



Application Number: LU/12433

Our File Reference Number: Erf 1084, 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 TECHNICAL APPROVAL AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 1084, 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) of the Stellenbosch Municipality Land Use Planning By-law, 2015:
 - 2.1.1 **Removal of restrictive title deed conditions** in terms of Section 15 (2)(f) of the said by-law of conditions D. (iii)(b), D. (iii)(c), D. (iii)(d), & E. (b), E.(d), E(d) on Erf 1084, Stellenbosch. The restrictive title deed conditions (as held in the Title Deed No. T4467/2018) to be removed are conditions:
 - a) D. (iii) b) – "Dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik word, daaerop op te rig;"
 - b) D. (iii)(c)- op nie meer as een-derde van die oppervlakte daarvan mag gebou word ni;"

- c) D. (iii)(d)- "geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 20 voet van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 10 voet van die agtergrens of sygrens van 'n aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 10 voet te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf"
- d) E.(b)- Geen gebou van walke aard ookal mag op die erf opgerig word, alvorens die planne en spesifikasies nie aan die eienaars van die dorpsaanleg of hulle opvolgers in regte voorgele is nie, welke planne en spesifikasies binne 21 dae na voorlegging daarvan goed of afgekeur moet word.
- e) E. (d) Geen dak van enige bouwerk op die erf mag van sinkplaat van enige aard gemaak word nie, behalwe as sodanige dak nie van die straat sigbaar is nie. Alte dakke op die erf moet van dieselfde material en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie
- f) E.(d) Die omheining van die erf mag allenen opgerig word nadat volle besonderhede i.v.m die beplanning daarvan aan die eienaars van die dorpsaanleg voorgele is en dit deur hul goedgekeur is, dog in geenn geval mag enige omheining van enige sort sinkplaat gebou word nie.

2.1.2 **Permission/Technical Approval** in terms of Section 15 (2) (g) of the Land Use Planning By-law to accommodate a second dwelling unit in terms of Section 13 of the Stellenbosch Zoning By-law.

BE APPROVED in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

3 Conditions of approval

- 3.1 The approval applies only to the application in question as indicated on site development plan referenced SD-3496-T101 and SD-3496-T201, drawn by *S-Design Architects*, dated 2021/09/22 and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- 3.2 Building plans must be submitted, and be approved by this Municipality, prior to any building work commencing on site;
- 3.3 That the approval shall lapsed if not acted upon within a period of as prescribed in terms of the said By-Law.

3.4 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, of any relevant register or title deed to reflect the removal of the restrictive conditions.

4 The reasons for the above decision are as follows:

4.1 The proposed application would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.

5 You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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 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. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.


(d) whether the appeal is lodged against the whole decision or a part of the decision;

- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct.
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

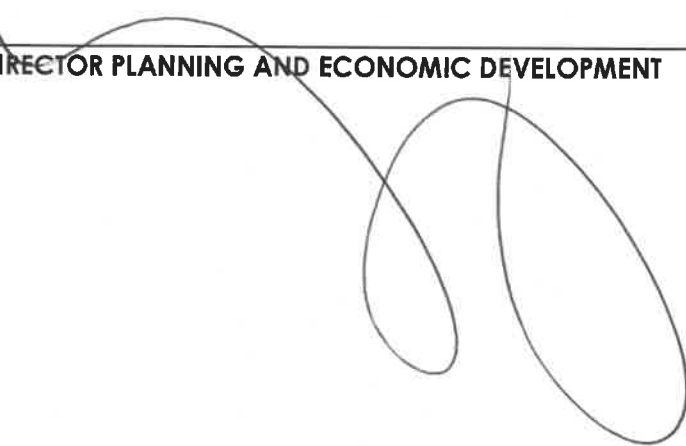
7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address:
landuse.appeals@stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal 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 approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
10. An applicant who lodge 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 is suspended, and in the case of any approval, 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



19/10/2021,
DATE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANNEXURE B: TITTLE DEED

REDDERING & OOSTHUIZEN Prokureur/Attorney
107
TEL: (021) 9141095

**TRANSPORTAKTE
NR. T4467/2018**

ten gunste van

1. CJ DE BEER
en
2. A M DE BEER

met betrekking tot

ERF 1084 STELLENBOSCH

REDDERING & OOSTHUIZEN
Unit 3, Floor 1
Bateleur Office Park
Pazita Street,
TYGER VALLEY
BELLVILLE

