Application Number: LU/ 8048
Our File Reference Number: Erf 355, Stellenbosch
Your Reference Number: ERF 355
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: PER E-MAIL: mark@lbackup.co.za / damien@lbackup.co.za

Sir

APPLICATION FOR SUBDIVISION, REGISTRATION OF SERVITUDE AND A DEPARTURE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW PROMULGATED OCTOBER, 2015 ON ERF 355, STELLENBOSCH

1. The above application refers.

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

2.1 The Subdivision of Erf 355, Stellenbosch into Portion A measuring ±491m² and a remainder of ±514m² in extent;

2.2 A departure to relax the common building line from 1.5m to 0.8m in order to accommodate the existing building on the remainder portion;

2.3 Registration of servitude for services and access over the remainder in favour of Portion A;

2.4 Registration of servitude for services and access over Portion A in favour of the remainder portion.
BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

(a) The proposed subdivision will not set a precedent as the sizes of the proposed properties are in line with those of the surrounding properties.
(b) The proposed departure will not have an impact on the surrounding properties as the relaxation of the building line is only for the existing structure on the remainder portion.
(c) The existing land use of the property will not be impacted on by the approval of the subdivision/application.

3. The above approvals granted are subject to the following conditions in terms of Section 66 of the above-mentioned Bylaw:

3.1 The approval applies only to the application in question as shown on Drawing No. PROP_SUB-REV4 dated 25/03/2019 (See APPENDIX 2) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 A services servitude (with a minimum width of 3m) is required for the existing stormwater line crossing Erf 355 in favour of the Municipality.

3.3 The servitude Area 1 over the remainder portion be registered in favour of Portion A.

3.4 The servitude Area 2 over Portion A be registered in favour of the Remainder Erf 355.

3.5 The applicant must submit an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG. The following information must be indicated:

   Newly allocated Erf Numbers
   Co-ordinates
   Survey Dimensions

3.6 Water Connections

   a) Each erf must have its own water connection and water meter installed.
   b) The cost of the installation is for the account of the owner.
3.7 **Sewer connections**

a) Each erf must have its own sewer connection.
b) The cost of the installation of the sewer connection is for the account of the owner.
c) An engineers drawing indicating the new sewer layout and connection point be submitted for approval.
d) Installation must be done by a suitable contractor appointed by the owner.

3.8 **Developmental charges (DC’s)**

a) Development charges to the amount of R 71 491.94 are payable (See Appendix 8).

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:

   (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

   (ii) 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

[Stamp]
CC:
The Surveyor-General
Private Bag X9028
Cape Town
8000

PER E-MAIL sgdatawc@drdlr.gov.za
APPENDIX 2

(APPLICATION FOR SUBDIVISION, REGISTRATION OF SERVITUDE AND A DEPARTURE IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW PROMULGATED OCTOBER, 2015 ON ERF 355, STELLENBOSCH)

SUBDIVISION PLAN
APPENDIX 8

 Terms of the Stellenbosch Municipalities Planning By-Law.

 Application for Subdivision, Registration of Servitude and a Departure in

 Confidential

 Comment received from the Director: Engineering Services
The cost of the installation is for the account of the owner.

Once the subdivision is formally approved, the Municipality can be contacted to install the water connection.

Each erf must have its own connection and water meter installed.

Water Connections:

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

1. The subdivision of 355 m² is subdivided into two portions, namely, Portion A and Portion B.

2. The subdivision of Portion A is subdivided into two sub-erfs, namely, Portion A1 and Portion A2.

3. Registration of access and services serility over Remainder and in favour of the Remainder and Remainder (50 m²).

4. Registration of access and services serility over Portion A and in favour of the Remainder (50 m²).

5. Registration of access and services serility over Portion B and in favour of the Remainder (50 m²).

6. The application is for the following reasons:

- Proposed subdivision and serility for 355 m² of the subdivision.

Details, specifications, and information related to the following items:

- RE: In-house
- CIV III Lu 17705
- 1/8/2019
- Colin Taylor (Development)
- B Moda
- Director: Planning & Economic Development

This Memo supersedes the one dated 8 November 2016.

DIRECTORATE: ENGINEERING SERVICES

MEMO
Thereof.

The width of the registered servitude must be a minimum of 3 m or twice the depth of
the pipe (measured to invert or pipe), whichever is the higher value. The applicant will
undertake the mutual agreement. This should be indicated on all plans.

A servitude servitude is required for the existing services where the crossing of 355, in
the application has complied with the above mentioned conditions.

5.1 The Municipality reserves the right to withhold any clearance certificates until such

5.2 Clearance Certificates

4.1 Any change to existing civil engineering services of Steelhead Property is for the

4 General

3.2 The DCs were calculated using the then applicable rates.

3.1 Development Charges (DCS)

2.6 of the installation of the sewer connection is for the account of the applicant.

2.5 Services Department.

2.4 A quotation for the sewer connection must be submitted to approval. The cost

2.3 Once the subdivision is finally approved an Engineer Drawing indicating the new

2.2 The cost of the installation of the sewer connection is for the account of the owner.

2.1 Sewer Connections

The applicant is responsible for the registration of the required servitude(s), as well as the cost

The sewer servitude is required for the existing services where the crossing of 355, in
the application has complied with the above mentioned conditions.

The Municipality reserves the right to withhold any clearance certificates until such
clearance certificates are payable before a clearance certificate can be issued.

The applicable DCs are payable before a clearance certificate can be issued.

30 June 2020. If not by this date the developer may be required to pay the development charges.

Based on the information provided, the development charges payable by the

Development Charges (DCS)

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### APPLICATION INFORMATION

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### SUMMARY OF DC CALCULATION

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**Stellenbosch Municipality - Development Charge Calculation**