



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10669

Our File Reference Number: Erf 5511, 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 THE ADMINISTRATOR'S CONSENT IN TERMS OF THE TITLE DEED, A PERMISSION FOR TECHNICAL APPROVAL AND DEPARTURE IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: ERF 5511, DIE BOORD, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 The administrator's permission in terms of the restrictive title deed (title deed T09727/2019) conditions on page 3, Section 6 (a) and (b), **Annexure C** to allow the construction of a second dwelling unit and the relaxation of the restrictive lateral title deed building line on Erf 5511, Stellenbosch, adjacent to Erf 5510 from 2.3m to 0.3m to facilitate the construction of the new staircase as indicated on the plan attached as **Annexure B**, drawing number: 5511-04-2022, pages 1 and 2, dated: Oktober 2020.

BE GRANTED

- 2.2 A departure applied for in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law 2015, to relax of the common building line on Erf 5511, adjacent to Erf 5510, from 2.5m to 0.3m to allow for the construction of the new staircase to gain access to the 1st storey of the existing dwelling.
- 2.3 A permission required in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law 2015 for a technical approval to use a portion on the 1st storey of the existing

dwelling for second dwelling unit purposes as indicated on the plan attached as **Annexure B**, drawing number: 5511-04-2022, pages 1 and 2, dated: Oktober 2020.

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

2.4 The approval shall lapse if not acted upon within a period of five years from the date of approval.

2.5 The approval shall be taken to cover only the applications under consideration and shall not be construed as authority to depart from any other Council requirements or legal provisions.

2.6 Building plans must be submitted to this Municipality for approval prior to any building work commencing on site.

2.7 Building plans must be generally in accordance with the plan attached as **Annexure B**, drawing number: 5511-04-2022, pages 1 and 2, dated: Oktober 2020.

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

3.1 The scale and nature of the departure will have no impact on the character of the area, streetscape, or neighbours.

3.2 The proposed additions are intended for residential purposes, which is in line with the existing use of the property.

3.3 The alterations allow for onsite parking as well as two (2) additional on-site parking's and vehicular access to the site adhering to the requirements of the applicable by-law.

4. 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.

5. 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.

6. 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
7. 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.
8. 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>).
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

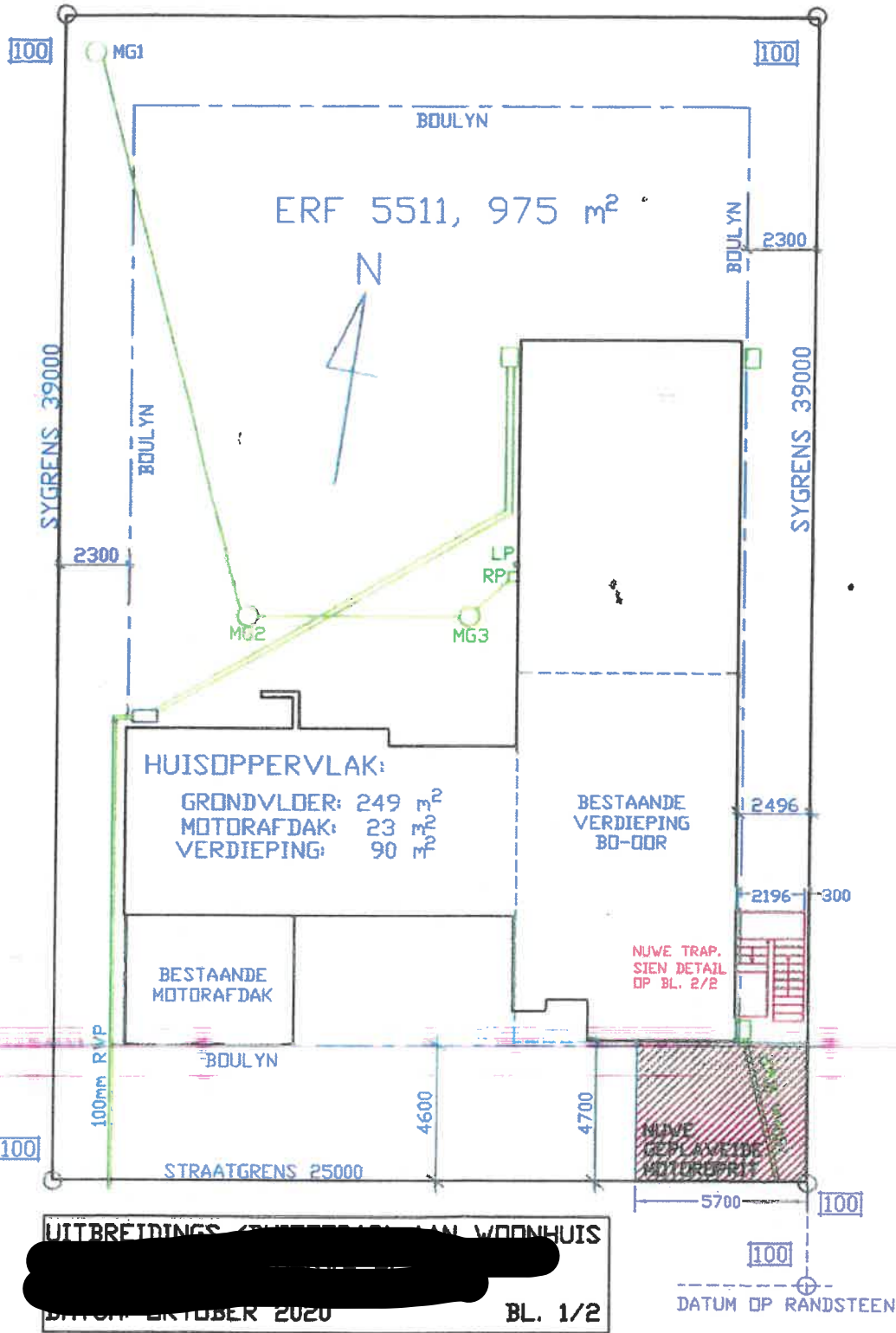
12/5/2022
DATE:



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ANNEXURE B



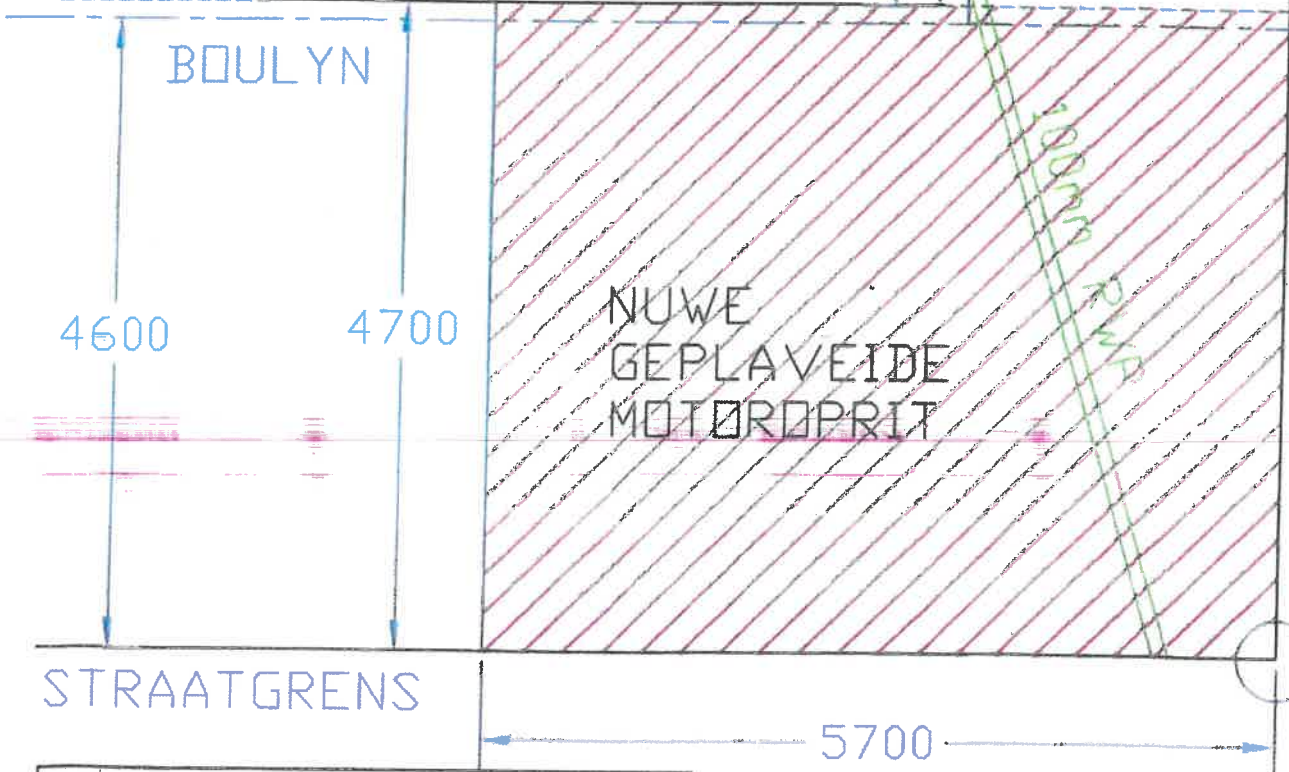
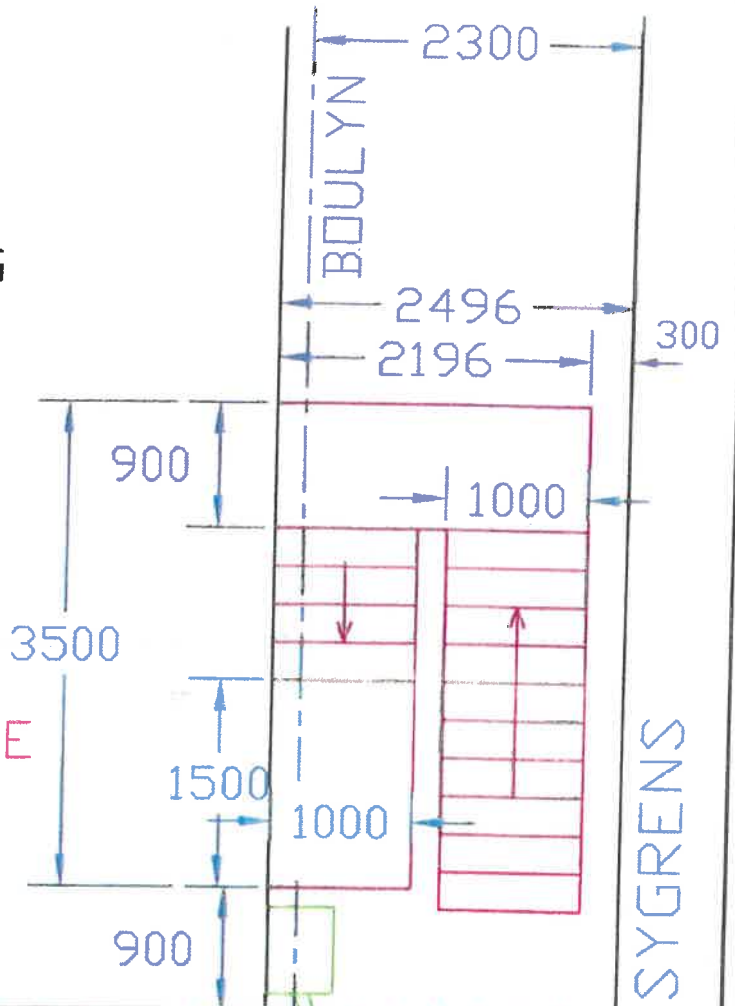
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Plan No 5511-04-2022

