



STELLENBOSCH

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Application Number: LU/14909 (TP198/2022)

Our File Reference Number: Farm 1147, 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 TERMS OF SECTION 15(2)(D) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: FARM 1147, 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 Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of Farm No. 1147, Stellenbosch Division into two portions namely; Portion A of $\pm 1,45\text{ha}$ and a Remainder of $\pm 10,16\text{ha}$ in extent;
- 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 the said Bylaw:
 - 3.1 The approval only applies to the proposed subdivision under consideration, as indicated on the referenced Subdivision Plan with Project No. 3818-A, drawn by TV3 and dated 15/11/2022 (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.

3.2 The development be undertaken generally in accordance with the referenced Subdivision Plan with Project No. 3818-A, drawn by TV3 and dated 15/11/2022 (attached as **Annexure B**).

3.3 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.

3.4 The Surveyor General approved diagrams of the newly created units must be submitted to Stellenbosch Municipality for clearance and record purposes.

3.5 The applicant/developer submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:

- a) Newly allocated Erf Numbers;
- b) Co-ordinates;
- c) Survey Dimensions;
- d) Street names (if approved by Council).

3.6 The conditions imposed by the Directorate: Infrastructure Services as contained in their memo dated 19/01/2023, attached as **Annexure F**, be complied with.

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

4.1 The zoning of the property is not altered, and the extent of the newly created portions are not out of character given the surrounding area.

4.2 The proposal is consistent with the MSDF as it promotes appropriate densification and creates opportunities for the development of suitable areas within the existing urban edge.

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:

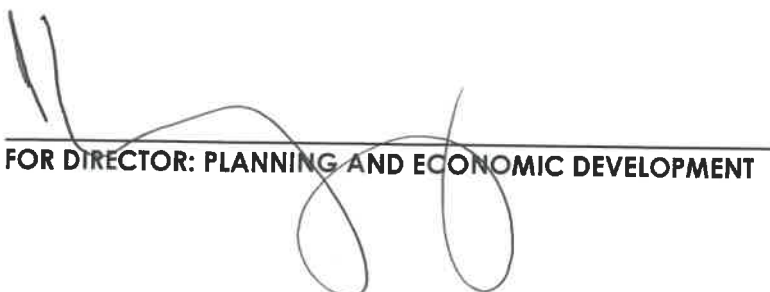
(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(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

8/5/2023
DATE:



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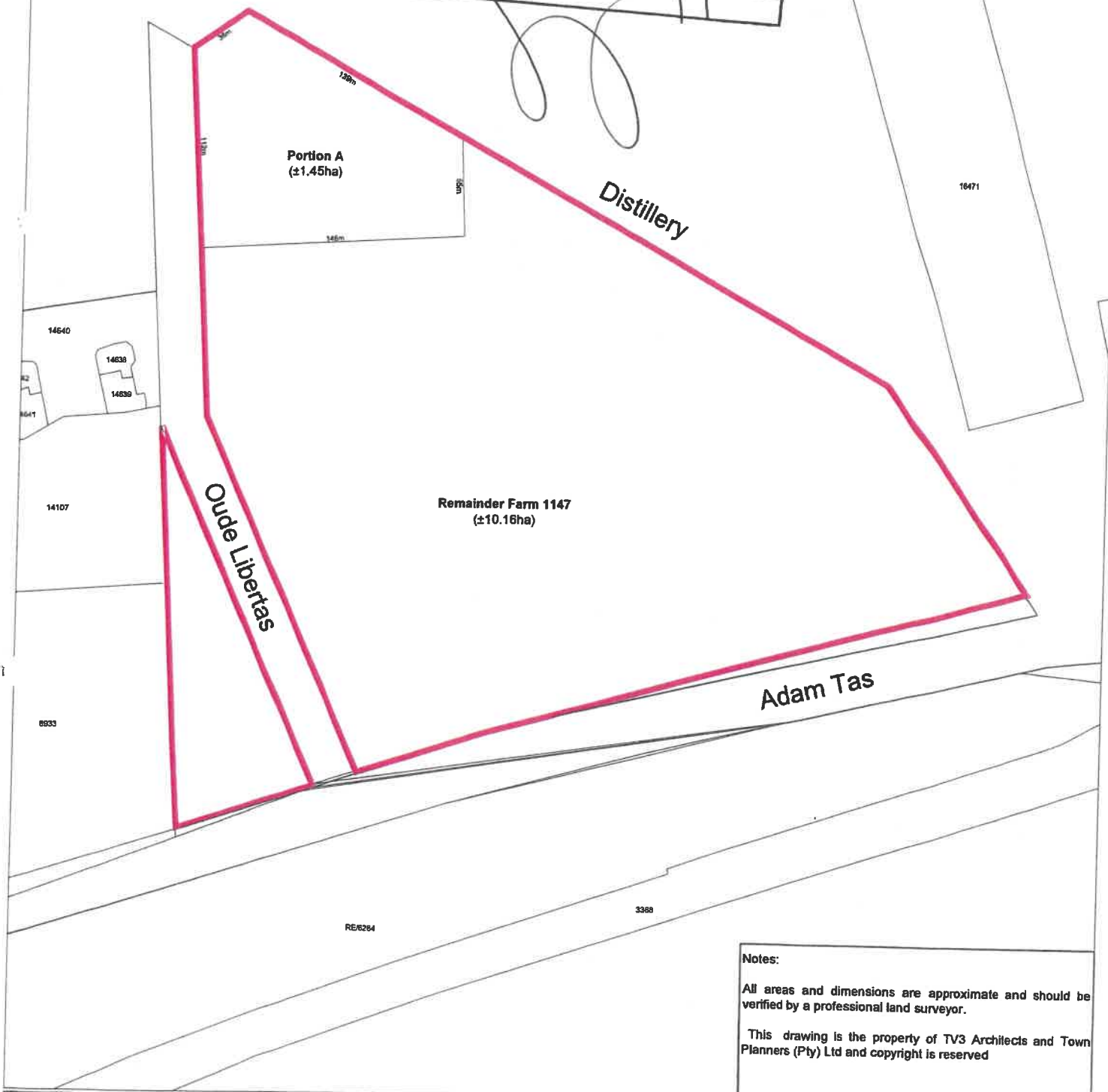
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ANNEXURE B

SUBDIVISION 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 DATED 8/5/2023
AUTHORISED EMPLOYEE/MPT



Notes:

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



ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

Oude Libertas

Property Description:

Remainder Farm 1147, Stellenbosch

Drawing:	Plan no.:		
Subdivision Plan		4	
Date:	15/11/2022	Scale:	1:3000 (A4)
Project no.:	3818-A	Drawn:	WH
		Checked:	CH



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ANNEXURE F

COMMENTS FROM INTERNAL DEPARTMENTS



STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Bulelwa Mdoda
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	19 Jan 2023
Our Ref ▫ Ons Verw:	Civil LU 2444
Your Ref:	LU/14909
Re ▫ Insake:	Farm 1147, Stellenbosch: Application is made 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 the Subdivision of Farm 1147, Stellenbosch Division into two portions namely; Portion A of ±1,45ha and a Remainder of ±10,16ha in extent.

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

- 1. Civil Engineering Services**
 - 1.1 No objection, the application is not for any development rights – merely a boundary change exercise – so no municipal services affected.
 - 1.2 Before any development takes place, SDP and engineering drawings must be approved – any additional services or erf connections required to service the new erf will be for the Owner's account.

2. Electrical Engineering

2.1 Refer to Annexure: Electrical



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2444 () Farm 1147 Stellenbosch (LU-14909 TP198-2022)\2444 () Farm 1147 Stellenbosch (LU-14909 TP198-2022).doc

Farm 1147

GENERAL COMMENT:

1. Pro - Rata fees are payable for new connection to proposed portion.

CONDITIONS:

2. The proposed subdivided portion of ERF 1147 must have its own electricity supply cable separate of the existing farm
3. Installation cost for the new electrical service cable is the responsibility of the applicant.
4. All electrical wiring for the building on the proposed subdivided portion A should be carried out in accordance with SANS 10142 & SANS104 XA and if -if connecting a generator or solar pannels for backup, the setup needs to comply to SANS10142 and Municipal by-laws
5. No electricity supply will be switched on if the Certificate of Compliance is outstanding.



SIGNATURE

DATE 19/01/23