

STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14458 (TP49/2022)

Our File Reference Number: Farm 222, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR AMENDMENT OF A CONDITION OF APPROVAL: REMAINDER FARM HAZENDAL NO. 222, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Remainder Farm No. 222, Stellenbosch Division, for the **Amendment of a condition of approval** (*Condition 3.8 of approval letter dated 01 December 2021*) to allow the main access to Hazendal Wine Estate to be from Voloshin Road (via Ronel Street) and to close the Bottelary Road for the tourist related uses;

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

2.2 The reasons for the above decision are as follows:

- 2.2.1 The City of Cape does not support the proposal due to existing constraints and available capacity on the immediate road network.
- 2.2.2 The subject property is situated outside of the City's municipal area and the access directly unto the City's road network was a concession to accommodate the farm operations only.

2.2.3 The City accommodated a request for a secondary alternative access towards Ronelle Street and the restrictive use thereof was agreed between parties with a clear understanding that access/ingress from Bottelary Raod will remain the main access/ingress.

2.2.4 The approval of the main and only access to Hazendal Farm via Ronelle Street will hamper development opportunities with the Brackenfell smallholding area and is in contradiction to the principles agreed on between the City and Hazendal Farm.

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

6. 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:

a) First names and surname

b) ID number

c) Company of Legal person's name (if applicable)

d) Physical Address

e) Contact details, including a Cell number and E-Mail address

7. Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.1 The grounds of the appeal which may include the following grounds:

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

b) 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.

7.2 Whether the appeal is lodged against the whole decision or a part of the decision.

7.3 If the appeal is lodged against a part of the decision, a description of the part.

7.4 If the appeal is lodged against a condition of approval, a description of the condition.

7.5 The factual or legal findings that the appellant relies on.

7.6 The relief sought by the appellant.

7.7. Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

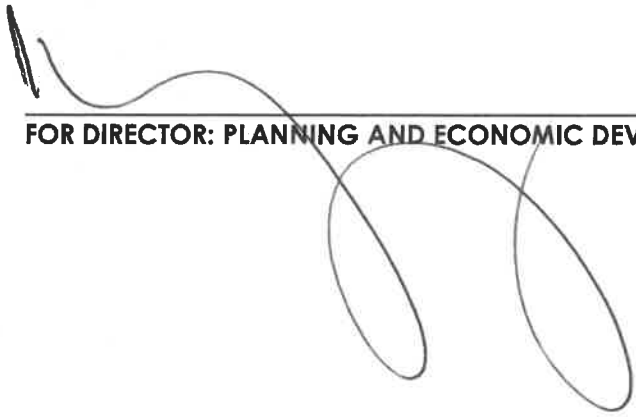
7.8. That the appeal includes the following declaration by the Appellant:

- a). The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct.
- b). 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 and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za
11. An applicant who lodges 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 in the case of any approval, is suspended, and 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 a series of loops and curves, is written over a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

15/2/2024
DATE

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