



Application Number: LU/16274 (TP513/2023)

Our File Reference Number: Erf 3984, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-M

Sir / Madam

APPLICATION FOR A DEPARTURE AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: ERF 3984, STELLENBOSCH

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)(b)&(g) of the Stellenbosch Municipality: By-Law on Municipal Land Use Planning 2023 on Erf 3984, Stellenbosch:
 - 2.1.1 A Permission in terms of the Zoning Scheme in order to construct a new roof structure over bonsai gardens in an Urban conservation overlay zone as stipulated in Section 246(1)(a) of the Stellenbosch Municipality Zoning Scheme By-Law, 2023.
 - 2.1.2 For a departure in order to relax the common building line (adjacent to Erf 9045, Stellenbosch) from 5m to 0,3m in order to accommodate the shade cloth structure over the bonsai gardens.
3. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:**
 - 3.1 The approval will lapse if not implemented / confirmed within five years from the date of final notification of approval of the application.

- 3.2 The approval only applies to the proposed permission and 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.
- 3.3 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.
- 3.4 Building plans must be generally in accordance with the site plan / floor layout plan as referenced drawing no. as indicated on building plan no. 2304-SK01 dated 11 July 2024 and 2304-SK02 dated 28 August 2023 and attached as Annexure A.

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

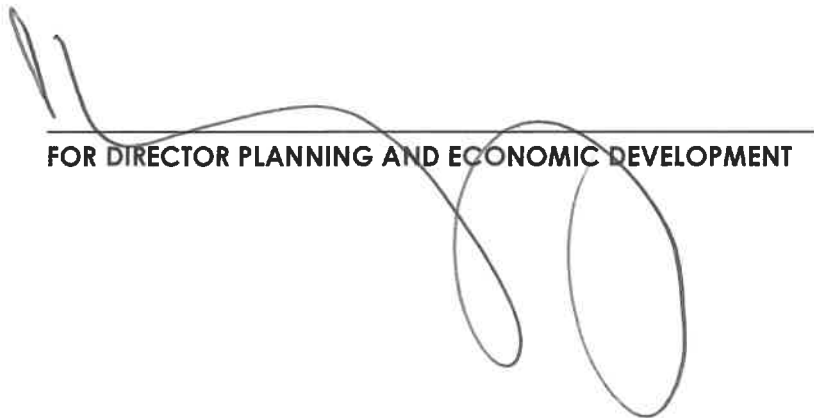
- 4.1 The proposed use is in line with the land uses found on this property and surrounding properties, it will therefore not have a negative impact on the character of the area.
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to 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.
6. Appeals must be submitted by completing the required form 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.
7. **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**
8. 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.
9. The appeal form and 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 or 021 – 808 8684.
10. 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.

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

12. 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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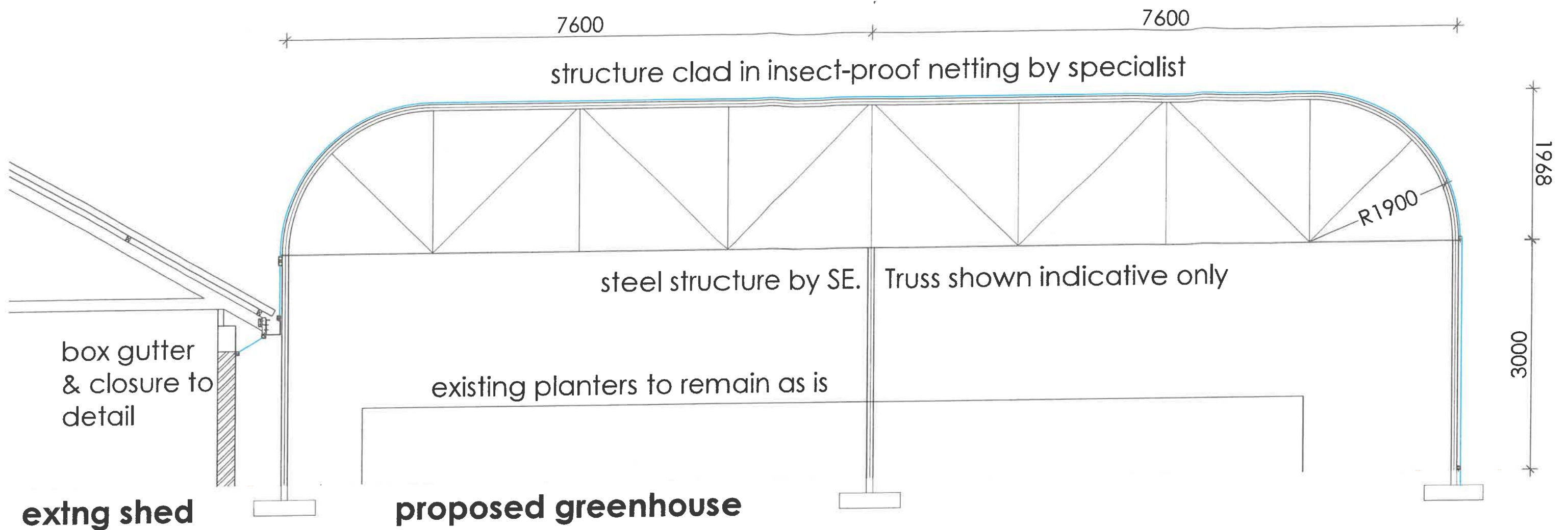
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

5/11/2024
DATE

COPIES TO OBJECTORS/COMMENTS



Annexure A: Building Plan



oxalis house: section

SCALE: 1 : 50

hb
ARCHITECTS

reg no 2017 / 103 456 / 07

NOTES:

1. ALL DIMENSIONS TO BE CHECKED ON SITE FOR
2. ALL DIMENSIONS TO BE CHECKED ON SITE FOR
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4. ALL DIMENSIONS TO BE CHECKED ON SITE FOR
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DWG NAME: OXALIS HOUSE
PROJECT: botanical gardens
new projects
client: stellenbosch university

DATE: 2023 08 28	REV NO: 0
2304/2	
2304-SK02	