

Application Number: LU/11756

Our File Reference Number: Erf 2664, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: <u>Ulrich.Vonmolendorff@stellenbosch.gov.za</u>

PER E-MAIL

Sir

APPLICATION FOR THE RESTRICTIVE TITLE DEED CONDITION, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHINAL APPROVAL) FOR A SECOND DWELLING UNIT AND DEPARTURE ON ERF 2664. STELLENBOSCH

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That **APPROVAL BE GRANTED** in terms of 45(6) of SPLUMA to allow for the proposed additional use (second dwelling unit) and the erection of new buildings or structures on Erf 2664, Stellenbosch in terms of the relevant title deed no. T.14242/2015, Condition C.5.(b) (d).
- 3. The following applications in terms of Section 15(2)(g) & (b) of the Stellenbosch Municipality Land Use Planning By-Law as Promulgated by Notice No. 354/2015 dated 20 October, 2015 on Erf 2664, Stellenbosch as indicated on Plan No. aj/20/06/42, dated June 2020 and drawn by Shafiek Biscombe Architectural Services:
 - 3.1 Permission required in terms of the zoning scheme (technical approval) to enable the owner of the property to construct a second dwelling unit on Erf 2664, Stellenbosch:
 - 3.2 A departure to relax the common building lines (adjacent to Erf 2665 & rear) from 2,5m to 0m & 1,5m respectively in order to accommodate the proposed second dwelling unit on Erf 2664, Stellenbosch.
 - 3.3 A departure to exceed the permissible coverage from 50% to 60,31%

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

Conditions of approval:

- a) That this approval applies only to the technical approval and departure in question as per Site and floor layout plan aj/20/06/42, dated June 2020 and drawn by Shafiek Biscombe Architectural Services and shall not be construed as authority to depart from any legal prescriptions or requirements;
- b) Parking must be provided on-site as indicated on site plan aj/20/06/42, dated June 2020 and drawn by Shafiek Biscombe Architectural Services;
- c) The existing water and sewer connection must be utilized for the proposed development; no upgrade in the size of the connection will be allowed unless agreed to by the Water Services Department;
- d) Development charges is payable by the developer in accordance with and as at the time of the annually approved tariffs of this Municipality, and is payable prior to the approval of any building plan application.
- e) Conditions imposed by the Department: **Electrical Services** as stipulated in their memo dated 22 February 2021 be adhered to (**See Annexure F**);
- f) This approval shall lapse if not acted upon within a period of five years from the date of the final letter of approval;
- g) Building plans for the proposed buildings must be submitted to this Municipality for consideration prior to any building work being undertaken.
- 4. The reasons for the above decision are as follows:
 - 4.1 The proposal will have no impact on the objector's property as the proposed building line encroachment is located on the side adjacent to Erf 2665.
 - 4.2 The proposed second dwelling unit complies with all other the Zoning Scheme By-Law, 2019 parameters;
 - 4.3 The applicant has provided sufficient parking for the existing and proposed residence.

- 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:
 - 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 and 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

10/8/2021 DATE:

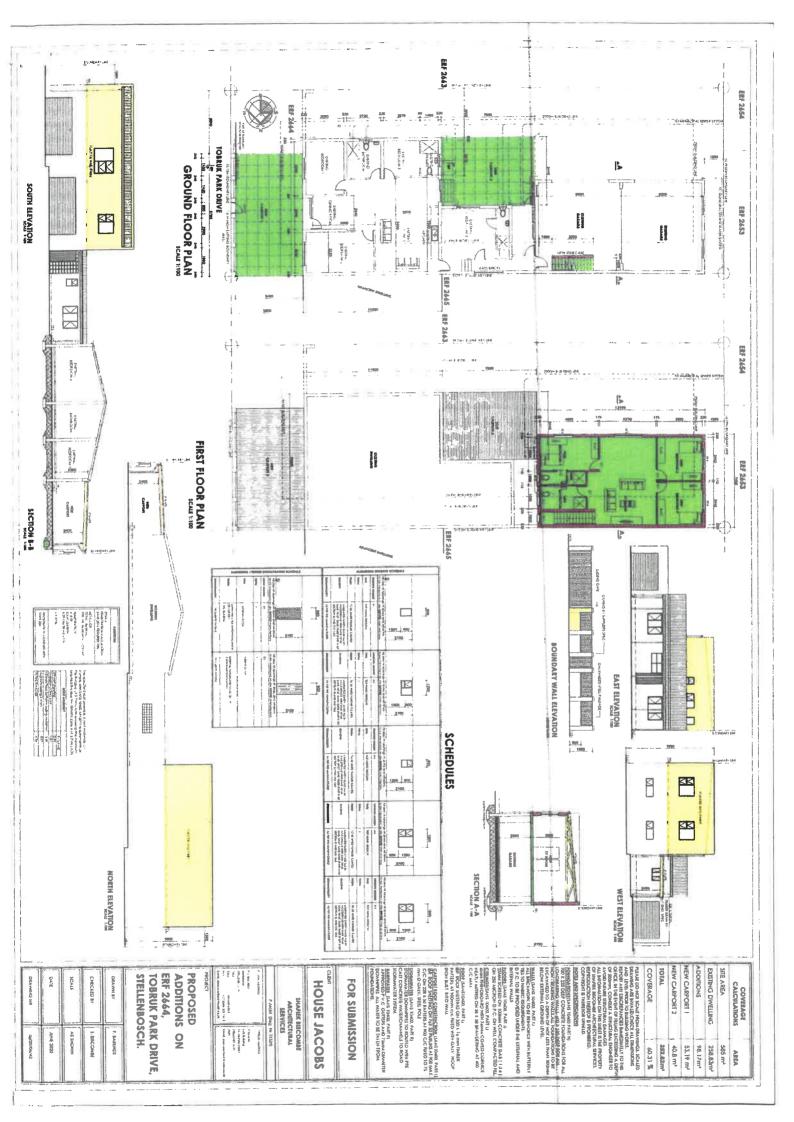


ANNEXURE C

(ADMINISTRATOR'S PERMISSION IN TERMS OF THE RESTRICTIVE TITLE DEED CONDITION, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL)

FOR A SECOND DWELLING UNIT AND A DEPARTURE)

SITE & FLOOR LAYOUT PLAN





ANNEXURE B

(ADMINISTRATOR'S PERMISSION IN TERMS OF THE RESTRICTIVE TITLE DEED CONDITION, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL)

FOR A SECOND DWELLING UNIT AND A DEPARTURE)

COPY OF TITLE DEED

329

Lucille Geldenhuys Attorneys
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Brandwacht Office Park
Trumali Street
Stellenbosch
Tei +27218879149

Fax +27218832036

Prepared by me

CONVEYANCER LUCILLE GELDENHUYS

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DATA /

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PUMELELA MNAMA

T000051 50/2015

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney signed at KOMATIPOORT on 2 JULY 2015 and granted to her by

JAMES SMITH MORGAN
Identity Number and
PETRONELLA ALETTA MORGAN
Identity Number Married in community of property to each other

And the appearer declared that

Whereas his principal had on 14 June 2015 truly and legally sold, the undermentioned property by Private Treaty

Now therefore she in her capacity aforesaid did by these presents, cede and transfer to and on behalf of

ANTHONY JACOBS
Identity Number
Married out of Community of Property

his heirs, executors, administrators or assigns, in full and free property

ERF 2664 STELLENBOSCH MUNICIPALITY AND DIVISION STELLENBOSCH PROVINCE OF THE WESTERN CAPE

IN EXTENT 585 (FIVE HUNDRED AND EIGHTY FIVE) SQUARE METRES

FIRST TRANSFERRED BY DEED OF TRANSFER T45012/1987 WITH DIAGRAM 4475/1957 RELATING THERETO AND HELD BY DEED OF TRANSFER T49958/2013

- A SUBJECT to the conditions referred in Deed of Transfer Number T49958 2013
- B SUBJECT FURTHER and ENTITLED, as the case may be, to the servitude reference to which is made in the endorsement dated 1 March 1933 endorsed on Deed of Transfer Number T6053/1932 which endorsement reads as follows

By Deed of Transfer No. 940 dated this day certain rights of road erection of electric light poles on the remainder of the property held under Para. 3 hereof have been given to the owner for the time being of the property thereby conveyed, subject to the conditions as will more fully appear reference to the said Transfer and relative diagram.

- C SUBJECT FURTHER to the following special conditions contained in Deed of Transfer Number T45012/1987 imposed by the Administrator of the Province of the Cape of Good Hope under Ordinance Number 33 of 1934 with approval of the establishments of Stellenbosch Town Extension Number 2, namely
 - Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 401 dated 17th October 1935 and in the memorandum which accompanied the said regulation.
 - The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf of erven inside or outside this township to be conveyed across this erf deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain after remove or inspect any sewer manhole channel conduit or other works pertaining thereto.
 - The owner of this erf shall be obliged without compensation to receive such material or permit such excavation on the erf that may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing difference between the levels of the street as finally constructed and the erf.

Page 2 of 4

unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority

- In the event of the provisions of a Town Planning Scheme being made applicable to this ert which provisions are made restrictive that the contained in the above then the provisions of such scheme shall apply
- This erf shall be subject to the following further conditions provided especially that where in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose
 - (a) It shall not be subdivided
 - (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuild has as are ordinarily required to be used therewith.
 - (c) Not more than half the area thereof shall be built upon
 - (d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4.72 metres to the street line which forms a boundary of this erf nor within 3.15 metres of the rear of 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear space, provided further that in the event of a pair of semi-detached houses being erected on this and the adjoining erf, no building line restriction shall apply to the lateral boundary collinear with the dividing wall of the two residential units.
- D SUBJECT FURTHER and ENTITLED to the conditions that the line marked x.y on Diagram Number 4475/57 is a common wall common to the property transferred hereunder and Erf 2665 STELLENBOSCH held by the DEVELOPMENT AND HOUSING BOARD under Uniform Title Number 16109/1957

