



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16219

Our File Reference Number: Farm 1674/24, Paarl

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, 2023: FARM 1674/24 (PREVIOUSLY FARM
1674/7 & 10)**

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 subdivision, Consolidation, Rezoning, Removal of Restrictive Title Deed Conditions and further Subdivision of Consolidated Portions of Farm 1674 Portions 7 And 10, Boschendal, Paarl Division in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning Bylaw 2023.

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 will lapse if not implemented / confirmed within five years from the date of final notification of approval of this application.
- 2.2.2 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.

2.2.3 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.

2.2.4 All conditions of approval as per approval letter dated 23 April 2019 are still applicable and must be complied with.

2.3 The reasons for the above decision are as follows:

2.3.1 The circumstances prevailing at the time of the original approval have not materially changed.

2.3.2 The legislative or policy requirements applicable to the approval that prevailed at the time of the original approval have not materially changed.

2.3.3 There is not a pending review application in court which may have an effect on the date of implementation of the approval

3. 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.

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:

4.1 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

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

5.1 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.

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

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

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

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

5.6 The relief sought by the appellant.

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

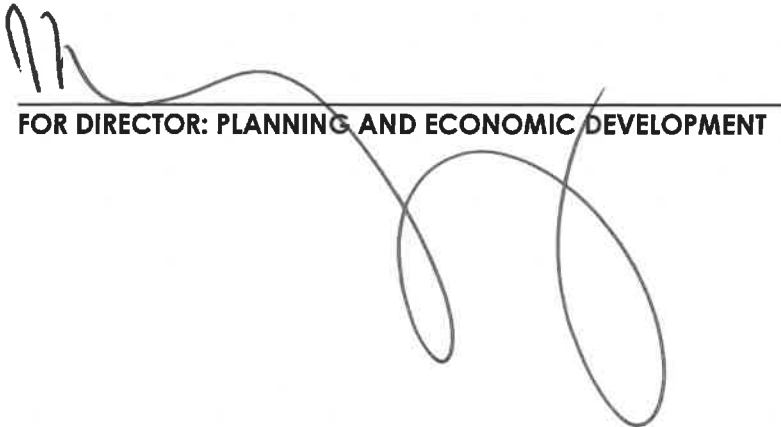
5.8 That the appeal includes the following declaration by the Appellant:

- 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 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.

- 6. 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
- 7. 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.
- 8. 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
- 9. 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.

10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/2/2024.
DATE



STELLENBOSCH
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ANNEXURE C



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Our Reference Number: Farm 1674/7&10, Paarl Division

Application Number: LU/6676

Your Reference Number: P0133

Enquiries: H Dednam / B Mdoda

Contact No. 021 808 8674 / 8690

Email: Hedre.Dednam@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za

Date: 23 April 2019

REGISTERED MAIL

Anine Trumpelmann

PO Box 164

OBSEVATORY

7935

Madam

APPLICATION FOR SUBDIVISION OF FARMS, CONSOLIDATION OF TWO SUBDIVIDED PORTIONS, REZONING, REMOVAL OF RESTRICTIVE CONDITIONS AND FURTHER SUBDIVISION OF CONSOLIDATED PORTIONS OF FARM 1674 PORTIONS 7 AND 10, BOSCHENDAL; PAARL DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal, on 29 March 2019, **approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the following:
 - a. **Subdivision** in terms of section 15(2)(d) of Farm 7/1674, Stellenbosch, into two portions namely the Remainder measuring + 96,8 (Agriculture 1) and Portion A measuring ±9.8ha (Agriculture 1) in accordance with Subdivision and Rezoning Plan No PO133—Ptn7A_rev1 and dated March 2018, See **Annexure 2**;
 - b. **Subdivision** in terms of section 15 (2)(d) of Farm 10/1674, Stellenbosch, into two portions namely the Remainder measuring ±91.2ha (Agriculture 1) and Portion B measuring ±15.5ha (Agriculture 1) in accordance with Subdivision and Rezoning Plan No PO133—Ptn10B_rev1 and dated March 2018, See **Annexure 3**;

- c. **Consolidation** in terms of section 15 (2)(d) of Portions A measuring $\pm 9.8\text{ha}$ (Agriculture 1) and B measuring $\pm 15.5\text{ha}$ (Agriculture 1) into Portion C measuring $\pm 25.3\text{ha}$ (Agriculture 1) in accordance with Consolidation and Rezoning Plan No PO133—PtnAB_rev2 and dated March 2019, See **Annexure 4**;
- d. **Removal of title conditions** in terms of section 15 (2)(e) on the consolidated Portion C in order to allow for subdivision along the R310; to permit development of business and urban development along the R310, and to allow any buildings within 95m of the R310; as follows:
- aa) Deed T42792/2008 Par. 5 on former Farm 7/1674 Stellenbosch in respect of the subdivided Portion A:
- i) Condition (ii) B (1-4): Subject property may not be subdivided.
 - ii) Condition (iii) B (1-4): No buildings built on the subject property.
 - iii) Condition (viii) B (1-4): No store or business conducted on the subject property; and
 - iv) Condition (ix) B (1-4): No new building built within 95m of the centre line of Road 172 and 191 without approval of Controlling Authority (Act 21/1940).
- bb) Deed T71501/2004 Par. 6 on former Farm 10/1674 Stellenbosch in respect of the subdivided Portion B:
- i) Condition (ix) B (1-4): No new building built within 95m of the centre line of Road 172 and 191 without approval of Controlling Authority (Act 21/1940);
- e. **Rezoning** in terms of section 15 (2)(a) of the consolidated Portion C to Sub-Divisional Area to make provision for the land uses and development densities as contained in the conditions below.

3. The above approvals granted are subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:

3.1 Conditions of approval related to the subdivision approval in 2(a) and (b) and the consolidation in 2(c):-

- 3.1.1 That the subdivision approvals in 2(a) and 2(b) are subject to the consolidation of Portion A and Portion B as contemplated in 2(c);
- 3.1.2 The transfer of Portion C not be registered prior to the submission of a title deed reflecting the endorsement of the removal of the restrictive title conditions as contemplated 1(d) above and as provided for in section 34 of the SMLUPB; and
- 3.1.3 The base zoning of the consolidated portion C as indicated on plan no P0133-Ptn AB_Rev 2 dated March 2019 as subdivisinal area, remain Agricultural I zoning. See **Annexure 4**.
- 3.1.4 Should the consolidation not be registered in 5 (five) years both the subdivision and consolidation referred to in 2a, b and c, will lapse.

3.2 Conditions of approval related to the approval of rezoning to subdivisinal area in 2(e)

LAND USE MANAGEMENT

- 3.2.1 The maximum development rights applicable to Portion C will comprise of the following land uses and densities:-
- 3.2.1.1 Dwelling units with a total number of 475 dwelling units.
- 3.2.1.2 General Business with a total of 14 500m², floor area of which at least 1 000m² must be developed as a farmers' market.
- 3.2.1.3 Hotel with 70-bedrooms.
- 3.2.1.4 Self-catering guest accommodation cottages or apartments with a total of 30 bedrooms.
- 3.2.1.5 A clinic, comprising of at least 3 consulting rooms.
- 3.2.1.6 A place of instruction for up to 120 children.
- 3.2.1.7 Community facilities, including meeting places and places of worship with a total floor area of 500m².
- 3.2.1.8 Public road reserve for the R310 and Minor Road 6/4
- 3.2.1.9 Private streets and private open spaces.

3.2.1.10 Utility buildings for the use of the Master Property Owners' Association (MPOA) with a total floor area not exceeding 500m².

3.3 The development shall be generally in accordance with the following approved plans and documents:

3.3.1 Traffic Impact Assessment prepared by Gibb dated May 2018, attached as **Annexure D** of the Applicant's Motivation, which includes the Specialist Reports.

3.3.2 SDP1 (rev 1) prepared by Philip Briel Architects dated February 2018, attached as **Annexure 9**.

3.3.3 SDP2 prepared by Philip Briel Architects dated June 2017, attached as **Annexure 8**.

3.3.4 SDP3 prepared by Philip Briel Architects dated June 2017, attached as **Annexure 11**.

3.3.5 Landscape Framework Plan prepared by CNDV dated 04/07/2016, attached as **Annexure 12**.

3.3.6 Urban Design Framework Controls and Guidelines Report prepared by Philip Briel Architects dated November 2015 Rev Rev 03/02/2017, attached as **Annexure D** of the Applicant's Motivation which includes the Specialist Reports.

