



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14535

Our File Reference Number: Erf 3309, Stellenbosch

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 SUBDIVISION ON ERF 3309, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
3. That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of Erf 3309, Stellenbosch into two portions namely, a Remainder Portion of $\pm 488\text{m}^2$ in extent and a Proposed Erf 15889 Portion of $\pm 503\text{m}^2$ in extent;

BE APPROVED in terms of Section 60 of the said Bylaw.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval only applies to the proposed subdivision under consideration, as indicated on the referenced Subdivision Plan with Drawing Nr. erf 3309-stellenbosch.drw and dated July 2022 (Attached as **Annexure B**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 4.2 The development be undertaken generally in accordance with the referenced Subdivision Plan with Drawing Nr. erf 3309-stellenbosch.drw and dated July 2022 (attached as **Annexure B**).

4.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

4.4 The Surveyor General approved diagrams of the newly created units must be submitted to Stellenbosch Municipality for clearance and record purposes.

4.5 The applicant/developer submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:

- a) Newly allocated Erf Numbers;
- b) Co-ordinates;
- c) Survey Dimensions;
- d) Street names (if approved by Council).

4.6 The conditions imposed by the Director: Infrastructure Services as contained in their memo dated 01 November 2022, attached as **Annexure D**, be complied with.

5. The reasons for the above decision are as follows:

5.1 The extent and shape of both proposed portions are comparable to that of the properties found in Idasvalley and is therefore not out of character given the surrounding area.

5.2 The proposal is consistent with the MSDF as it promotes appropriate densification in an existing urban area.

5.3 Municipal engineering services are available and the Director: Infrastructure Services recommended the application for approval.

6. Matters to be noted:

6.1 Both subdivide portions are zoned Mixed-Use Zone with a non-conforming use for the existing dwelling house found on the remainder portion.

7. 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.

8. 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:

8.1. 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

8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

8.3 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.

8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

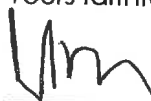
8.10 That the appeal includes the following declaration by the Appellant:

- 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.

9. 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.

10. 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.
11. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za.
12. An applicant who lodges 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. Kindly note the above decision in the case of any approval, is suspended, and 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

3/3/2027
DATE:



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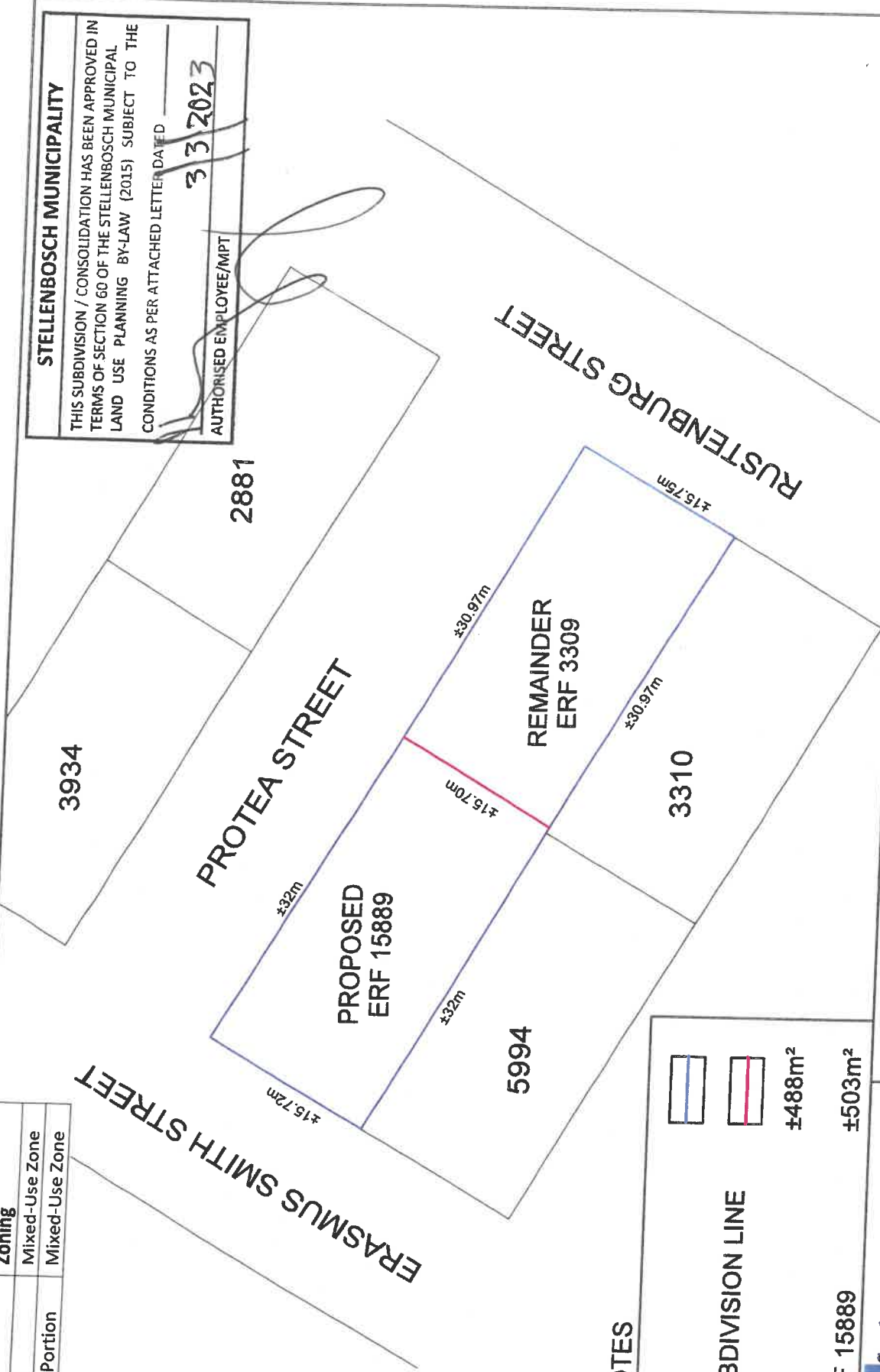
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ANNEXURE B

