

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:

Property address	:	Le Pommier Wine and Guest Farm, Helshoogte Road
Property number	:	Portion 24 of Farm 127 Stellenbosch Division
Applicant	:	Emile van der Merwe Town Planning Consultants
Owner	:	Investzik Thirteen (Pty) Ltd
Application reference	:	LU/12038
Application type	:	Consent Use

Detailed description of land use or development proposal:

Application is made in terms of 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law (2015) for a consent use on Farm 127 Portion 24 Stellenbosch Division for a tourist facility to utilise the existing farm shed as a function venue.

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**

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **8 March 2021**. A 60 day commenting period applies to the relevant state departments.

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 (021-8865050/0845566461) during normal office hours.

Yours faithfully

EMILE VAN DER MERWE

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

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

Adres van aansoek eiendom :	Le Pommier Wine and Guest Farm, Helshoogte Road
Aansoek eiendom beskrywing:	Gedeelte 24 van Plaas 127, Afdeling Stellenbosch
Aansoeker :	Emile van der Merwe Stadsbeplannings konsultante
Eenaar :	Investzek Thirteen (Edms) Bpk
Aansoek verwysing :	LU/12038
Tipe aansoek :	Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek

Aansoek in terme van Artikel 15 (2) (c) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning(2015) vir 'n vergunningsgebruik op Gedeelte 24 van Plaas 127 ten vir 'n toersitefasiliteit ten einde die bestaande stoor as funksiefasiliteit aan te wend.

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 tydskduur van die publieke deelname proses by die volgende adres: [<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie 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 opsite van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die 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 inlgfing 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 Stadsbeplanning Konsultante/emilevdm@adept.co.za.

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 **8 Maart 2021**. Vir die relevante staatsdepartement is die kommentaar periode 60 dae.

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 (021-8865050/0845566461) durende normale kantoor ure.

Die uwe

EMILE VAN DER MERWE

EMILE VAN DER MERWE
town planning consultants

2020-10-14

My ref: Farm ~~127/27~~ ^{127/24}

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

**LE POMMIER WINE ESTATE: APPLICATION FOR CONSENT USE (TOURIST FACILITY):
PORTION 24 OF FARM 127 STELLENBOSCH.**

Included hereby please find the required application for a consent use as provided for in terms of Section 15 (2) (0) of the Stellenbosch Municipal Land Use Planning By-Law(2015) read with the Stellenbosch Zoning Scheme By-Law (2019).

The application follows on the pre-scrutiny feedback that was received by this office on 18 September 2020 (attached as Appendix 5 of the motivation document).

This office kindly awaits the invoice in respect of the compulsory application fees (R2500).

Your assistance in this regard is appreciated.

Yours faithfully

Emile
EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

... van de gemeente ...



Le Pommier
wide citate

PREPARED BY


EMILE VAN DER MERWE
town planning consultants

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Farm 124/27 Stellenbosch Division, to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- Application for Consent Use (Tourist facility) in terms of 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law(2015) read with the Stellenbosch Zoning Scheme By-Law (2019) to utilise the existing approved farm shed (375m²) as a function venue.

The following report will endeavour to show that the proposal is desirable from an integrated planning point of view and that it is in line with the planning policies of National- and Provincial Government as well as the planning directives endorsed in terms of the Stellenbosch Municipal Integrated Development Plan and the Stellenbosch Spatial Development Framework.

2. LOCATION

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

The location plan is attached as Appendix 1.

3. OWNERSHIP AND SIZE

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

4. ZONING AND LAND USE

The subject property is zoned Agricultural and Rural Zone in terms of the Stellenbosch Zoning Scheme By-Law (2019). The Stellenbosch Municipality granted approval for the following zonings as determined by the Zoning Certificate attached as Appendix 5.

Residential Zone V (guest house) – 1620m²



Consent Use – Restaurant, conference room, coffee shop, wine tasting and sales facility and additional dwelling.

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

4. APPLICATION

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

In order to optimise and further enhance the tourism experience offered on the property the following application made.

- Application for Consent Use (Tourist facility) In terms of 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law(2015) read with the Stellenbosch Zoning Scheme By-Law (2019) to utilise the existing approved farm shed (375m²) as a function venue.

The application conforms to the zoning requirements as permitted in terms of Stellenbosch Municipality Zoning Scheme By-Law that come into effect from 1 November 2019

A tourist facility in terms of the zoning scheme by-law is defined as follows:

“tourist facilities” (toerisme fasiliteite) describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, 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;

5. PROPOSAL – SEE PLANS ATTACHED AS APPENDIX 5

The application entails the re-use of an existing approved agricultural shed for function purposes. The proposal is considered desirable for the following reasons:

- The proposal is confined to an existing approved building and no agricultural land will be taken out of production as a result of the approval
- The proposal will complement the existing tourism facilities that is located in close proximity on the property
- Sufficient parking is available and has been implemented on site
- The proposal will not result in any new building work and or other infrastructure development
- The visual impact is minimal since the proposal applies to an existing building
- The proposal can be accommodated and complies with the development parameters of the zoning scheme.
- The proposal will not have a detrimental impact on the scenic quality and rural character of the area;
- The proposal is compatible with the surrounding character and that also accommodates a number of tourism related facilities; and
- The primary use (vineyards) and agricultural production will not be affected in any way.

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 relates to an approved agricultural building. The development principles of spatial justice therefore is not relevant in evaluating the application

Spatial sustainability

The use of internal building space will not require any new construction work to accommodate the proposal. The development is consistent and gives effect to the sustainable use of infrastructure and resources in a just and efficient manner

Spatial efficiency

The proposal relates to the optimal use of the property without impacting on the service level capacities of the Municipality. Sufficient parking has been implemented on site.

