



Application Number: LU/12521

Our File Reference Number: Erf 3718, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir / Madam

**APPLICATION FOR ADMINISTRATOR'S CONSENT TO RELAX RESTRICTIVE TITLE DEED CONDITION,  
DEPARTURE AND CONSENT USE ON ERF 3718, 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 **Administrator's consent to relax restrictive title deed condition D (3) (d)** on page 3 of the title deed No. T17961/2016, in order to accommodate the proposed new study room on top of the existing garage. The restrictive title deed condition to be Relaxed reads as follows:

a) **D (3) (d)** geen gebou of struktuur of enige gedeelte daarvan; behalwe grensmure en heinings, mag binne 6,30m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3,15m van die agtergrens of sygrens van 'n aangrensende erf nie."

2.2 **Permanent departure** in terms of Section 15 (2)(b) of the Land Use Planning By-law to relax both the side and rear building lines respectively from 2.5m to 2.35m in order to accommodate the new proposed study room on top of the existing garage.

2.3 **Consent Use** in terms of Section (2)(o) of the Land use Planning By-law for additional Uses exceeding parameters of the Conventional Residential Zone, in order to accommodate an occupational practice (Movement Therapy Practice).

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

### 3. Conditions of Approval

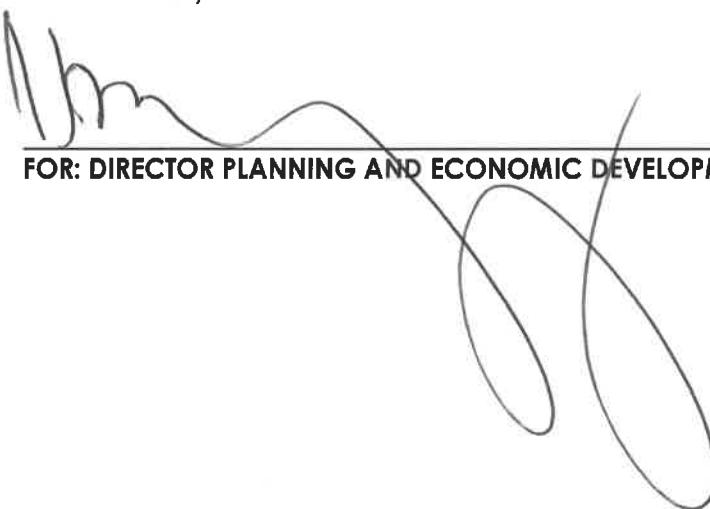
- 3.1 The approval applies only to the application in question as indicated on site plan drawn by MH Steyn, dated 18/10/2021 (**ANNEXURE C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- 3.2 The conditions imposed by the Director: Engineering Services as contained in their memo dated 08 July 2021, attached as **ANNEXURE F**, be complied with;
- 3.3 The occupational practice shall be limited to 72,6 m<sup>2</sup>.
- 3.4 The operator of the home occupational practice shall reside on the land unit from which the office use activity is conducted, and the dominant use of the land unit shall remain the operator's residence.
- 3.5 The residential character of the façade of the dwelling house shall be retained to the satisfaction of the Municipality.
- 3.6 The occupational practice may not cause a public nuisance.
- 3.7 No advertising sign may be displayed other than a single non-illuminated sign which does not project over a public road and which does not exceed 0.5m -submit plans to heritage department.
- 3.8 All parking for clients must be accommodated on the Erf. No parking in the road reserve is allowed.
- 3.9 Building plans must be submitted, and be approved by this Municipality, prior to any building work commencing on site;
- 3.10 The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

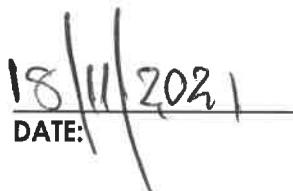
4. The reasons for the above decision are as follows:
  - a) The proposed application would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 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](mailto: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 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.
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**

  
DATE:

## **ANNEXURE B: TITTLE DEED**

**285**

JOOSTE HESWICK INC.  
12 PAPEGAAI STREET  
STELLENBOSCH

Purchase price/Value		Amount:	Reason for exemption
Purchase price/Value	1 850 000,00	R 950,00	
Mortgage capital Amount		R 990,00	
Reason for exemption		Amount R 0,00	

Prepared by me

*[Signature]*  
CONVEYANCER  
MICHELLE LEATITIA HESWICK

T 000017961 / 2016

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**JACOBUS PETRUS VAN ZYL**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at PINELANDS on 20 JANUARY 2016 granted to him by

MATTHYS HAUPTFLEISCH  
Identity Number 370112 5065 08 6  
and  
BARBARA LINET HAUPTFLEISCH  
Identity Number 430321 0066 18 3  
Married in community of property to each other

DATA CAPTURE  
12 APR 2016  
KETIEN

And the appearer declared that his said principal had, on 6 January 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MIA HELENA STEYN  
Identity Number 770417 0120 08 3  
Unmarried

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 3718 STELLENBOSCH, IN THE MUNICIPALITY AND DIVISION OF  
STELLENBOSCH, PROVINCE OF THE WESTERN CAPE

IN EXTENT 987 (NINE HUNDRED AND EIGHTY SEVEN) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 9867/1958 with Diagram  
Number 1391/48 annexed thereto and held by Deed of Transfer Number T 47749/1998

- A. SUBJECT to the conditions as referred to in Deed of Transfer Number T 9867/1958;
- B. ENTITLED to the benefit of the conditions as referred to in the two (2) endorsements dated 20 September 1938 on Deed of Grant issued on 22 June 1908 (Stellenbosch Freeholds Quitrents 8 No 15) which reads as follows:-

"REGISTRATION OF SERVITUDE"

By Transfer No 9729 dated 20.9.1938

(a) a right of way 7,56 m wide over the property thereby conveyed and numbered z h g and 1,2 on the diagram thereto annexed, joining up with the right of way from g to l indicated on the said diagram has been granted in favour of the owner and his successors in title of the property held hereunder.

(b) a strip of land 6,30 m wide along the boundary marked q p on the said diagram shall not be cultivated by the owner of the property thereby conveyed but only be used for road purposes as will more fully appear on reference to the aid transfer."

"REGISTRATION OF SERVITUDE"

By transfer No 9730 dated 20.9.1938.

A right of way 7,56 m wide from the beacon h to the beacon j on the property held thereunder and indicated on the diagram thereof is granted in favour of the remainder of the land hereunder, as will more fully appear on reference to the said Transfer."

X

C. NOT SUBJECT to Condition C on page 3 of Deed of Transfer Number T 47749/1998, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

D. SUBJECT to the following special conditions contained in the said Deed of Transfer Number 9867 dated 15 July 1958, imposed by the Administrator in terms of the provisions of Section 18(3) of Ordinance No 33 of 1934, namely :-

- "1. Enige woorde en uitdrukings wat in die volgende voorwaardes gespesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies aangekondig by Kennisgewing van die Provinciale Administrasie No 401 van 17 Oktober 1935, en in die memorandum van genoemde regulasies vermeld is."
- 2. Die eienaar van hierdie erf is verpligt om sonder betaling van vergoeding, toe te laat dat die rioolvuil en dreinering insluiteggde reënwater van enige ander erf of erwe oor hierdie erf gevoer word indien die deur die plaaslike owerheid nodig gevra word, en wel op die wyse van ligging wat van tyd tot tyd redelikwys vereis word. Dit sal die reg op toegang te alle redelike tye tot die eiendom insluit met dié doel om die rooiloppe, vore waterleiding en ander werke behorende daartoe te bou, onderhou, verander verwyder of te inspekteer.
- 3. Hierdie erf is onderhewig aan die volgende voorwaardes met dien verstande dat indien dit Administrateur, na oorleg met die Dorpekommissie en die plaaslike owerheid dit raadsam ag dat die beperkings in enige sodanige voorwaardes te eniger tyd opgeskort of versag behoort te word, by die nodige opskorting of versagting kan goedkeur onderworpe aan sodanige voorwaardes as wat hy oplegt:

  - (a) die mag die onderverdeel word nie;
  - (b) die mag slegs gebruik word vir die doel om een woning of 'n vergaderplek, tsesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop 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 hekinings, mag binne 6,30 m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3,15 m van die agtergrens of sygrens van 'n aangrensende erf nie."

E. SUBJECT to the following special conditions contained in said Deed of Transfer Number T 79867 dated 15 July 1958 by and in favour of the Municipality of Stellenbosch namely :-

33.3 1/4

C.C.W.

Bentaling

Lemel

S.E. 6-3.

S/P. E.15

Gat

1. Die eienaar moet binne 'n tydperk van TWEE (2) jaar, gereken vanaf die verkoopdatum, 'n woonhuis wat 'n oppervlakte van nie minder as 119 m² moet bestaan nie, waarby 'n motorhuis en bedienendekamer nie ingesluit is nie, en tot 'n waarde van 'n Municipale waardasie van minstens R1200,00 ooprig. Indien sodanige woonhuis opgerig is en daarna gedeeltelik of geheel-en-al vernietig word, moet die woonhuis binne 'n tydperk van twee (2) jaar gereken vanaf die datum van vernietiging herstel word of opnuut opgerig word na gelang van die geval sodat dit aan bogenoemde vereistes voldoen. Indien sodanige woonhuis nie soos voornoem opgerig word of herstel of heropgerig word nie, moet gelikwidgeerde skadevergoeding gelyk aan die jaarlikse belastings wat betaalbaar sou gewees het, op die basis van sodanige waardasie aan gemelde Municipaaliteit betaal word bo en behalwe die belasting wat op die waardering van die grond in ieder en elke jaar geheg word totdat sodanige woonhuis voltooi is tot bevrediging van gesegde Municipaaliteit. Ingeval voorsiening gemaak is deur die gemelde Municipaaliteit vir hoof rioolpype en wateraanleg waarby die eiendom hierdeur getransporteer aansluiting kan maak, sal die eienaar, indien hy versuim om bogemelde vereistes na te kom verder ook aan gesegde Municipaaliteit betaal die minimum water en sanitasiefooie wat jaarliks betaalbaar sou wees op 'n woonhuis waarop 'n Municipale skatting van R1200,00 geplaas is, plus die waardasie van die grond tot tyd en wyl die gesegde vereistes deur hom nagekom is.
2. Die eienaar van hierdie erf is verplig om te sorg dat die geboue wat hy op hierdie erf gaan ooprig wat die boukundige hoedanighede daarvan betref aan die vereistes van die bouregulasies van die gemelde Municipaaliteit van Stellenbosch voldoen wat van toepassing is wanneer die gebou oopgerig word en ook voldoen aan die beleid van die gemelde Municipaaliteit wat betref die ontwerp, lostruksie en aansigte van geboue. Geen gebou mag op hierdie erf opgerig word nie wat nie volgens die opinie van die gemelde Municipaaliteit by die geboue in die omgewing pas nie, en wat, in die opinie van die gemelde Municipaaliteit, van 'n minderwaardiger gehalte is wat betref vertoning en materiaal as ander geboue in die omgewing.
3. Planne vir alle omheinings van hierdie erf, van watter materiaal die ookal mag wees, moet aan die gemelde Municipaaliteit van Stellenbosch vir goedkeuring voorgelê word, en geen sinkplaat omheinings of sinkomheinings van eniger aard mag op hierdie erf aangebring word nie.
4. Die dakke van alle geboue op hierdie erf moet eenvormig wees wat materiaal en styl betref. Platdakke vir buitegeboue sal slegs toegelaat word as die hoofgebou ook 'n platdak het.
5. Die eienaar van hierdie erf aanvaar geen bedrywigheid wat deur geraas of in enige ander opsigte 'n oorlaas vir ander bewoners van erwe sal veroorsaak nie. Hy sal nie op hierdie erf out vir wins saag of kap nie, of toelaat dat dit gedoen word, nog enige materiaal wat hy in verband met enige besigheid wat hy buite hierdie erf mag drywe, op hierdie erf mag bêre nie."

WHEREFORE the said Appearer, renouncing all right and title which the said

**MATTHYS HAUPTFLEISCH and BARBARA LINET HAUPTFLEISCH,  
Married 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

**MIA HELENA STEYN, Unmarried**

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 850 000,00 (ONE MILLION EIGHT 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 DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

01 APR 2016

2016

q.q.

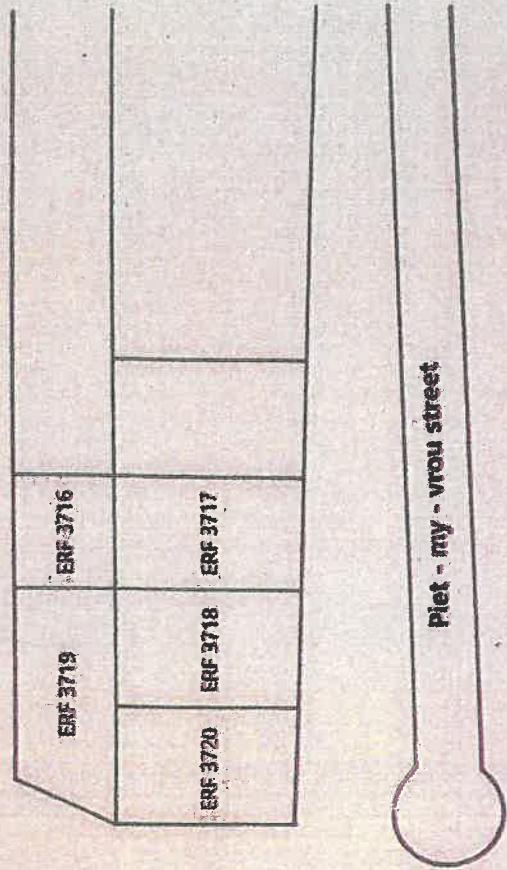
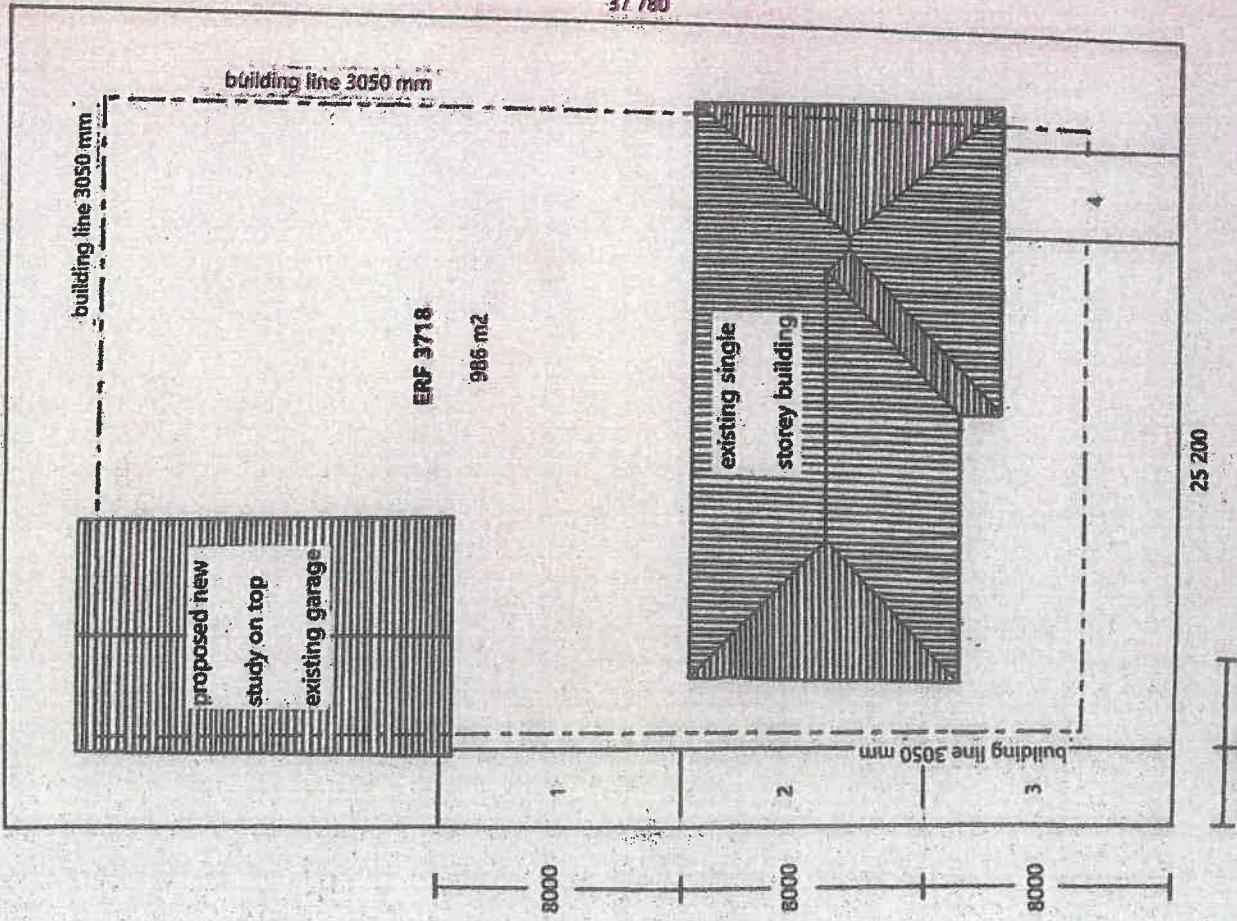
In my presence

REGISTRAR OF DEEDS

## **ANNEXURE C: SITE DEVELOPMENT PLAN**

ERF 3719

27 040



NORTH

SITE PLAN

PARKING BAY

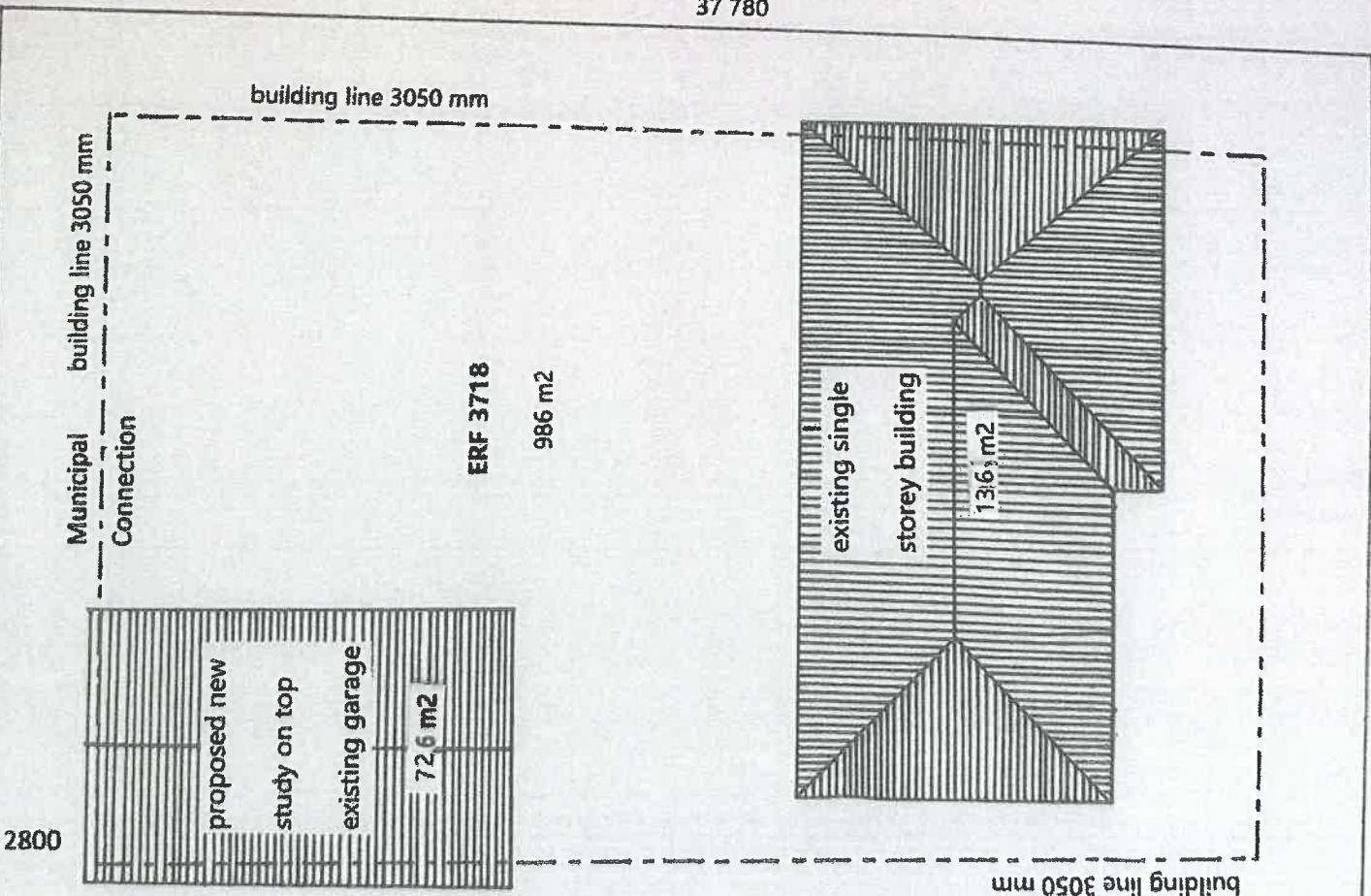
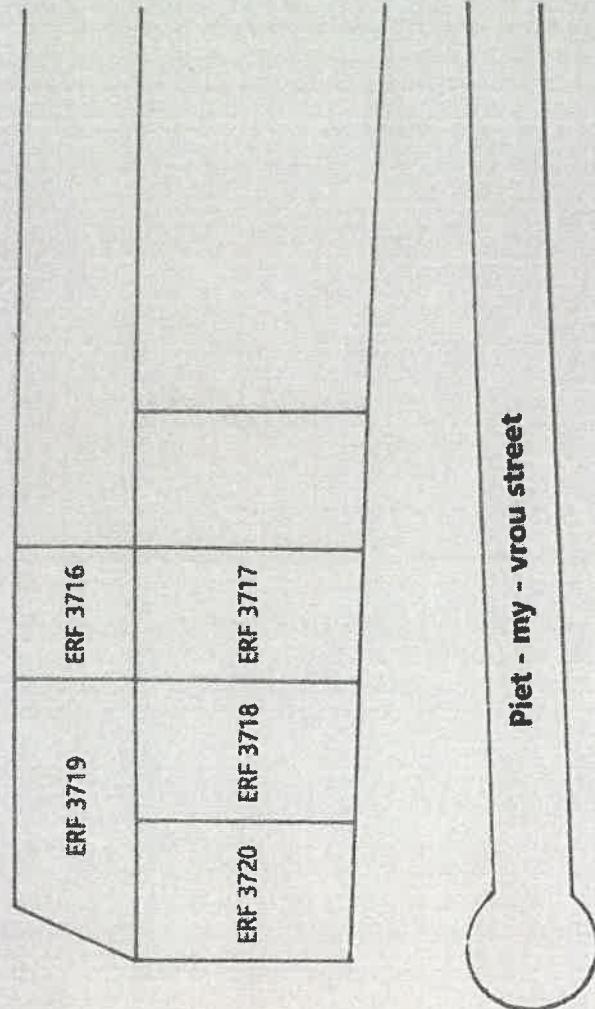
ERF 3718, 11 PIET-MY-VROU STREET, ONDER PAPGAAIBERG,  
STELLENBOSCH

MH STEYN

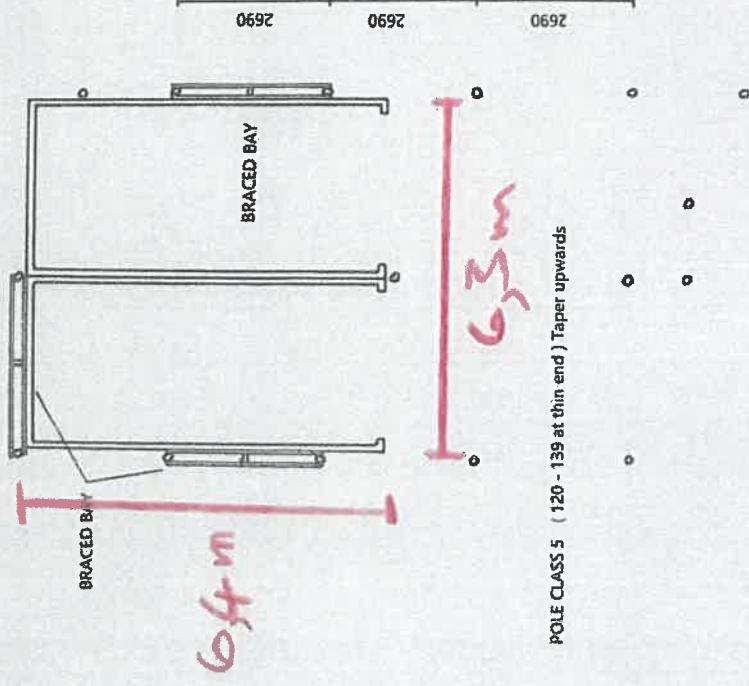
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NORTH

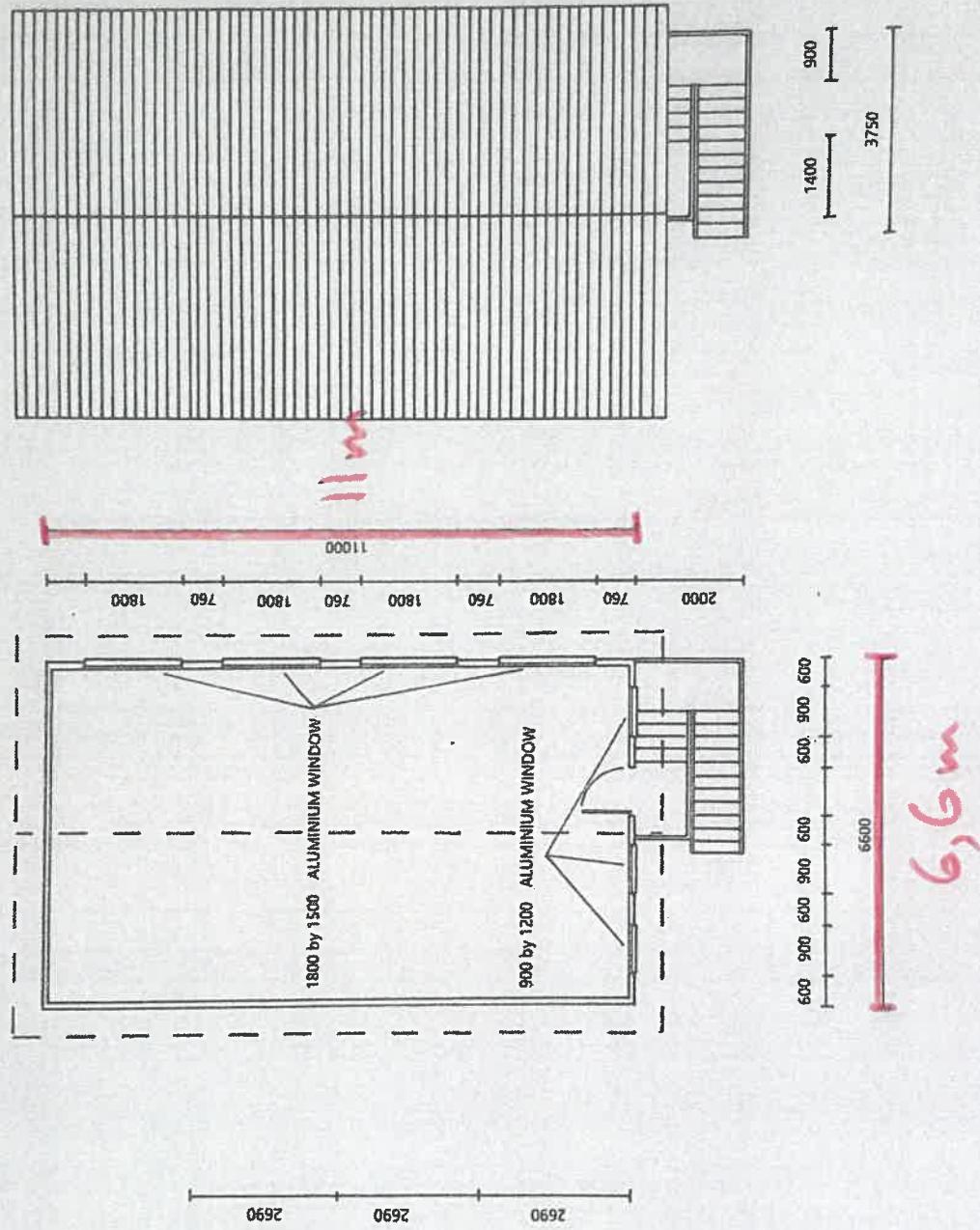
27 040



**GROUND FLOOR** **40,32 m<sup>2</sup>**  
EXISTING PRECAST CONC. GARAGE



**FIRST FLOOR** **72,6 m<sup>2</sup>**  
PROPOSED NEW STUDY



## FLOOR PLAN

ERF 3718, 11 PIET MY VROU, ONDER PAPEGAAIBERG, STELLENBOSCH

M.H. STEYN

**ANNEXURE F: COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES**



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# **MEMORANDUM**

DIREKTEUR: INFRASTRUKTUURDIENSTE  
DIRECTORATE: INFRASTRUCTURE SERVICES

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**To □ Aan:** Director: Planning + Economic Development  
**Att Aandag** Nolusindiso Momoti  
**From □ Van:** Manager: Development (Infrastructure Services)  
**Author □ Skrywer:** Tyrone King  
**Date □ Datum:** 8 July 2021  
**Our Ref □ Ons Verw:** Civil LU 2185  
**Your Ref:** LU/12521  
**Re □ Insake:** Erf 3718, Stellenbosch: Building line relacation and permission  
in terms of the zoning scheme in order to accommodate an  
occupational practice

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

- 1. Civil Engineering Services**  
1.1 No objection, no municipal services are affected.
  
- 2. Roads**  
2.1 All parking for clients must be accommodated on the erf. No parking in the road reserve is allowed. Should this condition not be adhered to, the Municipality may revoke this approval.
  
- 3. Development Charges (DCs)**  
3.1 The following DC's are payable: See Development Charge Calculation attached.  
3.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

- 3.3 The appropriate DC's are payable before building plan approval (consent use/sectional title).
- 3.4 DCs for water and sewer are not included in this calculation, as no plumbing to the studio is indicated on the conceptual plans. This will be re-assessed when building plans are submitted for approval.

**4. Electrical Engineering**

- 4.1 Refer to Annexure: Electrical



**Tyrone King Pr Tech Eng  
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0\DEVELOPMENT\00 Developments\2185 (TK) Erf 3718, Stellenbosch (LU-12521)\2185 (TK) Erf 3718, Stellenbosch (LU-12521).doc

3718

1. No Objection

**CONDITIONS:**

2. If upgrade is needed Bulk Levy Contributions are payable.
3. Installation cost for the new electrical service cable is the responsibility of the applicant.
4. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages?
5. All new developments and upgrades of supplies to existing projects are subject to **SANS 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 source
  - All hot water pipes to be clad with insulation with R-value of 1
  - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
6. All electrical wiring should be accordance with SANS 10142 and Municipal by-laws.

Bradley Williams

Date.....01/07/2021.....



Signature

# Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number	2185 (TK) Erf 9718, Stellenbosch (LU-12521)
Date	Thursday, 08/Jul/2021
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	3718
Erf Size (m²)	
Suburb	
Applicant	
Approved Building Plan No.	Floor plan included in land use application

## SUMMARY OF DC CALCULATION

Unit(s)	Water kL/day	Sewer kL/day	Storm-water ha·C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	0.290	0.254	0.006	0.029	6.53	6.5	
Total Development Charges before Deductions				R 1 542.74	R 47 485.76	R 1 082.40	R 50 110.90
Total Deductions							
Total Payable (excluding VAT)				R 1 542.74	R 47 485.76	R 1 082.40	R 50 110.90
VAT				R 231.41	R 7 122.86	R 162.36	R 7 516.63
Total Payable (including VAT)				R 1 774.15	R 54 608.63	R 1 244.76	R 57 627.53

## APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	No water and sewer connection to new first floor studio is indicated on the plan - can be re-assessed when BPs submitted
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number:	

