



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16129 (TP457/2023)

Our File Reference Number: Erf 7567, 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, 2023 ON ERF 7567, 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 in terms of Section 15(2)(b) of the Stellenbosch Municipality: By Law on Municipal Land Use Planning 2023 to relax street building line (Borchard Street & Nieuwebaan Street) from 2m to 0m in order to accommodate the proposed gym for private use above the existing double garage on Erf 7567, Stellenbosch as indicated on building plan referenced as Project no. PP10/23 Plan 1-3, dated March 2023 and drawn by Pretplan.

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 said Bylaw:

- 2.2.1 The approval will lapse if not implemented / confirmed within five years from the date of final notification of approval of the application.
- 2.2.2 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.

2.2.3 The development must be undertaken generally in accordance with the building plan as referenced Project no. PP10/23 Plan 1-3, dated March 2023 and drawn by Pretplan and attached as **Annexure C**.

2.2.4 Building plans must be generally in accordance with the site plan / floor layout plan as referenced Project no. PP10/23 Plan 1-3, dated March 2023 and drawn by Pretplan and attached as **Annexure C**.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposed development is in line with the existing land use of the property and will thus have not impact negatively on the character of the area, as similar departures has been approved in the adjacent streets.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, 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

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

8.3 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.

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

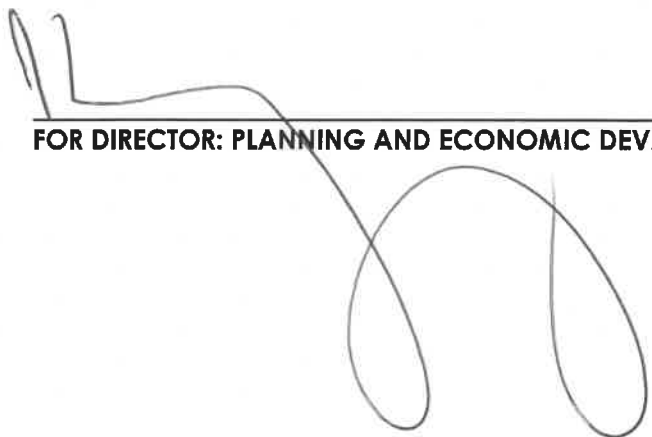
8.5 If the appeal is lodged against a part of the decision, a description of the part.

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

- 8.7 The factual or legal findings that the appellant relies on.
- 8.8 The relief sought by the appellant.
- 8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 8.10 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.
9. 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
10. 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.
11. 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
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

14. 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

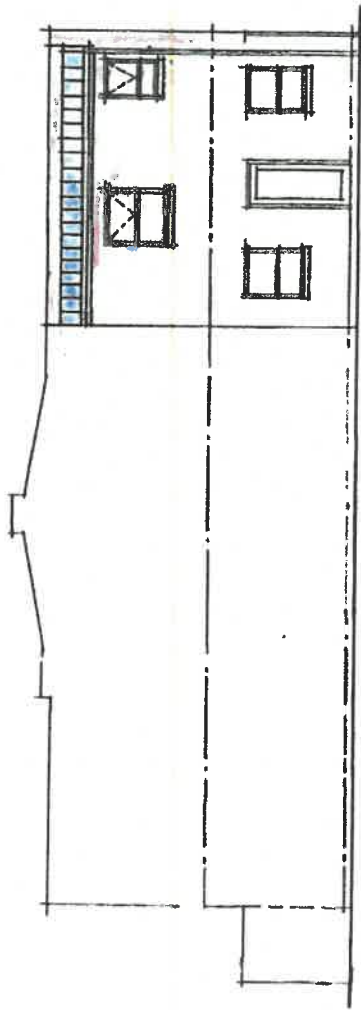


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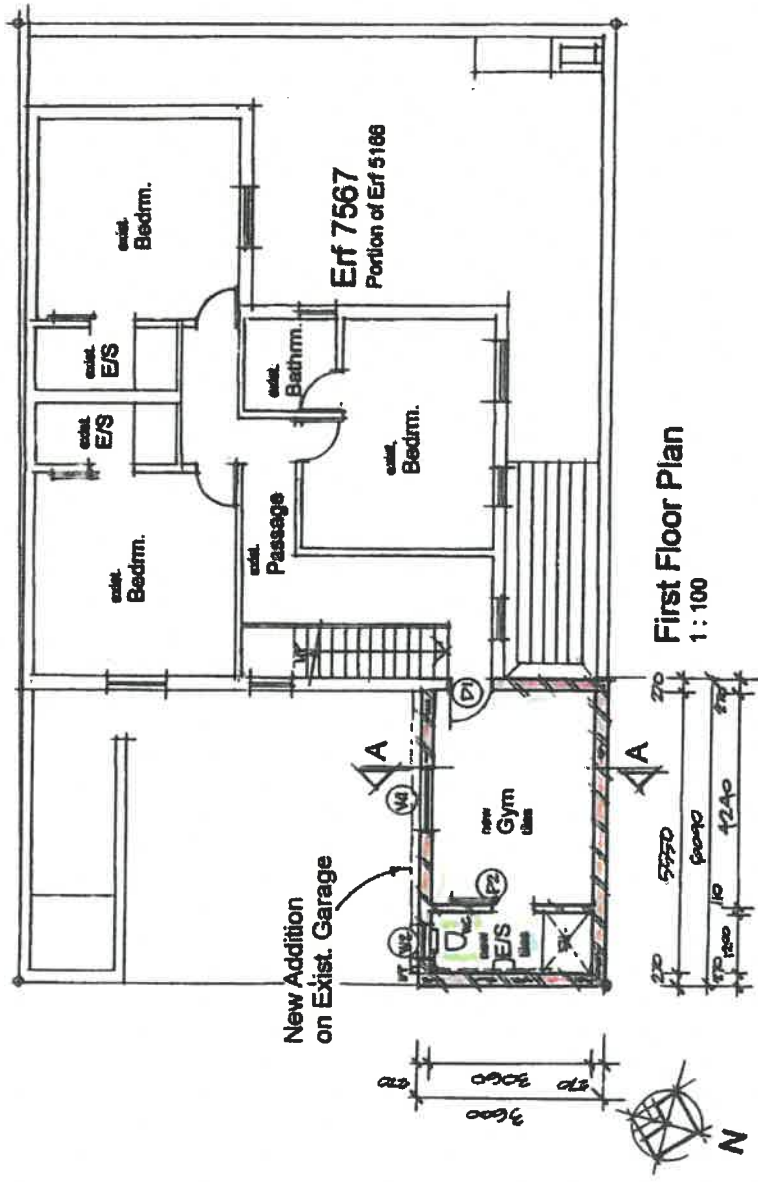
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

