



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12579

Our File Reference Number: Erf 5632, 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 DEPARTURE AND ADMINISTRATOR'S PERMISSION TO RELAX THE RESTRICTIVE TITLE DEED CONDITION: ERF 5632, DIE BOORD, STELLENBOSCH

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

2.1 Administrator's permission in terms of the title deed condition C.6.(b). as contained in the deed of transfer no. T. 18453/2019 to allow for the construction of the courtyard and scullery to be 1,2m and 0 respectively in lieu of 4,6m and 2,3m prescribed by the title deed.

2.2 Departure in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 to relax the common building line (adjacent to Erf 5821) from 2,5m to 0m in order to accommodate the proposed new scullery on Erf 5632, Stellenbosch as indicated on drawing no. CS/01/01, dated 01 March 2021 and drawn by Urban nest architecture.

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:

3. Conditions of approval

3.1 The approval shall lapse if not acted upon within a period of five years from the date of final letter of approval;

3.2 The approval shall be taken to cover only the departure applied for and shall not be construed as authority to depart from any other Council requirements or legal provisions;

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

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

4.1 The proposal is in line with the existing land use of the property and will have no negative impact on the surrounding area;

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

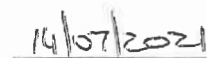
details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

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



DATE:



STELLENBOSCH

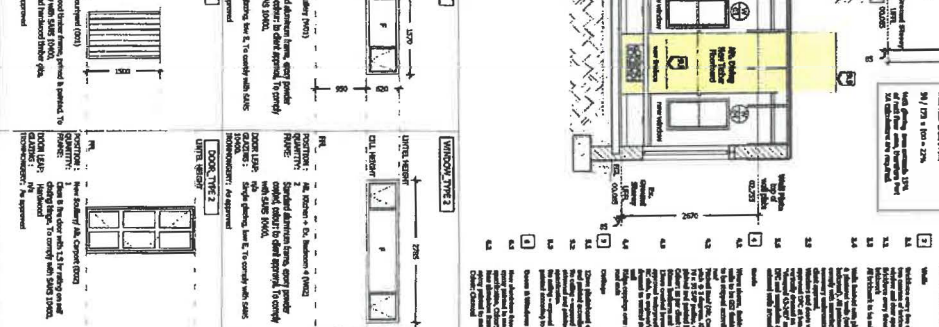
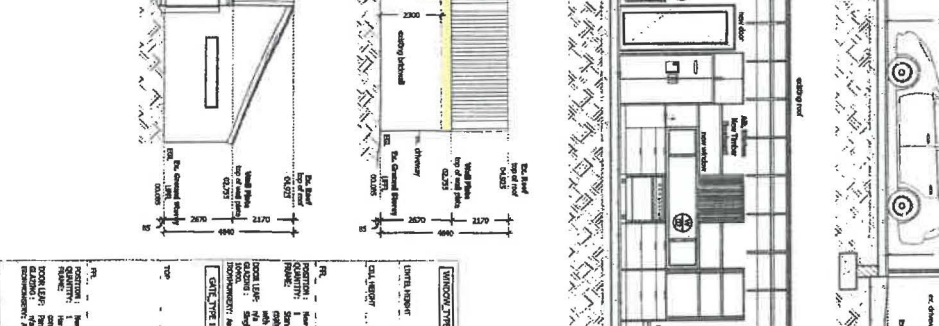
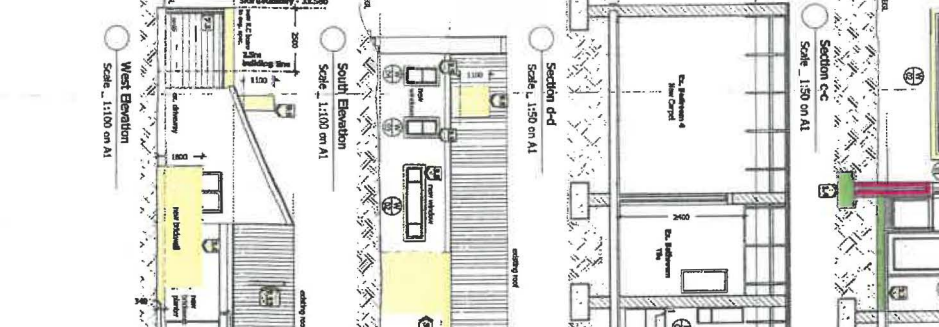
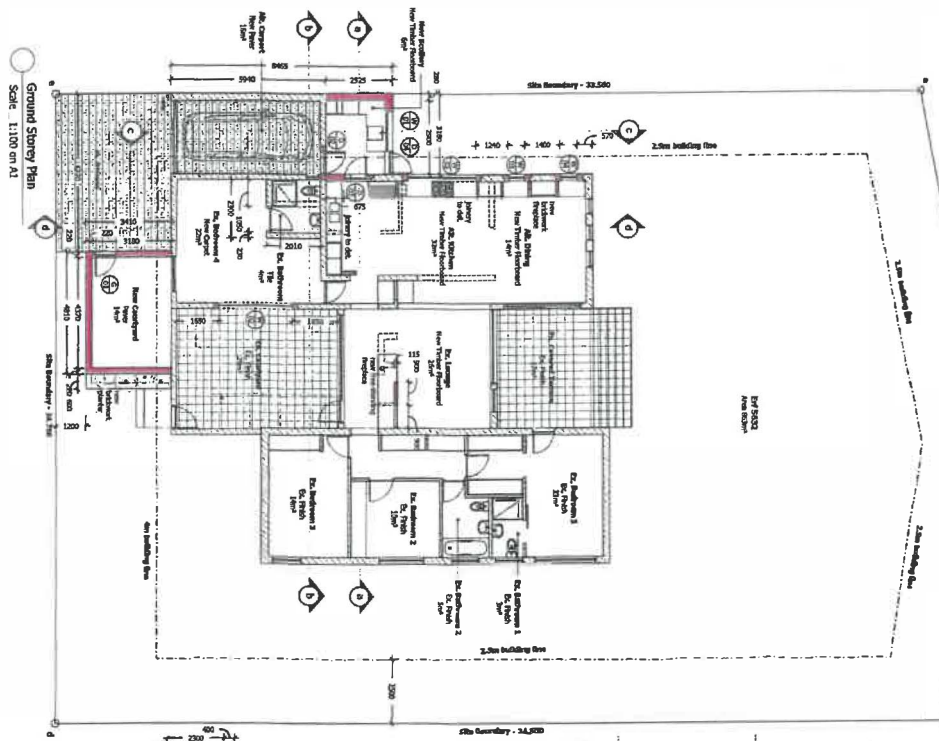
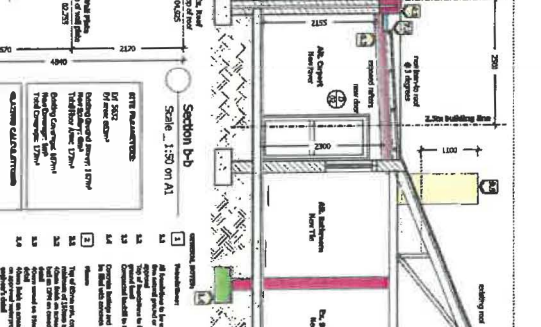
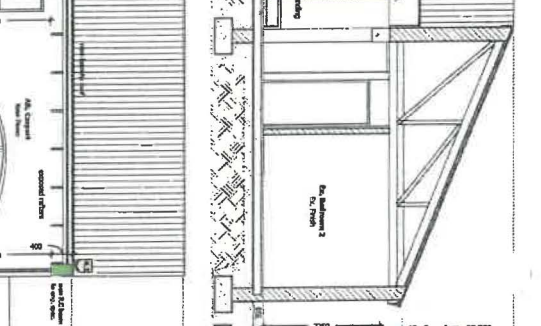
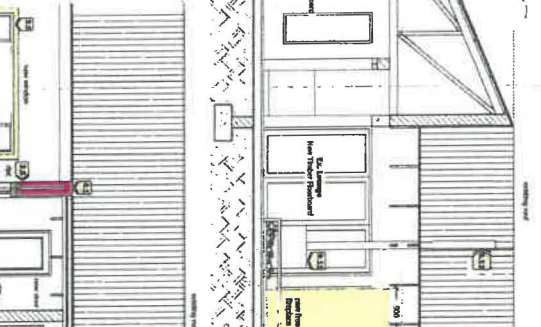
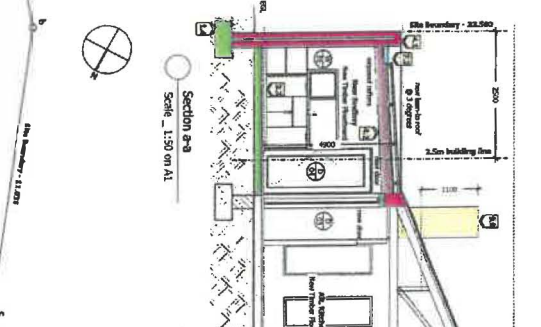
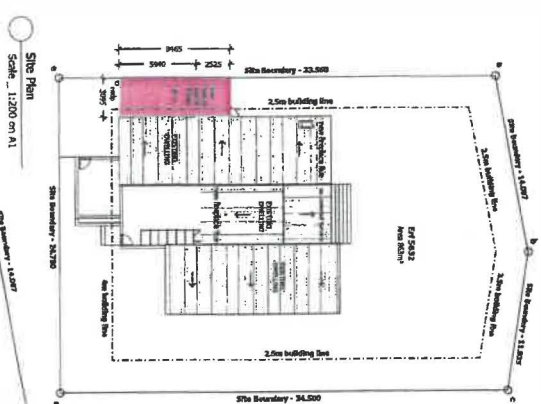
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ANNEXURE B

