



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14349 (TP25/2022)

Our File Reference Number: Erf 1015, 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, TECHNICAL APPROVAL & REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 1015, 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) of the Stellenbosch Municipality Land Use Planning By-law, 2023 on Erf 1015 Stellenbosch:
 - 2.1.1 **Removal of Restrictive Title Conditions** in terms of Section 15(2)(f) of the said by-law, in order to accommodate the building alterations and second dwelling unit. The restrictive title deed conditions (as held in the Title Deed No. T278067/2021) to be removed are Clause E (iii) (c) which reads as follows:
 - a) (c) – Op nie meer as een derde van die oppervlakte daarvan mag gebruik gebou word nie,

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

- i. The removal of the restrictive title deed condition is not required as the title deed condition does not constrain the proposed development.
- ii. The application to remove the restriction for coverage contains no proposal grounds for removal as the proposed coverage is less than 33%.

3. That the following application in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, 2023:

3.1 **Permanent Departure** in terms of Section 15 (2) (b) of the said by-law, to relax the street building line adjacent to Dannerand Way from 4m to 3m in order to allow for the construction of a portion of the garage and balcony on top.

3.2 **Permission** in terms of Section 15 (2)(g) of the Land Use Planning By-law for Technical Approval in terms of Section 13 of the Stellenbosch Zoning By-Law to accommodate a second dwelling unit.

3.3 **Removal of Restrictive Title Conditions** in terms of Section 15(2)(f) of the said by-law, in order to accommodate the building alterations and second dwelling unit. The restrictive title deed conditions (as held in the Title Deed No. T278067/2021) to be removed are Clause E (iii) (b) & (d) which reads as follows:

a) E (iii) (b)– Dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruil word daarop op te rig,

b) (d) - Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag binne 20 voet van die straatlyn wat 'n grents van hierdie erf vorm, opgerig word nie, ook nie binne 10 voet van die agtergrens of die sygrens van 'n aangrensende erf nie, met dien verstande dat 'n buitgebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitgebou nie 'n hootge van 10 voet te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankeplaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe, sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf.

BE APPROVED in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

4. Conditions of approval

4.1 The approval applies only to the application under consideration as indicated on Drawing referenced as project No. 456, drawing No. 002 - 005, dated Feb 2021 & drawn by MG (Geringer Architects), and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

- 4.2 The development shall be implemented substantially in accordance with the Drawing referenced as project No. 456, drawing No. 002 - 005, dated Feb 2021 & drawn by MG (Geringer Architects), and attached as **Annexure C**.
- 4.3 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.
- 4.4 Building plans must be generally in accordance with the site plan / floor layout plan as attached as **Annexure C**.
- 4.5 The conditions imposed by the Director: Infrastructure Services contained in their memo dated 25 March 2023, attached as **Annexure G**, be complied with.
- 4.6 Development contributions (DC's) are payable in accordance with the prevailing and applicable council tariffs at the time of payment prior to any building plan approval in compliance with the Memorandum dated 25 March 2023 (Civil LU 2430) attached as **Annexure G**.

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

5.1 The proposed application would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.

6. Matters to be noted:

6.1 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive conditions.

7. 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.

8. 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:

8.1 The personal particulars of the Appellant, including:

- a) First names and surname

- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

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

10. The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

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

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

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

10.4 The factual or legal findings that the appellant relies on.

10.5 The relief sought by the appellant.

10.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

10.7 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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.

11. 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

12. 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.

13. 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

14. 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.
15. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
16. 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


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

19/1/2024
DATE

COPIES TO:

1) [REDACTED]
[REDACTED]

2) [REDACTED]
[REDACTED]

3) [REDACTED]
[REDACTED]

4) [REDACTED]
[REDACTED]

