



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13150

Our File Reference Number: Erf 3573, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

**APPLICATION FOR ADMINISTRATORS CONSENT TO RELAX THE RESTRICTIVE TITLE DEED CONDITIONS:
ERF 3573, 2 ANREITH STREET, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the administrators consent to relax the restrictive title deed condition contained in the title deed No: T80387/2016, clause III A(6)(d) (See **Annexure B**) in order to relax the common building line (adjacent to erf 3593) from 3.0m to 1.8m for a new pool on Erf 3573, Stellenbosch.

BE GRANTED

3. Conditions of approval:

- 3.1 Building plans must be generally in accordance with the site plan as referenced Drawing No. 2.01 drawn by IMP (IVNMC Design Studio), dated 2021-08-20 and attached as **Annexure C**.

4. The reasons for the above decision are as follows:

- 4.1 The proposal will not adversely impact on the surrounding environment, and the the property will still be residential.

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

21/2/2022

DATE:

ANNEXURE B: TITTLE DEED

1509

SMAL & ASSOCIATES
Dorp Straat 104
STELLENBOSCH
7600

Opgestel deur my



TRANSPORTBESORGER
ARNO WATSON

10 000 000,00 2310,00

DATA / CAPTURE
31 JAN 2017
MADAMAL

000080387 / 2016

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

ARNO WATSON

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

1. **Die Trustees indertyd van TERRY NEL FAMILIE TRUST**
Registrasienuommer IT1638/1993
(as blote eienaar)
2. **THERESE RENEE DE VRIES**
Identiteitsnommer 620729 0010 08 6
Ongetroud
(as vruggebruiker)

geteken te Stellenbosch op 16 November 2016

DE VRIES
07
2016

En genoemde Komparant het verklaar dat sy prinsipaal, op 3 November 2016, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedgeer en transporteer aan en ten gunste van

ALBERTUS ANDREAS VAN DER MERWE
Identiteitsnommer 870714 5301 08 3
Getroud buite gemeenskap van goed

sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, in volkome en vrye eiendom

ERF 3573 STELLENBOSCH
IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH
PROVINSIE WES-KAAP

GROOT 995 (NEGE HONDERD VYF EN NEGENTIG) Vierkante meter

AANVANKLIK OORGEDRA kragtens Transportakte Nr T6245/1962 met Kaart Nr 8038/61 wat daarop betrekking het en gehou kragtens Transportakte Nr T10707/2001 en Notariele Akte van Vruggebruik Nr. K116/2001S.

I. WAT BETREF DIE FIGUUR x.a.b.y. OP KAART NR. 8038/61:

- A. ONDERHEWIG** aan die voorwaardes genoem in Transportakte Nr T15962/1958
- B. ONDERHEWIG VERDER** aan die serwituuvoorwaardes waarna verwys word in di Endossement gedateer 7 Desember 1909 in Transportakte Nr T3832/1892 gedateer 1 Augustus 1892, wat soos volg lees

"By a Deed of the 15th September and 20th October 1909 a right of way over this property 15 feet wide has been granted to the Municipality of Stellenbosch for the purpose of inspection and maintaining a line of pipes, as will more fully appear on reference to the copy annexed"

C.

- D. NIE ONDERHEWIG** aan voorwaarde I D (a) en (b) op bladsy 3 van Transportakte Nr T10707/2001 nie, weens Artikel 53 van die Mineraalregte Registrasie Wysigingswet 24 van 2003

II. WAT BETREF DIE FIGUUR x.d.c.y. OP KAART NR. 8038/61

- A. ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr T15962/1958
- B. NIE ONDERHEWIG** aan voorwaarde II B op bladsy 3 van Transportakte Nr T10707/2001 nie, weens Artikel 53 van die Mineraalregte Registrasie Wysigingswet 24 van 2003

III. WAT BETREF DIE GEHEEL VAN ERF 3573 STELLENBOSCH

- A. ONDERHEWIG** aan die voorwaardes vervat in Transportakte Nr T6245/1962, opgelê deur die Administrateur van die Provinsie van die Kaap die Goeie Hoop tydens goedkeuring van die stigting van Karindal Dorpsgebied, naamlik:

- "1 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 Notice No 383 dated 13 June 1958
- 2 In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No 15 of 1952, as amended
- 3 The owner of this erf shall without compensation be obliged to allow electricity and waterpipes and mains and the sewage and drainage, including stormwater of any other erf or even inside or outside this township to be conveyed across this erf, if 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, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
- 4 The owner of this erf shall be obliged without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority
- 5 No building on this erf shall be used or converted to use for any purpose other than that stipulated in these conditions
- 6 This erf shall be subject to the following conditions, provided that on consolidation of any two or more even these conditions shall apply to the consolidated area as one erf, and provided further that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restrictions in any such conditions 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 outbuildings as are ordinarily required to be used therewith,
 - (c) not more than one-third of 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 20 feet to the street line which forms a boundary of this erf, nor within 15 feet of the rear or 10 feet of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 10 feet in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 30 feet reckoned from the rear boundary

- (e) In addition to the powers conferred to it by its building regulations the local authority shall be empowered to require that any buildings erected on this erf shall be so designed as to present a satisfactory aspect to both the roadway and to the abutting Public Place No 93 and may require any kitchen yard to be enclosed on all sides by a wall not less than 6 feet high'

B. **ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes vervat in Transportakte Nr. T6245/1962, opgelê deur Karindal Estates (Proprietary) Limited, as eienaar van die restant van Karindal Dorpsgebied kragtens Transportakte Nr. T15962/1958, tot hul voordeel en tot die voordeel van hul opvolgers in titel, naamlik

- "1 Plans of all dwelling houses, and outbuildings to be erected on this erf and of alterations to any buildings already erected including separate drainage and sewerage plans, elevations and specifications in duplicate, with an architect's or quantity surveyor's estimate of cost of construction, must be submitted to the said Company and the Local Authority, and the Company's written approval obtained before any such buildings or erections or structures are commenced by the owner of any erf. The approval of the aforesaid plans shall be subject to any conditions in regard thereto which the Company may wish to impose so as to ensure the harmonious and attractive development of the entire Township. The Company shall have the right to decide as to the suitability of any design and the elevation and location of any proposed building and of the soundness of the proposed construction. The Company, however, does not in any way whatsoever accept any legal responsibility arising directly or indirectly from plans which it approves, nor shall the Company make any charge for scrutinising such plans. In the event of the Company refusing to sanction a proposed erection in terms of the foregoing provisions, the owner shall have the right to refer the matter to the Local Authority whose decision shall be final.
- 2 The amount of the final cost for the erection of any dwelling house and outbuilding on this erf shall not be less than R7 000,00 unless the written consent of the said Company has been obtained for the erection of such house and outbuildings at a lesser cost.
- 3 No night-soil, refuse, slop water or other waste or offensive matter shall be allowed to accumulate on any portion of this erf. If the purchaser fails to comply with this condition the Company shall be entitled to remove such night-soil, refuse, slop water or other waste or offensive matter as it may deem desirable and to recover the cost of the removal thereof from the purchaser.
- 4 No sand, soil, gravel or other similar material shall be removed from this erf without the written consent of the Company.
- 5 No electric generating plant, windmill, or wind-operated machinery shall be established on this erf without the written consent of the Company.

- 6 No galvanised iron or corrugated asbestos shall be used to enclose or fence the said erf, nor shall it be used for the construction of the roof or any portion of the building erected on the said erf. In the event of any fence or wall being erected on this erf, plans for such fence or wall shall be subject to the Company's approval of such plans. Always provided that the Company makes no charge for scrutinising the aforesaid plans. The owner shall furthermore have the right of appeal to the Local Authority whose decision shall be final. If the purchaser fails to comply with this conditions, the Company shall be entitled to remove any fence which it may deem undesirably and not in keeping with the general standard of the Township and erect such fence as it deems desirable and recover costs of such removal and the provision of the new fence from the owner.
- 7 The Transferee and his successors in title shall not be permitted to keep or maintain any fowls, ducks, or other animal which by reason of their smell or noise are liable to create a nuisance to the neighbourhood. Domestic pets of an inoffensive nature may be kept on the land.
- 8 The Transferee and his successors in title undertake to assist the Company in its efforts to maintain the high standard of the Township and, in particular, to assist in keeping the grass verge along the pavement immediately adjoining this erf in a neat and tidy condition, and to protect such trees as may be planted in the pavement immediately adjoining this erf.
- 9
- 10 The said land or any buildings hereafter erected thereon shall not be used for the purpose of advertising or display nor shall the purchaser permit so be displayed thereon any advertisement without the written consent of the Company. Such consent if given may be withdrawn by the Company, in which event the Purchaser shall at once remove and discontinue the use of any advertisement to which the Company may object.
- 11 Washing may not hung on boundary fences, but shall at all times be reasonably concealed from public view and hung on neatly constructed washing lines.
- 12 The above conditions may be enforced against the owner by the Company as registered owner of the remainder of the Karindal Township or by the registered owner of any land forming part of the said Township whose transfer is subject to similar conditions."



WESHALWE die komparant afstand doen van al die regte en titel wat

1. Die Trustees indertyd van TERRY NEL FAMILIE TRUST Registrasienuommer IT1638/1993 en
2. THERESE RENEE DE VRIES , Ongetroud

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

ALBERTUS ANDREAS VAN DER MERWE , Getroud soos vermeld

sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, lams en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hy dat die verkoopprijs die bedrag van R10 000 000.00 (TIEN MILJOEN RAND) beloop

TEN BEWYSE WAARVAN ek, genoemde Registrateur tesame met die Komparant hierdie Akte onderteken en dit met die Ampseel bekragtig het

ALDUS GEDOEN EN VERI Y op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op hede die *23 ste Desember 2016*.

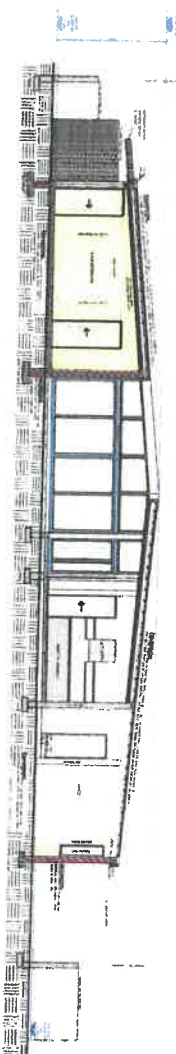
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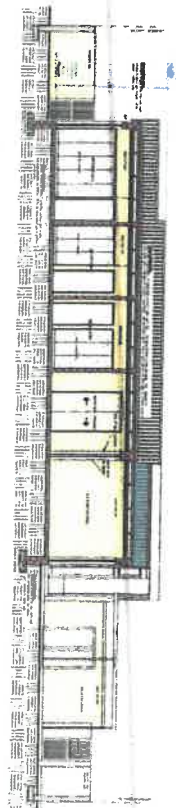
In my teenwoordigheid


REGISTRATEUR VAN AKTES

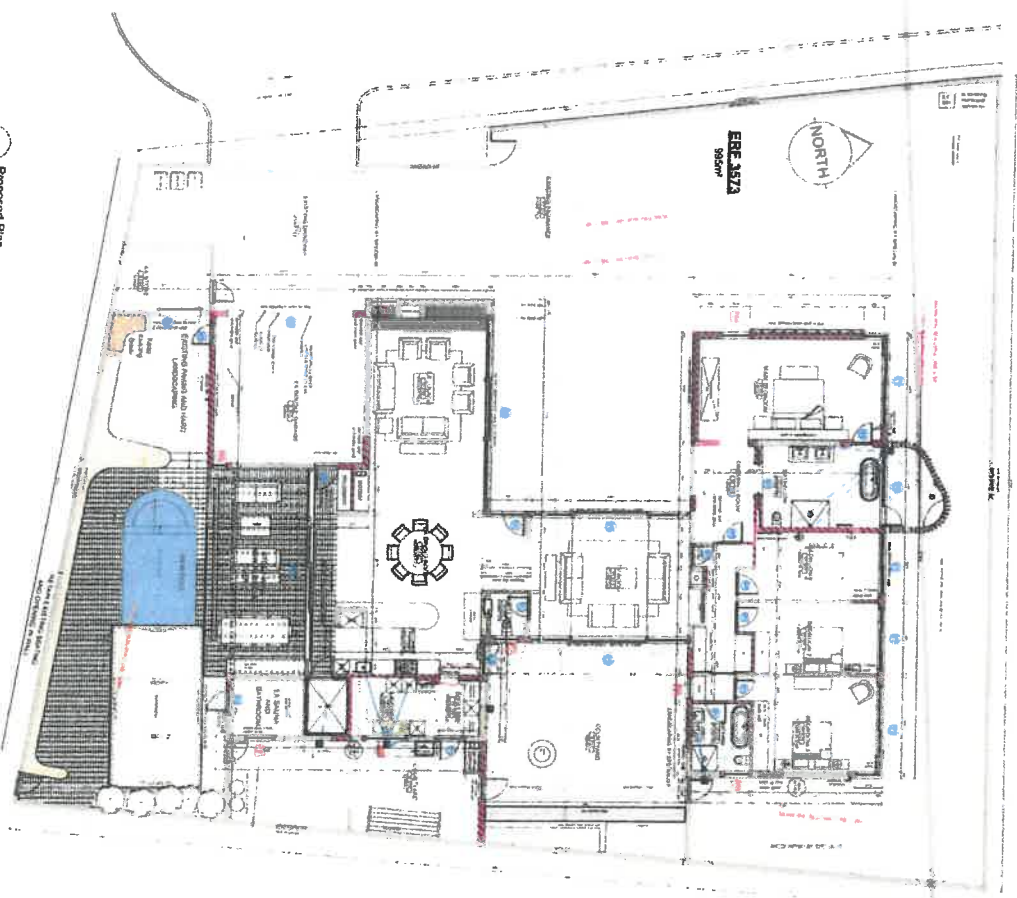
ANNEXURE C: SITE PLAN



SECTION A-A
1/100



SECTION B-B
1/100



Proposed Plan
1/100

CONTRIBUT

HOUSE VAN DER MERWE
ERF 3573
KARINDAL
Stellenbosch

INTERNAL ALTERATION
AND ADDITION
PROPOSED PLAN AND
SECTIONS

20/20 AS SHOWN
2.01 2021-08-20
1:50 1:50

DATE	20/20	AS SHOWN
SCALE	2.01	2021-08-20
REV	1:50	1:50