107

Opgestel deur my

TRANSPORTBESORGER
GERHARDUS CORNELIS OOSTHUIZEN

Die eksposisie		Telling 00	
Formaat proefstuk	4100 0000	175900	
Alc. Tegniese Amalant			
Reason for exemption			

T 000004467 / 2018

TRANSPORTAKTE

DATA / VERIFY
09 FEB 2018
FATGEYAN LAMBEY

HIERBY WORD BEKEND GEMAAK DAT
GERHARDUS CORNELIS OOSTHUIZEN

voor my verskyn het, REGISTRATEUR VAN AKTES te KAAPSTAD, hy die genoemde
komparant synde behoortik daartoe gemaglig kragtens 'n Volmag aan hom verleen deur

BODO GEORG LUDWIG BRENDEL
Identifitseitsnommer 4005075011065
en
CHRISTINE MARIE MARGOT BRENDEL
Identifitseitsnommer 4203130040107
Getroud binne gemeenskap van goed met mekaar

geteiker te STELLENBOSCH op 6 Desember 2017

DATA / CAPTURE
08 FEB 2018
DIPONTSENG LEEUW



En genoemde Komparant het verklaar dat sy prinsipaal, op 30 November 2017, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

1. **CORNELIUS JOHANNES DE BEER**
Identiteitsnommer 5912225055087
Getroud buite gemeenskap van goed
2. **ANNA MARIA DE BEER**
Identiteitsnommer 6210060115085
Getroud buite gemeenskap van goed

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkyngendes,

**ERF 1084 STELLENBOSCH, IN DIE MUNISIPALITEIT VAN STELLENBOSCH,
AFDELING STELLENBOSCH, PROVINSIE VAN DIE WES KAAP**

GROOT 860 (NEGE HONDERD EN TAGTIG) Vierkante meter

EERSTE OORGEDRA kragtens Transportakte Nr. T11157/1957 met Kaart Nr. 6807/55 wat daarop betrekking het en GEHOU kragtens Transportakte Nr. T13502/1668

- A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Sertifikaat van Eenvormige Titel Nr. T15796/1950
- B. **GEREGTIG** op die voordeel van die spesiale voorwaardes waarna verwys word in die endossement gedateer 17 Desember 1914 op Transportakte Nr. T312 gedateer 30 September 1870 (asook op Transportakte Nr. T12 gedateer 2 Oktober 1865) in Transportakte Nr. T9327/1914 uiteengesit, in die plek van spesiale voorwaardes vervat in Transportakte Nr. T7596/1904 (met kaart van perseel D) met betrekking tot 'n reg van weg 15 kaapse voet wyd langs 'n seker pad wat in 1914 bestaan het en wat nog bestaan, en wat W X Y Z gemerk is op die kaart wat aan Transportakte Nr. T206 van 15 Desember 1864 behoort; die deel XY van gemeide pas is ook aangedui op die kaart wat behoort aan die Grondbrief gedateer 1 Januarie 1817 (Stellenbosch Erfpagbriewe Boekdeel 2 Nr. 55)
- C.
- D. **ONDERHEWIG VERDER** aan die volgende voorwaardes verval in Transportakte Nr. T11157/1957 opgekê deur die Administrateur van die Provinsie Kaap die Goeie Hoop, kragtens Ordonnansie 33 van 1934, by die goedkeuring van die bogenoemde dorp, naamlik:
 - (i) Enige woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekennisse as wat daaraan geheg word by die regulasies afgekondig by Kennisgewing van die Provinsiale Administrasie Nr. 401 van 17 Oktober 1935 en in die memorandum wat genoemde regulasies vergees het.
 - (ii) Die eienaar van hierdie erf is verplig om sonder vergoeding, toe te laat dat die elektrisiteitskabels, en waterpype en die rioolvuil en dreinerings insluitende reënwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erf gevoer word indien dit deur die plaaslike

GhazDawey 12.6.13.7

owerheid nodig geag word, en wel op die wyse en ligging wat van tyd tot tyd redelikerwys vereis word. Dit sal die reg op toegang te alle redelike tye tot die eiendom insluit met die doel om riol, inspeksieputte, vore, waterleidings en ander werke behorende daartoe te bou, onderhou, verander, verwyder of te inspekter.

