



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/5944

Our File Reference Number: Erf 5117, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: hendrikm@mweb.co.za

Sir / Madam

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND A DEPARTURE: ERF 5117, 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 the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 5117, Stellenbosch, namely:
 - 2.1.1 Removal of restrictive title deed conditions in terms of Section 15(2)(f) of the said By-Law to remove clause B.6.(b) on Erf 5117, Brandwacht, Stellenbosch, as contained in the Deed of Transfer No. T. 15729/2014, in order to accommodate the proposed double garage as indicated on Drawing no. 2016/07 dated March 2017 and drawn by Moller Architects.
 - 2.1.2 Departure in terms of Section 15(2)(b) of the said By-Law to relax the common building line (adjacent to Erf 5116 from 2,5m to 0m in order to accommodate the proposed double garage on Erf 5117, Brandwacht, Stellenbosch (See **ANNEXURE B**).

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 for removal of restrictions and departure as shown on Drawing No. 2016/07 dated March 2017 and drawn by Moller Architects (See **ANNEXURE C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 Building plans must be submitted to this Municipality for consideration and approval.

Conditions to be noted:

The applicant must after the publication of a notice in the Provincial Gazette by the Municipality apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, 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 additions are in line with the existing land use of the property and the surrounding area as they are residential in nature;

4.2 The proposal should have no impact on the adjoining properties or streetscape as De Wet Street is a very wide street with wide sidewalk.

4.3 The use of the structure is an extension of the existing residential use of the property.

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;

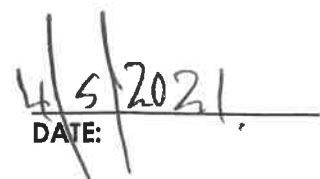
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice 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. An applicant 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


DATE:



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ANNEXURE B

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND A DEPARTURE: ERF 5117,
STELLENBOSCH)**

SITE & FLOOR PLAN

The design of this drawing remains the property of Muller Architects. Copyright Reserved.

General Notes

All work and dimensions to be measured by contractors on site unless otherwise indicated.
 All building work to comply with national and provincial building regulations.
 All building work to comply with the National Building Regulations and Building Standards Act 107 of 2019.
 All dimensions to be taken from the face of the wall unless otherwise indicated.

Foundations

All foundations to be designed and constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All foundations to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All foundations to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Wells

All wells to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All wells to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All wells to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Floors

All floors to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All floors to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All floors to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Ceilings

All ceilings to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All ceilings to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All ceilings to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Roof

All roofs to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All roofs to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All roofs to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Rainwater goods

All rainwater goods to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All rainwater goods to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All rainwater goods to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Windows and doors

All windows and doors to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All windows and doors to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.
 All windows and doors to be constructed in accordance with the relevant provisions of the National Building Regulations and Building Standards Act 107 of 2019.

Schedule of Area's

Existing Houses:	325,0
Covered Patio:	27,0
Ground Floor:	00,0
Garage:	61,0
Total Area:	413,0
ERF Size:	1224,0
Coverage Allowed:	57%
Coverage Achieved:	29%

Council Submission Drawings

Additions to existing Residence for Mr & Mrs Verster, on ERF 5117, Brandwacht, Stellenbosch.

