



Application Number: LU/13378

Our File Reference Number: Erf 5435, 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 ADMINISTRATOR'S PERMISSION REQUIRED IN TERMS OF THE TITLE DEED CONDITION ON ERF 5435, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:

2.1 Permission required in terms of the restrictive title deed condition(s) contained in Title Deed No.T.191668/94, Clause C.6(b), in order to exceed the title deed side building line (adjacent to Erf 5434, Stellenbosch) from 2,3m to 0m and Street building line from 4,6m to 3,7m for a proposed carport on erf 5435, Stellenbosch as indicated on drawing no. 2020-030.

BE GRANTED

- 2.2 The approval is subject to the following conditions:
 - 2.2.1 The development must be undertaken generally in accordance with the site plan as referenced (drawing no. 2020-030) and attached as Annexure B.
 - 2.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.2.3 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.

2.2.4 Building plans must be generally in accordance with the site plan / floor layout plan as referenced (drawing no. 2020-030) and attached as Annexure B.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.

2.3.2 The proposal is in line with the prescriptions of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

3. 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.

4. 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.

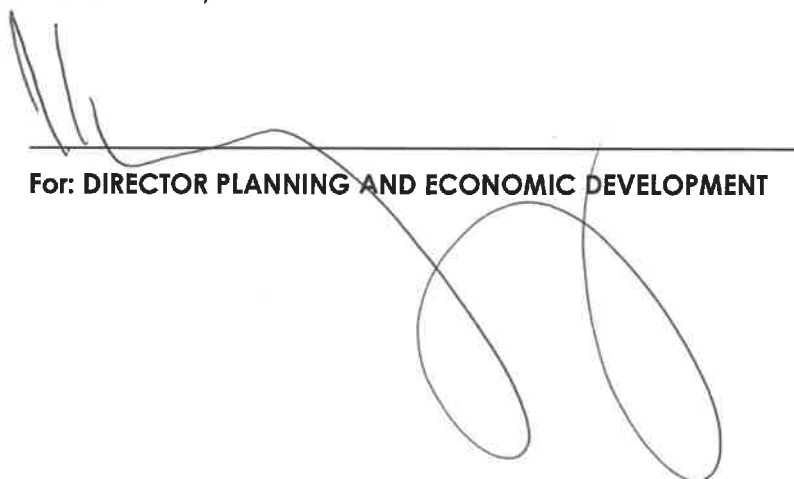
5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address:
landuse.appeals@stellenbosch.gov.za

6. 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.

7. 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>).

8. 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. 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



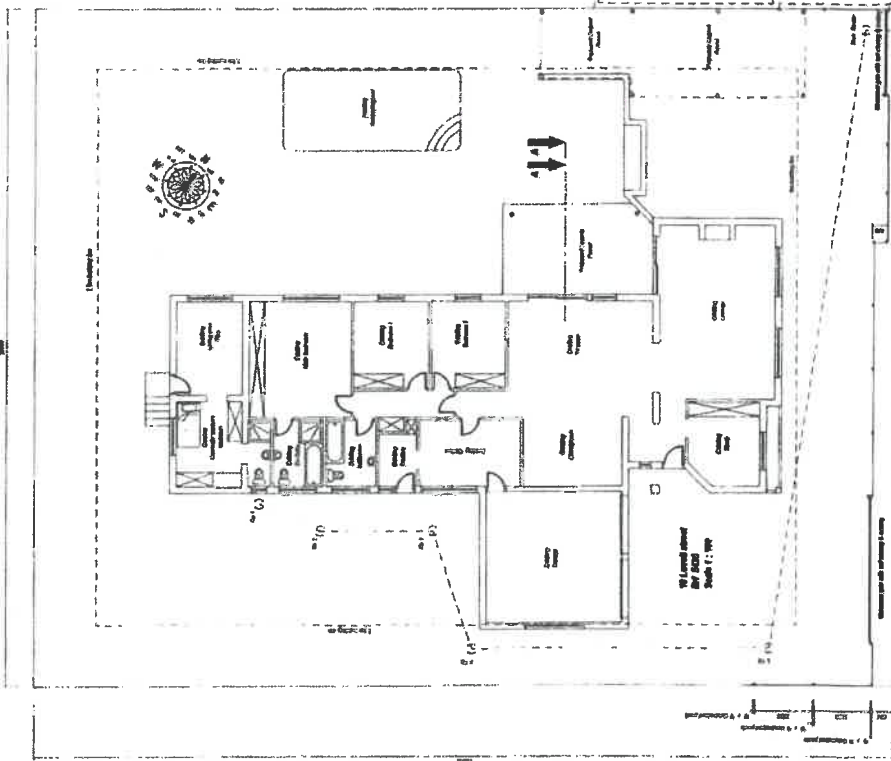
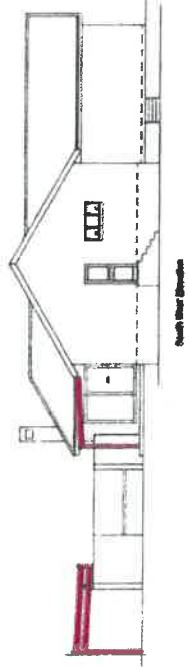
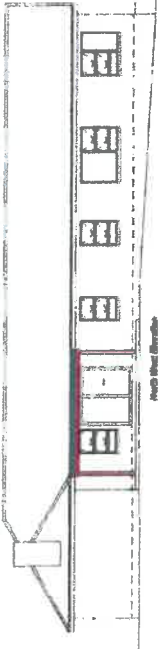
For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

