



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13873

Our File Reference Number: Erf 1060, 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 REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, TECHNICAL APPROVAL AND DEPARTURE: ERF 1060, 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 in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the **removal of the restrictive title deed conditions** C(iii)(a) and D(a) – (b) as contained in deed of transfer number T. 46520 of 2019 on Erf 1060, Stellenbosch.

BE REFUSED in terms of Section 60 of the said Bylaw.

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

- 3.1 Title deed restrictions constitutes property rights and when it is proposed and considered to have same removed, the application must be fully motivated and accompanied by a proposal which will enable all interested and affected parties to be able to fully comprehend and consider the possible impact that such removal may have.
- 3.2 The above conditions have no impact on the proposed development of a second dwelling unit.

3.3 The subject application contains no grounds or motivation for the proposed removal of the subject title restrictions which also impedes effective public participation.

4. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1060, Stellenbosch:

4.1 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 Number T. 46520 of 2019 insofar as to permit a portion of the proposed second dwelling unit and carports to be constructed over the street and common building lines (carports) on both sides as indicated on the subject site plan with referenced PL 110 & PL108, attached as ANNEXURE C.

4.2 Removal of restrictive title deed conditions C(iii)(b) & (c) and D(c) – (d) as contained in deed of transfer number T. 46520 of 2019 in terms of Section 15(2)(f) of the said Bylaw in order to accommodate the proposed second dwelling unit and carports, the restrictions to be removed read as follows:

C.(iii) Hierdie erf is onderhewig aan die volgende voorwaardes, met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die plaaslike owerheid dit raadsaam agdat die beperking in enige sodanige voorwaarde te enigertyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan sodanige voorwaardes as wat hy ople:

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;

c) Op nie meer as een derde van die oppervlakte daarvan mag gebou word nie;

D. SUBJECT further to the special conditions imposed by and in favour of DALSIG LANDGOED EIENDOMS BEPERK and their successors in title as owners of the remainder of the ground held by them under Deed of Transfer Number T. 10536 dated 14th July 1953 issued in their favour and in favour of the registered owner and his successors in title of any erf in the Dalsig Village:-

(c) 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.

(d) Die omheining van die erf mag alleen opgerig word nadat volle besonderhede in verband met die beplanning daarvan aan die eienaars van die dorpsaanleg voorgele is en dit deur hul goedgekeur is, dog in geen geval mag enige omheining van enige soort sinkplaat gehou word nie.

4.3 Permission required in terms of the zoning scheme (Technical approval / additional use) in terms of Section 15(2)(g) of the said By-Law in order to construct a second dwelling unit; and

4.4 A Departure in terms of Section 15(2)(b) of the said By-Law for the relaxation of the street building line from 4m to 3m in order to accommodate the proposed buildings.

BE APPROVED in terms of Section 60 of the said Bylaw.

5. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:

5.1 The approval only applies to the removal of restrictive title deed conditions, technical approval and departure application 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.

5.2 The development must be undertaken generally in accordance with the site plan as referenced PL 110 & PL108 and attached as **ANNEXURE C**.

5.3 Building plans must be generally in accordance with the site plan & floor layout plan as referenced PL 110 & PL108 and attached as **ANNEXURE C**.

5.4 The conditions of the **Manager: Electrical Services** as contained in their undated comment, attached as **ANNEXURE K**, be complied with.

5.5 Development charges will be calculated and determined at building plan stage and must be paid before building plan approval.

5.6 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.

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

6.1 The proposed development is a moderate form of densification that is promoted by the SDF and intends to optimally use the space on the property.

6.2 The Stellenbosch Municipality Zoning Scheme By-Law, 2019 makes provisions and is in support of second dwelling units in low density residential properties

6.3 Sufficient on-site parking has been provided.

6.4 The increase in traffic in the area will be insignificant.

6.5 Departure for building lines will not have an impact on the streetscape as Buitekring Street has wide sidewalks to minimise the impact of the proposed structures over the street building line.

7. **Matters to be noted:**

7.1 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.

