



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16841 (TP690/2024)

Our File Reference Number: Farm No. 60/2 & Farm No. 44, 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. 60/2 AND FARM NO. 44,
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 the Stellenbosch Municipal Land Use Planning Bylaw, 2023, namely the:
 - 2.1.1 **Subdivision** in terms of Section 15(2)(d) of the said By-Law of Farm No. 60/2, Stellenbosch Division into two (2) portions namely Portion A (measuring ±30ha in extent) and the Remainder (measuring ±77ha in extent); and
 - 2.1.2 **Consolidation** in terms of Section 15(2)(e) of the said By-Law of subdivided Portion A (measuring ±30ha in extent) with Remainder Farm No. 44, Stellenbosch Division measuring ±620,2745ha (upon consolidation).

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 **Subdivision Plan & Consolidation Plan**, referenced **“Drawing:**

PROP_SUB-REV1, dated 06 March 2024, drawn by Friedlaender, Burger & Volkman, attached as **ANNEXURE B** 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 development must be undertaken in accordance with the **Subdivision Plan & Consolidation Plan, referenced "Drawing: PROP_SUB-REV1, dated 06 March 2024, drawn by Friedlaender, Burger & Volkman**, and attached as **ANNEXURE B**.

3.3 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.

3.4 The consolidation of Portion A with Remainder Farm No. 44, Stellenbosch Division must be simultaneously registered in the deed's office with the registration of the subdivision of Farm No. 60/2, Stellenbosch Division.

3.5 The Surveyor General approved diagrams of the newly created unit must be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.

3.6 The conditions imposed by the **Department of Agriculture (Eisenburg)** in their letter dated 15 October 2024, attached as **ANNEXURE F**, be adhered to.

3.7 The conditions imposed by the **Department of Transport Infrastructure** in their letter dated 11 December 2024, attached as **ANNEXURE I**, be adhered to.

3.8 The portions created may only be used for agricultural purposes.

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

4.1 The proposed subdivision will result in the creation of land portions that are in line with the existing character of the surrounding area.

4.2 The proposed subdivision will not affect the agricultural viability of any of the properties involved or any adjacent properties.

4.3 The proposal will not lead to the fragmentation of agricultural land and no new land units will be created as result of the subdivision and consolidation.

5. **Matters to be noted:**

5.1 All electrical requirements be directed to Eskom.

5.2 The requirements stated in letter referenced DOI/CFS/RN/LU/REZ/SUB-25/505 (Application No: 2024-06-0042)), dated 11 December 2024 by the **Department of Transport Infrastructure**.

5.3 The necessary authorisation be obtained from the **Department of Agriculture, Land Reform and Rural Development**.

6. 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.
7. Appeals must be submitted by completing the required form 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.
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 appeal form and 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 or 021- 808 8684.
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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the printed text.