Spatial resilience

The proposals are confined to an existing approved building. The proposal is 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:

6.2 Western Cape Provincial Spatial Development Framework (WCPDFF)

The WCPDFF 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 WCPSDF 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

6.3 Western Cape Strategic Plan 2014-2019

Vision

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

Provincial Strategic Goals



Western Cape Economic Drivers

PSG 1: Create opportunities for growth and jobs

PROJECT KHULISA ("to grow")



Western Cape Industry: District Comparative Advantages

Table 3.5 Western Cape: Industry revealed comparative advantage by district

Cape Metro Textiles, clothing & leather Tourism Finance, e-commerce Knowledge sectors Timber & furniture	Cape Winelands Agriculture & processing Tourism Building & construction Communications & ICT	Eastern Agriculture & processing Tourism Building & construction Timber & furniture
West Coast Agriculture & processing Tourism Building & construction	Overberg Agriculture & processing Tourism Building & construction Timber & furniture	Central Karoo Agriculture & processing Tourism Building & construction Electrical machinery Finance & insurance

Source: ICB

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. MUNICIPAL SERVICE INFRASTRUCTURE

The proposal will not impact on the service level capacities of the Stellenbosch Municipality.

8. CONCLUSION

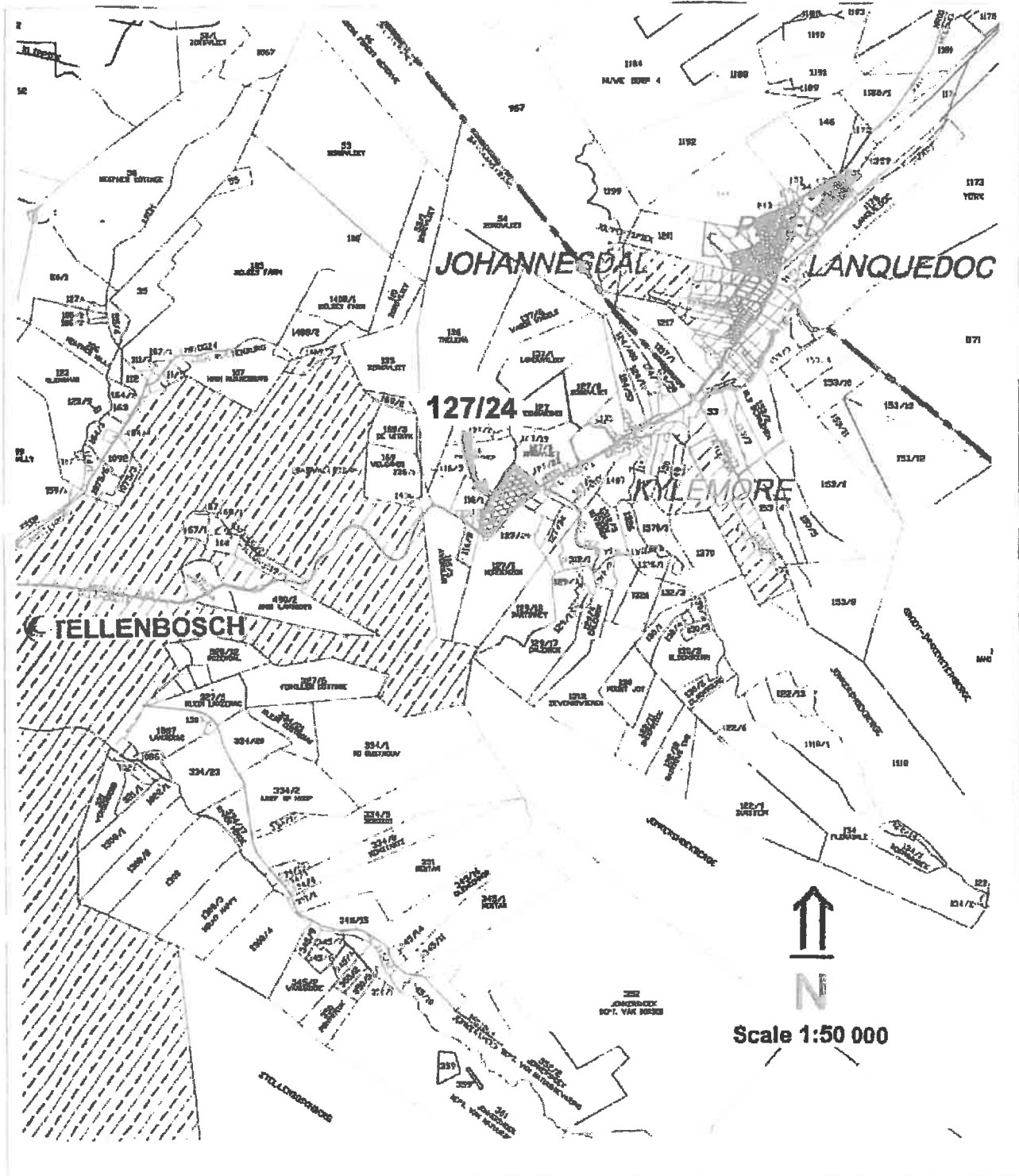
The development proposal is consistent and complies with the criteria set out in Chapter V of the Stellenbosch Land Use Planning By-Law (2015) with reference to the following:

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;
- The application is confined to an existing approved building and therefore will not impact negatively on the agricultural production capacity of the farm;
- The building is in close proximity of the existing associated tourism facilities and does not require any new infrastructure, (roads, parking etc) that will jeopardize the visual integrity of the surrounding area;
- The utilisation of the existing building will complement and further enhance the tourism experience that is already provided on the farm
- 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
- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-Law and associated development parameters.

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

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APPENDIX 1
LOCATION PLAN



STELLENBOSCH MUNICIPALITY
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT SERVICES

SCALE
NTS

FILE
Farm

DATE
April 2003

Locality Plan

SOURCE


ANNEXURE

COMPILED BY

APPENDIX 2
COPY OF TITLE DEED

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

Prepared by me


CONVEYANCER
BU TOIT J

SEELREG DUTY	R. _____
PODI FEE	R. <u>500,00</u>

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

T 030470 / 2002

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

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

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

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

RECHTSAK: DATALEIDINGSRECHTING: DATA OORTRAG	
OPGELEGDE WERK	VERVOLGDE WERK
105	ketesha
RECHTSPREKER	

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

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

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

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

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

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

030477 / 2002

(1)

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

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

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

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

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

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

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

5

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

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

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

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

- (a) 1/9th share of the water rights to which this property is entitled (as set out in condition 1 (b) i and ii herein);
- (b) the right of access and aqueduct over the remainder held hereunder in connection with the said water rights;
- (c) 1/9th share of certain water to be obtained from boring operations to be undertaken upon the said remainder with ancillary rights;
- (d) the right to a certain right of way 12,18 metres wide over the said Remainder along the boundary D C subject to conditions in favour of the Transferor and her successors in title of the said remainder held hereunder to use; laying of pipes and electric supply lines. The said property (portion 14) is also made subject to:

- 1. The passage of stormwater from the remainder held hereunder to it.
- 2. The laying of pipelines across it by the owner of the said remainder held hereunder provided they are laid in such manner so as not to interfere with cultivation, as will more fully appear on reference to the said Deed of Transfer."

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

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

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

The said Portion 15 is SUBJECT to:

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

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

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

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

(2) The said Portion 16 is SUBJECT to:

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

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

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

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

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

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

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

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

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

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

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

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

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

a portion of IN EXTENT +9455 m² is expropriated by the DIVISIONAL COUNCIL STELLENBOSCH in terms of Section 27 of the Ordinance on Roads Ordinance No 19 of 1976.

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

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

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

a portion of IN EXTENT ± 267,5 m² is expropriated by the Western Cape Divisional Council in terms of Section 27 of the Ordinance on Roads Ordinance No 19 of 1976

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

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

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

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

"(8 August 1913):

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

"(11 May 1914):

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

"(4th September 1922):

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

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

"By Transfer No TB116 dated 20th September 1922 the owner of the property thereby conveyed is entitled to the entire use of certain right of way mentioned in endorsement above dated 4th September 1922.

"(2nd November 1922):

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

"(12th November 1930):

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

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

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

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

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

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

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

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

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

- III. AS REGARDS the whole property:

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

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

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

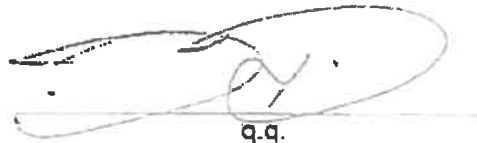
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by these presents, the said

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

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

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

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



q.q.

In my presence



REGISTRAR OF DEEDS

APPENDIX 3
RESOLUTION AND POWER OF ATTORNEY

RESOLUTION

PASSED AT THE MEETING OF INVESTZIK THIRTEEN (PTY) LTD

(REG NO 2001/025337/07)

HELD AT STELLENBOSCH ON 19 MAY 2020

Melanie van Schalkwyk in her capacity as Director is

hereby authorized to sign on behalf of the Company pertaining to the

land use application of Portion 27 of Farm 124, Division Stellenbosch

A handwritten signature in black ink, appearing to be 'M. van Schalkwyk', written in a cursive style.

DIRECTOR

POWER OF ATTORNEY

INVESTZIK THIRTEEN (PTY) LTD, the registered owner of Portion 24 of Farm 127
Stellenbosch Division

Do hereby nominate, 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 (2) (O) OF
THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)
READ WITH THE STELLENBOSCH ZONING SCHEME BY-LAW (2019)**

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 20 TH DAY OF
MAY 2020.



**SIGNATURE
CAPACITY**

APPENDIX 4
SG DIAGRAM

1493-8C

Friedlander, Burger & Volkmann, Land Surveyors

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES		X
		Y	System 1015	
	Constant:	+	0.00	+ 3 700 000.00
A B	208 13 50	A +	8 760.46	+ 54 417.52
B C	296 10 50	B +	6 508.71	+ 53 564.03
C D	317 22 40	C +	6 378.35	+ 54 092.02
D E	297 34 20	D +	6 235.38	+ 54 168.45
E F	53 01 50	E +	6 233.32	+ 54 177.97
F G	52 10 30	F +	6 315.81	+ 54 240.13
G H	48 44 30	G +	6 359.11	+ 54 273.67
H I	53 39 00	H +	6 388.33	+ 54 295.28
I J	48 39 30	J +	6 404.78	+ 54 308.42
J K	32 47 40	K +	6 388.15	+ 54 450.74
K L	68 52 10	L +	6 670.78	+ 54 622.94
L M		M +	6 760.25	+ 54 854.18
M N	179 57 00	N +	6 780.26	+ 54 854.08
N O	80 03 10	O +	6 750.34	+ 54 593.60
O P	127 18 48	P +	6 775.13	+ 54 595.19
P A	154 33 20	A +	6 601.88	+ 54 575.59
			6 760.48	+ 54 417.25

493 Jubert
88 Skal 8

- Service Notes:**
- The lines r s t and u represent Electric Supply Lines.
Vide Dm. 4967/1594 annexed to D/T 1922-173-5008
 - The figures J X Y represents portion of a Servitude Right of Way.
Vide D/T 1948-124-6170, 2109 4479/045 (form 127/12)

- Comments:**
- The figures A B C D E F G H J K L M represents Portion 18 (a portion of Portion 13) of the farm Zergwillet No. 127; see diagr. No. 5810/49, D/T No. 4947-297-4898, 1900-12-09-05.
 - The figures A N D P represents Portion 24 (a portion of Portion 1) of the farm Zergwillet No. 127; see diagr. No. 4422/02, D/T No. 28979/91

The figures A B C D E F G H J K L M N O P represents 15,7648 hectares of land, being PORTION 24 of the farm ZERGWILLET No. 127 and contains figures 1. and 2. above situate in the Administrative District of Skellenbosch Province of Cape of Good Hope. Compiled in June 1968 by me, *J. van Kellerman* Land Surveyor

