility will not detract from the functionality and integrity of farming practices and landscapes and is considered to be of an appropriate scale and form.
- The facility is appropriate in a rural context and it will generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.
- The facility is of appropriate scale compatible with the farmstead precinct and the surrounding rural context

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

6.3 Western Cape Strategic Plan 2014-2019

Vision

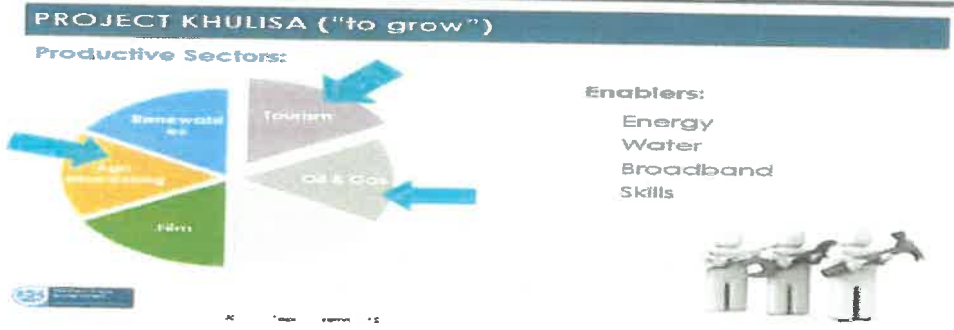
"We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected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

Provincial Strategic Goals



Western Cape Economic Drivers

PSG 1: Create opportunities for growth and jobs



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

6.4 Stellenbosch Spatial Development Framework

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

- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;

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

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

7. TRAFFIC IMPACT

Access to the facility will be obtained via the internal farm road that obtains access from the Stellenrust Road (Divisional Road 1053).

Farm entrance



Sight distance to the east



Sight distance to the west



It is envisaged that the proposal will have a negative impact on the traffic volume and traffic flow on the surrounding road network.

8. SERVICES

Potable water to the facility is obtained from the existing borehole on the property. Electricity is provided by Eskom. Sewerage will be accommodated by means of a conservancy tank.

9. CONCLUSION

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

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;
- The building is in close proximity of the existing farm office and will have direct access from the existing internal farm road. ;
- The new building will not impact on the production capacity of the farming unit.
- The proposal is subservient to the main farming agricultural activities;
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan with reference to growing the local economy by means of tourism related development
- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-Law and associated development parameters.

The proposal is in line to the following parameters of the zoning scheme:

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 1320 Stellenbosch Division.

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APPENDIX 1
LOCATION PLAN

APPENDIX 2
TITLE DEED

117

Cluver Markotter Inc
Cluver Markotter Building
Mill Street
Stellenbosch
7600

Prepared by me

CONVEYANCER
AREND LEOPOLD DE WAAL

Purchase price/Value	R. 131 023 00-00	R. 4675-00
Portion Amount		
Reason for exemption	Col. section	Exempt i.t. o

T 000036961 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS

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 9 May 2017 granted to him by

EVERGRACE FARM PROPRIETARY LIMITED
Registration Number 1988/005271/07

DATA / CAPTURE
06 JUL 2017
KETILEN

DATA / VERIFY
06 JUL 2017
BARLOW MARLYN

8

And the appearer declared that his said principal had, on 3 May 2017, truly and legally sold by Private Treaty the hereinmentioned property as part of a farming enterprise conducted as a going concern, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

STELLENZICHT WINES PROPRIETARY LIMITED
Registration Number 2015/188790/07

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

REMAINDER OF THE FARM STELLENZICHT NUMBER 1320 in the Municipality and Division Stellenbosch, Western Cape Province

IN EXTENT 218,6743 (TWO HUNDRED AND EIGHTEEN COMMA SIX SEVEN FOUR THREE) Hectares

FIRST REGISTERED and STILL HELD by Certificate of Consolidated Title Number T22850/1993 with Diagram S.G. Number 7021/1992 relating thereto

- I. **INSOFAR AS concerns that portion of the land represented by the figure ROPQ on said Diagram S.G. No 7021/1992;**
- A. **SUBJECT** to the conditions referred to in Deed of Transfer No T24522/1947.
- B. **SUBJECT FURTHER TO AND ENTITLED** to benefits under the following additional special conditions likewise contained in the said Deed of Transfer No T22755/1951, imposed by William Leopold du Plessis Bellairs as owner of Portions 4 and 7 of the said Consolidated Farm Bonte Rivier held by him under the said Certificate of Registered Title No T22754/1951, viz:
 - (2) That save and except as hereinafter provided the Transferee and his successors in title of the land hereby conveyed shall not be entitled to take any water from the mountain stream or any feeders thereof, traversing the South East portion of the said land or to do or cause to be done anything calculated to impede or diminish the flow of water therein, and he shall not only not permit but shall take all possible steps to prevent the pollution of the water in the said stream in any manner or degree whatsoever.
 - (3) That the water of the said stream shall be dealt with and apportioned in manner following, that is to say:
 - (a) The water thereof shall be stored or impounded in an intake weir to be constructed jointly by the Appearer's Constituent and the Transferee for their mutual benefit and for the benefit of future owners of the said remaining extent of the Consolidated Farm Bone Rivier and of Portions 4 and 7 thereof held by the Appearer's Constituent as aforesaid, on Portion 5 of the said Consolidated Farm in and across the said stream at the point

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marked "a" on the Diagram No 3682/47 of the said Portion 5 and marked "x" on the Diagram No 3680/47 of Portion 3 of the said farm, and shall be led or conducted from the said intake weir by means of a pipeline constructed of re-enforced concrete pipes of an internal bore of 17 mm to the point marked "y" on the Diagram No 3681/47 of Portion 4 of the said Consolidated Farm at which point "y" it shall be divided in such manner that 60 % of the water shall flow onto the land hereby conveyed, namely the remaining extent of the Consolidated Farm Bone Rivier and 40 % shall flow onto Portions 4 and 7 aforesaid of that farm.

