STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14444
Our File Reference Number: Farm 1361 & 268/10, 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 AND CONSOLIDATION: FARM NO 1361 AND 268/10, 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 following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Bylaw on Municipal Land Use Planning Bylaw, 2023 on Farm No 268/10 and 1361, Stellenbosch, namely:

2.1.1 The subdivision of Farm No. 268/10, Stellenbosch in terms of Section15(2)(d) of the said bylaw into two portions of Portion A (±126m²) and a Remainder;

2.1.2 The subdivision of Farm No. 1361, Stellenbosch in terms of Section15(2)(d) of the said bylaw into two portions of Portion B (±913m²) and a Remainder.

2.1.3 The consolidation, in terms of Section15(2)(e) of the said bylaw of Portion A (±126m²) with the remainder of Farm No. 1361, Stellenbosch Division and;

2.1.4 The consolidation, in terms of Section15(2)(e) of the said bylaw of Portion B (±913m²) with the Remainder of Farm No. 268/10, Stellenbosch Division.

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 and consolidation under consideration, as indicated on the referenced Plan No. Boundary adjustment, File LG 37, dated 11 June 2022 and drawn by Le Brun Geomatics Professional Land Surveyor, attached as **APPENDIX 2** 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 subdivision and consolidation be undertaken as indicated on referenced Plan No. Boundary adjustment, File LG 37, dated 11 June 2022 and drawn by Le Brun Geomatics Professional Land Surveyor, attached as **APPENDIX 2**.

3.3 The consolidation of Portion A with Farm No 1361 and Portion B with Farm No 268/10, Stellenbosch Division must be simultaneously registered in the deed's office with the registration of the subdivision of Farms 268/10 and 1361, Stellenbosch Division.

3.4 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.

3.5 An electronic copy (shp, dwg, dxf) of the approved erf diagrams be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

3.5.1 Newly allocated erf/farm numbers

3.5.2 Co-ordinates

3.5.3 Survey dimensions

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

4.1 The application only entails the subdivision and consolidation to adjust the boundaries of two properties.

4.2 No new subdivisional units are created outside an urban edge, which may compromise the principals of the Stellenbosch Municipal Spatial Development Framework.

4.3 No municipal services are impacted by the application.

5. Matters to be noted:

5.1 The subdivision and consolidation only come into effect once all suspensive conditions or relevant legislative provisions have been complied with.

5.2 All electrical requirements be directed to Eskom.

5.3 The necessary approval be obtained from the National Department of Agriculture in terms of Act 70 of 1970.

6. 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.

7. 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.

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 and 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.

8. 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

9. 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.

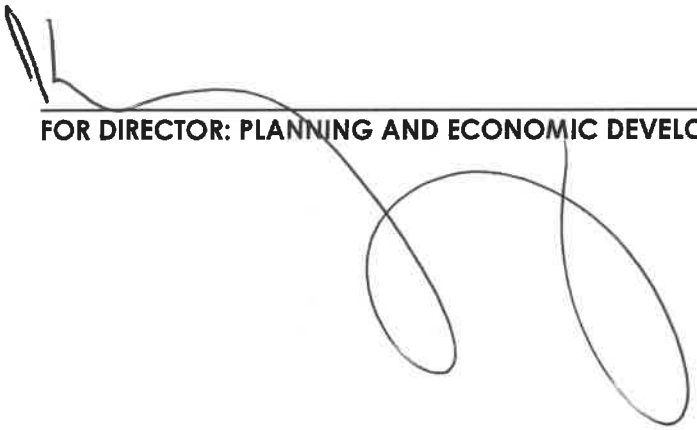
10. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za

11. An applicant who lodges 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.

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

13. Kindly note the above decision in the case of any approval, is suspended, and 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

31/10/2023

DATE

APPENDIX 2

Subdivision and Consolidation Plan

Notes

1./ The figure ABEF represents Rem. Portion 10 of the Farm No. 268 (8167sq m)
2./ The figure BCDE represents the Farm No. 1361 (7756sq m)
3./ The figure BHG represents Portion A to be subdivided from Rem. Portion 10 of the Farm No. 268
4./ The figure HJKLME represents Portion B to be subdivided from the Farm No. 3161
5./ Portion B to be consolidated with Rem. Portion 10 of the Farm No. 268
6./ Portion A to be consolidated with the Farm No. 1361
7./ All dimensions are approximate and to be finalised by survey

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 ____ I T N

31/10/2023

AUTHORISED EMPLOYEE/MPT

Le Brun Geomatics
Professional Land Surveyor

Toddle Inn, Pietersfontein Road, Montagu 6720
P.O. Box 627, Montagu, 6720

[redacted]