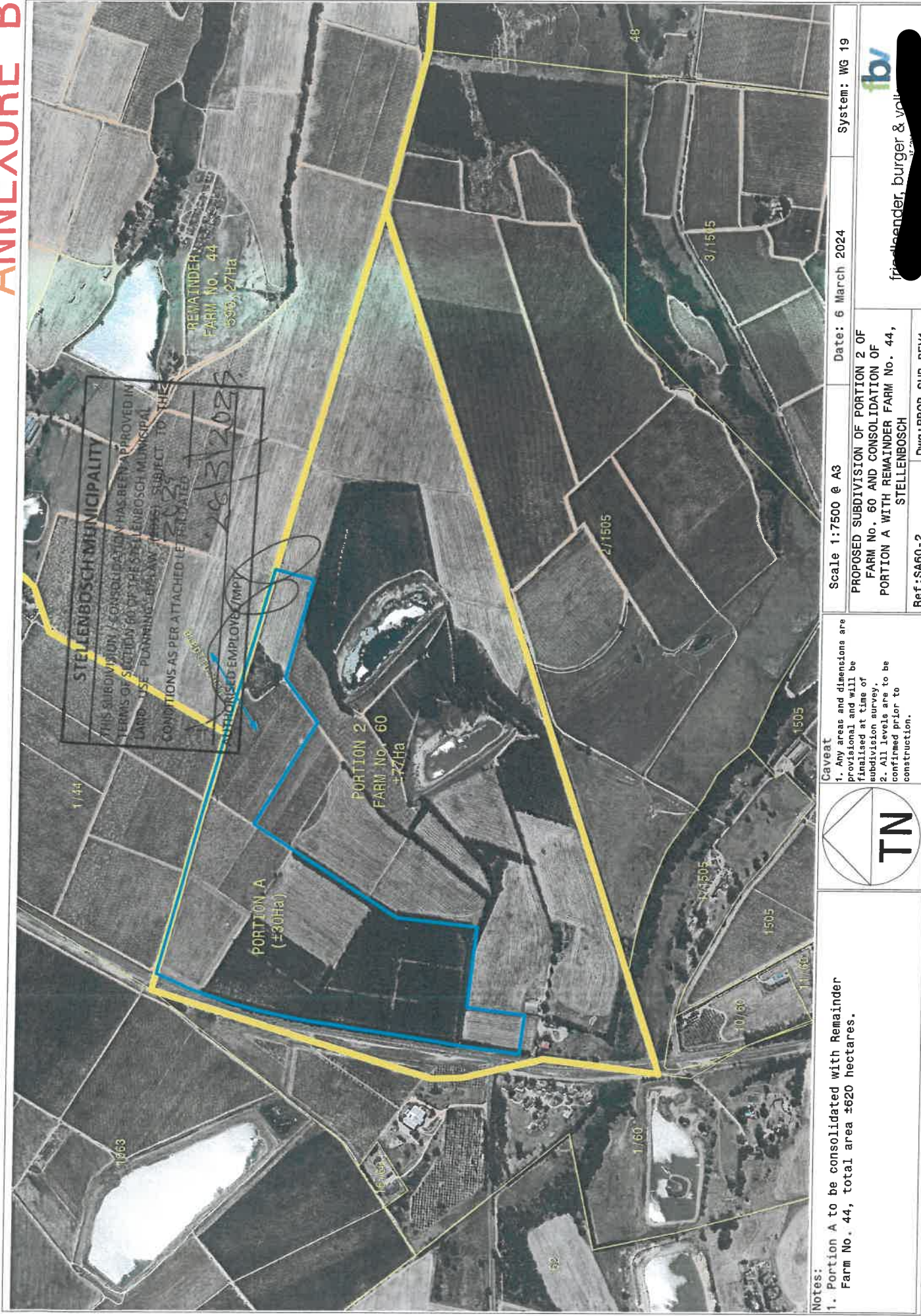
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/3/2025
DATE

ANNEXURE B

SUBDIVISION AND CONSOLIDATION PLAN

ANNEXURE B



Notes:		Scale 1:7500 @ A3		Date: 6 March 2024	System: WG 19
1. Portion A to be consolidated with Remainder Farm No. 44, total area ±620 hectares.		Caveat		PROPOSED SUBDIVISION OF PORTION 2 OF FARM NO. 60 AND CONSOLIDATION OF PORTION A WITH REMAINDER FARM NO. 44, STELLENBOSCH	
		1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.		Ref: SA60-2	
		2. All levels are to be confirmed prior to construction.		Dwg: PROP_SUB-REV1	
TN		fbv		for the tender, burger & volk	

ANNEXURE F

COMMENT FROM THE
DEPARTMENT OF
AGRICULTURE
(ELSENBURG)



OUR REFERENCE : 20/9/2/5/6/466
YOUR REFERENCE : Farm 44 Stellenbosch
ENQUIRIES : Cor van der Walt

Emile Van Der Merwe Town Planning Consultants
PO Box 204
STELLENBOSCH
7599

Att: Emile Van Der Merwe

APPLICATION FOR SUBDIVISION AND CONSOLIDATION: DIVISION STELLENBOSCH
REMAINDER OF THE FARM NO 44
PORTION 2 OF THE FARM NO 60

Your letter of 07 October 2024 and your meeting of 04 October 2024 with Land Use Management has reference.

