

FARM 1740, PAARL

**APPLICATION
FOR
CONSENT USE**

COMPILED FOR

BABYLONSTOREN (PTY) LTD

BY



FEBRUARY 2015

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-



DRAKENSTEIN

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA

**APPLICATION FOR LAND USE CHANGE
IN TERMS OF THE LAND USE PLANNING ORDINANCE
NO. 15 OF 1985**

(Mark with X whichever is applicable)

REZONING in terms of Section 17.....

SUBDIVISION in terms of Section 24.....

TEMPORARY DEPARTURE in terms of Section 15 (1) (a) (ii).....

DEPARTURE in terms of Section 15 (1) (a) (i).....

CONSENT USE in terms of Regulation 4.6 of PN 1048/1988.....

OTHER
(Specify).....
.....
.....

Date of Submission: ____ - ____ - 20__

1. **PARTICULARS OF APPLICANT**

Name of Applicant	<i>PraktiPlan</i>
Address	<i>1 Flambeau Street North</i>
	<i>Paarl</i>
Postal Code	<i>7646</i>
Contact No	<i>021-8632396</i>
Fax No	<i>088-021-8632396</i>
e-mail	<i>wjs1@telkomsa.net</i>

1.2 Is the Applicant also the registered owner of the property/ies involved? *Yes*
If not, the owner may grant his/her authorization to the applicant by signing below:

Name of Registered owner	<i>Babylonstoren Pty Ltd</i>
Postal Address of registered owner	<i>PO Box 167, Simondium, 7670</i>
Signature of registered owner	<i>See Power of Attorney</i>
(Alternately, a letter granting the owner's required authorization may be <u>attached</u> .)	

1.3 Is the property mortgaged? No

If yes, the mortgagee should sign below in order to grant consent for the application.

Name of Mortgagee *Not applicable*

Signature of mortgagee _____
(Alternatively, a letter granting the mortgagee's consent may be attached.)

2. **PARTICULARS OF PROPERTY**

Property Number *Farm 1740, Paarl*

District / Area *Simondium district*

Street Address *Main Road 205*

Property Size *193,6634 ha*

Present Use and Improvements

Manor house (455 m²) with annex (225 m²), Winery (2572 m²), Wine shed (395 m²), Photographic studios (458 m²), Gift shops (376 m²), Bistro/Reception/Wine tasting facility (717 m²), Health spa (213 m²), Guest house (350 m²), 5 x Guest cottages (175, 130, 95, 95, and 130 m²), Agricultural sheds (465 + 1861 m²), 27 x Labourer cottages, Manager's house (630 m²), Car park for 50 cars, Vineyards, Orchards, Traditional vegetable garden

Zoning *Agricultural Zone 1 and Agricultural Zone 2 (2967 m²)¹*

3. **PARTICULARS OF APPLICATION**

3.1 Nature of Application

Rezoning from _____

Subdivision into _____ units

Temporary Departure for _____

Departure from _____

Consent Use for *Guest house*

Describe the land use and/or state the zoning and/or consent use and/or temporary departure for which the application has been made:

Use of existing manager's house of 630 m² as a guest house.

3.2 Motivate the proposed amendment regarding use in terms of its desirability and provide a detailed description of your proposal. In this regard the following should be noted in

¹ Drakenstein Municipality Ref. 15/4/1(F1268)P dd. 3/6/2010

particular:

- * Whether the proposal will be in keeping with the existing planning and surrounding land uses in the area;
- * The potential environmental impact of the proposal;
- * The potential impact of the proposal on the situation regarding traffic and/or parking in the area;
- * The potential impact of the proposal on surrounding facilities such as school, open spaces and other community facilities, should said proposal result in an increase in the number of residents in the area;
- * The potential impact of the proposal on the existing character of the area and peoples rights in regard to property values, privacy, views, sunlight, etc.
- * Provision of services.

MOTIVATION In case of insufficient space, attach motivating report)

<i>See Motivation Report</i>

- 3.3 Indicate the size of the structure / area / property to be utilized for the intended purpose:
630 m²
- 3.4 Indicate the location of the structure/portion of the property to be utilized for the intended purpose on the site, building and/or locality plans, which should be attached. The plans must be in **A4** or **A3** format.
- 3.5 The applicant must apply to the Department of Environmental Affairs and Development Planning for authorization of any listed activity in terms of the Environmental Conservation Act No. 73 of 1989. The approval / exemption has to be obtained by the applicant him/herself and be submitted to the Council before this Council take a decision.

Address **Department of Environmental Affairs and Development Planning**
 Att. : Integrated Environmental Management
 Private Bag X9086
 Cape Town
 8000

Tel. (021) 483 3185
Fax. (021) 483 4372
e-mail environment@pawc.wcape.gov.za

4. **RESTRICTIVE FACTORS**

- 4.1 Do any conditions prohibiting the amendment of usage exist in the Title Deed(s) of the property/ies involved?

<input type="checkbox"/>	<i>No</i>
--------------------------	-----------

- 4.2 Attach Conveyancer's Certificate and/or Title Deed.

- 4.3 Are you aware of the existence of any other restrictive factors which may impede the proposed amendment of use?

<i>Yes</i>	<input type="checkbox"/>
------------	--------------------------

- 4.4 If yes, list these restrictions

- a) *The property is located in the Grade 1 Cape Winelands Cultural Landscape and the comments of SAHRA need therefore to be obtained on the application.*
- b) *The historical farm yard where the existing tourist facilities are located, is a recommended Provincial Heritage Resource and some individual buildings on the yard are recommended Grade C buildings i.t.o. the Drakenstein Heritage Survey, but not proclaimed yet as such.*
- c) *These and the application building are however a protected structures i.t.o. Section 34 of the National Heritage Resources Act, 1999.*
- d) *The proposed guest house does not represent a change in character of the existing farm yard, which is already a tourist hub and being used for tourist accommodation. Section 38 of the National heritage Resources Act of 1999 is therefore not triggered.*
- e) *As no buildings will be erected, the provisions of the Advertising on Roads and Ribbon Development Act of 1950 are not applicable to the application.*
- f) *The use of the existing manager's house as a guest house does not represent the development of an accommodation facility as defined in NEMA Listing Notice 3 of 20154 and the proposed guest house is therefore not a listed activity in terms of NEMA Listing Notice 3 of 2014.*

SEND THE APPLICATION TO

All correspondence to this Council should be directed to:

**The Municipal Manager
Drakenstein Municipality
P.O. Box 1
Paarl
7622**

THE APPLICATION SHOULD BE ACCOMPANIED BY THE FOLLOWING

1. **Application Fees**

Rezoning	R1100.00
Temporary Departure	R1100.00
Subdivision	R1100.00 for the first 20 units R1100.00 for the first 20 units plus R110.00 for each erf more than the first 20 units
Departure in respect of Land use Parameters	
Erven smaller the 500m5	R220.00
Erven exceeding 500m5	R385.00
Consent Use	R1100.00
2. Authorization (If required. See 1.2)
3. Mortgagee's consent (If required. See 1.3)
4. Conveyancer's Certificate and Title Deed (See 4.2)
5. Plans (See 3.3 building, site and/or locality plans as required)
6. Approval or Exemption from the Department of Environmental Affairs and Development Planning

7. Five copies of the complete application (including application form, motivation report and plans)

ADDITIONAL INFORMATION

Note This application does not exempt the applicant from any other legal requirements, should compliance with any other existing laws or obtaining approval for the proposed development from any institutions, be required.

Advertising of the application, if requested, will be for the applicant's account.

Any inquiries may be forwarded to the Land Use Planning Section, Tel 807 6225 or 807 4835 .

I the undersigned, hereby certify that all of the above information is correct and complete and that the application is understood.

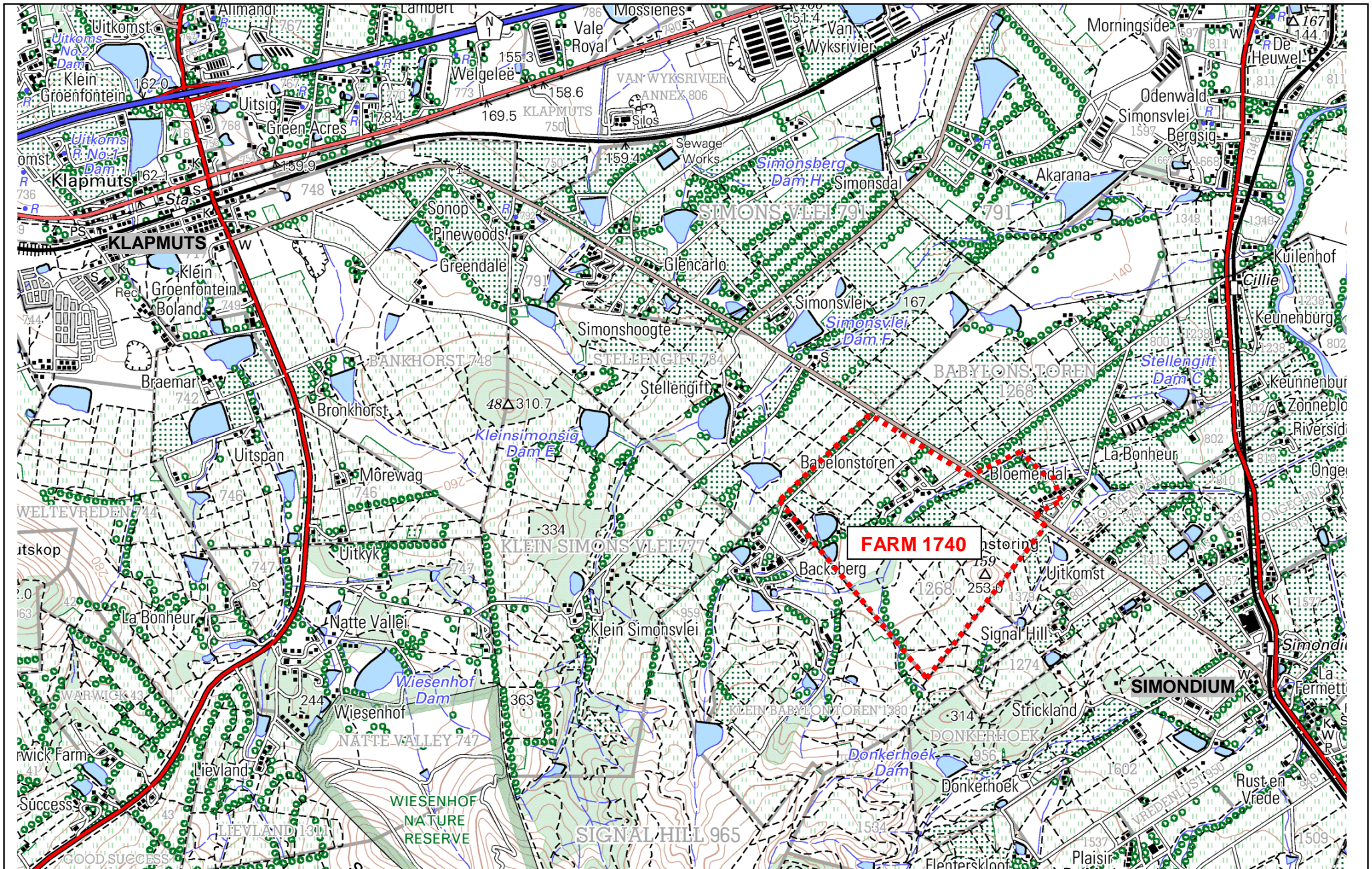


SIGNATURE OF APPLICANT

Technical Planner B/8074/1998

Date: 20/2/2015

(State the name and position of signatory if applicant is a company, closed corporation, partnership, etc.)