BESTAANDE
VERDIEPING
BO-DOOR



NUWE TRAP
VOLGENS
INGENIEUR
SE
SPESIFIKASIE



UITBREIDINGS (BUITETRAP) AAN WOOHHUIS

DATUM: OKTOBER 2020

BL. 2/2

SKAAL: 1:50 DETAIL

Plan No 5511-04-2022



STELLENBOSCH
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ANNEXURE C

151

MARAIS MÜLLER HENDRICKS
21 Oewer Park
Die Boord
STELLENBOSCH
7600

Prepared by me

CONVEYANCER
LOUIS JOHANNES SMITH

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 300 000.00	R. 1 522.00
Reason for exemption	Category Exemption.....	Exemption i/o. Sec/Reg. AcUProc.....

3 300 000.00

000005192 / 2019

12 MAR 2019

DATA / VERIFY
19 MAR 2019
LITHA MADAMA

T000009727 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

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

married out of community of property

which said Power of Attorney was signed at STELLENBOSCH on 5 December 2018

DATA / CAPTURE
13 MAR 2019

And the appearer declared that his/her said principal had, on 4 December 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1.

[REDACTED]

2.

[REDACTED]

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

ERF 5511 [✓]STELLENBOSCH, IN THE MUNICIPALITY AND DIVISION OF
STELLENBOSCH, WESTERN CAPE PROVINCE

IN EXTENT 975 (NINE HUNDRED AND SEVENTY FIVE) Square metres

FIRST TRANSFERRED and still held by Deed of Transfer Number
T16852/1980 with General Plan No. T.P. 8958 relating thereto

- A. **SUBJECT TO** the conditions referred to in Deed of Transfer No. 1199 dated 30 April 1970.
- B. **SUBJECT FURTHER** to the reservation in favour of the said Libertas Development (Proprietary) Limited as owners of the remainder of the said Stellenbosch Town Extension No. 18 held by the said Certificate of Registered Title No. T26571/1974 dated 14 August 1974, of the benefits of any water rights or servitudes to which the land may have been entitled.
- C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer Number T16852/1980 and imposed by the Administrator on approval of the establishment of Stellenbosch Town Extension No. 18 in terms of Section 18 of Ordinance 33 of 1934, namely: -
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 No. 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 bepaling daarvan wat meer beperkend is as enige voorwaarde van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepaling 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/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 genoë 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 gemeet 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 die wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof di teen 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.

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

[REDACTED]

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

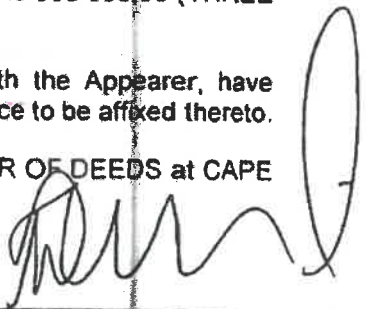
1. [REDACTED]
2. [REDACTED]

their Heirs, Executors, Administrators or Assigns, now are 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 R3 900 000,00 (THREE MILLION NINE HUNDRED 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

17 March 2019.



q.q.

In my presence



REGISTRAR OF DEEDS

