Application Number: LU/6025
Our File Reference Number: Erf 184, Raithby
Your Reference Number: OV200150
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: james@jhp.co.za / jan@jhp.co.za

Sir

APPLICATION SUBDIVISION, CONSOLIDATION, REZONING, CONSENT USE AND DEPARTURE: ERF 184, 211, RAITHBY AND FARM NO. 1443, STELENBOSCH DIVISION

1. The above application refers.

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

2.1 Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law for the subdivision of:

(a) Erf 211, Raithby into Portion A of ±725m² and a Remainder of 42, 593ha
(b) Erf184, Raithby into Portion B of ±1020m² and a Remainder of 5,004ha
(c) Farm No 1443, Stellenbosch into Portion C of ±134m² and a Remainder of 12,709ha

2.2 Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-law for the consolidation of Portion A, B and C into an entity of ±1879m²;

2.3 Application made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law for the rezoning of the consolidated property from proportionally Institutional Zone I and Agricultural Zone I to Institutional Zone I for the existing educational facility and community hall.
2.4 Application made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law for a departure in order to relax the 10m building lines to accommodate the existing buildings.

2.5 Application made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law for a consent use in order to establish a place of assembly on the consolidated property.

**BE APPROVED** in terms of Section 60 of the said Bylaw for the following reasons:

(a) No agricultural land will be taken out of production, considering that these buildings have been used since the 1980’s for education and community assembly purposes.

(b) As mentioned all existing onsite building, services, access roads and parking areas will be sufficient for the proposed crèche and community hall activities.

(c) The proposal is in compliance and consistent with the principles of the IDP and the Municipal SDF.

(d) Considering that existing building will be used and existing access roads and points, it is not envisaged that the proposal will have a negative impact on the cultural land cultural landscape, the surrounding properties or the visual impact from the R44 a scenic route.

(e) The competent roads authorities supported the application and did not envisage any road safety or capacity problems at the intersection with the R44, access to the consolidate property or onsite parking provisions.

3. That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

(a) The approval applies only to the subdivision, consolidation, rezoning, consent use and departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external departments;

(b) That should building alterations and extensions be required, building plans be submitted to this Municipality for consideration and approval;

(c) The all required parking for the crèche and community hall activities is at all times provided onsite to the satisfaction of the municipal engineering department at all times.

(d) All electrical requirements should be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply.
(e) The approval will lapse if not implemented within 5 years from date of final notification;

(f) The water quality from the borehole and storage tanks must at all times comply with SANS 241:7

(g) Waste water and sewage may not pollute any ground, storm or surface water;

(h) Solid waste must be removed from the site to a legal solid waste disposal site in accordance with the requirements of section 20 of the Environmental Conservation Act 1989 (Act 73 of 1989).

(i) The following conditions be complied with before clearances certificates is submitted to this municipality for processing:

1) Written confirmation how and in whose name ownership of the consolidated property will be registered.

2) A servitude right of way be registered in favour of the consolidated property over Erf 211 and 184, Raithby and any other applicable property to give access to the R44 (Main Road 27).

3) Services servitude in favour of the consolidated property over the existing services must be registered by the transferring owners.

4) Hard and Electronic copies of all newly created erf diagrams are submitted to this municipality for record and clearances purposes.

5) A copy of the mutual agreement between the various property owners regarding the water supply to the consolidated property be submitted to the Director: Engineering Services;

6) Written proof to be submitted to the Director: Engineering Services that Department Water Affairs is satisfied with the registration of the borehole and the supply from the borehole for human consumption in terms of quality and yield;

7) Stellenbosch municipality is the only service provider to empty conservancy tanks, unless otherwise agreed with the Head: Water and Wastewater Treatment;

8) The conclusion of a Service Level Agreement (SLA) for the emptying of the tank by the municipality and the owner;

4. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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.
5. 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:

(a) The personal particulars of the Appellant, including:

(i) First names and surname;
(ii) ID number;
(iii) Company of Legal person’s name (if applicable)
(iv) Physical Address;
(v) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) 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.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:
The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct.

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: Lenacia.Kamineth@stellenbosch.gov.za.

