



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13144

Our File Reference Number: 1037/1S

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

[REDACTED]

Sir / Madam

**APPLICATION FOR SUBDIVISION, CONSOLIDATION AND TEMPORARY DEPARTURE: FARM 1037 and 1037/1 STELLENBOSCH DIVISION.**

1. The above application refers.
2. The duly authorised decision maker hereby decides 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 Farm No 1037, Stellenbosch Division, namely:
    - 2.1.1 **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, of Farm 1037, Stellenbosch Division into three (3) portions, namely:
      - 2.1.1.1 Portion A (±10ha),
      - 2.1.1.2 Portion B (±11ha) and
      - 2.1.1.3 Remainder (±2.2ha)

- 2.1.2 **Consolidation** in terms of Section 15(2)(e) of the said by-law, of Portion B (±11ha) with Farm 1037/1, Stellenbosch Division to create a ±19ha farming unit;
- 2.1.3 **Temporary departure** in terms of Section 15(2)(g) of the said by-law for a permission required in term of Section 211 of the Stellenbosch Municipal Zoning Scheme Bylaw (2019) to conclude the mine closure and rehabilitation activities over a 7-year period on Farm No. 1037/1 and a portion of Farm No. 1037, Stellenbosch Division;

**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 subdivision, consolidation and temporary departure in question 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 be undertaken in accordance with the subdivision and consolidation plan dated April-July 2019, File No. S158/99(A2), Plan No. 5Rev 1 and drawn by David Hellig & Abrahamse Professional Land Surveyors attached as **APPENDIX B**.
- 3.3 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
- (i) Newly allocated erf numbers
  - (ii) Co-ordinates
  - (iii) Survey dimensions
  - (iv) Street names and numbering
- 3.4 The consolidation of Portion B (±11ha) and Farm No 1037/1, Stellenbosch Division simultaneously be registered with the registration of Portion A (±10ha) of Farm No. 1037, Stellenbosch Division at the Registrar of Deeds.
- 3.5 Where required, development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the relevant directorate.
- 3.6 Agriculture must remain the primary use on the property.

- 3.7 The conditions of approval from the Department: Transport and Public Works in their letters dated 14 September 2022 and 19 February 2020, attached as **APPENDIX D** be adhered to.
- 3.8 The conditions of approval from the Department: Water and Sanitation (RSA) in their letter dated 02 June 2022, attached as **APPENDIX E** be adhered to.
- 3.9 The conditions of the Municipal Directorate: Infrastructure services in their memorandum dated 01 June 2022 attached as **APPENDIX F** be adhered to.
- 3.10 All services at all times be provided to the satisfaction of the Directorate: Infrastructure Service.

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

- 4.1 The proposed subdivision of a  $\pm 10$ ha (Portion A) and consolidation of an 8.5ha Farm with Portion B ( $\pm 11$ ha) represents a boundary adjustment, which was supported and approved by the competent agricultural authorities and all other relevant departments (See **APPENDIX G**).
- 4.2 All new buildings must still comply with all primary parameters for a property zoned Agriculture and Rural Zone, as no rezoning or no permanent departures are applied for.
- 4.3 No precedent will be created, as similar size properties of  $\pm 10$ ha in extent are found in the surrounding agricultural area.
- 4.4 The aesthetic appearance of newly proposed buildings from main Road 174, will still be evaluated during the building plan assessment process by the relevant departments.
- 4.5 Access for the proposed new land units will be obtained from an existing access point, an existing road/servitude and all unauthorized accesses will be closed permanently.
- 4.6 The temporary departure only entails the rehabilitation of an existing mining site and do not grant extended mining rights.

**5. Matters to be noted:**

- 5.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposal.
- 5.2 The approval of the Department of Mineral Resources for a mine rehabilitation plan be obtained and be implemented as approved.
- 5.3 The subdivision and consolidation be implemented as approved by the Department of Agriculture, Forestry and Fisheries in their approval letter dated 09/12/2019, in terms of Act 70 of 1970 (See **APPENDIX G**).

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:
  - 7.1 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;
  - 7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
  - 7.3 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.
  - 7.4 whether the appeal is lodged against the whole decision or a part of the decision;
  - 7.5 if the appeal is lodged against a part of the decision, a description of the part;
  - 7.6 if the appeal is lodged against a condition of approval, a description of the condition;
  - 7.7 the factual or legal findings that the appellant relies on;
  - 7.8 the relief sought by the appellant; and
  - 7.9 any issue that the appellant wishes the Appeal Authority to consider in making its decision;
  - 7.10 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.
- 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](mailto: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:
  - 11.1 Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
  - 11.2 The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
  - 11.3 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.
  - 11.4 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



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**DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

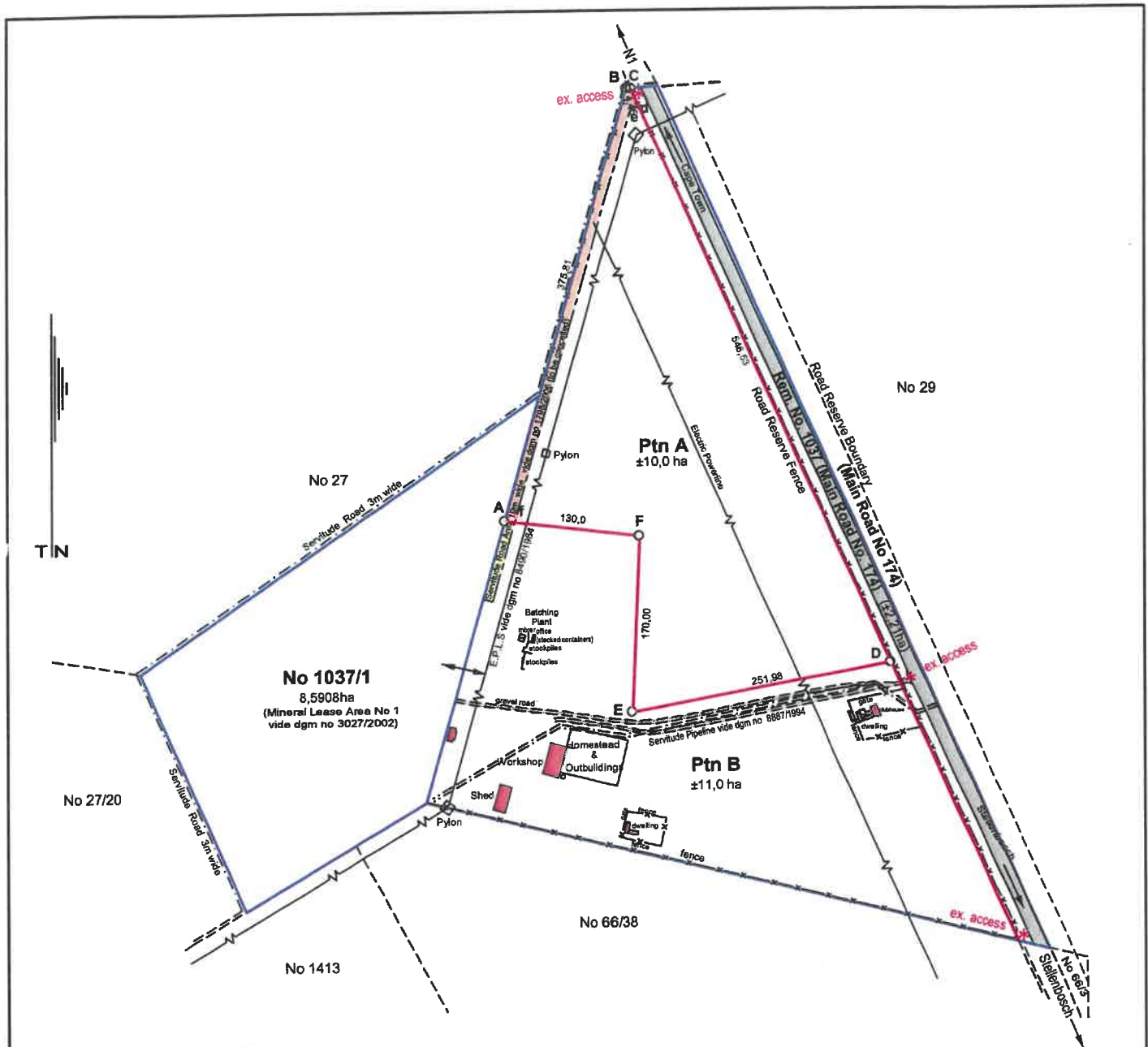
9-11-2022

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**DATE:**

# **APPENDIX B**

## **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

*[Signature]* 9/11/2022

AUTHORISED EMPLOYEE/MPT

Ref: 1) Co-ordinate System WGS 84/19°  
2) S. G. Noting 3742

**dh&a**  
david heilig & abrahamse  
professional land surveyors  
258 Main Street

**project PLAN OF SUBDIVISION**

**The Remainder of the Farm  
Uitspan No 1037 Stellenbosch**

Scale	1 / 4000@A3
Date	April - July 2019
File No	S158/99 (A2)
Plan No	5 REV 1

**Notes :**

- A) SUBDIVISION**  
The Remainder of the Farm Uitspan No 1037 Stellenbosch is to be subdivided into
- a) Ptn A ±10,0 ha
  - b) Ptn B ±11,0 ha
  - c) Rem No 1037 (MR No 174) ± 2,2 ha
- B) CONSOLIDATION**  
Ptn B and Portion 1 of the Farm Uitspan No 1037 Stellenbosch measuring 8,5929 ha in extent are to be consolidated to form a land unit measuring ± 19,59ha in extent
- C) SERVITUDES**
- Servitude Road 10m wide vide dgm no 1798/2006 is to be cancelled
  - Servitude Road 10m wide lettered ABCDEF is to be registered over Ptn A up to Main Road 174 i.f.o. Consolidated Land Unit B)



DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No.
		Constant		± 0,00	+3 700 000,00	Approved  for Surveyor-General
AB	4,25	266 55 30	A	+18 045,31	+ 47 078,77	
BC	18,78	335 43 40	B	+18 041,07	+ 47 078,54	
CD	583,11	335 46 00	C	+18 033,35	+ 47 095,66	
DE	251,28	79 25 40	D	+17 794,02	+ 47 627,39	
EF	164,19	182 29 20	E	+18 041,03	+ 47 673,49	
FG	130,15	96 56 30	F	+18 033,90	+ 47 509,45	
GA	431,34	195 50 50	G	+18 163,10	+ 47 493,72	

**Servitude Data**

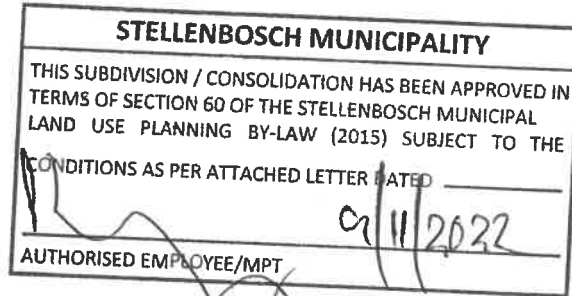
CH	9,72	55 02 40	H	+18 041,31	+ 47 101,23
HJ	409,26	15 50 50	J	+18 153,07	+ 47 494,94
JG	10,11	96 56 30			

**Sheet No 1 of  
2 Sheets**

42 Elsenburg	Δ	+15 762,92	+ 48 020,58
55 Nooitgedacht	Δ	+17 491,79	+ 51 736,19

**Beacon Description:**

All beacons are 16 mm iron peg



**Servitude Notes:**

- 1) The line x y z represents the Centre Line of an Electrical Powerline Servitude vide dgm no 8490/1964 D/S 761/1965
- 2) The figure A B C H J G represents a Servitude Road Area, up to Main Road No 174 vide dgm no 1798/2006 D/T 2007. .86940 (Farm No 1037/1)
- 3) The figure A B C H J G represents a Servitude Road Area, measuring 4334 square metres, up to Main Road No 174, as shown.