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
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



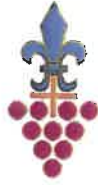
FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

23/11/2022

DATE:

COPIES TO OBJECTORS

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]



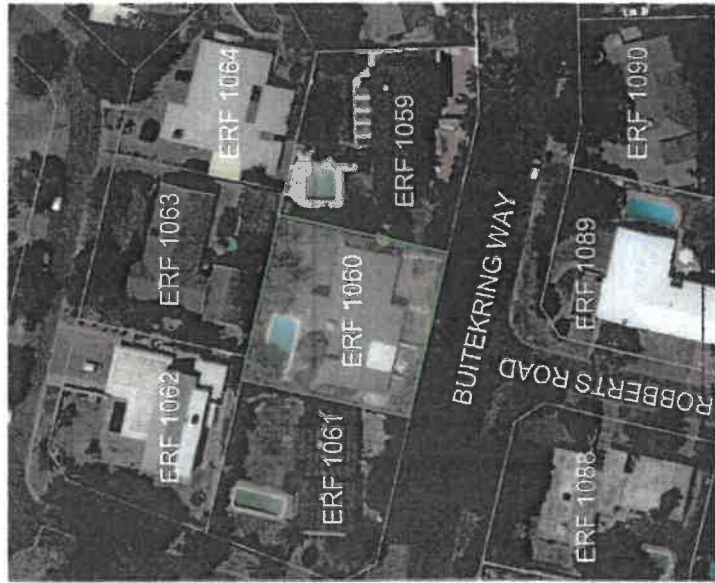
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ANNEXURE C

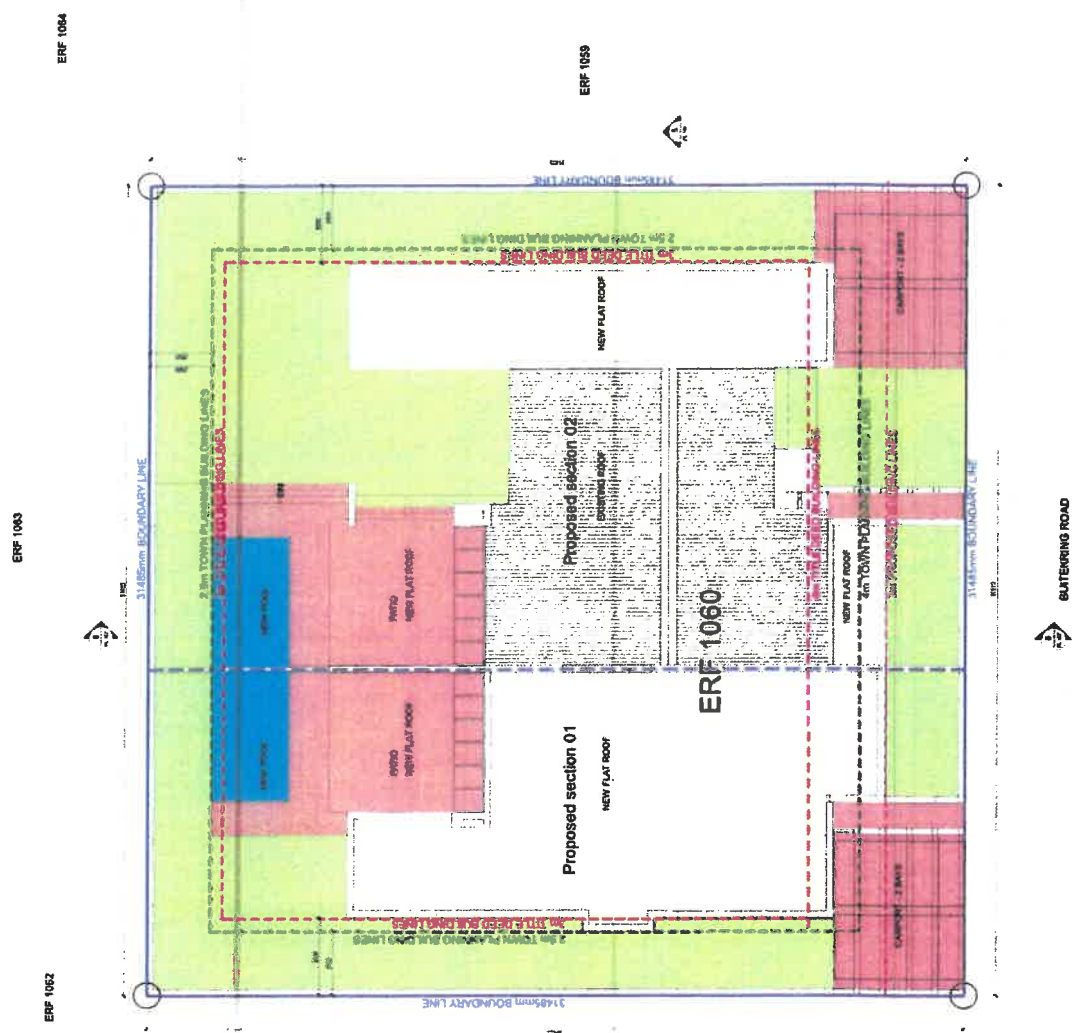
**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, TECHNICAL APPROVAL & DEPARTURE ON
ERF 1060, STELLENBOSCH)**

