STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13690
Our File Reference Number: 1506P
Your Reference Number: P1551-3/21
Enquiries: Ulrich von Molendorff
Contact No: 021– 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

[redacted]

Sir / Madam

APPLICATION FOR CONSOLIDATION AND SUBDIVISION: FARM NO. 1506, 1506/2 AND 1551, PAARL DIVISION.

1. The above application refers.

2. The duly authorised decision maker hereby decides in accordance with the Categorisation Model Category (G1 Type Db and Eb) dated 24 May 2023 and effective from 01 July 2023, on the above application as follows.

3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Bylaw on Land Use Planning 2023,

   3.1. **Consolidation** in terms of Section 15(2)(e) of the said bylaw for the consolidation of Farm No. 1506, 1506/2 and 1551, Paarl Division to create a land unit of ±52,2046ha;

   3.2. **Subdivision** in terms of Section 15(2)(d) of the said bylaw for;
   - 3.2.1 the subdivision of the consolidated property into Portion A (±2,87ha) and a Remainder (±49,33ha).
   - 3.2.2 the registration of a 4m Right of Way Servitude Road over the consolidated Remainder in favour of Farms No. 1084 and 1551/1, Paarl Division
   - 3.2.3 the registration of a 4m Right of Way Servitude Roads over the consolidated Remainder in favour of Portion A.

   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 consolidation and subdivision as indicated on File No P2556/92(30)A2-4, Plan No 11, dated January 2022, drawn by David Hellig & Abrahamse Professional Land Surveyors, 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 File No P2556/92(30)A2-4, Plan No 11, dated January 2022, drawn by David Hellig & Abrahamse Professional Land Surveyors, 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 The consolidation of Farm No. 1506, 1506/2 and 1551, Paarl Division and the right of way servitudes must be simultaneously registered in the deed's office with the registration of the subdivisions.

4.5 The conditions listed in the memorandum dated 11 April 2023 from the Municipal Director: Infrastructure Services attached in **APPENDIX 4** be complied with.

4.6 The conditions listed in the letter from the Department: Water and Sanitation dated 11 November 2022 attached in **APPENDIX 5** be complied with.

4.7 Development charges 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 approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

5 The reasons for the above decision are as follows:

5.3 The consolidation and subdivision application, which is a realignment of a property boundary to relocate and existing 1,5ha agricultural entity and increase it to 2.8ha, does not impose real costs or risks to the municipality delivering on its mandate and would not compromise the development strategy of the MSDF.

5.4 The newly created consolidated and subdivided properties will still be used for agriculture and natural environment purposes as per the primary rights of the zoning of Agriculture and Rural Zone.

5.5 The agricultural and rural landscape will be protected and preserved, considering that Portion A, will have an existing agricultural building on it and no new constructions are proposed with this application.

5.6 Access will be obtained from approved access roads and appropriate servitudes will be registered to ensure access to all properties.

6 Matters to be noted:

6.3 An application in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970 must be submitted to the relevant agricultural department for approval.

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www.stellenbosch.gov.za

6.4 Considering the consolidation of three properties a notice of intend to develop (NID) application in accordance with Section 38 of the National Heritage Resources Act (Act 25 of 1999) must be submitted to Heritage western Cape.

6.5 Electricity requirements be directed to Eskom.

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:

8.3 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

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

8.3 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.

8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.10 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.

9 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

10 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

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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.

11 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

12 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.