- (b) The said pipe line shall from the point of intake referred to the preceding sub-paragraph (a) of this paragraph to the point of division of the water namely point "y" on the Diagram No 3681/47 of Portion 4 aforesaid follow the route or line of passage of the furrow represented on the Diagram No 3682/47 of the said Portion 5 by the blue lines a-b, b-c.
- (c) All expenses incurred in the due construction of the works aforesaid shall be borne in equal shares by the Appearer's Constituent and the Transferee and/or their respective successors in title and the cleaning, maintenance and repair of the aforesaid common intake weir and of the said pipeline shall be the joint responsibility of the owners for the time being of the said Remaining Extent of the Consolidated Farm Bone Rivier and of the said Portions 4 and 7 thereof, and all expenses in connection therewith shall be borne by them in equal shares.
- (d) That insofar as this may be necessary the Appearer's Constituent hereby gives and grants to the Transferee and his successors in title of the land hereby conveyed a servitude of abutment on the said Portion 5 of the said Consolidated Farm Bone Rivier held by the Appearer's Constituent as aforesaid, in the position hereinbefore indicated in sub-para (a) of this paragraph, and together therewith a servitude of pipeline on and over the said Portion 5 and the said Portions 3 and 4 of the said Consolidated Farm in the position hereinbefore indicated in sub-para (b) of this paragraph, and together therewith all rights ancillary thereto including especially a right of access over the said Portions 4, 3 and 5 along the route or line of passage of the said pipeline for the purpose of inspecting, cleaning, repairing and maintaining the said pipeline and the said intake weir situate on the said Portion 5.

C. **NOT SUBJECT** to condition C. on page 5 of Certificate of Consolidated Title No T22850/1993, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

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II. **INSOFAR AS concerns that portion of the land represented by the figure HJKLMNORSTUVWXYZA'B'C'D'E'F'G'H'J'K'L'M' on said Diagram S.G. No 7021/1992**

A. **SUBJECT** to the conditions mentioned or referred to in Deed of Transfer No T17952/1948;

B. **SUBJECT FURTHER** to the conditions referred to in the endorsement of servitude dated 30th September 1939 on Certificate of Amended Title No T4741/1931, in so far as they may be applicable to the land hereby conveyed, reading as follows:

"By Deed of Transfer No 10847 dated 30th September 1939:-

(1) The owner and his successors in title to Portion 1, called Rust en Vrede, i.e. the Property thereby conveyed has been granted

(a) the sole use on Monday, Wednesday and Friday in each week of all the water flowing down the stream on the remainder held hereunder and indicated on the diagram annexed to the said Deed with the right to divert the water into the furrow on the said Remainder marked F.E. on the said diagram together with rights of ingress and egress for maintenance and repairs.

(b) the sole use of water in the spring situate on the said remainder indicated on the said diagram and the right to lead the water from the spring to the pint marked D on the said diagram together with the right of ingress and egress for maintenance and repairs.

C. **SUBJECT FURTHER and ENTITLED** to the benefit as the case may be to the following conditions reference where to was on the 14th January 1977 endorsed on Deed of Transfer No T15566/1966, namely:

"By Deed of Transfer No 205/1977 dated this day, the Remainder of the within property is:

(a) **ENTITLED** to the benefit of the following conditions imposed by and in favour of the Transferor therein and his successors in title as the registered owner of –

CERTAIN piece of partly freehold and partly redeemed quitrent land, situate in the Division of Stellenbosch being the Remainder of Portion 3 of the Farm STELLENRUST No 524;

IN EXTENT: 217,4962 (Two Hundred and Seventeen Comma Four Nine Six Two) Hectares;

HELD under Deed of Transfer No 15566 dated 3rd August 1966;

WHICH conditions shall be binding upon the Transferee therein and his successors in title to the property thereby transferred namely:-

4

- "1. No quarrying for stone on or removal soil from the property hereby transferred shall be permitted;
 2. No building or structure of any kind shall be erected on the property hereby transferred within 100 metres of the common boundary between it and the aforementioned Remainder of Portion 3 of the farm Stellenrust No 524;
 3. The property hereby transferred shall not be entitled to any of the rights to water enjoyed by the aforementioned Remainder Portion 3 of the farm Stellenrust No 524, which rights are reserved to the latter property, save and except that the property hereby transferred shall be entitled to the natural flow and drainage of rainwater from the said Remainder of Portion 3 of the farm Stellenrust No 524 into the existing dam situate on the catchment area bounded by the letters O.P.Q.R. on the said Diagram No 3693/76."
- (b) **SUBJECT** to the condition which shall be binding upon the Transferor therein and his successors in title as the registered owner of –

CERTAIN piece of partly freehold and partly redeemed quitrent land, situate in the Division of Stellenbosch being the Remainder of Portion 3 of the farm STELLENRUST No 524;

IN EXTENT: 217,4962 (Two Hundred and Seventeen Comma Four Nine Six Two) Hectares;

HELD under Deed of Transfer No 15566 dated 3rd August 1966;

namely, that he shall not erect or cause to be erected thereon any building or structure within 100 metres of the common property between it and the property thereby transferred save and except that the provisions hereof shall not apply to existing buildings and existing structures erected on the aforementioned Remainder of Portion 3 of the farm Stellenrust No 524 within the area concerned."

