APPLICATION FOR CONSENT IN TERMS OF THE TITLE DEED CONDITION AND DEPARTURE: ERF 4914, STELLENBOSCH.

Application is made for:

1. The Administrator’s consent to relax the restrictive title deed condition(s) contained in Title Deed No. T. 6803/1965, Clause C(iii)(d) in order to accommodate the extensions to the braai area and for the development of the new swimming pool on Erf 4914, Stellenbosch (Attached as Appendix 1) to permit the application contained in paragraph 2 hereunder.

2. Departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to relax the street building line **4.5m to 3.423m** and the side building line from **2.5m to 0.64m** in order to accommodate the extensions to the braai area and for the development of the new swimming pool on Erf 4914, Stellenbosch as indicated in project no. 425, dated 10.08.2016 (See Appendix 2);

3. The Director: Planning and Economic Development and simultaneously the Authorised Employee hereby **approves, in whole** your applications for consent to relax the applicable title deed condition(s) in terms of the relevant Title Deed and the application for departure(s) in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, on condition that:

3.1 The approval applies only to the applications under consideration in this application as noted above and shall not be construed as authority to depart from any other legal prescriptions or requirements from all other internal and external departments.
3.2 Building plans must be submitted, all applicable departmental recommendations be obtained and building plans be approved by this Municipality, prior to any building work commencing on site;

3.3 This approval in total becomes null and void if approval could not be obtained from Council’s internal departments, e.g. Fire Services, Engineering Services, Building Management, etc.

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

3.5 This departure approval shall lapse if not exercised within 5 years from date of final notification;

3.6 Council reserves the right to impose further conditions if deemed necessary.

4. Reasons for the above decision are as follows:

4.1 The adjacent affected property owner(s) granted their written consent and no further advertising was deemed necessary.

4.2 The proposed land use is in line with the zoning of the property.

4.3 All other land use parameters will still be complied with.

4.4 All other departments will still be afforded an opportunity to comment on the final building plan, which may result in the amendment of the approval.

4.5 The proposed departure would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.

4.6 The subject application can for the above-mentioned reasons be supported from a land use management perspective, considering that all due administrative processes to make an informed decision has been complied with.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) and that all appeal submissions and processing must be compliance with the procedures for appeals stipulated in section 80 of the said legislation.

6. If you intend to appeal, the appeal form must be completed and can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at [www.stellenbosch.gov.za/planning portal](http://www.stellenbosch.gov.za/planning portal), and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6899, or hand delivered to the Advice centre, within 21 days of registration of this decision letter together with proof of payment of the appeal fee.

8. Kindly note the above decision 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

[Signature]

THE AUTHORISED EMPLOYEE (TABISO MFEYA)
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

11/09/2019
DATE
APPENDIX 1

Proposed building plan