



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12009

Our File Reference Number: Farm 1307/2&3, 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 EXTENSION OF VALIDITY PERIOD IN TERMS OF SECTION 15(2)(i) OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: FARM NO. 1307/2 AND 3,
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 to **Extend the Validity period** for the amendment of the Subdivisional Plan on Farm No. 1307/2 & 3, Stellenbosch Division in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 for five (5) years from 15 January 2021 to 15 January 2026,

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 said Bylaw:**

2.2.1 The approval only applies to the proposed extension of validity period under consideration 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.

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 conditions imposed by the **Director: Engineering Services** in their memo dated 10 July 2023, attached as **ANNEXURE D**, be adhered to.

2.2.4 Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services.

2.2.5 All conditions of approval as per approval letters dated 28 January 2015 (final letter dated 24 February 2015) and 17 December 2015 (final letter dated 15 January 2016) is still applicable.

2.3 The reasons for the above decision are as follows:

2.3.1 No changes were made since the previous approval was granted and the proposed land uses will not have a detrimental effect on the surrounding natural or built environment.

3. 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.

4. 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:

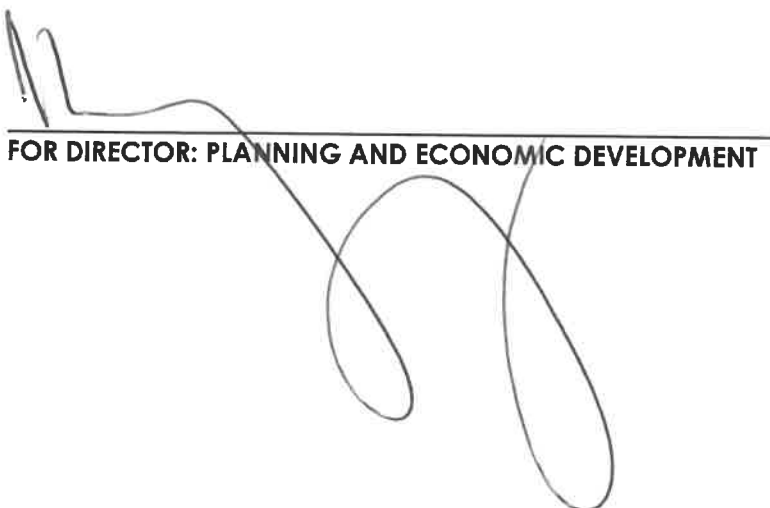
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred 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.

5. 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
6. 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.
7. 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>).

8. 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. 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

20/7/2023
DATE:

ANNEXURE D

**APPLICATION FOR EXTENSION OF VALIDITY PERIOD
IN TERMS OF SECTION 15(2)(i) OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING
BYLAW, 2015: FARM NO. 1307/2 AND 3,
STELLENBOSCH DIVISION**

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Louisa Guntz
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	10 July 2023
Our Ref ▫ Ons Verw:	Civil 1842
Your Ref:	LU/8130
Re ▫ Insake:	Farm 1307 2&3: Chantecler: Amendemnt of SDP in order to provide the main access over the existing 5m servitude right of way and proposed 6.3m extensions thereto; amendment of the approved subdivisional plan and to allow for the main access to the estate and minor amendments to the internal layout of the approved subdivisional plan.

This Memo follows our Memo dated 3 June 2019, and is in response to your e-mail query dated Friday, 07 July 2023 10:39 regarding the extension of validity for this application.

All our previous conditions remain valid, but the following conditions regarding Water and Sewer are now applicable:

1. Water

- 1.1 The Municipality is in the process of upgrading the external water network in the area, to create spare capacity for new developments. In order to link the Development with the municipal network, the Developer must construct a link pipeline from the main water line along Stellenbosch Arterial Road, towards the entrance of the development. This must be completed before subdivision clearance.

This pipeline is conceptually indicated on Drawing No 21209-C-000-01 Rev A by Lyners. **See attached.**

- 1.2 Water provision via borehole, as originally approved, will only be allowed as an interim measure, should there be circumstances outside the Developer's control preventing the installation of the link pipeline.

2. Sewer

- 2.1 There is insufficient capacity in the Digteby sewer pumpstation to accommodate the proposed development.
- 2.2 The municipality is in the process of planning the implementing a new gravity outfall sewer project between the Digtebij pumpstation and the Blaauwklippen pumpstation and completion is anticipated in August 2024 (subject to Contractor's programme and performance). This pipeline must be completed before subdivision clearance.

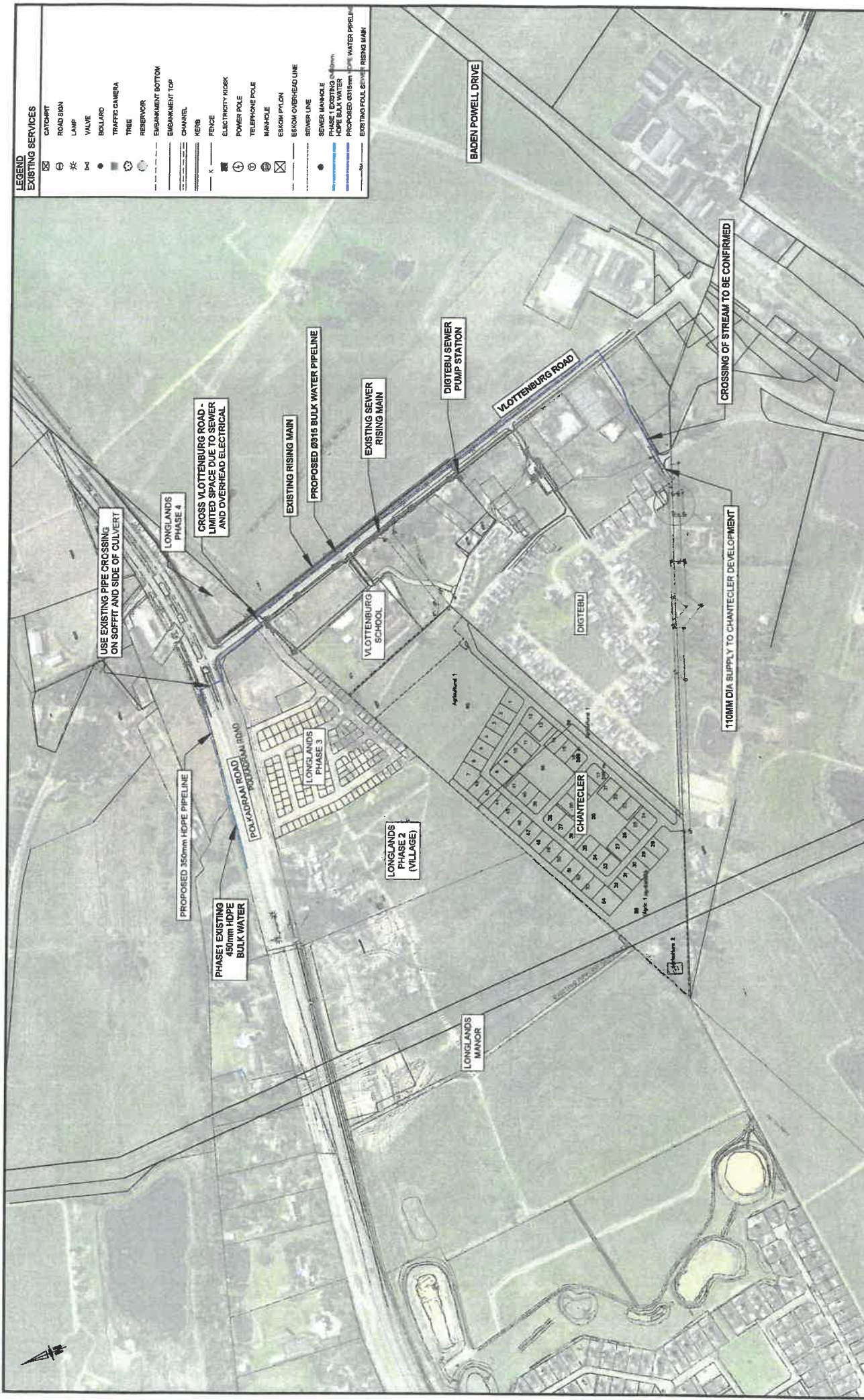
3. Development Charges (DCs)

- 3.1 Revised DCs will be applicable based on the latest tariffs.
- 3.2 The appropriate DC's are payable before subdivision clearance can be issued.



TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2202 (LU11601) 1024 and 1842 (TK) Farm 1307-2 and 3, Chantecler\1842 - revised SDP (new access position access)\1842 (TK) - Farm 1307-2 and 3_1 (10 July 2023).doc



LEGEND
EXISTING SERVICES

- CATCHMENT
- ROAD SIGN
- LAMP
- VALVE
- BOLLARD
- TRAFFIC CAMERA
- TREE
- RESERVOIR
- EMBANKMENT BOTTOM
- EMBANKMENT TOP
- CHANNEL
- KERB
- FENCE
- ELECTRICITY HOOK
- POWER POLE
- TELEPHONE POLE
- MANHOLE
- SEWER PYLON
- SEWER LINE
- SEWER MANHOLE
- PROPOSED 450mm HDPE BULK WATER PIPELINE
- PROPOSED 350mm HDPE WATER PIPELINE
- EXISTING 400mm RISING MAIN

CLIENT
LONGLANDS VILLAGE (Pty) Ltd
PO BOX 1559
STELLENBOSCH
7599

ENGINEERS
DATE: 2020-05-27

APPROVED
DATE: 2020-05-27

APPROVED
DATE: 2020-05-27

CONSULTING ENGINEERS
LYNERS
PO Box 4901
TYGERVALLEY
7530
Tel: 021 914 0305 Fax: 021 914 0407
email: lynn@lynere.com

DESIGNED	DO	23-05
DRAWN	CMH	23-05
CHECKED	OK	24-05

SCALEBAR
0 75 150
m
1:2500

REVISIONS

REV	DESCRIPTION	DATE
A	FOR APPROVAL	22-05-15

PROJECT
CHANTECLER
PTN 2 AND 3 OF FARM 1307
VLOTENBURG, STELLENBOSCH

TITLE
PROPOSED BULK WATER

DRAWING NO.
21209-C-000-01

COORDINATE SYSTEM
WGS84 / UTM

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All dimensions must be verified on site before the work commences. Any discrepancy must be reported to the Engineer.

Rev 01 (01-01-2020) 1:2500 (m)