This diagram is annexed to the original diagrams are as listed above

No. 28980/41 dated 1.7.68

Registrar of Deeds

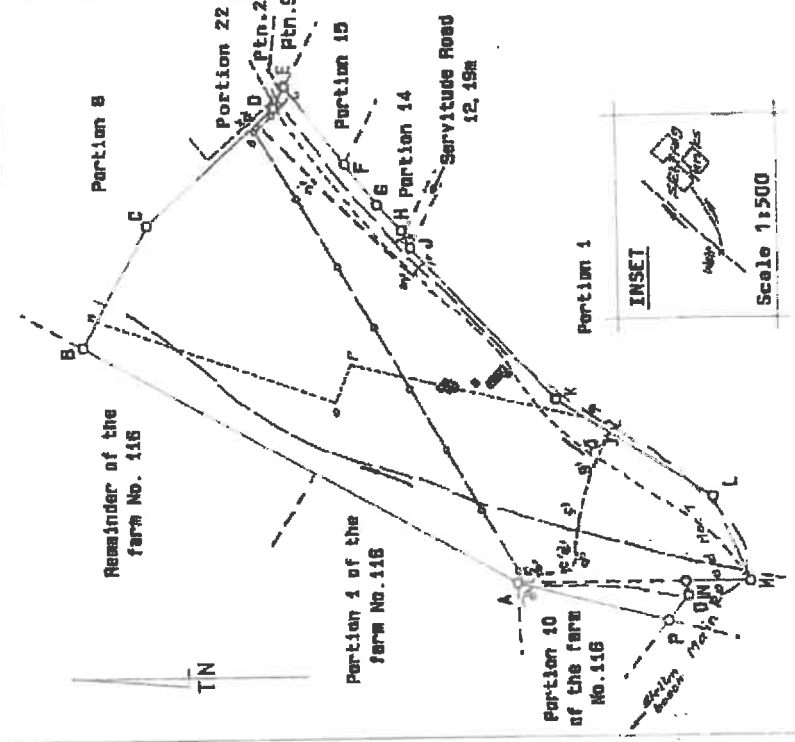
File No. StoL. 127
S.R. No. Compiled
Comp. 84-833/73 14688

FOR ENDORSEMENT SEE BACK OF DIAGRAM

S.E. No. 1493-8C

Approved *[Signature]*
Surveyor-General
99.12.07

Description of Boundaries:
A N D P Iron fencing standard
B C D 37mm diam. iron pipes
E F G H Iron standards
J K L M Flat iron



Portion B of the farm No. 116

Note: The figure n C D E F G H J K Q P represents Freehold land.

B

Scale 1:5 000

APPENDIX 5
PRE-CONSULTATION FEEDBACK



Emile van der Merwe Town Planning Consultants

emilevdmer@adelf.co.za

084 5566 461

18 September 2020

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, FARM 127/24 BANHOEK VALLEY

1. Your pre-application scrutiny submission on the above property dated **07 September 2020**, 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], but also needs to address the following requirements:
3.1 You are kindly advised to submit a revised layout which makes provision for sufficient parking for the proposed consent use (function venue).
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 6
ZONING CERTIFICATE



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

ZONING CERTIFICATE

FARM NO. 127/24, STELLENBOSCH DIVISION

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

AGRICULTURE AND RURAL ZONE

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

PRIMARY USES	ADDITIONAL USES <i>(Not exceeding threshold in this chapter and subject to technical approval)</i>	CONSENT USES <i>(Application required).</i>
Agricultural building ($\leq 2000\text{m}^2$) Agriculture Dwelling house Forestry Natural environment Occasional use (one event / year) Private road Polytunnel ($\leq 2000\text{m}^2$) Second dwelling Employee housing (one unit)	Agricultural building ($> 2000\text{m}^2$) Agricultural industry ($< 2000\text{m}^2$) Bed and breakfast establishment Employee housing (exceeding one unit) Guest house Home day care centre Home occupation practice Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) Rooftop base telecommunication station Tourist dwelling units Tourist facility (existing buildings)	Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural industry ($\geq 2000\text{m}^2$) Camping site Day care centre Freestanding base telecommunication station Helicopter landing pad Intensive feed farming Kennel Market Occasional use ($>$ one event / year) Plant nursery Polytunnel ($> 5000\text{m}^2$) Renewable energy structure Service trade Tourist accommodation establishment Tourist facility (new buildings or exceeding threshold) Any additional use exceeding the threshold set out in this chapter

Multi-Unit Residential Zone

For a Guesthouse measuring 1620m²

PRIMARY USES	ADDITIONAL USES (Not exceeding threshold in this chapter and subject to technical approval)	CONSENT USES (Application required).
Commune Dwelling house Flats Group housing Guest house Hostel Retirement village Second dwelling house Tourist dwelling unit Private road	Bed and breakfast establishment Home day care centre Home occupation practice Home lodging Occasional use (one event/year)	Community residential building Guest house (meeting & beauty treatment room) Occasional use (>one/year) Renewable energy structure Rooftop base telecommunication station Tourist accommodation establishment Welfare institution Additional uses exceeding parameters in this chapter

Director: Planning and 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.

APPENDIX 7
APPROVED BUILDING PLAN

Elmien Botha

From: Carlin Josephs (Customer Interface) <interface.officer@stellenbosch.gov.za>
Sent: 12 September 2019 09:20
To: dmprojects@hotmail.com
Cc: gm@lepommier.co.za; Alicia Ncanywua
Subject: approved plan
Attachments: S45BW-9e19091207310.pdf

Good Day

You are hereby informed that your building plan for farm 127/24 Stellenbosch has been approved and you must come and collect it at our offices (Stellenbosch Municipality ,Advice Centre ,ground floor,17 Plein Street, Stellenbosch)
Please provide us with a copy of this email for collection of your building plan.