Drawn: Muller Architects - Pr Arch 21410

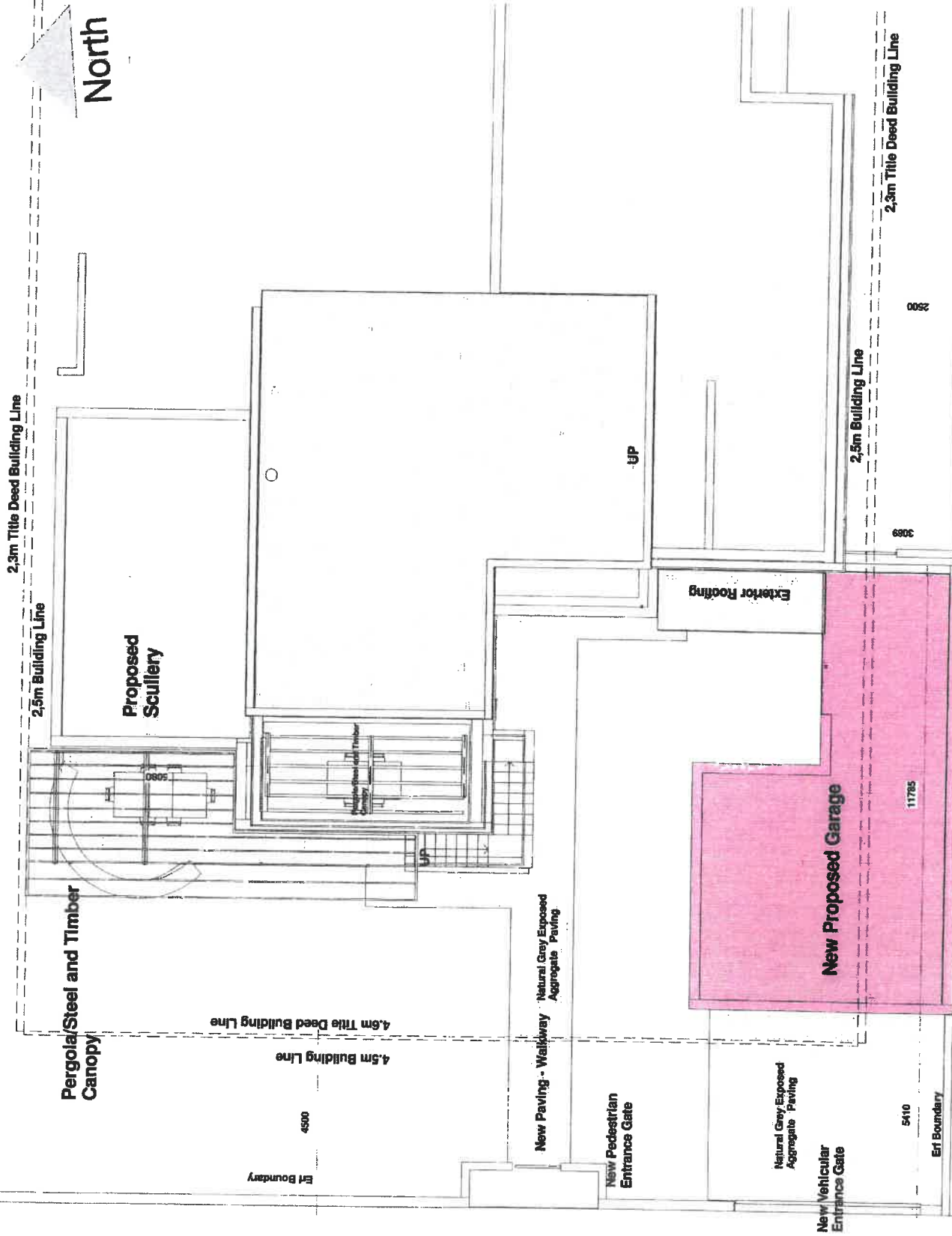
13 Drosty Str.
 Stellenbosch
 7600

hendrik@mab.co.za
 cell: 083 455 4543

Dwg no. 2016/07
 Date March 2017

Drawing Title: Site Plan

Sheet - 01



Additions and Refurbishments to Residence Verster on ERF 5117, Brandwacht, Stellenbosch

The design of this drawing remains the property of Moller Argitekto. Copyright Reserved.

General Notes

- All work and drawings to be checked by contractors on site before commencing work.
- As shown on drawings, all work to be done in accordance with the relevant standards and specifications.
- All work to be done in accordance with the relevant standards and specifications.
- All work to be done in accordance with the relevant standards and specifications.
- All work to be done in accordance with the relevant standards and specifications.

Foundations

- All foundations to be constructed in accordance with the relevant standards and specifications.
- All foundations to be constructed in accordance with the relevant standards and specifications.
- All foundations to be constructed in accordance with the relevant standards and specifications.
- All foundations to be constructed in accordance with the relevant standards and specifications.

