



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10313

Our File Reference Number: Farm 81/29, 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 SUBDIVISION, REZONING, CONSENT OF TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND APPROVAL OF SITE DEVELOPMENT PLAN: FARM NO. 81/29, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 20 August 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 Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:
 - 2.1.1 The **subdivision** of the subject property in terms of Section 15(2)(d) of the said by-law into three portions namely **Portion 1** (±2,24ha), **Portion 2** (±0,64ha) and **Portion 3** (±0,12ha) as indicated on Subdivision Plan 4 – 3628-P, dated 22 January 2020, and drawn by TV3 Architects and Town Planners.
 - 2.1.2 The **rezoning** [section 15(2)(a)] of Portion 1 (±2,24ha) from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: **Multi-Unit Residential Zone erven** and **Private Open Space Zone** for private open space purposes and private road purposes; with a total extent of ±2,24ha.
 - 2.1.3 The **rezoning** [section 15(2)(a)] of Portion 2 and Portion 3 from Agriculture and Rural Zone to Utility Services Zone for public roads.

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:

3. Conditions of approval:

3.1 A **Subdivision Plan** for Portion 1 be submitted to the Municipality for approval and to include the following matters:

- a) Indicate the land uses and extent thereof.
- b) Provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.

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

3.3 Inclusionary housing be considered to expand housing opportunity for a broader range of income groups.

3.4 The approval applies only to the applications in question, and not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.5 Portion 3 (Public Road) be transferred to the Local Authority.

3.6 Portion 2 (Public Road) be transferred to the Department of Transport and Public Works as part of the road reserve of the R304.

4. REASONS FOR APPROVAL

- a) The proposal will develop underutilized land within the urban edge for urban development.
- b) The subject property is located along the R304 within this area identified by the MSDF for future urban development.
- c) The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework, as well as the Northern Extension Project's vision.
- d) 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.

- e) 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.
- f) The matters raised by the Stellenbosch Ratepayers Association were considered and addressed in the detailed studies and report to the MPT.

5. 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 Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:

5.1 The **departure** [section 15(2)(b)] to exceed the density of **50 dwelling units per hectare** to **71 dwelling units per hectare**

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

6. REASON

- a) The density proposed is not considered at this stage and such an application will be considered in line with the submission of a revised subdivision plan for Portion 1 and in accordance with the conditions of the subdivisational area in condition 3.1.

7. MATTERS TO BE NOTED

- 7.1 The application for consent in terms of the relevant Title Deed no. T52460/99, Condition D(a) to (e), to allow for the proposed development in terms of section 45(6) of SPLUMA will be considered by the Municipality.
- 8. 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.
- 9. 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.

10. 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
11. 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.
12. 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>).
13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. 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

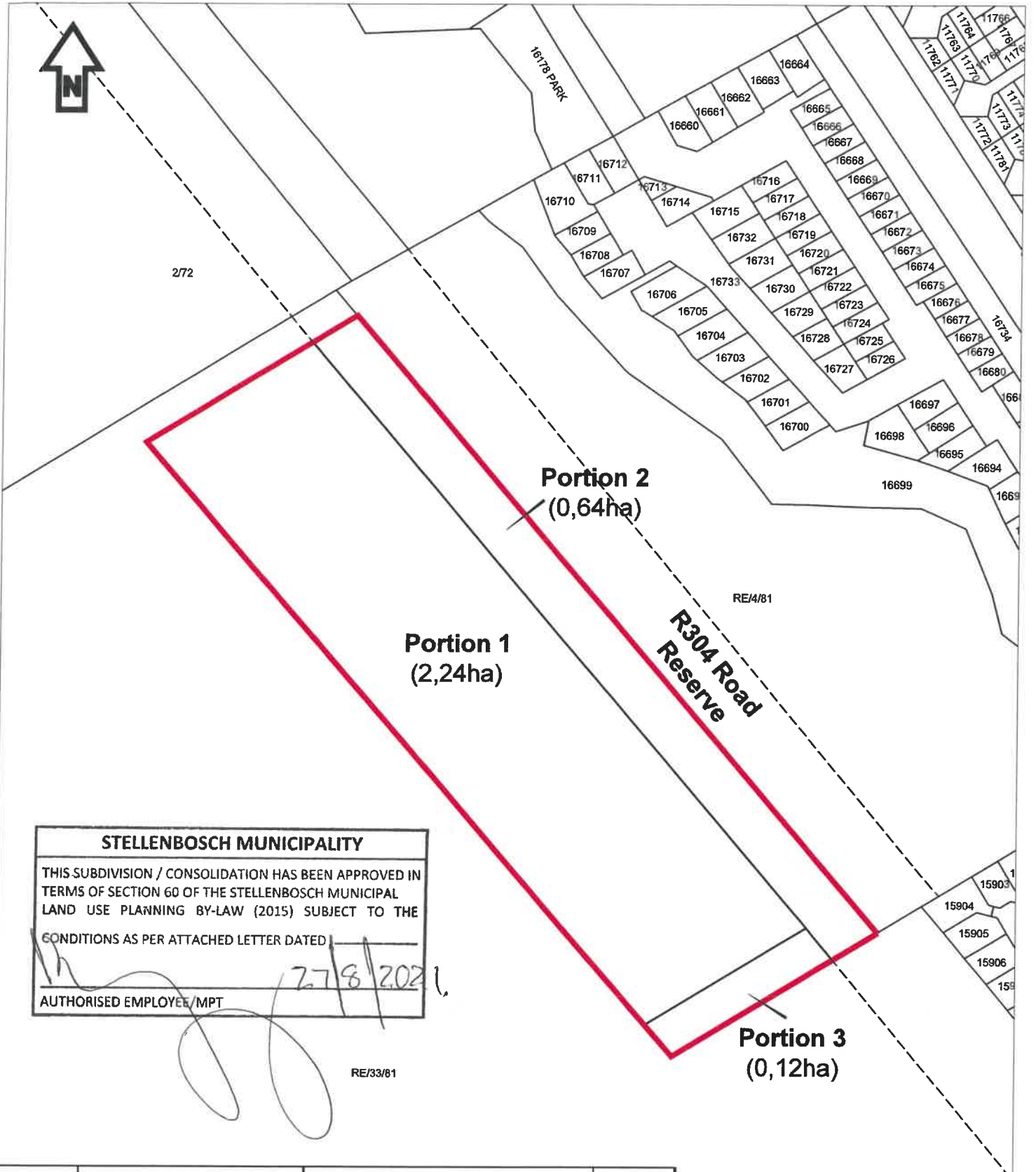

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT


DATE:

[REDACTED]

[REDACTED]

[REDACTED]



STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 27/8/2021

[Signature]
 AUTHORIZED EMPLOYEE /MPT

RE/33/81

Portion	Zoning	Land Use	Area (ha)
1	Multi Unit Residential Zone	Flats	2.24
2	Utility Services Zone	Public Road	0.64
3	Utility Services Zone	Public Road	0.12
Total			3.00



Steyn's Nursery

Property Description:
 Portion 29 of Farm 81, Stellenbosch

Drawing: Subdivision Plan		Plan no.: 4	
Date: 22/01/2020	Scale: 1:2 000(A4)		
Project no.: 3628-P	Drawn: WH	Checked: CH	