



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12657

Our File Reference Number: Erf 4561, Stellenbosch

Your Reference Number: None

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: ERF 4561, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, 2023 on Erf 4561 Stellenbosch:

2.1.1 **Removal of Restrictive Title Conditions** in terms of Section 15(2)(f) of the said by-law, in order to open a sectional title scheme on the property comprising the main dwelling and second dwelling. The restrictive title deed conditions (as held in the Title Deed No. T31997/1997) to be removed are Clause E paragraph 13 (b) which reads as follows:

- a) B.6. (b) – Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe die toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van enige ander grens opgerig word nie.

BE APPROVED in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

3. **The approval is subject to the following conditions imposed in terms of Section 66 of said By law:**

3.1 The approval applies only to the application under consideration as indicated on Drawing referenced as erf4561, dated 07 Feb 2020 & drawn by fbv surveys, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The development shall be implemented substantially in accordance with the Site Development Plan referenced as Drawing No: erf4561, dated 07 Feb 2020 & drawn by fbv surveys, and attached as **Annexure C**.

3.3 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.

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

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

5. 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.

6. 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.

7. 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.
8. 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.

9. 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.
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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

24/11/2023

DATE:

COPY OF LETTER TO OBJECTORS

1. [REDACTED]
[REDACTED]

ANNEXURE C: SITE DEVELOPMENT PLAN

boundary
building lines according to zoning scheme building development
parameters - street 4.00m, common boundary 2.50m
building lines in terms of title deed condition E.13.(b) of title
deed 131887/1877 - street 6.30m, common boundary 3.15m
buildings including roofs

buildings including roofs

STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015), SUBJECT TO THE CONDITIONS AS PER APPENDIX A.

MUNICIPAL MANAGER

21/11/2027
DATE

NOTES

1. The figure ABCDE represents 1149m² of land being Erf 5461, Stellenbosch.
2. Zone: Conventional Residential

Caveat

1. may stress and elaborate provisional and will be finalised at time of subdivision survey.

2. All levels are to be confirmed prior to construction.

Scale 1:250

Date: 07 Feb 2020

Contours: n/a

System: WG 19

Er 4561, Stellenbosch

DATE: 1-2-1971

**Proposed suspension of a building line
in terms of a condition of title**

Ref: 0174561 Dwg: application plan-rev2