Walls

- All walls to be constructed in accordance with the relevant standards and specifications.
- All walls to be constructed in accordance with the relevant standards and specifications.
- All walls to be constructed in accordance with the relevant standards and specifications.

Floors

- All floors to be constructed in accordance with the relevant standards and specifications.
- All floors to be constructed in accordance with the relevant standards and specifications.
- All floors to be constructed in accordance with the relevant standards and specifications.

Ceilings

- All ceilings to be constructed in accordance with the relevant standards and specifications.
- All ceilings to be constructed in accordance with the relevant standards and specifications.

Roof

- All roofs to be constructed in accordance with the relevant standards and specifications.
- All roofs to be constructed in accordance with the relevant standards and specifications.

Rainwater goods

- All rainwater goods to be constructed in accordance with the relevant standards and specifications.
- All rainwater goods to be constructed in accordance with the relevant standards and specifications.

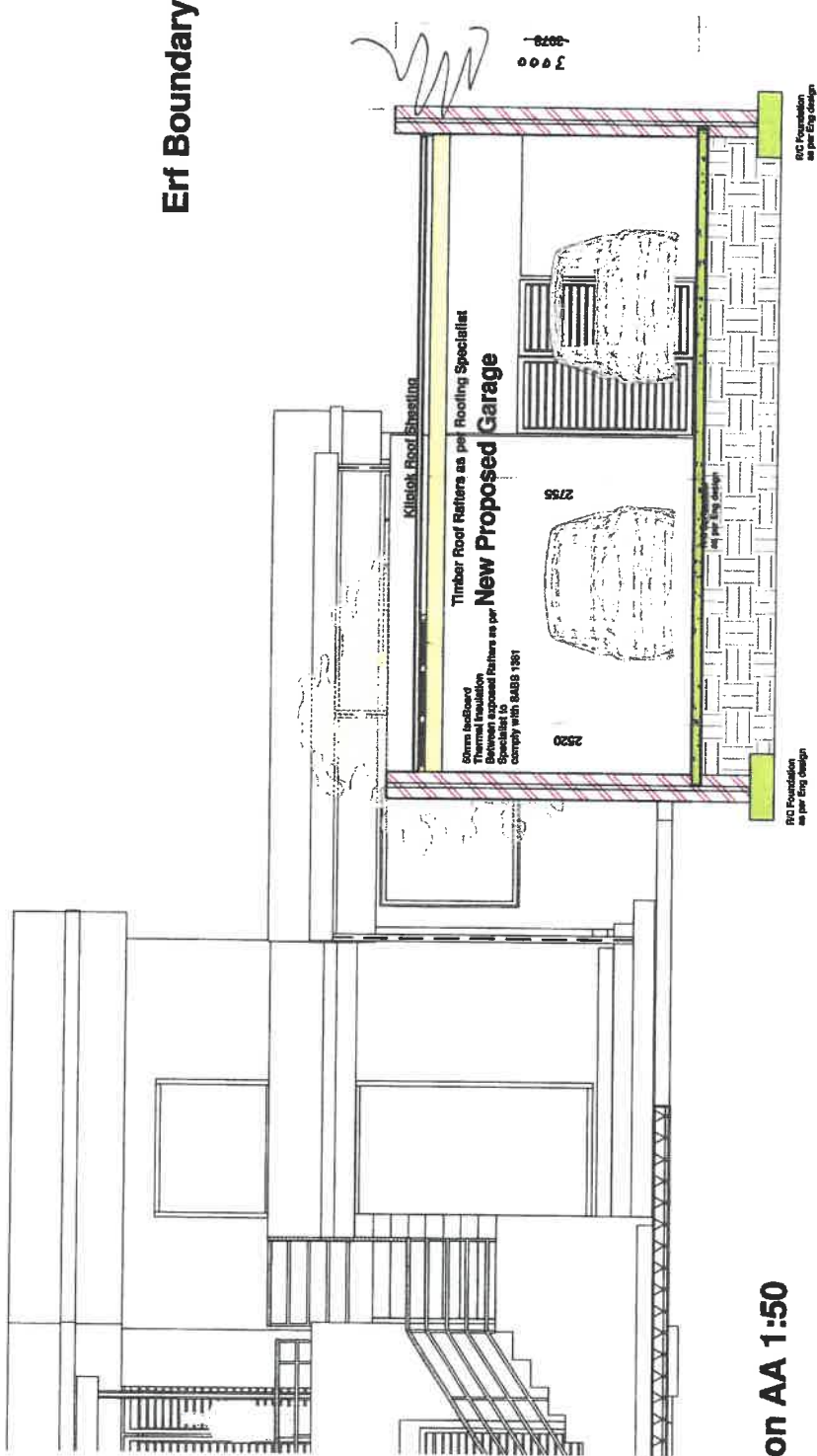
Windows and doors

- All windows and doors to be constructed in accordance with the relevant standards and specifications.
- All windows and doors to be constructed in accordance with the relevant standards and specifications.

Schedule of Area's:

Existing House:	234,0
Covered Patio:	27,0
Ground Floor:	80,0
Carport:	61,0
Total Area:	413,0
Erf Size:	1234,0
Coverage Allowed:	50%
Coverage Achieved:	25%

Section AA 1:50



Erf Boundary

Council Submission Drawings

Additions to existing Residence for Mr & Mrs Verster, on ERF 5117, Brandwacht, Stellenbosch.

Drawn: Moller Argitekto - Pr Arch 214101
 13 Drosty Str.
 Stellenbosch
 7800
 henoffim@arnweb.co.za
 cell: 083 485 4543
 2016/07
 Date: March 2017
 Drawing Title: Section
 Sheet - 04

