



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13556

Our File Reference Number: Erf 16501, 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 DEPARTURE IN TERMS OF SECTION 15(2)(b) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: ERF 16501, 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 16501, Stellenbosch in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 in order to allow for relaxation of the common building line (adjacent to Erf 16502) from **5,0m to 2,0m** for extensions to the existing building as indicated on Drawing Nr.3683/A/101, dated 07 September 2021 and drawn by TV3 Architects,

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 Bylaw:
 - 2.2.1 The approval only applies to the proposed departure under consideration 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 development must be undertaken generally in accordance with the site plan as referenced (drawing 3683/A/101, dated 07 September 2021 and drawn by TV3 Architects) and attached as **ANNEXURE B**

- 2.2.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 2.2.4 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 25 February 2022 be complied with (see **ANNEXURE C**)
- 2.2.5 Building plans must generally in accordance with the site plan as referenced (drawing 3683/A/101, 07 September 2021 and drawn by TV3 Architects) and attached as **ANNEXURE B**.

2.3 **The reason for the above decision as follows:**

- 2.3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
- 2.3.2 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.

- 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

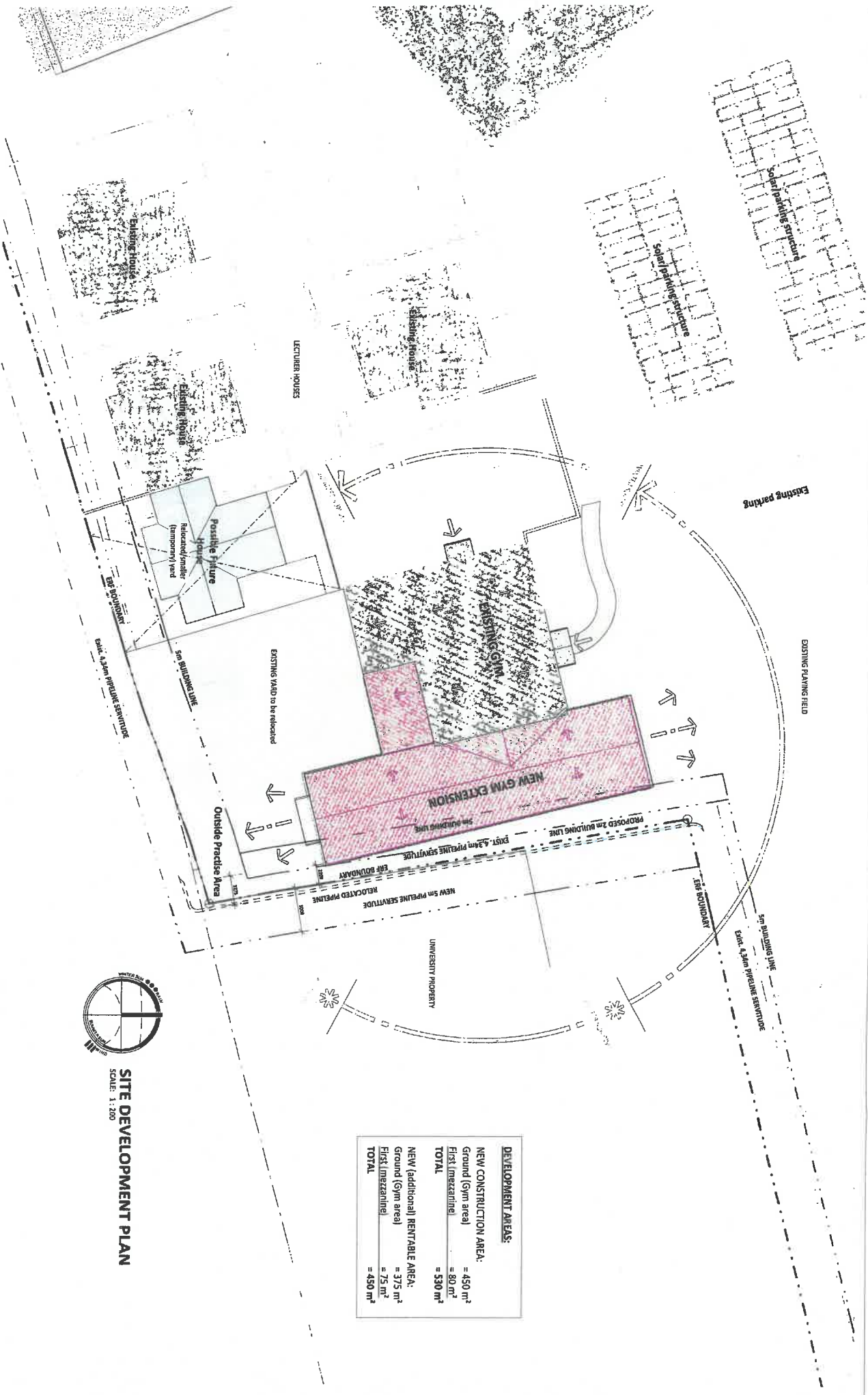

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

13/7/2022
DATE:

ANNEXURE B

**APPLICATION FOR A DEPARTURE ON ERF 16501,
STELLENBOSCH**

SITE PLAN



DEVELOPMENT AREAS:

NEW CONSTRUCTION AREA:	
Ground (Gym area)	= 450 m ²
First (mezzanine)	= 80 m ²
TOTAL	= 530 m²
NEW (additional) RELOCATED AREA:	
Ground (Gym area)	= 375 m ²
First (mezzanine)	= 75 m ²
TOTAL	= 450 m²



SITE DEVELOPMENT PLAN
SCALE: 1:200

ALL DOCUMENTS DATE:

DATE	DESCRIPTION
12/11/2023	Final Design
12/11/2023	Final Design
12/11/2023	Final Design
12/11/2023	Final Design
12/11/2023	Final Design

DRAWING STATUS CODES:

1 - Concept
2 - Preliminary
3 - Final Design
4 - Construction

PROJECT DESCRIPTION:
PAUL ROOS GYMNASIUM, GYM EXTENSION

DRAWING DESCRIPTION:
SITE PLAN

PROJECT / CLIENT:
Paul Roos Gymnasium

DATE: 07/09/2023

SCALE: 1:200

DRAWING NO.: 3683/A/101

DESIGN

ANNEXURE C

**APPLICATION FOR A DEPARTURE ON ERF 16501,
STELLENBOSCH**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



STELLENBOSCH MUNICIPALITY

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MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES**

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Salome Newman
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 25 Feb 2022
Our Ref ▫ Ons Verw: Civil LU 2268
Your Ref: LU/13556
Re ▫ Insake: Erf 16502: departure to relax the common building line (adjacent to Erf) from 5,0m to 2,0m to allow for extensions to the exiting building on Erf 16501, Stellenbosch; an exemption certificate in terms of Section 24(1)(f)(i) of the said bylaw for the registration of a new engineering services servitude for the provision of a water pipeline (relocation of water pipe line) on Erf 16502, Stellenbosch.

The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
 - 1.1 No objection.
 - 1.2 Engineering drawings for the relocation of the waterline must be submitted prior to construction.

GENERAL COMMENT:

. No Comment

1.

CONDITIONS:

2. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

ERF 16501