



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16241 (TP443/2023)

Our File Reference Number: Erf 16355, Stellenbosch

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 REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND PERMANENT DEPARTURE :
ERF 16355, 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) the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 on Erf 16355, Stellenbosch for:
 - 2.1.1 Application in terms of Section 15(2)(f) of the said By-law for the removal of restrictive title deed conditions Clauses I.C.1, II.C.1 & III.C.1 and Clauses II.C.5 & III.C.5 as contained in certificate of consolidated title No. T35307/2014;
 - 2.1.2 Application in terms of Section 15(2)(b) of the said By-law for permanent departure to permit carports 0m from the common boundaries (adjacent to Erf 2259 and Farm No. 175/0) in lieu of 4.6m;

BE APPROVED in terms of Section 60 of the said By-law 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 By-law:

- 2.2.1 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 By-laws or Regulations that may be applicable.

- 2.2.2 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.
- 2.2.3 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 2.2.4 The development and building plans be generally in accordance with the Site Plan, Ground Floor Plan, Sections and Elevations Plan with Project No. 4322, drawn by MPW Architects and dated 16/11/2022 and attached as **Annexure B**.
- 2.2.5 Appropriate caution shall be taken during construction to prevent damage to existing infrastructure services and equipment in the vicinity and on the property. Should any damage occur, the owner will be liable for the cost involved in repairing damages.
- 2.2.6 The enclosure of the sides of the proposed carports with any material are not permitted.
- 2.2.7 The removal of any mature trees to accommodate the proposed carports are not permitted.

3 The **reasons** for the above decision are as follows:

- 3.1 The restrictive title deed conditions to be removed are specific township establishment rights that were meant to protect a low-density residential character which is no longer prevalent in the area.
- 3.2 The encroachment of the building line does not undermine the character of the area due to the carports being an ancillary use to the residential use of the property and small scale thereof.
- 3.3 The proposed development will not negatively affect the aesthetic appearance of the property or surrounding environment, and the use of the property will remain residential.

4. **Matters to be noted:**

- 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.
- 4.2 Building plans can only be approved once proof is provided that the relevant restrictive title deed conditions have been removed.

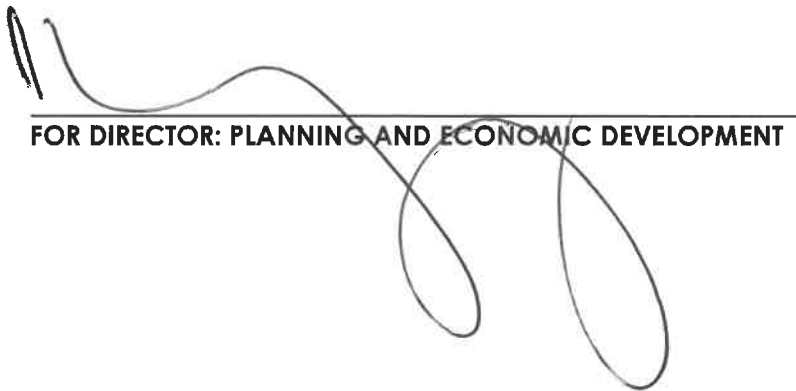
- 5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
- 6. 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.
- 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 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.
- 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

11/3/2025
DATE



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ANNEXURE A

SITE PLAN



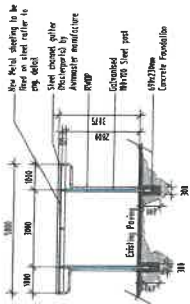
3 TYPICAL ELEVATION
SCALE 1/8" = 1'-0"

SITE INFORMATION FOR ERE 16355

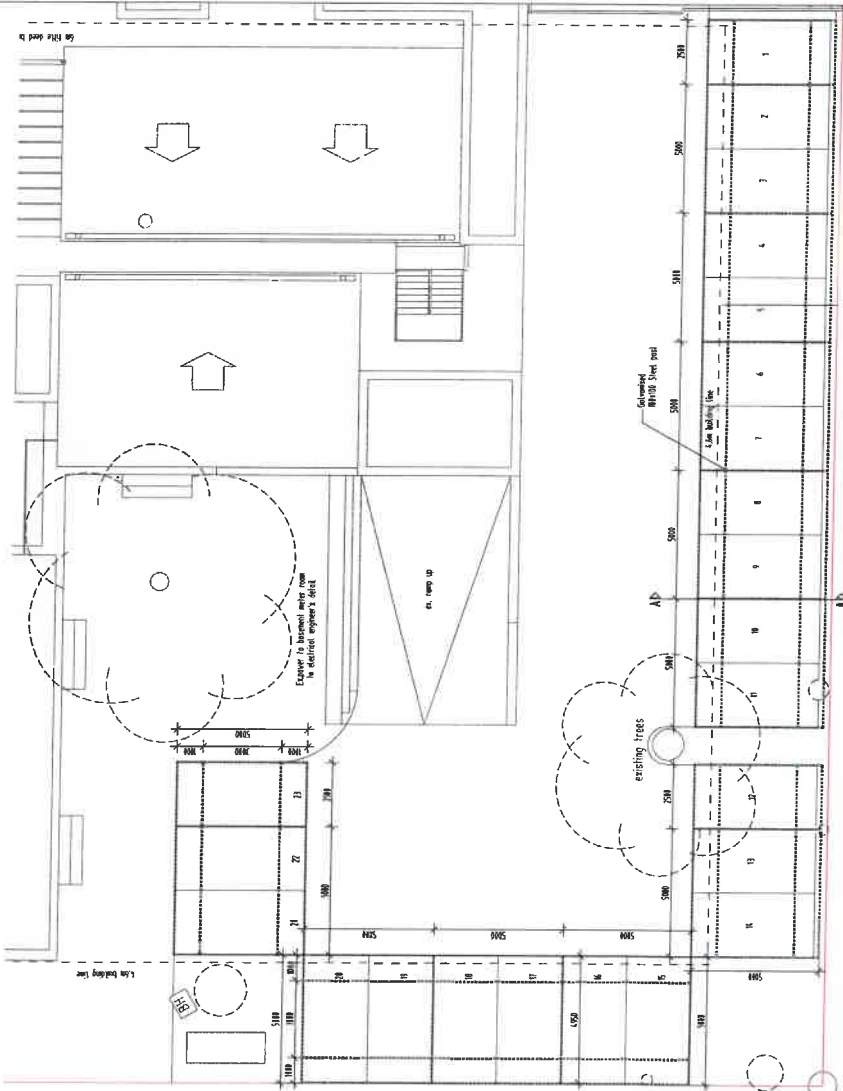
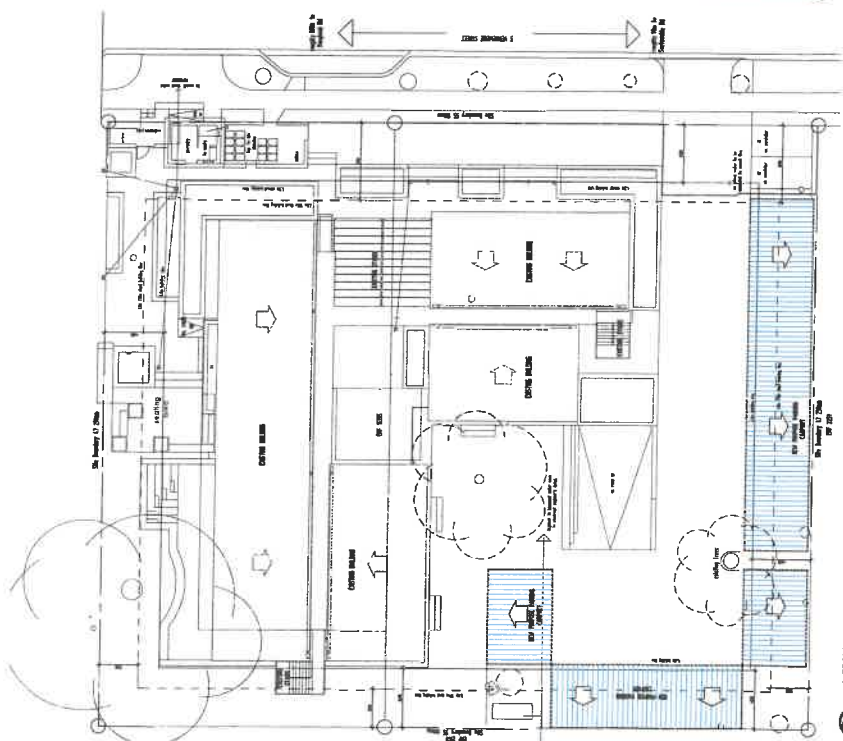
Site Area = 280m²
 Site building area (ground and first floor) 75m²
 Total building area 100m²
 Corner Building Line

SCHEMATIC OF AREAS

Site Building Area = 75m²
 New Carport Area = 25m²
 Total Building Footprint / 100m²
 Site Area = 280m²
 Coverage = 35.7%



4 SECTION A-A
SCALE 1/8" = 1'-0"



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 This drawing is the property of Messrs. Wapnitzer
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General Notes:
 All work to comply with NATIONAL BUILDING
 REGULATIONS ACT No. 100-199 and standards therein
 as well as the by-laws of the relevant local
 authority.
 All dimensions are to be verified from figures
 dimensions, do not state all dimensions.
 Drawings are to be read in conjunction with drawings
 and after consultation as applicable.
 Any other dimensions shown are to be reported to
 the architect immediately.

SIGNATURES
CLIENT

ARCHITECT: DR. DANIELS, EST. 2001

Date	Description	Author

PROJECT NUMBER: 16355

Client: STELLERSON UNIVERSITY

www.wapnitzerarchitects.co.za

Drawn by:	W	16/02/2022
Checked by:	W	16/02/2022
Approved by:		

Scale:	1/8" = 1'-0"
Project Number:	16355
Sheet Number:	1 of 1



SIGNATURES
CLIENT:

ARCHITECT: RUTH DANIELS (ST. 2055)

[illegible]

FOR COUNCIL GRANTISSON

www.mwparhitects.co.za

ALBERTO ROSQUETTS

Drawn by:	MM	16/10/2022
Checked by:	MM	16/10/2022
Approved by:		

Grade	Project Number	Rate
	4322	88
Serial Number	Q A?	

3 TYPICAL ELEVATION
SCALE 1/8" = 1'-0"

4 SECTION A-A
SCALE 1/4" = 1'-0"
RE -

4 SECTION A-A
SCALE 1/4" = 1'-0"
RE -

2 GROUND FLOOR
SCALE 1:100
REV. -

1 GROUND STOREY PLAN
SCALE 1:400
INT.



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ANNEXURE B

COMMENT FORM DIRECTORATE: INFRASTRUCTURE
SERVICES (ELECTRICAL)

4

ERF 16355
. No Comment
1.
CONDITIONS:
2. 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 repairing damages?



Date 16/2/2024

FILE NR:	
Ref	16355 S
	764609

STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES
20 MAR 2024
RECEIVED