18/2/2022.
DATE:

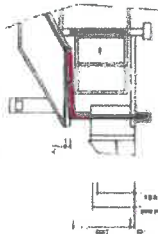
ANNEXURE C

SITE DEVELOPMENT PLAN

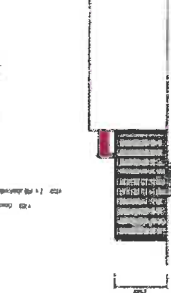
ALL DIMENSIONS SHOWN TO BE CONSIDERED APPROXIMATE. CHECK ALL DIMENSIONS BEFORE WORK COMMENCEMENT AND ADVISE US IMMEDIATELY TO CORRECT.
 ALL SPECIFICATIONS SUBJECT TO ANY CHANGES AND MODIFICATIONS ON THE BASIS OF THE FIELD SITUATION.



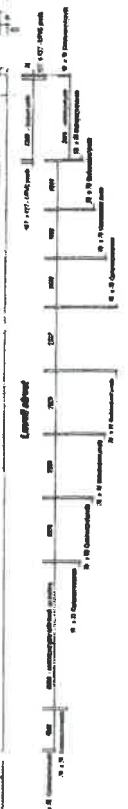
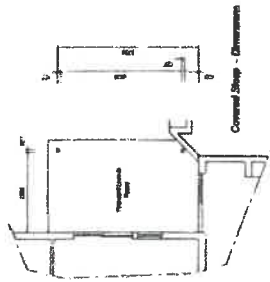
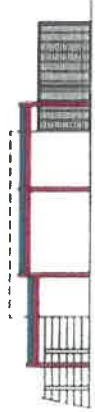
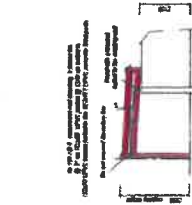
SECTION A-A
 1/2" = 1'-0" (SEE PLAN)
 1/4" = 1'-0" (SEE PLAN)



SECTION B-B
 1/2" = 1'-0" (SEE PLAN)
 1/4" = 1'-0" (SEE PLAN)



SECTION C-C
 1/2" = 1'-0" (SEE PLAN)
 1/4" = 1'-0" (SEE PLAN)



TRINTECH DRAFTING

1000 W. 10th St. Suite 100
 Lincoln, NE 68502
 Phone: (402) 441-1111
 Fax: (402) 441-1112

PROJECT INFORMATION:
 PROJECT NO.: 1000
 PROJECT NAME: [REDACTED]
 PROJECT ADDRESS: [REDACTED]
 PROJECT CITY: [REDACTED]
 PROJECT STATE: [REDACTED]
 PROJECT ZIP: [REDACTED]

DATE: 10/10/00

SCALE: 1/2" = 1'-0"

TOTAL SHEETS: 10

SHEET NO.: 10

DESIGNED BY: [REDACTED]

DRAWN BY: [REDACTED]

CHECKED BY: [REDACTED]

APPROVED BY: [REDACTED]