- III. **INSOFAR AS** concerns that portion of the land represented by the figure ABCDEFG on said Diagram S.G. No 7021/1992:
- A. **SUBJECT** to the conditions referred to in Deed of Transfer No T5775/1932.
 - B. **ENTITLED** to the benefits of the rights referred to in the endorsements dated 7th October 1921 on Deed of Transfer No T10366/1920 and Deed of transfer No T40 dated 3rd February 1885.
 - C. **SUBJECT FURTHER** to the provisions of the following endorsements dated 1st June 1938 on Deed of Transfer No T5775/1932, namely:

"Kragtens notariële akte van serwituut gedateer 26.4.1938 is die reg aan die Elektrisiteits Kommissie gegee om elektrisiteitte vervoer oor die hierin

beskrywe eiendomme deur middle van kables en/of drae soos aangetoon op die kaart daaraan geheg onderworpe aan die voorwaardes en soos meer breedvoerig blyk uit die gesegde notariële aktes hede geregistreer in die register van servitude onder nr 119/1938."

which servitude is indicated by the letters xy and vw on the said Diagram S.G. No 7021/1992.

D. **SUBJECT FURTHER and ENTITLED** to the following conditions imposed by Jacob Daniel Krige, contained in Deed of Transfer No T17094/1983, namely:

- (I) **ENTITLED** to a servitude right of way 5 (five) metres wide, the southern boundary of which is indicated on diagram no 1454/1982 annexed hereto, by the line AB and BC over the remainder of Portion 1 (Belsvlei) of the consolidated farm Nietgegund No 516 in the Division of Stellenbosch, measuring 57,1670 (Fifty Seven Comma One Six Seven Nought) Hectares held by the transferor by Deed of Transfer No T4490/1973, which servitude is indicated by the lines BC and CD on the said Diagram S.G. No 7021/1992.
- (II) **SUBJECT** to a servitude right of way, 5 (five) metres wide, the northern boundary of which is indicated on the said diagram 1454/1982 by the line AB and BC in favour of the remainder of Portion 1 (Belsvlei) of the consolidated farm Nietgegund No 516 in the Division of Stellenbosch, measuring 57,1670 (Fifty Seven Comma One Six Seven Nought) Hectares, held by the transferor under Deed of Transfer No T4490/1973, which servitude is indicated by the lines BC and CD on the said Diagram S.G. No 7021/1992.
- (III) **SUBJECT** to a servitude right of way, 10 (ten) metres wide, the eastern, northern and eastern boundaries of which are respectively indicated on the said Diagram No 1454/1982 by the lines CD, DE and EF, in favour of the remainder of Portion 1 (Belsvlei) of the consolidated farm Nietgegund No 516 in the Division of Stellenbosch, measuring 57,1670 (Fifty Seven Comma One Six Seven Nought) Hectares, held by the Transferor by Deed of Transfer No T4490/1973, which servitude is indicated by the lines DE, EF and FG on the said diagram S.G. No 7021/1992.

IV. **INSOFAR AS concerns the whole of the property:**

SUBJECT to an endorsement dated 31 July 2000 on Certificate of Consolidated Title No T22850/1993, which reads as follows:

"By Notarial Deed K732/2000S dated 20 April 1999 the withinmentioned property is subject to a 4 m wide water pipeline servitude in favour of the Cape Metropole Council the servitude which is indicated by the line ABCD on diagram 10311/95 filed with said Notarial Deed. As will more fully appear from said Notarial Deed."

h

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

EVERGRACE FARM PROPRIETARY LIMITED
Registration Number 1988/005271/07

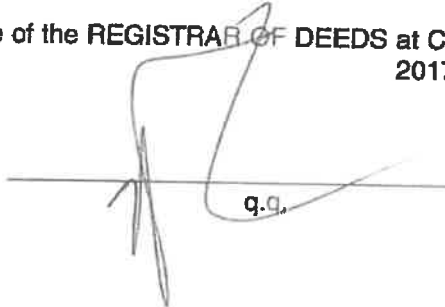
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

STELLENZICHT WINES PROPRIETARY LIMITED
Registration Number 2015/188790/07

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, and finally acknowledging the purchase price to be the sum of R131 023 000,00 (ONE HUNDRED AND THIRTY ONE MILLION TWENTY THREE THOUSAND RAND) .

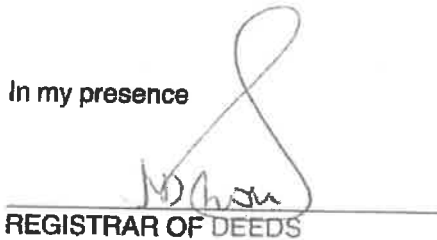
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 30 JUN 2017 2017



q.q.