3.3.7 Key Workers Housing Scheme, dated 12 March 2019 attached as **Annexure 10**.

3.4 Prior to subdivision, building plan approval or construction, a detailed framework and phasing plan for the whole consolidated portion C be submitted to the Director Planning and Economic Development's satisfaction for technical consideration and endorsement.

3.5 The detailed framework and phasing plan be generally in accordance with the plans and reports in conditions 3.3 and 3.4 and indicate information as required by the approving authority, which must at least include, but is not limited to, the following information:

3.5.1 A land use table allocating the land uses and extent of development (e.g. floor area or number of units) for each phase.

3.5.2 An indication of any further subdivision.

3.5.3 All other aspects required in section 17(8) of the SMLUPB.

3.5.4 Identification of a suitable site within the development for refuse collection and implementation of recycling to the satisfaction of the Municipality's Solid Waste Department.

3.5.5 Details and location of the 47 key worker dwelling units referred to in section 3.13 and 3.14.

3.5.6 The location, extent and times of operation of right-of-way servitudes in favour of the public over certain portions of private road as indicated in figure 56 of the Urban Design Framework Controls and Guidelines Report (dated November 2015 Rev 03/02/2017 prepared by Philip Briel Architects) and in par 10.3(j) of the Planning Report dated August 2017.

3.6 Following the endorsement of the framework and phasing plan as reflected in 3.4 above, and prior to the approval of subdivision or building plans or prior to commencement of construction of any buildings on portion C, a Site Development Plan be submitted for each phase or portion of development to the Director Planning and Economic Development's satisfaction for technical consideration and endorsement.

3.7 All Site Development Plans be generally in accordance with the approved plans and reports as reflected in condition 3.3 and the approved framework and phasing plan as reflected in condition 3.4 and shall include the information set out below, to the said Director's satisfaction and the Director may vary the information required, depending on the specifics of the proposed development in the particular phase:

3.7.1 The proposed subdivision of the phase (the subdivision application may accompany the above Phase Site Development Plan and may be considered in terms of the SMLUPB at the same time);

3.7.2 A land use table for the phase under consideration, in relation to the overall framework and phasing plan in 3.5 above (showing the cumulative land use table of all previously approved phase SDP's);

3.7.3 The building footprints;

3.7.4 The elevations, sections, roof treatment and height;

3.7.5 Access, egress, access control points, parking, pedestrian areas;

3.7.6 A detailed landscape plan in accordance with the approved landscape framework plan prepared by CNDV Rev 2 dated 04/07/2016 showing all structural, hard and soft landscaping including design of wetland areas, attached as **Annexure D** of the Applicant's Motivation, which includes the Specialist Reports;

3.7.7 Details and architectural treatment of infrastructure including, roads, services, building facades, pedestrian areas, parking, street lights, kerbs, channels and gateway structures.

- 3.8 All new development be confined to the north of the row of derelict cottages which will form the southern-most development boundary of the Village east of the R310. These cottages be restored and renovated as envisaged in the Urban Design Framework and be used as guest accommodation or dwelling houses to satisfaction of Director Planning and Economic Development.
- 3.9 A Master Property Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first land unit arising from the first subdivision of Portion C (other than the public Road).
- 3.10 All owners of land units inside this development be members of the Master Property Owners association, either as individuals, or through representation by a body corporate or another smaller property owners' association.
- 3.11 All land units, indicated as private streets and private open spaces in the framework plan referred to in 3.5, be transferred to the Master Property Owners Association, prior to or simultaneously with the transfer of the first land unit in each phase.
- 3.12 In addition to the responsibilities set out in section 29 of the SMLUPB, the Master Property Owner's Association also be responsible for the maintenance of the private streets, internal street lighting, open spaces, retention facilities and all private internal civil engineering services.
- 3.13 The constitution of the Master Property Owner's Association include provisions for:-
- 3.13.1 the maintenance of internal infrastructure as contained in the engineering services agreement;
- 3.13.2 refuse removal as described in the Directorate: Infrastructure Services' memorandum dated 23 July 2018, or as otherwise agreed to with the department;
- 3.13.3 implementation of the recommendations of the Green Report Revision 2 Dated June 2016 prepared by Agama during the construction phase and through on-going management and maintenance;
- 3.13.4 The Constitution of the Owners' Association to contain the necessary provisions pertaining to:
- i. contributions to be made to a Community Trust, as per agreements already voluntarily entered into by the developer and the Boschendal Treasury Trust;
 - ii. details of the 47 key workers dwelling units contained in par. 3.14 ensuring the continued implementation and management thereof for 20 years, including the reduced participation quotas or levies for key workers dwelling units;

- iii. the right of way access servitudes in favour of the public as set out in the framework plan in 3.5 above;

3.13.5 No clause in the Constitution which arise out of these conditions may be amended without the Municipality's approval in terms of the SMLUPB.

3.14 The developer to provide at least 10% or a minimum of 47 key worker dwelling units as part of this development in accordance with the applicant's proposal for Key Workers Housing Scheme dated 12 March 2019, attached as **Annexure 10**. To achieve the following:

- 3.14.1 The applicant/developer create a suitable non-profit legal entity (NPO) whose purpose is to hold ownership of the key worker dwelling units. This entity will be bound by the rules in 3.14.2.
- 3.14.2 The applicant/developer prepare the necessary constitution, or Memorandum of Incorporation (MoI) or trust deed or constitution which sets out the rules of the operation of the Boschendal Key Workers Housing scheme, which shall be a rental and/or rent-to-buy scheme, and the document be submitted to the Director Planning and Economic Development for technical consideration and endorsement.
- 3.14.3 The applicant/developer, as part of the framework and phasing plan in condition 3.4 include a proposal for the distribution of key worker dwelling units throughout all the phases of the development. Once the framework and phasing plan is endorsed, each phase shall, when being developed, contain the number of key worker units as set out in the plan, and these units shall be transferred to the NPO prior to any other units in that phase being allowed to be transferred or occupied.
- 3.14.4 The key worker dwelling units be transferred to the NPO at no more than actual cost of construction of the specific unit and will exclude the costs of consultants' fees, land, landscaping, bulk and internal reticulation services.
- 3.14.5 The applicant/developer prepare a financial plan setting out the details of the NPO, on what basis rent will be calculated and subsidised, requirements for tenants to qualify for admission into the scheme, the financial arrangements for the ongoing management of the scheme and rules for the eventual dissolution of the NPO at its conclusion and submit this to the Director Planning and Economic Development for information purposes.
- 3.14.6 The participation quota (PQ) for key worker dwelling units, which determine the proportional contribution to levies for each unit, be reduced to ensure levies remain affordable for key workers. The constitution of the Master Property Owners Association shall include provisions to ensure a reduced PQ is included in all phases.

- 3.14.7 The housing scheme remain in place for a minimum of 20 years, after which provisions in the constitution/MOI may be followed for its dissolution.
- 3.14.8 The constitution/trust deed/Memorandum of Incorporation of the NPO to include all provisions as set out in applicant's proposal for Key Workers Housing Scheme dated 12 March 2019 attached as **Annexure 10**.

ENGINEERING SERVICES

- 3.15 Prior to subdivision, building plan approval or construction, the applicant/developer enter into an engineering services agreement with the Municipality's Directorate Infrastructure Services which inter alia addresses the relevant aspects as contained in the Memorandum of the Directorate Infrastructure Services dated 23 July 2018, Electricity Services, as well as the matters set out in this section of the conditions.
- 3.16 Development charges are payable, subject to annual adjustment up to date of payment and calculated according to the applicable tariff structure at the time when payment is made.
- 3.17 The development charges levy be paid by the developer per phase (unless otherwise stipulated in the services agreement):
- 3.17.1 prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - 3.17.2 prior to the approval of section 28 certification in terms of the SMLUPB in all cases and/or;
 - 3.17.3 prior to the erf or portion thereof being put to the approved use.
- 3.18 No new development or taking up of rights be permitted until sufficient capacity within the following infrastructure is confirmed by the Department: Engineering Services as set out in the Memorandum of the Directorate: Infrastructure Services dated 23 July 2018, unless otherwise agreed to in the service agreement:
- 3.18.1 Pniel Waste Water Treatment Works (PWWTW): additional capacity required;
 - 3.18.2 Bulk Sewer Network: new pump station, existing pump station upgrades and rising main required;
 - 3.18.3 Water Network: supply line from Kylemore bulk pump station, pipelines and pressure release valves required;
 - 3.18.4 Road Network: R45/301 intersection roundabout, R310/Minor road 6/4 roundabout; and
 - 3.18.5 Devon Valley Land Fill site;