SUBDIVISION PLAN

Portion	Zoning
Remainder Erf 3309	Mixed-Use Zone
Proposed Erf 15889 Portion	Mixed-Use Zone

STELLENBOSCH MUNICIPALITY
 THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 3 3 2023
 AUTHORISED EMPLOYEE/MPT



NOTES

- ERF 3309 ±488m²
- PROPOSED SUBDIVISION LINE ±503m²
- REMAINDER
- PROPOSED ERF 15889

PLAN
 Stads- en Streeksbeplanners
 Town & Regional Planners

All distances approximate and subject to survey.
 COPY RIGHT RESERVED

Property Description:
**ERF 3309
 STELLENBOSCH**

Plan Description:
**SUBDIVISION
 PLAN**

Scale: **1:500**
 Drawing Nr: erf 3309 - stellenbosch.dwg
 Date: JULY 2022



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ANNEXURE D

COMMENT FROM DIRECTOR: INFRASTRUCTURE SERVICES



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Nicole Katts
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Colin Taylor
Date ▫ Datum: 1 November 2022
Our Ref ▫ Ons Verw: Civil LU 2404
Your Ref: LU/14535 -TP87/2022
Re ▫ Insake: Erf 3309, Stellenbosch: Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of Erf 3309, Stellenbosch into two portions namely; Remainder Portion of ±488m² in extent and Proposed Erf 15889 Portion of ±503m² in extent

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

- 1. Water Connections**
 - 1.1 An engineer's plan indicating the water system and water connection to the Municipal water must be submitted for approval.
 - 1.2 Each subdivided portion must have its own water connection. Please indicate existing and proposed connections. The Municipality can be contacted to install the water connection.
 - 1.3 The cost of the installation of the water connection for the second property is for the account of the applicant. A quotation for the installation of the water connection can be provided by the Water Services Department.
 - 1.4 No internal water pipes may cross the lateral boundary, unless protected by a registered servitude.
 - 1.5 The cost of the installation is for the account of the owner.

- 2. Sewer connections**
 - 2.1 Once the subdivision is formally approved an engineer's plan indicating the sewer system and sewer connection to the Municipal sewer must be submitted for approval. The plan must incorporate the following requirements:

- 2.1.1 Each subdivided portion must have its own sewer connection. Please indicate existing and proposed connections.
- 2.2 Installation must be done by a suitable Contractor appointed by the Owner. The cost of the installation of the sewer connection is for the account of the owner.
- 2.3 Once the engineering drawing has been approved, a quotation for the sewer connection inspection can be provided by the Water Services Department.
- 2.4 No internal sewer pipes may cross the lateral boundary, unless protected by a registered servitude.
- 3. Roads**
- 3.1 The cost of the installation of the access is for the account of the owner.
- 4. Electrical Engineering**
- 4.1 Refer to **Annexure Electrical**



Colin Taylor Pr Tech Eng
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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Erf 3309

GENERAL COMMENT:

1. Pro - Rata fees are payable for new connection to proposed portion.

CONDITIONS:

2. The proposed subdivided portion of plot 3309 must have its own electricity supply cable separate of the existing erf.
3. Installation cost for the new electrical service cable is the responsibility of the applicant.
4. All electrical wiring for the building on the proposed subdivided portion A should be carried out in accordance with SANS 10142 & SANS104 XA and if -if connecting a generator or solar pannels for backup, the setup needs to comply to SANS10142 and Municipal by-laws
5. No electricity supply will be switched on if the Certificate of Compliance is outstanding.



SIGNATURE