



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14643 (TP64/2022)

Our File Reference Number: Farm 81/33, Stellenbosch

Your Reference Number:

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 THE AMENDMENT OF THE SUBDIVISION PLAN OF PORTION 33 OF THE FARM CLOETESDAL NO. 81, STELLENBOSCH**

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 Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm 81 Portion 33, Stellenbosch for the amendment of the approved Subdivision Plan in terms of Section 15(2)(k) of the said by-law.

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

3. The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:
  - 3.1 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.
  - 3.2 The approval applies only to the application under consideration, as indicated on the Subdivision & Zoning Plan, Plan No: Farm 81/33-11-2022, Dated: 17-08-2022, drawn by TV3, attached as **Annexure B** and shall 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.

- 3.3 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
  - 3.4 The conditions of approval as imposed by the Directorate Infrastructure Services in their memo dated 25 October 2022, be complied with, as attached as **Annexure C**.
  - 3.5 The conditions of approval as imposed by the Department Transport & Public Works: Roads in their letter dated 8 June 2021, be complied with, as attached as **Annexure D**.
  - 3.6 The proposed subdivided portions within each phase be provided with an electrical connection and pro-rata electrical fees are payable per phase prior to these erven being connected to the electrical grid.
  - 3.7 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
    - a. Newly allocated erf numbers
    - b. Co-ordinates
    - c. Survey dimensions
    - d. Street numbering
  - 3.8 A detailed site development plan with a detailed landscaping plan be submitted for each precinct which specifically addresses the typical residential units to be developed within the precinct, the landscaping to be implemented within the common areas such as the open space areas, road reserve and the NMT areas that are located within each precinct submitted for approval.
  - 3.9 The development be undertaken in accordance with the Subdivision & Zoning Plan, Plan No: Farm 81/33-11-2022, Dated: 17-08-2022, drawn by TV3, attached as **Annexure B**.
4. The reasons for the above decision are as follows:
- 4.1 The amendment of the Subdivision Plan will allow the developer to provide affordable (FLISP) housing opportunities as instructed by the MPT's planning approval.
  - 4.2 The proposal will not result in the total number of residential units in Phases F and H being increased.

- 4.3 The proposal will not result in the total number of residential units in Phases F and H being increased but only facilitate the development of FLSP residential units in compliance with the recommendation made by the MPT in the approval granted.
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.

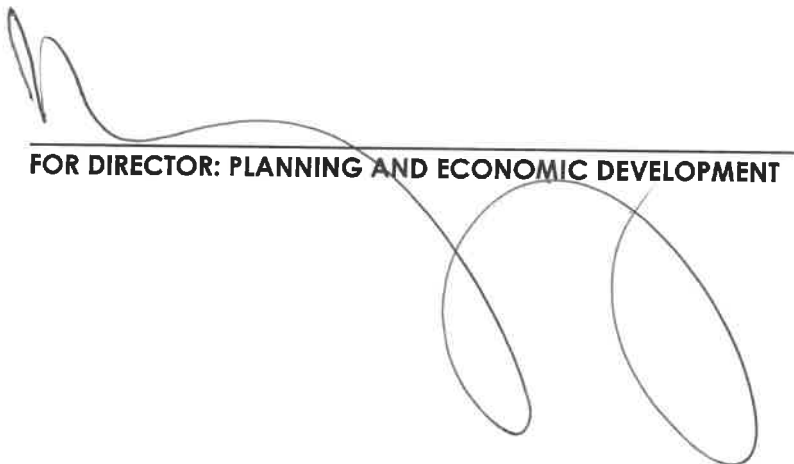
(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

14/11/2022  
DATE:



**STELLENBOSCH**  
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## **ANNEXURE B**

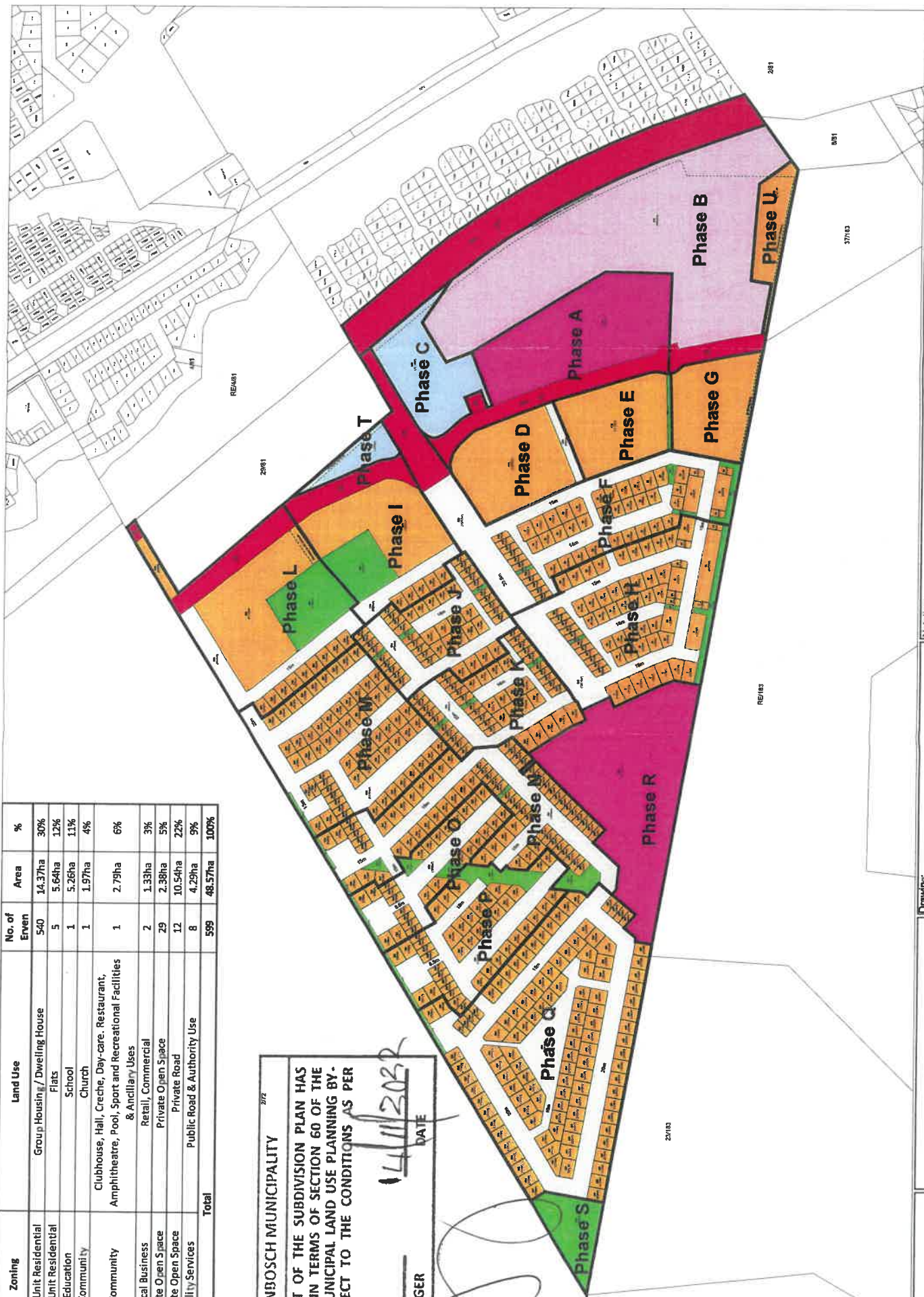
Annotation	Erf Number	Zoning	Land Use	No. of Even	Area	%
	1 - 539	Multi Unit Residential	Group Housing / Dwelling House	540	14.37ha	30%
	540 - 544	Multi Unit Residential	Flats	5	5.64ha	12%
	545	Education	School	1	5.26ha	11%
	546	Community	Church	1	1.97ha	4%
	547	Community	Clubhouse, Hall, Creche, Day-care, Restaurant, Amphitheatre, Pool, Sport and Recreational Facilities & Ancillary Uses	1	2.79ha	6%
	548 - 549	Local Business	Retail, Commercial	2	1.33ha	3%
	550 - 578	Private Open Space	Private Open Space	29	2.38ha	5%
	579 - 590	Private Open Space	Private Road	12	10.54ha	22%
	591 - 598	Utility Services	Public Road & Authority Use	8	4.29ha	9%
		<b>Total</b>		<b>599</b>	<b>48.57ha</b>	<b>100%</b>

STELLENBOSCH MUNICIPALITY  
 2/72

THIS AMENDMENT OF THE SUBDIVISION PLAN HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

14/11/2022  
 DATE

MUNICIPAL MANAGER



Notation:  
 • All areas and dimensions are approximate and should be verified by a professional land surveyor.  
 • This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved

Cadastral information obtained from Surveys and Mapping (DRDLR).  
 Aerial Photography obtained from Surveys and Mapping (DRDLR).  
 Urban design done by Osmond Lange Architects.  
 Road design done by UDS Africa.  
 Sanctitudes done by BSI.

