

Application Number: LU/9307

Our File Reference Number: Erf 206, Klapmuts

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 - 808 8682

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

PER E-MAIL:

Sir / Madam

APPLICATION FOR A SUBDIVISION AND REGISTRATION OF SERVITUDE: ERF 206, BEYERS STREET, KLAPMUTS

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 The subdivision of Erf 206, Klapmuts, in terms of Section 15(2)(d) of the said Bylaw, into three portions, namely:
 - a) Portion 1 (314m²)
 - b) Portion 2, Pump Station (407m²) and
 - c) Remainder Erf 206 (471m²).

Attached as Annexure C (Ref: KLAP206, Date: Sep 2020 Dwg: Sub Plan.dwg)

- 2.2 The registration of a 3m wide Sewer Servitude area over Erf 206, Klapmuts, in terms of Section 15(2)(d) of the said Bylaw which is to be located over two portions of the proposed subdivision namely:
 - a) Portion 1 and
 - b) the remainder portion of Erf 206, Klapmuts. (See Annexure C)

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

3. Conditions of Approval

- 3.1 The approval applies only to the applications in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 That the conditions of the Director: Engineering Services as specified in their Memo dated 23/11/2020, Ref No Civil Lu 1868, shall be complied with. (See Annexure G)
- 3.3 The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG. The following information must be indicated:
 - Newly allocated Erf Numbers
 - Co-ordinates
 - Survey Dimensions
 - Street number
- 3.4 The sewer line servitude area located over the Remainder portion Erf 206 & Portion 1 be registered simultaneously with the transfer of the 1st property.
- 3.5 Portion 2 be registered in favour of the Stellenbosch Municipality simultaneously with the first subdivided residential property that is to be transferred.
- 3.6 The approval will lapse if not exercised within 5 years from the date of final notification.
- 4. The reasons for the above decision are as follows:
 - 4.1 The overall streetscape and character of local area will not be negatively impacted.
 - 4.2 The proposal presents a moderate form of densification within the urban edge and create additional housing opportunities within the Klapmuts area.
 - 4.3 The proposal will aid in formalizing the existing sewer line and Municipal pumpstation already located on the subject property.
- 5. 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.

- 6. 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:
 - 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 and 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.
- 7. 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
- 8. Any party (applicant or other) 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.
- 9. 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).
- 10. 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.
- 11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

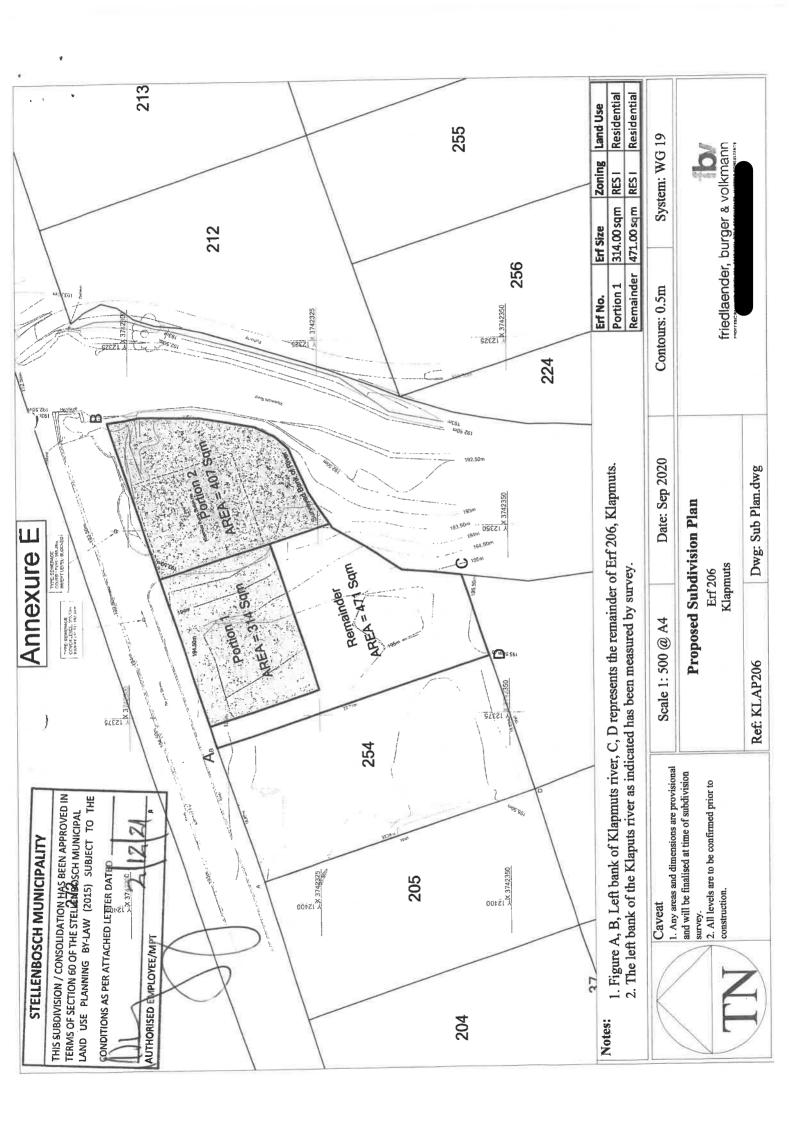
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

