



Application Number: LU/16157 (TP 335/2023)

Our File Reference Number: Farm 1572 & Unregistered Farm 1611, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [REDACTED]

Dear Mr Heys

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR THE SUBDIVISION AND CONSOLIDATION OF FARM NO. 1572 AND UNREGISTERED FARM NO. 1611, STELLENBOSCH DIVISION

1. This Municipality's decision letter dated 18 June 2024, refers.
2. The Appeal Authority resolved on 29 April 2025 that the appeal submitted against the decision of the Authorised Decision-Maker dated the 7th of June 2024, to refuse the subject application **BE UPHELD**, and that the subject decision **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law and **BE REPLACED** with the following decision as follows:
3. That the following applications in terms of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 namely:
 - 6.1 Application in terms of Section 15(2)(d) of the said By-law for the subdivision of Farm No. 1611, Stellenbosch Division into two portions namely; Remainder Portion of ±10ha in extent and Portion A of ±3.8ha in extent;
 - 6.2 Application in terms of Section 15(2)(e) of the of the said By-law for the consolidation of Farm No. 1572, Stellenbosch Division and the subdivided

Remainder Portion of Farm No. 1611, Stellenbosch Division to form a single land unit of ±33.2ha in extent;

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

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

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-law, before the registration of a subdivided portion, or before the sale, development or transfer of the land:

- 4.1 The subdivision and consolidation of the properties must be undertaken in accordance with the Consolidation & Subdivision Plan, referenced Plan No. 1 and Project No. 3832-P, drawn by TV3 Architects, Town Planners and Urban Designers and dated 25/04/2023, attached as **Annexure A**.
- 4.2 The following restrictive condition must be registered in the title deed of subdivided Portion A of Farm No. 1611:

"Subdivided Portion A of Farm No. 1611 may only be used for bona fide agricultural activities and no buildings and structures, including any residential dwellings, or buildings and structures associated with any bona fide agricultural activities, except for structures associated with intensive horticulture, boundary fences, gates or irrigation equipment, are permitted to be built on the subject property".

- 4.3 A final draft title deed of the subdivided Portion A of Farm No. 1611 which reflects the restrictive condition in 4.2, together with an undertaking from the applicant's Conveyancer or Attorney that the said draft title deed will be submitted to the Registrar of Deeds unaltered, must be submitted to the Municipality for clearance and record purposes.

- 4.4 The Surveyor General approved diagrams of the newly created units must be submitted to the Municipality for clearance and record purposes.
- 4.5 An electronic copy (shp, dwg, dxf) of the approved diagrams be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
- a) Newly allocated farm numbers
 - b) Co-ordinates
 - c) Survey dimensions

General conditions of approval with no requirement for compliance prior to the registration of a subdivided portion, or before the sale, development or transfer of the land as contemplated in terms of Section 66(11) of the subject By-law:

- 4.6 The approval only applies to the subdivision and consolidation under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 4.7 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use of the newly created units.
- 4.8 The subdivision of Farm No. 1611 and consolidation of the Remainder Portion of Farm No. 1611 with Farm No. 1572 must occur simultaneously. The registration of the subdivided Portion A of Farm No. 1611 is not permitted without the registration of the consolidated land unit consisting of the Remainder Portion of Farm No. 1611 and Farm No. 1572.
- 4.9 Subdivided Portion A of Farm No. 1611 may only be used for bona fide agricultural activities and no buildings and structures, including any residential dwellings, or buildings and structures associated with any bona fide agricultural activities, except for structures associated with intensive horticulture, boundary fences, gates or irrigation equipment, are permitted to be built on the subject property.

4.10 Copies of the title deeds of the newly created units, which reflect the required restrictive condition must be submitted to the Municipality for record purposes once the said units have been registered with the Registrar of Deeds.

4.11 The subject approval lapses if the said subdivided and consolidated properties are not registered within 5 years of the date of the final decision notification letter.

5. **The reasons for the above decision are as follow:**

5.1 The property straddles across the Polkadraai road and there is already a physical barrier between the portions which divide the farm as functional agricultural unit.

5.2 There are sufficient and adequate mitigation conditions to protect the agricultural integrity and the rural landscape.

6. **Matter to be noted:**

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

6.2 This approval by no means condones any unauthorised land use on the subject properties and must not be interpreted as support for any other land use applications or proposals in respect of the subject properties.

