



Application Number: LU/14779(TP162/2022)

Our File Reference Number: Erf 2225, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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

PER E-MAIL: [REDACTED]

Sir

APPLICATION FOR DEPARTURE ON ERF 2225, 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 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, for permanent departure to permit a 43% permeable street boundary wall in lieu of 50% on Erf 2225, Stellenbosch;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:

- 2.2 The approval only applies to the proposed departure under consideration, as indicated on the referenced Boundary Wall Plan drawn by Archi-Tec, with Drawing No. 21 169_400, Rev. C and dated 12/12/2022, (attached as **Annexure B**), 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.
- 2.3 The development be undertaken generally in accordance with the referenced Boundary Wall Plan drawn by Archi-Tec, with Drawing No. 21 169_400, Rev. C and dated 12/12/2022, (attached as **Annexure B**).

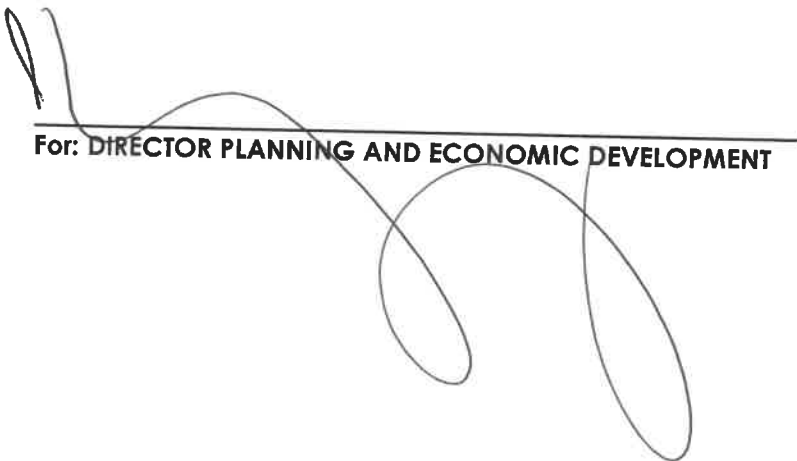
- 2.4 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed activity.
 - 2.5 Building plans must be generally in accordance with the referenced Boundary Wall Plan drawn by Archi-Tec, with Drawing No. 21 169_400, Rev. C and dated 12/12/2022, (attached as **Annexure B**).
 - 2.6 Building plans must be submitted for all work, and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
 - 2.7 The applicant/owner will be responsible for all cost involved with regards to alterations to existing municipal infrastructure.
3. The reasons for the above decision are as follows:
 - 3.1 The proposal will not reduce the visibility along any street and will therefore not pose any danger for vehicle traffic or pedestrians.
 - 3.2 The proposal is not considered aesthetically unappealing, nor is it out of character given the surrounding residential area.
4. 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.
5. 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.
6. 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
 7. 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.
 8. 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>).

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

31/5/2023
DATE:

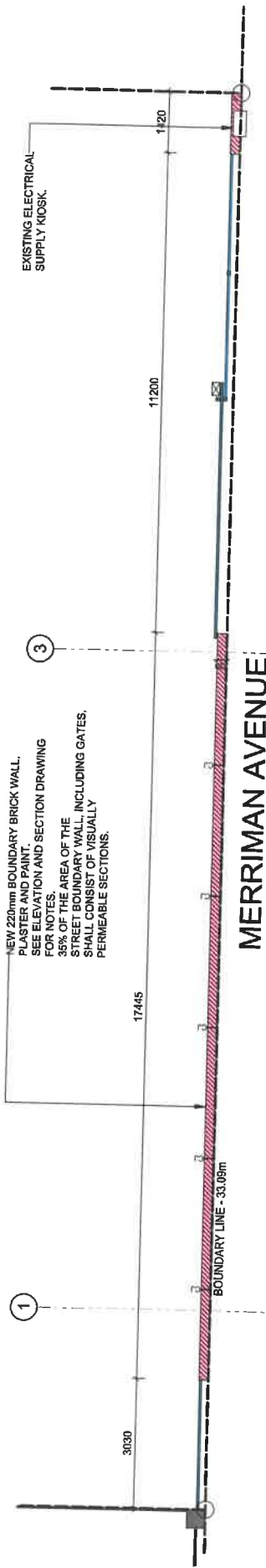


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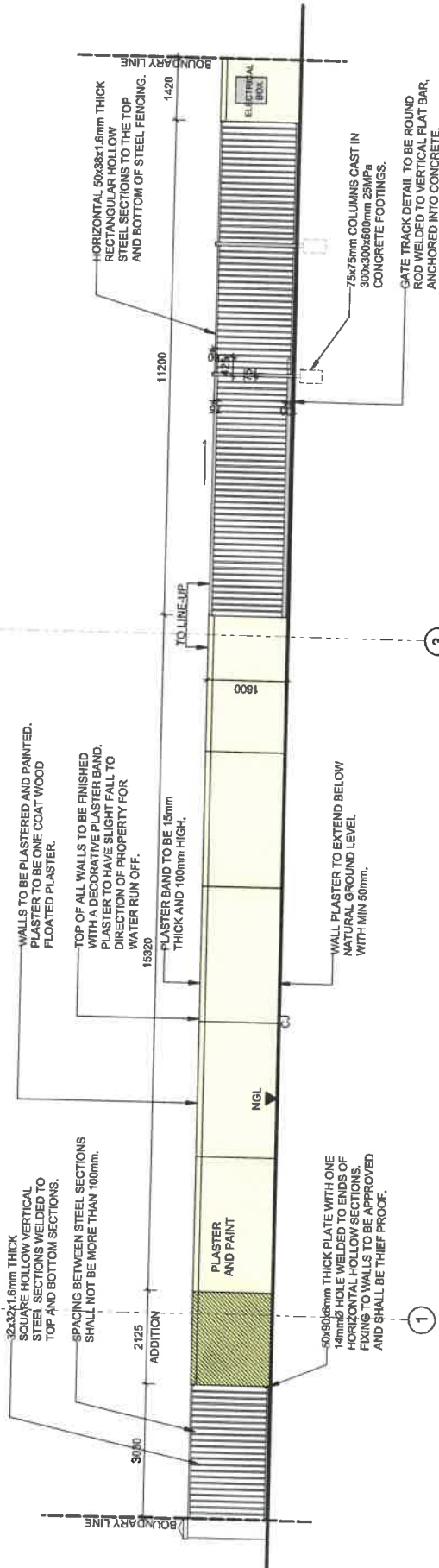
ANNEXURE B

SITE PLANS



MERRIMAN AVENUE

BOUNDARY WALL - PLAN LAYOUT
SCALE 1:100



BOUNDARY WALL - ELEVATION
SCALE 1:100

ALL WORK SHALL BE MEASURED ON SITE. ALL WELDED JOINTS SHALL BE CONTINUOUS ON BOTH SIDES. ALL STEEL SHALL BE GALVANISED AFTER MANUFACTURING AND BE EPOXY COATED. EPOXY COLOUR TO BE APPROVED. IRONMONGERY TO BE SUPPLIED BY STEEL CONTRACTOR.

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PROJECT		ARCHITECTURAL PROFESSIONAL		CLIENT	
ERF 2225 STELLENBOSCH.		HANS JACOB BERNARDUS COMBRINK		HANS JACOB BERNARDUS COMBRINK	
OCCUPATION CLASSIFICATION - H4 DWELLING		SCALE SHEET SIZE		DATE	
BOUNDARY WALL		1:100/A3		2022-12-12	
DEPARTURE FROM ZONING SCHEME		DRAWING NUMBER		DRAWN	
		21 169_400		JP	
				CHECKED	
				JP	
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