STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14690(TP129/2022)
Our File Reference Number: Erf 557, 507 & 508, De Zalze
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER EMAIL: [redacted]

APPLICATION FOR SUBDIVISION, CONSOLIDATION & REZONING ON ERF 557, 507 & 508 DE ZALZE, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 An application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 557, 507 & 508 De Zalze, Stellenbosch for the following:

2.2 **Subdivision** of Erf 557 in terms of Section 15 (2) (d) of the said by-law into the following:

a) Portion 1 (77m² in extent)
b) Portion 2 (77m² in extent)
c) Remainder Erf 557

2.2 **Rezoning** in terms of Section 15 (2) (a) of the said by-law of a subdivided portion 1 & 2 of Erf 557 from Multi-unit Residential Zone to Conventional Residential Zone.

2.3 **Consolidation** in terms of Section 15 (2) (e) of the said by-law of Portion 1 with Erf 507 and Consolidation of Portion 2 with Erf 508.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

Conditions of approval:

2.5 The approval applies only to the proposed application under consideration as indicated on Subdivision Plan no: C5693/Sub, drawn by Diesel & Munns Inc, dated June 2021 (See **Annexure D**); and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.6 The subdivision and consolidation be undertaken in accordance with the Subdivision Plan no: C5693/Sub, drawn by Diesel & Munns Inc, dated June 2021 (See **Annexure D**); to this report.

2.7 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use;

2.8 The Surveyor General approved diagrams of the newly created units be submitted to the Stellenbosch Municipality for clearance and record purposes.

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

3.1 The scale and nature of the proposal will not compromise the existing character of the surrounding landscape.

4. 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 5Section 80(1)(a) of the said By-Law.

5. 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 and 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.

6. 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

DATE: 26/4/2022

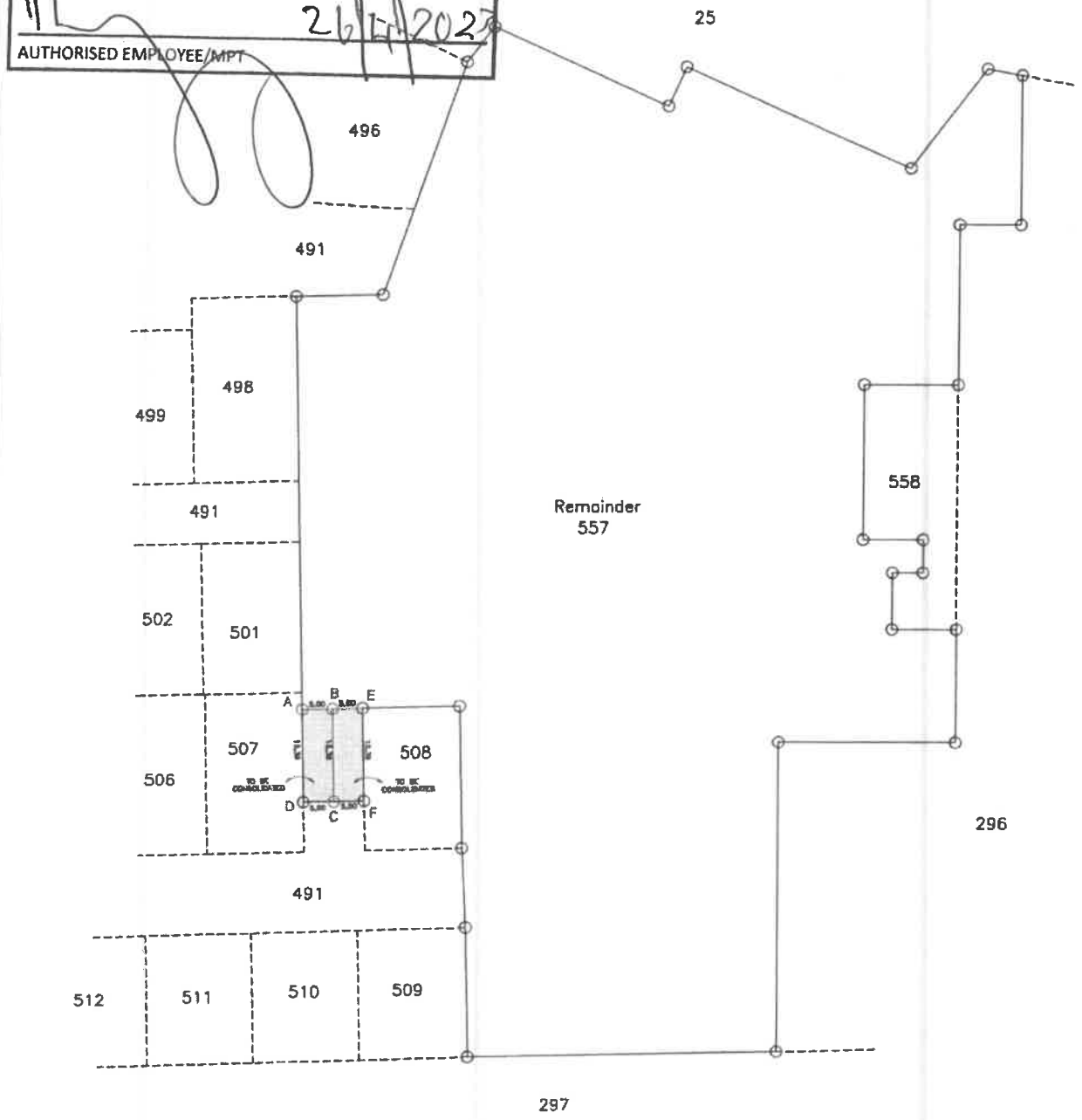
ANNEXURE D: PROPOSED SUBDIVISION PLAN

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

26/1/2022

AUTHORISED EMPLOYEE/MPT



LEGEND:

ABCD — PORTION 1 (±77m²)
(TO BE CONSOLIDATED TO ERF 507)

BEFC — PORTION 2 (±77m²)
(TO BE CONSOLIDATED TO ERF 508)

TN

SUBDIVISION PLAN OF ERF 557 DE ZALZE

Stellenbosch Municipality
Administrative District Stellenbosch
Province Western Cape.

NOTES:

1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
2) COMPILATION SHEET: BH - 8DCD (3785)
3) ZONING: 557 - MULTI-UNIT RESIDENTIAL ZONE
507 & 508 - CONVENTIONAL RESIDENTIAL ZONE

SCALE 1/1 000
DATE : JUNE 2021
PLAN NO: C5693/Sub

[redacted]