PraktiPlan

TEL: 021 863 2396

E-POS/MAIL: wjs1@telkomsa.net

Kopiereg voorbehou / Copyright reserved

PLAAS 1740, PAARL LOCATION

Verw./Ref.
BK3

Datum/Date

Basis/Base Info
3318DD

Skaal/Scale
NVS/NTS



SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES System WG 19			S.G. No 373/2009
		Constant		Y	X		
				±	0,00	+3 700 000,00	
AB	890,22	302 31 50	A	+	7 094,87	+ 43 560,13	Approved <i>Stow Abong</i> for Surveyor-General 09 MAR 2009 Sheet No 1 of 2 Sheets
BC	63,20	249 10 50	B	+	6 344,32	+ 44 038,85	
CD	269,19	238 34 30	C	+	6 285,25	+ 44 016,39	
DE	241,65	325 58 50	D	+	6 055,55	+ 43 876,04	
EF	16,92	253 47 50	E	+	5 920,35	+ 44 076,33	
FG	120,35	332 59 50	F	+	5 904,10	+ 44 071,61	
GH	58,61	327 26 40	G	+	5 849,46	+ 44 178,84	
HJ	86,07	60 26 50	H	+	5 817,92	+ 44 228,24	
JK	58,14	60 28 20	J	+	5 892,79	+ 44 270,69	
KL	96,93	303 54 30	K	+	5 943,38	+ 44 299,34	
LM	1416,52	37 44 57	L	+	5 862,94	+ 44 353,42	
MN	50,59	36 16 40	M	+	6 730,14	+ 45 473,46	
NP	97,03	17 33 10	N	+	6 760,07	+ 45 514,24	
PQ	169,72	22 03 10	P	+	6 789,33	+ 45 606,75	
QR	3,29	249 58 40	Q	+	6 853,05	+ 45 764,05	
RS	3,86	270 00 00	R	+	6 849,96	+ 45 762,92	
ST	18,81	284 09 20	S	+	6 846,10	+ 45 762,92	
TU	2,96	279 20 00	T	+	6 827,86	+ 45 767,52	
UV	3,06	270 00 00	U	+	6 824,94	+ 45 768,00	
VW	3,04	260 00 30	V	+	6 821,88	+ 45 768,00	
WX	3,05	250 04 50	W	+	6 818,88	+ 45 767,47	
XY	2,47	239 54 40	X	+	6 816,01	+ 45 766,43	
YZ	5,01	326 58 30	Y	+	6 813,87	+ 45 765,19	
ZA1	65,39	54 08 40	Z	+	6 811,14	+ 45 769,39	
A1B1	152,43	137 40 00	A1	+	6 864,14	+ 45 807,69	
B1C1	181,89	227 08 10	B1	+	6 966,79	+ 45 695,01	
C1D1	142,75	151 19 10	C1	+	6 833,47	+ 45 571,28	
D1E1	115,73	232 20 10	D1	+	6 901,98	+ 45 446,04	
E1F1	1507,24	140 43 50	E1	+	6 810,37	+ 45 375,33	
F1A	931,98	225 55 20	F1	+	7 764,40	+ 44 208,45	
		159 Babylon Toren	△	+	6 315,69	+ 44 731,87	
		60 Simon	△	+	6 733,20	+ 50 785,48	

Beacon Description

All beacons 16 mm iron peg, except

- A iron standard
- B 20 mm iron peg next to iron rail fence post
- C D L A1 F1 20 mm iron peg
- M 12 mm iron peg in stone cairn

The figure **ABCDEFGHIJKLMNPQRSTUVWXYZA1B1C1D1E1F1**

represents **193,6634 hectares** of land being

The Farm No 1740 and comprising 1) – 2) as enumerated on Sheet No 2

situate in **the Drakenstein Municipality**

Administrative District of **Paarl**

Province of the Western Cape

Surveyed between **February 2007 and October 2008**

by us,

David Hellig
D S HELDIG
PLS 0256

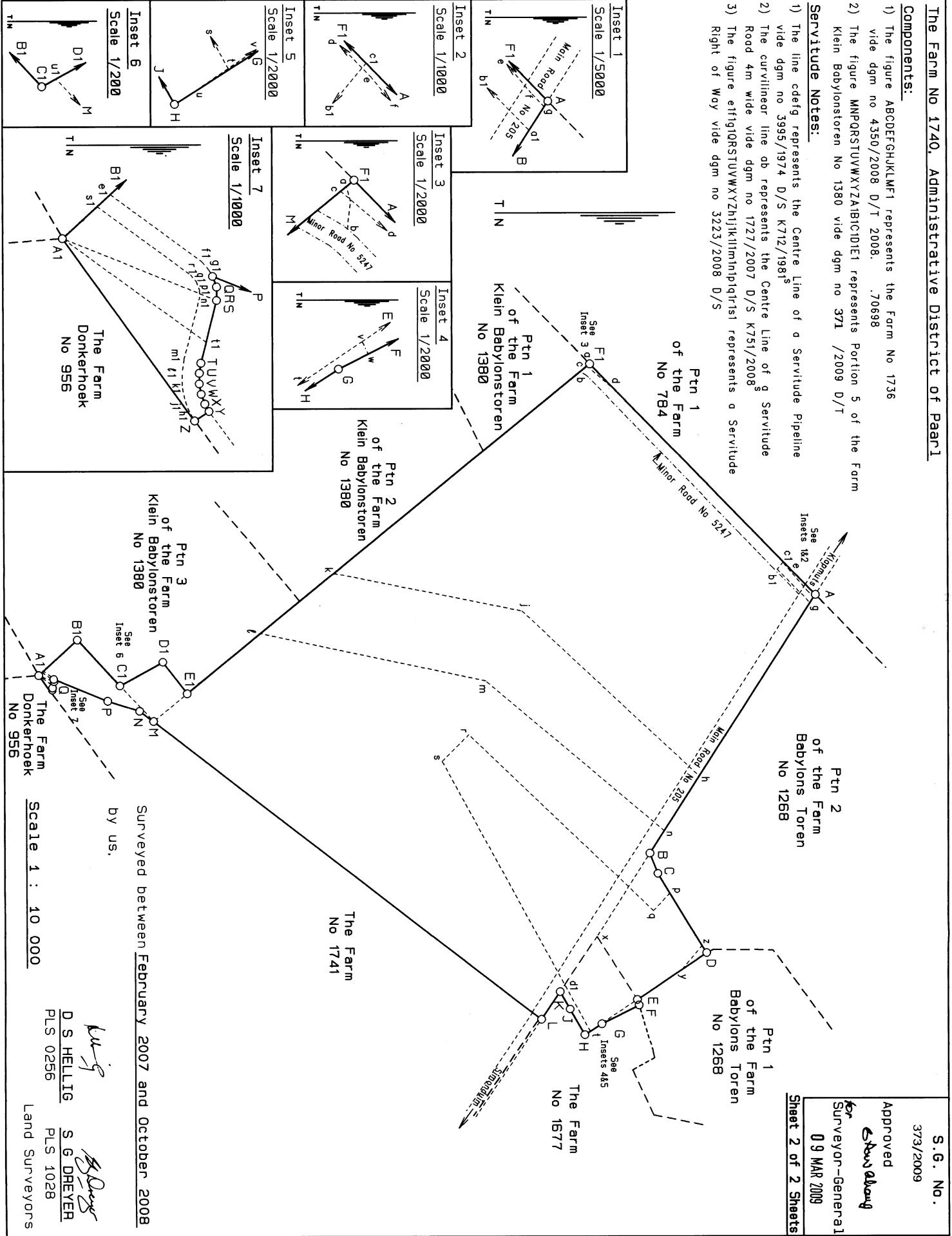
Stow Abong
S G DREYER
PLS 1028
Land Surveyors

This diagram is annexed to No. C.C.T. 61665/2010 dated i.f.o. Registrar of Deeds	The original diagrams are as enumerated on Sheet No 2	File No. Paarl1 S.R. No. E2621/2008 Comp. BH – 8BDA (3764) BH – 8BDB (3765) LPI C0550000
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The Farm No 1740, Administrative District of Paarl

Components:

- 1) The figure ABCDEFGHJKLMF1 represents the Farm No 1736 vide dgm no 4350/2008 D/T 2008. .70698
 - 2) The figure MNPQRSTUWXYZAIBIC1D1E1 represents Portion 5 of the Farm Klein Babylonstoren No 1380 vide dgm no 371 /2009 D/T/
- Servitude Notes:**
- 1) The line cdefg represents the Centre Line of a Servitude Pipeline vide dgm no 3995/1974 D/S K712/1981^s
 - 2) The curvilinear line ab represents the Centre Line of a Servitude Road 4m wide vide dgm no 1727/2007 D/S K751/2008
 - 3) The figure atfig10RSTUWXYZhijk1lmnp1q1r1s1 represents a Servitude Right of Way vide dgm no 3223/2008 D/S



S. G. No. 373/2009

Approved

Shaw Albany

Surveyor-General

09 MAR 2009

Sheet 2 of 2 Sheets

Surveyed between February 2007 and October 2008 by us.

Scale 1 : 10 000

D S HELLIG
PLS 0256
S G DREYER
PLS 1028
Land Surveyors





PraktiPlan

TEL: 021 863 2396
 E-POS/MAIL: wjs1@telkomsa.net
 Kopiereg voorbehou / Copyright reserved

**FARM 1740, PAARL
 FARM LAYOUT**

Verw./Ref.
 BK3

Datum/Date

Basis/Base Info

Skaal/Scale
 NVS/NTS





PraktiPlan

TEL: 021 863 2396
 E-POS/MAIL: wjs1@telkomsa.net
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FARM 1740, PAARL EXISTING WERF

