



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13349

Our File Reference Number: Farm 401/1, Stellenbosch Division

Your Reference Number: SA401

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: FARM 401/1, FARM 402/19, FARM 1594 AND FARM 1378/1, 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 401/1, Farm 402/19, Farm 1594 & Farm 1378/1 Stellenbosch Division Stellenbosch, namely:
 - 2.1.1 **Subdivision** of Farm 1378/1, Farm 402/19, Farm 1594 into Portion A (± 1.28 ha), B (± 2.22 ha) and C (± 5.86 ha) accordingly.
 - 2.1.2 **Consolidation** of the subdivided Portion A and B with Farm 401/1 and the Consolidation of subdivided Portion C with the Remainder of Farm 402/19.

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 under consideration as indicated on Subdivisional Plan Referenced Sub and Consol -REV2_MONO, drawn by Friedlaender, Burger & Volkmann, dated May 2019 (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 Plan Referenced Sub and Consol -REV2_MONO, drawn by Friedlaender, Burger & Volkmann, dated May 2019, attached as **Annexure C**.
- 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.
- 3.4 The conditions stipulated by the Department of Agriculture, Forestry & Fisheries, be adhered to (**See Annexure F**).

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

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

23/9/2022

DATE:

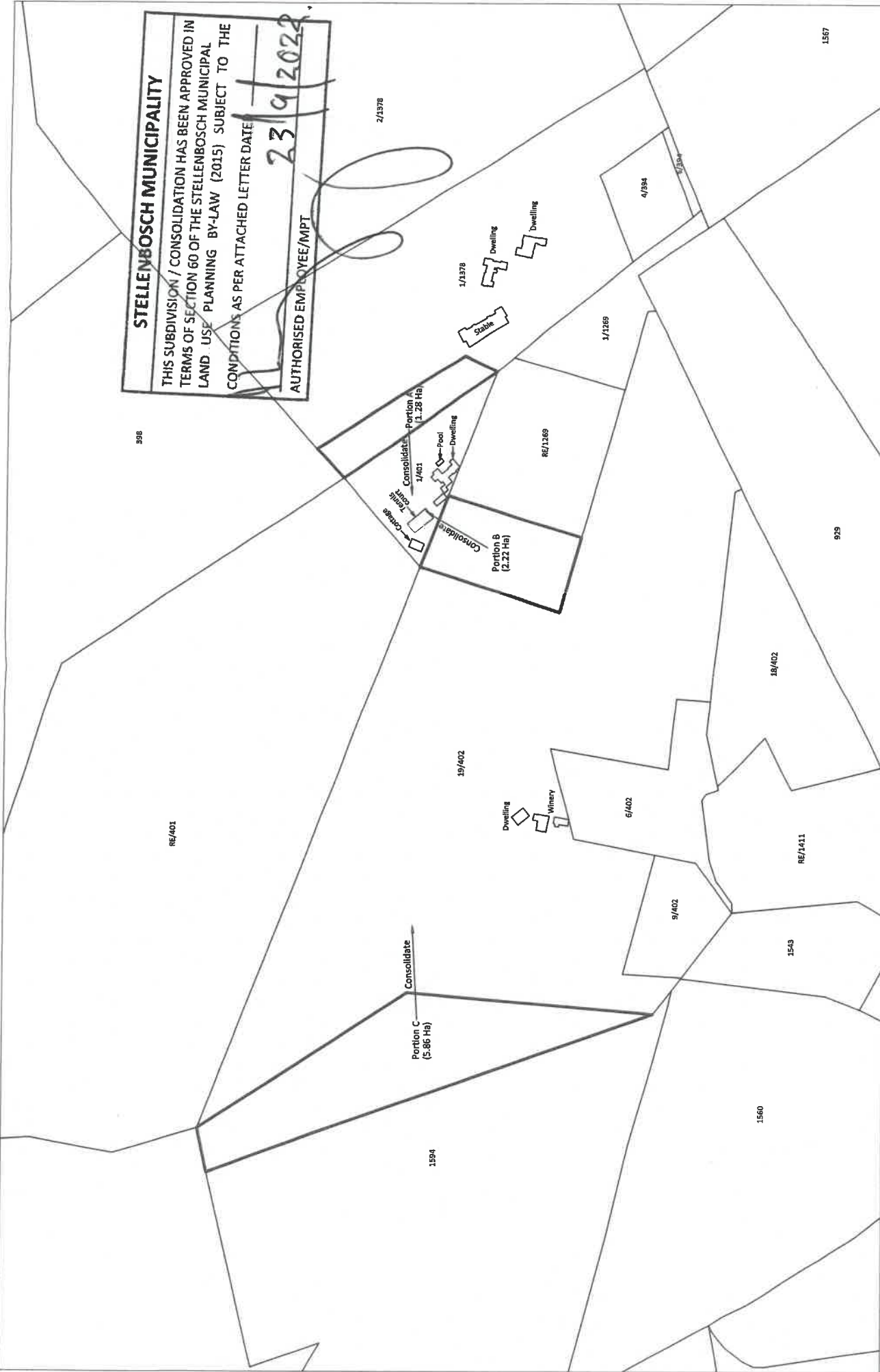
ANNEXURE C: SUBDIVISION & CONSOLIDATION PLAN