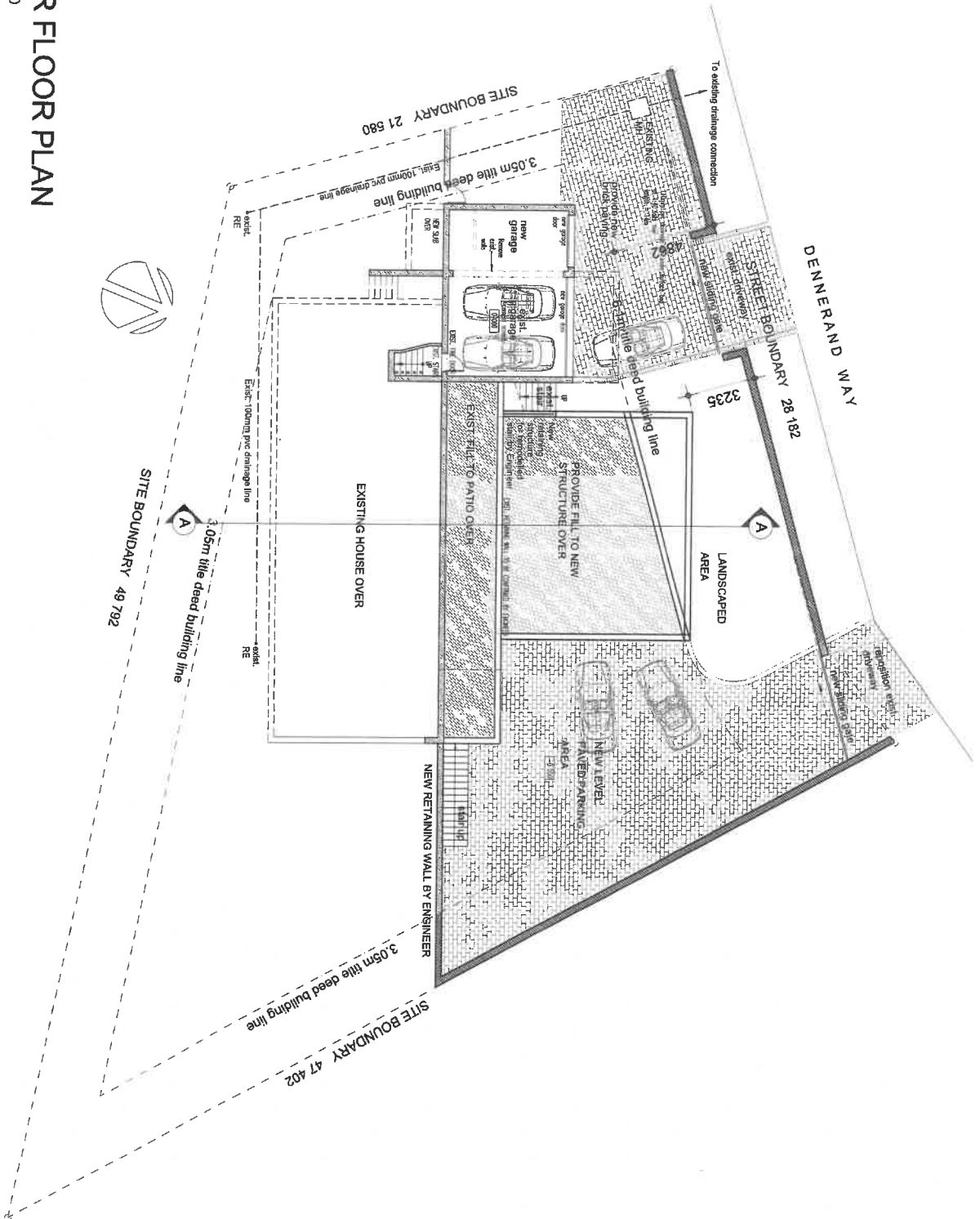
5) [REDACTED]
[REDACTED]

6) [REDACTED]
[REDACTED]

ANNEXURE C: SITE DEVELOPMENT PLAN

LOWER FLOOR PLAN

SCALE 1:100



FOR INFORMATION

NOTES /NOTES
 All drawings are to be read in conjunction with the project brief and specifications. The client is responsible for providing all necessary information and approvals. The architect is not responsible for any errors or omissions in the drawings or specifications. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities. The architect is not responsible for any delays or costs incurred by the client as a result of any changes or variations to the drawings or specifications. The client is responsible for providing all necessary information and approvals for the construction of the project. The architect is not responsible for any errors or omissions in the drawings or specifications. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities. The architect is not responsible for any delays or costs incurred by the client as a result of any changes or variations to the drawings or specifications.