- 3.19 The applicant/developer to install or upgrade bulk municipal services at an agreed cost, to be off-set against the development charges payable as per the services agreement.
- 3.20 The external bulk services be completed (per phase, if phased sequencing is agreed to in the services agreement) to the satisfaction of the Municipality's Director Infrastructure Services in accordance with the services agreement prior to the transfer of any land unit.
- 3.21 No development be permitted below the 1:100 year flood line on the western edge of the village except for the portion of land indicated on the approved SDP1 and SDP2 (refer to condition 3.3) which shall be filled in to levels above the 1:50 year flood line, and for which a water use license has been obtained.
- 3.22 The 1:50 and 1:100 year flood lines of the Dwars River be shown on all plans submitted, where relevant.
- 3.23 The floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer.
- 3.24 All perimeter fencing below the 1:50 year flood line be permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse.
- 3.25 The central four-way access into the Village be a roundabout as per the approved Traffic Impact Assessment prepared by Gibb dated May 2018 and all documents and plans in 3.3 shall be updated accordingly.
- 3.26 The public road reserve for Main Road 172 (R310) (measuring 25 meters wide) and Minor Road 6/4 (measuring 20 meters wide) be transferred free of charge to the relevant authority prior to or simultaneously with any other subdivision of Portion C be registered.
- 3.27 The applicant/developer to register services servitudes in favour of the Municipality over all bulk engineering services which traverse land that is not in Municipal ownership prior to or at the same time as any subdivision of Portion C is registered.
- 3.28 The applicant/developer at his/her cost, construct the internal (on-site) municipal and private civil engineering services for the development or for a phase in the development, as well as any link service (between internal and available bulk municipal service) to the municipality's satisfaction prior to the issuing of any transfer clearance certificate or building plan, as the case may be.
- 3.29 The Developer, at his/her cost, implement the recommendations of the Traffic Impact Assessment (J38003) by Gibb, dated 15 May 2018.
- 3.30 During construction, traffic management procedures be required to ensure the impacts of construction vehicles are addressed and a traffic management plan (TMP) may thus be required at any stage during any construction phase by the Director: Infrastructure

Services. The said plan be prepared and submitted to the Director Infrastructure Services for technical consideration and endorsement and be implemented by the developer at his/her cost. Once construction of all phases in the development has been completed the TMP shall fall away.

- 3.31 This approval will lapse if not implemented within 5 years from date of final notification of the application.
- 3.32 The approval granted does not exempt the applicant from complying with any other legislation or requirements that might have a bearing on the application.

4 REASONS FOR DECISION

- 4.2 The proposal adheres to all environmental and heritage design indicators, is sufficiently set back from wetlands, watercourses, important tree avenues and heritage buildings, and will establish a credible urban edge;
- 4.3 The bulk of the proposed development is consistent with the MSDF. Although a small portion of the proposal deviates from the MSDF, justification for such deviation from the MSDF exist;
- 4.4 In terms of SPLUMA development must follow planning, which is the case;
- 4.5 The development proposal complies with the principles of both SPLUMA and LUPA;
- 4.6 The proposals give due regard to biophysical issues and considers the biophysical constraints on the site;
- 4.7 The proposed development will not have a negative impact on heritage conservation and protection in the area;
- 4.8 The application will not have an adverse impact on the surrounding land uses;
- 4.9 The proposal is desirable for the following reasons:
 - 4.9.1 Traffic challenges are significantly improved, to the benefit of the public;
 - 4.9.2 The development is not a gated development;
 - 4.9.3 The development ensures greater access to housing including mid-income rental housing scheme;
 - 4.9.4 Health and welfare of community is promoted by better access to a clinic, an ECD and other community initiatives;
 - 4.9.5 Job creation will improve the socio-economic situation in the area;

- 4.9.6 Sustainability is addressed through various detailed proposals addressing energy and water efficiency;
- 4.9.7 The development will make a positive contribution to bulk services infrastructure and availability thereof in the Valley, especially to other future developments and settlement upgrades in the Groot Drakenstein node;
- 4.10 The beneficiary of the restrictive title conditions have consented to the development and the removal of the title conditions in their favour over the portion of land to be developed.

