



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14540 (TP26/2022)

Our File Reference Number: Erf 15278, 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 CONSENT USE AND DEPARTURE: ERF 15278, STELLENBOSCH

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 Section 15(2) of the of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023, namely:
 - 2.1.1 Application in terms of Section 15(2)(o) for consent use in order to use an existing dwelling house as a three (3) bedroom commune on Erf 15278, Stellenbosch;
 - 2.1.2 Application in terms of Section 15(2)(b) for a permanent departure for the under provision of two (2) parking bays on Erf 15278, Stellenbosch.

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

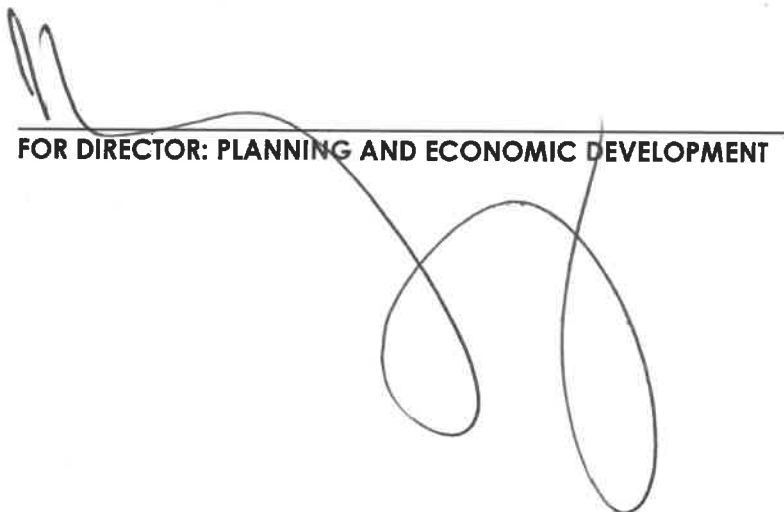
3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
 - 3.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.

- 3.2 The development must be undertaken in accordance with the referenced Site Plan 01 and Site Plan 02 both dated 08/01/2024, attached as **ANNEXURE B** to this report.
 - 3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use.
 - 3.4 The establishment may not cause public nuisance (traffic, parking & noise) to the adjacent and adjoining property owners and may not interfere with their rights.
 - 3.5 The number of bedrooms available to boarders be restricted to three (3) bedrooms and the number of boarders may not exceed three (3) individuals.
 - 3.6 At least one (1) on-site parking bay must be provided per boarder in the form of two (2) tandem parking bays (garage and tandem parking bays 1 & 2) and one (1) parking bay in front of the dwelling house (parking bay 3) as indicated on Site Plan 02 dated 08/01/2024, attached as **ANNEXURE B** to this report.
4. The reasons for the above decision are as follow:
 - 4.1 The proposal for a commune is generally consistent with the MSDP and the concept in principle is not found to be undesirable.
 - 4.2 The proposed parking layout was approved by the Homeowners' Association and will not have an adverse impact on traffic and pedestrian movement.
5. Matters to note:
 - 5.1 Any changes to any existing municipal infrastructure due to this application will be for the account of the owner.
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.
9. 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.
- 9.1 Whether the appeal is lodged against the whole decision or a part of the decision.
- 9.2 If the appeal is lodged against a part of the decision, a description of the part.
- 9.3 If the appeal is lodged against a condition of approval, a description of the condition.
- 9.4 The factual or legal findings that the appellant relies on.
- 9.5 The relief sought by the appellant.
- 9.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 9.7 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.
10. 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
11. 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.

12. 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
13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. 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

29/1/2024
DATE



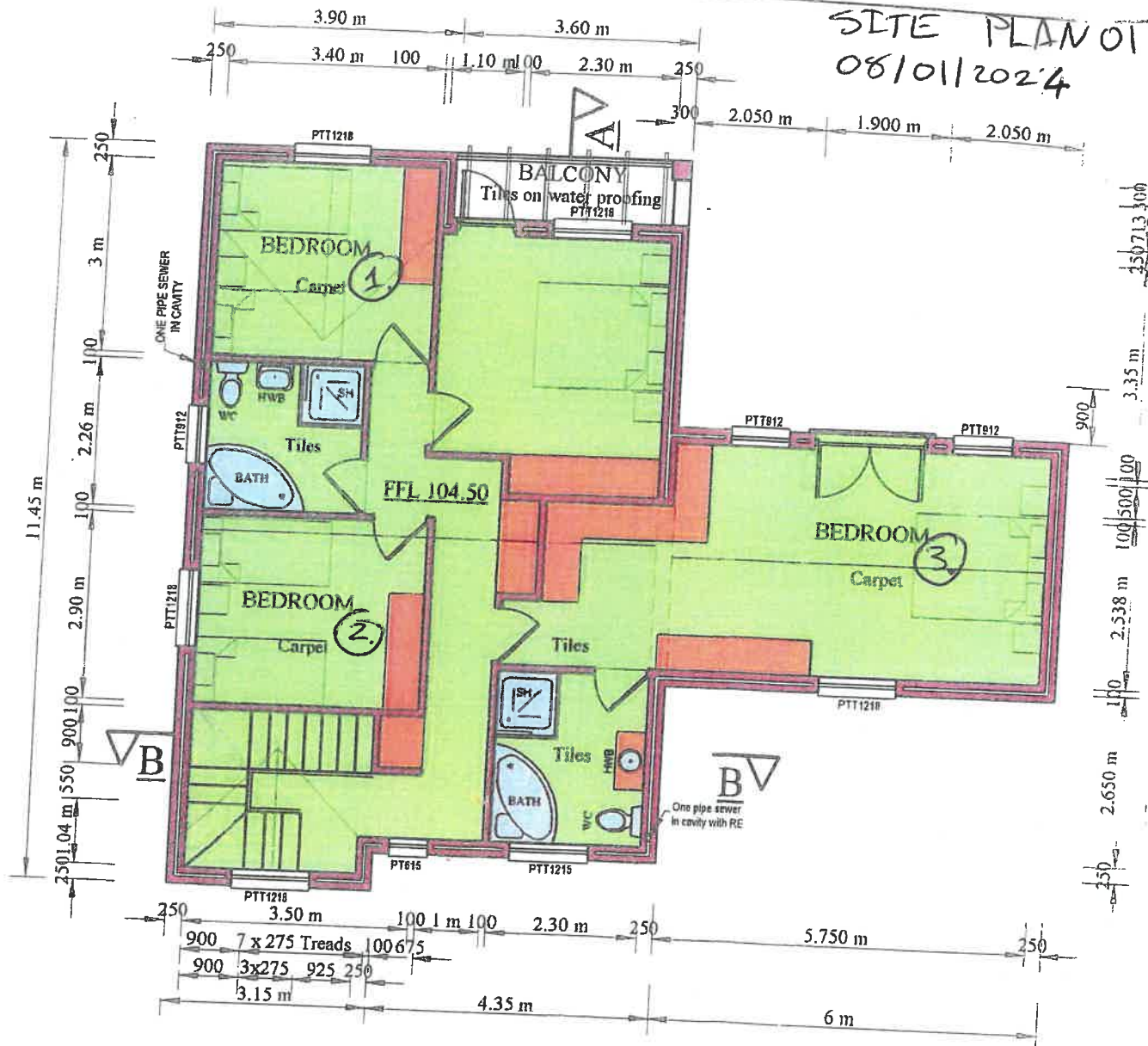
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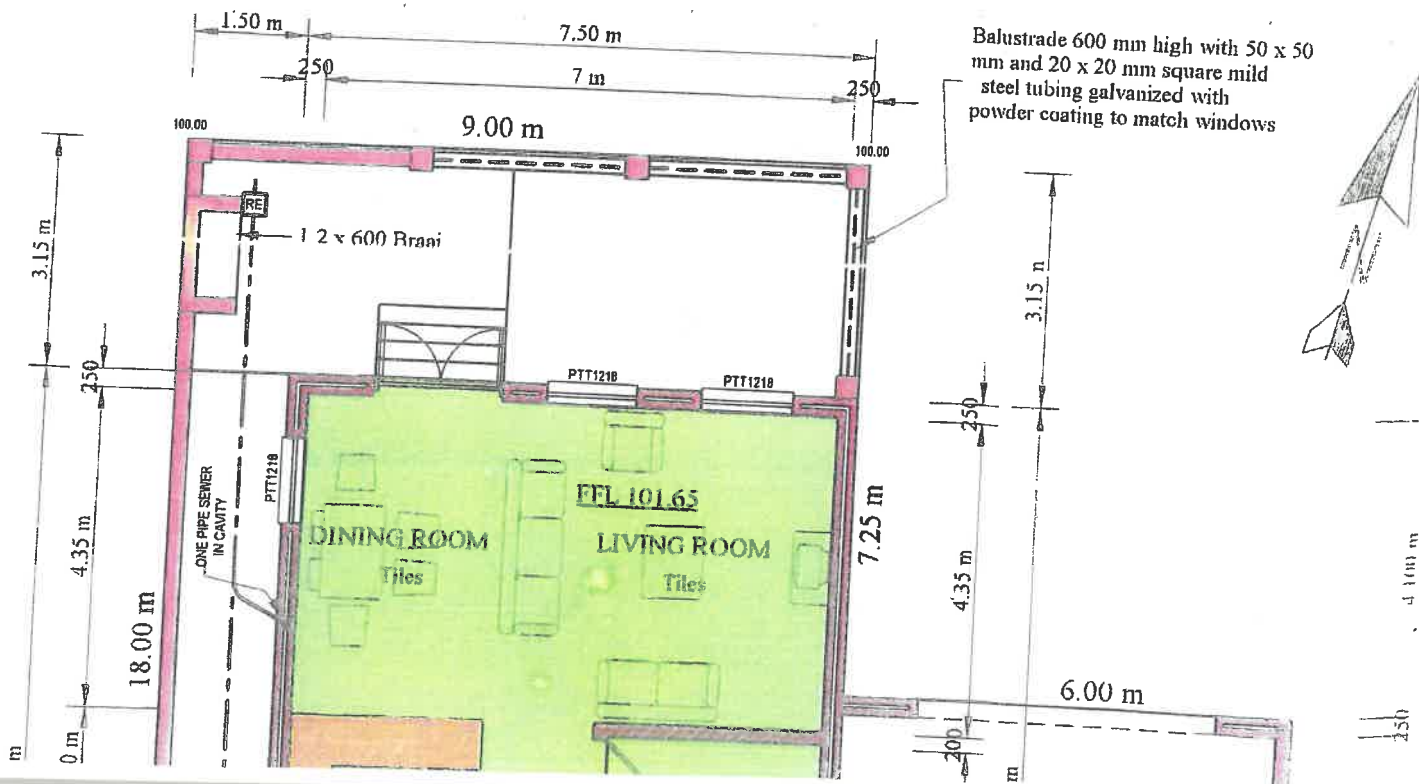
ANNEXURE B

SITE PLAN

SITE PLAN 01
08/01/2024



UPPER FLOOR LAYOUT PLAN



SITE PLAN 02
08/01/2024

Parking layout: Stand 15278, 12 Everlasting, Welgevonden, Stellenbosch

Layout makes provision for:

1. Existing vehicle parking 1 either in the garage or on driveway.
2. New proposed vehicle parking 2 & 3.
3. ~~_____~~

