



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14796(TP133/2022)

Our File Reference Number: Farm 104/6, 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 IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 AND PERMISSION IN TERMS OF THE TITLE DEED: FARM 104/6, 6 DE BALKE ESTATE, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1.1 That permission in terms of restrictive title deed condition E.3 on page 3 of the Title Deed No. T.21310/2021, in order to construct domestic quarters and the proposed outbuilding (triple garage) on Farm No. 104/6, Stellenbosch Division **BE GRANTED**.
 - 2.1.2 That the application for a departure on Farm No. 104/6, in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw 2015 to relax the common building line from 5m to 0,9m (adjacent to Farm No. 104/1) in order to accommodate the proposed domestic quarters and to 1,3m (adjacent to Farm no. 104/7) in order to accommodate the proposed outbuilding (triple garage).

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

- 2.2 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:
 - 2.2.1 The approval only applies to the proposed departure 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.

2.2.2 The development must be undertaken generally in accordance with the site and floor layout plan no. P-001 & P-002 dated December 2022 and drawn by RDC Designs CC and attached as **Annexure C**.

2.2.3 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.

2.2.4 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive than the most restrictive conditions will apply.

2.2.5 Building plans must be generally per the site & floor layout plan no. P-001 & P-002 dated December 2022 and drawn by RDC Designs and attached as **Annexure C**.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposal is in line with the existing land use of the property and will thus have 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

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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

10/1/2023
DATE:

Annexure C: Site Plan / Floor Layout Plan

General Notes:

1. Contractor and Sub-Contractors to check all levels and dimensions on site before any work is commenced and any discrepancies to be reported to the Architect immediately.
2. Figures dimensions to be taken in reference to taller measurements and larger scale drawings unless otherwise stated. Dimensions small scale drawings.
3. All work to be done in accordance National Building Regulations SANS 10400 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
4. Natural light and ventilation area of all openings to be in accordance with SANS 10400 Part O natural light and ventilation: min. 10% of floor area and natural ventilation: min. 5% of floor area.
5. All glazing to comply with requirements of SANS 10400 - access doors and shutters to be a minimum of 1800mm above floor level and 1800mm above pitch line of eaves and shop-fronts to have safety glass.
6. All safety glazing panels to be sited with glazing marking and this is to be visible at all times.
7. All surfaces below floor level to be filled with concrete and spot to be stepped.
8. No part of building is to encroach the build line.
9. All materials to be installed strictly in accordance with manufacturers specifications.

This drawing and all the information contained thereon is the property of RDC Designs cc and must not be copied or disclosed to a third party without their written consent.

