



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/ 9000

Our File Reference Number: Farm 1460/1

Your Reference Number:

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Per email: [david@dhaa.co.za](mailto:david@dhaa.co.za)

Dear Mr Hellig

## **APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR SUBDIVISION ON FARM 1460/1, PAARL DIVISION**

1. This Municipality's decision letter dated 6 August 2020, refers. This letter is the final letter after the appeal process.
2. The Appeal Authority resolved on 09 March 2022 that the appeal submitted against the refusal of the Authorised Decision Maker on 25 August 2020, in respect of the Remainder of Portion 1 of the Farm Deltameer No. 1460 (Unregistered Portions 81 and 82 of the farm Deltameer No. 1460), Paarl Division, **BE UPHELD** and that the subject decision **BE REVOKED** in terms of section 81(9)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. That the applications for the:
  - 3.1 Cancellation of unregistered subdivisional diagrams in respect of Portion 81 and Portion 82 of the Farm Deltameer No. 1460 Paarl Division in terms of Section 15(2)(k) of said bylaw; and

FARM 1460/1 PAARL DIVISION

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- 3.2 Subdivision in terms of Section 15(2)(d) of said bylaw of the Remainder of Portion 1 of the Farm Deltameer No. 1460 Paarl Division into:
- Portion A ( $\pm$  1, 25 hectares in extent),
  - Portion B ( $\pm$  11,58 hectares in extent), and
  - Remainder Road ( $\pm$  0.90 hectares in extent),
- which includes the servitudes as depicted in the subject subdivision plan No 3 Rev 7 and dated Sept 2018-Jan 2019.

**BE APPROVED SUBJECT TO CONDITIONS.**

4. Conditions of approval:
- 4.1 The approval only applies to the cancellation of subdivisional diagrams and the subdivision under consideration, as indicated on the subdivision plan No 3 Rev 7, attached as **Annexure A** 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.
- 4.2 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.
- 4.3 The development be undertaken in accordance with the subdivision plan No 3 rev 7 dated Sept 2018-Jan 2019 attached as **Annexure A**.
- 4.4 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 property numbers
  - b) Co-ordinates
  - c) Survey dimensions
- 4.5 The servitude rights as indicated on the subdivision plan be registered in the title deeds of the applicable properties on registration.
- 4.6 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

- 4.7 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
5. The above decision was made for the following reason(s) in terms of Section 81(7)(c) of the said By-law:
- 5.1 The application clearly shows that the utilisation will be exclusive for agricultural purposes on both envisaged portions.
- 5.2 The present use is exclusively for agricultural purposes.
- 5.3 There is no evidence that the intended subdivision will lead to urban expansion.
- 5.4 The norm for agricultural units has over time evolved and big tracts of land is no longer the norm for agricultural use.
6. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully

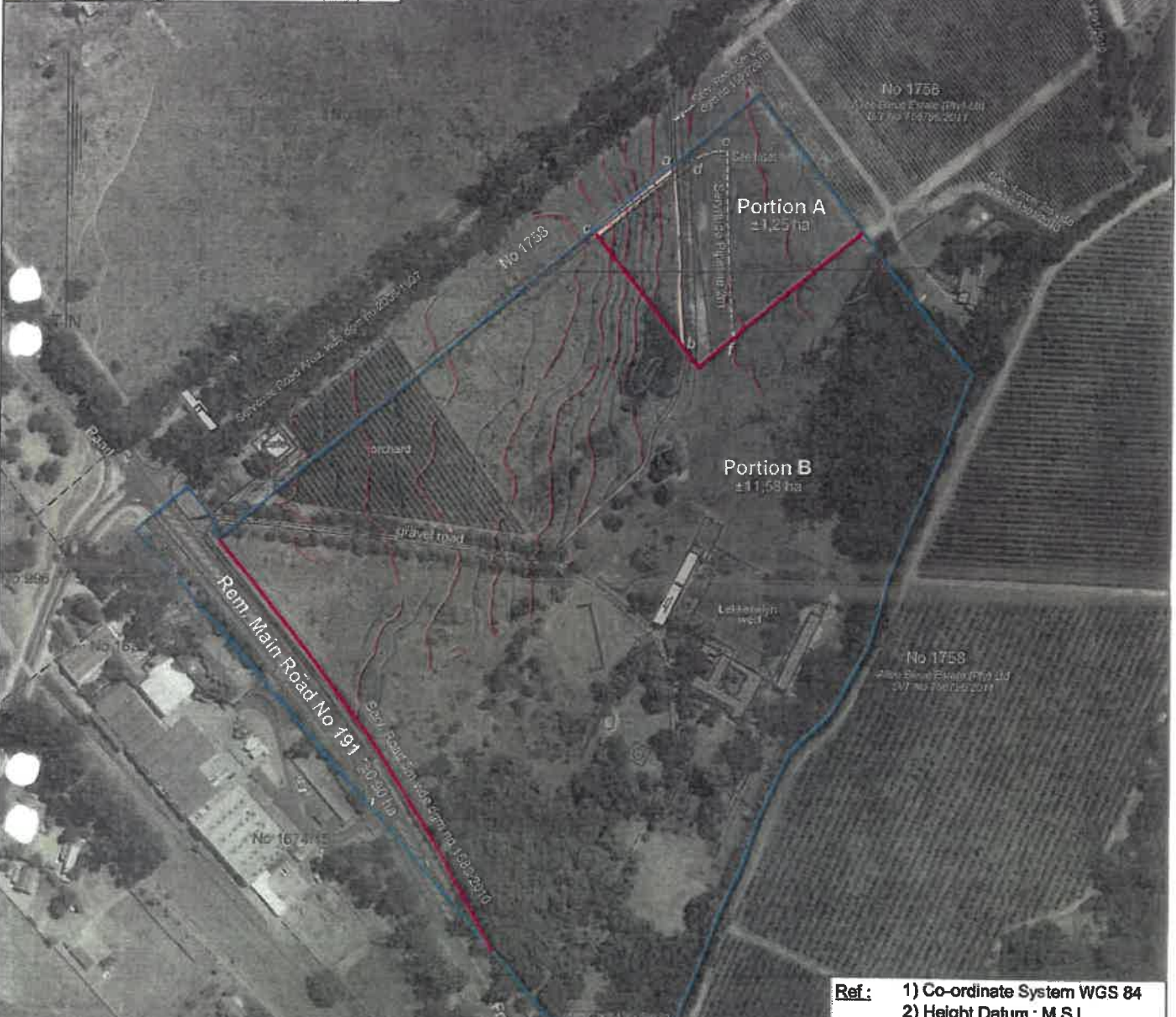
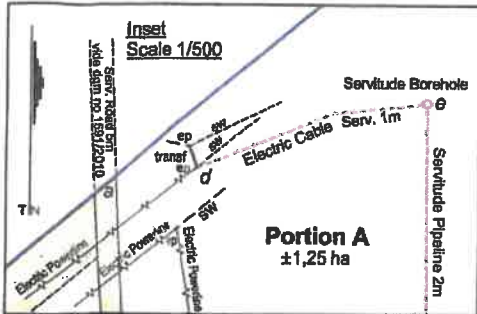


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**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

**DATE:** 11/03/2022

# ANNEXURE A



**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 11/03/2022

\_\_\_\_\_  
AUTHORISED EMPLOYEE/MPT

**Notes:**

- 1) The unregistered diagrams of Portions B1 and B2 of the Farm No 1460 Paarl are to be cancelled.
- 2) The Remainder of Portion 1 of the Farm No 1460 Paarl is to be subdivided into :
  - a) Portion A ± 1,25ha
  - b) Portion B ± 11,58ha
  - c) Rem. Road ± 0,90ha
- 3) Access to Portion A is via existing servitude roads vide diagrams no 2004/1997 and 1597/2010 over adjoining Farm No 1756 Paarl.
- 4) Servitude Road 5m wide labelled ab is to be registered over Portion A i.f.o Portion B.
- 5) Servitude Road 5m wide labelled ac is to be registered over Portion A i.f.o Portion B.
- 6) Electric Cable Servitude 1m wide labelled de is to be registered over Portion A i.f.o Portion B.
- 7) Servitude Borehole 1m in diameter labelled e is to be registered over Portion A i.f.o Portion B.
- 8) Servitude Pipeline 2m wide labelled ef is to be registered over Portion A i.f.o Portion B.
- 9)  denotes servitude roads

**Ref:** 1) Co-ordinate System WGS 84  
2) Height Datum : M.S.L  
3) S. G. Noting 3767

**dh&a**  
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**project Plan of Subdivision**  
**The Remainder of Portion 1 of the Farm No 1460 Paarl**

|         |                      |
|---------|----------------------|
| Scale   | 1 / 2500 @ A3        |
| Date    | Sept 2018 - Jan 2019 |
| File No | P2416/90(14)         |
| Plan No | 3 Rev 7              |