

# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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

U von Molendorff  
  
Farm 1674/2, Paarl  
2005-12-23  
021-808 8682  
021-808 8651

## REGISTERED POST

Friedlaender Burger & Volkmann  
P O Box 154  
**STELLENBOSCH**  
7599

Sir / Madam

### APPLICATION FOR CONSOLIDATION, SUBDIVISION AND REGISTRATION OF A LEASE AREA : FARMS 1674/2, 1674/5, 1674/8 AND 1674/9, PAARL DIVISION : BOSCHENDAL FOUNDERS ESTATE

Your application in the abovementioned regard, refers.

The Council at a recent meeting resolved as follows:

- (a) that the consolidation of Farms 1674/2, 1674/5, 1674/8 and 1674/9, Paarl, to create an agricultural unit of  $\pm 420,2110$ ha, **be supported**;
- (b) that, in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), the application to subdivide the newly created agricultural unit (420ha) into 19 units, namely: 18 agricultural units (between 21ha and 44ha) and a unit containing a technical centre (9ha), as shown in **ANNEXURE E**, **be approved**;
- (c) that, in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), the registration of a lease area over an area of  $\pm 400$ ha as shown in **ANNEXURE D**, which includes the 18 farms (excluding  $\pm 8\,000\text{m}^2$  on each unit) in favour of Boschendal Winery Ltd, **be approved**;
- (d) that the consolidation of the 9ha portion which is to contain a technical centre, with Portion 12 of the Farm No 1674, Paarl, **be supported**;
- (e) that Council approve the application, subject to the outcome of the Heritage Study, currently conducted. As soon as necessary heritage inputs are received, the report will be submitted to Council for consideration if necessary and the applicant will be informed of the decision thereof;
- (f) that, in terms of Section 42(1) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), the approvals granted in the paragraph (a) to (d) above, shall be subject to the following conditions:

- (i) that Council's support for the establishment of the Founders Estate small farms shall not be interpreted that it necessarily will support the further applications that will follow;
- (ii) that the approved diagrams of the newly created and consolidated properties be submitted to Council for clearance and record purposes;
- (iii) that the utilization of the buildings to be erected on the 18 agricultural units, shall be within the parameters determined by the zoning of Agricultural Zone 1 at all times;
- (iv) that a copy of the lease agreement to be entered into with Boschendal Wines (Pty) Ltd, be submitted to Council for record purposes. The lease may not be altered in any way without Council's approval;
- (v) that the final location of the 8 000m<sup>2</sup> areas on each agricultural unit excluded from the leasehold area, be determined in terms of a visual impact study which illustrates that the selected sites will have the least possible visual impact. Cognizance must be taken of the outcome of the relevant Heritage Impact Study in this regard;
- (vi) that a set of architectural guidelines, which address the architectural appearance, and finish of the buildings to be erected, be submitted to Council for scrutiny. The style and colour of the buildings must be sensitive and reconcilable with the surrounding environment;
- (vii) that any outside lighting of the buildings be installed in such a way that it will have the minimum impact on the surrounding rural area;
- (viii) that the buildings on the agricultural units be limited to one new farmstead per farm. The only other buildings permitted are those required for bona fide agricultural purposes for the farming unit as a whole;
- (ix) that a Homeowners Association be established for the 18 Founders Estate agricultural units. A suitable Constitution must be compiled and submitted to Council for approval;
- (x) that a landscaping plan for the development be submitted to Council for scrutiny as well as an implementation programme;
- (xi) that the Council reserves the right to request further landscaping proposal to screen any development visually from all lookout points, roads and surrounding properties, should the Council deem it necessary at a later date;
- (xii) that no fences are allowed between the 18 units which will be farmed as a unit;
- (xiii) that appropriate environmental management be exercised over the lease area and a proposal as to how this is to be achieved be submitted to Council for scrutiny;
- (xiv) that the following conditions, as well as any further conditions imposed by the District Roads Engineer, be complied with:
  - that the necessary servitudes be registered and recorded in the title deeds of the relevant properties prior to the alienation of the affected units;
  - that copies of all the diagrams, inclusive of servitudes be submitted to the Cape Winelands District Municipality as well as the Stellenbosch Municipality;