8/11/2023
DATE

Annexure C:
Building plan



South Elevation
1 : 100



First Floor Plan
1 : 100

pretplan
BOUQUIGNNE
BUILDING PLANS
Botha Pretorius
Pretorius 31463, Marikana, Struikhoek, 7602
SACAP Reg. No. ST1960, 072 422 8600.
Project:

Starfinch (Pty) Ltd.
[Redacted]

Client Description:

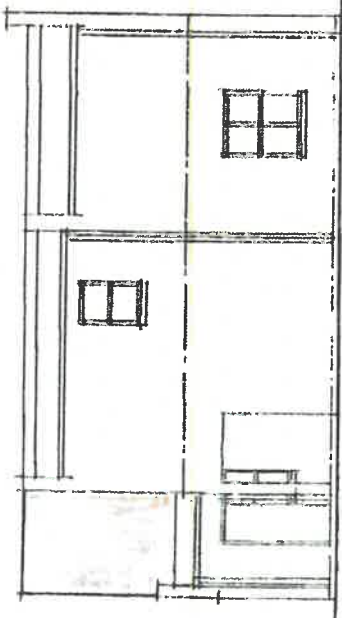
First Floor Plan
Elevation

Project Number	PP1023	Scale	1 : 100
Page	2	Date	March 2023
Design No.	PP1023	Quantity	bothra

[Signature]
Owner: Erf 7567 SACAP ST1960

[Signature]

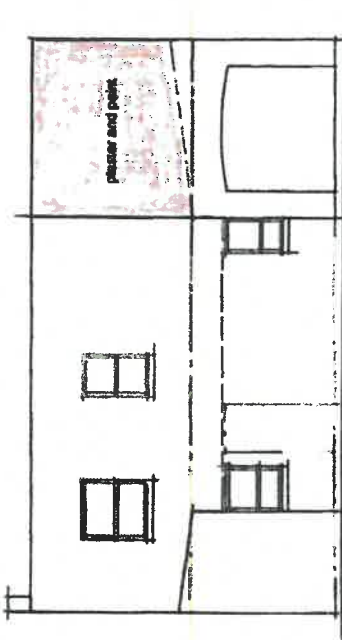
7567_56002



West Elevation
1 : 100

Painted Walls
Vedek - Isobars or similar approved acrylic waterproofing system to top of parapet walls as per specialist.

Flashings
Approved flashing and counter flashing installed to manufacturer spec. and colour to match roof cladding.



East Elevation
1 : 100

Roof Construction.
0.9 mm Chlorosulc Chlorosulc Mipolac profile sheet on 75 x 60 purlins at 1000mm centres on 230 x 50 beams at 1000mm centres on 114 x 38 wall plates lead to beams with gaps. 35 mm hoop iron cast into bitumast at corners.

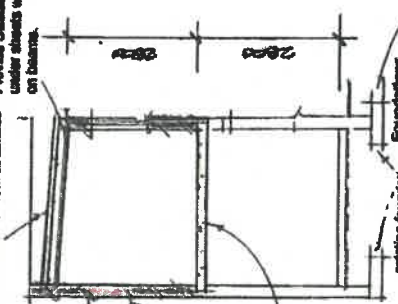
Insulation.
Provide Stancation insulation direct under sheets with 130 mm fibrolastic on beams.

Walls.
270 mm cavity walls with 230 mm lead lining walls built with quality FOK clay bricks laid in stretcher bond plaster and painted.

Concrete Slabs and Beams
To comply to SANS 1040 part J and all spec. slabs and beams to be designed and approved by Struct. Engineer

Guides and Downpipes
125 x 50 mm Open slant gutters matching metal sheet colour and installed by specialist

Flashings
225 x 9 Humeo lead to timber eaves with 12 x 40 mm counter sunk brass screws.



Section A - A
1 : 100

pretplan
BOUFFIGENNE
BUILDINGS PLANS

Bolha Pretorius

Praktis 5760, Medunand, Driehoek, 7602
SACAP Reg. No. ST1856, 072 452 8868.

Starfinch/Draft Ltd

**Section, Roof Plan,
Elevation**

Roof Plan
1 : 100

Project Number	PP10/23	Scale	1 : 100
Sheet	3	Date	March 2023
Plan No	Plan No	Drawn by	bolha

[Signature]
Owner: Erf 7567 SACAP ST1850

7567_S603