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

14 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

SENIOR MANAGER: DEVELOPMENT MANGEMENT

DATE: 5/12/2023

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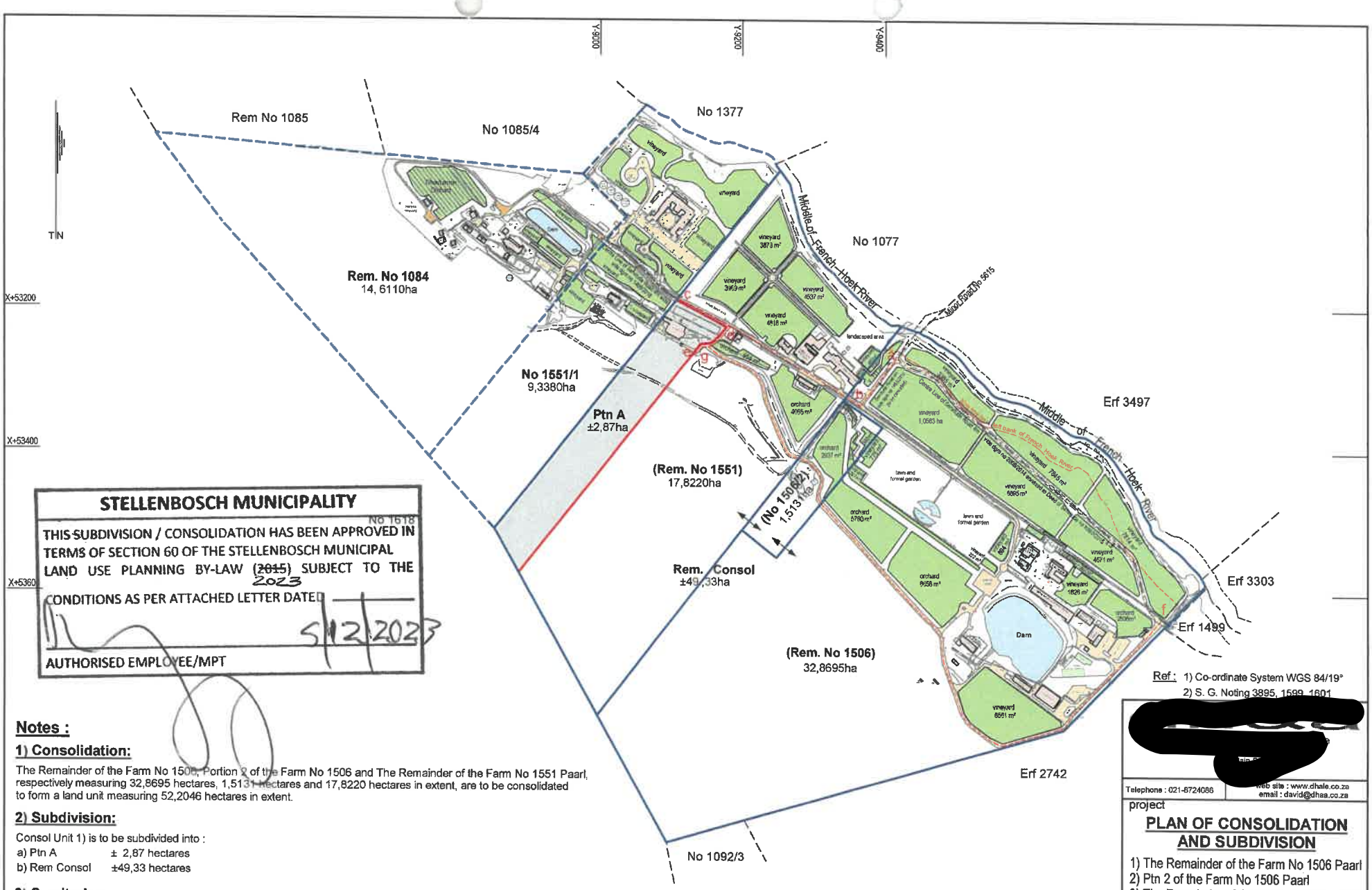
APPENDIX 2

SUBDIVISION PLAN



STELLENBOSCH MUNICIPALITY

No 1618

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (~~2015~~) 2023 SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED

5/12/2023

AUTHORISED EMPLOYEE/MPT

Notes :

1) Consolidation:

The Remainder of the Farm No 1506, Portion 2 of the Farm No 1506 and The Remainder of the Farm No 1551 Paarl, respectively measuring 32,8695 hectares, 1,5131 hectares and 17,8220 hectares in extent, are to be consolidated to form a land unit measuring 52,2046 hectares in extent.

2) Subdivision:

Consol Unit 1) is to be subdivided into :

a) Ptn A ± 2,87 hectares
b) Rem Consol ±49,33 hectares

3) Servitudes:

Servitude Road 4m wide labelled "a b c" is to be registered over Rem. Consol i.f.o the Farms No 1084 and 1551/1 Paarl.

Servitude Road 4m wide labelled "a b c" is to be registered over Rem. Consol i.f.o Ptn A.

Servitude Road 4m wide labelled "d e" is to be registered over Rem. Consol i.f.o Ptn A.

Servitude Road 4m wide labelled "f g" is to be registered over Rem. Consol i.f.o Ptn A.

Ref : 1) Co-ordinate System WGS 84/19°
2) S. G. Noting 3895, 1599, 1601

[redacted]

Telephone : 021-8724086
web site : www.dhale.co.za
email : david@dhaa.co.za

project

PLAN OF CONSOLIDATION AND SUBDIVISION

1) The Remainder of the Farm No 1506 Paarl
2) Ptn 2 of the Farm No 1506 Paarl
3) The Remainder of the Farm No 1551 Paarl

Scale	1 / 5000 @ A3
Date	January 2022
File No	P2556/92(30)A2-4
Plan No	11

APPENDIX 4

DIRECTORATE: INFRASTRUCTURE SERVICES COMMENT

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**Salome Newman**
From ▫ Van:	**Technician: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Tyrone King**
Date ▫ Datum:	**11 April 2023**
Our Ref ▫ Ons Verw:	**Civil LU 2353**
Your Ref:	**LU/13690**
Re ▫ Insake:	**Farm 1506, Paarl: 1. Application is made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the consolidation of Farm No. 1506, 1506/2 and 1551, Paarl division to create a land unit of ±52,2046ha.2. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the subdivision of the consolidated property into Portion A (±2,87ha) and a Remainder (±49,33ha). 3. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the registration of the following right of way servitudes;(a) 4m Servitude Road to be registered over the Consolidated Remainder in favor of Farms No. 1084 and 1551/1, Paarl Division. (b) 4m Servitude Roads to be registered over the Consolidated Remainder in favor of Portion A.**

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

1. General

1.1 No new development is proposed, this is essentially a boundary shifting exercise.

1.2 All access servitudes must be registered prior to clearance certificate.

1.3 The Municipality is not providing services to this estate and water and sewer services are proposed as private services. Any servitudes required for the provision of services will be the Owner's responsibility.

2. Roads

2.1 Access is from a provincial road please obtain approval from Provincial Roads Engineer. Any conditions from them will be applicable.

3. Electrical Engineering (Martin Slabber – Supt Dwarsrivier Elect)

3.1 General: Electrical network belongs to ESKOM

3.2 Refer to **Annexure: Electrical**

Tyrone King
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)
W:\2.0 DEVELOPMENT\01 Land Use applications\2353 (CT) Farm 1506 Paarl (LU-13690)\2353 (CT) Farm 1506 Paarl (LU-13690).doc

File 10

Bulelwa Mdoda

From: Martin Slabber
Sent: Monday, 30 January 2023 13:06
To: Salome Newman; Bradley Williams
Cc: Bulelwa Mdoda; petergm@fibresky.co.za
Subject: RE: FARM 1506, PAARL: APPLICATION FOR CONSENT USE: ELECTRICAL ENGINEERING SERVICE (COMMENTS BY EMAIL)

GENERAL: NONE
CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.
Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units 2. Solar water heating/heat pump installation

3. Energy efficient lightning 4. Roof insulation 5. Cooking with gas fired appliances 6. Control air condition equipment with energy saving devices. 7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
02 FEB 2023
RECEIVED

Groete:
Martin Slabber
Supt. Dwarsrivier Elect.
Engineering Services

FILE NR.
SCAN NR. F1506 P
COLLABORATOR NR: 748670

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PO Box 17, Stellenbosch, 7599

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From: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Sent: Monday, 30 January 2023 10:57
To: Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>

APPENDIX 5

DEPARTMENT: WATER AND SANITATION COMMENT

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION
Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquiries : Mr. T Mohun
Tel No. : (021) 941 6359
Email : MohunT@dws.gov.za
Reference : 16/2/7/G10A/A/8

For Attention: Mr Peter Mons

Town Plannning Consultant
PO Box 851
ROBERTSON
6705

Dear Sir

APPLICATION FOR CONSOLIDATION, SUBDIVISION, AND REGISTRATION OF SERVITUDES ON FARM NO. 1551, 1506/2 AND 1506 PAARL, SITUATED IN THE G10A QUATERNARY CATCHMENT.

Reference is made to the abovementioned document dated 1 September 2022 with the Reference Number: LU/13690.

This Department has perused the submitted report and has the following comments:

1. This Department notes that no transfer of water and no new services are required for the proposed subdivision and consolidation.
2. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.
3. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property (ies) must enter into a written mutual agreement to determine each property`s share in any allocated water or water use and this must be communicated to this Department.
4. If this subdivision (or consolidation) will affect the allocation of a water use as licensed by this Department, the Licensee must contact the Department for the amendment of this license. This will also be necessary if the property description changes. The Licensee must provide full details of all changes in respect of the properties to the Department within 60 days of said change taking place.
5. Any activity within the 1:100 year flood line or within the riparian habitat or within a 500m radius from the boundary of a wetland will require an authorisation in terms of Section 21 *(c) impeding or diverting the flow of water in a watercourse* and *(i) altering the bed, banks, course or characteristics of a watercourse* of the National Water Act, 1998 (Act 36 of 1998) before any activity may commence.

6. Solid waste must be properly managed and disposed of at an approved waste disposal site.

7. Note that no abstraction of surface or groundwater may be done or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998).

8. No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.

9. The person who owns, controls, occupies, or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.

10. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.

11. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.

12. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.

Please do not hesitate to contact the above office should there be any queries.

Sincerely,

PROVINCIAL HEAD: **WESTERN CAPE**
Signed by: **Nelisa Ndobeni**
Designation: **Control Environmental Officer**
Date: **11 November 2022**