Verw./Ref.
 BK3

Datum/Date

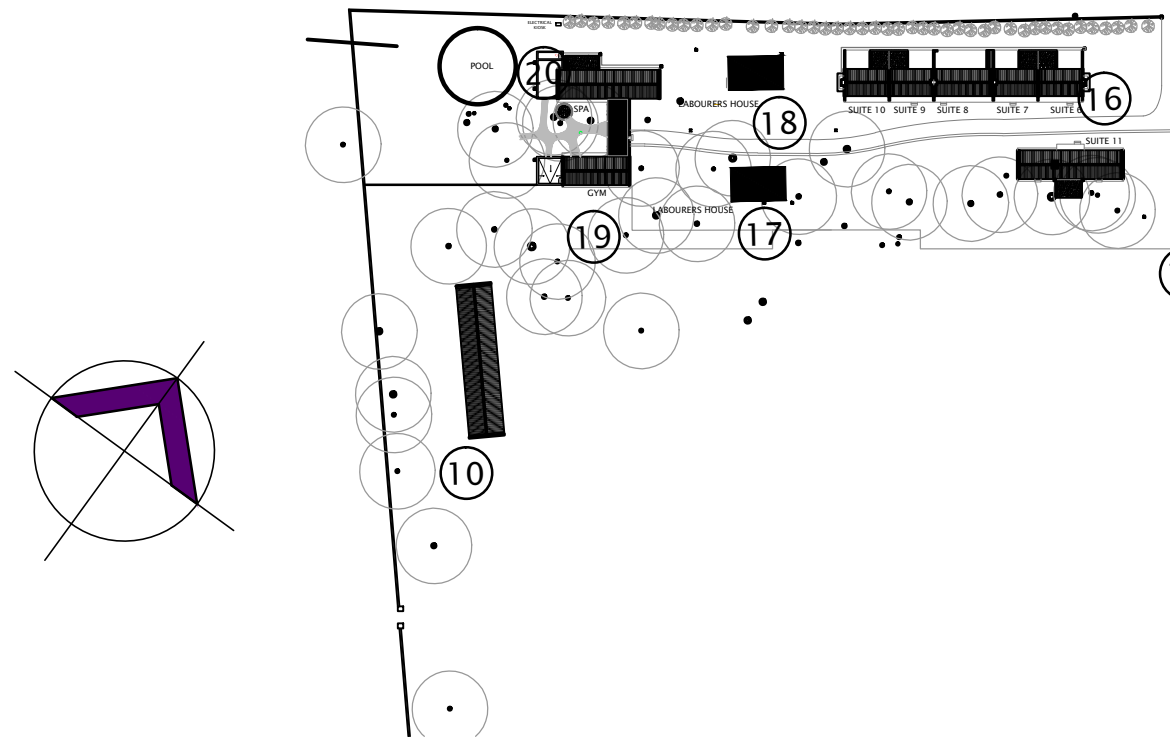
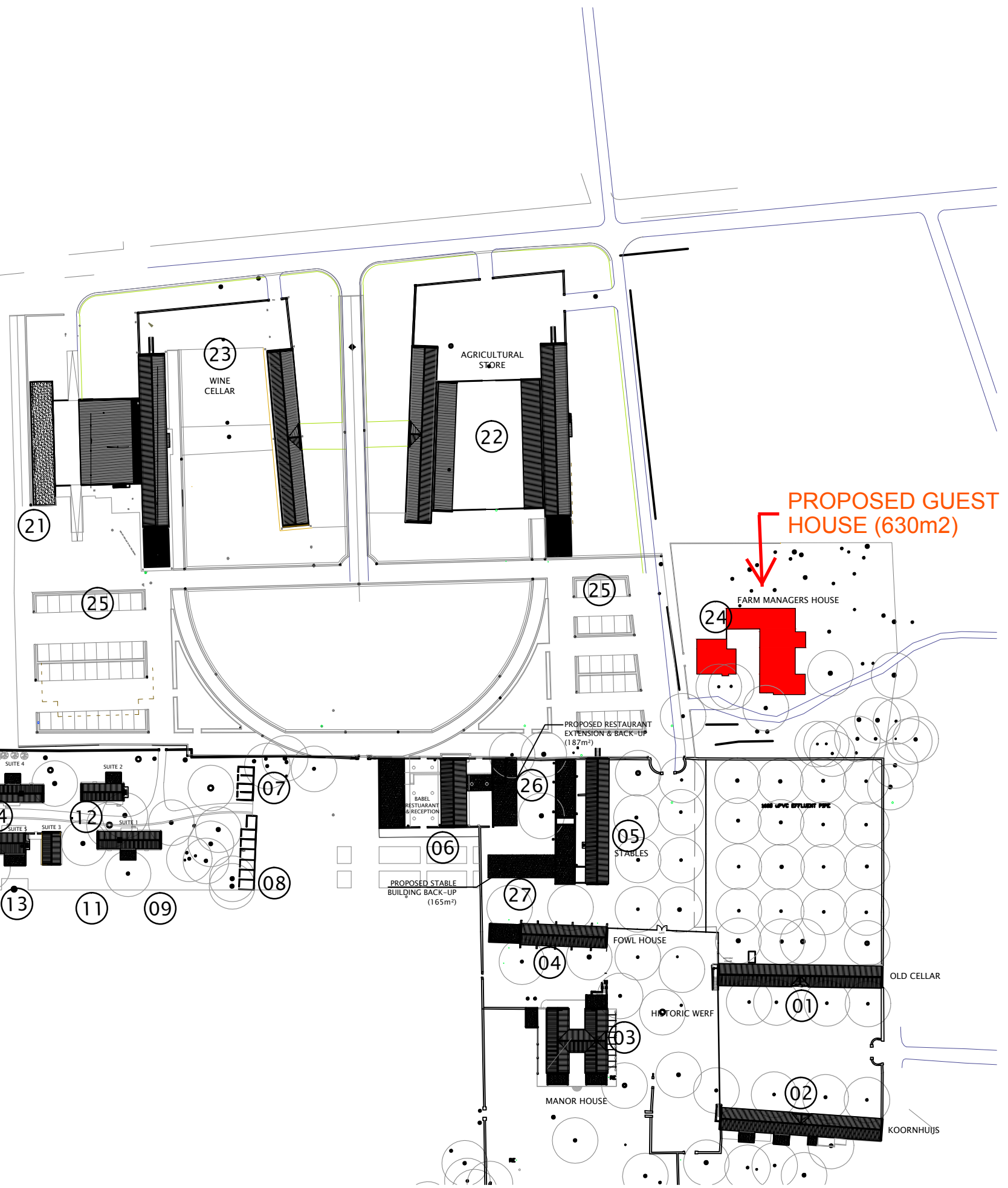
Basis/Base Info
 Google Earth

Skaal/Scale
 NVS/NTS

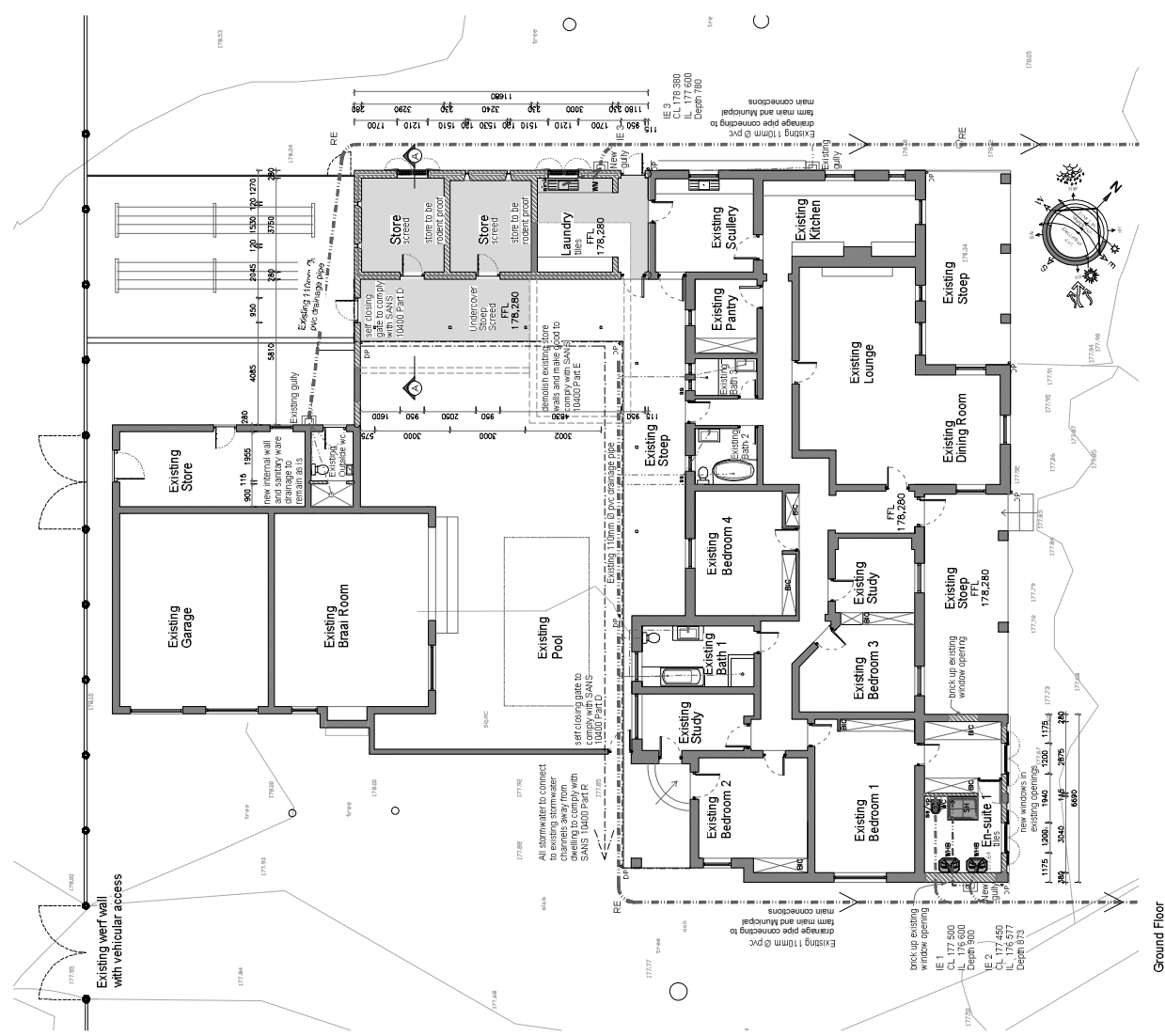


AREA SCHEDULE

No.	Area	Use	Description
01	395m ²	AGRICULTURAL 2	WINE BOTTLE STORAGE
02	458m ²	TOURIST FACILITY	PHOTOGRAPHIC STUDIO & LIVING UNIT
03	455m ²	PRIVATE USE	MANOR HOUSE
04	225m ²	PRIVATE USE	FOWL HOUSE
05	376m ²	TOURIST FACILITY	STABLES_SHOPS & TOILETS
06	346m ²	TOURIST FACILITY	KRAAL_RECEPTION & RESTAURANT
07	60m ²	N/A	OLD PIGSTY
08	116m ²	N/A	OLD PIGSTY
09	0m ²	N/A	DEMOLISHED SHED
10	465m ²	AGRICULTURE	GARDEN STORE
11	138m ²	TOURIST FACILITY	GUEST SUITE 1
12	104m ²	TOURIST FACILITY	GUEST SUITE 2
13	191m ²	TOURIST FACILITY	GUEST SUITE 3 & 5
14	138m ²	TOURIST FACILITY	GUEST SUITE 4
15	138m ²	TOURIST FACILITY	GUEST SUITE 11
16	328m ²	TOURIST FACILITY	GUEST SUITES 6-10
17	75m ²	PRIVATE USE	LABOURERS HOUSE
18	75m ²	PRIVATE USE	LABOURERS HOUSE
19	333m ²	TOURIST FACILITY	SPA & GYM
20	-	-	-
21	310m ²	AGRICULTURAL 1	PUMP ROOM
22	1861m ²	AGRICULTURAL 1	FARM STORE & OFFICE
23	2170m ²	AGRICULTURAL 2	WINERY
24	630m ²	PRIVATE	FARM MANAGERS HOUSE
25	-	EXISTING PARKING	PARKING
TOTAL EXISTING BUILT AREA			9,442m²
26	1187m ²	TOURIST FACILITY	PROPOSED RESTAURANT & BACK-UP
27	165m ²	TOURIST FACILITY	PROPOSED STABLE BUILDING BACK-UP
TOTAL BUILT AREA			9,794m²
(INCL. PROPOSED)			



PROJECT			
GROUND FLOOR PLAN - SECTION A-A			
Local Authority Submission			
DATE	SCALE	PROJECT NO.	SECTION
21.08.2014	AS SHOWN	13359	A
CLIENT	DESIGNER	DRAWN BY	CHECKED BY
SK	JCF	SK	JCF



Ground Floor
 scale 1:100 (A1)
 scale 1:200 (A2)

scale 1:100 (A3)