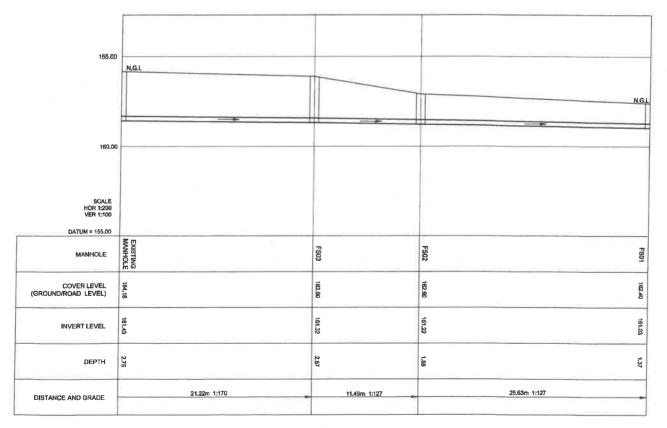
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ANNEXURE C









LONG SECTION HOR: 1:200 VER: 1:100

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	DEMONSO E.A.	BART SENEKAL INC.	DL WILLIAMS	WATER AND SEWER CONNECTIONS - LAYOUT	1406/02C

ANNEXURE G



MEMO

DIRECTORATE: ENGINEERING SERVICES DIREKTORAAT: INGENIEURSDIENSTE

To - Aan:

Director: Planning + Economic Development

Att Aandag

C Petersen

From • Van:

Colin Taylor (Development)

Date - Datum:

23/11/2020

Our Ref o Ons Verw:

Civil Lu 1868

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Erf 206 Klapmuts: Application for subdivision

Details, specifications and information reflected in the following documentation refers:

- Application i.t.o. Stellenbosch Municipality Land Use Planning By-law, dated 2 April 2019, and
- Erf 206, Klapmuts—Subdivision: Relocation of existing bulk sewer letter by Bart Senekal Inc.
 Consulting Civil & Structural Engineers, dated 3 July 2020 (Annexure D).
- Proposed Subdivision Plan of Erf 206 Klapmuts (Ref:KLAP206) by FBV Professional Land Surveyors, dated September 2020 (Annéxure E)

This Memo supersedes the one dated 15/08/2019.

The application is for the following items:

i. The subdivision of erf 206 into three portions, namely remainder (471m²), Portion 1 (314m²) and Portion 2(407m²).

The above application is recommended for approval, subject to the following conditions:

1. Water Connections

- 1.1 Each erf must have its own water connection and water meter installed.
- 1.2 Once the subdivision is formally approved, the Municipality (Water Services Department) can be contacted to install the water connections.
- 1.3 The cost of the installation is for the account of the developer.

2. Sewer Connections

2.1 Each erf must have its own sewer connection.

- 2.2 The cost of the installation of the sewer connection is for the account of the developer.
- 2.3 Once the subdivision is formally approved. The engineers drawing indicating the new sewer layout and connection point must be submitted for approval.
- 2.4 A quotation for the sewer connection inspection can be provided by the Water Services Department.
- 2.5 Installation must be done by a suitable Contractor appointed by the Developer. The cost of the installation of the sewer connection is for the account of the developer.
- 2.6 No Clearance certificate will be issued unless the Water Services Department has confirmed in writing that the sewer connection has been installed to their satisfaction.
- 3. The infrastructure items required to accommodate proposed development is discussed below:
 - a. Sewer Network: Relocation of municipal pipeline traversing erf 206 Klapmuts: See Annexure A attached:
 - i. Relocation of Sewer according to attached Plan 1406/02C
 Estimated cost: R 222 000*
 Funding: Can be offset DCs, any shortfall for Developers cost.

The developer will be responsible for the implementation of these items. These item are required before clearance of the subdivision.

- b. Sewer Pump Station: Expropriation of portion of land for Sewer Pump Station: See Annexure A attached:
 - i. Expropriation of portion of land for Sewer Pump Station
 Estimated cost: R 474 300*
 Funding: Municipal funds (Property management)

The expropriation of a portion of land for Sewer Pump Station can be offset from DC's, however the DCs for the combined developments of the applicant is not sufficient to cover the cost — see funding source breakdown below. This item is not required to accommodate the proposed development but is necessary to redress the land ownership of the Sewer Pump Station. This item is currently also not on the municipality's approved budget, therefore the Developer must enter into an agreement with the municipality (Property Managament: Mr Piet Smith) to purchases the property in the future. To this end, the sewer pump station located on erf 206 Klapmuts must be subdivided from erf 206 Klapmuts and rezoned to utility services at the developer cost. The developer must enter into an agreement with the municipality to purchase the newly formed property.

(* estimate based on Erf 206, Klapmuts–Subdivision: Relocation of existing bulk sewer letter from Bart Senekal Inc. Consulting Civil & Structural Engineers, dated 3 July 2020, excl VAT).

c. Funding source breakdown (all costs excl VAT):

Total DCs available based on BL Williams's combined developments in Klapmuts namely erven 206, 248, 204, 209, 231, and 254. Refer to Annexure B for combined DC calculation sheet. (excl community services DC)	R 523 845.17
Upgrades cost	
Relocation of Sewer	R 220 000.00
Expropriation of portion of land for the Sewer Pump Station	R 474 300.00
Deficit	-R 170 454.83
Comment	Based on the estimates, there is sufficient funds for the relocation of the sewer but there is insufficient funds to cover the costs of the expropriation of the portion of land for the Sewer Pump Station. The Developer would have to enter into an agreement with the Stellenbosch Municipality (Property Management Department) to purchase the portion of land for the Sewer Pump Station.

4. Sewer pump station

- 4.1 The portion of land on which the sewer pump station is situated on must be subdivided from the mother erf, and transferred to Stellenbosch Municipality, at the developer cost.
- 4.2 Compensation for the transferred property must be agreed on between the Developer and the Municipality (Property Management).

5. Floodplain Management

- 5.1 That the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer.
- 5.2 That all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse.

6. Development Charges (DCs)

- 6.1 Based on the information provided, the Development Charges payable by the developer for the erf 206 subdivision is R67 486.53 (Vat incl.) as per attached Development Charges calculation (Afinexure C).
- 6.2 The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2021 it has to be recalculated using the then applicable tariffs.
- 6.3 The appropriate DC's are payable before a Clearance certificate can be issued.
- 6.4 The developer may enter into an engineering services agreement with Stellenbosch Municipality in respect of the implementation of the infrastructure to be implemented identified in lieu of DCs.

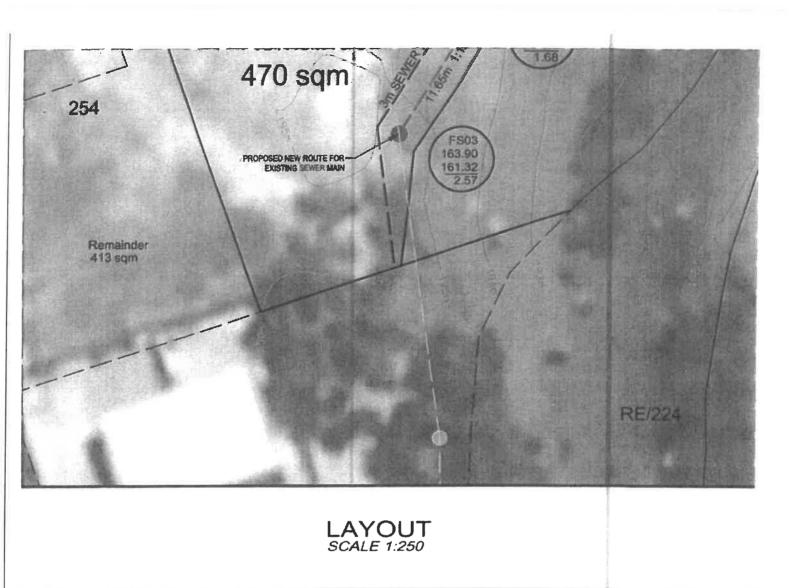
7. General

- 7.1 Details of the sewer relocation plan as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval
- 7.2 No construction may commence before drawing approval.

COLIN TAYLOR Pr Techni Eng

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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Annexure C

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APPLICANT INFORMATION	
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Annexure B

	Stellenbosch Municipality - Development Charge Calculation
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	APPLICATION INFORMATION
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GENERAL COMMENT:

- 1. Outside Stellenbosch area of supply.
- 2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. No conditions.



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STELLENBOSCH, PNIEL FRANSCHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To

Head: Land Use Management (C Petersen)

From

Manager: Spatial Planning

Date

1 August 2019

Re

Application for subdivision on Erf 206, Beyers Street,

Klapmuts

I refer to your request for comment on the above application.

1) Opinion / reasoning:

In terms of the approved Stellenbosch Municipality MSDF, the subject property is located inside the approved urban edge and within the residential area of the Klapmuts node. Densification and infill development are encouraged in terms of the approved Stellenbosch Municipality MSDF.

2) Supported / not supported:

This department has no objection to the proposal.

B de la Bat

MANAGER: SPATIAL PLANNING

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