



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11841

Our File Reference Number: Erf 275, Klappmuts

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 REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE: ERF 275, KLAPMUTS

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 Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 275 Klappmuts, namely:

2.1.1 **Removal of restrictive conditions** in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, for the removal of conditions 1.B and 3.B, in Title Deed T.57549/2006, which restricts the operation of a business on Erf 275, Klappmuts.

2.1.2 **Consent use** in terms of section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, for Transport Purposes (goods) to allow a truck stop on Erf 275, Klappmuts.

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

3. Reasons for the above decision:

3.1 The proposed development is not in keeping with the recommendations of the Stellenbosch MSDF, which earmarks Klappmuts south for residential and mixed-use business development. The

MSDF does not contain any reference to the expansion/ intensification of industrial land uses in Klapmuts south.

3.2 Increasing the existing land use rights, by approving the proposed consent use for "Transport Purposes (goods)", on Erf 275 will have a negative impact on the surrounding residential land uses due to the negative impact associated with a truck stop.

3.3 Intensifying a land use which is already undesirable within the existing development context will have a negative impact on the future development of Klapmuts south, which earmarked for residential and mixed-use business purposes.

3.4 The access to and manoeuvrability on the subject property specific for a truck stop is problematic and cannot be addressed satisfactorily.

3.5 The application for the removal of title deed restrictions to allow that business be conducted from the subject property is not supported by a favourable business use proposal.

4. That the application for a **Departure** in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 275 Klapmuts, to construct a 3m high solid wall along the northern boundary of the property, in lieu of a 50% visually permeable fence, on Erf 275, Klapmuts,

BE APPROVED in terms of Section 60 of the said Bylaw, subject to the following conditions in terms of Section 60 of the said Bylaw:

4.1 Building Plans be submitted for consideration and to be approved prior to the erection of the subject wall.

5. The reasons for the above decision are as follows:

5.1 The erection of a solid wall on the border with the residential area may assist to mitigate negative impacts from the subject property.

6. 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.

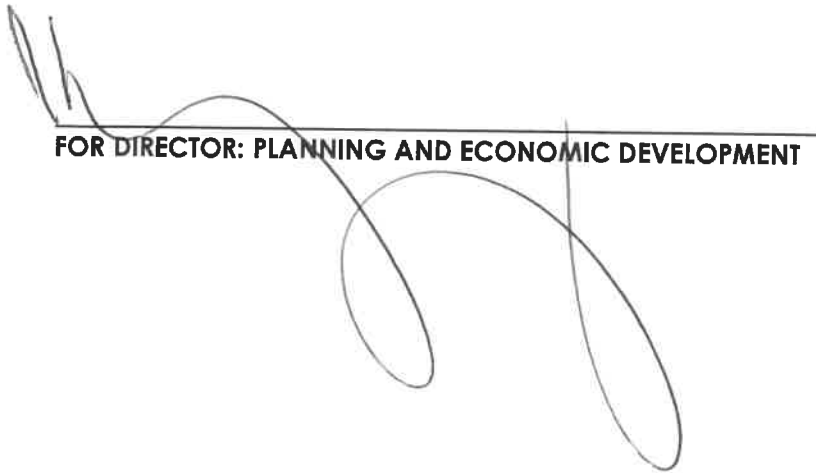
7. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

- (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.
8. 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
9. 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.
10. 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>).
11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. 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



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

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/10/2021
DATE:

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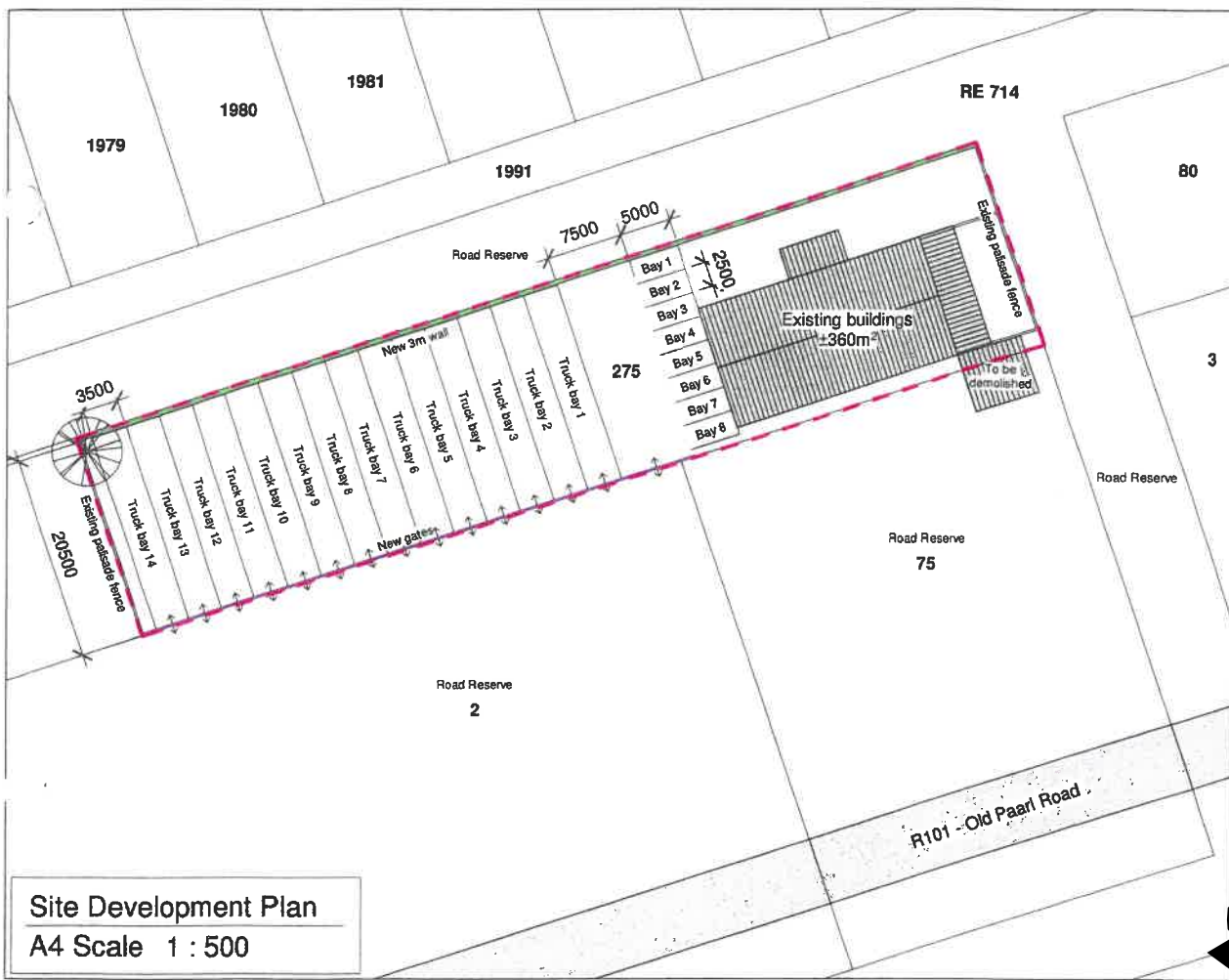
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Site Development Plan
A4 Scale 1 : 500

PROJECT						
Erf 275 Klapmuts						
TITLE						
Site Development Plan						
Application Area Buildings Wall Gates						
<p>NOTICE PROSPECTIVE OWNER AND/OR ARCHITECTS SHOULD BE AWARE THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE INFORMATION CONTAINED IN THIS DOCUMENT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE INFORMATION CONTAINED IN THIS DOCUMENT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIM/HIS FIRM AND DOES NOT EXTEND TO ANY OTHER MATTER.</p>						
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