Drawing: Proposed Subdivision & Zoning Plan  
 Date: 17/08/2022  
 Plan no.: 81/33-11-2022  
 Project no.: 3629-P  
 Drawn: WH  
 Checked: JVR

newinbosch  
 N E I G H B O U R H O O D

ARCHITECTS  
 TOWN PLANNERS  
 URBAN DESIGNERS

TV3





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## **ANNEXURE C**





**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# **MEMORANDUM**

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag:** Nicole Katts  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 25 Oct 2022  
**Our Ref ▫ Ons Verw:** Civil LU 2409  
**Your Ref:** LU/14643 – TP64/2022  
**Re ▫ Insake:** Farm 81/33, Stellenbosch: Application is hereby made i.t.o. Section 15.2.(k) of the Stellenbosch Municipality Planning By-Law, 2015 for an amendment of the approved subdivision plan for Farm 81/33 Stellenbosch by the consolidation of a number of the erven within the approved subdivision plan.

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The application is recommended for approval, subject to the following:

- 1. Civil Engineering Services**
  - 1.1 Stormwater must be properly drained from each individual unit where there are no gaps between the units. The consulting engineer must indicate the stormwater drainage infrastructure on the detail design drawings.
  - 1.2 Our standard is that each individual erf may only have one water and one sewer connection. However, your proposal for individual connections for each unit on the sectional title erven can be considered by our Water Services department at detail design approval stage - the final decisions regarding the connections will be for their discretion.

**2. Development Charges (DCs)**

2.1 DCs remain payable as per the original approval conditions.

**3. Electrical Engineering**

3.1 Refer to Annexure: Electrical



**Tyrone King Pr Tech Eng**

**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2058 (TK) Farm 81-33 Stellenbosch (LU-10917) (Newinbosch)\2409 () Farm 81-33 Stellenbosch (LU-14643 TP64-2022), revised subdivision\2409 () Farm 81-33 Stellenbosch (LU-14643 TP64-2022).doc



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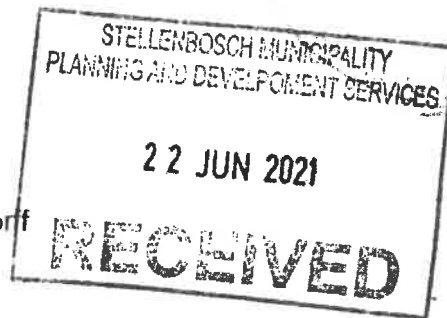
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## **ANNEXURE D**



**REFERENCE:** TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329)  
**ENQUIRIES:** Ms G Swanepoel  
**DATE:** 8 June 2021

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599



Attention: Mr Ulrich von Molendorff

Dear Sir

**PORTION 33 OF FARM 81, STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, ETC**

1. The following refer:
  - 1.1. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020;
  - 1.2. The email from TV3 Projects dated 22 September 2020;
  - 1.3. The letter LU/10313 from TV3 Projects (Pty) Ltd to you dated 22 June 2020;
  - 1.4. The Application 3629-P dated 11 December 2019 prepared by TV3 Projects and
  - 1.5. The Traffic Impact Assessment iCE/S/1286 dated 3 July 2020 prepared by iCE Group.
2. The application entails the development of  $\pm 1$  200 residential units, a  $\pm 5$  000m<sup>2</sup> GLA commercial area,  $\pm 40$  seats church and a school for  $\pm 2$  000 learners.
3. This Branch offers no objection to the land use application subject to the following conditions:
  - 3.1. The development is limited to:
    - 3.1.1.  $\pm 1$  200 residential units;
    - 3.1.2. Commercial ( $\pm 5$  000m<sup>2</sup> GLA);
    - 3.1.3. Church ( $\pm 40$  seats);