REPORT

PROPOSED CONSENT USE

FARM 1740, PAARL

BK4

February 2015

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 10. ADMINISTRATIVE CRITERIA
 11. SPATIAL FRAMEWORKS
 12. LAND USE DESIRABILITY
 - 12.1 Land Usage
 - 12.2 Physical site conditions
 - 12.3 Transportation and Traffic Conditions
 - 12.4 Natural and Manmade Environment
 - 12.5 Cultural and heritage Resources
 - 12.6 Safety and Welfare of the Community
13. CONCLUDING REMARKS

SUMMARY

Summary	Section
Application is being made for a consent use in order to permit the use of an existing farm manager's house of 630 m ² on Farm 1740, Paarl as a guest house.	1
For information on the applicant, property detail, development proposal and background to the application, see Sections 2 – 6.	2 - 6
All the necessary engineering services can be provided to the proposed development.	7
Additional traffic volumes will be negligible and traffic conditions will not be negatively affected by the proposed guest house.	8
For the legislative and administrative criteria applicable to the applications refer to Sections 9 and 10.	9 -10
The proposed rezoning is consistent with the Provincial Spatial Development Framework and the Drakenstein SDF.	11
a) The application is consistent with the spatial planning guidelines for the area. b) The proposed guest house will not be detrimental to the continued agricultural utilisation of the farm, but will in fact explore the full potential of the farm and will fit in with the land use morphology of the area and the existing utilisation of the farm. c) The application building is physically suitable to accommodate the proposed guest house. d) There will be no impact on the natural and manmade environment. e) The safety and welfare of the community will not be negatively affected by the proposed development.	12

1. APPLICATION DETAIL

The report has reference to the following application:

Application Property	Farm 1740, Paarl
Description	Legislative Reference
Application for consent use the existing farm manager's house of 630 m ² on the application property as a Guest House as indicated on Malherbe Rust Architects' enclosed <i>Werf</i> Plan.	Regulation 4.6 of the PN 1048/1988 Scheme Regulations

2. PROPERTY OWNER / APPLICANT

Name	Babylonstoren Pty Ltd		
Postal Address	PO Box 167, Simondium, 7670		
Phone Number	021-8631810	E-mail	terry@babylonstoren.com
Contact Person	Terry de Waal		

3. PROPERTY INFORMATION

Property Number	Farm 1740		
Allotment Area	Paarl Division		
Street Address	Main Road 205		
Coordinates	Latitude (S)	33°49'24.90"	
	Longitude (E)	18°55'33.77"	
Municipality	Drakenstein Municipality, PO Box 1, Paarl, 7620		
Magisterial District	Paarl		
Zoning Scheme	PN 1048/1988 Scheme Regulations		
Existing Zoning	Category	Agricultural Zone 1 and Agricultural Zone 2 (2967 m ²) ¹	
	Primary Use	Agriculture	
	Approved Consent Uses²	Tourist Facilities (2639 m ²), 5 x Additional Dwelling Units (625 m ²), Guest House (375 m ²)	
Existing Utilisation	Buildings	Manor house (455 m ²) with annex (225 m ²), Winery (2572 m ²), Wine shed (395 m ²), Photographic studios (458 m ²), Gift shops (376 m ²), Bistro/Reception/Wine tasting facility (717	

¹ Drakenstein Municipality Ref. 15/4/1(F1268)P dd. 3/6/2010 and 15/4/1(F1740)P dd. 12/12/2014

² Drakenstein Municipality Ref. 15/4/1(F1268)P dd. 3/6/2010 and 15/12/2009 and 15/4/1(F1740)P dd. 12/12/2014

		m ²), Health spa (213 m ²), Guest house (350 m ²), 5 x Guest cottages (175, 130, 95, 95, and 130 m ²), Agricultural sheds (465 + 1861 m ²), 27 x Labourer cottages, Manager's house (630 m ²)	
	Other	Car park for 50 cars, Vineyards, Orchards, Traditional vegetable garden	
Extent	193,6634 ha		
Existing Access	From Main Road 205/Divisional Road 1099 intersection		
Existing Services	Water Provision	From boreholes	
	Sewage Disposal	Via underground waterborne pipelines to a Biomass Digester located at the lowest lying northeastern corner of the farm	
	Storm Water	Via lined channels and underground pipes to the existing channels feeding the stream over the application property	
	Refuse Removal	Waste is collected and stored in a dedicated area from where it is taken to the waste dump site at Koelenhof on a weekly basis	
	Electricity Provision	From a 500 kVA power supply from the municipal grid as well as a 500 kVA standby generator	
S-G Diagram	373/2009		
Deed of Transfer	T61665/2010		
Restrictive Title Deed Conditions	None		
Servitudes	None affecting the application sites		
Bond Holder	None		
Heritage Status	Grade A Heritage Resource	No	
	Grade B Heritage Resource	Yes	The historical farm yard is a recommended Provincial Heritage Resource
	Grade C Heritage Resource	Yes	Some individual farm buildings
	Special Conservation Area	Yes	The property is located in the Grade 1 Cape Winelands Cultural Landscape
	Structures older than 60 years	Yes	All the historical farm yard buildings and the application building

4. APPLICATION AREA


The application area contains the following major spatial and physical elements:

Elements	Description
Land uses	Predominantly agricultural

Built fabric	Scattered farm stead, labourer's cottages and agricultural sheds
Transportation systems	Main Road 205 and Divisional Road 1099
Rivers and streams	An unnamed non-perennial stream bisecting the application property
Ridges, hills and mountains	The Babylonstoren Hill, a prominent topographical feature on the south-eastern boundary of the application property
Vegetation	Orchards and vineyards

5. DEVELOPMENT PROPOSAL

The application is aimed at permitting the following development:

Proposed Land Use	Use of the existing farm manager's house of 630 m ² as a guest house.			
Building Layout	Footprint Areas	630 m ²	Bedrooms	7
	Total Floor Area	630 m ²	Accommodation capacity	14 People
				
Proposed Services	Water Provision	From existing boreholes		
	Sewage Disposal	Via existing underground waterborne pipelines to a Biomass Digester located at the lowest lying northeastern corner of the farm		
	Storm Water Disposal	Via lined channels and underground pipes to the existing channels feeding the stream over the application property		
	Waste disposal	Waste will be collected and stored in an existing dedicated area from where it is taken to the waste dump site at Koelenhof on a weekly basis		
	Electricity Provision	From the existing 500 kVA municipal power supply as well as a 500 kVA standby generator		
Proposed Access	Existing access from Main Road 205/Divisional Road 1099 intersection (Approved for use by existing tourist facilities by Dept. Roads under ref 13/3/5/2-10/2 (Taak 17012) dd. 3/9/2009)			
Proposed Parking	On existing car park.			

Also see the enclosed Werf and Architectural Sketch Plans.

6. BACKGROUND

- a) Babylonstoren is one of the earliest farms in the Drakenstein valley. The first piece of freehold land of 29 ha was granted to the farm's first owner in 1692. Over the years the farm was extended and improved to a substantial farming unit. Most of the historical farm yard, which is today one of the best examples of an early Cape Dutch farm stead, was erected circa 1777.
- b) In 2007 the farm was sold to the current owner, who started with an extensive program of upgrading and redevelopment of the farm infrastructure.
- c) In 2008 application was made to the Drakenstein Municipality for rezoning and consent uses in order to erect a new winery on the farm, convert existing outbuildings into tourist facilities and redevelop old labourer cottages into tourist accommodation, which was eventually approved in 2009 and 2010 under the Municipality's Reference 15/4/1(F1268)P.
- d) Along with the new winery, other new agricultural buildings and the converted or redeveloped outbuildings and labourer cottages, the manor house has inter-alia also been renovated and a traditional orchard and vegetable garden of ± 2 ha was developed to the back of the manor house.
- e) Today the farm is not only a productive and well operated agricultural unit, but also a well known tourist destination. These tourist facilities and attractions include the following:
- One of the earliest settler farms in the Drakenstein valley;
 - A well maintained and authentic 18th century farm yard, considered one of the best examples of a Cape *werf*,³
 - A very popular traditional orchard and vegetable garden which is open to the public and where fruit and vegetables are grown and harvested in a traditional manner, e.g. with the use of *leiwaterslote*;
 - A bistro, gift and food shops, guest rooms, guest cottages and a health spa; and
 - Spectacular natural setting and unique views, such as of the Babelonstoren Hill.
- f) The application building has been erected round about 1950 and is thought to have been designed by Wynand Louw, the first Afrikaner to qualify as an architect, and is of architectural interest.

7. ENGINEERING SERVICES PROVISION

Engineering services will be provided in the following manner to the proposed development:

	Volume required / generated	Available sources	Comments
Water Provision	1470 l/day (75% of sewage volume)	From existing borehole	There will be no significant additional demand for water supply. Water is treated by pumping it through a sand filter, a

³ Drakenstein Heritage Survey

			carbon filter as well as a UV filter before use. The supply from the boreholes is ample for the anticipated use. The water has been tested for potability by Bemlab, and has been found to be suitable.
Sewage Disposal	1960 l/day (140 l/person/day) ⁴	Via existing underground waterborne pipelines to a Biomass Digester located at the lowest lying northeastern corner of the farm	The Biomass Digester has sufficient capacity to receive a peak daily flow of 50 kℓ, made up of 14 kℓ from the winery effluent and 36 kℓ from the various other sewage sources. ⁵ The use of the manager's house as a guest house is estimated to generate about 560 l/day additional sewage, which should place no strain on the system.
Storm Water	Existing	Via existing lined channels and underground pipes the stream over the application property	-
Electricity Provision	Existing	From the existing 500 kVA municipal power supply as well as a 500 kVA standby generator	-
Refuse Removal	Existing	Waste will be collected and stored in an existing dedicated area from where it is taken to the waste dump site at Koelenhof on a weekly basis	-

Also see the Services Report submitted with the 2008 rezoning and consent use application on Dakenstein Municipality file 15/4/1(F1268)P.

8. ACCESS AND TRAFFIC CONDITIONS

The access and traffic conditions associated with the proposed development are as follows:

		Comments
Status and number of access roads	Main Road No. 205 Divisional Road No. 1099	-
Condition of access	MR205: Asphalt with gravel	Main Road 205 serves as the main access

⁴ SANS Code 0800

⁵ Services Report, May 2009, Gerard de Villiers Consulting Engineer

roads	shoulders in good condition DR1099: Gravel		route, being the main tourist route between Klapmuts and Simondium.
Access road hierarchy	MR205: District distributor DR1099: Local distributor		-
Roadside environment	Rural		-
Road operating speed	MR205: 100 km/h DR1099: 80 km/h		-
Sight distances	Required	200 m	-
	Available	300 m	-
Access spacing	Required	450 m	-
	Available	720 m and 440 m	-
Traffic generation	10 trips/day		Based on an anticipated trip generation of 1,4 trips/day per room, with a 50/50 AM/PM split ⁶ , i.e. 5 AM and 5 PM trips
Access point	Existing, at DR1099/MR205-intersection		Right turning lanes available. The access was approved for use by the existing tourist facilities by Dept. Roads under reference 13/3/5/2-10/2 (Taak 17012) dd. 3/9/2009.

Also see the Traffic Impact Assessment submitted with the 2008 rezoning and consent use application on Drakenstein Municipality file 15/4/1(F1268)P as well as the Department of Roads file 13/3/5/2-10/2 (Taak 17012).

