STELLENBOSCH
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Application Number: TP1341/2025
Our File Reference Number: Erf 5115, 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 SUBDIVISION, PERMANENT DEPARTURE, REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, SUSPENSION OF RESTRICTIVE TITLE DEED CONDITION ON ERF 5115, 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 By-law on Erf 5115, Stellenbosch for:

2.1.1 **Subdivision** in terms of Section 15(2)(d) of said By-law to subdivide Erf 5115 into two portions, namely:

a) Portion 1 (±626m²); and
b) The Remainder of Erf 5115 (±810m²).

2.1.2 A **permanent departure** in terms of Section 15(2)(b) of said By-law for:

a) The relaxation of the street boundary building line to 1.8m in lieu of 4.0m to accommodate a swimming pool on the subdivided Remainder; and
b) The relaxation of the new common boundary building line (rear) to 0.5m in lieu of 2.5m for the proposed new bedroom to the existing dwelling house on the subdivided Remainder.

2.1.3 **Removal of restrictive Title Deed condition** in terms of Section 15(2)(f) of the said By-law to remove condition B.6(d) as held in the Title Deed No. T4546/2024 to not transfer the restrictive conditions to the subdivided Remainder.

2.1.4 **Suspension of restrictive Title Deed condition** in terms of Section 15(2)(f) of the above said By-law to suspend condition B.6(b) as held in the Title Deed No. T4546/2024 to permit the prosed additions on the subdivided Remainder.

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

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

3.1 The proposed subdivision and resulting sizes are not in keeping with the prevailing development context of the neighbourhood and will have a detrimental impact on the character and streetscape of the surrounding low-density residential area.

3.2 The proposal does not fully comply with the 2003 Council resolution regarding subdivisions in Stellenbosch town (approved subdivision policy) as the developable and functional area of proposed Portion 1 is less than 600m² and below the 50% surrounding property average requirement.

3.3 The subdivision will result in the potential for an increase in building numbers, footprints and bulk. This increased and combined intensity of use and development potential of the proposed portions will have a detrimental impact on the character of the area and the ambience of surrounding low-density residential area by reducing the average property sizes, the functional outdoor space and the appeal of the street façade.

3.4 The restrictive title deed conditions pertain to township establishment rights for the benefit of all the properties in Brandwacht and removing or suspending the conditions to facilitate the proposal will be detrimental to the low-density residential character and general ambience of the area.

3.5 There are no unique circumstances or characteristics regarding the proposal and the surrounding development context to support the proposed subdivision and unqualified removal and suspension of the restrictive title deed condition.

4. You are hereby informed of your **right to appeal Section 15(2)(a) to (f), (h) to (k), (n), (o) or (r) application decisions in terms of Section 79(2)** of the Stellenbosch Municipal Land Use Planning By-law. The appeal 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. Appeals must be addressed to the Municipal Manager and submitted to the following email address: landuse.appeals@stellenbosch.gov.za

5. Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an

appeal, but rather a new application which should be submitted on the manner prescribed, as only the above decision can be appealed at this stage.

6. Any party (applicant or other) who lodges a Section 79(2) 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 approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. The LU and/or TP Reference number on this correspondence must be used as the reference for the payment of the appeal fee.

7. An applicant who lodges a Section 79(2) 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.

8. All appeals must be submitted to the authorised Appeal Authority **within 21 days** from the date of notification of the above decision. Note that no late appeals or an extension of time for the submission of appeals is permitted.

9. The appeal form can be accessed on the municipal website. For any enquiries relating to appeals, the Land Use Management office can be contacted at 021 – 808 8684 or landuse.appeals@stellenbosch.gov.za

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

DATE 24/11/2025

COPIES TO:

1. R. Roch, owner of Erf 5113
   Email: [redacted]
2. C. Louwrens, owner of Erf 5114
   Email: [redacted]