



DIRECTORATE: PLANNING AND ECONOMIC DEVELOPEMNT
DEPARTMENT OF DEVELOPMENT MANAGEMENT

INFORMATION GUIDELINE:

APPEALS ON LAND USE AND LAND DEVELOPMENT DECISIONS

1. Any person has the right to an appeal in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 if:
 - 1.1 His/ her rights are affected by a decision on a land use and land development application; or
 - 1.2 a duly authorised decision maker fails to decide on a land use and land development application.
2. An Appeal must be submitted to the Appeal Authority within 21 days from the date of notification of a decision on a land use and land development application.
3. 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. An Appeal on the failure of a decision maker to decide on an application, may be lodge any time after the expiry of the applicable period contemplated in s.57(1) or (2) of the said Bylaw.
5. All Appeals must include the following personal information of the Appellant as well as information on the subject property and any relevant correspondence:

- (a) Reference to any relevant correspondence
- (b) Details on the relevant property on which the appeal is submitted.
- (c) First names and surname;
- (d) ID number;
- (e) Company of Legal person's name (if applicable)
- (f) Physical Address;
- (g) Contact details, including a Cell number and E-Mail address;

6. Appeals on a decision of a land use and land development application must also include the following prescribed information to satisfy the requirements of Section 80(2) of the said By-law:

- (a) 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.
- (b) whether the appeal is lodged against the whole decision or a part of the decision;
- (c) if the appeal is lodged against a part of the decision, a description of the part;
- (d) if the appeal is lodged against a condition of approval, a description of the condition;
- (e) the factual or legal findings that the appellant relies on;

- (f) the relief sought by the appellant; and
 - (g) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
7. An Appeal on the failure of a decision maker to decide on an application, must include the facts that prove the failure (s. 81(1)(h) of the said By-Law).
 8. All appeals must include 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.
 9. If an Appellant fails to provide the above prescribed information, the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.
 10. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of Email at the following address:
landuse.appeals@stellenbosch.gov.za
 11. 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 the subject 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 and the banking details for the General Account can also be accessed on the municipal website.

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684

Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

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 Bylaw:
- (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 Bylaw 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. It is to be noted that no appeal right on a land use and land development application, or failure to decide on such application, exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. All decisions on land use and land development applications 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 the Applicant or Appellant has been advised accordingly.