

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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

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

Application Property Address	De Bosch Stables, Stellenrust Road, Stellenbosch
Application Property Number	Farm 1537/2 Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	De Bosch Investments (Pty) Ltd
Application Reference	LU/15358 (TP312/2023)
Application Type	Subdivision, Consolidation and Permission required in terms of restrictive title deed condition

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

- Application in terms of Section 15 (2) (d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Farm 1537/0 Stellenbosch Farms into two portions namely, Portion A (± 1 ha in extent) and Remainder Farm 1537/0 (± 22 ha in extent)
- Application in terms of Section 15 (2) (e) of the Stellenbosch Municipality Land Use Planning By- Law, 2015 for consolidation of the subdivided Portion A with Farm 1537/2 Stellenbosch farms.
- Permission required in terms of restrictive title deed conditions contained in both Deed of Transfer T46410/2015 and Deed of Transfer T05023/2022 in order to facilitate the proposed subdivision and consolidation of Farm 1537/0 & 2, Stellenbosch farms

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

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;

- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

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

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 10 July 2023.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (0845566461/021-8865050) during normal office hours.

YOURS FAITHFULLY

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

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

Adres van aansoek eiendom	De Bosch Stalle, Stellenrust Pad, Stellenbosch
Aansoek eiendom beskrywing	Plaas 1537/2 Stellenbosch
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	De Bosch Investments (Pty) Ltd
Aansoek Verwysing	LU/15358 (TP312/2023)
Tipe Aansoek	Onderverdeling, Konsolidasie en Goedkeuring in terme van beperkende titelvoorwaarde

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15 (2) (d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Plaas 1537/0 in twee gedeeltes naamlik (Gedeelte A ±1 ha groot) en Restant Plaas 1537 (± 22 ha groot)
- Aansoek in terme van Artikel 15 (2) (e) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 1985 die konsolidasie van onderverdeelde gedeelte A met Plaas 1537/2 Stellenbosch
- Goedkeuring in terme van beperkende titelvoorwaardes vervat in beide Titellaktes T46410/2015 en Titellakte T05023/2022 ten einde die voorgestelde onderverdeling en konsolidasie te fasiliteer.

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

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

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.

- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die 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: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 10 Julie 2023.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461 / 886 5050) gedurende normale kantoor ure.

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE

2023-03-02

My ref: Farm 1537/2 Stellenbosch

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

**APPLICATION FOR SUBDIVISION AND CONSOLIDATION: REMAINDER FARM 1537 DIVISION
STELLENBOSCH, WESTERN CAPE PROVINCE AND PORTION 2 OF FARM 1537 DIVISION
STELLENBOSCH, WESTERN CAPE PROVINCE**

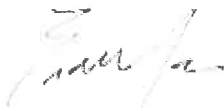
Include hereby please find the required application for the following:

- Application in terms of Section 15 (2) (d) of the Land Use Planning By-Law (2015) for the subdivision of a portion (Portion A measuring 1ha) from Remainder Farm 1537 Stellenbosch; and
- Application in terms of Section 15 (2) (e) of the Land Use Planning By-Law (2015) for the consolidation of subdivided Portion A with Portion 2 of Farm 1537 Stellenbosch.
- Permission to allow for approval for the subdivision as stipulated in the Title Deed conditions

This office kindly awaits your invoice in respect of the above application.

Thanking you in anticipation.

Yours faithfully



EMILE VAN DER MERWE

EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

Doornbosch Centre | Strand Road | PO Box 204 | Stellenbosch 7599
Tel: 021 - 886 5050 | Fax: 021 - 883 8965 | Email: emilevdm@adept.co.za

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

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owners of Portion 2 and Remainder Farm 1537 Stellenbosch to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- Application in terms of Section 15 (2) (d) of the Land Use Planning By-Law (2015) for the subdivision of a portion (Portion A measuring 1ha) from Remainder Farm 1537 Stellenbosch; and
- Application in terms of Section 15 (2) (e) of the Land Use Planning By-Law (2015) for the consolidation of subdivided Portion A with Portion 2 of Farm 1537 Stellenbosch.
- Permission to allow for approval for the subdivision as stipulated in the Title Deed conditions

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

The application properties are located approximately 10km to the south east of Stellenbosch Town and approximately 2km to the north east of the intersection of the Annandale Road and the R44. A location plan is attached as **Appendix 1**. Access to Portion 2 of Farm 1537 is obtained from the Stellenrust Divisional road. The proposal will not have any impact on any accesses requirements since the existing accesses will not be affected by the subdivision and consolidation.

3. OWNERSHIP AND SIZE

Remainder Farm 1537 is owned by Audacia Wines (Pty) Ltd and Portion 2 of Farm 1537 is owned by De Bosch Investments (Pty) Ltd. Copies of the Title Deed are attached as **Appendix 2**.

Extent: Remainder Farm 1537 = 23,844 ha
 Portion 2 of Farm 1537 = 1.2195 ha

The approved Surveyor-General diagrams are attached as **Appendix 3**. The respective Company resolutions and Power of attorney is attached as **Appendix 4 & 5**.

4. ZONING AND LAND USE

The properties, in terms of the Stellenbosch Municipal Zoning Scheme By-Law (2019) are zoned as Agricultural Rural Zone and are being utilized in accordance with the approved zoning. The primary use (agriculture) in terms of the zoning scheme is defined as follows:

“agriculture” (landbou) means the cultivation of land for crops and/or plants, the keeping and/or breeding of animals, livestock, game, bees, birds, whether or not in the open or in enclosures, and/or the breeding of water fauna and/or flora in artificially constructed dams or natural waterways, and includes a riding school, generating compost for own use on the land unit or farm, but excludes intensive feed farming or any other additional or consent uses in the Agriculture and Rural zone;

The proposal will not result in any change of the primary use that applies to the properties. The land use activities on the properties are provided below:

Remainder Farm 1537

The property is 23, 844 ha in extent and accommodates the Audacia Boutique Red wine cellar and associated bona-fide agricultural buildings. Audacia is renowned for its naturally preserved, no sulphur added red wine that is produced in the approved cellar on the property. The property is planted with 16 ha under vineyards that comprise the following cultivars:

- Malbec,
- Petit Verdot,
- Cabernet Franc
- Cabernet Sauvignon,
- Shiraz
- Merlot
- Roobernet.

Audacia wine cellar produces approximately 125 tons of grapes at an average of 8-9 tons per hectare. The farm is a viable agricultural entity and also forms part of the Stellenbosch Wine Route. A small area (1ha) of the property is currently being leased to the owner of the abutting property namely Portion 2 of Farm 1537. The leased portion accommodates only a very small portion of vineyards (1000m²) and the balance (9900m²) is currently used as paddocks in support of the existing stables that is located on Portion 2 of Farm 1537. The proposed subdivision (1ha) will not affect the production capacity of Remainder Farm 1537 and it will not impact negatively on the daily running and farming operations on the property. The agricultural potential and economic activities will be sustained. Sufficient water for irrigation

purposes is available from the Theewaterskloof Irrigation Scheme as per registration of the Wynland Water Use Association (**Appendix 7**).

Portion 2 of Farm 1537

Portion 2 of Farm 1537 is owned by De Bosch Investments Pty Ltd and accommodates De Bosch Stables with associated agricultural infrastructure. Building plans for the stables and indoor arena was approved by the Stellenbosch Municipality on 1 April 2022 (Building plan 1560/2021). A copy of the approval is attached as **Appendix 8**. The proposed land use and associated activities (paddocks) conforms to the primary agricultural zoning rights of the property. De Bosch Stables is also a member of the Saddlebred Breeders Society of South Africa, which in turn is affiliated to the South African Stud Book and Animal Improvement Association (SA Stud Book) established in terms of the Animal Improvements Act of 1998.