OFFICE HOURS: Monday – Friday : 08:30 – 13h30



Kind regards!
CARLIN JOSEPHS
Customer Interface Officer
**PLANNING AND ECONOMIC
DEVELOPMENT**

T: +27 21 808 8696
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



STELLENBOSCH
STELLENBOSCH • FRUIT • PLANNING
MUNICIPALITY • DRANSFALL • MUNICIPALITY



Stellenbosch Municipality
Municipal Office
Plein Street, Stellenbosch, 7600

services

the

www.stellenbosch.gov.za

communication from interface.officer@stellenbosch.gov.za

is

[Afroxation](#)

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY

KENNISGEWING VIR GOEDKEURING VAN BOUPLAN
NOTICE OF APPROVAL OF BUILDING PLAN

Le Pomnier Wine Estate (Pty) Ltd
P.O.Box 1595
Stellenbosch
7599

Erf Number: SBP127/24
Building Plan number: BP/19/2186
Situated at: Farm Zorgvliet
Description of application: New barn
Approval date: 11/09/2019

**APPROVED IN TERMS OF SECTION 7 OF THE NATIONAL BUILDING REGULATION
AND BUILDING STANDARDS ACT 103 OF 1977.**

BUILDING CONTROL OFFICER – RODNEY ADAMS

Recommended for approval subject to the following conditions:-

1. All work to be done in accordance with the National Building Regulations and standards Act 103 of 1977.
2. This approval does not exempt the owner from complying with any relevant legislation.
3. The approval granted in terms of Section 7 (4) of the Act 103 of 1977, shall lapse after the expiry of a period of 12 months unless the construction started prior to the said period or unless the applicant make application in writing to extend such period.
4. Where, in the opinion of the local authority, the location of any boundary of a site has not been accurately determined such local authority may, require the owner, at his own cost, to engage a professional land surveyor and to submit to the local authority a certificate, in an approved form and signed by such professional land surveyor.

TOWN PLANNING – PEDRO APRIL

Recommended for approval subject to the following conditions:-

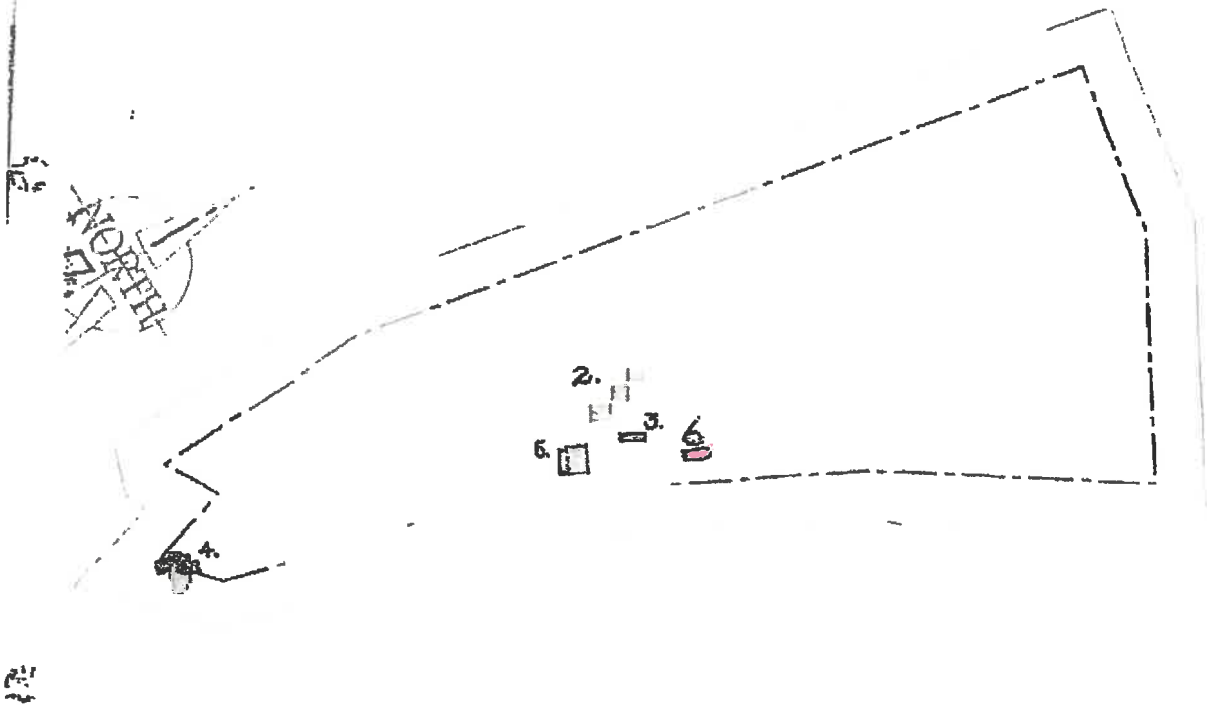
1. The proposed bona-fide agricultural barn/store with staff canteen and toilets may only be used for agricultural purpose.


.....
MANAGER: BUILDING DEVELOPMENT MANAGEMENT

SITE PLAN

ANNEXURE BY LAE B.