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 DATE

23/9/2022

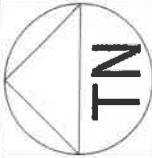
AUTHORISED EMPLOYEE/MPT



<p>Notes:</p> <ol style="list-style-type: none"> 1. Portion A subdivided off Portion 1 of Farm No. 1378, Stellenbosch. 2. Portion B subdivided off Portion 19 of Farm No. 402, Stellenbosch. 3. Portion C subdivided off Portion Farm No. 1594, Stellenbosch. 4. Portions A & B consolidated with Portion 1 of Farm No. 401, Stellenbosch. 5. Portion C to consolidated with Portion 19 of Farm No. 402, Stellenbosch. <p>—— - Proposed Subdivision Line —— - Cadastral Boundary</p>	<p>Caveat</p> <ol style="list-style-type: none"> 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>Scale 1: 5000 @ A3</p>	<p>Date: May 2019</p>	<p>Contours: N/A</p>	<p>System: WG 19</p>
		<p>Proposed Subdivisions & Consolidations</p> <p>Portions & Farms 401/1, 402/19, 1378/1 & 1594 Stellenbosch</p>		<p>Ref: SA401-1[B] Dwg: sub and consol-REV2_MOND</p>	



friedlaender, burger & volkmann
 FOURIEDERS, LONG STREET, 6010, STELLENBOSCH, WESTERN CAPE



**ANNEXURE F: COMMENT: DEPARTMENT OF AGRICULTURE,
FORESTRY & FISHERIES**



**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, Email: Thokob@nda.agric.za
Enquiries: Helpdesk Ref: 2020_01_0072

Friedlaender, Burger & Volkmann
P. O. Box 154
STELLENBOSCH
7599

For attention: D.P. Burger

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT 70 OF 1970:
PORTION 19 OF FARM NO. 402, PORTION 1 OF FARM NO. 1378 AND FARM NO. 1594,
WESTERN CAPE PROVINCE**

Your letter bearing reference SA401-1 dated 1 December 2019 refers.

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

Consent No. **55182**.... 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 for registration.

Yours faithfully

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

DATE:

18/03/2020

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000

CC: Land Use and Soil Management, Private Bag x2, SANLAMHOF, 7532

CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607



agriculture, forestry & fisheries

Department:
Agriculture, forestry & fisheries
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2020_01_0072

TOESTEMMING

KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGROND, 1970

CONSENT

IN TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970

55182

By virtue of the powers delegated to me by the Minister of Agriculture Forestry & 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

- 1.1 PORTION 19 OF THE FARM NO. 402, IN EXTENT 36,7543 HECTARES;
- 1.2 PORTION 1 OF THE FARM NO. 1378, IN EXTENT 15,1567 HECTARES; AND
- 1.3 THE FARM NO. 1594, IN EXTENT 38,8266 HECTARES, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED

- 2.1 The subdivision of the agricultural land mentioned in subparagraph 1.1 into two portions measuring approximately 2,22 hectares and 34,52 hectares respectively represented by the figure marked Portion B and Rem 19/402 as shown on the sketch plan attached.
- 2.2 The subdivision of the agricultural land mentioned in subparagraph 1.2 into two portions measuring approximately 1,28 hectares and 13,83 hectares respectively represented by the figure marked Portion A and Rem 1/1378 as shown on the sketch plan attached.
- 2.3 The subdivision of the agricultural land mentioned in subparagraph 1.3 into two portions measuring approximately 5,86 hectares and 32,14 hectares respectively represented by the figure marked Portion C and Rem 1594 as shown on the sketch plan attached.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