The figure **A B C D E F G**

represents **10.0006 hectares**

of land, being

**Portion 2 of the Farm Uitspan No 1037**

Situate in **the Municipality and**

Administrative District of **Stellenbosch**

Province of the Western Cape

Surveyed between **June 2002 and January 2020**

by me

*S G Dreyer*  
**S G DREYER**

Professional Land Surveyor  
(PLS1028)

This diagram is annexed to No. dated i.f.o.  Registrar of Deeds	The original diagram is No. 5526/1965 annexed to Transfer No.1966. .21639	File No. S.R. No. Comp. BH-8BCC (3762)
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DAVID HELIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No.
		Constant		± 0,00	+3 700 000,00	Approved  for Surveyor-General
AB	130,15	276 56 30	A	+18 163,10	+ 47 493,72	
BC	164,19	2 29 20	B	+18 033,90	+ 47 509,45	
CD	251,28	259 25 40	C	+18 041,03	+ 47 673,49	
DE	304,29	335 46 00	D	+17 794,02	+ 47 627,39	
EF	587,87	103 46 20	E	+17 669,12	+ 47 904,86	
FA	281,91	195 50 50	F	+18 240,09	+ 47 764,91	
		42 Elsenburg	Δ	+15 762,92	+ 48 020,58	
		55 Nooitgedacht	Δ	+17 491,79	+ 51 736,19	

**Sheet No 1 of  
2 Sheets**

**Beacon Description:**

- A B C D 16 mm iron peg
- E 16 mm iron peg in gravel road
- F 12 mm hole in concrete next to wooden fence post

**Servitude Notes:**

- 1) The line q r represents the Centre Line of an Electrical Powerline Servitude vide dgm no 8490/1964 D/S 761/1965
- 2) The lines s t, t u, u v, and v w respectively represent the North Eastern, North Western, North Eastern and North Western Boundaries of a Servitude Pipeline 3m wide vide dgm no 8887/1994 D/S
- 3) The figure A x y z represents a Servitude Road Area vide dgm no 1798/2006 D/T 2007. .86940 (Farm No 1037/1)

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 _____
9/11/2022
AUTHORISED EMPLOYEE/AMPT

The figure **A B C D E F** represents **11,1302 hectares** of land, being **Portion 3 of the Farm Uitspan No 1037** Situate in **the Municipality and** Administrative District of **Stellenbosch** Province of the Western Cape

Surveyed between **June 2002 and January 2020** by me **S G DREYER** Professional Land Surveyor (PLS1028)

This diagram is annexed to No. dated i.f.o.  Registrar of Deeds	The original diagram is No. 5526/1965 annexed to Transfer No.1966. .21639	File No. S.R. No. Comp. BH-8BCC (3762)
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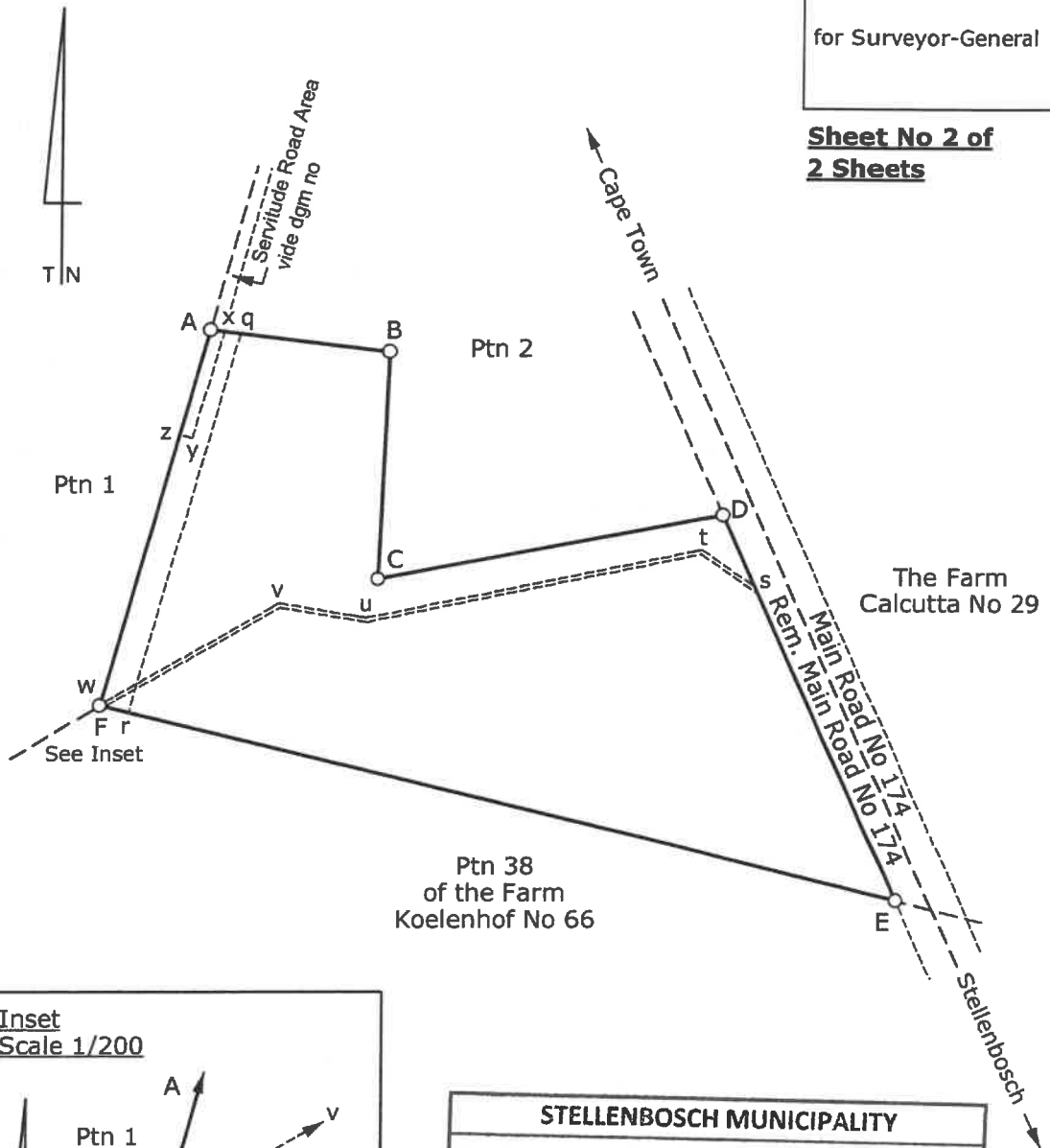
**Portion 3 of the Farm Uitspan No 1037  
Administrative District of Stellenbosch**