**PORTION 24 OF FARM 127
STELLENBOSCH**

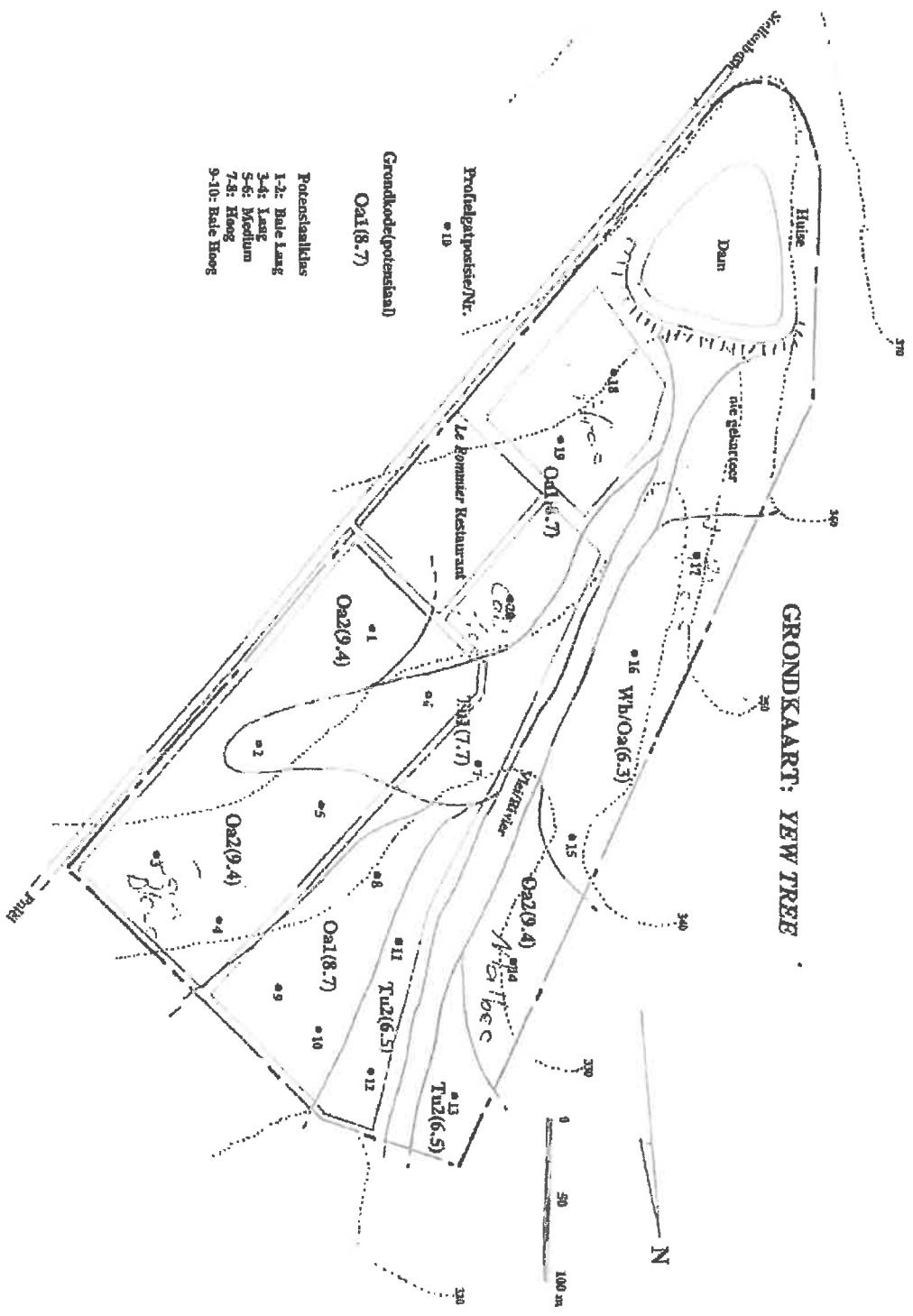


- 1. LE POMMIER RESTAURANT
- 2. GUEST HOUSE
- 3. RECEPTION
- 4. DAM
- 5. NEW ALTERATIONS
- 6 Toilets / BARN

STELLENBOSCH MUNICIPALITY
PLANNING AND ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR
02 SEP 2019
RECEIVED

BP/19/2166

FIGURE 1



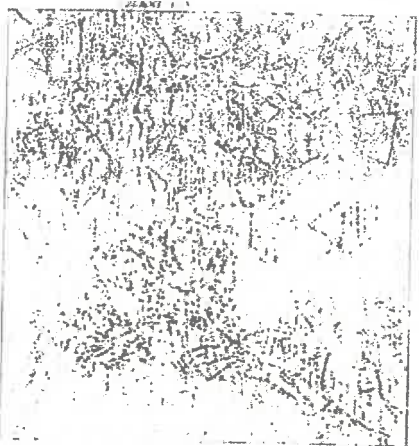
- Potensiaalities
- 1-2: Bate Laag
 - 3-4: Laag
 - 5-6: Medium
 - 7-8: Hoog
 - 9-10: Bate Hoog

Grondkodes(potensiaal)
Oa1(8.7)

Profielpostcode/Nr.
•18

9 19 / 2 166

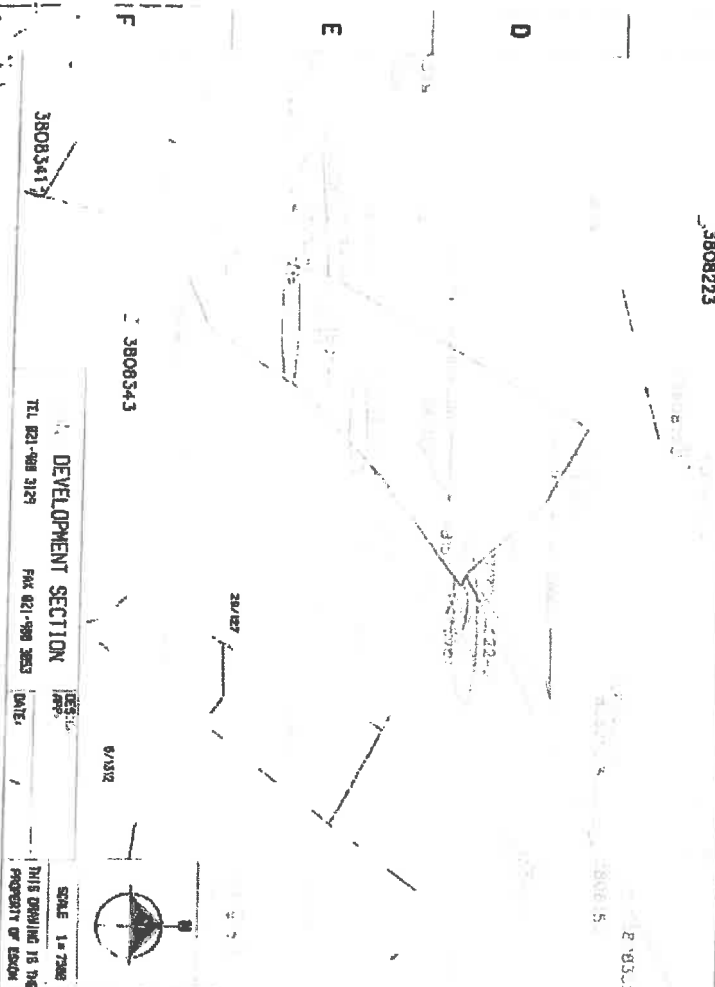
P/19/2166



LOCALITY: AN 331 RD
SCALE: 1:100 000



ON 3318dd.9.sid
SCALE :10



NO.	DESCRIPTION	BY	CHKD	AUTH	DATE
1					11/11

Eskom
DISTRIBUTION

STELLENBOSCH
PTN 24 OF FARM NO.127 ZORGVL ET
MAPREQUEST SHOWING TRFR'S
3808441, 3808347 & 3808344

FOR INFORMATION PURPOSES ONLY

SHEET	02	00	0
REVISION			

3808341
3808343
3808223

DEVELOPMENT SECTION

TEL: 021-998 5129 FAX: 021-998 3833

SCALE: 1:7500

THIS DRAWING IS THE PROPERTY OF Eskom

DATE: 10/03/2018

DATE: 10/03/2018

3 4 5 6 7 8 A3L

APPENDIX 8
SITE PLAN, FLOOR PLAN AND PARKING

NOTE

- ALL RIGHTS RESERVED BY THE AUTHOR TO THE EXTENT PERMITTED BY LAW.
- THIS DOCUMENT IS THE PROPERTY OF THE AUTHOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.
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NOTE

PLAN NUMBER
 01/20/13

Investment
 Thysdon (Pty) Ltd

1278-04

Portion 8 of the farm No. 127

Remainder of the farm No. 116

Portion 15 of the farm No. 127

Portion 14 of the farm No. 127

Portion 2 of the farm No. 127

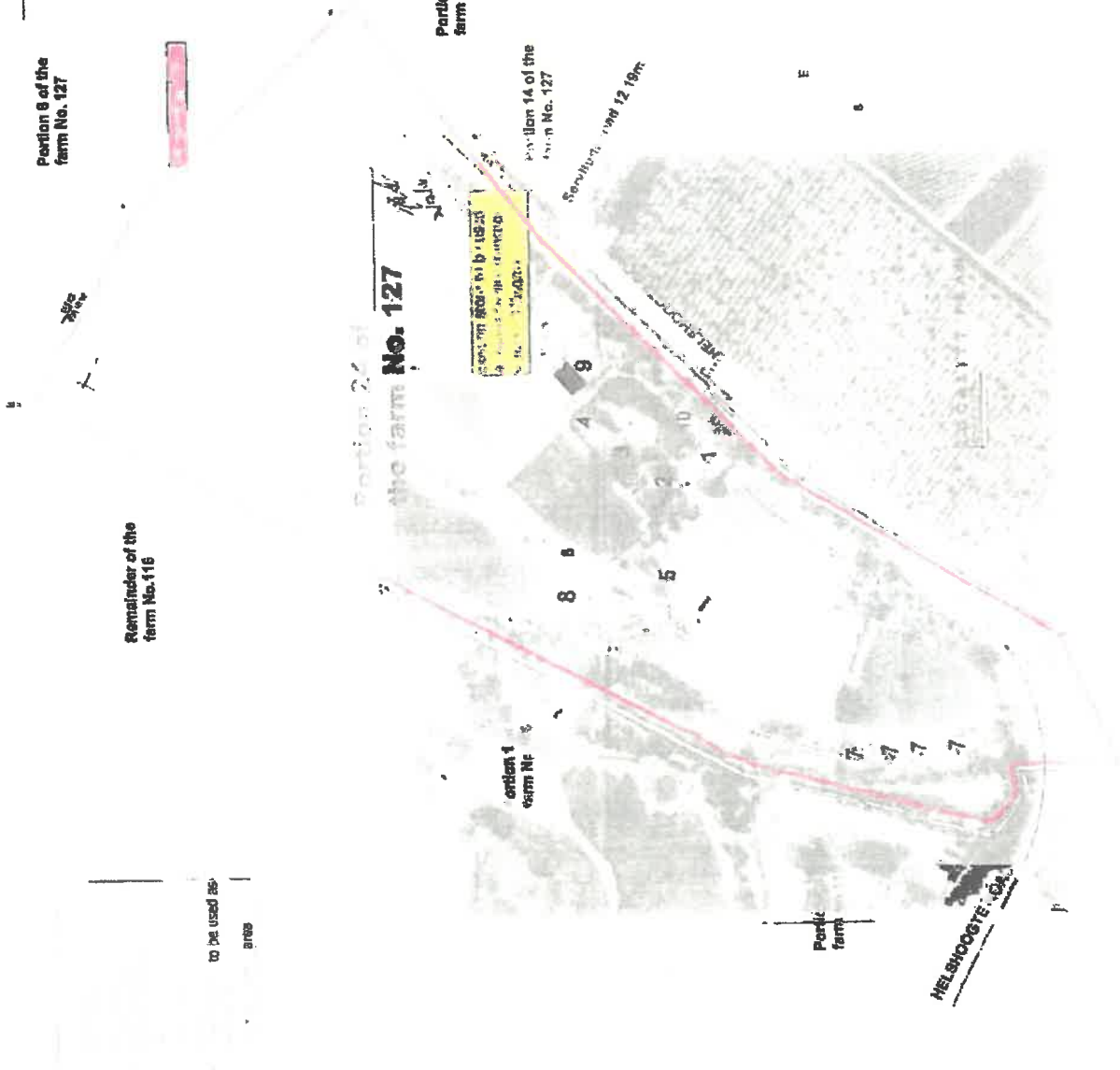
Section 80A of the 1981 Act

Section 12 19m

Portic farm

HELSHOOGTE, CA

to be used as areas

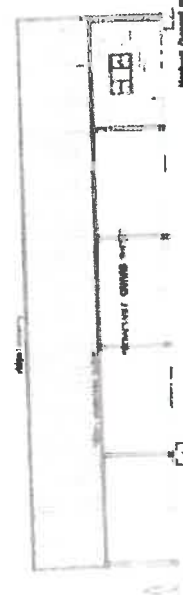


15000 10000 5000 0 5000 10000 15000



ELEVATION ON GRIDLINE 6

15000 10000 5000 0 5000 10000 15000



ELEVATION ON GRIDLINE 0

15000 10000 5000 0 5000 10000 15000



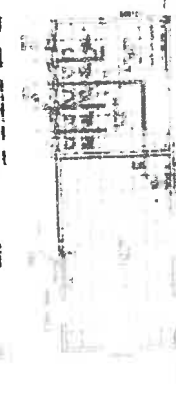
ELEVATION ON GRIDLINE 1

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ELEVATION ON GRIDLINE A

15000 10000 5000 0 5000 10000 15000



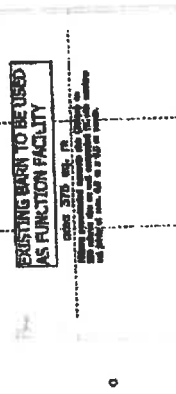
ELEVATION ON GRIDLINE 1

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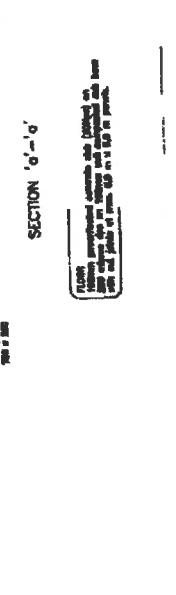
ELEVATION ON GRIDLINE 0

15000 10000 5000 0 5000 10000 15000



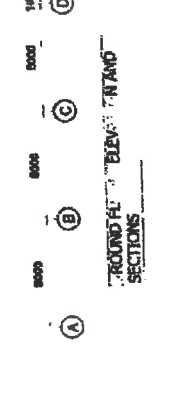
ELEVATION ON GRIDLINE 1

15000 10000 5000 0 5000 10000 15000



SECTION 'a-a'

15000 10000 5000 0 5000 10000 15000



SECTION 'b-b'

GENERAL
 All work shall be per state regulations.
 All elevations to be verified on site prior to construction.
 All elevations to be verified against local records.
 All elevations and 200 footings to be approved by building inspector prior to construction.

DOORS & WINDOWS
 All doors and windows shall be pre-ordered.
 All doors and windows shall be ordered in accordance with the drawings.
 All doors and windows shall be ordered in accordance with the drawings.

PLUMBING AND DRAINAGE
 All water pipes shall be installed in accordance with the drawings.
 All water pipes shall be installed in accordance with the drawings.
 All water pipes shall be installed in accordance with the drawings.

FOUNDATIONS
 All footings shall be 12" below grade.
 All concrete for footings shall be 1500 psi.

OWNER:
 MITCHELL'S ENGINEERING SOLUTIONS
 12345 MAIN ST
 SUITE 100
 WILMINGTON, DE 19801
 TEL: 302-441-1234 FAX: 302-441-5678
 CLARENCE L. MITCHELL
 CIVIL ENGINEER
 LICENSE NO. 12345
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF DELAWARE
 PROJECT NO. 12345
 DATE: 12/15/18
 PLAN AND ELEVATIONS
 SHEET NO. 12345
 TOTAL SHEETS: 12345

EXISTING BARN TO BE USED AS FUNCTION FACILITY
 EXISTING BARN TO BE USED AS FUNCTION FACILITY
 EXISTING BARN TO BE USED AS FUNCTION FACILITY

FOUNDATIONS
 FOUNDATIONS
 FOUNDATIONS



Google Earth

Maxar Technologies

**EXISTING PARKING
LE POMMIER**

APPENDIX 9
COMPLETED APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIP • FRANS-HOOEK

MUNICIPALITY • UMKANTO • MUNISIPALITEIT

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				
Postal Address	PO Box 204				Postal Code
	Stellenbosch				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)	Investzik Thirteen Pty Ltd				
Physical address	Le Pommier Wine Farm, Helshoogte Road				Postal code
	Stellenbosch				7600
E-mail	gm@lepommier.co.za				
Tel	021-8851629	Fax		Cell	

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

Erf / Erven / Farm No.	Farm 127	Portion(s) if Farm	24	Allotment area	STELLENBOSCH	
Physical Address	As above					
Current Zoning	Agricultural & Rural, Res V consent uses	Extent	15.7649ha	m ² / ha	Are there existing buildings?	Y N

Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law 2019									
Current Land Use	Agriculture (vineyards), guest house, restaurant, coffee shop, wine tasting and sales									
Title Deed number and date	T		30470/2002							
Attached Conveyance's Certificate	Y	N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use ² ?		Y	N				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?		Y	N				
PART D: PRE-APPLICATION CONSULTATION										
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: <i>Cost are obtainable from the Council Approved tariffs³</i>									
	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 57(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

	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)(6) When the Municipality on its own initiative intends to conduct land development or an activity		
	15(2)(l) Amendment of Site Development Plan		
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines		
OTHER APPLICATIONS			
	Deviation from Council Policies/By-laws; R		
X	Other (specify) : ADDITIONAL USE FOR TECHNICAL APPROVAL R 2500		
TOTAL A: R 2500			
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); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R2500
* 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..... in terms of Section.....of the.....Zoning Scheme Regulations							
Other (please specify)		<hr/> <hr/> <hr/>					

Brief description of proposed development / Intent of application:

See motivation attached

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

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

Information and documentation required

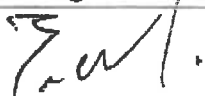
Y	N	Power of attorney / Owner's consent if applicant is not owner		Y	N	Bondholder's consent (if applicable)	
Y	N	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		Y	N	Proof of any other relevant right held in the land concerned	
Y	N	Written motivation pertaining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

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION					
	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	Y	N/A	National Water Act, 1998 (Act 36 of 1998)
	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			
SECTION I: DECLARATION					
I hereby wish to confirm the following:					
1. That the information contained in this application form and accompanying documentation is complete and correct.					
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.					
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.					
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.					
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.					
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.					
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.					
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.					
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.					
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.					
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or					

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

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

Applicant's signature:



Date:

2020/10/14

Full name:

Emile van der Merwe

Professional capacity:

PROFESSIONAL PLANNER

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



