



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11047

Our File Reference Number: Farm 510/845, Jamestown

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION, DEPARTURE, SITE DEVELOPMENT PLAN AND STREET NAMING AND NUMBERING: UNREGISTERED FARM NO. 510/845, JAMESTOWN, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 18 June 2021 resolved as follows:
 - 2.1 The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Unregistered Farm No. 510/845, Stellenbosch Division (Jamestown), namely:
 - 2.1.1 The **rezoning** of the subject property from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said By-law to allow for the following uses:
 - (a) 1 x Mixed Use Zone portion with an extent of $\pm 2\ 014\text{m}^2$ for parking purposes;
 - (b) 1 x Multi-Unit Residential Zone purposes inclusive of group housing erven; private road purposes; private open space purposes and utility service purposes; with a total extent of $\pm 8\ 737\text{m}^2$;
 - (c) 1 x Multi-Unit Residential Zone for the construction of flats with an extent of $\pm 2\ 189\text{m}^2$.

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.

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3. CONDITIONS OF APPROVAL:

3.1 A **Subdivision Plan, Phasing Plan** and **Consolidation Plan** be submitted to the Municipality for approval and to include the following matters:

- a) *Indicate the approved land uses and extent thereof;*
- b) *Comply with a maximum density of 50 dwelling units per hectare for the group housing component;*
- c) *Comply with a maximum height of 2 storeys;*
- d) *Comply with the boundary walls and fences requirements as per the Stellenbosch Municipality Zoning Scheme By-law, 2019;*
- e) *Comply with the building development parameters as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019;*
- f) *Comply with open Space requirements as per the Stellenbosch Municipality Zoning Scheme By-Law;*
- g) *Indicate street naming and numbering;*
- h) *Investigate the possibility of pedestrian access from Fresno Street through the development to the shopping centre.*

3.2 A **Site Development Plan** as per Section 16 of the By-law be submitted to the Municipality for approval. In addition, the following be included and addressed:

- a) *The position, use and extent of all proposed buildings;*
- b) *Elevations of the new development;*
- c) *The details of proposed vehicle access, roads, parking areas and pedestrian footpaths;*
- d) *Details of the proposed fencing or walls around the perimeter of the land unit;*
- e) *The position and extent of proposed private, public and communal space;*
- f) *Detailed landscaping proposals including the street reserve with tree planting in line with the Stellenbosch Tree Management Policy;*
- g) *A positive interface between the development and Fresno Street to the satisfaction of the Municipality.*
- h) *Vehicular access of individual properties off Fresno Street to satisfaction of the Municipality.*

3.3 The approval will lapse if not exercised within **5 years** from date of final notification.

3.4 Inclusionary housing should be created to expand housing opportunity for a broader range of income groups.

4. REASONS FOR APPROVAL:

4.1 The proposal will develop underutilized land within the urban edge for urban development.

- 4.2 The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework.
- 4.3 The proposed development of the subject property will not impact negatively on the safety and welfare of the members of the community or have an effect on existing rights concerned.
- 4.4 The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

5. **MATTERS ON THE APPLICATION TO BE NOTED:**

- 5.1 That the approval on the name of the development and the naming and number of streets as per the proposed subdivision plan, **BE OBTAINED** from the Executive Mayor of Stellenbosch as the duly authorised decision maker on such matters.
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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

16/07/2021

DATE: