



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13106

Our File Reference Number: Farm 345/16 and Farm 345/20, Stellenbosch Division

Your Reference Number: SA401

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

**PER E-MAIL:** [REDACTED]

Sir / Madam

## **APPLICATION FOR A SUBDIVISION AND CONSOLIDATION: FARM 345/16 AND FARM 345/20, 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 application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 345/16 & Farm 345/20 Stellenbosch farms, namely:
    - 2.1.1 **Subdivision** of Farm 345/16, Stellenbosch farms into Portion A ( $\pm 1.60$  ha in extent) and Remainder ( $\pm 85$  ha in extent),
    - 2.1.2 **Consolidation** of the subdivided Portion A with Farm 345/20, Stellenbosch farms.

**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 The approval applies only to the proposed subdivision and consolidation under consideration as indicated on Subdivisional Plan Referenced SA345-20, drawn by Friedlaender, Burger & Volkmann, dated 14 August 2020 (See **Annexure C**); 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 Subdivisional and Consolidation Plan Referenced SA345-20, drawn by Friedlaender, Burger & Volkmann, dated 14 August 2020 attached as **Annexure C** to this report.

3.3 The Surveyor General approved diagrams of the newly created units must be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.

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

4.1 The proposed subdivision and consolidation will not result in land use activity that is out of character with the surrounding properties.

4.2 Sufficient services and safe access could be provided to the subdivided portions.

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. 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.

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**

16/10/2022  
DATE:

## **ANNEXURE C: SUBDIVISIONAL & CONSOLIDATION PLAN**

# ANNEXURE B

Remainder  
Portion 16  
Farm No. 345  
±85 ha

11/345

20/345  
±2,02 ha

CONSOLIDATE

Portion A  
±1,6Ha

Stormwater Furrow  
servitude

15/345

5/345

19/345

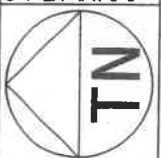
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**STELLENBOSCH MUNICIPALITY**

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 18/10/2022

AUTHORISED EMPLOYEE/MP/ *[Signature]*

Old quarry

<p>Notes: Portion A to be consolidated with Portion 20 of the Farm No. 345 Stellenbosch</p>		<p>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.</p>	<p>Scale 1:1500</p>	<p>Date: 14/08/2020</p>	<p>Contours: N/A</p>	<p>System: WG 19</p>
<p>Proposed subdivision of Portion 16 &amp; consolidation with Portion 20 of the Farm No. 345 Stellenbosch</p>			<p>Ref: SA345-20</p>	<p>DWG: PROPOSED SUB-MONO</p>	<p>fridlaender_burzer_vollmaas</p>	