STELLENBOSCH
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Application Number: LU/16327(TP556/2023)
Our File Reference Number: Farm 524, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Sir

APPLICATION FOR THE AMENDMENT, DELETION OR IMPOSITION OF A CONDITION IN RESPECT OF AN EXISTING APPROVAL, IN TERMS OF SECTION 15(2)(h) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023: REMAINDER FARM NO. 524, 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 application in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for the **amendment of conditions in respect of an existing approval** to amend the approved Site Development Plan of September 2022 on Farm No. 524, Stellenbosch Division;

BE REFUSED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.2 **The reasons for the above decision are as follows:**

2.2.1 Given policy guidelines and the definition of an additional dwelling unit as describe in the Section 8 Zoning Scheme and the Stellenbosch Municipality Zoning Scheme Bylaw, it is clear that only six (6) dwelling units are allowed on a property zoned for agricultural purposes.

2.2.2 The approval of more residential dwelling units, together with all its outbuildings and agricultural buildings on an agricultural zoned property, may lead to urban expansion.

2.2.3 A site development plan does not confer any use rights in addition to existing /approved land uses.

2.3 **Matters to be noted:**

2.3.1 The owner failed to construct the five additional dwelling units within the prescribed time frame (only three were approved), and the approval has therefore lapsed. A new consent use application must therefore be submitted for the fourth unit.

3. 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.

4. 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.

5. **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**

6. 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.

7. 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.

8. 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.

9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. 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

4/10/2024.

DATE