The purpose of the application is to formalize (obtain ownership) of the 1 ha portion that is currently being leased and utilized for agricultural purposes from the abutting owner of Remainder Farm 1537 Stellenbosch. The consolidation of the said portion with Portion 2 of Farm 1537 as indicated on the subdivision and consolidation plan (**Appendix 6**) is considered desirable from an planning and agricultural resources point of view for the following reasons:

- ✓ The proposal will not result in any change of zoning and/or land use and is in keeping with agricultural zoning rights that applies to the properties;
- ✓ The proposal will not result in the fragmentation of agricultural land
- ✓ The proposal will not result in the creation of any new land units with associated primary rights
- ✓ The proposal will not result and constitute any form of urban related development that could impact negatively on sustainable food production and food security
- ✓ The proposal relates to bona-fide agricultural uses with no impact on the production capacity of Remainder Farm 1537
- ✓ The proposal will enhance and improve the agricultural and economic potential of Portion 2 of Farm 1537 in support of bona-fide agriculture.

6. LEGISLATIVE AND POLICY CONTEXT

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

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

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

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

Spatial Justice

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

Spatial efficiency

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

Spatial resilience

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

Good Administration

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law

6.2 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.

7. SERVICES

The proposal will not impact on municipal services.

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 will not result in any change of zoning and/or land use and is in keeping with agricultural zoning rights that applies to the properties;
- The proposal will not result in the fragmentation of agricultural land
- The proposal will not result in the creation of any new land units with associated primary rights
- The proposal will not result and constitute any form of urban related development that could impact negatively on sustainable food production and food security
- The proposal relates to bona-fide agricultural uses with no impact on the production capacity of Remainder Farm 1537
- The proposal will enhance and improve the agricultural and economic potential of Portion 2 of Farm 1537 in support of bona-fide agriculture.
- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;



- 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 Remainder Farm 1537 and Portion 2 of Farm 1537 Stellenbosch.

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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM									
(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	0218865050			Fax	0218838965			Cell	0845566461
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)									
Registered owner(s)	De Bosch Investments (Pty) Ltd								
Physical address	Unit 1, 43 Plein Street				Stellenbosch		Postal code	7600	
E-mail	francois@dercksen.co.za								
Tel	021-8878747			Fax				Cell	
PART C: PROPERTY DETAILS (in accordance with title deed)									
Erf / Erven / Farm No.	Farm 1537	Portion(s) if Farm	2	Allotment area	Stellenbosch				
Physical Address	Stellenrust Divisional Road, Stellenbosch								
Current Zoning	Agricultural Rural Zone		Extent	1.2195 ha	Are there existing buildings?		Y	N	
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law								
Current Land Use	Stables and horse paddocks								

Title Deed number and date	T	5023/2022							
Attached Conveyance's Certificate	Y	N	Approval in terms of Act 21 of 1940 to be obtained						
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 AND OR SCRUTINY

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	N	If yes, please attach the written feedback received.

* The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.

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)**

Type of application: Cost are obtainable from the Council Approved tariffs	Tick
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*	x
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	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*	

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 has 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)

BANKING DETAILS	
Account Holder Name:	Stellenbosch Municipality
Bank:	FIRST NATIONAL BANK (FNB)

Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	EVDM Town Planning Services
Postal Address	PO Box 204 Stellenbosch, 7599
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 DOCUMENT

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	Written feedback of pre-application scrutiny and 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	Landscaping / Tree plan (A4 or A3 only) to scale					
Y	N	N/A	Abutting owner's consent					
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)					
Y	N	N/A	Copy of original approval and conditions of approval					
Y	N	N/A	Proof of lawful use right					
Y	N	N/A	Proof of failure of Home owner's association	Y	N	N/A	Any additional documents or information required as listed in	

							the pre-application consultation form / minutes	
Y	N	N/A	Required number of documentation copies		Y	N	N/A	Other (specify)

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	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)
Y	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.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature: _____

Date: _____

2023/03/02

Full name: _____

Emile van der Merwe

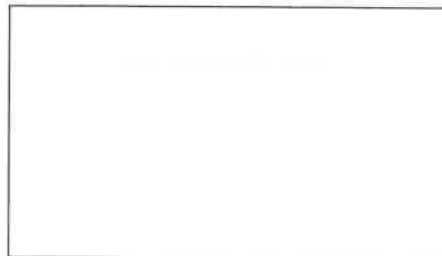
Professional capacity: _____

Pr. Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



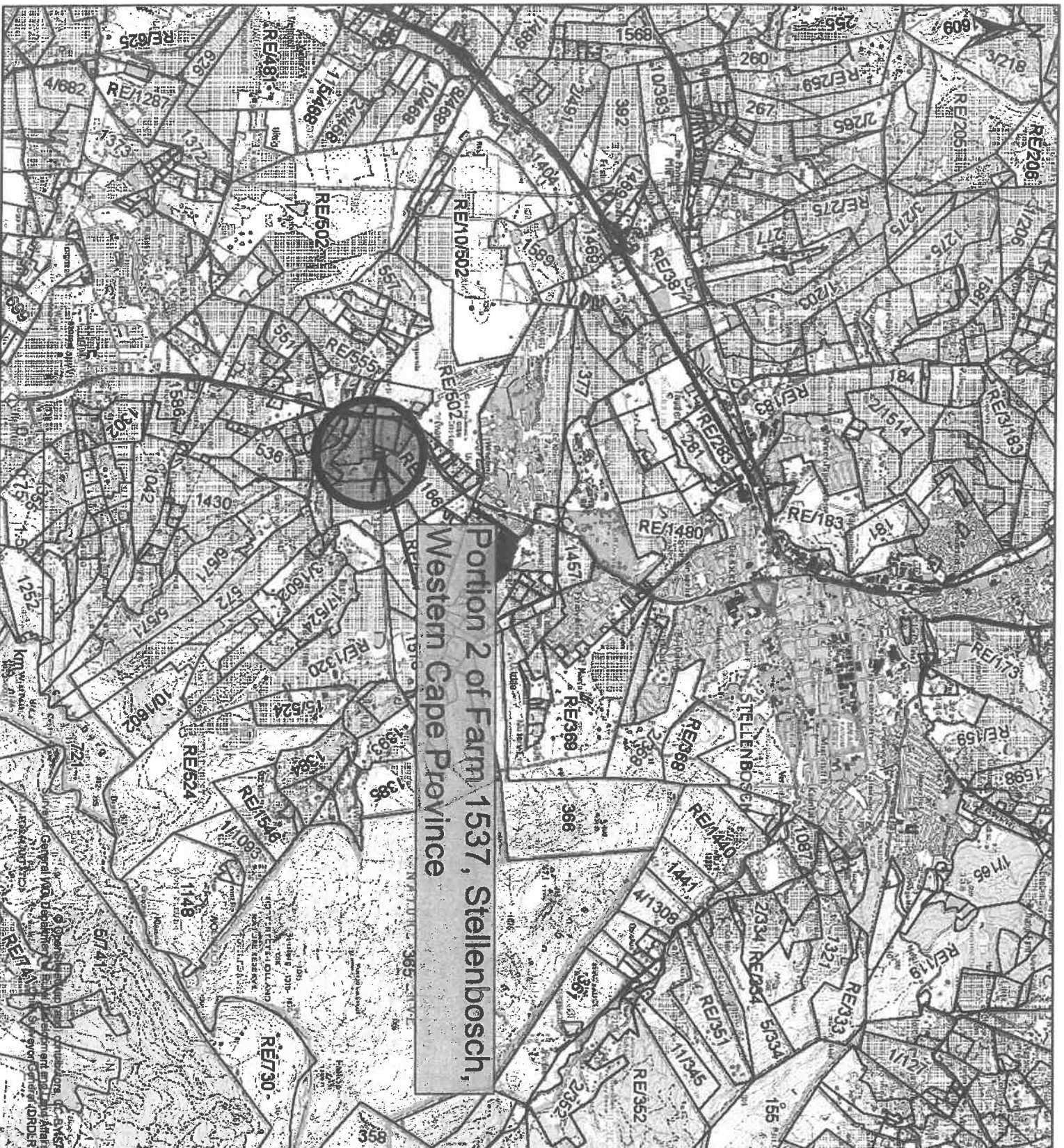
APPENDIX 1

LOCATION PLAN

Location map: Porti 2 of Farm 1537

Legend

☐ Farm Portions



Portion 2 of Farm 1537, Stellenbosch,
Western Cape Province

Map Center: Lon: 18°51'9.6"E

Lat: 33°58'23.9"

