



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/LU/11388

Our File Reference Number: Erf 1016, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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**PER E-MAIL:** [REDACTED]

Sir / Madam

**APPLICATION FOR A PERMANENT DEPARTURE AND ADMINISTRATOR'S CONSENT TO RELAX THE RESTRICTIVE TITLE DEED CONDITION: ERF 1016, 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 for Administrator's consent to relax the following restrictive title deed condition **D(iii)(d)** contained in the deeds of transfer number T. 7692/2020 in order to accommodate new additions on Erf 1016, Stellenbosch:

(a) Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heining mag binne 20 voet van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 10 voet van die agtergrens of sygrens van 'n aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits so buitegebou nie 'n hoogte van 10 voet te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat en mits geen gedeelte daarvan vir bewonings doeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaarde van toepassing wees op die gekonsolideerde gebied as een erf.

2.2 That the application for Departure, in terms of Section 15 (2) (b) of the Stellenbosch Municipal Land Use Planning Bylaw 2015, to relax the common building lines (adjacent to Erf 1015, Erf 1017 and Erf 1021) from **2.5m to 1m** in order to accommodate new additions to the existing house on Erf 1016, Stellenbosch, as indicated on the plan provided as drawing No. AA1907-100, dated 7 December 2019 drawn by Cecilia Sternberg Architect.

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

**2.3 Conditions of Approval:**

- (i) The proposed departure would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.
- (ii) All other land use parameters will still be complied with.
- (iii) That the approval shall be taken to cover only the departure applied for and shall not be construed as authority to depart from any other Council requirements or legal provisions;
- (iv) Building plans must be submitted, prior to any building work commencing on site;
- (v) That the approval shall lapsed if not acted upon within a period of 5 years in terms of the said By-Law.

**2.4 The reasons for the above decision are as follows:**

- (a) The proposed development can be regarded as desirable as it is a logical extension to the house and will not impact negatively on the character of the area.

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:

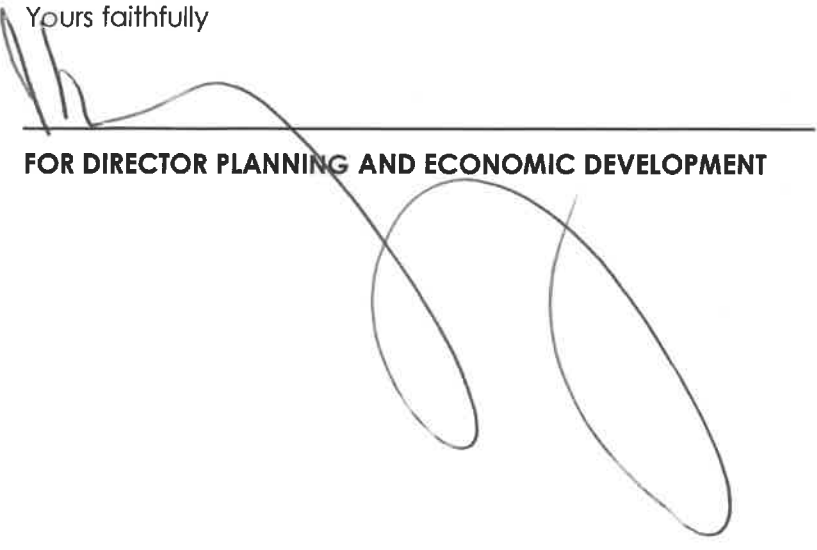
- (i) First names and surname;

- (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](mailto: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



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

27/10/2021,  
DATE:



