



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15427 (TP179/2023)

Our File Reference Number: Erf 351, Pniel

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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PER E-MAIL:

Sir / Madam

APPLICATION FOR A REZONING WITH PERMANENT DEPARTURES AND PERMISSION IN TERMS OF THE ZONING SCHEME: ERF 351, PNIEL

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2)a of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Erf 351, Pniel, Stellenbosch, namely:
 - 2.1.1 **Rezoning** of erf 351 from **Conventional Residential Zone to Multi-Unit Residential Zone** to accommodate eight flats in terms of Section 5(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law of 2023.
 - 2.1.2 **Permission** in terms of the zoning scheme to develop 8 residential units on a Mixed-Use Zone property that is less than 1000m² in size in terms of Section 5(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law of 2023.
 - 2.1.3 **Permission** in terms of Section 15(2)(g) of the Stellenbosch Municipal Land use Planning By-Law of 2023 to allow the development within the Dwars River Valley Rural Conservation Area Overlay Zone (URC04).
 - 2.1.4 **Permission** in terms of Section 15(2)(g) of the Stellenbosch Municipal Land use Planning By-Law of 2023 to allow the development along Helshoogte Road (R310) within a designated Scenic route Overlay Zone (USR10).

2.1.5 **Permanent Departure** to relax the **4,5m common boundary** building line applicable to the ground and first floor **to 2.173m; 4.0m and 3.0m** in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law of 2023.

2.1.6 **Permanent Departure** from the **6m common boundary** building line applicable to the second floor **to 2.173m; 4.0m and 3.0m** in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law of 2023.

2.1.7 **Permanent Departure** from the prescribed **20%** communal outdoor space to provide only **12,17%** in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law of 2023.

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

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

3.1 The proposal fails to respect and respond to the traditional settlement patterns and spatial structure of Pniel.

3.2 A 3-storey building will have a negative impact on the existing historical rural character of Pniel and thereby will set a precedent for similar applications along Main Road / R310 and Pniel in general.

3.3 The proposed development with due regard to the relatively small property and departures required to facilitate the proposed development, are deemed inappropriate for the locational context.

4. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.

5. Appeals must be submitted by completing the required form 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.

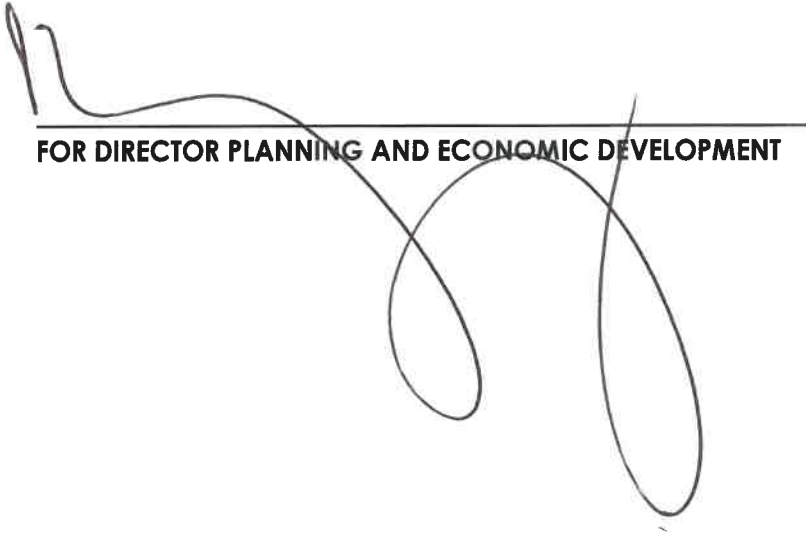
6. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**

7. 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.

8. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za or 021 – 808 8684.
9. An applicant who lodges 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. Kindly note the above decision in the case of any approval, 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 you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

9/9/2024
DATE

OBJECTORS/COMMENTS

[REDACTED]

7/25/1

[REDACTED]

7/25/1

[REDACTED]

[REDACTED]

1/2

[REDACTED]

[REDACTED]

7/25/1