Scale: 1:90 422

Date created: January 30, 202:



Western Cape
Government
FOR YOU

Ag

APPENDIX 2

COPY OF TITLE DEEDS

101 Schliemann Incorporated
Attorneys, Notaries & Conveyancers
P.O Box: 1503, Somerset West 7129

PREPARED BY ME

Fee endorsement	
	Amount
Purchase price/Value	R. 26530000,00
Mortgage capital Amount	R. 4220,00
Reason for exemption	Exempt Lt. o

CONVEYANCER
SCHLIEMANN, JAN EBERHARD

T0004641072015

DEED OF TRANSFER

KNOW ALL MEN WHOM IT MAY CONCERN

JACOBUS PETRUS VAN ZYL

THAT

appeared before me, Registrar of Deeds, at CAPE TOWN, he/she the said Appearer, being duly authorised thereto by a Power of Attorney, granted to him/her by

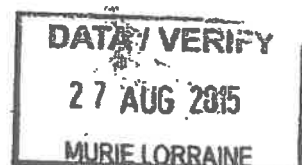
AUDACIA ESTATES PROPRIETARY LIMITED
Registration Number 1996/003002/07

dated **24 APRIL 2015**
signed at **SOMERSET WEST**



and witnessed in accordance with law which Power has been lodged with me;

VIR ENDOSSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 11



2.

And the said Appearer declared that the transferor had on the **6 March 2015** truly and legally by PRIVATE TREATY in terms of Section 42 of the Income Tax Act and Section 8(25) of the Vat Act 89 of 1991, the undermentioned property being valued at R26,530,000.00 (Twenty Six Million Five Hundred and Thirty Thousand Rand), by these presents cede and transfer to and on behalf of:

AUDACIA WINES PROPRIETARY LIMITED
Registration Number 1996/017122/07

its Successors-in-Title or Assigns, in full and free property

REMAINDER OF THE FARM AUDACIA ESTATE NUMBER 1537
in the Stellenbosch Municipality
Division Stellenbosch
Province of the Western Cape

IN EXTENT: 23,8844 (Twenty Three Comma Eight Eight Four Four) Hectares

FIRST REGISTERED AND STILL HELD BY Certificate of Consolidated Title
Number T59998/2013 with Diagram 3401/2009 relating thereto.

(I) **REGARDING** the figure A y z M on Diagram S.G. Number 3401/2009:-

A. **SUBJECT** to such conditions as are referred to in the aforesaid Deed of Transfer Number T7800/1950.

B. **SUBJECT FURTHER** to the condition contained in Deed of Transfer Number T663/1932, which reads as follows:-

"that the above land is transferred without the right to any water from the Bonte River for irrigation purposes to which the said farm ANNANDALE may be entitled to."

C.

D. **ENTITLED** to the benefit of the following special conditions contained in said Deed of Transfer Number T7800/1950, namely:-

3.

THAT the Transferor as owner of :-

1. the remaining extent of the land called "Audacia", portion of Annandale, in extent as such 14,9815 Hectares, held under the said Deed of Transfer Number 663 dated 8th February, 1932, and
2. the remaining extent of Portion 1 of the farm Lots XLI, XLII and XLIII, in extent as such : - 31,9568 Hectares, held under paragraph 1 of the Deed of Transfer Number 1064 dated 14th February, 1941, and his Successors in Title, shall not have the right to erect any building or structure of whatsoever nature on the remaining extents as aforesaid within 94,46 metres of (i) the Southern boundary of the said Portion 8 (a portion of Audacia) and (ii) the Eastern boundary of the said Portion 8 (a portion of Audacia) of the farm Annandale.

E. SUBJECT FURTHER to the following special conditions contained in the aforesaid Deed of Transfer Number T7800/1950, as having been imposed by the Controlling Authority in terms of Section 11 of the Advertising on Boards and Ribbon Development Act Number 21 of 1940, namely:-

1. The land may not be subdivided without the written approval of the Controlling Authority, as defined in Act Number 21 of 1940.
2. Not more than one dwelling-house, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with the written approval of the Controlling Authority, as defined in Act Number 21 of 1940.
3. The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land, without the written approval of the Controlling Authority, as defined in Act Number 21 of 1940.
4. No building or structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the Stellenbosch-Somerset West Main Road passing along the Western boundary of the property in question without the written approval of the Controlling Authority as defined in Act Number 21 of 1940.

4.

- F. **SUBJECT FURTHER** to the endorsement dated 30 July 1965 on Deed of Transfer Number T2252/1965 which reads as follows:-

"Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended).

A Portion of the herein mentioned property in extent ± 0.09 morgen has been expropriated by the Divisional Council of Stellenbosch in terms of Section 130 of Ordinance 15 of 1952 (as amended). Vide Notice of expropriation Number H/9/3 dd 1/6/1965 filed as exprop caveat 761/65 plans in duplicate herewith."

- G. **BY VIRTUE** of Notarial Deed of Servitude Number K491/2008S dated 17 March 2007 the within mentioned property is entitled to :

- (a) a perpetual right of way which servitude road area measuring 851 metres square is indicated by the figure middle of furrow bCDEFG on diagram SG No.6706/2007,

and

- (b) a pre-emptive right over Portion 6 (Portion of Portion1) of the Farm Annandale No.537 measuring 4635 metre square held by T30265/1978.

With Ancillary Rights

As will more fully appear from the aforementioned notarial deed of servitude.

- (II) **REGARDING** the figure A x y on Diagram S.G. Number 3401/2009:-

- A. **SUBJECT** to such conditions as are referred to in Deed of Transfer Number T1064/1941.

- B. **SUBJECT FURTHER** to the following condition contained in Deed of Grant issued under the provisions of Act 15 of 1887 on 12 December, 1890 (Stellenbosch Freeholds Vol 6 Number 4) reading:-

5.

"I. That all roads and thoroughfares now existing on the land hereby granted whether they are described in the diagram or not shall remain free and uninterrupted."

C. SUBJECT FURTHER to the further condition contained in the said Deed of Grant dated 12 December 1890 (Stellenbosch Freeholds Vol 6 Number 9) reading :-

"Subject, however, to all such Duties and Regulations as are either already or shall in future be established with regard to such lands."

D. ENTITLED to the benefit of the following special condition contained in said Deed of Transfer Number T7800/1950, namely:-

THAT the Transferor as owner of :-

1. the remaining extent of "Audacia" portion of Annandale, in extent as such 14,9815 Hectares, held under the said Deed of Transfer Number 663 dated 8th February, 1932. and
2. the remaining extent of Portion 1 of the farm Lots XLI, XLII and XLIII, in extent as such : - 31,9568 Hectares, held under paragraph 1 of the Deed of Transfer Number 1064 dated 14th February, 1941, and his Successors in Title, shall not have the right to erect any building or structure of whatsoever nature on the remaining extents as aforesaid within 94,46 metres of the Eastern boundary of the said Portion 2 (a portion of portion 1) of the farm Lots XLI, XLII and XLIII.

E. BY VIRTUE of Notarial Deed of Servitude Number K491/2008S dated 17 March 2007 the within mentioned property is entitled to :

- (a) a perpetual right of way which servitude road area measuring 851 metres square is indicated by the figure middle of furrow bCDEFG on diagram SG No.6706/2007.

and

6.

- (b) a pre-emptive right over Portion 6 (Portion of Portion 1) of the Farm Annandale No. 537 measuring 4635 metre square held by T30265/1978.

With Ancillary Rights

As will more fully appear from the aforementioned notarial deed of servitude.

