



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10100

Our File Reference Number: Erf 261- 262, 475 - 476 & 478 - 492, Koelpark

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL 

Sir/Madam

APPLICATION FOR DEPARTURE: ERVEN 261 - 262, 475- 476 & 478 - 492, KOELPARK

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 261-262, 475-476 and 478-492 (Portion 5 Nooitgedacht Village), Koelpark, Stellenbosch in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 to relax the building lines applicable to Conventional residential zone, to be in line with the building lines as depicted on drawing No Plan No. K3910/PL003, dated 18-07- 2022, drawn by Dennis Moss Partnership attached as **Annexure B**.

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 in accordance with the site plan as referenced in Drawing No. K3910/PL003, drawn by Dennis Moss Partnership, dated 18-07-2022 and attached as **Annexure B**.
- 2.2.4 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.
- 2.2.5 Building plans must be generally in accordance with the site plan/floor layout plan as referenced in Drawing No. K3910/PL003, drawn by Dennis Moss Partnership, dated 18-07-2022 attached as **Annexure B**.

2.3 The reasons for the above decision are as follows:

- 2.3.1 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 character.
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

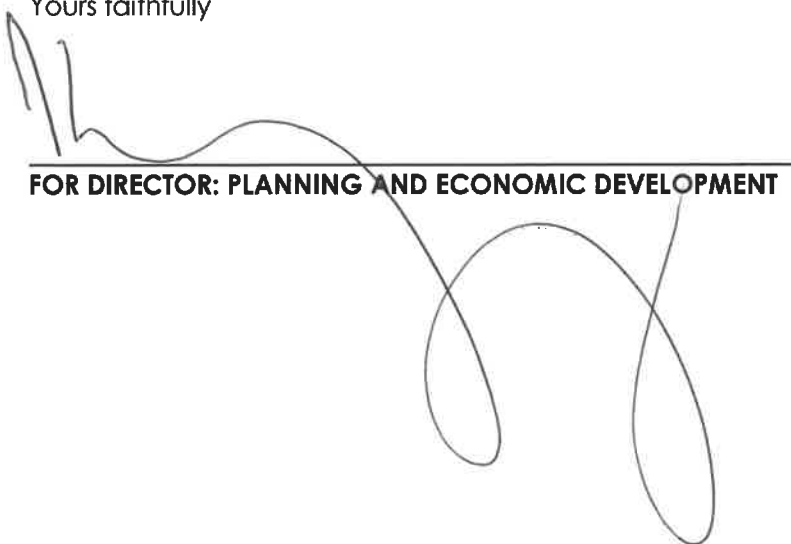
6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference 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

22/7/2022
DATE:

LOT STREET

RESTANT PAD

202

261
704m²

262
823m²

257

478
956m²

479
900m²

RESTANT PAD

258

485
839m²

480
789m²

259

484
807m²

481
830m²

247

483
806m²

482
763m²

246

475
821m²

476
812m²

486
729m²

487
649m²

488
652m²

489
525m²

274

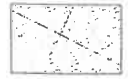
492
597m²

490
600m²

491
475m²

RESTANT PAD

273



Access Servitude



0 10 20m



CLIENT: Koelpark (Pty) Ltd.

PROJECT TITLE:
Nooitgedacht Village
Erven 261-262, 475-476
and 478-492

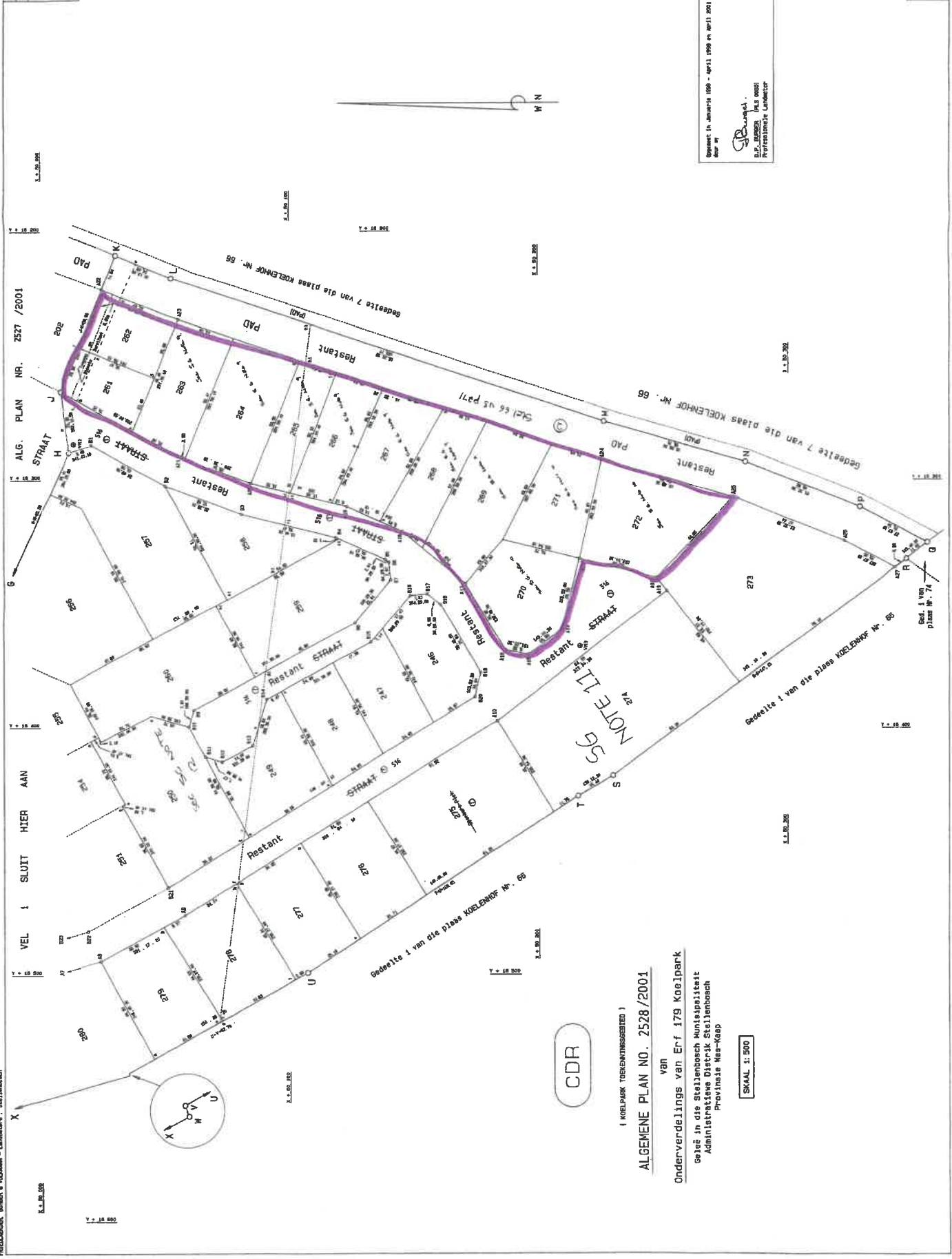
DRAWING TITLE:
Building Lines

PROJECT No.: K3910	SCALE: Line scale
DRAWING No.: K3910/PL003	DATE: 18-07-2022
REV.	DRAWN: BBS CHECKED: GDK

FOR APPROVAL

This drawing and all the information contained thereon is the property of Dennis Moss Partnership and must not be copied or disclosed to a third party without their written consent.

L.G. No. 2528/2001
 Vol 2 van 2 Velle
 onderwerp
 naas Landstreek-gebruik : Koppeld
 datum : 2001-10-25



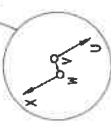
Opmaat in Januarie 2001 - April 2001 en April 2001
 deur W
 B.P. BISSCHOP, P.L.S. en
 P.F. BISSCHOP, Landbouers

L.G. No. : 2528/2001
 Vol 2 van 2 Velle
 onderwerp : Koppeld
 datum : 2001-10-25

CDR

ALGEMENE PLAN NO. 2528/2001
 van
 Onderverdelings van Erf 179 Koelpark
 Geste in die Stellenbosch Munisipaliteit
 Administratiewe Distrik Stellenbosch
 Provinsie Wes-Kaap

SKAAL 1:500



FREETOLLEK, BUREAU & VERKOPING - Landbouers : Stellenbosch

2528/2001