



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15150(TP279/2023)

Our File Reference Number: Erf 746, PNIEL

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 PERMANENT DEPARTURE ON ERF 746, PNIEL

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law 2023 for a permanent departure to relax the western common building line from 2.5m to 2m and the eastern common building line from 2.5m to 1.3m to permit a raised decked patio on Erf 746, Pniel;

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

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

- i. 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 Stellenbosch Municipality or other legislation or By-Laws or Regulations that may be applicable.
- ii. The development must be undertaken generally in accordance with the referenced Rev. E of the Ground & First Storey Plans with Job No. adv2103, drawn by Andre de Villiers Architects and dated 22/02/2023, attached as **Annexure B**.

- iii. Building plans must be generally in accordance with the referenced Rev. E of the Ground & First Storey Plans with Job No. adv2103, drawn by Andre de Villiers Architects and dated 22/02/2023, attached as **Annexure B**.

2.3 The reasons for the above decision are as follow:

- 2.3.1 The encroachment of the building lines does not undermine the residential character of the area.
- 2.3.2 The majority, of the deck is located within the building lines and the portions of the deck encroaching the building lines will not lead to additional infringement of the neighbours' privacy.

2.4 Matters to note:

- 2.4.1 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 the damages.
- 2.4.2 All electrical work to comply with SANS142 and Municipal electrical By-Laws. If connected to a generator for backup, the generator needs to comply to SANS10142.

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:

4.1 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

4.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

4.3 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.

4.4 Whether the appeal is lodged against the whole decision or a part of the decision.

4.5 If the appeal is lodged against a part of the decision, a description of the part.

4.6 If the appeal is lodged against a condition of approval, a description of the condition.

4.7 The factual or legal findings that the appellant relies on.

4.8 The relief sought by the appellant.

4.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision

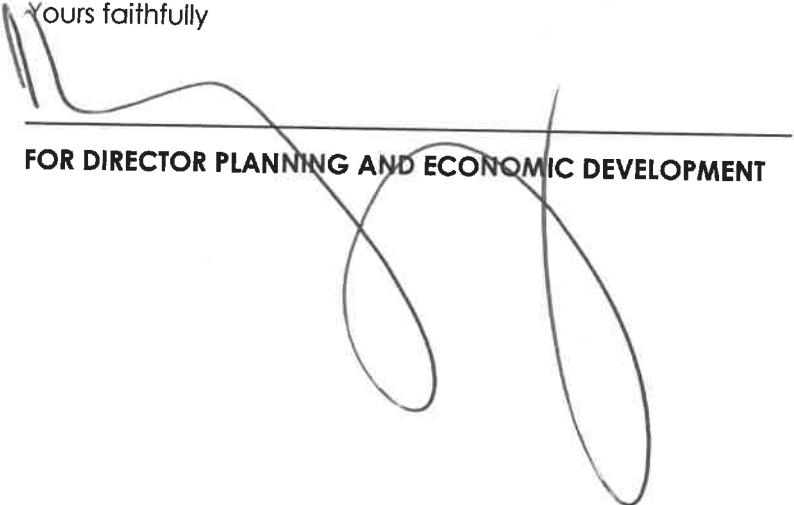
4.10 That the appeal includes the following declaration by the Appellant:

- 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 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.
8. 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.
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 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

22/9/2023
DATE:



FOR INFORMATION

professional architect PRArch21161.

31 st ligger road
clevermont
cape town
Trent

orderdewitt@arrcpharm.chi.co.io

28 HILL STREET

ent no. 746

Primer

Denver and Kyle Orby

**ground & first
storey plans**

1:100

odv2103

[illegible]

4/27/2012
 4/27/2012

June 2002

Estimated

09-06

17

7



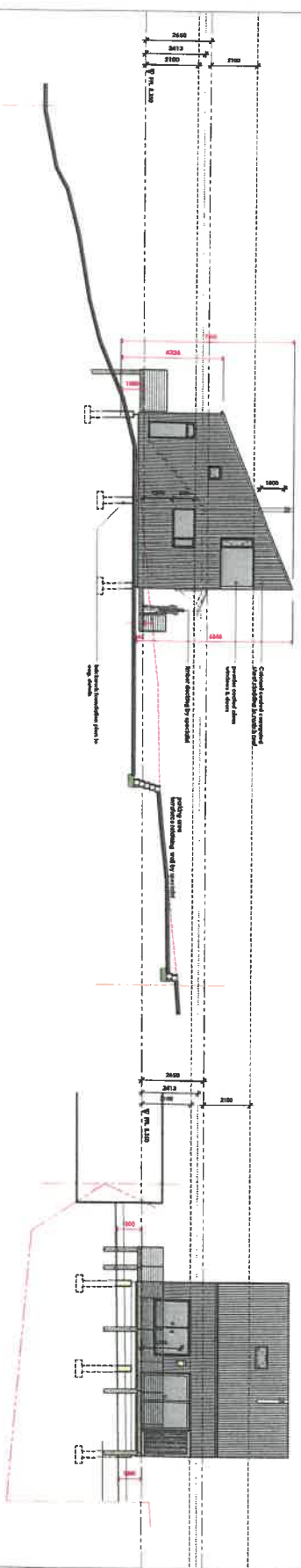
9780130352373

DRAWING NOTES:

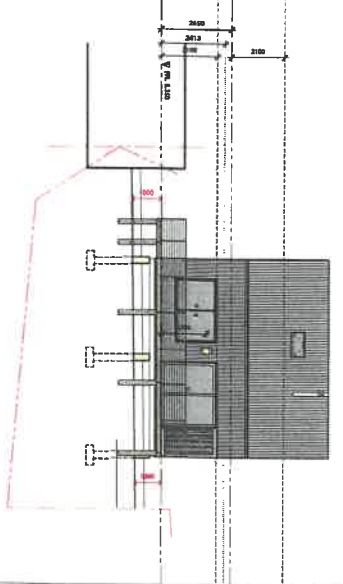
1. All dimensions are given in millimetres unless otherwise stated.
2. All dimensions are to the face of the work unless otherwise stated.
3. All dimensions are to be checked by the contractor.
4. All dimensions are to be checked by the contractor.
5. All dimensions are to be checked by the contractor.

CONSTRUCTION NOTES:

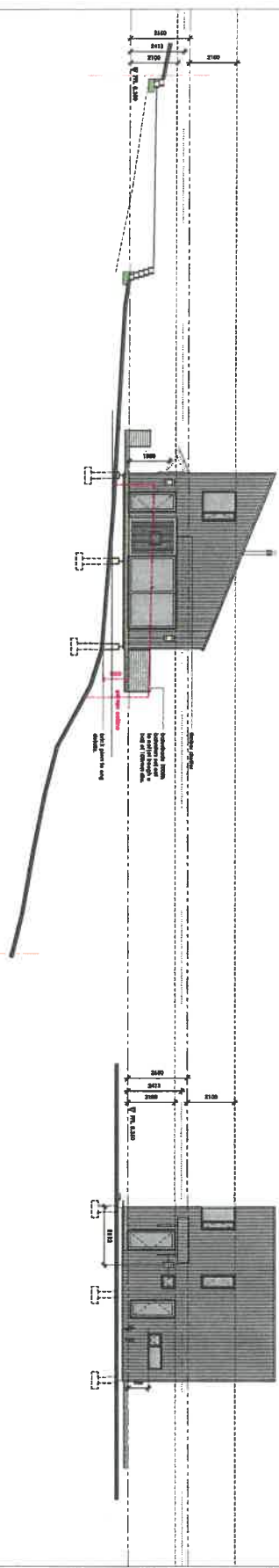
elevation 1. n.w.



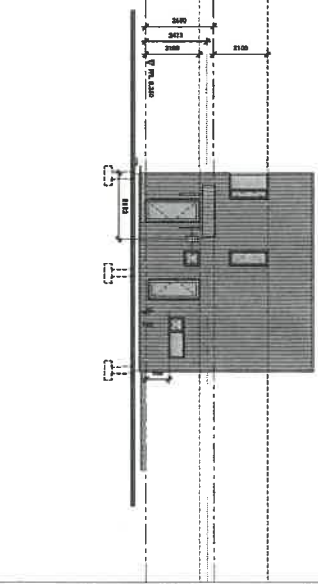
elevation 2. n.w.



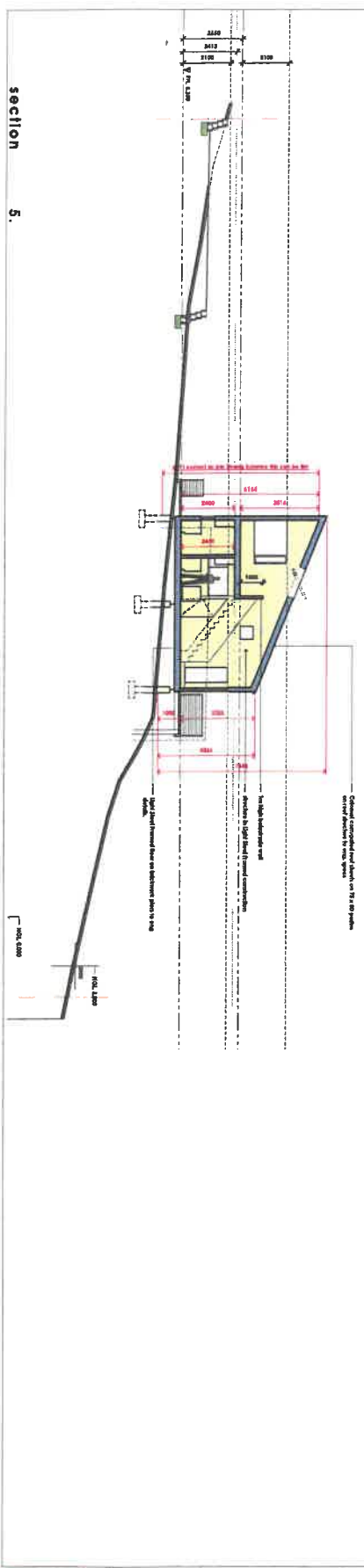
elevation 3. n.w.



elevation 4. n.w.



section 5.



FOR INFORMATION

28 HILL STREET
new dwelling house
ref no. 746
Pn1el

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S.B.O.I