(III) REGARDING the figure x B C D E F G H J k Middle of Bonte River I L M z on Diagram SG Number 3401/2009 :-

- I. REGARDING the figure wfgx middle of Bonte River yhjk on Diagram SG7308/1989 (which is indicated by figure ytJuk middle of Bonte River lLmz on Diagram SG Number 3401/2009):
- A. SUBJECT to the conditions contained in Deed of Transfer Number T663/1932;
- B. NOT ENTITLED to the use of any water from the Bonte River for irrigation purposes on which the farm Annandale may be entitled to as contained in Deed of Transfer Number T663/1932.
- C. SUBJECT TO and ENTITLED to the benefit of the following condition referred to in Deed of Transfer Number T663/1932, namely:

"That the road leading from the Somerset-West-Stellenbosch road near beacon p on the diagram of the said farm Annandale and near the beacon y on the diagram of the land hereby transferred to the homestead on the remaining extent of the said farm Annandale in extent as such 11 morgen 46000 square feet to be transferred to John Henry Ladds Collistor Oates on this day shall be common to the present and future proprietors of the land hereby transferred and of the said remaining extent of Annandale up to the point where the further road branches off over the Bonte River near the beacon q on the diagram of the land hereby transferred to the homestead thereon. The said common portion of the road shall be maintained jointly by the said respective owners.

7.

- D. **SUBJECT FURTHER** to the condition referred to in an endorsement dated the 5th June, 1950 on Deed of Transfer Number T663/1932, reading as follows:

"By Deed of Transfer Number T7800/1950 the property thereby transferred is entitled to the condition that the owner of the said remainder shall not have the right to erect any building or structure on such remainder within 100 yards of (i) the southern boundary and 9(ii) the eastern boundary of the land thereby transferred, i.e. the said portion 8, as will more fully appear on reference to the said Deed of Transfer."

- E. **SUBJECT FURTHER** to the conditions contained in an endorsement dated 22 February, 1967 on Deed of Transfer Number T663/1932 reading as follows:

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

The hereinmentioned property in extent approximately 0,06 morgen, has been expropriated by the Divisional Council of Stellenbosch in terms of Section 130 of Ordinance 15 of 1952 as amended. Vide Notice of Expropriation Nr. H/9/3 dated 1.6.1965 filed as exprop. Caveat 760/65, plans in duplicate filed herewith.

IV. REGARDING the figure CDEFGHtyxB on Diagram S.G. 3401/2009 :-

- A. **SUBJECT** to the conditions contained in Deed of Transfer Number T1064/1941:
- B. **SUBJECT FURTHER** to the condition contained in Deed of Grant dated the 12th December, 1890 (Stellenbosch Letters of Grant Volume 6 Number 4) issued in terms of the regulations of Act Number 14 of 1887, reading as follows:

8.

"1. That all roads and thoroughfares now existing on the land hereby granted whether they are described in the diagram or not shall remain free and uninterrupted."

C. SUBJECT FURTHER to the condition contained in the said Deed of Grant dated the 12 December, 1890 (Stellenbosch Letters of Grant Volume 6 Number 4) reading as follows:

"Subject, however, to all such duties and regulations as are either already or shall in future be established with regard to such lands."

D. SUBJECT FURTHER to the condition contained in an endorsement on Deed of Transfer Number T1064/1941 dated the 5th June, 1950 reading as follows:

"By Deed of Transfer Number T7800/1950 Portion 2 thereby transferred is entitled to the benefit of a condition that the owners of the said remainders shall not have the right to erect any building or structure on such remainders within 100 yards of the eastern boundary of the said Portion 2, as will more fully appear on reference to the said Deed of Transfer."

V. REGARDING the whole property on Diagram S G Number 3401/2009 :-

A. SUBJECT to a Notarial Deed of Pipeline Servitude in favour of The Farm Number 1166, in the Municipality and Division of Stellenbosch; In Extent: 81,7271 (Eighty One Comma Seven Two Seven One) square Metres; held by Certificate of Consolidated Title Number T7290/1985 over the herewith transferred property as will more fully appear from a Notarial Deed of Servitude Number K831/1996S.

(The Eastern Boundary of the said Servitude is represented by the line a b c d e f g on the said diagram S.G.No. 3401/2009).

9.

- B. ENTITLED to a Servitude Borehole in the circular servitude area one (1) metre in diameter on THE FARM NUMBER 1166 in the Municipality and Division of Stellenbosch in extent: 81,7271 (Eighty One Comma Seven Two Seven One) hectares; held by Certificate of Consolidated Title Number T7290/1985 as will more fully appear from a Notarial Deed of Servitude Number K832/1996S.
- C. BY VIRTUE of a Notarial Deed of Servitude Number K491/2008S dated 17 March 2007 the within mentioned property is entitled to:
- (a) A perpetual right of way over Portion 6 (Portion of Portion 1) of the Farm Annandale Number 537, which servitude road area measuring 851 metres square is indicated by the figure middle of furrow bCDEFG on Diagram SG Number 6706/2007,
- and
- (b) A pre-emptive right over Portion 6 (Portion of Portion 1) of the Farm Annandale Number 537 measuring 4635 metre square held by T30265/1978.

With Ancillary Rights

As will more fully appear from the aforementioned Notarial Deed of Servitude Number K491/2008 dated 17 March 2007.

10.

WHEREFORE the Appearer, renouncing all the right and title the said Transferor heretofore had to the premises, did, in consequence, also acknowledge the Transferor to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents the said Transferee, its Successors in Title or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom; The State, however, reserving its rights.

IN WITNESS whereof I, the said Registrar, together with the Appearer, q.q. have subscribed to theses presents and have caused my Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, at CAPE TOWN on 20 AUG 2015

q.q.

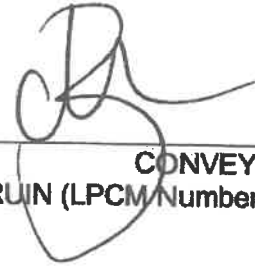
In my presence,

50
REGISTRAR OF DEEDS

310

DERCKSEN & CO
P O BOX 1476
STELLENBOSCH
7599

Prepared by me



CONVEYANCER
ZELDA DE BRUIN (LPCM Number 91024)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 6 000 000,00	R 257,00
Reason for exemption	Category Exemption.....	Exemption i to. Sec/Reg..... Act/Proc.....

T 000005023 / 2022

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

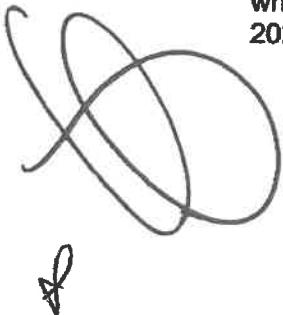
ANNECKE LOUW (LPCM Number 80989)

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

AUDACIA WINES PROPRIETARY LIMITED
Registration Number 1996/017122/07

DATA / VERIFY
10-02-2022
ELIZABETH VAN TONDER

which said Power of Attorney was signed at STELLENBOSCH on 6 December 2021



And the appearer declared that his/her said principal had, on 10 November 2021, 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:

DE BOSCH INVESTMENTS PROPRIETARY LIMITED
Registration Number 2008/012774/07

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

PORTION 2 OF THE FARM AUDACIA ESTATE NUMBER 1537
IN THE STELLENBOSCH MUNICIPALITY
DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE

IN EXTENT 1,2195 (ONE COMMA TWO ONE NINE FIVE) Hectares

FIRST REGISTERED by Certificate of Registered Title Number T60000/2013 with Diagram S.G. Number 3403/2009 relating thereto and held by Deed of Transfer Number T45662/2015

A. SUBJECT to the conditions contained in Deed of Transfer Number T1064/1941.

B. SUBJECT FURTHER to the condition contained in Deed of Grant dated the 12th December 1890 (Stellenbosch Letters of Grant Volume 6 Number 4) issued in terms of the regulations of Act Number 14 of 1887, reading as follows:

"1. That all roads and thoroughfares now existing on the land hereby granted whether they are described in the diagram or not shall remain free and uninterrupted."

C. SUBJECT FURTHER to the condition contained in Deed of Grant dated the 12 December 1890 (Stellenbosch Letters of Grant Volume 6 number 4) reading as follows:

"Subject, however, to all such duties and regulations as are either already or shall in future be established with regard to such lands."

D. SUBJECT FURTHER to the condition contained in an endorsement on Deed of Transfer Number T1064/1941 dated the 5th June, 1950 reading as follows:

" By Deed of Transfer Number T7800/1950 Portion 2 thereby transferred is entitled to the benefit of a condition that the owners of the said remainders shall not have the right to erect any building or structure on such remainders within 100 yards of the eastern boundary of the said Portion 2, as more fully appear on reference on the said Deed of Transfer."

E. SUBJECT FURTHER to the following special conditions contained in the aforesaid Deed of Transfer Number T7800/1950, as having been imposed by the Controlling Authority in terms of Section 11 of the Advertising on Boards and Ribbon Development Act Number 21 of 1940, namely:-

1. The land may not be subdivided without the written approval of the Controlling Authority, as defined in Act Number 21 of 1940.
2. Not more than one dwelling-house, together with such outbuildings as are ordinarily to be used in connection therewith, shall be erected on the land except with the written approval of the Controlling Authority, as defined in Act Number 21 of 1940.
3. The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land, without the written approval of the Controlling Authority, as defined in Act Number 21 of 1940.
4. No building or structure whatsoever shall be erected within distance of 96,46 metres from the centre line of the Stellenbosch-Somerset West Main road passing along the Western boundary of the property in question without the written approval of the Controlling Authority as defined in Act Number 21 of 1940.

F. ENTITLED to a servitude Borehole in the circular servitude area one (1) metre in diameter on THE FARM NUMBER 1166 in the Municipality and Division Stellenbosch in extent: 81,7271 (Eighty One Comma Seven Two Seven One) hectares; held by Certificate of Consolidated Title Number T7290/1985 as will more fully appear from Notarial Deed of Servitude K831/1996S.

G. BY VIRTUE of a Notarial Deed of Servitude Number K491/2008S dated 17 March 2007 the within mentioned property is entitled to:

- (a) A perpetual right of way, which servitude road area measuring 851 metres square is indicated by the figure middle of furrow bCDEFG on Diagram SG Number 6706/2007,

And

- (b) A pre-emptive right over Portion 6 (Portio of Portion 1) of the Farm Annandale Number 537 measuring 4635 metre square held by T30265/1978

With Ancillary Rights

As will more fully appear from the aforementioned Notarial Deed of Servitude Number K491/2008 dated 17 March 2007.

H. SUBJECT FURTHER to the following special conditions contained in Certificate of Registered Title Number T60000/2013 imposed by the Controlling Authority in terms of Section 11 of the Advertising on Boards and Ribbon Development Act Number 21 of 1940, which reads as follow:-

"1. In terme van bogenoemde wet het hierdie direktoraat vanuit verkeersoorwegings geen beswaar teen die aansoek om konsolidering en onderverdeling nie op voorwaarde dat:

- a. Alle toegange voldoen aan die standaardvereistes betrekking tot nuwe toegange op Provinsiale paaie (afskrif aangeheg);
- b. Geen addisionele toegange sonder die skriftelike goedkeuring van die Padowerheid ingevolge Artikel 10 van Wet 21/1940 geneem word nie;
- c. Die bestaande toegang vanuit Hoofpad 27 (km log 27.060) permanent gesluit en verwyder word, alle stormwaterpype of pypduikers in sytote moet permanent verwyder word en grensdrade moet permanent herstel word (soos genoem in die aansoek);



- d. Geen advertensie- of enige ander tekens wat sigbaar is vanaf Afdelings 1053 mag sonder die skriftelike goedkeuring van die Padowerheid opgerig word nie;
 - e. Die 5 meter boulyn ingevolge Artikel 17 van Paaie Ordinasie 19/1976 is van toepassing langs aanliggende Provinsiale paaie;
 - f. Geen winkel of besigheidsplek van watter aard ookal op die grond geopen of bedryf word nie behalwe met die skriftelike goedkeuring van die Beheerende Gesag soos omskryf in Wet 21/1940;
 - g. Geen gebou of enige bouwerk van watter aard ook al mag op grond binne 'n afstand van 95 meter van die middellyn van die aanliggende Provinsiale Paaie sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 opgerig word nie;
2. Die grond nie verder onderverdeel of konsolideer word sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 opgerig word nie;
3. Nie meer as een woonhuis saam met sodanige buitegeboue as wat onder gewone omstandighede nodig is om in verband daarmee gebruik te word, mag sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 opgerig word nie."
1. The within property is ENTITLED over Remainder Farm 537 to the following servitudes as will appear K1609/2017S:
- (1) The figure s3 s4 s5 represent a services servitude area 149 squares in extent being water tanks / reservoirs for borehole and municipal water, excluding the borehole situated thereon-in favour of Remainder Farm 537 for common use.
 - (2) The line s6 s7 represents the centre line of a services servitude 5,00 metres wide up to the boundary to divisional road number 1053, as shown being in flow of municipal water and out-flow of sewerage and/or effluent – in favour of Remainder Farm 537.

SP

RB

- (3) The line s8 s9 represents the centre line of a services servitude 3.00 metres wide, as shown to service in-flow of municipal water, and out-flow of sewerage and/or effluent, borehole water, municipal water, pipelines, communication and electricity cables -in favour of Remainder Farm 537.
- (4) The line s13 s12 represents the northern boundary of a services servitude 3.00 metres wide, as shown being in respect of in-flow of municipal water, and out-flow of sewerage and/or effluent, borehole water, municipal water, pipelines, communication and electricity cables -in favour of Remainder Farm 537 for common use.
- (5) The figure s14 s13 s15 s16 represents a services servitude 130 square metres in extent being to service sewerage and/or effluent, sump pump and electricity- in favour of Remainder Farm 537 for common use.
- (6) The line s14 s13 s15 s16 represents the northern and western boundaries of a services servitude 5.00 metres wide up to divisional road number 1053, as shown being in respect of in-flow of municipal water, and out-flow of sewerage and/or effluent, borehole water, municipal water, pipelines, communication and electricity cables -in favour of Remainder Farm 537 for common use.
- (7) The line s23 s24 s25 s26 s30 represents the centre line of a services servitude 3.00 metres wide, as shown being to service sewerage and/or effluent, borehole water, municipal water, pipelines, communication and electricity cables -in favour of Remainder Farm 537 for common use.
- (8) The line s29 s30 represents the centre line of a services servitude 3.00 metres wide, as shown being to service sewerage and/or effluent, borehole water, municipal water, pipelines, communication and electricity cables -in favour of Remainder Farm 537 for common use.
- (9) The line s27 s28 represents the centre line of a services servitude 3.00 metres wide, as shown being to service sewerage and/or effluent, borehole water, municipal water, pipelines, communication and electricity cables -in favour of Remainder Farm 537 for common use.



- (10) The figure s32 s33 s29 s34 represents a services servitude area 64 square metres in extent being to service tank, sump pump and electrical cabling and fibre optics - in favour of Remainder Farm 537 for common use.
- (11) The line s30 represents the centre line of a services servitude 3.00 metres wide, as shown being to service water sewerage and/or effluent, electrical cabling and fibre-optics -in favour of Remainder Farm 537.
- (12) The line a-s36 represents the centre line of a services servitude 3.00 metres wide, as shown being to service water sewerage and/or effluent, electrical cabling and fibre-optics -in favour of the properties at 1,2 and 3 over the Remainder Farm 537.
- J. The witin mentioned property is SUBJECT OVER remainder Farm 537 to the following servitudes as will more fully appear K1609/2017S:
- (1) The curvilinear line b c d represents the centre line of servitude road 6.00 metres wide, as shown in favour of Remainder Farm 1537 over Remainder Farm 537 for common use,
- (2) The curvilinear line c e represents the centre line of servitude road 5.00 metres wide up to main road number 27, as shown in favour of Remainder Farm 1537 and over Remainder Farm 537 for common use.

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

**The Trustees for the time being of
RIVIERBOSCH TRUST
REGISTRATION NUMBER IT3159/2006**

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

**GIST PROPERTY PROPRIETARY LIMITED
REGISTRATION NUMBER 2017/055226/07**

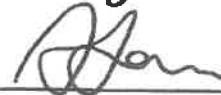
or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R11 000 000,00 (ELEVEN MILLION RAND) .

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

8 February

2022



q.q.

In my presence



REGISTRAR OF DEEDS



APPENDIX 3

SG DIAGRAMS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19 X			S.G. No 3401/2009
		Constant		± 0,00	+3 700 000,00	
AB	396,95	274 28 20	A	+ 15 974,45	+ 62 861,26	Approved  for Surveyor-General 2009.08.03
BC	165,23	198 44 30	B	+ 15 578,71	+ 62 892,21	
CD	152,59	266 17 20	C	+ 15 525,62	+ 62 735,74	
DE	160,78	2 20 30	D	+ 15 373,35	+ 62 725,86	
EF	167,32	357 45 00	E	+ 15 379,92	+ 62 886,51	
FG	45,75	271 00 10	F	+ 15 373,35	+ 63 053,70	
GH	23,83	312 51 30	G	+ 15 327,61	+ 63 054,50	
HJ	302,48	354 46 10	H	+ 15 310,14	+ 63 070,71	
JK	109,33	36 02 00	J	+ 15 282,56	+ 63 371,93	
KL	758,27	122 36 40	K	+ 15 346,87	+ 63 460,34	
LM	54,47	183 19 00	L	+ 15 985,59	+ 63 051,68	Sheet No 1 of 2 Sheets
MA	136,27	183 21 40	M	+ 15 982,44	+ 62 997,30	
Kk		36 02 00				
LI		14 55 00				
Indicatory Data						
MN	10,08	279 36 50	N	+ 15 972,50	+ 62 998,98	
NP	53,38	4 28 10	P	+ 15 976,66	+ 63 052,20	
		9 Helderberg	△	+ 11 049,63	+ 67 146,93	
		65 Stel 7	△	+ 14 440,04	+ 62 808,62	
Beacon Description A P 20 mm iron peg B 16 mm iron peg C 20 mm iron peg in stone cairn next to iron rail fence post D J K iron standard E F G iron standard next to wooden fence post H iron standard in concrete next to wooden fence post L M 12 mm iron peg in tar road N 20 mm iron peg in concrete next to wooden fence post						
Components : 1) The figure A x y represents Portion 2 of the Farm No 529 vide dgm no 4812/1949 D/T 1950. .7800 2) The figure A y z M represents Portion 8 of the Farm Annandale No 537 vide dgm no 4813/1949 D/T 1950. .7800 3) The figure x B C D E F G H J k Middle of Bonte River I L M z represents the Remainder of the Farm No 1291 vide dgm no 7308/1989 D/T 1990. .12058						
Servitude Note : The line a b c d e f g represents the Eastern Boundary of a Servitude Water Pipeline 2m wide vide dgm no 8652/1989 D/S K831/1996 ^s The figure A B C D E F G H J k Middle of Bonte River I L M represents 26.1892 hectares of land being The Farm Audacia Estate No 1537 and comprising 1) – 3) as enumerated above situate in the Municipality and Administrative District of Stellenbosch Province of the Western Cape Surveyed between May 1996 and June 2009 by us, D S HELLIG S G DREYER PLS 0256 PLS 1028 Land Surveyors						
This diagram is annexed to No. CC.T. 59918/2013 dated i.f.o.		The original diagrams are as enumerated above		File No. Stel 1537 S.R. No. 1411/2009 Comp. BH – 8DCD (3785) LPI-6-4* LPI C0670000		
Registrar of Deeds						

The Farm Audacia Estate No 1537, Admin. District of Stellenbosch

S.G. No

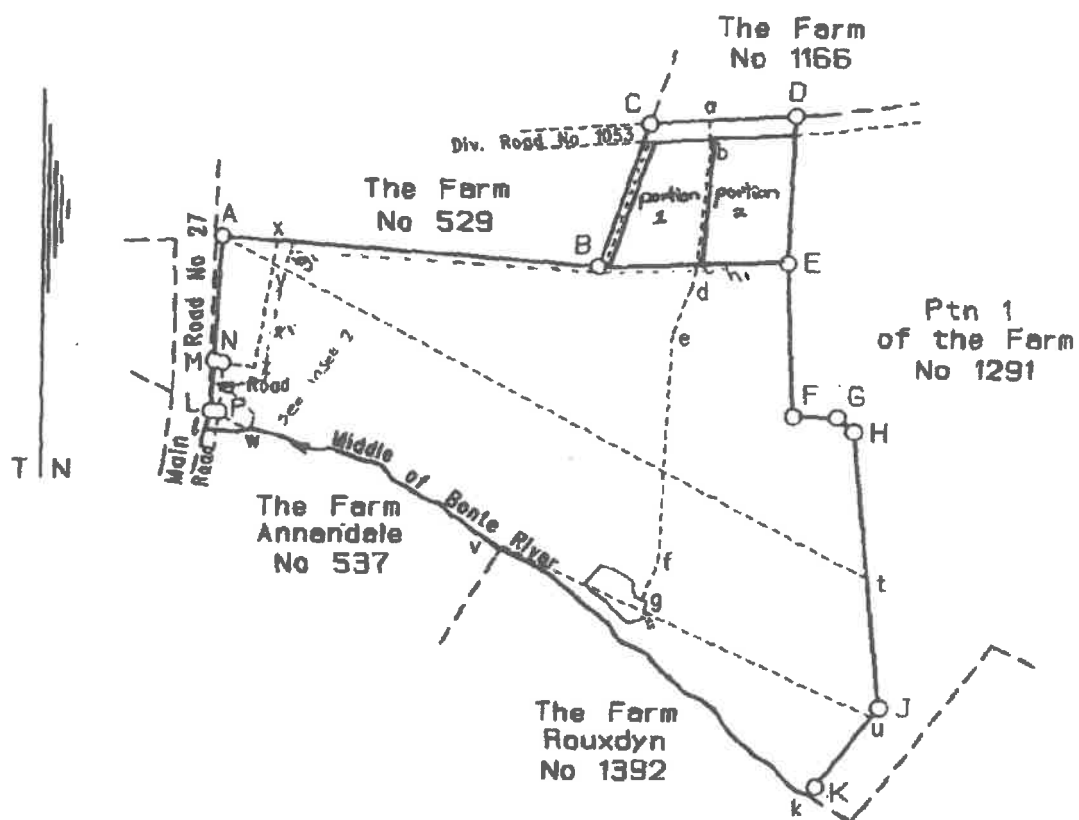
3401/2009

Approved

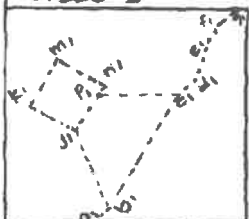
for Surveyor-General

2009.08.03

**Sheet No 2 of
2 Sheets**



Inset 1



Surveyed between May 1996 and June 2009 by us.

D S HELBIG
PLS 0256

S G DREYER
PLS 102B
Land Surveyors

Scale 1 : 7 500

**FOR ENDORSEMENTS
SEE BACK OF DIAGRAM**

Farm 1537 Stellenbosch

S

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMARKS
E1411/2009	3403/09	Portion 1	1,0855 Ha	5999/2013	MA	
E1412/2009	3403/09	Portion 2	1,2195 Ha	6000/2013	MA	

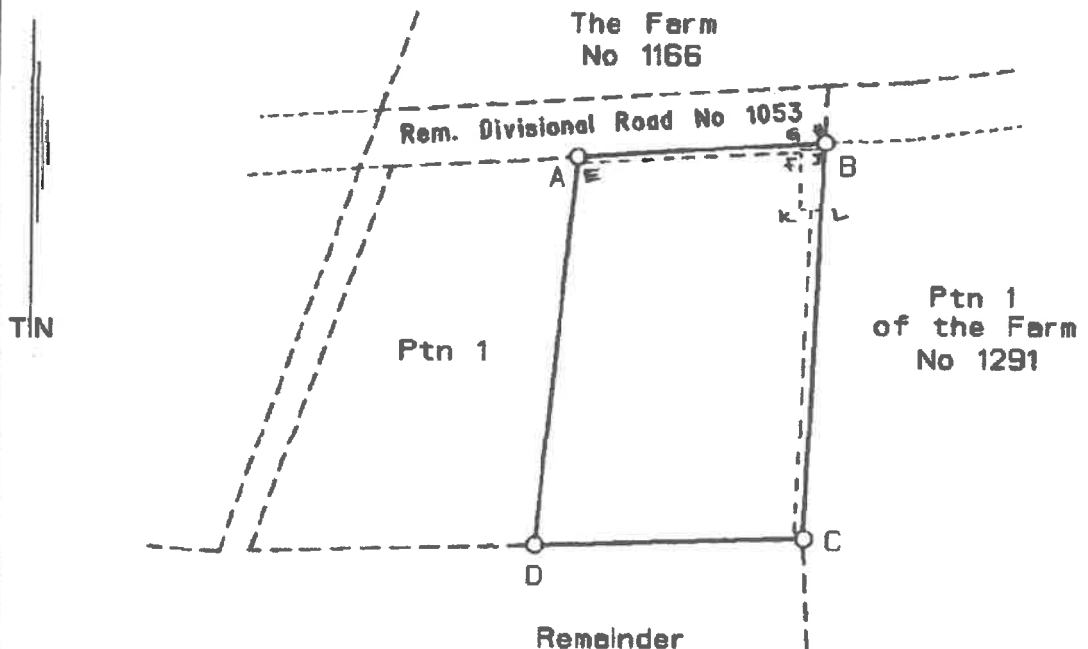
SERVITUDES/LEASEHOLD AREA				
SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	AREA	REMARKS
E1866/2011	4571/2011	<p>a) The lines XB and BC respectively represent the northern and western boundaries Servitude 5.00 m wide</p> <p>b) The lines BC is represents the northern boundary of a Services Servitude 5.00 m wide</p> <p>c) The lines g, f, d, c, b, a, j, l and c, p, i represents the center line of a Services Servitude 3.00 m wide</p> <p>d) The Figure JKLMNI represents a Services Servitude area 64 square metres in extent</p>		

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES System WG 19		S.G. No 3403/2009 Approved <i>[Signature]</i> for Surveyor-General 2009.08.03
		Constant		Y	X	
AB	84,12	266 17 20	A	+ 15 458,11	+ 62 751,40	
BC	140,66	2 20 30	B	+ 15 374,17	+ 62 745,96	
CD	91,95	88 21 30	C	+ 15 379,92	+ 62 886,51	
DA	138,42	185 41 20	D	+ 15 471,83	+ 62 889,15	
		9 Heiderberg 65 Stel 7	Δ Δ	+ 11 049,63 + 14 440,04	+ 67 146,93 + 62 808,62	

Beacon Description

A B D 16 mm iron peg

C iron standard next to wooden fence post



Scale 1: 2 500

The figure

ABCD

represents

1,2195 hectares

of land being

Portion 2 of the Farm Audacia Estate No 1537

situate in

the Municipality andAdministrative District of StellenboschSurveyed between May 1996 and June 2009

by us,

Province of the Western Cape

[Signature]
D S HELLIG
PLS 0256*[Signature]*
S G DREYER
PLS 1028
Land Surveyors

This diagram is annexed to

The original diagram is

File No. Ste1 1537No. T 60000/2013
dated
i.f.o.No. 3401/2009 annexed toS.R. No. 1411/2009
Comp.
BH - 8DCD (3785)

Transfer No.

LPI C0670000

Registrar of Deeds

FOR ENDORSEMENTS
SEE BACK OF DIAGRAM

Farm 1537/2 Stellenbosch

S

THIS PORTION IS SUBJECT TO
CONDITIONS REFERRED TO IN
SECT. 11 (8) OF ACT 21/1940.APPROVED IN TERMS OF SECT. 4
OF ACT 70/1970REF 41467
DATE 2007-08-06APPROVED IN TERMS OF SECT. 26
OF ORD. 15/1985REF Farm 1291 Stellenbosch
DATE 2007-10-04

APPENDIX 4

RESOLUTIONS

RESOLUTION

**PASSED AT THE MEETING OF DIE BOSCH INVESTMENTS (REG NO
2008/012774/07)**

HELD AT STELLENBOSCH

ON 27 JANUARY 2023

FRANCOIS JOSEPHUS DERCKSEN in his capacity as Director is hereby authorized to sign all documentation which may be necessary for the application(s) in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) applicable to Portion 2 of Farm 1537 Division Stellenbosch.

A handwritten signature in black ink, appearing to read 'FJ Dercksen', with a long horizontal stroke extending to the right.

**DIRECTOR
FJ DERCKSEN**

**RESOLUTION PASSED AT A MEETING OF THE DIRECTORS OF
AUDACIA WINES PROPRIETARY LIMITED
REGISTRATION NUMBER: 1996/017122/07**

HELD AT STELLENBOSCH ON 13TH DECEMBER 2022.

RESOLVED THAT:

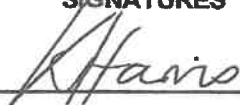
1. The Company will enter into a purchase agreement with DE BOSCH INVESTMENTS (PTY) LTD for the sale of a portion of Remainder of the Farm AUDACIA Estate Number 1537, situated in the Stellenbosch Municipality and Division Stellenbosch; Western Cape Province with approximate extend of 1,000 (One Comma Zero Zero Zero) hectares, as is more clearly shown on the annexed diagram, with a value of R 1 000 000.00 (One Million Rand) excluding VAT.
2. TREVOR GORDON STRYDOM in his capacity as director is hereby authorised to sign all the relevant documents pertaining to the transfer of a portion of Remainder of the Farm AUDACIA Estate Number 1537, situated in the Stellenbosch Municipality and Division Stellenbosch, Western Cape Province on behalf of the company.

DIRECTORS

SIGNATURES

Kevin Harris

TREVOR STRYDOM





APPENDIX 5
POWER OF ATTORNEY

POWER OF ATTORNEY

Audacia Wines (Pty) Ltd and De Bosch Investments (Pty) Ltd the registered owners of Remainder Farm 1537 and Portion 2 of Farm 1537 Stellenbosch Division

Do hereby nominate and appoint

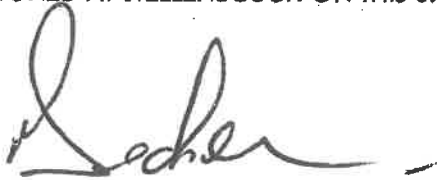
Emile van der Merwe Town Planning Consultants

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 FOR SUBDIVISION AND CONSOLIDATION IN TERMS OF THE
SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970**

