



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8297

Our File Reference Number: Erf 294, Raithby

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: alleng@mlh.co.za

Sir

APPLICATION FOR TEMPORARY DEPARTURE ON ERF 294, RAITHBY

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 temporary departure in terms of Section 15(2)c of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 in order to use existing buildings in a ±2,56ha area of Erf 294, Raithby for a Health Care Facility (in-patient rehabilitation centre) for up to ±40 sufferers of substance abuse and eating disorders on Erf 294, Raithby, **be approved** in terms of Section 60 of the said Bylaw for the following reasons:
 - (a) The use will be temporary in nature.
 - (b) No agricultural land will be taken out of production.
 - (c) All existing onsite building, services, access roads and parking areas will be sufficient for the proposed rehabilitation centre activities, although the engineering department did not comment on the application.
 - (d) The proposal does not necessarily compromise the principles of the IDP and the Municipal SDF at the time of submission, considering that the use is just considered on a temporary basis.
 - (e) The rehabilitation centre for maximum 40 clients is therefore not envisaged to be detrimental to the agricultural area.

2.2 **That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:**

- a) That the approval applies only to the temporary departure and buildings in question as indicated on **ANNEXURE 2** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- (b) That the approval for the temporary departure will be valid for only 5 years from the date of final notification.
- (c) That no activities relating to the subject temporary departure may create a noise nuisance for surrounding property owners and all rehabilitation sessions is conducted during reasonable office hours (08h00 to 17h00).
- (d) That the owners of the subject property at all times comply with the applicable Noise Control Regulations.
- (e) That Council reserve the right to monitor the activities of the temporary departure annually and terminate the temporary departure at any time should the owner fail to adhere to the conditions of approval within prescribe time frames.
- (f) That all buildings comply and activities are conducted satisfactory to the requirements of the Health and Fire Services authorities at all times.
- (g) That only the main entrance to the property be used for deliveries related to the temporary departure.
- (h) That the centre allow at least 5% from the previously disadvantaged patients annually on a subsidized basis and submit annual reports to the Community Development Department

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.

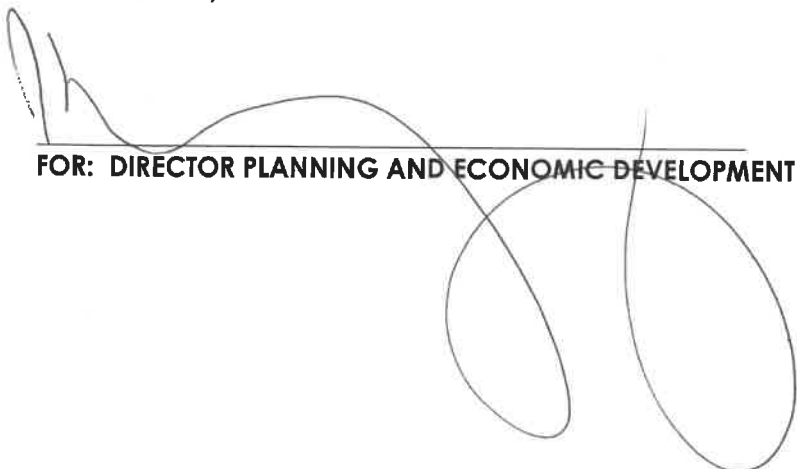
4. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za

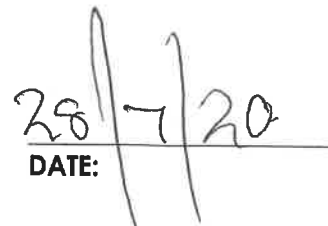
5. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The

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.

6. 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>).
7. 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.
8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
9. 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.

