



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16052(TP432/2023)

Our File Reference Number: Erf 15841, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-MAIL

Sir /Madam

APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL; REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION & PERMANENT DEPARTURE ON ERF 15841, 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 Municipal Land Use Planning Bylaw 2023, on Erf 15841, Stellenbosch:
 - i. Amendment of conditions of approval, condition 3d, as imposed in terms of the Municipal letter of approval dated 2012/03/16, in terms of Section 15(2)(h) of the said by-law, to permit the relaxation of the 3m building line to 0m for the proposed raised pool deck and storage room below ground level.
 - ii. Removal of a restrictive title deed condition 5.1(b) on Page 4, contained in the Deed of Transfer T53695/2018, in terms of Section 15(2)(f) of the said by-law, to permit the relaxation of the 3m building line to 0m for the proposed raised pool deck and storage room below ground level.
 - iii. Permanent departure to allow a retaining wall of 4.6m in lieu of 2.5m on the lateral boundary line of the property, adjoining erf 905, in terms of Section 15(2)(b) of the said by-law, to permit the relaxation of the 3m building line to 0m for the proposed raised pool deck and storage room below ground level.
 - iv. Permanent departure to allow for a 0.0m lateral building line, adjoining erf 905, in lieu of a 3m building line, in terms of Section 15(2)(b) of the of the said by-law, for the proposed raised pool deck and storage room below ground level.

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 the said Bylaw:

- a. The approval only applies to the proposed application 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.
- b. 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.
- c. Building plans be submitted that are generally in accordance with the building plan / site development plan submitted by RRAD & Associates, Drawing No: 1474/2, Dated: October 2022, drawn by: Raymond, attached as **Annexure B**.
- d. A contravention penalty of R5 000, relating to the unlawful utilisation of land, is payable within 30 days from the date of the letter of approval and prior to building plan approval being granted.
- e. Building plans must be submitted for all work and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

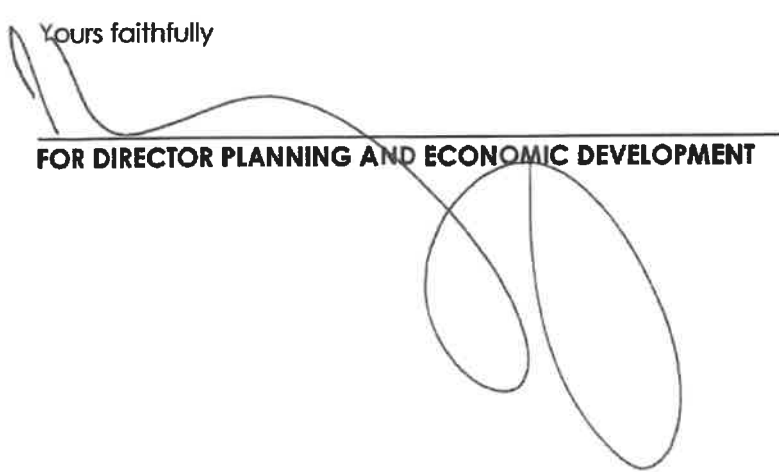
- 2.3.1. The unique slope and shape of the property justify the encroachments, making efficient use of limited developable space without affecting neighbours' privacy or municipal services.

2.4. **Matters to be noted:**

- 2.4.1. The applicant, after publication of a notice in the *Provincial Gazette* to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.
3. 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.
 4. 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.

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 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.
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

23/9/2025
DATE



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on cri 15841 at 9p part
street, Stellenbosch
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