In my presence



REGISTRAR OF DEEDS

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

RESOLUTION OF THE DIRECTORS OF STELENZICHT WINES PROPRIETARY LIMITED

("THE COMPANY) PASSED ON 17 JANUARY 2022)

REGISTRATION NUMBER: 2015/188790/07)

The Directors resolve to authorise GIDEON VAN ZYL in his capacity as Group Chief Operating Officer of the company to act on behalf of the company and to sign the relevant Power of Attorney in respect of the consent use application on Farm 1320 Stellenbosch

SIGNED

DATE



18 January 2022

Edwin Oblowitz



18/01/2022

Louis Strydom



18/01/2022

Marco Herman Sander

POWER OF ATTORNEY

STELLENZICHT WINES (PTY) LTD, the registered owner of Farm 1320 Stellenbosch held by Deed of Transfer T36961/2017

Do hereby nominate and constitute and appoint

Emile van der Merwe Town Planning Consultants

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

- APPLICATION FOR CONSENT USE IN TERMS OF SECTION 15 OF THE STELLENBOSCH LAND USE PLANNING BY-LAW (2015)**

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

SIGNED AT STELLENBOSCH ON THIS 17TH DAY OF JANUARY
2022.


GIDEON VAN ZYL
COO

APPENDIX 4
SG DIAGRAM

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES			S.G. No.
		Y	System	Lo 19° X	
	Constants		0,00	+3700000,00	7021/92 Approved <i>K. Friedlaender</i> for Surveyor-General 1992-10-14 SHEET 1 OF 3 SHEETS
AB	201,44	296 39 40	A +	12731,51 + 62309,56	
BC	249,56	72 55 30	B +	12839,68 + 62139,62	
CD	179,28	198 08 10	C +	12599,08 + 62073,33	
DE	201,74	69 58 10	D +	12449,65 + 61974,28	
EF	163,64	276 32 40	E +	12405,96 + 62171,23	
FG	142,35	73 16 40	F +	12251,28 + 62117,81	
GH	119,70	273 29 10	G +	12245,49 + 62260,04	
HJ	381,9	88 56 20	H +	12126,41 + 62247,91	
JK	196,1	217 42 10	H +	12126,7 + 62248,0	
KL	163,4	99 30 10	J +	12095,0 + 62628,5	
LM	927,9	223 42 20	K +	11962,7 + 62773,2	
MN	1295,7	193 01 00	L +	12063,4 + 62901,9	
NO	172,8	112 58 00	M +	11971,8 + 63825,2	
OP	12,51	180 07 00	N +	11556,8 + 65052,7	
PQ	1244,17	90 40 50	O +	11685,9 + 65167,5	
QR	6,57	101 56 10	O +	11686,13 + 65167,30	
RS	417,9	179 59 40	P +	11695,46 + 65175,63	
ST	426,2	258 19 10	Q +	12535,03 + 64257,44	
TU	506,3	174 21 40	R +	12531,20 + 64252,10	
I'M	380,1		S +	12287,8 + 63912,4	
M'A	1047,0	81 13 40	T +	12576,8 + 63599,2	
			U +	12881,9 + 63195,1	
			L'	13677,7 + 62783,4	
			M'	13773,4 + 62415,6	
CONNECTION					
	O N' 1034,3	180 00 00	N' +	10984,1 + 65927,3	
	(9) Helderberg	▲ +	10986,97	+ 66847,76	
	(65) Stel 7	▲ +	14377,22	+ 62509,37	
	(404) Paradys	▲ +	10120,28	+ 59264,21	
	(334) Stel 11	▲ +	6457,49	+ 63135,15	
COMPONENTS					
1. The figure ABCDEFGHJKLMNORSTUVWXYZA'B'C'D'E'F'G'H'J'K'L'M' represents the farm SUNFARM No. 1156 Vide Dgm. No. 1455/82 CCT 1983- -17095					
2. The figure ROPQ represents Portion 12 of the consolidated farm BONTE RIVIER No. 525 Vide Dgm. No. 7020/92 CCT 22849/93.					
The figure A B C D E F G H J K L M N O P Q R S T U V W X Y Z A' B' C' D' E' F' G' H' J' K' L' M' represents 229,3661 hectares of land, being the farm STELLENZICHT No. 1320 and comprises figures 1. and 2. situate in the listed above					
Administrative District of Stellenbosch Compiled Surveyed in July 1992 by me,			Province of Cape of Good Hope. <i>K. Friedlaender</i> K Friedlaender Land Surveyor		
This diagram is annexed to No. 22850/93 dated i.f.o.		The original diagrams are as quoted above No. annexed-to Transfer/Grant No.		File No. Stel 1320 S.R. No. Compiled Comp. BH-8DCD (3785) AH-2BAB (3283)	
Registrar of Deeds					

APPENDIX 5
ZONING INFORMATION

STZ 'M' 49



STELLENBOSCH

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Our Ref : Farm No. 1320 S
Contact person : C Charles
Contact no : (021) 808 8699
Date : 06 October 2016

ZONING CERTIFICATE: FARM NO. 1320, STELLENBOSCH DIVISION

It is hereby certified that the zoning of Farm No. 1320, Stellenbosch Division in terms of Section 8 of Land Use Planning Ordinance, 1985 (No. 15 of 1985) is:

Agricultural Zone I

PRIMARY USES	CONSENT USES <i>(Land uses allowed with the consent of Council)</i>
Agriculture	Additional dwelling units Farmstore Farmstall Intensive feed farming Riding school Nursery Service trade Tourist facilities Aquaculture Guest House Rooftop base telecommunication station Freestanding base telecommunication station Renewable energy structure

Agricultural Zone II (Wine cellar of ±8376m²)

- Consent Use for wine tasting and sales facility (±330m²) within existing wine cellar

PRIMARY USES	CONSENT USES <i>(Land uses allowed with the consent of Council)</i>
Agriculture	Farmstore Tourist facilities Aquaculture

Director: Planning & Economic Development

Please Note: Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate





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Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref
Application No
Datum / Date
Telefoon / Telephone
Faks / Fax

C Charles / U Von Molendorff
-
Farm 1320, Stellenbosch
LU/1818
2011-07-26
021-808 8699 / 8682
021-808 8651

REGISTERED MAIL

Ahg Property Planning and Development
PO Box 620
Stellenbosch
7599

Sir/Madam

APPLICATION FOR CONSENT USE ON FARM 1320, BLAAUWKLIPPEN ROAD, STELLENBOSCH DIVISION

Your application in the above regard, refers.