REVISIONS / VARIATIONS
 No. Description
 1. []
 2. []
 3. []
 4. []
 5. []

CLIENT SIGNATURE:

ARCHITECT SIGNATURE:
 GERINGER ARCHITECTS

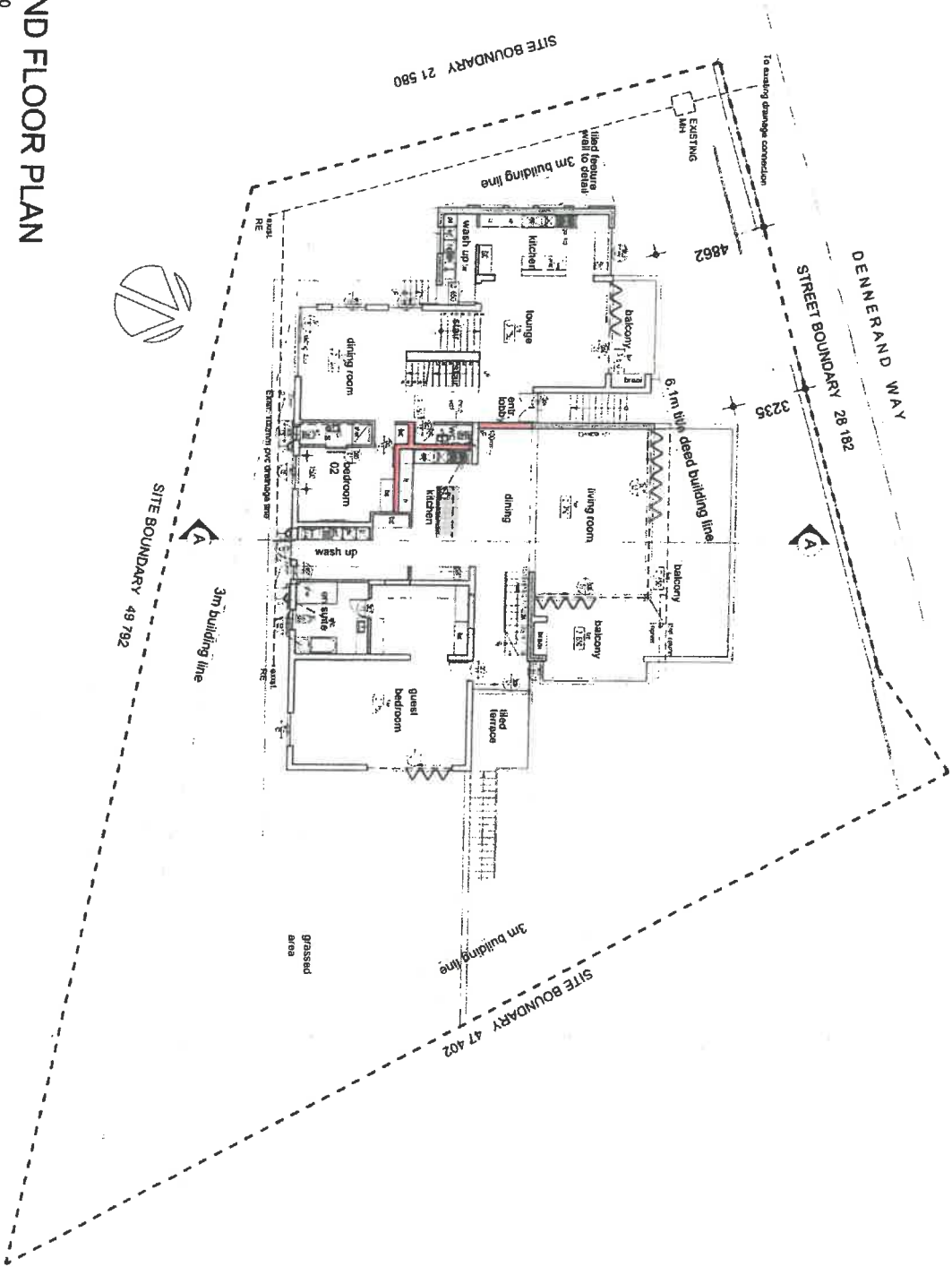
Proposed BUILDING ALTERATIONS
 to existing dwelling, ERF 1015
 DENNERAND STREET
 STELLENBOSCH

LOWER FLOOR PLAN

DATE: FEB 2024
 DRAWN BY: MG

GROUND FLOOR PLAN

SCALE 1:100



FOR INFORMATION

NOTES / NOTES

- 1. All dimensions are in meters unless otherwise stated.
- 2. All dimensions are to the centerline of walls unless otherwise stated.
- 3. All dimensions are to the centerline of windows unless otherwise stated.
- 4. All dimensions are to the centerline of doors unless otherwise stated.
- 5. All dimensions are to the centerline of stairs unless otherwise stated.
- 6. All dimensions are to the centerline of ramps unless otherwise stated.
- 7. All dimensions are to the centerline of columns unless otherwise stated.
- 8. All dimensions are to the centerline of beams unless otherwise stated.
- 9. All dimensions are to the centerline of slabs unless otherwise stated.
- 10. All dimensions are to the centerline of foundations unless otherwise stated.

REGIONS / REGIONS

NO.	DESCRIPTION	AREA (m ²)	VOLUME (m ³)
1	EXISTING HOUSE AREA	218	218
2	EXISTING HOUSE AREA	218	218
3	EXISTING HOUSE AREA	218	218
4	EXISTING HOUSE AREA	218	218
5	EXISTING HOUSE AREA	218	218
6	EXISTING HOUSE AREA	218	218
7	EXISTING HOUSE AREA	218	218
8	EXISTING HOUSE AREA	218	218
9	EXISTING HOUSE AREA	218	218
10	EXISTING HOUSE AREA	218	218
11	EXISTING HOUSE AREA	218	218
12	EXISTING HOUSE AREA	218	218
13	EXISTING HOUSE AREA	218	218
14	EXISTING HOUSE AREA	218	218
15	EXISTING HOUSE AREA	218	218
16	EXISTING HOUSE AREA	218	218
17	EXISTING HOUSE AREA	218	218
18	EXISTING HOUSE AREA	218	218
19	EXISTING HOUSE AREA	218	218
20	EXISTING HOUSE AREA	218	218

CLIENT SIGNATURE:

ARCHITECT SIGNATURE:



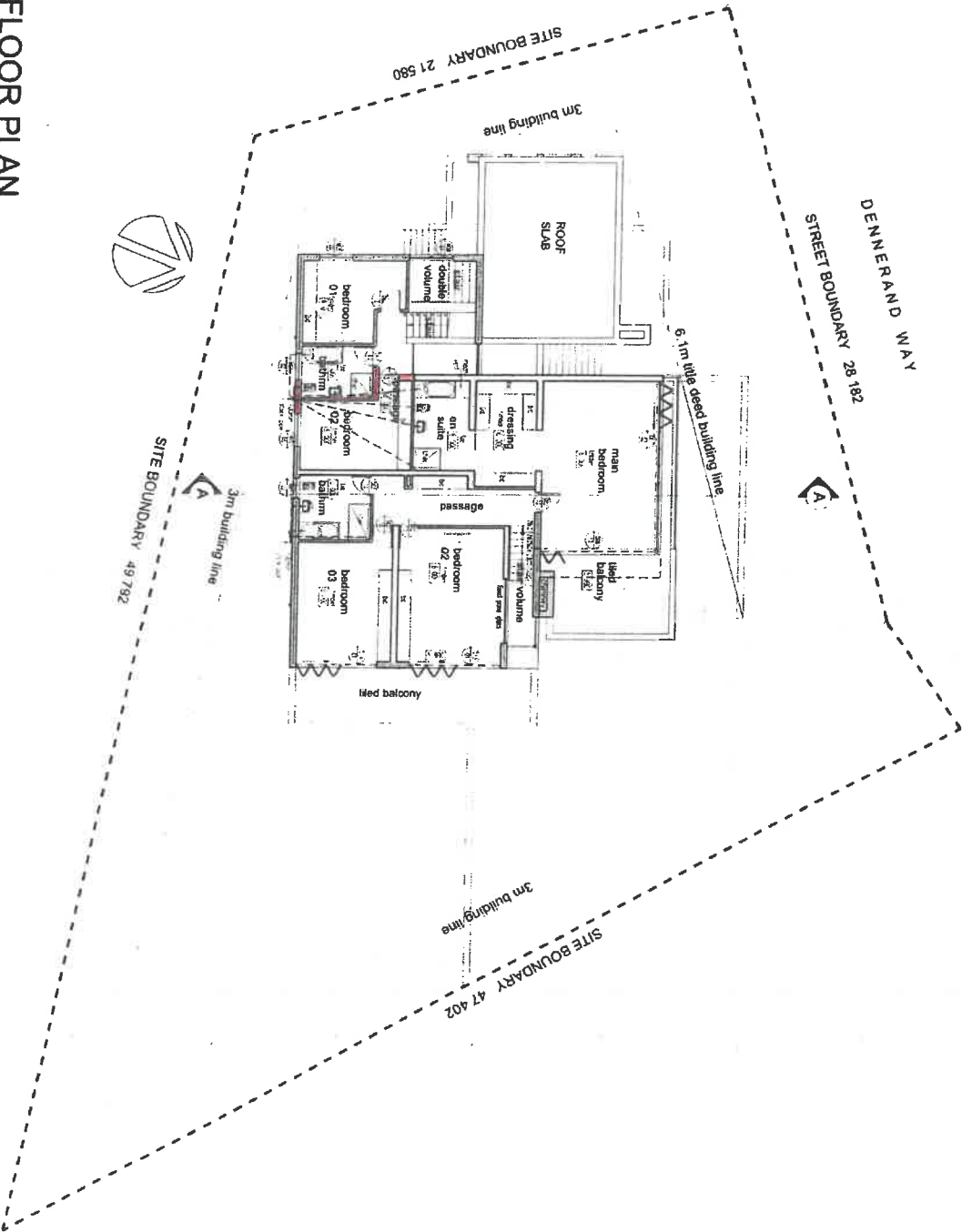
Proposed BUILDING ALTERATIONS
to existing dwelling, ERF 1015
DENNERAND STREET
STELLENBOSCH

