



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12577

Our File Reference Number: Erf 16489, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CLOSURE OF PUBLIC PLACE: ERF 16489, STELLENBOSCH

1. The above application refers.

2. The Municipal Planning Tribunal on 18 March 2022 resolved as follows:

2.1 The application made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 16489, Stellenbosch for the:

2.1.1 **Closure of a public place** in terms of Section 15 (2) (n) of the said By-law, 2015, in order to close a portion of Erf 16489 as indicated on the development plan, Drawing PROP SUB-REV1 dated 31 March 2021;

BE APPROVED in terms of Section 60 of the said bylaw, **SUBJECT TO** conditions in terms of Section 66 of the said Bylaw.

3. **CONDITIONS** of Approval:

3.1 The approval applies only to the application under consideration as indicated on Drawing: PROP SUB-REV1, Ref: ERF16489, dated 31 March 2021, drawn by Fbv professional land surveyors and 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 be undertaken in accordance with the plan, Drawing PROP SUB-REV1 and dated 31 March 2021 attached as **ANNEXURE C**.

3.3 The applicant to inform the Surveyor-General of the closure of the public place in order to amend the diagram accordingly.

3.4 An agreement be entered into with the Municipality to address the conditions as imposed by the **Directorate Infrastructure Services** in their letter dated 19 August 2021 and attached as **ANNEXURE K**.

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

4.1 The scale and nature of the proposal will not compromise the existing character of the surrounding landscape.

4.2 The proposal gives effect to a decision by Council to alienate and transfer the land to the Western Cape Government for education purposes.

4.3 The implementation of the proposal will reflect the actual use of the land in the current context.

5. **Matters to be noted:**

5.1 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.

5.2 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

5.3 The alteration of a public street and consolidation of a closed public place with the abutting Erf 16491 in terms of Section 24(1)(e) and Section 24(1)(d) of the said Bylaw will be decided by the authorised employee.

5.4 The zoning of Portion A to be resolved after the closure of the public place.

6. 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.

7. 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.

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 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>).
11. 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.
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 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



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

8/4/2022.
DATE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANNEXURE C: DEVELOPMENT PLAN



Notes:

1. The figure ABCD represents Portion of Erf 16489 (Road) to be closed.
2. Portion A to be consolidated with Erf 16491.

Caveat

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



Scale 1:2000 @ A4

Date: 31 March 2021

Contours: N/A

System: WG 19

**ERF 16489 STELLENBOSCH
PROPOSED ROAD CLOSURE,
SUBDIVISION AND CONSOLIDATION WITH
ERF 16491 STELLENBOSCH**

friedlaender,  & 

Ref:ERF16489

Dwg:PROP SUB-REV1

Annexure B



Notes:

1. The figure ABCD represents Portion of Erf 16489 (Road) to be closed.
2. Portion A to be consolidated with Erf 16491.

Caveat

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 1:2000 @ A4	Date: 31 March 2021	Contours: N/A	System: WG 19
ERF 16489 STELLENBOSCH PROPOSED ROAD CLOSURE, SUBDIVISION AND CONSOLIDATION WITH ERF 16491 STELLENBOSCH		 friedlaender, burger & volkmann <small>ESTABLISHED IN 1972</small> <small>111 Main Street, Cape Town, South Africa</small> <small>021 462 1000</small> <small>www.fbv.co.za</small>	
Ref:ERF16489	Dwg:PROP SUB-REV1		

**ANNEXURE K: COMMENT FROM THE MANAGER:
DEVELOPMENT, INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH-PNIEL-FRANSCHHOEK

MEMORANDUM

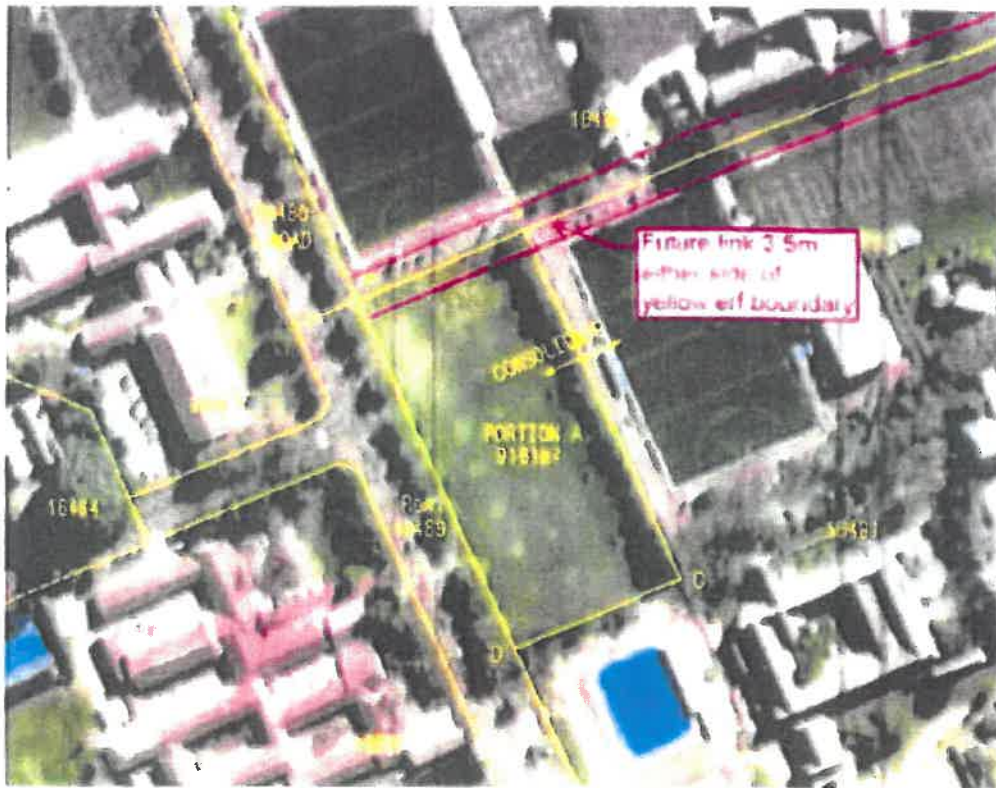
DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan: Director: Planning + Economic Development
Att Aandag: Nicole Katts
From • Van: Manager: Development (Infrastructure Services)
Author • Skrywer: Tyrone King
Date • Datum: 19 Aug 2021
Our Ref • Ons Verw: Civil LU 2160
Your Ref: LU/12577
Re • Insake: Erf 16489, Stellenbosch: Closure of a public place on Erf 16489
in order to be consolidated with Erf 16491 (Rhenish School
sports field)

The application is not recommended for approval.

1. Civil Engineering Services

- 1.1 the Municipality needs to retain a 3.5m on each side of the boundary line that runs between the two schools to make provision for a future vehicular/pedestrian link between Doombosch and Koch street, in order to improve traffic flows and relieve the congested traffic conditions in the area.



- 1.2 It is therefore requested that the subdivision diagram be amended to indicate the 3.5m future public road portion on Portion A.
- 1.3 This is the only issue that needs to be addressed before we can give approval from a civil engineering perspective.
- 1.4 Further conditions regarding the future acquisition of the rest of the strip required for the link road will be provided as land-use approval conditions when we give our final approval.

2. Electrical Engineering

2.1 We are still awaiting comments from Electrical Eng department.



**Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swap (Doornbosch Street subdivision)\2160 (TK) 16489 Stellenbosch (LU-12577), Rhenish land swap.doc