ANNEXURE A

Copy of Title Deed

170
CARINUS & BOTHA
POSBUS 535 STELLENBOSCH 7599

Opgestel deur my,

TRANSPORTBESORGER
CARINUS P D

VERBIND MORTGAGED VIR FOR R. 230 000,00	
B 91062 94	 REGISTRATEUR/REGISTRAR
02 17 94	

SEELREG DUTY R. _____
FOOI F&E R. 100,00

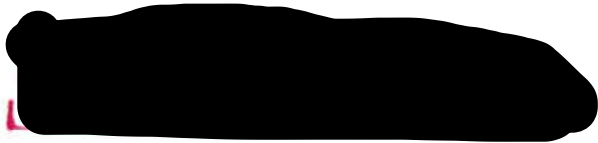
T 91668 94

TRANSPORTAKTE

SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN

Dat ~~PETRUS DANIEL CARINUS~~

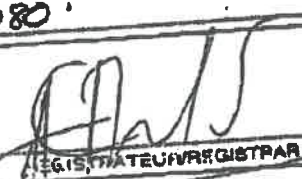
^{DANIEL JACOBUS SIERRITS}
verskyn het voor my, Registrateur van Aktes te KAAPSTAD, Hy die gesegde
Komparant synde daartoe behoorlik gemagtig deur 'n volmag geteken te
STELLENBOSCH op die 15de dag van NOVEMBER 1994, aan hom verleen deur

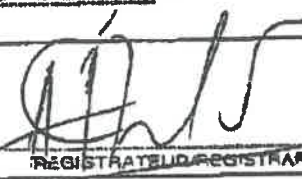


welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet, my hede getoon is;

Ter hethet end. see P. G.

6.

DIE VERBODING VAN DIE HINGEGEMERDE <u>Thomas</u> IS VERANDER NA <u>6101025097080</u>	THE IDENTITY NUMBER OF THE HAS BEEN CHANGED TO
2002-05-20	 REGISTRATEUR/REGISTRAR

VERBIND MORTGAGED	
VIR FOR R <u>200 000 00</u>	
B 028672/2002	 REGISTRATEUR/REGISTRAR
2002-05-20	

En die Komparant het verklaar dat voormelde TRANSPORTGEWER waarlik en wettiglik verkoop het op 6 JUNIE 1994 en dat Hy, in sy hoedanigheid as voormeld hiermee in volle en vrye eiendom sedeer en transporteer aan en ten behoewe van



Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes
ERF 5435 STELLENBOSCH
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH

GROOT 980. (NEGE HONDERD EN TAGTIG) VIERKANTE METER

Oorspronklik oorgedra kragtens TRANSPORTAKTE NR T 2045/1981 met Algemene Plan Nr. TP 8958 wat daarop betrekking het en gehou kragtens TRANSPORTAKTE NR T.10904/86.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr 11199/1970.
- B. ONDERHEWIG VERDER aan die voorbehoud ten gunste van Libertas Ontwikkelings (Eiendoms) Beperk as eienaars van die restant van Stellenbosch Dorp Uitbreiding Nr 18 gehou kragtens Sertifikaat van Geregistreeerde Titel Nr T 26571/1974 van die voordele van enige waterregte of serwitute waarop die grond geregtig mag gewees het.
- C. ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte Nr T 2045/1981 opgelê deur die Administrateur van die Kaap die Goeie Hoop by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding Nr 18 Kragtens Artikel 18 van Ordonnansie 33 van 1934, naamlik-

A handwritten signature or mark in the bottom right corner of the page.

1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr 623 van 14 Augustus 1970;
2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van Artikel 146 van Ordonnansie No 15 van 1952, soos gewysig, vervang nie;
3. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie;
4. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of -drade en hoof- en/of ander waterpype en die rioolvuil en dreinerings insluitende stormwater van enige ander erf of erwe binne of buite hierdie dorp oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê te wysig te verwyder of te inspekteer;

5. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word sodat die volle breedte van die straat gebruik kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.
6. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word;
- (b) Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag behalwe met die toestemming van die Administrateur nader as 4,6 meter van die straatlyn wat 'n grens van hierdie erf uitmaak asook nie binne 3 meter van die agtergrens of 2,3 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie.
- (c) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as dié wat hierin uiteengesit word is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een erf is;
- (d) Ingeval hierdie erf onderverdeel word is elke onderverdeelde gedeelte uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.

Weshalwe die Komparant afstand doen van al die regte en titel wat die TRANSPORTGEWER voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat die TRANSPORTGEWER/S geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde TRANSPORTNEMER, Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom die bedrag van R340 000,00 (DRIEHONDERD EN VEERTIGDUISEND RAND) bedra, wat ten volle betaal of verseker is.

Ten Bewyse waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseel bekragtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te KAAPSTAD op 2 Desember 1994

dt/ Nmm
q.q. sy Prinsipaal/ale

In my teenwoordigheid,

Meulani
REGISTRATEUR VAN AKTES.