S.G. No.

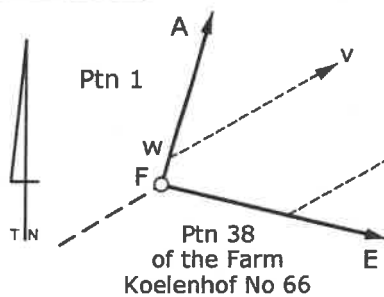
Approved

for Surveyor-General

**Sheet No 2 of  
2 Sheets**



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**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

AUTHORISED EMPLOYEE/MPT

9/11/2022

Surveyed between **June 2002 and January 2020** by me

*S G Dreyer*  
**S G DREYER**

Professional Land Surveyor  
(PLS1028)

**Scale 1: 5000**

DAVID HELBIG & ABRAHAMSE, LAND SURVEYORS

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES Y System WG 19° X			S.G. No.	
		Constant	±	0,00		+3 700 000,00
AB	467,44	235 32 40	A	+18 514,35	+ 47 637,69	Approved  for Surveyor-General
BC	125,24	15 50 50	B	+18 128,91	+ 47 373,23	
CD	130,16	276 56 30	C	+18 163,10	+ 47 493,72	
DE	164,19	2 29 20	D	+18 033,90	+ 47 509,45	
EF	251,28	259 25 40	E	+18 041,03	+ 47 673,49	
FG	304,29	335 46 00	F	+17 794,02	+ 47 627,39	
GH	587,87	103 46 20	G	+17 669,12	+ 47 904,86	
HJ	201,11	59 04 50	H	+18 240,09	+ 47 764,91	
JA	252,02	156 11 30	J	+18 412,62	+ 47 868,25	
		42 Eisenburg	Δ	+15 762,92	+ 48 020,58	
		55 Nooitgedacht	Δ	+17 491,79	+ 51 736,19	

**Beacon Description:**

- A iron standard
- B 16 mm iron peg near wooden fence post
- C D E F 16 mm iron peg
- G 16 mm iron peg in gravel road
- H 12 mm hole in concrete next to wooden fence post
- J 20 mm iron peg

**Components:**

- 1) The figure A B H J represents Portion 1 of the Farm Uitspan No 1037 vide dgm no 1798/2006 D/T 2007. .86940
- 2) The figure C D E F G H represents Portion 3 of the Farm Uitspan No 1037 vide dgm no /2020 D/T

**Servitude Notes:**

- 1) The line q r represents the Centre Line of an Electrical Powerline Servitude vide dgm no 8490/1964 D/S 761/1965
- 2) The lines s t, t u, u v, v w and w H respectively represent the North Eastern, North Western, North Eastern, North Western and South Western Boundaries of a Servitude Pipeline 3m wide vide dgm no 8887/1994 D/S
- 3) The figure C x y z represents a Servitude Road Area vide dgm no 1798/2006 D/T 2007. .86940 (Farm No 1037/1)

**Note:**

The figure A B H J represents Mineral Lease Area No 1 vide dgm no 3027/2002 D/S K1291/2002<sup>L</sup>

**STELLENBOSCH MUNICIPALITY**

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TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL  
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE  
CONDITIONS AS PER ATTACHED LETTER DATED

9/11/2027

AUTHORISED EMPLOYEE/MPT

The figures **A B C D E F G H J**

represents **19,7231 hectares**

**Portion 4 of the Farm Uitspan No 1037 and comprising 1)-2) as enumerated above**

Situate in **the Municipality**

Administrative District of **Stellenbosch**

Province of the Western Cape

Surveyed between **June 2002 and January 2020**

by me

**S G DREYER**

Professional Land Surveyor  
(PLS1028)

This diagram is annexed to No. dated i.f.o.

The original diagrams are as enumerated above

File No.  
S.R. No.  
Comp. BH-8BCC (3762)