- (xv) that any conditions imposed by the Director: Engineering and Technical Services shall be adhered to;
- (xvi) that any requirements of the South African Heritage Resources Agency shall be complied with;
- (xvii) that any requirements of the Department of Environmental Affairs and Development Planning shall be complied with;
- (xviii) that the approval applies only to the subdivision in question and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- (xix) that a detailed development plan, indicating the location of all existing and proposed buildings/structures, the proposed land uses, access roads, parking, and landscaping, etc, be submitted to Council as well as to SAHRA for approval;
- (xx) that no extensions to the existing buildings or the construction of any new buildings may occur without prior approval of the Council, as well as SAHRA and/or Heritage Western Cape;
- (xxi) that the approval shall be subject to written confirmation by the applicant/owner to the Municipality that the provisions of the Extension of Security Act, 1997 (Act 62 of 1997), have in all respects been complied with. The construction of new laborer's cottages shall not be allowed on the Estate prior to the approval of the Municipality;
- (xxii) that, from a local economic point of view, it is required that preference be given to the employment of local labour from the Dwars River Valley in the farming activities within the lease area. Proposals of how this is to be achieved must be submitted to Council; and
- (xxiii) that the owner or his assignee must confirm in writing that the aforementioned conditions shall be adhered to, before the approval shall come into affect.

Yours faithfully

  
**p EXECUTIVE DIRECTOR : ECONOMIC FACILITATION SERVICES**

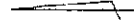
/sm  
F1674/2

# PLAN D

LEASE AREA OVER  
CONSOLIDATED FARM

## NOTES:

1. THE FIGURE INDICATED IN RED REPRESENTS A LEASE AREA 399.31 Ha IN EXTENT AND EXCLUDES ALL THE YELLOW AREAS NUMBERED 1-19
2. THE POSITION OF THE EXCLUDED AREAS TO BE FINALISED BY MUNICIPALITY



SCALE	DATE	REF. NO.
1:12 500	SEPTEMBER 2004	

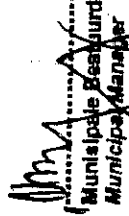
FRIEDLAENDER, BURGER  
& VOLKMANN  
LAND SURVEYORS  
LANDMETERS

27 CHURCH STREET - KERKSTRAAT 27  
PO BOX 154 - POSTBUS 154  
STELLENBOSCH  
7600  
TEL 021 8864004 FAX 021 8878088



**Stellenbosch Munisipaliteit**  
**Municipality Stellenbosch**

Hierdie onderverdeling is deur die Raad  
*This subdivision has been approved by*  
goedgekeur kragtens Artikel 25 van  
*the Council in terms of Section 25 of*  
Ordinance Nr 15 van 1985 onderworpe  
*aan alle voorwaardes volgens aanhangsel.*  
*conditions as per annexure.*

  
Municipal Manager  
23/12/05  
Datum  
Date

## PLAN E

FOUNDER'S ESTATE  
SUBDIVISION

## NOTES

1. PORTIONS 2, 5, 8 AND 9 OF FARM NO 1674 TO BE CONSOLIDATED
2. PORTIONS 2-19 SUBJECT TO LEASE AREA
3. BOSCHENDAL FOUNDER'S ESTATE AREAS PTN AREA (HECTARES)
- |    |       |
|----|-------|
| 1  | 9 HA  |
| 2  | 44 HA |
| 3  | 25 HA |
| 4  | 21 HA |
| 5  | 26 HA |
| 6  | 25 HA |
| 7  | 21 HA |
| 8  | 21 HA |
| 9  | 22 HA |
| 10 | 21 HA |
| 11 | 21 HA |
| 12 | 22 HA |
| 13 | 21 HA |
| 14 | 21 HA |
| 15 | 21 HA |
| 16 | 21 HA |
| 17 | 21 HA |
| 18 | 21 HA |
| 19 | 21 HA |

4. PORTION 1 TO BE CONSOLIDATED WITH FARM 1674/12

SCALE	DATE	REF. NO.
1: 12 500	APRIL 2005	

FRIEDLAENDER, BURGER  
& VOLKMANN  
LAND SURVEYORS  
LANDMETERS

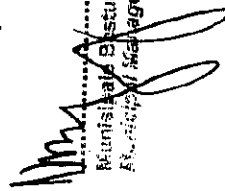
27 CHURCH STREET - KENKSTRAAT 27  
PO BOX 154 - POSTBUS 154  
STELLENBOSCH  
7600