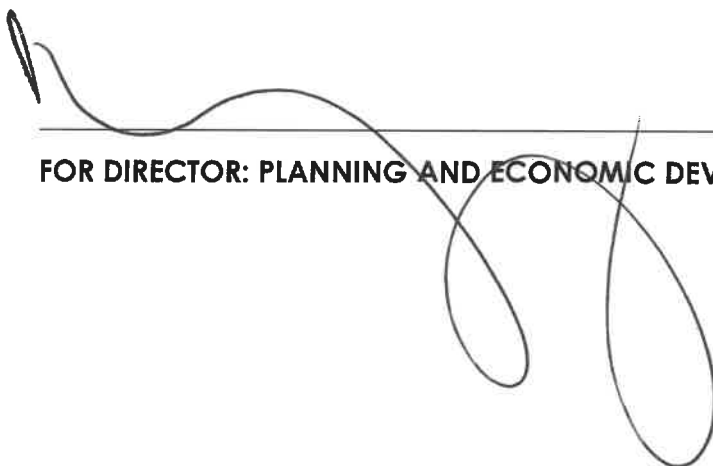
6.3 Conditions of the National Department of Agriculture, Land Reform and Rural Development as specified in the letter with consent no. 57109 and dated 23/11/2022, attached as **Annexure B**, are applicable.

6.4 Access is from a provincial road and the conditions of the Western Cape Government Department of Infrastructure - Chief Directorate: Road Planning as specified in the letter dated 13/03/2024, attached as **Annexure C**, are applicable.

6.5 Any changes to any existing municipal infrastructure due to this proposal will be for the account of the owner.

- 6.6 The subject properties fall outside of the Stellenbosch Municipal electrical supply area and all electrical requirements must be obtained from Eskom.
- 6.7 The applicant/owner to apply, at own cost to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the additional restrictive condition.
7. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.
8. The appeal process has now been concluded.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

26/5/2025
DATE

ANNEXURE A



19/402

6/402

9/402

18/402

15/43

14/11

Remainder
Farm 1611
(consolidating of Farm 1410
& unreg. Farm 7/405)
(±10Ha)

15/60

15/42

16/12

15/94

(14/10)

3/407

CONSOLIDATE

Portion A
(±3.8Ha)

2/405

(14/10)

(7/405)

RE/405

Remainder
Farm 1572
(±23.23Ha)

15/01

1/407

1/114

2/1410

2/1114

RE/2/408

6/408

1377

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

RE/928

AUTHORISED EMPLOYEE/MPT

26/5/2023

Notes

Application is made i.t.o. the Stellenbosch Municipal Planning By-Law 2015
for the subdivision of the unregistered Farm 1611, Stellenbosch (consisting
of the consolidation of Farm 1410, Stellenbosch with Farm 405/7,
Stellenbosch) into a Remainder (±10ha) and a Portion A (±3.8ha); and for the
consolidation of Remainder Farm 1611 with the abutting Farm 1672,
Stellenbosch.

Drawn by:

Plan no.:

Consolidation & Subdivision Plan
1

Scale:

1:5000 (A3)

Drawn:

VN

Date:

25/04/2023

Project no.:

3832-P

Checked:

CH

Proposed Subdivision Farm 1611
Consolidation of Farm 1572,
Stellenbosch



ANNEXURE B



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA



Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land and Soil Management
Tel: 012-319-7451 Fax: 012-329-5938 Email: KhuthalaD@Dalrrd.gov.za/ MulaloMo@Dalrrd.gov.za;
Website: www.dalrrd.gov.za
Enquiries: Helpdesk Ref: 2022_05_0059

Friedlaender, Burger & Volkmann Professional Land Surveyors
P.O.Box 154
STELLENBOSCH
7599

Email: info@fbvsurve.co.za

Attention: DP Burger

APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970: FARM NO. 1572, WESTERN CAPE PROVINCE

Your letter of reference SA1410 dated 02 March 2022 refers.

With reference to the above-mentioned subject, the Department wishes to inform you that the application has been granted.

Consent No. **57109** issued in terms of section 4 of the Act is enclosed.