Registrar of Deeds

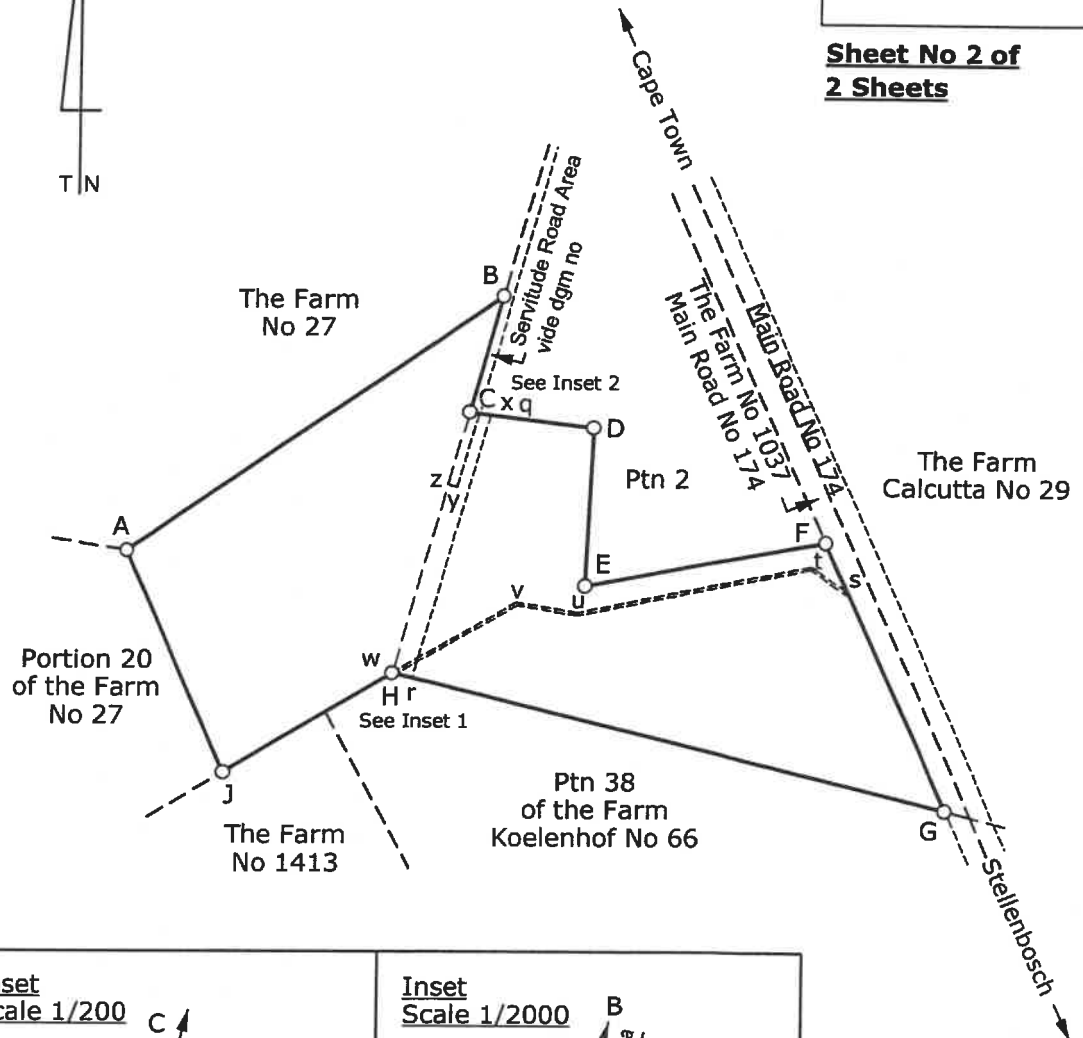
**Portion 4 of the Farm Uitspan No 1037  
Administrative District of Stellenbosch**

S.G. No.

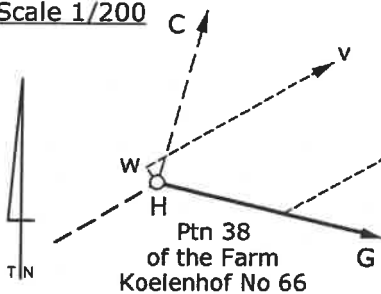
Approved

for Surveyor-General

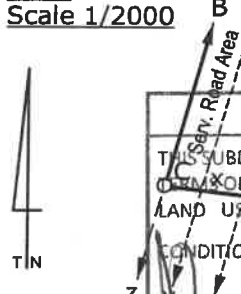
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**STELLENBOSCH MUNICIPALITY**

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SECTION 60 OF THE STELLENBOSCH MUNICIPAL  
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE  
CONDITIONS AS PER ATTACHED LETTER DATED 9/11/2022

AUTHORISED EMPLOYEE/MRT

Surveyed between **June 2002 and January 2020** by me

*S G Dreyer*

**S G DREYER**

Professional Land Surveyor  
(PLS1028)

**Scale 1: 7500**

## **APPENDIX D**

### **Comments from Department: Transport and Public Works**



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/13 (Job 27300)

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The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
STELLENBOSCH  
7599

Attention: Mr U von Molendorff

Dear Sir

**FARM UITSPAN NO 1037, KOELENHOF, STELLENBOSCH: MAIN ROAD 174: NOTICE OF AMENDED LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA: SUBDIVISION, CONSOLIDATION AND TEMPORARY DEPARTURE**

1. The following refer:
  - 1.1. The email with relevant documentation as received on 29 April 2022; and
  - 1.2. The Branch's letter with reference TPW/CFS/RP/LUD/BPL-25/13 (Job27300), dated 19 February 2020 to Stellenbosch Municipality relating to the original application (copy attached).
2. This is an amended application for the original application for Consent, Subdivision and Consolidation of Portion 1 and the Remainder of Stellenbosch Farm Uitspan No 1037:
  - 2.1. In terms of Section 15(2)(d) for the subdivision of Farm 1037, Stellenbosch Division into three portions, namely Portion A ( $\pm 10$ ha), Portion B ( $\pm 11$ ha) and a Remainder road ( $\pm 2,2$ ha).
  - 2.2. In terms of Section 15(2)(e) for the consolidation of Portion B ( $\pm 11$  ha) with Portion 1 of Farm 1037, Stellenbosch Division (8,5929ha) to create a  $\pm 19,59$ ha farming unit.
  - 2.3. In terms of Section 15(2)(g) for a permission required in terms of Section 211 of the Stellenbosch Municipality Zoning Scheme By-Law for a temporary departure for the conclusion of the mine closure and rehabilitation activities over a 7-year period.
3. The amended application now intends solely to create two separate farms for agricultural use and is still based on the original Plan of Subdivision, Plan No 5Rev1 as prepared by David Heilig & Abrahamse Surveyors April-July 2019.