GENERAL NOTES:

The **Subdivision** in terms of Section 15(2)(d) of Portion C into 24 development precincts in accordance with Subdivision Plan No PO133—PinC_rev1 and dated March 2018 **WAS WITHDRAWN** by the applicant and therefore no longer requires consideration. See Annexure 1.

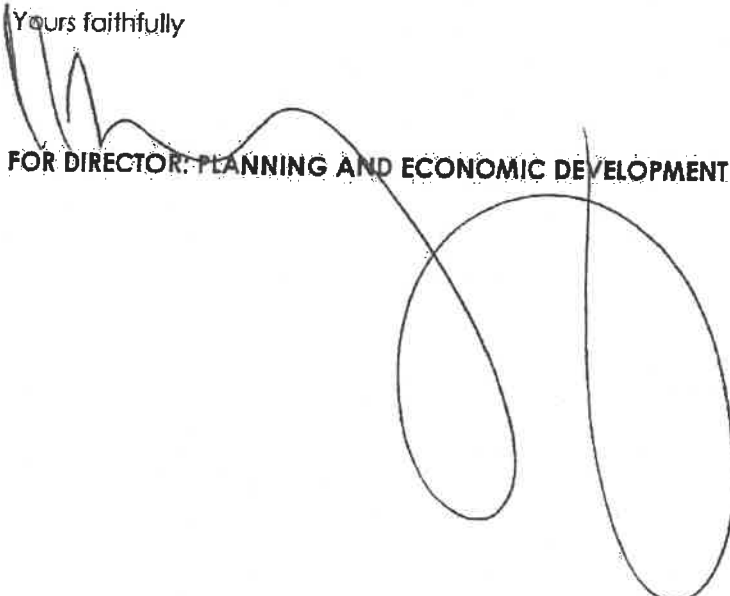
It is deemed that plans and reports as listed above are all to be updated, where necessary to comply with condition 3.21.

It is anticipated that the PWWTW upgrades will be completed by the Municipality by June 2021. The onus is on the developer to confirm for this availability closer to the time and to make the necessary adjustments to the development program to take this constraint into consideration. Alternative interim arrangements to the Directorate: Infrastructure Service's satisfaction, can be considered by the department.

- 5 You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
- 6 If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning_portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (only applicable to applicant appeals). See the approved tariff structure on the municipal website: <http://www.stellenbosch.gov.za/documents/ido-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>

- 7 In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
- 8 The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- 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 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

Copies:

Ndifuna Ukwazi
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CAPE TOWN
8000

Stellenbosch Interest Group
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Department of Agriculture
Private Bag X120
PRETORIA
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RECEIVED 28 JUN 2019

Anine Trumpelmann
PO Box 164
OBSEVATORY
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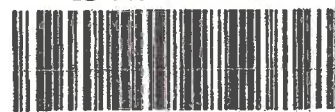
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PE 946 869 910 ZA

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PE 946 869 910 ZA

RECIPIENT NAME (please print clearly)



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number: Farm 1674/7&10, Paarl Division

Application Number: LU/6676

Your Reference Number: P0133

Enquiries: H Dednam / B Mdoda

Contact No. 021 808 8674 / 8690

Email: Hedre.Dednam@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za

Date: 4 June 2019

REGISTERED MAIL

Anine Trumpelmann

PO Box 164

OBSEVATORY

7935

Madam

APPLICATION FOR SUBDIVISION OF FARMS, CONSOLIDATION OF TWO SUBDIVIDED PORTIONS, REZONING, REMOVAL OF RESTRICTIVE CONDITIONS AND FURTHER SUBDIVISION OF CONSOLIDATED PORTIONS OF FARM 1674 PORTIONS 7 AND 10, BOSCHENDAL; PAARL DIVISION

1. This Municipality's letter dated 23 April 2019, refers.
2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.
3. Accordingly, you may now act on the decision detailed in my letter dated 23 April 2019, ~~subject to compliance with the conditions of approval.~~

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

RECEIVED 28 JUN 2019