



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16294 (TP393/2023)

Our File Reference Number: Erf 2653, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL:

Sir

APPLICATION FOR CONSENT USE, REMOVAL/SUSPENSION OF RESTRICTIVE TITLE DEED CONDITIONS, PERMISSION IN TERMS OF THE ZONING SCHEME AND PERMANENT DEPARTURE: ERF 2653, LA COLLINE, 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 application(s) in terms of Section 15(2) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 on Erf 2653, Stellenbosch, for:

2.1.1 Application in terms of Section 15(2)(f) of the said By-law for the removal/suspension of restrictive title deed conditions Clauses III A (5)(b), (c) & (d) as contained in deed of transfer No. T18389/2021,

2.1.2 Application in terms of Section 15(2)(g) of the said By-law for permission in terms of the zoning scheme (technical approval/additional use) in order to construct a second dwelling unit,

2.1.3 Application in terms of Section 15(2)(o) of the said By-law for consent use in order to establish a 7 (seven) bedroom commune within 1 (one) of the proposed dwelling units,

2.2 Application in terms of Section 15(2)(b) of the said By-law for permanent departure for the following:

- a) The relaxation of the common building line (adjacent to Erf 2652) from 1m to 0m to permit the replacement and alterations to the existing building,
- b) The under-provision of onsite parking to permit 8 (eight) parking bays in lieu of the required 9 (nine) parking bays,

BE REFUSED in terms of Section 60 of the said By-law.

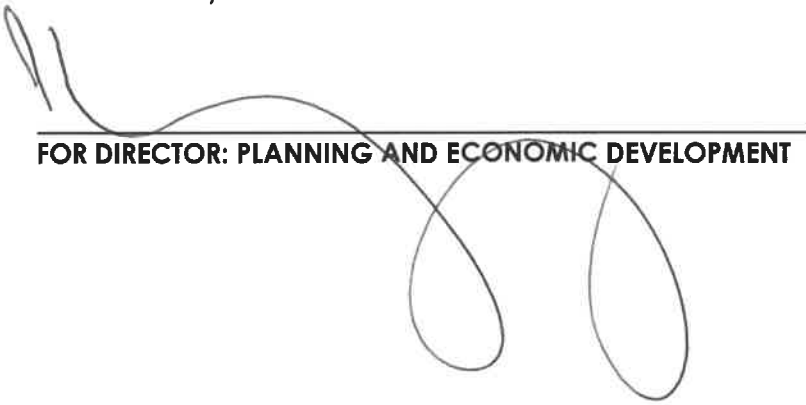
3. The **reasons** for the above decisions are as follow:

- 3.1. The scale of the proposed commune and layout, bulk and total height of the proposed purpose-built building is considered an overdevelopment of the subject property less than 500m² and does not fully consider the purpose of the Conventional Residential Zone.
- 3.2. The proposed second dwelling unit will be purposely built to accommodate the proposed commune. The application to permit the second dwelling unit and removal of the restrictive title deed condition pertaining to the number of dwelling units therefore forms an integral part of the application for a proposed commune.
- 3.3. The low-density residential character which the restrictive title deed conditions aim to preserve is still significantly prevalent in the area. The removal of the restrictive title deed conditions pertaining to the development parameters is therefore undesirable as it can be relaxed with the Administrator's consent in specific cases if deemed desirable.

- 4. 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.
- 5. Appeals must be submitted by completing the required form 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.
- 6. **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**
- 7. 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.

8. The appeal form and 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 or 021- 808 8684.
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

28/10/2024
DATE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]