RDC DESIGNS CC
Architectural Services

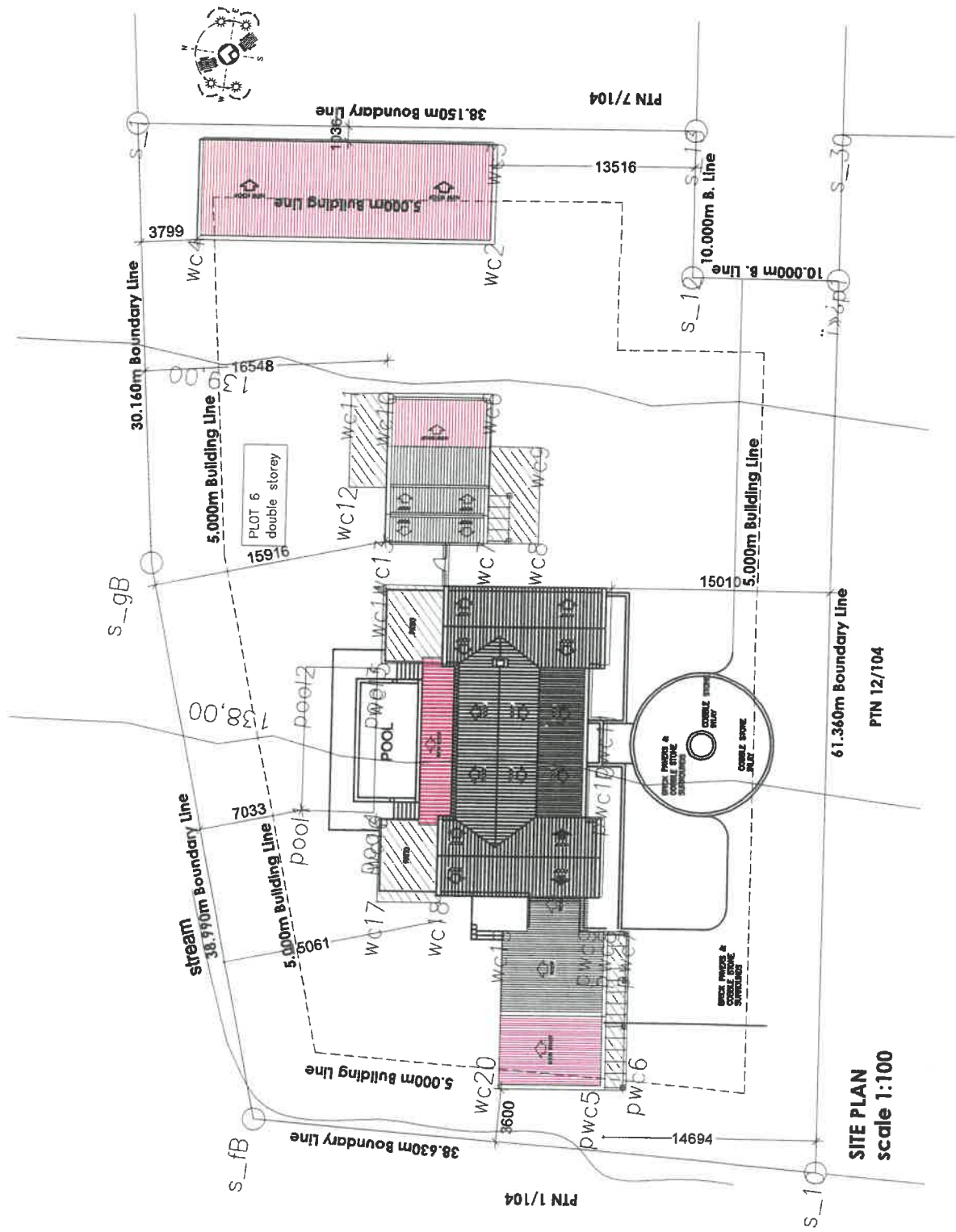
CLIENT: HOUSE BOUWER

PROJECT TITLE:
ADDITIONS TO DWELLING
DE BALKE ESTATE
PORTION 6 OF FARM 104
STELLENBOSCH

DRAWING TITLE:
SITE PLAN

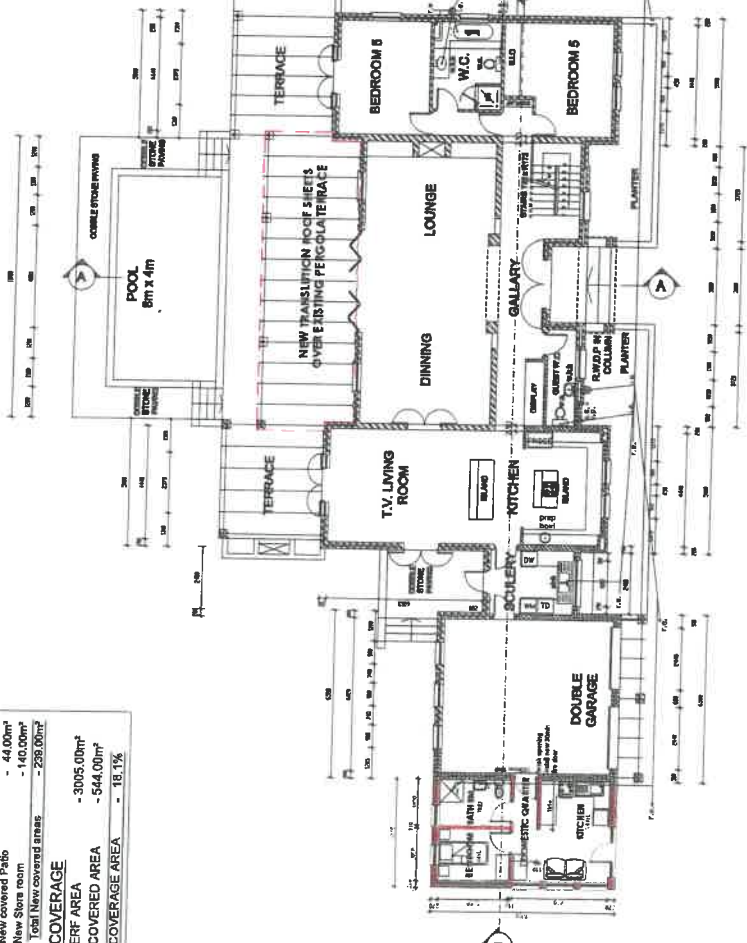
PROJECT NO:	F 0821	SCALE:	1:100 ON A/D
DRAWING NO:	P-001	DATE:	DEC 2022
REV:		DRAWN BY:	RDC
		CHECKED BY:	RDC

FOR COUNCIL APPROVAL

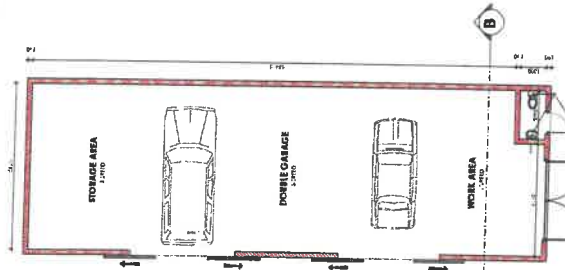


SITE PLAN
scale 1:100

FINAL LEVELS TO BE FINALIZED ON SITE	
Construction Areas	
Existing Covered Areas	- 280.00m ²
Existing Ground Floor	- 150.00m ²
Existing First Floor	- 45.00m ²
Existing Granny Flat	- 45.00m ²
Total Existing	- 455.00m²
New Construction Areas	
Additions to Granny Flat	- 25.00m ²
New Domestic Quarter	- 30.00m ²
New Covered Patio	- 44.00m ²
New Store room	- 140.00m ²
Total New covered areas	- 239.00m²
ERF AREA	- 3005.00m²
COVERED AREA	- 694.00m²
COVERED AREA	- 18.1%



