



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11524

Our File Reference Number: Erf 16523, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: clifford@tv3.co.za

Sir / Madam

APPLICATION FOR COMPLIANCE WITH CONDITIONS OF APPROVAL ON ERF 16523, 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 application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 16523, Stellenbosch namely:
 - 2.1.1 Application in terms of Section 15(2) (I) of the Stellenbosch Municipality Land Use Planning By-law(2015) for a permission in terms of the conditions of approval to comply with condition (VI) & (VII) of the approval letter dated 05/02/2020 by obtaining approval for the detailed façade/elevation Plan and Landscaping Plan in order to allow for two new buildings to be constructed on Remainder Erf 16523, Stellenbosch.

BE APPROVED in terms of Section 60 of the said Bylaw and **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

- 2.2.1 Conditions of approval.
 - i. Building plans be submitted for approval which are in accordance with the plan approved by the Director Planning and Economic Development in terms of the conditions of approval.

- ii. That the Landscaping Plan be implemented prior to an occupation certificate being issued for the new buildings on the subject property.

2.2.2 The reasons for the above decision are as follows:

- i. The proposal is not an application, but to comply with the MPT's conditions of approval imposed on the approval granted for the revised Site Development Plan.
- ii. The facades/elevations and landscaping plan are compliant with erf's development parameters and will not lead to any additional development rights;
- iii. The revised facades/elevations plan and landscaping plan are supported as they have incorporated/taken into consideration the recommendations made in the Visual impact Assessment submitted with the application submitted and approved by the MPT.

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.

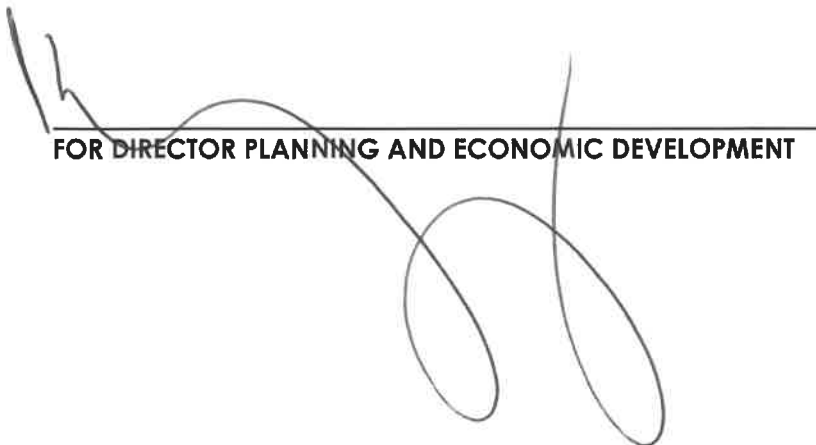
(c) The grounds of the appeal which may include the following grounds:

- (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. 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.
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

13/5/2021
DATE:



STELLENBOSCH

STELLENBOSCH • PNIEI • FRANSCHHOEK

MUNISIPALITEIT • UMAMSIKALALA • MUNICIPALITY

FILE NR:	OUTGOING POST
16523	W/T 730
SCAN NR:	
COLLABORATOR NR:	

Our Reference Number: Erf 16523, Stellenbosch

Application Number: LU/7730

Your Reference Number: 3521-P

Enquiries: R Fooy/ S Newman

Contact No. 021- 808 8683 / 8659

Email: Robert.Fooy@stellenbosch.gov.za / Salome.Newman@stellenbosch.gov.za

REGISTERED MAIL

TV3 Architects and Planners

1st Floor, La Gratitude Office Building

97 Dorp Street

STELLENBOSCH

7600

PS 3 2020

Sir/Madam

APPLICATION FOR THE AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN TO ALLOW FOR THE CONSTRUCTION OF THE TWO NEW BUILDINGS ON ERF 16523, STELLENBOSCH

1. The above application refers.
2. The Municipal Planning Tribunal, on 29 November 2019, **approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the amendment of the condition number 3 in Appendix number 1 of the approval dated 23.06.2014.
3. The above approval granted is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:
 - (i) The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - (ii) The following development parameters shall apply to the subject property:
 - (iii) A maximum coverage of 23.5%;
 - (iv) The maximum number of storeys be limited to 2 Storeys and building to not exceed the height of the existing buildings;
 - (v) All new building work in accordance with the footprint indicated on the proposed SDP;

- (vi) The building plans may not differ substantially from the Site Development Plan presented and submitted during the oral presentation to the MPT on 29 November 2019. Detailed facades/elevations of the new office buildings be submitted to the Director Planning and Economic Development giving an indication of the treatment of the interface with the R44, being a scenic route;
- (vii) A detailed landscaping plan be compiled and submitted to the Director Planning and Economic Development for approval in conjunction with the Director Community Services. Special regard should be given to limiting the impact of the new office blocks on view corridors from the R44;
- (viii) The conditions imposed by the Manager: Development (Infrastructure Services) in its memo dated 12 November 2019, condition C & D of the memo be adhered to;
- (ix) The conditions imposed by the Manager: Electrical Engineering in its Memo dated 19 September 2018 be adhered to;
- (x) The conditions imposed by the Department of Transport and Public Works in its memo dated 8 November 2018 be adhered to;
- (xi) Approval shall lapse if not exercised within 5 years from date of final notification;
- (xii) Provision be made for disabled parking to the satisfaction of the Directorate Engineering Services.

4. REASONS FOR DECISION

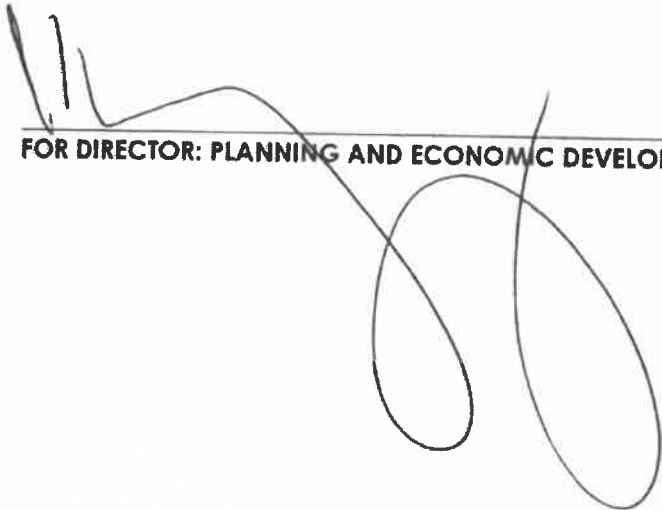
- (i) The subject property is located within the urban edge of Stellenbosch.
- (ii) The proposed further development of the subject property will not lead to a change in land use.
- (iii) The proposal is in line with the property's office zoning and development rules and will lead to the more optimal use of the subject property.
- (iv) The proposed extension to the existing building constitutes an infill development on an underutilised commercial erf.
- (v) The proposed redevelopment is in line with the Stellenbosch Municipality's SDF which forces urban development to be concentrated within urban areas inside the urban edge.
- (vi) The additional medical facilities will have a positive impact on safety, health and wellbeing of the surrounding community.
- (vii) The proposed development will have a limited visual impact.
- (viii) The visual impact could be mitigated by appropriate landscaping proposals.

(ix) The proposal complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) referred to in section 59 of the Land Use Planning Act, 3 of 2014.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning_portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website: <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>
7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
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 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

5/2/2020
DATE