STELLENBOSCH
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Application Number: LU/16157 (TP335/2023)
Our File Reference Number: Farm 1572 & Unregistered Farm 1611, Stellenbosch
Your Reference Number: 3832-P
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)(D) AND 15(2)(E) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING ON FARM NO. 1572, STELLENBOSCH DIVISION AND UNREGISTERED FARM NO. 1611, STELLENBOSCH DIVISION

1. The above application refers.

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

   2.1 That the following applications in terms of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 namely:

   2.1.1 Application in terms of Section 15(2)(d) of the said By-law for the subdivision of unregistered Farm No. 1611, Stellenbosch Division (consisting of the consolidation of Farm No. 1410 and unregistered Farm No. 405/7) into two portions namely; Remainder Portion of ±10ha in extent and Portion A of ±3.8ha in extent;

   2.1.2 Application in terms of Section 15(2)(e) of the of the said By-law for the consolidation of Farm No. 1572, Stellenbosch Division and the Remainder Portion of subdivided unregistered Farm No. 1611, Stellenbosch Division to form a single land unit of ±33.2ha in extent;

BE REFUSED in terms of Section 60 of the said By-law.

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

3.1 The subdivision will not create a viable self-sustaining productive agricultural unit and will result in the unwarranted loss of the productive landscape.

3.2 The subdivision will result in associated new inherent primary rights for agricultural buildings which will contribute to the further erosion of the agricultural potential of the subject land.

3.3 Roads that traverse agricultural land is a common occurrence and does not prohibit that such land be sensibly farmed as an agricultural enterprise and consequently does not serve as justification to subdivide the subject land.

3.4 The proposed consolidation does not serve as any rational justification for the proposed subdivision in the objective to protect the productive landscape.

3.5 The bike park which was developed as an unauthorised land use may not result therein that the remaining agricultural potential and farming activities be further compromised.

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 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:

5.1 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

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

6.1 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.

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

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

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

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

6.6 The relief sought by the appellant.

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

6.8 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 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.

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 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

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

18/6/2024
DATE