To facilitate registration, the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

Yours faithfully

MS T.S. CHIPETA
CHIEF DIRECTOR: NATURAL RESOURCES AND
DISASTER MANAGEMENT
DELEGATE OF THE MINISTER

DATE: **23/11/2022**

CC: The Surveyor-General, Private Bag X 9689, POLOKWANE, 0700





**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2022_05_0059

CONSENT
IN TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970

57109

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform & Rural Development consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

THE FARM NO. 1611, IN EXTENT 13,8288 HECTARES; WESTERN CAPE PROVINCE

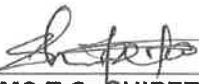
PARAGRAPH 2: CONSENT GRANTED

The subdivision of the above-mentioned agricultural land into two portions measuring approximately 3,8 hectares and 10 hectares represented by the figures marked Ptn A and Remainder as shown on the sketch plan which is attached to this consent.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

- 3.1 Simultaneously with registration of transfer, a portion measuring approximately 10 hectares (Rem) must be consolidated with rem of farm No. 1572, in extent 23,2393 hectares.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent does not exempt any person from any provision of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.4 This consent is valid for 5 years from date of this grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

28/11/2022
DATE


MS T.S. CHIPETA
CHIEF DIRECTOR: NATURAL RESOURCES
AND DISASTER MANAGEMENT
DELEGATE OF THE MINISTER

SKETSKAART WAARNA VER-
SKETCHPLAN TO WHICH IS
WYS WORD IN TOES EMMING
REFERRED IN CONSENT
No: 57109

22/11/2022

Project

Remainder
1572
± 22,9 Ha

CONSOL. DATE

Remainder
1611
± 10 Ha

PORTION A
± 5,8 Ha

Stellenbosch, Private Road (Remainder Road)

Notes:

1. Portion A to be subdivided off Farm No. 1611.
2. Remainder Farm No. 1611 to be consolidated with Remainder Farm No. 1572.



1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:5000 @ A3

Date: 3 February 2022

System: WG 19

PROPOSED SUBDIVISION
FARM NO. 1611 AND CONSOLIDATION OF
REMAINDER WITH FARM NO. 1572
STELLENBOSCH
Ref: SA1410
DWG: PROP_SUB_MONO

friedlaender, burger & volkmann
f b v

ANNEXURE C



Ref: DOI/CFS/RP/LUD/REZ/SUB-25/482 (Job 30635)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

UNREGISTERED FARM 1611 AND FARM 1572, STELLENBOSCH: MAIN ROAD 177, DIVISIONAL ROAD 1052, AND MINOR ROAD 5208: SUBDIVISION AND CONSOLIDATION

1. The following refer:
 - 1.1. The email from TV3 dated 17 November 2023 containing the Notice of Land Development Application for subdivision and consolidation; and
 - 1.2. The Consolidation and Subdivision Plan (Plan No. 1) prepared by TV3 dated 25 April 2023.
2. Main Road 177 (MR177, M12, Polkadraai Rd), Divisional Road 1052 (DR1052) and Minor Road 5208 are affected by this application with direct and indirect access off these proclaimed roads.
3. The application entails the following:
 - 3.1. The subdivision of unregistered Farm 1611, Stellenbosch (consisting of the consolidation of Farm 1410 and unregistered Portion 7 of Farm 405, Stellenbosch) into two portions namely; Remainder Portion of ± 10 ha in extent and Portion A of ± 3.8 ha in extent; and
 - 3.2. The subsequent consolidation of Farm 1572, Stellenbosch and the Remainder Portion of the subdivided unregistered Farm 1611, Stellenbosch to form a single land unit of ± 33.2 ha in extent.
4. Please be aware that this letter specifically addresses the application for subdivision and consolidation and does not pertain to the application for the tourist facility (Polkadraai Bike Park). This Branch is still awaiting the Traffic Impact Assessment (TIA) before we can provide comments on that particular application.

5. This Branch has no objections to the application for subdivision and consolidation mentioned above, provided that no new accesses are created to the newly formed land portions without the approval of this Branch.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 13 MARCH 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. TV3
Attention: Mr C Heys ([REDACTED])
3. Mr SW Carstens (e-mail)
4. Mr F Fakier
5. Me S du Preez (e-mail)
6. Mr B du Preez (e-mail)
7. Paarl DRE
8. Mr E Smith (e-mail)