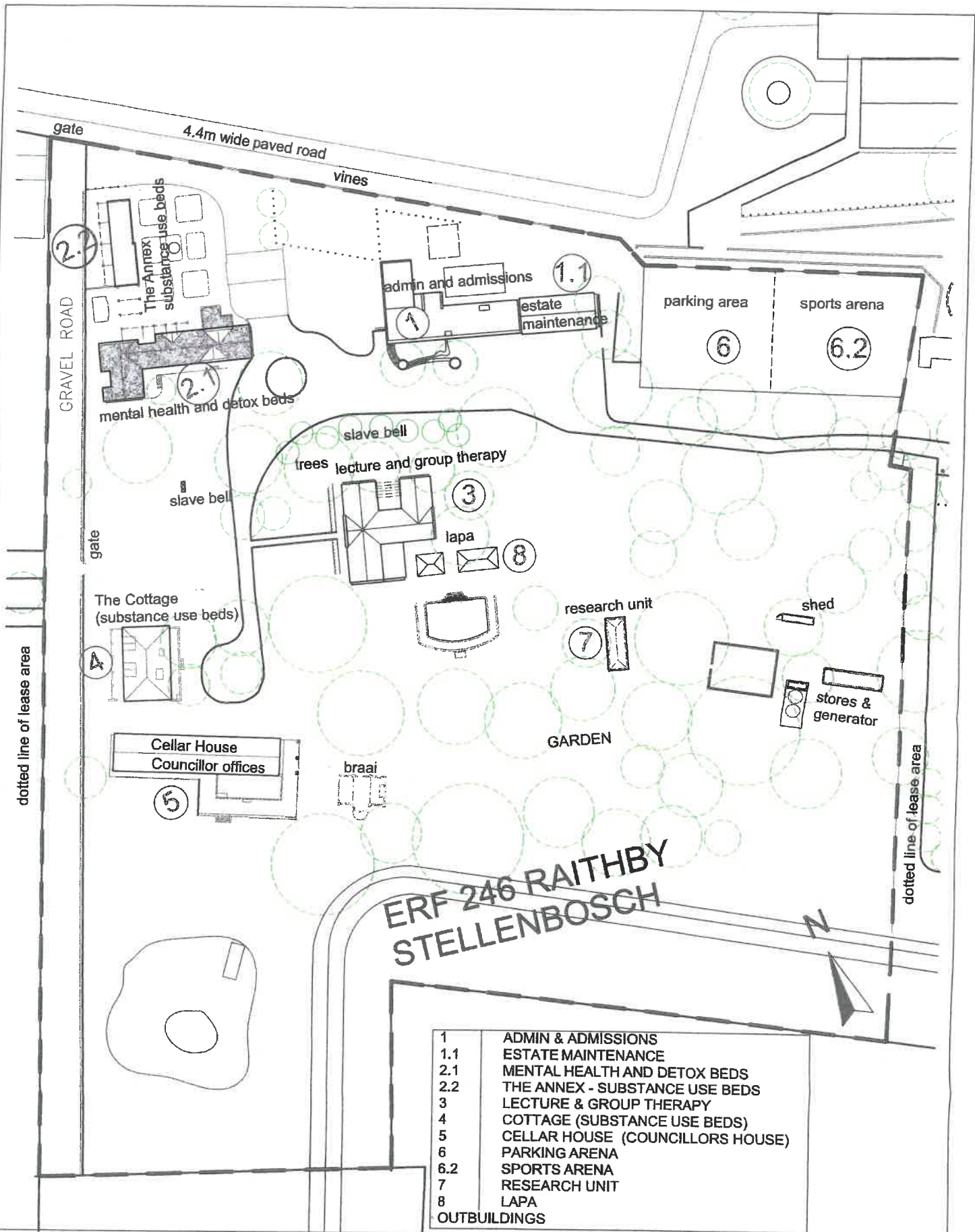
Yours faithfully


FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT


DATE:

ANNEXURE 2

Site Development Plan



- | | |
|-----|----------------------------------|
| 1 | ADMIN & ADMISSIONS |
| 1.1 | ESTATE MAINTENANCE |
| 2.1 | MENTAL HEALTH AND DETOX BEDS |
| 2.2 | THE ANNEX - SUBSTANCE USE BEDS |
| 3 | LECTURE & GROUP THERAPY |
| 4 | COTTAGE (SUBSTANCE USE BEDS) |
| 5 | CELLAR HOUSE (COUNCILLORS HOUSE) |
| 6 | PARKING ARENA |
| 6.2 | SPORTS ARENA |
| 7 | RESEARCH UNIT |
| 8 | LAPA |
| | OUTBUILDINGS |

stage 5
architects
tel: 021 556 7024

Rustenburg Estate
SITE PLAN | 10.32_01
SCALE 1:1000

to be read in conjunction
with architects' master
plans & elevations

24/04/2018 REV: C