

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

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

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

Application Property Address: **Goederust Wine Farm
R45, Franschhoek**

Application Property Number: **Portions 2 and 3 of the Farm No 1609 Paarl**

Applicant: **David Hellig and Abrahamse Professional Land Surveyors
Tel: 021 872 4086
Email: plan@dhaa.co.za**

Owner: **Estate Late Daniel Johannes Pepler**

Application Reference: **LU/12118**

Application Type: **Consolidation**

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

Application is made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 as follows:

- a) The consolidation of Portion A of Portion 3 of the Farm No 1609 Paarl (± 4,34 hectares) and Portion 2 of the Farm No 1609 Paarl (± 7,45 hectares) to form a land unit measuring ± 11,79 hectares in extent.**

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-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

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:

David Hellig and Abrahamse Professional Land Surveyors
Email: plan@dhaa.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 **01-04-2021**.

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 **021 872 4086** during normal office hours.

Yours faithfully

DAVID HELLIG AND ABRAHAMSE

A handwritten signature in black ink, appearing to read 'M. Botha', written over a horizontal line.

PER : M BOTHA

AFRIKAANSE WEERGAWE VAN ADVERTENSIE:

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

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

Adres van aansoek eiendom:	Goederust Wynplaas R45, Franschhoek
Aansoek eiendom beskrywing:	Gedeeltes 2 en 3 van die Plaas No 1609 Paarl
Aansoeker:	David Hellig en Abrahamse Professionele Landmeters Tel: 021 872 4086 E-pos: plan@dhaa.co.za
Eienaar:	Boedel Wyle Daniel Johannes Pepler
Aansoek Verwysing:	LU/12118
Tipe Aansoek:	Konsolidasie

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen ingevolge Artikel 15(2)(e) van die Stellenbosch Verordening op Munisipale Grondgebruikbeplanning, 2015 soos volg:

- a) Die konsolidasie van Gedeelte A van Gedeelte 3 van die Plaas No 1609 Paarl (\pm 4,34 hektaar) en Gedeelte 2 van die Plaas No 1609 Paarl (\pm 7,45 hektaar) om 'n grondeenheid van \pm 11,79 hektaar te vorm.**

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-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 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:

David Hellig en Abrahamse Professionele Landmeters
E-pos: plan@dhaa.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 sluitingsdatum van **01-04-2021**.

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.

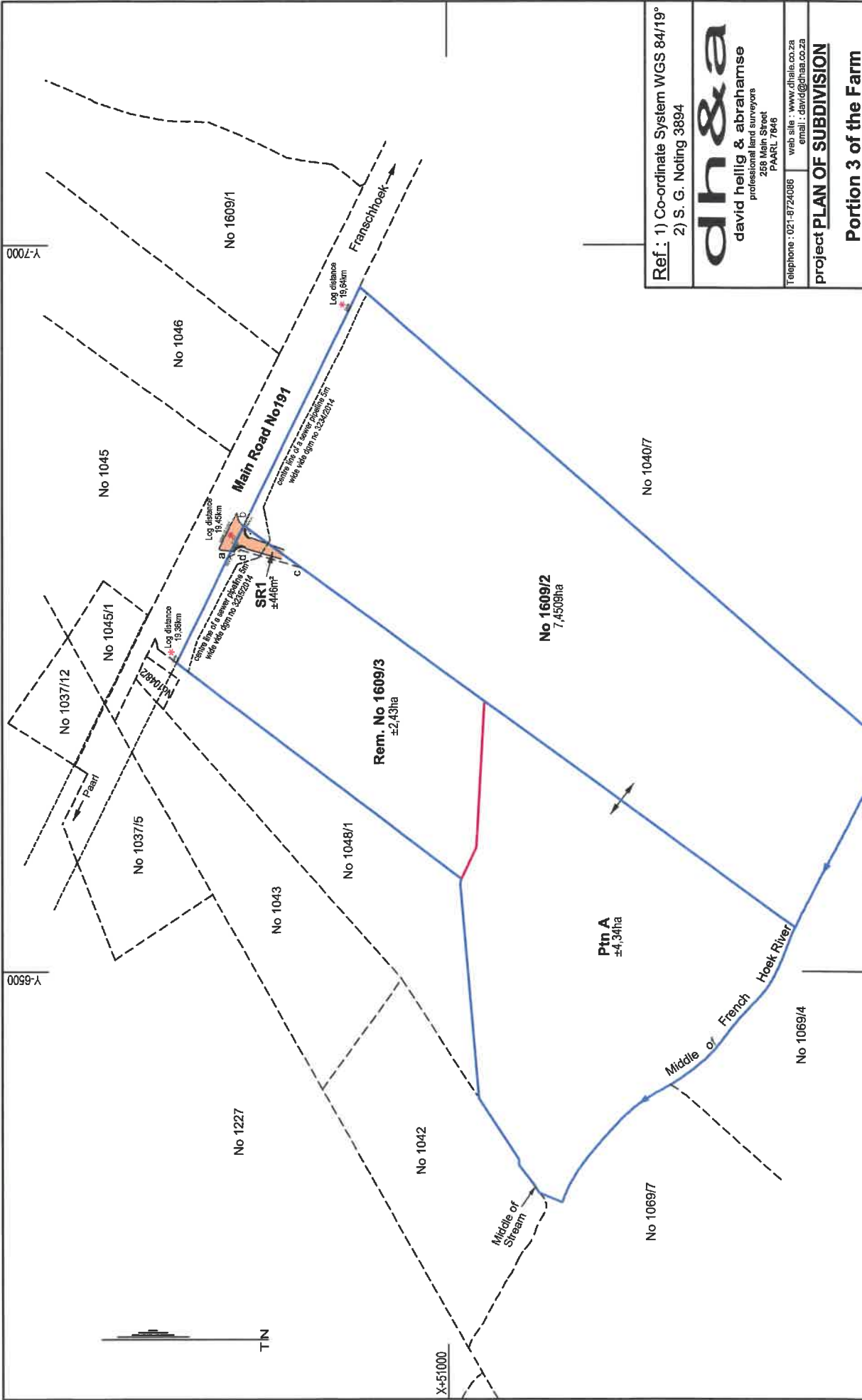
Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **021 872 4086** gedurende normale kantoor ure.

Die uwe

DAVID HELLIG EN ABRAHAMSE



PER : M BOTHA



Ref: 1) Co-ordinate System WGS 84/19°
 2) S. G. Noting 3894

dh&a
 david hellig & abrahamse
 professional land surveyors
 258 Main Street
 PAARL 7646

web site : www.dh&a.co.za
 email : david@dh&a.co.za

Telephone : 021-8724086

Project PLAN OF SUBDIVISION

**Portion 3 of the Farm
 No 1609 Paarl**

Scale	1 / 2500 @A3
Date	February 2020
File No	P2699/95(30)
Plan No	2

Notes:

- 1) Portion 3 of the Farm No 1609 Paarl measuring 6,7715ha in extent is to be subdivided into:
 - a) Ptn A ± 4,34ha
 - b) Rem. No 1609/3 ± 2,43ha
- 2) Ptn A and Portion 2 of the Farm No 1609 Paarl measuring 7,4508ha in extent are to be consolidated to form a land unit measuring ±11,79ha in extent
- 3) The figure abcd represents a servitude road area SR1, measuring ±446m² in extent to be registered over the Remainder of Portion 3 of the Farm No 1609 Paarl in favour of the Consolidated Land Unit 2)

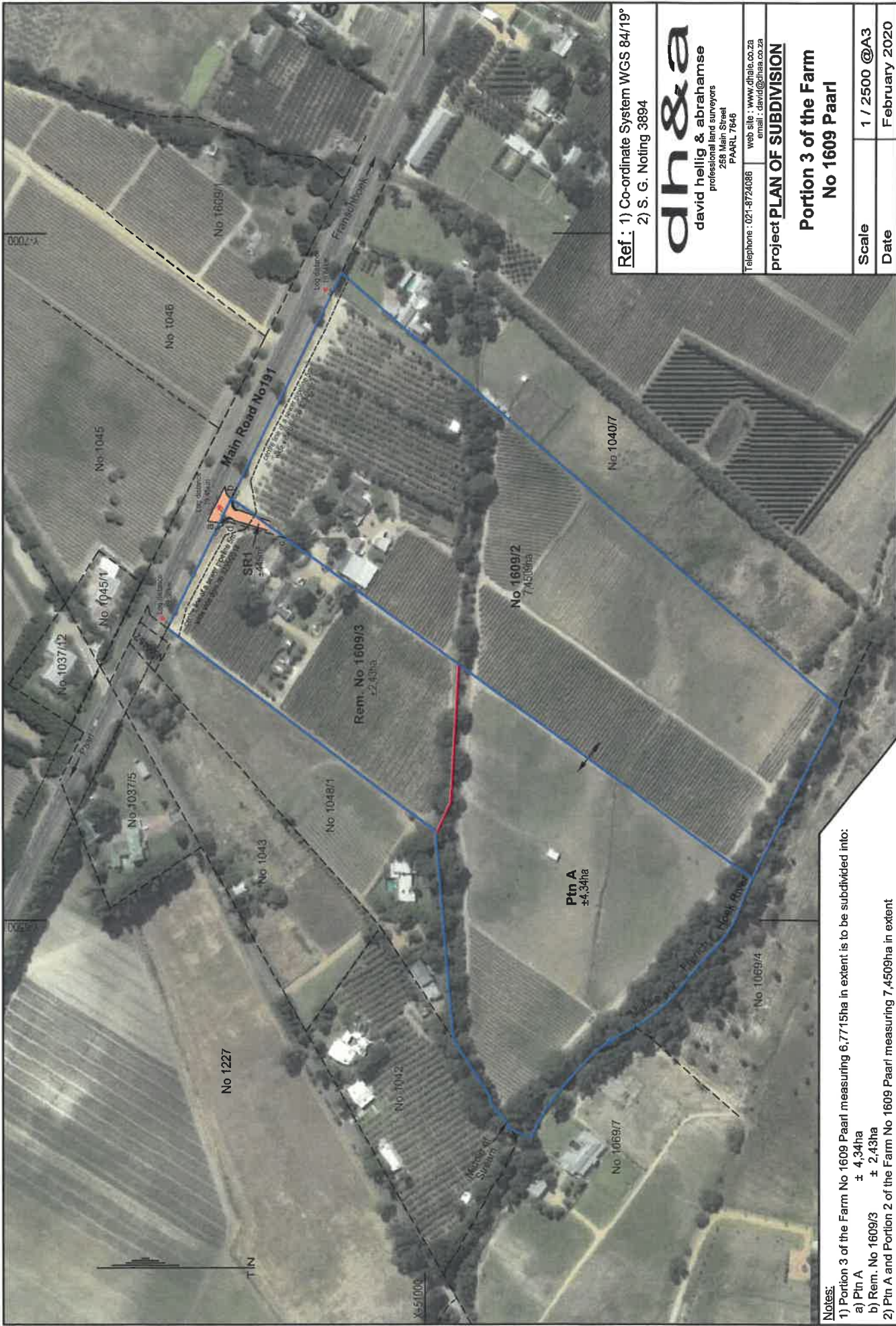
4) * - denotes existing entrances onto Main Road No 191

0002-A

0059-A

TIN

X-51000



Ref: 1) Co-ordinate System WGS 84/19°
 2) S. G. Noting 3894

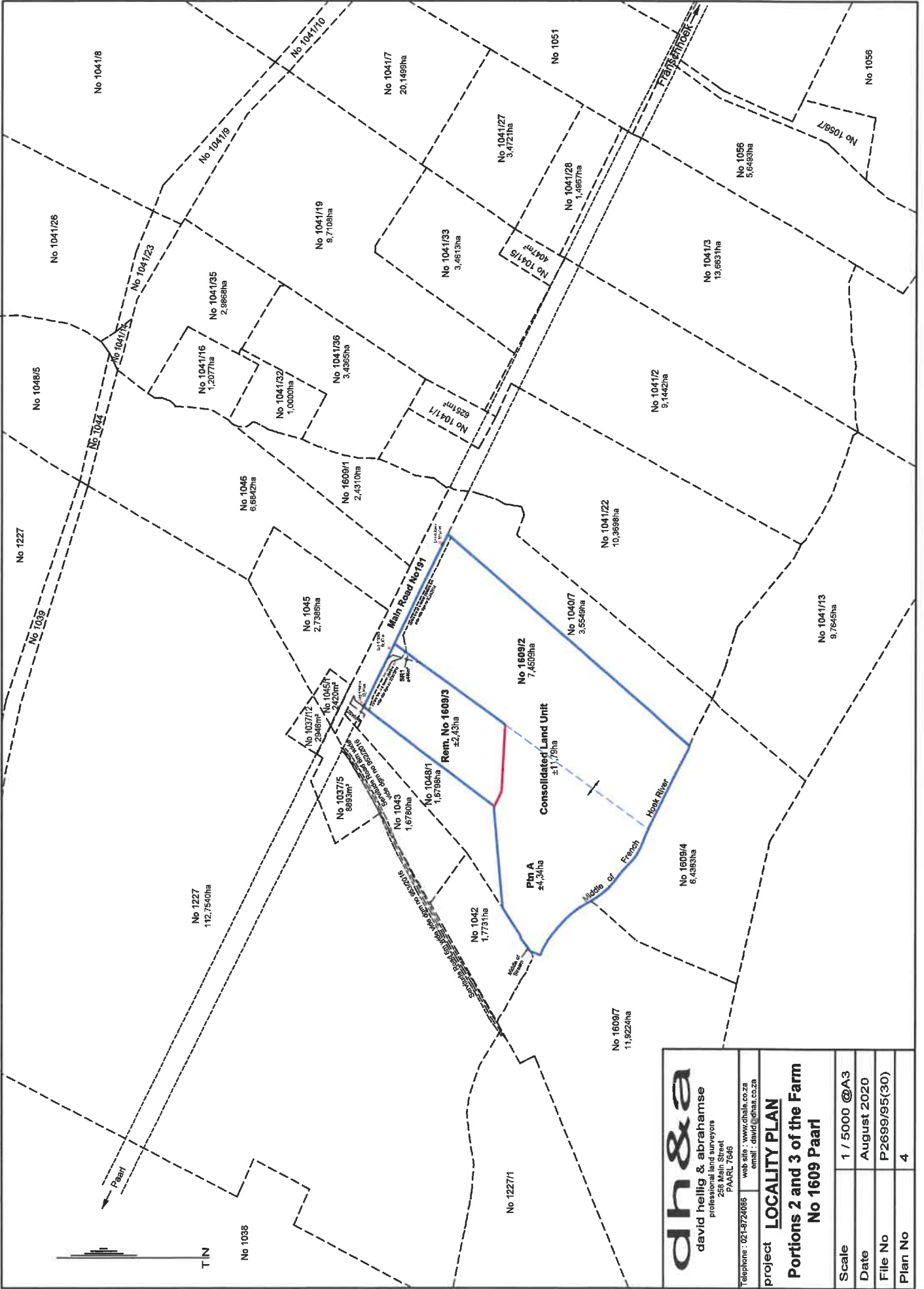
dh&a
 david hellig & abrahamse
 professional land surveyors
 266 Main Street
 PAARL 7646