Proposed new Garage for Residence Verster on ERF 5117, Brandwacht, Stellenbosch

The design of this drawing contains the copyright of the architect.
Copyright Reserved.

General Notes

All work to be done in accordance with the drawings and specifications. All work to be done in accordance with the drawings and specifications. All work to be done in accordance with the drawings and specifications.

Foundations

- 01 Foundation to be in accordance with the drawings and specifications.
- 02 Foundation to be in accordance with the drawings and specifications.
- 03 Foundation to be in accordance with the drawings and specifications.

Walls

- 01 Walls to be in accordance with the drawings and specifications.
- 02 Walls to be in accordance with the drawings and specifications.
- 03 Walls to be in accordance with the drawings and specifications.

Floors

- 01 Floors to be in accordance with the drawings and specifications.
- 02 Floors to be in accordance with the drawings and specifications.
- 03 Floors to be in accordance with the drawings and specifications.

Ceilings

- 01 Ceilings to be in accordance with the drawings and specifications.
- 02 Ceilings to be in accordance with the drawings and specifications.

Roof

- 01 Roof to be in accordance with the drawings and specifications.
- 02 Roof to be in accordance with the drawings and specifications.

Rainwater goods

- 01 Rainwater goods to be in accordance with the drawings and specifications.
- 02 Rainwater goods to be in accordance with the drawings and specifications.

Windows and doors

- 01 Windows and doors to be in accordance with the drawings and specifications.
- 02 Windows and doors to be in accordance with the drawings and specifications.

Schedule of Area's

Existing House:	301.0
Covered Patio:	27.0
Additions:	
Ground Floor:	24.0
Carport:	61.0
Total Area:	413.0
Erft Size:	1224.0
Coverage Allowed:	50%
Coverage Achieved:	25%

Council Submission Drawings

Additions to existing Residence for Mr & Mrs Verster, on ERF 5117, Brandwacht, STELLENBOSCH.