WHEREFORE the appearer renouncing all the right and title the said

JAMES SMITH MORGAN and PETRONELLA ALETTA MORGAN Married to each other as aforesaid

heretofore had to the premises did in consequence also acknowledge them to be entirely dispossessed of and disentitled to the same and that by virtue of these presents the said

ANTHONY JACOBS Married as aforesaid

his heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto conformably to local customs the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R 1 550 000 00 (One Million Five Hundred and Fifty Thousand Rand)

IN WITNESS WHEREOF I, the said Registrar, together with the appearer have subscribed to these presents, and have caused the seal of office to be affixed thereto

THUS SIGNED. EXECUTED AND SEALED at the Office of the Registrar of Deeds at Cape Town on 2015

in my presence

Registrar of Deeds

Signature of appearer q q



ANNEXURE E

(ADMINISTRATOR'S PERMISSION IN TERMS OF THE RESTRICTIVE TITLE DEED CONDITION, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL)

FOR A SECOND DWELLING UNIT AND A DEPARTURE)

COMMENTS FROM THE DEPARTMENT: ENGINEERING SERVICES



MEMORE DE

DIRECTORATE: ENGINEERING SERVICES 1 MAR 2021 DIRECTORAT: INGENIEURSDIENSTE

To . Aan:

Director: Planning + Economic Development

Att Aandag

S Newman

From • Van:

Colin Taylor (Development)

Date - Datum:

1/03/2021

Our Ref o Ons Verw:

Civil Lu 2068

Your Ref:

LU/11756

Re olnsake:

Erf 2664 Stellenbosch: Relaxation of title deed conditions and

second dwelling

The application is for the following items:

Relaxation of title deed conditions and second dwelling.

The application is recommended for approval, subject to the following conditions:

1. Water

1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. Sewer

2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

3. Roads

3.1 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.

4. Development Charges (DCs)

4.1 Based on the information provided in application the Development Charges payable by the developer is R 48 112.00 (Vat incl.) as per attached Development Charges Calculation.

4.2 The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2021 it has to be recalculated using the then applicable tariffs.

4.3 DCs are payable prior to building plan approval.

Stellenbosch Municipality - Development Charge Calculation



	APPLICATION INFORMATION
Application Number	
Date	Wednesday, 24-Feb-2021
Financial Year	2020/21
Erf Location	
EriNo	2664
Erf Size (m²)	585
Suburb	La Colline
Applicant	Anthony Jackos
Approved Building Plan No.	

		SUMMAR	SUMMARY OF DC CALCULATION	2			
	Water	Sever	Stormwater	Solid-Waste	Roads	Community Facilities	Totaks
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Total increased Services Usage	0,360	00000	800'0	0000	2.50	2,5	
Total Development Charges before Deductions	R 9 495.40	R 7 589,14	R 794.59	R 1 548.66	R 15 889,39	R 6 519,34	R 41 836.52
Total Deductions							
Total Payable (excluding VAT)	R 9 495,40	R 7 589.14	R 794,59	R 1 548,66	R 15 889,39	R 6 519.34	R 41 836,52
VAT	R 1 424,31	R 1 138,37	R 119,19	R 232,30	R 2 383,41	R 977,90	R 6 275.48
Total Pavabie (including VAT)	R 10 919.71	R 8 727.51	8 913.78	R 1 780,96	R 18 272.79	R 7 497.24	R 48 112.00

APPLICANT INFORMATION	
Application Processed by	Colin Taylor
Signature	
Date	As above
Amount Paid.	
Catr Payment Received	
Receipt Number	

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ANNEXURE F

(ADMINISTRATOR'S PERMISSION IN TERMS OF THE RESTRICTIVE TITLE DEED CONDITION, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL)

FOR A SECOND DWELLING UNIT AND A DEPARTURE)

COMMENTS FROM ELECTRICAL SERVICES

Annexure A

GENERAL COMMENT:

. No Comment

1.

CONDITIONS:

- 2. Electricity Supply to new Additional Dwelling should be fed from the main Distribution Board, which is situated outside the main building.
- 3. If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services.

4.

. All new developments and upgrades of supplies to existing projects are subject to **\$ANS 10400-XA** energy savings and efficiency implementations such as:

- Solar water Heating or Heat Pumps in Dwellings
- Energy efficient lighting systems
- Roof insulation with right R-value calculations .
- In large building developments;
- -Control Air condition equipment tied to alternative efficiency systems
- -Preheat at least 50% of hotwater with alternative energy saving sourse
- -All hot water pipes to be clad with insulation with R-value of 1
- 5. -Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
- 6. 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?

ERF 2664

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Date 22/2/201



ANNEXURE F

(ADMINISTRATOR'S PERMISSION IN TERMS OF THE RESTRICTIVE TITLE DEED CONDITION, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL)

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ERF 2664

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Date 22/2/201