4. This Branch offers no objection to this amended application as reflected in the report dated January 2022, on condition that all the conditions imposed in the Branch's letter, reference TPW/CFS/RP/LUD/BPL-25/13 (Job27300) and dated 19 February 2020 to Stellenbosch Municipality are adhered to.
5. Herewith this Branch in terms of Act 21 of 1940 approves the subdivision of Remainder of the Farm Uitspan 1037 into Portion A ( $\pm 10$ ha), Portion B ( $\pm 11$ ha) and Rem No 1037 (Main Road 174) ( $\pm 2.2$ ha) and the subsequent consolidation of Portion B and Portion 1 of Farm Uitspan 1037 to form a new land unit measuring  $\pm 19,59$ ha in extent.
6. Rem No 1037 (Main Road 174) to be transferred to this Branch as part of the road reserve of Main Road 174.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: ROADS**

**DATE: 14 SEPTEMBER 2022**

## ENDORSEMENTS

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))
2. Viridus Works (Pty) Ltd  
Attention: Mr D Lombaard (e-mail: [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com))
3. Mr SW Carstens (e-mail)
4. Mrs S du Preez (e-mail)
5. Mr B du Preez (e-mail)



**REFERENCE: TPW/CFS/RP/LUD/BPL-25/13 (Job 27300)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 19 February 2020**

Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599

Attention: Mr U von Molendorff

Dear Sir

**THE REMAINDER OF THE FARM UITSPAN 1037 STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR SUBDIVISION, CONSOLIDATION AND SERVITUDES**

1. The following refer:
  - 1.1. This Branch's letter 13/3/5/1-25/145 (Job 18655) dated 12 November 2010;
  - 1.2. This Branch's letter 13/3/5/1-25/145 (Job 18655) dated 25 June 2014;
  - 1.3. This Branch's letter 13/3/5/1-25/145 (Job 18655) to Banisi Investments (Pty) Ltd dated 20 October 2014;
  - 1.4. This Branch's letter 13/3/5/1-25/145 (Job 18655) dated 1 December 2014;
  - 1.5. The unreferenced letter from Viridus Works dated 3 July 2019;
  - 1.6. Plan of Subdivision, Plan No. 5 Rev 1 prepared by David Hellig & Abrahamse Land Surveyors dated April-July 2019;
  - 1.7. The Application for Consolidation and Subdivision Report dated August 2019;
  - 1.8. The e-mail from Viridus Works to the District Roads Engineer, Paarl dated 26 August 2019;
  - 1.9. This Branch's e-mail dated 20 November 2019;

- 1.10. The e-mail from Viridus Works dated 21 November 2019;
- 1.11. Consent No. 54973 from the Department of Agriculture, Forestry and Fisheries dated 9 December 2019;
- 1.12. The e-mail from Viridus Works dated 11 December 2019 and
- 1.13. This Branch's e-mail to Viridus Works dated 13 December 2019.
2. This application entails the consolidation and re-subdivision of the Remainder Farm Uitspan 1037 and Portion 1 of Farm Uitspan 1037 (31,7461 and 8,5929 ha respectively) to create two portions of roughly 19 and 10 ha respectively and a remainder road (Main Road 174) of roughly 2ha as indicated on the Plan of Subdivision, Plan No. 5 Rev 1 prepared by David Hellig & Abrahamse Land Surveyors dated April-July 2019.
3. Main Road 174 is affected by this application.
4. This Branch offers no objection to application subject to the following conditions:
  - 4.1. The only access to both Portion A and the consolidated Portion B and Portion 1 of Farm Uitspan 1037 off Main Road 174 must be via the proposed 10m wide servitude road lettered ABCdef as indicated on the Plan of Subdivision, Plan No. 5 Rev 1 prepared by David Hellig & Abrahamse Land Surveyors dated April-July 2019;
  - 4.2. The illegal access on Main Road 174 at  $\pm$ km51.21 must be closed permanently and the road reserve and boundary fence reinstated to the satisfaction of the District Roads Engineer, Paarl;
  - 4.3. The existing access at  $\pm$ km50.95 to Farm Uitspan 1037 must be closed permanently in accordance with the Main Road 174 Access Management Plan and the road reserve and boundary fence reinstated, which includes the removal of the illegal sliding gate, to the satisfaction of the District Roads Engineer, Paarl;
  - 4.4. The immediate closure of the illegal Farmstall which gains access via the existing access of Main Road 174 at  $\pm$ km50.95;
  - 4.5. Please note that as part of the Main Road 174 Access Management Plan and the land use application (LU/9404) for the development of Farm 29 Calcutta the existing access off Main Road 174 at  $\pm$ km50.31 will be relocated to  $\pm$ km50.58 or an appropriate location to be agreed with this Branch to allow access to both properties at the same location on Main Road 174;
  - 4.6. The illegal camp access on Main Road 174 at  $\pm$ km51.21 must be closed permanently and the road reserve and boundary fence reinstated to the satisfaction of the District Roads Engineer, Paarl;
  - 4.7. The Servitude Road 10m wide lettered ABCdef must be registered over Portion A up to Main Road 174 in favour of the Consolidated Land Unit B per the Plan of Subdivision, Plan No. 5 Rev 1 prepared by David Hellig & Abrahamse Land Surveyors dated April-July 2019 and

- 4.8. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained and any services to be located within the 5m building line must be approved by this Branch.
5. Herewith this Branch in terms of Act 21 of 1940 approves the subdivision of Remainder of the Farm Uitspan 1037 into Portion A ( $\pm 10$ ha), Portion B ( $\pm 11$ ha) and Rem No 1037 (Main Road 174) ( $\pm 2.2$ ha) and the subsequent consolidation of Portion B and Portion 1 of the Farm Uitspan 1037 to form a new land unit measuring  $\pm 19,59$ ha in extent.
6. Rem No 1037 (Main Road 174) is to be transferred to this Branch as part of the road reserve of the Main Road 174, please contact Mr Johan Rossouw (021 483 2108) to initiate this process.