Drawn: Moller Argitekts - Pr Arch 21410

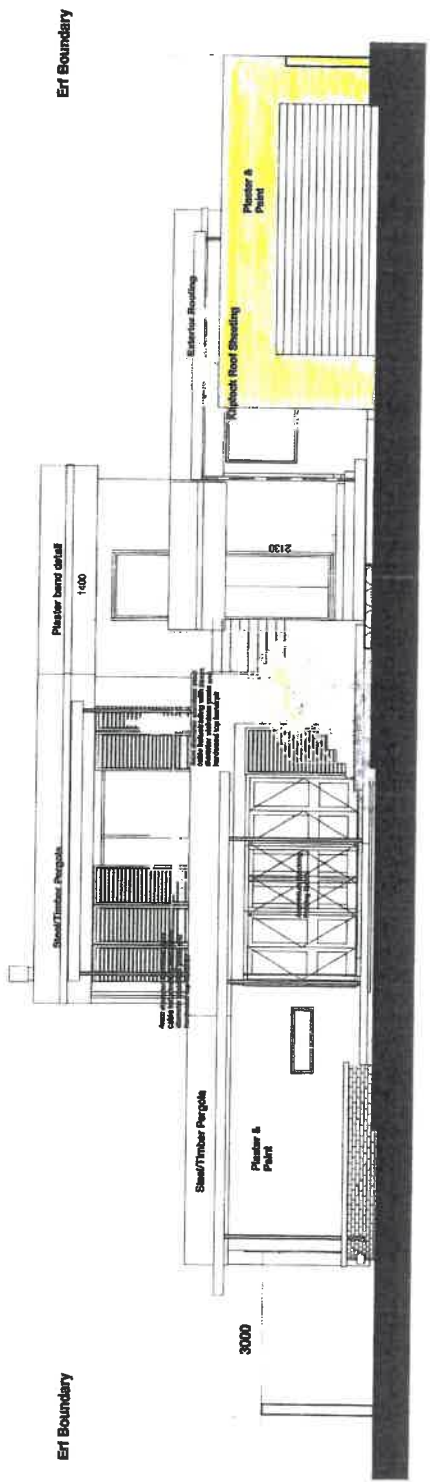
13 Drostyd Str.
Stellenbosch
7600

henrik@mweb.co.za
cell: 083 455 4543

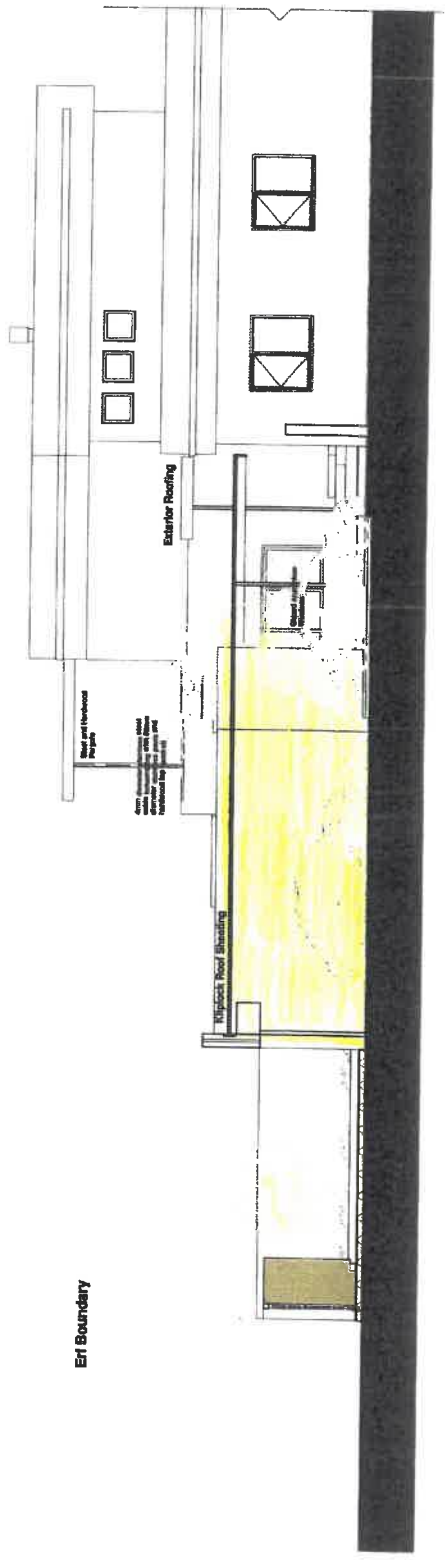
2016/07
March 2017

Dwg no. 101/102
Date

Drawing Title: Elevations
Sheet - 03



Western Elevation 1:100



Southern Elevation 1:100

Additions and Refurbishments to Residence Verster on ERF 5117, Brandwacht, Stellenbosch



