STELLENBOSCH
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Application Number: LU/16740 (TP586/2024)
Our File Reference Number: Erf 43, 296, 297, 299, 300, 497,576, 650 & 688, Franschhoek
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: ERVEN 43, 296, 297, 299, 300, 497, 576, 650 AND 688, FRANSCHHOEK

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

3. That the following application in terms of Section 15(2) of the Bylaw on Municipal Land Use Planning (2023) on Erven 43, 296,297, 299, 300, 497, 576, 650 and 688, Franschhoek namely:

   3.1 **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law (2023) of Erf 296, Franschhoek into two portions;

   3.1.1 Portion 1(±3470m²)
   3.1.2 Remainder (±10m²);

   3.2 **Consolidation** in terms of Section 15(2)(e) of the said bylaw of Portion 1 of Erf 296 (±3470m²), Erven 43 (1.1862ha), 297 (5254m²), 299 (8418m²), 300 (3.0361ha), 497 (297m²), 576 (1.3915ha), 650 (2899m²) and 688 (1624m²), Franschhoek.

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

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

4.1 The approval only applies to the subdivision and consolidation as indicated on Plan FHS.CONSOL.02, dated 24/04/2024, drawn by Headland Town Planners 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.

4.2 The subdivision and consolidation be implemented in accordance to Plan FHS.CONSOL.02, dated 24/04/2024, drawn by Headland Town Planners attached as **APPENDIX 2**.

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

4.3.1 Co-ordinates
4.3.2 Survey dimensions

4.4 Development charges if applicable, are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of any property or as may be agreed on in writing with the Director Infrastructure Services.

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

5.1 The development is located within the Urban Edge and is deemed consistent with the MSDF.

5.2 The subdivision and consolidation application, does not impose real costs or risks to the municipality delivering on its mandate and would not compromise the development strategy of the MSDF.

5.3 The application only entails regularizing and existing school premises, with no new structures being proposed that may alter the character and aesthetic appearance of the surrounding environment negatively.

6. Matters to be noted:
None.

7. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.

8. 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:

   8.1 The personal particulars of the Appellant, including:
      a) First names and surname
      b) ID number
      c) Company of Legal person's name (if applicable)
      d) Physical Address
      e) Contact details, including a Cell number and E-Mail address

9. Reference to this correspondence and the relevant property details on which the appeal is submitted.

   9.1 The grounds of the appeal which may include the following grounds:
      a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
      b) 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.

   9.2 Whether the appeal is lodged against the whole decision or a part of the decision.
   9.3 If the appeal is lodged against a part of the decision, a description of the part.
   9.4 If the appeal is lodged against a condition of approval, a description of the condition.
   9.5 The factual or legal findings that the appellant relies on.
   9.6 The relief sought by the appellant.
   9.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
   9.8 That the appeal includes the following declaration by the Appellant:
      a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
      b) 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.

10. 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

11. 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.

12. 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

13. 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.

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

15. 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.

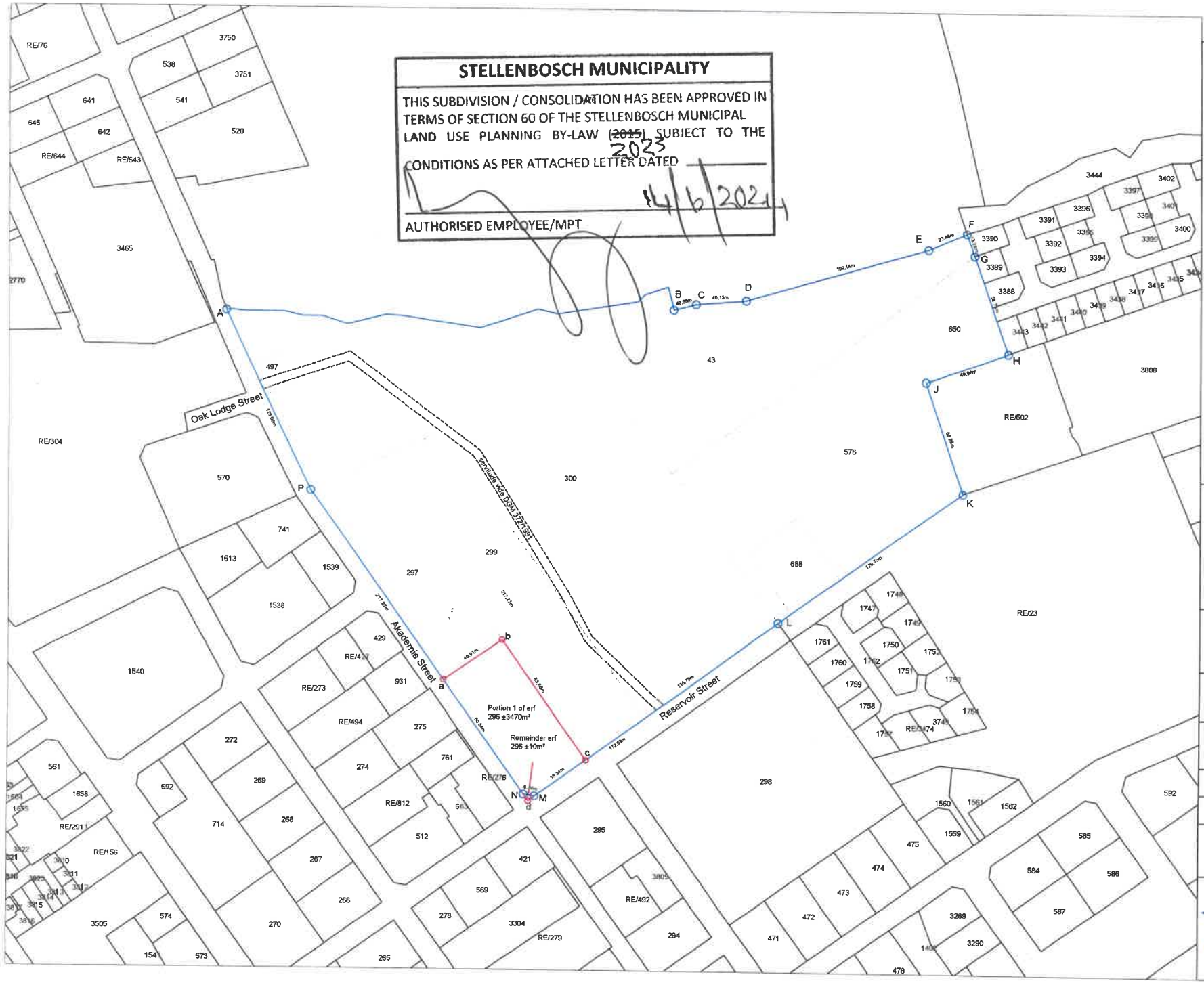
Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

14/6/2024
DATE

APPENDIX 2:

Subdivision and Consolidation Plan



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The figure abcd represents erf 296, measuring 3480m² in extent, to be subdivided into portion 1 of ca 3470m², leaving a 10m² remainder.

Portion 1 to be consolidated with the following erven resulting in a ca 7.81Ha new property identified by the figure ABCDEFGHJKLMNP:

Erf	Extent
43	1.1862Ha
Portion 1 of 296	3470m²
297	5254m²
299	8418m²
300	3.0361Ha
497	297m²
576	1.3915Ha
650	2899m²
688	1624m²

Notes:

Existing servitude vide DGM 372/1991

amendments	date	figure
	24/04/2024	FHS.CONSOL.02
	25/10/2023	FHS.CONSOL.01

project: Subdivision and Consolidation: Various Erven, Franschhoek

drawing: Franschhoek High School Subdivision and Consolidation Plan

client: Western Cape Government

zoning	—
figure	FHS.CONSOL.02
authority	Stellenbosch Municipality
re	Afroteq Schools
north	
date	24/04/2024
scale	1 : 2000 (A3)

headland town planners