



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15322 (TP308/2023)

Our File Reference Number: Erf 718 & 3099, Kayamandi

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: [REDACTED]@

Sir/Madam

APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 FOR THE CONSOLIDATION OF UNREGISTERED ERF 718 AND ERF 3099, KAYAMANDI, STELLENBOSCH

1. The above application refers.
2. The Municipal Planning Tribunal on 26 May 2023 resolved as follows as follows:
 - 2.1 That the application in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the **consolidation** of unregistered Erf 718 and Erf 3099, Kaya Mandi, Stellenbosch.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
 - 3.1 The approval only applies to the proposed consolidation under consideration, as indicated on the consolidation diagram, dated January 2023, GP SG No. 7988/1991 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 3.2 The approval granted not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.3 The consolidation be undertaken in accordance with the consolidation diagram dated, January 2023, GP SG No. 7988/1991 as attached as **Annexure B**.

3.4 The consolidation be registered prior to any building plans being submitted and approved.

4. The reasons for the above decision are as follows:

4.1 Approval of the consolidation will not result in any additional land use rights being granted which would have a negatively impact on the surrounding properties / area.

4.2 The consolidation will enable the improvement and upgrading of an existing community facility and result in more community related services being made available to the community.

4.3 The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.

5. 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.

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:

(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);

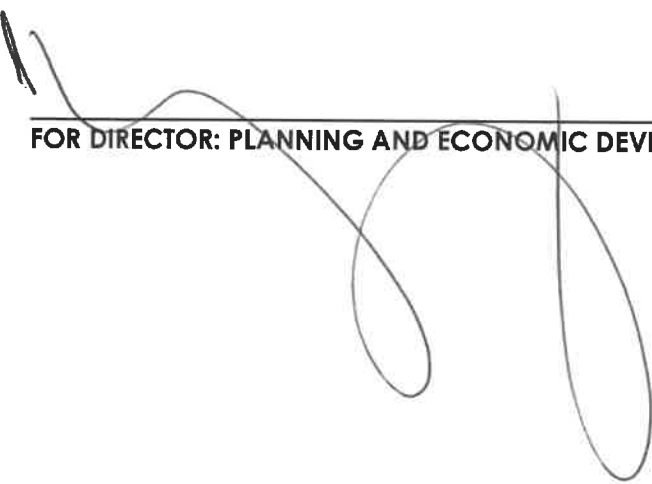
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is 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.

7. 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
8. 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.
9. 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>).

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

20/6/2023
DATE



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ANNEXURE B

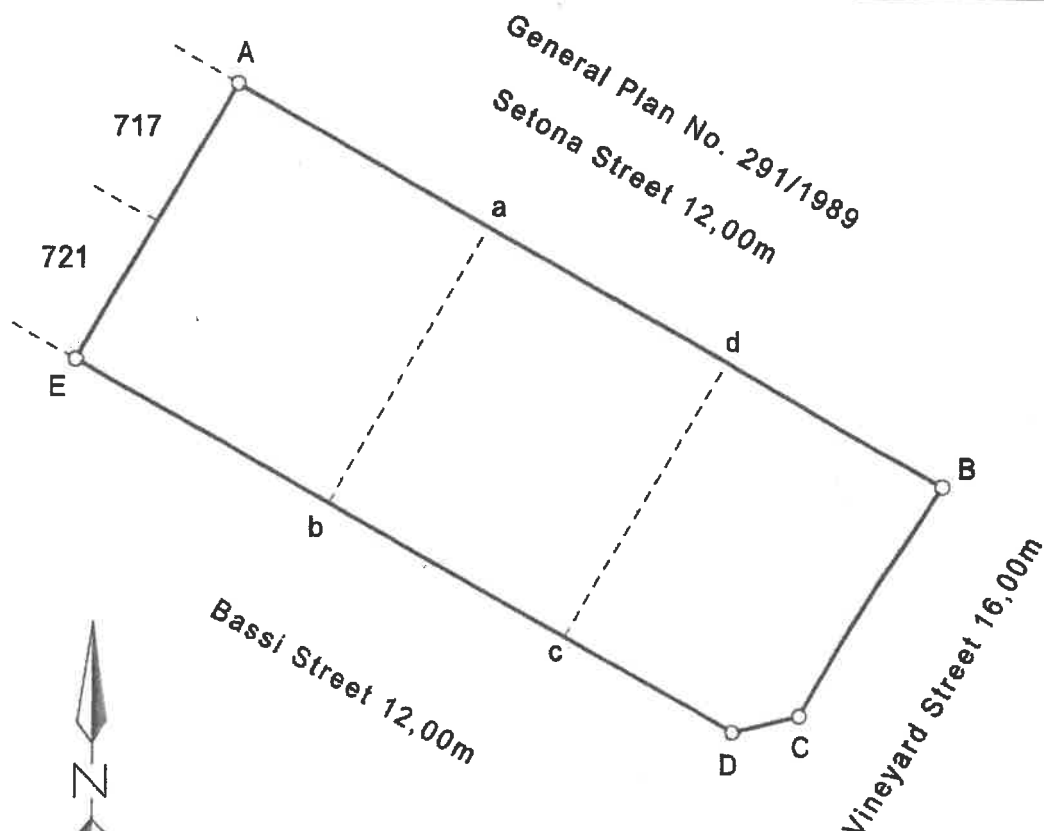
Components:

1. The figure AabE represents Erf 718 Kaya Mandi
Vide General Plan No. 7988/1991
2. The figure aBCDb represents Erf 3099 Kaya Mandi
vide S.G. Dia. 1281/2013
D/T No.

SG No.

Approved

for
SURVEYOR-
GENERAL



Scale : 1

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	
20/6/2023	
AUTHORISED EMPLOYEE/MPT	

The figure ABCDE
represents 2722 square metres of land, being

Erf 5105 Kaya Mandi
(comprising 1 and 2 above)

situate in the Stellenbosch Municipality
Administrative District of Stellenbosch

Western Cape Province
Framed in January 2023 by me

LA van Dyk
Professional Land Surveyor
Registration Number: PLS 1069

This Diagram is annexed to
No.

Registrar of Deeds

File:
S.R. No. Framed
GP SG No. 7988/1991
Comp BHSZ-11 (M3168)
LPI No. C0670025

Erf 5105 Kaya Mandi