



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17346(TP746/2024)

Our File Reference Number: Erf 4391, 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 & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME, ON 4391, 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 4391 Stellenbosch for:
 - 2.1.1 **Removal of restrictive title deed conditions** in terms of Section 15(2)(f) of the said bylaw in order to regularize the existing structures and second dwelling unit. The restrictive title deed conditions (as held on page 3 in the title deed No. T12942/2019) to be removed are conditions 6 (a) & (b) which reads as follows:
 - a) Condition 6 (a) – Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd na oorleg met die Dorperkommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.
 - b) Condition 6 (b) – Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6.30 meter van die straatlyn wat 'n grens van hierde erf uitmaak, asook nie binne 3.15 meters van enige ander grens opgerig word nie.
 - 2.1.2 **Permission/Technical Approval** in terms of Section 15(2)(g) of the said bylaw in order to accommodate a second dwelling unit and allow the second dwelling unit to be used for home lodging purposes.

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:

- 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 Bylaws 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 The development be implemented in accordance with the Site Development Plan, referenced as drawing No: 053-001, project number: 053, Rev B, drawn by: AV (VDM Architects), dated 2023/07/31.
- 2.2.4 The home lodging be limited to **one (1) bedroom** and a maximum of **one (1) lodger** shall be permitted at any one time.
- 2.2.5 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme Bylaw as illustrated on the site plan to the satisfaction of the Municipality.
- 2.2.6 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 2.2.7 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

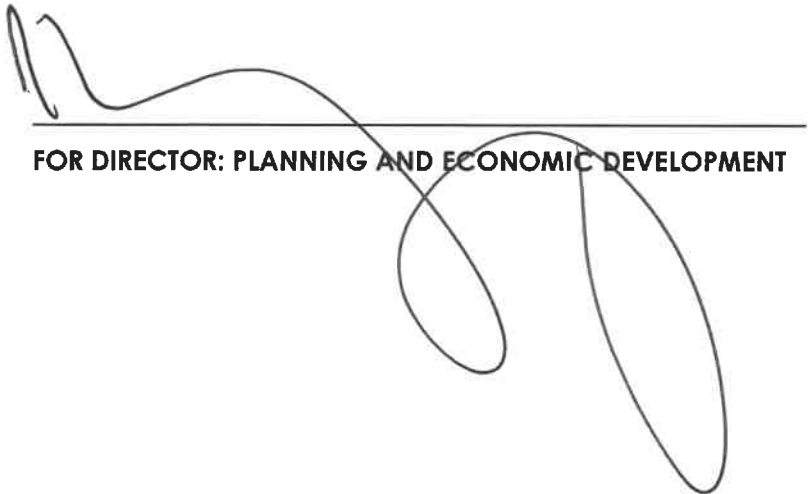
3. The **reasons** for the above decision are as follows:

- 3.1. The scale and nature of the proposed will not compromise the existing character of the surrounding landscape.
- 3.2. The proposal is in line with the existing land use of the property and the land use will remain residential.

- 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

16/7/2025
DATE

COPIES TO:

PA + J Kotze
Email: info@soft.sa.co.za

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PA + J Kotze
Email: info@soft.sa.co.za

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