Scale	1/1000
Date	11 June 2022
File No.	LG 37
Plan No.	Boundary Adjustment

Proposed Consolidation Plan

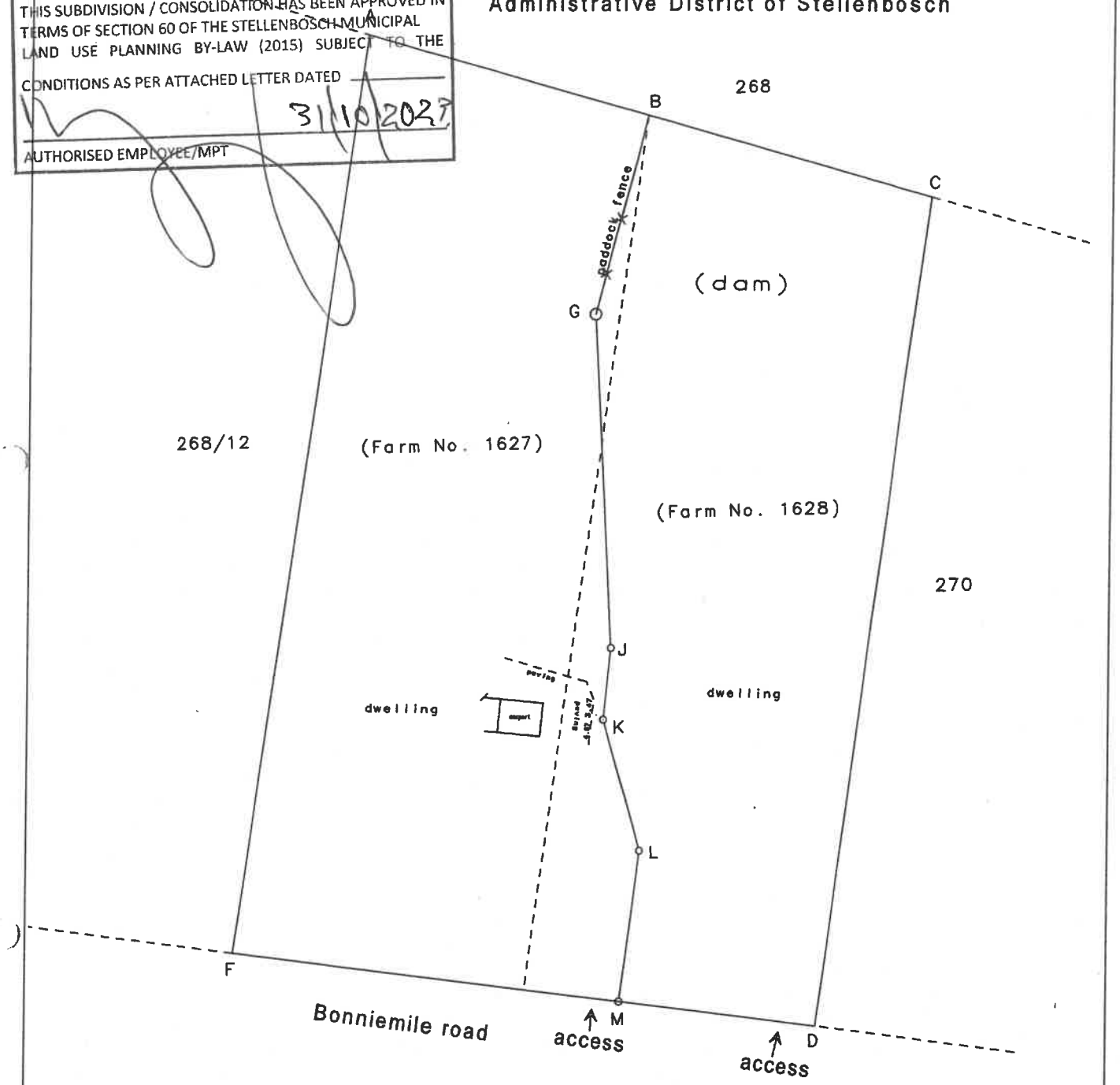
Remainder Portion 10 of FARM No. 268 an FARM No. 1361

Administrative District of Stellenbosch

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 31/10/2022

AUTHORISED EMPLOYEE/MPT



Notes

1./ The figure ABGJKLMF represents consildation of Rem. Portion 10 of farm Morester No. 268 and Portion B (Farm No.1627 - 8954m2)

2./ The figure BCDMLKJG represents consolidation of Portion A and Farm No. 1361(Farm No. 1628 - 6969m2)

T N

Le Brun Geomatics

Professional Land Surveyor

Toddle Inn, Pietersfontein Road, Montagu 6720

P.O. Box 627, Montagu 6720

[redacted]

Scale	1/1000
Date	11 June 2022
File No.	LG 37
Plan No.	consolidation plan