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 09th DAY OF JANUARY 2023



SIGNATURE

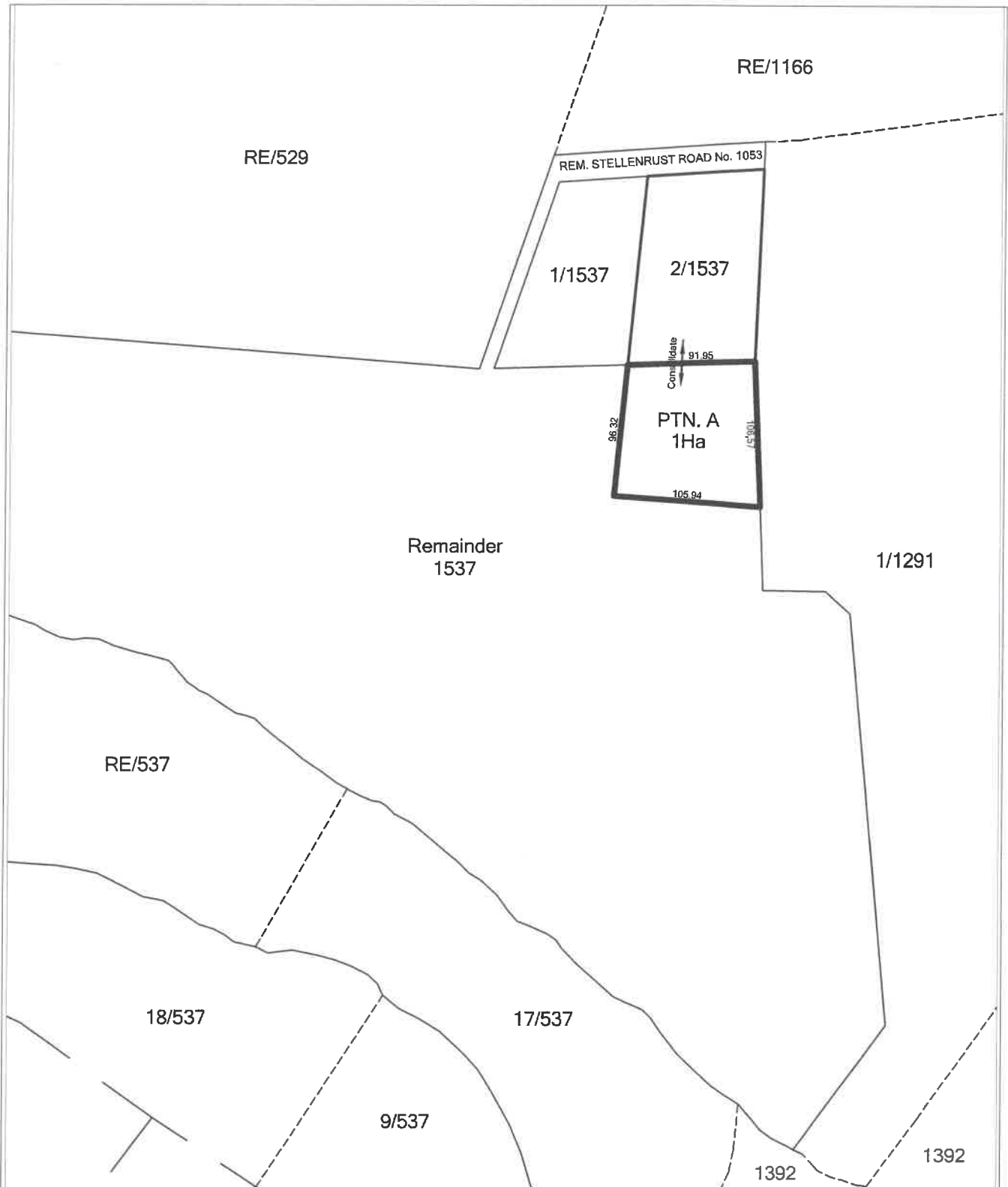
FRANCOIS DERCKSEN



SIGNATURE

TREVOR STRYDOM

APPENDIX 6
SUBDIVISION AND CONSOLIDATION PLAN



Notes:

1. The figure ABCD represents Portion A measuring 1 hectare.
2. Portion A to be consolidated with Portion 2 of the Farm No. 1537.

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.



Scale 1:4000

Date:27/01/2023

Contours:N/A

System: WG 19

PROPOSED SUBDIVISION OF REMAINDER FARM
No. 1537 AND CONSOLIDATION OF PORTION A
WITH PORTION 2 OF FARM No. 1537
STELLENBOSCH

Ref:SA1537-2

Dwg:SUBD-MONO

fbv
friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS

Stellenbosch House 4, Potteryloft, 7600 T +27 21 5564004 Cape Town 150 St George's Mall, 8000 T +27 21 007 1861
Rondebosch Kasteel 3, 7800 T +27 22 4481024
info@fbv.co.za www.fbv.co.za



Notes:

1. The figure ABCD represents Portion A measuring 1 hectare.
2. Portion A to be consolidated with Portion 2 of the Farm No. 1537.

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.



Scale 1:4000

Date:27/01/2023

Contours:N/A

System: WG 19

PROPOSED SUBDIVISION OF REMAINDER FARM
No. 1537 AND CONSOLIDATION OF PORTION A
WITH PORTION 2 OF FARM No. 1537
STELLENBOSCH

Ref :SA1537-2

Dwg:SUBD

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PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS

Stellenbosch House 4, Pellys 4, 7609 T +27 21 5509551 Cape Town 120 St George's Mall, 8000 T +27 21 0571061
Pretoria 1000 10th Street, 0001 T +27 12 4481064
enquiries@fbv.co.za • www.fbv.co.za

APPENDIX 7

WATER USE



WYNLAND

WATERGEBRUIKERSVERENIGING WATER USERS' ASSOCIATION

HELDERBERG GEBIED / DISTRICT

Rek/Acc No: 1004

Datum/Date: 31 October 2022

Audacia (Pty)Ltd
Posbus 12679
Die Boord
7613

Ingelys/ Scheduled (ha)	10.00A -B -Nywer/Ind
Kwota/Quota:	40,000 m3 (1 ha = 4 000.00 m3)

Lyn/Line: H2.8	Aftap/Take-off point: 87
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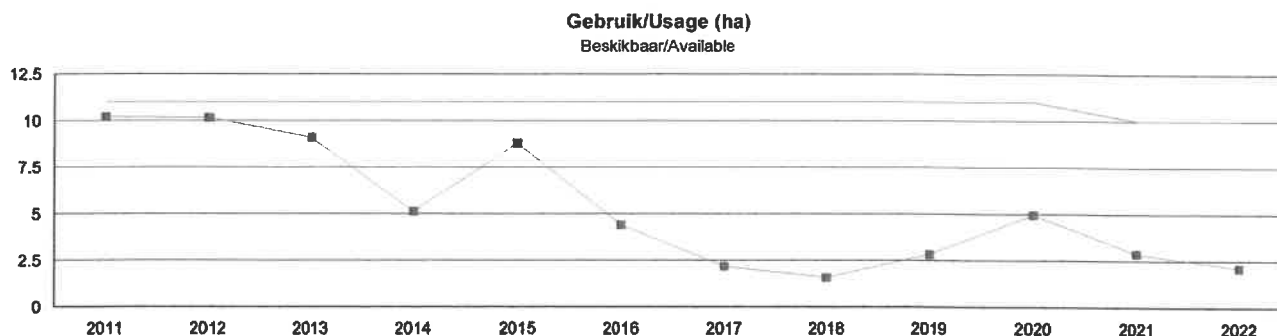
Meter Lesing/Reading:

Gebruik/Used: (m3)

Okt/Oct 2021 :	785,716	Apr 2022:	793,916	Sept 2022:	794,183	8,467
Okt/Oct 2020 :	774,129	Apr 2021:	785,541	Sept 2021:	785,716	11,587
Okt/Oct 2019 :	754,329	Apr 2020:	770,878	Sept 2020:	774,129	19,800
Okt/Oct 2018 :	743,008	Apr 2019:	751,791	Sept 2019:	754,329	11,321
Okt/Oct 2017 :	736,696	Apr 2018:	742,873	Sept 2018:	743,008	6,312
Okt/Oct 2016 :	727,987	Apr 2017:	734,486	Sept 2017:	736,696	8,709
Okt/Oct 2015 :	710,408	Apr 2016:	727,030	Sept 2016:	727,987	17,579
Okt/Oct 2014 :	675,353	Apr 2015:	705,268	Sept 2015:	710,408	35,055
Okt/Oct 2013 :	654,836	Apr 2014:	673,342	Sept 2014:	675,353	20,517
Okt/Oct 2012 :	629,348	Apr 2013:	651,779	Sept 2013:	654,836	25,488
Okt/Oct 2011 :	588,768	Apr 2012:	618,028	Sept 2012:	629,348	40,580
Okt/Oct 2010 :	547,971	Apr 2011:	577,513	Sept 2011:	588,768	40,797

PLEASE MONITOR YOUR WATER USE CLOSELY

U MOET ASB U WATERGEBRUIK NOUKEURIG MONITOR



APPENDIX 8
MUNICIPAL APPROVED BUILDING PLAN

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY

**KENNISGEWING VIR GOEDKEURING VAN BOUPLAN
NOTICE OF APPROVAL OF BUILDING PLAN**

Francois Dercksen
Audacia Farm
Stellenrust Road
Stellenbosch
7600

Erf Number: SBP1537/2
Building Plan number: 1560/2021
Situated at: Stellenrust Road
Description of application: Indoor arena and stables
Approval date: 01/04/2022

**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.
5. Provide at least 50% of hot water with alternative energy savings devices.
6. Provided that no activity that may be regarded as an occasional use (event), whether commercial or private in nature, may be carried out on the property prior to its approval.



MANAGER: BUILDING DEVELOPMENT MANAGEMENT