SITE & FLOOR PLAN

STAND 1060, 52 BUTTERKING ROAD, DALUIG, STELLENBOSCH			
BUILDING DEVELOPMENT PARAMETERS OF APPLICATION SITE			
STAND SIZE:	991,97m ²		
DEVELOPMENT RULE	PERMISSIBLE	PROPOSED	APPLICATIONS REQUIRED
	ZONING SCHEME	TITLE DEED	ZONING SCHEME TITLE DEED
STREET BOUNDARY	4,0m	6,096m (204')	New Proposed
BUILDING LINE	2,5m	3,048m (101')	New Proposed
COMMON BOUNDARY	50K (495,50 sqm)	133,3K (330,33 sqm)	New Proposed
BUILDING USE	2 storeys	2 storeys	Compliant
MAXIMUM HEIGHT	3 bays	4 bays	Compliant
PARKING			Compliant



Proposed Site Plan
 Date: 11/2020



copyright

In accordance with the terms and conditions of the...
 1. All work is to be done in accordance with the...
 2. All materials and workmanship are to comply with...
 3. The drawings are to be used for information only...
 4. This drawing shall be used in conjunction with all...
 5. The client shall be responsible for obtaining all...
 6. All dimensions and lengths shall be as shown on the...
 7. The drawings are the property of GASS.

general notes

project details

drawing title
 Site Plan

revisions

Rev	Description	Date
1	Issue for information	11/2020

Issued for INFORMATION

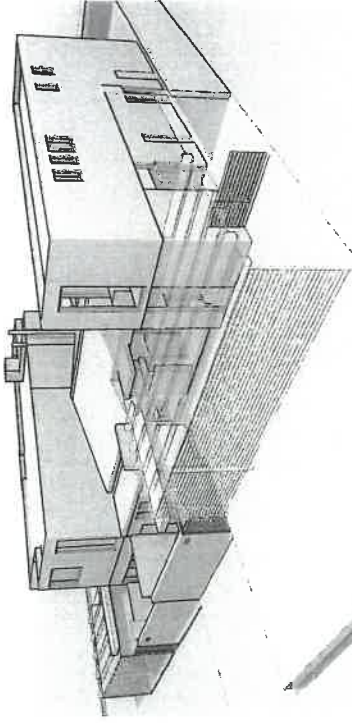
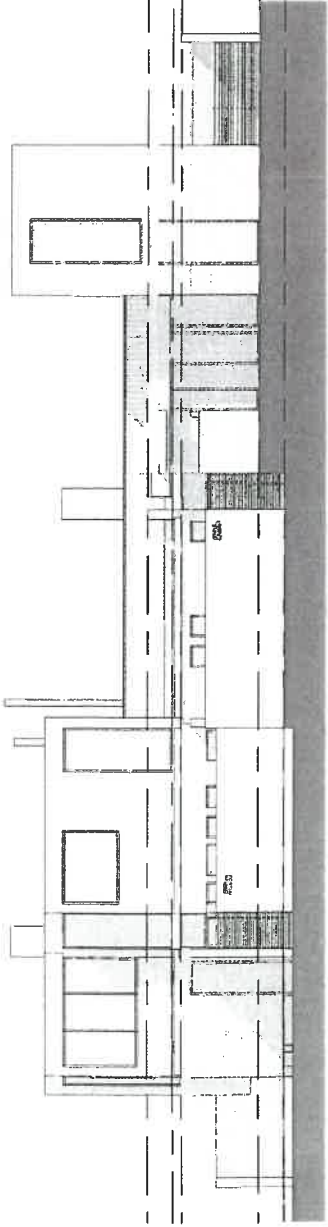
drawing info

