



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11997

Our File Reference Number: Farm 1440 & 334/17, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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**PER E-MAIL:** [clifford@tv3.co.za](mailto:clifford@tv3.co.za)

Sir

## **APPLICATION FOR SUBDIVISION AND CONSOLIDATION ON FARMS 1440 & 334/17, 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 applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 1440, Stellenbosch Division, namely:
    - (a) Subdivision of Farm 1440, Stellenbosch Division into two portions namely: Portion 1 (±8ha) and a remainder (±133ha) in accordance with Subdivision plan No. D2002 dated 14 May 2020 in terms of Section 15(2)(d) of the said by-law;
    - (b) Consolidation of Portion 1 with Farm 334/17, Stellenbosch Division to form a unit of ±16ha in terms of Section 15(2)(e) of the said by-law.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

### 3. **Conditions of approval**

- 3.1 That this approval applies only to the subdivision and consolidation approval in question as per subdivision Plan D2002 dated 14 May 2020 and shall not be construed as authority to depart from any legal prescriptions or requirements;
- 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 land use;
- 3.3 An electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG must be submitted with the following information indicated:
- Newly allocated Erf Numbers
  - Co-ordinates
  - Survey Dimensions
- 3.4 Portion 1 must be consolidated with Farm 334/17, Stellenbosch Division
- 3.5 The access at ±km3.55 shall be permanently closed, the gate removed and replaced with permanent fencing;
- 3.6 Permanent legal access to remainder Farm 1440, Stellenbosch Division shall be guaranteed as follows:
- a) If there's to be separate ownership of the two newly created properties, then a servitude road over the consolidated Portion 1 & Farm 334/17, Stellenbosch Division in favour of Remainder Farm 1440 Stellenbosch Division shall be registered simultaneous with the registration of two properties;
  - b) If common ownership is to remain, the registration of servitudes will not be possible, however, the proposed servitude shall be noted on the Surveyor General drawings and caveats noted on the title deeds of the respective properties to ensure that in the event that either properties changes ownership in future, the required servitude guaranteeing permanent, legal and unfettered access is in place.

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

- 4.1 The application is a minor boundary adjustment between two properties and will not create any additional farm portions or change the zonings of the farms, nor will it create any new or additional development rights.
- 4.2 The application will not undermine the application area's agricultural potential or lead to any loss of agricultural land or amenities.
- 4.3 The Department of Agriculture has approved the application i.t.o. Act 70 of 1970. The Department of Transport and Public Works has approved the application i.t.o. Act 21 of 1940.

5. 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.

6. 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.

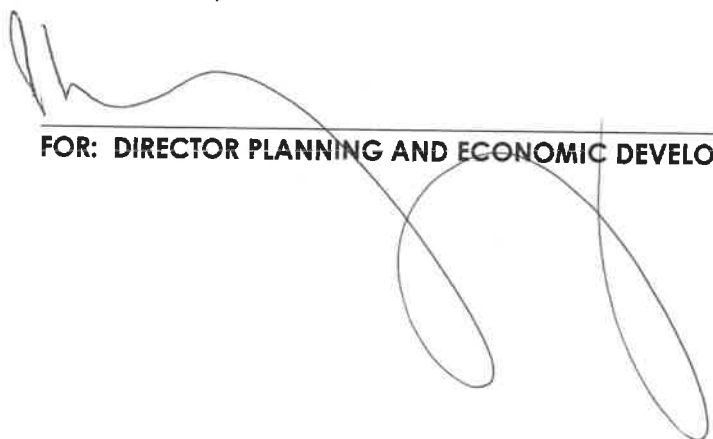
(c) The grounds of the appeal which may include the following grounds:

- (i) That the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

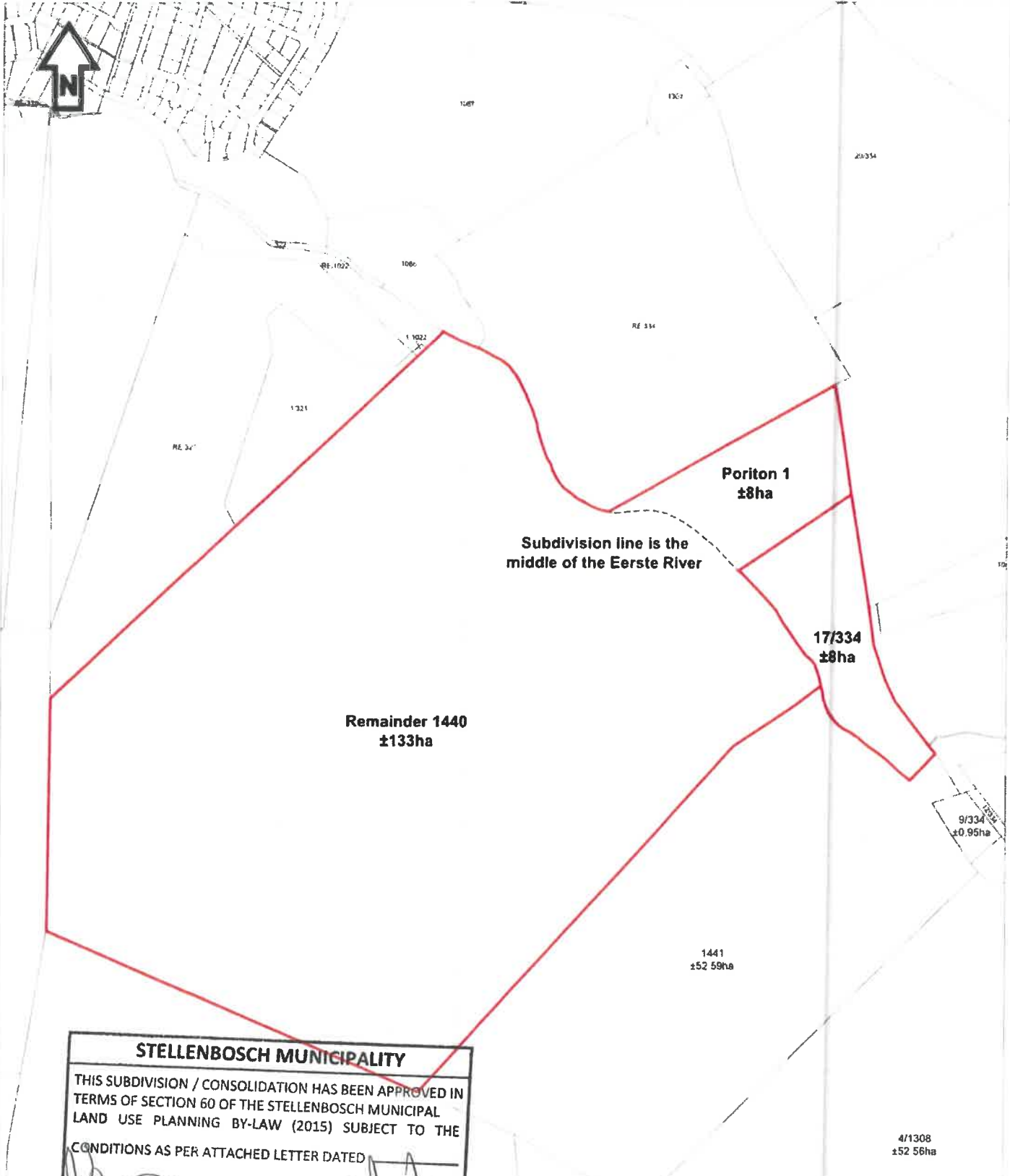
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
  - (d) whether the appeal is lodged against the whole decision or a part of the decision;
  - (e) if the appeal 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.
7. 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)
8. An applicant 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.
9. 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>).

10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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**

  
**DATE:**



**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  
 30/3/2021  
 AUTHORIZED EMPLOYEE/MPT

Application is made for:  
 1: The subdivision of Farm 1440, Stellenbosch into a  
 Remainder (±133ha) and a Portion 1 (±8ha); and  
 2: The consolidation of Portion 1 with Farm 334/17,  
 Stellenbosch.

**tv3**  
 ARCHITECTS AND TOWN PLANNERS  
 First Floor - La Gratitude Office Building  
 97 Dorp Street - Stellenbosch 7600  
 tel (021) 861 3800  
 fax (021) 862 8025  
 e-mail stel@tv3.co.za  
 web www.tv3.co.za

**Jonkersdrift**  
 Property Description:  
 Farms 17/334 & 1440, Stellenbosch

Drawing:	Subdivision & Consolidation Plan	Plan no.	4
Date	14/05/2020	Scale	1:10 000 (A4)
Project no.	D2002	Drawn	WH
		Checked	CH