Telephone : 021-8724086
 web site : www.dh&a.co.za
 email : david@dh&a.co.za

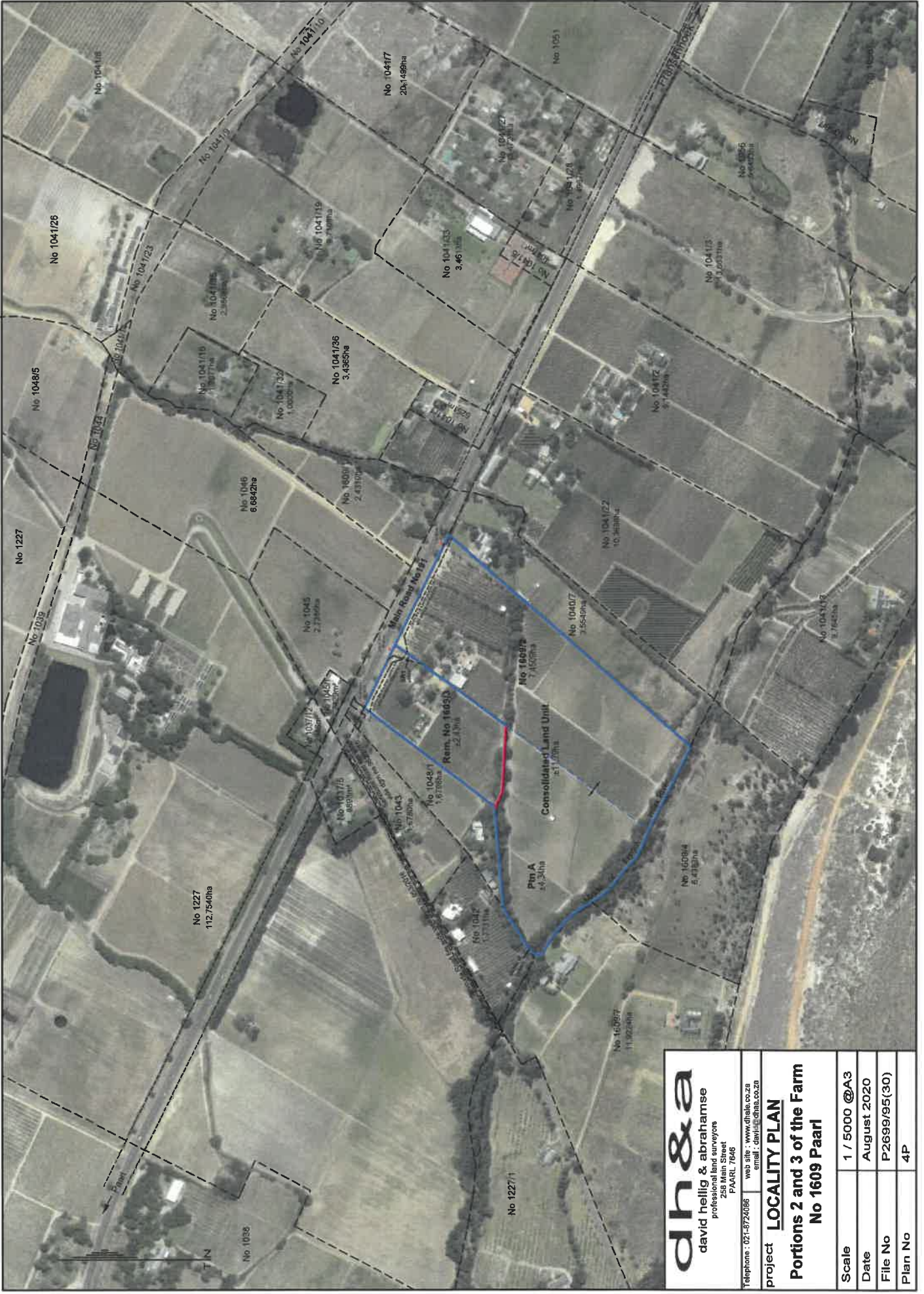
Project PLAN OF SUBDIVISION	
Portion 3 of the Farm No 1609 Paarl	
Scale	1 / 2500 @A3
Date	February 2020
File No	P2699/95(30)
Plan No	2P