Yours faithfully



**SW CARSTENS**

**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

## **ENDORSEMENTS**

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))

2. Viridus Works

Attention: Mr D Lombaard (e-mail: [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com))

3. Mr SW Carstens (e-mail)

4. Mr H Thompson (e-mail)

5. Mr J Rossouw (e-mail)

6. Mr B du Preez (e-mail)

## **APPENDIX E**

Comments of Department: Water and sanitation



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

### WESTERN CAPE REGION

Private Bag X 16, Senlamhof, 7532 / 52 Voortrekker Road, Bellville 7630  
Tel #: (021) 941 6000 Fax #: (021) 941 6077

**Enquiries** : Tyrell Mohun  
**Tel No.** : (021) 941 6359  
**Email** : [MohunT@dws.gov.za](mailto:MohunT@dws.gov.za)  
**Reference** : 16/27/G22G/A/8

Attention: The Managing Director

Virdus Works (Pty) Ltd  
77 Buitekring  
Dalsig  
Stellenbosch  
7600

### APPLICATION FOR CONSENT, SUBDIVISION AND CONSOLIDATION OF PORTION 1 AND THE REMAINDER OF STELLENBOSCH FARM UITSPAN NO. 1037, SITUATED IN THE G22G QUARTENARY CATCHMENT, IN THE STELLENBOSCH MUNICIPALITY.

Reference is made to the abovementioned document dated 29 April 2022.

This Department has perused the submitted application and agrees that the abovementioned activities may go ahead provided that the following conditions are adhered to:

1. If the sewage from the site will be disposed into the Municipality Infrastructure system, then a signed agreement between the landowner and the Municipality regarding sufficient capacity to manage the sewage from the farm must be provided to this Department.
2. It is noted that there is an artificial wetland and a non-perennial river within the 500-meter boundary from the farm.

Please note that any development within the 1:100-year flood line or within 500m from any boundary of a wetland or water resource triggers water use activities and must be authorised and registered in terms of Sections 21 (c) "impeding or diverting the flow of water in a watercourse" and (i) "altering the bed, banks, course or characteristics of a watercourse" of the National Water Act, 1998 (Act No. 36 of 1998).

A Water Use Authorisation application can be made following the link: <http://www.dwa.gov.za/ewulaasprod/>.

A Risk Assessment Matrix must be submitted as part of the Water Use Authorisation Application.

3. Note that no abstraction of surface or groundwater may be done or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998).







## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

4. No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.
5. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.
6. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
7. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.
8. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.

Please do not hesitate to contact the above office should there be any queries.

Yours Sincerely,

**REGIONAL HEAD:**  
**Signed by:**  
**Designation:**  
**Date:**

**WESTERN CAPE**  
**Firdous Rhoda- Baderoen**  
**Scientist Production**  
**2 June 2022**



## **APPENDIX F**

### Comments from Directorate: 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:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 1 June 2022  
**Our Ref ▫ Ons Verw:** Civil LU 2293  
**Your Ref:** LU/13144  
**Re ▫ Insake:** Farm 1037/1, Stellenbosch: Application in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law of 2015 for the subdivision Farm 1037, Stellenbosch Division into 3 portions of Portion A (±10ha), Portion B (±11ha) and a Remainder (±2.2ha) respectively. Application in terms of Section 15(2)(e) of the Stellenbosch Municipality Land Use Planning By-Law of 2015 for the consolidation of Portion B (±11ha) with Farm 1037/1, Stellenbosch Division (8,5929ha) to create a ±19,59ha farming unit. Application in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law of 2015 for a permission required in terms of Section 211 of the Stellenbosch Municipality Zoning Scheme By-Law for a temporary departure for the conclusion of the mine closure and rehabilitation activities over a 7-year period.

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

**1. Civil Engineering Services**

- 1.1 No objection. The owner has indicated that they will be responsible for own water and sewer provision, as is currently the case – water by borehole and sewer by conservancy tank (3.9 of motivation report). It is noted that there is a water line running across the property, which is protected by a servitude. The application does not affect this water line and can therefore be supported.



3. **Roads**

3.1 **Access is from a provincial road – please obtain approval from Provincial Roads Engineer.**

4. **Electrical Engineering**

4.1 Refer to **Annexure: Electrical**

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

Farm 1037-1

**GENERAL COMMENT:**

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

**CONDITIONS**

3. No conditions.

.....  
SIGNATURE



DATE...01/8//2022.....

## **APPENDIX G**

Comments from relevant departments.



**agriculture,  
forestry & fisheries**

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001  
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084  
From: Directorate Land Use and Soil Management  
Tel: 012-319-7634 Fax: 012-329-5938  
Enquiries: Helpdesk Ref: 2019\_09\_0018

Banisi Investments  
77 Buitekring  
Dalsig  
**STELLENBOSCH**  
7600

Attention: D Lombard

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 70 OF 1970: PROPOSED SUBDIVISION AND CONSOLIDATION OF THE REMAINDER OF THE FARM UITSPAN NO. 1037 AND PORTION 1 OF THE FARM UITSPAN NO. 1037, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE**

Your letter dated 22 August 2019 refers.

With reference to the above-mentioned subject, the Department wishes to inform you that the application has been granted.

Consent no. 5.073, issued in terms of Section 4 of the Act is enclosed.

To facilitate registration, it is advised that the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

It is trusted that you will find the decision in order.

Yours faithfully

**D R I.B. KGAKATSI**  
**ACTING CHIEF DIRECTOR: NATURAL RESOURCES MANAGEMENT**  
**DELEGATE OF THE MINISTER**

DATE: 09/12/2019

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000  
CC: Land Use and Soil Management Private Bag X 2 SANLAMHOF 7532  
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x1 ELSENBURG 7607

DAFF/MB/2019/ Uitspan No. 1037



agriculture,  
forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001  
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084  
From: Directorate Land Use and Soil Management  
Tel: 012-319-7634 Fax: 012-329-5938  
Enquiries: Helpdesk Ref: 2019\_09\_0018

Banisi Investments  
77 Buitekring  
Dalsig  
STELLENBOSCH  
7600

Attention: D.Lombard

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 70 OF 1970: PROPOSED SUBDIVISION AND CONSOLIDATION OF THE REMAINDER OF THE FARM UITSPAN NO. 1037 AND PORTION 1 OF THE FARM UITSPAN NO. 1037, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE**

Your letter dated 22 August 2019 refers.

With reference to the above-mentioned subject, the Department wishes to inform you that the application has been granted.

Consent no. 54373, issued in terms of Section 4 of the Act is enclosed.

To facilitate registration, it is advised that the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

It is trusted that you will find the decision in order.

Yours faithfully

**D R I.B. KGAKATSI**  
**ACTING CHIEF DIRECTOR: NATURAL RESOURCES MANAGEMENT**  
**DELEGATE OF THE MINISTER**

DATE: 09/12/2019

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000  
CC: Land Use and Soil Management Private Bag X 2 SANLAMHOF 7532  
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

DAFF/MB/2019/ Uitspan No. 1037





agriculture,  
forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2019\_09\_0018

TOESTEMMING  
KRAGTENS DIE WET OP DIE ONDERVERDELING  
VAN LANDBOUGROND, 1970

CONSENT  
IN TERMS OF THE SUBDIVISION OF  
AGRICULTURAL LAND ACT, 1970

54973

By virtue of the powers delegated to me by the Minister of Agriculture, Forestry and Fisheries, consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

**PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES**

REMAINDER OF THE FARM UITSPAN NO. 1037, IN EXTENT 23,1532 HECTARES, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE

**PARAGRAPH 2: CONSENT GRANTED**

The subdivision of the above-mentioned agricultural land into three portions measuring approximately 10,0 hectares, 11,0 and 2,2 hectares respectively represented by the figures marked Ptn A, Ptn Band Rem No. 1037 (MR No. 174) as shown on the sketch plan attached.

**PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT**

- 3.1 Simultaneously with registration of transfer the portion measuring approximately 11,0 hectares (Ptn B) must be consolidated with Portion 1 of the farm Uitspan No. 1037, in extent 8,5929 hectares, Division Stellenbosch, Western Cape Province.
- 3.2 The portions created in paragraphs 2 & 3.1 above may only be used for agricultural and related purposes.
- 3.3 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.4 This consent does not exempt any person from any provision of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.5 This consent is valid for 5 years from date of this grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

09/12/2019  
DATE

DR I.B. KGAKATSI  
ACTING CHIEF DIRECTOR: NATURAL RESOURCES  
MANAGEMENT  
DELEGATE OF THE MINISTER



FILE

6



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## Spatial Planning

To : Manager: Land Use Management  
From : Manager: Spatial Planning  
Reference : Farm 1037/1, Stellenbosch  
LU No : LU/13144  
Date : 28 September 2022  
Re : Application for subdivision, consolidation and departure on Farm 1037/1, Stellenbosch

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES  
  
29 SEP 2022  
  
**RECEIVED**

POST  
F 1037/1 S  
736198

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

Application is made for the following:

- Subdivision into 3 portions of Portion A (±10ha), Portion B (±11ha) and a Remainder (±2.2ha) respectively.
- Consolidation of Portion B (±11ha) with Farm 1037/1, Stellenbosch Division (8,5929ha) to create a ±19,59ha farming unit.
- Permission required in terms of Section 211 of the Stellenbosch Municipality Zoning Scheme By-Law for a temporary departure for the conclusion of the mine closure and rehabilitation activities over a 7-year period.

**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 promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located outside the urban edge of the Stellenbosch node and within the rural area of Stellenbosch. In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.

- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

**2) Supported / not supported:**

This department therefore supports the application subject to the condition that agricultural use must be the primary use on the property.

In our view, the will have a positive effect on the surrounding farms as well.



**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**

File

22



Western Cape Government

Department of Environmental Affairs and Development Planning

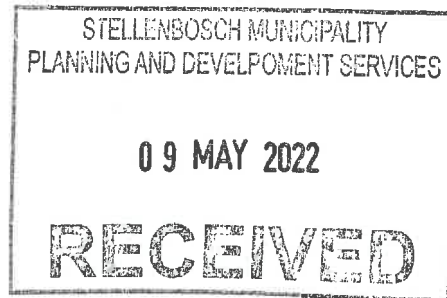
Helene Janser

Directorate: Development Management (Region 2)

Helene.Janser@westerncape.gov.za | Tel: 084 585 2000

Reference: 15/3/2/12/BS2

Virdus Works (Pty) Ltd  
77 Buitekring, Dalsig  
STELLENBOSCH  
7600



FOR ATTENTION: DUPRE LOMBAARD

**REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR THE SUBDIVISION & CONSOLIDATION: PORTION 1 AND THE REMAINDER OF STELLENBOSCH FARM UITSPAN NO. 1037, STELLENBOSCH DIVISION**

1. Your request for comment, dated 29 April 2022, has reference.
2. The application as submitted by Virdus Works is for the following:
  - o The subdivision of Farm 1037, Stellenbosch Division into three portions, namely Portion A (±10ha), Portion B (±11ha) and a Remainder Road (±2,2ha).
  - o The consolidation of Portion B (±11 ha) with Portion 1 of Farm 1037, Stellenbosch Division (8,5929ha) to create a ±19,59ha farming unit.
3. The proposed subdivision has already been approved by the National Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970 and constitutes a boundary adjustment with no effect on the agricultural environment.
4. As such, this Directorate has no objection to the proposed subdivision and consolidation from a provincial land use planning perspective.

FILE NR:	
SCAN NR:	
COLLABORATOR NR:	F 1037/1 S
	729513

Kind regards

Kobus Munro

Digitally signed by Kobus Munro  
Date: 2022.05.06 11:48:03 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)