



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Municipality - Munisipaliteit

Stellenbosch

16 JAN 2020

Office of Land Use Management
Kantoor van Grondgebruiksbestuur

LAND USE PLANNING APPLICATION FORM 2017

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

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

PART A: APPLICANT DETAILS

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

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

Registered owner(s)	Wines of Cordoba (Pty) Ltd				
Physical address	Helderberg Road				
	Somerset West	Postal code	7129		
E-mail	Marike@corobawines.co.za				
Tel	021-8553744	Fax		Cell	

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

Erf / Erven / Farm No.	1342	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	As above						
Current Zoning	Agricultural Zone 1 and II and Consent use - Tourist facility	Extent	11.6486 ha / ha	Are there existing buildings?	existing	y	N

Applicable Zoning Scheme	Section 8									
Current Land Use	Agriculture, wine cellar and wine tasting and sales									
Title Deed number and date	T	5772/2019								
Attached Conveyance's Certificate	Y	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	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)?					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)?					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?			N	If Yes, please attach the minutes of the pre-application consultation.						
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE										
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)										
Tick	Type of application: Cost are obtainable from the Council Approved tariffs³									
	15(2)(a) Rezoning of Land									
	15(2)(b) a permanent departure from the development parameters of the zoning scheme									
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;									
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;									
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;									

¹ All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

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

X	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) _____ overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
	15(2)(n) a closure of a public place or part thereof;
	15(2)(o) a consent use contemplated in the zoning scheme;
	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
	Other (specify) : _____	R
TOTAL A:		R

PRESCRIBED NOTICE AND FEES** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R 2500

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.
 ** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS	
Name:	Stellenbosch Municipality
Bank:	NEDBANK
Branch no.:	198765
Account no.:	1152271679
SWIFT	NEDSZAJJ
Payment reference: (Erf/Farm number)

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

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
			Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
			Y	N/A	National Water Act, 1998 (Act 36 of 1998)
			Y	N/A	Other (specify)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			
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:

2020-01-15

Full name:

EMILE VAN DER MERWE

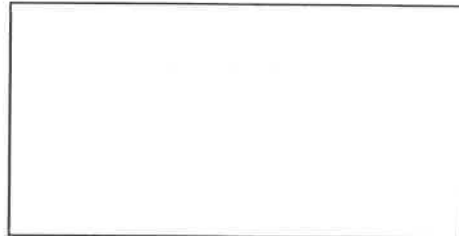
Professional capacity:

PROFESSIONAL PLANNER

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



Municipality - Munisipaliteit
Stellenbosch

16 JAN 2020

Office of Land Use Management
Kantoor van Grondgebruiksbestuur

APPLICATION FOR ADDITIONAL USE USE: FARM 1342
STELLENBOSCH DIVISION



PREPARED BY



EMILE VAN DER MERWE
town planning consultants

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by Wines of Cordoba (Pty) Ltd, the registered owner of Farm 1342 Stellenbosch to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

1. APPLICATION FOR ADDITIONAL USE/TECHNICAL APPROVAL IN TERMS OF THE SECTION 15 (2) (G) OF THE MUNICIPAL LAND USE PLANNING BY-LAW READ WITH THE STELLENBOSCH ZONING SCHEME BY-LAW TO OPERATE A RESTAURANT AS PART OF THE EXISTING WINE TASTING AND SALES AREA ($\pm 180M^2$).

The following report will indicate that the proposal will not have a negative impact on the natural and built environment and that it will not detract from the rural and cultural character of the Winelands landscape. The development proposal is consistent with the planning guidelines and principles as promoted on national and provincial level and more specifically in terms of the Stellenbosch Integrated Development Plan and Spatial Development Framework.

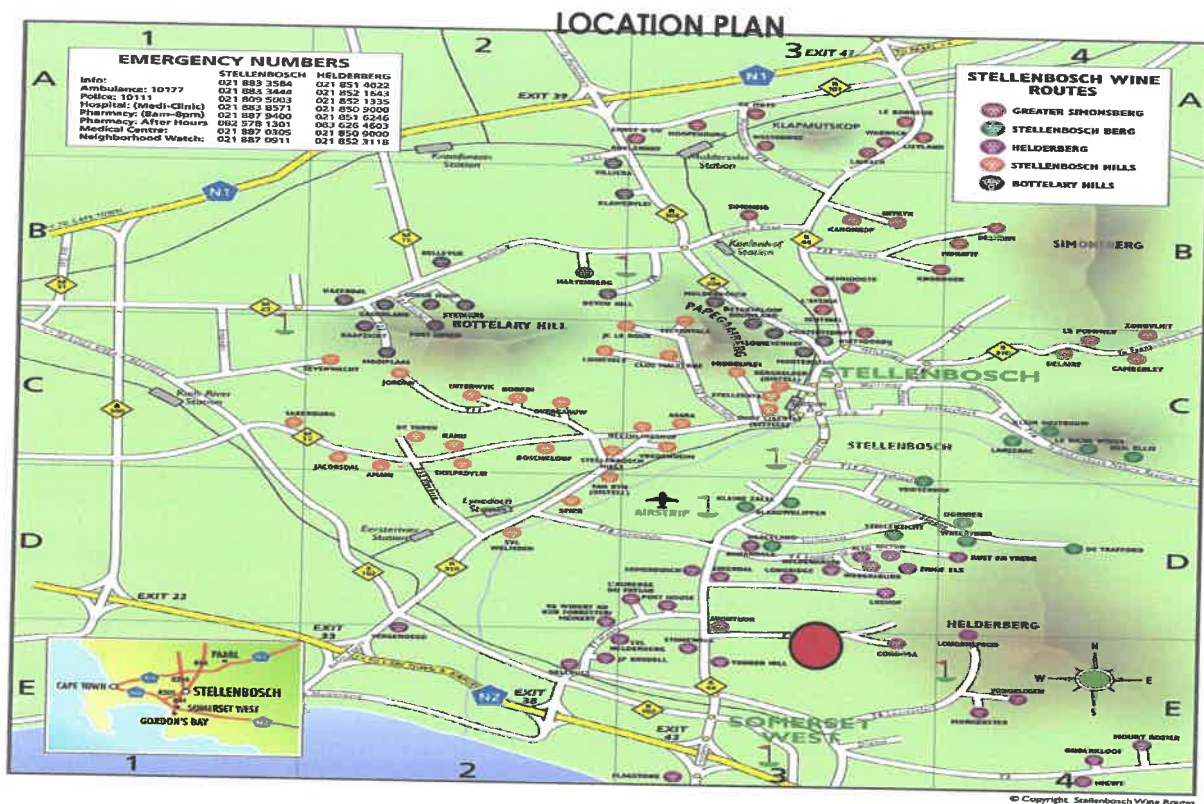
2. LOCATION AND ACCESS

Cordoba Wine Farm is situated between the towns of Stellenbosch and Somerset-West respectively and lies on the lower slopes of the Helderberg Mountain.

Access is obtained from Minor Road 4237 (Klein Helderberg Road). A new entrance is planned from the Nooitgedacht private road.

A location plan is provided below.

FARM 1342 STELLENBOSCH



3. OWNERSHIP

Ownership of the property vests with Wines of Cordoba Pty Ltd . A copy of the Title Deed is attached as **Appendix 1**.

The property is registered and surveyed in terms of the SG Diagram No. 11479/1952. A copy of the Surveyor Diagram is attached as **Appendix 2**.

The Company resolution and Power of Attorney is attached as **Appendix 3**.

4. ZONING AND LAND USE

The property comprises the following zonings:

- Remainder Property – Agricultural Zone I

FARM 1342 STELLENBOSCH

- Agricultural zone II (wine cellar - ± 500m²)
- Consent use (Wine tasting and sales - ±180m²)

The approval in respect of the Wine cellar and Wine tasting and sales area is attached as **Appendix 4**. The zoning certificate is attached as **Appendix 5**.

The property is being utilised in accordance with the approved zonings. The land use comprises the following:

- Remainder Agriculture (± 9 ha vineyards)
- Wine cellar (Romond Wines) and wine tasting
- Main homestead and outbuildings

The existing wine cellar and tourism facilities are subservient to the main farming activities.

5. PURPOSE OF APPLICATION

The property has recently been purchased by Wine of Cordoba (Pty) Ltd who also owns Farms 1595/1, 1595/2 and 1495/4 situated in very close proximity of the application property. It is the intention of the new owner to incorporate a small scale restaurant as part of the existing wine tasting area in order to furtherance the tourism experience of the facility.

The proposal merely entails the alternate use of the existing tourism facility as shown on **Appendix 6**.

The establishment of tourist related facilities on the property is in line with the following objectives of the Provincial Department of Agriculture.

INTENSIFYING AND VALUE ADDING

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

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

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

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

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

6. PLANNING AND POLICY DIRECTIVES

6.1 Stellenbosch Municipal Integrated Development Plan

The Municipality’s strategic vision as defined in terms of the IDP is to become the **“Innovation Capital of South Africa”** The 5 pillars that have been adopted to realize this vision is depicted on the image below

The figure below illustrates our overarching strategy.

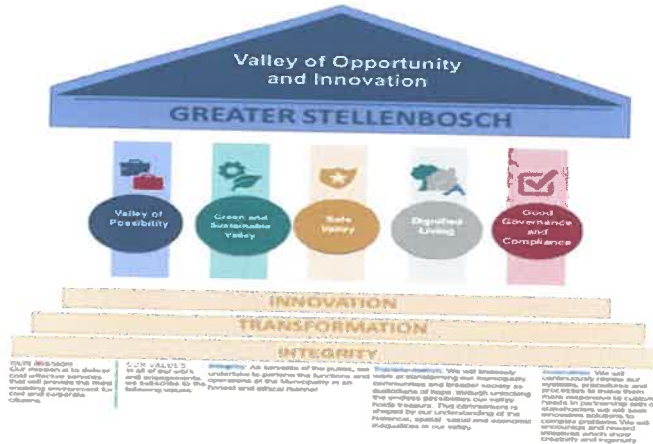


Figure 6: Our Overarching Strategy

STRATEGIC FOCUS AREA 1: VALLEY OF POSSIBILITY

The Stellenbosch Municipality wants to establish an environment where:

- ✓ Enterprise, creativity and businesses – large and small – thrive.
- ✓ Services and infrastructure support the needs of the business sector
- ✓ Municipal processes do not inhibit private sector initiative, and where
- ✓ The municipality play a key role in providing information which facilitates enterprise development.

6.2 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK 2014

The WCPSDF is also aligned with the National Spatial Development Perspective and endorses the vision of PGWC to create ‘a home for all’. In order to achieve this vision, the WCPSDF aims to:

- a) Be the spatial expression of the Provincial Growth and Development Strategy (PGDS).

- b) Guide municipal (district, local and metropolitan) Integrated Development Plans (IDPs) and Spatial Development Frameworks (SDFs) and provincial and municipal Spatial Development Plans (SDPs).
- c) Help prioritize and align investment and infrastructure plans of other provincial departments, as well as the plans and programs of national departments and parastatals in the Province.
- d) Provide clear signals to the private sector about desired development directions.
- e) Increase predictability in the development environment, for example by establishing 'no go', 'maybe' and 'go' areas for development.
- f) Redress the spatial legacy of apartheid.

Under Chapter 2.3 of the PSDF it is stated that bioregional planning approach is supported and endorsed by the PSDF. In terms of this approach the planning and design of development in the province is to be based upon and should give effect to a sense of place, sense of history, sense of craft, sense of nature and sense of limits. The PSDF provides clear policy guidelines and actions plans grouped under three main areas of intervention, namely

- a) socio-economic development
- b) urban restructuring and
- c) environmental sustainability.

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

"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



PSG 1: Create opportunities for growth and jobs

PROJECT KHULISA ("to grow")

Productive Sectors:



Enablers:

- Energy
- Water
- Broadband
- Skills



Western Cape Economic Drivers

Western Cape Industry: District Comparative Advantages

Table 3.5 Western Cape: Industry revealed comparative advantage by district

Cape Metro Textiles, clothing & leather Tourism Finance, BPO, ICT 'Knowledge sector' Timber & furniture	Cape Winelands Agriculture & processing Tourism Building & construction Communications & ICT	Eden 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: CER

The

provincial and national model spatial policy and guidelines have informed Chapter V

and more specifically Section 65 of The Planning By-Law (Criteria for Decision Making). The said section must be read with and originates from the planning policies and guidelines that are embedded in the Spatial Planning and Land Use Management Act, 16 of 2013 ("SPLUMA") and the Western Cape Land Use Planning Act, 3 of 2014 ("LUPA") and the Municipal Spatial Development Framework.

Development applications must be evaluated in relation and in accordance to the current legislative planning system that promotes justifiable sustainable development. The said legal framework clearly stipulates that future urban development should significantly change current patterns of resource use so that there is a meaningful reduction in their consumption in order that all future generations also benefit. The proposal on the subject property is aimed to prevent urban sprawl and to contribute to development of more compact towns and cities. The said decision, inter-alia is consistent with Section 42(1) SPLUMA as it is guided by the development principles contained in Chapter 2 therein. Section 7(1) (c) (i) of SPUMLA specifically states that land development should optimise the use of existing resources and infrastructure.

The planning principles of SPUMLA further are enshrined in The Western Cape Land Use Planning Act, 3 of 2014 ("LUPA"). Section 59 (2) and (3) of LUPA that deals with spatial sustainability and spatial efficiency requires that land use planning should:

- a) promote land development that is spatially compact and resource-frugal
- b) promote land development in locations that are sustainable and limit urban sprawl; and
- c) optimise the use of existing resources and infrastructure.

The proposal complies and conforms to the guiding principles of LUPA, the Western Cape Spatial Development Framework and Stellenbosch Municipal planning policy and guidelines. The merit of the application has been evaluated and found desirable.

6.4 Stellenbosch Municipal Spatial Development Framework SMSDF)

The application will not constitute any of the listed activities as set out in terms of the National Environmental Management Act, 1998 (NEMA).

8. IMPACT ON MUNICIPAL SERVICE

Water

Potable water is obtained from the existing borehole on the property.

Electricity

Electricity is provided by Eskom. No upgrades is required

Sewerage

Sewerage is currently disposed by means of an existing conservancy tank. The tank has sufficient capacity to accommodate the proposal.

Refuse/Waste

Waste is currently collected on site and privately disposed to the Stellenbosch Refuse site. Recycling of glass, carton etc. will be implemented once the approval has been obtained. An agreement with the Municipality will be entered into to collect waste and recycled material from the site.

8. CONCLUSION

The proposal is considered desirable from a planning point of view. The determining factors in this regard are:

- The proposal is in line with the municipal vision and objectives as set out in terms of the IDP and the Spatial Development Framework;
- The proposal conforms to the overarching and endorsed national and provincial policies and frameworks with specific focus on the role of sustainable agriculture;

APPENDIX 1

TITLE DEED

117

Cluver Markotter Inc
Cluver Markotter Building
Mill Street
Stellenbosch
7600

Prepared by me


CONVEYANCER
LIZE PECORARO

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 31 000 000,00	R. 4 890,00
Reason for exemption	Category Exemption.....	Exemption i to. Sec/Reg..... Act/Proc.....

T 000005772 / 2019

DEED OF TRANSFER

DATA / CAPTURE
15 FEB 2019
MARLYN BARLOW

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS

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

**The Trustees for the time being of THE DRAGON TRUST
Registration Number IT2323/1994**

DATA / VERIFY
2019 -02- 15
PHEZZELELA MNAMATA

which said Power of Attorney was signed at STELLENBOSCH on 10 January 2019

if

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And the appearer declared that his/her said principal had, on 6 December 2018, truly and legally sold by Private Treaty, and that he/she, the said. Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**WINES OF CORDOBA PROPRIETARY LIMITED
Registration Number 2017/392895/07**

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

**FARM NUMBER 1342 STELLENBOSCH IN THE MUNICIPALITY AND
DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE**

IN EXTENT 11,6486 (ELEVEN COMMA SIX FOUR EIGHT SIX) Hectares

**FIRST registered and still held by Certificate of Consolidated Title T519/1995
with Diagram SG number 5562/1994 relating thereto**

- I. AS REGARDS the figure ABgf on Diagram S.G number 5562/1994
 - A. SUBJECT to the conditions referred to in Deed of Transfer number T4182/1891.
 - B. SUBJECT FURTHER AND ENTITLED to the conditions of registratin of Servitude dated 29 December 1949 and endorsed on Deed of Transfer number T754/1914 which endorsement reads as follows:

"By Deed of Transfer number 20916 dated 29 December 1949 Lot S.O. and Lot S.O. Annex conveyed thereby have been made subject to certain conditions relating to fencing which are in favour of the land held by Paragraphs 2 and 3 hereof and Paragraph 3 of Deed of Transfer 8866/1934.

The said Lots S.O. and S.O. Annex are entitled to a right of way over the adjoining land held by Paragraphs 1 and 2 hereof, subject to certain conditions relating to maintenance, damages and fencing, and the erection of gates.

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

- II. AS REGARDS the figure fgc middle of stream dE on Diagram S.G number 5562/1994.

~

LSJ

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- A. SUBJECT to the conditions contained in Deed of Transfer T754/1914.
- B. SUBJECT FURTHER to the conditions of Registration of Servitude dated 29 December 1949 and endorsed on said Deed of Transfer number T754/1914, which endorsement reads as follows:-

"The said Lots S.O. and S.O. Annex are entitled to a right of way over the adjoining land held by Paragraphs 1 and 2 hereof, subject to certain conditions relating to maintenance, damages and fencing, and erection of gates."

- C. ENTITLED, in terms of the conditions contained in Certificate of Consolidated Title T519/1995, to a servitude right of way 6 metres wide, the South Western boundary being depicted by the line dD on Diagram 5562/1994, over the Remainder of the Farm number 708, Division Stellenbosch, measuring as such 36,1931 (Thirty Six comma one nine three one) Hectare, held by Deed of Transfer number T65364/1989.



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

**The Trustees for the time being of THE DRAGON TRUST
Registration Number IT2323/1994**

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

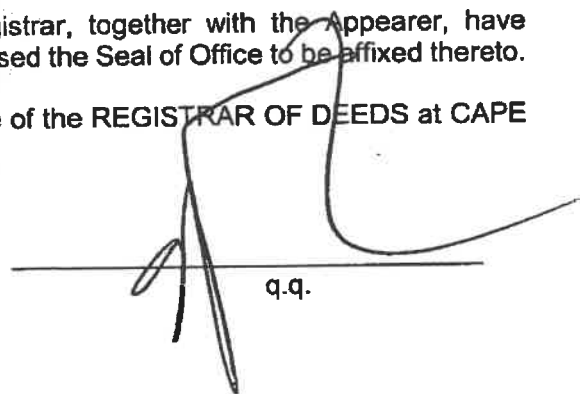
**WINES OF CORDOBA PROPRIETARY LIMITED
Registration Number 2017/392895/07**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R31 000 000,00 (THIRTY ONE MILLION RAND).

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


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

2019-02-14



q.q.

In my presence



REGISTRAR OF DEEDS

APPENDIX 2
SG DIAGRAM

APPENDIX 3
RESOLUTION AND POA

WINES OF CORDOBA (PTY) LTD
REGISTRATION NUMBER: 2017/392895/07
RESOLUTIONS TAKEN BY THE DIRECTORS AND SHAREHOLDERS DATED 27 JUNE 2018

SIGNING ON BEHALF OF COMPANY FOR WINES OF CORDOBA (PTY) LTD

It was **RESOLVED** that Mr. Schalk Willem Joubert, ID Number 6706185153083, is hereby authorized to sign documents on behalf of the company. Mr Schalk Willem Joubert will be acting as a representative of the company.

AUTHORISATION

It was **RESOLVED** by ordinary resolution

SIGNED:



DIRECTOR: SANDRA GROENEWALD

POWER OF ATTORNEY

Wines of Cordoba (Pty) Ltd, the registered owner of Farm 1342 Stellenbosch Division

Do hereby nominate 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 application for the following

- APPLICATION CONSENT USE IN TERMS OF SECTION 15 (2) (O)
STELLENBOSCH LAND USE PLANNING BY-LAW**

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
DAY OF MAY 2019.

ON THIS 13TH



SCHALK-WILLEM JOUBERT

- 2.3 the application for consent use in order to convert a portion of the existing shed ($\pm 180\text{m}^2$) on Farm No.1342, Stellenbosch, into an additional dwelling unit **be approved**, in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of PN 1048 of 1988 and;
- 2.4 the rezoning of a portion of Farm No.1342 from Agricultural Zone I to Residential Zone V, **be refused**, in terms of section 16 of the said Ordinance.
3. The above approvals are subject to the following conditions in terms of section 42 of the said Ordinance:
 - 3.1 That the approval applies only to the rezoning from Agricultural Zone I to Agricultural Zone II and both consent uses, as indicated on site plans (attached as Annexure A) and shall not be construed as authority to depart from any other legal prescriptions or requirements.
 - 3.2 That building plans for the proposed conversions to the existing structure be submitted to the municipality for evaluation and, prior to building work commencing on site.
 - 3.3 That sufficient landscaping be implemented to screen or soften any visual impact of the existing building and parking area from the surrounding properties and roads.
 - 3.4 The owner of the property must apply for the applicable business licenses in terms of the Business Act, 1991 (Act 71 of 1991).
 - 3.5 The necessary licenses must be obtained in terms of the Liquor Act, 1989 (Act 27 of 1989).
 - 3.6 That the condition set out from the Cape Winelands District Municipality's Health section be adhered to (attached as Annexure B).

- 3.7 That should the Department of Environmental Affairs and Development Planning revise their initial comments with regard to environmental impacts and request further information and if the revised information involve any other listed activities, an application for authorization be submitted before such activity may commence.
- 3.8 That the conditions as set out by the Department of Water Affairs and Forestry be adhered to (attached as Annexure C).
- 3.9 That Council reserves the right to imposed further conditions if needed.

Yours faithfully

A handwritten signature in black ink, appearing to be 'M. J. ...', written over the printed title 'HEAD OF DEPARTMENT'.

HEAD OF DEPARTMENT



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

35

Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref.
Datum / Date
Telefoon / Telephone
Faks / Fax

P April / U Von Molendorff
-
Farm 1342, Stellenbosch
2008-11-14
021-808 8683 / 8682
021-808 8651

REGISTERED POST

Alwi Theart Urban & Rural
Planning Practitioners
PO Box 7257
Stellenbosch
7599

Sir

APPLICATION FOR REZONING AND CONSENT USE: FARM 1342, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Planning, Heritage and Environment Committee at a recent meeting resolved as follows:

- (a) that **approval be granted** for the **rezoning** of $\pm 500\text{m}^2$ of Farm No. 1342, Stellenbosch Division from Agricultural Zone I to Agricultural Zone II to convert a portion of an existing farm shed into a wine cellar, with a processing and storage capacity of ± 50 tons, as indicated on Drawings No. B2 and B3, dated July 2008 and compiled by Alwi Theart (See **APPENDIX 3**), in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985;
- (b) that **approval be granted** for a **consent use** for a tourist facility, in order to use a portion of an existing shed ($\pm 180\text{m}^2$) on Farm No. 1342, Stellenbosch Division as a wine tasting and sales facility, as indicated on Drawings No. B2 and B3, dated July 2008 and compiled by Alwi Theart (See **APPENDIX 3**), in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) and promulgated under P.N. 1048/1988;
- (c) that **approval be granted** for a **consent use** in order to convert a portion of an existing shed ($\pm 180\text{m}^2$) on Farm No. 1342, Stellenbosch Division into an additional dwelling unit, as indicated on Drawings No. B2 and B3, dated July 2008 and compiled by Alwi Theart (See **APPENDIX 3**), in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) and promulgated under P.N. 1048/1988;
- (d) that the above approvals in a, b and c will be subject to the conditions contained in the attached **APPENDIX 1**;
- (e) that the **rezoning** of $\pm 300\text{m}^2$ of Farm No. 1342, Stellenbosch Division from Agricultural Zone I to Residential Zone V for the establishment of a guesthouse, as indicated on Drawings No. B2 and B3.1, dated July 2008 and compiled by Alwi Theart (See **APPENDIX 3**), in terms of Section 16 of

P 5-12-08

Alu
14-11-08

the Land Use Planning Ordinance No. 15 of 1985, **be supported and the Competent Authority be advised accordingly;** and

(f) that if the Competent Authority approve the rezoning as stipulated in 6.5, the following conditions be imposed in terms of Section 42(1) of the Land Use Planning Ordinance (15 of 1986):

- (i) That the approval apply only to the rezoning in question, as indicated on **APPENDIX 3** and shall not be construed as authority to depart from any other legal prescriptions or requirements.
- (ii) That the required on-site parking for the guesthouse be provided on a ratio of 1 parking bay per guest room.
- (iii) That the total number of guest rooms be restricted to 6.
- (iv) That the building footprint for the 6 bedroom guesthouse be restricted to $\pm 300\text{m}^2$.
- (v) That sufficient landscaping be implemented to screen or soften any visual impact of the proposed building and parking area from the surrounding properties and roads.
- (vi) That building plans for the proposed conversions to the existing structure and construction of the new building be submitted to this municipality for evaluation and approval, prior to building work commencing on site.
- (vii) That the conditions as set out in **APPENDIX 5** from the Cape Winelands District Municipality's Health Section be adhered to.
- (viii) That should the Department of Environmental Affairs and Development Planning revise their initial comments and request further information and the revised information involve any other listed activities, an application for authorization be submitted and authorization be obtained before such activity may commence. See **APPENDIX 7**.
- (ix) That the conditions as set out in **APPENDIX 12** by the Department of Water Affairs & Forestry be adhered to.
- (x) That the Stellenbosch Municipal Council reserve the right to impose further conditions if needed.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against (a), (b) and (c) of the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R270.00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plein Street, Stellenbosch, within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you (as well as any objectors, if any) will be

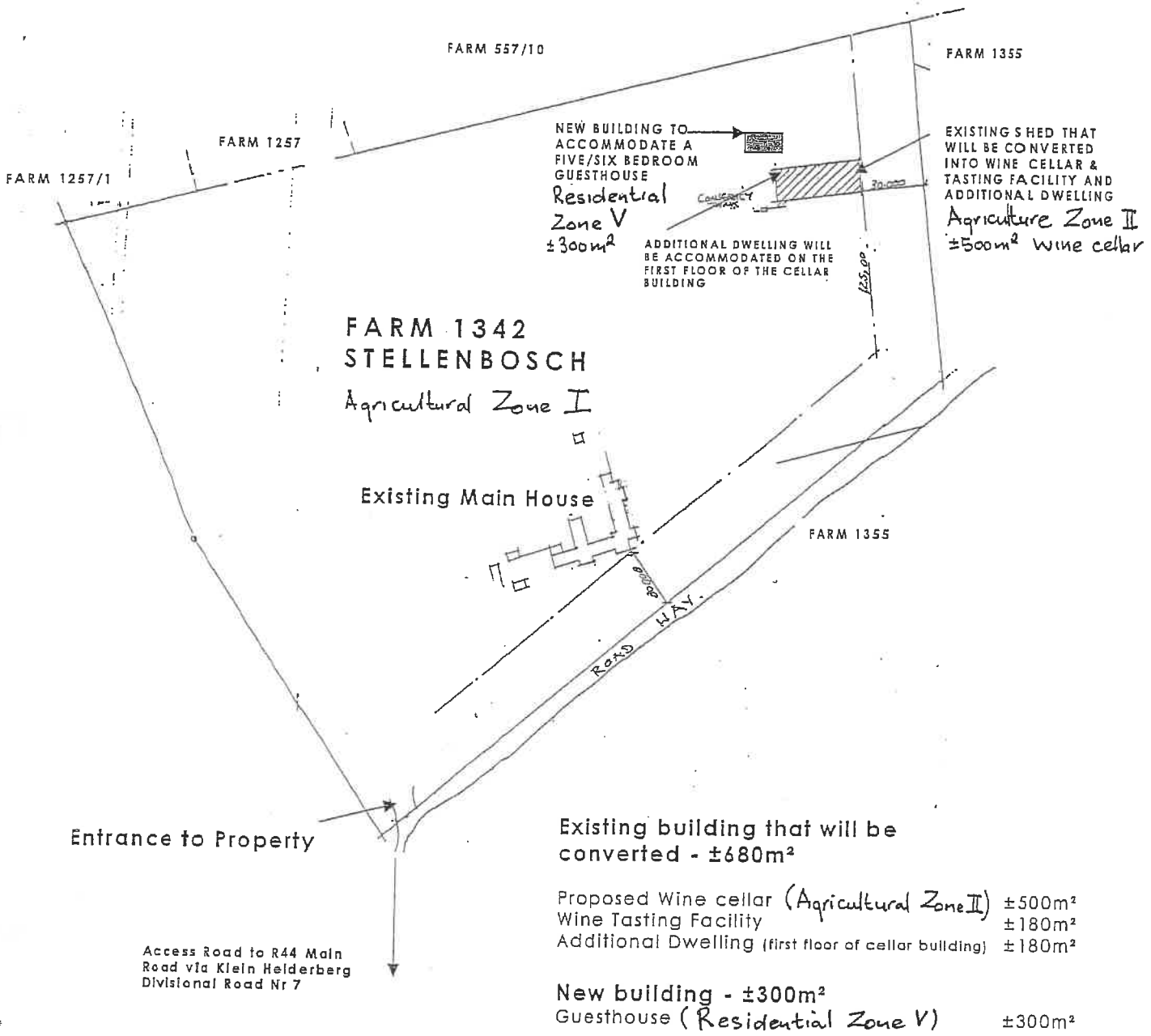
advised of a further right of appeal in terms of Section 44 of Land Use Planning Ordinance, No 15 of 1985 in due course.

Kindly note the above Council decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

A handwritten signature in black ink, appearing to read "E. Cawaras". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

for DIRECTOR: PLANNING AND ENVIRONMENT



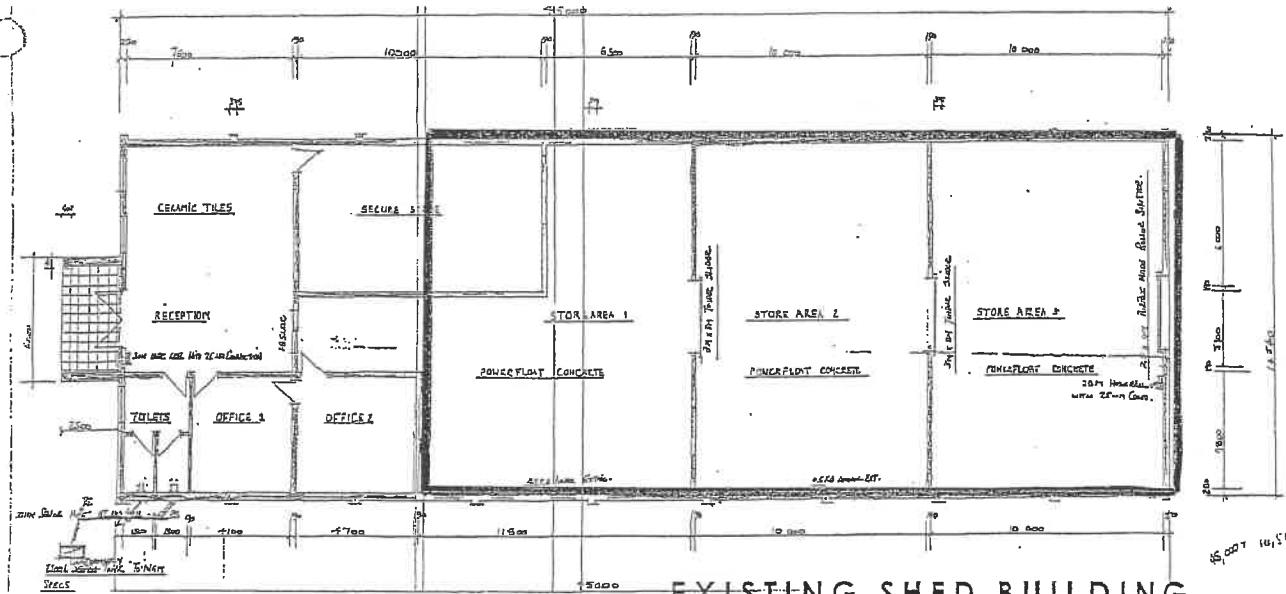
- Existing building that will be converted - ±680m²
- Proposed Wine cellar (Agricultural Zone II) ±500m²
- Wine Tasting Facility ±180m²
- Additional Dwelling (first floor of cellar building) ±180m²
- New building - ±300m²
- Guesthouse (Residential Zone V) ±300m²

ALWI THEART
URBAN & RURAL
 PLANNING
 PRACTITIONERS
 5 Drosdy Street Stellenbosch 7600 PO Box 7257
 Stellenbosch 7599 Tel 021 886 9922 Fax 021 863
 8269 Fax2Email 086 611 5229 Cell 082 411 7914
 Email alwi@adepi.co.za

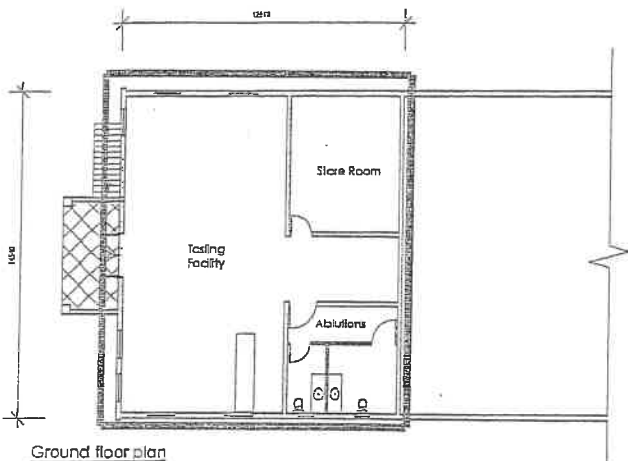
DESCRIPTION 1
SITE PLAN
 DESCRIPTION 2
 Location of facilities
 DESCRIPTION 3
 DATE
 July 2007
 PROJECT NUMBER
 FTG4254611
 SCALE
 Unknown
 ANNEXURE

DESCRIPTION
FARM 1342 STELLENBOSCH
 PROPOSED WINE CELLAR, WINE TASTING FACILITY, ADDITIONAL DWELLING AND GUESTHOUSE

B2

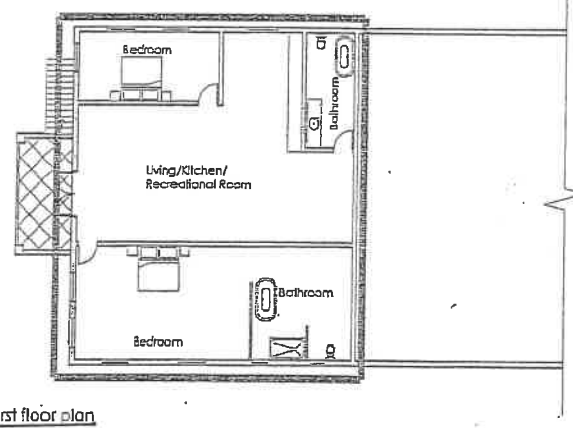


EXISTING SHED BUILDING
 A PORTION ($\pm 500m^2$) OF THE EXISTING SHED BUILDING WILL BE CONVERTED INTO A WINE CELLAR: Agricultural Zone II



Ground floor plan

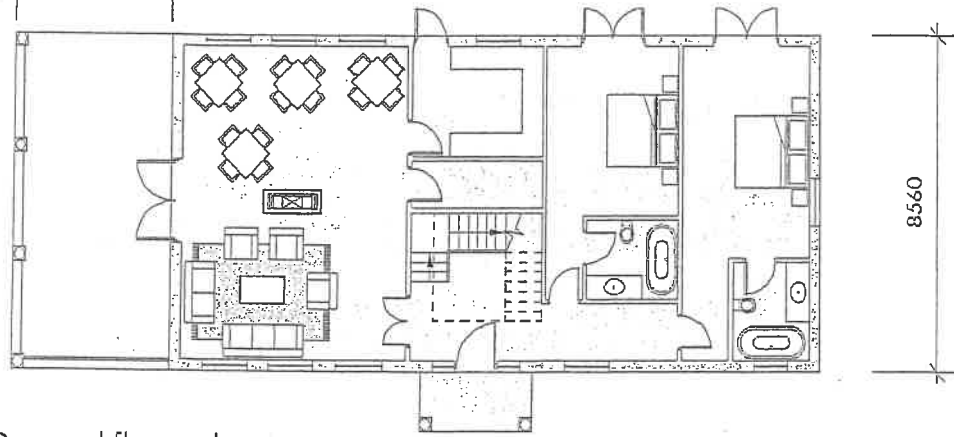
EXISTING SHED BUILDING
 A PORTION ($\pm 180m^2$) OF THE EXISTING SHED BUILDING WILL BE CONVERTED INTO A WINE TASTING FACILITY
 Consent Use for a tourist facility



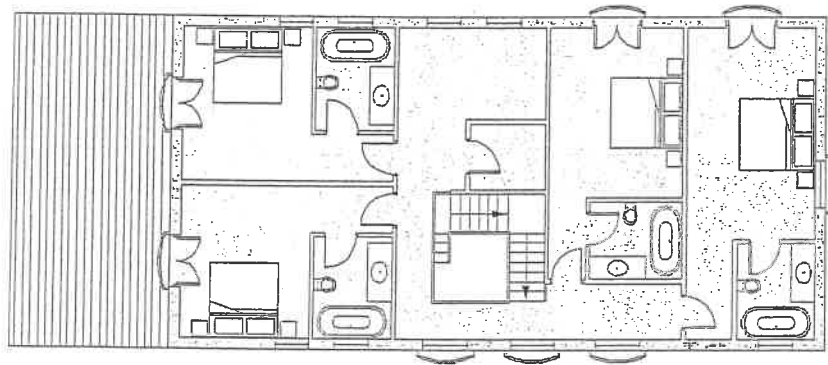
First floor plan

EXISTING SHED BUILDING
 A PORTION ($\pm 180m^2$) OF THE EXISTING SHED BUILDING WILL BE CONVERTED INTO AN ADDITIONAL DWELLING (FIRST FLOOR)
 Consent Use for an additional dwelling

<p>ALWI THE ART URBAN & RURAL PLANNING PRACTITIONERS</p> <p>5 Dreydy Street Stellenbosch 7600 PO Box 7257 Stellenbosch 7599 Tel 021 886 9922 Fax 021 883 8269 Fax2Email 086 611 5229 Cell 082 411 7914 Email alwi@adept.co.za</p>	<p>LAYOUT CELLAR, TASTING & ADDITIONAL DWELLING</p>		<p>DESCRIPTION 1</p>	<p>PROJECT NUMBER</p> <p>P1342Stell</p>
	<p>DESCRIPTION 2</p> <p>Existing building will be converted into a wine cellar, tasting facility and additional dwelling</p>	<p>DESCRIPTION 3</p>	<p>SCALE</p> <p>Unknown</p>	<p>DATE</p> <p>July 2007</p>
<p>DESCRIPTION</p> <p>FARM 1342 STELLENBOSCH</p> <p>PROPOSED WINE CELLAR AND WINE TASTING FACILITY AND ADDITIONAL DWELLING AND GUESTHOUSE</p>	<p>ANNEXURE</p> <p>B3</p>			



