



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9470

Our File Reference Number: Erf 154, Raithby

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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**PER E-MAIL:** [kennyvanheusden@gmail.com](mailto:kennyvanheusden@gmail.com)

Sir

## **APPLICATION FOR A DELETION OF A CONDITION OF APPROVAL: ERF 154, RAITHBY HEIGHTS VILLAGE, RAITHBY**

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

That the application in terms of Section 15(2)(h) of the said by-law for the deletion of a condition of approval (condition 4) as imposed on the rezoning and subdivision application, dated 15 August 2008 which stipulated that "*the existing controlled access gate to the property be removed and no controlled access points to the development be permitted*", be removed to allow the development to be gated,

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

- (a) The approval applies only to the application for the deletion of the subject condition of approval and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- (b) That all previous conditions of approval remain applicable unless it has been replaced by this approval.
- (c) Building plans be submitted to this municipality for approval.

**The reasons for the above decision are as follows:**

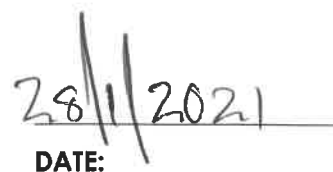
- a) The proposal remains within the Urban Edge.
  - b) The removal of the condition of approval is only to permit the existing entrance gate to be retained.
  - c) The original rezoning and subdivision of the subject properties has been approved by the Municipality in August 2008. The merits of the proposed development have therefore already been assessed and decided upon.
  - d) The proposal is not inconsistent with the Stellenbosch Spatial Development Framework.
  - e) The removal of the condition will have no impact on the surrounding area as the internal roads do not make provision for further/adjoining development to be accessed.
3. 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.
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:
- (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.
4. 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](mailto:Lenacia.Kamineth@stellenbosch.gov.za)
  5. 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.
  6. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

7. 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.
8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
9. 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

  
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**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

  
\_\_\_\_\_  
**DATE:**