9. OTHER LEGISLATIVE REQUIREMENTS

- a) The property is located in the Grade 1 Cape Winelands Cultural Landscape and the comments of SAHRA need therefore to be obtained on the application.
- b) The historical farm yard where the existing tourist facilities are located, is a recommended Provincial Heritage Resource and some individual buildings on the yard are recommended Grade C buildings i.t.o. the Drakenstein Heritage Survey, but not proclaimed yet as such.
- c) These and the application building are however a protected structures i.t.o. Section 34 of the National Heritage Resources Act, 1999.
- d) The proposed guest house does not represent a change in character of the existing farm yard, which is already a tourist hub and being used for tourist accommodation. Section 38 of the National heritage Resources Act of 1999 is therefore not triggered.
- e) As no buildings will be erected, the provisions of the Advertising on Roads and Ribbon Development Act of 1950 are not applicable to the application.
- f) The use of the existing manager's house as a guest house does not represent the development of an accommodation facility as defined in NEMA Listing Notice 3 of 2014 and the proposed guest house is therefore not a listed activity in terms of NEMA Listing Notice 3 of 2014.

⁶ TIS, May 2009, ITS Engineers (Project No, ITS 2570)

10. EVALUATION CRITERIA

The legislative criteria for the evaluation of the applications are:

Legislation	Criteria
Regulation 4.6 of the PN 1048/1988 Scheme Regulations	In considering consent use applications, regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

11. SPATIAL PLANNING FRAMEWORKS

The structure plans (spatial planning frameworks) relevant to the application(s) and /or application site are being complied with as follows:

11.1 Provincial Spatial Development Framework & Structure Plan

(Western Cape Department of Environmental Affairs and Development Planning, March 2014)

The PSDF, approved i.t.o. LUPO as a Structure Plan for the Western Cape, contains the following spatial objectives relevant to the application:

Relevant PSDF objectives	Compliance (Refer to the following sections of this report)
R5: Safeguard cultural and scenic assets (pg. 55)	13.5
E2: Diversify and strengthen the rural economy (pg. 66)	13.1
S1: Protect, manage and enhance sense of place, cultural and scenic landscapes (pg. 78)	13.5

11.1 Drakenstein Spatial Development Framework

(Drakenstein Municipality, 2010)

The application property is located in an area identified in the Drakenstein SDF for agricultural usage. The SDF states that the intensity and density of tourism development, the locational factors and the nature of the development must be guided, in order to prevent development of such density and intensity that it detracts from the natural appeal of the environment which is the resource that in the first instance attracts the development. To this end, tourism accommodation should be limited to what would be permitted in the environment during normal agricultural activities when considering development applications.

11.3 Draft Rural Land Use Planning and Management Guidelines

(Western Cape Department of Environmental Affairs and Development Planning, May 2009)

Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income and add value to locally produced products are identified as land uses to be permitted in agricultural areas. These activities should be located within or peripheral to the farmstead precinct (preferably in re-used or replaced farm buildings and disturbed areas), not on good or moderate soils, linked to existing farm road access and the services network. It should furthermore be in scale with and reinforce the farmstead precinct, enhance the historic built fabric and respect conservation worthy places.⁷

12. MARRING OF THE NEIGHBOURHOOD

In considering consent use applications, Regulations 4.6 of the scheme regulations promulgated at PN 1048/1988 determines that regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

From a land use management perspective, the proposed utilisation of the application property is considered to be desirable for the following reasons:

12.1 Land Usage

- a) The application property is an established wine farm and tourist destination, as is evident by the existing winery, restaurant, tourist shops and accommodation facilities located on the property. The proposed guest house will be merely an expansion of the existing accommodation facilities.
- b) The guest house will be contained to the existing farm yard and dedicated tourism hub on the farm and will not have any impact on the farming operations on the remainder of the farm, neither also on the broader agricultural morphology of the area.
- c) As is the case with the existing tourist and accommodation facilities, the proposed guest house taps into the fact that the farm offers all three of the major draw cards for tourists to the region (i.e. wine industry, cultural attractions and scenic landscapes), being an operational historic wine farm with authentic Cape Dutch buildings in a beautiful location. This makes the property noticeably different from many other farms in the region and offers a suitable recreational source for the development of additional accommodation facilities on the farm.
- d) It is furthermore a generally accepted fact that tourism is a desirable rural land use component that could grow the economy and improve human welfare. This fits in with the generally accepted view that the local economy is principally based on agriculture and tourism. Internationally, tourism is now the economic sector with the most growth potential and greatest ability to create jobs. The development and expansion of rural tourism developments should therefore not be viewed as necessarily in conflict and detrimental to the region's agricultural economic base, but rather as a method to diversify and strengthen the economy of the region as a whole.

12.2 Physical Site Conditions

The proposed guest house will be contained to an existing dwelling house and no expansion of the building will be required. The application will therefore have no impact on the physical site conditions on or surrounding the application site.

⁷ Table 2.3 of the Draft RLUP&MG

12.3 Transportation and Traffic Conditions

- a) It is anticipated that the traffic volumes will increase from the existing estimated 97 trips/day generated by the existing tourist and accommodation facilities to 107 trips per day (i.e. 10 additional trips per day) as a result of the additional accommodation facilities. These tips are anticipated to be split into a total of 5 AM and 5 PM trips, which represents an insignificant increase in traffic volumes.
- b) The property enjoys a safely positioned and configured access of the highest standard directly from Main Road 205, which was specifically upgraded in 2010 in accordance with the road authority's requirements to accommodate the existing tourist and accommodation facilities on the farm. The impact on existing traffic volumes on Main Road 205, being a district distributor, will therefore be negligible.
- c) Parking bays will be available in the existing car park at 1 parking space per bedroom, i.e. 7 parking bays.

12.4 Natural and Manmade Environment

- a) There will be no impact on surrounding land uses as the application site is surrounded by large tracks of cultivated land which will be retained and the application will have no impact on the retention of the broader rural morphology.
- b) As the development will be contained to the existing farm yard and an existing building, there will be no impact on the natural landscape.
- c) The application site is covered by matured trees. The application building is set back at least 200 metres from the public road and located behind these trees and vineyards. Due to these visual screens and the flat topography, the application sites are not visually exposed or prominent and the impact of the proposed development on the road scene will therefore be negligible.
- d) The application sites are at least 100 metres and 200 respectively from the water stream running past the *werf*. The development should therefore have no impact on the steam.

12.5 Cultural and Heritage Resources

- a) The application building is separated from the 18th century historical *werf* by its own *werf* wall and is clearly identifiable as a separate built entity from the historical *werf*. The use of the application building as a guest house will therefore have no impact on the integrity and ambiance of the historical *werf*, which in any case is already being used for tourist facilities.
- b) Although the application building itself has been erected round about 1950 and is therefore a protected structure under the National Heritage Resources Act of 1999, the building has been altered over time and it is thought that alterations thereto resulting from an alternative usage could only improve the architectural integrity of the building.

12.6 Safety and Welfare of the Community

- a) The application site is located at least 600 metres from the closest neighbouring buildings. The proposed guest house will accordingly not affect the privacy or living conditions on neighbouring properties.
- b) The existing accommodation facilities have no noticeable noise and vibration impact on the

environment and it is therefore not expected that the rural tranquillity will in any way be compromised by the proposed additional accommodation facilities.

13. CONCLUDING REMARKS

- f) The application is consistent with the spatial planning guidelines for the area.
- g) The proposed guest house will not be detrimental to the continued agricultural utilisation of the farm, but will in fact explore the full potential of the farm and will fit in with the land use morphology of the area and the existing utilisation of the farm.
- h) The application building is physically suitable to accommodate the proposed guest house.
- i) Additional traffic volumes will be negligible and traffic conditions will not be negatively affected by the additional tourist facilities.
- j) All the necessary engineering services can be provided to the proposed development.
- k) There will be no impact on the natural and manmade environment.
- l) The safety and welfare of the community will not be negatively affected by the proposed development.



W J STEYN

Tch. Pln (B/8074/1998)
20/2/2015
BK4

Property	Owner	Deed/Document	LPI Enquiry	Interdict	Document Request	Transfers	Bulk Properties	User Admin	Billing
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Property Enquiry Details








Property enquiry results for "paarl, 1740" in the Deeds Registry at "CAPE TOWN"

Property detail:

Deeds registry	CAPE TOWN
Property type	FARM
Farm name	PAARL RD
Farm number	1740
Portion	0
Province	WESTERN CAPE
Registration division/Administrative district	PAARL RD
Local authority	WINELANDS DC
Previous description	-
Diagram deed number	T61665/2010
Extent	193.6634 H
LPI Code	C0550000000017400000

Title Deeds detail:

Document	Registration date	Purchase date	Amount	Image Scanned reference	Document copy?
T61665/2010	20101115	-	CCT	20120124 10:51:58	Yes

Owners detail:

Document	Full name	Identity Number	Share	Person Enquiry?
T61665/2010	BABYLONS TOREN PTY LTD	200603529907	-	Yes

Endorsements / Encumbrances:

Endorsement / Encumbrance	Holder	Amount	Image Scanned reference	Document copy?
K1194/2011S	-	-	20120124 10:50:05	Yes
K1135/2011S	-	-	20120124 10:56:32	Yes

K1136/2011S	-	-	20120124 10:59:49	Yes
K147/1998S	-	-	20070710 16:26:01	Yes
K285/1994S	-	-	1994 0249 0047	Yes
K591/2007S	-	-	20070710 16:49:24	Yes
K590/2007S	-	-	20070710 16:26:53	Yes
K712/1981S	-	-	20070710 16:46:30	Yes
K751/2008S	-	-	20080730 09:25:03	Yes
CONSOLIDATE FROM	REG DIV PAARL RD ,NAME PAARL RD ,NO 1736 ,PRTN 0	-	-	Not available
CONSOLIDATE FROM	REG DIV PAARL RD ,NAME KLEIN BABYLONSTOREN ,NO 1380 ,PRTN 5	-	-	Not available

History:

No data found for this query!

[Back to top of page](#)

Requested by **99496** with user reference **a** on: Friday, 31 January 2014 15:42

DeedsWeb Version 4.0.1

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CLUVER MARKOTTER

117

Prepared by me

FEE

R.160-00

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 24


CONVEYANCER

L. PECORARO

**CERTIFICATE OF CONSOLIDATED TITLE
IN TERMS OF SECTION 40(3) OF ACT 47 OF 1937**

T061665/10

WHEREAS

BABYLONS TOREN (PROPRIETARY) LIMITED

Registration Number 2006/035299/07

has applied for the issue to **BABYLONS TOREN (PROPRIETARY) LIMITED** of a Certificate of Consolidated Title under the provisions of Section 40(3) of the Deeds Registries Act 47 of 1937;

24

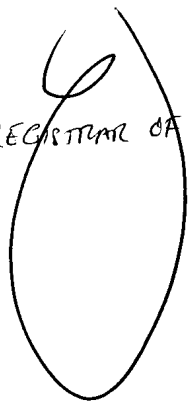
T 61665 / 2010

K 1194.11 S

BY DEED OF SERVITUDE NO. ~~1194.11 S~~
 THE WITHIN MENTIONED PROPERTY IS ENTITLED
 TO A WATER PIPELINE SERVITUDE 4 METRES
 WIDE OVER PORTION 1 OF THE FARM NO. 1348
 MEASURING 49,5289 HA HELD BY DEED
 OF TRANSFER NO. T 54326 / 09, WHICH
 SERVITUDE IS DEPICTED BY THE LINE A B
 ON DIAGRAM S.G. NO. 4691 / 2009, WITH
 ANCILLARY RIGHTS AND OBLIGATIONS.

AS WILL MORE FULLY APPEAR FROM SAID
 NOTARIAL DEED.
 2011-11-28
 DEEDS OFFICE
 CAPE TOWN.