Ground floor plan



First floor plan



Elevation

ALWI THE ART
URBAN & RURAL
 P L A N N I N G
 P R A C T I T I O N E R S

5 Drostydj Stryef Stellenbosch 7600 PO Box 7257
 Stellenbosch 7599 Tel 021 886 9922 Fax 021 883
 8269 Fax2Email 086 611 5229 Cell 082 411 7914
 Email alwi@adept.co.za

DESCRIPTION

FARM 1342 STELLENBOSCH

PROPOSED WINE CELLAR AND WINE
 TASTING FACILITY AND ADDITIONAL
 DWELLING AND GUESTHOUSE

PROPOSED GUESTHOUSE

DESCRIPTION 1
 DESCRIPTION 2
 New building will be constructed next
 to the existing cellar building and will
 be surrounded by existing trees

PROJECT
 NUMBER
 P1342Stell

SCALE
 Unknown

DATE
 July 2007

ANNEXURE

B3.1

APPENDIX 5
ZONING CERTIFICATE



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

14 July 2016

Our Ref : 1342 S
Contact person : C Charles
Contact no : (021) 808 8699

ZONING CERTIFICATE FARM 1342,STELLENBOSCH DIVISION

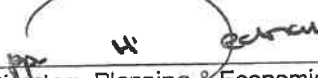
It is hereby certified that the zoning of Farm 1342, Stellenbosch Division in terms of the Zoning Scheme Regulations (PN 1048/1988) promulgated in terms of Section 8 of the Land Use Planning Ordinance (No.15 of 1985), is:

Agricultural Zone I (Remainder of property)

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

Agricultural Zone II (Wine cellar with a processing and storage capacity of ±50 tons) with consent uses for a wine tasting and sales facility (±180m²) as well as an additional dwelling unit (±180m²)

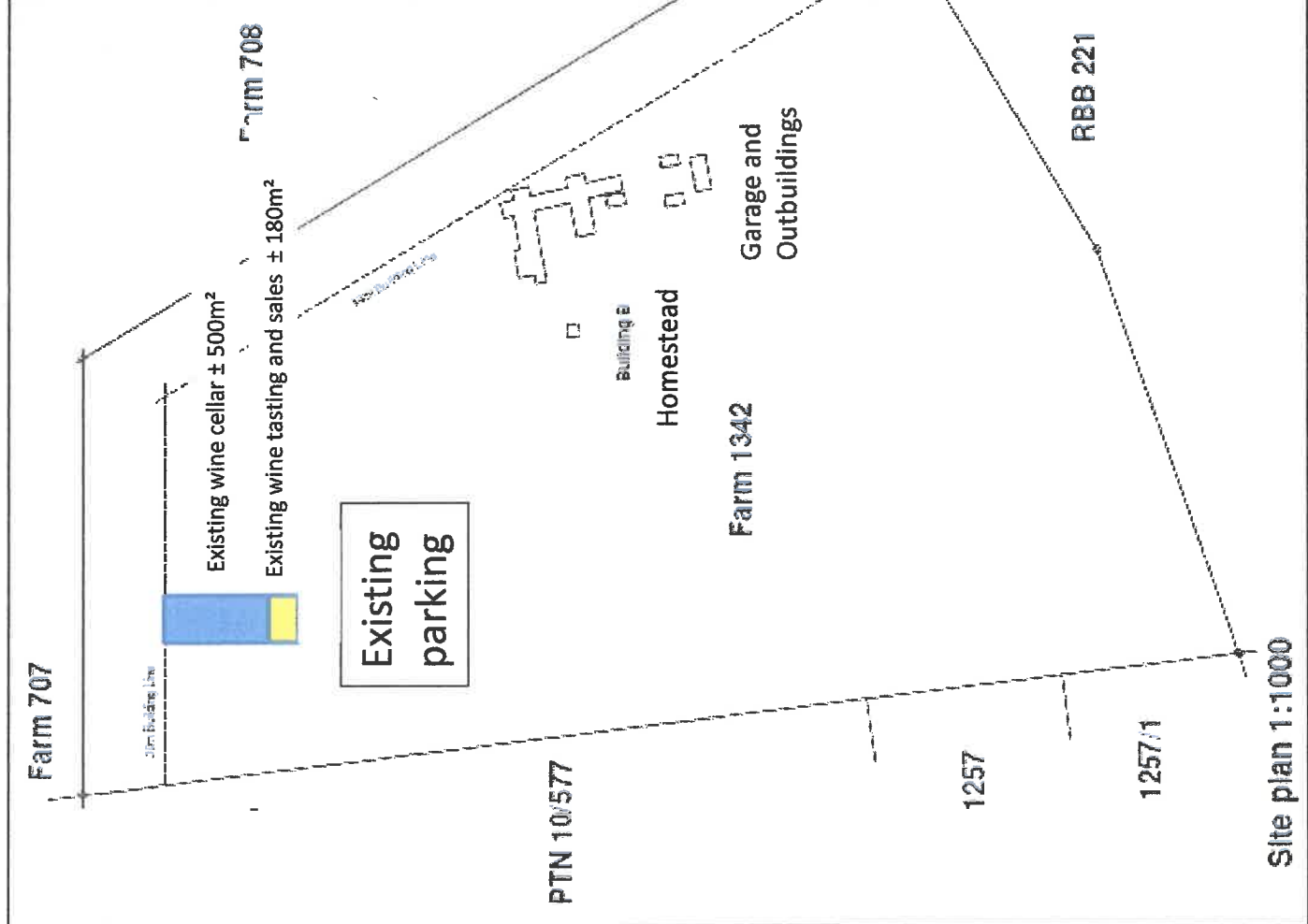
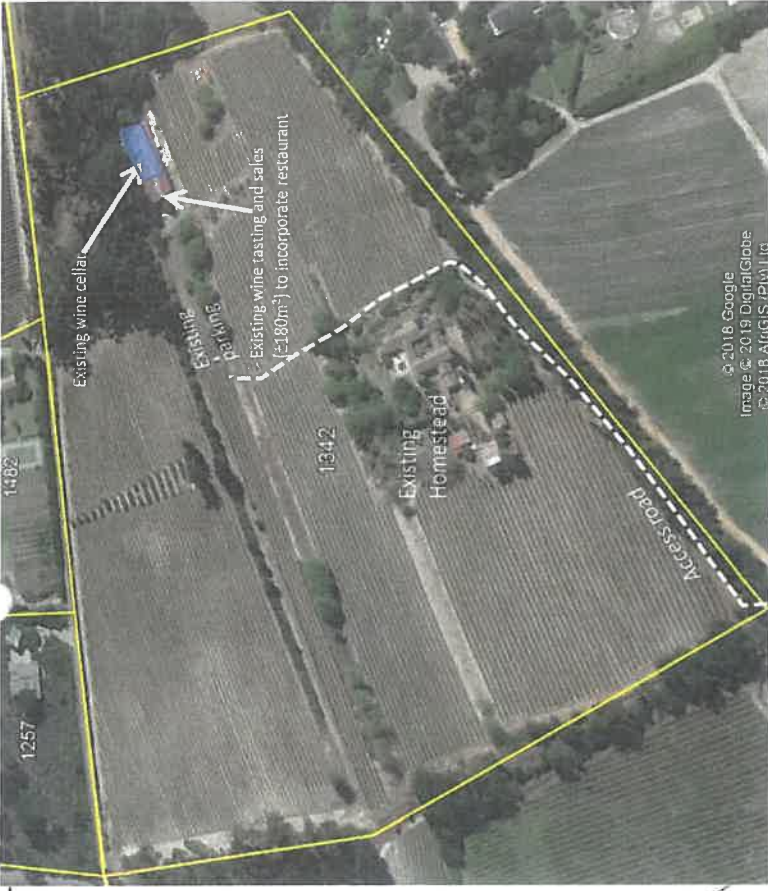
PRIMARY USE	CONSENT USES <i>(Land uses allowed with the consent of Council)</i>
Agricultural industry	Tourist facilities Farmstore Rooftop base telecommunication station Freestanding base telecommunication station Renewable energy structure Guesthouse


