



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13692

Our File Reference Number: Erf 7575 and 7576, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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

PER E-MAIL [REDACTED]

Sir/Madam

APPLICATION FOR SUBDIVISION AND CONSOLIDATION: ERF 7575 AND 7576, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 7575 and 7576, Stellenbosch, namely:
 - 2.1.1 The subdivision of Erf 7575, Stellenbosch in terms Section 15(2)(d) of the said bylaw into three (3) portions, namely:
 - (i) Erf 10839 (411m²)
 - (ii) Erf 10840 (170m²) and
 - (iii) a Remainder (±3346m²).
 - 2.1.2 The consolidation, in terms of Section 15(2)(e) of the said bylaw of:
 - (i) Erf 10839 (411m²) with Erf 7576, Stellenbosch and
 - (ii) Erf 10840 (170m²) with Erf 7576, Stellenbosch.

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:

General conditions of approval with no requirement for compliance prior to the registration of a subdivided portion, or before the sale, development or transfer of the land as contemplated in terms of Section 66(11) of the subject By-Law:

3.1 The approval only applies to the proposed subdivision and consolidation under consideration, as indicated on the referenced drawing No. PROP_SUB-REV2, Ref: ERF7576, dated 04 April 2022 and drawn by Friedlaender, Burger & Volkmann Professional Land Surveyor, attached as **APPENDIX 2** 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 development must be undertaken generally in accordance with the subdivision plan, as indicated on the referenced drawing No. PROP_SUB-REV2, Ref: ERF7576, dated 04 April 2022 and drawn by Friedlaender, Burger & Volkmann Professional Land Surveyor, attached as **APPENDIX 2**

3.3 The consolidation of Erf 10839 (411m²) and Erf 10840 (170m²) with Erf 7576, Stellenbosch simultaneously be registered in the deed's office, with the registration of the subdivision of Erf 7575, Stellenbosch.

3.4 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.

3.5 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of any building plans or as may be agreed on in writing with the Director Infrastructure Services.

3.6 An electronic copy (shp, dwg, dxf) of the approved erf diagrams be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

3.6.1 Newly allocated erf/farm numbers

3.6.2 Co-ordinates

3.6.3 Survey dimensions

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

4.1 The application only entails the subdivision and consolidation to adjust the boundaries of two properties.

4.2 No new subdivisional units which will function independently are created, which may compromise the principals of the Stellenbosch Municipal Spatial Development Framework.

4.3 No municipal services are impacted by the application and no servitudes needs to be registered.

4.4 Access to the properties will still be obtained from existing access points and no new accesses are created.

5. Matters to be noted:

5.1 None.

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.

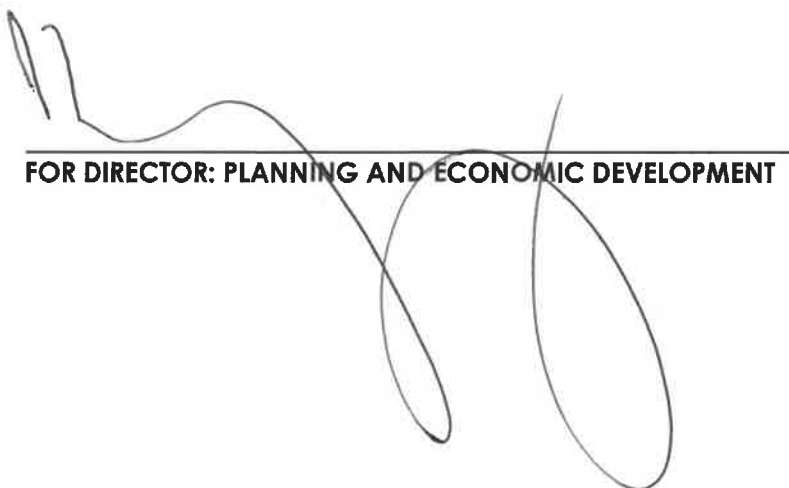
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za

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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

18/10/2022
DATE:

APPENDIX 2

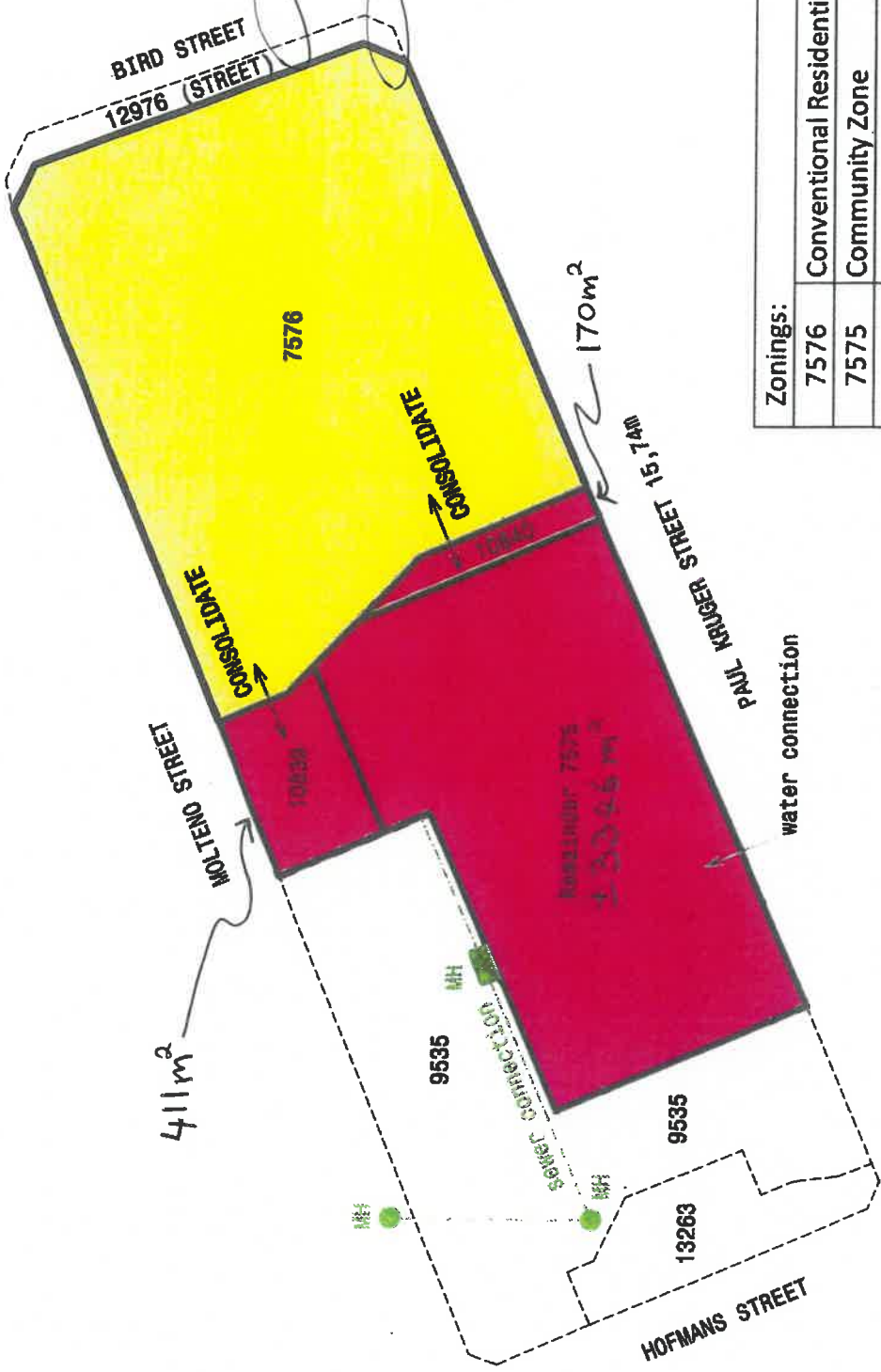
Subdivision and Consolidation Plan

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

18/04/2022

AUTHORISED EMPLOYEE/MPT



Zonings:	
7576	Conventional Residential Zone
7575	Community Zone
10839	Community Zone
10840	Community Zone

Notes:

- MH denotes Manhole
- sewer connection

Caveat

- Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
- All levels are to be confirmed prior to construction.

TN

Scale 1:1000 @ A4

Date: 4 April 2022

System: WG 19

PROPOSED SUBDIVISION OF ERF 7575 AND CONSOLIDATE WITH ERF 7576 STELLENBOSCH

Ref:ERF7576

Dwg:PROP_SUB-REV2