



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15615 (TP355/2023)

Our File Reference Number: Erf 6069, 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 IN TERMS OF SECTIONS 15(2)(B) & 15(2)(F) RESPECTIVELY OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW 2023 FOR A DEPARTURE & REMOVAL OF THE TITLE DEED CONDITION: ON ERF 6069, BRANDWACHT, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 The application in terms of Section 15 (2) (f) of the Land Use Planning By-law for the suspension of the restrictive title deed conditions contained in Title Deed No. T026576/22: Clause C.(6)(b), to permit the proposed outside staircases within 1.157m from the common boundary line in lieu of the restrictive 2.3m side building line on Erf 6069, Dalsig, Stellenbosch.
 - 2.2 The application in terms of 15(2)(o) of the Stellenbosch Land Use Planning By-law for the proposed second dwelling unit on Erf 6069, Brandwacht, Stellenbosch.
 - 2.3 The application in terms of 15 (2)(b) of the Stellenbosch Land Use Planning By-law for a permanent departure to relax the common building line (adjacent to Erf 6068) from 2.5m to 2.3m in order to allow for the proposed bedroom extension on the ground floor and the additional dwelling unit on the upper floor on Erf 6069, Brandwacht, Stellenbosch.
 - 2.4 The application in terms of 15 (2)(b) of the Stellenbosch Land Use Planning By-law for a permanent departure to relax the common building line (adjacent to Erf 6068) from 2.5m to 1.151m for the proposed outside staircases to gain access to the proposed second dwelling unit on Erf 6069, Brandwacht, Stellenbosch.

2.5 The application in terms of 15 (2)(b) of the Stellenbosch Land Use Planning By-law for a permanent departure to allow for a street boundary wall with less than 50% permeability and to increase the height of the wall from 1.8m to 2.1m on Erf 6069, Brandwacht, Stellenbosch.

BE APPROVED in terms of Section 60 of the said By-Law and subject to conditions of approval.

6. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-Law:

6.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Council or other legislation or By-laws or Regulations that may be applicable.

6.2 The development be undertaken generally in accordance with the Site Plan as indicated in Drawing No. 2022-053 M001, Drawn by Arkey Architecture, Dated 2023.01.16. (attached as **Annexure B**).

6.3 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.

6.4 Building plans must be generally in accordance with the Site Plan as referenced in Drawing No. Drawing No. 2022-053 M001, Drawn by Arkey Architecture, Dated 2023.01.16. (attached as **Annexure B**).

7. The reason for the above decision is as follows:

7.1 The proposal is a logical extension of the existing approved dwelling and it will improve the internal functionality and layout of the dwelling.

7.2 The proposed second dwelling unit is seen as a form of moderate densification which will result in the existing infrastructure being optimally utilized.

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

8. Matters to be noted.

8.1 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsement on, any relevant

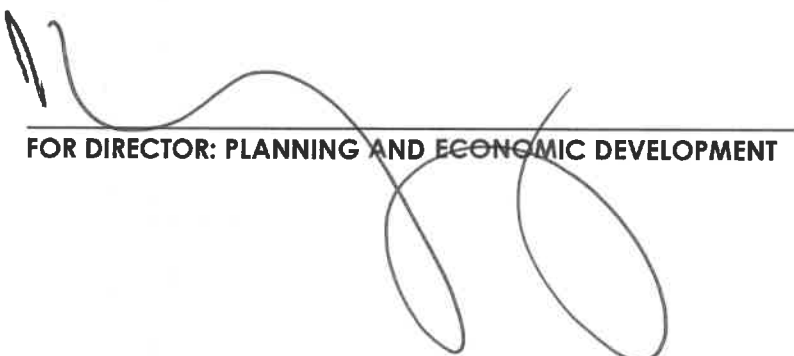
register or title deed to reflect the removal, suspension, or amendment of the restrictive conditions.

9. 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.
10. 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:
 - 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
11. Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - a. 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.
 - b. Whether the appeal is lodged against the whole decision or a part of the decision.
 - c. If the appeal is lodged against a part of the decision, a description of the part.
 - d. If the appeal is lodged against a condition of approval, a description of the condition.
 - e. The factual or legal findings that the appellant relies on.
 - f. The relief sought by the appellant.
 - g. Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - h. 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.

12. 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
13. 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.
14. 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
15. 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.
16. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
17. 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

29/2/2024
DATE

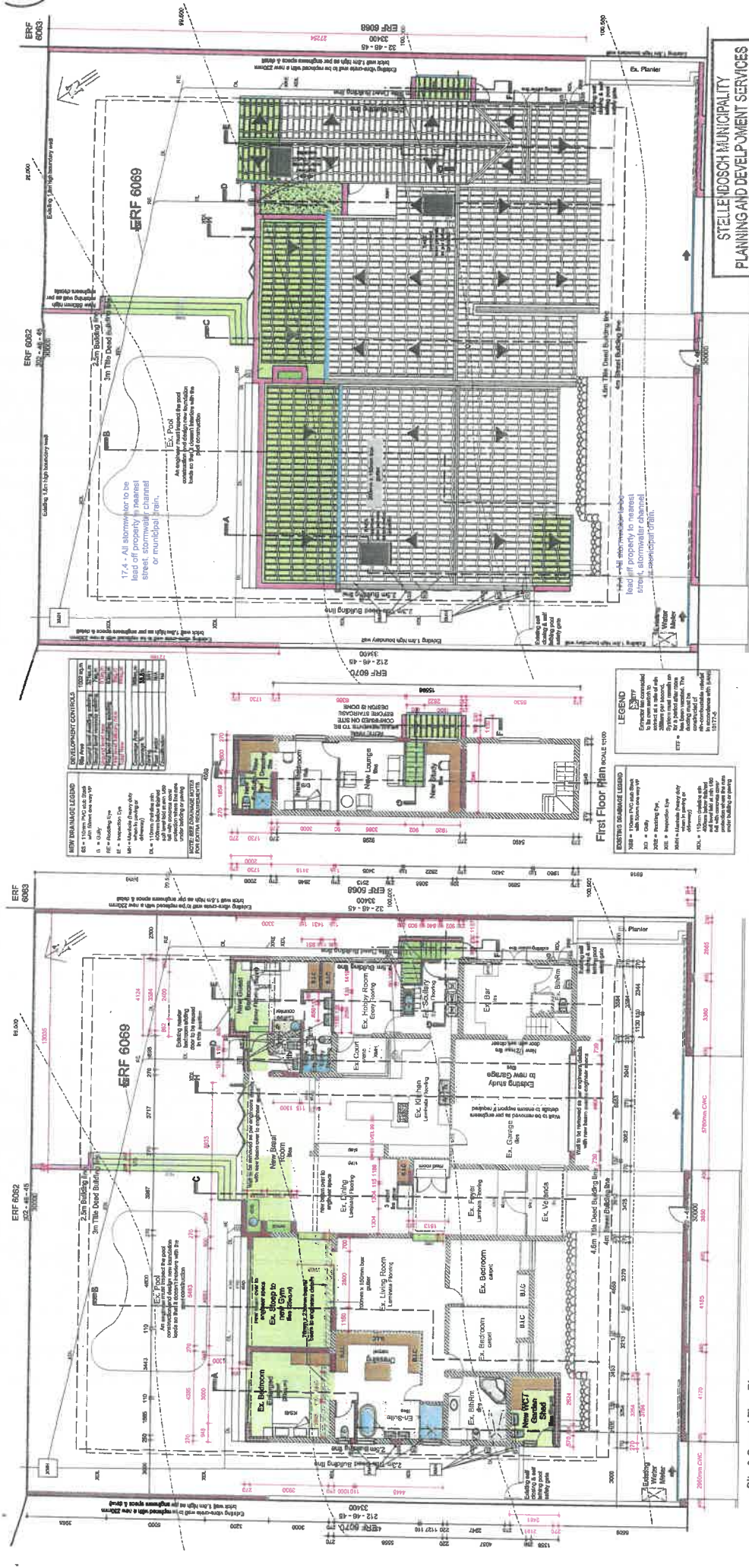


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Annexure B: Site Development Plan

14



Site & Ground Floor Plan SCALE 1:100

31 BRANDWAG ROAD

STELLENDOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

27 NOV 2023

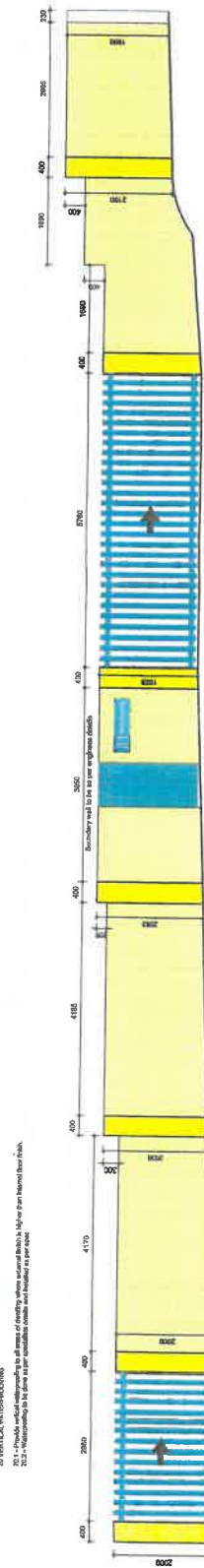
RECEIVED

FILE NR: [REDACTED] 6069 S

SCAN NR: [REDACTED]

COLLABORATOR NR: [REDACTED]

Site Boundary Wall Section SCALE 1:50



Boundary Wall Elevation SCALE 1:50

DRAWING NO. 2022-053 M001	DESIGNED BY Riaan Pieterse	PROJECT NO. 2022-053	ISSUED FOR Municipal Approval	PROPERTY Erf 6062, Erf 6063, Erf 6068 31 Brandwag Road Skutumpah	CLIENT Heerden & Denhe Herman	ARKEY SIGNATURE ARKEY Pty Ltd 31 Woudenberg Str Somerset Brackenfell 082 9255 964 r.pian@arkey.co.za	OWNER SIGNATURE	NEIGHBOR SIGNATURE	SACAP REG. NO. ST0674
REVISION 04	PLAN DESCRIPTION GF Plan, Elevations & Site Plan	PROJECT Proposed New Additions	DATE ISSUED 2023.01.16						

