



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9772

Our File Reference Number: Erf 342, 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 SUBDIVISION AND CONSENT USE ON ERF 342, KLAPMUTS

1. The above application refers.
2. The Municipal Planning Tribunal on 27 January 2023 resolved as follows:
 - 2.1 That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 on Erf 342 for:
 - 2.1.1 **Subdivision** in terms Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 to subdivide Erf 342, Klapmuts into eight (8) portions namely:
 - a) Portion 1 – ±1.3562 ha (Utility Service Zone Purposes);
 - b) Portion 2 – ±0.6872 ha (Transport Use);
 - c) Portion 3 – ±0.2635 ha (Utility Service Zone Uses);
 - d) Portion 4 – ±0.4762 ha (Utility Service Zone Uses);
 - e) Portion 5 – ±0.5535 ha (Utility Service Zone for Authority Use);
 - f) Portion 6 – ±0.1201 ha (Utility Service Zone Uses);
 - g) Portion 7 – (Utility Service Zone for public road purposes)
 - h) Remainder (Utility Services)
 - 2.1.2 **Consent Use** in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for Transport Services to allow the operation of the existing taxi-rank under the current allocated zoning of *Utility Service Zone* on *Portion 2* of the proposed subdivision.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

3.1 The approval only applies to the proposed subdivision under consideration, as indicated on the Subdivision and Zoning Plan, dated: NOVEMBER 2022-REV 4, drafted by: Stephen Old Land Surveyors and 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.

3.2 The application be undertaken in accordance with the subdivision and zoning plan on the Subdivision and Zoning Plan, dated: NOVEMBER 2022-REV 4, drafted by: Stephen Old Land Surveyors and attached as **Annexure B**.

3.3 The conditions of approval as imposed by the *Stellenbosch Directorate Infrastructure Services* in their Memorandum dated 22 Nov 2022, Ref No: Civil LU 2039, be complied with, as **attached as Annexure E**.

3.4 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 be indicated:

Newly allocated Erf Numbers

Co-ordinates

Survey Dimensions

4. **The reasons for the above decision follow.**

4.1 The proposal complies with the approved Stellenbosch Spatial Development Framework.

4.2 The proposal will facilitate the creation of a community facilities / hub.

4.3 The community hub / node it will have a positive impact on its surroundings.

5. **Matters to be noted:**

5.1 Building plans be approved by the Municipality prior to any building work commencing.

5.2 Street naming and numbering to be approved before commencement of construction.

6. 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.

7. 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.

8. 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

9. 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.

10. 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>).

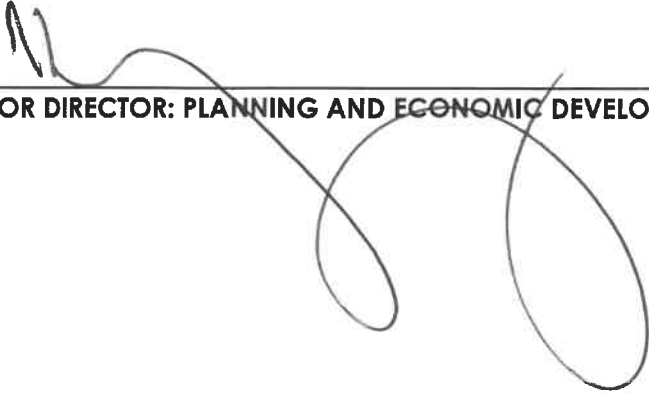
11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. 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

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

8/3/2023
DATE:



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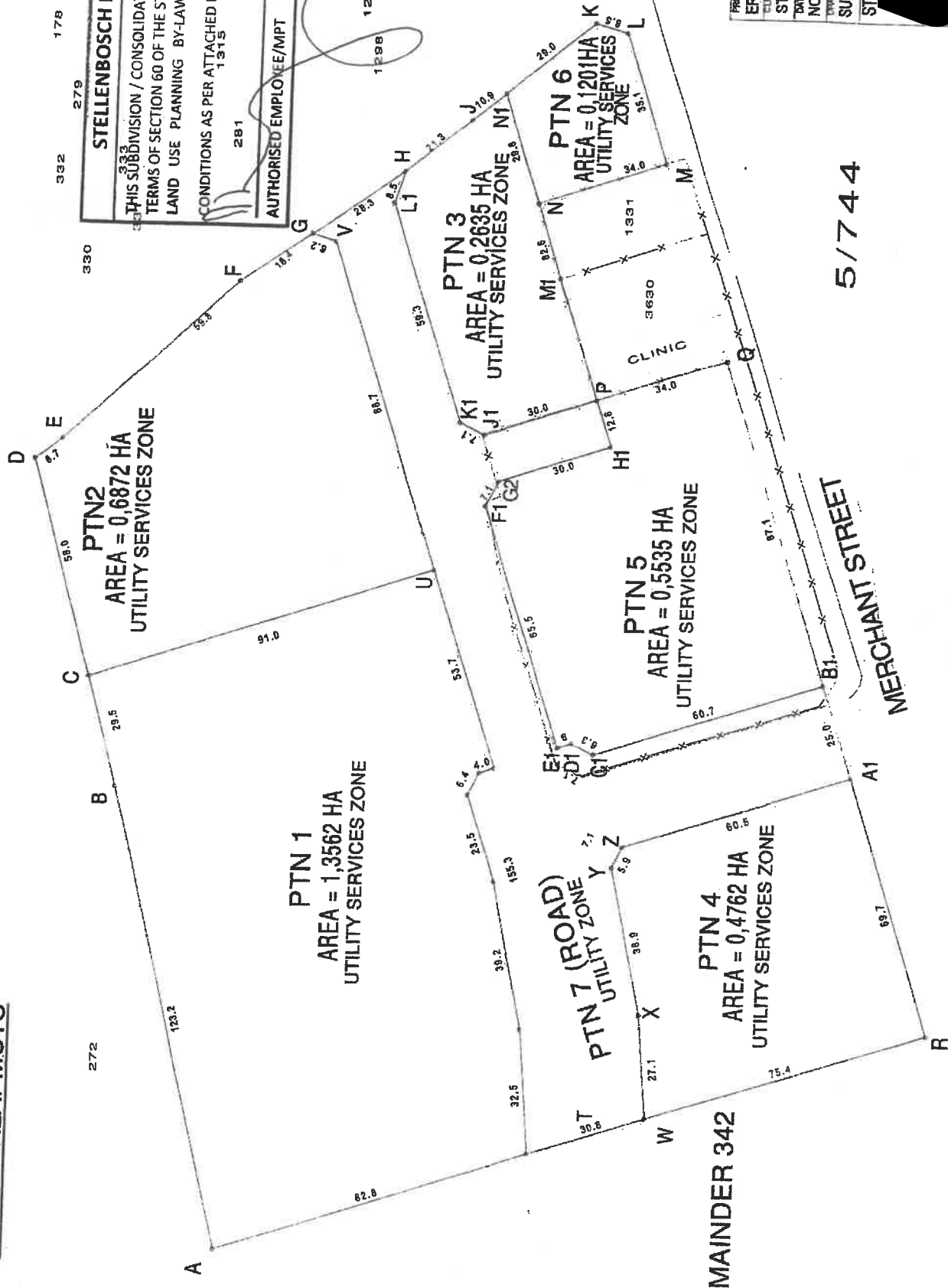
ANNEXURE B

**SUBDIVISION AND REZONING PLAN
ERF 342 KLAPMUTS**

5 0 5 10 15 20 25 Meters
SCALE 1:1000 on A3



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
 1315 1315
 281
 83 2023
 AUTHORISED EMPLOYEE/MPT



PROJECT	ERF 342 KLAPMUTS
CLIENT	STELLENBOSCH MUNICIPALITY
DATE	NOVEMBER 2022 - REV4
DRAWN BY	STEPHEN OLD LAND SURVEYORS
DATE	
PROJECT	

NOTE: All dimensions are approximate and scaled.
Final positions subject to survey and Engineers design.

5/744



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ANNEXURE E



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Salome Newman
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	22 Nov 2022
Our Ref ▫ Ons Verw:	Civil LU 2039
Your Ref:	LU/9772
Re ▫ Insaake:	Erf 342, Klapmuts: Rezoning and subdivision respectively in order to accommodate a taxi rank, a multi-purpose centre, a crèche, a future library, future licensing testing station, two additional vacant sites and a road on Erf 342, Klapmuts

The subdivision layout as per the Subdivision and Rezoning Plan Rev 4 by Stephen Old Land Surveyors, dated November 2022 Rev 4, is recommended for approval, subject to the following conditions:

- 1. Civil Engineering Services**
 - 1.1 Each newly created erf must have its own water and sewer connection before clearance of the erven. Proof that connections have been installed must be provided before clearance.

- 2. Electrical Engineering**

See Annexure Electrical



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2039 (TK) Erf 342 Klappmuts (LU-9772), C\2039 (TK) Erf 342 Klappmuts (LU-9772)_2 approved.doc

KLAP 342

GENERAL COMMENT:

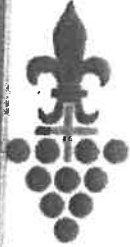
1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. No conditions.



12/12/2020



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Spatial Planning

To : **Manager: Land Use Management**

From : **Manager: Spatial Planning**

Reference : **Erf 342, Klapmuts** 13 T 2020

LU No : **LU/9772**

Date : **5 October 2020**

Re : **Application for rezoning and subdivision to accommodate a taxi rank, a multi-purpose centre, crèche, future library, future licensing testing station, two additional vacant sites and a road on Erf 342, Klapmuts**

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

Application is made for the following:

- Rezoning and subdivision to accommodate a taxi rank, a multi-purpose centre, crèche, future library, future licensing testing station, two additional vacant sites and a road on Erf 342, Klapmuts.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to