GROUND FLOOR
scale 1:200



- General Notes:**
- Contractor and Sub-Contractors to check all levels and dimensions on site before work is commenced and any discrepancies to be reported to the Architect immediately.
 - Figured dimensions to be taken in preference to scaled measurements and layout with details at appropriate small scale drawings.
 - All work to be done in accordance National Building Regulations SANS 10400 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
 - Natural light and ventilation area of all openings in accordance of floor area and SANS 10400. Natural light area: min. 10% of floor area. Natural ventilation: min. 5% of floor area.
 - All glazing to comply with requirements of SANS 10400 - access doors and side lights to have safety glass. Windows lower than 1000mm from floor. Windows lower than 1000mm above patio line at stairs and shopfronts to have safety glass.
 - All safety glazing panels to be etched with glazing marking and this to be visible at all times.
 - All ceilings below floor level to be filled with concrete and doped to be mopped.
 - No part of building is to encroach the build line.
 - All materials to be installed solely in accordance with manufacturers specifications.

This drawing and all the information contained therein is the property of RDC Designs cc and must not be copied or disclosed to a third party without their written consent.

RDC DESIGNS CC
Architectural Services

PO Box 105
1146
Stellenbosch
601

ENR: rdcdesigns@gmail.com

CLIENT: **HOUSE BOUWER**

PROJECT TITLE:
**ADDITIONS TO DWELLING
DE BALKE ESTATE
PORTION 6 OF FARM 104
STELLENBOSCH**

DRAWING TITLE:
**FLOOR PLANS
BUILDING INFORMATION
SANS 10400-XA-2011
SANS 204**

PROJECT NO.:	F-0021	SCALE:	1:100
DRAWING NO.:	F-002	DATE:	DEC 2022
REV.:		DRYAS:	RDC
		RDC:	RDC

FOR COUNCIL APPROVAL

- Drainage & Gas Services notes:**
- All levels to be checked on site and final adjustments to be made in accordance with Civil Engineer's instructions.
 - Drainage to be installed in accordance with Civil Engineer's instructions.
 - All pipes in walls to be installed in accordance with Civil Engineer's instructions.
 - Drainage to be installed in accordance with Civil Engineer's instructions.
 - Sanitary & Stormwater pipes below building to be encased in 100mm dia. upvc waste pipe.
 - All vent stacks to be installed in accordance with Civil Engineer's instructions.
 - All vent stacks to be installed in accordance with Civil Engineer's instructions.
 - W.C. & urinal - 100mm dia. upvc waste pipe.
 - W.C. & urinal - 100mm dia. upvc waste pipe.
 - W.C. & urinal - 100mm dia. upvc waste pipe.
- 8. Symbols:**
- 100mm upvc waste pipe @ min 1:50 fall to sump or street
 - 50mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe
 - 100mm dia upvc waste pipe with vent pipe

GENERAL NOTES:

- Drawings shall be in accordance with the following notes:
- Dimensions to be taken from the face of the wall unless otherwise indicated.
- Dimensions to be taken from the center line of the wall unless otherwise indicated.
- Dimensions to be taken from the face of the wall unless otherwise indicated.
- Dimensions to be taken from the center line of the wall unless otherwise indicated.
- Dimensions to be taken from the face of the wall unless otherwise indicated.
- Dimensions to be taken from the center line of the wall unless otherwise indicated.
- Dimensions to be taken from the face of the wall unless otherwise indicated.
- Dimensions to be taken from the center line of the wall unless otherwise indicated.
- Dimensions to be taken from the face of the wall unless otherwise indicated.
- Dimensions to be taken from the center line of the wall unless otherwise indicated.

1. SITE INFORMATION:

Project Name: [Name]
Client: [Name]
Address: [Address]
Site No: [Number]
Site Area: [Area]
Site Description: [Description]
Site Conditions: [Conditions]

2. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

3. DESIGN STANDARDS:

Design Standards: [Standards]
Design Code: [Code]
Design Authority: [Authority]

4. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

5. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

6. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

1. SITE INFORMATION:

Project Name: [Name]
Client: [Name]
Address: [Address]
Site No: [Number]
Site Area: [Area]
Site Description: [Description]
Site Conditions: [Conditions]

2. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

3. DESIGN STANDARDS:

Design Standards: [Standards]
Design Code: [Code]
Design Authority: [Authority]

4. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

5. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]

6. DESIGNATION:

Building Type: [Type]
Building Use: [Use]
Building Height: [Height]
Building Area: [Area]
Building Volume: [Volume]