



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15478 (TP360/2023)

Our File Reference Number: Erf 4890, 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 REZONING AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 4890, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the applications made in terms of Sections 15(2)(a) and (g) of the Stellenbosch Municipal By-Law on Municipal Land Use Planning, promulgated by notice number 8768/2023, dated 9 June 2023:
 - i. The Rezoning of erf 4890, Stellenbosch from Mixed Use Zone limited to Offices to Mixed Use Zone.
 - ii. A Permission required in terms of the Stellenbosch Municipality Zoning Scheme By-Law 2019, to permit the proposed internal changes within the existing building, which is located in the Urban and Conservation Overlay Zone of Stellenbosch.

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 the said Bylaw:

2.2.1 The approval only applies to the proposed development in question, as indicated on the Site development Plan, Drawing No. M2201/C/100, dated 21/01/2023, Drawn by: JFM Louw, and

shall not be construed as authority to depart from any other legal prescriptions or requirements from Council, attached as **Annexure B**.

- 2.2.2 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.
- 2.2.3 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs prior to the approval of any building plans.
- 2.2.4 Building plans be generally in accordance with the SDP (**Annexure B**) be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 2.2.5 All building Plans submitted to the Municipality for approval be endorsed by Heritage Western Cape.
- 2.2.6 The conditions imposed by the Manager: Development (Infrastructure Services) in its memo dated 11 August 2023 to be adhered to attached as **Annexure F**.
- 2.2.7 The development be implemented in accordance with Site Development Plan, Drawing No. M2201/C/100, dated 2101/2023, Drawn by: JFM Louw, and attached as **Annexure B**, allowing offices and a Restaurant.

2.3 The reasons for the above decision are as follows:

- a. The proposal is not out of scale and character with its surroundings, and It will not detract from the existing historic characteristic of the area.
 - b. The existing infrastructure within Stellenbosch Town will be optimally utilized.
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:
- 4.1 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

4.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

4.3 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.

4.4 Whether the appeal is lodged against the whole decision or a part of the decision.

4.5 If the appeal is lodged against a part of the decision, a description of the part.

4.6 If the appeal is lodged against a condition of approval, a description of the condition.

4.7 The factual or legal findings that the appellant relies on.

4.8 The relief sought by the appellant.

4.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision

4.10 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 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.
8. 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.
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 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

31/8/2023
DATE:



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ANNEXURE B

1. The developer must submit a copy of the approved site plan to the relevant authorities for their records.
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GENERAL INFORMATION DATE:	
PROJECT NAME:	
CLIENT:	
PROJECT ADDRESS:	

ERF 4890
STELLENBOSCH

PROPOSED NEW SITE DEVELOPMENT PLAN

SCALE:	1:100
DATE:	
PROJECT NO.:	
PROJECT NAME:	

COUNCIL SUBMISSION

This document is the property of the relevant authority and must not be used for any other purpose without the written consent of the relevant authority.



SITE DEVELOPMENT PLAN
SCALE 1:100

PROJECT NAME:	ERF 4890 - 4890/01/01
CLIENT:	STELLENBOSCH MUNICIPALITY
PROJECT ADDRESS:	MARK STREET, STELLENBOSCH
PROJECT NO.:	10000000000000000000
DATE:	10/01/2024
SCALE:	1:100
PROJECT NAME:	ERF 4890 - 4890/01/01
CLIENT:	STELLENBOSCH MUNICIPALITY
PROJECT ADDRESS:	MARK STREET, STELLENBOSCH
PROJECT NO.:	10000000000000000000
DATE:	10/01/2024
SCALE:	1:100

DEVELOPMENT PARAMETERS SCHEDULE



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ANNEXURE F



STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To » Aan: Director: Planning + Economic Development
Att Aandag: Nolusindiso Momoti
From » Van: Manager: Development (Infrastructure Services)
Author » Skrywer: Tyrone King
Date » Datum: 11 Aug 2023
Our Ref » Ons Verw: Civil LU 2554
Town Planning Ref: LU15478
Re » Insake: Erf 4890, Stellenbosch: The application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 for a rezoning on Erf 4890 from Mixed-use Zone with specific use limitations to Mixed-use Zone.

1. **Civil Engineering services**
 - 1.1 No objection to the rezoning.
 - 1.2 Technical engineering aspects will be dealt with at building plan stage.
 - 1.3 Building Plan must indicate sufficient parking as per zoning scheme requirements.
 - 1.4 DCs are applicable for any new GLA and will be calculated at building plan stage.

Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)