



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13942

Our File Reference Number: Farm 373/16, 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 IN ORDER TO REGISTER AN ENGINEERING SERVICES SERVITUDE ON FARM 373/16, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 23 September 2022 resolved as follows:

2.1 That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for **Subdivision** in order to register an engineering services servitude on Farm 373/16, Stellenbosch Division in favour of Westruther Estate;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 2.2.1 The approval only applies to the subdivision application under consideration for the registration of an engineering services servitude, as indicated on the referenced Servitude Diagram, Plan no: 2 drawn by WH (TV3 Architects) and dated 22/11/2021, attached as **Annexure C** and 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.

2.2.2 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 use.

2.2.3 The development be undertaken in accordance with the Servitude Diagram, Plan no: 2 drawn by WH (TV3 Architects) and dated 22/11/2021, attached as **Annexure C**.

2.2.4 An electronic copy (shp, dwg, dxf) of the approved Servitude Diagram be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicates the following information:

- a) Co-ordinates;
- b) Survey dimensions.

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

3.1 The proposed engineering services servitude will be mainly accommodated within the existing extent of the private right of way servitude with an addition of a new 6m wide private engineering services servitude.

3.2 The proposed private engineering services servitude will have a limited impact on the surrounding properties and provides basic services to residents in a private estate with minimal significance to Stellenbosch Municipality.

4. Matters to be noted

4.1 Appropriate caution shall be taken during construction, to prevent damage to existing infrastructure, service cables and electrical equipment. Should damage occur, the applicant will be liable for the cost involved in repairing damages.

4.2 All electrical work to comply with SANS142 and Municipal electrical Bylaws.

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:

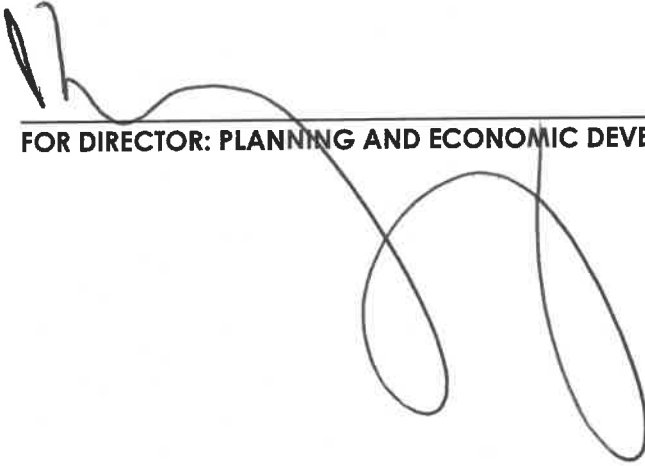
- (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (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
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

4/10/2022
DATE:

COPIES TO:



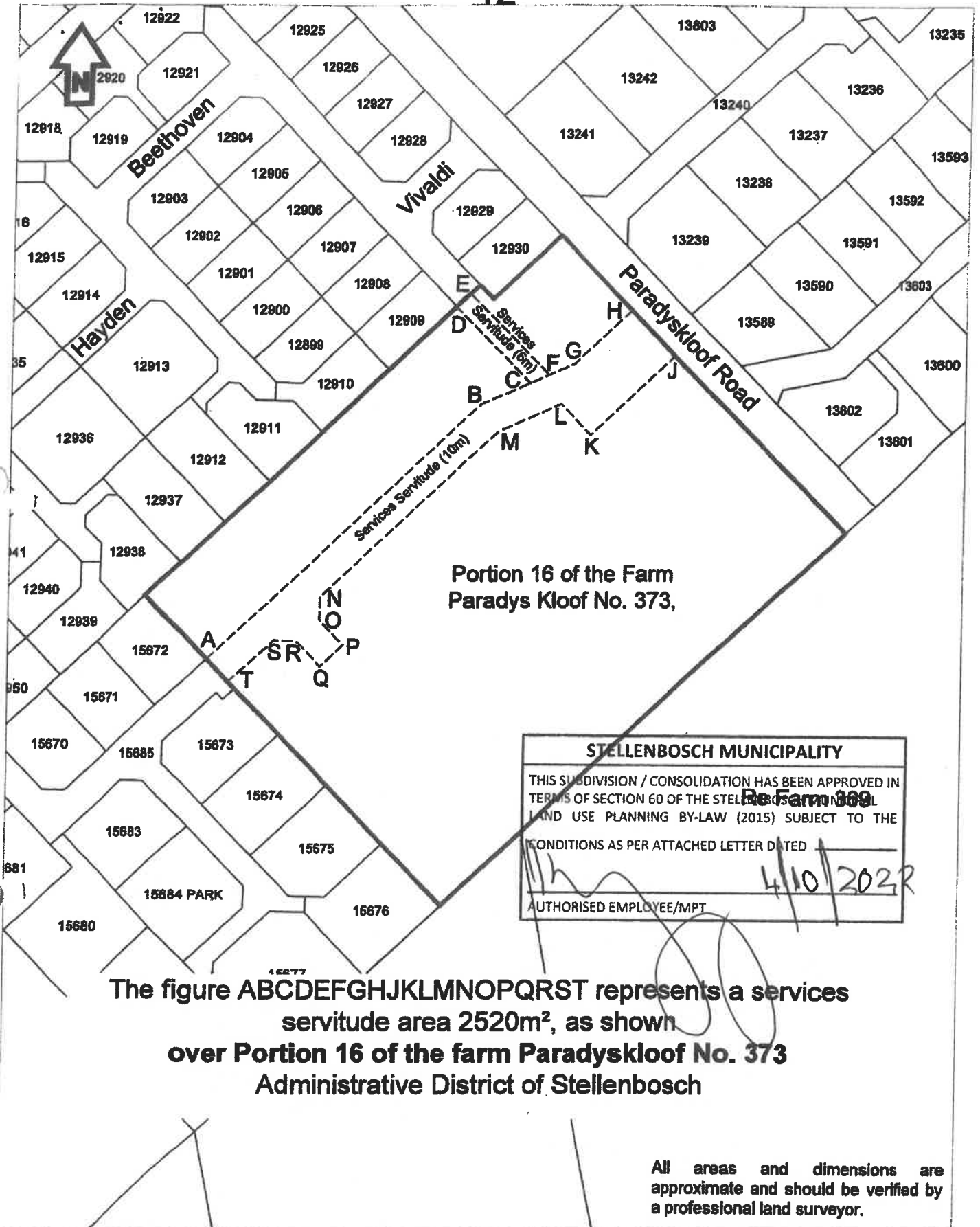


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ANNEXURE C

SUBDIVISIONAL PLAN (SERVITUDE DIAGRAM)



Portion 16 of the Farm
Paradys Kloof No. 373,

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

4/10/2021

AUTHORISED EMPLOYEE/MPT

The figure ABCDEFGHJKLMN¹⁵⁶⁷⁷OPQRST represents a services
servitude area 2520m², as shown
over Portion 16 of the farm Paradyskloof No. 373
Administrative District of Stellenbosch

All areas and dimensions are
approximate and should be verified by
a professional land surveyor.

tv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DOORP STREET
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

Westruther Estate

Property Description:
Portion 16 of Farm 373, Stellenbosch

Drawing:	Plan no.:	
Servitude Diagram	2	
Date:	Scale:	
22/11/2021	1:1500 (A4)	
Project no.:	Drawn:	Checked:
3480-P	WH	CH