drawing number
 123

PL 110

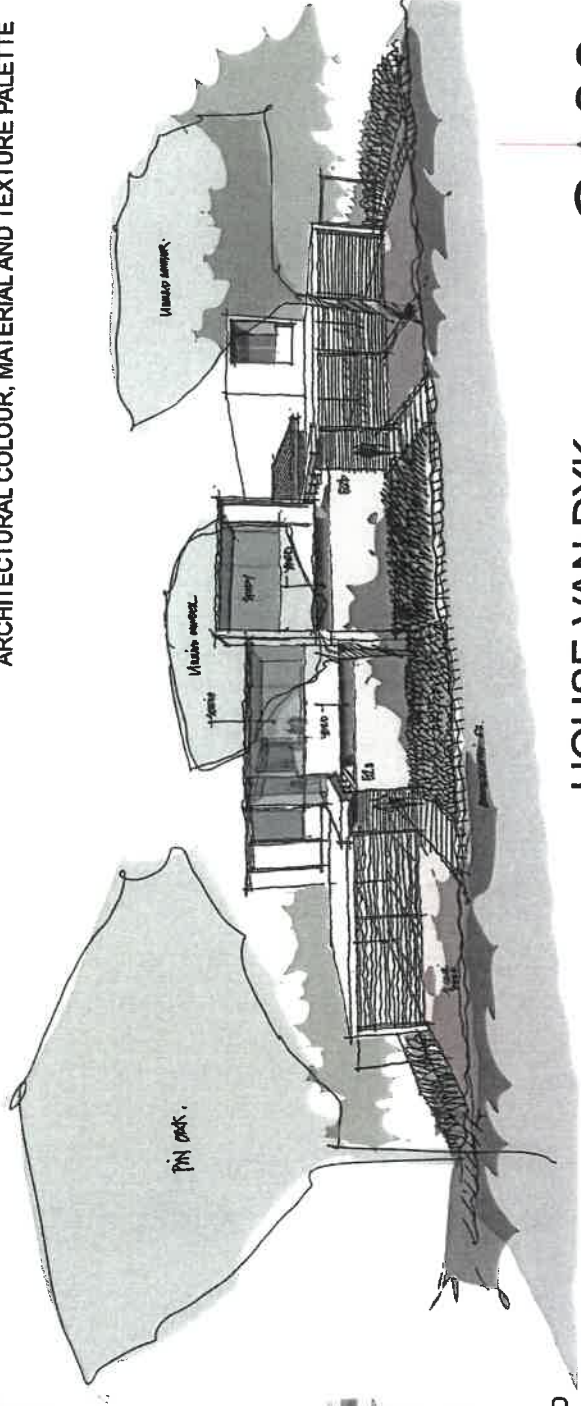
C

GASS
 ARCHITECTURAL

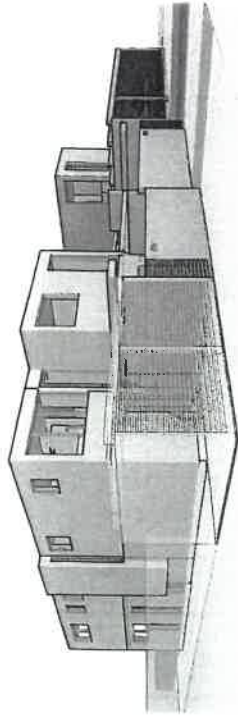


South
Scale: 1:100

ARCHITECTURAL COLOUR, MATERIAL AND TEXTURE PALETTE



South Elevation
Scale



South West Elevation
Scale

ARCHITECTURAL MASSING AND ELEVATION FROM BUITEKRING ROAD

HOUSE VAN DYK

52 BUITEKRING ROAD, DALSIG, STELLENBOSCH



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ANNEXURE K

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, TECHNICAL APPROVAL & DEPARTURE ON
ERF 1060, STELLENBOSCH)**

COMMENTS FROM ELECTRICAL SERVICES

Erf 1060

GENERAL COMMENT:

1. Pro - Rata fees are payable.

CONDITIONS:

2. The proposed subdivided portion of plot 1060 must have its own electricity supply cable separate of the existing building.
3. Installation cost for the new electrical service cable is the responsibility of the applicant.
4. All electrical wiring for the building on the proposed subdivided portion A should be carried out in accordance with SANS 10142 & SANS104 XA and if -if connecting a generator or solar pannels for backup, the setup needs to comply to SANS10142 and Municipal by-laws
5. No electricity supply will be switched on if the Certificate of Compliance is outstanding.