



Application Number: LU/12093

Our File Reference Number: Farm 345/5 Stellenbosch

Your Reference Number:

Enquiries: Odile Sims / Gerrit Goosen

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PER E-MAIL: [REDACTED]

Dear Mr van der Merwe

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON FARM 345/5, STELLENBOSCH DIVISION

1. This Municipality's decision letter dated 18 July 2022, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 12 April 2024 that the appeal submitted against the refusal of the subject application by the Authorised Official on 18 July 2022, **BE DISMISSED** and that the subject decision **BE REVOKED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. The application for removal of restrictive title deed conditions on Farm 345/5, Stellenbosch Division **BE REMITTED** in terms of section 81(9)(a) of the said By-law to the Department of Development Management and **BE INSTRUCTED** in terms of Section 81(9)(a)(ii) of the said By-law to accept and process an associated land use and land development application that would inform and support the rationale for the application to remove the subject title deed restriction, and to duly decide on same as decision maker of first instance.
4. Reasons for the decision are as follows:
 - 4.1. Title deed restrictions constitutes property rights, and when it is proposed and considered to have same removed, the application must be fully motivated and accompanied by a

proposal which will enable all interested and affected parties to be able to fully comprehend and consider the possible impact that such removal may have.

4.2. The subject application contains no grounds or motivation for the proposed removal of the subject title restrictions which also impedes effective public participation. The application cannot be properly considered in the absence of a proposal associated with the required removal of title deed restriction and such effective public participation.

4.3. The application did not provide any proposal and supporting motivation for a land use in pursual of the application to remove the title condition and consequently could not properly consider the merits of the application.

4.4. The current application is consequently remitted to the demonisation to correct this error and enable the applicant to submit an associated land use and land development application to support the current application for the removal of the subject restrictive title deed condition.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 19.04.2024

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