GROUND FLOOR PLAN

NO.	DATE	BY	DESCRIPTION
1	01/01/2021	MG	ISSUED FOR PERMIT
2	01/01/2021	MG	ISSUED FOR PERMIT
3	01/01/2021	MG	ISSUED FOR PERMIT
4	01/01/2021	MG	ISSUED FOR PERMIT
5	01/01/2021	MG	ISSUED FOR PERMIT
6	01/01/2021	MG	ISSUED FOR PERMIT
7	01/01/2021	MG	ISSUED FOR PERMIT
8	01/01/2021	MG	ISSUED FOR PERMIT
9	01/01/2021	MG	ISSUED FOR PERMIT
10	01/01/2021	MG	ISSUED FOR PERMIT

UPPER FLOOR PLAN

SCALE 1:100



FOR INFORMATION

NOTES / NOTAS

1. The information contained in this drawing is for the use of the client only and is not to be used for any other purpose without the written consent of the architect.

2. The architect is not responsible for the accuracy of the information and data provided by the client.

3. The architect is not responsible for the accuracy of the information and data provided by the client.

4. The architect is not responsible for the accuracy of the information and data provided by the client.

REVISIONS / WYSIGINGS

NO.	DATE	DESCRIPTION
1	2021-02-01	ISSUED FOR PERMIT
2	2021-02-01	ISSUED FOR PERMIT
3	2021-02-01	ISSUED FOR PERMIT
4	2021-02-01	ISSUED FOR PERMIT
5	2021-02-01	ISSUED FOR PERMIT
6	2021-02-01	ISSUED FOR PERMIT
7	2021-02-01	ISSUED FOR PERMIT
8	2021-02-01	ISSUED FOR PERMIT
9	2021-02-01	ISSUED FOR PERMIT
10	2021-02-01	ISSUED FOR PERMIT

NO.	DESCRIPTION	AREA (M ²)	PERCENTAGE
1	PROPOSED NEW CONCRETE	127.85	34%
2	PROPOSED NEW CONCRETE	127.85	34%
3	PROPOSED NEW CONCRETE	127.85	34%
4	PROPOSED NEW CONCRETE	127.85	34%
5	PROPOSED NEW CONCRETE	127.85	34%
6	PROPOSED NEW CONCRETE	127.85	34%
7	PROPOSED NEW CONCRETE	127.85	34%
8	PROPOSED NEW CONCRETE	127.85	34%
9	PROPOSED NEW CONCRETE	127.85	34%
10	PROPOSED NEW CONCRETE	127.85	34%

CLIENT SIGNATURE:

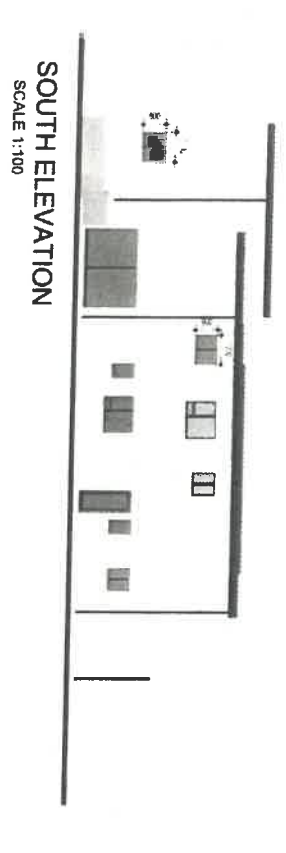
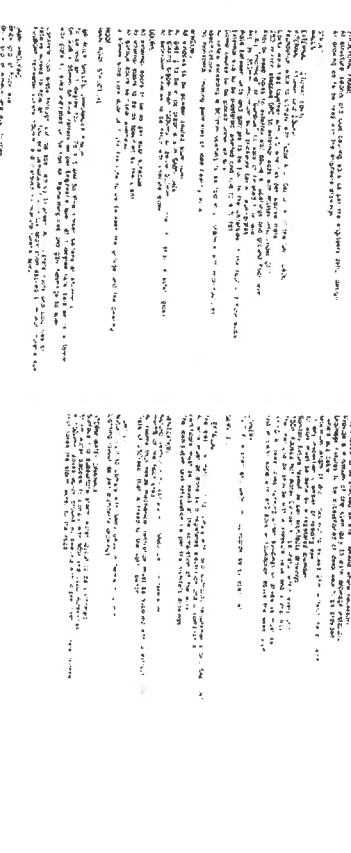
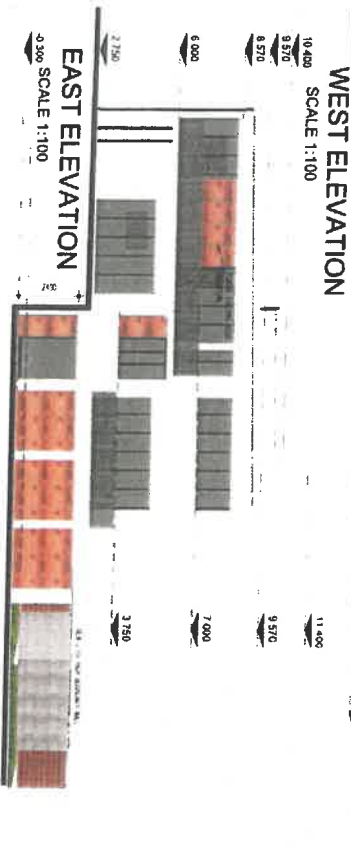
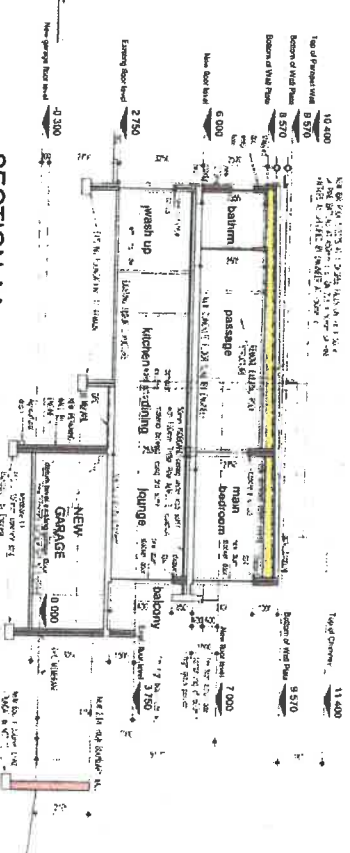
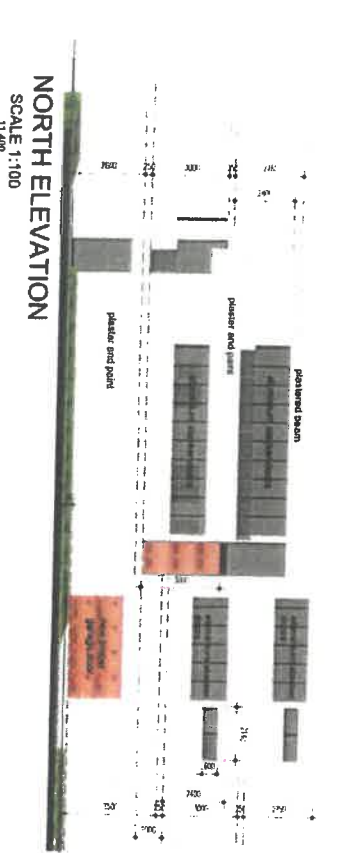
ARCHITECT SIGNATURE:



Proposed BUILDING ALTERATIONS to existing dwelling, ERF 1015 DENNERAND STREET STELENBOSCH

UPPER FLOOR PLAN

NO.	DATE	DESCRIPTION
1	2021-02-01	ISSUED FOR PERMIT
2	2021-02-01	ISSUED FOR PERMIT
3	2021-02-01	ISSUED FOR PERMIT
4	2021-02-01	ISSUED FOR PERMIT
5	2021-02-01	ISSUED FOR PERMIT
6	2021-02-01	ISSUED FOR PERMIT
7	2021-02-01	ISSUED FOR PERMIT
8	2021-02-01	ISSUED FOR PERMIT
9	2021-02-01	ISSUED FOR PERMIT
10	2021-02-01	ISSUED FOR PERMIT



NOTES:

1. All work to be done in accordance with the specifications and drawings.
2. The contractor shall be responsible for obtaining all necessary permits.
3. The contractor shall be responsible for protecting all existing structures and utilities.
4. The contractor shall be responsible for the safety of all workers and the public.
5. The contractor shall be responsible for the quality of all workmanship.
6. The contractor shall be responsible for the completion of all work within the specified time frame.
7. The contractor shall be responsible for the cleanup of all construction debris.
8. The contractor shall be responsible for the payment of all subcontractors and suppliers.
9. The contractor shall be responsible for the maintenance of all records and documents.
10. The contractor shall be responsible for the coordination of all trades.
11. The contractor shall be responsible for the communication of all progress and issues.
12. The contractor shall be responsible for the protection of all personal and confidential information.
13. The contractor shall be responsible for the compliance with all applicable laws and regulations.
14. The contractor shall be responsible for the insurance of all workers and property.
15. The contractor shall be responsible for the bonding of all work.
16. The contractor shall be responsible for the resolution of all disputes.
17. The contractor shall be responsible for the termination of the contract.
18. The contractor shall be responsible for the assignment of the contract.
19. The contractor shall be responsible for the subcontracting of work.
20. The contractor shall be responsible for the delegation of authority.
21. The contractor shall be responsible for the delegation of responsibility.
22. The contractor shall be responsible for the delegation of liability.
23. The contractor shall be responsible for the delegation of risk.
24. The contractor shall be responsible for the delegation of control.
25. The contractor shall be responsible for the delegation of power.
26. The contractor shall be responsible for the delegation of influence.
27. The contractor shall be responsible for the delegation of impact.
28. The contractor shall be responsible for the delegation of effect.
29. The contractor shall be responsible for the delegation of result.
30. The contractor shall be responsible for the delegation of consequence.
31. The contractor shall be responsible for the delegation of outcome.
32. The contractor shall be responsible for the delegation of effectuation.
33. The contractor shall be responsible for the delegation of implementation.
34. The contractor shall be responsible for the delegation of execution.
35. The contractor shall be responsible for the delegation of performance.
36. The contractor shall be responsible for the delegation of achievement.
37. The contractor shall be responsible for the delegation of fulfillment.
38. The contractor shall be responsible for the delegation of realization.
39. The contractor shall be responsible for the delegation of attainment.
40. The contractor shall be responsible for the delegation of completion.
41. The contractor shall be responsible for the delegation of conclusion.
42. The contractor shall be responsible for the delegation of termination.
43. The contractor shall be responsible for the delegation of cessation.
44. The contractor shall be responsible for the delegation of discontinuation.
45. The contractor shall be responsible for the delegation of discontinuance.
46. The contractor shall be responsible for the delegation of discontinuance.
47. The contractor shall be responsible for the delegation of discontinuance.
48. The contractor shall be responsible for the delegation of discontinuance.
49. The contractor shall be responsible for the delegation of discontinuance.
50. The contractor shall be responsible for the delegation of discontinuance.