REGISTRAR OF DEEDS.



VIR ENDOSSEMENTE KYK BLADSY
 FOR ENDORSEMENTS SEE PAGE 25

For Information Only

26

T 61665/2010

BY DEED OF SERVITUDE N° K000001136/2011
 THE WITHIN MENTIONED PROPERTY IS ENTITLED
 TO A SERVITUDE PUMPHOUSE AREA
 MEASURING 78 m² OVER THE REMAINDER
 OF THE FARM N° 1348 MEASURING
 25,3217 HA HELD BY DEED OF TRANSFER
 N° T 76295/2007, WHICH SERVITUDE
 AREA IS REPRESENTED BY THE FIGURE
 GH LEFT BANK OF BERG RIVER J
 LEFT BANK OF BERG RIVER KL ON
 DIAGRAM S.B. N° 4690/2009, WITH
 AN AUXILIARY RIGHTS AND OBLIGATIONS
 AS WILL MORE FULLY APPEAR FROM SAID
 NOTARIAL DEED.

2011-11-28
 DEEDS OFFICE
 CAPE TOWN

REGISTRAR OF DEEDS



For Information Only

AND WHEREAS

BABYLONS TOREN (PROPRIETARY) LIMITED
Registration Number 2006/035299/07

is the registered owner of:

1. THE FARM No 1736 situated in the DRAKENSTEIN Municipality, Division PAARL, Province of the WESTERN CAPE

HELD by Certificate of Consolidated Title Number T 70698/2008

AND

2. PORTION 5 (a portion of Portion 3) of the Farm KLEIN BABYLONSTOREN No 1380 situated in the DRAKENSTEIN Municipality, Division PAARL, Province of the WESTERN CAPE

HELD by Deed of Transfer Number T 061664 / 10 / 2010

which pieces of land have been consolidated into the land hereinafter described;

R

NOW THEREFORE, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at CAPE TOWN, do hereby certify that the said

BABYLONS TOREN (PROPRIETARY) LIMITED
Registration Number 2006/035299/07

its Administrators or Assigns, is the registered owner of

THE FARM No 1740 situated in the DRAKENSTEIN Municipality, Division PAARL, Province of the WESTERN CAPE

MEASURING: 193,6634 (ONE HUNDRED AND NINETY THREE COMMA SIX THREE FOUR) Hectares

AS WILL more fully appear from Diagram S.G. No 373/2009.

I. **IN RESPECT** of the figure **F¹ A B C D E x K L M** excluding the figures **k j h n m l** and **z y E x d¹ s r q p** and **A a¹ b¹ c¹** on the hereto annexed **Diagram S.G. No 373/2009:**

A. **SUBJECT** to the conditions contained in Deed of Transfer No T 13199/1919.

B. **SUBJECT FURTHER** to the terms of the Notarial Deed of Servitude dated 19 January 1931 annexed to Deed of Transfer No T 13199 dated 14 November 1919, a reference to which, dated 23 November 1932, is endorsed thereon, which reads as follows:

"By Notarial Deed dated 19.1.1931 an agreement relating to certain water rights referred to in copy of contract annexed thereto, and to furrows, pipe lines and wire has been entered into by the owners of, and only in so far as it affects the properties conveyed by Paras 1 and 2 of Transfer No 129 dd. 10 Jan 1917 and by

Para 1 to 4 hereof and by said agreement the owners of the properties conveyed by para 3 of said Transfer No T 129 and by Para 5 hereof have disclaimed all rights to certain water subject to conditions as will more fully appear on reference to said Notarial Deed annexed hereto."

- C. SUBJECT FURTHER to the conditions of the endorsement dated 3 September 1981 endorsed on said Deed of Transfer No T 4653/1951, which endorsement reads as follows:

"By Notarial Deed No K 712/1981 S dated 28.9.1979, the within mentioned property – Para 1 – is subject to the right of a pipe leading servitude the centre line of which is depicted by the line u e f g on servitude diagram 3995/1974 thereto annexed. The above rights and servitudes are in favour of (i) Klein Simonsvlei No 777 and Lot B of the farm called "Signal Hill" both held by T 5618/1952. (ii) Portion 15 of Simonsvlei No 791 held by T 26654/1966. (iii) Portion 9 of Simonsvlei No 791 held by T 6780/1961. (iv) Portion 14 of the farm Simonsvlei No 791 held by T 20116/1960. (v) Portion 1 of Stellengift No 784 held by T 29879/1975. (vi) Klein Babylons Toren No 1237 held by CCT 26725/1974.

Para 1 is subject to the right of a pipe leading servitude, the centre line of which is depicted by the line a b t on diagram 3995/1974 thereto annexed in favour of Klein Babylons Toren No 1237 held by CCT 26725/1974.

With ancillary rights and subject to conditions as will more fully appear from said Notarial Deed.

Which servitude forms part of the servitude of which the centre line is indicated by the dotted line A g f e d a on Diagram S.G. No 373/2009.

II. **IN RESPECT of the figures z y E x d¹ s r q p and A a¹ b¹ c¹ on the hereto annexed Diagram S.G. No 373/2009:**

- A. SUBJECT to the conditions contained in Deed of Transfer No T 13199/1919.
- B. SUBJECT FURTHER to the terms of the Notarial Deed of Servitude dated 19 January 1931 annexed to Deed of Transfer No T 13199 dated 14 November 1919, a reference to which, dated 23 November 1932, is endorsed thereon, which condition is more fully set out in paragraph I.B above.
- C. SUBJECT FURTHER to the conditions of the endorsement dated 3 September 1981 endorsed on said Deed of Transfer No T 4653/1951, which endorsement reads as follows:

"By Notarial Deed No K 712/1981 S dated 28.9.1979, the within mentioned property – Para 2 – is subject to the right of a pipe leading servitude the centre line of which is depicted by the line w u on servitude diagram 3995/1974 thereto annexed. The above rights and servitudes are in favour of (i) Klein Simonsvlei No 777 and Lot B of the farm called "Signal Hill" both held by T 5618/1952. (ii) Portion 15 of Simonsvlei No 791 held by T 26654/1966. (iii) Portion 9 of Simonsvlei No 791 held by T 6780/1961. (iv) Portion 14 of Simonsvlei No 791 held by T 20116/1960. (v) Portion 1 of Stellengift No 784 held by T 29879/1975. (vi) Klein Babylons Toren No 1237 held by CCT 26725/1974.

Para 2 is subject to the right of a pipe leading servitude from point V on diagram 3995/1974 thereto annexed all along and parallel with the Klappmuts-Simondium road up to the point where it crosses the boundary line P N on said diagram, in favour of the aforementioned properties (i), (ii), (iii), (iv) and (v). Para 2 is subject to the right of a pipe leading servitude, the centre of which is depicted by the line t o v on diagram 3995/1974 thereto annexed in favour of Klein Babylons Toren No 1237 held by CCT 26725/1974.

With ancillary rights and subject to conditions as will more fully appear from said Notarial Deed.

Which centre line of the servitude is indicated by the dotted line c d e f g on Diagram S.G. No 373/2009.

III. IN RESPECT of the figure k j h n m l on the hereto annexed Diagram S.G. No 373/2009:

- A. SUBJECT to the conditions contained in Deed of Transfer No T 13199/1919.
- B. SUBJECT FURTHER to the terms of the Notarial Deed of Servitude dated 19 January 1931 annexed to Deed of Transfer No T 13199 dated 14 November 1919, a reference to which, dated 23 November 1932, is endorsed thereon, which condition is more fully set out in paragraph I.B above.

IV. IN RESPECT of the figure A B C D E x L M F¹ on the hereto annexed Diagram S.G. No 373/2009:

- A. SUBJECT, by virtue of Notarial Deed of Servitude No K 285/1994S dated 21 February 1994 (and registered on 21 March 1994), to the following servitudes:
- I. A PUMPSTATION-SERVITUDE AREA 58 square metres in extent, as depicted by the figure A G linkerwal van Bergrivier, C D E on Servitude Diagram No 4723/1993, annexed to said Notarial Deed together with certain ancillary rights as will more fully appear from said Notarial Deed; and

- P
- II. Three PIPELINE SERVITUDE AREAS, 2 metre wide, the centre lines of which are depicted by the lines D F G H J K and L M and N P Q on said Servitude Diagram No 4723/1993; and
 - III. The right to an underground electricity cable to convey electricity as will more fully appear from said Notarial Deed; and
 - IV. The right to the joint use of the existing SERVITUDE ROAD as will more fully appear from said Notarial Deed; and

Together with certain ancillary rights and special conditions as will more fully appear from said Notarial Deed over

FARM No 1348 situated in the Division PAARL
MEASURING: 81,8896 Hectares
HELD by Certificate of Consolidated Titel No T 8306/1983.

B. BY VIRTUE of Notarial Deed of Servitude No K 147/1998S dated 25 July 1997 the withinmentioned property is entitled to the following servitudes, as will more fully appear from Deed of Transfer No T 34920/2007, namely:

1. The right to a pipeline servitude 2 metres wide, the centre line of which is depicted by the line H J G on the annexed Servitude Diagram No 4722/1993; and
2. The right to a storage dam servitude area, measuring 3,2211 ha which is depicted by the figure A B C D E F G on the annexed Servitude Diagram No 4722/1993 and the following servitudes with compliant rights, namely
3. The right to a pump station servitude area, within the aforementioned storage dam servitude area en as near as practically possible to beacon E on the annexed Servitude Diagram No 4722/1993, together with the right to erect a pump station with suction pipe and accessories therein in order to withdraw the water to which the mentioned remainder is entitled to from the storage dam; and to transfer the same

4. The right to a further pipeline servitude area, 2 metres wide, the centre line of which is depicted by the line E K L M N on the annexed Servitude Diagram No 4722/1993 together with the right to install an an underground pipeline therein in order to convey water from the storage dam to the said Remainder

over Portion 2 of the Farm Babylons Toren No 1268, measuring 173,4240 ha and held by T 88439/1993.

(As will more fully appear from said Notarial Deed).

- C. BY VIRTUE of Notarial Deed of Servitude No K 590/2007 the right is granted to the registered owner of Portion 2 of the Farm Babylonstoren No 1268, Drakenstein Municipality, Division Paarl, Province of the Western Cape, to cancel the pipeline servitude area as referred to in K147/1998 S depicted by the lines HJG and EKLMN on Servitude Diagram No 4722/1993 and the pump station servitude area, near beacon E on said servitude diagram, to amend the route of the pipeline and pump station and to grant a new servitude area over Portion 2 of the Farm Babylonstoren No 1268, Drakenstein Municipality, Division Paarl, Province of the Western Cape, to the registered owner of The Remainder of the Farm Babylonstoren No 1268, Drakenstein Municipality, Division Paarl, Province of the Western Cape, as will more fully appear from Deed of Transfer No T 34920/2007.
- D. BY VIRTUE of Notarial Deed of Servitude No K 591/2007 S the withinmentioned property is entitled to a Borehole Servitude, 2 metres wide in diameter and a pipeline servitude, 2 (two) metres wide, over Portion 2 of the Farm Babylons Toren No 1268, in the Drakenstein Municipality, Division Paarl, Province of the Western Cape, Measuring: 173,4240 (One Hundred and Seventy Three Comma Four Two Four Zero) hectares, held by Deed of Transfer No T 34919/2007, the centre line of which Borehole Servitude Area is depicted by Point A on Diagram S.G. No 850/2007, and the centre line of which servitude pipeline is depicted by the lines A B C D E on Diagram S.G. No 850/2007, with ancillary rights and obligations, as will more fully appear from Deed of Transfer No T 34920/2007.

“By Notarial Deed dated 193131931, an agreement relating to certain water rights referred to in copy of contract annexed thereto, and to furrows, pipe lines and weir has been entered into by the owners of, and only in so far as it affects the properties conveyed by Paras. 1 and 2 of Transfer no 129 dd. 10 Jan. 1917 and by paras 1 to 4 hereof and by said agreement the owners of the properties conveyed by Para 3 of said Transfer no 129 and by Para 5 hereof have disclaimed all rights to certain water subject to conditions as will more fully appear on reference to said Notarial Deed annexed hereto.”

VI. IN RESPECT of the figure t u J K d¹ v on the hereto annexed Diagram S.G. No 373/2009:

- A. SUBJECT to the conditions referred to in Deed of Transfer No T 13199/1919.
- B. SUBJECT FURTHER to the terms of the Notarial Deed of Servitude dated 19 January 1931 attached to Deed of Transfer No T 13199/1919, a reference to which, dated 23 November 1932, is endorsed thereon, which reads as follows:

“By Notarial Deed dated 19.1.1931, an agreement relating to certain water rights referred to in copy of contract annexed thereto, and to furrows, pipe lines and weir has been entered into by the owners of, and only in so far as it affects the properties conveyed by Paras. 1 and 2 of Transfer No 129 dd. 10 Jan. 1917 and by paras 1 to 4 hereof and by said agreement the owners of the properties conveyed by Para 3 of said Transfer No 129 and by Para 5 hereof have disclaimed all rights to certain water subject to conditions as will more fully appear on reference to said Notarial Deed annexed hereto.”

VII. IN RESPECT of the figure E v t d¹ x on the hereto annexed Diagram S.G. No 373/2009:

- A. SUBJECT to the conditions referred to in Deed of Transfer No T 13199/1919.
- B. SUBJECT FURTHER to the terms of the Notarial Deed of Servitude dated 19 January 1931 attached to Deed of Transfer No T 13199/1919, a reference to which, dated 23 November 1932, is endorsed thereon, which reads as follows:

"By Notarial Deed dated 19.1.1931, an agreement relating to certain water rights referred to in copy of contract annexed thereto, and to furrows, pipe lines and weir has been entered into by the owners of, and only in so far as it affects the properties conveyed by Paras. 1 and 2 of Transfer No 129 dd. 10 Jan. 1917 and by paras 1 to 4 hereof and by said agreement the owners of the properties conveyed by Para 3 of said Transfer No 129 and by Para 5 hereof have disclaimed all rights to certain water subject to conditions as will more fully appear on reference to said Notarial Deed annexed hereto."

VIII. IN RESPECT of the figure x E F G H J K on the hereto annexed Diagram S.G. No 373/2009:

- A. SUBJECT to the following conditions contained in Certificate of Registered Title No T 15084/2004 imposed by the District Road Engineer in terms of Section 11(6) of Act 21/1940 when approving of the subdivision, which conditions read as follows:

1. The property may not be further subdivided without the written approval of the Controlling Authority as defined in Act 21/1940.

R

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 property except with the written approval of the Controlling Authority as defined in Act 21/1940.
3. No store or place of business whatever may be opened or conducted on the property without the written approval of the Controlling Authority as defined in Act 21/1940.
4. No building or structure whatsoever shall be erected within a distance of 95 metres from the centreline of Main Road 205 and Divisional Road 1099 without the prior written approval of the Controlling Authority as defined in Act 21/1940.

B. SUBJECT to the following condition contained in the Deed of Sale dated 8th September 2008 entered into by and between the parties hereto, in favour of the Remainder of Portion 1 of the Farm No. 1677, in the Drakenstein Municipality, Division Paarl, Province Western Cape, in extent 56,2404 (Fifty Six comma Two Four Nil Four) Hectares, (hereinafter called the "Remainder"), as will more fully appear from Deed of Transfer No T 70697/2008, namely:

The property herein transferred will not be entitled to any water rights held by the said Remainder, which water rights are reserved for the sole benefit of the said Remainder.

C. SUBJECT FURTHER to the conditions imposed by the Department of Transport and Public Works in terms of Section 11(6) of Act 21 of 1940 when approving of the subdivision, as will more fully appear from Deed of Transfer No T 70697/2008, namely:

- "a. slegs die bestaande hooftoegang by kilometermerk 6.55 mag as die enigste toegang gebruik word om toegang te verkry na Plaas 1677;

- k. die grond mag nie verder onderverdeel of gekonsolideer word sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 nie;
- l. 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;
- m. geen gebou of enige bouwerk van watter aard ook al mag op die grond binne 'n afstand van 95 meter van die middellyn van Hoofpad 205 sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 opgerig word nie."

IX. IN RESPECT of the figure E¹ M C¹ D¹ on the hereto annexed Diagram S.G. No 373/2009:

- A. SUBJECT to such conditions as referred to in the Deed of Transfer No T 129/1917.
- B. NOT SUBJECT but ENTITLED to the benefits of a servitude relating to water rights contained in an endorsement on the said Deed of Transfer No T 129/1917, reading as follows:

"By Notarial Deed dated 19.1.1931 an agreement relating to certain water rights referred to in copy of contract annexed thereto and to furrows, pipelines and wire has been entered into by the owners of and only in so far as it affects the properties conveyed by paras. 1 and 2 of Transfer No 129 dated 10 January 1917 i.e. this transfer and by paras. 1, 2, 3, 4 and Transfer No 13199 dated 14 November 1919; and by said agreement the owners of the properties conveyed by para 3 of said Transfer No 129 i.e. this deed and by para 5 of the said Transfer No 13199 have disclaimed all rights to certain water subject to conditions as will more fully appear on reference to the said Notarial Deed annexed hereto."

R

A reference to which aforesaid endorsement appears on the said Diagram No 1073/69 annexed to Certificate of Consolidated Title No T 26725/1974 in the following terms:

"The curved line u w v represents a servitude water furrow, the dotted line w x y represents a servitude pipeline and h represents a servitude concrete division wire vide dgm 1425/1932."

Which said servitudes are depicted by the same lettering on the annexed Diagram No 11700/1984.

C. ENTITLED to the terms of the following endorsement dated the 3rd of September 1981 which appears on the said Certificate of Consolidated Title No T 26725/1974, which reads as follows:

"By Notarial Deed No K 712/1981 S dated 28th September 1979, the within property is entitled to:

1. The right of a servitude area indicated by the figure hj¹ left bank of Berg River k¹m on servitude diagram 3996/1974 thereto annexed.
2. The right of a pipe-leading servitude the centre line of which is depicted by the line f g on diagram 3996/1974 thereto annexed.
3. The right of a power line servitude, the centre line of which is depicted by the lines h¹m¹ and tug¹ on diagram 3996/1974 thereto annexed.
4. The right of a servitude road 5 metres wide, the southern, south-western and southern boundaries of which are indicated by the lines yz, za¹ and a¹m on diagram 3996/1974 thereto annexed. The abovementioned rights and servitudes are over Portion 40 of the farm Kunnenburg No 811 held by T 1424/1967.

5. The right of a pipe-leading servitude the centre line of which is depicted by the line a n' on diagram 3996/1974 thereto annexed, over Remainder of the Farm No 1234 held by Certificate of Consolidated Title No T 29420/1971.
6. The right of a pipe-leading servitude the centre line of which is depicted by the line h j k on diagram 3995/1974 thereto annexed, over portion 2 of the Farm No 1238 held by T 5754/1973.
7. The right of a pipe-leading servitude the centre line of which is depicted by the line g h on diagram 3995/1974 thereto annexed, over portion 1 of the Farm No 796 held by T 4653/1951.
8. The right of a pipe-leading servitude the centre line of which is depicted by the line u e f g on diagram 3995/1974 thereto annexed, over Remainder of the Farm Babylonstoren No 959 held by T 4653/1951.
9. The right of a pipe-leading servitude the centre line of which is depicted by the line w u on diagram 3995/1974 thereto annexed over the Farm Babilonische Toren No 960 held by T 4653/1951.
10. The right of a pipe-leading servitude the centre line of which is depicted by the line a b t on diagram 3995/1974 thereto annexed, over the Remainder of the Farm Babylons Toren No 959 held by T 4653/1951.
11. The right of a pipe-leading servitude the centre line of which is depicted by the line t c v on diagram 3995/1974 thereto annexed, over the farm Babilonische Toren No 960 held by T 4653/1951.

with ancillary rights and subject to conditions as will more fully appear from said Notarial Deed.”

- D. ENTITLED to the condition contained in endorsement dated 9 May 2007 on Certificate of Consolidated Title No T 21066/1985, which condition reads as follows:

R

KRAGTENS Notariële Akte No K 593/2007 S is die reg verleen aan die geregistreerde eienaar van Gedeelte 2 van die Plaas Babylonstoren No 1268, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap, om die pyplynserwituutarea soos na verwys in K 712/1981 S en aangetoon deur die lyne fg en gh op Serwituut Diagram No 3995/1974 se roete en ligging te wysig en 'n nuwe serwituut area oor Gedeelte 2 van die Plaas Babylonstoren No 1268, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap, te verleen aan die geregistreerde eienaars van die volgende eiendomme:

1. Gedeelte 15 ('n gedeelte van Gedeelte 9) van die Plaas Simons Vlei No 791, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 68,5226 (Agt en Sestig komma Vyf Twee Twee Ses) Hektaar

GEHOU kragtens Transportakte No T 26654/1966

2. Gedeelte 1 van die Plaas Stellengift No 784, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 59,7396 (Nege en Vyftig Komma Sewe Drie Nege Ses) Hektaar

GEHOU kragtens Sertifikaat van Verenigde Titel No T 29879/1976

3. Restant van Gedeelte 9 van die Plaas Simons Vlei No 791, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 85,6525 (Vyf en Tagtig Komma Ses Vyf Twee Vyf) Hektaar

GEHOU kragtens Sertifikaat van Verenigde Titel No T 6780/1961

4. Gedeelte 14 van die Plaas Simons Vlei No 791, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 85,6532 (Vyf en Tagtig Komma Ses Vyf Drie Twee) Hektaar

GEHOU kragtens Transportakte No T 20116/1960

f

5. Die Plaas Klein Babylonstoren No 1380, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 262,5135 (Twee Honderd Twee en Sestig Komma Vyf Een Drie Vyf) Hektaar

GEHOU kragtens Sertifikaat van Verenigde Titel No T 21066/1985

6. Die Plaas Klein Simons Vlei No 777, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 386,7072 (Drie Honderd Ses en Tagtig Komma Sewe Nul Sewe Twee) Hektaar

GEHOU kragtens Transportakte No T 76013/1997

7. Restant van Gedeelte 2 van die Plaas Signal Hill No 965, Drakenstein Munisipaliteit, Afdeling Paarl, Provinsie Wes-Kaap

GROOT: 90,4755 (Negentig Komma Vier Sewe Vyf Vyf) Hektaar

GEHOU kragtens Transportakte No T 76013/1997

Soos meer volledig sal byk uit gesegde Notariële Akte.

X. IN RESPECT of the figure M N P Q R S A¹ B¹ C¹ on the hereto annexed Diagram S.G. No 373/2009:

A.

B.

XI. **IN RESPECT** of the figure S t¹ A¹ on the hereto annexed Diagram S.G. No 373/2009:

A.

