



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12953

Our File Reference Number: Erf 1036, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

PER E-MAIL: [REDACTED]

Sir / Madam

## APPLICATION FOR THE REMOVAL OF THE RESTRICTIVE TITLE DEED CONDITIONS AND PERMANENT DEPARTURE: ERF 1036, DALSIG, 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 application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 1036, Stellenbosch, namely:
    - 2.1.1 **Suspension of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of Clause C(iii)(d) as contained in Title Deed Nr 35376/2018 insofar as to permit a stoep and braai area in the common building line adjacent to Erf 507, Stellenbosch, to accommodate the proposed development as indicated on the subject site plan with referenced 025-2021-HARRIS A-001/002 and dated December 2021, attached as **ANNEXURE C**.
    - 2.1.2 **Removal of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of Clause D(d) as contained in Title Deed Nr 35376/2018, i.e.:
      - (a) *Paragraph D(d): "Geen dak van enige bouwerk op die erf mag van sinkplaat van enige aard gemaak word nie behalwe as sodanige dak nie van die straat sigbaar is nie. Alle dakke op die erf moet van dieselfde*

*material en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie”.*

2.1.3 **Permanent departure** in terms of Section 15(2)(b) of the said Bylaw to relax the common building line (adjacent to Erf 507, Stellenbosch) from **2,5m** to **1,5m** for purposes of a stoep and patio/braai area.

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

3. **Conditions of approval:**

3.1 The approval only applies to the proposal under consideration, as indicated on the referenced (025-2021-HARRIS A-001/002, dated December 2021 and drawn by Velka Laubscher Professional Architect) Site Plan, attached as **ANNEXURE C** 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.

3.2 The development must be undertaken generally in accordance with the Site Plan as referenced 025-2021-HARRIS A-001/002, dated December 2021 and drawn by Velka Laubscher Professional Architect and attached as **ANNEXURE C**.

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 as referenced (025-2021-HARRIS A-001/002, dated December 2021 and drawn by Velka Laubscher Professional Architect) and attached as **ANNEXURE C**.

3.5 The condition imposed by the **Manager: Electrical Services** as contained in their memo dated 04 October 2021, be complied with (see **ANNEXURE H**);

*3.5.1 Appropriate caution shall be taken during construction to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages*

3.6 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, suspension or amendment of the restrictive conditions.

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

4.1 The proposal is of limited scale and will not have a detrimental impact on the prevailing character of the subject area and it is in keeping with the current land use of the subject property and the area.

4.2 The proposed removal of the subject restrictive title condition applicable to the abovementioned property is supported as it relates to the prevailing context and will not have a negative impact on the residential character of the area.

5. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 1036, Stellenbosch, namely,

5.1 **Removal of restrictive title deed conditions** in terms of Section 15(2)(f) of the said Bylaw of Clause C(iii)(a)(b)(c)(d) and Clause D(e) as contained in Title Deed Nr 35376/2018. The restrictions to be removed read as follows:

a) *Paragraph C(iii)(d) "geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings 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 nie 'n hoogte van 10 voet te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat, en mits gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidasie van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf".*

b) *Paragraph D(e): "Die omheining van die erf mag alleen opgerig word nadat volle besonderhede i.v.m die beplanning daarvan aan die eienaars van die dorpsaanleg voorgelê is en dit deur hul goedgekeur is, dog in geen geval mag enige omheining van enige soort sinkplaat gebou word nie".*

c) *Paragraph C(iii)(a) "Dit mag nie onderverdeel word nie";*

d) *Paragraph C(iii)(b) "dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word daarop op te rig";*

e) *Paragraph C(iii)(c) "op nie meer as een derde van die oppervlakte daarvan mag gebou word nie.".*

**NOT BE APPROVED** in terms of Section 60 of the said Bylaw.

6. **The reasons for the refusal are as follows:**

6.1 The subject application contains no grounds or motivation for the proposed removal of the subject title restrictions which also impedes effective public participation, and consequently the application cannot be properly considered in the absence of a proposal associated with the required removal of title restriction and such effective public participation.

7. **Matters to be noted:**

7.1 Building plans be approved by the Municipality.

8. 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.

9. 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.
10. 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)
11. 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.
12. 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>).

13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. 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



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**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

3/11/2022

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**DATE:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# **ANNEXURE C**

**APPLICATION FOR THE REMOVAL OF  
THE RESTRICTIVE TITLE DEED  
CONDITIONS AND PERMANENT  
DEPARTURE ON ERF 1036, DALSIG,  
STELLENBOSCH**

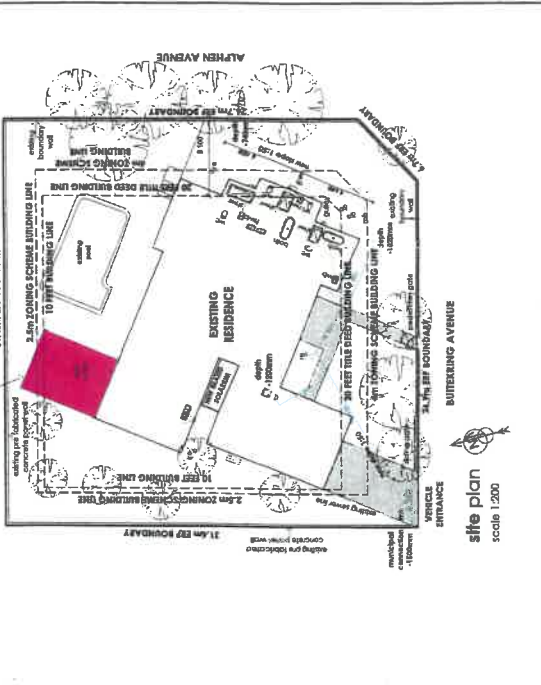
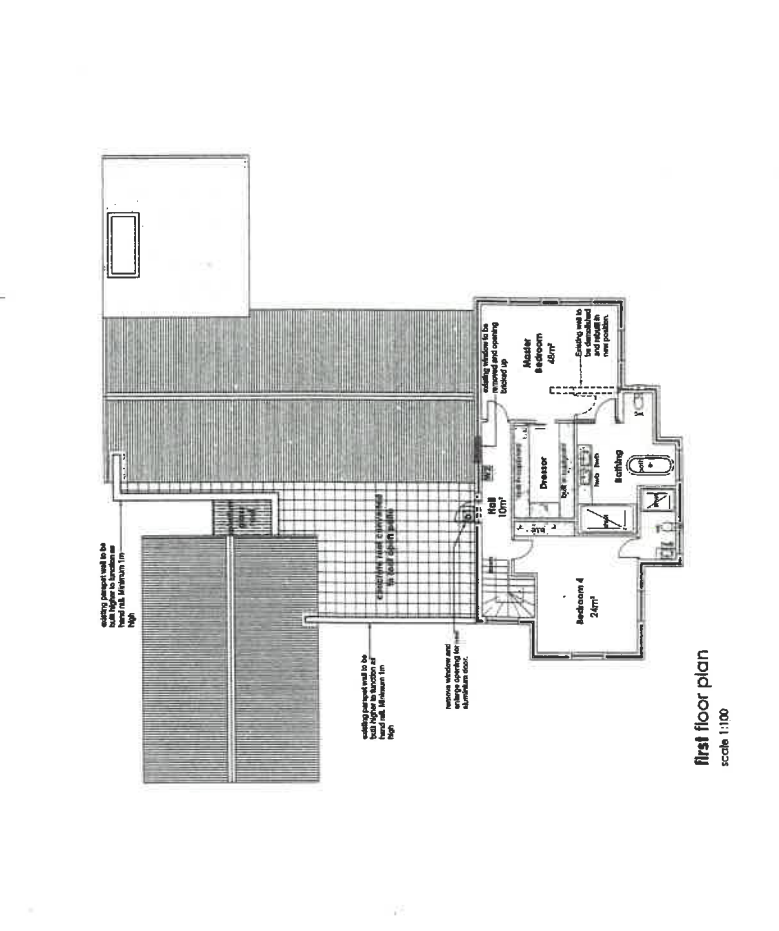
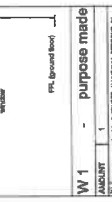
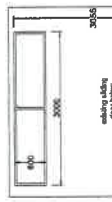
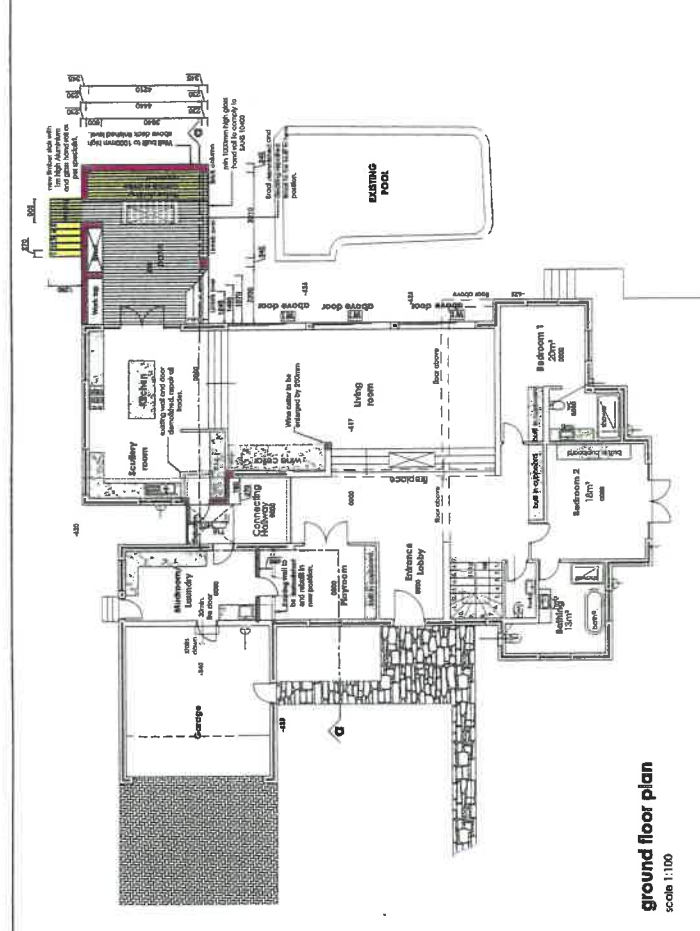
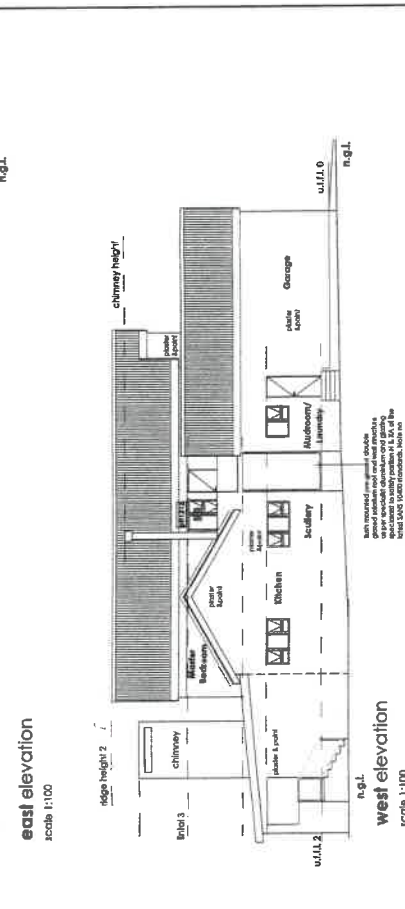
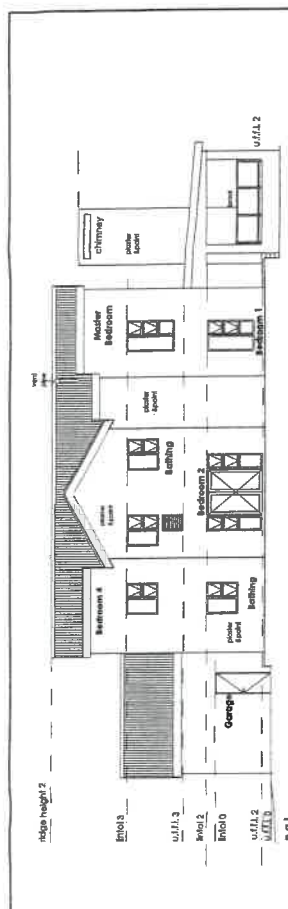
**SITE PLAN**



