



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11715

Our File Reference Number: Erf 16451, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: Gerhard@udwc.co.za

Sir / Madam

APPLICATION FOR SUBDIVISION FOR A REGISTRATION OF A PEDESTRIAN BRIDGE SERVITUDE RIGHT OF WAY ON ERF 16451, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application for Subdivision of Erf 16451, Stellenbosch into two portions namely:

Portion A ($\pm 54\text{m}^2$) and a Remainder ($\pm 3,6\text{ha}$) to accommodate the landing portion of the proposed pedestrian bridge,

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

2.2 Conditions of approval

a. That this approval applies only to the subdivision approval in question as per subdivision Plan No.1 dated June 2020 and shall not be construed as authority to depart from any legal prescriptions or requirements;

b. All new servitude rights be registered in the title deeds of the applicable properties;

- c. The approval granted shall not exempt the applicant from complying with any other prescriptions or requirements that might have a bearing on the proposed land use;
- d. The design of the bridge must incorporate specific space and measures to accommodate a separate path bicycles in addition to the pedestrian facilities;
- e. The design of the bridge be considered to ensure a modern visually pleasing and architectural design structure that will not have a lasting and damaging impact on the special views and vistas of this important getaway to Stellenbosch town;
- f. Special care be taken to ensure that the illumination of the bridge that is necessary required for safety measures, does not create visual pollution in the evening and at night.

2.3 The reasons for the above decision are as follows:

- a. No other surrounding property owners will be materially affected by this application.
 - b. The proposal is in line with the SPLUMA principle of Spatial Justice from as this principle aims to address the past spatial imbalances through improved access to and use of the land.
 - c. The subject property falls within the Adam Tas Corridor which supports the non-motorised transport.
3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1) (a) of the said By-Law.
4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1) (b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

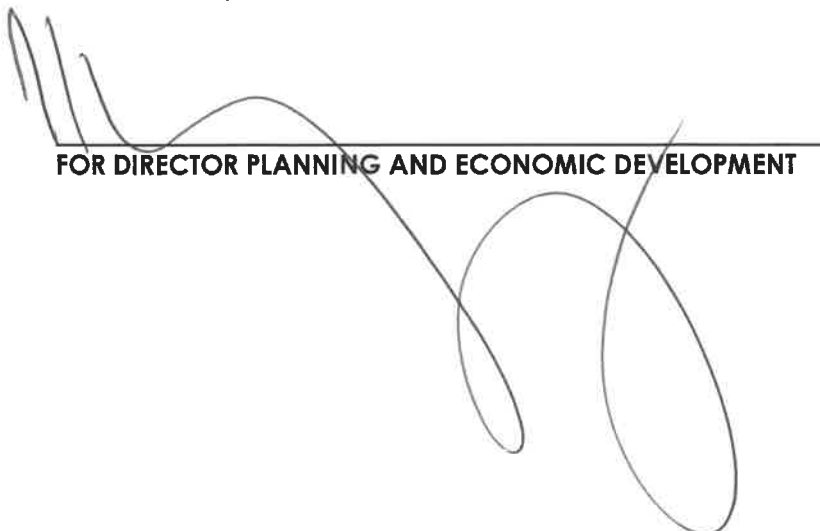
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
6. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking

details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

4/5/2021
DATE:

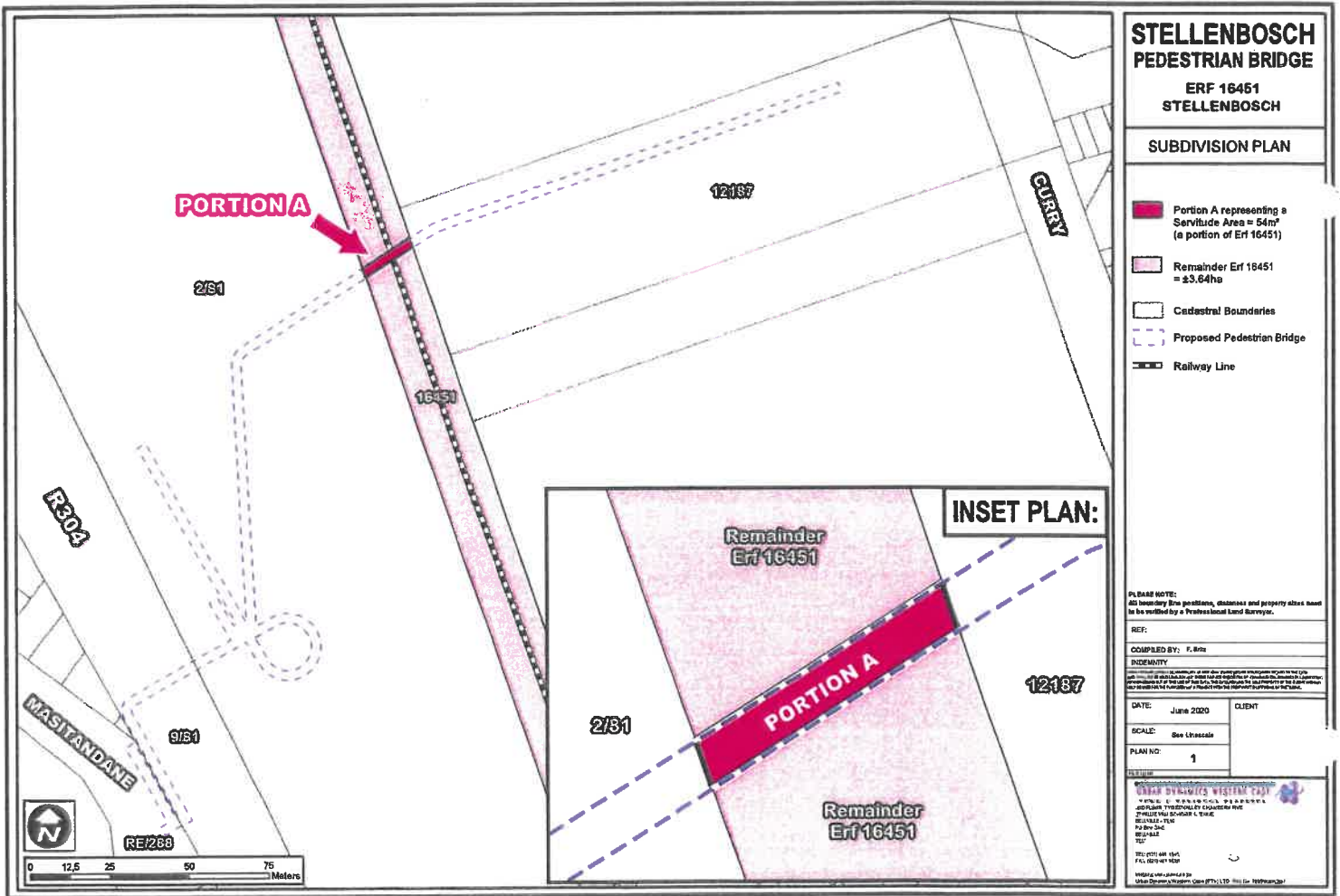


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ANNEXURE C

**(APPLICATION FOR SUBDIVISION FOR A REGISTRATION OF A PEDESTRIAN BRIDGE
SERVITUDE RIGHT OF WAY ON ERF 16451, STELLENBOSCH)**

SUBDIVISION PLAN



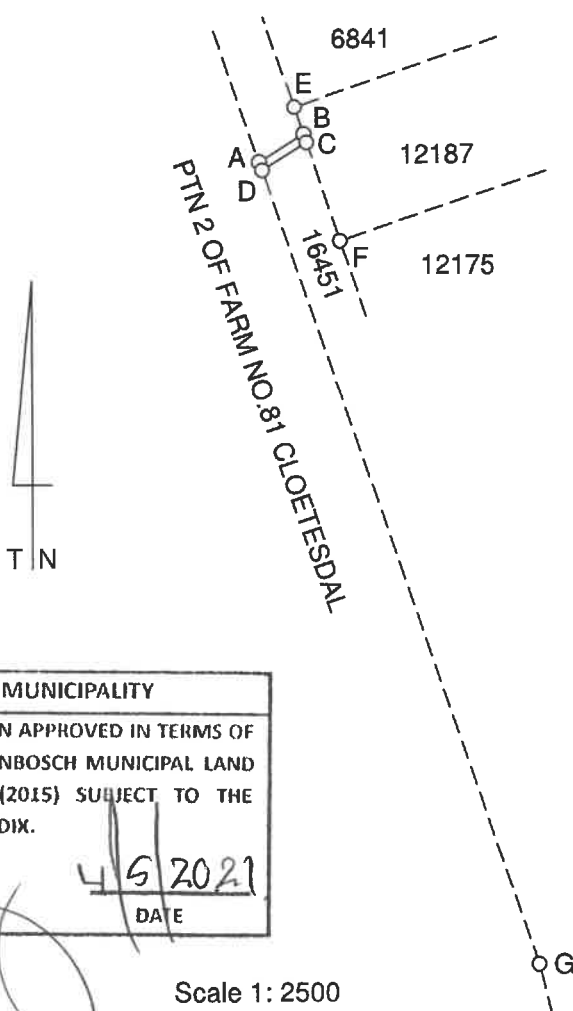
STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PLR APPENDIX.

[Signature]
 MUNICIPAL MANAGER

4/5/2020
 DATE

| SIDES Metres | | ANGLES OF DIRECTION | CO-ORDINATES Y System WG.19 X | | | S.G. No. |
|-----------------|--------|------------------------|----------------------------------|------------|---------------|----------------------|
| AB | 17,94 | 237 29 40 | A | 0,00 | +3 700 000,00 | Approved |
| BC | 3,09 | 341 08 00 | B | +13 699,66 | +54 350,85 | |
| CD | 17,93 | 57 29 40 | C | +13 684,52 | +54 341,21 | |
| DA | 3,08 | 160 57 00 | D | +13 683,53 | +54 344,13 | |
| CONNECTION DATA | | | | | | |
| CF | 36,03 | 341 08 00 | F | +13 698,65 | +54 353,77 | for Surveyor-General |
| DG | 290,07 | 341 08 00 | G | +13 671,88 | +54 378,22 | |
| EB | 9,76 | 341 08 00 | E | +13 603,98 | +54 627,95 | |
| | | RM27 | ⊕ | +13 687,68 | +54 331,97 | |
| | | RM28 | ⊕ | +13 365,75 | +54 191,44 | |
| | | | | +13 457,28 | +54 262,98 | |



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[Signature]
MUNICIPAL MANAGER

4/5/2021
DATE

Scale 1: 2500

The figure A B C D represents 54 square metres of land, being a Servitude Area over Erf 16451 Stellenbosch

Situate in Cloetesville Town
in the Municipality of Stellenbosch
Administrative District of Stellenbosch
Compiled in July 2020
by me

[Signature]
R.A. Pesch (PLS0859) Professional Land Surveyor

Province of the Western Cape

| | | |
|---|--|---|
| This diagram is annexed to No. dated i.f.o. | The original diagram is SG. No. A116/1927 annexed to Transfer D/T | File No. S.R. No. Comp. BHSZ-1243(6935) |
| Registrar of Deeds | | |