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ANNEXURE C

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND A DEPARTURE: ERF 5117,
STELLENBOSCH)**

COPY OF TITLE DEED


11

STBB SMITH TABATA BUCHANAN BOYES
Somerset West
1st Floor, Dynarc Triangle
13 Urstel Crescent
Somerset Mall
Somerset West
7137
Docex 15, Somerset West

Prepared by me,


CONVEYANCER
ANNA ELIZABETH VAN ROOYEN
Annemarie van Vuuren

Pro endorsement		Office fee
Amount		
Purchase price/Value	R. 3 400 000,00 = R. 1 100,00	
Mortgage capital Amount	R.	R.
Reason for exemption	Cat.	Exempt i.t.o. section Act

VERKOP	MORTGAGE
R. 3 400 000,00	
B 000009329 / 2014	
2014-03-31	REGISTRATEUR/REGISTRAR

T 000015729 / 2014

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

BELINDA KATE LEWIS

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he/she, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

HELENA CATHARINA CONRADIE
Identity Number 610428 0052 08 9
Unmarried

signed at SOMERSET WEST dated 3 FEBRUARY 2014

DATA / CAPTURE
03 APR 2013
FANTI WENDY

B: ACKBOOK
09 APR 2014
MASILI TAMARA

AND the said Appearer declared that his/her principal had on 16 January 2014 truly and legally sold, by Private Treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

1. **JACOBUS PIETER VERSTER**
Identity Number 730912 5058 08 9
Married out of community of property
2. **ADELE VERSTER**
Identity Number 760211 0136 08 8
Married out of community of property

their heirs, executors, administrators or assigns in full and free property:

**ERF 5117 STELLENBOSCH
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH
WESTERN CAPE PROVINCE**

IN EXTENT: 1080 (ONE THOUSAND AND EIGHTY) Square Metres

**FIRST TRANSFERRED BY DEED OF TRANSFER No. T42201/1980 WITH
GENERAL PLAN TP8376 RELATING THERETO AND HELD BY DEED OF
TRANSFER No. T55161/2002**

- A. **SUBJECT** to the conditions as are referred to in Deed of Transfer T2732/1903;
- B. **FURTHER SUBJECT** to the following conditions imposed by the Administrator of the Cape of Good Hope when approving of Stellenbosch Township Extension No. 15 in accordance with Ordinance No. 33 of 1934, namely:
 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 13th 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 the 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 cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven 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 for the purpose of constructing, altering, removing or inspecting any works connected with the above.

4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on this erf, as may be required to allow use of the fully 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 permitted in terms of these conditions.
6.
 - (a) This erf shall be used solely for the purpose or erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
 - (b) No buildings or structure or any portion thereof except boundary walls or fences shall be erected nearer than 4, 6 metres to the street line which forms a boundary of this erf neither within 3 metres of the rear boundary nor within 2, 3 metres of the lateral boundary.
 - (c) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf.
 - (d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if were the original erf.

②

CERTIFIED COPY



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

HELENA CATHARINA CONRADIE, Unmarried

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

- 1. **JACOBUS PIETER VERSTER, Married out of community of property**
- 2. **ADELE VERSTER, Married out of community of property**

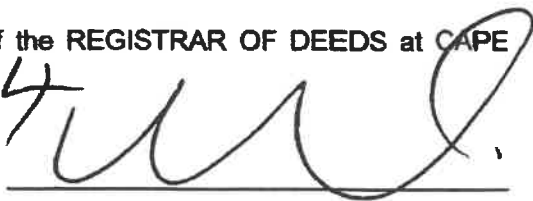
their heirs, executors, administrators or assigns

now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of R3 400 000.00 (THREE MILLION FOUR HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF I, the said Registrar of Deeds together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

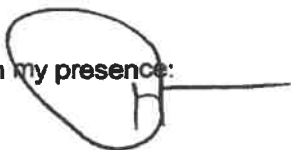
THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

31 March 2014



q.q.

In my presence:



Registrar of Deeds