**GENERAL NOTES**

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE RELEVANT AUTHORITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
7. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE RELEVANT AUTHORITIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.
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15. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE RELEVANT AUTHORITIES.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.
17. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
19. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE RELEVANT AUTHORITIES.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURES TO REMAIN.

Site 378.02m<sup>2</sup>  
 Ground Floor 230m<sup>2</sup> GBA  
 First Floor 190m<sup>2</sup> GBA  
 Total GBA 378m<sup>2</sup>  
 Coverage 377m<sup>2</sup> 31%



NO.	DATE	NAME	DATE
RECORDED	14 JUN 21	M. J. J. J.	DEC 2021
CHECKED	14 JUN 21	M. J. J. J.	DEC 2021
APPROVED	14 JUN 21	M. J. J. J.	DEC 2021
DATE	025 - 21		
SCALE	AS SHOWN		
VISION			
PROJECT NO.			
REV. NO.			

**WYSINGS / REVISIONS**

PROFESSIONAL ARCHITECT  
**VELVA LAUBSCHER**  
 100 BUTERBERG AVENUE  
 STELLENBOSCH

AMENDMENTS TO EXISTING  
 RESIDENCE OF MR & MRS HARRIS ON ERF  
 1008, 98 BUTERBERG AVE DALSIG  
 STELLENBOSCH

**COUNCIL SUBMISSION DRAWINGS**

**CLASSIC NOTES**  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE SOUTH AFRICAN NATIONAL STANDARDS (SANS) AND THE SOUTH AFRICAN BUILDING REGULATIONS (SABR) AS APPLICABLE.  
 2. ALL MATERIALS SHALL BE OF QUALITY AND APPROVED BY THE ARCHITECT.  
 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SAFETY REGULATIONS.  
 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ENVIRONMENTAL REGULATIONS.  
 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE HEALTH AND SAFETY REGULATIONS.  
 7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE WASTE MANAGEMENT REGULATIONS.  
 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE WATER AND EFFLUENT REGULATIONS.  
 9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE AIR QUALITY REGULATIONS.  
 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SOIL AND GEOTECHNICAL REGULATIONS.  
 11. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SEISMIC REGULATIONS.  
 12. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE HISTORIC MONUMENTS REGULATIONS.  
 13. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CULTURAL HERITAGE REGULATIONS.  
 14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE COMMUNITY DEVELOPMENT REGULATIONS.  
 15. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LANDSCAPE ARCHITECTURE REGULATIONS.  
 16. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PLANNING REGULATIONS.  
 17. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ZONING REGULATIONS.  
 18. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BUILDING LINE REGULATIONS.  
 19. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE HEIGHT REGULATIONS.  
 20. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE AREA REGULATIONS.  
 21. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE COVERAGE REGULATIONS.  
 22. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SETBACK REGULATIONS.  
 23. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE FENCING REGULATIONS.  
 24. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE WALLING REGULATIONS.  
 25. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ROOFING REGULATIONS.  
 26. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE FLOORING REGULATIONS.  
 27. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE WALLPAPERING REGULATIONS.  
 28. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PAINTING REGULATIONS.  
 29. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE GLAZING REGULATIONS.  
 30. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURTAINING REGULATIONS.  
 31. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LIGHTING REGULATIONS.  
 32. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE HEATING REGULATIONS.  
 33. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE COOLING REGULATIONS.  
 34. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SOUNDING REGULATIONS.  
 35. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE VIBRATION REGULATIONS.  
 36. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE AIR CONDITIONING REGULATIONS.  
 37. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MECHANICAL REGULATIONS.  
 38. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ELECTRICAL REGULATIONS.  
 39. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE TELECOMMUNICATIONS REGULATIONS.  
 40. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE FIRE PROTECTION REGULATIONS.  
 41. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SAFETY REGULATIONS.  
 42. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE HEALTH REGULATIONS.  
 43. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ENVIRONMENTAL REGULATIONS.  
 44. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE WASTE MANAGEMENT REGULATIONS.  
 45. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE WATER AND EFFLUENT REGULATIONS.  
 46. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE AIR QUALITY REGULATIONS.  
 47. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SOIL AND GEOTECHNICAL REGULATIONS.  
 48. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SEISMIC REGULATIONS.  
 49. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE HISTORIC MONUMENTS REGULATIONS.  
 50. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CULTURAL HERITAGE REGULATIONS.

**Site: 778, 14m<sup>2</sup>**  
 Project: **Project GBA**  
 Name: **Project GBA**  
 Coverage: **307m<sup>2</sup> 31%**

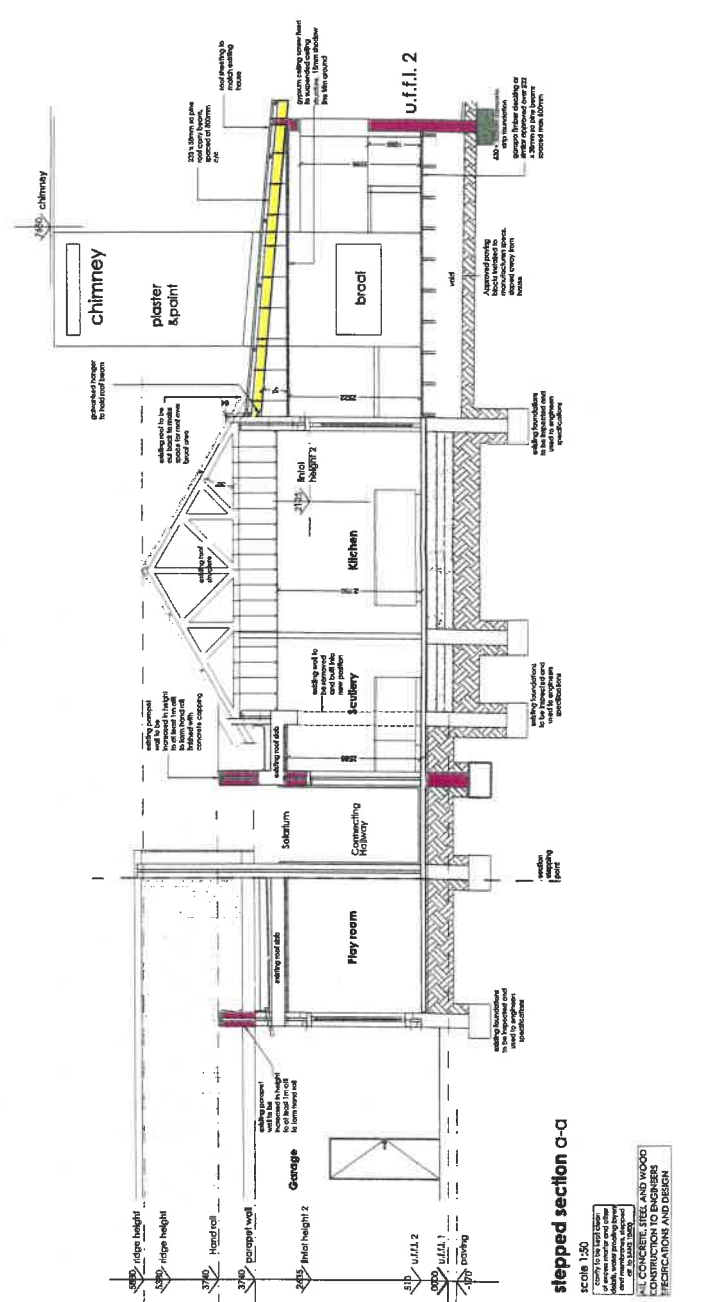
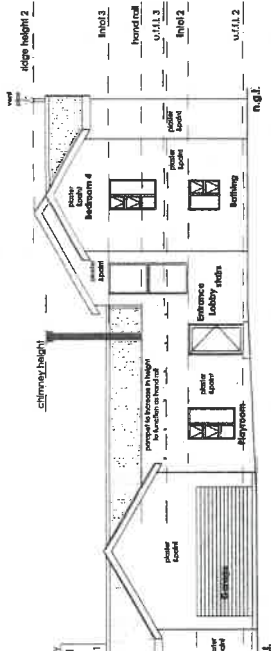
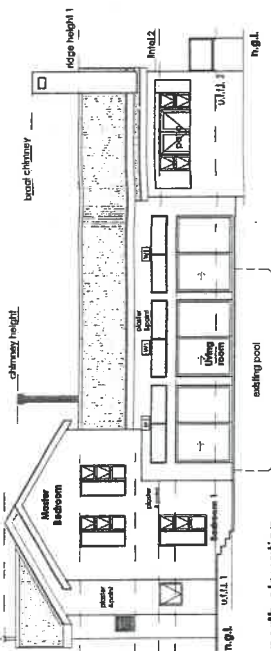
**VEKLA LAUBSCHER**  
 ARCHITECTS  
 VEKLA LAUBSCHER  
 PROFESSIONAL ARCHITECT  
 SOUTH AFRICAN ARCHITECTS BOARD  
 SOUTH AFRICAN COUNCIL OF ARCHITECTS  
 101111001001

NO.	DATE	REV.	DESCRIPTION

**AMENDMENTS TO EXISTING**  
 RESIDENCE OF AIRA MARRIS OM ERF  
 1081, 36 BUTTERBERG AVE DALSIIG  
 STELLENBOSCH

**COUNCIL SUBMISSION DRAWINGS**

REGISTERED	NAME	DATE



# **ANNEXURE H**

**APPLICATION FOR THE REMOVAL OF  
THE RESTRICTIVE TITLE DEED  
CONDITIONS AND PERMANENT  
DEPARTURE ON ERF 1036, DALSIG,  
STELLENBOSCH**

**COMMENT FROM THE  
MANAGER: ELECTRICAL  
SERVICES**

Annexure: Electrical

ERF 1036 (LU-12953)

1. No Objection

**CONDITIONS:**

2. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

Bradley Williams

Date.....04/10/2021.....



Signature