FOR INFORMATION

CLIENT SIGNATURE: _____

GERINGER ARCHITECTS
 2021
 Proposed BUILDING ALTERATIONS
 to existing dwelling, ERF 90
 DENNERAND STREET
 STELLENBOSCH

DATE: 09/02/2021
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]
 FEB 2021

NOTES / NOTAS

The contractor shall be responsible for the completion of all work within the specified time frame.

REVISIONS / WYSPENSINGS

**ANNEXURE G: COMMENT FROM THE DIRECTOR:
INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development

Att Aandag Nolusindiso Momoti

From ▫ Van: Principal Technician: Development (Infrastructure Services)

Author ▫ Skrywer: Ilze Fillies

Date ▫ Datum: 25 March 2023

Our Ref ▫ Ons Verw: Civil LU 2430

Your Ref: LU/14349

Re ▫ Insaake: Erf 1015, Stellenbosch: Application is made in terms of Section 15 (2) (f) of the Stellenbosch Municipal Planning By- law, 2015 for the Removal of Restrictive Title Deed Conditions contained in Tittle deed no: T27806/2021, Clause E (iii) (b) - (d) on Erf 1015, Stellenbosch. Application is made in terms of Section 15 (2) (b) of the Stellenbosch Municipal Planning By- law, 2015 for Permanent Departure to relax street building line adjacent to Dennerand Way from 4m to 3m to accommodate the proposed building alterations on Erf 1015, Stellenbosch. Application is made in terms of Section 15 (2) (g) of the Stellenbosch Municipal Planning By- law, 2015 for Permission/ Technical Approval to accommodate a second dwelling unit on Erf 1015, Stellenbosch.

Civil Engineering Services

1. The proposed second dwelling clashes with an existing municipal sewer line. This is generally not allowed however a building plan for the proposed second dwelling has already been approved. For this reason, the land use application is approved with the following conditions:

- 1.1. Any damages to the municipal infrastructure will be for the account of the owner.
- 1.2. The municipality must have access to the sewer line for maintenance purposes.
- 1.3. Any damages to private infrastructure will be for the account of the owner.
- 1.4. The sewer pipe must be encased in concrete for protection.

1. Development Charges (DCs)

- 1.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 1.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 1.3 The appropriate DC's must payable before the Occupation Certificate will be issued.



Ilze Fillies
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

N:\2.0 DEVELOPMENT\00 Developments\2430 (IF) Erf 1015 Stellenbosch (LU-14349)\2430 () Erf 1015 Stellenbosch (LU-14349).doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number	LU 2430
Development Name	
Date	24 January 2023
Financial Year	2022/2023
Erf Location (Select from 7 Locations)	Stellenbosch Town
Vehicle Ownership (Select Normal or Low)	Normal
Erf Region (Select Urban or Rural)	Urban
Erf No:	1015
DC Parameters Reference:	

SUMMARY OF DC CALCULATION							
Service	Water k/day	Sewer k/day	Stormwater ha°C	Solid Waste t/week	Roads & Transport trips/day	Community persons	Totals
Total Increased Services Usage:	0.45	0.4	0.018	0.04	2.5	4	
Total Service Usage Reduction	0	0	0	0	0.0	0	
Total Service Usage after Reduction:	0.45	0.40	0.01800	0.040	2.5	4	
Total Development Charges before Deductions:	R 12,630.31	R 12,356.53	R 3,339.83	R 3,504.16	R 13,513.50	R 13,820.00	R 59,164.33
Total Deductions	R -	R -	R -	R -	R -	R -	R -
Total Payable (excluding VAT)	R 12,630.31	R 12,356.53	R 3,339.83	R 3,504.16	R 13,513.50	R 13,820.00	R 59,164.33
VAT	R 1,894.55	R 1,853.48	R 500.97	R 525.82	R 2,027.03	R 2,073.00	R 8,874.65
Total Payable (including VAT):	R 14,524.86	R 14,210.01	R 3,840.81	R 4,029.78	R 15,540.53	R 15,893.00	R 68,038.98

APPLICANT INFORMATION	
Application Processed by	Itze Filles
Signature	
Notes	