(iii) Hierdie erf is onderhewig aan die volgende voorwaardes met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die plaaslike owerheid dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan sodanige voorwaardes as wat hy ople:-

(a) dit mag nie onderverdeel word nie;

(b) dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig;

(c) op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie;

(d) geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 20 voet van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 10 voet van die agtergrens of sygrens van 'n aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 10 voet te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat en mits geen gedeelte daarvan vir bewoningsdoelendes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf.

E ONDERHEWIG VERDER aan die spesiale voorwaardes vervat in Transportakte Nr. T11157/1957 opgelê deur en ten gunste van Dalsig Landgoed (Eiendoms) Beperk, en hul opvolgers in regte as eienaars van die Restant van die grond gehou deur hul kragtens transportakte Nr. T10536/1953, in hul guns uitgereik en ten gunste van die geregistreerde eienaar en sy opvolgers in titel van enige erf in die Dalsig Dorp:-

(a)

(b) Geen gebou van welke aard ookal mag op die erf opgerig word, alvorens die planne en spesifikasies nie aan die eienaars van die dorpsaanleg of hulle opvolgers in regte voorgelê is nie, welke planne en spesifikasies binne 21 dae na voorlegging daarvan goed of afgekeur moet word.

(c) Geen skadelike raserye of enige ander bedrywigheid waarteen die inwoners van die dorpsgebied redelikerwys beswaar mag maak as synde 'n oorlas vir die bure of vir diene wat die openbare plekke of weë begaan, mag op die erf uitgevoer word nie. Voorts mag geen hout vir wins op hierdie erf gesaag of gekap word nie en ook mag die okkupeerder van die erf nie materiaal wat hy vir besighedsonderneming buite die erf gebruik, op die erf bôre nie. Die toestand van die erf moet te alle tye sodanig wees dat dit geen oorlas vir die inwoners van die dorpsaanleg of vir diene wat die openbare plekke of weë begaan, daarstel nie.

Q

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W.H. Denny 12.9.12.7

(d) Geen dak van enige bouwerk op die erf mag van sinkplaat van enige aard gemaak word nie, behalwe as sodanige dak nie van die straat sigbaar is nie. Alle dakke op die erf moet van dieselfde materiaal en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie.

(e) Die omheining van die erf mag alleen opgerig word nadat volle besonderhede i.v.m die beplanning daarvan aan die eienaars van die dorpsaanleg voorgelê is en dit deur hul goedgekeur is, dog in geen geval mag enige omheining van enige soort sinkplaat gebou word nie.

ANNEXURE C: SITE DEVELOPMENT PLAN

1. INTRODUCTION
 This drawing is a site plan for the proposed development of a residential building on the site located at the intersection of Pleunisstraat and Buitekring WEG 81, Stellenbosch. The site is bounded by Pleunisstraat to the north, Buitekring WEG 81 to the east, and the existing erf boundary to the south and west. The drawing shows the proposed building footprint, parking areas, and landscaping. The drawing is prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant municipal by-laws. The drawing is a preliminary drawing and is subject to change without notice. The drawing is not to be used for any other purpose without the written consent of the architect.

2. SITE DESCRIPTION
 The site is situated on a plot of land measuring approximately 100m by 100m. The site is bounded by Pleunisstraat to the north, Buitekring WEG 81 to the east, and the existing erf boundary to the south and west. The site is currently vacant and is zoned for residential use. The drawing shows the proposed building footprint, parking areas, and landscaping. The drawing is prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant municipal by-laws. The drawing is a preliminary drawing and is subject to change without notice. The drawing is not to be used for any other purpose without the written consent of the architect.

3. LEGAL DESCRIPTION
 The site is situated on a plot of land measuring approximately 100m by 100m. The site is bounded by Pleunisstraat to the north, Buitekring WEG 81 to the east, and the existing erf boundary to the south and west. The site is currently vacant and is zoned for residential use. The drawing shows the proposed building footprint, parking areas, and landscaping. The drawing is prepared in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the relevant municipal by-laws. The drawing is a preliminary drawing and is subject to change without notice. The drawing is not to be used for any other purpose without the written consent of the architect.

MUNICIPAL SUBMISSION
S-DESIGN ARCHITECTS
 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 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