7. An applicant 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.


9. An applicant who lodge 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.

11. Kindly note the above decision is suspended, and in the case of any approval, 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

[Signature]

FOR ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

[Date: 28/5/20]
ANNEXURE 2
Subdivision and Zoning Plan
ANNEXURE 5

Engineering comments
INTERDEPARTMENTAL CIRCULATION FORM

AANSEOKNOMMER/APPLICATION NUMBER  | LU/6025

MEMO AAN/TO:
X Director: Traffic Engineer / Engineering Services
Manager: Electrical Department
Manager: Building Development Management
Manager: Fire Services
Manager: Spatial Planning / Heritage / Environment / Signage
Manager: Health Department (Winelands Health)
Manager: Community Services: Albert Van Der Merwe
Manager: Property Management (P Smit)
Chief Financial Officer
Manager: Local Economic Development

Application

Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law for the subdivision of Erf 184, Raithby into Portion A of ±1020m² and a Remainder....m², the subdivision of Farm No 1443, Stellenbosch into Portion B of ±134m² and a Remainder....m², subdivision of Erf 211, Raithby into Portion C of ±725m² and a Remainder....m² and the consolidation of Portion A, Portion B and Portion C to form a land unit of ±1879m².

Application is also made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law for the rezoning of the consolidated property from proportionally Institutional Zone I and Agricultural Zone I to Institutional Zone I. Application is also made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law for a departure in order to relax the 10m building lines to....m, ....m, ....m respectively.

Application is also made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for a consent use in order to establish a place of assembly on the consolidated property.

Adres / Address
Erf 184, R44, Raithby

Aansoek Datum Application Date
13 April 2017

Aansoeker Applicant
(James Marais) Jan Hanekom Partnership

Aangeheg vind u tersaaklike dokumentasie in verband met booggenoemde aanname. Ten einde sy in staat te sê om die aanname aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skryflik van u kommentaar, indien enige, te voorsien. Onderwerp asseblief tussen algemene kommentaar op die merentes van die aanname en enige voorwaardes wat u departement wil oplei indien die aanname goedgekeur word.

Attacked please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Gelieve die memorandum per hand aan my terug te betaal voor of op 8 June 2018. Please hand deliver the memorandum to me on or before 8 June 2018.

B Mdoda
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

VOORWAARDE/CONDITIONS:

HANDTEKENING / SIGNATURE

DATUM / DATE
The application for the following subdivisions, consolidation, rezoning, departure and consent use refers.

1. 15.2(d) - Subdivision of Erf 184 Raithby into Portion A (1020m²) and a remainder.
2. 15.2(d) - Subdivision of Farm 1443 Stellenbosch into Portion B (134m²) and a remainder.
3. 15.2(d) - Subdivision of Erf 211 Raithby into Portion C (725m²) and a remainder.
4. 15.2(d) - Consolidation of Portions A, B and C (1879m²).
5. 15.2(a) - Rezoning of the consolidated property.
6. 15.2(b) - Departure to relax the 10m building lines to 1,0m on all the sides of the property.
7. 15.2(o) - Consent use in order to establish a place of assembly on the consolidated property.

Comments from the Director Engineering Services i.e Roads + Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land use approval.

The above mentioned application is recommended for approval subject to the following conditions:-

1. Submit a copy of the mutual agreement between the various property owners regarding the water supply.
2. Written proof to be submitted to the Directorate: Engineering Services that DWA is satisfied with the registration of the borehole and the supply from the borehole for human consumption in terms of quality and yield.
3. The water quality from the borehole and storage tanks is to comply with SANS 241.
4. Stellenbosch Municipality is the only service provider allowed to empty conservancy tank, unless otherwise agreed with the Head: Water and Wastewater Treatment, Mr James Beukes 021 808 8283.

5. The conclusion of a SLA for the emptying of the tank by the municipality and the owner.

6. Waste water and Sewage may not pollute any groundwater, stormwater or surface water.

7. Solid waste must be removed from the site to a legal solid waste disposal site in accordance with the requirements of section 20 of the Environmental Conservation Act 1989 (Act 73 of 1989).

[Signature]

07/06/2018

W. SMITH Pr. CPM
DEVELOPMENT SERVICES and PROJECT MANAGEMENT