TEL. 021 8884004 FAX. 021 8878088

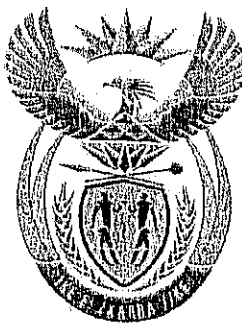


**Stellenbosch Munisipaliteit**  
**Municipality Stellenbosch**

Hierdie onderverdeling is deur die Raad  
This subdivision has been approved by  
goedgekeur volgens Artikel 26 van  
the Council in terms of Section 26 of  
Ordonnansie Nr 15 van 1985 onderworpe  
Ordinance No 15 of 1985 subject to the  
aan die voorwaardes volgens aanhangsel.  
conditions as per annexure.

  
Munisipale Bestuurder  
Municipal Manager

23/12/05  
Datum  
Date



DEPARTMENT: AGRICULTURE  
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria (Tshwane), 0001  
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management  
Tel: 012-319-7481 Fax: 012-329-5938 E-mail: MarieLouiseB@nda.agric.za  
Enquiries: Ms. M.L. Branchley Ref: 01/22968(1)

Messrs Friedlaender Burger Volkmann  
PO Box 154  
**STELLENBOSCH**  
**7600**

2005-06-01

Dear Sirs

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970:  
PORTIONS 2,5,8 AND 9 OF THE FARM BOSCHENDAL NO 1674; DIVISION PAARL WESTERN  
CAPE PROVINCE**

Your application PA1178C of 26 January 2005 refers.

With reference to the above-mentioned subject I wish to inform you that the application has been granted.

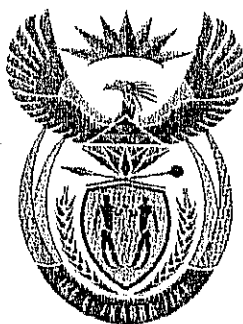
Consent No. 317877 issued in terms of section 4 of the Act, is enclosed in duplicate.

The Conveyancer must lodge the signed copy of the Consent with the Registrar of Deeds together with the documents for registration.

Kindly note that the properties concerned are subject to the provisions of the Conservation of Agricultural Resources Act 1983 (Act 43 of 1983).

Yours faithfully

  
SENIOR MANAGER: LAND USE AND SOIL MANAGEMENT



VERW/REF.

01/22968(1)

**TOESTEMMING**  
*KRAGTENS DIE WET OP DIE ONDERVERDELING  
VAN LANDBOUGROND, 1970*

**CONSENT**  
*IN TERMS OF THE SUBDIVISION OF  
AGRICULTURAL LAND ACT, 1970*

39884

By virtue of the powers delegated to me by the Minister of Agriculture consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of and the registration of a lease over the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

**PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES**

- 1.1 PORTION 2, IN EXTENT 166,4995 HECTARES;
- 1.2 PORTION 5, IN EXTENT 123,2548 HECTARES;
- 1.3 PORTION 8, IN EXTENT 50,2598 HECTARES; AND
- 1.4 PORTION 9, IN EXTENT 80,1969 HECTARES ALL OF THE FARM BOSCHENDAL NO 1674; DIVISION PAARL WESTERN CAPE PROVINCE

**PARAGRAPH 2: CONSENT GRANTED**

2.1 After consolidation the subdivision of the above-mentioned agricultural land into nineteen portions:

- a) 12 portions measuring approximately 21 hectares, each, represented by the figures marked Portions 4, 7, 8, 10, 11, 13-19 as shown on the sketch plan which is attached to this Consent;
- b) two portions measuring approximately 25 hectares, each, represented by the figures marked Ptn 3 and 6 as shown on the sketch plan which is attached to this Consent;
- c) two portions measuring approximately 22 hectares, each, represented by the figure marked Ptn 9 and 12 as shown on the sketch plan which is attached to this Consent;
- d) one portion measuring 9 hectares, respectively by the figures marked Ptn 1 as shown on the sketch plan which is attached to this Consent;
- e) one portion measuring approximately 44 hectares, respectively by the figures marked Ptn 2 as shown on the sketch plan which is attached to this Consent; and
- f) one portion measuring approximately 26 hectares respectively represented by the figure marked Ptn 5 as shown on the sketch plan marked E which is attached to this Consent.

2.2 To conclude a lease for a period not exceeding 99 years in favour of Boschendal Winery (PTY) for the purpose of winery and purposes incidental thereto, over a portion of the consolidated farm of the agricultural land mentioned in subparagraph 1, measuring approximately 399,31 hectare, represented by the figures coloured yellow as shown on the sketch plan marked D which is attached to this Consent.

**PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT**

- 3.1 Simultaneously with registration of transfer:
- (a) the portion measuring approximately 9 hectares (Ptn 1) must be consolidated with Portion 12 of the Farm Boschendal No 1674, in extent 188,3148 hectares.
- 3.2 The Registrar of Deeds may register the portions mentioned in subparagraph 2.1 only after written proof has been given by the Department of Water Affairs that the above-mentioned portions disposes of 10 hectares of water rights each.
- 3.3 This Consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.4 This Consent does not exempt any person from any provision of any other law, with special reference to the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.5 This Consent is valid for 5 years from date of issue.

2005-06-01

---

DATE

M.R. SELEMELA

---

MANAGER:  
LAND USE AND SOIL MANAGEMENT



VERW/REF.

01/22968(1)

**TOESTEMMING**  
**KRAGTENS DIE WET OP DIE ONDERVERDELING**  
**VAN LANDBOUGGROND, 1970**

**CONSENT**  
**IN TERMS OF THE SUBDIVISION OF**  
**AGRICULTURAL LAND ACT, 1970**

39824

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- e) one portion measuring approximately 44 hectares, respectively by the figures marked Ptn 2 as shown on the sketch plan which is attached to this Consent; and
- f) one portion measuring approximately 26 hectares respectively represented by the figure marked Ptn 5 as shown on the sketch plan marked E which is attached to this Consent.

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M. R.

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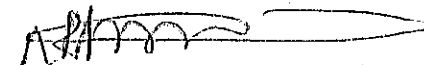
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3.5 This Consent is valid for 5 years from date of issue.

2005 -06- 01

DATE



MANAGER:

LAND USE AND SOIL MANAGEMENT

# PLAN D

LEASE AREA OVER  
CONSOLIDATED FARM

NOTES:

1. THE FIGURE INDICATED IN RED REPRESENTS A LEASE AREA 399.31 Ha IN EXTENT AND EXCLUDES ALL THE YELLOW AREAS NUMBERED 1-19
2. THE POSITION OF THE EXCLUDED AREAS TO BE FINALISED BY MUNICIPALITY

SKET KAART WAARNA VER-  
SKETCHPLAN TO WHICH IS  
WY. WORD IN TOESTEMMING  
REFERRED IN CONSENT

NO. 1 399.31 Ha



BOSCHENDAL

1685

THE ESTATE

SCALE	DATE	REF. NO.
1:12 500	APRIL 2005	

FRIEDLAENDER, BURGER  
& VOLKMANN  
LAND SURVEYORS  
LANDMETERS

27 CHURCH STREET - KERKSTRAAT 27

PO BOX 154 - POSBUS 154

STELLENBOSCH

7600

TEL. 021 8864004 FAX. 021 8878088

# PLAN E

## FOUNDER'S ESTATE SUBDIVISION

### NOTES

1. PORTION 2, 5, 8 AND 9 OF FARM NO 1674 TO BE CONSOLIDATED
2. PORTIONS 2-19 SUBJECT TO LEASE AREA
3. BOSCHENDAL FOUNDER'S ESTATE AREAS PTN AREA (HECTARES)

*[Signature]*

SKET KAART WAARNA VER-  
SKETCHPLAN TO WHICH IS  
WY. WORD IN TOESTEMMING  
REFERRED IN CONSENT  
NO. 574/12

- 1 9 HA
- 2 44 HA
- 3 25 HA
- 4 21 HA
- 5 26 HA
- 6 25 HA
- 7 21 HA
- 8 21 HA
- 9 22 HA
- 10 21 HA
- 11 21 HA
- 12 22 HA
- 13 21 HA
- 14 21 HA
- 15 21 HA
- 16 21 HA
- 17 21 HA
- 18 21 HA
- 19 21 HA

4. PORTION 1 TO BE CONSOLIDATED  
WITH FARM 1674/12

SCALE	DATE	REF. NO.
1: 12 500	APRIL 2005	

FRIEDLAENDER, BURGER  
& VOLKMANN  
LAND SURVEYORS  
LANDMETERS

27 CHURCH STREET - KERKSTRAAT 27  
PO BOX 154 - POSBUS 154  
STELLENBOSCH

7600  
TEL. 021 8864004 FAX. 021 8878088



02.0633:23

16.2.03

830



DEPARTMENT OF TRANSPORT AND PUBLIC WORKS  
DEPARTMENT VAN VERVOER EN OPENBARE WERKE  
ICEB LEZOTHUTHO NEMISELENZI TOLUNTU



