



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16296 (TP503/2023)

Our File Reference Number:

Your Reference Number: Farm 124/11, Stellenbosch Division

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: marike@archtownplanners.co.za

Sir / Madam

APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR A CONSENT USE ON FARM NO. 124/11, STELLENBOSCH DIVISION TO ALLOW A TOURIST ACCOMMODATION ESTABLISHMENT WITHIN THE PROPOSED TEN (10) SELF-CATERING UNITS

1. The above application refers.
2. The Municipal Planning Tribunal on the 29 November 2024 resolved as follows:
 - 2.1 That it **BE DECIDED** that the application for Consent Use on Farm No. 124/11, Stellenbosch Division to allow a tourist accommodation establishment within the existing structures, which are to be renovated to accommodate ten (10) self-catering units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 2.1.1 The proposed development exceeds the number of dwelling units prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
 - 2.2 That it **BE DECIDED** that the application for Consent Use on Farm No. 124/11, Stellenbosch Division to allow a tourist accommodation establishment within the proposed ten (10) self-catering units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.2.1 The size of the subject property (1,8ha) does not allow the number of units proposed in this application.

2.2.2 The subject proposed development will become primary use of this property as it will not be subservient to the agricultural use that the property is zoned for.

3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for a Consent Use for a tourist accommodation establishment in order to allow the existing structure to be converted into ten (10) self-catering units on Farm No. 124/11, Stellenbosch Division

BE REFUSED in terms of Section 60 of the said Bylaw

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

4.1 The scale of the proposed tourist accommodation is considered to be an overdevelopment of the subject property and does not fully consider the purpose of the Agriculture & Rural Zone.

4.2 The proposal is not in line with the existing agricultural and rural character of the area, as the proposal gives rise to urban development within the rural area.

4.3 The scale of the proposed development in relation to the size of the property is not in line with the objectives of the zoning of the property.

4.4 The size of the subject property does not allow the proposed number of dwelling units.

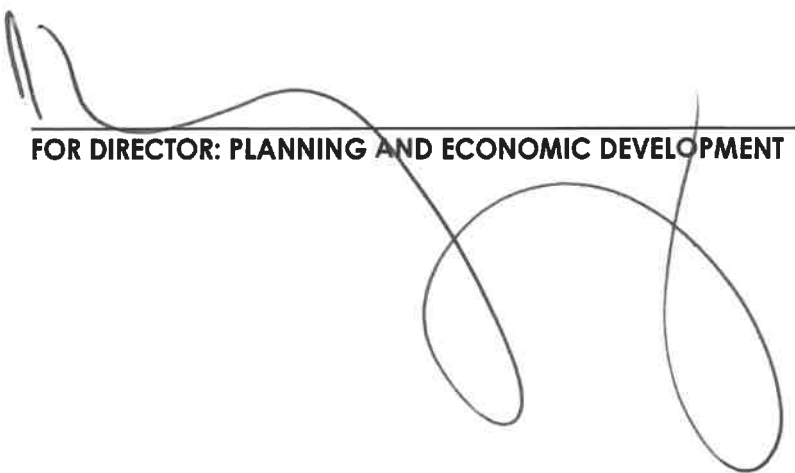
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. 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.

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 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.
10. 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.
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 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

2/12/2024
DATE