



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15687 (TP374/2023)

Our File Reference Number: Erf 6284 & Farm 1168, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION IN TERMS OF SECTIONS 15(2)(D), 15(2)(A) AND 15(2)(O) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015 ON ERF 6284, STELLENBOSCH AND FARM NO. 1168, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, namely:
 - 2.1.1 Application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law for the **Subdivision** of Erf 6284, Stellenbosch into two portions namely; Remainder Portion A1 of ±23,15ha in extent and Portion A2 of ±2,13ha in extent;
 - 2.1.2 Application in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law for the **Rezoning** of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch from Industrial Zone to Private Open Space Zone;
 - 2.1.3 Application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for **Consent use** to permit the use of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch for outdoor sport (sports field);

- 2.1.4 Application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law for **Subdivision** in order to register a right of way and parking servitude (for public and private use) on the Remainder Portion A1 of subdivided Erf 6284, Stellenbosch and Farm No. 1168, Stellenbosch Division in favour of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch;

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

- 3.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 3.2 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.
- 3.3 The development be undertaken in accordance with the referenced Subdivision plan with Plan No. Erf 6284 Sub Ver 1 drawn by ahG Town Planning, and attached as **Annexure B**.
- 3.4 The right of way and parking servitude (for public and private use) on the Remainder Portion A1 of subdivided Erf 6284, Stellenbosch and Farm No. 1168, Stellenbosch Division in favour of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch must be registered before clearance for the subdivision Erf 6284 is granted.
- 3.5 The servitude rights (right of way and parking servitude) be registered in the title deeds of the applicable property/ies on registration.
- 3.6 The Surveyor General approved diagrams of the newly created units must be submitted to Stellenbosch Municipality for clearance and record purposes.
- 3.7 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.

3.8 Conditions imposed by the Directorate Infrastructure Services as contained in the memorandum dated memorandum dated 14/11/2023 and comment dated 27/11/2023, and attached as **Annexure E**, be complied with.

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

4.1 The proposal will not result in the change of the current land use but merely seeks to formally separate the industrial component from the outdoor sports component on Erf 6284, including the formalisation of the existing access to the outdoor sports component.

4.2 The rezoning will have no material impact on the existing land uses on the subject properties or the surrounding property owners.

5. Matters to note:

5.1 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

5.2 All engineering services and infrastructure as required in terms of the conditions must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.

5.3 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality or be in line with the signage policy of the Municipality.

5.4 No directorial, advertisement, or any other signs may be erected prior to the approval of Stellenbosch Municipality or the competent authority.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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:
 - a) First names and surname

- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

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

8.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

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

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

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

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

8.6 The relief sought by the appellant.

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

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

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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.

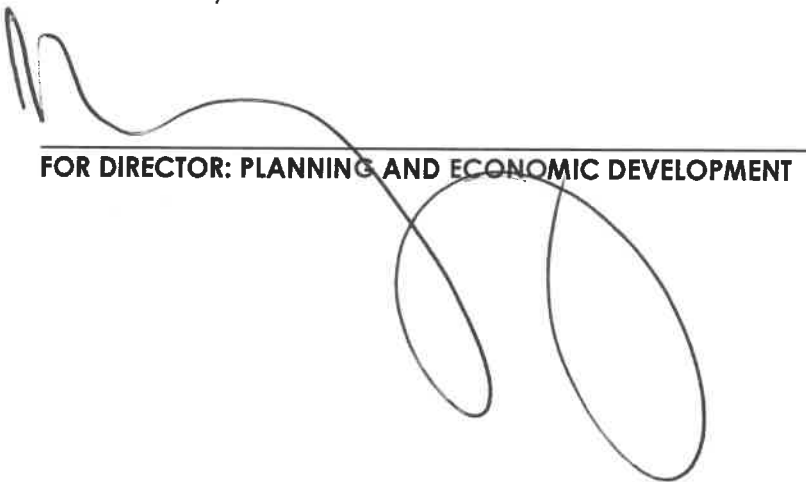
9. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@ Stellenbosch.gov.za

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

15/1/2024
DATE



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ANNEXURE B

SUBDIVISION AND SITE PLAN



PROJECT:
PROPOSED SUBDIVISION:
ERF 6284 STELLENBOSCH

Notes:

1. The areas indicated by the letters (A1) & (A2) represent Erf 6284, Stellenbosch, measuring 25,2740 ha.
2. The area indicated (A2) represent the proposed subdivision of Erf 6284, measuring ± 2,1 ha.
3. The area indicated as (A1) represent the proposed Remainder of Erf 6284, measuring ± 23,1352 ha
4. The figure "ABCDEFGHIJKLMNQRST" represent a proposed servitude of right-of-way over both Erf 6284 and Farm 1188 as indicated in favour of the proposed subdivision (A2)
5. All sizes and dimensions are approximate and subject to final survey
6. The property falls under the jurisdiction of the Stellenbosch Local Municipality

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2005) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER
 Scale 1 : 4000 (A3)
 15/12/2021
 DATE

CLIENT: Distell Ltd

PLAN NO.: Erf 6284 Sub Ver 1

ahg Town Planning
 Town and Regional Planners

PO Box 2992
 Somerset West
 7129
 TEL: [REDACTED]
 FAX: [REDACTED]
 CELL: [REDACTED]





STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development

Att Aandag: Nolusindiso Momoti

From ▫ Van: Manager: Development (Infrastructure Services)

Author ▫ Skrywer: Tyrone King

Date ▫ Datum: 14 Nov 2023

Our Ref ▫ Ons Verw: Civil LU 2536

Town Planning Ref: LU/15687 – TP374/2023

Re ▫ Insake: Erf 6284, 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 6284, Stellenbosch into two portions namely, Remainder Portion A1 of ±23,15ha in extent and Portion A2 of ±2,13ha in extent. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Rezoning of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch from Industrial Zone to Private Open Space Zone. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for Consent use to permit the use of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch for outdoor sport (sports field). Application in 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 subdivision

in order to register a right of way and parking servitude (for public and private use) on the Remainder Portion A1 of subdivided Erf 6284, Stellenbosch and Farm No. 1168, Stellenbosch Division in favour of unregistered Portion A2 of subdivided Erf 6284, Stellenbosch.

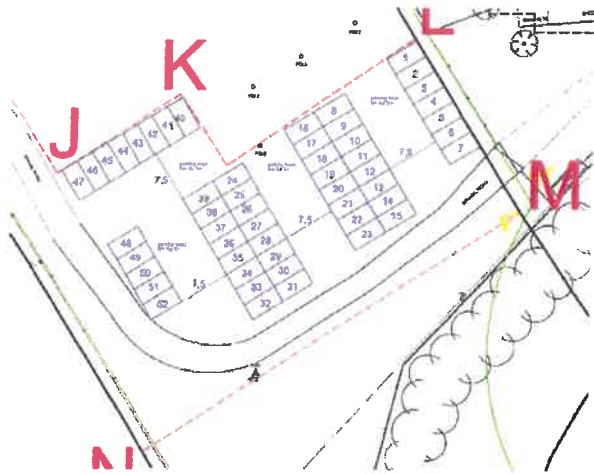
The application is recommended for approval, subject to the following conditions:

1. Civil Engineering services

- 1.1 The water and sewer connections to the clubhouse must be completed before subdivision clearance. Engineering drawings to be submitted for approval prior to construction.
- 1.2 This approval does not constitute an automatic approval of the proposed services provision as indicated to the engineering services layout drawing "Erf 6284 subdivision Proposed Services" Drawing No 21147/C02 rev 2 dated 23/01/2023 by de Villiers and Hulme and additional / amended conditions relating to the service layout may be presented when detail engineering drawings are received.

2. Roads

- 2.1 Access road to be formalized to municipal standards before subdivision clearance – decide during site visit. Engineering drawings to be submitted for approval prior to construction.
- 2.2 Right of Way servitude to be registered before subdivision clearance.
- 2.3 Demarcated parking facilities (bays) must be provided on the property, to prevent overspill of parking on the public road network. Applicant has confirmed that sufficient space is available for this purpose and that at least 52 bays can be accommodated next to the cricket field as indicated below.



Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

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erf 6284

GENERAL COMMENT:

1.

CONDITIONS:

2. The proposed subdivided of erf 6284 new portion 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

DATE 27/11/2023