



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15358 (TP312/2023)

Our File Reference Number: Farm 1537 & 1537/2, 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 FOR SUBDIVISION AND CONSOLIDATION ON FARM 1537 & 1537/2, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 Permission required in terms of restrictive title deed conditions contained in Deed of transfer No. T05023/2022 (Condition H2) in order to facilitate the proposed subdivision and consolidation on Farm 1537/0 & 2, Stellenbosch Farms. The restrictive title deed conditions (as held in the Title Deed No. T05023/2022(Condition H2)) reads as follows:
 - a) Die grond nie verder onderverdeel of konsolideer word sonder die skriftelike goedkeuring van die Beherende Gesag soos omskryf in Wet 21/1940 opgerig word nie;
 - BE GRANTED.**
 - 2.2 That the following application in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm 1537/0 & 2 Stellenbosch Division, namely:
 - 2.3 **Subdivision** in terms of Section 15 (2) (d) of the said By-law, of Farm 1537/0 into:
 - i. Portion A (± 1 ha in extent)
 - ii. Remainder (± 22 ha in extent)
 - 2.4 **Consolidation** in terms of Section 15 (2) (e) of the said by-law, of
 - i. Subdivided Portion A with Farm 1537/2

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 proposed subdivision and consolidation under consideration as indicated on subdivision and consolidation plan referenced as Ref:SA1537-2, drawing SUBD-MONO, drawn by fbv land surveyors, dated 27/01/2023 (See **Annexure D**); and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 The development must be undertaken in accordance with the subdivision and consolidation Plan referenced as Ref:SA1537-2, drawing SUBD-MONO, drawn by fbv land surveyors, dated 27/01/2023 attached as **Annexure D** to this report.
- 3.3 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.
- 3.4 The Surveyor General approved diagrams of the newly created units must be submitted to the Stellenbosch Municipality for clearance and record purposes.
- 3.5 The consolidation of the subject properties needs to be simultaneously registered with the subdivided properties.

The reasons for the above decision are as follows:

- 3.6 The proposed application will not result in the fragmentation of agriculture land and have no negative impact on the surrounding properties or character of the area.
- 3.7 Sufficient services and safe access could be provided to the proposed units.

Matters to be noted:

- 3.8 The conditions imposed by the Department: Agriculture, Land Reform & Rural Development as contained in their letter dated 16 March 2023, attached as **Annexure H**, be complied with.
- 3.9 Condition E1 as held in Deed of transfer No. T05023/2022 is not applicable to this application as Portion 2 of Farm 1537 is not being subdivided. And condition (I) E1 as held in Deed of transfer No. T46410/2015 is only referring to the figure AyzM on diagram S.G. Number 3401/2009 which is not applicable to the proposed subdivision and consolidation.

4. 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.
 5. 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
 6. Reference to this correspondence and the relevant property details on which the appeal is submitted.
 7. 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.
- 7.1 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 7.2 If the appeal is lodged against a part of the decision, a description of the part.
 - 7.3 If the appeal is lodged against a condition of approval, a description of the condition.
 - 7.4 The factual or legal findings that the appellant relies on.
 - 7.5 The relief sought by the appellant.
 - 7.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 7.7 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.

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 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
11. 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.
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 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

17/1/2024
DATE

ANNEXURE D:
PROPOSED SUBDIVISIONAL & CONSOLIDATION PLAN

RE/1166

RE/529

REM. STELLENRUST ROAD No. 1053

1/1537

2/1537

Consolidate
81.85

PTN. A
1Ha

Remainder
1537

1/1291

RE/537

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

2023

17/1/2024

AUTHORISED EMPLOYEE/MPT

18/537

17/537

9/537

1392

1392

Notes:

1. The figure ABCD represents Portion A measuring 1 hectare.
2. Portion A to be consolidated with Portion 2 of the Farm No. 1537.

Caveat

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



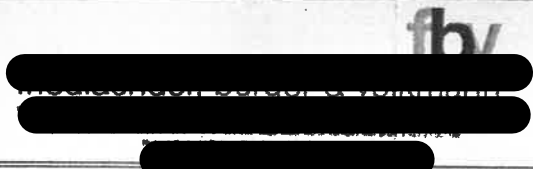
Scale 1:4000

Date:27/01/2023

Contours:N/A

System: WG 19

PROPOSED SUBDIVISION OF REMAINDER FARM
No. 1537 AND CONSOLIDATION OF PORTION A
WITH PORTION 2 OF FARM No. 1537
STELLENBOSCH



Ref:SA1537-2

Dwg:SUBD-MONO

ANNEXURE H:
COMMENT FROM THE DEPARTMENT: AGRICULTURE, LAND REFORM
& RURAL DEVELOPMENT



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: MotseiM@Dalrrd.gov.za or WonderH@Dalrrd.gov.za
Enquiries: Helpdesk Ref: 2023_02_0074

Emile Van Der Merwe Town Planning Consultants
P. O. Box 204
STELLENBOSCH
7599

For attention: Emile van der Merwe

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT
70 OF 1970: REMAINDER OF THE FARM AUDACIA ESTATE NO. 1537, DIVISION OF
STELLENBOSCH; WESTERN CAPE PROVINCE**

Your letter bearing reference Portion 2 of Farm 1537 Stellenbosch Division dated 15 February 2023 refers.


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

Consent no. ...**57233**... issued in terms of section 4 of the act is enclosed in duplicate.

To facilitate registration, the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents.

Kindly note that the properties concerned are subject to the provisions of the Conservation of Agricultural Resources Act 1983 (Act 43 of 1983).

Yours faithfully


MS T.S. CHIPETA
**CHIEF DIRECTOR: NATURAL RESOURCES AND
DISASTER MANAGEMENT**
DELEGATE OF THE MINISTER
DATE: **16/03/2023**

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



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2023_02_0074

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

57233

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform and Rural Development, 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 AUDACIA ESTATE NO.1537, IN EXTENT 23,8844, DIVISION OF STELLENBOSCH; WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED

The subdivision of the above-mentioned agricultural land into two portions, measuring approximately 1 hectares and 22,8844 hectares respectively represented by the figures marked Portion A and Remainder as shown on the sketch plan attached.

PARAGRAPH 3: CONDITIONS PEODDERVALLEYRTAINING TO THIS CONSENT

- 3.1 Simultaneously with registration of transfer, a portion measuring approximately 1 hectares (Portion A) must be consolidated with Portion 2 of the Farm Audacia Estate No. 1537, in extent 1,2195 hectares.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent does not exempt the property from the provisions 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.
- 3.4 This consent is valid for 5 years from date of 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.

16/03/2023

DATE

MS T. S CHIPETA
CHIEF DIRECTOR: NATURAL RESOURCES
AND DISASTER MANAGEMENT
DELEGATE OF THE MINISTER