Reference:  
Verwysing: PR22/25-105/0457(05)  
Iselathiso:

Enquiries:  
Navraag: CJ de Villiers  
Imibuxo:

ICE Group (Boland)  
PO Box 131  
STELLENBOSCH  
7599

Attention: Piet van Blerk

Sir

BOSCHENDAL FOUNDERS ESTATE SUBDIVISION : TRAFFIC IMPACT  
STATEMENT

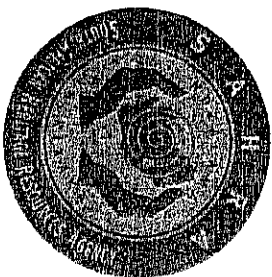
1. The Traffic statement was studied and discussed with you and is acceptable.

Yours faithfully

CJ de Villiers  
DISTRICT ROADS ENGINEER  
CJDV/ei

Inkour Fax Pad Eel128	PAGE 1 OF 1
TO: CJC Rottmeyer	FROM: E. van Blerk
CO:	TO:
DATE 17/5/05	PHONE NO: 840 3420/3
FAX NO: 843 2062	FAX NO: 843 3421

Date: 16 May 2005



**SOUTH AFRICAN HERITAGE  
RESOURCES AGENCY**

212 BUTENGRACHT SREET, CAPE TOWN, 8000  
PO BOX 2771, CAPE TOWN, 8001  
TEL (021) 424 5026 - FAX (021) 424 5027

Our Ref: 9/2/084/181 and 9/2/069/41

Your Ref: LUPO decision on Boschendal Founders Estate

Enquiries: Ms Beverley Crouts-Knipe [bcrouis-knipe@wc.sahra.org.za](mailto:bcrouis-knipe@wc.sahra.org.za)

Date: 11 July 2008

For Attention:

**Acting Municipal Manager**

Mr Ian Kenned ([munmanager@stellenbosch.org.za](mailto:munmanager@stellenbosch.org.za))  
Stellenbosch Municipality  
STELLENBOSCH  
7600

Attention: Mr Ian Kenned

Fax: 021- 808 8651

Dear Mr Kenned

**RE: LUPO CONDITIONS IN TERMS OF - APPLICATION FOR THE SUBDIVISION  
OF ERVEN 1674/2, 1674/5 1674/8 and 1674/9, BOSCHENDAL FOUNDERS  
ESTATES, BOSCHENDAL, DWARS RIVIER VALLEY: STELLENBOSCH  
MAGISTERIAL DISTRICT**

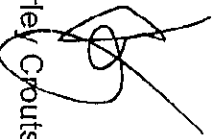
With reference to the LUPO decision taken on the above- mentioned matter, the  
South African Heritage Resources Agency (SAHRA), wishes to inform you as  
follows:

SAHRA is the relevant heritage resources authority responsible for the heritage resources management of the Boschendal Founders Estate, in terms of the NHRA. The Boschendal Founders Estate application for subdivision is a long standing matter with SAHRA. We therefore consider it important to provide you with feedback on the status of the Boschendal Founders Estate application, within SAHRA.

The purpose of the letter is to confirm and qualify that SAHRA is satisfied that Boschendal Pty is dealing with the heritage issues as required by the LUPO decision and the more detailed heritage requirements in terms of the SAHRA ROD dated 15 September 2006, to enable the subdivision of the Founders Estate.

We trust that the information will assist in expediting your approval process. Should you require any additional information, please do not hesitate to contact Beverley Crouts-Knipe at [bcrouts-knipe@wc.sahra.org.za](mailto:bcrouts-knipe@wc.sahra.org.za) or 021 424 5026.

Yours sincerely



Beverley Crouts-Knipe

**PROVINCIAL MANAGER: SAHRA-WESTERN CAPE**

CC:

Director of Planning and Environment: Marx Mupariwa - [marxm@stellenbosch.org.za](mailto:marxm@stellenbosch.org.za)  
Manager, Planning, Heritage and Enviro: Bernaby de la Bat- [bernabyb@stellenbosch.org.za](mailto:bernabyb@stellenbosch.org.za)