((DEPARTURE AND ADMINISTRATOR'S CONSENT ON ERF 5632, STELLENBOSCH))

SITE & FLOOR PLAN



WINDOW TYPE 1	WINDOW TYPE 2	WINDOW TYPE 3
<p>DESCRIPTION: Standard aluminum frame, single paneled, fixed or operable. To comply with SANS 10400-1:2011.</p> <p>CONSTRUCTION: Aluminum frame, double glazing, argon gas fill, low-e coating. To comply with SANS 10400-1:2011.</p> <p>FINISH: Powder coated aluminum frame, white or black. To comply with SANS 10400-1:2011.</p> <p>INSTALLATION: As approved.</p>	<p>DESCRIPTION: Standard aluminum frame, double paneled, fixed or operable. To comply with SANS 10400-1:2011.</p> <p>CONSTRUCTION: Aluminum frame, double glazing, argon gas fill, low-e coating. To comply with SANS 10400-1:2011.</p> <p>FINISH: Powder coated aluminum frame, white or black. To comply with SANS 10400-1:2011.</p> <p>INSTALLATION: As approved.</p>	<p>DESCRIPTION: Standard aluminum frame, double paneled, fixed or operable. To comply with SANS 10400-1:2011.</p> <p>CONSTRUCTION: Aluminum frame, double glazing, argon gas fill, low-e coating. To comply with SANS 10400-1:2011.</p> <p>FINISH: Powder coated aluminum frame, white or black. To comply with SANS 10400-1:2011.</p> <p>INSTALLATION: As approved.</p>



URBANEST
 2024/25
 2024/25
 2024/25

CS 01 01
 Site Plan / Floor Sections
 8 Elevations

CS 01 01
 2024/25
 2024/25
 2024/25

URBANEST
 2024/25
 2024/25
 2024/25

URBANEST
 2024/25
 2024/25
 2024/25

URBANEST
 2024/25
 2024/25
 2024/25

URBANEST
 2024/25
 2024/25
 2024/25

URBANEST
 2024/25
 2024/25
 2024/25

URBANEST
 2024/25
 2024/25
 2024/25



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ANNEXURE C

((DEPARTURE AND ADMINISTRATOR'S CONSENT ON ERF 5632, STELLENBOSCH))

COPY OF TITLE DEED

Kat & Kie
Cabernethuis-Oos
Brandwagkantoorpark
Trumelstraat
STELLENBOSCH
7600

Opgestel deur my,


TRANSPORTBESORGER
JOHAN KAT

WAFOND
BR F

B 000009725 / 2019

10 MAY 2019

MORTGAGE


ITHA VUYO MADAM

DATA / VERIFY

13 -05- 2019

ITHA VUYO MADAM

[T 000018453 / 2019

AKTE VAN TRANSPORT

HIERMEE WORD BEKEND GEMAAK

DAT ANNECKE LOUW

voor my die REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, die genoemde
Komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom/haar verleen
deur

DANIEL JAKOBUS DERCKSEN

gedateer 24 April 2019 en geteken te
STELLENBOSCH

DATA / VERIFY

13 -05- 2019

PENELOPE NGOGWANA

KAT & KIE



EN genoemde Komparant het verklaar dat sy/haar lasgewer die ondergemelde eiendom op 28 September 2018 waarlik en wettiglik verkoop het per Private Ooreenkoms en dat hyl/sy in sy/haar voornoemde hoedanigheid hierby sedgeer en transporteer aan en ten gunste van:

1. DANIEL PIETER MALAN

en
LIZE MALAN

2.

hulle erfgename, eksekuteurs, administrateurs of regverkrygendes in volkome en vrye eiendom:

ERF 5632 STELLENBOSCH, geleë in die Munisipaliteit en Afdeling Stellenbosch, Provinsie Wes-Kaap

GROOT: 863 (AGT HONDERD DRIE EN SESTIG) VIERKANTE METER

Eerste getransporteer kragtens Transportakte T19736/1975 met Algemene Plan No. TP8958 wat daarop betrekking het en gehou kragtens Transportakte T16901/2018.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in genoemde Transportakte T 19736/1975 gedateer 9 Julie 1975:
- B. ONDERHEWIG VERDER aan die voorbehoud ten gunste van Libertas Ontwikkelings (Eiendoms) Beperk as eienaars van die Restant van die gemelde Stellenbosch Dorp Uitbreiding No 18, gehou kragtens die Sertifikaat van Geregistreerde Titel T26571/1974 gedateer 14 Augustus 1974, van die voordele van enige waterregte of serwitute waarop die grond gereglig mag gewees het.
- C. ONDERHEWIG VERDER aan die volgende voorwaardes opgelê deur die Administrateur by die goedkeuring van die stigting van Stellenbosch Dorp Uitbreiding No 18 kragtens Artikel 18 van die Ordonnansie 33 van 1934, kragtens Transportakte T19736/1975 gedateer 9 Julie 1975, naamlik:-
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 voorwaardes van eiendomreg 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 148 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;

KAT & KIE

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 wáterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie erf, 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 redelikerwysa 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 oorlag met die Dorpekommisie 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 opperig 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 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 oorspronklik erf is.

WESHALWE die Komparant afstand doen van al die regte, titel en belang wat die gesegde DANIEL JAKOBUS DERCKSEN, Ongetroud voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat, kragtens hierdie akte, bogenoemde 1. DANIEL PIETER MALAN, Getroud buite gemeenskap van goed en 2. LIZE MALAN, Getroud buite gemeenskap van goed, hulle erfgename, eksekuteurs, administrateurs of regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken hy ten slotte dat die koopprys van

die eiendom wat hiermee getranspoteer word die bedrag van

TEN BEWYSE WAARVAN EK, die genoemde Registrateur van Aktes, tesame met die
Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY by die kantoor van die REGISTRATEUR VAN AKTES te

KAAPSTAD op 10 Mei 2019



q.q. Handtekening van komparant

In my teenwoordigheid



Registrateur van Aktes



Kat & Kie
Cabernethuis-Oos
Brandwachtkantoorpark
Trumalstraat
STELLENBOSCH
7600

1-5
10/5

Opgestel deur my,

TRANSPORTBESORGER
JOHAN KAT

PROKURASIE OM TRANSPORT TE GEE

Ek, die ondergetekende,

nomineer en stel hiermee:

ANNECKE LOUW ✓

aan, met mag van substitusie, om my wettige gevolmagtigde en verteenwoordiger te wees, om vir en namens my voor die Registrateur van Aktes te KAAPSTAD, te verskyn en daar namens my aan:

1. DANIEL PIETER MALAN ✓

LIZE MALAN ✓ 1

2.

transport te gee van:

ERF 5632 STELLENBOSCH, geleë in die Munisipaliteit en Afdeling Stellenbosch, Provinsie Wes-Kaap

GROOT: 863 (AGT HONDERD DRIE EN SESTIG) VIERKANTE METER

Gehou kragtens Transportakte T16901/2018 ✓

en deur my kragtens Privaat Ooreenkoms aan hulle op 28 September 2018, verkoop vir die bedrag van

en om in die algemeen alles te doen wat ook al nodig mag wees ten einde aan die voormelde doeleindes uitvoering te gee, net so volledig en doeltreffend as wat ek dit self kon doen as ek persoonlik teenwoordig was en handelend daarin opgetree het; en ek bekragtig, veroorloof en bevestig alles wat my genoemde prokureur ook al wettiglik kragtens hierdie Volmag doen of laat doen, en belowe en kom ooreen om dit te bekragtig, te veroorloof en te bevestig.

KAT & KIE



Geteken te STELLENBOSCH
op 24 *Jun* 2019
ondergetekende getuies

in die teenwoordigheid van die

As Getuies

1. 

2. _____



DANIEL JAKOBUS DERCKSEN



JOHAN KAT
KOMMISSARIS VAN EDE/COMMISSIONER OF OATHS
PRAKTYSERENDE PROKUREUR/PRACTISING ATTORNEY
CABERNET HUISWOLSE
BRANDVACHT RAMTOOR/OFFICE PARK
TRUMALISTRAAT/STREET STELLENBOSCH.