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

1. That approval be granted in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance (15 of 1985) and promulgated under P.N. 1048/1988, for a consent use in order to operate a wine tasting and sales facility ($\pm 330\text{m}^2$) within the existing wine cellar on Farm 1320, Blaauwklippen Road, Stellenbosch as per Unnumbered Drawing, dated October 2010, drawn by Unknown attached as Annexure B, subject to the conditions as per attached Annexure A.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R620,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plein Street, Stellenbosch, within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you (as well as any objectors, if any) will be advised of a further right of appeal in terms of Section 44 of Land Use Planning Ordinance, No 15 of 1985 in due course.

49.

STELLENBOSCH MUNICIPALITY
STELLENBOSCH - P.O. BOX 11111

ANNEXURE A

Date of final approval: _____

APPROVAL DOCUMENT for Farm 1320, Blaauwklippen Road, Stellenbosch

In this approval document:

"Council" means the Stellenbosch Municipality

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

"the property" means Farm 1320, Blaauwklippen Road, Stellenbosch

"scheme regulations" has the meaning assigned thereto by Ordinance 15 of 1985.

- EXTENT OF APPROVALS: Approval for a consent use in order to operate a wine tasting and sales facility (±330m²) within the existing wine cellar per Unnumbered Drawing, dated October 2010, drawn by Unknown.
- VALIDITY OF APPROVAL: The approval for the consent use is valid from the date of final notification:
- CONDITIONS IMPOSED: Consent Use Conditions

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE 15 OF 1985 IN RESPECT OF THE PROPERTY CONCERNED:

- a) That the approval applies only to the consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- b) Building plans for the wine tasting and sales facility which forms part of the wine cellar building must be submitted to this Council for consideration and approval;
- c) Conditions imposed by the Engineering Services Department (attached hereto as Annexure D) must be complied with;
- d) Conditions imposed by Department: Transport and Public Works (attached hereto as Annexure E) must be complied with;
- e) Conditions imposed by Department of Health (attached hereto as Annexure F) must be complied with;
- f) Council reserves the right to impose further conditions if deemed necessary.

Recommended by the Manager: Land Use Management

N Duze
.....
N Duze

21/06/2011
.....
Date

Resolved by Director: Planning and Development

B Davidson
.....
B Davidson

22/07/2011
.....
Date

APPENDIX 6
PRE SCRUTINY FEEDBACK



Emile Van der Merwe
emilevdm@adept.co.za
0845566461

14 January 2022

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, FARM 1320 STELLENBOSCH DIVISION

1. Your pre-application scrutiny submission on the above property dated **17 December 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use 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].
4. 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>).
5. 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.
6. 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.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

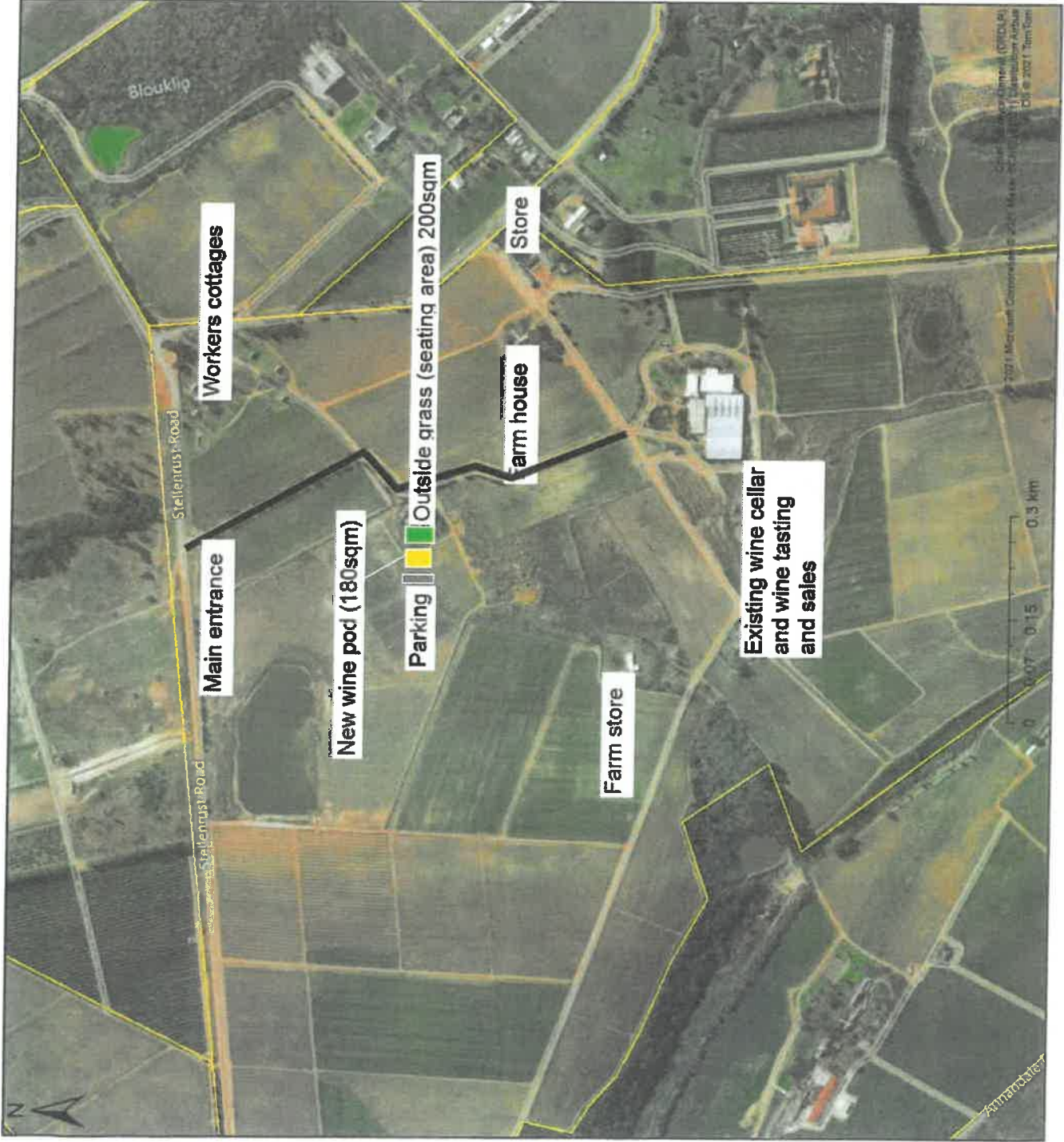
Bongiwe Zondo
bongiwe.zondo@stellenbosch.gov.za