XII. **IN RESPECT** of the figure t¹ T U V W X Y Z A¹ on the hereto annexed Diagram S.G. No 373/2009:

A. SUBJECT to the conditions which are referred to in Certificate of Registered Title No T 32727/2010.

B.

C. SUBJECT FURTHER to the conditions which are referred to in the endorsement dated the 5th of March 1897 on Deed of Transfer No T 1675 dated the 8th of March 1897 which endorsement reads as follows:

"By Power of Attorney filed with Transfer No T 1677, 8th March 1897, portions of the properties mentioned in paragraphs 1 & 2 have been transferred together with certain right of way."

D. SUBJECT FURTHER to the conditions of the endorsement dated the 15th of September 1969 on Deed of Transfer No T 9002/1961, which endorsement reads as follows:

"REGISTRASIE VAN SERWITUUT

Kragtens Notariële Akte No 465/1969 gedateer 25/9/1967, hede geregistreer is, binnegemelde eiendom (Groot: 108,2660 morg) is GEREGTIG op en oor (a) die Restant van WELBEVONDEN (nou genoem RIVERSIDE) Groot 17 Morg 266 Vierkante Roede 140 Vierkante Voet en (b) die Restant van sekere grond genoem GOOD HOPE, Groot 40 Morg 140 Verkante Roede, Gehou kragtens Paragrawe 1 en 3 onderskeidelik van T 19119/1956, van die volgende regte:

R

Together with all ancillary rights and will more fully appear from the said Notarial Deed."

Which servitude is depicted by the figure e1 f1 g1 Q R S T U V W X Y Z h1 j1 k1 l1 m1 n1 p1 q1 r1 s1 on the annexed Diagram S G No 373/2009.

B. SUBJECT to the following conditions contained in Deed of Transfer No T 32727/2010 imposed by the Department of Transport and Public Works in terms of Section 11(6) of Act 21/1940 namely:

- "(a) Geen advertensie- of enige ander tekens wat sigbaar is vanaf die geproklameerde paaie mag sonder die skriftelike goedkeuring van die Padowerheid opgerig word nie;
- (b) die grond mag nie verder onderverdeel of gekonsolideer word sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 nie;
- (c) nie meer as een woonhuis saam met sodanige buite geboue as wat onder gewone omstandighede benodig 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;
- (d) geen winkel of besigheidsplek van watter aard ook al op die grond geopen word of bedryf word sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 nie;
- (e) die 5 meter boulyn ingevolge Artikel 17 van die Paaie Ordonnansie 19/1976 is van toepassing langs die geproklameerde paaie;
- (f) geen gebou of enige bouwerk van watter aard ook al mag op die grond binne 'n afstand van 95 meter van die middellyn van die geproklameerde paaie sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 opgerig word nie."

1

- C. SUBJECT FURTHER to a Servitude of Right of Way represented by the figure d e f H J K L M N P Q R S g1 h1 j1 k1 l1 m1 n1 p1 q1 r1 on Diagram SG No 371/2009 in favour of the remainder of Portion 3 of the Farm Klein Babylonstoren No 1380, measuring 113,6569 (One Hundred and Thirteen Comma Six Five Six Nine) Hectares, and held by Certificate of Registered Title Number T 32727/2010.

For Information Only

And that by virtue of these presents the said

BABYLONS TOREN (PROPRIETARY) LIMITED
Registration Number 2006/035299/07

its Administrators 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, 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 Deed at CAPE TOWN on
this day of 15 NOV 2010 2010.

REGISTRAR OF DEEDS

CERTIFIED COPY FOR REGISTRATION
 FOR SURVEYOR GENERAL
 DATE: **09 MAR 2009**

DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System WG 19			S.G. No 373/2009	
		Y	X			
	Constant	±	0,00	+3 700 000,00	Approved <i>Stow Abang</i> for Surveyor-General 09 MAR 2009 Sheet No 1 of 2 Sheets	
AB	890,22	302 31 50	A	+ 7 094,87		+ 43 560,13
BC	63,20	249 10 50	B	+ 6 344,32		+ 44 038,85
CD	269,19	238 34 30	C	+ 6 285,25		+ 44 016,39
DE	241,65	325 58 50	D	+ 6 055,55		+ 43 876,04
EF	16,92	253 47 50	E	+ 5 920,35		+ 44 076,33
FG	120,35	332 59 50	F	+ 5 904,10		+ 44 071,61
GH	58,61	327 26 40	G	+ 5 849,46		+ 44 178,84
HJ	86,07	60 26 50	H	+ 5 817,92		+ 44 228,24
JK	58,14	60 28 20	J	+ 5 892,79		+ 44 270,69
KL	96,93	303 54 30	K	+ 5 943,38		+ 44 299,34
LM	1416,52	37 44 57	L	+ 5 862,94		+ 44 353,42
MN	50,59	36 16 40	M	+ 6 730,14		+ 45 473,46
NP	97,03	17 33 10	N	+ 6 760,07		+ 45 514,24
PQ	169,72	22 03 10	P	+ 6 789,33		+ 45 806,75
QR	3,29	249 58 40	Q	+ 6 853,05		+ 45 764,05
RS	3,86	270 00 00	R	+ 6 849,96		+ 45 762,92
ST	18,81	284 09 20	S	+ 6 846,10		+ 45 762,92
TU	2,96	279 20 00	T	+ 6 827,86		+ 45 767,52
UV	3,06	270 00 00	U	+ 6 824,94		+ 45 768,00
VW	3,04	260 00 30	V	+ 6 821,88		+ 45 768,00
WX	3,05	250 04 50	W	+ 6 818,88		+ 45 767,47
XY	2,47	239 54 40	X	+ 6 816,01		+ 45 766,43
YZ	5,01	326 58 30	Y	+ 6 813,87		+ 45 765,19
ZA1	65,39	54 08 40	Z	+ 6 811,14	+ 45 769,39	
A1B1	152,43	137 40 00	A1	+ 6 864,14	+ 45 807,69	
B1C1	181,89	227 08 10	B1	+ 6 966,79	+ 45 895,01	
C1D1	142,75	151 19 10	C1	+ 6 833,47	+ 45 571,28	
D1E1	115,73	232 20 10	D1	+ 6 901,98	+ 45 446,04	
E1F1	1507,24	140 43 50	E1	+ 6 810,37	+ 45 375,33	
F1A	931,98	225 55 20	F1	+ 7 764,40	+ 44 208,45	
	159 Babylon Toren	Δ	+ 6 315,69	+ 44 731,87		
	60 Simon	Δ	+ 6 733,20	+ 50 785,48		

Beacon Description

All beacons 16 mm iron peg, except

- A iron standard
- B 20 mm iron peg next to iron rail fence post
- C D L A1 F1 20 mm iron peg
- M 12 mm iron peg in stone cairn

The figure **ABCDEFGHIJKLMNPQRSTUVWXYZA1B1C1D1E1F1**

represents **193.6634 hectares** of land being

The Farm No 1740 and comprising 1) – 2) as enumerated on Sheet No 2

situate in **the Drakenstein Municipality**

Administrative District of **Paarl**

Province of the Western Cape

Surveyed between **February 2007 and October 2008**

by us,


D S HELLIG
 PLS 0256

S G DREYER
 PLS 1028
 Land Surveyors

This diagram is annexed to
 No. **T 61668/10**
 dated
 i.f.o. **15 NOV 2010**
 Registrar of Deeds

The original diagrams are as
 enumerated on Sheet No 2

File No. Paarl
 S.R. No. **E2621/2008**
 Comp.
 BH – 8BDA (3764)
 BH – 8BDB (3765)
 LPI C0550000

CERTIFIED COPY FOR REGISTRATION
 FOR SURVEYOR-GENERAL
 DATE 09 MAR 2009

The Farm No 1740, Admin:

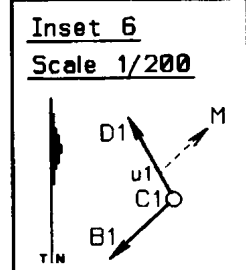
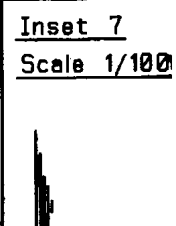
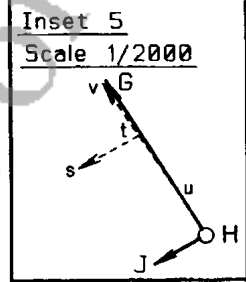
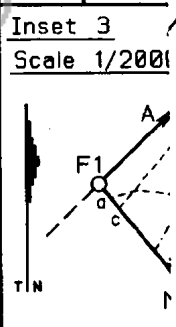
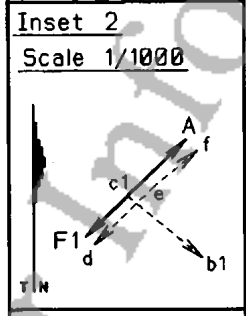
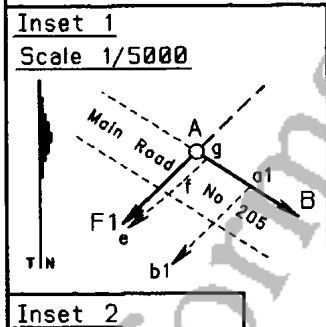
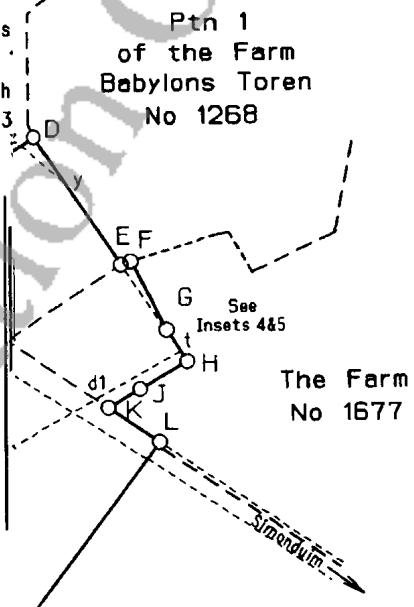
Components:

- 1) The figure ABCDEFGHJKLMF1 r vide dgm no 4350/2008 D/T
- 2) The figure MNPQRSTUWXYZA1B Klein Babylonstoren No 1380

Servitude Notes:

- 1) The line cdefg represents the vide dgm no 3995/1974 D/S
- 2) The curvilinear line ab repres Road 4m wide vide dgm no
- 3) The figure e1fg1QRSTUWXYZh Right of Way vide dgm no 3

S.G. No.
 373/2009
 Approved
Stow Abang
 for
 Surveyor-General
 09 MAR 2009
Sheet 2 of 2 Sheets



in February 2007 and October 2008

D S HELLIG
 PLS 0256

S G DREYER
 PLS 1028
 Land Surveyors

POWER OF ATTORNEY

I, the undersigned

IGNATIUS TERBLANCE DE WAAL

from

BABYLONSTOREN FARM
KLAPMUTS-SIMONDIUM ROAD
PAARL DISTRICT
(Domicilium citandi et executandi)

duly authorised by

BABYLONSTOREN (PTY) LTD


registered owner of


FARM 1740, PAARL DIVISION

by virtue of Deed of Transfer No T61665/2010

authorise hereby **WILHELM JACOBUS STEYN** Technical Planner - B/8074/1998,
practising as **PRAKTIPLAN** from 1 Flambeau Street North, Paarl

to apply on behalf of Babylonstoren (Pty) Ltd for consent use in order to use the existing manager's house on Farm 1740, Paarl as a guest house and to attend to any matter in connection thereto on behalf of the company.


.....
Signed


.....
Date


.....
Witness