



# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11747

Our File Reference Number: Farm 82/20, Stellenbosch

Your Reference Number:

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**PER E-MAIL:** [Anton@tv3.co.za](mailto:Anton@tv3.co.za)

Sir

## **APPLICATION FOR THE EXTENSION OF THE VALIDITY PERIOD FOR REZONING, SUBDIVISION AND DEPARTURE ON PORTION 20 OF FARM NO 82, STELLENBOSCH**

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

2.1 The application for the **extension of validity period** in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 for the approval granted on Portion 20 of Farm No. 82, Stellenbosch, as listed below:

2.1.1 The **subdivision** of Portion 20 of Farm 82 in terms of Section 15(2)(k) of the Stellenbosch Municipality's Planning By-law (2015) for the following:

- **12 Residential Zone IV (Flats) erven;**
- **1 Open Space Zone II erf** to accommodate the following land uses (access road/access control/ guard house, refuse area and parking purposes;

As reflected in the Subdivision/ Zoning Plans (Plan No 3 Subdivision and Zoning; Plan No 4: Subdivision and Servitudes; Plan No 5: Subdivision and Building Lines; Plan No 7: Composite Subdivision Plan).

2.2 The **rezoning** of Portion 20 of Farm 82 from Agricultural Zone to Subdivisional Area in terms of Section 15(2)(a) and 15(2)(j) of the said Bylaw to allow for the following uses:

- 2.2.1 **12 Residential Zone IV (Flats) erven**, of which each erf will accommodate a block of flats consisting of 21 residential units;
- 2.2.2 **Open Space Zone II erf** to accommodate the following land uses. (Access road, access control guard house/ Electricity minisub, refuse area and parking areas.
- 2.3 The **Phasing of the Development** into two phases as indicated on the Subdivision Plan and Site Development Plan.
- 2.4 The **Site Development Plan as amended in 2019**, in terms of Section 15(2)l of the Stellenbosch Municipality's Planning By-law (2015) in order to reflect the amendments applied for.
- 2.5 The **Departures** in terms of Section (15)(2)b of the Stellenbosch Municipality's Planning By-law (2015) for the relaxation of the street, rear and side building lines applicable to the newly created properties as depicted on the proposed Site Development- and Subdivision Plan. [Plan No 5 Building lines; Plan No 7 Composite Subdivision Plan and Site Development Plan No 1108SDP13N-Typical SDP.
- 2.6 The **Departures** in terms of Section (15)(2)b of the Stellenbosch Municipality's Planning By-law (2015) for the relaxation of the internal building and setback lines on Erven 1-13 as indicated on Plan Nr 5 (Building lines) in lieu of half the height of the building or 4m whichever is the greater.
- 2.7 The **Departures** in terms of Section (15)(2)b of the Stellenbosch Municipality's Planning By-law (2015) to relax the Street building lines along Long Street and Welgevonden Boulevard from 8m to 5m as depicted on the proposed Site Development and Subdivision Plan. [Plan No 5 Building lines; Plan No 7 Composite Subdivision Plan and Site Development Plan No 1108SDP13N-Typical SDP.
- 2.8 The **Departure** for the under provision of 1 onsite parking bay for the proposed subdivided erven, portions 3, 8,9, 10 and 11 of the subdivision. (Provision has been made to provide these parking bays on portion 13 of the subdivision and they will be linked to the subdivided erven / buildings, located on portion 3, 8, 9,10 and 11, indicated on Plan Nr 7 (Subdivision Plan- Composite).
- 2.9 The **Servitudes** in terms of Section 15(2)d of the Stellenbosch Municipality's Planning By-law (2015) as depicted on the proposed Subdivision (Plan Nr 4 Servitudes) and Site Development Plans. In order to permit the following servitude areas over these portions:

2.9.1 The **7.5m wide Servitude Access and Services area(s)** to be registered over Erven 1 to 12 for road and services area(s) purposes in terms of Section 15(2)d of the Stellenbosch Municipality's Planning By-law (2015) of the Stellenbosch Municipality's Planning By-law (2015) to accommodate the following traffic and engineering services. {Servitude Services area, ESKOM underground 3m cable servitude area (re-alignment of existing power line); Electricity servitude area on Erf 13 (electrical Substation)}.

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

- a) The extension of validity only applies to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- b) The extension of validity is valid for a further 5 years from date of final letter of approval;
- c) The conditions of approval as imposed in the approval granted by the Municipal Planning Tribunal for the amended application in November 2019 and as noted in the approval letter dated 26-03-2020, are applicable to this application;

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

- 3.1 The approval of the application will not facilitate any additional land use rights;
- 3.2 The approval of the application will facilitate the implementation of the proposed land uses as applied for the subject property;
- 3.3 The proposal will not be in conflict with any of the policies and guidelines of the Municipality;
- 3.4 The approval of the application will not be in conflict with Section 67(2) of the Stellenbosch Municipality Land Use Planning By-law August 2015 as noted in the report above.

4. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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:

- (a) The personal particulars of the Appellant, including:
  - (I) First names and surname;
  - (II) ID number;
  - (III) Company of Legal person's name (if applicable)
  - (IV) Physical Address;
  - (V) Contact details, including a Cell number and E-Mail address;
  
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
  
- (c) The grounds of the appeal which may include the following grounds:
  - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
  - (ii) 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.
  
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
  
- (e) if the appeal is lodged against a part of the decision, a description of the part;
  
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
  
- (g) the factual or legal findings that the appellant relies on;
  
- (h) the relief sought by the appellant; and
  
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
  
- (j) That the appeal includes the following declaration by the Appellant:
  - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

- (ii) 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.
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: [Lenacia.Kamineth@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za)
  7. An applicant 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 approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
  9. An applicant who lodge 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 is suspended, and in the case of any approval, 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

8/10/20  
DATE: