



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12091

Our File Reference Number: Erf 1428, 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/Madam

APPLICATION FOR PERMANENT DEPARTURE: ERF 1428, DIE LAAN, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application for a departure on Erf 1428, 33 Die Laan, Stellenbosch, in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw 2015 in order to:
 - 2.1.1 To construct a solid boundary of 2.1m in height in lieu of a 1.8m high boundary wall that is 50% transparent, as required in terms of the Stellenbosch Municipality Zoning Scheme By-Law, as indicated on the plan attached as **Annexure B**, drawing no: 130/E/2000, drawn by BE3 Architects, dated September 2020,

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

- 2.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 2.2.1 The approval only applies to the application under consideration, as indicated on the Plan attached as **Annexure B**, drawing no: 130/E/2000, drawn by BE3 Architects, dated September 2020 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.

2.2.2 The application must be undertaken in accordance with the plan attached as **Annexure B**, drawing no: 130/E/2000, drawn by BE3 Architects, dated September 2020.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposal will not create a president within the area as this will not be the only solid boundary wall in this street.

2.3.2 The proposal will have minimal impact on its surroundings as the subject property has a short street frontage.

2.3.3 The proposal will also aid in provide the subject property with privacy which is currently lacking due to the high volumes of pedestrians and vehicular traffic which move along this street.

3. 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.

4. 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.


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.

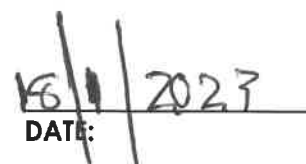
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

8. 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.
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 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

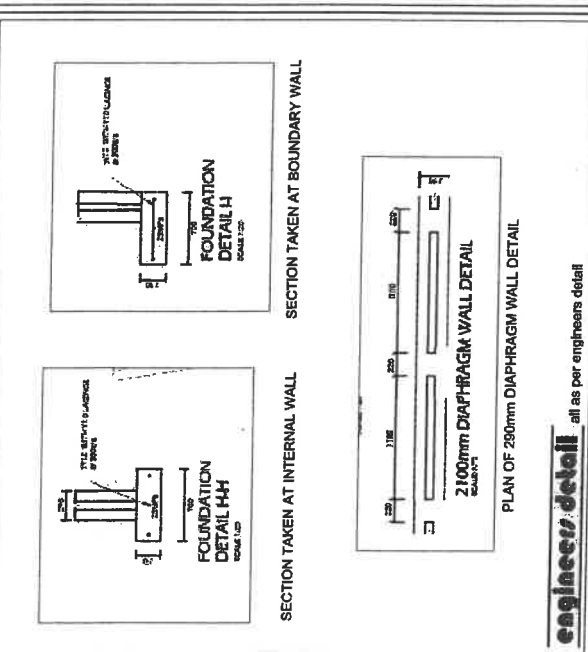
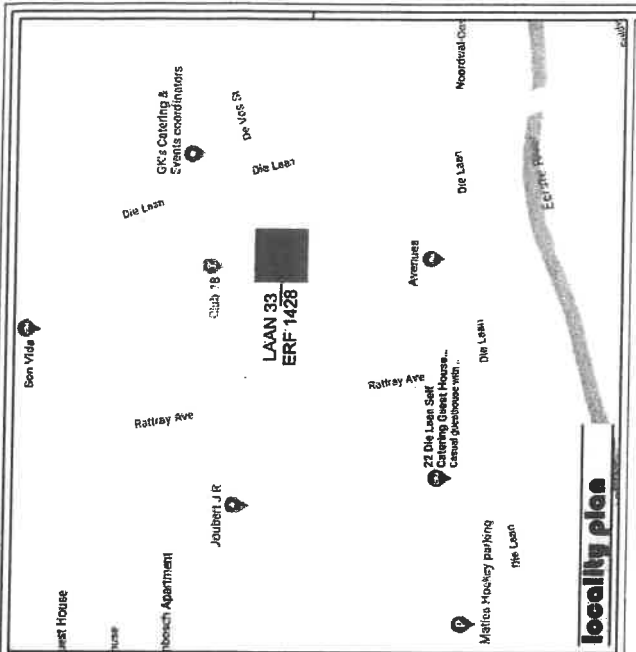
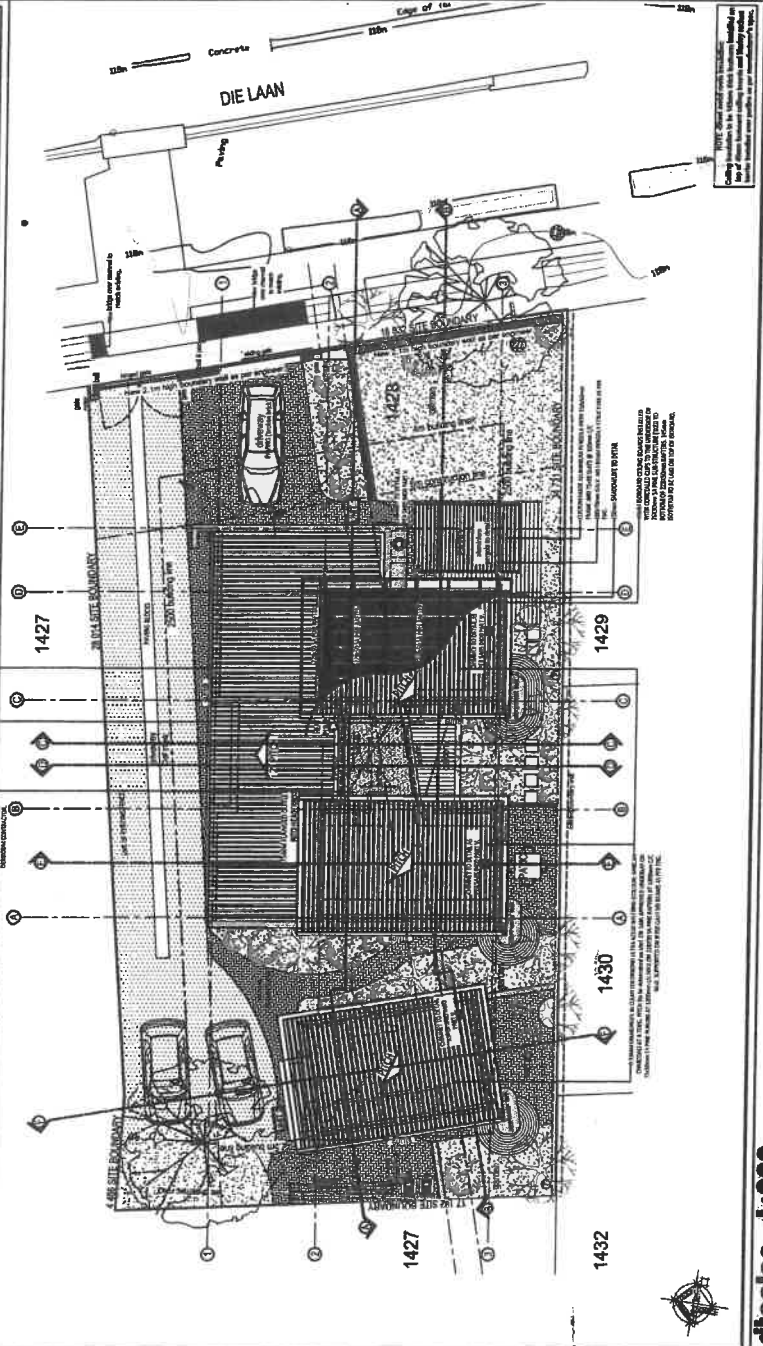
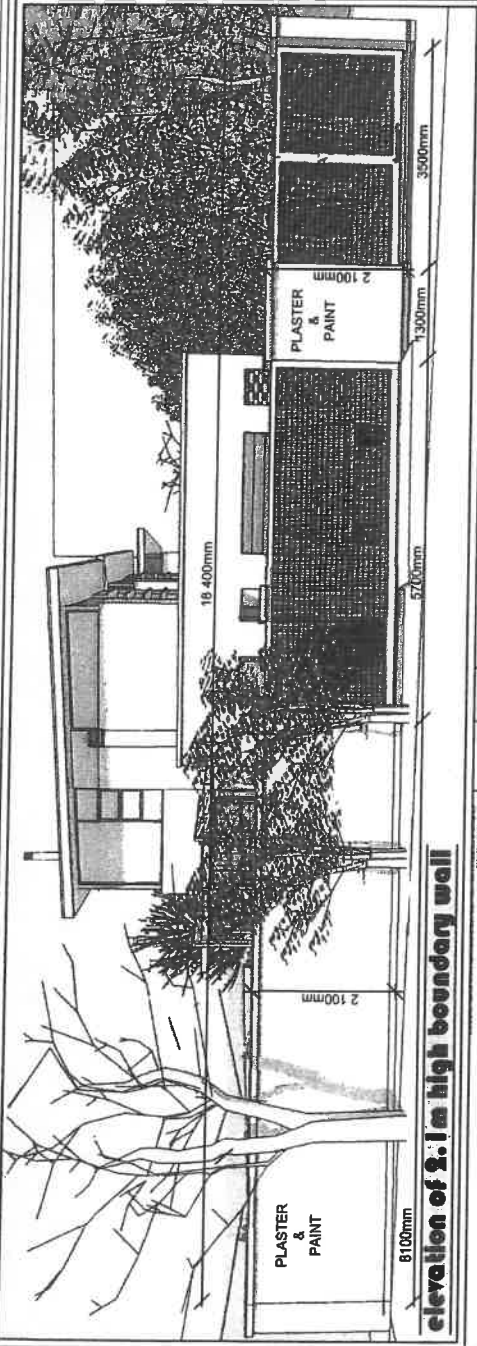

DATE: 16/1/2023



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ANNEXURE B



engineers detail all as per engineers detail

Tendering No/Drawings No		130 / E / 2000
Date/Issue	Drawn/Checked	WV/DPV
SEPT 2020	HB	00
Drawn/Checked	HB	
Scale	1:100	HB

siteplan 1:300

BCB ARCHITECTS
082 782 0323

Revisions:
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GENERAL NOTE:
 ALL MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE BY-LAWS OF THE CONCERNED MUNICIPALITY.
 ALL DIMENSIONS TO BE VERIFIED ON SITE.
 ANY DIMENSIONS FOR CONSTRUCTION MUST BE CORRECTED FROM THE DRAWING TO THE APPROVED CONSTRUCTION RECORD.