Notes:
 1) Portion 3 of the Farm No 1609 Paarl measuring 6,7715ha in extent is to be subdivided into:
 a) Ptn A ± 4,34ha
 b) Rem. No 1609/3 ± 2,43ha
 2) Ptn A and Portion 2 of the Farm No 1609 Paarl measuring 7,4509ha in extent are to be consolidated to form a land unit measuring ± 11,79ha in extent
 3) The figure abcd represents a servitude road area SR1, measuring ±446m² in extent to be registered over the Remainder of Portion 3 of the Farm No 1609 Paarl in favour of the Consolidated Land Unit 2)

4) * - denotes existing entrances onto Main Road No 191



 david heilig & abrahamse professional land surveyors 255 Main Street PAARL 7646 web site: www.dh&a.co.za email: david@dh&a.co.za	
project LOCALITY PLAN Portions 2 and 3 of the Farm No 1609 Paarl	
Scale	1 / 5000 @A3
Date	August 2020
File No	P2699/95(30)
Plan No	4



dh&a
david hellig & abrahamse
professional land surveyors
250 Main Street
PAARL 7046

Telephone : 051-8724086 web site : www.dh&a.co.za
email : david@dh&a.co.za

project **LOCALITY PLAN**
Portions 2 and 3 of the Farm
No 1609 Paarl

Scale	1 / 5000 @A3
Date	August 2020
File No	P2699/95(30)
Plan No	4P

PLANNING REPORT

PROPOSED SUBDIVISION, CONSOLIDATION AND REGISTRATION OF A SERVITUDE ROAD AREA: PORTIONS 2 AND 3 OF THE FARM NO 1609 PAARL

OUR REF: P2699/95(30)

Compiled by:

David Hellig and Abrahamse
Professional Land Surveyors

OCTOBER 2020

1. INTRODUCTION

Portion 2 of the Farm No 1609 Paarl, measuring 7,4509 hectares in extent and Portion 3 of the Farm No 1609 Paarl, measuring 6,7715 hectares in extent, are owned by the Estate Late Daniel Johannes Pepler vide Deeds of Transfer No T31791/1999 and T32814/2011.

The above-mentioned land units form the subject of this application and are situated approximately 3km east of the town of Wemmershoek and approximately 4km north-west of the town of Franschhoek, Western Cape Province, within the area of jurisdiction of the Stellenbosch Municipality, Administrative District of Paarl. The subject land units are accessed from Main Road No 191 (R45 Franschhoek – Simondium).

A consent use (tourist facility) was granted for Portion 3 of the Farm No 1609 Paarl as per Stellenbosch Municipality Letter vide Reference Farm 1609/3 dated 22-12-2003 to permit the utilisation of an existing building as a restaurant measuring approximately 342 square metres in extent (for fifty guests). Portion 3 of the Farm No 1609 Paarl accommodates the restaurant, house, and is planted to wine grape vineyards. The Franschhoek River forms the southern boundary of the land unit and the Kastaiings River traverses the centre of the land unit.

Portion 2 of the Farm No 1609 Paarl accommodates a house, cottage, workshop, garage, outbuilding and is planted to vineyards and citrus orchards. The Franschhoek River forms the southern boundary of the land unit and the Kastaiings River traverses the centre of the land unit.

Land uses in close proximity to the subject land units include The Franschhoek Beer Co, Maison Estate, Chefs Warehouse, Fransvliet Guest House, Hey Joe Brewing Company, Leopards Leap Vineyards, La Motte Wine Estate and many other tourist related facilities along this route towards Franschhoek Town.