APPENDIX 7
PLANS

Site Plan : Farm 1320

Legend

 Farm Portions



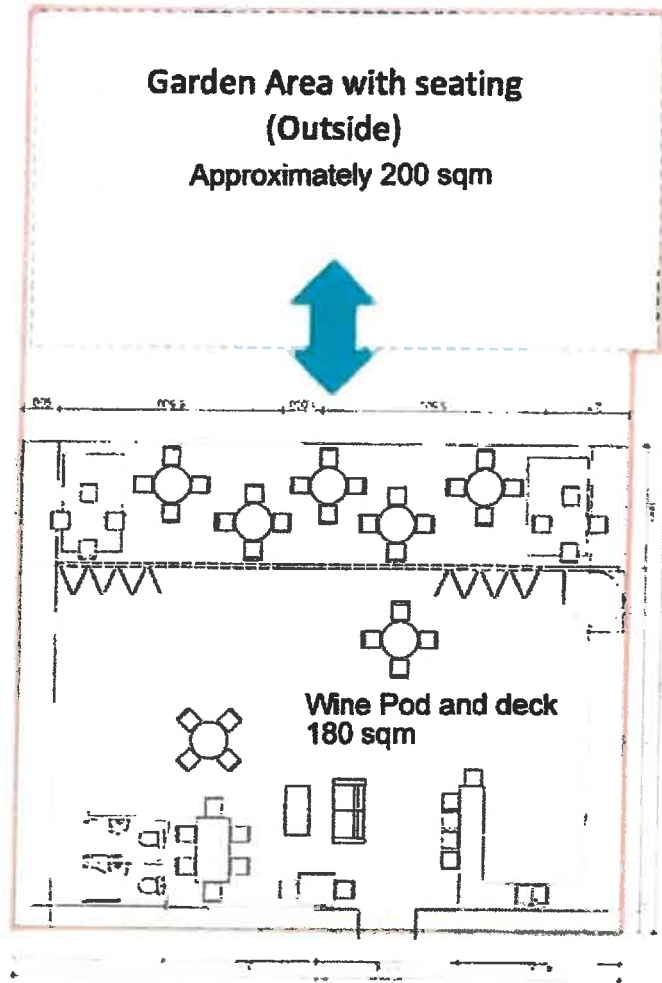
Map Center: Lon: 18°51'51.4"E
Lat: 33°59'41.6"S