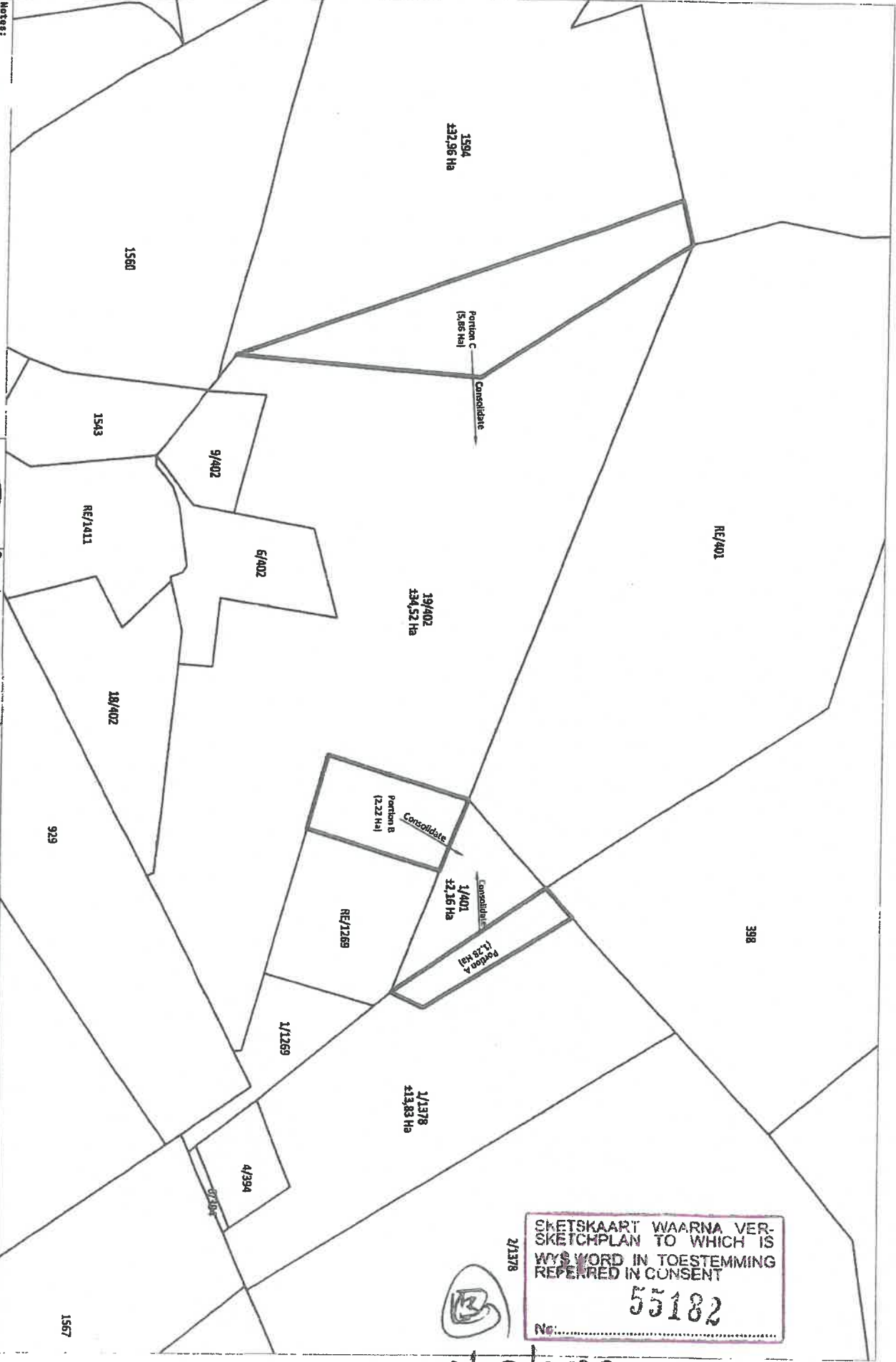
- 3.1 Simultaneously with registration of transfer of the portion measuring approximately 34,52 hectares (Rem 19/402) must be consolidated with the portion measuring approximately 5,86 hectares (Ptn C).
- 3.2 Simultaneously with registration of transfer the portion measuring approximately 2,22 hectares (Portion B) must be consolidated with:
 - (i) the portion measuring approximately 1,28 hectares (Ptn A); and
 - (ii) Portion 1 of the farm Rosendal No. 401, in extent 2,1590 hectares, Division Stellenbosch, Western Cape Province.

- 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 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.
- 3.5 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.

18/03/2020
DATE



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



- Notes:
1. Portion A subdivided off Portion 1 of Farm No. 1378, Stellenbosch.
 2. Portion B subdivided off Portion 19 of Farm No. 402, Stellenbosch.
 3. Portion C subdivided off Portion Farm No. 1594, Stellenbosch.
 4. Portion A & B consolidated with Portion 1 of Farm No. 401, Stellenbosch.
 5. Portion C to consolidated with Portion 19 of Farm No. 402, Stellenbosch.
- Proposed Subdivision Line
 - - - - - Cadastral Boundary



Gavaat

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

Scale 1 : 5000 @ A3 Date: 26/09/2019

Proposed Subdivisions & Consolidations

Portions & Farms 401/1, 402/19, 1378/1 & 1594 Stellenbosch

Drawn by: [Redacted]

Checked by: [Redacted]

System: WG 19

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 SKETCHPLAN TO WHICH IS
 WYS WORD IN TOESTEMMING
 REFERRED IN CONSENT

55182

No:.....



18/03/2020