Director: Planning & Economic Development

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



APPENDIX 6
SITE AND FLOOR PLAN

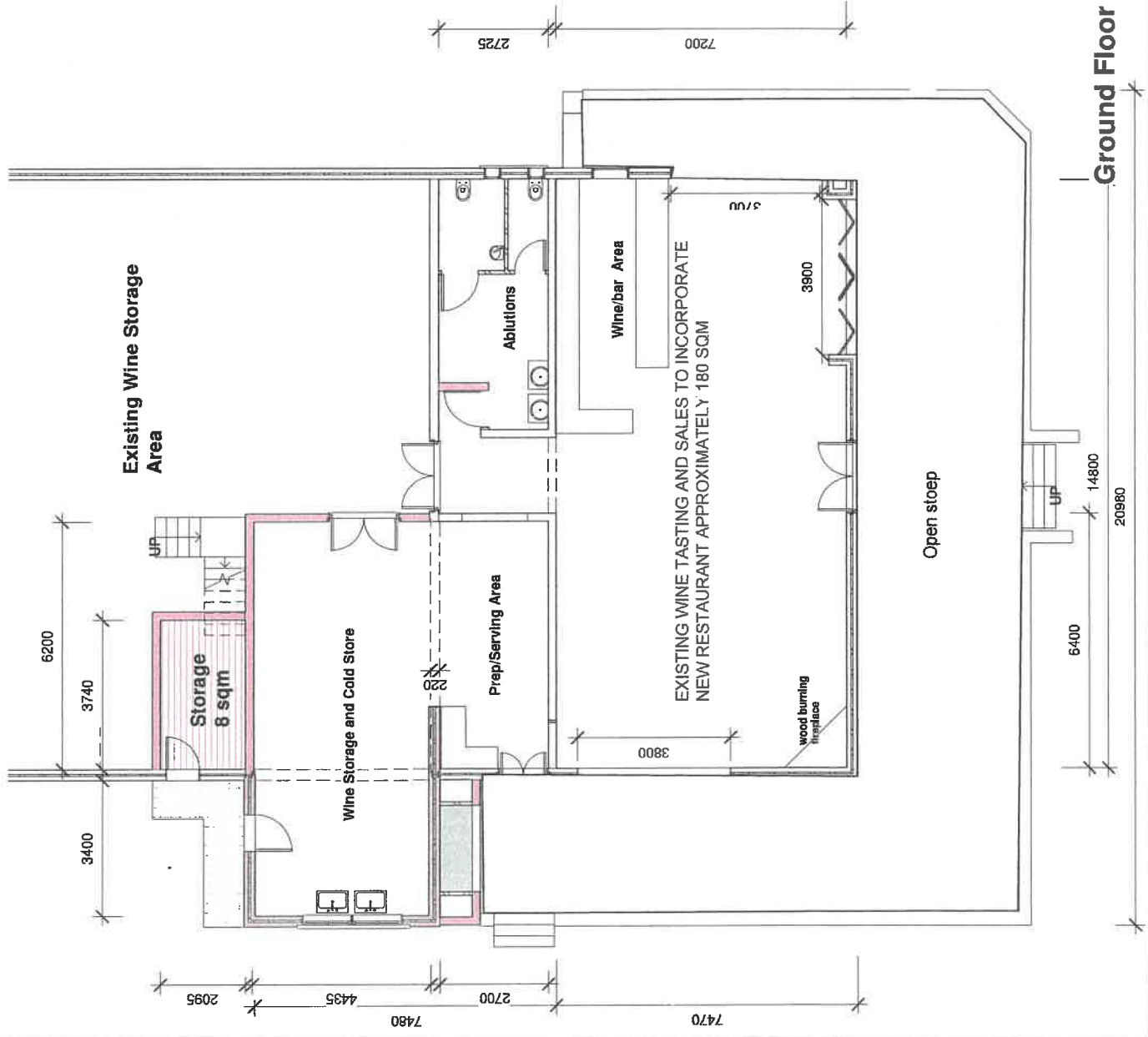


Schedule of Area Existing A	
Building A - Wine Storage	415 sqm
Zoning: Agriculture Zone 2	
Building A - Wine Tasting	172 sqm
Proposed Building A - Tasting & Sales	
Zoning: Wine Tasting and Sales	
Total Area:	587 sqm
Parking - Wine Tasting	16-12 bays
4100 sqm	

**Site Plan for Farm 1342,
STELLENBOSCH**

Project Number: 2019/015/26
 Location: Stellenbosch
 7921
 Architect: M. J. van der Merwe
 Cell: 082 422 4241

Drawing No: 2019/015/26
 Date: May 2019
 Drawing Title: Site Plan 1:1000
 Sheet: 2/



Ground Floor Plan 1:100

Schedule of Area's:

Wine Tasting, Sales & Preparation:	195 sqm
Exterior Decking:	53 sqm
Total:	250 sqm

**Ground Floor Plan Layout:
Refurbishment of existing
wine tasting and sales area,
Farm 1342,
STELLENBOSCH**

Moller Architects - Pr Arch: 21410
13 Drostydj Str.
Stellenbosch
7800
hendrikm@mweb.co.za
cell: 063 455 4543

Drawing No: 2019/06

Date: May 2019

Drawing Title: Wine Tasting Ground
Floor Plan

Sheet - 01