Scale: 1:9 028

Date created: December 17, 2021



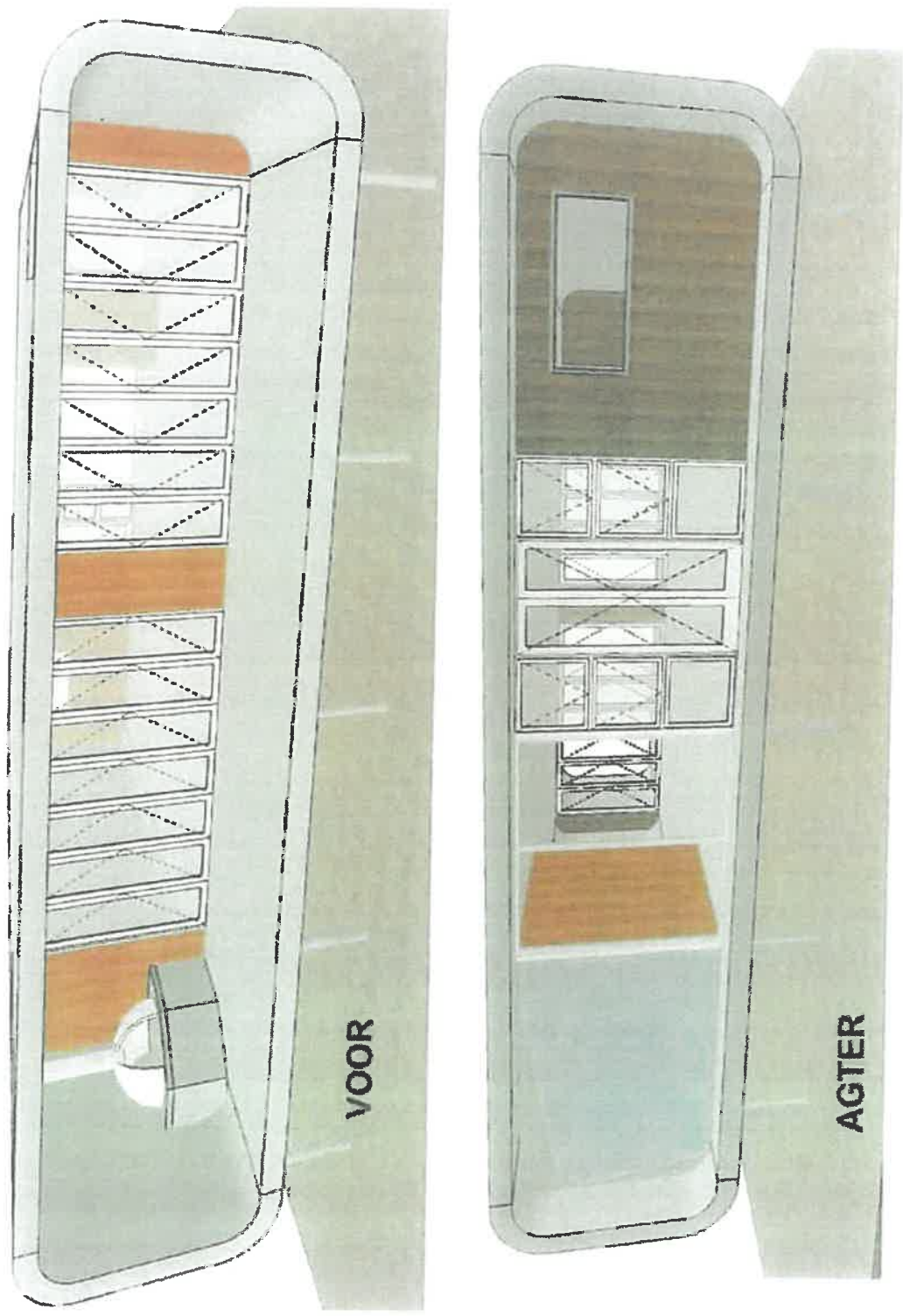
Tasting Pod – Floor Layout



Parking Area

Entry and Exit
From parking area

Artist's image of what the proposed licensed premises will look like. 19



APPENDIX 8
APPLICATION FORM



STELLENBOSCH

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LAND USE PLANNING APPLICATION FORM 2017

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

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

PART A: APPLICANT DETAILS

First name(s)	Emile				
Surname	van der Merwe				
Company name (if applicable)	Emile van der Merwe Town Planning Consultants				
Postal Address	PO Box 204				
	Stellenbosch	Postal Code	7599		
Email	emilevdm@adept.co.za				
Tel	021 886 5050	Fax	021 8838965	Cell	0845566461

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

Registered owner(s)	Stellenzicht Wines Pty Ltd				
Physical address	Stellenrust Road				
	Stellenbosch	Postal code	7600		
E-mail	gideon@emieelswines.com				
Tel	0218813588	Fax		Cell	0767291158

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

Erf / Erven / Farm No.	Farm 1320	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	As above						
Current Zoning	Agricultural and Rural Zone with Consent use for winery and wine tasting and sales	Extent	218.8743ha	m ² / ha	Are there existing buildings?	Y	

Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law (2019)											
Current Land Use												
Title Deed number and date	T	36961/2017										
Attached Conveyance's Certificate		N	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)?		N	If Yes, list the party(ies):									
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):									
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management									
Is the building located within the historical core?		N	Is the building older than 60 years?		N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹		N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.			
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y		If yes, is this application to legalize the building / land use ² ?					Y				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		N	Are there any land claim(s) registered on the subject property(ies)?						N			
PART D: PRE-APPLICATION CONSULTATION												
Has there been any pre-application consultation?	Y		If Yes, please attach the minutes of the pre-application consultation.									
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)												
Tick	Type of application: Cost are obtainable from the Council Approved tariffs³											
	15(2)(a) Rezoning of Land											
	15(2)(b) a permanent departure from the development parameters of the zoning scheme											
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;											
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;											
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;											

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 have 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)

³ <http://www.stellenbosch.gov.za/documents/idr-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>

	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		
	15(2)(g) a permission required in terms of the zoning scheme;		
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;		
	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;		
X	15(2)(o) a consent use contemplated in the zoning scheme;		
	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)(s) When the Municipality on its own initiative intends to conduct land development or an activity		
	15(2)(t) Amendment of Site Development Plan		
	15(2)(u) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines		
OTHER APPLICATIONS			
	Deviation from Council Policies/By-laws; 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; data messages	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 2500
* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.			
** 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			
Name:	Stellenbosch Municipality		
Bank:	NEDBANK		
Branch no.:	198765		
Account no.:	1152271679		
SWIFT	NEDSZAJJ		
Payment reference: (Erf/Farm number)		

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

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street		From	m	To	m	
	Street		From	m	To	m	
	Side		From	m	To	m	
	Side		From	m	To	m	
	Aggregate side		From	m	To	m	
	Rear		From	m	To	m	
Exceeding permissible site coverage		From	%	To	%		
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To			
Exceeding height restriction		From	m	To	m		
Exceeding maximum storey height		From	m	To	m		
Consent/Conditional Use/Special Development							
To permit..... the establishment of a tourist facility (wine tasting and sales) in terms of Section..... 209of the..... Stellenbosch zoning scheme by-lawZoning Scheme Regulations							
Other (please specify)	<hr/> <hr/> <hr/>						

Brief description of proposed development / intent of application:
 See motivation attached

APPLICATION

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

Information and documentation required

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

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

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

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

SECTION I: DECLARATION

I hereby wish to confirm the following :

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

declarations made as to his or her qualification as a Competent person and/or registration as a professional.

- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
- 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:

Emile van der Merwe

Date:

2022-01-20

Full name:

EMILE VAN DER MERWE

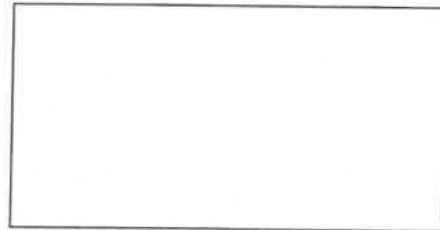
Professional capacity:

PROFESSIONAL PLANNER A1146/1999

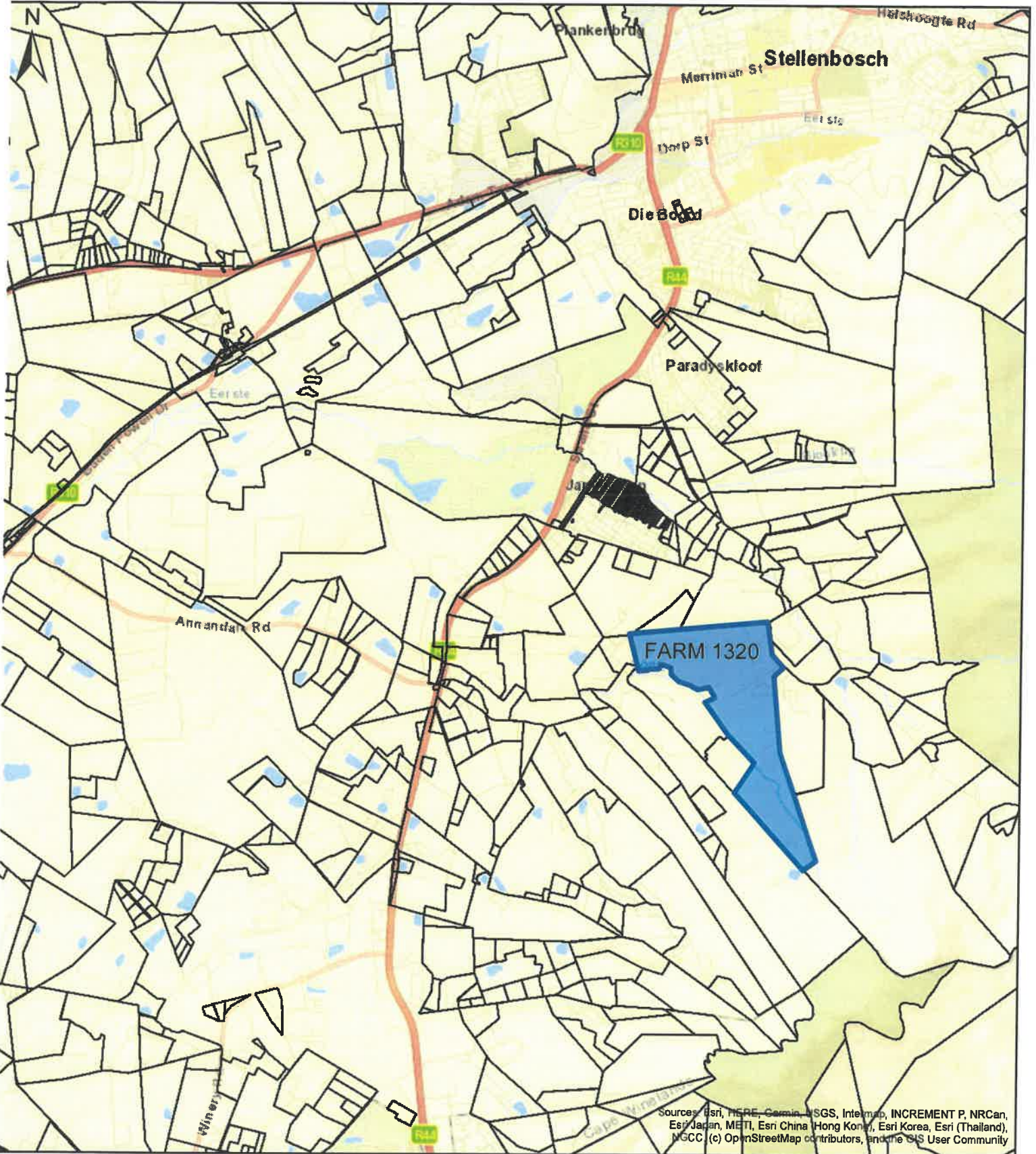
FOR OFFICE USE ONLY

Date received: _____

Received By: _____



Location Plan: Farm 1320 Stellenbosch



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC (c) OpenStreetMap contributors, and the GIS User Community

Legend
□ Farm Portions

0 0.75 1.5 3 km

Map Center: Lon: 18°50'6.5"E
Lat: 33°59'8.3"S

Scale: 1:72 224

Date created: December 17, 2021