- 3.1.4. School ( $\pm 2\,000$  learners);
- 3.2. MR174 must be dualled between MR187 and MR27 as listed in the TIA above;
- 3.3. The upgrading of the MR174/Welgevonden Boulevard intersection must fit the final design of the dualling of MR174;
- 3.4. The existing accesses to Portion 33 of Farm 81 at  $\pm km 58.39$  and  $\pm km 58.12$  off MR174 must be closed permanently and the road reserve and fence reinstated;
- 3.5. The provision of traffic signals, dedicated turning lanes on the MR174-approaches (double right-turn lanes on the northern-approach and a left-turn lane on the southern approach) and access approach (double right lanes and a left-turn lane) must be provided in addition to the dualling of the MR174 at the RMR174/Access intersection at  $\pm km 57.83$ ;
- 3.6. Should the development become operational prior to the dualling of the MR174, the ultimate intersection lane layout as per the dualled MR174 must be implemented at the MR174/Access intersection;
- 3.7. Street lighting need to be installed along MR174 at the new access in accordance with the applicable standards of this Branch;
- 3.8. Traffic signals must be installed at the MR174/Sokuqala Street intersection in addition to the dualling of the R304;
- 3.9. New traffic signals on MR174 and may only be installed once warranted in terms of the South African Road Traffic Signs Manual (SARTSM) Volume 3;
- 3.10. The dualling of the MR174 at the Mr174/Masitandane Road intersection;
- 3.11. The dual access road off MR174 to the development must be located at  $\pm km 57.83$  and must include the eastbound carriageway over Portion 29 of Farm 81;
- 3.12. The access intersection on MR174 and the access road to the development must be constructed prior to the commencement of the construction of the development;
- 3.13. If already constructed the interim access road approximately 90m west of MR174 (centreline to centreline) to Portion 22 of Farm 81 off the dual carriageway access must be closed and replaced with the proposed internal access as indicated on the amended Site Development Plan attached to the letter LU/10313 from TV3 Projects to you dated 22 June 2020;
- 3.14. Public transport embayments must be provide downstream of the new access road intersection on MR174 in both directions;
- 3.15. All geometrics and materials design plans for road upgrades, signal installation and street lighting along MR174 after having been scrutinised by the affected Directorates at Stellenbosch Municipality must be submitted to the Chief Directorate: Design (Ms MK Hofmeyr – email: [melanie.hofmeyr@westerncape.gov.za](mailto:melanie.hofmeyr@westerncape.gov.za)) of this Branch for final approval.

- 3.16. All the necessary right of way servitudes must be in place before Section 20, 21 and 28 of the Stellenbosch Municipal and Land Planning By-Law (2015) clearance will be given for the proposed development;
- 3.17. All parking must be located inside the development and provided in accordance with the latest Zoning Scheme of Stellenbosch Municipality;
- 3.18. Under no circumstances will parking be allowed within the road reserve of MR174;
- 3.19. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained;
- 3.20. No services will be allowed within the 5m building line in terms of the Roads Ordinance 19 of 1976 and
- 3.21. Subdivision Condition Compliance Clearance must be provided by this Branch in terms of Sections 20, 21 and 28 of the Stellenbosch Municipal and Land Planning By-Law (2015) before occupation can be taken.
4. It is recommended that Stellenbosch Municipality meets with this Branch to discuss the dualling of MR174 between MR187 and MR27.
5. It is recommended that the 40m MR174 road reserve portion of Portion 33 of Farm 81 be subdivided and transferred to this Branch.
6. Please be reminded that this Branch still needs to approve the subdivision plan of Portion 33 of Farm 81 in terms of Act 21 of 1940 as this Branch is still the Road Authority for MR174 past the development.

Yours Sincerely



PP  
**SW CARSTENS**  
For DEPUTY DIRECTOR-GENERAL: ROADS

## ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))

2. UDS Africa

Attention: Ms Y Obermeyr (e-mail: [yolandi@udsafrika.co.za](mailto:yolandi@udsafrika.co.za))

3. TV3 Architects and Town Planners

Attention: Mr C Heys (e-mail: [clifford@tv3.co.za](mailto:clifford@tv3.co.za))

→ 4. District Roads Engineer

Paarl

5. Mr Elroy Smith (e-mail)

6. Mr SW Carstens (e-mail)

7. Mr H Thompson (e-mail)

8. Mr B du Preez (e-mail)

9. Planning Section