



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13777

Our File Reference Number: Erf 15887, 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 THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS, TEMPORARY DEPARTURE AND DEPARTURE ON ERF 15887, 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 the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 15887, Stellenbosch, namely:
 - 2.1.1 Application in terms of Section 15(2)(f) of the Land Use Planning By-Law (2015) for the removal of restrictive title deed conditions numbers B.1, B.6, E1 and E.6 as noted on Deed of Transfer T41628/2013 pertaining to Erf 15887, Stellenbosch to facilitate the use of a portion of the existing building of Erf 15887, Stellenbosch for business purposes in the form of a Deli / Coffee shop.
 - 2.1.2 Application in terms of Section 15(2)(c) of the Land Use Planning By-Law (2015) for a Temporary Departure to use a portion of the existing building, as a Deli / coffee shop for the students living on the subject property and in the surrounding area.
 - 2.1.3 Application in terms of Section 15(2)(b) of the Land Use Planning By-Law (2015) for Departure on erf 15887, Stellenbosch, for the under provision of 2 parking bays required for the facility.

BE APPROVED in terms of Section 60 of the said Bylaw.

3. That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

3.1 The approval only applies to the proposed application under consideration, as indicated on the referenced Site Development Plan as drawn by WP Bosch & Associates, Drawing No: 7600-199-101, Date: 2022-02-04, attached as **Annexure 2** 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.

3.2 The development must be generally in accordance with the Site Development Plan as drawn by WP Bosch & Associates, Drawing No: 7600-199-101, Date: 2022-02-04, Attached as **Annexure 2**.

3.3 The area used for the deli / coffee shop shall be limited to the existing kitchen and associated dining area as indicated on Drawing No: 7600-199-101, Date: 2022-02-04, Attached as **Annexure 2**.

3.4 The deli / coffee shop's trading hours be limited to 7:00 am to 5:00 pm daily and that no deliveries take place outside of these trading hours.

3.5 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive conditions.

3.6 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality and be in line with the signage policy of the Municipality.

3.7 The temporary departure approval is only valid for 5 years from final notification.

4. The reasons for the above decisions are as follows:

4.1 The proposal is located within an existing building for which minimal alterations will need to be implemented to facilitate the proposed use.

4.2 The subject property is centrally located, and the services provided will be used by residents within the surrounding area.

4.3 The proposal will provide a service in this area which is currently not available to the surrounding residents.

4.4 The proposal should generate minimal additional traffic as the patrons will arrive on foot, due to the location of the subject property within the area.

4.5 The operating times will be limited to business hours.

4.6 The proposal is supported by the relevant internal departments. (Refer to Annexure 5)

5. 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.

6. 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.

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 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>).
10. 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.
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 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

1/19/2022
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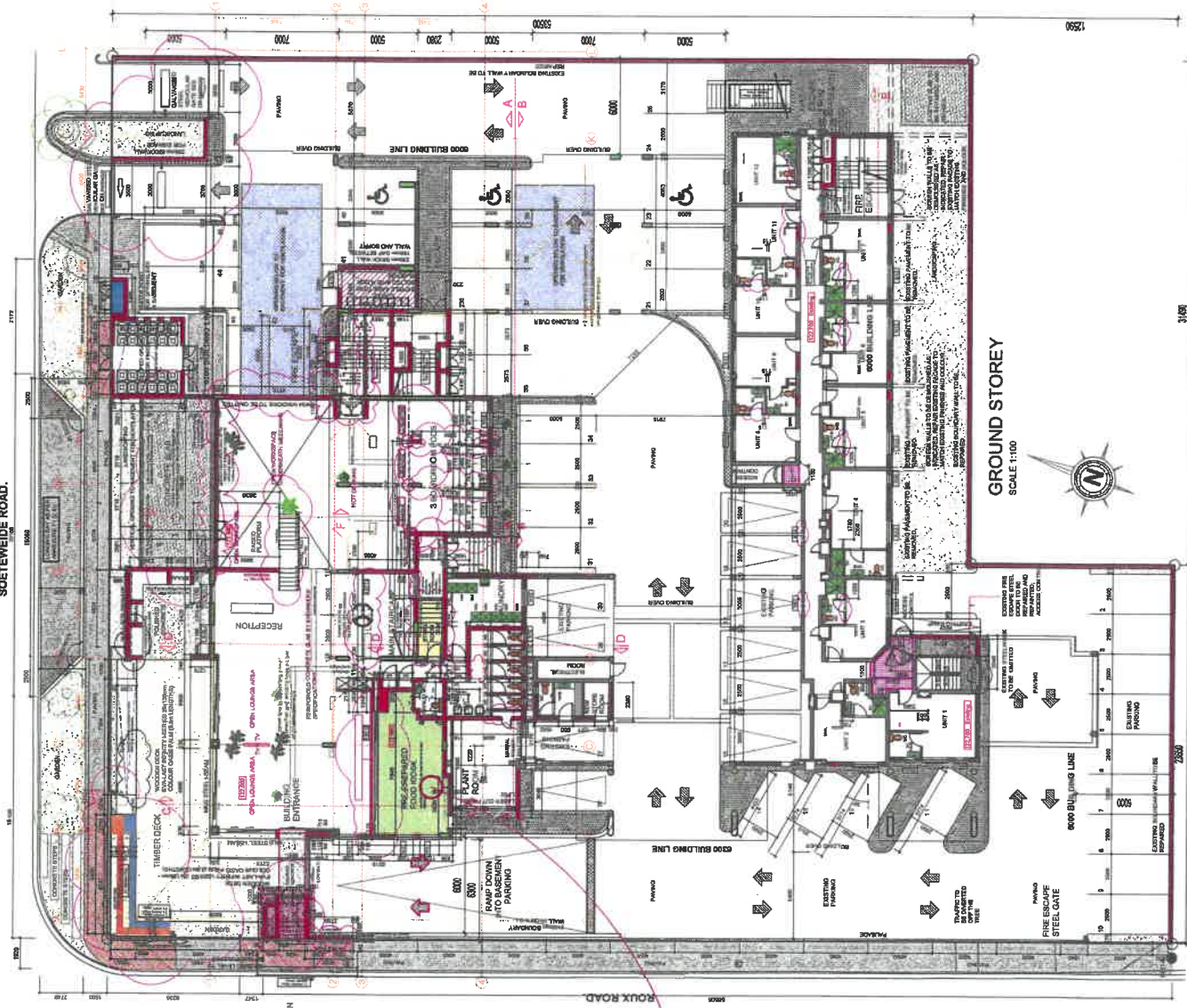
COPIES TO:

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ANNEXURE 2

SOETEWEIDE ROAD.



GROUND STOREY
SCALE 1:100



PROPOSED ALLOCATION FOR PRE-
PREPARED FOOD KITCHEN.

Drawing No: 7600-199-101
Date: 2022-02-04,

Client: [Redacted]
Architect: W P Bosch
Engineer: [Redacted]

PROJECT INFORMATION
PROJECT NO: 7600-199-101
PROJECT NAME: [Redacted]
PROJECT LOCATION: [Redacted]
PROJECT DATE: 2022-02-04

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