The Last Will of Daniel Johannes Pepler and Anna Elizabeth Pepler states that a portion of Portion 3 of the Farm No 1609 Paarl located between the Kastaiings River and the Franschhoek River together with Portion 2 of the Farm No 1609 Paarl is to be transferred to one heir and the Remainder of Portion 3 of the Farm No 1609 Paarl is to be transferred to another heir.

The purpose of the land use development application is for the remodelling of the subject two existing land units again into two land units by means of subdivision and consolidation in accordance with the said Last Will as mentioned above.

Land use development applications are hereby submitted to the following Statutory Authorities for approval / comment:

1. Department of Agriculture, Land Reform and Rural Development (DALRRD), in terms of the Subdivision of Agricultural Land Act No 70/1970.
The application has subsequently been approved by the DALRRD and a copy of Act No 70/1970 Consent No 55437 dated 05-10-2020 is enclosed herewith.
2. Department of Transport and Public Works, Western Cape Government, in terms of the Advertising on Roads and Ribbon Development Act No 21/1940.

The application has subsequently been approved by the Department of Transport and Public Works, WCG and a copy of the Act No 21/1940 Approval vide Ref TPW/CFS/RP/LUD/REZ/SUB-10-376 (Job 27611) dated 18-05-2020 is enclosed herewith.

3. Stellenbosch Municipality, in terms of their Municipal Land Use Planning By-Law, 2015.

4. Department of Agriculture, Western Cape Government, for comment.
The Department provided their comments on the 16-03-2020 which was forwarded to both DALRRD and the Stellenbosch Municipality. We responded to the comments received from the provincial Department of Agriculture on 07-10-2020 which was also forwarded to the National Department for their consideration in processing the application submitted in terms of Act No 70/1970. Despite the negative comments received from the provincial Department, DALRRD granted their approval vide Act No 70/1970 Consent No 55437.

2. LOCATION

The red polygons in the figure below indicate the location of the subject land units approximately 3km east of the town of Wemmershoek and approximately 4km north-west of the town of Franschhoek, Western Cape Province.



Figure 1: Location of the subject land units in relation to Franschhoek and Wemmershoek



Figure 2: Aerial photo of the subject land units

3. AGRICULTURAL FUNCTIONALITY

As per the Cape Farm Mapper Database, the subject land units are collectively planted to \pm 1,36 hectares citrus (naartjies), \pm 4,97 hectares wine grape vineyards and \pm 3,65 hectares planted pastures (lucerne). The areas indicated for planted pastures (lucerne) are in reality fallow land which was previously cultivated.

The crops on each separate portion are as follows:

Portion 2 of the Farm No 1609 Paarl:

Citrus	:	\pm 1,36 hectares
Wine grape vineyards	:	\pm 2,84 hectares
Fallow (Potential lands)	:	\pm 1,25 hectares

Portion 3 of the Farm No 1609 Paarl:

Wine grape vineyards	:	\pm 2,13 hectares
Fallow (Potential lands)	:	\pm 2,40 hectares



Figure 3: Cape Farm Mapper Extract: Crop Census 2017/2018

The distribution of crops on implementation of the application proposal will be as follows:

Consolidated Land Unit (Portion A and Portion 2 of the Farm No 1609 Paarl):

Citrus : ± 1,36 hectares
 Wine grape vineyards : ± 3,40 hectares
 Fallow (Potential lands) : ± 3,65 hectares

The Remainder of Portion 3 of the Farm No 1609 Paarl:

Wine grape vineyards : ± 1,57 hectares

The below pictures were extracted from Google Earth to illustrate that the currently fallow land was previously cultivated.



Figure 4: Google Earth extracts showing previously cultivated lands (2003 and 2005)

4. WATER ALLOCATION

The Franschhoek River forms the southern boundaries of the subject land units and the Kastaiings River traverses both subject land units.

The subject land units contain water rights as follow:

Portion 2 of the Farm No 1609 Paarl:

14 hectares from river (as per La Motte Irrigation Board)
 Total of 4 000 cubic meters of water per hectare (56 000 cubic metres) per annum.

Portion 3 of the Farm No 1609 Paarl:

15 hectares from river (as per La Motte Irrigation Board)
 Total of 4 000 cubic meters of water per hectare (60 000 cubic metres) per annum.

Please refer to the enclosed letter from the La Motte Irrigation Board.

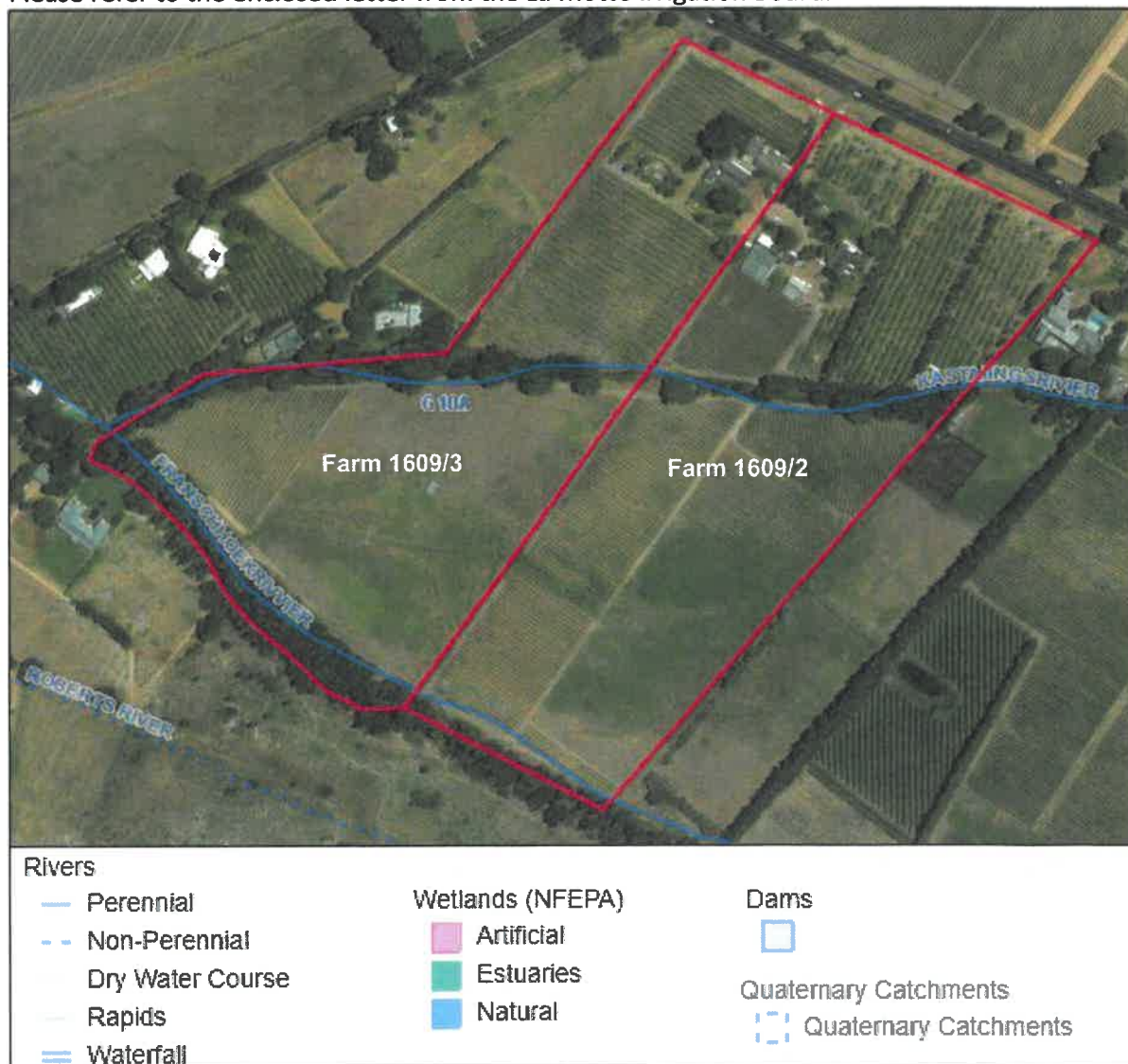


Figure 5: Cape Farm Mapper Extract: Water Resources

It should be noted that, irrespective of the current application, water rights will be distributed on a pro-rata basis proportionate to the agricultural potential of each portion. Therefore, the agricultural viability due to water availability will not be negatively impacted by means of the proposed re-modelling of the subject land units.

5. ACCESS

Both Portions 2 and 3 of the Farm No 1609 Paarl currently gain access to Main Road No 191 via a main access at log distance 19,45km. This access will remain as such for the proposed land units; however, a servitude road area will be required to be registered as described in para 6.

Additional accesses for agricultural functionality purposes exist at log distance 19,36km at the north-western corner of Portion 3 of the Farm No 1609 Paarl and at log distance 19,64km in close proximity to the north-eastern corner of Portion 2 of the Farm No 1609 Paarl.

No new accesses are proposed.

6. APPLICATION PROPOSAL

The land use development proposal for the subdivision and consolidation entails the following:

Subdivision:

Portion 3 of the Farm No 1609 Paarl is to be subdivided into two portions as follows:

- a) Portion A measuring $\pm 4,34$ hectares in extent.
- b) The Remainder of Portion 3 of Farm No 1609 Paarl measuring $\pm 2,43$ hectares in extent.

The subdivision is considered exempt in terms of section 24(1)(g) of the Stellenbosch Municipal Land Use Planning By-law, since the subdivision relates to agricultural land which requires approval in terms of legislation regulating the subdivision of agricultural and does not lead to urban expansion.

Consolidation:

The following land units are to be consolidated to form a land unit measuring $\pm 11,79$ hectares in extent:

- c) Portion A measuring $\pm 4,34$ hectares in extent.
- d) Portion 2 of the Farm No 1609 Paarl measuring 7,45 hectares in extent.

Application is hereby submitted in terms of section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-law for the consolidation, in order to comply with condition 3.1 imposed in Act No 70/1970 Consent No 55347 dated 05-10-2020.

Servitudes:

A servitude road area (indicated as SR1 and labelled abcd on the Plan of Subdivision) measuring 446 square metres in extent is to be registered over the Remainder of Portion 3 of the Farm No

1609 Paarl in favour of the consolidated land unit for access to Main Road No 191 from the existing entrance at Log distance 19,45km.

The registration of the servitude right of way is considered exempt in terms of section 24(1)(f)(iv) of the Stellenbosch Municipal Land Use Planning By-law.

7. MOTIVATION

- The proposal in effect represents the remodelling of two existing land units respectively measuring 6,77 and 7,45 hectares in extent, again into two new land units respectively measuring approximately ± 2,43 and ± 11,79 hectares in extent.
- The subject land units are already small in extent and do not equate to intense contribution to food security or agricultural significance, although the adding of Portion A to Portion 2 of the Farm No 1609 Paarl will enhance the agricultural productivity and sustainability of the agricultural lands accommodated by the consolidated land unit.
- Smaller agricultural land units are present in the surrounding area and therefore the proposal does not contradict the character of the area.
- The allocation of the land as per the last Will is in such a way as to ensure maximum and most effective utilisation of the two proposed land units in that the interest of the heir of the Remainder of Portion 3 of the Farm No 1609 Paarl is mainly toward the restaurant with complimentary agricultural activities, and the interest of the heir of Portion A to be consolidated with Portion 2 of the Farm No 1609 Paarl is of a dominantly agricultural nature. Therefore, the proposed distribution of land will ensure that sufficient enthusiasm and skills be put to each proposed land unit which is beneficial to the sustainability of these land units.
- The proposed remodelling of the land units will separate the various resources and crops which will result in focused ventures to add value to the land then being functionally and effectively utilised.
- The full extent of the currently fallow lands on both land units will now form part of the consolidated land unit. This will create the opportunity of these fallow lands to be farmed to increase the functionality of the larger agricultural land unit being created by the proposal and also considering that the land will be allocated to a person with agricultural expertise.
- The tourist related activity (restaurant) on the smaller Remainder of Portion 3 of the Farm No 1609 Paarl corresponds with the popular presence of such activities along this route to Franschhoek, the land units of which are also of smaller extents.
- The majority of the agricultural land on the land unit accommodating the tourist facility will be better utilised by the land unit not accommodating such a tourist facility and of which the main focus is still agricultural in nature.

- The agricultural land retained on the Remainder of Portion 3 of the Farm No 1609 Paarl will not be lost as it will most certainly be maintained, especially to remain in tact with the character of the area and the aesthetics of the restaurant in its current environs.
- Portion A is currently accessed by means of an existing low water crossing over Kastaiings River located on Portion 2 of the Farm No 1609 Paarl which was sufficient up to this end as both land units were owned by the same person. In the event that the remodelling of the land units fails, access to Portion A will be required directly over Portion 3 of the Farm No 1609 Paarl, which will necessitate the construction of a bridge or a low level crossing over the river. This will lead to unnecessary environmental implications. The remodelling of the land units will secure access to Portion A south of the Kastaiings River.
- Water resources are sufficient and will be proportionally allocated to each portion.
- The proposal does not result in fragmentation of agricultural land units as two land units are being remodelled again into two land units.
- The approval of the application will not negatively impact on agricultural, environmental, tourism or heritage resources; to the contrary, it will add value to these elements.

8. CONCLUSION

The proposed remodelling of two existing land units again into two land units by means of subdivision and consolidation, together with the registration of a servitude road area, will result in the effective utilisation of land in terms of the needs, interests and expertise of the subject heirs of the land and will result in sustainable agricultural and tourist related land units.

The proposal will not result in a negative impact on agricultural, environment, heritage, tourism or service resources and is capable of approval.

DAVID HELLIG AND ABRAHAMSE



PER : S G DREYER