



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15830 (TP424/2023)

Our File Reference Number: Erf 2540 & 2539, Stellenbosch

Your Reference Number:

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PER E-MAIL

Sir/Madam

APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539 STELLENBOSCH

1. The above application refers.
2. The Municipal Planning Tribunal on 24 May 2024 resolved as follows :
 - 2.1 That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 & 2539 Stellenbosch for the following:
 - a) **Rezoning** in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone in order to regularize the existing parking area.
 - b) **Consolidation** in terms of Section 15 (2) (e) of the said by-law, to consolidate Erf 2540 (632.51 m²) with Erf 2539 (889.49 m²) to create Portion 1 (1522 m²).

BE REFUSED in terms of Section 60 of the said bylaw.

2.2 Reasons for the above decision:

- 2.2.1 Lack of recognition that the subject property forms part of Die Vlakte and thus affects spatial justice.
- 2.2.2 Insufficient motivation for the need of parking in this part of the town.

- 2.2.3 Lack of an overall development plan for the area that defines the development potential of the site.
- 2.2.4 The SDF promotes a people-orientated development and an NMT focus away from car centric development.
3. That the application in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 & 2539 Stellenbosch for the Temporary Departure in terms of Section 15 (2) (c) of the said by-law for the purpose of formalising the use of the existing public parking area without compromising the reasons listed above.

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

4. Conditions of Approval:

4.1 The approval applies only to the proposed development 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.

4.2 The approval is only valid for five (5) years from the date of final notification of approval.

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

- 5.1 It will create a mechanism to allow the existing parking area to be permitted on the property for a period of five years.
- 5.2 To provide opportunity to develop an integrated spatial plan for the precinct and to create a development proposal for these erven within context.
6. 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.
7. 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:

7.1 The personal particulars of the Appellant, including:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

8. Reference to this correspondence and the relevant property details on which the appeal is submitted.

8.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

8.2 Whether the appeal is lodged against the whole decision or a part of the decision.

8.3 If the appeal is lodged against a part of the decision, a description of the part.

8.4 If the appeal is lodged against a condition of approval, a description of the condition.

8.5 The factual or legal findings that the appellant relies on.

8.6 The relief sought by the appellant.

8.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.8 That the appeal includes the following declaration by the Appellant:

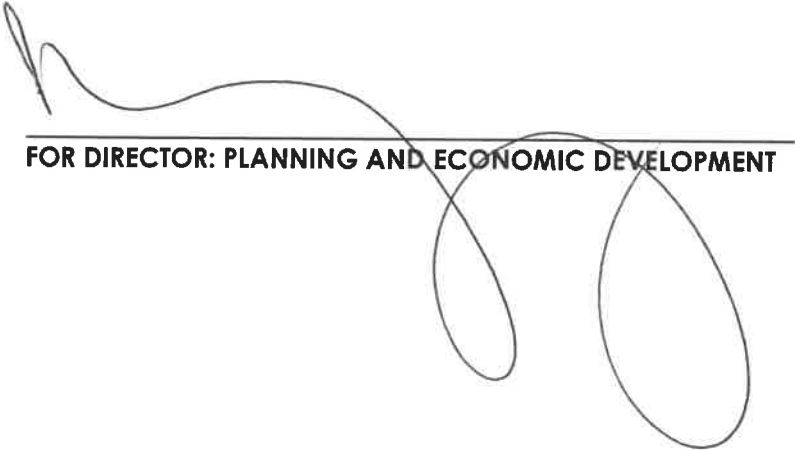
- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in 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.

9. 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

10. 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.

11. The 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
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. 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

27/6/2024
DATE