After re-consideration the Western Cape Department of Agriculture (WCDoA) supports the subdivision and consolidation with conditions:

Subdivision:

Subdivide Portion 2 of the Farm No. 60 into:

- i. Portion A ($\pm$ 30ha) and
- ii. Remainder ($\pm$ 77ha)

Consolidation:

Consolidate Portion A with Remainder of Farm No. 44, Stellenbosch.

Condition:

- i. Transfer 77 500m³ of irrigation water with Portion A to Remainder of Farm No. 44
- ii. Remainder of Portion 2 of the Farm No. 60 to retain 168 000m³ of irrigation water.

The support is as of a result of Remainder of Portion 2 of the Farm No. 60 being able to irrigate 24ha (168 000m³), representing 60% of the norm for subdivision of the WCDoA. The remaining 40% is made up by 32ha of dryland vineyards according to the norms of the WCDoA.

Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. C.J. van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-10-15

Copies:

Department of Agriculture Land Reform and Rural Development
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

ANNEXURE I

COMMENT FROM THE DEPARTMENT OF TRANSPORT INFRASTRUCTURE



Ref: DOI/CFS/RN/LU/REZ/SUB-25/505 (Application No: 2024-06-0042)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

REMAINDER FARM UITKYK 44 AND PORTION 2 OF FARM GROENHOF 60, STELLENBOSCH: MAIN ROAD 27: APPLICATION FOR SUBDIVISION AND CONSOLIDATION

1. The following refer:
 - 1.1. The email from Emile van der Merwe Town Planning Consultants dated 10 June 2024 containing the Notice of Land Development Application to Interested and Affected Parties for Comment (Application Reference: LU/16841 (TP690/2024));
 - 1.2. The Subdivision Plan (Dwg: PROP-SUB-REV1) prepared by Friedlander, Burger & Volkman dated 6 March 2024;
 - 1.3. The letter (Farm 44 Stellenbosch) from Emile van der Merwe Town Planning Consultants to you dated 25 March 2024 containing the Application Motivation;
2. Main Road 27 (MR27; R44) are affected by this application with an existing access at $\pm$ km42.80 right hand side (RHS).
3. The Remainder of Farm 44 has access off MR27 at $\pm$ km44.73 RHS via a Right of Way Servitude over Remainder of Farm 1063.
4. The application entails the following:
 - 4.1. The Subdivision of Farm Portion 2 of Farm 60 into Portion A ($\pm$ 30ha) and the Remainder ($\pm$ 77ha); and
 - 4.2. The Consolidation of Portion A with Remainder of Farm 44 ($\pm$ 590.27ha) creating a new land parcel measuring $\pm$ 620ha.
5. No new accesses or right-of-way servitudes are required to ensure that all newly created land parcels have legal and unrestricted vehicular access.

6. This Branch has no objection to the proposed subdivision of Portion 2 of Farm 60 into Portion A and the Remainder, as well as the simultaneous consolidation of Portion A with the Remainder of Farm 44, as outlined above, subject to no new accesses being created off MR27 to any of the newly created land parcels without the approval of this Branch.
7. In terms of Section 11 of Act 21 of 1940, this Branch approves the subdivision of Portion 2 of Farm 60 into Portion A (± 30 ha) and the Remainder (± 77 ha), as well as the simultaneous consolidation of Portion A with the Remainder of Farm 44 (± 590.27 ha), resulting in a new land parcel measuring approximately 620ha.
8. Please note that, in accordance with the Access Management Plan (AMP) 2010 for MR27, the following accesses will be relocated as part of the dualling of MR27 or upon submission and approval of a land use change application:
 - 8.1. The existing farm access at approximately km42.80 RHS will be relocated to approximately km42.89 RHS; and
 - 8.2. Right of Way Servitude at approximately km44.73 RHS will be relocated to approximately km44.81 RHS.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 11 DECEMBER 2024